



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Planning Commission
From: Department of Community Development
Date: March 9, 2022 (Regular Meeting)
Re: Rezoning and Special Use Permit – 797 Chicago Avenue (B-2 and B-2C to R-5C, and to Allow Multi-Family Dwellings of More Than Twelve Units Per Building) (Chicago Avenue Apartments)

Summary:

Consider two requests from Turkey Properties LLC:

1. To rezone a +/- 2.32-acre portion of a +/- 2.5-acre parcel from B-2, General Business District and B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional., and
2. For a special use permit per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District.

The site is addressed as 797 Chicago Avenue and is identified as tax map parcel 39-P-1.

Background:

A portion of the subject site was rezoned from M-1, General Industrial District to B-2C, General Business District Conditional in May 1995. The existing proffers are attached with this application.

The Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation 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.

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

Site: Undeveloped acreage, zoned B-2 and B-2C

North: Commercial retail use, zoned B-2C

East: Commercial retail and business uses, zoned B-2

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

West: Across undeveloped North Dogwood Drive right-of-way, undeveloped parcels, zoned R-1

Key Issues:

The applicant is requesting to rezone a +/- 2.32-acre portion of a +/- 2.5-acre parcel from B-2, General Business District and B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional. In conjunction with the rezoning request, the applicant is requesting a special use permit (SUP) per Section 10-3-55.4 (1) of the Zoning Ordinance (ZO) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District. If both requests are approved, the applicant intends to construct two buildings, each containing more than twelve multi-family dwellings, as illustrated on the attached preliminary conceptual site plan.

With this request the applicant has proffered the following (written verbatim):

- Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.
- A sidewalk connection between the apartment development and Chicago Avenue to connect the apartment project with direct access to the city's sidewalk system.
- 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.
- A 6' ft 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.
- 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.
- The development will contain one area, totaling 500 s.f., of recreational area for use by the residents that will include picnic table or tables, play areas or play structures, and gazebo, and exercise area.

- The existing vegetation (trees & shrubbery) on the western end of the property, within a minimum of 10-ft. 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. of the same property line, where such evergreen and deciduous trees shall be planted and maintained at no less than 10 feet on center and 6 feet 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.

It should be understood that the preliminary concept plan is not proffered.

While most of the proffers are self-explanatory, staff offers additional information on the first and seventh proffer.

The R-5 district allows by right dwellings to be occupied by a family or not more than four persons. The first proffer reduces the allowable occupancy of dwelling units to either a family or not more than three persons. With the first proffer, because the minimum off-street parking requirements of Section 10-3-25 (7) allow for reduced parking when occupancy is restricted, the development only requires one parking space for each dwelling unit. The applicant understands that parking and parking lot landscaping requirements, among other elements, would be reviewed during the engineered comprehensive site plan phase of development to ensure that all regulations are met.

Proffer seven is intended to preserve and maintain the area along the western boundary of the property as a vegetated area. The proffer states that the area shall be undisturbed within ten feet of the property line or, if the area is disturbed, then evergreen and deciduous trees shall be planted at no less than 10 feet on center and 6 feet in height at the time of planting to fill in and reestablish a vegetative buffer within ten feet of the property line.

The Determination of Need for a Traffic Impact Analysis (TIA) (attached) shows the development is estimated to generate 24 additional trips (based on 48 dwelling units) in the PM peak hour and does not meet the 100-trip peak-hour threshold that gives City staff the ability to require a TIA. When a development reaches or exceeds 100 trips in the peak hour, this threshold is what typically causes concern for traffic safety and delays and would require the need for a TIA study. Thus, a TIA study was not performed.

If the request to rezone the subject property to R-5 is approved, then the maximum number of multiple-family dwelling units allowed would be 56, which equates to a density of 24.2 dwelling units per acre. The Comprehensive Plan Mixed Use designation states "[r]esidential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre." Thus, if constructed to the maximum density, the development would still be around 24 dwelling units per acre. While the applicant has not proffered a maximum density for the development, they have demonstrated on the concept layout and within the Determination of Need for a TIA to construct 48 multiple-family dwelling units.

Within their letter, the applicant has requested that the City allow them 36 months from SUP approval to obtain any necessary land disturbing permit or building permits for the multi-family buildings due to the typical time frame required for the completion of site planning and financing. Section 10-3-130 (c) of the ZO states that "[w]hen a special use permit is approved by the city council, the special use

authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the city council may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit.” Staff is comfortable recommending an extension from 12 months to 36 months by conditioning the following for the SUP:

The special use shall be established, or any construction authorized shall be commenced and diligently pursued within 36 months from the approval date of the special use permit.

If the SUP is approved with this condition, the property owner should plan their submission schedules accordingly for engineered comprehensive site plan review and/or building permit review to ensure that the special use is established or the construction of at least one multi-family building is commenced and diligently pursued within 36 months.

From a design and site layout perspective, staff is comfortable with the applicant’s proposal to create multi-family structures with more than 12-dwelling units per building at this location. Therefore, staff supports the SUP request to allow multi-family dwellings of more than 12 units per building.

The Land Use Guide states that “[t]o the greatest extent possible, all developments throughout the City shall include [Traditional Neighborhood Design] principles.” This includes having a neighborhood that allows residents to work, shop, and carry out many of life’s other activities; allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school; and having a variety of housing types provided at a range of densities with heterogenous mixes of residences, among other things. Staff believes that the proposed rezoning and SUP allow for this project to blend well within the existing neighborhood while providing more housing choices for people who want to live in the City.

Staff recommends approval of the rezoning and special use permit request with the suggested condition.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the rezoning and SUP request as submitted;
- (b) Recommend approval of the rezoning and SUP with the suggested condition;
- (c) Recommend approval of the rezoning and SUP request with other conditions;
- (d) Recommend approval of the rezoning request and denial of the SUP request; or
- (e) Recommend denial of the rezoning and SUP request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing. The advertisement was published as shown below:

Rezoning – 797 Chicago Avenue (B-2 and B-2C to R-5C)

Public hearing to consider a request from Turkey Properties LLC to rezone a +/- 2.32-acre portion of a +/- 2.5-acre parcel from B-2, General Business District and B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional. The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. The R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational, and utility uses. The residential density ranges for the R-5 district are multifamily, 1,800 sq. ft. minimum/unit; multifamily quadraplex, 3,000 sq. ft. minimum/unit; and townhouse, 2,000 sq. ft. minimum/unit. The Comprehensive Plan designates this site as Mixed Use. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. 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. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings. The site is addressed as 797 Chicago Avenue and is identified as tax map parcel 39-P-1.

Special Use Permit – 797 Chicago Avenue (Section 10-3-55.4 (1) to Allow Multi-Family Dwellings of More Than Twelve Units Per Building)

Public hearing to consider a request from Turkey Properties LLC for a special use permit per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District. The site consists of a +/- 2.32-acre portion of a +/- 2.5-acre parcel, is addressed as 797 Chicago Avenue and is identified as tax map parcel 39-P-1.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

Staff recommends alternative (b) recommend approval of the rezoning and SUP with the suggested condition

Attachments:

1. Site map
2. Application and supporting documents
3. 1995 B-2C Proffers

Review:

N/A



CITY OF HARRISONBURG
**COMMUNITY
DEVELOPMENT**

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

PROPERTY INFORMATION

797 Chicago Avenue TM 39 (P) 1 2.32
Property Address Tax Map Parcel/ID ~~2.567~~ Acres acres or sq.ft.
Total Land Area (circle)
Existing Zoning District: B-2C and B-2 Proposed Zoning District: R50
Existing Comprehensive Plan Designation: Mixed Use

PROPERTY OWNER INFORMATION

Turkey Properties 540-810-1484
Property Owner Name Telephone
720 Chicago Avenue 751lamorena@gmail.com
Street Address E-Mail
Harrisonburg Va 22801
City State Zip

OWNER'S REPRESENTATIVE INFORMATION

APR Associates PC: Fred Bosserman 540-434-9807
Owner's Representative Telephone
286 East Market St fcb@aprassoc.com
Street Address 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.

[Signature] 2/4/22
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

2-4-2022 Total Fees Due: \$ 640⁰⁰
Date Application and Fee Received Application Fee: \$550.00 + \$30.00 per acre
ABanks
Received By



CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT

Special Use Permit Application

www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

797 Chicago Avenue
Property Address

39 (P) 1
Tax Map

2.32 Acres
Total Land Area

acres or sq.ft.
(circle)

Existing Zoning Classification: R-5C Proposed

Special Use being requested: 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5

PROPERTY OWNER INFORMATION

Turkey Properties, LLC
Property Owner Name

540-810-1484
Telephone

720 Chicago Avenue
Street Address

751lamorena@gmail.com
E-Mail

Harrisonburg VA 22802
City State Zip

OWNER'S REPRESENTATIVE INFORMATION

APR Associates PC: Fred Bosserman
Owner's Representative

540-434-9807
Telephone

286 East Market Street
Street Address

fcab@aprassoc.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

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

2-9-2022
Date Application and Fee Received

Total Fees Due: \$ 515.00
Application Fee: \$425.00 + \$30.00 per acre

Banks
Received By

March 3, 2022

Department of Community Development
City of Harrisonburg
Harrisonburg, Virginia 22801



Mr. Fletcher,

The purpose of this letter is to seek the rezoning for the unaddressed property located behind the La Morena Convenience Store on Chicago Avenue, as described in the attached minor subdivision plat (TM 39 (P) 1), currently zoned B-2 with proffers from a 1996 rezoning.

The property is currently vacant, and with the particular proffers and B-2 designations the original owner, Lumos Corporation, was unsuccessful marketing it for any of the approved uses. Our client, Turkey Properties LLC (Mr. Javier A. Rodrigues), the current owner of the property, would like to rezone it to R5C and develop it into apartments. The apartments are targeted to be 3 bedroom dwelling units, with the possibility of the third floor dwelling units being 3 bedrooms and a loft. See the attached proffer statement regarding our client's proffer related to occupancy limitations plus additional proffers.

In conjunction with the rezoning request, our client is requesting a Special Use Permit (SUP) that allows more than 12 units per building. Additionally, we request an extension of the SUP expiration from 12 months to 36 months.

It is our client's intention to work closely with the city community development departments and be sure we are meeting or exceeding all landscape, tree and greenspace requirements and requirements for fencing. It is our client's interest to have the design of the property be such that tenants are retained due to how nice it is to live there with a mix of amenities created to enhance life in his apartments, be they play areas, picnic locations, bike storage and extra green space and landscape buffers where they make sense and are possible.

Thank you and staff for your consideration.

Regards,
Fred Bosserman, Architect
APR Associates PC
286 East Market St.
Harrisonburg, Va. 22801

**286 East Market Street
Harrisonburg, Virginia 22801
Telephone: (540) 434-9807
fcb@aprassoc.com**

ARCHITECTURE & PLANNING RESOURCES

March 3, 2022

Department of Community Development
City of Harrisonburg
Harrisonburg, Virginia 22801



Proffer Statement

In connection with the rezoning request for the +/-2.32-acre portion of the parcel identified as tax map parcel 39-P-1, the following is proffered:

Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.

Additionally, we proffer:

- A sidewalk connection between the apartment development and Chicago Avenue to connect the apartment project with direct access to the city's sidewalk system.
- 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.
- A 6' ft 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.
- 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.
- The development will contain one area, totaling 500 s.f., 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.
- The existing vegetation (trees & shrubbery) on the western end of the property, within a minimum of 10-ft. 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. of the same property line, where such evergreen and deciduous trees shall be planted and maintained at no less than 10 feet on center and 6 feet in height at the time of planting to fill in and reestablish a vegetative buffer within the area. This evergreen and deciduous tree vegetative

**286 East Market Street
Harrisonburg, Virginia 22801
Telephone: (540) 434-9807
fcb@aprassoc.com**

ARCHITECTURE & PLANNING RESOURCES

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.

Thank you and your staff for your consideration.

Sincerely,
Turkey Properties LLC

J.A. Rodrigues



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:	Colman Engineering, PLC working with APR Associates		
Telephone:	CE: 540-246-3712, APR: 540-434-9807		
E-mail:	CE: gil@colmanengineering.com, APR: fcb@aprassoc.com		
Owner Name:	Turkey Properties, LLC (Attn: Javier A. Rodrigues)		
Telephone:	540-810-1484		
E-mail:	751lamorena@gmail.com		
Project Information			
Project Name:	Chicago Avenue Apartments		
Project Address:	797 Chicago Avenue, Harrisonburg, VA 22802		
TM #:	39-P-1		
Existing Land Use(s):	Vacant		
Proposed Land Use(s): (if applicable)	Apartment Buildings (2)		
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)	Construct 2 apartment buildings with associated utilities, parking, drive, and other site improvements. Rezoning from B-2 to R-5.		
Peak Hour Trip Generation (from row 15 on the second page)			
AM Peak Hour Trips:	19		
PM Peak Hour Trips:	24		

(reserved for City staff)

TIA required?

Yes

No

TM

Comments:

The only changes were to be in line with ITE 11th Edition.

Accepted by:

Zenetha Mason

Date:

2/7/2022

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 Units	48	19	24
2	Proposed #2						
3	Proposed #3						
4	Proposed #4						
5	Proposed #5						
6	Proposed #6						
7	Total New Trips					19	24
8	Existing #1	Vacant				0	0
9	Existing #2						
10	Existing #3						
11	Existing #4						
12	Existing #5						
13	Existing #6						
14	Total Existing Trips					0	0
15	Final Total (Total New – Total Existing)					19	24

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.

MINOR SUBDIVISION PLAT DIVISION OF TAX PARCEL 39 (P) 1

CITY OF HARRISONBURG, VIRGINIA

MARCH 12, 2021

REVISED SEPTEMBER 13, 2021

OWNER'S CONSENT AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, CONTAINING 2.848 ACRES, MORE OR LESS, AND DESIGNATED AS MINOR SUBDIVISION PLAT DIVISION OF TAX PARCEL 39 (P) 1 IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF.

THE SAID 2.848 ACRES OF LAND HEREBY SUBDIVIDED IS THE LAND OF LUMOS NETWORKS, INC. (SUCCESSOR ENTITY TO CFW COMMUNICATIONS SERVICES, INC.). THE SAID LAND WAS CONVEYED TO CFW COMMUNICATIONS SERVICES, INC. BY THE FOLLOWING THREE DEEDS:

- 1) DEED BOOK 1298, PAGE 149 DATED AUGUST 12, 1994 FROM RICHARD L. SHEARER AND RICHARD A. CRIST.
- 2) DEED BOOK 1347, PAGE 407 DATED MAY 19, 1995 FROM T&T REAL ESTATE.
- 3) DEED BOOK 1347, PAGE 412 DATED MAY 19, 1995 FROM RICHARD L. SHEARER & RICHARD A. CRIST.

GIVEN UNDER MY HAND THIS 27 DAY OF September, 2021.

CFW COMMUNICATIONS SERVICES, INC.

BY: Mary McDermott Senior Vice President
TITLE

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF Waynesboro, TO WIT:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 27 DAY OF September, 2021, BY Mary McDermott, Senior Vice President ON BEHALF OF CFW COMMUNICATIONS SERVICES, INC.

Breanna Elaine Grandstaff 7188294
NOTARY PUBLIC REGISTRATION NO.

BREANNA ELAINE GRANDSTAFF
NOTARY PUBLIC
REG. #7688294
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPTEMBER 30, 2025

MY COMMISSION EXPIRES: September 30, 2025

CERTIFICATE OF APPROVAL

THIS SUBDIVISION KNOWN AS MINOR SUBDIVISION PLAT DIVISION OF TAX PARCEL 39 (P) 1 IS APPROVED BY THE UNDERSIGNED PURSUANT TO SECTION 10-2-8 OF THE HARRISONBURG CITY CODE AND MAY BE COMMITTED TO RECORD.

Ad Fitch

DIRECTOR OF COMMUNITY DEVELOPMENT

09-15-21

DATE

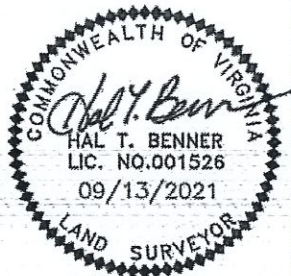
SURVEYOR'S CERTIFICATE

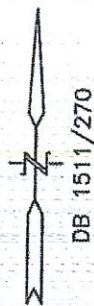
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND ORDINANCES OF THE CITY OF HARRISONBURG, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH.

GIVEN UNDER MY HAND THIS 13th DAY OF SEPTEMBER, 2021.

BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267
REF# 080713
DRAWING: 080713
CRD: 080713

SHEET 1 OF 3





SCALE: 1"=100'

○ = FOUND IRON PIN

● = SET IRON PIN

⊙ = FOUND PIPE

⊞ = FOUND NAIL

(A) = NEW 20' PRIVATE INGRESS
EGRESS EASEMENT (SEE SHEET 3)

NOTE: SEE DEED BOOK 953, PAGE 610 FOR
30' WIDE ELECTRIC LINE AND GENERAL UTILITY
EASEMENT, APPROXIMATE LOCATION.



VICINITY MAP 1"=2000'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	548.65'	8.82'	8.82'	N 11°59'38" E	00°55'16"

LINE	BEARING	DISTANCE
L1	N 69°58'00" E	4.09'
L2	S 78°28'00" E	91.57'

0.281 ACRES
PORTION OF
CFW COMMUNICATIONS
SERVICES, INC.

TM 39 (P) 1

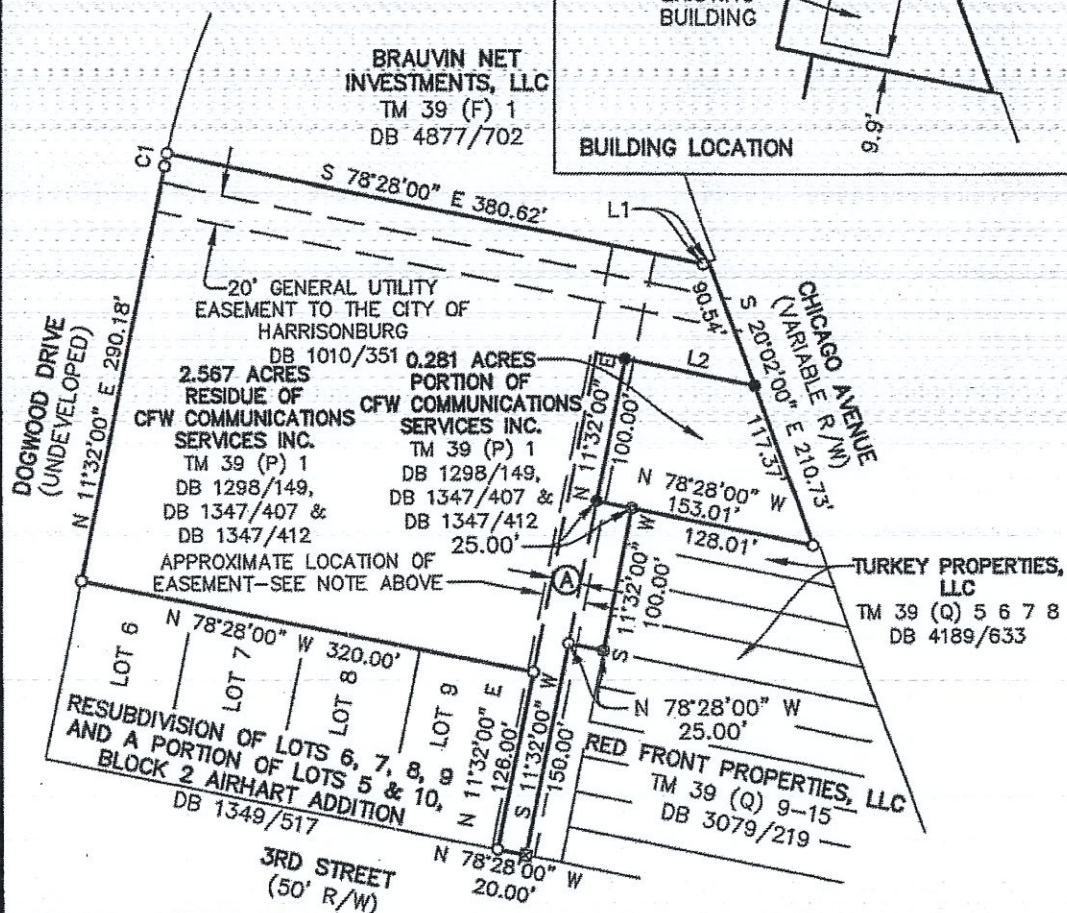
DB 1298/149,

DB 1347/407

& DB 1347/412

EXISTING
BUILDING

BUILDING LOCATION



BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540.434-0267
REF# 080713
DRAWING: 080713
CRD: 080713

SHEET 2 OF 3

SCALE: 1"=60'

○ = FOUND IRON PIN

● = SET IRON PIN

⊙ = FOUND PIPE

⊞ = FOUND NAIL

Ⓐ = NEW 20' PRIVATE INGRESS EGRESS EASEMENT



DB 1511/270

DOGWOOD DRIVE
(UNDEVELOPED)

N 11°32'00" E 290.18'

2.567 ACRES
RESIDUE OF
CFW COMMUNICATIONS
SERVICES INC.
TM 39 (P) 1
DB 1298/149,
DB 1347/407 &
DB 1347/412

0.281 ACRES
PORTION OF
CFW COMMUNICATIONS
SERVICES INC.
TM 39 (P) 1
DB 1298/149,
DB 1347/407 &
DB 1347/412

APPROXIMATE LOCATION OF
EASEMENT—SEE NOTE ABOVE

NEW 20' INGRESS EGRESS EASEMENT		
LINE	BEARING	DISTANCE
L3	N 11°32'00" E	350.00'
L4	S 78°28'00" E	20.00'
L5	S 11°32'00" W	350.00'

LOT 6

N 78°28'00" W

LOT 7

LOT 8

LOT 9

RESUBDIVISION OF LOTS 6, 7, 8, 9 AND
A PORTION OF LOTS 5 & 10, BLOCK 2
AIRHART ADDITION
DB 1349/517

3RD STREET
(50' R/W)

N 78°28'00" W
20.00'

RED FRONT PROPERTIES, LLC
TM 39 (Q) 9-15
DB 3079/219

TURKEY PROPERTIES, LLC
TM 39 (Q) 5 6 7 8
DB 4189/633

N 78°28'00" W
153.01'

128.01'

L4
N 11°32'00" E
100.00'

L3
S 11°32'00" W
100.00'

L5
S 11°32'00" W
150.00'

N 78°28'00" W
25.00'

N 78°28'00" W
20.00'

L2
S 20°02'00" E
210.75'

117.37'

25.00'

100.00'

25.00'

20.00'

20.00'

20.00'

20.00'

20.00'

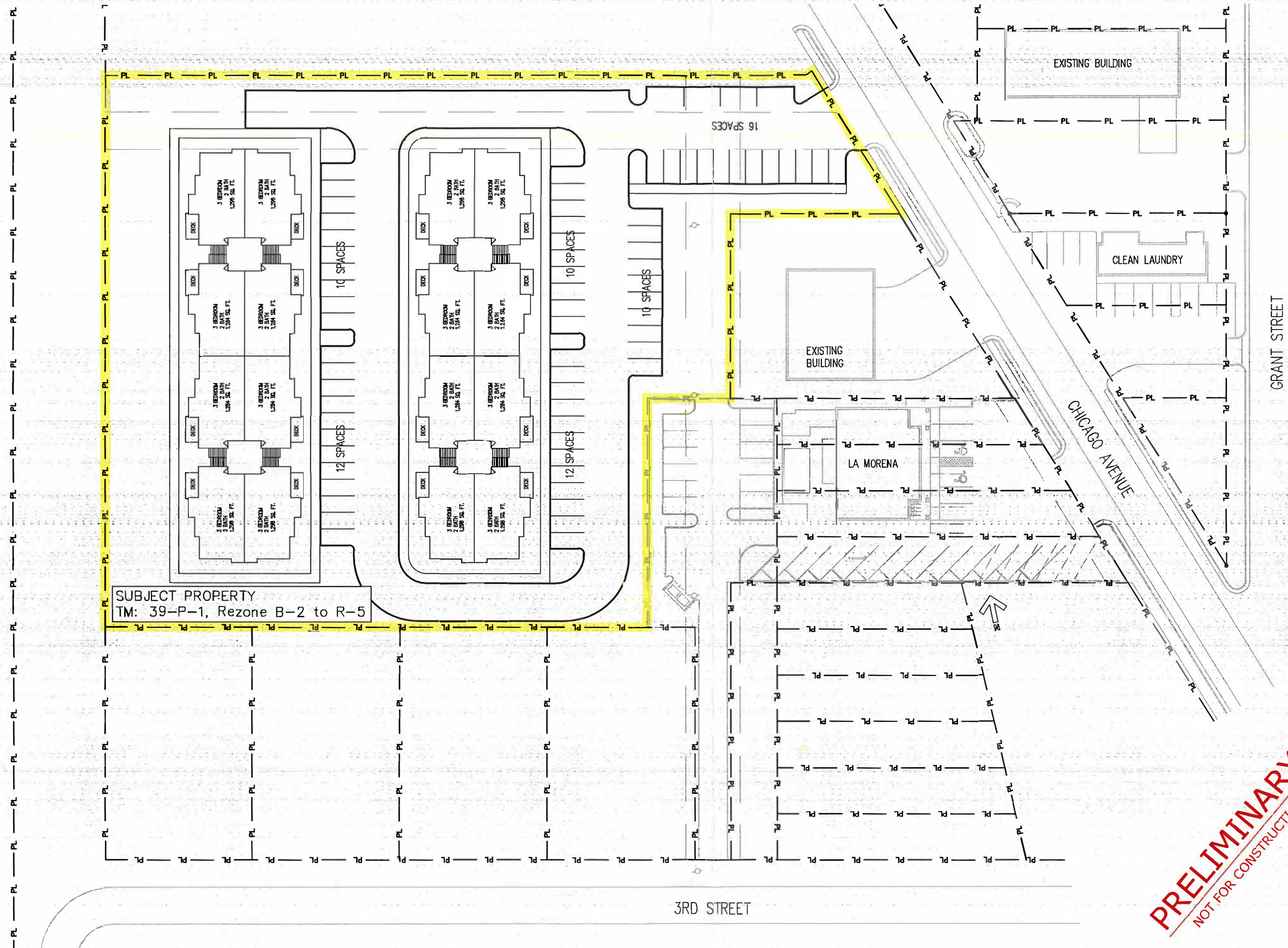
20.00'

20.00'

CHICAGO AVENUE
(VARIABLE R/W)

SHEET 3 OF 3

BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267
REF# 080713
DRAWING: 080713
CRD: 080713



PRELIMINARY
NOT FOR CONSTRUCTION



CONCEPT LAYOUT
CHICAGO AVENUE APARTMENTS
797 CHICAGO AVE

HARRISONBURG, VA 22802

Date: 2/4/2022
Scale: 1" = 50'
Designer: GLC, PE
Drafter: DPW
Reviewer: GLC, PE

Project: CE202161
Sheet: 1 of 1



COLMAN
ENGINEERING. PLC

1123 South High Street | Harrisonburg, VA 22801 | Ph: (540) 246-3712
Email: contact@colmanengineering.com | www.colmanengineering.com

CITY OF HARRISONBURG
Rezoning: B-2 and B-2C to R-5C and
Special Use Permit to Allow
Multi-family Dwellings of more than
12 Units per Building
797 Chicago Avenue
Tax Map Parcel 39-P-1
+/- 2.32 acres

M-1

B-2C

N DOGWOOD DR

ROCKINGHAM DR

CHICAGO AVE

GRANT ST

R-1

3RD ST

N WILLOW ST



CLARK & BRADSHAW, P. C.
ATTORNEYS AT LAW
92 NORTH LIBERTY STREET
P. O. BOX 71

HARRISONBURG, VIRGINIA 22801-0071
TELEPHONE (703) 433-2601
FACSIMILE (703) 433-5528

HENRY C. CLARK
M. STEVEN WEAVER
MARK B. CALLAHAN
JAMES N. DICKSON, III
TISH E. LYNN

V. STEPHEN BRADSHAW
RETIRED

ELLEN H. BRODERSEN, C. P. A.
(NOT AN ATTORNEY)

March 23, 1995

Mayor and Members of Council
City of Harrisonburg
345 South Main Street
Harrisonburg, Virginia 22801

**RE: Application for Zoning Amendment by T & T Real Estate at
Chicago Avenue, Third Street, and Dogwood Drive**

Dear Mayor and Members of Council:

Enclosed herewith is the application of T & T Real Estate, a Virginia general partnership, for zoning amendment for the re-zoning of a portion of Block P, Page 39, and portions of the adjoining vacated streets from R-1 to B-2, conditional. "Before" and "After" plats of the proposed re-zone area indicating the area for requested rezoning are also enclosed.

As conditions to the requested re-zoning, the following proffers are hereby made:

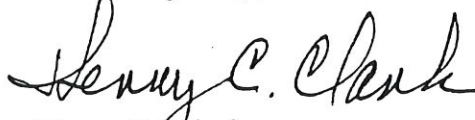
- A. A building or premises shall be used only for the following purposes (numbered to correspond to Section 10-3-84 of the City Code):
- (1) Mercantile establishments which promote the show, sale, and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets.
 - (2) Governmental, business and professional offices, and financial institutions.
 - (4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.
 - (8) General service or repair shops permitted in the B-1 Central Business District but without the limitation as to the number of employees.

Mayor and Members of Council
Page 2
March 23, 1995

- (10) Radio and television stations and studios or recording studios, but not towers more than one hundred twenty-five feet (125') in height.
 - (11) Public utilities, public service or public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations.
 - (12) Warehousing and other storage facilities with floor area limited to twenty thousand (20,000) square feet, which are contiguous to permitted uses in this district.
 - (15) Accessory buildings and uses customarily incidental to any of the above-listed uses.
- B. No further improvement of the R-1 area between North Dogwood Drive, Third Street, and the closed portion of North Willow Street shall be made until the area is re-subdivided in accordance with the City of Harrisonburg Subdivision Ordinance.

We also enclose our check in the amount of \$300.00 for filing fees and request that the matter be referred to the City of Harrisonburg Planning Commission for review and recommendation thereon.

Yours very truly,


Henry C. Clark

HCC/rrb

Enclosures

cc: Ms. Stacy Turner

in this article are the "B-2" General Business District regulations.

Sec. 10-3-83. Purpose of District.

This district is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, and miscellaneous recreational and service activities generally serving the city, a wide area of the region, and the traveling public, and generally located along major thoroughfares or near development centers where a general mixture of commercial and service activity now exists or is planned, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, odor and noise associated with manufacturing.

Sec. 10-3-84. Use regulations. B-2

A building or premises shall be used only for the following purposes:

- (1) Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets.
- (2) Governmental, business and professional offices and financial institutions.
- (3) ~~Hotels, motels and similar types of transient accommodations. Nontransient housing facilities are not permitted nor may existing housing facilities be expanded.~~
- (4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.
- (5) ~~Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.~~
- (6) ~~Service stations, bus terminals and other facilities designed for vehicular convenience or service, automobile, mobile home and customary agricultural sales and service.~~

~~In addition, designated lots for the purpose of display and sales of merchandise and equipment are permitted but such lots must be served by a permanent building facility unless clearly incidental to an existing building.~~

- (7) ~~Automobile or truck sales, service and repair, including body or fender repair, but not auto salvage, storage or sale of junk.~~
- (8) General service or repair shops permitted in the B-1 Central Business District but without the limitation as to the number of employees.
- (9) ~~Pet shop or pet grooming establishment and animal hospitals.~~
- (10) Radio and television stations and studios or recording studios, but not towers more than one hundred twenty-five (125) feet in height.
- (11) Public utilities, public service or public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations.
- (12) Warehousing and other storage facilities with floor area limited to twenty thousand (20,000) square feet, which are contiguous to permitted uses in this district.
- (13) ~~Funeral homes.~~
- (14) ~~Public and privately owned parking lots and parking garages.~~
- (15) Accessory buildings and uses customarily incidental to any of the above-listed uses.

Sec. 10-3-85. Area and dimensional regulations.

Except as provided in Article S, the following area and dimensional regulations shall apply:

Minimum Setback:

Front—Thirty (30) feet.

Side—Ten (10) feet, except on the side of a lot abutting a residential district, then thirty (30) feet.

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RETIRED

ELLEN H. BRODERSEN, C. P. A.
(NOT AN ATTORNEY)

April 19, 1995

Mayor and Members of Council
City of Harrisonburg
345 South Main Street
Harrisonburg, Virginia 22801

RE: Application for Zoning Amendment by T & T
Real Estate at Chicago Avenue, Third Street
and Dogwood Drive.

Dear Mayor and Members of Council:

In addition to the proffers made with my letter of March 23, 1995, and as a part of the application of T & T Real Estate for rezoning of eight lots and portions of two others with portions of two closed streets and a vacated alley, the following additional proffers are hereby made:

- C. Evergreen buffers consisting of trees not less than five feet in height and on not less than ten foot centers will be installed as indicated on the Development Plan for a Portion of Blocks F, P & Q, Sheet 35 of the Harrisonburg City Block Maps as prepared by Copper, Mars, Nicely & Associates, dated April 13, 1995, which has been filed with the Harrisonburg Planning Commission, as the areas affected by such buffer are developed.
- D. The 20' wide portion of abandoned North Willow Street extending 126' in a northerly direction from 3rd Street shall be gated with approved entrance, as may be required as a part of subdivision and site plan approval,

Mayor and Members of Council

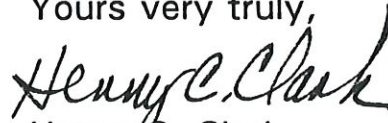
Page 2

April 19, 1995

to prevent its use as a normal access, recognizing that the same does not comply with City requirements for a commercial entrance or for use in conjunction with commercial operations occurring on the adjoining property.

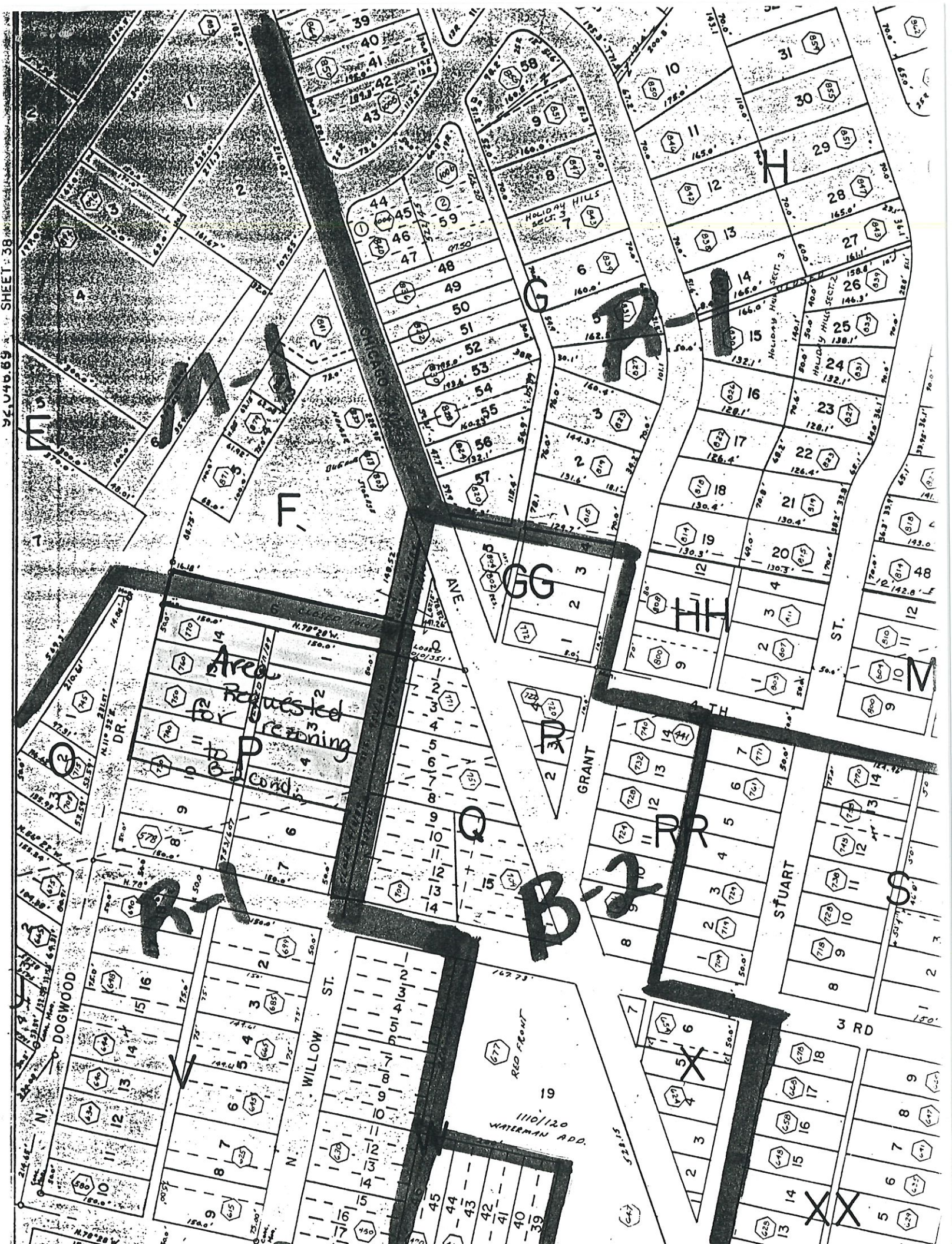
We appreciate your consideration of this matter and will be glad to supply any further information or documentation.

Yours very truly,



Henry C. Clark

hcc\rrb

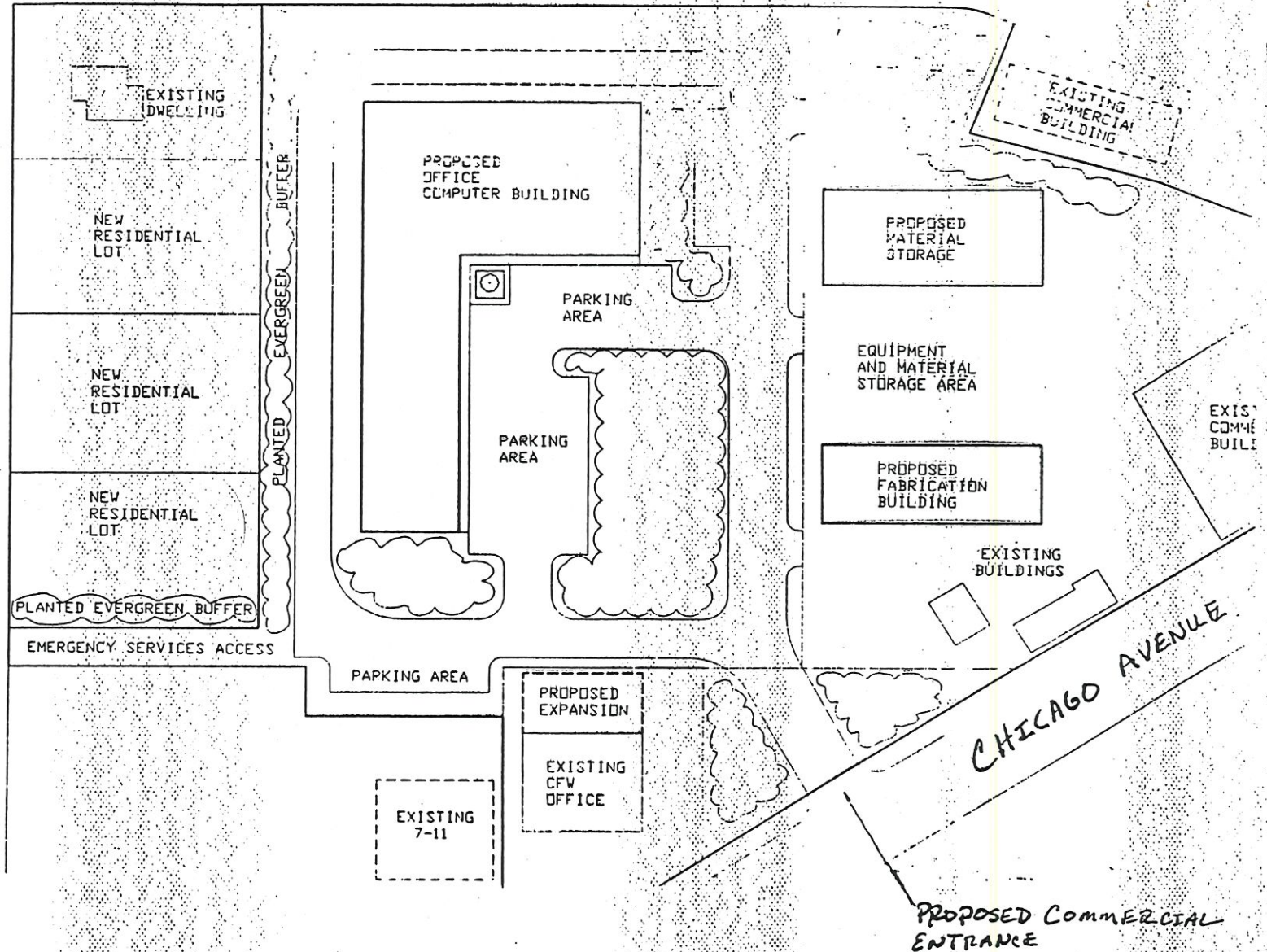


DOGWOOD DRIVE

DOGWOOD DRIVE
(UNIMPROVED)

3rd. STREET

NORTH
WILLOW STREET

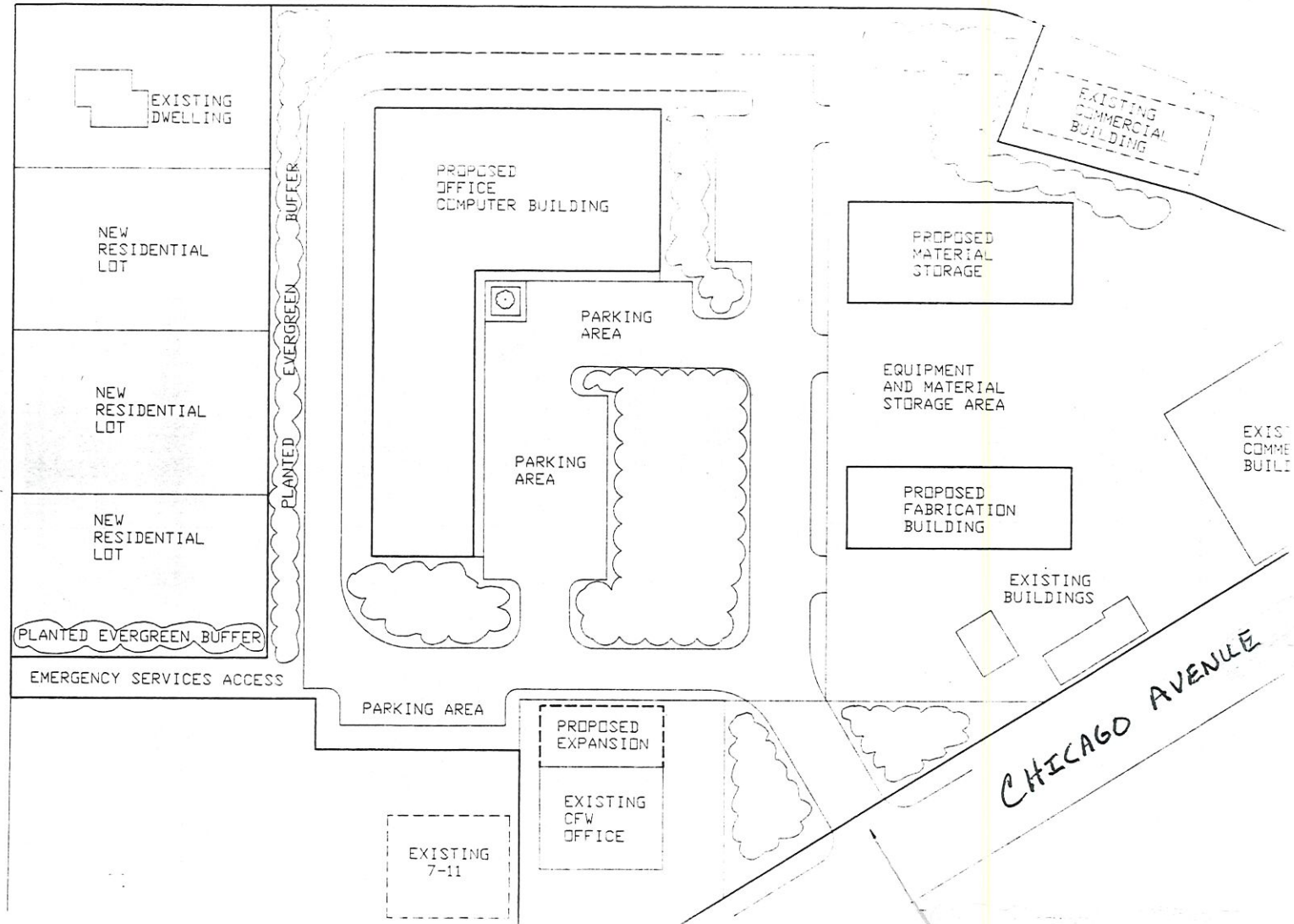


DOGWOOD DRIVE

DOGWOOD DRIVE
(UNIMPROVED)

3rd. STREET

NORTH
WILLOW STREET



PROPOSED COMMERCIAL
ENTRANCE