



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, City Manager  
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
Date: July 9, 2024 (Regular Meeting)  
Re: Preliminary Plat and Special Use Permits – 50 Baxter Drive (To Allow Manufacturing, Processing, and Assembly Operations in B-2 and To Allow Multiple-Family Dwellings and/or Mixed Use Buildings in B-2)

## **Summary:**

Project name	Baxter Crossing
Address/Location	50 Baxter Drive
Tax Map Parcels	1-C-10A
Total Land Area	+/- 1.14-acres
Property Owner	Farhad Koyee & Bahar Mikael
Owner's Representative	AK Koyee
Present Zoning	B-2, General Business District
Special Use Permit Requests	- To allow manufacturing, processing, and assembly operations per Section 10-3-91 (1) - Multiple-family dwellings and/or mixed-use buildings per Section 10-3-91 (17)
Subdivision Ordinance Variance Request	Section 10-2-42 (c), all lots shall front on a public street
Staff Recommendation	Approval of all three requests and approval for establishing the SUPs within 24 months
Planning Commission Recommendation	June 12, 2024 (Public Hearing) Approval (4-0) of all three requests
City Council	July 9, 2024 (Public Hearing for SUPs)

## **Background:**

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

Site: Vacant land, zoned B-2

North: Church, zoned B-2

East: Across Tasha Circle, partially developed land and commercial uses, zoned B-2

South: Across Baxter Drive, vacant land, zoned B-2

West: Vacant land, zoned B-2

**Key Issues:**

The applicant is requesting two special use permits (SUPs) within the B-2, General Business District on a +/- 1.14-acre site addressed as 50 Baxter Drive and identified as tax map parcel 1-C-10A. The SUP requests include:

1. A +/- 0.52-acre portion of the site to allow manufacturing, processing, and assembly operations per Section 10-3-91 (1) of the Zoning Ordinance (ZO), and
2. A +/- 0.65-acre portion of the site to allow multiple-family dwellings and/or mixed-use buildings per Section 10-3-91 (17) of the ZO.

The applicant is also requesting to preliminarily subdivide the +/- 1.14-acre site into two parcels with a Subdivision Ordinance (SO) variance request to allow a parcel to not have public street frontage.

*Special use permit for manufacturing, processing, and assembly in B-2*

The first SUP request is to allow for manufacturing, processing and assembly in the B-2 district. The applicant is proposing to construct a new building for the manufacturing component for a dietary supplement business. The proposed facility will primarily be a production center with mainly online sales and direct to store sales for brick-and-mortar stores. If approved, staff recommends the following conditions:

1. The special use permit shall only be applicable for a dietary supplement manufacturing operation or a substantially similar operation.
2. The special use permit shall be restricted to no greater than 6,000 square feet of gross floor area.
3. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit

As is already controlled by the ZO, this particular SUP limits the number of employees to no more than 15 people on a shift and requires that all storage and activities are conducted within a building. The applicant plans to have no more than two or three employees on a shift. For deliveries to the property, most ingredients that are planned to be used will be delivered by smaller delivery trucks on a weekly or biweekly basis.

*Special use permit for multifamily dwellings in B-2*

The second SUP request is to allow for a multi-family building in the B-2 district. As required by Section 10-3-93 (d) of the ZO, the applicant has submitted a development plan. Section 10-3-93 (d) states that “[f]or multiple-family dwellings and mixed use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval.” If the SUP is approved, then details of the development plan would be used to ensure the multi-family and/or mixed use project that was evaluated during the SUP review is

what is developed. If significant deviations are desired by the property owner in the future, then the property owner must amend the development plan by going through the SUP process again.

Features of the development plan submitted with the SUP that would be used as the basis for engineered comprehensive site plan and/or building permit approval include, but are not limited to:

1. The general location of buildings and structures.
2. The general number of stories within proposed buildings and structures.
3. The general location of parking areas.
4. The general location of pedestrian connections.

As previously stated, the applicant is concurrently requesting to preliminarily subdivide the site. The applicant has submitted one drawing for both the preliminary plat and for the multi-family SUP development plan. The development plan for the multi-family SUP only applies to the area labeled as Lot #2 where the multi-family building is proposed and for the proposed private access easement that encroaches onto Lot #1 where parking spaces are proposed to support the multi-family building.

The development plan shows that they intend to build a two-story building with 18 one-bedroom residential units and that there will be 36 parking spaces for the multi-family use. The development plan shows that one row of parking spaces will straddle the proposed new property line. The applicant plans to provide a shared access easement and shared parking agreement that would allow for access for both lots to use the parking spaces, which is identified on the development plan as "proposed private access easement." The ZO requires multi-family units within the B-2 district to have at least one off-street parking space for each dwelling unit. While the applicant shows that 36 parking spaces will be provided for the apartment use, staff recommends the following condition to provide clarity of and flexibility for parking requirements:

1. Between 18 and 36 parking spaces shall be provided.

#### Subdivision Ordinance Variance Requests

The applicant requests a variance from SO Section 10-2-42 (c), which requires "[a]ll lots shall front on a public street and no lot shall embrace any portion of a street or alley." While Lot 2 would not have public street frontage, the property is party to a street maintenance agreement with the surrounding property owners that allows them the right to use the access easements along Tasha Circle.

#### *Land Use*

The Comprehensive Plan designates this site as commercial and states:

Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

Given the size of the planned facility and the type of manufacturing, staff believes the use would have no more adverse effect on the health, safety, or comfort of persons living or working in the surrounding area.

Staff is comfortable recommending approval of the manufacturing, processing, and assembly SUP with conditions.

#### *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 project 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 by staff for the SUP requests.

The plat shows that along Baxter Drive a sidewalk will be built and that up to 7.5 feet from the back of the curb will be dedicated as public street right-of-way. The applicant is also showing that a private sidewalk connection would be built along Tasha Circle (a private street) to connect to Baxter Drive, where sidewalk would be built across the subject property's public street frontage.

#### *Public Water and Sanitary Sewer*

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development.

#### *Housing Study*

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has “neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth.” The Housing Study further notes that houses in these markets are quick to sell and that “[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities.”

#### *Recommendation*

Staff recommends approval both SUPs with conditions as noted for each request.

To allow manufacturing, processing, and assembly operations per Section 10-3-91 (1) of the Zoning Ordinance (ZO):

1. The special use permit shall only be applicable for a dietary supplement manufacturing operation or a substantially similar operation.
2. The special use permit shall be restricted to no greater than 6,000 square feet of gross floor area.
3. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit

To allow multiple-family dwellings and/or mixed use buildings per Section 10-3-91 (17):

1. Between 18 and 36 parking spaces shall be provided.

Regarding the SUP to allow for multi-family units, the Comprehensive Plan states that Traditional Neighborhood Development (TND) principles are encouraged to be included in all developments throughout the City. Adding multi-family dwelling units at this location would incorporate some of those characteristics such as: having a neighborhood that allows residents to work, shop, and carry out many of

life's other activities; and allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school.

As identified, by Section 10-3-130 (c) of the ZO, unless City Council specifically grants a time period for which the SUP must be established, the default time period is 12 months after City Council's approval of the SUP. Staff is comfortable recommending an extension from 12 months to 24 months as requested by the applicant for both requests.

With regard to the proposed subdivision variance request, aside from the deviation requested, the plat meets all other requirements of the Subdivision Ordinance. Staff supports the variance request and recommends approval of the preliminary plat.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- a. Approve the two special use permit requests and the preliminary plat and variance as requested;
- b. Approve the two special use permit requests with suggested conditions and the preliminary plat and variance as requested;
- c. Approve one or both special use permits and preliminary plat with other conditions(s); or
- d. Recommend denial of the special use permits and preliminary plat.

**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. The advertisement was published as shown below:

***Special Use Permit – 50 Baxter Drive (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings in B-2)***

Public hearing to consider a request from Farhad Koyee and Bahar Mikeal for a special use permit per Section 10-3-91 (17) to allow multiple-family dwellings and/or mixed use buildings within the B-2, General Business District. The special use permit is requested for a +/- 0.65-acre portion of a +/- 1.14-acre parcel addressed as 50 Baxter Drive and identified as tax map parcel 1-C-10-A.

***Special Use Permit – 50 Baxter Drive (To Allow Manufacturing, Processing, and Assembly Operations in B-2)***

Public hearing to consider a request from Farhad Koyee and Bahar Mikeal for a special use permit per Section 10-3-91 (1) of the Zoning Ordinance to allow manufacturing, processing and assembly operations when not employing more than fifteen (15) persons on the premises in a single shift and provided that all storage and activities are conducted within a building in the B-2, General Business District. The special

use permit is requested for a +/- 0.52-acre portion of a +/- 1.14-acre parcel addressed as 50 Baxter Drive and identified as tax map parcel 1-C-10-A.

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) approval of the special use permit request with suggested conditions and approval of the preliminary plat.

**Attachments:**

1. Extract from Planning Commission
2. Site maps
3. Application and supporting documents
4. Updated Preliminary Plat & Development Plan

**Review:**

Planning Commission recommended approval (4-0) of the special use permit to allow manufacturing, processing and assembly operations with the following conditions:

1. The special use permit shall only be applicable for a dietary supplement manufacturing operation or a substantially similar operation.
2. The special use permit shall be restricted to no greater than 6,000 square feet of gross floor area.
3. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit

Planning Commission recommended approval (4-0) of the special use permit to allow multiple-family dwellings and/or mixed use buildings with the following conditions:

1. Between 18 and 36 parking spaces shall be provided.

Additionally, for both special use permits, Planning Commission overlooked making a recommendation on whether to grant approval for establishing the SUPs from 12 months to 24 months. Staff recommends granting this approval for both SUPs.

Planning Commission recommended approval (4-0) of the preliminary plat with variance from the Subdivision Ordinance without conditions.

(Vice-Mayor Dent, Commissioner Baugh, and Commissioner Washington were absent.)