

Date Application Received: 6/6/18

Total Fees Due: \$ 405 THD
Date Paid: 6/6/18

Application for Special Use Permit City of Harrisonburg, Virginia

www.harrisonburgva.gov/zoning-applications

Application Fee: \$375.00 plus \$30.00 per acre

Section 1: Property Owner's Information

Property Owner's Name: South High Station, LLC
Street Address: P.O. Box 8 Email: cabinhillhomes@outlook.com
City: Mt. Jackson State: Va Zip: 22842
Telephone: Work: 540-477-2686 Fax: 540-477-2312 Mobile/Home: 540-333-2479

Section 2: Owner's Representative Information

Owner's Representative: Dexter Mumaw
Street Address: P.O. Box 8 Email: cabinhillhomes@outlook.com
City: Mt. Jackson State: Va Zip: 22842
Telephone: Work: 540-477-2686 Fax: 540-477-2312 Mobile/Home: 540-333-2479

Section 3: Description of Property

Location (Street Address): 1911 South High Street
Tax Map Number Sheet: 112 Block: A Lot: 5 Lot Area: 0.61 Ac 30,600 +/- sf
Existing Zoning Classification: B-2
Special Use being requested: 10-3-91 (2) warehousing and other storage facilities.

Section 4: Certification

I certify that the information contained herein is true and accurate.

Signature: [Signature] MEMBER
Property Owner

Section 5: Required Attachments

- Survey of Property or Site Map
- Letter explaining Proposed Use & Reasons for Seeking a Special Use Permit
- TIA Determination Form OR Accepted TIA, signed by Public Works Department*

* Applicant should consult with Community Development or Public Works staff to determine if a TIA Determination Form is required. If required, the applicant is responsible for coordinating with Public Works Department prior to submitting a Special Use Permit application. If a Traffic Impact Analysis is required, this application shall not be considered accepted until the TIA has been reviewed and TIA fees paid. More information at www.harrisonburgva.gov/traffic-impact-analysis.

NOTE: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.

M. STEVEN WEAVER
MARK B. CALLAHAN
TODD C. RHEA
MATTHEW C. SUNDERLIN
BRADLEY J. MOYERS
DAVID C. NAHM
QUINTON B. CALLAHAN

CLARK & BRADSHAW, P. C.
ATTORNEYS AT LAW
92 NORTH LIBERTY STREET
P. O. BOX 71
HARRISONBURG, VIRGINIA 22803-0071
TELEPHONE (540) 433-2601
FACSIMILE (540) 433-5528
WWW.CLARK-BRADSHAW.COM

HENRY C. CLARK
1024-2013
V. STEPHEN BRADSHAW
RETIRED
ELLEN H. BRODERSEN, C.P.A.
AMY L. RUSH, C.P.A.
(NOT ATTORNEYS)

June 1, 2018

Mr. Adam Fletcher
City of Harrisonburg
Director of Planning and Community Development
409 S. Main Street
Harrisonburg, VA 22801

Re: Special Use Permit Application – City Tax Parcel 112-(A)-5

Dear Mr. Fletcher:

On behalf of my client, South High Station, LLC, an affiliate of Holtzman Oil Corp, I am submitting this letter explaining Proposed Use with supporting Reasons for Seeking a Special Use Permit under City Ordinance Section 10-3-91(2) to permit warehousing and storage facility use of the subject parcel.

The parcel in question is currently zoned B-2 and used by the Owner for fuel dispensing and convenience store uses. As a result of the current relocation and renovation of the site, the convenience store structure on the south side of the parcel was constructed on a steep slope with a basement level under the convenience store. This basement level is on grade and adjacent to the property owned by Early's Cycle Center, Inc. The Early parcel is used for commercial purposes related to vehicle and recreational equipment sales. The applicant has reached a lease agreement with Early to allow Early to lease the basement level of the new convenience store structure for storage related to its commercial uses conducted next door. The basement level has direct access from the parking lot of the Early parcel and is on grade with that parking area. The applicant has further leased parking on the Early parcel for its convenience store employees, and allowing Early to lease the basement level of the applicant's convenience store is part of the overall cooperative arrangement to allow for enhanced B-2 commercial uses of both parcels, and is directly incidental to those uses.

Thank you for your positive consideration of this Special Use Permit request by Staff. We have submitted a Site Map showing the Special Use permit area of the structure and surrounding detail on both the applicant and Early parcels, along with the required City forms and TIA information.

We appreciate the City's positive consideration of this request.

Regards,



Todd C. Rhea

TCR/amm
cc: Holtzman Oil Corp.



City of Harrisonburg, VA
 Department of Public Works

Determination of Need for a
 Traffic Impact Analysis (TIA)

www.harrisonburgva.gov/traffic-impact-analysis

Contact Information			
Consultant Name:	Dexter Mumaw		
Telephone:	540-333-2479		
E-mail:	cabinhillhomes@outlook.com		
Owner Name:			
Telephone:			
E-mail:			
Project Information			
Project Name:	S High St Exxon		
Project Address: TM #:	1911 S High St		
Existing Land Use(s):	Gas station & convenience store		
Proposed Land Use(s): (if applicable)	Above & auto care center		
Submission Type:	Comprehensive Site Plan <input type="radio"/>	Special Use Permit <input checked="" type="radio"/>	Rezoning <input type="radio"/> Preliminary Plat <input type="radio"/>
Project Description: (Include site plan or preliminary sketch and additional details on land use, acreage, access to site, etc)	Lease basement space of gas station to neighbor Early's Cycle Center		
Peak Hour Trip Generation (from row 15 on the second page)			
AM Peak Hour Trips:	9		
PM Peak Hour Trips:	13		

(reserved for City staff)

TIA required? Yes _____ No X

Comments:

Accepted by: Jan R

Date: 5/24/18

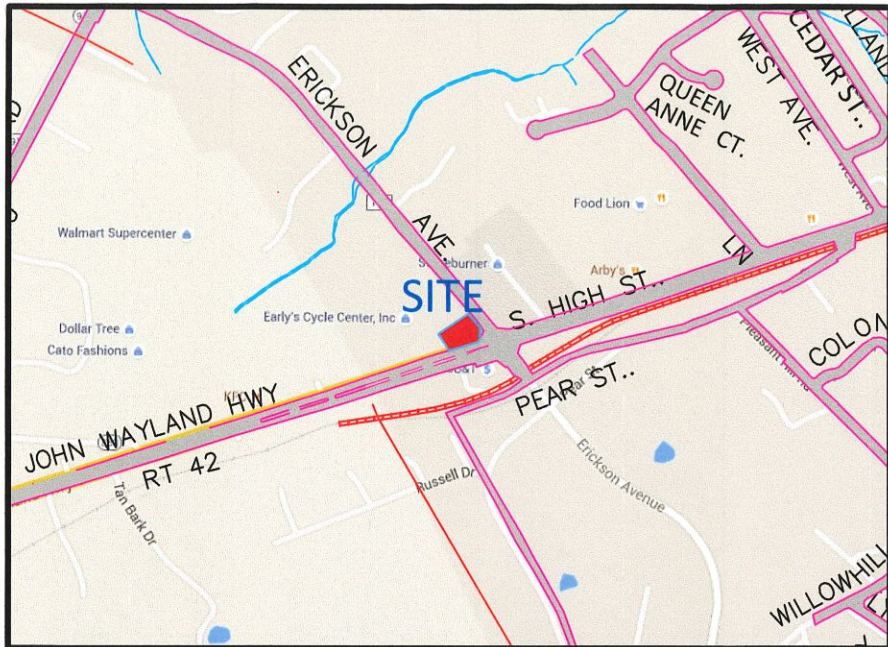
Peak Hour Trip Generation by Land Use

Row	Land Use	ITE Land Use Code	Unit	Quantity	AM Peak Hour of Adjacent Street Traffic	PM Peak Hour of Adjacent Street Traffic
1	Proposed #1	945	fuel stations	12	122	163
2	Proposed #2	942	1000 sf	4	9	13
3	Proposed #3					
4	Proposed #4					
5	Proposed #5					
6	Proposed #6					
7	Total New Trips				131	176
8	Existing #1	945	fuel stations	12	122	163
9	Existing #2					
10	Existing #3					
11	Existing #4					
12	Existing #5					
13	Existing #6					
14	Total Existing Trips				122	163
15	Final Total (Total New – Total Existing)				9	13

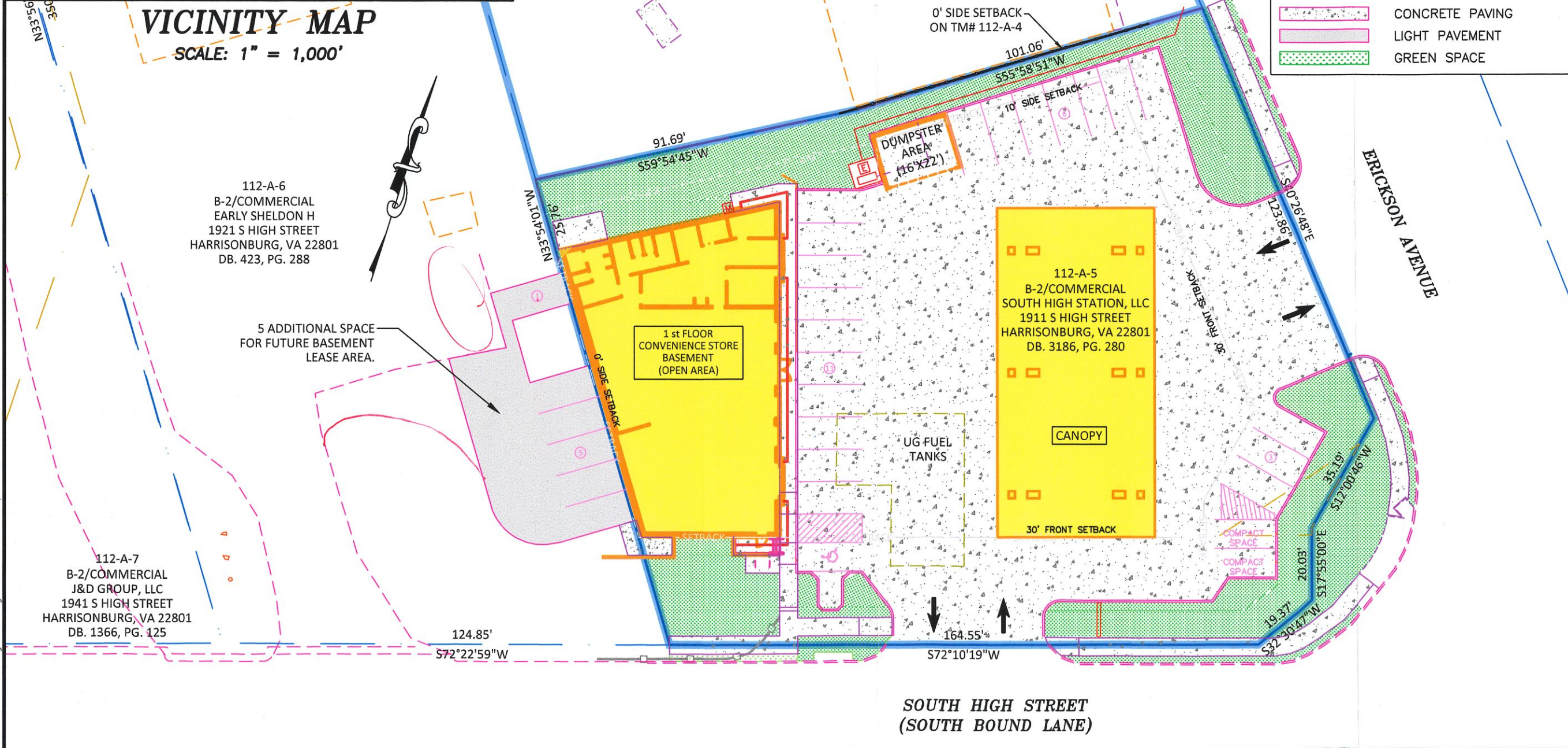
Instructions

Determination of trip generation rates shall be in conformance with ITE guidelines.

1. Based on the intended use(s), calculate the AM Peak and PM Peak trip generation using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 1-6). Attach additional sheets as necessary for more uses.
2. Sum up all of the trips generated for the new uses in the Total New Trips row (row 7).
3. If the development has any existing uses, calculate the AM Peak and PM Peak trip generations using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 8-13). Attach additional sheets as necessary for more uses.
4. Sum up all of the trips generated for the existing uses in the Total Existing Trips row (row 14).
5. Subtract the total existing trips from the total new trips to get the final total number of trips generated by the development (row 15). Enter these numbers on the first page.



VICINITY MAP
SCALE: 1" = 1,000'



LEGEND

- SITE BOUNDARY
- METER/ TRANSFORMER
- EXISTING PROPERTY LINE
- SETBACK LINE
- PROPOSED BUILDING
- PROPOSED ROAD/EOP
- PROPOSED PARKING
- EXISTING ROAD
- EXISTING PARKING
- CURBING: CG-6 OR CG-7
- CURBING: CG-2 OR CG-3
- HANDICAP PARKING
- CG-12/ASPHALT RAMP
- DUMPSTER
- PROPOSED FENCE
- CONCRETE PAVING
- LIGHT PAVEMENT
- GREEN SPACE

Date: JUNE 2018

Scale: 1" = 30'

Blackwell
Engineering, PLC
566 East Market Street
Harrisonburg, VA 22801
Phone: 540-432-9555
FAX: 540-434-7604
Email: BE@blackwellengineering.com






SPECIAL USE PERMIT SITE MAP

HOLTZMAN EXXON-1911 SOUTH HIGH SOUTH HIGH STATION, LLC.
MT. JACKSON, VA 22842

Drawing No.
1
of 1 Sheets

Job#: 2534

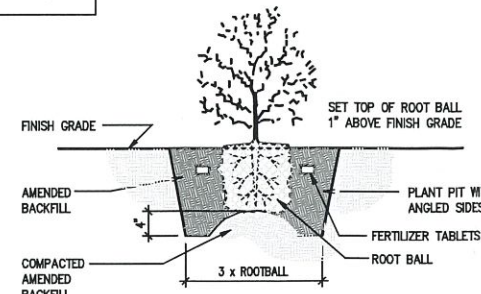
LANDSCAPING SCHEDULE

LABEL	TYPE OF SPECIES*	NUMBER	EXAMPLES IN GROUP	SIZE/20-YEAR**
	LARGE DECIDUOUS TREES	0	OAKS, MAPLES, BIRCH, CHINESE ELM, DAWN REDWOOD...	2" CAL/500sf
	SMALL FLOWERING TREE	7	DOGWOOD, CHERRY, REDBUD, SERVICEBERRY...	2" CAL/300sf
	SHRUB	6	GOLD THREAD FALSECYPRESS, SHAMROCK HOLLY, BOXWOOD...	1.5'-2'/ -

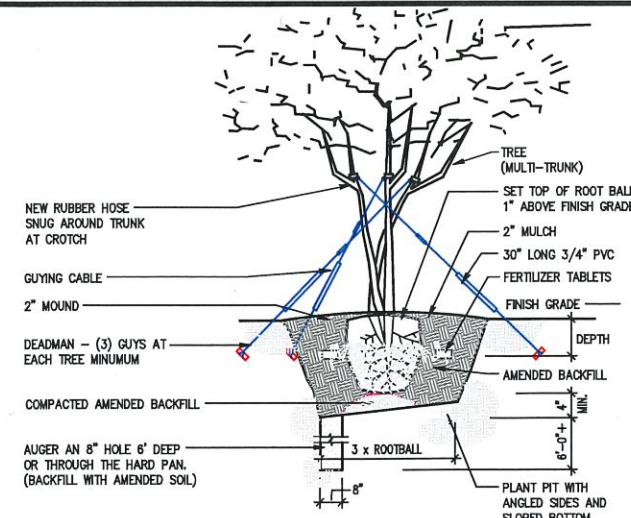
*SPECIFIC TYPE OF TREE TO BE BASED ON AVAILABILITY IN LOCAL NURSERY.
 **20-YEAR AREA COVERAGE SIZE BASED ON 10 YEAR COVERAGE AND FULL GROWTH COVERAGE.

LANDSCAPING NOTES:

- LOCATIONS SHOWN OF TREES AND PLANTS ARE APPROXIMATE. EXACT LOCATIONS ARE TO BE FIELD DETERMINED BY LANDSCAPER.
- TREES ARE TO BE PLACED MINIMUM OF 10' AWAY FROM WATER OR SEWER LINES.
- ALL PLANTING SHALL CONFORM WITH §10-3-30.1 OF THE CITY OF HARRISONBURG ZONING ORDINANCE.
- LANDSCAPING SHALL NOT IMPEDE SIGHT DISTANCE PER DCSM.
- DECIDUOUS TREES, LARGE WHEN PLANTED ARE TO BE AT LEAST TWO (2) INCHES IN CALIPER AND BE A MINIMUM OF TEN (10) IN HEIGHT. MULTI-STEM TREES SHALL ALSO B A MINIMUM OF TEN (10) FEET IN HEIGHT.
- DECIDUOUS TREES, SMALL/ORNAMENTAL WHEN PLANTED ARE TO BE AT LEAST ONE (1) INCHES IN CALIPER AND BE A MINIMUM OF SIX (6) IN HEIGHT. MULTI-STEM TREES SHALL ALSO B A MINIMUM OF SIX (6) FEET IN HEIGHT.
- INSPECTION FOR ZONING COMPLIANCE IS REQUIRED PRIOR TO RELEASE OF BOND

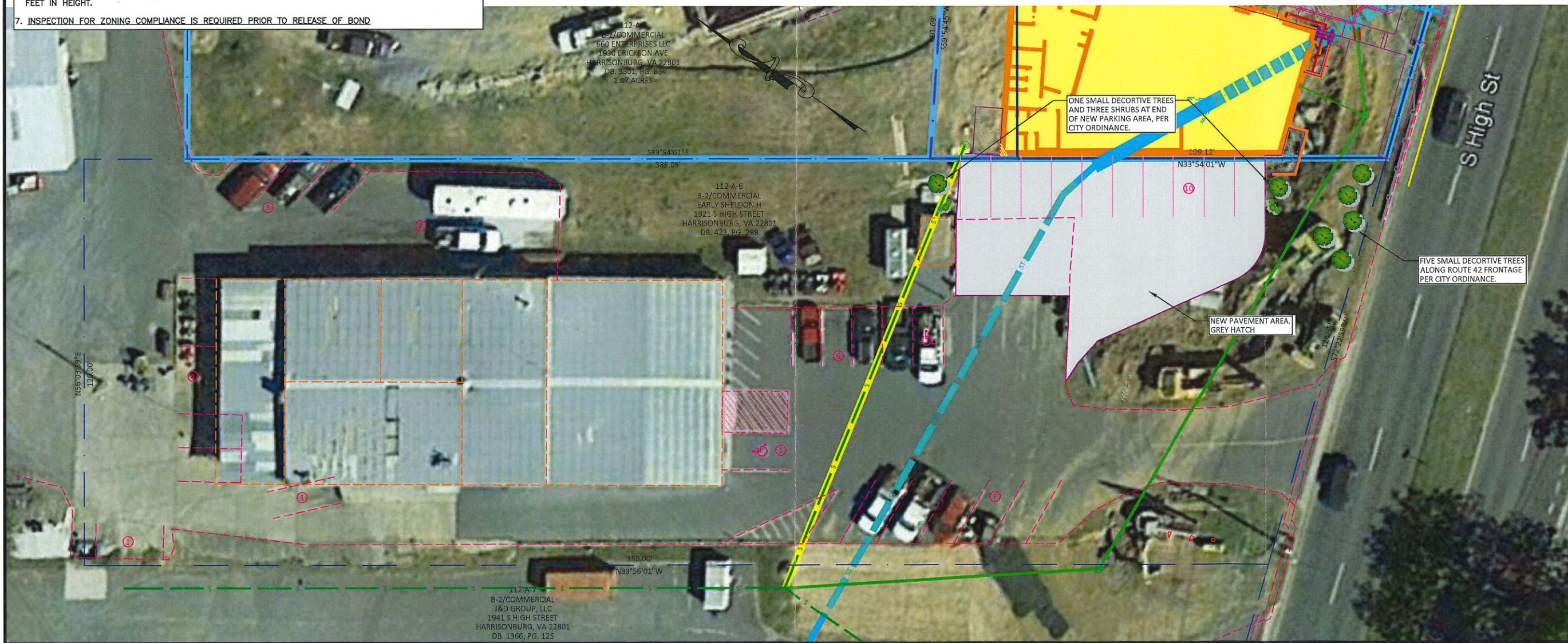


SHRUB PLANTING DETAIL
NTS



TREE GUYING AND PLANTING DETAIL
NTS

USE AND PARKING REQUIREMENTS					
USE	SIZE, sf	RATE	EMPLOYEES	COMPANY VEHICLES	REQUIRED SPACES
OFFICE, DISPLAY, PARTS	5,271	1SP/200SF	-	-	27
SHOP AREA - 1 BAYS	4,000	2 SP/BAY	-	-	1
SHARED PARKING AGREEMENT WITH 1911 SOUTH HIGH STREET					5
TOTAL REQUIRED SPACES					33
HANDICAP REQUIRED					2
TOTAL PROVIDED SPACES					33
HANDICAP PROVIDED					2




Blackwell
Engineering, PLC
566 East Market Street
Harrisonburg, Virginia 22801
Phone: (540) 432-9555 FAX: (540) 434-7604
Email: BE@BlackwellEngineering.com

Date: JUNE 30, 2018
Revision Date

Designed by: EHB	Scale: 1" = 20'
Drawn by: EHB	
Job No. 2534	

EARLY CYCLE PARKING STUDY

HOLTZMAN 1911 SOUTH HIGH EXXON - SUP
ERICKSON ROAD INVESTMENTS
P.O. BOX 8
MT. JACKSON, VA 22842

Drawing No.
1
of 1 Sheets

PARKING AND RETAINING WALL EASEMENT

THIS PARKING AND RETAINING WALL EASEMENT ("Agreement") is made this 1st day of July 2018, by and between **SHELDON H. EARLY**, GRANTOR hereinafter referred to as "Early" and **HARRISONBURG SOUTH HIGH STATION, LLC**, a Virginia limited liability company, GRANTEE, hereinafter referred to as "South High".

WITNESSETH:

In consideration of the rents herein provided and the terms and conditions agreed between the parties, and other valuable consideration exchanged between the parties Early hereby grants and conveys unto South High, subject to the conditions hereinafter expressed, (a) an easement for parking on the Early Parcel in those certain designated parking spaces as described herein and located on real property owned by Early located along South High Street, Harrisonburg, VA, known City Tax Parcel 112-A-6 ("Early Parcel") and (b) a retaining wall easement on the Early Parcel as described below.

PARKING EASEMENT

1. The term of the parking easement shall be for ten (10) years, beginning on the 1st day of July, 2018, and terminating on the 30th day of June, 2028. Unless terminated by either party as provided herein, at the conclusion of the initial term of this Agreement, the easement shall be continued for an additional term of five (5) years, terminable during this additional five (5) year term by either party upon thirty (30) days advance written notice.

2. Early grants this easement to South High for five (5) designated spaces located in the Northeast quadrant of the existing parking area on the Early Parcel adjacent to the South High Parcel ("Designated Spaces"). These spaces are generally shown on the Special Use Permit Site Map appended to this Agreement as Exhibit A and incorporated herein by reference.

3. The Designated Spaces shall be marked by South High by appropriate signage. The cost of such signage shall be paid by South High. The Designated Spaces shall be used by South High exclusively for employee parking by employees of the South High station located at the property owned by South High known as City Tax Parcel 112-A-5 ("South High Parcel").

4. Rent shall be paid by South High to Early monthly, in advance, beginning July 1, 2018 in the amount of One Dollar (\$1.00). Early shall also receive additional valuable consideration in the form of basement rental space on the South High Parcel as provided in a separate Lease.

Tax Map Number:
112-A-5 & 112-A-6

18-217
Drafted By:

ARK & BRADSHAW, P.C.
ATTORNEYS AT LAW
12 NORTH LIBERTY STREET
P. O. BOX 71
HARRISONBURG, VIRGINIA
CR/chs 22803
SB #37275

5. South High agrees and warrants to maintain the Designated Spaces free of trash and debris. The Designated Spaces shall be subject to the reasonable regulation of parking by Early, and South High shall reasonably regulate the use of the Designated Spaces for employee parking.

6. South High shall maintain, at South High's expense, liability insurance in at least the amount of \$500,000.00 to protect Early from any and all loss arising from any activities of South High, South High employees or other persons or invitees.

7. Early and South High, and all parties claiming under them, mutually agree and discharge each other from all claims and liabilities arising from or caused by any casualty or hazard covered, or required hereunder to be covered, in whole or in part, by insurance covering or relating to the Designated Spaces or the larger Early Parcel, or in connection with property on or activities conducted on the Early Parcel, and waive the right of subrogation which might otherwise exist in or accrue to any person on account thereof.

8. South High shall indemnify and hold harmless Early from and against all loss and liability for losses, damages, costs, or reasonable expenses which Early may suffer by reason of injuries to persons or damage to property sustained by any person or entity whatsoever arising out of or in any manner caused by South High's rental and use of the Designated Spaces. This includes the travel and access to such spaces across the larger Early Parcel parking area and travel ways located thereon.

RETAINING WALL EASEMENT

9. Early grants to South High an easement for that portion of the retaining wall supporting the structure located on the South High Parcel adjacent to the Early Parcel which is located on the Early Parcel. This easement is shown as "New Wall Easement" on the plat prepared by Randall K. Newman, L.S. dated June 29, 2018, titled "Plat Showing a New Wall Easement Across Land of Sheldon Early for the Benefit of Harrisonburg South High Station, LLC". Said Plat is attached hereto as Exhibit B and incorporated herein by reference. The retaining wall easement conveyed herein to South High shall be for the construction, location, maintenance, repair and replacement of the retaining wall, foundation and other structural support systems installed related to the existing convenience store structure and retaining wall for improvements located on the South High Parcel. The term of the retaining wall easement shall be perpetual and it shall be appurtenant to and run with the land herein encumbered.

GENERAL PROVISIONS

10. It is further understood and agreed, that this instrument contains the entire agreement between the parties hereto and shall not be modified in any manner except by an instrument in writing executed by the parties hereto, and that the conditions and agreements herein are binding on, and may be legally enforced by the parties hereto, their heirs, executors, administrators, successors, and assigns, respectively, and that no waiver of any breach of any

condition or agreement contained herein shall be construed to be a waiver of that condition or agreement or of any subsequent breach thereof, or of this agreement.

WITNESS the following signatures and seals:

Sheldon H. Early
Sheldon H. Early

Harrisonburg South High Station, LLC
a Virginia limited liability company

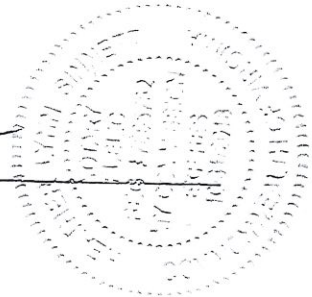
By: Pres Early Goldwater (SEAL)
Title: Manager

COMMONWEALTH OF VIRGINIA,
CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction this 2 day of July, 2018, by Sheldon H. Early

My commission expires: October 31st, 2018

W. B. Holtzman
Notary Public



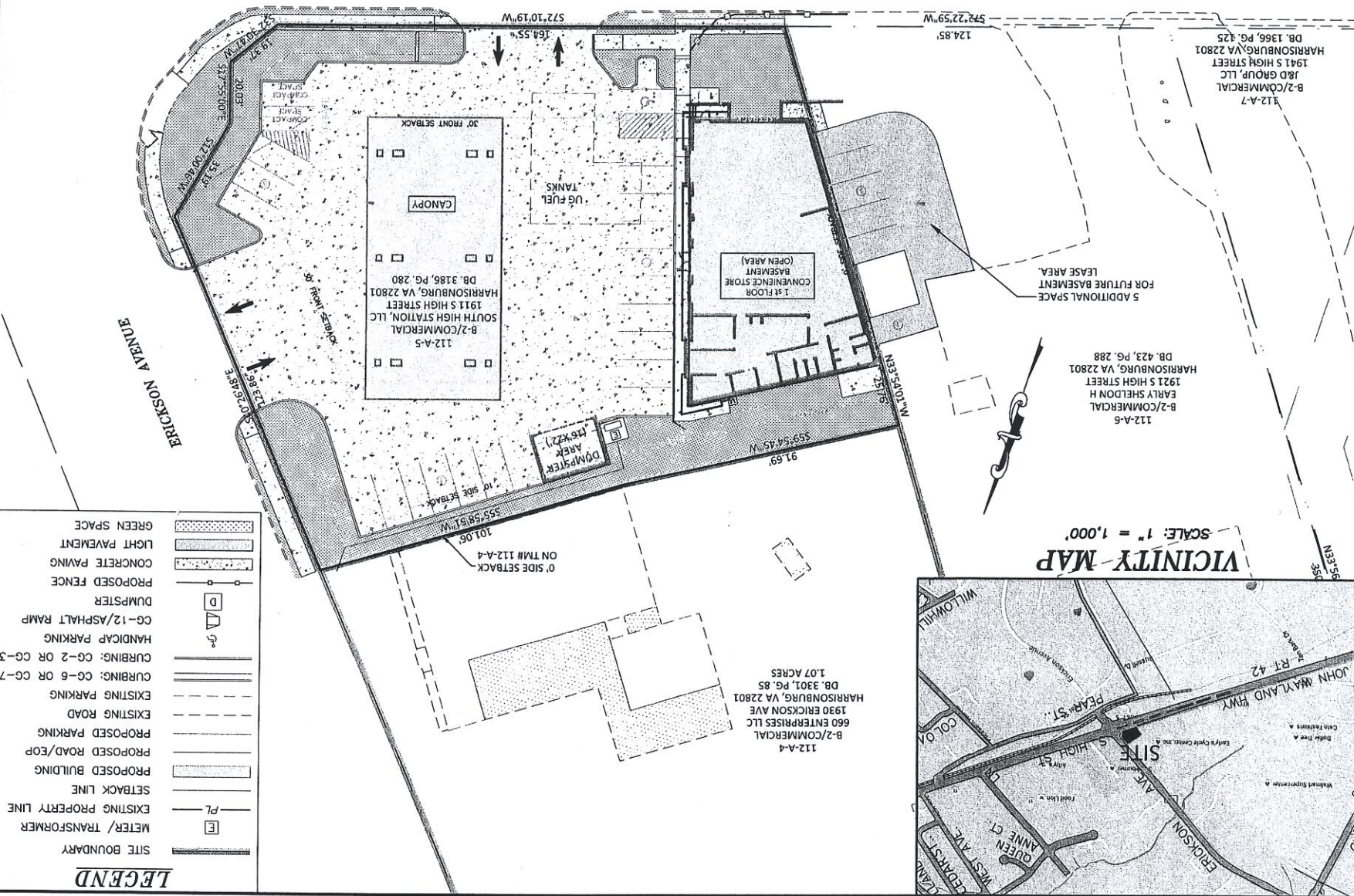
COMMONWEALTH OF VIRGINIA,
COUNTY OF SHENANDOAH, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction this _____ day of July, 2018, by William B. Holtzman, as Manager of Harrisonburg South High Station, LLC, a Virginia limited liability company, on behalf of the company.

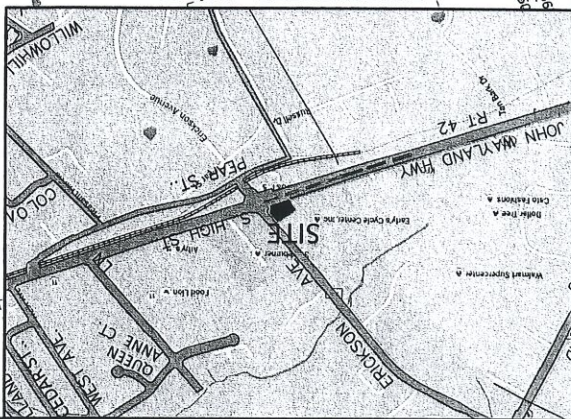
My commission expires: _____

Notary Public

**SOUTH HIGH STREET
(SOUTH BOUND LANE)**



VICINITY MAP
SCALE: 1" = 1,000'



LEGEND

[Symbol]	SITE BOUNDARY
[Symbol]	METER/ TRANSFORMER
[Symbol]	EXISTING PROPERTY LINE
[Symbol]	SETBACK LINE
[Symbol]	PROPOSED BUILDING
[Symbol]	PROPOSED ROAD/EOP
[Symbol]	PROPOSED PARKING
[Symbol]	EXISTING ROAD
[Symbol]	EXISTING PARKING
[Symbol]	CURBING: CC-6 OR CC-7
[Symbol]	CURBING: CC-2 OR CC-3
[Symbol]	HANDICAP PARKING
[Symbol]	DUMPSTER
[Symbol]	PROPOSED FENCE
[Symbol]	CONCRETE PAVING
[Symbol]	LIGHT PAVEMENT
[Symbol]	GREEN SPACE

Job#: 2534

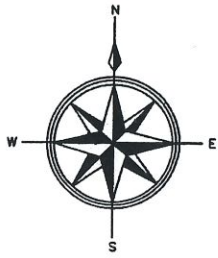
Drawing No. **1**
of 1 Sheets

SPECIAL USE PERMIT SITE MAP
HOLTZMAN EXXON-1911 SOUTH HIGH
SOUTH HIGH STATION, LLC.
MT. JACKSON, VA 22842

Blackwell
Engineering, Plc
565 East Market Street
Harrisonburg, VA 22801
Phone: 540-432-9555
Fax: 540-434-7604
Email: bl@blackwellengineering.com

Scale: 1" = 30'
Date: JUNE 2018

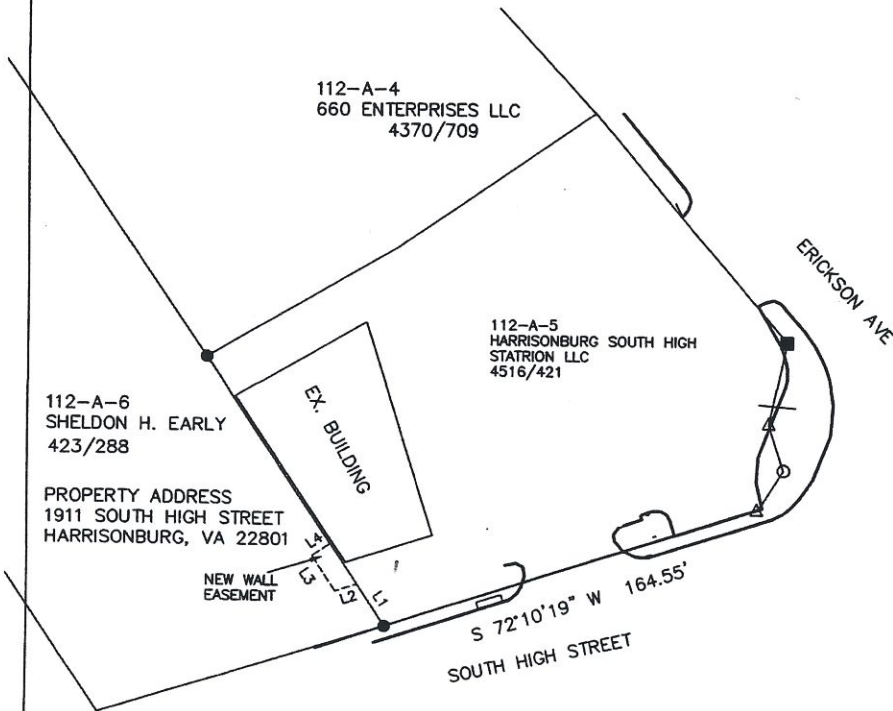
EXHIBIT A



- 1 = BEARINGS ARE MAGNETIC
- 2 = SCALE 1" = 50'
- 3 = TAX MAP = 112-A-5 AND 6
- 4 = DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND IS A CURRENT FIELD SURVEY.
- 5 = TITLE REPORT FURNISHED
- 6 = OTHER RIGHTS OF WAY AND EASEMENTS IF ANY, ARE NOT SHOWN

THIS PROPERTY IS SHOWN IN FLOOD ZONE X.

LINE	BEARING	DISTANCE
L1	N 33°54'01" W	20.81'
L2	S 72°10'19" W	9.54'
L3	N 33°54'01" W	17.53'
L4	N 56°05'59" E	9.16'



112-A-6
SHELDON H. EARLY
423/288

PROPERTY ADDRESS
1911 SOUTH HIGH STREET
HARRISONBURG, VA 22801

112-A-4
660 ENTERPRISES LLC
4370/709

112-A-5
HARRISONBURG SOUTH HIGH
STATION LLC
4516/421

PLAT SHOWING A NEW WALL EASEMENT ACROSS THE LAND OF SHELDON H. EARLY FOR THE BENEFIT OF HARRISONBURG SOUTH HIGH STATION LLC

LOCATED IN THE CITY OF HARRISONBURG, VIRGINIA

OWNER: HARRISONBURG SOUTH HIGH STATION LLC (LOT 1)
REFERENCE: DEED BOOK 4516. PAGE 421



NEWMAN SURVEYING
Licensed Land Surveyor
Mt. Jackson, Virginia 22842
(540) 477-3730

JOB NO. H112-A-5 JUNE 29, 2018

EXHIBIT B