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. (circle)
Property Address	Tax Map	Total Land Area

Existing Zoning Classification: B-2C

Special Use being requested: A 3-year extension of the original Special Use Permit is requested for the reduction of the side-yard 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

Todd C. Rhea, Esq., Clark & Bradshaw, P.C.	540-433-2601
Owner's Representative	Telephone
92 N. Liberty Street	tcrhea@clark-bradshaw.com
Street Address	E-Mail

Harrisonburg	VA	22802
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.

D. Kenneth Gilligan, member — 4/8/25

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

4/9/25
Date Application and Fee Received

Total Fees Due: $ 605 Paid
Application Fee: $425.00 + $30.00 per acre

Received By

CITY OF HARRISONBURG
COMMUNITY DEVELOPMENT

Change of Zoning District (Rezoning) Application

www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

Property Address	Tax Map Parcel/ID	Total Land Area (acres or sq.ft. (circle))
865 East Port Republic Road	092 F 1	5.45 acres

Existing Zoning District: B-2C

Proposed Zoning District: Revision to Existing Proffers per attached text

Existing Comprehensive Plan Designation: High Density Residential

PROPERTY OWNER INFORMATION

Property Owner Name: 865 East LLC	Telephone: 540-442-8486
Street Address: 865 East Port Republic Road	E-Mail: dain@hammond-insurance.com
City: Harrisonburg	State: VA	Zip: 22801

OWNER'S REPRESENTATIVE INFORMATION

Owner's Representative: Todd C. Rhea, Esq., Clark & Bradshaw, P.C.	Telephone: 540-433-2601
Street Address: 92 N. Liberty Street	E-Mail: tcrhea@clark-bradshaw.com
City: Harrisonburg	State: VA	Zip: 22802

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.

D. [signature], member — 4/8/25

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.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

4/9/25
Date Application and Fee Received

[signature]
Received By

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

CLARK & BRADSHAW, P.C.

ATTORNEYS AND COUNSELORS AT LAW

92 North Liberty Street
Harrisonburg, Virginia 22802
Post Office Box 71
Harrisonburg, Virginia 22803-0071
Telephone: (540) 433-2601 Facsimile: (540) 433-5528
Web Site: www.clark-bradshaw.com
Writer's Email: tcrhea@clark-bradshaw.com

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

MARK B. CALLAHAN
OF COUNSEL

AMY L. RUSH, C.P.A.
NOT AN ATTORNEY

April 8, 2025

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 – Request for 3-Year Extension of Special Use Permit for Reduced Side-Yard Setbacks;
Property: 865 East Port Republic Road, Harrisonburg, VA 22801
Tax Map Reference: 092 F 1 ("Property")

Dear Mr. Fletcher:

I write on behalf of 865 East, LLC to request, A) a three-year extension of the Special Use Permit for reduced side-yard setbacks at the property located at 865 East Port Republic Road, Harrisonburg, VA 22801, tax map reference 092 F 1, and B) to revise the existing proffers for the Property to allow for certain telecommunications facilities and uses permitted under City Ordinance Section 10-3-90(20).

The current Special Use Permit for reduced setbacks for the Property was approved by Harrisonburg City Council on January 9, 2024. State and Local regulations for Special Use Permits relative to residential uses were subsequently extended to 3-years for SUP's approved after the City ordinance change, but with an effective date in the City in the summer of 2024 which made the existing SUP for the Property ineligible for the automatic extension. The current request simply brings the 865 East SUP for reduced setbacks into consistency with the broader regulatory scheme for initiating residential SUP's adopted by the City in 2024.

The revised proffers are intended to address an inadvertent situation where a 2017 Special Use Permit approval for the Property under the previous R-5C zoning district for small telecommunications uses was potentially abrogated by the new B-2C proffer set approved by

City Council in early 2024. The requested proffer revisions simply allow for B-2 permitted uses under 10-3-90(20) as already approved and permitted under the 2017 approved Special Use Permit that may have been unintentionally abrogated during the 2024 B-2C rezoning approval process.

I appreciate your positive consideration of the requests for a 3-year extension of the Special Use Permit for reduced setback and the rezoning request to revise existing proffers for the Property. Please contact me if you require any additional information or have any questions regarding these applications.

Regards,

Todd C. Rhea, Esq.

TCR/alh

Docusign Envelope ID: F6F8EF1B-1781-40F4-8B24-4EAECFA5A777

865 Port Republic Road
REVISIONS TO
REZONING REQUEST PROFFERS
(Conditions for this Rezoning Request)

Owner/Applicant:

865 EAST, LLC
Tax Map No. 092 F1
865 Port Republic Road

Dated: April 7, 2025 (Revised April 30, 2025)

TO THE HONORABLE MAYOR AND MEMBERS OF
THE COUNCIL OF THE CITY OF HARRISONBURG

Property Information

The Owner of the above-described parcel, containing 5.45 acres (+/-) of land (the "Property"), hereby petition the City of Harrisonburg, Virginia (the "Council") for a rezoning to revise the existing proffers for the Property (the "Project").

Proffers

In furtherance of the revised Rezoning request, the Applicant hereby requests that the existing proffers for the Property and Project be revised as follows. These Proffers are intended to fully replace any existing Proffers relating to the Property. These Proffers shall be binding upon the Owner/Applicant, and their legal successors or assigns. 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 submits the following revised Proffers for approval by City Council:

1. Only the following non-residential shall be permitted on the Property: retail stores, convenience shops (including tobacco, smoke and vape shops), personal service establishments, restaurants (excluding those with drive-through facilities), business and professional offices, and uses permitted under City Ordinance Section 10-3-90(20).
2. Special use permits shall be permitted as approved by City Council.

Docusign Envelope ID: F6F8EF1B-1781-40F4-8B24-4EAECFA5A777

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 with the exception of uses permitted under City Ordinance Section 10-3-90(20). 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. The maximum height of freestanding signs along Port Republic Road is eighteen (18') feet and the maximum height of freestanding signs along Devon Lane is eight feet (8').

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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.

OWNER/APPLICANT:

865 East, LLC
By: 865 East Development, LLC, Manager

Signed by:
By: Ken Patterson (SEAL)
88CC41085579405...
D. Kenneth Patterson, Manager