



**CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT**

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

PROPERTY INFORMATION

865 East Port Republic Road
Property Address

092 F1
Tax Map Parcel/ID

5.45
Total Land Area

acres or sq.ft.
(circle)

Existing Zoning District: R-5C

Proposed Zoning District: B-2C

Existing Comprehensive Plan Designation: High Density Residential

PROPERTY OWNER INFORMATION

865 East LLC
Property Owner Name

540-442-8486
Telephone

865 East Port Republic Road
Street Address

dain@hammond-insurance.com
E-Mail

Harrisonburg VA 22801
City State Zip

OWNER'S REPRESENTATIVE INFORMATION

AES Consulting Engineers
Owner's Representative

540-432-9555
Telephone

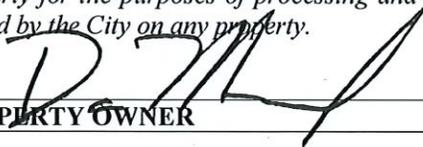
566 East Market St.
Street Address

Ed.Blackwell.aesva.com; Brian.kinzie@aesva.com
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.


PROPERTY OWNER

10/06/23
DATE

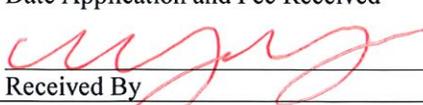
REQUIRED ATTACHMENTS

- 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.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

10/06/23
Date Application and Fee Received

Total Fees Due: \$ 730
Application Fee: \$550.00 + \$30.00 per acre


Received By



**CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT**

Special Use Permit Application
www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

865 East Port Republic Road 092 F1 5.45 acres or sq.ft.
Property Address Tax Map 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 OWNER INFORMATION

865 East LLC 540-442-8486
Property Owner Name Telephone

865 East Port Republic Road dain@hammond-insurance.com
Street Address E-Mail

Harrisonburg VA 22801
City State Zip

OWNER'S REPRESENTATIVE INFORMATION

AES Consulting Engineers 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

CERTIFICATION

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 12/8/23
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. 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

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

Received By

CLARK & BRADSHAW, P.C.

ATTORNEYS AND COUNSELORS AT LAW

TODD C. RHEA
MATTHEW C. SUNDERLIN
BRADLEY J. MOYERS
QUINTON B. CALLAHAN
KAREN L. ROWELL
KATHERINE M. MANN
KEVIN M. WHEELER

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Telephone: (540) 433-2601 Facsimile: (540) 433-5528
Web Site: www.clark-bradshaw.com
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,

A handwritten signature in blue ink, appearing to read 'TR', with a long horizontal flourish extending to the right.

Todd C. Rhea, Esq.

Cc: 865 East, LLC

Summary Table			
	Existing	Proposed	Total
# of Stories	7	7	-
# of Units	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

*1/100sf Per Sec. 10-3-25.(17)

** 1/unit Per Sec. 10-3-25.(7)

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

Proposed Building Addition Information	
<p><u>Building 2 w 8 apartments (25 beds)/floor x 7 floors = 56 apartments/175 beds + Sub basement 4 apts/10 beds = 60 total apartments/185 beds bldg. 2</u></p>	
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
Fl 3 = FF 1423.3	matches existing 3rd floor
Fl 2 = FF 1413.4	tie in at existing 2nd floor (enclosed crosswalk)
Fl 1 = FF 1400.0	matches existing 1st floor
Fl B = FF 1388.6	matches existing basement FF
Fl SUB-B = FF 1378.6	
<p>(clearance from existing high spot in parking to Basement FF is 1388.6 - 1372.0 = 16.60' with continued height increase thereafter)</p>	
<p>(clearance from existing high spot in parking to Sub-Basement FF is 1378.6 - 1356.0 = 22.60' with continued height increase thereafter)</p>	

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

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.
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. 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



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

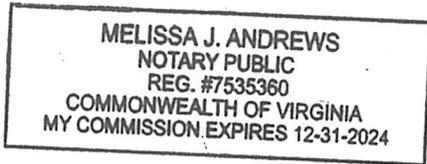
OWNER/APPLICANT:

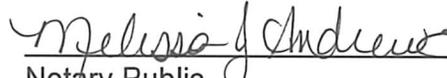
865 East, LLC

By:  (SEAL)
Dain Hammond, Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Rockingham

The foregoing instrument was acknowledged before me this 8th day of December, 2023, by Dain Hammond, Manager of Owner/Applicant.




Notary Public

My commission expires: 12-31-2024
Registration Number: 7535360

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

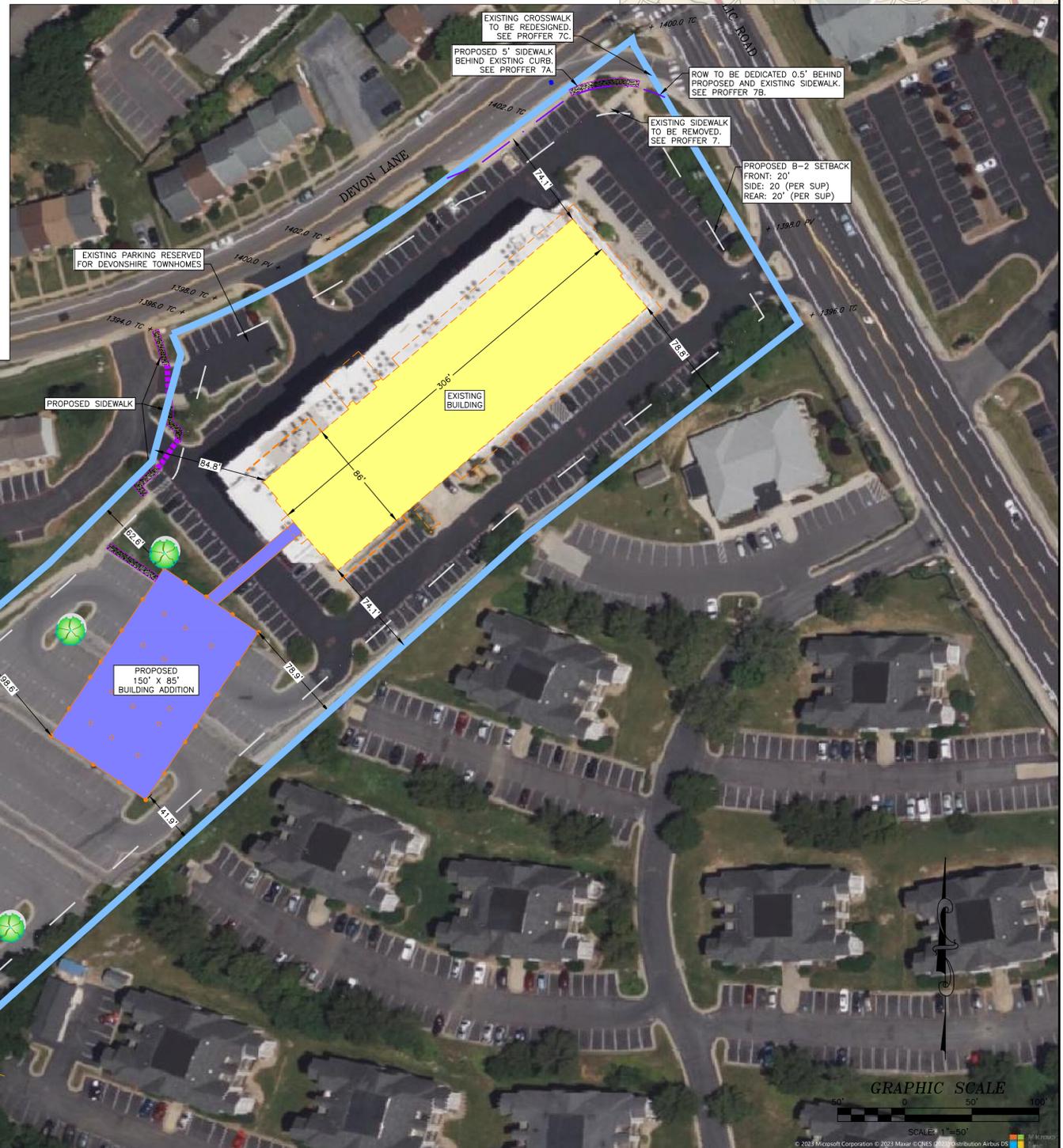
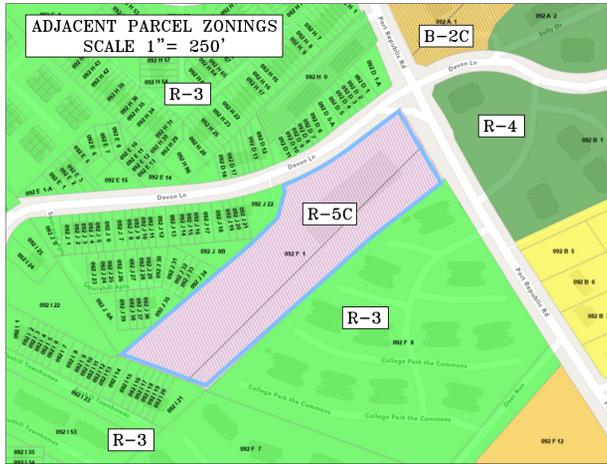
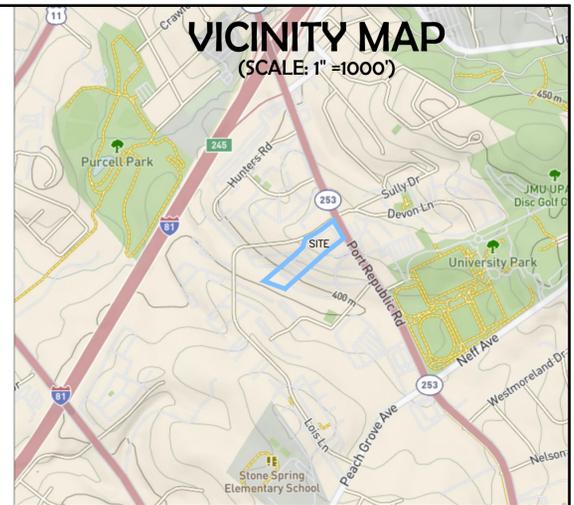
OWNER & DEVELOPER
 865 EAST LLC
 865 PORT REPUBLIC RD
 HARRISONBURG, VA 22801
 540-442-8486

PROPERTY INFO
 092 F 1
 865 PORT REPUBLIC ROAD
 ZONED: R-5C
 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.aesva.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

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\B03015_865_East_Market.dwg - Plotter: Standard/Plotter/Sheet/B03015_865_East_Market.dwg - Printed: December 1, 2023



LEGEND

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

OF PARKING SPACES LOST UNDER BUILDING (WITH RESTRIPIING)

- 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

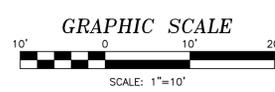
Revision Dates
11-13-23
11-21-23
12-1-23

DEVELOPMENT PLAN - RESTRIPIING

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\B015_B02_EPlan_Restriping\B015_B02_EPlan_Restriping.dwg - Plotter: Standard/Plotter/Sheet/B015_B02_EPlan_Restriping.dwg - Plotted: December 1, 2023



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: Telephone: E-mail:				
Owner Name: Telephone: E-mail:				
Project Information				
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 Generation (from row 15 on the second page)				
AM Peak Hour Trips:				
PM Peak Hour Trips:				

(reserved for City staff)

TIA required? Yes _____ No TIM

Comments:

Accepted by: Zenetta Mason

Date: 10/20/2023

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 Trips					
15	Final Total (Total New – Total 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.