



DESCRIPTION OF AMENDMENT

Zoning Ordinance Section:

Article P.--B-1 Central Business District, Sec. 10-3-85.--Uses permitted only by special use permit.

Proposed Text (Attach separate sheet, if needed.)

(12): Vehicle fuel station as accessory use to a permitted use, subject to the following restrictions: (i) allowed only on corner lots; (ii) may have no more than eight (8) fuel dispensers; and (iii) the footprint of the area encompassed by the canopy over the pumps may not exceed the size of the footprint of the principal structure.

APPLICANT'S INFORMATION

7-Eleven, Inc., a Texas corp c/o Creighton Construction & Management

239-284-8357

Applicant's Name

Telephone

900 SW Pine Island Rd., Suite 202

ccarpenter@creightondev.com

Street Address

E-Mail

Cape Coral

FL

33991

City

State

Zip

APPLICANT'S REPRESENTATIVE INFORMATION (if applicable)

Lori H. Schweller, Esq.; Williams Mullen

434-951-5728

Applicant's Representative

Telephone

321 East Main Street, Suite 400

LSchweller@williamsmullen.com

Street Address

E-Mail

Charlottesville

VA

22902

City

State

Zip

CERTIFICATION

I certify that the information supplied on this application and on the attachments provided is accurate and true to the best of my knowledge.

Lori H. Schweller
APPLICANT

2/4/2020
DATE

REQUIRED ATTACHMENTS

Letter explaining the reasons for seeking Ordinance amendment.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

2-4-2020
Date Application and Fee Received

Total Fees Due: \$ ~~310~~ 450.00 ✓
Application Fee: \$450.00

Banka
Received By

WILLIAMS MULLEN

Direct Dial: 434.951.5728
LSchweller@williamsmullen.com

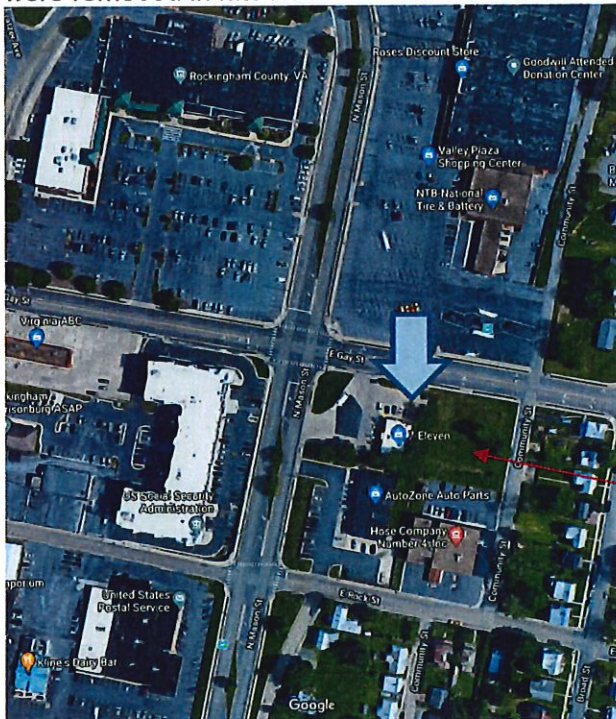
February 4, 2020

Harrisonburg City Council
City Hall
409 South Main Street
Harrisonburg, Virginia 22801

Re: Application for Zoning Ordinance Amendment; 7-Eleven, Inc., a Texas corporation (the "Applicant")

Dear City Council:

On behalf of 7-Eleven, Inc., I respectfully request a change of Zoning Ordinance text for the B-1 Central Business District (Sec. 10-3-85) to add subparagraph "(12)" to the list of uses to permit vehicle fueling stations by special use permit. The Applicant currently operates a 7-Eleven convenience store at the southeast corner of the intersection of North Mason Street and East Gay Street at address 380 North Mason Street (the "Property"). The Applicant intends to redevelop the site to reconstruct and modernize the convenience store and desires to provide an associated vehicle fuel station. The Property previously included a fueling station until the pumps were removed in late 2014.



The parcel is a neighbor to commercial uses to the north (Roses shopping center) and south (AutoZone) and a number of government uses to the west, such as the Rockingham County Administration Building, U.S. Social Security Administration, and U.S. Postal Service, as well as Fire Station No. 4 to the south. All parcels to the north, west, and south are zoned B-1, and properties to the east are zoned R-2 Residential. The Property is easily accessible to I-81 via East Market Street.

The Applicant will maintain a portion of the undeveloped grassy buffer between the new store and the R-2 parcels to the east. Because of the elevation difference, the site is largely obscured from view of the rear of the homes along Community Street.

M-1 Industrial zoning is located nearby to the north and southeast.



The Property is located on the eastern edge of the B-1 zoning district, which is shown in red in the City's zoning map to the left.

Legend	
■	B-1
■	B-1C
■	B-2
■	B-2 INSTITUTIONAL OVERLAY
■	B-2C
■	B-2C INSTITUTIONAL OVERLAY
■	M-1
■	M-1 TECHNOLOGY
■	M-1C
■	R-1
■	R-2
■	R-2 INSTITUTIONAL OVERLAY
■	R-2C
■	R-3
■	R-3 INSTITUTIONAL OVERLAY
■	R-3C
■	R-4
■	R-5
■	R-5C
■	R-6
■	R-7
■	U-R
■	U-R R-P OVERLAY

The B-1 Central Business District is “the urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access.” B-1 zoning calls for no front or side setbacks, which the Applicant desires to respect as much as possible, as encouraged by staff, to promote a more active streetscape. The north side of the building is proposed to be situated immediately south of the sidewalk on East Gay, across from the transit station in the shopping center parking lot. Sidewalks along East Gay and Community Streets, and landscaping and architectural elements along these streets and North Mason Street, will beautify the area and make it more welcoming for pedestrians. Though the building cannot be placed in front of the fueling area on North Mason Street for security reasons, a decorative pergola and fencing will enhance the streetscape and provide a more urban pedestrian experience.

Retail and convenience stores are permitted by right, but fuel stations are not permitted in the B-1 zoning district currently. The Applicant believes that, in appropriate locations, the City would benefit from allowing fuel stations in the B-1 district through the legislative special use permit process.

B-2 General Business District and B-1A Local Business District permit vehicle fuel stations by right. The purpose of the B-2 General Business District is for “a variety of retail, shopping, commercial automotive, and miscellaneous recreational and service activities generally serving the city, a wide area of the region, and the traveling public, and generally located along major thoroughfares or near development centers where a general mixture of commercial and service

activity now exists or is planned, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, or odor and noise associated with manufacturing.” Though this description does fit the subject parcel to a certain extent, there is no B-2 zoning in the area, so a zoning map amendment to B-2 does not seem appropriate for the desired use. Further, B-2 zoning calls for thirty-foot front setbacks and ten-foot side setbacks, and the Applicant would like to construct the building on Gay Street with minimal setback, as staff has recommended. Therefore, the Applicant believes that a zoning ordinance amendment to permit vehicle fueling stations by special use permit is more appropriate than rezoning to B-2.

Vehicle fueling stations are needed closer to downtown, but they may not be appropriate on all parcels throughout the B-1 district. Therefore, the request for the additional use is *by special use permit only* so that Planning Staff, the Planning Commission, and City Council may consider the special use permit factors, site by site. This particular site is already occupied by a 7-Eleven convenience store, which previously provided fuel as well. The addition of the fueling station on the North Mason Street side of the parcel would provide a useful and convenient opportunity to residents of the area and residents and visitors traveling through town. The Property is located in north downtown, which has a more suburban character than the core downtown and government center. North downtown features many larger parcels with large parking lots, numerous government buildings, commercial uses, and nearby industrial uses. These uses attract, and provide parking for, citizens from around the City and Rockingham County and make this area more suited to fueling stations than the downtown core where smaller parcels would also make the circulation necessary for fuel trucks untenable within a convenience store parking lot. The 7-Eleven attracts both pedestrian and vehicular traffic, and the addition of the fueling station would provide an added convenience to those visiting the government offices and businesses in the north downtown area and to others who travel through, into, and out of the city.

Through conditions to the special use permit, perceived potential impacts to the pedestrian experience and urban streetscape along North Mason and East Gay can be mitigated. The side of the building will be brought up to the sidewalk on the East Gay side. Though the building cannot be brought closer to the street on the North Mason side for safety reasons, an urban feel can be introduced with the proposed pergola and landscaping along the street. As discussed in the justification letter for the requested special use permit, the Applicant is offering new sidewalks, landscaping, decorative architectural elements, and future dedications of a right-of-way along North Mason to the City and a new site distance easement.

This proposal to add a use needed by the community to the permitted uses in the B-1 district supports the Comprehensive Plan’s Objective 4.3—“(t)o adapt to new trends and demands while ensuring the new development and redevelopment of residential, commercial, and industrial properties will be compatible with existing uses and with planned land uses of surrounding parcels.” Through its proposed layout, design, public amenities, and landscaping, our proposal also supports Objective 4.1—“(t)o create positive images of the City through landscaping and design improvements at the City’s gateways, along major travel corridors, in residential neighborhoods, and in commercial and industrial areas.”

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The Applicant proposes the following new subsection to *Article P. – B-1 Central Business District, Sec. 10-3-85. – Uses permitted only by special use permit:*

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We respectfully request your consideration of the proposed Zoning Ordinance Amendment and welcome the opportunity to discuss the application with you. I can be reached at 434-951-5728 or 804-248-8700.

Very truly yours,

Lori H. Schweller

Lori H. Schweller

cc: Charley Carpenter, Creighton Construction & Management
Jeremy Yee, Kimley Horn