



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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[www.harrisonburgva.gov/community-development](http://www.harrisonburgva.gov/community-development)

Building Inspections  
Engineering  
Planning & Zoning

To: Kurt Hodgen City Manager  
From: Adam Fletcher, Department of Planning & Community Development and  
Planning Commission  
Date: July 11, 2017  
Re: Special Use Permit – 924 South High Street (Section 10-3-91 (1), Restaurants)

### **Summary:**

Public hearing to consider a request from Hillside Land LLC with representative Genaro Salgado for a special use permit per Section 10-3-97 (1) of the Zoning Ordinance to allow a restaurant within the M-1, General Industrial District. The 10,233 +/- square feet property is located at 924 South High Street and is identified as tax map parcel 19-D-7.

### **Background:**

The Comprehensive Plan designates this area as Commercial. Commercial uses include retail, office, wholesale, or service functions. Restaurant and lodging uses are also included. These areas are generally found along the City's major travel corridors.

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

- Site:** Cell phone repair store and towing business, zoned M-1  
**North:** Across South High Street, truck and equipment sales and rental, zoned B-2  
**East:** Towing business and vehicle storage, zoned M-1  
**South:** Towing business and vehicle storage, zoned M-1  
**West:** Welding and construction supply store, zoned M-1

### **Key Issues:**

The applicant is requesting a special use permit (SUP) per Section 10-3-91 (1) of the Zoning Ordinance to allow for a restaurant within the M-1, General Industrial District. The applicant owns the food truck currently illegally operating on the property and would like to continue operating at the site. There is a building on the property that is partially occupied by a cell phone repair store and partially used by the applicant for storage. The land behind the building is leased to a towing company. The property is located at 924 South High Street.

Food trucks are permitted to locate within the B-1, Central Business District and B-2, General Business District, where restaurants are permitted by right. Restaurants, including food trucks, are permitted to operate within the M-1, General Industrial District, with an approved SUP. Additionally, businesses must obtain a business license from the Commissioner of Revenue's Office, and owners must identify their place of business. Due to the mobile nature of food trucks, operators of food trucks who do not have an accompanying permanent, brick and mortar location for their business will utilize their residential home address as their place of business. Using a residential home address requires that they receive a home occupation permit from the Department of Planning and Community Development.

Staff became aware of the applicant's food truck operation on the M-1 property when a representative for the business came to the Department's office to apply for a home occupation permit.

The applicant has been running the food truck at the site since March 2013. If the SUP request is approved, the applicant plans to continue operating along the east side of the building with two picnic tables with umbrellas and three picnic tables underneath the food truck awning. The tables must be located on the parcel with the SUP. The carport previously located adjacent to the food truck that was used as a seating area has been removed, and the applicant is aware that if a carport, canopy, or other roofed structure is added, other than an awning attached to the food truck or umbrellas at tables, then it must meet zoning and building code requirements.

Currently, the Zoning Ordinance does not require parking spaces for food trucks; however, three parking spaces must be left available for the cell phone repair store, which occupies less than 500 square feet of the building. (Note: Staff's draft regulations for mobile vending units, which include food truck operations, will likely include minimum off-street parking regulations when permanent seating is offered by the vendor. The draft regulations will be brought to Planning Commission in the coming months for comment and review.)

If the SUP is approved, the applicant will need to work with the Building Inspections Division to meet any required building code regulations regarding electric and plumbing connections. The applicant is also aware that freestanding and wall signage pertaining to the food truck at the site is not permitted, unless solely attached to the food truck. The food truck must be maintained as a registered motor vehicle at all times.

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:

- One parking space is required for the food truck and one parking space is required for every four seats provided by the food truck. (As of June 8, 2017, there are 26 seats, so seven parking spaces would be required, along with the parking space for the food truck for a total of eight parking spaces.) The applicant is aware if the SUP is approved with this condition, parking spaces must be provided within 30 days of City Council approval.
- The SUP is limited only to the food truck proposed.

**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 and twice advertising for City Council's public hearing of the special use permit. The advertisement was published as shown below:

*Special Use Permit – 924 South High Street (Section 10-3-97 (1), To Allow Restaurants in the M-1, General Industrial District)*

Public hearing to consider a request from Hillside Land LLC with representative Genaro Salgado for a special use permit per Section 10-3-97 (1) of the Zoning Ordinance to allow a restaurant within the M-1, General Industrial District. The 10,233 +/- square feet property is located at 924 South High Street and is identified as tax map parcel 19-D-7.

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) to approve the special use permit request with staff's suggested conditions, which include:

- One parking space is required for the food truck and one parking space is required for every four seats provided by the food truck. (As of June 8, 2017, there are 26 seats, so seven parking spaces would be required, along with the parking space for the food truck for a total of eight parking spaces.) The applicant is aware if the SUP is approved with this condition, parking spaces must be provided within 30 days of City Council approval.
- The SUP is limited only to the food truck proposed.

### **Attachments:**

1. Extract (5 pages)
2. Site maps (2 pages)
3. Application and supporting documents (5 pages)
4. Proposed site development layout (1 pages)

### **Review:**

Planning Commission recommended alternative (b) to approve the special use permit request (6-0) with staff's suggested conditions, which include:

- One parking space is required for the food truck and one parking space is required for every four seats provided by the food truck. (As of June 8, 2017, there are 26 seats, so seven parking spaces would be required, along with the parking space for the food truck for a total of eight parking spaces.) The applicant is aware if the SUP is approved with this condition, parking spaces must be provided within 30 days of City Council approval.
- The SUP is limited only to the food truck proposed.