



# 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: April 9, 2024 (Regular Meeting)  
Re: Special Use Permit – 206 & 210 Charles Street (To Allow Convenience Stores in M-1)

## **Summary:**

Project name	N/A
Address/Location	206 and 210 Charles Street
Tax Map Parcels	41-B-0, 1, and 2
Total Land Area	+/- 24,525-square feet
Property Owner	Christian Genaro Rios Ochoa and Yazmin Sanchez Lopez
Owner's Representative	Gil Colman
Present Zoning	M-1, General Industrial District
Special Use Permit Request	Section 10-3-97 (2) to allow convenience stores
Staff Recommendation	Approval
Planning Commission Recommendation	March 13, 2024 (Public Hearing) Approval (4-0)
City Council	April 9, 2024 (Public Hearing)

## **Background:**

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

- Site: Mercantile building, zoned M-1  
North: Vacant parcel and tire business, zoned M-1  
East: Graveled parcels, zoned M-1  
South: Across Charles Street, vehicle repair business, zoned M-1  
West: Mercantile building and farm supply business, zoned M-1

In July 2014, City Council approved a special use permit (SUP) to operate a church in the M-1 district at 206 Charles Street (tax map parcel 41-B-2) . The SUP for religious uses had a single condition that included for any off-street parking (existing or in the future) on the subject property shall comply with Section 10-3-25 (5) of the Zoning Ordinance. While staff was reviewing that site for the religious use SUP

request, staff became aware that a convenience store was operating at 210 Charles Street without an approved special use permit. In August 2015, City Council approved a SUP to allow the operation of convenience stores at 210 Charles Street (tax map parcel 41-B-1). The SUP included no conditions. The two SUPs were each associated with individual parcels and not the entire three parcel site.

**Key Issues:**

The applicant is requesting a special use permit (SUP) per Section 10-3-97 (2) of the Zoning Ordinance to allow for a convenience store in the M-1, General Industrial District. The +/- 24,525-square foot property is addressed as 206 and 210 Charles Street and is identified as tax map parcels 41-B-0, 1, and 2. The applicant currently operates El Chaparro convenience store located at 210 Charles Street (tax map parcel 41-B-1), which is a portion of the three parcel site that they own. The applicant would like to relocate the existing convenience store to the adjacent parcel currently addressed as 206 Charles Street (tax map parcel 41-B-2), where the religious use previously existed. If approved, along with relocating the existing business, they would demolish the existing 210 Charles Street building to provide parking for the new location. The proposed use would require 28 parking spaces.

The submitted conceptual plan illustrates the planned new parking lot, which also includes removing the existing parking stalls in front of 206 Charles Street that requires the driver of parked vehicles back into the public street to maneuver out of the parking space. The submitted plan is not conditioned as part of the application and is only a representation of how they might accommodate parking for the use. At this time, the applicant is not planning to vacate the internal property lines as they want to keep the three individual parcels.

*Land Use*

The Comprehensive Plan designates this site as Industrial and states:

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.

While the subject properties are designated Industrial by the Comprehensive Plan, the majority of the properties that have public street frontage along Charles Street, including the abutting property to the east and properties across the street, are designated Commercial. Given the plans for more Commercial uses along Charles Street and the relatively small size of the subject properties, staff does not have concerns with the deviation from the Land Use Guide for this specific scenario.

*Transportation and Traffic*

A traffic impact analysis (TIA) was not required for the SUP request. The applicant has been made aware that when there are deliveries to the site, delivery vehicles would not be permitted to use the public street right-of-way to maneuver on and off the site.

*Public Water and Sanitary Sewer*

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development. The property is currently serviced by a septic system. For the new use to receive a Certificate of Occupancy, the applicant will be required to provide a new connection to public water and sewer with the Department of Public Utilities.

*Recommendation*

The uses along Charles Street are a mix of retail, non-conforming dwellings, warehousing, automotive repair, and moderate to minor industrial uses. Staff believes a convenience store at this location would be compatible with the existing uses along Charles Street. Staff recommends approving the request.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the special use permit request as submitted by the applicant;
- (b) Approve the special use permit request with conditions; or
- (c) Deny the special use permit.

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising for City Council’s public hearing. The advertisement was published as shown below:

***Special Use Permit – 206 & 210 Charles Street (To Allow Convenience Stores in M-1)***

Public hearing to consider a request from Christian Genaro Rios Ochoa and Yazmin Sanchez Lopez for a special use permit per Section 10-3-97 (2) of the Zoning Ordinance to allow convenience stores in the M-1, General Industrial District. The +/- 24,525-square foot property is addressed as 206 and 210 Charles Street and is identified as tax map parcels 41-B-0, 1, and 2.

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 (a) to approve the request as submitted by the applicant.

**Attachments:**

- 1. Extract from Planning Commission
- 2. Site maps
- 3. Application and supporting documents

**Review:**

Planning Commission recommended approval (4-0) of the special use permit. (There was one vacancy and Vice Mayor Dent and Commissioner Alsindi were absent.)