



**DESCRIPTION OF AMENDMENT**

Zoning Ordinance Section:

Proposed Text (Attach separate sheet, if needed.)

**APPLICANT'S INFORMATION**

Applicant's Name

Telephone

Street Address

E-Mail

City

State

Zip

**APPLICANT'S REPRESENTATIVE INFORMATION (if applicable)**

Applicant's Representative

Telephone

Street Address

E-Mail

City

State

Zip

**CERTIFICATION**

*I certify that the information supplied on this application and on the attachments provided is accurate and true to the best of my knowledge.*

APPLICANT

DATE

**REQUIRED ATTACHMENTS**

- Letter explaining the reasons for seeking Ordinance amendment.

**TO BE COMPLETED BY PLANNING & ZONING DIVISION**

Date Application and Fee Received

Total Fees Due: \$ \_\_\_\_\_

Application Fee: \$450.00

Received By

# CLARK & BRADSHAW, P.C.

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MARK B. CALLAHAN  
*OF COUNSEL*

AMY L. RUSH, C.P.A.  
(NOT ATTORNEYS)

December 1, 2023

**Via Electronic Mail:**

Adam Fletcher, Director  
City of Harrisonburg Department of Community Development  
409 S. Main Street  
Harrisonburg, VA 22801  
[Adam.fletcher@harrisonburgva.gov](mailto:Adam.fletcher@harrisonburgva.gov)

**Re: 865 East, LLC – Application for Zoning Ordinance Text Amendment, Rezoning and Two Special Uses for expansion of an existing structure located at 865 East Port Republic Road, Harrisonburg, VA 22801, Tax Map Reference: 092 F 1**

Dear Mr. Fletcher:

I write on behalf of 865 East, LLC, which requests approval for a Rezoning and Special Use within a B-2 zoning district in order to expand its existing mixed use commercial and multifamily structure located at 865 East Port Republic Road, Harrisonburg, VA 22801, Tax Map Reference: 092 F 1. The Owner/Applicant has also submitted a zoning ordinance text amendment and second Special Use permit request allowing for reduced side and rear yard setbacks for the existing and proposed structures. The proposed Special Use approvals would allow for the expansion of this successful mixed-use project, utilizing existing topography and parking to allow for more efficient and dense use of the parcel located in close proximity to James Madison University and local transportation and commercial facilities and amenities. This local developer and owner has demonstrated the ability to deliver and operate a high quality community on the site pursuant to existing proffers and conditions and has the reputation and expertise to give the City confidence that the proposed expansion will exemplify the same level of quality and operational competence.

The rezoning request to B-2C, allowing for multi-family uses under an approved Development Plan is requested to add a building addition, complimentary to the existing structure, connected by an elevated breezeway. The structure addition provides the same level of controlled access and security to its residents. The structure addition also works with existing topography (which slopes down to the south and west) so that the top elevation of the proposed structure addition would have the same top-level height as the exiting building when viewed from Port Road and Devon Lane. The Owner/Applicant has provided an enclosed proposed building addition table containing elevation and structure data for Staff and City use. The requested Zoning Ordinance text amendment would allow flexibility to add residential

density through height in the B-2 district, where such density and height is adjacent to residential districts under appropriate circumstances and with conditions approved by City Council.

The structure addition would be built over and retain the majority of the existing parking on-site. The B-2C classification would be valuable for utilizing equivalent (and underutilized) surface parking to accommodate additional residents on-site without creating additional impervious surfaces and stormwater runoff. 865 East already has an established plan for secure indoor bike parking and storage which is actively utilized by residents. The site has extensive amenities which would be fully available to the expanded structure and new residents. 865 East also has a history of housing international students in close proximity to the University which also reduces demand for vehicular parking and increased walking, biking and public transit usage. The Owner/Applicant has provided a summary of unit/bedroom data, parking information both existing and proposed and bicycle parking enclosed with this correspondence.

The property is located along Port Republic Road. Port Road, which is an arterial roadway, and the frontage and entrance/intersection serving the current 865 East development was improved and upgraded at the time of construction of the existing structure in 2009.

The following excerpt from the City Community Development Staff Report from February 2022 when the B-2 ordinance was amended to allow for these residential uses within the B-2 district fits the location and policy rationale for the present request like a glove:

*Creating a SUP to allow for multi-family units within the B-2 district would, among other TND principles, allow residents to work, shop, and carry out many of life's other activities within the neighborhood and allow residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school. Furthermore, the City of Harrisonburg Comprehensive Housing Assessment and Market Study, within recommendation #9, encourages the incorporation of new and updated provisions in the ZO that will facilitate the implementation of the recommendations made in the study. Among other suggestions, recommendation #9 encourages to "[c]onduct zoning map and/or zoning text amendments to increase housing stock, housing type and housing density."*

865 East is located in a perfect location to provide the benefits encouraged by the City when it adopted the B-2 ordinance changes. It is in an area designated by the Comprehensive Plan for future high density residential use and contains both extensive residential amenities and commercial uses on-site and in easy walking proximity. It is fully tied into existing transit lines, multi-use paths and sidewalks to allow for convenient multi-modal means of resident access and transit.

Finally, allowing the requested building addition allows benefits to City benefits in the form of increased revenues from a more intensive use of the site through additional constructed improvements without using more undeveloped land.

The applicant requests approval of the Rezoning request from R-5C to B-2C, a Special Use for multifamily units within the B-2 district under the submitted application and Development Plan, a Special Use for reduced side and rear yard setbacks in a B-2 district and a Zoning Ordinance Text Amendment to allow for the efficient use of vertical construction in an area of the City containing existing dense housing types and planned for the City's highest density residential use classification.

I appreciate your consideration of this proposal. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'TR', with a long horizontal line extending to the right.

Todd C. Rhea, Esq.

Cc: 865 East, LLC