



**CITY OF HARRISONBURG  
COMMUNITY  
DEVELOPMENT**

**Special Use Permit Application**

[www.harrisonburgva.gov/zoning](http://www.harrisonburgva.gov/zoning)

**PROPERTY INFORMATION**

Property Address \_\_\_\_\_ Tax Map \_\_\_\_\_ Total Land Area \_\_\_\_\_ acres or sq.ft.  
(circle)

Existing Zoning Classification: \_\_\_\_\_

Special Use being requested: \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Property Owner Name \_\_\_\_\_ Telephone \_\_\_\_\_

Street Address \_\_\_\_\_ E-Mail \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**OWNER'S REPRESENTATIVE INFORMATION**

Owner'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 (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.*

**PROPERTY OWNER**

**DATE**

**REQUIRED ATTACHMENTS**

- Site or Property Map
- Letter explaining proposed use & reasons for seeking a Special Use Permit.
- Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit [www.harrisonburgva.gov/traffic-impact-analysis](http://www.harrisonburgva.gov/traffic-impact-analysis). This requirement is waived for the following SUPs: major family day homes, reducing required parking areas, reduction in required side yard setback, wireless telecommunication facilities, wall and fences, and short-term rentals. To prevent delays in reviewing your application, please consult with Planning staff to confirm your application does not require a TIA Determination Form or TIA Acceptance Letter.

Note: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.

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

Date Application and Fee Received \_\_\_\_\_ Total Fees Due: \$ \_\_\_\_\_  
Application Fee: \$425.00 + \$30.00 per acre

Received By \_\_\_\_\_

**865 Port Republic Road**

**RZ - \_\_\_\_\_  
REZONING REQUEST PROFFER  
(Conditions for this Rezoning Request)**

**Owner/Applicant:**

865 EAST, LLC  
Tax Map No. 092 F1  
865 Port Republic Road

**Dated: December 11, 2023**

**TO THE HONORABLE MAYOR AND MEMBERS OF  
THE COUNCIL OF THE CITY OF HARRISONBURG**

Property Information

The Applicant and the Owner of the above-described parcel, containing 5.45 acres (+/-) of land (the "Property"), have petitioned the City of Harrisonburg, Virginia (the "Council") for a rezoning to allow multi-family or mixed use and to allow a building addition not to exceed 75-feet in height on the Property (the "Project"), as specifically detailed in the draft development plan ("Development Plan") by Blackwell Engineering/AES Consulting Engineers. The Project is a building addition ("Building Addition") to be added to an existing building ("Existing Building") on the Property.

The Existing Building contains 96 units and commercial/retail space on the first floor, and the Applicant intends to develop up to 60 additional units of multifamily rental housing in the Building Addition, with no additional commercial/retail space.

Proffers

In furtherance of the Proposed Rezoning, the Applicant hereby proffers that in the event the Council shall approve the rezoning of the Property to B-2, then the Project shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Applicant and such be approved by the Council in accordance with Virginia law. These Proffers are intended to fully replace any existing Proffers relating to the Property. In the event that such rezoning is not granted, then these Proffers shall be deemed withdrawn and have no effect whatsoever. These Proffers shall be binding upon the Owner/Applicant, and their legal successors or assigns. Any and all terms and conditions, accepted or binding upon

the Property and Project, as a condition of accepting these Proffers, shall become void and have no subsequent effect. The Applicant hereby agrees that the Proposed Rezoning itself gives rise to the need for these Proffers, that the Proffers have a reasonable relation to the Proposed Rezoning, and that all conditions are in conformity with the City's Comprehensive Plan.

The Owner/Applicant of the Property, hereby voluntarily proffers that, if the Council approves the rezoning, the Owner/Applicant, or their successors and assigns, shall provide the following during the Project:

1. Only the following non-residential shall be permitted on the Property: retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), and business and professional offices.
2. Special use permits shall be permitted as approved by City Council.
3. The Existing Building and the Building Addition shall contain no more than 160 individual apartment units containing a maximum of 470 bedrooms.
4. Non-residential uses may only be located on the first/ground floor of the Existing Building and shall not exceed 16,000 gross square feet. The Building Addition shall have no additional commercial square footage, but may have on-site laundry, exercise and game room facilities and other customary resident amenities to encourage on-site convenience.
5. Ten (10) designated parking spaces shall be reserved for the exclusive use of the Devonshire Townhomes, as shown on the Development Plan, to accommodate for street parking along Devon Lane that was removed as a consequence of the development of the Existing Building. The neighboring property owners' association, for which the spaces are reserved, will regulate the ten (10) reserved spaces via a permit system.
6. The Building Addition shall contain a varied and complementary exterior finish consisting of a mixture of brick, dryvit, and other non-combustible materials with architectural offsets, angles, and finishes to create an exterior appearance similar to the Existing Building.
7. Applicant shall install and maintain the following as bonded improvements as part of any engineer-submitted comprehensive site plan for the Building Addition, and as generally shown on the Development Plan:
  - A. Construct a five-foot (5')-wide sidewalk where none exists at the back of the curb bordering the slip lane at the intersection of Port Republic Road and Devon Lane;
  - B. Dedicate a right-of-way for the existing slip lane and sidewalk referenced below, to be located one-half foot (0.5') behind back of the sidewalk;
  - C. Reconstruct the crosswalk across the slip lane including the existing island sidewalk section, such that the crosswalk ramp for the slip lane connects to the crosswalk ramp for the Devon Lane crosswalk, adhering to the Public

Right of Way Accessibility Guidelines to the maximum extent feasible, and eradicate the existing crosswalk.

8. Applicant shall grant the City a twenty-foot (20')-wide easement for a shared use path and pedestrian accessway to be finally located and granted upon City request in the general location shown as the yellow hashed area on page 1 of the Development Plan.
9. Any new or relocated site lighting for parking shall be installed with downward directional lighting and shielding to minimize light exfiltration into neighboring properties.
10. The maximum height of freestanding signs along Port Republic Road is eighteen feet (18') and the maximum height of freestanding signs along Devon Lane is eight feet (8').
11. The height of the Building Addition shall not exceed the maximum elevation of the Existing Building as measured from the Existing Building frontage on Port Republic Road

**IN WITNESS WHEREOF**, the parties have executed this Rezoning Request Proffer as follows:

**OWNER/APPLICANT:**

865 East, LLC

By: \_\_\_\_\_ (SEAL)  
Dain Hammond, Manager

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023, by Dain Hammond, Manager of Owner/Applicant.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

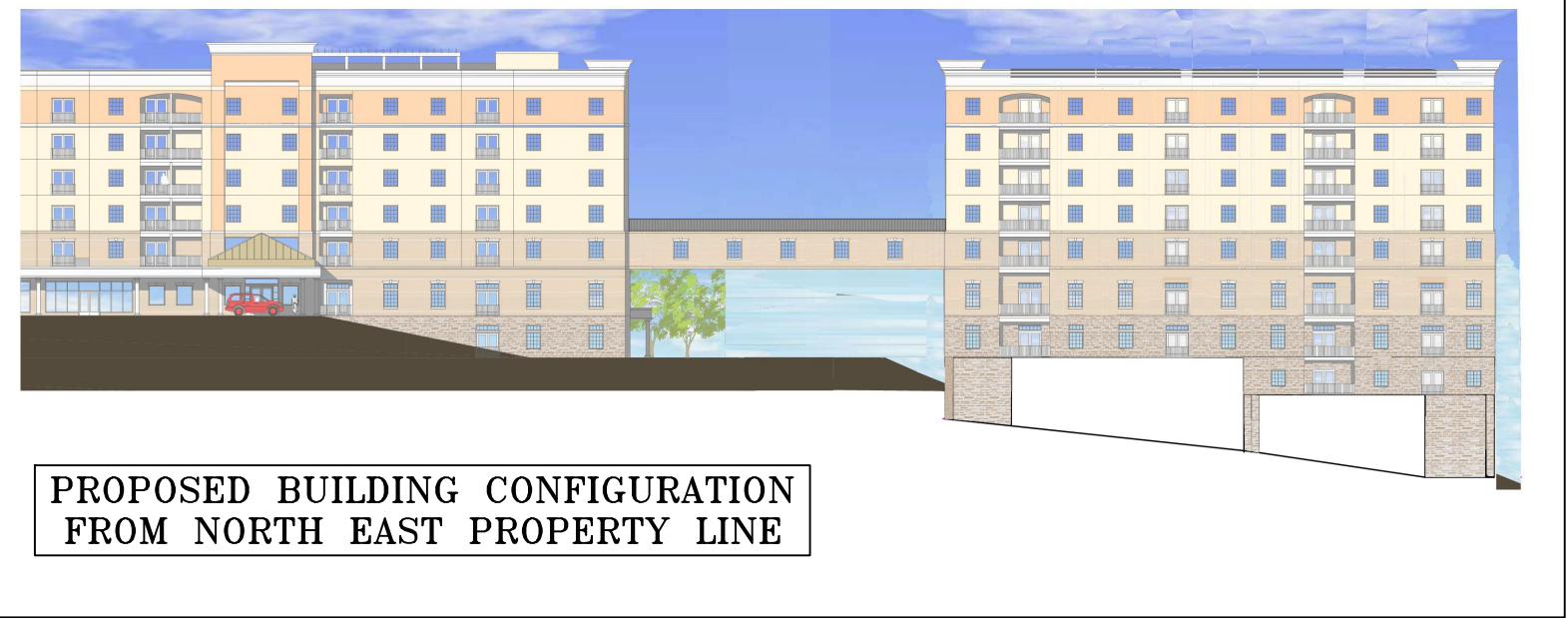
**LEGEND**

- EXISTING BUILDING
- PROPOSED BUILDING
- PROPOSED SIDEWALK
- EXISTING EASEMENT
- SITE PROPERTY LINE
- PROPOSED B-2 SETBACK

**CIVIL DESIGN**  
**AES CONSULTING ENGINEERS**  
 ATTN: ED BLACKWELL 566  
 EAST MARKET STREET  
 HARRISONBURG, VA 22801  
 540-432-9555

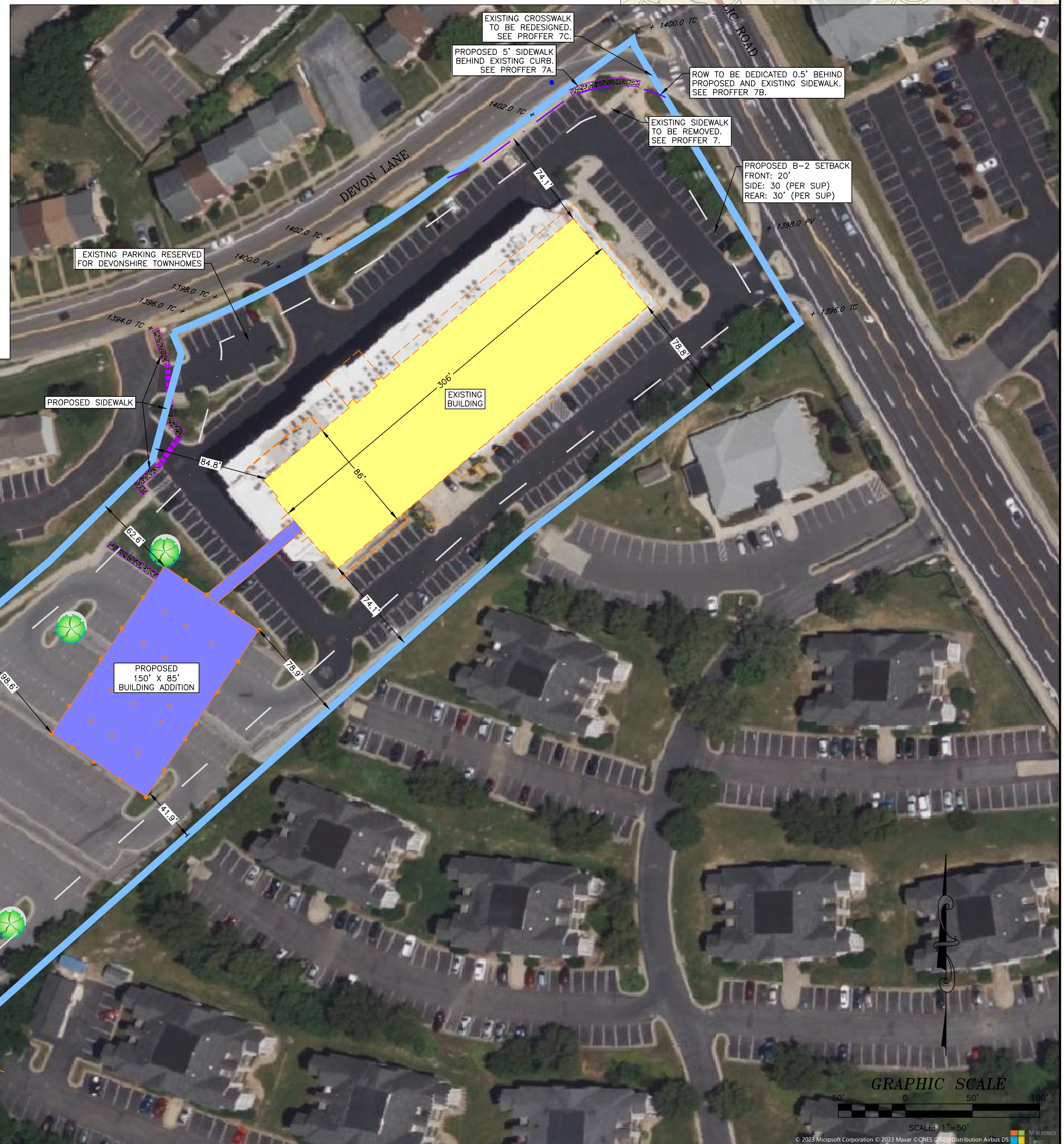
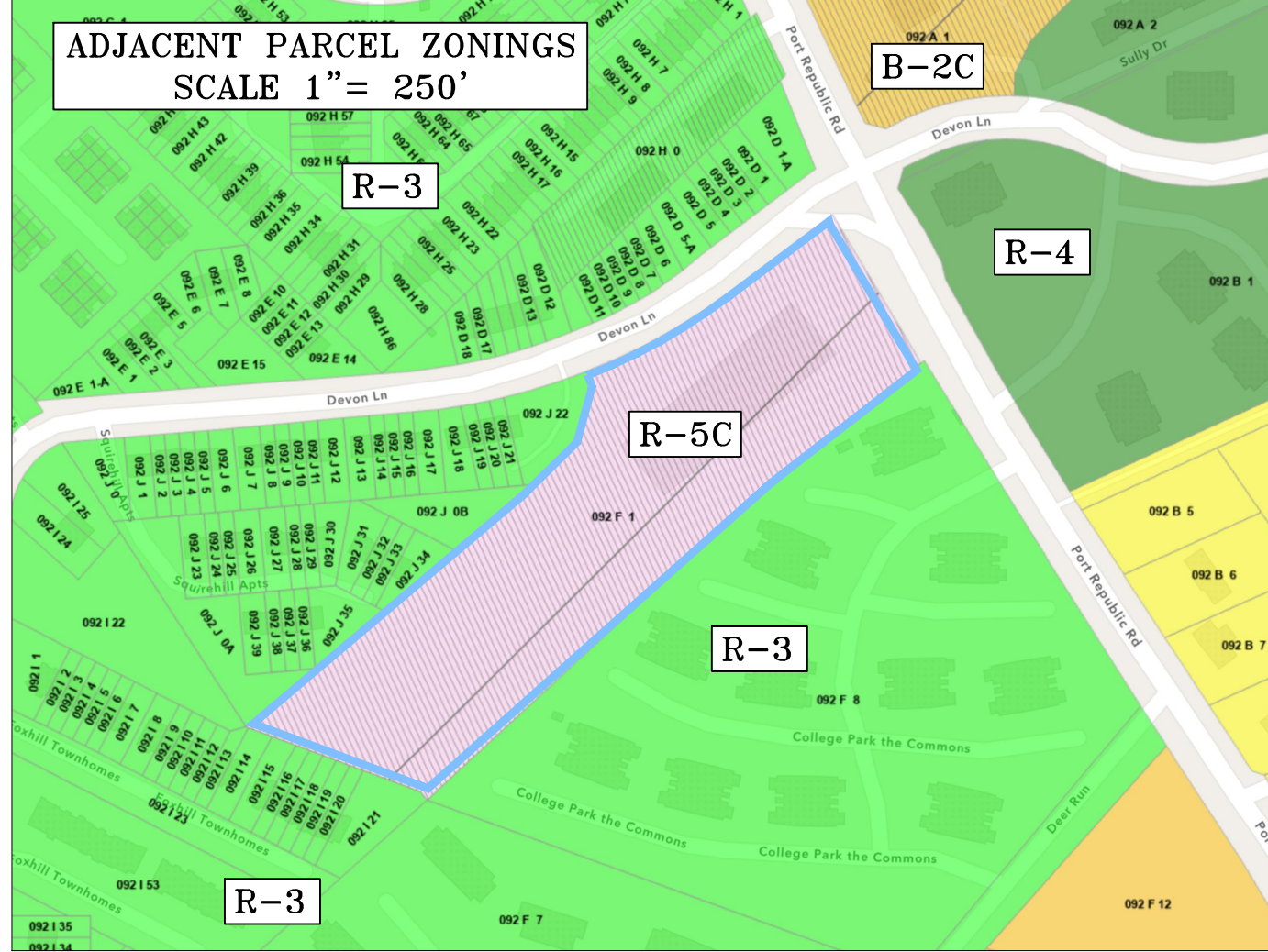
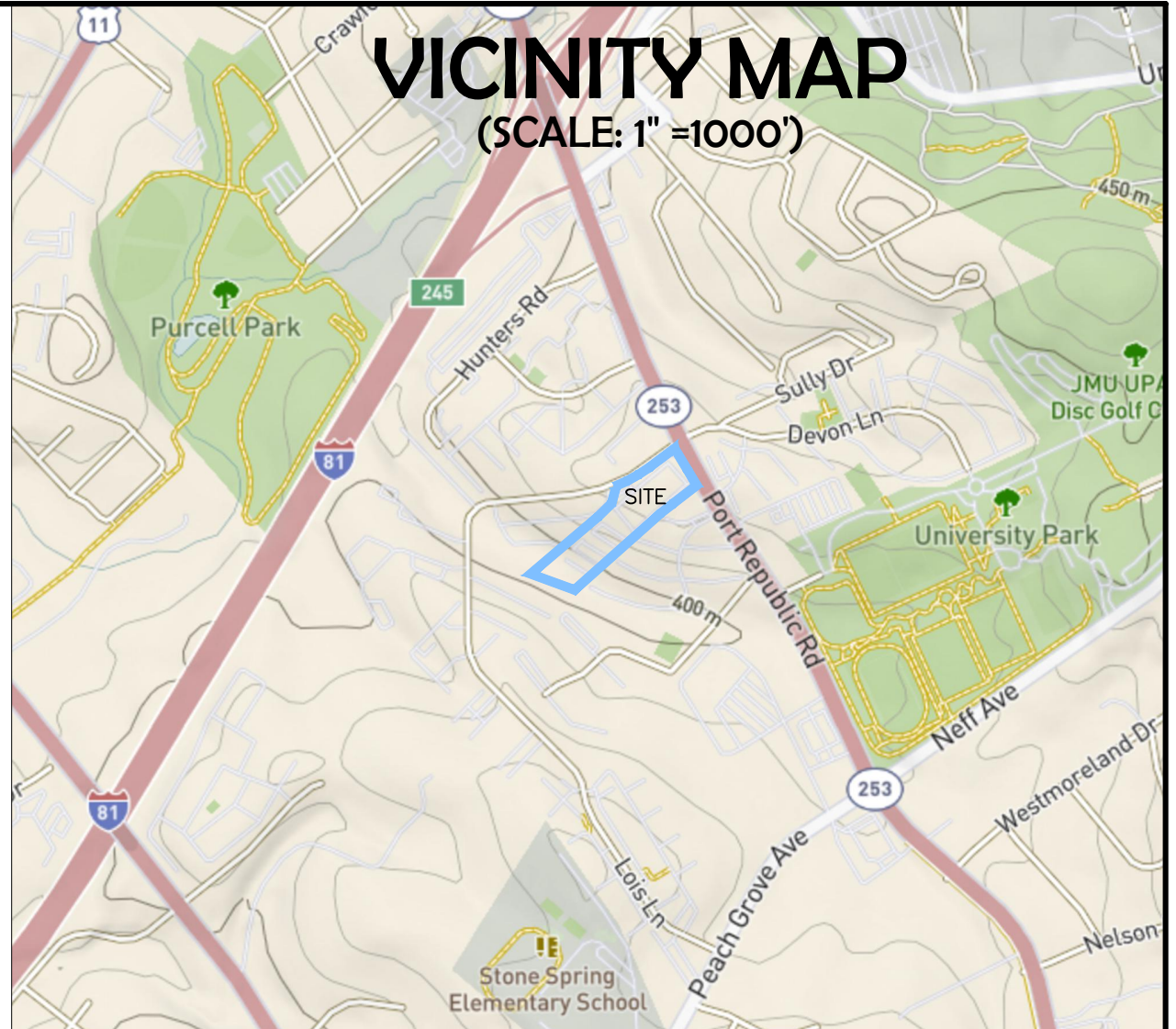
**OWNER & DEVELOPER**  
 865 EAST LLC  
 865 PORT REPUBLIC RD  
 HARRISONBURG, VA 22801  
 540-442-8486

**PROPERTY INFO**  
 092 F 1  
 865 PORT REPUBLIC ROAD  
 ZONED: B-2C  
 PROPOSED ZONING: B-2  
 EXISTING USE: MULTI-FAMILY  
 RESIDENTIAL  
 AREA= 5.45 ACRES  
 FEMA FLOOD ZONE: X



**DEVELOPER/OWNER SELF-IMPOSED CONDITIONS**

1. THE DENSITY OF THE DEVELOPMENT AND LAYOUT OF IMPROVEMENTS WILL BE IN SUBSTANTIAL CONFORMITY WITH THE PLAN OF DEVELOPMENT ("PLAN") SUBMITTED IN CONNECTION WITH THIS REQUEST BY AES CONSULTING ENGINEERS. MINOR ALTERATIONS TO THE "AS-CONSTRUCTED" LAYOUT FOR TOPOGRAPHIC FEATURES, UTILITY INSTALLATION, AND OTHER CONTINGENCIES SHALL REQUIRE APPROVAL BY THE ZONING ADMINISTRATOR. FURTHER, LANDSCAPING AND OPEN AREA SHALL BE PROVIDED AS MATERIALLY SHOWN ON THE PLAN.
2. THE EXISTING BUILDING AND THE BUILDING ADDITION SHALL NOT EXCEED THE DIMENSIONS SHOWN ON THE DEVELOPMENT PLAN. SAID MAXIMUM DIMENSIONS ARE EXCLUDING PROJECTING BALCONIES, COVERED WALK OR ENTRY AREAS INCLUDING RESIDENTIAL AREA UNLOADING CANOPY.
3. THE EXISTING BUILDING AND THE BUILDING ADDITION WILL CONTAIN ALL REFUSE COLLECTION FACILITIES WITHIN THE BUILDING SO AS TO AVOID THE NEED FOR A SEPARATE EXTERIOR DUMPSTER OR TRASH COLLECTION STRUCTURE OR AREA.
4. THE EXISTING BUILDING AND THE BUILDING ADDITION WILL CONTAIN SECURITY FEATURES TO CONTROL ACCESS TO THE RESIDENTIAL AREAS OF THE BUILDING.
5. A MINIMUM OF TWO (2) "LEVEL 2" (EQUIVALENT OR BETTER TECHNOLOGY AT THE TIME OF CONSTRUCTION) ELECTRIC VEHICLE CHARGING STATIONS AT THE PROPERTY SHALL BE INSTALLED PRIOR TO ISSUANCE OF FIRST CERTIFICATE OF OCCUPANCY AND THE OCCUPANCY OF ANY RESIDENTIAL UNIT IN THE BUILDING ADDITION, AND THEREAFTER MAINTAINED IN OPERATING CONDITION.



Date: 10-5-23  
 Scale: AS NOTED  
 Designed by: EHB  
 Drawn by: BWK  
 Checked by: EHB

566 East Market Street  
 Harrisonburg, VA 22801  
 Phone: (540) 432-9555  
 www.aesna.com

**AES**  
 CONSULTING ENGINEERS  
 Consulting Engineers  
 Hampton Roads | Central Virginia | Middle Peninsula | Shenandoah Valley

Revision Dates
11-13-23
11-21-23
12-1-23
12-11-23

**DEVELOPMENT PLAN**





865 PORT REPUBLIC RD.  
 HAMMOND ASSET MANAGEMENT  
 PO BOX 2037  
 HARRISONBURG, VA 22801

Drawing No.  
**1**  
 of 2 Sheets

Job No. B03015

File: S:\03015\B03015\_865\_East\_Market\Drawings\B03015\_865\_East\_Market\_Bldg.dwg - Printed: December 11, 2023

**LEGEND**

-  CENTER LINE
-  EXISTING ROAD/SIDEWALK
-  EXISTING STRIPING
-  PROPOSED STRIPING


# OF PARKING SPACES LOST UNDER BUILDING (WITH RESTRIPING)

- 3 8'X18' SPACES
- 11 9'X18 SPACES

PRELIMINARY LOCATION OF PROPOSED BUILDING COLUMN (TYP.)

Date: 10-5-23  
 Scale: 1"=10'  
 Designed by: EHB  
 Drawn by: BWK  
 Checked by: EHB

558 East Market Street  
 Suite 200  
 Phone: (804) 423-9525  
 www.aesva.com



**AES**  
 CONSULTING ENGINEERS  
 Civil, Mechanical, Electrical, and  
 Environmental Engineering  
 Hampton Roads | Central Virginia | Middle Peninsula | Shenandoah Valley

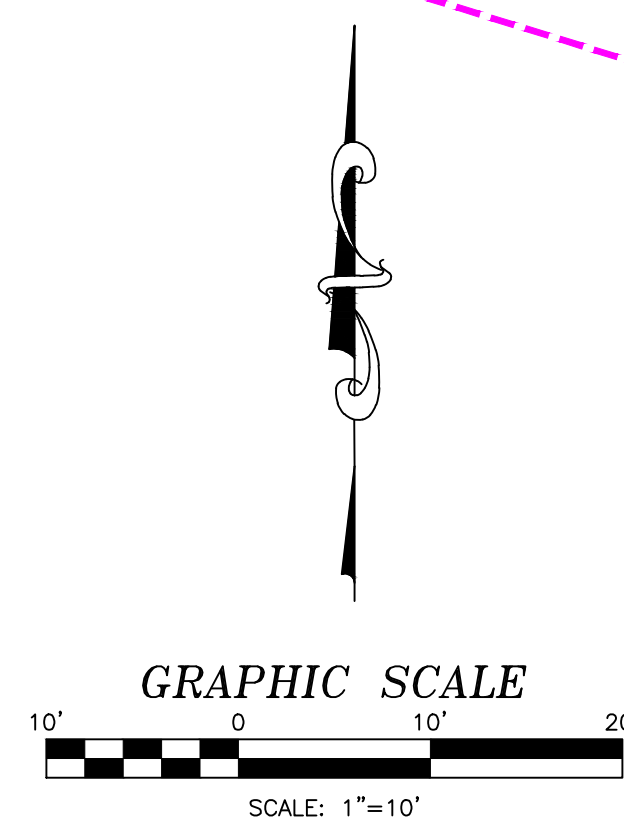
Revision Dates
11-13-23
11-21-23
12-1-23
12-11-23

**DEVELOPMENT PLAN - RESTRIPING**

865 PORT REPUBLIC RD.  
 HAMMOND ASSET MANAGEMENT  
 PO BOX 2037  
 HARRISONBURG, VA 22801

Drawing No.  
**2**  
 of 2 Sheets

Job No. B03015



File: S:\03015\B03015\_865\_Port\_Republic\Drawings\B03015\_865\_Development\_Plan.dwg - Printed: December 11, 2023