



## CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801  
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To: Planning Commission  
From: Department of Community Development  
Date: May 12, 2021 (Regular Meeting)  
Re: Special Use Permit – 256 Charles Street (Restaurant in M-1)

### **Summary:**

Public hearing to consider a request from Salatin and Cloud LC for a special use permit per Section 10-3-97 (1) of the Zoning Ordinance to allow for a restaurant within the M-1, General Industrial District. The +/- 1.48-acre property is addressed as 256 Charles Street and is identified as tax map parcel 45-A-3.

### **Background:**

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

### **Key Issues:**

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.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the special use permit as requested;
- (b) Approve the special use permit with staff's suggested conditions;
- (c) Approve the special use permit with other conditions;
- (d) Deny the special use permit request.

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing. The advertisement was published as shown below:

***Special Use Permit – 256 Charles Street (To Allow Restaurants in the M-1 District)***

Public hearing to consider a request from Salatin and Cloud LC for a special use permit per Section 10-3-97 (1) of the Zoning Ordinance to allow for a restaurant within the M-1, General Industrial District. The +/- 1.48-acre property is addressed as 256 Charles Street and is identified as tax map parcel 45-A-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 (b) approve the special use permit with staff's suggested conditions.

**Attachments:**

1. Site maps
2. Application, applicant letter, and supporting documents

**Review:**

N/A