



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections
Engineering
Planning & Zoning

July 1, 2019

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: 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.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: June 12, 2019

Vice Chair Colman recused himself from this agenda item due to a conflict of interest. Commissioner Whitten chaired the meeting in his absence.

Commissioner Whitten read the request and asked staff to review.

Ms. Banks said that 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

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.

Commissioner Whitten asked if there were any questions for staff.

Commissioner Finnegan asked if the limit of fifteen employees per shift is related to the maximum occupancy of the building.

Ms. Banks said that is the limit for manufacturing in the B-1 zoning. It is a small-scale manufacturing limit.

Commissioner Whitten asked how many shifts there would be.

Ms. Banks said that they planned to be open from 7:00 a.m. to 7:00 p.m. The applicant would have to answer any questions regarding the shifts.

Commissioner Whitten opened the public hearing and invited the applicant to speak to the request.

Zach Carlson, owner of Sagebird, LLC, 325 North Liberty Street, came forward to speak to the request. I am opening Sagebird Ciderworks at this location. I would have no more than fifteen employees. I would be doing most of the production work. I may have two or three people working in the tasting room at a time. Generally, I would not have more than five staff at a time. There would be a production time during the day, from 7:00 a.m. to 7:00 p.m. On the weekend, we may be open later for tasting room hours. You could consider that two shifts.

Commissioner Finks expressed his concern that the SUP would convey if the property were sold. The back of the property, where you propose to have tables for people who may be drinking, backs up to a residential neighborhood. Although you do not intend to be open past midnight, a future owner has the potential to allow the property to become a nuisance. Do you have any comments?

Mr. Carlson said that he wants to be a good neighbor. Behind the space, there is a rock wall that goes up to the residential properties. That rock wall provides an acoustic barrier. It is also not easily scalable. The natural features of the land, the building and the fencing on either side will keep people within the property. Those natural features also insulate against noise.

Commissioner Finks said that he thought the rock wall and the building would create an echo effect.

Mr. Carlson said that it does not. It is not a sheer cliff face. It is made up of some boulders and trees. We intend to have some ivy and other vegetation for aesthetic purposes which should also help acoustically, as well.

Commissioner Romero asked if Mr. Carlson has spoken with the neighbors.

Mr. Carlson said that he has not.

Ms. Banks said that staff has not received any comments from the neighboring properties.

Commissioner Ford-Byrd asked if Mr. Carlson has any idea of how he plans to lay out the proposed outdoor area in the front and the required parking.

Mr. Carlson said that he intends to have a six- or seven-foot patio space in the front and a bay door, similar to what Pale Fire Brewery has, but smaller. We understand that the parking needs to be there, and that accessible parking needs to be there. I will be using about two-thirds of the building. There is an additional third of the building that will be available for parking in the front. It would not be directly in front of our business, but next to it.

Commissioner Whitten asked if there would be musical events.

Mr. Carlson said that the expectation is to allow people to gather and talk. While there might be music, loud music would interfere with conversation. Any music would be tasteful.

Commissioner Whitten asked if there was anyone else wishing to speak to the request. Hearing none, she closed the public hearing and opened the matter for discussion.

Commissioner Finks said that his only concern had been the effect on the residential neighborhood behind the property, however, he is comfortable with the responses from the applicant.

Mr. Fletcher said that restaurants are permitted by right on these properties. They could do the same things, no questions asked.

Commissioner Finnegan asked how late a restaurant could remain open. Is there a noise restriction?

Mr. Fletcher said that he would have to look it up in the Noise Ordinance in the City Code.

Mr. Russ said that Alcohol and Beverage Control does require breweries and cideries to close earlier. Restaurants can be open 24 hours. If alcohol is being served you cannot. I do not recall at what hour they have to close.

Commissioner Finks said that if alcohol is being served that is not brewed on site it is 2:00 a.m. I think the breweries have to close at midnight or around that time.

Commissioner Whitten asked if the 1,800 gross square feet is for the entire cidery.

Ms. Banks answered yes.

Commissioner Finnegan said that these are vacant buildings and we have had these requests come in before for this area and across the street. I move to recommend approval of the SUP as presented.

Commissioner Finks seconded the motion.

All members voted in favor of recommending approval of the SUP as presented. The recommendation for approval will move forward to City Council on July 9, 2019.

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner