



# City of Harrisonburg, Virginia

## Planning Commission Meeting

March 12, 2014

7:00 p.m.

Regular Meeting  
409 South Main Street

**1) Call to order, roll call, determination of quorum, and review/approval of minutes from the February 12, 2014 regular meeting.**

**2) New Business**

*Special Use Permit – Urban Exchange Brewery Manufacturing*

Public hearing to consider a request from C City LLC with representative Matchbox Realty and Management Services, Inc. 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 2.47 +/- acre property is zoned B-1, Central Business District, has multiple addresses including 241 East Market Street, the planned unit address, and can be found on tax map 26-A-1.

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

Consider a request from 164 W Bruce, LLC to close 1,434 +/- square feet of public street right-of-way at the northeastern corner of the intersection of West Bruce Street and Old South High Street. The area to be closed and purchased is adjacent to tax map 25-C-14.

**3) Unfinished Business**

**4) Public Input**

**5) Report of secretary and committees**

*Proactive Zoning*

**6) Other Matters**

**7) Adjournment**

Staff will be available Monday April 7, 2014 at 4:30 p.m. for those interested in going on a field trip to view the sites for the April 9, 2014 agenda.

**MINUTES OF HARRISONBURG PLANNING COMMISSION**  
**FEBRUARY 12, 2014**

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

Members present: Richard Baugh, Gil Colman, MuAwia Da'Mes, Deb Fitzgerald, Jefferson Heatwole, and Henry Way.

Members absent: Judith Dilts

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 four of seven members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the January 8, 2014 Planning Commission meeting.

Mr. Heatwole moved to approve the minutes as presented from the January 8, 2014 regular Planning Commission meeting.

Mr. Colman seconded the motion.

All members voted in favor of approving the January 2014 minutes (4-0).

Mr. Way and Mr. Baugh arrived to the Planning Commission meeting at 7:01 p.m.

**New Business**

***Special Use Permit-Ice House Brewery Manufacturing (217 S. Liberty, LLC)***

***Special Use Permit – Ice House Jewelry Manufacturing (217 S. Liberty, LLC)***

Chair Fitzgerald read the requests and said these items will be presented in one presentation; however, we will have a separate public hearing and vote for each. She then 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:** Former Cassco Ice building (currently undergoing renovations), zoned B-1

**North:** Business offices including LD&B Insurance Agency Inc., zoned B-1 and across West Bruce Street, business offices (and building renovations for a restaurant), zoned B-1

East: Across South Liberty Street, municipal parking lot, zoned B-1

South: Daily News Record, zoned M-1

West: Across Norfolk South Railroad, property owned by C&W Railroad, zoned M-1

The property owner is requesting two special use permits, both per Section 10-3-85 (1) of the Zoning Ordinance, to allow two separate manufacturing uses within the B-1, Central Business District. If approved, a brewery and a jewelry manufacturing operation would both be located in the Ice House facility, which is currently being renovated to ultimately house a mixture of uses. Per requirements of the requested special use, manufacturing operations cannot employ more than 15 persons on a single shift and all storage and activities must be conducted within a building. The Ice House property, formerly the Cassco Ice industrial facility, has public street frontage along South Liberty Street and West Bruce Street.

In March 2013, at the request of the property owners, the subject parcel was successfully rezoned by removing all of the property's B-1C proffers, which were previously approved in 2006, leaving the property with the ability to utilize all of the permissions of the B-1 zoning district.

Concurrent with the rezoning, but by request of City staff, the Zoning Ordinance was amended by adding manufacturing as a special use within Section 10-3-85 (1) to accompany the already listed processing and assembly uses. This code section was further modified by increasing the maximum number of employees on a single shift from 10 to 15. Staff proposed these changes mainly due to the activity associated with the redevelopment of the Cassco Ice building, and although at that time there were no solidified manufacturing tenants, the space was envisioned to possibly provide an opportunity for small-scale industrial uses. In making these amendments, staff did not believe such changes would cause negative impacts on the B-1 district knowing that, just like any SUP request, if there were concerns with how these small-scale manufacturing operations were to operate, the City had the authority to place conditions on the special use to nullify undesirable impacts.

At present, the property owners have had their engineered comprehensive site plans approved and multiple building permits approved for sections of the building that would contain by-right B-1 uses. They have also recently been granted several temporary certificates of occupancy for the sections of the building that will contain business offices. They are now seeking approval to allow two independent manufacturing operations to obtain building permits for those uses.

With regard to the first special use permit application, the property owners are requesting the ability to operate a beer manufacturing use—a brewery. The brewery would be located on the first floor of the Ice House and would be approximately 8,800 – 8,900 square feet in size. The intended tenant, Tim Brady of Teedum LLC, has noted they will focus on producing and bottling craft beer for sale throughout Virginia and other states. Within this square footage and in concert with manufacturing the beer, they will also operate a retail tasting room on-site as permitted by the Code of Virginia. Shipping, receiving, and export of ingredients will occur on the western side of the building, adjacent to the railroad tracks, where trucks will enter and exit onto West Bruce Street.

As described by the intended tenant, noise levels within the brewery typically do not reach noticeable levels, but there is often an aroma produced from manufacturing the beer. He noted the aroma is similar to commercial bakeries and is generally described as pleasant. As most are aware, there is already an active brewery within the City, operating along North Main Street, and staff does not believe there have been issues raised concerning noise levels or aromas generated from this

facility. Furthermore, Cally's restaurant, which operated downtown for several years and was classified as a restaurant and not a brewery, made beer onsite with no apparent issues with the aroma generated from that business.

With regard to the second special use permit application, the property owners are requesting the ability to operate a jewelry manufacturing use. This use would also be located on the first floor of the Ice House and would be approximately 6,000 square feet in size. At this time, the intended tenant does not plan to utilize all of their square footage for manufacturing purposes but would also allocate some of this space for retail sales and showroom areas and space devoted to a museum for displaying items pertaining to the jewelry industry. The retail and museum spaces are uses permitted by-right in the B-1 district.

Information submitted by the intended tenant describes that the jewelry manufacturing utilizes several pieces of equipment, including hydraulic presses and drop hammers, which can be loud. It was also noted that the floors must be able to withstand "concussive pounding." They have indicated they will be installing noise suppression/baffles wherever possible and that numerous shelving on perimeter walls should also help diffuse noise. When further questioned about the noise levels, the applicants noted that noises from the jewelry manufacturing use should not be heard outside of the building nor should they be to the disturbance of adjacent tenants.

Although neither of the proposed manufacturing tenants believes they will employ 15 individuals on a maximum shift, they want to allow themselves the flexibility to have the maximum number permitted by the special use, and therefore, are not proposing voluntary limitations.

Since the property is zoned B-1, these uses are not required to supply on-site parking. As noted during the rezoning stage, these uses, and the other uses within the Ice House, will be able to utilize the 148-space parking lot, currently under construction, on the parcel diagonally located to the northwest across West Bruce Street and the railroad tracks from the Ice House. The first phase of the parking lot is almost complete and will contain 88 spaces. The second and final phase of the parking lot, which would add the remaining 60 spaces, requires the demolition of a few existing dwellings along West Water Street. The property owner hopes to have this complete by the end of this summer. As was noted during the rezoning process in March 2013, Downtown Parking Services, while concerned with increasing the need for parking downtown, believed the rezoning was in the best interest of the City's downtown revitalization efforts and had no negative comments regarding the rezoning to the B-1 district.

At this time, neither business has immediate plans to purchase and store on-site (or on the parking lot serving the Ice House) trucks, vans, or other vehicles for shipment of their goods. The brewery tenant intends to contract a private company for delivery and shipment of its products; however, at some point in the future they hope to be able to purchase a commercial van, styled with their branding, to use and to help promote their business. The jewelry tenant plans to utilize delivery methods mainly through FedEx, UPS, USPS, and others.

All in all, and with the ways in which the brewery and jewelry manufacturing uses intend to operate, staff believes neither use should have any more adverse effect on the health, safety or comfort of persons living or working in the area and should not be any more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the B-1 district.

Staff recommends approving both special use permit requests to allow a brewery and a jewelry manufacturing operation at the Ice House facility.

Chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing for the brewery manufacturing 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 moved to recommend approval of the brewery manufacturing special use permit request.

Mr. Colman seconded the motion.

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

Chair Fitzgerald asked if there were any questions for staff regarding the jewelry manufacturing special use request. Hearing none, she opened the public hearing for the jewelry manufacturing 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. Baugh said he is abstaining from the vote on the jewelry manufacturing special use request.

Mr. Heatwole moved to recommend approval of the jewelry manufacturing special use permit.

Mr. Colman seconded the motion.

Mr. Way said generally these are good things to be going into a somewhat mixed use environment and reuse of a former industrial building. This seems like a great way to be using the space.

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

Chair Fitzgerald said these items will move forward to City Council with a favorable recommendation on March 11, 2014.

### **Unfinished Business**

None.

### **Public Input**

None.

### **Report of secretary and committees**

Mrs. Banks said for proactive zoning this month inspectors went to the Reherd Acres area where they found ten violations consisting of discarded materials and inoperable vehicles. Next month our inspectors will be in the Route 33 West area of Harrisonburg.

Mr. Baugh said at City Council last night we took up the Chicago Avenue R-7 rezoning and master plan, it was approved unanimously. The CIP had a fair amount of discussion regarding improvements to the Country Club Road corridor; we did not amend the CIP regarding this. We did adopt the plan as presented by Planning Commission with two minor changes; these changes were in relation to the general description of the jail and the Water Street parking deck. Lastly, the child day care center was approved unanimously, with my abstaining, and one additional condition capping the total number of children at 170 enrolled at any one time. Should they desire to increase their enrollment beyond the 170, they would need to come back before the City Council.

Mr. Fletcher said next month we have another special use permit for a brewery at Urban Exchange and a street right-of-way closing for the parking lot at the corner of West Bruce Street and Old South High Street.

Chair Fitzgerald asked if the Streetscape Plan may come back in March.

Mr. Fletcher replied it is possible; but I am thinking April or even May.

**Other Matters**

None.

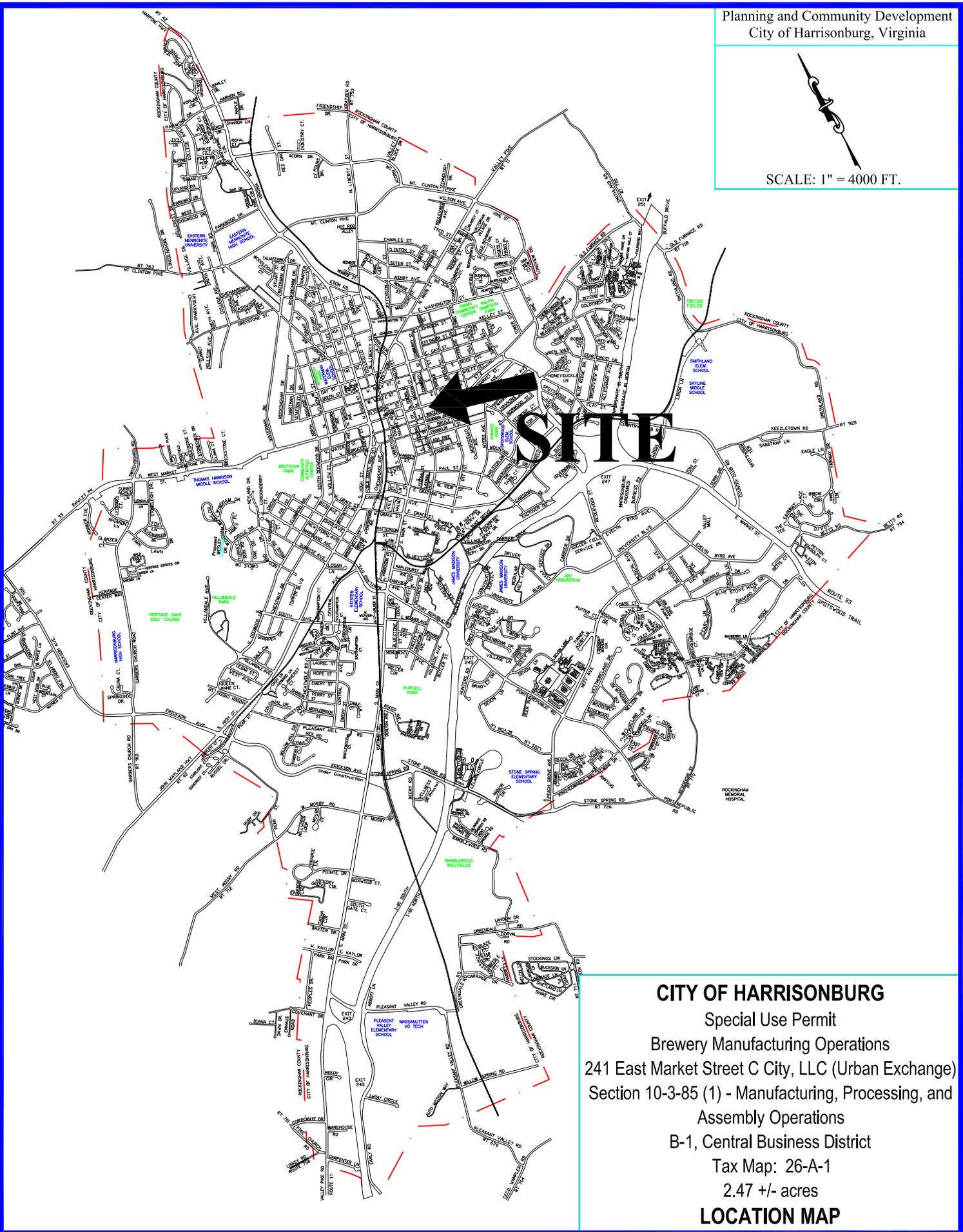
**Adjournment**

Planning Commission adjourned at 7:16 p.m.

DRAFT



SCALE: 1" = 4000 FT.



**CITY OF HARRISONBURG**

Special Use Permit  
Brewery Manufacturing Operations  
241 East Market Street C City, LLC (Urban Exchange)  
Section 10-3-85 (1) - Manufacturing, Processing, and  
Assembly Operations  
B-1, Central Business District  
Tax Map: 26-A-1  
2.47 +/- acres

**LOCATION MAP**



# SUP - Urban Exchange Brewery Manufacturing 241 East Market Street



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

March 12, 2014

### SPECIAL USE PERMIT – URBAN EXCHANGE BREWERY MANUFACTURING

#### GENERAL INFORMATION

**Applicant:** C-City, LLC with representative Matchbox Realty & Management Services

**Tax Map:** 26-A-1

**Acreage:** 2.47 +/- acres

**Location:** 241 East Market Street

**Requests:** Public hearing to consider a request 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 use would allow a brewery.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

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

### **EVALUATION**

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.

Three Notch'd Brewing Company, LLC  
946 Grady Avenue, Ste 9  
Charlottesville, VA 22903

Re: Special Use Permit Application for the space located at:  
241 East Market Street  
Urban Exchange  
Harrisonburg, VA 22802

**Description of operations:** Three Notch'd Brewing Company is looking to expand their current brewing and retail operations to the city of Harrisonburg by opening a dual purpose pilot brewing system and tap room on the first floor of Urban Exchange located at the above address. The space will house a small (three 20 gallon brewing pots), all electric brewhouse as well as a large walk-in cooler, four 1 BBL (31 gallon) fermentation tanks, and a necessary steam vented hood with an in-line fan and a 12"x12" exiting louver located on the side of the building.

Brewing will consist of a maximum of 8 brew cycles per month producing a maximum amount of 248 gallons of finished beer which will be served on premise in the tap room. Additional sales will come from retail sales and private party functions.

**Brewing and Cleaning Processes:**

The brewing process starts in the first 20 gallon pot which has a sole purpose of heating water to the appropriate (usually around 160-175 degrees) temperature to begin the mash phase. Mashing in occurs when that hot water is mixed with milled grain (we will mill the grain in a small bucket with a homebrew drill adapter) and the second pot. This process allows the fermentable sugars to be removed from the grain into a solution known as wort. This is also the process where beer gets its color. The next phase occurs in the third pot known as the "kettle." The wort will be boiled for a substantial amount of time (around an hour) and during that time there will be additions of hops and other flavorings depending on the beer. Typical additions would be spices, pumpkin or other fruits etc. The final stage of the process occurs when the wort is introduced to yeast in one of the four fermentation tanks (where it is now technically beer). This process takes around 2-3 weeks and is the primary limitation on the amount of beer we will be able to produce in this location.

Cleaning will occur before and after each batch of beer is complete. The cleaning elements will include the following, all made by Five Star Chemicals, in the specified amount:

Brand Name	Composition	Ounces per Batch	Monthly Ounces
Acid #5	Phosphric and Nitric Acid	2	16
Super CIP	Caustic	9	72
PBW	Alkaline Cleaner	20	160
CMC	Mild Chlorinated Detergent	10	80
Starsan	Phosphoric Acid & Dodecylbenzene Sulfonic acid	6	48
Phosphoric Acid		1	8
Calcium Chloride		2	16

The chemicals are used to treat and clean the tanks in a systematic fashion and after each treatment or cleaning there is a minimum of a 15 clean water rinse that occurs. Not only does this dilute the chemicals thoroughly so they can be introduced to the public sewer system, it also ensures there is nothing left to infect the beer.

**Floor Plan**

Attached for reference. Includes two restrooms, a dividing wall for production versus retail and a rear designated entrance for materials etc.

**Number of Employees**

Due to the scale of brewing at this facility there will only be one employee working on the production side. We anticipate a staff of around 4-5 to run the tasting room and retail side of things. The largest number of employees onsite at any time will be 15.

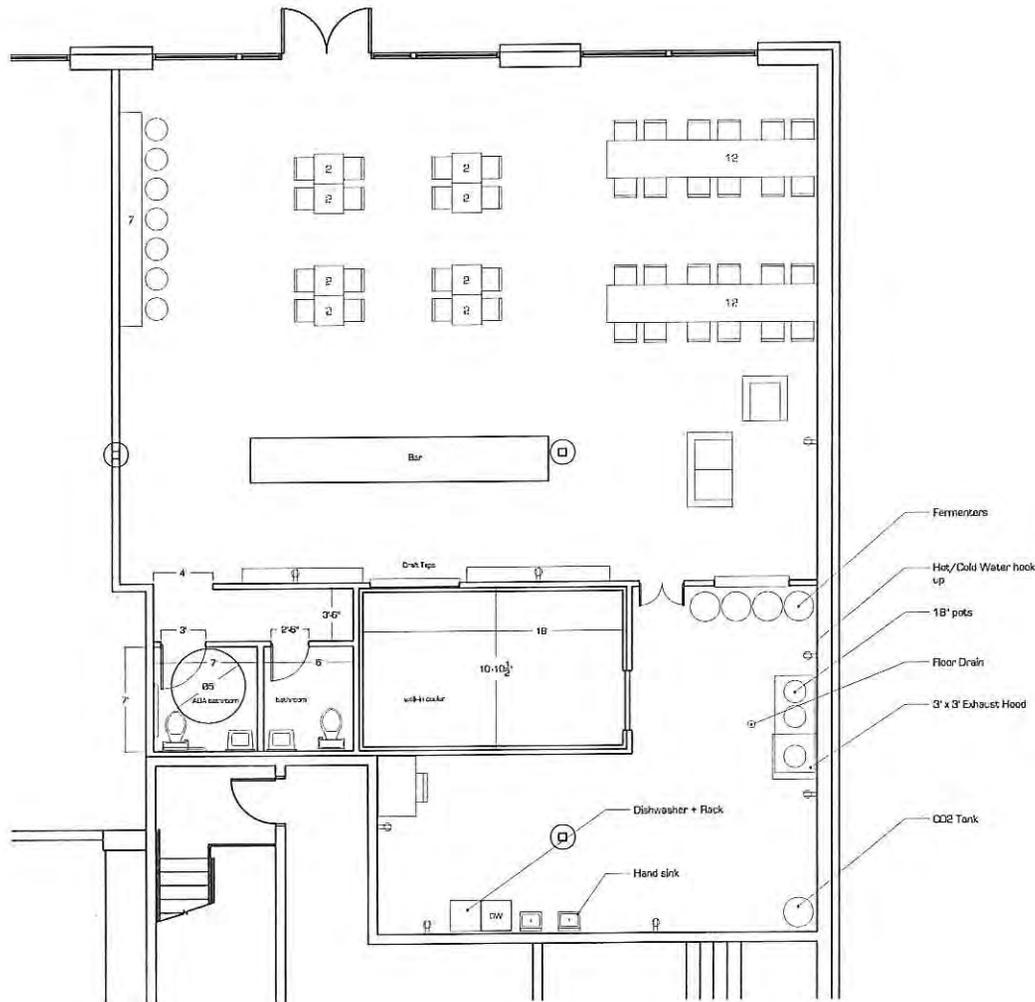
**Other Information**

The heating elements used by our brewhouse will be sourced from <http://www.theelectricbrewery.com/>

The hood system proposed to remove the steam from the kettle is to be installed and supplied by MTS Equipment out of Winchester VA. The quote for that system is also attached.

Please feel free to contact me directly with any questions.

Scott Roth  
President, Three Notch'd Brewing Company, LLC  
610.823.0621  
[scott@threenb.com](mailto:scott@threenb.com)



Site Plan  
 1/8" = 1'



DESIGN BUILD OFFICE

946 Grady Ave - Suite 15  
 Charlottesville, VA 22903  
 t 434.971.1148  
 f 434.977.5846  
 e info@designbuildoffice.com

### Three Notched Tap Room

client: Three Notched site:

job:

notes -

floor plan  
 date: 02.10.14  
 scale: 1/8" = 1' - 0"  
 dwg # :

sheet #: A-100





# Quote

Date

1/28/2014

**Project:**  
SCOTT ROTH

**From:**  
MTS Equipment  
Mike Cather  
580 Airport Road  
Winchester VA 22602

Project Code: SCOTT\_RO

Item	Qty	Description	Sell	Sell Total
1	1 ea	<b>CONDENSATE HOOD</b> Captive-Aire Model No. 3624VHB-G Packed: ea 36" long condensate hood w/ full perimeter gutter -304 Stainless 100% application w/ 10" dia. factory installed riser	\$1,095.00	\$1,095.00
2	1 ea	<b>IN-LINE FAN</b> Custom Model No. 3CGA9 Packed: ea inline fan with 10" dia. exhaust	\$650.00	\$650.00
3	1 ea	<b>HOOD INSTALLATION</b> Custom Hang 36" hood , supply and install up to 24' of round duct, supply and install wall louver, pull permit and have inspected. NOT INCLUDED ELECTRICAL HOOKUPS OR CONNECTIONS	\$1,975.00	\$1,975.00
4		<b>COMMENT</b> TAX NOT INCLUDED		

Total \$3,720.00

Prices Good Until: 2/27/2014

Acceptance: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date Application Received: 02-11-14

### Application for Special Use Permit City of Harrisonburg, Virginia

Fee: \$375.00 plus \$30.00 per acre

Total Paid: \$ 465.<sup>00</sup>

Property Owner's Name: L-City, LLC  
Street Address: 202 N. Liberty St., Suite 101 Email: mjaffee@matchboxrealty.com  
City: Harrisonburg State: VA Zip: 22802  
Telephone: Work 434.5150 Fax 434.3634 Mobile \_\_\_\_\_

Owner's Representative: Matchbox Realty & Management Services  
Street Address: 202 N. Liberty St., Suite 101 Email: mjaffee@matchboxrealty.com  
City: Harrisonburg State: VA Zip: 22802  
Telephone: Work 434.5150 Fax 434.3634 Mobile \_\_\_\_\_

Description of Property and Request 241  
Location (Street Address): ~~241~~ East Market Street  
Tax Map Number Sheet: 26 Block: A Lot: 124 Lot Area: 2.47 acres <sup>AF</sup>  
Existing Zoning Classification: B-1  
Special Use being requested: Tap room & brewery; see attached document for more information

Please provide a detailed description of the proposed (use additional pages may be attached):  
Please see attached document

Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)  
North: 250 E. Market St, BTJ LLC, 1531 Hillcrest Dr., Harrisonburg, VA 22802  
South: 242 E. Market St, L-City LLC, 1531 Hillcrest Dr., Harrisonburg, VA 22802  
East: 273 E. Market St., Rocktown Real Estate, 273 E. Market St., Harrisonburg, VA 22802  
West: 219 E. Market St., Holtzman Oil Corporation, P.O. Box 8, Mt. Jackson, VA 22842

Certification: I certify that the information contained herein is true and accurate.

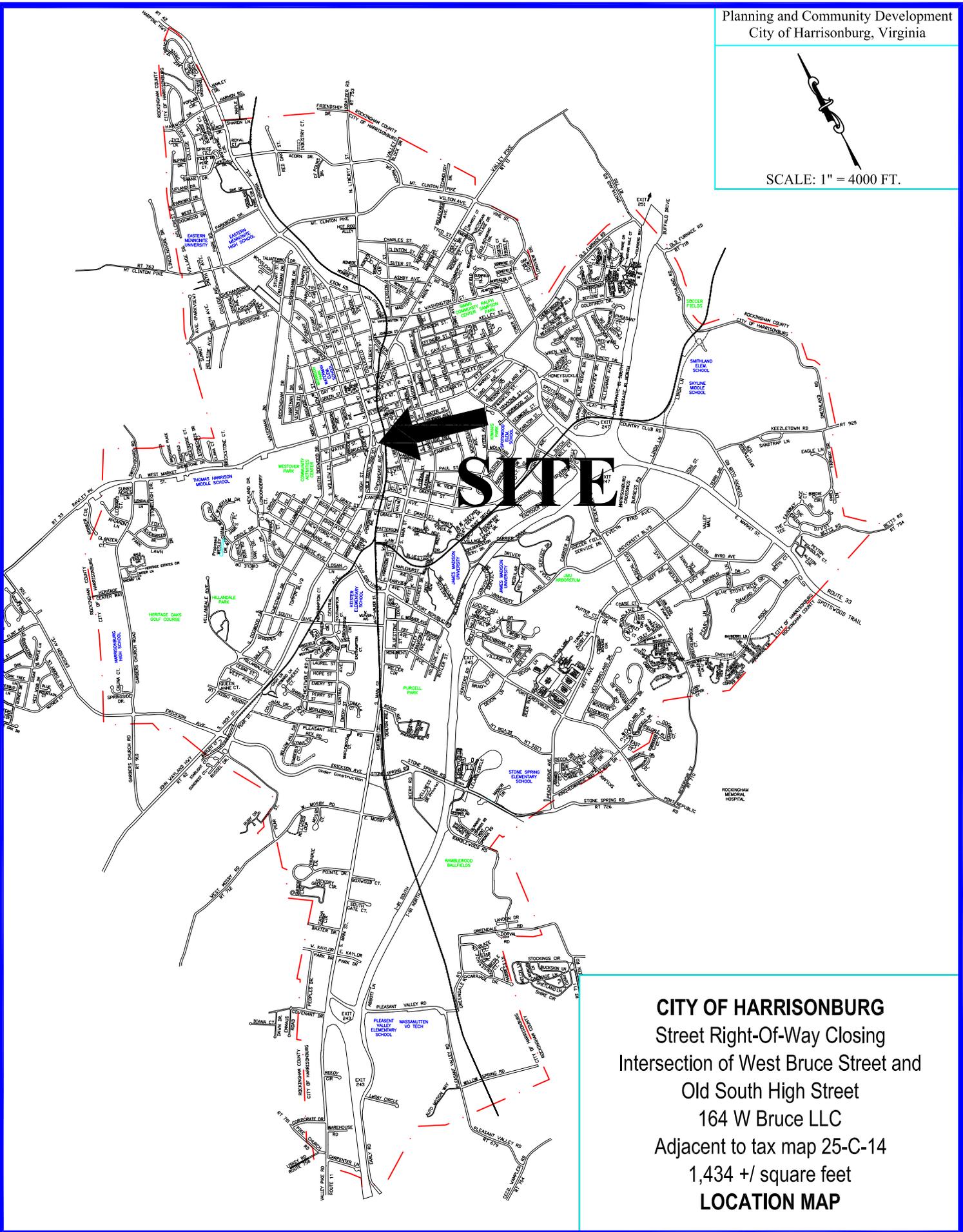
Signature: [Signature]  
Property Owner

#### ITEMS REQUIRED FOR SUBMISSION

- |  |  |
|--|--|
| <input type="checkbox"/> Completed Application       | <input type="checkbox"/> Fees Paid                   |
| <input type="checkbox"/> Site Plan                   | <input type="checkbox"/> Property Located on Tax Map |
| <input type="checkbox"/> Description of Proposed Use | <input type="checkbox"/> _____                       |
| <input type="checkbox"/> Adjacent Property Owners    | <input type="checkbox"/> _____                       |



SCALE: 1" = 4000 FT.



**CITY OF HARRISONBURG**  
Street Right-Of-Way Closing  
Intersection of West Bruce Street and  
Old South High Street  
164 W Bruce LLC  
Adjacent to tax map 25-C-14  
1,434 +/- square feet  
**LOCATION MAP**



# Street ROW Closing Adjacent to 25-C-14 (164 W Bruce LLC)



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

March 12, 2014

### STREET RIGHT-OF-WAY CLOSING – ADJACENT TO 25-C-14 (INTERSECTION OF OLD SOUTH HIGH STREET AND WEST BRUCE STREET)

#### GENERAL INFORMATION

- Applicant:** 164 W Bruce, LLC
- Tax Map:** Adjacent to 25-C-14
- Acreage:** 1,434 square feet
- Location:** Northeastern corner of the intersection of Old South High Street and West Bruce Street.
- Request:** Consider a request to close a variable width portion of public street right-of-way.

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

#### EVALUATION

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.

Date application received: 2/4/14

**Application for Street or Alley Closing  
City of Harrisonburg, Virginia**

Review fee: \$50.00 Board of Viewers appointment \$ \_\_\_\_\_ Total Paid: \$ 50.00

Applicant's Name: 164 W BRUCE LLC

Street Address: C/O 1531 HILLCREST DR, E-mail: \_\_\_\_\_

City: HARRISONBURG State: VA Zip: 22802

Telephone: Work 540 434 5150 Fax \_\_\_\_\_ Mobile 540 421 2878

Representative (if any): BARRY KELLEY

Street Address: 202 N LIBERTY ST SUITE 101 E-mail: BARRY@MATCHBOXREALTY.COM

City: H'burg State: VA Zip: 22802

Telephone: Work 540 434 5150 Fax 540 434 3634 Mobile \_\_\_\_\_

**Description of Request**

Location LAND ON THE CORNER OF OLD SOUTH HIGH AND W. BRUCE STREET

Square footage of area to be closed: 1434 sq ft

Cost per square foot: \$ \_\_\_\_\_ Total cost: \$ \_\_\_\_\_

Please provide a detailed description of the proposed closure (  additional pages attached):

Name and addresses of adjacent property owners ( Additional names listed on separate sheet)

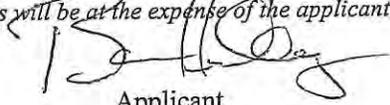
North: DRB INVESTNS, LLC 205A S LIBERTY ST, H'BURG 22801

South: JM Apartments LLC 265 Chesapeake Av, H'burg 22801

East: Bruce Street LLC C/O 1531 Hillcrest Ave H'burg 22802

West: BOX ONE LLC 202 N LIBERTY, H'BURG 22802; BISAPACA LLC P.O. BOX 1391 H'BURG 22803

*I hereby certify that it is my intention to have the above described Street(s) or Alley(s) closed and that the information contained herein is true and accurate. In addition, I understand that all required advertising and associated costs will be at the expense of the applicant.*

Signature:   
Applicant

Date: 1.19.14

**ITEMS REQUIRED FOR SUBMISSION**

- Completed application
- Letter described proposed use
- Adjacent property owners
- Survey & metes and bounds description (prepared by a surveyor, engineer, or other person duly authorized by the State)
- Value per square foot of cost to purchase
- Fees paid
- Other \_\_\_\_\_

*Please be advised, adjoining property owners shall be expected to buy that portion of the street/alley which abuts their property before second reading and final closing! The cost shall be a fair market value determined by the Commissioner of Revenue.*

Scale 1" = 40'  
January 28, 2014  
Revised:  
March 4, 2014



Notes:  
Tax Map: 25-C-14  
Present Owner: 164 W Bruce, LLC.  
See Deed Book 4347, Page 656 for Title Reference.  
See also a plat by Ingram-Hagen & Co., dated  
January 6, 2014 and revised January 16, 2014  
and recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_  
vacating several interior lot lines and consolidating  
several parcels into this present one parcel.

This plat serves to adjust the property lines as  
shown with the City of Harrisonburg.

TM 25-C-13  
D&B Investors, LLC.  
Porthill, LLC.  
4034/530 & 3916/653

Match Line - Sheet 2

S79°05'19"E 135.36'

TM 25-C-14

65,345 Square Feet (Original)  
+ 1,434 Square Feet (from City)  
- 160 Square Feet (to City)  
66,619 Square Feet (Total Revised)  
66,619 Square Feet = 1.529 Acres

Old South High Street  
Approx. 34' Public Right-of-Way

These lines  
hereby vacated

10' Easement  
to be  
Reserved by  
the City for  
Waterline  
Maintenance

Existing Waterline  
per City mapping,  
and field ties

10' General Utility  
Easement  
4209/504

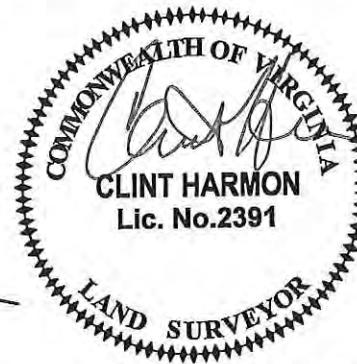
1,434 Square Feet  
(hatched) to be  
conveyed to  
164 W Bruce, LLC.

West Bruce Street  
Public Right-of-Way - generally 40' and variable width

Chesapeake  
Avenue

C&W Rail Road  
40' & Variable Width Right-of-Way

Boundary Line Adjustment  
for 164 W Bruce, LLC.  
City of Harrisonburg, Virginia



Note:  
A current title report  
was not furnished  
for this survey.

Job # 22352A

This is not a true, certified copy unless the  
signature hereon is an original signing.

INGRAM - HAGEN & CO., P.L.C.

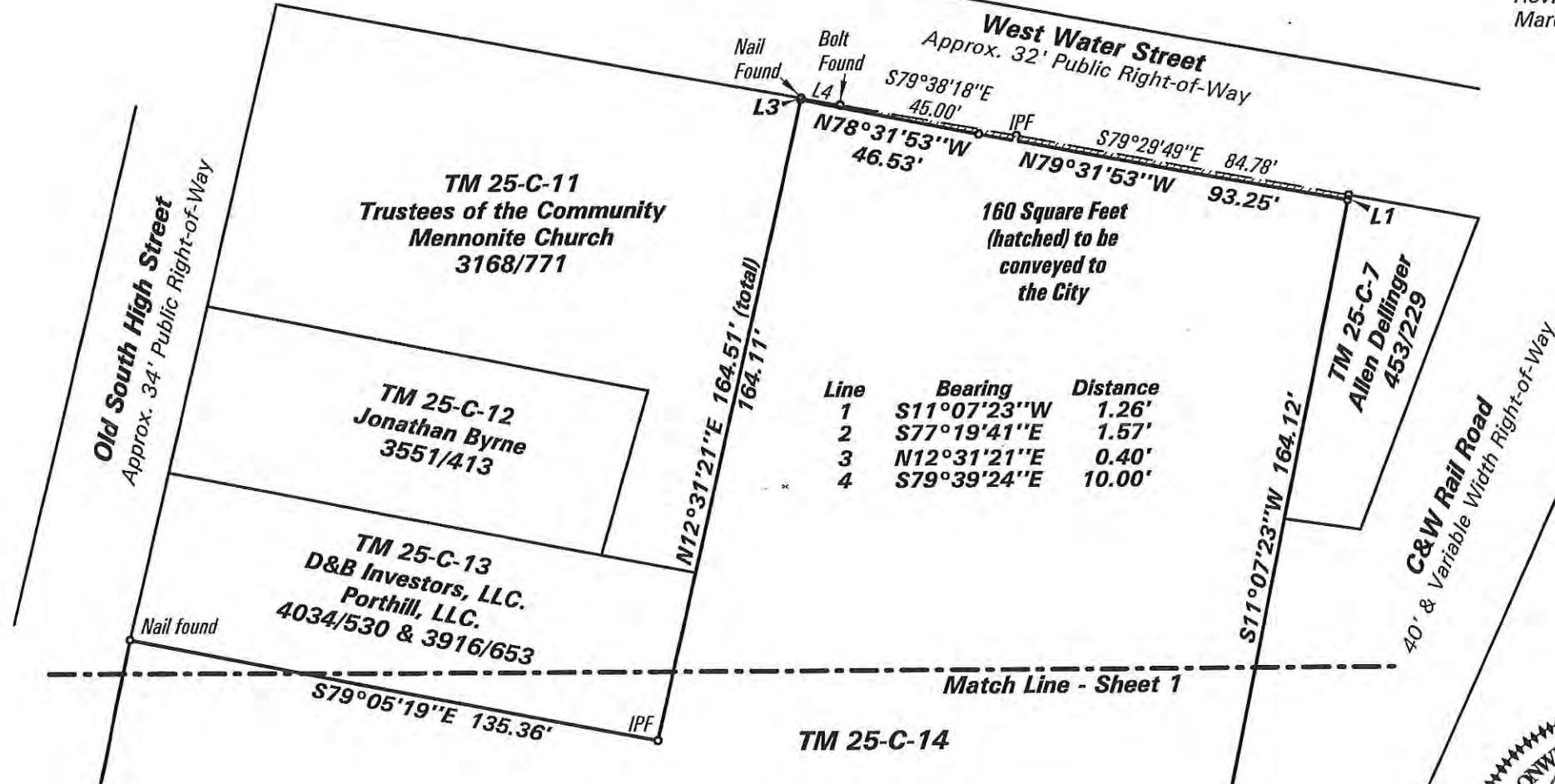
Surveyors - Engineers - Planners

140 OLD BRIDGEWATER ROAD  
MOUNT CRAWFORD, VIRGINIA 22841  
Telephone (540) 828-2778

Scale 1" = 40'  
 January 28, 2014  
 Revised:  
 March 4, 2014



IPF - Iron Pin Found  
 IPS - Iron Pin Set



Line	Bearing	Distance
1	S11°07'23"W	1.26'
2	S77°19'41"E	1.57'
3	N12°31'21"E	0.40'
4	S79°39'24"E	10.00'

Curve	Radius	Arc	Chord Bearing	Chord
1	194.25	8.80	N62°16'26"W	8.80
2	194.25	23.38	N57°31'42"W	23.37
3	194.25	20.37	N17°39'34"W	20.36
4	194.25	3.47	N14°08'39"W	3.47
5	335.00	58.51	N79°44'52"W	58.44
6	33.00	49.14	N42°05'30"W	44.72
7	535.00	74.12	N 4°32'13"E	74.06
8	25.00	34.01	N37°57'56"W	31.45
9	542.00	52.09	N 3°47'05"E	52.07
10	552.00	27.93	N10°15'05"E	27.92

**INGRAM - HAGEN & CO., P.L.C.**  
 Surveyors - Engineers - Planners  
 140 OLD BRIDGEWATER ROAD  
 MOUNT CRAWFORD, VIRGINIA 22841  
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