



CITY OF HARRISONBURG
**COMMUNITY
DEVELOPMENT**

Change of Zoning District
(Rezoning) Application
www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

720 Foley Rd
Property Address
084 B 15,16
Tax Map Parcel/ID
1.06
Total Land Area
acres or sq.ft.
(circle)
Existing Zoning District: R 3
Proposed Zoning District: R 5
Existing Comprehensive Plan Designation: Medium Density Residential

PROPERTY OWNER INFORMATION

Devon Lane, LLC
Property Owner Name
3354 Lawyer Rd
Street Address
McGaheysville VA 22840
City State Zip
540 289 9310
Telephone
fwgordon@gmail.com
E-Mail

OWNER'S REPRESENTATIVE INFORMATION

Frank Gordon
Owner's Representative
same as above
Street Address
City State Zip
540 289 9310
Telephone
same as above
E-Mail

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.

F. Gordon, manager
PROPERTY OWNER
10 06 2023
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. *SEE ALSO SURVEY INCL. WITH SUBDIVISION APPLICATION*
- 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.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

11/3/23
Date Application and Fee Received
Total Fees Due: \$ 670
Application Fee: \$550.00 + \$30.00 per acre
Received By [Signature]

716/720/722 Foley Subdivision and Rezoning

716-722 Foley Rd is classified by the Harrisonburg Housing Study as Market Type A, which reflects its excellent proximity to amenities, places of employment and public transportation. The study further indicates that efforts to improve affordability in Market Type A areas should emphasize zoning changes to increase density.

716 and 722 Foley are single family homes and 720 Foley is an 11 unit infill efficiency apartment building. To further increase density at this site as suggested by the Housing Study, Devon Lane LLC is now requesting a subdivision which will leave the single family houses on their own R3 parcels and a zoning change from R3 to R5 on the remainder to allow one efficiency apartment unit per 1800 sq ft of lot, as opposed to the current 3,000 sq ft of lot area per efficiency unit, thereby allowing 3 more efficiency units. The homes must be on their own parcels as single family homes are not allowed in an R5 zone. The Comprehensive Plan Land Use Guide designates this lot as Medium Density Residential, which plans for about 15 units per acre. With three additional units joining the 13 already there, and the lot size of over an acre, the resulting density would be in accord with the Land Use Guide.

The lessee of this property, Foley 11, LLC has applied for Housing Development funds to construct 3 fully ADA accessible efficiency apartments on this site subject to the requested rezoning. These units are a response to the double challenge of producing homes that are both fully accessible and affordable. As US Housing Secretary Marcia Fudge recently observed, "...far too many housing options are inaccessible to those with disabilities – and those with the appropriate accommodations are often too expensive." The goal of this project will be to address these twin housing challenges in our community. With the addition of these three efficiency apartments to the existing eleven, this site will host 4 fully ADA accessible units and 2 universal design units. Virginia Construction code mandates 5% of multifamily units be handicap accessible. Since most are constructed to the minimum standard due to the higher cost, the four ADA units on this site will provide the same number of fully accessible units as a typical 80 unit complex would. Thus, it clearly represents a meaningful response to this need in our community.

The additional 3 units will make use of the existing entrance, fire lane, hydrant, and on-site water and sewer mains constructed to serve the existing 11 units. As a result, the proposed 3 units will be a highly efficient infill project.

The rezoning request proffers that all units on the R-5 parcel, both new and existing, will be efficiency or one bedroom, and that occupancy will be limited to one family or no more than 3 individuals.

The subdivision will include an easement for parking and a shared parking agreement as determined to be needed by the community development staff.

Proffer Statement

In connection with the R 5 rezoning request for +/- 0.603-acre portion of the property which is addressed as 716, 720, and 722 Foley Road and is identified as tax map parcels 84-B-15 & 16, I hereby proffer that the use and development of the subject property shall be in strict accordance with the conditions set forth in this submission.

1. Dwelling units on the referenced property shall be one bedroom or efficiency units only.
2. Dwelling units on the referenced property may be occupied by a family or no more than three (3) individuals per unit.

F. Gordon, manager

Frank Gordon, manager and owner
Devon Lane, LLC

11/29/2023



City of Harrisonburg, VA
Department of Public Works

**Determination of Need for a
Traffic Impact Analysis (TIA)**

www.harrisonburgva.gov/traffic-impact-analysis

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.

| Contact Information | | | |
|--|---|--|---|
| Consultant Name: | Frank Gordon | | |
| Telephone: | 540 289 9310 | | |
| E-mail: | fwgordon@gmail.com | | |
| Owner Name: | Devon Lane, LLC (Frank Gordon, manager) | | |
| Telephone: | 540 289 9310 | | |
| E-mail: | fwgordon@gmail.com | | |
| Project Information | | | |
| Project Name: | Accessible Triplex | | |
| Project Address: | 716, 720, 722 Foley Rd | | |
| TM #: | 084-B-15, 084-B-16 | | |
| Existing Land Use(s): | Medium Density residential | | |
| Proposed Land Use(s): (if applicable) | Medium Density residential | | |
| 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) | Subdivide and rezone 084 B 15 and 084 B 16, rezone rear of lot to R5 to allow for construction of three efficiency apartment units behind the house at 716 Foley Rd by increasing allowed density. The rear of the lot is currently served by a paved lane from Foley Rd that currently serves the 11 unit efficiency apartment behind 722 Foley Rd | | |
| Peak Hour Trip Generation (from row 15 on the second page) | | | |
| AM Peak Hour Trips: | 2 | | |
| PM Peak Hour Trips: | 1 | | |

(reserved for City staff)

TIA required? Yes _____ No T/M

Comments:

Accepted by: Zenith Mason

Date: 10/30/2023

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 Unit | 14 | 6 | 7 |
| 2 | Proposed #2 | Single Family Housing (detached) | 210 | Dwelling Unit | 2 | 1 | 2 |
| 3 | Proposed #3 | | | | | | |
| 4 | Proposed #4 | | | | | | |
| 5 | Proposed #5 | | | | | | |
| 6 | Proposed #6 | | | | | | |
| 7 | Total New Trips | | | | | 7 | 9 |
| 8 | Existing #1 | Multifamily Housing (low rise) | 220 | Dwelling Unit | 11 | 4 | 6 |
| 9 | Existing #2 | Single Family Housing (detached) | 210 | Dwelling Unit | 2 | 1 | 2 |
| 10 | Existing #3 | | | | | | |
| 11 | Existing #4 | | | | | | |
| 12 | Existing #5 | | | | | | |
| 13 | Existing #6 | | | | | | |
| 14 | Total Existing Trips | | | | | 5 | 8 |
| 15 | Final Total (Total New – Total Existing) | | | | | 2 | 1 |

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.



CITY OF HARRISONBURG
**COMMUNITY
DEVELOPMENT**

Preliminary Subdivision
Plat Application

www.harrisonburgva.gov/subdividing-property

| PROPERTY INFORMATION | | |
|--|-------------------------|------------------------------------|
| Title of Subdivision: <u>South Foley</u> | | |
| <u>716, 720, 722 Foley Rd</u> | <u>084 B 15, 16</u> | |
| Property Address(es) | Tax Map Parcel(s)/ID(s) | |
| <u>1.06</u> | <u>3</u> | <u>R3 with R5 rezoning request</u> |
| Total Acreage | Number of Lots Proposed | Zoning Classifications |
| PROPERTY OWNER INFORMATION | | |
| <u>Devon Lane, LLC</u> | | <u>540 289 9310</u> |
| Property Owner Name | | Telephone |
| <u>3354 Lawyer Rd</u> | | <u>fwgordon@gmail.com</u> |
| Street Address | | E-Mail |
| <u>McGaheysville</u> | <u>VA</u> | <u>22840</u> |
| City | State | Zip |
| OWNER'S REPRESENTATIVE INFORMATION (if applicable) | | |
| <u>Frank Gordon, manager</u> | | <u>540 289 9310</u> |
| Owner's Representative | | Telephone |
| <u>3354 Lawyer Rd</u> | | <u>fwgordon@gmail.com</u> |
| Street Address | | E-Mail |
| <u>McGaheysville</u> | <u>VA</u> | <u>22840</u> |
| City | State | Zip |
| SURVEYOR INFORMATION | | |
| <u>Jeff Simmons - Valley Engineering</u> | | <u>540 434 6365</u> |
| Name | | Telephone |
| <u>4901 Crowe Dr</u> | | <u>jsimmons@valleyesp.com</u> |
| Street Address | | E-Mail |
| <u>Mt Crawford</u> | <u>VA</u> | <u>22841</u> |
| City | State | Zip |

VARIANCES

4

No variances requested. (Continue to next section.)
Variance requested. If a variance is requested, please provide the following information:

I (we) hereby apply for a variance from:

Sec 10-2-42 (c)

The Harrisonburg Subdivision Ordinance section(s):

The Harrisonburg Design and Construction Standards Manual section(s):

which requires:

Frontage. All lots shall front on a public street and no lot shall embrace any portion of a street or alley.

The attached letter shall describe why the applicant believes a variance should be granted based on the following "unnecessary hardship" which is peculiar to the property in question. (See Section 10-2-2 of the Subdivision Ordinance.)

CERTIFICATION

The City of Harrisonburg's preliminary plat and subdivision requirements are in the code of the City of Harrisonburg, Subdivision Ordinance Sections 10-2-1 through 10-2-86. Please read these requirements carefully. I have read the ordinance requirements. I certify that the information supplied on this application and on the attachments provided (plats 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]

10/26/2023

PROPERTY OWNER

DATE

REQUIRED ATTACHMENTS

- Letter explaining proposed use & reasons for seeking Preliminary Subdivision Plat Approval.
- Plat of properties meeting requirement of Subdivision Ordinance Section 10-2-23 – see checklist.
- 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.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

[Signature] 11/3/23
Date Form Received

Total Fees Due: \$ 260
Application Fee:
w/o Variance Request \$175.00 plus \$20.00 per lot
with Variance Request \$200.00 plus \$20.00 per lot

[Signature]
Form Received By

**CHECKLIST FOR PLAT OF PROPERTIES MEETING SEC. 10-2-23
PRELIMINARY PLAT – REQUIREMENTS AND CONTENTS**

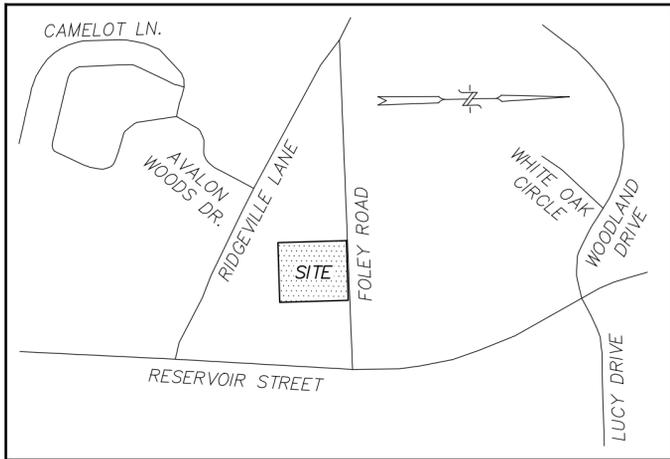
The preliminary plat, marked as such, shall be presented to the planning commission to scale and meeting the Rockingham County Clerk of Court's Land Recordation Standards (<https://www.rockinghamcountyva.gov/331/Land-Records-Division>) with any supporting data, showing the following:

- Proposed subdivision name, location, acreage and land use.
- Date, north point and graphic scale.
- Names and addresses of the owners of the property, including the existing mortgagee, the subdivider and the designer of the layout.
- Location and names of adjoining subdivisions or names of the owners of adjoining lands.
- Topography: contours at two-foot intervals unless grade is fifteen (15) percent or more, in which case contours shall be at five-foot intervals.
- Existing and proposed streets, easements and other rights-of-way within and adjoining the subdivision including right-of-way and roadway widths, approximate grades and proposed street names.
- Location of existing and proposed utilities adjacent to the tract to be subdivided, including size and elevation.
- Location of building setback lines and zoning district lines.
- Lot lines, lot and block numbers and approximate dimensions. If proposed subdivision is a residential planned unit development structures and approximate dimensions shall be shown.
- Proposed method of water supply, drainage provisions, sanitary sewer layout or other accepted sanitary plan and methods of flood control where applicable. Connections with existing facilities, sizes of proposed facilities and any accessory structure shall also be shown.
- Draft of homeowners' association agreements or protective covenants, if any, whereby the subdivider proposed to regulate land use in the subdivision and otherwise protect the proposed development.
- The location of existing watercourses and other geographic features.
- Preliminary location of stormwater management best management practice (BMP) boundary areas.
- A vicinity sketch or key map at a scale of two hundred (200) feet to the inch shall be shown on or accompany the preliminary plat. This map shall relate the subdivision to existing landmarks and show how streets, alleys and other significant proposals connect or relate to existing facilities in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire area.
- The fee for filing a preliminary plat without a variance shall be one hundred seventy-five dollars (\$175.00) plus twenty dollars (\$20.00) per lot, or if filing a preliminary plat with a variance the fee shall be two hundred dollars (\$200.00) plus twenty dollars (\$20.00) per lot, made payable to the city. The fee shall be paid upon the filing of the plat with the city.

In addition, if the preliminary plat requires a traffic impact analysis (TIA) review by the Virginia Department of Transportation (VDOT), then all additional fees for that review shall be made payable to the Virginia Department of Transportation. If the preliminary plat requires a TIA review, only by the city, then one thousand dollars (\$1,000.00) shall be made payable to the city. The preliminary plat application shall not be considered accepted until the TIA has been reviewed.

Letter in support of subdivision variance request

Following subdivision, the R5 lot will have an access lane and entry from Foley Rd that the fire department and public works have reviewed and approved for use by the current building and preliminarily approved for the planned building. In order to meet the width requirement *at the city street*, all or a portion of one of the single family homes would need to be demolished, which would not add functionality to the R5 lot, and would be a burdensome and prohibitive expense for the planned project.



VICINITY MAP
NOT TO SCALE

NOTES:

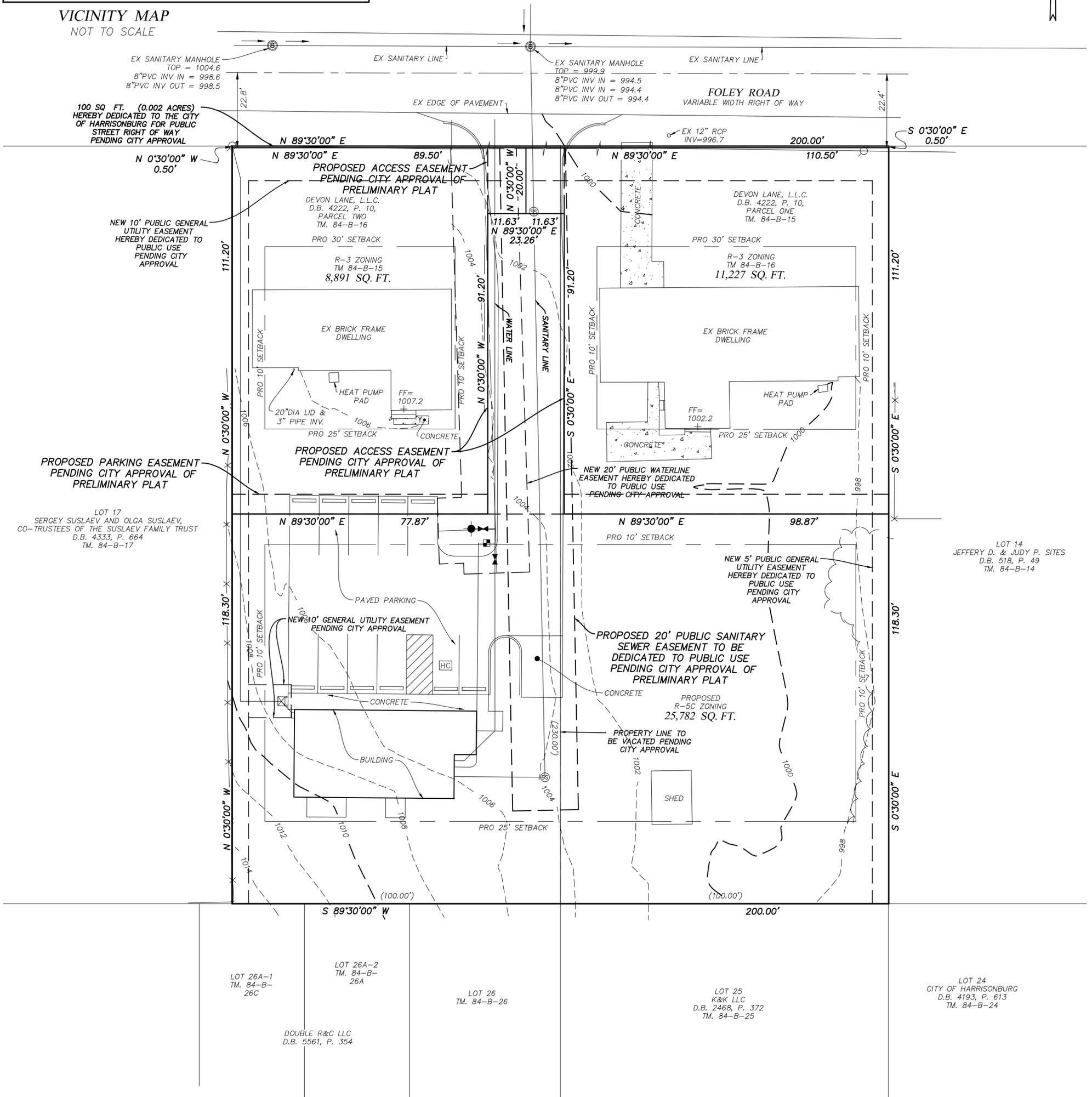
- 1) PROPERTY OWNER/DEVELOPER:
DEVON LANE, LLC
- 2) PROPERTY LOCATION:
716 & 722 FOLEY ROAD,
HARRISONBURG, VA 22801
- 3) TAX MAP NUMBER:
84-B-15 & 16
- 4) CURRENT ZONING: R-3
- 5) CURRENT ACREAGE: 1.056 ACRES

PRELIMINARY PLAT SOUTH FOLEY SUBDIVISION

CITY OF HARRISONBURG, VIRGINIA

LEGEND

- FIRE HYDRANT
- ⊕ SANITARY MANHOLE
- ⊠ WATER VALVE
- WATER METER



SCALE: 1" = 20' NOVEMBER 30, 2023



4901 CROWE DRIVE
MOUNT CRAWFORD, VIRGINIA 22841
TELEPHONE (540) 434-6365
www.valleyesp.com

11478-8.dwg





City of Harrisonburg, VA
Department of Public Works

**Determination of Need for a
Traffic Impact Analysis (TIA)**
www.harrisonburgva.gov/traffic-impact-analysis

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.

| Contact Information | |
|--|---|
| Consultant Name: | Frank Gordon |
| Telephone: | 540 289 9310 |
| E-mail: | fwgordon@gmail.com |
| Owner Name: | Devon Lane, LLC (Frank Gordon, manager) |
| Telephone: | 540 289 9310 |
| E-mail: | fwgordon@gmail.com |
| Project Information | |
| Project Name: | Accessible Triplex |
| Project Address: TM #: | 716, 720, 722 Foley Rd 084-B-15, 084-B-16 |
| Existing Land Use(s): | Medium Density residential |
| Proposed Land Use(s): (if applicable) | Medium Density residential |
| 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) | Subdivide and rezone 084 B 15 and 084 B 16, rezone rear of lot to R5 to allow for construction of three efficiency apartment units behind the house at 716 Foley Rd by increasing allowed density. The rear of the lot is currently served by a paved lane from Foley Rd that currently serves the 11 unit efficiency apartment behind 722 Foley Rd |
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| AM Peak Hour Trips: | 2 |
| PM Peak Hour Trips: | 1 |

(reserved for City staff)

TIA required? Yes _____ No TIA

Comments:

Accepted by: Zenith Mason

Date: 10/30/2023

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 |
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Instructions

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