



July 8, 2025, City Council Meeting

Title

Consider Special Use Permit at 201 South Avenue — Planning Commission and Adam Fletcher, Community Development

Summary

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|----------------------------|---|
| Project name | N/A |
| Address/Location | 201 South Avenue |
| Tax Map Parcels | 20-B-8 |
| Total Land Area | +/- 5,774 square feet |
| Property Owner | Gerardo Pandolfi, Ana C. Parietti, Camila Parietti Pandolfi, and Belen Martinez |
| Owner's Representative | Belen Martinez |
| Present Zoning | M-1, General Industrial District |
| Special Use Permit Request | Section 10-3-97 (1) to allow restaurants in the M-1 district |
| Planning Commission | June 11, 2025 (Public Hearing) |
| City Council | July 8, 2025 (Public Hearing) |

Recommendation

Option 1. Staff and Planning Commission (7-0) recommend approval of the special use permit request with suggested conditions.

Fiscal Impact

N/A

Context & Analysis

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

Site: Illegal mobile food truck; zoned M-1

North: Across South Avenue, commercial use; zoned B-2

East: Across South High Street, commercial uses; zoned B-2C

South: Presumed nonconforming residential use; zoned M-1

West: Presumed nonconforming residential use; zoned M-1

The applicant is requesting a special use permit (SUP) per Section 10-3-97 (1) to allow restaurants in the M-1 district. The +/- 5,774-square foot property is located at the intersection of South Avenue and South High Street (Route 42), is addressed as 201 South Avenue, and is identified as tax map parcel 20-B-8.

In March 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 also discovered an unpermitted platform constructed as a standing area for customers to place orders. A building permit application has since been submitted for the platform, which is currently under staff review.

The applicant has also been informed that their electrical permit was not applied for correctly. They had applied for an electrical permit and installed an electrical service on the property addressed as 1105 South High Street. However, the service is providing power to the food truck located at 201 South Avenue. This is not allowed as each parcel will need their own electrical service. Harrisonburg Electric Commission requests that if the SUP is approved, the property owner apply for new electrical permits for 201 South High Street to have its own service within 60 days of approval.

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 Limited Commercial and states:

These areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. It is important that development within Limited Commercial areas does not incrementally increase in intensity to become similar to the Commercial designation. Efforts should be made to maintain the intent as described above.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the SUP request.

The site currently has two entrances, one on South High Street and one on South Avenue. The Design and Construction Standards Manual (DCSM) Section 3.1.8.2 states that “[d]irect property access will be restricted along arterials and collectors, whenever reasonable access can be provided to a lower class roadway.” Since there is the ability to access the site from South Avenue and the existing entrance from South High Street is less than 50 feet from the signalized intersection, staff recommends a condition to permanently close the South High Street entrance and replace it with curb and gutter.

Access to the site via the South Avenue entrance will also require modifications. The DCSM requires that commercial entrances be a minimum of 30 feet wide to allow for safe maneuvering for two-way vehicular traffic in and out of the site. Staff recommends a condition that the applicant rebuild the South Avenue entrance to meet the DCSM standards for a commercial entrance.

Staff has discussed these concerns and proposed conditions with the applicant, and the applicant is aware that any work within the public right-of-way, which includes closing the South High Street entrance and widening the South Avenue entrance, will require public access permits issued by the Department of Public Works.

Additionally, while there is not a requirement for off-street parking for mobile food trucks/trailers, any area that is used for parking must comply with Section 10-3-30.1 of the Zoning Ordinance. The applicant has graveled a portion of the property to provide parking for their customers and this area must meet parking lot landscaping requirements, which includes, but is not limited to, a ten-foot landscaping border or three-foot fence between the parking area from all side and rear property lines and a ten-foot landscaping border and trees between the parking area and the public street.

Public Water and Sanitary Sewer

The applicant is aware that liquid waste must properly be 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

As previously stated, the Land Use Guide designates this area as Limited Commercial, and a restaurant use can at times be a suitable use on properties designated Limited Commercial. Overall, staff believes that with the appropriate changes to the entrances on South Avenue and on South High Street, that the mobile food truck restaurant use should have no adverse effect on the health, safety, or comfort of those working and living in the area.

At the Planning Commission meeting, staff recommended approval of the special use permit with conditions and Planning Commission added a second sentence to condition number 5 to allow the Zoning Administrator the administrative ability to grant the applicant one 60-day extension. Staff and Planning Commission recommend approval of the SUP with the following conditions:

1. The special use permit is limited to one mobile food truck/trailer.
2. Within 60 days of approval of the special use permit, the applicant shall permanently close South High Street and rebuild the curb and gutter.
3. Within 60 days of approval of the special use permit, the entrance along South Avenue must be re-built to meet commercial entrance standards width of a minimum of 30 feet.
4. Within 60 days of approval of the special use permit, the property owner shall complete the appropriate permits and work for 201 South Avenue to have its own electrical service and meter.
5. If any 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. Approve the special use permit request with suggested conditions.
2. Approve the special use permit with other conditions(s).
3. Approve the special use permit request as submitted by the applicant.
4. Deny the special use permit.

Attachments

- Extract from Planning Commission
- Site maps
- Application and supporting documents