CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT

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August 28, 2025

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

**SUBJECT:** ***Consider a request for a special use permit to allow a restaurant at 1710 Country Club Road***

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON:** August 13, 2025

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant operates the onsite vehicle repair and service establishment and is requesting a special use permit (SUP) per Zoning Ordinance (ZO) Section 10-3-97 (1) to allow restaurants in the M-1 district. The +/- 25,190-square foot parcel is addressed as 1710 Country Club Road and is identified as tax map parcel number 72-A-12. If approved, the applicant plans to continue operating a mobile food truck on the property.

In May 2025, staff became aware of a mobile food truck operating illegally at this site and issued a notice of violation to the property owner. After the notice of violation was issued, staff began working with the property owner to apply for a SUP. While reviewing the site, staff learned that the property owner had completed work behind the vehicle repair and service building in the floodway without proper approvals. Community Development staff is working with the property owner to correct this violation.

The property is almost entirely located within the 100 year-floodplain and the floodway. Staff has determined that as long as a food truck remains mobile it can park and operate within the floodway. (No jacks, blocks, or anchoring that would make it immobile.) However, it is unclear whether seating, tables, and other structures related to the mobile food truck can be located within the floodway without completing an engineering study. Staff has reached out to the Virginia Department of Conservation and Recreation (DCR) for guidance, but has not received a response. In the absence of guidance from DCR, staff has determined that seating, tables, and other structures are not allowed and staff will work with the applicant if a different determination is made by DCR.

The applicant is aware that, if the SUP is approved, the mobile food truck will need to meet all the requirements associated with Mobile Businesses and Food Trucks, which are located on the City's website at https://www.harrisonburgva.gov/mobile-businesses. It will be the responsibility of the mobile food truck/trailer owner/operator to work with the Harrisonburg-Rockingham Health

Department and the City of Harrisonburg's Public Works, Public Utilities, Fire, Community Development, and Commissioner of Revenue Departments to ensure all requirements are met.

*Land Use*

The Comprehensive Plan designates this site as Mixed Use and states:

> 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.
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> 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.

Given the planned designation of Mixed Use for the subject site and the many other parcels within this section of Country Club Road that are planned for Mixed Use or Commercial uses, a request to operate a mobile food truck in this location is in line with the Comprehensive Plan's Land Use Guide.

*Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed SUP is attached. The TIA determination form indicated that the mobile food truck would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA; therefore, a TIA was not required for the SUP request.

Per the ZO, the vehicle service and repair use requires six (6) parking spaces and mobile food trucks do not have a minimum parking requirement. Although not required, but beneficial, the applicant informed staff that they have an agreement with the neighboring property owner to use the gravel lot, located to the southeast of the subject property and identified as tax map number 72-A-14, for mobile food truck-related parking.

How and where individuals are parking vehicles in front of the existing building is of concern. Attached within the packet is the 1989-approved site plan for the construction of the vehicle service and repair establishment, which shows no parking spaces between the building and the property entrance along Country Club Road. The 1987 ZO (which was likely the ordinance in place in 1989) prohibited using the public street right-of-way (ROW) to maneuver vehicles in and out of parking spaces—this same regulation remains in place today. However, without a physical survey of the property, the exact location of the public street ROW line as well as where the building is located on the property is unknown and thus it is difficult to know whether vehicles are maneuvering within the public street ROW. Based on field observations and information available to staff, it appears vehicles could be using the public street ROW when individuals park in front of the building. This is problematic because the front of the building is also the location to access the service bays and to potentially park to access the mobile food truck. All of this vehicular activity in such a small area of the parcel could cause unsafe maneuvering along this section of Country Club Road. Staff believes a condition should be added to the request that prohibits parking between the existing building and Country Club Road. If the applicant is later able to demonstrate that they can provide parking spaces and travelways within this area that meet the Design and Construction Standards Manual, staff maintains the recommended condition that as long as a food truck operates on the parcel, then no parking shall be permitted between the existing building and Country Club Road.

According to Google Earth Street View images, the existing entrance curbing along Country Club Road has been buried over time due to the accumulation of gravel in the parking lot. Staff recommends a condition requiring the property owner, in coordination with the Department of Public Works, to replace the curb or remove existing gravel at the entrance along Country Club Road to delineate the previously designed entrance as shown on the 1989-approved ECSP.

Staff believes that prohibiting parking in front of the vehicle service and repair building and providing curbing at the entrance will reduce unsafe traffic movements.

Know that staff discussed whether the current location of the mobile food truck is the most appropriate location on the parcel given the concerns as identified above. Providing the curbing as was previously designed at the entrance will better delineate the vehicle travelway for any use operating on site. Additionally, the applicant is aware that the mobile food truck shall be positioned so that it does not impede sight distance for individuals driving onto and off the property.

*Public Water and Sanitary Sewer*
The applicant is aware that liquid waste must be properly disposed of into a sanitary sewer system. It is the responsibility of the mobile food truck operator to ensure that they are meeting the regulations that are put in place by the Department of Public Utilities and the Department of Public Works.

*Conclusion*
With the prohibition of parking in front of the vehicle service and repair building and the addition of curbing at the entrance along Country Club Road, staff believes that the mobile food truck 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 SUP with the following conditions:

1. The special use permit is limited to one mobile food truck/trailer.

2. No vehicle parking shall be located between the existing building and Country Club Road. The only vehicles permitted to be located between the existing vehicle service and repair building and Country Club Road are the mobile food truck and vehicles positioned in front of each service bay in preparation of being serviced or repaired. Within 60 days of approval of the special use permit, the property owner shall install signage or install other measures acceptable to the Zoning Administrator to prohibit parking as described.
3. Within 60 days of approval of the special use permit, the previously existing curb will be rebuilt or existing gravel removed to maintain curbing that is six inches in height, or to another standard acceptable to the Department of Public Works in the area as shown on the approved-1989 site plan.
4. If any of the above conditions are not met within 60 days of approval, then operations of a mobile food truck/trailer must immediately cease until the conditions are met. However, upon request from the applicant and if the applicant has demonstrated diligent pursuit to complete the above conditions, the Zoning Administrator may grant one, 60-day extension allowing the applicant a maximum of 120 days from special use permit approval to complete the above conditions.

Chair Baugh asked if there were any questions for staff.

Commissioner Seitz said it is very clear from the maps that it is in the floodway and floodplain, do we know what the elevation of the floodway or floodplain is?

Ms. Rupkey said it is between 1403' and 1406' base flood elevation based on the maps that we were looking at.

Commissioner Seitz said the 1989 site plan shows the building elevation at 1408', has there been any surveys to confirm the elevation of the food truck is and the picnic tables and other stuff?

Ms. Rupkey said I am not aware of any at the moment. That would be a question to ask the applicant to confirm. We have been working with them to correct the existing floodplain issues that will likely require that in the future.

Commissioner Porter said staff has no concerns about the parking area that is to the south of the 1714 [Country Club Road] lot that open space that is right next door, there are no concerns about the same issue of cars coming in and out or how deep the cars need to park in there versus…

Ms. Rupkey said that site is not apart of this request. They are using it, but they are not the property owners. Additionally, it visually appears to be the space to turn around without having to use the right of way.

Commissioner Porter said I guess my question is if we ban the parking in front of the service building and in front of the food truck where will the people who are visiting the food truck park?

Ms. Dang said they can continue to have the agreement with their neighbor. Let's say their neighbor decides that is not an agreement that they want to do anymore, we feel that the subject property has enough parking on the rest of the property. They would just have to change how they do business. They have more than enough parking to satisfy zoning's minimum parking requirements and they would have to make a business decision of whether they have enough parking to support both of the uses.

Ms. Rupkey said additionally on the screen, the [area in the] red box, they have their parking blocks that delineate parking spaces that are in that area that meet that requirement of six.

Commissioner Porter said staff currently has no concerns about the seating being where it is currently in relation to the roadway?

Ms. Rupkey said the concern that we have with it right now is in relation with it being in the floodway that it needs to be removed or go through the process to get a development plan with proper parking and everything for it.

Commissioner Kettler said when there is a nonconforming use and the applicant is working with staff to try and correct that, is there a particular set of criteria of whether that nonconforming use is going to continue to be allowed during the pendency of that process?

Ms. Rupkey said I would say it is very specific on the request. Do you mean if there is an existing nonconformity and they are changing a different aspect of their business?

Commissioner Kettler said currently this is a nonconforming use…

Ms. Rupkey said it is an illegal use.

Commissioner Kettler said currently it is an illegal use and for the pendency of the time when we are working through this process that is temporarily allowed? I do not know if there are certain criteria for that being allowed or disallowed depending on the particular type of illegal use that is present.

Ms. Rupkey said for this specific use, with the food truck being on this site, staff did not have any concerns to shut down the business while they were going through the process of requesting this special use permit. With the understanding that if they continue to operate and the special use permit gets denied, they would have to cease operations immediately after City Council's decision. Correct me if I am wrong, but typically if there is not a safety issue and they are continuing to work with us to correct the violation, we will do our best to allow them to continue operating on the site. Certain things may trigger us not allowing someone to operate.

Councilmember Dent said when they rebuild the curbs is that going to restrict access to what the yellow star area that they are using now as the parking lot?

Ms. Rupkey said the yellow star [referring to the screen] is on a different site. The curbing that is being referenced is, if you can see on the screen, kind of in between where this blue square is and the red square. They can access this parking through here.

Councilmember Dent said they can turn around, so staff does not have a concern with that. The other comment was... this sounds familiar... "If the above conditions are not met within 60 days they can get an extension." I remember we worked that out with somebody before.

Ms. Rupkey said we did model that one off of that condition extension off of the 201 South [Avenue] food truck request.

Commissioner Porter said I have not seen any changes at that site as of yet.

Chair Baugh 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.

Christian Kevin Arostegui, the applicant's representative, came forward to speak to the request. He said I am the son of the owner. My dad is the owner of the property, Ignacio Arostegui. We have been operating there since I think 2016. In December we decided to kind of expand on the food truck to bring more diverse food into the community. It has been going pretty well, not too bad. We have not had many concerns with the public in regards to the seating. Other than the zoning and stuff…we jumped through hoops and then zoning was not there. I am not sure how we got that far, but I got approved with the Fire Marshall and the other kind of parts but zoning I think I missed on the application. Do you guys have any questions or concerns?

Commissioner Porter said what is the nature of the relationship with the lot that people will be parking in now. Do you have some sort of formal agreement with the owner? What does that look like?

Mr. Arostegui said the gentleman next to us, the lot right adjacent? His name is Brandon, we have talked to him, and he has allowed us to park there temporarily. He allows our customers to park there. If he says not to then I have a decent amount. I mean pretty much the majority of the lot to park on the left-hand side of the building. I just have to kind of organize it in accordance to that. If he says no. and then we cannot park in the front. I have enough space on the left-hand side. I just have to probably accommodate really well. The parking should not be an issue, but I think it is more of directing the flow of traffic that way.

Chair Baugh 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.

Panayotis Giannakouros, a city resident, called in regarding the request. He said I am calling today first and foremost to celebrate what looks like a new era on Planning Commission where we are back to deliberating technical details in order to send forward recommendation that can be useful to our elected officials for making decisions. Particularly harden to see in the consideration impressions of safety coming from staff and a weakening of the general welfare cause to comfort,

which I yet to figure out how that is going to play out. With regard to this item, you may recall that a couple of years ago there was a similar application for a food truck that was denied. It was denied to City Council on the basis of strictly adhering to rules. I look forward in this new era to flexibility to adapt to the needs and realities of our residents and go forward with a favorable recommendation with rich information that your deliberation would provide that may then be followed by the City in approving this one. Regardless of who the applicant is. On the merits, rather than connections, the decisions of land use and zoning in our City can be made.

Chair Baugh 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.

Commissioner Porter said I would only state that I applaud staff for working with a business owner to try and get this corrected. I think no different than the food truck case that was before us a couple of months ago. The fact that there is an effort to actually try to foster the business and keep it moving forward is a positive thing.

Councilmember Dent said could staff explain again what needs to be done about the floodway?

Ms. Rupkey said that is being handled separately from the special use permit. The work within the floodway that was done, our building inspections and zoning divisions are working with the property owner. They are going to set up a meeting to talk about what is required. It will likely involve getting an engineer to do engineering work for what has been built in the floodway.

Mr. Fletcher said floodplain matters are quite complicated. We will have to take a closer look and try to figure out what exactly was done in the floodway, the materials that were used, if there was filled used, there is quite a bit that needs to be evaluated with regard to that. Were you asking about floodway with regard to the table locations.

Councilmember Dent said it does not affect the food truck just the tables?

Mr. Fletcher said after Mr. Seitz's question I just double checked. Ms. Rupkey is correct, the building sits between Base Flood Elevation of 1406' and 1403'. The 2022 contours on our GIS show that 1406' is basically what is right at where the food truck is positioned and what is around the building. You are correct that the proposed elevation for the building was at 1408. Of course, this data is close but not 100 percent accurate. It is giving us a point of reference. Excellent question that could be further investigated.

Commissioner Seitz said my thought having visited the site is I would assume that it is an inconvenience not to have the tables there. If somebody shoots some grades and finds out they can justify them being there. Whatever the solution…there was reference to coming up with a solution that would somehow raise where the tables are in a way. It is one thing if you have to raise it a foot and it is another thing you have to raise it three feet.

Commissioner Porter said I would like to make a motion recommending the approval of the special use permit with the suggestions and conditions put forward by staff.

Commissioner Kettler seconded the motion.

Chair Baugh called for a roll call vote.

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| Commissioner Seitz | Aye |
| Councilmember Dent | Aye |
| Commissioner Alsindi | Aye |
| Commissioner Kettler | Aye |
| Commissioner Porter | Aye |
| Chair Baugh | Aye |

The motion to recommend approval of the special use permit passed (6-0). The recommendation will move forward to City Council on September 9, 2025.