

MINUTES OF HARRISONBURG PLANNING COMMISSION

March 12, 2014

The Harrisonburg Planning Commission held its regular meeting on Wednesday, March 12, 2014 at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Gil Colman, Judith Dilts, Deb Fitzgerald, Jefferson Heatwole, and Henry Way.

Members absent: MuAwia Da'Mes

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Senior Planner and Secretary.

Chair Fitzgerald called the meeting to order and determined there was a quorum with six of seven members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the February 12, 2014 Planning Commission meeting.

Mr. Heatwole moved to approve the minutes as presented from the February 12, 2014 regular Planning Commission meeting.

Mr. Colman seconded the motion.

All members voted in favor of approving the February 2014 minutes (5-0) with Dr. Dilts abstaining because she was not in attendance at that meeting.

New Business

Special Use Permit-Urban Exchange Brewery Manufacturing

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks 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: Urban Exchange building, zoned B-1

North: Across East Market Street, professional offices, zoned B-1/B-2, and a fast food restaurant, zoned B-2

East: Professional offices, parking, Muhlenberg Luthren Church, zoned B-1/B-1C

South: Across East Water Street, professional offices, zoned B-2

West: Commercial establishments, zoned B-1, and across South Mason Street, a financial institution, zoned B-1

The applicant is requesting a special use permit per Section 10-3-85 (1) of the Zoning Ordinance, to allow for a manufacturing use within the B-1, Central Business District. If approved, Three Notch'd Brewing Company, LLC, would operate a brewery operation and taproom within the Urban Exchange building at 241 East Market Street. Per the requirements of the SUP, no more than 15 persons can be employed on a single shift and all storage and activities must be conducted within a building.

Urban Exchange is a mixed use building, which currently has commercial uses and parking on the first level and apartment units on the upper levels. The Urban Exchange property has street frontage along East Market Street, South Mason Street, and East Water Street. The commercial uses front East Market and South Mason Streets. Three Notch'd Brewing would occupy a 2,100+/- square foot unit in the northeastern portion of the building, along East Market Street.

Three Notch'd Brewing Company, LLC currently operates in Charlottesville and is looking to expand their operations to the City, where they plan to manufacture beer that would be unique to Harrisonburg. The beer would be sold from their taproom and in kegs to other businesses upon request. The beer manufactured in Harrisonburg would not be bottled for resale; it would only be made and then stored in kegs. In addition to the beer manufactured on site, they would also sell beer made from their Charlottesville location at the Urban Exchange site and sell merchandise such as hats, t-shirts, and growlers.

With regard to deliveries, they will personally transport the raw materials from their main location in Charlottesville. It was explained that raw material deliveries would be so small in amounts they could be transported in the back of a car if necessary. Due to the small scale of the brewing at this location, there would be only one employee working in production and four to five persons operating the taproom/retail portion; with the largest number of employees onsite at any time being 15.

Overall, staff believes the brewery use should have no adverse effect on the health, safety or comfort of those working and living in the area and is compatible with uses generally permitted in the B-1 zoning district.

Staff recommends approving the special use permit request to allow a brewery manufacturing operation at this location.

Chair Fitzgerald asked if there were any questions for staff regarding the special use request. Hearing none, she opened the public hearing for the request and asked the applicant or their representative if they would like to speak. Hearing none, she asked if there was anyone wishing to speak in favor or opposed to the special use request. Hearing none, she closed the public hearing and asked if there was a motion.

Mr. Way said this is another good example of the mixed use principles we want to see within the B-1, Central Business District. He then made a motion to recommend approval of the brewery manufacturing special use permit.

Dr. Dilts seconded the motion.

All voted in favor of the motion to recommend approval (6-0).

Chair Fitzgerald said this will move forward to City Council with a favorable recommendation on April 8, 2014.

Street Right-Of-Way Closing – Intersection of West Bruce Street and Old South High Street Adjacent to 25-C-14 (164 W Bruce, LLC)

Chair Fitzgerald read the request and asked staff to review.

Mr. Colman recused himself from the meeting at this time.

Mr. Fletcher said the following land uses are located on and adjacent to the property:

- Site: Public street right-of-way currently under construction to be part of a private parking lot, adjacent to property zoned B-1C.
- North: Private parking lot owned by the applicants, zoned B-1C
- East: Private parking lot owned by the applicants, zoned B-1C
- South: Remaining developed public street right-of-way of West Bruce Street
- West: Remaining developed public street right-of-way of Old South High Street

The applicant is requesting to close and purchase 1,434 square feet of variable width public street right-of-way (ROW) at the northeastern corner of the intersection of Old South High and West Bruce Streets, adjacent to tax parcel 25-C-14. The public street ROW is not used for the adjacent developed public streets, and therefore is considered undeveloped street ROW. The applicant owns tax parcel 25-C-14, which is the only private lot adjacent to the area requested for closure. If approved, the new ROW line would be located to the back of the recently re-constructed sidewalk.

In November 2013, the applicant's engineered comprehensive site plan for the private parking lot currently under construction on tax parcel 25-C-14 was approved. The site plan demonstrated utilizing this ROW in the design of the parking lot, as if the applicant already owned this area, serving mainly as the required 10-foot landscaping buffer along the West Bruce Street frontage with portions of a retaining wall also being in this area. A note on the site plan described the applicant was coordinating with the City to purchase the subject area. The City approved the comprehensive site plan noting that "work in this area [the public right-of-way] shall not proceed until developer acquires the necessary strip of right-of-way from the City. If this transaction does not occur, then modifications to this plan will be required such to meet City standards without reliance on this strip of property." This area, however, has already been constructed upon and incorporated into the private parking lot's design. To conform to their approved comprehensive site plan, the applicant must close and purchase the public street ROW or redesign and then reconstruct this corner to meet City regulations.

During the summer of 2011, the same group of individuals requested to close approximately 3,600 square feet of public street ROW, which stretched as much as 40-feet at its widest section, at this same corner. (The 3,600 square feet included the area that is requested to be closed in the current application.) At that time, City staff recommended closing the requested ROW except for a 10-foot wide strip from the back of the existing sidewalk as it was uncertain to how this area was going to redevelop and we wanted to be assured we retained enough ROW for any necessary public street improvements. The retained 10-foot strip is what is now being requested for closure. Since 2011,

much has happened with the redevelopment potential in this area and staff is now comfortable with stating this ROW does not need to be retained.

As noted, the area in question is not used by the City for the public street, and therefore is not needed for that purpose. There is, however, an existing water main located just outside and to the west of the area requested for closure. If approved, and as shown on the submitted plat, portions of the ROW should be reserved as a public water easement prior to selling the ROW.

Staff recommends closing the 1,434 square feet of undeveloped public street ROW.

Chair Fitzgerald asked if there were any question for staff.

Mr. Way asked if closing the right-of-way impacted the sidewalk in any way.

Mr. Fletcher replied no, it does not.

Chairman Fitzgerald said this is not a public hearing before Planning Commission; however, we do invite anyone to come forward and speak if they so desire. Hearing no one, she asked Planning Commission for discussion or a motion on the closing.

Dr. Dilts moved to recommend approval of the street right-of-way closing as presented.

Mr. Way seconded the motion.

All voted in favor of the motion (5-0).

Mr. Colman returned to the Council Chambers at this time 7:14 p.m.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mrs. Banks said for proactive zoning this month inspectors went to the Route 33 West area where they found thirteen violations consisting of inoperable vehicles, signs, and discarded materials. Next month inspectors will be in the Chicago Avenue Area of the City.

Mr. Baugh said at City Council last night two matters from this body were approved, the special use permits for the jewelry manufacturing and the brewery manufacturing at the Ice House.

Chair Fitzgerald said she just wanted to update the Commission on one of the items we have been keeping track of – it is associated with the process by which Planning Commission reviews public buildings. I spoke with the City Attorney, Chris Brown, to find out where that item was. He said he has looked at procedures used by several other jurisdictions in determining the necessity of those types of hearings. What he is going to be doing is to summarize the pros and cons of the different options and get a summary out to City Council, staff, and Planning Commission for their input. Council can then make a final decision based on the input. He hopes to have this done before our April meeting.

Chair Fitzgerald then asked about the Streetscape Plan and would it return to Planning Commission in April?

Mr. Fletcher replied no, I do not have a time frame for the plan to return. We actually had a meeting regarding it and there are still some tweaks that the committee is making, so I do not expect to see it until May or later.

Mr. Baugh asked what the April Planning Commission Agenda looks like.

Mr. Fletcher said actually it was starting to look quiet heavy; however, it has dwindled down to three preliminary plats. One is for the Village of Chicago Park; another is a ten lot subdivision and public cul-de-sac off of Garbers Church Road; lastly, a plat to permanently dead-end Wyndham Drive in a cul-de-sac.

Chair Fitzgerald said hopefully in April we will have this input from the City Attorney regarding the public building review process.

Other Matters

None.

Adjournment

Planning Commission adjourned at 7:19 p.m.

Chair Deb Fitzgerald

Secretary, Alison Banks