



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission  
Date: January 12, 2021 (Regular Meeting)  
Re: Special Use Permits - 931, 1047, and 1051 Mt. Clinton Pike and 1032, 1062, 1064, and 1066 Chicago Avenue (Section 10-3-91(1) to Allow Manufacturing, Processing, and Assembly Operations and Section 10-3-91(2) to Allow Warehousing and Other Storage Facilities)

## **Summary:**

Public hearings to consider two special use permit requests from Christian Light Publications Inc. for:

1. A special use permit per Section 10-3-91(1) of the Zoning Ordinance to allow manufacturing, processing, and assembly operations when not employing more than fifteen (15) persons on the premises in a single shift and provided that all storage and activities are conducted within the building within the B-2, General Business District.
2. A special use permit per Section 10-3-91(2) of the Zoning Ordinance to allow warehousing and other storage facilities within the B-2, General Business District.

The +/- 7.2-acre area consists of three parcels addressed as 931, 1047 and 1051 Mt. Clinton Pike and 1032, 1062, 1064, and 1066 Chicago Avenue, and identified as tax map parcels 47-M-1, 47-P-9, and 47-P-14.

Staff and Planning Commission (6-0) recommended approval of the two special use permit requests with conditions.

## **Background:**

The Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

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

- Site: Bookstore, offices, printing, production, and warehousing facilities associated with publishing of books and similar materials, and two nonconforming dwellings, zoned B-2
- North: Across Mt. Clinton Pike, Eastern Mennonite University, zoned R-3/I-1, Institutional Overlay; and Eastern Mennonite School, zoned B-2/I-1, Institutional Overlay
- East: Retail and commercial uses, zoned B-2
- South: Single-family detached dwelling and undeveloped property, zoned R-3; and single-family detached dwellings, zoned R-1
- West: Across Chicago Avenue, single-family and duplex dwellings, zoned R-7; and multi-family dwellings, zoned R-3

**Key Issues:**

The applicant, Christian Light Publications, Inc., is requesting two special use permits (SUPs) for a +/- 7.2-acre site located in the Park View area of the City near the intersection of Mt. Clinton Pike and Chicago Avenue. The first SUP would allow manufacturing, processing, and assembly operations (“manufacturing”) when not employing more than 15 persons on the premises in a single shift and provided that all storage activities are conducted within buildings. The second SUP would allow warehousing and other storage facilities. If approved, the applicant seeks to expand and relocate existing, non-conforming manufacturing and warehousing uses on the site.

The applicant stated that book publishing has been taking place on this site before Christian Light Publications became incorporated in 1969. The site was annexed into the City in 1983, at which time the site was zoned B-2, General Business. Since 1983, the site has gone through two significant expansions: in 1991 when the 20,000 square foot building addressed as 1051 Mt. Clinton Pike was constructed and in 2014 when the 10,000 square foot building addressed as 1047 Mt. Clinton Pike was constructed.

Presently, there is 23,000 square feet of warehousing on the site and 7,000 square feet of manufacturing, which includes printing presses and related equipment. The site also contains a bookstore, offices, and two nonconforming residential dwellings. It appears that during expansions, enlargements, and relocation of nonconforming manufacturing and warehousing uses that such actions were not completed in conformance with the ZO. While manufacturing is allowed today in the B-2 district by SUP, in 1991 when the production area was relocated from 1062 Chicago Avenue to 1051 Mt. Clinton Pike, there was no by right or SUP ability to have the manufacturing use and therefore the nonconforming manufacturing use was illegally relocated. Additionally, while the ZO allows warehousing and other storage facilities as a by right use in the B-2 district, the use is limited to 20,000 square feet and must be

contiguous to permitted uses. Warehousing and storage uses greater than 20,000 square feet or not contiguous to permitted uses require an approved SUP. It appears that in 2014, more than 20,000 square feet of warehousing was created on the site without an approved SUP. The City's current Zoning Administrator has determined that erroneous City approvals of past engineered comprehensive site plans and building permits constituted a significant government action and that the existing 23,000 square feet of warehousing and 7,000 square feet of manufacturing uses are nonconforming. As nonconforming uses, the uses may continue in their current locations, but any expansion or relocation would require SUP approvals. Approval of the two requested SUPs would bring the current manufacturing and warehousing uses into conformance and allow for the expansion and relocation of those uses on the site.

The applicant's letter describes that Christian Light Publications plans to construct a +/- 24,800 square foot warehouse addition behind 1051 Mt. Clinton Pike. Additionally, they plan to relocate existing manufacturing and warehousing uses within existing buildings. The attached conceptual site layout shows existing and proposed uses within each building on the site. A minor subdivision will be required to vacate the existing interior property line on the site between tax map parcel 47-P-9 and 14 prior to any building permits being approved for the new +/- 24,800 square foot warehouse.

This area is designated Mixed Use within the Comprehensive Plan's Land Use Guide. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated, and where scaling and massing of buildings is an important consideration when developing. While the proposed scale of manufacturing and warehousing is not typically what is envisioned for Mixed Use areas, staff recognizes that Christian Light Publications has existed at this location for decades with manufacturing and warehousing operations taking place on the property. Additionally, the property is zoned B-2 and by right a new building of similar size and scale could be constructed in the same location and appear exactly as shown in the conceptual layout, but rather than warehousing books, could operate any number of other by right uses inside the building.

Staff believes that with appropriate conditions, the expansion and relocation of manufacturing and warehousing uses 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 conditions as specified in the following paragraphs.

With regard to the recommended conditions for the SUP per Section 10-3-91(1), "[m]anufacturing, processing, and assembly operations when not employing more than fifteen (15) persons on the premises in a single shift and provided that all storage and activities are conducted within a building," staff believes the following are appropriate:

1. The special use permit shall only be applicable for the current operation or a substantially similar operation.
2. An evergreen or deciduous tree buffer shall be created parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7, where such trees shall be planted at no more than 20-ft. on center and no less than 6-feet in height at the time of planting. Existing trees-parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7 may be used to meet this requirement. The intent is to provide a vegetative buffer to reduce the visual impact of the subject site from the adjacent residential uses.

3. Along the Mt. Clinton Pike frontages of tax map parcels 47-P-14 and 47-M-1, there shall be no more than two entrances and no entrances shall be placed within 65-feet from where the property line of tax map parcel 47-P-14 and 16 meet.
4. 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.

Condition #1 limits the SUP to the current operation or a substantially similar operation. If the applicant later wishes to have other manufacturing, processing, and assembly operations, they must return with a new SUP request to be vetted by Planning Commission (PC) and City Council (CC). Condition #2 requires vegetation to remain in place or new trees to be planted within 20-feet from two parcels with existing single-family detached dwellings that front on Woodleigh Court. Condition #3 limits the total number of entrances on Mt. Clinton Pike serving the site to two entrances and prohibits placement close to the Mt. Clinton Pike and Chicago Avenue intersection. Finally, condition #4 allows PC and CC to recall the SUP for further review if the use becomes a nuisance.

Regarding the recommended conditions for the SUP per Section 10-3-91(2), “[w]arehousing and other storage facilities,” staff believes the following are appropriate:

1. Up to 60,000 square feet of warehousing and storage is permitted on the site.
2. All warehousing and storage and activities are conducted within buildings.
3. Self-storage facilities are prohibited.
4. An evergreen or deciduous tree buffer shall be created parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7, where such trees shall be planted at no more than 20-ft. on center and no less than 6-feet in height at the time of planting. Existing trees-parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7 may be used to meet this requirement. The intent is to provide a vegetative buffer to reduce the visual impact of the subject site from the adjacent residential uses.
5. Along the Mt. Clinton Pike frontages of tax map parcels 47-P-14 and 47-M-1, there shall be no more than two entrances and no entrances shall be placed within 65-feet from where the property line of tax map parcel 47-P-14 and 16 meet.
6. 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 applicant requested within their letter the ability to have up to 60,000 square feet of warehousing and storage on the site to allow for future expansion in the long-term without having to come back to request a new SUP. Condition #1 would grant the applicant this ability. Condition #2 prohibits storage and warehousing activities from being conducted outside a building. Condition #3 prohibits self-storage facilities, which are buildings that contain separate, individual, and private storage spaces of varying sizes available for lease for varying periods of time. Condition #4 and #5 are the same as conditions #2 and #3 recommended for the manufacturing SUP. Should either SUP become void, staff wanted these two conditions to continue to be required for the remaining SUP. Condition #6 allows PC and CC to recall the SUP for further review if the use becomes a nuisance.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:** (NOTE: The SUP applications should be considered individual, separate applications. The alternatives specified below are for each application.)

- (a) Approval of the special use permit request as submitted;
- (b) Approval of the special use permit request with suggested conditions;
- (c) Approval of the special use permit with other conditions(s); or
- (d) Denial of the request.

**Community Engagement:**

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

***Special Use Permit – 931, 1047, and 1051 Mt. Clinton Pike and 1032, 1062, 1064, and 1066 Chicago Avenue (Section 10-3-91(1) to Allow Manufacturing, Processing, and Assembly Operations)***

Public hearing to consider a request from Christian Light Publications Inc. for a special use permit per Section 10-3-91(1) of the Zoning Ordinance to allow manufacturing, processing, and assembly operations when not employing more than fifteen (15) persons on the premises in a single shift and provided that all storage and activities are conducted within the building within the B-2, General Business District. The +/- 7.2-acre area consists of three parcels. The first +/- 3.52-acre parcel is addressed as 1047 and 1051 Mt. Clinton Pike and 1062, 1064, and 1066 Chicago Avenue and is identified as tax map parcel 47-P-14. The second parcel is +/- 1.53 acres and is addressed as 931 Mt. Clinton Pike and identified as tax map parcel 47-M-1. The third parcel is +/- 2.06 acres and is addressed as 1032 Chicago Avenue and identified as tax map parcel 47-P-9.

***Special Use Permit – 931, 1047, and 1051 Mt. Clinton Pike and 1032, 1062, 1064, and 1066 Chicago Avenue (Section 10-3-91(2) to Allow Warehousing and Other Storage Facilities)***

Public hearing to consider a request from Christian Light Publications Inc. for a special use permit per Section 10-3-91(2) of the Zoning Ordinance to allow warehousing and other storage facilities within the B-2, General Business District. The +/- 7.2-acre area consists of three parcels. The first +/- 3.52-acre parcel is addressed as 1047 and 1051 Mt. Clinton Pike and 1062, 1064, and 1066 Chicago Avenue and is identified as tax map parcel 47-P-14. The second parcel is +/- 1.53 acres and is addressed as 931 Mt. Clinton Pike and identified as tax map parcel 47-M-1. The third parcel is +/- 2.06 acres and is addressed as 1032 Chicago Avenue and identified as tax map parcel 47-P-9.

In addition, adjoining property owners were notified of the public hearings; the property was posted with signage advertising the requests; 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 special use permit request with suggested conditions for both applications.

**Attachments:**

1. Extract from Planning Commission
2. Site maps
3. Application, applicant letter, and supporting documents
4. Proposed site development layout

**Review:**

Planning Commission recommended approval (6-0) of the special use permit per Section 10-3-91(1) of the Zoning Ordinance to allow manufacturing, processing, and assembly operations when not employing more than fifteen (15) persons on the premises in a single shift and provided that all storage and activities are conducted within the building within the B-2, General Business District with the following conditions:

- The special use permit shall only be applicable for the current operation or a substantially similar operation.
- An evergreen or deciduous tree buffer shall be created parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7, where such trees shall be planted at no more than 20-ft. on center and no less than 6-feet in height at the time of planting. Existing trees-parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7 may be used to meet this requirement. The intent is to provide a vegetative buffer to reduce the visual impact of the subject site from the adjacent residential uses.
- Along the Mt. Clinton Pike frontages of tax map parcels 47-P-14 and 47-M-1, there shall be no more than two entrances and no entrances shall be placed within 65-feet from where the property line of tax map parcel 47-P-14 and 16 meet.
- 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.

Planning Commission recommended approval (6-0) of the special use permit per Section 10-3-91(2) of the Zoning Ordinance to allow warehousing and other storage facilities within the B-2, General Business District with the following conditions:

- Up to 60,000 square feet of warehousing and storage is permitted on the site.
- All warehousing and storage and activities are conducted within buildings.
- Self-storage facilities are prohibited.
- An evergreen or deciduous tree buffer shall be created parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7, where such trees shall be planted at no more than 20-ft. on center and no less than 6-feet in height at the time of planting. Existing trees-parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7 may be used to meet this requirement. The intent is to provide a vegetative buffer to reduce the visual impact of the subject site from the adjacent residential uses.

- Along the Mt. Clinton Pike frontages of tax map parcels 47-P-14 and 47-M-1, there shall be no more than two entrances and no entrances shall be placed within 65-feet from where the property line of tax map parcel 47-P-14 and 16 meet.
- 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.