



August 13, 2025 Planning Commission Meeting

## Title

Consider Special Use Permit at 1710 Country Club Road — Meg Rupkey, Community Development

## Summary

Project Name	N/A
Address/Location	1710 Country Club Road
Tax Map Parcels	72-A-12
Total Land Area	+/- 25,190-square feet
Property Owner	Ignacio Arostegui
Owner's Representative	Kevin Arostegui
Present Zoning	M-1, General Industrial District
Special Use Permit Request	Section 10-3-97 (1) to allow restaurants
Planning Commission	August 13, 2025 (Public Hearing)
City Council	Anticipated September 9, 2025 (Public Hearing)

## Recommendation

Option 1. Recommend approval of the special use permit request with the suggested conditions.

## Fiscal Impact

N/A

## Context & Analysis

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

Site: KC Auto Sales & Repair and an illegal mobile food truck; zoned M-1

North: Divine Unity Church; zoned B-2C

East: Industrial uses, zoned M-1

South: Across Country Club Road, nonconforming Spotswood Homes Trailer Park; zoned B-2

West: Presumed nonconforming office building; zoned M-1

The applicant operates the onsite vehicle repair and service establishment and is requesting a special use permit (SUP) per Zoning Ordinance (ZO) Section 10-3-97 (1) to allow restaurants in the M-1 district. The +/- 25,190-square foot parcel is addressed as 1710 Country Club Road and is identified as tax map parcel number 72-A-12. If approved, the applicant plans to continue operating a mobile food truck on the property.

In May 2025, staff became aware of a mobile food truck operating illegally at this site and issued a notice of violation to the property owner. After the notice of violation was issued, staff began working with the property owner to apply for a SUP. While reviewing the site, staff learned that the property owner had completed work behind the vehicle repair and service building in the floodway without proper approvals. Community Development staff is working with the property owner to correct this violation.

The property is almost entirely located within the 100 year-floodplain and the floodway. Staff has determined that as long as a food truck remains mobile it can park and operate within the floodway. (No jacks, blocks, or anchoring that would make it immobile.) However, it is unclear whether seating, tables, and other structures related to the mobile food truck can be located within the floodway without completing an engineering study. Staff has reached out to the Virginia Department of Conservation and Recreation (DCR) for guidance, but has not received a response. In the absence of guidance from DCR, staff has determined that seating, tables, and other structures are not allowed and staff will work with the applicant if a different determination is made by DCR.

The applicant is aware that, if the SUP is approved, the mobile food truck will need to meet all the requirements associated with Mobile Businesses and Food Trucks, which are located on the City's website at <https://www.harrisonburgva.gov/mobile-businesses>. It will be the responsibility of the mobile food truck/trailer owner/operator to work with the Harrisonburg-Rockingham Health Department and the City of Harrisonburg's Public Works, Public Utilities, Fire, Community Development, and Commissioner of Revenue Departments to ensure all requirements are met.

#### *Land Use*

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed Use category 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.

Given the planned designation of Mixed Use for the subject site and the many other parcels within this section of Country Club Road that are planned for Mixed Use or Commercial uses, a request to operate a mobile food truck in this location is in line with the Comprehensive Plan's Land Use Guide.

#### *Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed SUP is attached. The TIA determination form indicated that the mobile food truck would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA; therefore, a TIA was not required for the SUP request.

Per the ZO, the vehicle service and repair use requires six (6) parking spaces and mobile food trucks do not have a minimum parking requirement. Although not required, but beneficial, the applicant informed staff that they have an agreement with the neighboring property owner to use the gravel lot, located to the southeast of the subject property and identified as tax map number 72-A-14, for mobile food truck-related parking.

How and where individuals are parking vehicles in front of the existing building is of concern. Attached within the packet is the 1989-approved site plan for the construction of the vehicle service and repair establishment, which shows no parking spaces between the building and the property entrance along Country Club Road. The 1987 ZO (which was likely the ordinance in place in 1989) prohibited using the public street right-of-way (ROW) to maneuver vehicles in and out of parking spaces—this same regulation remains in place today. However, without a physical survey of the property, the exact location of the public street ROW line as well as where the building is located on the property is unknown and thus it is difficult to know whether vehicles are maneuvering within the public street ROW. Based on field observations and information available to staff, it appears vehicles could be using the public street ROW when individuals park in front of the building. This is problematic because the front of the building is also the location to access the service bays and to potentially park to access the mobile food truck. All of this vehicular activity in such a small area of the parcel could cause unsafe maneuvering along this section of Country Club Road. Staff believes a condition should be added to the request that prohibits parking between the existing building and Country Club Road. If the applicant is later able to demonstrate that they can provide parking spaces and travelways within this area that meet the Design and Construction Standards Manual, staff maintains the recommended condition that as long as a food truck operates on the parcel, then no parking shall be permitted between the existing building and Country Club Road.

According to Google Earth Street View images, the existing entrance curbing along Country Club Road has been buried over time due to the accumulation of gravel in the parking lot. Staff recommends a condition requiring the property owner, in coordination with the Department of Public Works, to replace the curb or remove existing gravel at the entrance along Country Club Road to delineate the previously designed entrance as shown on the 1989-approved ECSP.

Staff believes that prohibiting parking in front of the vehicle service and repair building and providing curbing at the entrance will reduce unsafe traffic movements.

Know that staff discussed whether the current location of the mobile food truck is the most appropriate location on the parcel given the concerns as identified above. Providing the curbing as was previously designed at the entrance will better delineate the vehicle travelway for any use operating on site. Additionally, the applicant is aware that the mobile food truck shall be positioned so that it does not impede sight distance for individuals driving onto and off the property.

#### *Public Water and Sanitary Sewer*

The applicant is aware that liquid waste must be properly disposed of into a sanitary sewer system. It is the responsibility of the mobile food truck operator to ensure that they are meeting the regulations that are put in place by the Department of Public Utilities and the Department of Public Works.

#### *Conclusion*

With the prohibition of parking in front of the vehicle service and repair building and the addition of curbing at the entrance along Country Club Road, staff believes that the mobile food truck use should have no adverse effect on the health, safety, or comfort of those working and living in the area. Staff recommends approval of the SUP with the following conditions:

1. The special use permit is limited to one mobile food truck/trailer.
2. No vehicle parking shall be located between the existing building and Country Club Road. The only vehicles permitted to be located between the existing vehicle service and repair building and Country Club Road are the mobile food truck and vehicles positioned in front of each service bay in preparation of being serviced or repaired. Within 60 days of approval of the special use permit, the property owner shall install signage or install other measures acceptable to the Zoning Administrator to prohibit parking as described.
3. Within 60 days of approval of the special use permit, the previously existing curb will be rebuilt or existing gravel removed to maintain curbing that is six inches in height, or to another standard acceptable to the Department of Public Works in the area as shown on the approved-1989 site plan.
4. If any of the above conditions are not met within 60 days of approval, then operations of a mobile food truck/trailer must immediately cease until the conditions are met. However, upon request from the applicant and if the applicant has demonstrated diligent pursuit to complete the above conditions, the Zoning Administrator may grant one, 60-day extension allowing the applicant a maximum of 120 days from special use permit approval to complete the above conditions.

#### **Options**

1. Recommend approval of the special use permit request with suggested conditions.
2. Recommend approval of the special use permit request as submitted by the applicant.
3. Recommend approval of the special use permit with other conditions(s).
4. Recommend denial of the special use permit.

#### **Attachments**

- Site maps
- Application and supporting documents
- 1989-Approved Site Plan