



May 13, 2026 Planning Commission Meeting

Title

Consider Rezoning (Proffer Amendment) and Special Use Permits for 1340 South Main Street — Meg Rupkey, Community Development

Summary

Project name	N/A
Address/Location	1340 South Main Street
Tax Map Parcels	18-R-11
Total Land Area	+/- 1.23 acres
Property Owner	Marilyn S. Pendlebury
Owner's Representative	Mike Hendricksen and Hans Harman
Present Zoning	R-5C, High Density Residential Conditional
Proposed Zoning	R-5C, High Density Residential Conditional
Proposed Special Use Permit(s)	• Multiple-family dwellings of more than twelve (12) units per building per Section 10-3-55.4 (1) • Retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), medical clinics, and business and professional offices per Section 10-3-55.4 (4)
Planning Commission	May 13, 2026 (Public Hearing)
City Council	Anticipated June 9, 2026 (First Reading/Public Hearing) Anticipated June 23, 2026 (Second Reading)

Recommendation

Option 1. Recommend approval of the rezoning and two special use permit requests with conditions submitted by the applicant with additional language recommended by staff.

Context & Analysis

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

Site: Vacant lot, zoned R-5C

North: Office building, zoned R-3, and single-family detached dwellings, zoned R-1

East: Single-family detached dwelling and across Edgelawn Drive single-family detached dwellings, zoned R-1

South: Across East Weaver Avenue single family detached dwellings, zoned R-1, and an office building, zoned B-2C
West: Across South Main Street, residential uses, zoned R-3

The applicant is requesting a proffer amendment and two special use permits (SUPs) for a +/- 1.23-acre property addressed as 1340 South Main Street and identified as tax map parcel 18-R-22. The property is zoned R-5C, High-Density Residential District Conditional. Regarding the requested SUPs, the first is per Section 10-3-55.4 (1) to allow multiple-family dwellings of more than twelve (12) units per building. The second is per Section 10-3-55.4 (4) to allow retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), medical clinics, and business and professional offices.

History

In August 2017, City Council approved four requests from Marusstodd Properties, LLC, for the subject site, which at the time consisted of five parcels. The four requests included:

- An amendment to the Comprehensive Plan's Land Use Guide map from Professional and Low Density Residential to Mixed Use;
- A rezoning from R-1, Single-Family Residential and R-3, Medium-Density Residential to R-5C, High-Density Residential District Conditional;
- An SUP pursuant to Section 10-3-55.4(1) to allow multi-family dwellings with more than twelve (12) units per building; and
- An SUP pursuant to Section 10-3-55.4(4) to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants (excluding drive-through facilities).

In November 2018, City Council approved a preliminary plat that vacated internal property lines reducing the number of lots from five to two and approved the following Subdivision Ordinance variances:

- To not dedicate the standard public street right-of-way for Edgelawn Drive (Sections 10-2-41(a) and 10-2-66);
- To not dedicate the full 25 feet of public street right-of-way along the Edgelawn Drive frontage (Section 10-2-45); and
- To not construct or provide surety for frontage improvements along Edgelawn Drive and East Weaver Avenue at the time of subdivision (Sections 10-2-62 and 10-2-67).

The above noted Subdivision Ordinance variances were approved with the following condition:

- When frontage improvements along Edgelawn Drive are required as part of development or redevelopment of any property associated with the preliminary plat, the developer shall be responsible for constructing frontage improvements along Edgelawn Drive for all properties associated with the request. The frontage along Edgelawn Drive is shown as 210.63 linear feet on the approved preliminary plat.

In August 2019, the applicant recorded the final subdivision plat that vacated the internal property lines and created the subject site (1340 South Main Street), tax map parcel 18-R-22-A (1341 Edgelawn Drive) and dedicated 527 square feet of public street right-of-way along Edgelawn Drive.

The SUPs approved in 2017 have since expired because the uses were not established nor diligently pursued within the timeframe required by the Zoning Ordinance Section 10-3-130(c). Without a proffer amendment, the 2017 proffers would continue to require both residential and non-residential uses. Since the applicant still proposes commercial uses, a new SUP is required.

Proffers

The applicant has offered the following proffers (written verbatim):

1. Any building constructed on site (excluding accessory buildings) shall contain residential and non-residential uses. Commercial uses shall only be permitted on the first floor and shall not exceed 5,000 square feet throughout all buildings. Residential units may be located on the first floor.
2. The total number of dwelling units on the property shall not exceed twenty-six (26) units. One-bedroom and two-bedroom units shall be permitted with no more than six (6) of the units being two-bedroom units.
3. No parking lot (including travel lanes and drive aisles) shall be located between any buildings and the following streets: South Main Street and East Weaver Avenue.
4. No vehicular access shall be permitted from the site to Edgelawn Drive.
5. A 6-foot tall opaque fence shall be installed and maintained along the frontage of Edgelawn Drive.
6. A 6-foot tall opaque fence shall be installed and maintained along the property lines adjoining tax map parcel #18-R-20, 18-R-21, & 18-R-22-A.
7. No structure, excluding a dumpster containment, shall be constructed within 150 ft. of the shared property line with Edgelawn Dr.
8. A minimum of six (6) small/ornamental deciduous or evergreen trees shall be planted along the street frontage of Edgelawn Drive. Tree locations along the street frontage are at the discretion of the property owner/developer.
9. At the time of construction the applicant shall reconstruct the curb ramp at the northeast corner of the intersection of South Main Street and East Weaver Avenue to meet the Public Right-of-Way Accessibility Guidelines standards.

The conceptual site layout is not proffered.

Proffers 3, 4 (formerly Proffer 5), and 7 (formerly proffer 8) remain unchanged from the existing regulating proffers. A copy of the 2017-approved existing proffers have been included by the applicant in their supporting documents.

Proffer 1 has been amended to identify a maximum of 5,000 square feet of non-residential space and to allow residential uses on all floors of the development. Proffer 2 has been amended to allow a maximum of 26 multi-family dwelling units, compared to the previously proffered maximum of 22 one-bedroom units. The updated proffer allows a mix of one- and two-bedroom units, with no more than six (6) units being two-bedroom units. If approved, and if they provide the maximum allowed six units with two bedrooms, then 10 additional bedrooms would be provided compared to the existing, approved proffers.

Proffers 5 and 6 (formerly Proffers 6 and 7 respectively) have been updated to provide clarity regarding the location of fencing along property lines and Edgelawn Drive. Proffer 8 (formerly Proffer 9) has also been updated to provide additional guidance for the required amount and type of landscaping along Edgelawn Drive. The original proffer language was unclear and could have been interpreted in a way that if there was no parking lot along Edgelawn Drive, then no trees would have been required.

Proffer 9 is a new proffer that will require the reconstruction of the sidewalk ramp at the intersection of South Main Street and East Weaver Avenue to meet Public Right-of-Way Accessibility Guidelines (PROWAG) standards. In addition, although not included as a proffer, the applicant will be required to construct sidewalks along East Weaver Avenue and Edgelawn Drive as part of site development. While a Subdivision Ordinance variance granted in 2018 allowed the deferral of sidewalk construction along Edgelawn Drive at the time of subdivision, that approval included a condition that requires frontage improvements to be constructed during development or redevelopment of the property. If the applicant does not want to construct the sidewalk, a new variance to the Subdivision Ordinance is required.

The applicant has removed old Proffer 4, which allowed for an entrance on South Main Street. Since the 2017 approval, the City has updated its access management standards. The previously proposed right-in/right-out entrance does not meet current requirements, which requires a minimum spacing of 250 feet between access points on minor arterial streets. Since the distance between East Weaver Avenue and Edgelawn Drive along South Main Street is less than 450 feet, there is no appropriate location for a new access point. As a result, the applicant has removed this proffer.

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the

surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.

The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

The applicant has proffered that there would be a maximum of 26 units on the site, which makes the site density 21 units per acre. Without proffers and if there are no commercial uses on the site, the applicant would be able to construct up to 30 units. However, Proffer 1 requires non-residential uses on the site and given the size of the lot and the R-5 district regulations, the maximum number of multifamily units allowed on the site is 26, the same number as proffered.

Staff believes that the proposed uses, with the submitted proffers, generally conform with the Mixed Use area designation.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a TIA was not required for the rezoning request.

The applicant has proposed the following two traffic-related conditions in relation to their SUP to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants. Staff supports the submitted two conditions with the additional text underlined below:

1. All traffic generating uses on the site, including uses not associated with the special use permit, shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer’s Trip Generation Manual unless the property owner first,

at their cost: (1) completes a Traffic Impact Analysis accepted by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

2. No drive-throughs will be permitted.

The additional text within condition #1 clarifies that all uses on the site will be included in the calculation of traffic generation, not just uses associated with the SUP. Staff appreciates the submission of condition #2 as it would prohibit any use from having a drive-through as current regulations only prohibit restaurants from having a drive-through.

Public Water and Sanitary Sewer

While staff does not anticipate issues regarding water or sanitary sewer service availability for the proposed development, the applicant has been advised that they will be responsible to complete a study of the water and sanitary sewer capacity as part of the engineered comprehensive site plan process. Any public system improvements required to meet the increased demands resulting from the project will be the responsibility of the developer.

Housing

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities."

Public Schools

The City contracted with the University of Virginia's Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projects for the City of Harrisonburg" (April 2025). The report can be found at the following link: https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment_2025-04-30_Final.pdf. This report provides overall student enrollment projections through 2034 as well as estimated student generation by housing type for each elementary school attendance zone.

Based on the Weldon Cooper Center report's calculation, this development's proposed 26 residential units are estimated to generate nine K-12 students at full build-out. According to the School Board's current attendance boundaries, Keister Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

Conclusion

Staff believes that the amendments to the proffers do not change the intent of the of the 2017 rezoning and does not increase the intensity of the use of the site. Staff recommends approval of the rezoning and the two SUPs with the following conditions for the SUP to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants:

All traffic generating uses on the site, including uses not associated with the special use permit, shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis accepted by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

No drive-throughs will be permitted.

Options

1. Recommend approval of the rezoning and two special use permit requests with conditions submitted by the applicant with additional language recommended by staff.
2. Recommend approval of the rezoning and two special use permit requests with conditions as submitted by the applicant.
3. Recommend approval of the rezoning and two special use permit requests with other condition(s).
4. Recommend approval of the rezoning request and denial of one or both of the special use permit requests.
5. Recommend denial of the rezoning and special use permit requests.

Attachments

- Site maps
- Application and supporting documents