



**CITY OF HARRISONBURG  
COMMUNITY  
DEVELOPMENT**

**Change of Zoning District  
(Rezoning) Application**  
[www.harrisonburgva.gov/zoning](http://www.harrisonburgva.gov/zoning)

**PROPERTY INFORMATION**

797 Chicago Avenue TM 39 (P) 1 2.32  
 Property Address Tax Map Parcel/ID Total Land Area acres or sq.ft.  
 Existing Zoning District: B-2C and B-2 Proposed Zoning District: R5C  
 Existing Comprehensive Plan Designation: Mixed Use

**PROPERTY OWNER INFORMATION**

Turkey Properties 540-810-1484  
 Property Owner Name Telephone  
720 Chicago Avenue 751lamorena@gmail.com  
 Street Address E-Mail  
Harrisonburg Va 22801  
 City State Zip

**OWNER'S REPRESENTATIVE INFORMATION**

APR Associates PC: Fred Bosserman 540-434-9807  
 Owner's Representative Telephone  
286 East Market St fcb@aprassoc.com  
 Street Address E-Mail  
Harrisonburg Va 22801  
 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.*

[Signature] 2/4/22  
 PROPERTY OWNER DATE

**REQUIRED ATTACHMENTS**

- Letter explaining proposed use & reasons for seeking change in zoning.
- Statement on proffers, if applying for conditional rezoning.
- Survey of property or site map.
- 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).

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

2-4-2022 Total Fees Due: \$ 640<sup>00</sup>  
 Date Application and Fee Received Application Fee: \$550.00 + \$30.00 per acre  
ABanks  
 Received By







March 3, 2022

Department of Community Development  
City of Harrisonburg  
Harrisonburg, Virginia 22801

Mr. Fletcher,

The purpose of this letter is to seek the rezoning for the unaddressed property located behind the La Morena Convenience Store on Chicago Avenue, as described in the attached minor subdivision plat (TM 39 (P) 1), currently zoned B-2 with proffers from a 1996 rezoning.

The property is currently vacant, and with the particular proffers and B-2 designations the original owner, Lumos Corporation, was unsuccessful marketing it for any of the approved uses. Our client, Turkey Properties LLC (Mr. Javier A. Rodrigues), the current owner of the property, would like to rezone it to R5C and develop it into apartments. The apartments are targeted to be 3 bedroom dwelling units, with the possibility of the third floor dwelling units being 3 bedrooms and a loft. See the attached proffer statement regarding our client's proffer related to occupancy limitations plus additional proffers.

In conjunction with the rezoning request, our client is requesting a Special Use Permit (SUP) that allows more than 12 units per building. Additionally, we request an extension of the SUP expiration from 12 months to 36 months.

It is our client's intention to work closely with the city community development departments and be sure we are meeting or exceeding all landscape, tree and greenspace requirements and requirements for fencing. It is our client's interest to have the design of the property be such that tenants are retained due to how nice it is to live there with a mix of amenities created to enhance life in his apartments, be they play areas, picnic locations, bike storage and extra green space and landscape buffers where they make sense and are possible.

Thank you and staff for your consideration.

Regards,  
Fred Bosserman, Architect  
APR Associates PC  
286 East Market St.  
Harrisonburg, Va. 22801

**286 East Market Street  
Harrisonburg, Virginia 22801  
Telephone: (540) 434-9807  
fcb@aprassoc.com**

**ARCHITECTURE & PLANNING RESOURCES**

March 3, 2022

Department of Community Development  
City of Harrisonburg  
Harrisonburg, Virginia 22801



### Proffer Statement

In connection with the rezoning request for the +/-2.32-acre portion of the parcel identified as tax map parcel 39-P-1, the following is proffered:

Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.

Additionally, we proffer:

- A sidewalk connection between the apartment development and Chicago Avenue to connect the apartment project with direct access to the city's sidewalk system.
- 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.
- A 6' ft 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.
- 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.
- The development will contain one area, totaling 500 s.f., 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.
- The existing vegetation (trees & shrubbery) on the western end of the property, within a minimum of 10-ft. 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. of the same property line, where such evergreen and deciduous trees shall be planted and maintained at no less than 10 feet on center and 6 feet in height at the time of planting to fill in and reestablish a vegetative buffer within the area. This evergreen and deciduous tree vegetative

**286 East Market Street**  
**Harrisonburg, Virginia 22801**  
**Telephone: (540) 434-9807**  
fcb@aprassoc.com

**ARCHITECTURE & PLANNING RESOURCES**

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.

Thank you and your staff for your consideration.

Sincerely,  
Turkey Properties LLC

J.A. Rodrigues





For inclusion in an application for Planning Commission review (for Special Use Permit, Rezoning or Preliminary Plat), this form must be submitted to the Public Works Department at least 5 business days prior to the Planning Commission application deadline.

<b>Contact Information</b>				
Consultant Name:	Colman Engineering, PLC working with APR Associates			
Telephone:	CE: 540-246-3712, APR: 540-434-9807			
E-mail:	CE: gil@colmanengineering.com, APR: fcb@aprassoc.com			
Owner Name:	Turkey Properties, LLC (Attn: Javier A. Rodrigues)			
Telephone:	540-810-1484			
E-mail:	751lamorena@gmail.com			
<b>Project Information</b>				
Project Name:	Chicago Avenue Apartments			
Project Address:	797 Chicago Avenue, Harrisonburg, VA 22802			
TM #:	39-P-1			
Existing Land Use(s):	Vacant			
Proposed Land Use(s): (if applicable)	Apartment Buildings (2)			
Submission Type:	Comprehensive Site Plan <input type="radio"/>	Special Use Permit <input type="radio"/>	Rezoning <input checked="" type="radio"/>	Preliminary Plat <input type="radio"/>
Project Description: (Include site plan or preliminary sketch and additional details on land use, acreage, access to site, etc)	Construct 2 apartment buildings with associated utilities, parking, drive, and other site improvements. Rezoning from B-2 to R-5.			
<b>Peak Hour Trip Generation (from row 15 on the second page)</b>				
AM Peak Hour Trips:	19			
PM Peak Hour Trips:	24			

**(reserved for City staff)**

TIA required? Yes \_\_\_\_\_ No TM

**Comments:**

The only changes were to be in line with ITE 11th Edition.

Accepted by: Zenetta Mason

Date: 2/7/2022



### Peak Hour Trip Generation by Land Use

Row	ITE Land Use		ITE Land Use Code	Unit	Quantity	AM Peak Hour of Adjacent Street Traffic	PM Peak Hour of Adjacent Street Traffic
1	Proposed #1	Multifamily Housing (Low Rise	220	Dwelling Units	48	19	24
2	Proposed #2						
3	Proposed #3						
4	Proposed #4						
5	Proposed #5						
6	Proposed #6						
7	Total New Trips					19	24
8	Existing #1	Vacant				0	0
9	Existing #2						
10	Existing #3						
11	Existing #4						
12	Existing #5						
13	Existing #6						
14	Total Existing Trips					0	0
15	Final Total (Total New – Total Existing)					19	24

#### Instructions

Determination of trip generation rates shall be in conformance with ITE guidelines.

1. Based on the intended use(s), calculate the AM Peak and PM Peak trip generation using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 1-6). Attach additional sheets as necessary for more uses.
2. Sum up all of the trips generated for the new uses in the Total New Trips row (row 7).
3. If the development has any existing uses, calculate the AM Peak and PM Peak trip generations using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 8-13). Attach additional sheets as necessary for more uses.
4. Sum up all of the trips generated for the existing uses in the Total Existing Trips row (row 14).
5. Subtract the total existing trips from the total new trips to get the final total number of trips generated by the development (row 15). Enter these numbers on the first page.

Revised Date: December 2019



2021-27586 B: 5484 P: 373  
09/30/2021 04:29 PM Pages: 3  
Chaz B. Hayward, Clerk of Court  
Rockingham County, VA

# MINOR SUBDIVISION PLAT DIVISION OF TAX PARCEL 39 (P) 1

CITY OF HARRISONBURG, VIRGINIA  
MARCH 12, 2021  
REVISED SEPTEMBER 13, 2021

OWNER'S CONSENT AND DEDICATION  
KNOW ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, CONTAINING 2.848 ACRES, MORE OR LESS, AND DESIGNATED AS MINOR SUBDIVISION PLAT DIVISION OF TAX PARCEL 39 (P) 1 IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF.

THE SAID 2.848 ACRES OF LAND HEREBY SUBDIVIDED IS THE LAND OF LUMOS NETWORKS, INC. (SUCCESSOR ENTITY TO CFW COMMUNICATIONS SERVICES, INC.). THE SAID LAND WAS CONVEYED TO CFW COMMUNICATIONS SERVICES, INC. BY THE FOLLOWING THREE DEEDS:

- 1) DEED BOOK 1298, PAGE 149 DATED AUGUST 12, 1994 FROM RICHARD L. SHEARER AND RICHARD A. CRIST.
- 2) DEED BOOK 1347, PAGE 407 DATED MAY 19, 1995 FROM T&T REAL ESTATE.
- 3) DEED BOOK 1347, PAGE 412 DATED MAY 19, 1995 FROM RICHARD L. SHEARER & RICHARD A. CRIST.

GIVEN UNDER MY HAND THIS 27 DAY OF September, 2021.  
CFW COMMUNICATIONS SERVICES, INC.

BY: Mary McDermott Senior Vice President  
TITLE

STATE OF VIRGINIA AT LARGE  
CITY/COUNTY OF Waynesboro, TO WIT:  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 27 DAY OF September, 2021, BY Mary McDermott, Senior Vice President ON BEHALF OF CFW COMMUNICATIONS SERVICES, INC.

Breanna Elaine Grandstaff 7188294  
NOTARY PUBLIC REGISTRATION NO.

BREANNA ELAINE GRANDSTAFF  
NOTARY PUBLIC  
REG. #7688294  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES SEPTEMBER 30, 2025

MY COMMISSION EXPIRES: September 30, 2025

CERTIFICATE OF APPROVAL  
THIS SUBDIVISION KNOWN AS MINOR SUBDIVISION PLAT DIVISION OF TAX PARCEL 39 (P) 1 IS APPROVED BY THE UNDERSIGNED PURSUANT TO SECTION 10-2-8 OF THE HARRISONBURG CITY CODE AND MAY BE COMMITTED TO RECORD.

Ad Fitch 09-15-21  
DIRECTOR OF COMMUNITY DEVELOPMENT DATE

SURVEYOR'S CERTIFICATE  
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND ORDINANCES OF THE CITY OF HARRISONBURG, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH.

GIVEN UNDER MY HAND THIS 13th DAY OF SEPTEMBER, 2021.

BENNER & ASSOC., INC.  
8 PLEASANT HILL ROAD  
HARRISONBURG, VA 22801  
540 434-0267  
REF# 080713  
DRAWING: 080713  
CRD: 080713



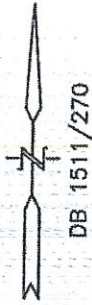


SCALE: 1"=100'

- = FOUND IRON PIN
- = SET IRON PIN
- ⊙ = FOUND PIPE
- ⊞ = FOUND NAIL

Ⓐ = NEW 20' PRIVATE INGRESS  
EGRESS EASEMENT (SEE SHEET 3)

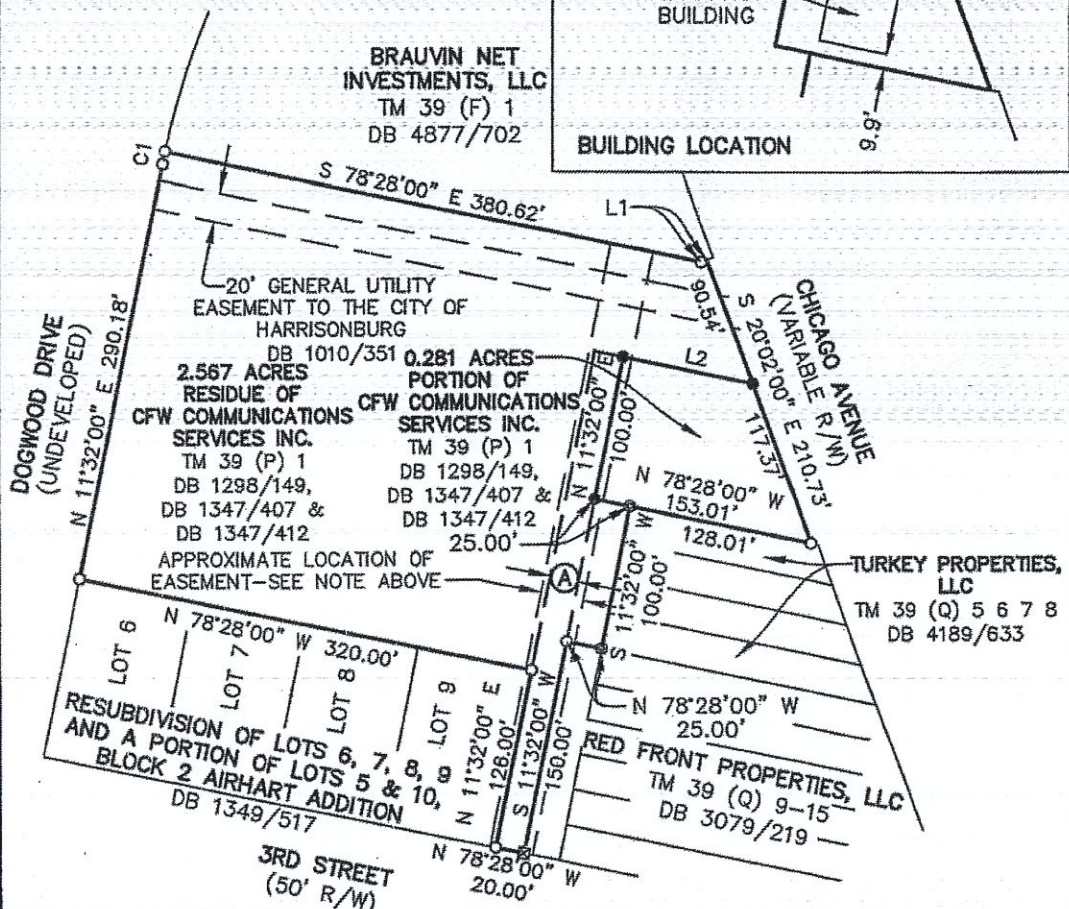
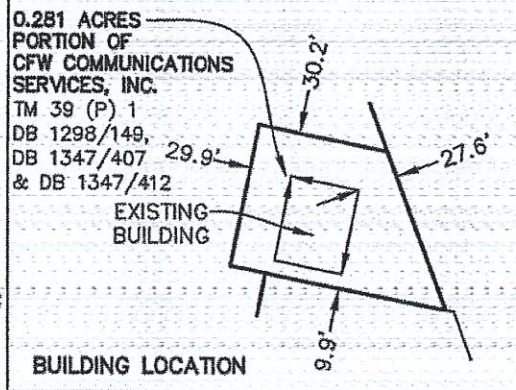
NOTE: SEE DEED BOOK 953, PAGE 610 FOR  
30' WIDE ELECTRIC LINE AND GENERAL UTILITY  
EASEMENT, APPROXIMATE LOCATION.



VICINITY MAP 1"=2000'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	548.65'	8.82'	8.82'	N 11°59'38" E	00°55'16"

LINE	BEARING	DISTANCE
L1	N 69°58'00" E	4.09'
L2	S 78°28'00" E	91.57'



**BENNER & ASSOC., INC.**  
8 PLEASANT HILL ROAD  
HARRISONBURG, VA 22801  
540.434-0267  
REF# 080713  
DRAWING: 080713  
CRD: 080713



SCALE: 1"=60'

- = FOUND IRON PIN
- = SET IRON PIN
- ⊙ = FOUND PIPE
- ⊞ = FOUND NAIL
- Ⓐ = NEW 20' PRIVATE INGRESS EGRESS EASEMENT



DB 1511/270

DOGWOOD DRIVE  
(UNDEVELOPED)

N 11°32'00" E 290.18'

2.567 ACRES  
RESIDUE OF  
CFW COMMUNICATIONS  
SERVICES INC.  
TM 39 (P) 1  
DB 1298/149,  
DB 1347/407 &  
DB 1347/412

0.281 ACRES  
PORTION OF  
CFW COMMUNICATIONS  
SERVICES INC.  
TM 39 (P) 1  
DB 1298/149,  
DB 1347/407 &  
DB 1347/412

APPROXIMATE LOCATION OF  
EASEMENT—SEE NOTE ABOVE

NEW 20' INGRESS EGRESS EASEMENT		
LINE	BEARING	DISTANCE
L3	N 11°32'00" E	350.00'
L4	S 78°28'00" E	20.00'
L5	S 11°32'00" W	350.00'

LOT 6

N 78°28'00" W

LOT 7

320.00'

LOT 8

LOT 9

RESUBDIVISION OF LOTS 6, 7, 8, 9 AND  
A PORTION OF LOTS 5 & 10,  
AIRHART ADDITION  
DB 1349/517

3RD STREET  
(50' R/W)

SHEET 3 OF 3

N 78°28'00" W  
20.00'

Ⓐ

RED FRONT PROPERTIES, LLC  
TM 39 (Q) 9-15  
DB 3079/219

TURKEY PROPERTIES, LLC  
TM 39 (Q) 5 6 7 8  
DB 4189/633

N 78°28'00" W  
153.01'

128.01'

N 11°32'00" E  
100.00'

100.00'

25.00'

S 11°32'00" W  
100.00'

100.00'

25.00'

S 11°32'00" W  
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25.00'

CHICAGO AVENUE  
(VARIABLE R/W)

90.54'

S 20°02'00" E  
210.75'

117.37'

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210.75'

117.37'

L1

L2

L4

N 11°32'00" E  
100.00'

100.00'

25.00'

S 11°32'00" W  
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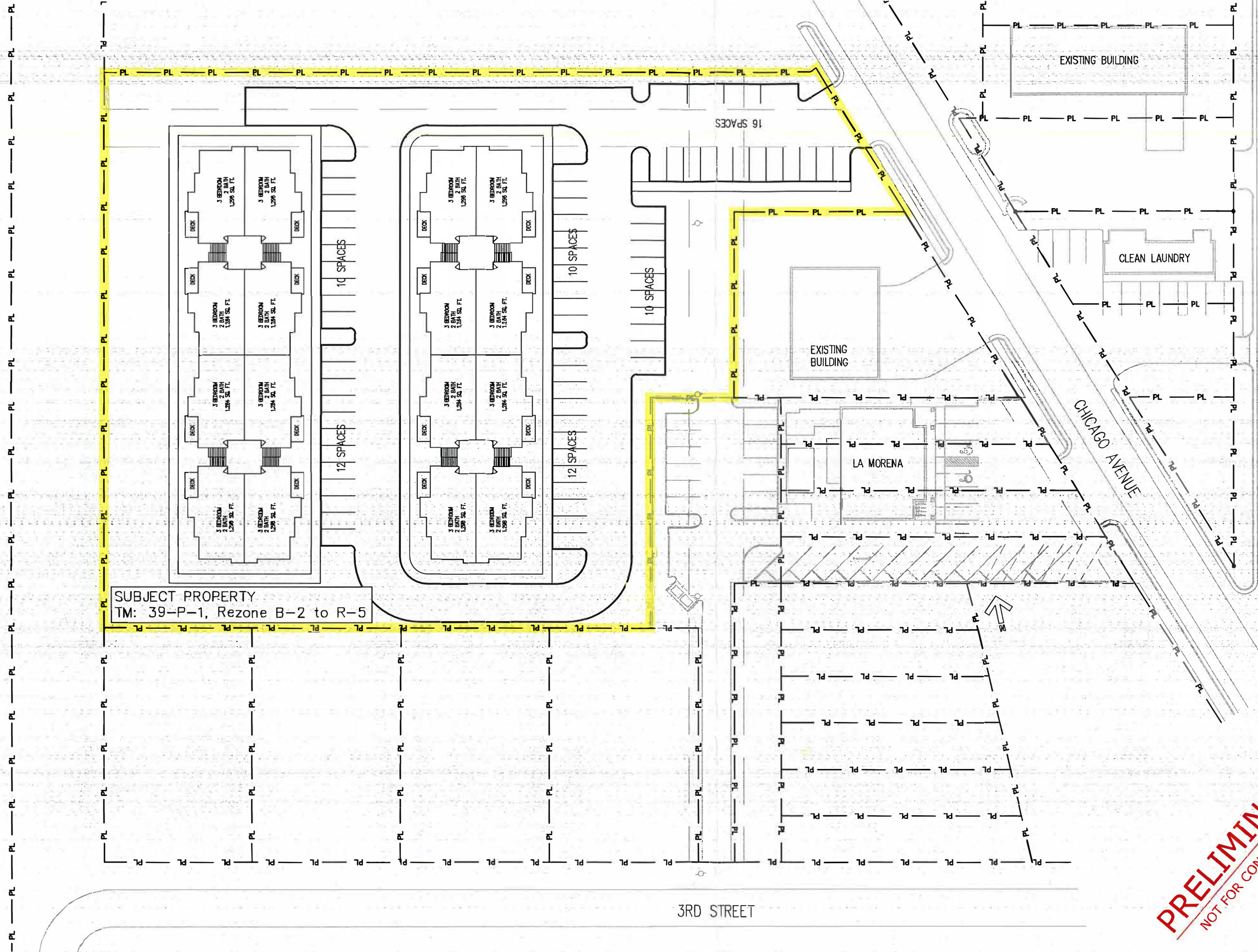
25.00'

S 11°32'00" W  
150.00'

150.00'

25.00'





SUBJECT PROPERTY  
 TM: 39-P-1, Rezone B-2 to R-5

**PRELIMINARY**  
 NOT FOR CONSTRUCTION



1123 South High Street | Harrisonburg, VA 22801 | Ph: (540) 246-3712  
 Email: contact@colmanengineering.com | www.colmanengineering.com

CONCEPT LAYOUT  
 CHICAGO AVENUE APARTMENTS  
 797 CHICAGO AVE

HARRISONBURG, VA 22802

Date: 2/4/2022  
 Scale: 1" = 50'  
 Designer: GLC, PE  
 Drafter: DPW  
 Reviewer: GLC, PE

Revisions

Project: CE202161  
 Sheet: 1 of 1