



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 19-353

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Type: PH-Special Use Permit

Status: Draft

Version: 1

**Agenda
Section:**

In Control: City Council

File Created: 11/27/2019

Subject:

Final Action:

Title: Consider a request from Soran, LLC for a special use permit to allow facilities designed for repair or storage of over the road tractors, their trailers, heavy equipment, industrialized buildings, or agricultural equipment at 3055 South Main Street

Internal Notes:

Sponsors:

Enactment Date:

Attachments: Surrounding property owners notice, Public Hearing notice, PC Memorandum SUP, PC Site maps, PC Application, applicant letter, and supporting documents, PC Exhibit A. Illustration of special use permit condition #2

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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1	Planning Commission	12/11/2019	recommended to full council	City Council	01/14/2020		Pass
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Action Text: A motion was made by Finnegan, seconded by Whitten, that this PH-Special Use Permit be recommended to full council to the City Council, due back by 1/14/2020. The motion carried by a voice vote.

Notes: Chair Way read the request and asked staff to review.

Ms. Dang said that 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: Illegal truck and trailer repair service, zoned B-2
North: Retail uses and non-conforming residential uses, zoned B-2
East: Retail uses and vehicle sales, zoned B-2
South: Offices and retail uses, zoned B-2
West: Retail uses and vacant properties, zoned B-2

The applicant is requesting a special use permit (SUP) per Section 10-3-91(3) of the Zoning Ordinance (ZO) to allow facilities designed for repair or storage of over the road tractors and their trailers in the B-2, General Business District to bring their illegal use into conformance with the Zoning Ordinance. The property is located in the southern section of the City at 3055 South Main Street.

The SUP process began as a result of a zoning enforcement inspection due to an anonymous complaint. Upon inspection and further investigation of the property, the issue arose that the operation of repair and storage of over the road tractors and their trailers is not a use permitted by right on the property due to its B-2 zoning. Staff then verbally notified the tenant informing them that the repair or storage of over the road tractors and their trailers is not permitted by right.

The property owners are working to rectify the situation by applying for the SUP to allow repair and storage of over the road tractors and their trailers. The SUP in which they are applying is per Section 10-3-91(3) of the ZO, which states:

“Facilities designed for the repair or storage of over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, or agricultural equipment served by a permanent building facility unless already incidental to an existing building. In addition, any outside storage or repair shall be located within a designated area and screened.”

Within the definition of “screening” as stated within Section 10-3-24 of the Zoning Ordinance, it states, among other things, that “[f]ences, decorative walls or other physical or structural enclosures used for screening shall be opaque to obstruct view of storage materials, with the finished face facing outside, and shall be at least six (6) feet in height with a maximum of eight (8) feet in height. If plant materials are used for screening purposes, they shall be three (3) to four (4) feet in height at planting time and shall meet the same intent as stated for fencing, etc. with the exception of height described herein.” The applicant plans to store over the road tractors and their trailers in the rear of the property and understands that screening shall be installed. The applicant is aware that screening around the designated area shall be installed within thirty days of SUP approval, unless alternative arrangements have been approved by the Zoning Administrator.

The business currently operating on this property is named Mid Atlantic Truck Service and the business' website describes the following available services for over the road tractors and their trailers: oil change, tire change, battery replacement, inspections, trailer maintenance, and repairs associated with over the road tractors and their trailers.

Given the size of the current business operation, the size of the property, and the property's location along South Main Street, where there are other automotive repair and automobile-related businesses, staff believes that facilities designed for repair and storage of over the road tractors and their trailers that operate substantially similar to current operations at this location would have no more adverse effect on the health, safety, or comfort of persons living or working in the surrounding area. Staff recommends approval of this request with the following conditions:

1. The special use permit shall be limited only for the repair and storage of over the road tractors and their trailers.
2. Outside storage or repair of over the road tractors and their trailers shall be restricted to the rear of the property behind the principal building.
3. 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.

Approval of the SUP request with condition #1 means that the storage and repair of additional things listed in Section 10-3-91(3) of the Zoning Ordinance, specifically heavy equipment, industrial buildings, or agricultural equipment is prohibited. Only repair and storage of over the road tractors and their trailers would be permitted. Condition #2 restricts outdoor storage and repair of over the road tractors and their trailers to the rear of the property behind the principal building. Exhibit A illustrates the area in which outdoor storage and repair would be restricted given the current principal building's footprint on the property. As previously described, this area must be screened as required by the ZO. Condition #3 allows PC and CC to recall the SUP for further review if the use becomes a nuisance.

Chair Way asked if there were any questions for staff.

Commissioner Romero asked how long the business had been operating without a permit.

Ms. Dang said that it was about September 2018 that the business opened.

Chair Way opened the public hearing and invited the applicant or applicant's representative to speak to the request.

Michael Sharp, attorney at Botkin Rose, came forward representing the

applicant, Soran LLC. I have with me Karwan Sidig Saed who is sole member of Soran, LLC and the owner of Mid Atlantic Truck Services. Mid Atlantic Truck Services is a tractor and trailer repair business. It is a relatively low volume operation. They see about one to two customers per week. Those customers are met by appointment. The work being done on these tractors and trailers is similar to work that has already been done in those areas. There are several car dealerships and service repair shops in that area already. This operation is not a substantial deviation from what is already occurring in that district. The repair work is done inside, between 8:00 a.m. and 5:00 p.m., Monday through Friday. Those are the business hours. Drivers that bring in their tractors and trailers are not permitted to stay beyond those business hours. Soran is willing to move forward with staff's thoughtful recommendations on this matter. There is ample space on the rear of the property to construct and erect a screened fence to store what is needed for the operations. They will do that in compliance with any condition put forward. It will be constructed in a way that any outside observer from the public road or the adjacent properties will not be able to see what is stored behind it. We ask that the Planning Commission recommend approval of this SUP, with the conditions that staff is recommending. I am happy to answer any questions that you may have.

Commissioner Colman asked if the one or two vehicles is the business capacity or the kind of clientele that they have right now?

Mr. Sharp said that it is what they are seeing right now. I do not think that their capacity is much more than that in terms of what they would be able to store. In my discussion with Mr. Saed, I do not think that he anticipates that it will get much larger than what he has already seen.

Commissioner Whitten said that it was mentioned that drivers would not be staying overnight in the vehicles that are being stored.

Mr. Sharp said that they would not be. That is correct. The business is open between 8:00 a.m. and 5:00 p.m. They can wait if they want to, but they are not permitted to stay beyond the operating hours.

Commissioner Whitten said that sometimes refrigerated trucks have to idle because the refrigerating equipment needs the engine for that function to be maintained. That would be problematic because of the noise.

Mr. Sharp said that to his knowledge and in discussion with Mr. Saed they have not had any trucks idle. If that is a condition that is necessary to move forward, then Mr. Saed is happy to move forward with that.

Chair Way asked if there was anyone else wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Finnegan said, in reference to idling trucks, if the truck is mobile, unless there is something mechanically wrong with it and it is stuck there, it is pretty close to the truck stop where trucks do idle. I would think that it would not be a problem to go down the road to the truck stop.

Commissioner Whitten said that she could see a driver being waylaid overnight. Most truck drivers are not going to go stay in a hotel. They are going stay in their truck. If there is refrigeration equipment, or any number of reasons, they may need to use the engine overnight.

Chair Way said that it would be captured with the third condition. If it becomes a nuisance, there is a recourse.

Commissioner Finks said that we discussed this at the site tour. I came to the conclusion that this property is surrounded by commercial businesses. The time that that could be an issue would be during the day. Even if there was a scenario where the truck would be idling overnight, there are no apartments or houses adjacent to the property. I assume that most of those adjacent businesses are going to be closed during the night hours. Even if there was a vehicle idling there, who would be in the area to be concerned or bothered by it. There could be future redevelopment where that could become an issue, but currently, it does not seem that there would be a problem. I do not see who it would impact.

Commissioner Colman said that, if they have one to two vehicles for repair per week, those vehicles would be there a couple days, two or three days. It would, probably, be decommissioned from transporting anything.

Commissioner Whitten said that there were two or three on the lot, yesterday, in the back.

Commissioner Finnegan said that there was one in the back.

Commissioner Finks said that there was one, and perhaps a trailer. I do not think that they all had trucks with them.

Commissioner Colman said that we are not imposing any limitations here on how many they can repair.

Commissioner Finnegan moved to recommend approval of the SUP with conditions, as presented.

Commissioner Whitten seconded the motion.

All members voted in favor of recommending approval (7-0) of the SUP with conditions, as presented. The recommendation will move forward to City

Council on January 14, 2020.
