



December 10, 2025 Planning Commission Meeting

## Title

Consider a request to rezone 797 Chicago Avenue — Meg Rupkey, Community Development

## Summary

Project name	Sunshine Apartments
Address/Location	797 Chicago Avenue
Tax Map Parcels	39-P-1
Total Land Area	+/- 2.57-acres
Property Owner	Turkey Properties LLC
Owner's Representative	Colman Engineering
Present Zoning	R-5C and B-2C
Proposed Zoning	R-5C (Proffer amendment) and B-2
Planning Commission	December 10, 2025 (Public Hearing)
City Council	Anticipated January 13, 2026 (First Reading/Public Hearing) Anticipated January 27, 2026 (Second Reading)

## Recommendation

Option 1. Recommend approval of the rezoning request.

## Fiscal Impact

N/A

## Context & Analysis

The following land uses are located on and adjacent to the property:

Site: Undeveloped land, zoned R-5C, B-2C, and B-2

North: Commercial use, zoned B-2C

East: Commercial and business uses, zoned B-2

South: Single-family detached dwellings, zoned R-1

West: Across Rockingham Drive right-of-way, self-storage facilities, zoned M-1 and M-1C

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 3<sup>rd</sup> Street. While the applicant does not plan to use 3<sup>rd</sup> 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 3<sup>rd</sup> 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](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. Staff recommends approval of the requested rezoning.

### **Options**

1. Recommend approval of the rezoning request.
2. Recommend denial of the rezoning request.

### **Attachments**

- Site maps
- Application and supporting documents
- Approved 1995 B-2C Proffers
- Approved 2022 R-5C Proffers