



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections

Engineering

Planning & Zoning

June 3, 2019

### TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** Public hearing to consider a request from Sierra Valley Resources LLC for a special use permit per Section 10-3-97(10) to allow recreational and leisure time activities, which may include non-transient dwelling units within the M-1, General Industrial District. The +/- 1.5-acre property is located at 785 Acorn Drive and is identified as tax map parcel 56-E-20B.

### EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: May 8, 2019

Chair Way read the request and asked staff to review.

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Ms. Banks said that The Comprehensive Plan designates this area as Industrial. These areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. They include the major existing and future employment areas of the City.

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

Site: Warehouse building, zoned M-1

North: Virginia State Police Office, zoned M-1

East: Across Acorn Drive, non-conforming single-family dwelling and industrial plant, zoned M-1

South: Dog kennel/training facility and contractor warehouse/storage, zoned M-1

West: Vacant land, zoned M-1

The applicant is requesting a special use permit per Section 10-3-97 (10) of the Zoning Ordinance (ZO) to allow recreational and leisure time activities within the M-1, General Industrial District at 785 Acorn Drive. If approved, Edge Effect Fitness, LLC, describes in their letter that they would create a training facility offering “affordable, inclusive fitness programs to those whose needs may not be met in a typical gym setting, would locate at the site.”

Edge Effect Fitness, LLC is described by the applicant as offering different programs to include Rock Steady Boxing, a worldwide therapeutic exercise program for people with Parkinson’s Disease. Currently, Rock Steady Boxing operates in partnership with Virginia Retirement Community (VMRC) at VMRC; however, they need additional room and the ability to offer a wider range of class times. Once established, Edge Effect Fitness hopes to offer ExRx, a medically referred personal training program; personal fitness training; and specialized group training. A majority of the daily training is described as

one-on-one, with the potential of one to three larger group classes. At this time, hours of operation during the week are planned to begin no earlier than 6 a.m. and to be open no later than 8 p.m., with some Saturday scheduling. These hours of operation are not conditional, therefore if the SUP is approved, the hours of operation may change.

Situated on the property is an existing 6,000 square foot warehouse building, with a 12,000 square foot addition currently under construction. Edge Effect Fitness, LLC would be established within one of the new warehouse suites currently being built. The fitness area would consist of a large open space that will be equipped with boxing equipment, mats, barbells, kettlebells, resistance bands, and similar apparatus. At this time, there are no plans to install equipment requiring skilled installation, but if the SUP is approved, such equipment could be installed in the future. Appropriate restroom and changing facilities will be provided. The applicant has been informed that they will need to work with the Building Inspections Division regarding Building Code requirements and necessary permits.

Currently, 16 parking spaces are required for the warehouse use on the site; 17 parking spaces are provided. Staff discussed with the applicant that parking for the fitness facility would be calculated on the total occupancy of the suite and based on Section 10-3-25(13) of the ZO, which would require off-street parking spaces calculated at 10 percent of the maximum occupancy of the fitness facility. If the SUP is approved, additional parking spaces are likely to be needed for the entire site and for all uses to meet the minimum off-street parking requirements. All required off-street parking spaces would need to be installed and clearly delineated prior to occupancy by Edge Effect Fitness. Four additional bicycle parking spaces would also be required per Section 10-3-25.1 of the ZO.

Staff believes that the proposed use 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 supports approval of the request with the following condition:

- The special use permit shall be applicable only for the use, or a substantially similar use, as requested in this application.

Chair Way asked if there any questions for staff.

Commissioner Finks said that there was a concern that since the SUP was for one of the units within the warehouse complex, in the future if there were more SUPs requested for that property, there would not be enough room on the site to meet parking requirements.

Ms. Banks said that if there were other requests for similar SUP in these suites, it could be that there would not be enough parking on the site. If that is the case, the applicant may not be able to utilize that SUP. They may enter into shared parking agreements with adjoining properties, if it were available to them. There is the possibility that if all the suites became a different type of use, other than a warehouse, that they could run out of space to provide parking.

Commissioner Finnegan asked that if the facility was primarily for people with Parkinson's and they have a partnership with VMRC, would those people be driving, or would there be a shuttle?

Ms. Banks said that she did not know.

Commissioner Finnegan said that if that was the case, the Planning Commission might be able to reduce the parking minimum requirements.

Ms. Banks said that the facility would be open to the public, not only from VMRC.

Commissioner Whitten said that there is a partnership that started at VMRC, in their wellness center, and they probably need more space.

Ms. Banks said that they need to expand and have different hours so that they may offer more services.

Commissioner Colman asked if the SUP is applicable only to this specific suite or to the whole property.

Ms. Banks said that the SUP is for this particular type of business or something similar to it on this site. If the applicant and the owner should want to occupy the entire twelve thousand square feet, then occupancy is going to be large and parking is based on the occupancy. We are not limiting the SUP to the particular suite.

Commissioner Romero asked if the activities of the business were going to occur in the evening as well as the day. If the program increases to the point that the capacity during the day is not available and evening hours are increased and the parking is towards the back of the building, will there be lighting available? This will be particularly important when Daylight Savings Time ends.

Ms. Banks said she does not know. The applicant has listed the hours as 6:00 a.m. to 8:00 p.m. That is subject to change. There is not a condition on operating hours. The Planning Commission has the ability to suggest conditions.

Commissioner Romero said that it would in the best interest of the clients to have a clear path to the facility.

Ms. Banks said that the applicant and the owner of the property are both here and can address those concerns during the public hearing.

Chair Way asked if there were any more questions for staff.

Commissioner Colman asked if there are paved walkways to the suite, given the proposed use. I was not at the site visit, so I do not know what the terrain looks like.

Commissioner Finnegan answered that it is a gravel lot.

Ms. Banks looked at the site plan and said that there is currently a paved accessible area for parking. There is one existing accessible paved space that will be made available and an additional space will be made available.

Commissioner Colman said that there is not a paved walkway or path to the facility from the first handicapped spaces.

Ms. Banks responded that there is not.

Commissioner Colman said that given that the target demographic of the facility includes persons with Parkinson's, there should be a path that is safe for them to access the facility.

Chair Way opened the public hearing and invited the applicant to speak.

Fred Luddy, the owner of the property, stated that there are three high intensity lights on the side of the building. The Virginia State Police Office also has a light on their side. At night, the site is well lit. There is plenty of lighting on the property. There is one paved parking spot that was included with the site work. There is no paved access to the doors. There is crushed gravel. My future plan is to pave it, at some point. There is currently no funding for paving the lot. That is in my future plan to pave the space. The front area is paved, where my existing building is.

Chair Way asked if there were any further questions for the applicant. Hearing none he asked if there was anyone else who wished to speak to the request. Hearing none he closed the public hearing and opened the matter for discussion.

Commissioner Whitten moved to recommend approval of the special use permit request with the suggested condition.

Commissioner Ford-Byrd seconded the motion.

All members voted to recommend approval of the special use permit request with the suggested condition (7-0).

Chair Way said that the recommendation for approval will move forward to City Council on June 11, 2019.

Respectfully Submitted,

*Alison Banks*

Alison Banks

Senior Planner