

COMMUNITY DEVELOPMENT

Change of Zoning District (Rezoning) Application

www.harrisonburgva.gov/zoning

PROPERTY INFORMATION							
865 East Port Republic Road			092 F1	5.45 acres or sq.ft			
Property Address			Tax Map Parcel/ID	Total Land Area (circle)	•		
Existing Zoning District: R-	5C		Proposed Zoning Distric	t: B-2C			
Existing Comprehensive Plan Designation: High Density Residential							
PROPERTY OWNER INFORMATION							
865 East LLC			540-442-8486				
Property Owner Name			Telephone				
865 East Port Republ	ic Road		dain@hammond-i	nsurance.com			
Street Address			E-Mail				
Harrisonburg	VA	22801					
City	State	Zip					
	(OWNER'S REPRESEN	TATIVE INFORMATIO	N			
AES Consulting Engir	neers		540-432-9555				
Owner's Representative			Telephone				
566 East Market St.			Ed.Blackwell.aesva.com;Brian.kinzie@aesva.com				
Street Address			E-Mail				
Harrisonburg	VA	22801					
City	State	Zip					
		CERTI	FICATION				
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.							
TROIZETT OWNER	/	REQUIRED	DATE 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 . TO BE COMPLETED BY PLANNING & ZONING DIVISION							
Date Application and Fee Received			Total Fees Due: \$				
MAN							
Received By							





Special Use Permit Application

www.harrisonburgva.gov/zoning

		PROPERTY I	NFORMATION					
865 East Port Republic Road Property Address			092 F1 Tax Map	5.45 Total Land Area	acres or sq.ft.			
		0.0	Tax Iviap	Total Land Area	(circle)			
Existing Zoning Classification:	R-5C; B-	2 Proposed	_					
Special Use being requested: Reduction of the side & rear setbacks to 20' per Sec. 10-3-91.(9)								
		PROPERTY OWN	ER INFORMATION					
865 East LLC			540-442-8486					
Property Owner Name			Telephone					
865 East Port Republic	Road		dain@hammond-in	surance.com				
Street Address		00004	E-Mail					
Harrisonburg	VA	22801						
City	State	Zip WNER'S REPRESEN	FATIVE INFORMATION	N				
AES Consulting Engine		THE STATE OF THE S	540-432-9555					
Owner's Representative	30.0		Telephone					
566 East Market St.			Ed.Blackwell.aesva.com;Brian.kinzie@aesva.com					
Street Address			E-Mail					
Harrisonburg	VA	22801						
City	State	Zip	N.C.A.TION					
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 eviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property. PROPERTY OWNER 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. 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								
	. #20.00							
Date Application and Fee Received Application Fee: \$425.00 + \$30.00 per acre								
Received By								





Special Use Permit Application

www.harrisonburgva.gov/zoning

		PROPER	RTY INFORMATION				
865 East Port Republic Road			092 F1	5.45	acres or sq.ft.		
Property Address			Tax Map	Total Land Area	(circle)		
Existing Zoning Classificati	on: R-5C;	B-2C Proposed	-				
Special Use being requested			per Sec. 10-3-91.((17)			
		PROPERTY	OWNER INFORMATION	ON			
865 East LLC			540-442-848	6			
Property Owner Name			Telephone				
865 East Port Repub	olic Road			ond-insurance.com			
Street Address	١/٨	22204	E-Mail				
Harrisonburg City	- VA State	$\frac{22801}{Z_{ip}}$					
City	State		SENTATIVE INFORM	IATION			
AES Consulting Eng	ineers		540-432-955				
Owner's Representative	1110010		Telephone	10 9 31 9 74 10 10 10 10 10 10			
566 East Market St.				aesva.com;Brian.kinz	ie@aesva.com		
Street Address E-Mail							
Harrisonburg	VA	22801					
City	State	Zip	DELEGATION				
I certify that the information to the best of my knowledge. property for the purposes of posted by the City on any property for the contact of the contact o	In addition, I f processing a	his application and or hereby grant permissi	on to the agents and emp	loyees of the City of Harrison	iburg to enter the above		
PROPERTY OWNER	-//		10/66/23 DATE	_			
TROTERT OWNER		REQUIR	ED ATTACHMENTS				
Department. Applicant www.harrisonburgva.g required parking areas,	is (TIA) Dete is responsible ov/traffic-imp , reduction in ays in reviewi orm or TIA A	asons for seeking a Speciment of Porm OR for coordinating with sact-analysis. This required side yard set ng your application, pocceptance Letter.	ecial Use Permit. Traffic Impact Analysis Public Works prior to su uirement is waived for the back, wireless telecomm lease consult with Planni	(TIA) Acceptance Letter sibmitting this application. For a following SUPs: major familiant facilities, wall and staff to confirm your application also submit a wireless telection.	more information, visit ily day homes, reducing fences, and short-term lication does not require		
	то в	E COMPLETED BY	PLANNING & ZONIN	NG DIVISION			
Date Application and Fee Received Total Fees Due: \$ Application Fee: \$425.00 + \$30.00 per acre							

CLARK & BRADSHAW, P.C.

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Email: tcrhea@clark-bradshaw.com

MARK B. CALLAHAN

OF COUNSEL

AMY L. RUSH, C.P.A. (NOT ATTORNEYS)

December 1, 2023

Via Electronic Mail:

Adam Fletcher, Director
City of Harrisonburg Department of Community Development
409 S. Main Street
Harrisonburg, VA 22801
Adam.fletcher@harrisonburgva.gov

Re: 865 East, LLC – Application for Zoning Ordinance Text Amendment,
Rezoning and Two Special Uses for expansion of an existing structure located at 865 East
Port Republic Road, Harrisonburg, VA 22801, Tax Map Reference: 092 F 1

Dear Mr. Fletcher:

I write on behalf of 865 East, LLC, which requests approval for a Rezoning and Special Use within a B-2 zoning district in order to expand its existing mixed use commercial and multifamily structure located at 865 East Port Republic Road, Harrisonburg, VA 22801, Tax Map Reference: 092 F 1. The Owner/Applicant has also submitted a zoning ordinance text amendment and second Special Use permit request allowing for reduced side and rear yard setbacks for the existing and proposed structures. The proposed Special Use approvals would allow for the expansion of this successful mixed-use project, utilizing existing topography and parking to allow for more efficient and dense use of the parcel located in close proximity to James Madison University and local transportation and commercial facilities and amenities. This local developer and owner has demonstrated the ability to deliver and operate a high quality community on the site pursuant to existing proffers and conditions and has the reputation and expertise to give the City confidence that the proposed expansion will exemplify the same level of quality and operational competence.

The rezoning request to B-2C, allowing for multi-family uses under an approved Development Plan is requested to add a building addition, complimentary to the existing structure, connected by an elevated breezeway. The structure addition provides the same level of controlled access and security to its residents. The structure addition also works with existing topography (which slopes down to the south and west) so that the top elevation of the proposed structure addition would have the same top-level height as the exiting building when viewed from Port Road and Devon Lane. The Owner/Applicant has provided an enclosed proposed building addition table containing elevation and structure data for Staff and City use. The requested Zoning Ordinance text amendment would allow flexibility to add residential

density through height in the B-2 district, where such density and height is adjacent to residential districts under appropriate circumstances and with conditions approved by City Council.

The structure addition would be built over and retain the majority of the existing parking on-site. The B-2C classification would be valuable for utilizing equivalent (and underutilized) surface parking to accommodate additional residents on-site without creating additional impervious surfaces and stormwater runoff. 865 East already has an established plan for secure indoor bike parking and storage which is actively utilized by residents. The site has extensive amenities which would be fully available to the expanded structure and new residents. 865 East also has a history of housing international students in close proximity to the University which also reduces demand for vehicular parking and increased walking, biking and public transit usage. The Owner/Applicant has provided a summary of unit/bedroom data, parking information both existing and proposed and bicycle parking enclosed with this correspondence.

The property is located along Port Republic Road. Port Road, which is an arterial roadway, and the frontage and entrance/intersection serving the current 865 East development was improved and upgraded at the time of construction of the existing structure in 2009.

The following excerpt from the City Community Development Staff Report from February 2022 when the B-2 ordinance was amended to allow for these residential uses within the B-2 district fits the location and policy rationale for the present request like a glove:

Creating a SUP to allow for multi-family units within the B-2 district would, among other TND principles, allow residents to work, shop, and carry out many of life's other activities within the neighborhood and allow residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school. Furthermore, the City of Harrisonburg Comprehensive Housing Assessment and Market Study, within recommendation #9, encourages the incorporation of new and updated provisions in the ZO that will facilitate the implementation of the recommendations made in the study. Among other suggestions, recommendation #9 encourages to "[c]onduct zoning map and/or zoning text amendments to increase housing stock, housing type and housing density."

865 East is located in a perfect location to provide the benefits encouraged by the City when it adopted the B-2 ordinance changes. It is in an area designated by the Comprehensive Plan for future high density residential use and contains both extensive residential amenities and commercial uses on-site and in easy walking proximity. It is fully tied into existing transit lines, multi-use paths and sidewalks to allow for convenient multi-modal means of resident access and transit.

Finally, allowing the requested building addition allows benefits to City benefits in the form of increased revenues from a more intensive use of the site through additional constructed improvements without using more undeveloped land.

The applicant requests approval of the Rezoning request from R-5C to B-2C, a Special Use for multifamily units within the B-2 district under the submitted application and Development Plan, a Special Use for reduced side and rear yard setbacks in a B-2 district and a Zoning Ordinance Text Amendment to allow for the efficient use of vertical construction in an area of the City containing existing dense housing types and planned for the City's highest density residential use classification.

I appreciate your consideration of this proposal. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Todd C. Rhea, Esq.

Cc: 865 East, LLC

Summary Table					
	Existing	Proposed	Total		
# of Stories	7	7	-		
# ofUnits	96	60	156		
# of Bedrooms	274	185	459		
SF of Commercial	15654	0	15654		
Commercial Parking Needed*	63	0	63		
Residential Parking Needed (Under B2 Zoning)**	96	60	156		
			219		
			343		
			329		
Bicycle Parking Needed***	-	10	10		
			42		

Total Parking Needed
Existing Parking on Site
Total Proposed Parking
Total Bicycle Parking Needed
Existing Bicycle Parking Provided

Proposed Building Addition Information

Building 2 w 8 apartments (25 beds)/floor x 7 floors = 56 apartments/175 beds + Subbasement 4 apts/10 beds = 60 total apartments/185 beds bldg. 2

Top of Parapet = 1470.2

Roof level (without parapet) elevation = 1462.2

Fl 6 = FF 1452.4 matches existing 6th floor Fl 5 = FF 1442.7 matches existing 5th floor Fl 4 = FF 1432.9 matches existing 4th floor FI 3 = FF 1423.3 matches existing 3rd floor tie in at existing 2nd floor Fl 2 = FF 1413.4 (enclosed crosswalk) FI 1 = FF 1400.0 matches existing 1st floor Fl B = FF 1388.6 matches existing basement FF FI SUB-B = FF 1378.6

(clearance from existing high spot in parking to Basement FF is 1388.6 - 1372.0 = 16.60' with continued height increase thereafter)

(clearance from existing high spot in parking to Sub-Basement FF is 1378.6 - 1356.0 = 22.60' with continued height increase therafter)

Existing Building Information:

7 Stories

Total Area: 158,137 SF

Use Group: A-3, B, M, Moderate-Hazard, R-2, S-1

Mixed Use, Non-Separated IBC Construction Type 1B

(Sprinkled) NFF: 500 GPM

^{*1/100}sf Per Sec. 10-3-25.(17)
** 1/unit Per Sec. 10-3-25.(7)

^{*** 1/6} units Per Sec 10-3-25.1.(3)

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 8, 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.
- 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.
- 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. Any additions to the existing freestanding sign along Port Republic Road shall be limited to the height of the existing permitted sign of eighteen feet (18'). Any additional freestanding signage along the Devon Lane frontage of the subject property (including directional signage) shall be limited to eight feet (8') in height.
- 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

MELLSSA J. AVORJSVS NOTARY PUBLIC BEGLEYSSSON COMMONERS IN SEVERIM MY COMMISSION EDGRES 1231-2014 IN WITNESS WHEREOF, the parties have executed this Rezoning Request Proffer as follows:

OWN	IER	/APPL	ICAN ¹	Γ:

865-East, LLG

Dain Hammond, Manager

(SEAL)

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Rockingam

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

MELISSA J. ANDREWS
NOTARY PUBLIC
REG. #7535360
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 12-31-2024

Melisso & Chiderio

My commission expires: $\frac{12-31-2024}{2}$

Registration Number: 75353(00



VICINITY MAP
(SCALE: 1" =1000")

ROW TO BE DEDICATED 0.5' BEHIND PROPOSED AND EXISTING SIDEWALK. SEE PROFFER 7B.

SIDE: 20 (PER SUP)

TO BE REMOVED.

SEE PROFFER 7.

EXISTING CROSSWALK TO BE REDESIGNED. SEE PROFFER 7C.

PROPOSED 5' SIDEWALK BEHIND EXISTING CURB.
SEE PROFFER 7A.

Scale: AS NOTED Designed by: EHB Drawn by: BWK Checked by: EHB

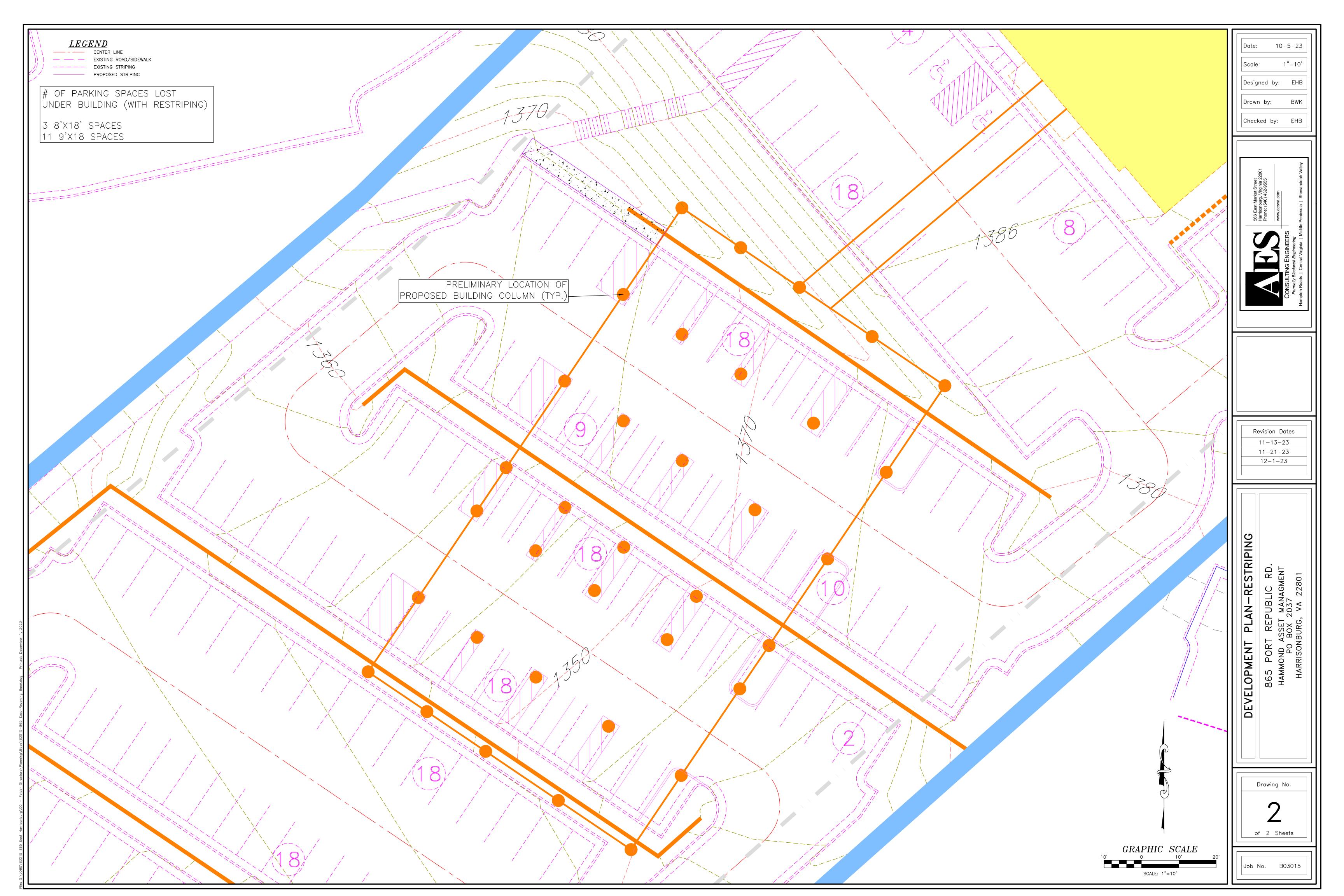
10-5-23

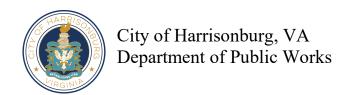
Revision Dates 11-13-23 11-21-23 12-1-23

DEVELOPMENT 865 HAMM(

Drawing No.

Job No. B03015





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 Informatio	n			
Consultant Name:				
Telephone:				
E-mail:				
Owner Name:				
Telephone:				
E-mail:				
Project Information	1			
Project Name:				
Project Address: TM #:				
Existing Land Use(s):				
Proposed Land Use(s): (if applicable)				
Submission Type:	Comprehensive Site Plan	Special Use Permit	Rezoning	Preliminary Plat
Project Description: (Include site plan or preliminary sketch and additional details on land use, acreage, access to site, etc)				
Peak Hour Trip Ge	neration (from	row 15 on the	e second page)	
AM Peak Hour Trips:				
PM Peak Hour Trips:				
(reserved for City	y staff)			
TIA required? Y Comments:	es No/_	M		
Accepted by:	inethy ma	\$ <i>0</i> 1	Date: 10/2	0/2023

Revised Date: December 2019

Peak Hour Trip Generation by Land Use

Row	IVG'Nand Use		ITE Land Use Code	Unit	Quantity	AM Peak Hour of Adjacent Street Traffic	PM Peak Hour of Adjacent Street Traffic
1	Proposed #1						
2	Proposed #2						
3	Proposed #3						
4	Proposed #4						
5	Proposed #5						
6	Proposed #6						
7	Total New Trips						
8	Existing #1						
9	Existing #2						
10	Existing #3						
11	Existing #4						
12	Existing #5						
13	Existing #6						
14		Total Existing Tri	ips				
15		Final Total (Total New – To	otal Existing)				

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