



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

July 8, 2015

SPECIAL USE PERMIT –

GENERAL INFORMATION

- Applicant:** Rawley Enterprises, LC with representative Dennis Rawley.
- Tax Map:** 41-B-1
- Acreage:** 8,750 +/- sq. ft.
- Location:** 210 Charles Street
- Request:** Public hearing to consider a request for a special use permit per Section 10-3-97 (2) of the Zoning Ordinance to allow a convenience store within the M-1, General Industrial District.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities.

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

- Site:** Mercantile building, zoned M-1
- North:** Vacant parcel and tire business, zoned M-1
- East:** Church, zoned M-1
- South:** Across Charles Street, vehicle repair business, zoned M-1
- West:** Mercantile building and farm supply business, zoned M-1

EVALUATION

The applicant is requesting a special use permit (SUP) per Section 10-3-97(2) to allow a convenience store in the M-1, General Industrial District. The property is situated on the northern side of Charles Street, near the intersection of Charles and Jefferson Streets, and is adjoined on all sides by industrial zoned property. If approved, El Chaparro would continue to utilize a portion of the building on site as a convenience store.

City staff became aware of the convenience store at this location last fall when the adjacent property to the east received a special use permit to operate as a church. Staff informed the property owner by certified mail that a store, such as El Chaparro, was not a use permitted by right in the industrial district and the violation would need to be resolved. After conversations with the owner, it was decided they would apply for the SUP to allow the convenience store. If

approved, they could continue to operate as they currently are; as well, the store could apply for building permits for some improvements. If the SUP is denied, the store would be required to close and relocate to a site where it is permitted.

The applicant has been informed by staff that if they receive approval of the request, they would need to apply for a change of use permit from the Building Inspection Division. This would require that all Building Code regulations be met for the proposed use. If improvements are proposed to the store the applicant can include the improvements as part of the building change of use permit; it would not require a separate building permit. Staff has suggested to the applicant that they contact Community Development regarding questions, plans, and the application process.

Parking for the store would be calculated at one parking space for every 200 square feet of gross floor area. Per the applicant the store utilizes approximately 3,300 square feet which would require 17 parking spaces; all of which must be appropriately delineated. Currently, there are five on-site parking spaces available in front of the store which back out directly into Charles Street. There is available property in the rear of the site to create a new parking lot for the remainder of the required parking, or the possibility of a shared parking agreement between the subject parcel and the adjacent business to the west. Any construction of new parking must meet all the requirements of Article G, Off Street Parking. All parking plans would need to be finalized before issuance of any building/change of use permit.

With regard to the existing five on-site parking spaces that back out onto Charles Street, staff has discussed with the applicant that this creates an unsafe maneuver and that the applicant would be responsible for any issues that arise from the use of this parking area. Because of the unsafe maneuver, the Public Works Department has requested the applicant be required to remove the parking from the front of this portion of the building. Staff is consulting with the City Attorney at this time to determine if this condition is appropriate for the special use permit.

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. Staff recommends approving the request.