



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Ande Banks, City Manager  
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
Date: November 8, 2022 (Regular Meeting)  
Re: Special Use Permits – 26 Pleasant Hill Road (To allow manufacturing, processing and assembly and to allow reducing required parking areas in B-2)

### **Summary:**

Public hearings to consider a request from Gary Lee Beatty Trustee for two special use permits:

1. Per Section 10-3-91 (1) to allow manufacturing, processing and assembly operations when not employing more than 15 persons on the premises in a single-shift and provided that all storage and activities are conducted within a building.
2. Per Section 10-3-91 (8) to allow reducing required parking areas to permit fewer than the required number of vehicle parking spaces for any use, provided that an amount of open space equal to the amount of space that would have been used for the required number of vehicle parking spaces is left available for parking in the event that, at the discretion of the city council, it is needed at some time in the future.

The +/- 26,194 sq. ft. property is addressed as 26 Pleasant Hill Road and is identified as tax map parcel 10-B-21.

Staff and Planning Commission (7-0) recommended approval of both special use permit requests with conditions.

### **Background:**

There are two uses currently operating on site, which are not meeting specific components of the Zoning Ordinance, which is what generated the need for both of the special use permits applied for herein.

Starting in February 2022, staff began communicating with the property owner and potential tenants about uses that could operate on the property. After some time, staff visited the site and learned more about the property and its history. Staff eventually learned that one of the operating uses, Smith Glass, necessitates a special use permit per Section 10-3-91 (1) to legally operate in the B-2 district. The other use that is operating is Kruschiki Supply Company, which is classified as a by right retail operation. Unfortunately, the site does not currently supply enough off-street parking for the uses.

The property owner disagrees with staff's interpretation of the above noted matters, and while he could appeal staff's interpretation to the Board of Zoning Appeals, the property owner is attempting to rectify the situation by applying for the two SUPs described below. If the SUPs are approved, the property

owner must also apply for building permits to change the recognized use of the structure per the Building Code.

The Comprehensive Plan designates this site as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

The following land uses are located on and adjacent to the property:

Site: Retail use and a manufacturing, processing, and assembly operation, zoned B-2

North: Single-family detached homes, zoned R-1

East: Commercial uses, zoned B-2

South: Multi-family dwellings, zoned R-2

West: Single-family detached homes, zoned R-1

**Key Issues:**

The applicant is requesting two special use permits (SUPs) for a +/- 26,194 sq. ft. property addressed as 26 Pleasant Hill Road. The first SUP would allow manufacturing, processing and assembly operations when not employing more than 15 persons on the premises in a single-shift and provided that all storage and activities are conducted within a building. The second SUP would allow reducing required parking areas to permit fewer than the required number of vehicle parking spaces for any use, provided that an amount of open space equal to the amount of space that would have been used for the required number of vehicle parking spaces is left available for parking in the event that, at the discretion of the City Council, it is needed at some time in the future.

The first SUP would allow Smith Glass, a contractor specializing in custom commercial and residential glass and window installations, to operate at the subject property. Smith Glass has one employee with operations contained within the building or at off-site locations. The business does not typically have customers coming to the property and it relies on a freight carrier to bring glass and aluminum frames at a frequency of about once per month.

Staff believes with appropriate conditions, Smith Glass' operation is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living and working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district. Staff recommends approval of the special use permit with the following conditions:

1. The special use permit shall only be applicable for the current operation (by Smith Glass) or a substantially similar operation.
2. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

The second SUP would allow the property to not construct all the required off-street parking areas for both uses. The applicant states in their letter that “[t]he current parking in front of the building is

sufficient since there are few customers coming to the location... [a]dditional parking can be created in the back of the building, but current needs do not justify the implantation [*sic*] of additional parking.”

According to the City’s Real Estate property card, the gross floor area in the rear of the building that Smith Glass occupies is +/- 2,801 square feet. The property owner states that Smith Glass has one employee with one work truck. Per Section 10-3-25 (18) of the ZO, the use requires one parking space for each two persons working on the premises on a maximum shift, plus one parking space for every vehicle used in connection therewith. Thus, Smith Glass necessitates the site having two parking spaces.

The remaining +/- 3,731 square feet of the building is occupied by Kruschiki Supply Company (KSC), an online retailer of military surplus and outdoor equipment, which is classified as a retail use. Parking requirements for the retail use are calculated at one parking space for every 200 square feet of gross floor area when the gross square footage of the building is 10,000 square feet or less. In this case, KSC needs 19 off-street parking spaces, and thus the site needs a total of 21 off-street parking spaces for both uses.

The applicant has submitted a drawing that illustrates how 23 off-street parking spaces (more than the minimum required) could be provided on the property. For the SUP request, the applicant proposes to only supply the existing five parking spaces between the building and the public street and to not construct any of the remaining required parking areas unless or until City Council decides they are needed in the future. Given the type of uses and the way they operate, staff agrees that a minimum of five parking spaces should be sufficient for the two uses described herein, but only with the conditions as described in the following paragraphs.

While staff is in support of allowing the reduction in required parking areas, staff has significant safety concerns about the configuration of the front parking area as it does not meet City standards for access and maneuvering. Currently, there is no defined entrance along the property’s frontage and vehicles that park in front of the building must use the public street to back out of the parking stalls. Adding to this concern, the site is located at the bottom of a hill and the entire site’s frontage lacks adequate sight distance to the east.

If the SUP is approved, staff recommends a condition to require the property owner to modify the property frontage along Pleasant Hill Road with curb, gutter, and a standard commercial entrance. The required modifications, however, will cause changes to the design of the parking layout in front of the building and create the need for parking areas to be constructed and reserved elsewhere on the property. Importantly, if staff’s recommended condition is approved with the SUP, and if the property is unable to accommodate all of the required off-street parking spaces, then one of the uses will likely be unable to operate at this property. This matter has been discussed with the property owner.

Staff believes that with appropriate conditions, a reduction of required parking area for the proposed uses is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district. Staff recommends approval of the special use permit with the following conditions:

1. The special use permit shall be applicable only to uses that are substantially similar as the operations (an online retail operation and use allowed per Section 10-3-91 (1)) and size of the two current uses described in the application.
2. A minimum of 5 off-street parking spaces shall be provided on the property to serve the uses.

3. The property owner shall modify the property frontage along Pleasant Hill Road with curb, gutter, and a standard commercial entrance. Curb shall be installed such that the public street right-of-way is not needed to maneuver in and out of parking spaces. A plan detailing how the property frontage will be modified shall be submitted with a building permit for City approval. Certificates of Occupancy for the building will not be issued until the frontage improvements are completed.

The property owner is aware that since both Smith Glass and KSC are operating illegally at the subject property as they do not have proper zoning or building codes approvals, the property owner must continue to demonstrate a good faith effort to diligently pursue legally establishing the uses or the City will proceed with legal action. If the SUPs are approved, staff expects the property owner to submit building permits within 30 days of approval.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the special use permit requests as submitted by the applicant;
- (b) Approve the special use permit requests with suggested conditions;
- (c) Approve the special use permit requests with other conditions(s);
- (d) Approve one or the other special use permit requests with or without conditions; or
- (e) Deny both requests.

**Community Engagement:**

As required, the requests were published in the local newspaper twice advertising for Planning Commission's public hearing and twice advertising for City Council's public hearing. The advertisements were published as shown below:

***Special Use Permit – 26 Pleasant Hill Road (To allow manufacturing, processing and assembly in B-2)***

Public hearing to consider a request from Gary Lee Beatty Trustee for a special use permit per Section 10-3-91 (1) to allow manufacturing, processing and assembly operations when not employing more than 15 persons on the premises in a single-shift and provided that all storage and activities are conducted within a building. The +/- 26,194 sq. ft. property is addressed as 26 Pleasant Hill Road and is identified as tax map parcel 10-B-21.

***Special Use Permit – 26 Pleasant Hill Road (To allow reducing required parking areas in B-2)***

Public hearing to consider a request from Gary Lee Beatty Trustee for a special use permit per Section 10-3-91 (8) to allow reducing required parking areas to permit fewer than the required number of vehicle parking spaces for any use, provided that an amount of open space equal to the amount of space that would have been used for the required number of vehicle parking spaces is left available for parking in

the event that, at the discretion of the city council, it is needed at some time in the future. The +/- 26,194 sq. ft. property is addressed as 26 Pleasant Hill Road and is identified as tax map parcel 10-B-21.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

**Recommendation:**

Staff recommends alternative (b) approval of the two special use permit requests with suggested conditions.

**Attachments:**

1. Extract from Planning Commission
2. Site map
3. Application and supporting documents
4. Proposed off-street parking layout

**Review:**

Planning Commission recommended approval (7-0) both special use permit requests with conditions.