



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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April 1, 2024

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

SUBJECT: *Consider a request from Christian Genaro Rios Ochoa and Yazmin Sanchez Lopez for a special use permit to allow a convenience store at 206 and 210 Charles Street*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: March 13, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said in July 2014, City Council approved a special use permit (SUP) to operate a church in the M-1 district at 206 Charles Street (tax map parcel 41-B-2). The SUP for religious uses had a single condition that included for any off-street parking (existing or in the future) on the subject property shall comply with Section 10-3-25 (5) of the Zoning Ordinance. While staff were reviewing that site for the religious use SUP request, staff became aware that a convenience store was operating at 210 Charles Street without an approved special use permit. In August 2015, City Council approved a SUP to allow the operation of convenience stores at 210 Charles Street (tax map parcel 41-B-1). The SUP included no conditions. The two SUPs were each associated with individual parcels and not the entire three parcel site.

The applicant is requesting a special use permit (SUP) per Section 10-3-97 (2) of the Zoning Ordinance to allow for a convenience store in the M-1, General Industrial District. The +/- 24,525-square foot property is addressed as 206 and 210 Charles Street and is identified as tax map parcels 41-B-0, 1, and 2. The applicant currently operates El Chaparro convenience store located at 210 Charles Street (tax map parcel 41-B-1), which is a portion of the three parcel site that they own. The applicant would like to relocate the existing convenience store to the adjacent parcel currently addressed as 206 Charles Street (tax map parcel 41-B-2), where the religious use previously existed. If approved, along with relocating the existing business, they would demolish the existing 210 Charles Street building to provide parking for the new location. The proposed use would require 28 parking spaces.

The submitted conceptual plan illustrates the planned new parking lot, which also includes removing the existing parking stalls in front of 206 Charles Street that requires the driver of parked vehicles back into the public street to maneuver out of the parking space. The submitted plan is not conditioned as part of the application and is only a representation of how they might

accommodate parking for the use. At this time, the applicant is not planning to vacate the internal property lines as they want to keep the three individual parcels.

Land Use

The Comprehensive Plan designates this site as Industrial and states:

These areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. They include the major existing and future employment areas of the City.

While the subject properties are designated Industrial by the Comprehensive Plan, the majority of the properties that have public street frontage along Charles Street, including the abutting property to the east and properties across the street, are designated Commercial. Given the plans for more Commercial uses along Charles Street and the relatively small size of the subject properties, staff does not have concerns with the deviation from the Land Use Guide for this specific scenario.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the SUP request. The applicant has been made aware that when there are deliveries to the site, delivery vehicles would not be permitted to use the public street right-of-way to maneuver on and off the site.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development. The property is currently serviced by a septic system. For the new use to receive a Certificate of Occupancy, the applicant will be required to provide a new connection to public water and sewer with the Department of Public Utilities.

Recommendation

The uses along Charles Street are a mix of retail, non-conforming dwellings, warehousing, automotive repair, and moderate to minor industrial uses. Staff believes a convenience store at this location would be compatible with the existing uses along Charles Street. Staff recommends approving the request.

Chair Finnegan asked if there were any questions for staff.

Chair Finnegan continued so, we are getting rid of those parking spots in front facing Charles [Street] so that there are not cars backing in and out?

Ms. Rupkey said that is their plan, correct. It is not a condition of it, but it is there.

Chair Finnegan said it is not a condition to remove those parking spots from the front?

Ms. Rupkey said correct.

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.

Ms. Dang said if I understood the question you were asking about the parking in the front, I believe we did not suggest a condition for it is because it is a redevelopment of the property and that would prohibit the ability to back out into the public street. When staff reviews the Engineered Comprehensive Site Plan, it would be prohibited at that time.

Chair Finnegan said it is just the landscaping is not proffered but those current spaces backing out would be [inaudible].

Ms. Dang said that is correct.

Gil Colman, owner of Colman Engineering and applicant's representative, came forward to speak to the request. He said thank you for hearing this. This is one of the items that came in when I was on Planning Commission. I mention that at that point we are looking at neighborhood stores so that neighbors can serve their adjacent neighbors. This store is very much that. It is a small, little, mini market that serves all of the community around there and it does the job. The church that was meeting in that building next door, I think one of the reasons why they moved, and I asked that question to the property owner, was there was not enough parking. The neighbors are not very happy with people parking somewhere else. The parking, as you know, is not sufficient and it does not meet current parking requirements. Initially we were looking at maybe demolishing the church building and then, for different reasons, we decided to demolish the current building to move this towards the church building. Which, we have planned when the church building was going to be demolished to have two entrances, one coming in and one going out. That was okay, but that was not ideal. Changing that to just the one side, to the church side, makes it a lot more straightforward. It is just one entrance in and out. Even though we do not have to go through a full [Engineered] Comprehensive Site Plan process, we are working Public Works and they already have established that they will not allow any parking backing into the street. That is certainly something that we are trying to eliminate right now. It is unsafe to begin with and this will provide a lot more safety for the property. Another point I wanted to make is that staff mentioned the one parcel has a special use permit but not the other two and it was limited to that one parcel. Now we are asking for the three parcels to have the special use permit designation so that the whole site meets staff requirements. With that, do you have any questions for me?

Chair Finnegan said what is the required number of parking spots based on square footage of the new store?

Mr. Colman said we need 28 parking spaces, we are providing 30. That is just to give some flexibility there because they wanted to make sure it has sufficient parking and we did not want to go all the way to the back. At least meeting the requirement gives a little bit of flexibility.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan continued we were just talking on the site tour yesterday about neighborhood grocery stores, they have sort of gone extinct. I think in a lot of ways these smaller grocery stores that we are seeing pop up are kind of taking the place of that because Jefferson Street is all walkable from there. I would definitely be in favor of that.

Vice Chair Byrd said I see no issue with adding a special use permit to this tract of land. It unifies the whole site, makes it easier to make the adjustments necessary for construction of what the property owner wants to do instead of keeping it restricted and leaving the building set to hope for something else to fill in. I would be in favor of it. I would like to make a motion to approve the special use permit as submitted by the applicant.

Commissioner Baugh seconded the motion.

Mr. Fletcher said if the Commission feels that they would like to add the condition about the backing out parking, I believe Mr. Colman is correct that they may not actually hit that threshold for an Engineered Comprehensive Site Plan. I know that they are trying to remove those parking spaces. I know that there is this unsafe situation but if you wanted to add that as a condition, I think you would probably be within your right to basically say that those parking spaces must be removed so that vehicles cannot maneuver in that space and basically eliminate that parking. If you are also interested in it to be appropriately landscaped, I think it is sufficient if you want to do that. A motion has already been made so it is entirely up to you.

Vice Chair Byrd said in discussing, I will just let the minutes reflect that landscaping would be nice, having those spots removed would be nice. I will leave that up to City Council to decide on how they feel about that. I see no reason to add those things at this time.

Commissioner Baugh said I can be talked into it but as the person that seconded the motion [inaudible]

Chair Finnegan said it seems like the plans are to remove those spaces. It is not proffered; it is not a condition. I would be happy to support the motion that was made.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit request passed (4-0). The recommendation will move forward to City Council on April 9, 2024.