



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Ande Banks, City Manager  
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
Date: April 9, 2024 (Regular Meeting)  
Re: Rezoning – 325 & 335 North Liberty Street (B-1C Proffer Amendment)

## **Summary:**

Project name	Sage Bird
Address/Location	325 and 335 North Liberty Street
Tax Map Parcels	35-L-2
Total Land Area	+/- 11,979-square feet
Property Owner	Bismark LLC
Owner's Representative	Sage Bird LLC
Present Zoning	B-1C, Central Business District Conditional
Proposed Zoning	B-1C, Central Business District Conditional (Proffer Amendment)
Staff Recommendation	Approval
Planning Commission Recommendation	March 13, 2024 (Public Hearing) Approval (4-0)
City Council	April 9, 2024 (First Reading/Public Hearing) Anticipated April 23, 2024 (Second Reading)

## **Background:**

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

Site: Sage Bird Ciderworks; zoned B-1C

North: Townhomes; zoned B-1C

East: Across North Liberty Street, commercial uses; zoned B-1

South: Nonconforming residential use; zoned M-1

West: Single-family detached dwellings and duplexes; zoned R-2

In 2018, City Council approved Bismark LLC's request to rezone the subject site, along with several other parcels to the north and east, from M-1, General Industrial District to B-1C, Central Business District Conditional. That rezoning ultimately made way for the operations of Sage Bird Ciderworks, Magpie, The Perch, Chestnut Ridge Coffee Roasters, Liberty Mercantile, Rootstock Wine & Bar

Provisions, and for the construction of townhomes, and proffered parking lots. Specifically for the parcel on which Sage Bird Ciderworks operates, the applicant proffered that at minimum of seven parking spaces shall be provided and reserved for the uses located on that property. A copy of the existing 2018-approved proffers and the associated exhibit from the rezoning is attached herein.

In 2019, City Council approved Bismark LLC's request for a special use permit (SUP) to allow manufacturing, processing, and assembly operations on the subject parcel to allow for Sage Bird Ciderworks. Per the requirements of the SUP, no more than 15 employees can work on a single shift and all storage and activities associated with the manufacturing use must be conducted within the building.

**Key Issues:**

The applicant is requesting to amend proffers on a +/- 11,979-square foot parcel zoned B-1C, Central Business District Conditional. The parcel is addressed as 325 and 335 North Liberty Street. The purpose of the rezoning is to remove the regulating proffers associated with parking. The particular parking proffer associated with the subject property is detailed in the following statement (written verbatim):

At minimum, 7 parking space [sic] shall be located in the area currently identified as tax map parcels 35-L-2, 3, 4. Such parking spaces shall be reserved for the sole use of supplying off-street parking spaces for any and all uses that are located on the property labeled "Professional Offices."

The impetus for the rezoning began when Sage Bird was informed that the food truck that they operate from their property could not be parked within any of the required (in this case proffered) off-street parking spaces because food trucks and other mobile businesses cannot occupy required off-street parking spaces. Had this particular parking proffer not been included in the 2018 rezoning, the food truck could be parked in any of the off-street parking spaces because the B-1 district does not require any off-street parking. If the proffer is removed as requested, off-street parking spaces will not be required for this parcel and the parking area can be repurposed for other uses. However, the applicant has described in their letter that when they are not using the parking lot for the food truck or community events, they plan to maintain it for customer and employee parking.

*Proffers*

The applicant has offered the following proffers (written verbatim):

- (1) Retail stores, personal service establishments, restaurants, food and drug stores.
- (2) Governmental, business and professional offices and financial institutions.
- (3) Hotels, motels and buildings used for dwelling unit(s), CBD, as defined under section 10-3-24. Dwelling unit(s), CBD, may be occupied by a family or not more than four (4) persons, except that such occupancy may be superseded by building regulations.
- (4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.
- (5) Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities.
- (6) General service or repair shops, when not employing more than fifteen (15) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building. Examples: Cleaning and

laundry establishments, printing and tailoring shops, appliance repairs, upholstery and furniture repairs.

(7) Accessory buildings and uses customarily incidental to any permitted uses.

(8) Small cell facilities, concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by Article CC.

(9) Public libraries.

(10) Public uses.

(11) Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion other than uses permitted in this district and which involve no more than 15 percent of the gross floor area in the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.

(12) Home occupations.

(13) Radio and television stations and studios or recording studios. All antennas and satellites and associated equipment shall be screened.

Special use permits shall be permitted as approved by City Council.

For the subject parcel, the main changes from the 2018 proffer statement are that they have removed all proffers associated with parking requirements. Furthermore, all of the other properties that were part of the 2018 rezoning will continue to be regulated by the original proffers.

### *Land Use*

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

The Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation 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.

*Recommendation*

This area has undergone significant change since the 2018 rezoning with redevelopment of private property and with the City’s reconfiguration of North Liberty Street to add on-street parking spaces. Although the applicant does not anticipate eliminating the existing seven off-street parking spaces at this time, if the parking spaces were removed and the existing curb cuts were reconstructed with standard street curbing, it appears that about four additional on-street, parallel parking spaces could be provided.

Staff recommends approval of the proffer amendment.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the rezoning request; or
- (b) Deny the rezoning request.

**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:

***Rezoning – 325 & 335 North Liberty Street (B-1C and B-1C Proffer Amendment)***

Public hearing to consider a request from Bismark LLC to amend proffers on a +/- 11,979-square foot parcel zoned B-1C, Central Business District Conditional. The parcel is addressed as 325 and 335 North Liberty Street and is identified as tax map parcel 35-L-2.

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 (a) approval of the rezoning request.

**Attachments:**

- 1. Extract from Planning Commission
- 2. Site maps
- 3. Application and supporting documents
- 4. Approved 2018 rezoning proffers

**Review:**

Planning Commission recommended approval (4-0) of the rezoning. (There was one vacancy and Vice Mayor Dent and Commissioner Alsindi were absent.)