



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

April 1, 2024

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request from Bismark LLC for a rezoning to amend proffers at 325 and 335 North Liberty Street*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: March 13, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said 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.

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.

Recommendation

Staff recommends approval of the proffer amendment.

Chair Finnegan asked do we know the purpose of the original proffer? I was here in 2018, I remember when this whole area got rezoned.

Ms. Dang said I apologize I forgot to mention that I included in front of your seats an exhibit that I failed to include in your packet. This was the exhibit that was presented with the 2018 rezoning. At the time, they did not know what all of these spaces were going to be. Magpie was not conceptualized yet, or maybe it was I cannot recall, but I do not believe these areas were. As you can see, this property here was claimed as professional offices. I think commonly perhaps at this time and prior times it was kind of this question of do we require parking? What is the need and what do we do? At the time, the applicant who was not Sage Bird, the property owner had proffered that they would provide parking because they could provide seven parking spaces. I imagine that is what occurred.

Mr. Fletcher said if I can add to that too, this was in 2018 and a lot has happened since 2018. We have done a downtown parking study, we have completed the Downtown Master Plan, we have lived through the entire sequence of all of the Comprehensive Plan update because the Comprehensive Plan was updated in 2018. We started working on the Zoning and Subdivision Ordinance rewrite project and we are looking at best practices that are a bit more in line with what national recommendations are for the American Planning Association, which is like reduction of parking spaces and all those sorts of things. This was sort of the last of the old school thinking. When somebody wants to expand the downtown B-1 district, one of our very first questions used to be “we do not have plans right now to expand parking, what are you going to do about parking?” because we knew that people would want to park nearby. That is why I think they probably just heard that question and said well, we are just going to keep what is there, we are going to provide the seven parking spaces. There was a second proffer associated with parking which is this parking lot you see in your image, they proffered that as well. The proffers that the gentleman has submitted for the property here this evening just kind of eliminated all of that parking proffer detail and there are just the use regulations.

Ms. Dang said it is only affecting the Sage Bird property. The proffers for the townhome parking in that area as well as to the north, page right, what is labeled as apartments which is where Liberty Mercantile is, those proffers for those parking spaces remain the same until the property owner wants to come in and amend those proffers.

Vice Chair Byrd said this picture reminds me of what the street used to look like. I had forgotten how much changed.

Chair Finnegan said I have to admit, I had doubts when this came through in 2018. I was like good luck. It definitely looks better than what I had imagined.

Commissioner Baugh said I maybe had fewer doubts. My recollection is essentially the same as Mr. Fletcher’s mixed in with...to the extent they had thought through at that point okay, it will probably be a professional office building. In which case, regularly the parking there is appropriate. I am not sure now that we would be quite at the point where we would say “hey, do you think about getting rid of some of that parking.”

Chair Finnegan said the other thing that I remember came up in 2018 were the three parking spots at Urgie's and that was controversial for its time. Those parking spots are gone now. There are people eating food where there used to be three cars parked.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Zach Carlson, owner of Sage Bird and applicant's representative, came forward to speak to the request. He said thanks staff for explaining what we are trying to do. We own that food truck and in the evenings there is not as much food in that area and the point of that is to provide a better experience for our customers. Parking is obviously something that is beneficial, so we are not looking to willy nilly get rid of that. We do use the parking lot for cultural events and to kind of provide as good of an opportunity as possible for our customers. We appreciate your consideration.

Chair Finnegan said I saw a pretty sharp angle from where the curb cut is to where that spot on the far right is.

Mr. Carlson said it is honestly hard to reach if any vehicle of any size is parked before that.

Chair Finnegan said I would not want to be the one driving the truck back.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice Chair Byrd said I mean this picture of what it looked like in 2018 just took my brain back to driving past this road and how much has changed. Based on where I live and where downtown is, I tend to have to cut through this road. There is way more street parking then it was back then. I would not see a problem with removing that proffer. It has been observed how the business that operates that parking lot anyway. I do not see all of the spaces disappearing in a short period of time anyways. I would be in favor of this request.

Commissioner Baugh said I agree. I think the bottom line is that if all of these parking spots went away I do not think we would have any heartburn. And they happen to have a good reason for it that makes sense. There may be other areas where I might not be quite there but...I am familiar with that area...

Chair Finnegan said I will just add as a footnote, there is plenty of bike parking in that area. I ride my bike past there every day, not hard to find parking if you are on a bike.

Mr. Fletcher said Thanh, did you talk at the tour about even if they close it off and if they curbed it?

Ms. Dang said I do not know that I did but if they were to close off [the entrance] and do something with that parking lot and got rid of it and curbed it, I think we were calculating four on street parking spaces could be added.

Mr. Fletcher said close the curb cut, close all of the parking and then you will pick up four on street parking spaces.

Ms. Dang said that is a hypothetical.

Chair Finnegan said if you park there now, you will be blocking the curb cut.

Vice Chair Byrd said therefore we would only lose three.

Commissioner Baugh said in an area where at peak parking times it is really a pretty marginal extra distance I am going to have to walk.

Chair Finnegan said that is just your opinion. You should hear the opinions of some of the people walk...

Commissioner Baugh said exactly, that is my opinion. It is a fairly marginal additional walk.

Vice Chair Byrd said my friends have negative opinions because they park over in the County's parking lot and they have to walk and they do not like that. I make a motion to recommend approval of the rezoning request.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (4-0). The recommendation will move forward to City Council on April 9, 2024.