



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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November 4, 2014

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from WRockStreet, LLC with representative Casey Stemper for a special use permit per Section 10-3-85 (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. The proposed business would be a brewery operation. The 21,400 +/- sq. ft. property is zoned B-1C, Central Business District Conditional, is addressed as 120 West Wolfe Street and is identified as tax map parcels 35-O-4 & 5.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: October 8, 2014

Chair Fitzgerald read the request and asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for "live-work" and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area, which could be combined in the same building or on the same street. The gross residential density in areas outside downtown should not exceed an average of 15 units per acre, though all types of residential units are permitted: single family detached, single family attached and apartments. Apartments are permitted only if single family detached and/or attached units are also provided and together cover a greater percentage of the project site. Residential densities in downtown may be higher than an average of 15 units per acre, and 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.

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

- Site:** Vacant building and food trucks, zoned B-1C
- North:** Vacant property (owned by the applicants), zoned M-1
- East:** Across the Norfolk Southern Rail Line, vacant paved lot, zoned B-1
- South:** Across West Wolfe Street, vacuum repair shop, zoned M-1
- West:** Non-conforming dwelling unit, zoned M-1

The applicant is requesting a special use permit per Section 10-3-85 (1) of the Zoning Ordinance, to allow a manufacturing use within the B-1, Central Business District. If approved, Back Bay Brewery is

proposing to operate a brewery operation and taproom at 120 West Wolfe Street. Per the requirements of the SUP, no more than 15 employees can be working on a single shift and all storage and activities must be conducted within a building.

Back Bay Brewery currently operates in the Virginia Beach area and desires to establish a remote brewery location where they would brew approximately one barrel of beer a month. Along with selling the beer manufactured on site, the brewery would sell beer brewed at their Virginia Beach locality as well. The brewery is anticipated to have no more than five employees and operate Tuesday through Sunday. A floor plan submitted by the applicant shows the 1,710+/- square foot brewery will consist of brewery equipment, bar, tasting room and seating areas. The applicant has included both parcels with this request, in anticipation of accommodating outdoor patio seating for the brewery on the rear lot in the future.

The subject properties were rezoned in March 2009, from M-1 to B-1C, to allow for a proposed mixed use development of commercial and residential uses. Very specific proffers were submitted by the applicant, which included redevelopment of the entire site. One of the proffers provided dealt with parking for the site; that proffer stated "parking for residential units will be one space per bedroom and parking for commercial space will be one space for each 300 sq. ft." In October 2011 the applicants revised the rezoning proffers by adding a proffer to allow the owners to utilize the current building and property as described within the earlier rezoning and to allow all B-1 special uses as approved by City Council. (The current regulating proffers are attached with this report.) Concurrently with the revised rezoning, the applicants received a special use permit to operate a vehicle repair shop at the property. Because parking for this location was a concern, and the one proffer dealing with parking only took into consideration by-right commercial uses, a condition was placed on the SUP that "one parking space shall be provided per bay plus one additional space shall be provided associated with the office space of the business. Parking spaces shall be clearly marked and delineated on site." The automotive repair shop no longer operates from this location. Tax map 35-O-5 is currently home to several food trucks.

In addition to establishing a brewery at this location, the applicant is working with a coffee company to operate from a 450 square foot area of the existing building, and as noted above, there are several food trucks which occupy, and operate from the rear parcel. The remainder of the existing building would be used for storage for the brewery and food trucks. Because of the many uses presently operating from, and proposed for the property, staff has had numerous conversations regarding parking with the applicant. Currently, there are no parking regulations regarding food trucks; therefore, they have simply been allowed to operate in commercially zoned areas, but do not have to provide any parking. The coffee company is considered a permitted commercial use within the conditional B-1 zoning of property and the applicant would have to provide two parking spaces for the use (one space for each 300 sq. ft.). Because the proposed brewery is a SUP request, it does not have a proffered parking requirement that must be met. As well, any future additions to the uses on site may cause additional parking concerns.

The applicant has provided a drawing indicating that eight parking spaces are proposed for the site. As well, the applicant provided an email from an adjoining property owner who is willing to enter into discussions regarding leasing of their vacant property (TM 35-O-1) at the intersection of West Wolfe Street and North Liberty Street in order to ease any parking shortages for the proposed brewery use. There is public parking along portions of North Liberty Street in this vicinity and also a public parking lot (TM 34-P-13 & 14) adjacent to Liberty Park, approximately 400 feet from the subject property.

The applicant has indicated that deliveries to the brewery will occur approximately once every three weeks. Deliveries are made by a 21-foot “box type” delivery truck and would take place in the early morning, before the brewery or food trucks are open. It is anticipated that the parking lot would provide adequate maneuvering area for truck deliveries. No accessory vehicle is proposed to be housed at the site in association with the brewery.

Staff is looking at this request with a favorable recommendation and we do have some conditions that we would like to place on the SUP. One condition being our standard...

1. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the SUP can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Regarding the other suggested condition which is in the staff report – staff has given it a little more thought and would like to offer a different approach. Currently, the way it is within the report is with the intent of applying the one parking space per 300 SF of gross floor area for the 1,710 SF brewery, for a total of six parking spaces. Any future additions or expansion of the special use permit would require the applicants to come back to Planning Commission and City Council. Being that they are still in the preliminary stages of wanting to make renovations to the building, they may end up with the interior being larger than the 1,710 SF. Staff proposes a different approach to the condition stating the applicant shall provide the proffered condition of one space per 300 SF of gross floor area. Therefore, if the area goes above the proposed square footage, the applicants still supply parking based on the one space per 300 SF of gross floor area. This gives the applicants the flexibility to not have to be too concerned about coming back to ask for an additional special use and gives them the flexibility to add the patio space without the need for a new SUP. We would view the patio space as part of the gross floor area because it is just as we would view a restaurant with outdoor dining. It does restrict them a bit in how they utilize the rest of the building; if they do put in the coffee tenant that is where they may have to pick-up some additional on-site parking. There is the ability in the back of the property where the food trucks are located to install some parking if they did some reconfiguring. Our parking concern is of great need at this location and we believe that the one per 300 needs to be applied here; so our suggested condition is:

2. The applicants shall provide one parking space per 300 SF of the entire gross square footage of the brewery and that the spaces are clearly delineated.

I can answer any questions you may have regarding this or the change to the suggested condition.

Mr. Colman asked if the addition of new parking spaces needed to be on site.

Mr. Fletcher replied yes, they need to be on site.

Mr. Way said in the original condition where you say the applicants shall provide six parking spaces for the brewery – that is using the one space per 300 SF of gross floor area.

Mr. Fletcher said yes, assuming that the brewery was at 1,710 SF; but our concern was that it might not be entirely planned out at this point, it could be greater.

Mr. Way said with the change they would not have to come back for a new SUP if they constructed larger than 1,710 SF or enlarged the brewery. So we should amend this condition in the staff report.

Dr. Dilts asked staff if they already had a condition written out at this time.

Mr. Fletcher said yes and then stated: The applicants shall provide one parking space per 300 SF of gross floor area and parking spaces shall be clearly delineated.

Mr. Da'Mes asked if this was a food truck court area would it require any parking spaces.

Mr. Fletcher replied no, and thank-you for asking that question. It is included in the staff report that currently there is not a parking requirement for food trucks. The way we have viewed them is as a by-right use on B-1 or B-2 zoned property. As you all know we are entering into a world where food trucks are desired as court operations now, and there is a desire to go on sites where the property is not developed. Historically in the City we have had food trucks for probably 30 years; but they have always located on developed sites. We have never had any requirement for parking for a food truck.

This was another one of staff's concerns with all of the desired uses for this small amount of space; which is why we want to ensure they have sufficient parking on-site and are not creating a burden on the surrounding community.

Chair Fitzgerald asked are we thinking about considering food truck parking issues as the City begins to see more.

Mr. Fletcher said there is actually a project review team (PRT) which includes individuals from multiple departments to include Fire, Public Utilities, Public Works, Parks and Recreation, and so forth. They are reviewing different regulations and viewing different items that they need to be evaluated regarding food trucks.

Mr. Way said the potential 450 SF coffee shop, is that covered by the amended condition?

Mr. Fletcher said the coffee shop is not part of the SUP request, it is permitted by right; therefore they are already required to have one parking space per 300 SF of gross floor area per the regulating proffers.

Mr. Colman said would the adjacent parcels that are owned by the applicant be considered off-site?

Mr. Fletcher replied yes.

Mrs. Turner said they could vacate the property line and it would become one parcel.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked if the applicant or the applicant's representative would like to speak. Hearing no one, she asked if there was anyone wishing to speak in favor of the request. Hearing no one, she asked if there was anyone wishing to speak in opposition of the request. Hearing no one, she closed the public hearing and asked if there were any further comments or a motion at this time.

Dr. Dilts moved to recommend approval of the SUP with the amended condition of one parking space per 300 SF of gross floor area and parking spaces shall be clearly delineated and, the second condition as written in the report.

Mr. Heatwole seconded the motion.

Mr. Baugh said I intend to support this SUP; but, as a heads up to all, I have had this conversation with another Council member and it may come up further at the Council level. There is a sense that this type of operation of a brewery that really is not brewing a whole lot of beer, is a bit of "gaming the system" and we may find that when the legislators go to Richmond next year there may be some steps taken to knock these types of things out. I am not sure that convinces me that this is necessarily a bad thing; but I would not be surprised if this issue gets discussed more at the City Council level.

Chair Fitzgerald called for a voice vote on the motion.

Mr. Way said I do not want to be a squeaky wheel on this one and I understand the principal of being accommodating to the potential growth of the brewery and to make it easier for them with the parking

rather than having to come back for another SUP; but, I am hesitant about this. From a central urban design I am not so worried about parking minimums in that central B-1 area, where the intent is to create a bit more of a walkable community. With the one per 300, I can see exactly why staff is suggesting that, but I have some thoughts about why not just go with six and if the brewery does grow a bit, that is fine. I do not know how square footage necessarily translates into a parking space.

My other reservation is connected to the fact that it is a brewery. I do not know if I want people driving around after getting a brew. Why are we stipulating parking for a brewery operation; if there is something that should not have parking associated with it, in my mind it is a brewery. The whole point of it is drinking and we do not want to encourage driving while under the influence. So to encourage a walking environment in general, and walking in particular with breweries, seems appropriate in my mind.

Mr. Baugh said I do not know if staff was thinking this, but would this be a different discussion if this request was in the middle of the B-1 area? Here you are dealing with different uses that are adjacent to this property, including residential, and for me it makes some sense.

Mr. Fletcher said it was something we considered. If you recall both of the previous two SUP requests for brewery operations had no conditions on them at all because they were central to the B-1 district. This has just been a site that has had so many desirable uses on such a small piece of property that there was concern for parking and there is no direct off-street parking on Wolfe Street.

Let me put into perspective the one per 300 requirement – this is the most lenient parking requirement we have in the Zoning Ordinance. It was interesting to hear what Mr. Baugh was saying about what the legislature was thinking because we have had that conversation in our office about how these operations somewhat place a burden on us with parking. They are actually more like bars rather than a manufacturing operation.

Mr. Baugh said it has to do more with ABC Laws, more so than someone who is opening up a restaurant that happens to have a bar in it.

Mr. Fletcher said if it were a restaurant, parking would be based on one parking space for every 100 SF of gross floor area.

Mrs. Turner said the parking thing was not really related to the brewery at all. Right now, the way the proffers are for this parcel is that they can have commercial uses located there. It is zoned B-1 so they do not have the same parking requirements as B-2; but when they became zoned B-1 there was a concern about where are people going to park. This is an area closer to residential and not quite as close to the public parking lots. So that is why the one per 300 SF was already placed on the property by proffer, recognizing that the commercial uses needed a little bit of parking in this location. Then, when this came in for an industrial use as a brewery manufacturer, we recognized that this use pretty much operates as a commercial use. It does not have the same parking needs as an industrial use; it is more of a commercial pattern and should meet the same type of parking requirement that was established by the proffer. It was not because it was a brewery.

Mr. Way agreed and said he understood; but is there a need to continue that.

Mr. Fletcher said Three Brothers Brewery is a brewery manufacturing operation in M-1, and allowed by-right and is packed with parking spaces. Yet their parking requirement is one space for every two people working on the premises on a maximum shift.

Mrs. Turner said that is because we treated them as an industrial use in an industrial area. ABC Laws allow the use to have a “tasting room” associated with them. Our parking requirements are slim and when you go by there you can see that people have to park other places when going to visit them.

Dr. Dilts said you talked about gaming the system; I think, in some ways, food trucks are gaming the system.

Mr. Colman said the question that I have is whether either one of these situations, food trucks or breweries, are they becoming a nuisance to the community. If they are, why try to fix something that does not need fixing.

Mr. Way said there is a case to be made for the private business owner to do what is best for their interest; in this case it would be to provide some sort of parking. People do not have to walk very far for this business. If you have to walk 400 feet from the public parking lot, it is really not far. It does not strike me as an undo imposition to walk that distance. I want to support this, but I want us to think about the notion of expectations with parking and what policy is doing in the B-1 area.

Mr. Colman said I understand the logic of your thinking; however, I like the idea of not continuing to expand the business without parking and one per 300 seems reasonable.

Chair Fitzgerald asked if there was any further discussion. Hearing none, she called for a voice vote on the motion.

All voted in favor of the motion to recommend approval of the SUP (7-0) with the two conditions.

Chair Fitzgerald said the motion passes and will go before City Council on November 11th with a favorable recommendation from Planning Commission.

Respectfully Submitted,

Alison Banks

Senior Planner