



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission  
From: Department of Community Development  
Date: June 14, 2023(Regular Meeting)  
Re: Special Use Permit – 837, 841, 871, 887, 889, 891 Chicago Avenue (To Allow Restaurants in M-1)

### **Summary:**

Project Name	N/A
Address/Location	837, 841, 871, 887, 889, 891 Chicago Avenue
Tax Map Parcels	39-F-2 & 3
Total Land Area	+/- 12,274 square feet
Property Owner	Lock-Minn Holdings LLC
Owner's Representative	Russel Lockey
Present Zoning	M-1, General Industrial District
Special Use Permit Request	10-3-97(1) of the Zoning Ordinance to Allow Restaurants
Staff Recommendation	Denial
Planning Commission	June 14, 2023 (Public Hearing)
City Council	Anticipated July 11, 2023 (Public Hearing)

### **Background:**

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

**Site:** Two automobile repair service operations, a tire shop, and storage space, zoned M-1

**North:** Across Rockingham Drive, vacant land and industrial uses, zoned M-1

**East:** Across Chicago Avenue, single family residential dwellings, zoned R-1

**South:** Retail uses and vacant land, zoned B-2C

**West:** Heating and cooling services and industrial uses, zoned M-1

The Departments of Community Development and Police have been working with the property owner to rectify violations associated with 837, 841, 871, 887, 889, and 891 Chicago Avenue. The applicant has been working with staff and his tenants to remove inoperable vehicles from the undeveloped sections of the Rockingham Drive public street right-of-way and to ensure the individuals working at the automotive repair business do not store or repair vehicles outdoors without proper screening.

**Key Issues:**

The applicant is requesting a special use permit (SUP) per Section 10-3-97(1) of the Zoning Ordinance (ZO) to allow restaurants in the M-1, General Industrial District on a +/- 12,274 square foot property that consists of two parcels addressed as 837, 841, 871, 887, 889, and 891 Chicago Avenue and identified as tax map parcels 39-F-2 & 3. Rather than seeking the SUP to allow brick-and-mortar restaurants, the applicant specifically seeks the SUP to allow for up to two food trucks on the two parcels. The food truck currently located in this general area (where its location has been either on the corner parcel or the adjacent B-2C-zoned parcel identified as 39-F-6) has been operating illegally. This is because restaurants, including food trucks, are only permitted to operate within the M-1, General Industrial District with an approved SUP. Food trucks are permitted by right within the B-1, Central Business District and the B-2, General Business District, where restaurants are permitted by right. (Note: Existing proffers on the adjacent B-2C-zoned property, among other things, prohibit food trucks on that parcel.)

*Land Use*

The Comprehensive Plan designates the property as Mixed Use and states that:

“The Mixed Use category 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.”

An overarching goal of the Mixed Use designation is to combine commercial and residential uses in the same area. Taking this into consideration, in general, staff does not have concerns regarding the idea of allowing food trucks to appropriately locate and operate along the Chicago Avenue corridor. However, the small size of the subject properties combined with the number of existing uses, which are served by inadequate off-street parking (both in the number of spaces provided and with on and off-site maneuverability), and how those uses operate already causes concerns.

The current uses on the subject properties include two automobile repair facilities with bays on both levels of the property addressed at 891, 837, 889, and 887 Chicago Avenue. Then, on the property addressed at 841 Chicago Avenue, there is a tire shop with a service bay and storage space that is being used for a food truck that is illegally operating on the adjacent, B-2C-zoned property. To be in conformance with the ZO with regard to off-street parking, with the uses currently operating, eight off-street parking spaces would need to be delineated. Staff has concerns about how the current operations function with the amount of off-street parking that is currently provided. If one or two food trucks operated on the properties, it would add another element of concern.

Know that as of May 31, 2023, when staff visited the site, the off-street parking spaces delineated on the property did not meet the minimum parking space dimensional requirements of Section 10-3-25 (1) of the ZO and while some parking spaces might be widened or lengthened, staff is concerned that it would not leave enough space for the travel ways within the parking lot. It appears that the parking spaces on this site were delineated sometime between 2015 and 2017. While the property might be nonconforming to off-street parking regulations, because they are proposing to add a new use, the applicant has been advised that if they receive approval to allow one or two food trucks on the property, they must ensure that minimum off-street parking is met for all uses.

#### *Transportation and Traffic*

When reviewing the site, staff noticed that one of their delineated off-street parking spaces is located within the southernmost entrance along Chicago Avenue. Staff informed the applicant they would need to add a parking block or post and chain to better control how traffic maneuvers on and off the site from Chicago Avenue.

#### *Public Water and Sanitary Sewer*

Generally, staff does not have concerns with water and sanitary sewer service if food trucks operate from the site. The water may be obtained by an approved water connection to the property owner's metered public water service. The sanitary sewer shall be disposed of through an on-site dumping station as defined by the Virginia Department of Health and approved by the City or hauled to the Harrisonburg Rockingham Regional Sewer Authority.

#### *Recommendation*

As noted above, given the small size of the subject properties combined with the number of existing uses, which are served by inadequate off-street parking (both in the number and size of spaces provided as well as the on and off-site maneuverability), staff has reservations about approving a SUP to allow for food trucks. Staff recommends denying the SUP request.

If there is a desire to recommend approval of the SUP request, staff recommends imposing the following conditions:

1. If the existing parking lot layout is maintained, the property owner shall install a parking block, post and chain, or other feature acceptable to the City between the parking stall and the entrance along Chicago Avenue within 6 months of approval.
2. Brick-and-mortar restaurants are prohibited.
3. Only one food truck is permitted among tax map parcels 39-F-2 and 3.

With regard to condition #3, the applicant has requested approval for two food trucks. If individuals want to allow food trucks, staff is recommending allowing only one food truck. In other words, if a food truck locates on tax map parcel 39-F-2, then a food truck cannot locate on tax map parcel 39-F-3.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the special use permit request as submitted by the applicant;
- (b) Recommend approval of the special use permit request with suggested conditions;
- (c) Recommend approval of the special use permit with other conditions(s); or
- (d) Recommend denial.

**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 – 837, 841, 871, 887, 889, 891 Chicago Avenue (To Allow Restaurants in M-1)***

Public hearing to consider a request from Lock-Minn Holdings, LLC for a special use permit per Section 10-3-97(1) of the Zoning Ordinance to allow restaurants in the M-1, General Industrial District. The +/- 12,274 square foot property consists of two parcels addressed as 837, 841, 871, 887, 889, and 891 Chicago Avenue and identified as tax map parcels 39-F-2 & 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) for denial.

**Attachments:**

- 1. Site maps
- 2. Application and supporting documents

**Review:**

N/A