



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission
Date: December 14, 2021 (Regular Meeting)
Re: Special Use Permit Per Section 10-3-85 (12) to allow a Vehicle Fuel Station in B-1

Summary:

Public hearing to consider a request from 7-Eleven, Inc. for a special use permit per Section 10-3-85 of the Zoning Ordinance to allow for a vehicle fuel station within the B-1, Central Business District. The +/- 1.2-acre property is addressed as 380 North Mason Street and is identified as tax map parcel 34-J-3. (Note that this special use permit is requested simultaneously with a Zoning Ordinance amendment requesting to create the ability for B-1 property owners meeting certain parameters to apply for a special use permit per Section 10-3-85 of the Zoning Ordinance to allow for vehicle fuel stations. That request is discussed in a separate staff report. If City Council does not approve the associated Zoning Ordinance amendment, then this request will not be presented to City Council as the special use would not exist.)

Staff and Planning Commission (6-0) recommended denial of the special use permit request.

Background:

The Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

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

Site: Convenience store, zoned B-1

North: Across East Gay Street, retail shopping center, zoned B-1

East: Across Community Street, single-family detached dwellings, zoned R-2

South: Retail automotive store and Fire Department, zoned B-1

West: Across North Mason Street, Colonnade mixed use building, zoned B-1

Key Issues:

The site is a +/-1.2-acre corner and through lot with frontage along North Mason Street, East Gay Street, and Community Street. Currently, a 7-Eleven convenience store, a use permitted by-right in the B-1 district, operates on the site. If the SUP request is approved, the applicant intends to redevelop the site with a new, modernized, +/- 4,650 square feet, 7-Eleven convenience store and vehicle fuel station. (The existing convenience store is +/- 2,556 square feet.) The site previously contained a fueling station; however, the pumps and associated tanks were removed in October 2014 and the site's nonconforming status was lost two years later.

As part of their request, the applicant has placed several self-imposed conditions on the site if the SUP is approved. The conditions, written verbatim, are as follows:

1. Upon request by the City, the Owner shall dedicate to the City right-of-way along the western parcel boundary, approximately 10.5' from the property boundary line (approximately 17.5' from the back of the curb along North Mason Street), for the shared use path ("North End Greenway").
2. Only one entrance shall be permitted from North Mason Street to serve the convenience store with vehicle fuel station.
3. Only one entrance shall be permitted from East Gay Street to serve the convenience store with vehicle fuel station. This entrance shall be located to align with the existing driveway serving the shopping center across the street (as recommended by the Traffic Impact Analysis report).
4. No parking shall be permitted on the Property along its boundary with East Gay Street.
5. All fuel pumps shall be located on the west side of the principal structure between the building and North Mason Street.
6. As long as the area between the primary structure and Community Street is undeveloped, no additional trees, shrubs, or fencing may be planted or installed in the area east of the convenience store between the store and Community Street. The foregoing shall not prevent the Property from being redeveloped or prevent additional development on the Property in the area between the current store and Community Street.

These conditions would provide for the necessary right-of-way for the future construction of the North End Greenway shared use path; prevent multiple entrances along North Mason Street into the site; remove the existing entrance along East Gay Street and align the single new entrance with the Rose's Shopping Center entrance, which will provide better movement of vehicles in and out of the site; not allow parking within the development along the East Gay Street boundary; and require the rear area between the principal structure and Community Street to remain open, void of trees, fences, etc., unless developed or redeveloped with a permitted use (the intent of this condition is to provide better sight observance from the public street into the rear of the property). The last condition was brought about

after a Crime Prevention Through Environmental Design (CPTED) review by the Harrisonburg Police Department.

The applicant has also submitted a conceptual site layout. It should be understood that this layout is for conceptual purposes only. If the SUP is approved, the development of the site would not be bound to the exact layout provided. The layout does, however, demonstrate the self-imposed restrictions described above. As is the case with all sites, the project must comply with all zoning and land development regulations and any conditions placed on the SUP that might be approved by City Council.

To the east of the subject site, across Community Street, are single-family detached dwellings, zoned R-2. Staff is concerned that the redevelopment of the site with a vehicle fuel station will add vehicular traffic, noise, lighting, and smells related to fumes from the gas pumps, which could negatively impact the health, safety, and comfort of persons living in the area. In other locations in the City, where properties adjacent to residential uses have rezoned to B-2, staff has suggested that those applicants consider proffering out vehicle fuel stations as a by-right use because of these concerns.

The subject site is located in the northeast quadrant of the B-1, Central Business District, with commercial/retail, business/professional offices, governmental, residential, and public safety uses located to the north, south, and west of the property. The applicant describes in their letter that the “[p]roperty is located in north downtown which has a more suburban character than the core downtown and government center;” however, the City’s Comprehensive Plan’s Land Use Guide indicates this area as planned for Mixed Use. This area could redevelop to have a character similar to the core of downtown south of Elizabeth Street where more walking, biking, and public transit use is encouraged and not necessarily motor vehicles. As noted in the applicant’s self-imposed conditions, the North End Greenway shared use path is planned for the area, which will encourage more people to walk and bike in this area. However, by reestablishing a fuel station at this location, staff believes we are moving in the wrong direction for this area of the downtown.

Staff recommended denial of the proposed ZO amendment to add vehicle fuel stations by SUP in the B-1 district. Along with that, staff does not believe it is in the best interest of the City to support this SUP request for a vehicle fuel station at this location and therefore recommends denial of the SUP request.

However, should the ZO amendment request be approved as was presented by the applicant, and should there be a desire to approve the SUP request herein, staff suggests that all the applicant’s self-imposed conditions become part of the SUP and be approved with the following additional conditions:

- There shall be no more than four (4) fuel dispensers;
- The footprint of the area encompassed by the canopy over the pumps may not exceed 75 percent of the size of the footprint of the principal structure.

Note that the conditions recommended above mimic the regulatory provisions that staff had recommended as a lesser option for those individuals to consider that might have desired to allow vehicle fuel stations by SUP as was discussed in the ZO amendment staff report.

Staff believes a redevelopment allowing a vehicle fuel station of any size on this site would have a negative effect on the adjacent neighborhood. This site is along the fringes of a residential neighborhood to the east and currently, there is a lot of pedestrian traffic from the neighborhood to the existing convenience store. If the proposed ZO amendment described in a separate staff report is approved as submitted by the applicant, then, unless conditioned otherwise, approval of this SUP request without

staff's suggested conditions grants the ability to have up to eight (8) fuel dispensers, equal to 16 fuel pumps, with a canopy footprint the same size as the principal structure that is built on the site.

As noted above, staff recommends denial of the request.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the special use permit request as submitted;
- (b) Approve the special use permit request with suggested conditions;
- (c) Approve the special use permit with other conditions(s); or
- (d) 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 – 380 North Mason Street (To Allow Vehicle Fuel Stations in B-1)

Public hearing to consider a request from 7-Eleven, Inc. for a special use permit per Section 10-3-85 of the Zoning Ordinance to allow for a vehicle fuel station within the B-1 Central Business District. Note that this special use permit is requested simultaneously with a Zoning Ordinance amendment request that, if approved, would create the ability for property owners within the B-1, Central Business District to apply for a special use permit per Section 10-3-85 of the Zoning Ordinance to allow for vehicle fuel stations. The +/- 1.2-acre property is addressed as 380 North Mason Street and is identified as tax map parcel 34-J-3.

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 (d) denial of the special use permit.

Attachments:

- 1. Extract from Planning Commission
- 2. Site maps
- 3. Application, applicant letter, and supporting documents
- 4. CC Proposed site development layout*
- 5. PC Proposed site development layout

*Since the Planning Commission public hearing in February 2020, the applicant has made some changes to the proposed site development layout. Fencing has been added along the rear and southern side of the property and the new layout indicates there are only six fuel dispensers proposed, whereas previously it was eight fuel dispensers. Both, the old (PC) and new (CC) proposed site development layouts are provided.

Review:

Planning Commission recommended (6-0, Whitten absent) denial of the special use permit request.