



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
Engineering  
Planning & Zoning

To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Planning and Community Development; and  
Harrisonburg, Planning Commission  
Date: July 9, 2019 (Regular Meeting)  
Re: Special Use Permit – 325 North Liberty Street (10-3-85 (1))

### **Summary:**

Public hearing to consider a request from Bismarck LLC for a special use permit per Section 10-3-85(1) to allow manufacturing, processing and assembly operations within the B-1, Central Business District. The +/- 15,000 sq. ft. site is addressed as 325, 335, 357, and 394 North Liberty Street and is identified as tax map parcels 35-L-2, 3 and 4.

### **Background:**

The Comprehensive Plan designates this area 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.

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

**Site:** Vacant commercial building; zoned B-1C

**North:** Private parking lot; zoned B-1C

**East:** Across North Liberty Street, vacant commercial building; zoned B-1C

**South:** Multi-family residential use; zoned M-1

**West:** Single-family and duplex dwellings fronting Collicello Street; zoned R-2

### **Key Issues:**

The applicant’s representative, Sage Bird LLC, is requesting a special use permit (SUP) per Section 10-3-85 (1) of the Zoning Ordinance, to allow a manufacturing and processing use within the B-1, Central Business District. If approved, Sage Bird LLC is proposing to operate Sage Bird Ciderworks at 325 North Liberty Street. 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 a building.

For reference, the subject site, along with several other properties to the north and east, were rezoned by the property owner, Bismarck LLC, in November 2018, from M-1 to B-1C, to allow for a proposed mixed use development of commercial and residential uses. As part of the rezoning, proffers were submitted by the property owner, which included that all special use permits (SUPs) shall be permitted as approved by City Council. Also, the applicant proffered that at minimum, seven parking spaces shall be located on the parcels associated with this SUP request and that 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 parcels. Additionally, the property owner proffered 22 parking spaces to be located on the southwest corner of North Liberty Street and Gay Street. These 22 parking spaces shall be reserved for the sole purpose of supplying off-street parking spaces for any and all uses that are located on the properties in connection with the rezoning request.

With the proposed SUP request, the applicant describes that a cidery will be situated within 1,800+/- square feet of the existing building on the site. The production portion of the cidery will encompass about 1,000 square feet and will operate generally between 7 a.m. and 7 p.m. The applicant describes that noise production created from processing will be minimal, consisting mainly of electrical motor sounds produced by pumps and cooling systems, which the applicant describes as “used extensively in beer production and do not cause a noticeable increase in outside noise disturbance.” There would be a minimal aroma of apples or other fruit as well. Deliveries will occur no more than four times a month, generally during apple season (August through March) and will be received through the large bay door at the front of the production space. Sage Bird Ciderworks intends to self-distribute the processed bottles and kegs of cider, eliminating any bulk pick-up of cider produced on-site.

Along with processing and bottling the cider, the applicant intends to have an indoor tasting room and proposes small outdoor spaces in the front and rear of the building. At this time, they plan to operate the tasting room during afternoons and evenings on Wednesday through Sunday. A conceptual floor plan submitted by the applicant shows the cidery production area, tasting room, and outdoor seating areas. If approved, the applicant will need to work closely with staff to ensure that there is enough space between the existing building and the front property line to accommodate both the proffered parking and the proposed outdoor area.

The applicant has been informed that they will need to work with the Building Inspections Division regarding Building Code requirements and all necessary permits. Furthermore, a minor subdivision will be required to vacate the existing interior property lines on the site, prior to any building permits being approved.

Staff believes the proposed cidery use is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living and working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district. Staff recommends approval of the special use permit without any conditions.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the special use permit request as submitted; or
- (b) Approve the special use permit with conditions(s); or
- (c) 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 for City Council’s public hearing. The advertisement was published as shown below:

***Special Use Permit – 325 North Liberty Street (Manufacturing and Processing in B-1)***

Public hearing to consider a request from Bismarck LLC for a special use permit per Section 10-3-85(1) to allow manufacturing, processing and assembly operations within the B-1, Central Business District. The +/- 15,000 sq. ft. site is addressed as 325, 335, 357, and 394 North Liberty Street and is identified as tax map parcels 35-L-2, 3 and 4.

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 special use permit request as submitted.

**Attachments:**

- 1. Planning Commission Extract
- 2. Site maps (2 pages)
- 3. Application, applicant letter, and supporting documents (10 pages)

**Review:**

Planning Commission recommended (6-0) approval of the special use permit as submitted.