

SUP08-2: Rivers West Bar-B-Q/Mr. Richard Rutherford
Special Use Permit Application
for a
Concessions Trailer to be Located in an Identified Floodway District

Location and Proposed Use

The subject .15-acre parcel (Tax Map # 42A4 A 49A) is located near the intersection of North Alley and North Broad Street (U.S. Highway 340 North) and across North Broad Street from the “Evergreen Outfitters”. The vacant parcel is zoned B1 (General Business) and is owned by Harrison Holding, LLC/Mr. Bob Harrison. The subject parcel is approximately 6,500 square feet in size.

Though the subject parcel is zoned B1 (General Business), it is located in an identified floodway district and a special use permit is required for the operation to remain permanent. Although the applicant is seeking to operate the concessions trailer on a permanent basis, please note that the applicant has submitted proffers which limit the months and days of operation.

As noted, the applicant is seeking a special use permit in order to operate a concessions trailer in an identified floodway district. The proposed use – a concessions trailer – is considered to be a like-use to a restaurant. And restaurants are a “by right” use the B1 zoning district.

Page County Building Official and Page County Health Department

The applicant has received approval from Page County’s Building Official and Health Department for the subject use.

On June 9, 2008 the Page County Building Official signed the Town’s “inspection and approval” form; thus acknowledging that the applicant has satisfactorily complied with all relevant building requirements. These requirements include: restrooms, handicap accessibility, flood elevation certificate, adequate foundation and anchoring. (see attachments)

The Virginia Department of Health has issued the applicant a permit to operate a “food establishment” with the commissary to be located at Dean’s Steakhouse. An environmental health inspector has visited the subject site and prepared an “establishment evaluation report”. Per a recent conversation with the responsible environmental health inspector, Virginia Jeffries, the applicant is in compliance with all relevant state health code requirements.

Conditions of the Special Use Permit

A comprehensive list of conditions and a proposed site plan has been submitted to the Town. The conditions are attached for review.

Other Items:

- The B1 zoning district allows the use of temporary business trailers provided they comply with Article V (Supplemental Regulations), Section 508 (Temporary trailers).
- The Town's legislative bodies are being asked if the subject use should be allowed expanded operational times/dates. And if the submitted proffers adequately address all health, safety and welfare concerns.
- Town staff does not believe that the expansion of this use (in terms of operational times/dates) will set a negative precedence; staff believes the such uses should be limited to specific corridors of the Town, and it is believed that the subject site is ideal for a use of this nature.

Summary

The proposed use is required to be issued a special use permit in order to operate a concessions trailer on a permanent basis; although the applicant has limited the proposed use to a "seasonal" operation. It is believed that if the applicant adheres to the submitted proffered conditions and continues to operate in an orderly and attractive matter, the proposed use will be an asset to the surrounding area. The Town staff, and the County Building and Health official will regular monitor the operation in order to maintain that it remains in compliance with all relevant regulations. Failure to do so will result in the immediate revocation of the applicant's Town business license.