



**CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT**

Special Use Permit Application
www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

380 North Mason Street
Property Address

034-J-3
Tax Map

1.19
Total Land Area

acres or sq.ft.
(circle)

Existing Zoning Classification: B-1 Central Business District

Special Use being requested: Vehicle fuel station with restrictions as set out in the Zoning Ordinance

Amendment being requested to Section 10-3-85 (Uses permitted by special use permit)

PROPERTY OWNER INFORMATION

7-Eleven, Inc. c/o Creighton Construction & Management
Property Owner Name

900 SW Pine Island Road, Suite 202
Street Address

Cape Coral FL 33991
City State Zip

239-284-8357
Telephone

ccarpenter@creightondev.com
E-Mail

OWNER'S REPRESENTATIVE INFORMATION

Lori H. Schweller, Esq., Williams Mullen
Owner's Representative

321 East Main Street, Suite 400
Street Address

Charlottesville VA 22902
City State Zip

434-951-5728
Telephone

LSchweller@williamsmullen.com
E-Mail

CERTIFICATION

I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.

Lori H. Schweller

2-4-2020

DATE

PROPERTY OWNER

REQUIRED ATTACHMENTS

- Site or Property Map
- Letter explaining proposed use & reasons for seeking a Special Use Permit.
- Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit www.harrisonburgva.gov/traffic-impact-analysis. This requirement is waived for the following SUPs: major family day homes, reducing required parking areas, reduction in required side yard setback, wireless telecommunication facilities, wall and fences, and short-term rentals. To prevent delays in reviewing your application, please consult with Planning staff to confirm your application does not require a TIA Determination Form or TIA Acceptance Letter.

Note: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

Date Application and Fee Received

Total Fees Due: \$
Application Fee: \$425.00 + \$30.00 per acre

Received By

WILLIAMS MULLEN

Direct Dial: 434.951.5728
LSchweller@williamsmullen.com

February 4, 2020

Harrisonburg City Council
City Hall
409 South Main Street
Harrisonburg, Virginia 22801

Re: Conditions for Special Use Permit for Vehicle Fuel Station; 7-Eleven, Inc. ("Owner")

Dear City Council:

7-Eleven, Inc. has requested approval of a Special Use Permit for a vehicle fuel station at 380 North Mason Street, Tax Map parcel 034-J-3 (the "Property"). We submit the following proposed conditions in association with the Special Use Permit request.

Proposed Special Use Permit Conditions:

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.

Respectfully submitted,

Lori H. Schweller

Lori H. Schweller

cc: Charley Carpenter, Creighton Construction & Management
Jeremy Lee, Kimley Horn

WILLIAMS MULLEN

Direct Dial: 434.951.5728
LSchweller@williamsmullen.com

February 4, 2020

Harrisonburg City Council
City Hall
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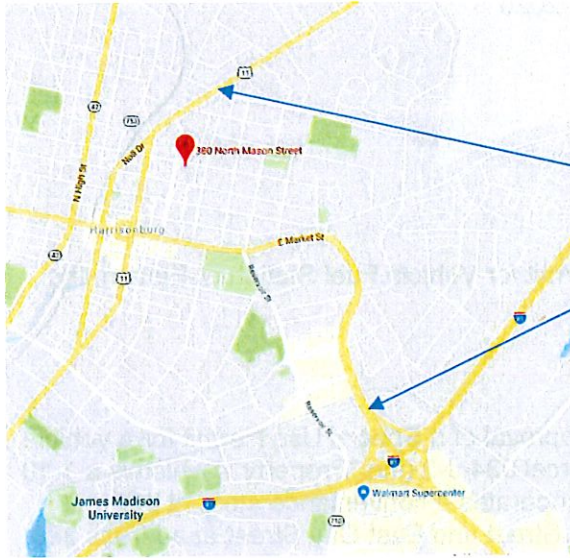
Re: Justification for Application for Special Use Permit for Vehicle Fuel Station; 7-Eleven, Inc., a Texas corporation (the "Applicant")

Dear City Council:

On behalf of 7-Eleven, Inc., I respectfully request approval of a Special Use Permit for a vehicle fuel station at 380 North Mason Street, Tax Map parcel 034-J-3 (the "Property"), which is a 1.19 acre parcel owned by the Applicant. The Applicant operates a convenience store at the southeast corner of the intersection of North Mason Street and East Gay Street at address 380 North Mason Street. The Applicant intends to redevelop the site to rebuild and modernize the convenience store and desires to provide an associated vehicle fuel station. Enclosed is a conceptual plan, dated January 31, 2020, prepared by Kimley-Horn (the "Concept Plan"), showing the proposed layout of the new 4,050 square foot convenience store with proposed vehicle fuel station on the western portion of the parcel. The new store would replace an existing 2,556 square foot store, which has no outdoor amenities.



Concurrent with this application, the Applicant is requesting an amendment of the Zoning Ordinance text for the B-1 Central Business District to permit vehicle fueling stations by special use permit. If the Zoning Ordinance amendment is approved, the Applicant requests a Special Use Permit pursuant to the amended Zoning Ordinance.



The Property is easily accessible from U.S. 11 and from I-81 via East Market Street, while being located central to business, governmental uses, and residential neighborhoods.

The Property is located on the eastern edge of the B-1 zoning district, shown in red on the zoning map to the right. The parcel is a neighbor to commercial uses to the north (Roses shopping center) and south (AutoZone) and several institutional uses to the west, such as the Rockingham County Administration Building, U.S. Social Security Administration, and U.S. Postal Service, as well as Fire Station No. 4 to the south. All parcels to the north, west, and south are zoned B-1, and properties to the east are zoned R-2 Residential. The Applicant will maintain an undeveloped buffer zone between the new store and the R-2 parcels to the east. M-1 Industrial zoning is located nearby to the north and southeast.



Legend	
■ B-1	■ R-4
■ B-1C	■ R-5
■ B-2	■ R-5C
■ B-2 INSTITUTIONAL OVERLAY	■ R-6
■ B-2C	■ R-7
■ B-2C INSTITUTIONAL OVERLAY	■ U-R
■ M-1	■ U-R R-P OVERLAY
■ M-1 TECHNOLOGY	
■ M-1C	
■ R-1	
■ R-2	
■ R-2 INSTITUTIONAL OVERLAY	
■ R-2C	
■ R-3	
■ R-3 INSTITUTIONAL OVERLAY	
■ R-3C	

The B-1 Central Business District is “the urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access.” B-1 zoning calls for no front or side setbacks, which the Applicant

desires to respect on the north side of the building, as encouraged by staff. Retail and convenience stores are permitted by right, but fuel stations are not permitted. The Applicant believes that fuel stations are needed in the downtown areas, and, in appropriate locations, a fuel station could be permitted through the special use permit process.

Vehicle fueling stations may be less desirable in the core downtown area where pedestrian traffic is more intense within the city government center, and smaller parcels provide less room for traffic circulation and parking. The Property is located in north downtown, which has a more suburban character than the core downtown and government center. North downtown features many larger parcels with large parking lots, numerous destination government buildings, commercial uses, and nearby industrial uses. These uses attract citizens who drive in from around the City and Rockingham County and make this area more suited to fueling stations than the downtown core. Therefore, the request for the additional use is by special use permit so that the special use permit factors may be considered, site by site. Since this particular site is already occupied by a 7-Eleven convenience store, the addition of the fueling station on the North Mason Street side of the parcel would provide a useful and convenient opportunity to residents, citizens traveling through town and those entering and exiting town via the nearby highways. The site included a fuel station along with the convenience store until the fuel tanks were removed in late 2014.

A special use permit can impose conditions on approval to ensure the use will be compatible with neighboring uses and will not negatively impact surrounding properties. For example, conditions limiting and regulating the location of vehicular access to the site and conditions relating to decorative street-side architectural elements, screening and landscaping can provide a pleasant pedestrian experience and ensure compatibility with neighboring residences. The Property currently has three entrances. The Applicant has committed to moving the entrance from North Mason further south to avoid interference with the intersection with Gay Street and moving the East Gay Street entrance to align with the entrance into the Roses shopping center parking lot, while eliminating the second entrance off Gay. Further, if the zoning actions are approved, the Applicant will dedicate to the City 10.5' of right-of-way along the western boundary line, which will give the City 17.5' from the back of the curb along North Mason Street for a shared use path ("North End Greenway") proposed along Mason Street. The Applicant has also agreed to grant to the City a sight distance easement at the intersection if the requested zoning actions are approved. The Applicant has submitted a letter detailing the conditions it offers in conjunction with the requested Special Use Permit approval.

Through conditions to the special use permit, perceived potential impacts to the pedestrian experience and urban streetscape along North Mason and East Gay also can be avoided with corridor enhancements. The side of the building will be brought up to the sidewalk on the East Gay side to provide a more urban streetscape. The Applicant is not able to move the store up to the street on the North Mason side because of the need to have a clear viewshed through the fueling area for safety reasons. However, as shown on the enclosed architectural renderings by Lamar Johnson Collaborative ("Renderings"), the Applicant proposes architectural elements along North Mason and East Gay, which will create a better pedestrian experience and introduce a more urban design to the area. Among the many benefits this project will bring to the area, the Applicant is offering new sidewalks and landscaping along North Mason, East Gay

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and Community Streets, decorative architectural elements, and future dedications to the City of a right-of-way along North Mason and a new sight distance easement.

The redevelopment is not expected to have any negative impact on the residential neighborhood to the east. Because of the rise in elevation at Community Street, existing mature tree cover, and the wide green buffer, the view of the existing convenience store is largely obscured from view from the backyards of the residences (which face Broad Street) on Community Street. The Police Department has recommended removal of trees to improve visibility from the rights-of-way and to discourage activity behind the store building. Below are views looking west toward the site from Community Street, starting from the north corner with Gay Street and moving south:





View from Fire Station No. 4 Parking Lot near the southeast corner of the Property:



Compliance with the Zoning Ordinance

The following analysis provides information explaining how the Applicant is complying with Article V ("Special Use Permits") of the Zoning Ordinance. The Applicant's responses to the Zoning Ordinance requirements is bold and in italics.

Sec. 10-3-125. - Review standards; special use permits.

- (a) A special use permit shall only be approved if the proposed use is permitted as a special use in the applicable zoning district.

The Applicant is requesting a Zoning Ordinance Amendment to make vehicle fuel station a permitted use by special use permit within the B-1 district.

- (b) All applications for special use permit shall be reviewed using the following criteria:

(1) The proposed use shall be consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

Uses permitted by right in the B-1 district include retail stores, convenience stores, restaurants, food and drug stores; government, business, and professional offices and financial institutions; hotels and motels, theaters and museums; churches and schools; general service or repair shops such as cleaning and laundry establishments and appliance repairs; libraries, and television stations. Clearly, these are high-traffic uses that provide

goods and services to the community where residents and travelers need them. The 7-Eleven store is an example of such business. The current store dates to the early 1980s and will be redeveloped into a more modern, attractive, convenient business for the community. The addition of fuel will make the business far more useful to those who live and work in the community and to those visiting the government offices and businesses in the area.

The Applicant has discussed the project with representatives of the police department and will be working with the department to implement a variety of measures to make the site as safe as possible. For example, the police department has requested that rather than additional plantings in the eastern portion of the property between the store and Community Street, existing trees be removed to provide maximum visibility. The applicant will work with planning staff to select appropriate plantings for the eastern side of the Property that will maximize visibility from rights-of-way and discourage loitering. The applicant will work with the police department on camera placement and coverage and site lighting. Other design strategies are also being considered to make the site visible and secure and will be discussed with planning staff during the site planning phase.

(2) The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection, and public water and sewer facilities.

The Property is current served by essential public utilities, and the Applicant has obtained letters of availability from City of Harrisonburg Public Utilities for water and sewer, from Columbia Gas of Virginia for natural gas service, from Harrisonburg Electric Commission for electric service.

(3) The proposed use all be designated, sited, and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

The Property is surrounded by developed parcels, but the proposed use should not hinder or discourage development or redevelopment of these parcels. The residential parcels to the east will continue to be separated from the convenience store by an undeveloped grassy berm, and the fuel station will be west of the store on the Mason Street side. The commercial, governmental, and mixed-use parcels to the north, west, and south will benefit from the added convenience of having fuel at the 7-Eleven. The Applicant is proposing architectural elements, landscaping, and sidewalks along the streets that will enhance the experience of those driving and walking along North Mason, East Gay, and Community Streets. These layout, design, and landscape elements will help the site to blend in with both residential and commercial uses surrounding the parcel.

(Ord. of 4-23-96)

Sec. 10-3-126. - Special conditions.

(a) In granting any special use permit, the city council may impose such conditions as it believes necessary to accomplish the objectives of this chapter and to assure that the proposed use will conform with the requirements of this section and will continue to do so. Such standards may include, but need not be limited to:

(1)

- (1) Additional open space, landscaping or screening requirements.

The Concept Plan shows landscaping along North Mason Street and East Gay Street, as well as a grassy area remaining between the rear of the store and Community Street to the east. The Concept Plan and Renderings show proposed pergola and fencing to enhance the streetscape. The Applicant will work with planning staff and Council to provide the open space, landscaping, and screening requirements deemed appropriate for the site.

- (2) Additional yard requirements.

The current B-1 zoning calls for zero setbacks, and staff has indicated a desire to see the convenience store have a minimal side yard on East Gay Street. The Applicant redesigned its original conceptual plan to move the building to have no setback from East Gay. The desirability of the building sitting on the street is a primary reason the Applicant is not requesting a rezoning of the parcel to B-2, which permits fuel stations by right.

The Applicant is willing to commit to the broad undeveloped yard on the eastern side of the parcel, which provides a buffer between the store and the dwellings on Broad Street, which have rear yards on Community Street. Staff has indicated a desire for development in this area, and the proposed redevelopment should not prevent future development or redevelopment.

- (3) Special lighting requirements.

The Applicant will comply with the Zoning Ordinance regarding lighting and will work with the City with respect to reasonable and customary lighting conditions for the fuel station. Further, the Applicant will work with the City Police Department to plan the placement and type of lighting that will make the site secure and visible.

- (4) Time limitations on hours of operation.

The existing store operates twenty-four (24) hours per day, so the Applicant would continue the same hours of operation after redevelopment.

- (5) Additional off-street parking and loading requirements.

Based on an initial review of the Concept Plan by staff, the Applicant is willing to eliminate proposed parking spaces along the East Gay Street (northern) boundary and provide additional landscaping. If additional parking requirements were required, the Applicant would work with the City.

- (6) Additional utility, drainage and public facility requirements.

The Applicant will work with the City to provide any necessary additional utility, drainage, and public facility requirements during the site planning process.

- (7) Additional right-of-way and public access requirements.

The existing entrances to the site on East Gay and on North Mason will be shifted further from the intersection to meet requirements from Public Works. Based on

discussions with the City, the entrance along East Gay Street will align with the existing entrance to the shopping center to the north, and the second entrance will be removed. The North Mason Street entrance will be shifted as far from the intersection as is feasible. The existing curb cut not being used along East Gay will be removed, and sidewalk will be constructed along Community Street.

The Applicant has committed to dedicating to the City right of way 10.5' from the back of the curb along North Mason Street for the addition of the shared use path (North End Greenway) along North Mason Street should its zoning applications be approved. It will also grant to the City a site distance easement at the intersection of East Gay and Mason Street, if its applications are approved.

- (8) Additional requirements to ensure compatibility with the Comprehensive Plan.

The Property is shown as within an area designated for mixed use on the Future Land Use Map in the Comprehensive Plan. Current development in the area is a mix of commercial, residential, and governmental uses. The Applicant will work with the City to address goals and objectives of the Comprehensive Plan.

- (9) Conditions for renewal, extension, expiration, and/or revocation of special use permit.

Noted.

- (b) Unless otherwise specified by city council as a condition of approval, the height limits, yard requirements, lot area and other requirements shall be the same as for other uses in the district in which the proposed special use is to be located.

Noted. Maximum building heights in the B-1 district are seventy-five (75) feet, and there are no minimum setbacks.

- (c) The city council may specify time limits or expiration dates for a special use permit, including provisions for periodic review and renewal.

The proposed vehicle fuel station would be part of the by-right convenience store, so the Applicant requests that the Board impose no time limit or expiration date on the special use permit.

(Ord. of 4-23-96)

Sec. 10-3-127. - Application requirement for special use permit.

- (a) The procedures for application for a special use permit are the same as those prescribed for changes and amendments in article U, except that all applications shall be accompanied with a payment of four hundred twenty-five dollars (\$425.00) plus thirty dollars (\$30.00) per acre and shall include the following additional information:

- (1) A preliminary site plan if any changes to the existing site are proposed.

Please see the revised Concept Plan, attached. An application fee of \$485.00 has previously been submitted along with a check for \$467.50 for re-advertisement.

(2) A description of the proposed use including, where applicable, the hours of operation and the proposed number of employee/patrons.

The Applicant proposes adding the vehicle fuel station to the existing, by-right convenience store. Hours and number of employees (approximately eight) is not expected to change. Based on the trip generation information supplied in the Determination of Need for a Traffic Impact Analysis (TIA) prepared by Jeremy Yee, P.E. of Kimley-Horn, vehicular traffic is not expected to increase significantly. Foot traffic from nearby neighborhoods, businesses, governmental offices, and the transit station hub on East Gay Street may increase with the new, more attractive store and outdoor seating area.

(3) When requested by the planning commission or the city council, the following information shall be provided by the applicant:

- a. Elevations and floor plans of the proposed buildings.

Noted.

- b. A traffic impact analysis, showing the effect of traffic generated by this project on surrounding streets and neighborhoods.

The Applicant submitted a Traffic Impact Analysis (TIA) for the proposed development, and the Public Works Department issued an acceptance letter, dated October 25, 2019, finding that the TIA and proposed mitigations were acceptable.

(b) If the request for a special use permit has been denied by city council, a request in substantially the same form shall not be resubmitted with one year of the date of denial.

Noted.

(Ord. of 4-23-96; Ord. of 11-25-08(6); Ord. of 6-26-18(4))

Consistency with the City's Comprehensive Plan

Land Use and Development Quality Goals, Objective, and Strategies
Goal 4. To improve the quality of land use and development patterns.

Objective 4.1 To create positive images of the City through landscaping and design improvements at the City's gateways, along major travel corridors, in residential neighborhoods, and in commercial and industrial areas.

The Applicant's Concept Plan offers sidewalks, a decorative pergola, and landscaping along the major corridor, North Mason Street, and East Gay, a cross-street connecting to major highways. Sidewalks will be added along Community Street, a residential street.

Objective 4.3 To adapt to new trends and demands while ensuring the new development and redevelopment of residential, commercial, and industrial properties will be compatible with existing uses and with planned land uses of surrounding parcels.

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A fueling station is needed in downtown Harrisonburg, and the current proposal provides the needed use while offering a layout with public amenities, architectural elements and landscaping to beautify this busy corner for the surrounding governmental, commercial, and residential uses.

In conclusion, 7-Eleven is delighted to submit this redevelopment proposal to the City and strongly believes that it will benefit the north downtown area with a needed commercial enterprise while enhancing the appearance of the neighborhood with new streetscape elements that will greatly improve the experience of those driving and walking along these major corridors. Please see the associated letter specifying conditions the Applicant offers with respect to this request.

Respectfully submitted,

Lori H. Schweller

Lori H. Schweller

cc: Charley Carpenter, Creighton Construction & Management
Jeremy Lee, Kimley Horn



CITY OF HARRISONBURG
**PUBLIC
WORKS**

320 EAST MOSBY ROAD, HARRISONBURG, VA 22801
OFFICE (540) 434-5928 • FAX (540) 434-2695

October 25, 2019

Whitney Sokolowski, P.E.
Alex Shoemaker, P.E.
Kimley-Horn and Associates, Inc.

RE: 7-Eleven Harrisonburg Traffic Impact Analysis

Dear Ms. Sokolowski,

We have reviewed the revised Traffic Impact Analysis (TIA) submitted on October 22, 2019 for the proposed development of 7-Eleven on N Mason. The Public Works Department finds this TIA and proposed mitigations to be acceptable.

Thank you for your work on this TIA and promptness in providing revised submissions throughout the process.

Dastan Khaleel, P.E.
Traffic Engineer

