



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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June 1, 2021

**TO THE MEMBERS OF CITY COUNCIL  
CITY OF HARRISONBURG, VIRGINIA**

**SUBJECT:**

*Consider a request from Salatin and Cloud LC for a special use permit to allow for a restaurant at 256 Charles Street*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION  
MEETING HELD ON: May 12, 2021**

Chair Finnegan read the request and asked staff to review.

Ms. Banks said that the Comprehensive Plan designates this site as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

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

Site: T & E Meat processing facility, zoned M-1

North: Rockingham County Public Schools Bus Facility, zoned M-1

East: Equipment sales and service; zoned M-1

South: Across Charles Street, vacant property; zoned M-1

West: Rockingham County Public Schools Bus Facility and Illegal uses; zoned M-1

The applicant is requesting a special use permit (SUP) per Section 10-3-97 (1) of the Zoning Ordinance to allow for a restaurant within the M-1, General Industrial District at 256 Charles Street. The subject site is on the northern side of Charles Street, approximately 250 feet from the intersection of Charles Street and North Liberty Street. Mobile food trucks/trailers are permitted by right to locate within the B-1, Central Business District and the B-2, General Business District, where restaurants are permitted by right. Restaurants, including mobile food trucks/trailers, are permitted to operate within the M-1, General Industrial District, with an approved SUP. If

approved, the owner of Tacos el Zacatecano, a mobile food trailer, would operate from the subject site.

As indicated on the submitted site drawing, the food trailer will be placed in the grass area to the west of the parking lot. The food trailer would remain located at the subject site and would operate five days a week, Friday through Tuesday. The property owner has asked that the food trailer not operate on specific days that they receive deliveries for their business.

Required parking for the processing facility located on the site is calculated at one (1) parking space for each two (2) persons working on the premises on a maximum shift, plus parking space for every truck or other vehicle used in connection therewith. There are 23 employees working on the site and an associated vehicle; therefore 13 parking spaces are required. Although the lot is nonconforming and parking spaces at this facility have never been delineated, staff measured the parking area and has calculated that the front parking lot could provide space for 25 vehicles. Placement of the mobile food trailer must not interfere with the required parking for the processing facility.

Staff has discussed with the applicant that if the SUP is approved, the mobile food trailer 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 trailer owner/operator to work with the Harrisonburg/Rockingham Health Department and City of Harrisonburg's Public Works, Public Utilities, Fire, Community Development, and Commissioner of Revenue Departments to ensure all requirements are met.

Wall and freestanding signs are not permitted for the mobile businesses; unless solely attached to the mobile business' truck or trailer.

As previously stated, the Land Use Guide designates this area as Commercial, and a restaurant use on this property is supported by the Commercial designation. Overall, staff believes the restaurant 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 special use permit request with the following conditions:

1. The SUP is limited to only one mobile food truck/trailer at this location.
2. If in the opinion of Planning Commission or City Council, the mobile food truck/trailer becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Chair Finnegan asked if there were any questions for staff.

Commissioner Whitten said that it seems like the food truck is already there and operating. Is that correct.

Ms. Banks said that it is there and operating. Zoning did not pick this up as a violation. I checked with the Commissioner of Revenue and they did not have this as a violation. I think that the operator started the business and is coming in now to rectify what they realized is a mistake without being notified. This is not an active violation that we are working on.

Chair Finnegan said that they began operating without realizing that they needed a SUP. Now they are getting it.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Eliseo Alvarez, nephew of the applicant, called in representing the applicant. After hearing the discussion regarding parking with the previous applicant, I am concerned because the parking spaces are not marked. Is there anything that we need to do to specify spots for the business? Is there enough space there that it will not be a problem?

Chair Finnegan said it was a concern with the previous applicant because it was a residential property. This is non-residential so it does not have the same concerns.

Mr. Alvarez said that it was an oversight to begin operating without the permit. The business owner was not aware of all the things they had to do. As they started going through the process, it has taken a while to get things going. They are getting things situated now. Right now, everything is up to date. They have met the health and fire department requirements.

Commissioner Whitten asked where the clientele comes from. Is it mostly generated from people working in that area? Are there people coming from outside the area because the tacos are that good? I am wondering what kind of traffic it might generate.

Ms. Alvarez said that many clients work at T&E Meats. A lot of the Hispanic community in the area do see it, drive by it and are aware of it because up the road there is a Hispanic grocery store that is quite popular.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said that he used to go to T&E Meats before it was owned by the current owners. There is quite a bit of traffic. This seems like a good thing to have there for people to have a place to eat for those working at the Rockingham County school building and that area. I would be in favor of this.

Commissioner Whitten made a motion to recommend approval of the SUP.

Commissioner Byrd seconded the motion.

Commissioner Baugh said that the original Hanks BBQ was on Charles Street back when it was just a barbecue joint. There are a lot of people who work in that immediate area. There is nothing right there. There has never been anything right there. I always thought that when they first opened and were only making barbecue, he got a lot of business out of that area. If the tacos are good, they should do well. It will be good for that part of town.

Chair Finnegan said that it is good to see that street developing and having some community spaces like restaurants and stores there.

Chair Finnegan called for a roll call vote.

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|----------------------|-----|
| Councilmember Dent   | Aye |
| Commissioner Baugh   | Aye |
| Commissioner Hull    | Aye |
| Commissioner Whitten | Aye |
| Commissioner Byrd    | Aye |
| Chair Finnegan       | Aye |

The motion to recommend approval of the SUP passed (6-0). The recommendation will move forward to City Council on June 8, 2021.