



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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December 29, 2025

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

SUBJECT: *Consider a request from Turkey Properties LLC to rezone 797 Chicago Avenue*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: December 10, 2025**

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a parcel zoned R-5C, High Density Residential District Conditional and B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional and B-2, General Business District. The property is addressed as 797 Chicago Avenue and is identified as tax map parcel 39-P-1.

Rezoning occurred in 1995 and 2022 that currently regulate different portions of this property. The first rezoning occurred in May 1995 that rezoned multiple parcels from M-1, General Industrial District to B-2C, General Business District Conditional. The approved 1995 proffers are attached and regulate a small portion of the property as shown on the zoning map. The second rezoning occurred in April 2022 that rezoned a large portion of the parcel from B-2, General Business District and B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional for a project now known as Sunshine Apartments. The 2022 proffers are attached. The applicant would like to amend proffers for the R-5C portion of the property, rezone portions of the property from B-2C to R-5C, and to remove all proffers for the remaining B-2C portion that would leave it zoned B-2.

An engineered comprehensive site plan is currently in review for Sunshine Apartments. Sunshine Apartments is planned to contain two, three-story multi-family buildings with a total of 57 units. The applicant's letter states that they would like to have two parking spaces for each unit as well as additional visitor parking spaces. Staff has recommended that the applicant reduce the size and footprint of the buildings and/or reduce the number of parking spaces in favor of providing more open space and a reasonably-sized playground area for the residents.

Turkey Properties LLC is the applicant of the rezoning and is also the property owner of 751 Chicago Avenue, which consists of the La Morena restaurant. Turkey Properties LLC is in the process of performing a boundary line adjustment between the La Morena property and the subject property (Sunshine Apartments) to address a parking violation regarding the La Morena property. In June 2025, Turkey Properties LLC received a violation for working without a building permit to expand restaurant seating. This expansion requires additional parking that cannot be accommodated within the limits of the existing property boundary; therefore, the applicant is working to transfer a +/-3,235 square foot area of land to the La Morena property. The area of land that is to be transferred is the portion of the subject site that is proposed to be rezoned to B-2 by eliminating all of the existing proffers. If the proffers are removed and the boundary line adjustment is completed, then Turkey Properties LLC can expand the parking lot for La Morena and bring the site into compliance with regard to minimum off-street parking requirements.

Proffers

The applicant has offered the following proffers for the R-5C portion of the site (the proposed changes to the existing 2022-approved proffers are shown in tracked changes):

1. Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.
2. A sidewalk connection between the apartment development and Chicago Avenue to connect the apartment project with direct access to the city's sidewalk system.
3. The owner will design and construct a 5' wide sidewalk or a 10' wide shared use path connection from the rear of the property to the city's public trail/shared use path to connect the apartment project with direct access to the City's public trail/shared use path.
4. A 6' tall opaque fence, the full length of the property line separating the apartment development from the properties identified as tax map parcels 39-P-6, 7, 8, & 9 to the south of the property, including along the east side of TM 39-P-9.
5. Exterior site lighting shall be designed so that the light is not directed off the site and the light source is shielded from direct offsite viewing. Light fixtures in the parking areas shall not exceed 15' in height.
6. The development will contain one area, totaling 500 sf. of recreational area for use by the residents that will include features such as a picnic table or tables, play areas or play structures, ~~and gazebo,~~ and exercise area.
7. The existing vegetation (trees & shrubbery) on the western end of the property, within a minimum of ~~10-ft.~~ 10' of the property line shared with the City's public street right-of-way in which the public trail/shared use path is located, shall be undisturbed to maintain the vegetated buffer, or an evergreen and deciduous vegetative buffer shall be created within a minimum of ~~10-ft.~~ 10' of the same property line, where such evergreen and deciduous trees shall be planted and maintained at no less than ~~5-ft.~~ 5' on center and ~~6-ft.~~ 6' in height at the time of

planting to fill in and reestablish a vegetative buffer within the area. This evergreen and deciduous tree vegetative buffer shall not be required in the areas of the proffered connection to the public trail/shared use path or any required stormwater management areas.

8. The strip of land along the southern boundary connecting to 3rd Street shall not be used for vehicular access, except that limited vehicular access may be allowed for maintenance, utility work, municipal service, or temporary construction purposes.

The conceptual site layout is not proffered.

At staff's suggestion, the applicant has added Proffer #8 to restrict vehicular access to the site from 3rd Street. While the applicant does not plan to use 3rd Street to access the site, and there are utilities within the area that would restrict the development of the space, City staff suggested that the applicant include this proffer based on the 1995 B-2C rezoning that limited access to the site from 3rd Street.

Land Use

The Comprehensive Plan designates this site as mixed use and states:

The Mixed Use category 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.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning request.

The 1995 B-2C proffers restricted use of the abandoned North Willow Street right-of-way for site access. The applicant's new Proffer #8 continues this restriction, though it permits limited service/emergency access rather than installing a gate

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has "above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." The study also notes that "policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing."

Public Schools

The City contracted with the University of Virginia's Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projects for the City of Harrisonburg" (April 2025). The report can be found at the following link: https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment_2025-04-30_Final.pdf. This report provides overall student enrollment projections through 2034 as well as estimated student generation by housing type for each elementary school attendance zone.

The proposed rezoning and planned subdivision do not change the existing buildable potential of the subject property and thus does not impact the calculated student generation.

Conclusion

Staff recommends approval of the request at 797 Chicago Avenue to rezone property from R-5C and B-2C to R-5C and B-2. While staff continues to encourage the applicant to incorporate additional open space and/or recreational amenities, the rezoning and associated proffers are consistent with the previous approvals. The request does not increase the development potential of the site beyond what has previously been approved, except for the increase in parking for the La Morena property.

Chair Baugh asked if there were any questions for staff.

Commissioner Seitz said, just to clarify, we are looking at parcel 39-P-1 which is the apartment piece, but this also includes a lot line change in the rezoning on what is known as the La Morena property as well.

Ms. Rupkey said, yes, it does refer to that as well, but it is currently only on the 797 [Chicago Avenue] property. Where this map is showing on the screen, that property line between the green and the yellow has not been created yet. They are in the process of working on that, but we have asked them to put it on hold.

Commissioner Seitz said we are only acting on the yellow?

Ms. Rupkey said and the green request as well. They are one request.

Commissioner Seitz said we are rezoning something that is part of one property that is going to flip to another property.

Ms. Rupkey said they are all part of one property, right now. At some point, the portion in green will go to the property for La Morena.

Commissioner Seitz said so there will be a subdivision of the property?

Ms. Rupkey said yes.

Commissioner Seitz said I am not sure that was completely clear.

Chair Baugh said there will be an adjacent transfer.

Ms. Rupkey said there are also other things going on with the subdivision. There are internal lot lines within La Morena that they would be vacating as well.

Commissioner Seitz said I guess the only reason I ask that is because all of the maps that were provided only show this parcel right here. What you are really saying is that this is contiguous?

Ms. Rupkey said no. As it is shown on...

Mr. Fletcher said look at this one [referring to the rezoning map]. This might help.

Ms. Dang said that red boundary is the current parcel.

Ms. Rupkey said on the screen here the red line outlining this parcel is all one parcel. There are three different zonings on it today.

Commissioner Seitz said there is a property line between the La Morena property and the R-5C property.

Chair Baugh said it is not just one long line.

Commissioner Seitz said it has got the jog in it. Thank you.

Ms. Dang said there is a lot going on, it is okay.

Commissioner Seitz said I do not have a problem with any of it. I just want to make sure I understand it. We are rezoning two pieces of the R-5C piece.

Ms. Rupkey said the R-5C portion on the screen is requesting a proffer amendment. A portion of the B-2C is also being rezoned to R-5C. A portion of the B-2C is being rezoned to B-2, without proffers.

Chair Baugh said when the smoke clears, if we go with this, we have split the zoning on the property, but it is in anticipation of this smaller piece, that exact side being deeded to the adjacent property that already has the B-2 zoning.

Ms. Rupkey said correct.

Commissioner Kettler said for the portion of the property that is being transferred to the La Morena portion to satisfy the minimum parking requirements, is there either by special use permit or some other option to not require them to have that minimum parking.

Ms. Rupkey said there is not a special use permit that they could request to reduce the amount of parking in this situation.

Commissioner Kettler said and when you say in this situation?

Ms. Rupkey said in the B-2. There are some certain districts where you can request special use permits for reduction in parking.

Mr. Fletcher said actually you can, but you have to provide open green space that would have otherwise been used as parking. I suspect, and maybe Mr. Colman can speak to this when he gets up, that maybe they wanted that additional parking as well. It is an option. They can apply for a special use permit to not put in the parking but provide only greenspace.

Vice Chair Porter said I have question about the strip of land that has been proffered that will not be used for an egress. The only way to enter the property would be off of Chicago Avenue, is that correct?

Ms. Rupkey said correct.

Vice Chair Porter asked it was staff's suggestion that we not use this space? Was that ever considered as possibly an additional access? I understand that there is a utility easement that is right along the side.

Ms. Rupkey said the utility easement runs all the way through.

Vice Chair Porter said it has never been potentially viable as another entrance.

Ms. Rupkey said with our conversations we had not been talking about them wanting to expand that way. Part of the 1995 original proffers was that there would not be a future vehicular access at this location, and to continue the expectations that the neighbors have had with what can go in that area, we recommended that they continue with that.

Vice Chair Porter said there is no interest or attempt to have any kind of ability to access or leave the property on Rockingham Drive.

Ms. Rupkey said Rockingham Drive is a shared use path in the rear.

Chair Baugh said what you cannot tell from the map is that Third Street, when you get there, you can make a left turn onto Hartman [Drive] but the right turn is not something you can do in a vehicle there. It is a shared use path.

Ms. Rupkey said it is blocked off to motorized traffic.

Vice Chair Porter said a lot of coming and going in addition to the La Morena traffic that is currently competing for that same space in terms of people coming in and out of the apartment complex. How many units, again?

Ms. Rupkey said they are building 57 units.

Vice Chair Porter asked and they want two spaces for each unit?

Ms. Rupkey said that is what they are wanting to provide a minimum of.

Vice Chair Porter said so potentially 110 cars.

Ms. Rupkey said and then the additional visitor parking as well.

Vice Chair Porter said I would have some concerns.

Commissioner Jezior said the La Morena side is going to be separated from the apartment complex. It is going to be two completely separate entrances. If you are parked in the back behind La Morena, to get out is not the same direction that the apartment complex will be going, so there will not be any conflict there.

Ms. Rupkey said from conversations, yes. Correct.

Councilmember Dent said I am getting a little déjà vu on this. What I am wondering about is why the yellow strip of B-2C... I do not remember how we did that or why.

Ms. Rupkey said it just was not a part of the original R-5C.

Ms. Dang said that B-2C one was the remnant of what was the 1995 rezoning, and it was not part of the apartment complex's plan, so they did not include it in the rezoning.

Chair Baugh said it is hard to believe that they were that smart and forward looking. It is almost like, we do not need all of this to be apartment building, and it may have some interest, like it does right now, to the commercial properties on Chicago Avenue.

Chair Baugh 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 the request.

Gil Colman, applicant's representative, came forward to speak to the request. He said this property that we were talking about went through the rezoning in 2022. There was a lot of back and forth on that and some changes in many ways. Now we are through the site plan process, pretty close to approval. This change is meant to clean up all of that because we have three different zonings overlapping and one of them the B-2C is kind of lost in the middle with no...even if you try to implement some of that it just takes away instead of giving. Part of this was to clean that up.

Also, with La Morena, they came in with the need for parking. We worked with the property owner to expand the property towards the back. The reason for the split zoning there is to take that remnant of the B-2C and convert it into two different zonings. One for La Morena, to make sure that La Morena also has a clean zoning, and for the apartments, so they have their own zoning, and no overlap. This started as a property minor subdivision to add that and the discussion started there. Well maybe you should go ahead and rezone all of this and change and clean everything up. That is how it originated is through the issue with La Morena and that meant providing parking for them. We had a lot of back and forth on this. We have been working on this for months and trying to resolve it. I think we have gotten to a point now where okay, I think we have to put together [unintelligible]. Even last week, we were going back and forth on this. There is really a lot that goes into it. I am happy to answer questions.

In terms of the parking, I will speak to that. We have been talking to the property owner, and he has other rental properties in other places. He always struggled to have sufficient parking for the people that live in those places and for family members or visitors. Some of the things that we were concerned with, that I can agree with him on that, is we do not want to put cars in the neighborhood. We do not want people parking in the neighborhood. I do not think anybody can park on Route 42, but then we have a neighborhood right next door. We do not want cars there. We need to have sufficient space here. Personally, I do not like it that it is very reduced green space. I prefer more than that, but this is what we have. I have been working in development for many years now. Development is very expensive and the more requirements you have, the more expensive it gets, and it is much more difficult to make it work. Here the density is high. Again, it is something that perhaps we would prefer otherwise, but that is what he needs to be able to make this work. I know he is going to do it one step at a time. He will start with one of the buildings and go from there and see how the market works. If things work for him, he will continue to develop it. There are some things that he has to do from the get go, which is the grading of the property and start working towards getting their stormwater and all of that in place. There is a major retaining wall that needs to go in the back because of the difference in grade. That is partly why you cannot drive down to Rockingham Drive either because we have about 15 to 20 feet of change of grade there. There are the steps going down and a path that goes

through the development out to Chicago Avenue. All of that is in motion. I would say that the need for the rezoning is to clean it up and add the parking to La Morena. We could do all of that without doing any rezoning just leaving things the way they are which is more restrictive in terms of how the parking and how the other things could work out there. We decided that it is better to come back and clean some things up and have a clean slate for both properties, rather than having this overlap of a property in a zoning that does not serve anybody at this point. Any questions for me, I am happy to answer.

Vice Chair Porter asked the rezoned piece that is going to be moving back to La Morena's property will be parking?

Mr. Colman said yes. We have gone through parking and property adjustment and all of that with staff already.

Commissioner Kettler said you have mentioned some concerns of the owner with not enough parking in other places that they have. Is it their intention to separate the cost of parking from the cost of rent or to keep those together?

Mr. Colman said I think it would be together. I do not believe they would separate that. They are going to keep it together. That is my understanding. I have not heard any different on that.

Commissioner Kettler said just to be clear, there would not be any additional cost to have more cars and there would be no discount for having fewer cars.

Mr. Colman said I cannot answer that, but based on my knowledge of the property owner and the interaction with him, I do not have any reason to believe he is going to break that out into charging for parking or reducing parking or something like that. He has been more concerned about providing sufficient parking because that is the issue he had in other places, and it has been challenging for us to actually produce that much parking.

Commissioner Kettler said for the La Morena property, that is a bit of a different situation when it comes to parking because that is required. In the absence of the requirement, is that something that he would want? Or would he be wanting something different with that?

Mr. Colman said I think it is something that he would want. I think he realizes that La Morena has limited access in terms of how many customers you can have there. Having more parking there and hopefully a better flow perhaps. It is very difficult to work with that property also. We were able to accommodate the parking in the back and that includes having the stairs back there and all that. A shed that he wants to keep there. There are so many things there that it is very packed. It is a challenge, but he wants to have that parking there. He wants to be able to provide sufficient parking there.

Vice Chair Porter asked do you know if the owners are having any discussions with these immediate neighbors of the residential that is along Third Street in terms of how they are feeling about the development?

Mr. Colman said that is a good question. When the initial rezoning started there was an onsite meeting that some of the neighbors attended. I know some of the neighbors came and one of the neighbors is here. She is right on the strip on the corner of the property that turns into Third Street. Yeah, they have had discussions with the neighbors at that time.

Councilmember Dent said as I recall, we insisted on adding this border of trees between the development and the neighbors.

Mr. Colman said yeah, I think the trees were not proffered. The fence was proffered but he still wants to. We have it on the plans to have trees that we wanted to put there to provide a little more buffering. They were not proffered.

Chair Baugh asked if there were any more 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.

Commissioner Kettler said some of this is related to the La Morena property, but the parking is of some concern to me in part because I recognize that the applicant is interested in there being parking for the people living at the apartments but not separate the cost of housing from the cost of parking means that it encourages more people to park there. Then, I look at the La Morena side of it. I am pretty familiar with the La Morena property because I go there plenty. They have changed the internal layout, and they have gotten rid of what little bike parking there was, even though there are quite a decent number of folks biking up and down the Chicago Avenue corridor. Now they are requesting expanded parking to accommodate that. I do not know if that is enough for me to say no just on those grounds alone, but it does not really seem like there is a significant effort to try to not require so much space for parking as there is. That is part of what staff's concerns are for the apartments as well.

Vice Chair Porter said I think I understand the owner's motivation as it relates to trying to create some additional parking on that property. Anybody that goes there during a rush time is going to struggle to find a parking space a lot of times. I do understand the motivation there. I think that I am just trying to get my head more around the actual apartment development. It is, to Mr. Colman's point, tight. Maybe I did not ask this question of staff earlier, but I assume that there is enough room in this layout for fire trucks to be able to get through and do their usual.

Ms. Dang said the Fire Department has already done some rounds of review with the site layout. As Ms. Rupkey said, it is in Engineered Comprehensive Site Plan review right now.

Vice Chair Porter said I would feel a bit better about this layout if it flowed a little bit in such a way that you do not have a dead end at the very back of the property. I do see that there is going to be a significant amount of traffic coming in and out of this property based on the amount of spaces that would be available to them. I do have some concerns about Chicago Avenue and that particular spot. I wish there was a wider egress to be able to get cars in and out there and even another option to be able to have people leave the property. I understand the constraints of the property itself, so I am willing to acknowledge that there is not a lot of options here.

Chair Baugh said if Commissioner Finnegan was still with us he would probably amplify Commissioner Kettler's points which I think on the one hand, or both are very well taken. I can remember one time when he and I were against a much bigger project on that basis of it was going so far in the accommodation for motor vehicles that you were like "are we starting to cross a line here?" That having been said, I know a lot of these things are under review as it is right now. I come back to another thing that I also struggle with sometimes is that it is tough for me to vote on something based on rules that I wish existed but do not in fact exist. At some point, even if I do not like it, that starts to feel unfair to the applicants.

Commissioner Kettler said I think that pretty well summarizes my thoughts on it. On the La Morena portion, in particular, this seems like a perfect example of why there should not be that kind of requirement to begin with. Maybe the applicant wanted to do that anyway, and maybe they would not have, but this forces their hand. I am especially thinking about that just because the area immediately surrounding this is not like other properties in that there is residential almost all the way around it and there is commercial down that same street. It is mixed use in the area in a way that a lot of the City is not. Folks can walk to La Morena in a way that you cannot walk to anywhere on like East Market Street. When I see increasingly car oriented design in an area where you can do that, that is when I start to feel the way I do. Ultimately, in this case I do not think it is enough to swing the other way, but that is what I am thinking.

Commissioner Jezior said from the apartment complex side there are not enough amenities nearby to be able to...it is a long walk to get to a lot of the things that people need to get to. I can see from that standpoint, but I agree with you as well. For La Morena there are a lot of properties nearby where people can walk to it.

Vice Chair Porter said I would like to make a motion that we recommend approval of the rezoning request of 797 Chicago Avenue to rezone the property from R-5C to B-2C and R-5C to B-2 in the section that will be subdivided, as presented.

Councilmember Dent seconded the motion.

Commissioner Seitz	Aye
Commissioner Jezior	Aye
Councilmember Dent	Aye
Commissioner Kettler	Aye
Vice Chair Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on January 13, 2026.