



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Ande Banks, City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: September 12, 2023 (Regular Meeting)
Re: Special Use Permit – 80 Ashby Avenue (To Allow Manufacturing, Processing, and Assembly Operations in B-2 and B-2C)

Summary:

Project name	N/A
Address/Location	80 Ashby Avenue
Tax Map Parcels	41-C-44
Total Land Area	+/- 21,800 square feet
Property Owner	Farad Koyee
Owner's Representative	Akarr Koyee
Present Zoning	B-2, General Business District and B-2C, General Business District Conditional
Special Use Permit Request	To allow manufacturing, processing, and assembly operations per Section 10-3-91 (1)
Staff Recommendation	Approval
Planning Commission Recommendation	August 9, 2023 (Public Hearing) (6-0)
City Council	September 12, 2023 (Public Hearing)

Background:

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

- Site:** Automobile repair, zoned B-2 and B-2C
- North:** Property under construction for attached single family dwelling units, zoned R-8C, Small Lot Residential District
- East:** Vacant land, business office, and nonconforming multifamily units, zoned R-5C, High Density Residential District Conditional and B-2
- South:** Across Ashby Avenue, nonconforming dwelling and nonconforming multi-family units, zoned B-2C and R-2, Residential District

West: Single family dwellings, zoned R-2

In September 2014, a portion of the property was rezoned to B-2C from R-2. The proffers from the 2014 rezoning did not limit the uses to the property but were related to providing buffers and fencing. Per the proffers, the property is required to leave 10 feet of the existing vegetation, where the adjacent property is zoned residentially. In addition to the existing vegetation, the proffers also committed the property owner to plant and maintain evergreens within the 10-foot buffer. Proffers also require a 6-foot opaque fence along the same boundaries where the vegetation is required.

Key Issues:

The applicant is requesting a special use permit (SUP) to allow for manufacturing, processing and assembly on a property that is zoned B-2 and B-2C. The property is currently occupied by Fast Lane Auto and is addressed as 80 Ashby Avenue. The applicant is proposing to convert two of the existing bays into a space 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.

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. 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.

Staff believes that the proposed use, with the appropriate SUP conditions, conforms with the Mixed Use area designation.

Staff recommends conditions to restrict the SUP to only be applicable for a dietary supplement manufacturing operation or a substantially similar operation, and to restrict the operation to no greater than 2,500 square feet of gross floor area. If in the future the operator wants to expand the use, a new SUP shall be applied for, reviewed, and approved.

As is already controlled by the Zoning Ordinance, this particular SUP limits the number of employees to no more than 15 people on a shift. The applicant is aware of this and is planning to have no more than two or three employees on a shift. For delivery to the property, most ingredients that are planned to be used will be delivered by smaller delivery trucks on a weekly or biweekly basis.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the SUP request.

Public Water and Sanitary Sewer

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

Recommendation

Staff recommends approval of the SUP 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 2,500 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.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the special use permit request as submitted by the applicant;
- (b) Approve the special use permit request with suggested conditions;
- (c) Approve the special use permit with other conditions(s); or
- (d) Deny the special use permit.

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 – 80 Ashby Avenue (To Allow Manufacturing, Processing, and Assembly Operations in B-2 and B-2C)

Public hearing to consider a request from Fast Lane Auto Tech LLC 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 and B-2C, General Business District Conditional District. The +/-21,800-square foot property is addressed as 80 Ashby Avenue and is identified as tax map parcel 41-C-44.

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.

Attachments:

1. Extract from Planning Commission
2. Site maps
3. Application and supporting documents

Review:

Planning Commission recommended approval (6-0) of the special use permit with suggested conditions.