



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: August 9, 2023 (Regular Meeting)
Re: Rezoning and Special Use Permit - 810 Port Republic Road (B-2C Proffer Amendment) and (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings)

Summary:

Project name	The Vista at Forest Hills
Address/Location	810 Port Republic Road
Tax Map Parcels	92-A-1
Total Land Area	+/- 5.91-acres
Property Owner	DCI Partners, LLC
Owner's Representative	Blackwell Engineering
Present Zoning	B-2C, General Business District Conditional
Proposed Zoning	B-2C, General Business District Conditional (Proffer Amendment)
Special Use Permit Requested	To allow multiple-family dwellings and/or mixed use buildings per Section 10-3-91 (17)
Staff Recommendation	Table the request
Planning Commission	August 9, 2023 (Public Hearing) If tabled by Planning Commission, then the public hearing could be continued to: September 13, 2023
City Council	If tabled by Planning Commission, then: Anticipated October 10, 2023 (First Reading/Public Hearing) Anticipated October 24, 2023 (Second Reading) If not tabled by Planning Commission: Anticipated September 12, 2023 (First Reading/Public Hearing) Anticipated September 26, 2023 (Second Reading)

Background:

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

Site: Commercial uses, zoned B-2C

North: Townhomes and fueling stations, zoned R-4 and B-2

East: Townhomes and multi-family dwellings, zoned R-4

South: Multi-family dwellings, and across Devon Lane, multi-family dwellings, zoned R-4

West: Across Port Republic Road, townhomes and multi-family dwellings, zoned R-3 and R-3C

In May 2008, City Council approved a rezoning of the subject property from R-4, Planned Unit Residential District to B-2C, General Business District Conditional. The existing, regulating proffers include (written verbatim):

1. The property is limited to an additional 10,000 square feet of Gross Leasable Area.
2. No new additional entrances will be constructed onto Port Republic Road with this building addition.
3. Sign restrictions:
 - a. The total square footage of all free standing signs will be 150 sf.
 - b. The sign height is limited to 25 feet.
 - c. The current lot and any future lots created will not be allowed to have an interstate overlay sign.
4. The following B-2 permitted uses are hereby removed:

10-3-90.6; 10-3-90.7; 10-3-90.8

The referenced additional 10,000 square feet of gross leasable area that could be added to the property is the amount that can be added based upon the total square footage of gross leasable area that existed in May 2008. The uses that are prohibited based upon proffer #4 includes the sale and repair of vehicles, recreation equipment, or trailers and also general service or repair shops.

Key Issues:

The applicant has submitted two applications. The first is a rezoning request to amend proffers associated with the B-2C property. Since new proffers are being offered, if approved, the site would remain zoned B-2C, but with new regulating proffers. The second application is a special use permit (SUP) request to allow multiple-family dwellings in the B-2 district. The property is located at the intersection of Port Republic Road and Devon Lane. If the rezoning and SUP are approved, the applicant intends to redevelop the site and construct a building to include a convenience store and restaurant, with 119 student apartments located above the commercial uses and parking garages.

While staff would like to proceed with explaining some details of the proposed project and holding the public hearing for the rezoning and SUP requests, staff would like it known upfront that significant details remain unresolved and thus we recommend for Planning Commission to hold the public hearing at the August 9, 2023, meeting, but then to table the requests until at least the September 13, 2023, regular Planning Commission meeting. While staff appreciates the applicant's hard work and diligence in revising their application and supporting documentation, staff had only received the most recent versions on the morning of Friday, August 4, 2023, the same day the Planning Commission agenda and staff reports are published. Staff has not had sufficient time to provide a full analysis and explanation for the Planning Commission, and thus must request to table the applications.

In brief, the unresolved matters are associated with the maximum height and minimum setback requirements for the project, issues with parking lot landscaping requirements, and questions regarding proffer statements. While each of these issues are independent matters to be resolved, they are all

connected and must be accurately represented on the submitted SUP development plan, which is required by Section 10-3-93 (d) and governs the development of the site.

Proffers

If the subject rezoning is approved, it would supersede and replace the existing 2008-approved proffers.

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

1. **DESIGN STANDARDS.** The Development Plan for The Vista at Forest Hills contemplates retail, restaurant and commercial uses in each case as permitted by the underlying B-2 zoning, plus residential use as permitted by special use permit. Applicant proffers that the Development Plan will be used as the basis for engineered comprehensive site plan approval of the proposed development/redevelopment of “Future Lot 1” on the Development Plan, to include without limitation:
 - The general location of the mixed-use building and other structures as illustrated,
 - The general number of stories within such building and structures, which Applicant proffers shall not exceed five (5) stories of residential dwellings atop either three (3) stories of parking garage or up to three (3) stories of combined commercial/retail space and parking garage,
 - The number of off-street parking spaces (both surface parking and garage parking), which Applicant proffers will exceed by at least 100 parking spaces the number of off-street parking spaces required by the City’s Zoning Ordinance for all uses on the Property on a combined basis,
 - The landscaping buffer as shown along the building façade facing the adjoining property which fronts on Village Lane, and
 - The general location of sidewalks and crosswalks within the Property.
2. **MAXIMUM DENSITY.** All traffic generating uses developed on site shall be limited to a total of vehicle trips in the AM peak hour and vehicle trips in the PM peak hour as set forth in the traffic impact analysis accepted by the City by letter dated July 21, 2023 (the “**Accepted TIA**”), calculated using the latest edition of the Institute of Traffic Engineer’s Trip Generation Manual, unless the Applicant first, at its cost: (a) completes a Traffic Impact Analysis accepted by the City Department of Public Works and (b) implements all identified mitigation measures or improvements shown as warranted by such Traffic Impact Analysis, whether on or off site, which are attributable to the then-existing and then-proposed traffic-generating uses on the Property on a cumulative basis (excluding any uses to be discontinued due to redevelopment as a part of such proposed plan). The City Department of Public Works may, in its discretion, waive completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.
3. **TRANSPORTATION IMPROVEMENTS.**
 - a. Bradley Drive. As part of the initial phase of redevelopment of the Property for commercial and/or residential purposes, Applicant will concurrently design and construct, at its expense, the roadway shown on the Development Plan as “Bradley Drive” (“**Bradley**

Drive”) as a private access road with the “Potential Future ROW Corridor” shown on the Development Plan intended for future public dedication under certain conditions, all as set forth in the Street Improvement Agreement between the City and Applicant entered into as part of this rezoning application (the “**SIA**”).

The entrance location of Bradley Drive onto Port Republic Road shall not be materially modified from what is shown on the Development Plan and the Accepted TIA, but the road design and alignment may deviate from what is shown on the Development Plan as necessary to address engineering considerations and site constraints, subject to approval as part of the City’s site plan review process.

b. Port Republic Road Improvements. Applicant shall participate in the cost of street improvements shown on the Development Plan within and along Port Republic Road in accordance with the SIA.

c. Sully Drive Median. The project site plan will include a median within Sully Drive at its intersection with Devon Lane substantially as shown on the Development Plan, to be constructed by Applicant concurrently with development/redevelopment on Future Lot 1.

d. Future Entrance from Port Republic Road. So long as the commercial entrances to the Property from Bradley Drive, Port Republic Road and Sulley Drive (via Devon Lane) remain open substantially in accordance with the Development Plan and the Accepted TIA, Applicant shall only request a right-out connection to Port Republic Road to serve the northwestern portion of the Property shown as “Future Lot 2” on the Development Plan.

e. Pedestrian Interconnectivity and Bike Transportation.

i. Along Port Republic Road. The SIA contemplates the City’s design and construction at Applicant’s expense of a concrete sidewalk five feet in width and an asphalt bike lane of seven feet in width with adjoining planting strips along the Property frontage with Port Republic Road substantially as shown on the insert entitled “Typical Port Republic Widening Section” on the Development Plan, and Applicant proffers to dedicate such transportation facilities to public use and contribute to the costs thereof as provided in the SIA.

ii. Along Bradley Drive. Applicant shall dedicate to public use a perpetual non-exclusive easement for pedestrian travel across the concrete sidewalk five feet in width along Bradley Drive to the boundary of the adjoining property substantially as shown on the Development Plan.

iii. Connecting Path Dedication. Applicant shall dedicate to public use, within thirty (30) days of written demand by the City, a 20-foot wide perpetual non-exclusive easement for shared use path being shown as “20’ Shared Use Path Easement” on the Development Plan.

iv. Forest Hills Manor Connection. Applicant will grant a private access easement for the benefit of the adjoining parcel known as Forest Hill [sic] Manor (being City of Harrisonburg tax parcel 92-A-2) and construct as part of development/redevelopment of Future Lot 1 a pedestrian connection (including crosswalks) from such Forest Hills Manor property to the Bradley Drive sidewalk which leads out to Port Republic Road, all as generally shown on the Development Plan.

f. Dedication of Devon Lane Parcel. Applicant proffers that it will quitclaim to the City, without consideration upon demand, all right, title and interest of Applicant to the parcel on the southern side of Devon Lane (opposite side of Devon Lane from Future Lot 1) which is shown on the City's GIS map as being a portion of City tax parcel 92-A-1.

Development Plan

With regard to the details of the proposal, as specified by Section 10-3-93 (d) of the Zoning Ordinance (ZO), the applicant has submitted a development plan to be in accord with the requirements of the SUP. Section 10-3-93 (d) states that “[f]or multiple-family dwellings and mixed use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval.” If the SUP is approved, then details of the development plan would be used to ensure that what is proposed and evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, the property owner must apply to amend the development plan by going through the SUP process again.

Features of the development plan submitted with the SUP that would be used as the basis for an engineered comprehensive site plan approval include, but are not limited to:

1. The general location of buildings and structures as illustrated.
2. The general number of stories within proposed buildings and structures as illustrated.
3. The general location of parking areas as illustrated.
4. The general location of pedestrian connections as illustrated.

As mentioned earlier, there remain unresolved matters that have an impact on the development plan including the maximum height and minimum setback requirements for the project and the project appearing to not meet parking lot landscaping requirements. For example, one matter has to do with the B-2 district's setback regulations for when B-2 property boundaries abut residential districts. When this occurs, the side and rear yard setback increases from 10 feet to 30 feet and when structures on the B-2 property are taller than 35 feet (which in this case the building would be), an additional foot of setback is required for each foot above 35 feet. Forest Hills Townhomes and Forest Hills Manor, located to the rear and side respectively, are zoned residentially and the while the building elevation drawings are not proffered and not submitted as part of the development plan, the drawings illustrate a building location that would not conform with the Zoning Ordinance.

Land Use

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

“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.”

Transportation and Traffic

As noted earlier, staff had only received the most recent versions of the development package on the morning of Friday, August 4, 2023, the same day the Planning Commission agenda and staff reports are published. While it appears, at this time, that the applicant has addressed concerns that staff previously raised regarding transportation related proffers and the Street Improvement Agreement (SIA), staff has not had sufficient time to provide a full analysis and explanation for the Planning Commission.

Nonetheless, it should be understood that the City already has funded plans to begin construction in 2025 to improve Port Republic Road within the block of this property’s street frontage. As described on the City’s project webpage, “[t]he project will add a traffic signal, including crosswalks with pedestrian signals, at the Port Republic Road and Bradley Drive intersection. A left-turn lane for westbound traffic on Port Republic Road will be added at this intersection, and a median will be constructed between Bradley Drive and Devon Lane. A physical change will be made at the intersection of Port Republic Road and Hunters Road to make it a right-in, right-out intersection.” More information about this project can be reviewed at: <https://www.harrisonburgva.gov/port-rep-road-bradley-dr>.

The proposed project necessitated a Traffic Impact Analysis (TIA), which was completed and accepted by the City on July 11, 2023. The TIA recommended mitigations that the applicant is addressing through the proffers and by entering into a SIA with the City. A copy of the SIA is attached. The SIA is intended to ensure the necessary street improvements caused by the proposed project can be incorporated, designed, and constructed in conjunction with the capital street improvement project planned by the City.

Public Water and Sanitary Sewer

City staff has advised the applicant that available downstream sanitary sewer capacity may be inadequate for the proposed use and must be evaluated during a Preliminary Engineering Report prior to the engineered comprehensive site plan submittal.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which has "neighborhoods [that] are characterized by the lowest growth of any market type and low housing volume turnover." Additionally, "[i]ncomes in different pockets vary greatly. Median household incomes across block groups in these neighborhoods have the broadest range: \$20,000 to \$91,000. This could point to a divergence of two conditions found within these neighborhoods: one of stable, high-income, low turnover neighborhoods and one of lower turnover in lower income neighborhoods. The Housing Study also notes that "[s]trategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use development to build commerce and housing centers across the City."

Public Schools

The student generation attributed to the proposed 119 new residential units is estimated to be 16 students. Based on the School Board's current adopted attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools and while the subject rezoning is intended for off-campus student housing, most likely housing vacated by students would create the availability of 119 apartments in the community which may be occupied by families.

Recommendation

As previously explained, staff continues to have significant concerns regarding compliance with the SUP development plan requirements and matters associated with the maximum height and minimum setback requirements, parking lot landscaping requirements, and questions regarding proffer statements. Staff cannot responsibly make a recommendation on the rezoning and SUP requests at this time. Staff recommends Planning Commission hold the public hearing at the August 9, 2023, meeting, but then to table the requests until at least the September 13, 2023, regular Planning Commission meeting.

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 request with conditions;
- (c) Recommend approval of the rezoning request and denial of the SUP request;
- (d) Recommend denial of the rezoning and SUP request; or
- (e) Table the requests.

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 – 810 Port Republic Road (B-2C Proffer Amendment)

Public hearing to consider a request from DCI Partners LLC to rezone a +/- 5.91-acre parcel zoned B-2C, General Business District Conditional by amending and changing existing proffers. The parcel is addressed as 810 Port Republic Road and is identified as tax map parcel 92-A-1.

Special Use Permit – 810 Port Republic Road (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings)

Public hearing to consider a request from DCI Partners LLC for a special use permit per Section 10-3-91 (17) to allow multiple-family dwellings and/or mixed use buildings within the B-2, General Business District. The +/- 5.91-acre is identified as tax map parcel 92-A-1. and is addressed as 810 Port Republic Road.

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 (e) to table the request.

Attachments:

1. Site maps
2. Application and supporting documents

Review:

N/A



CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT

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

PROPERTY INFORMATION

810 PORT REPUBLIC RD 092 A 1 5.91 acres or sq.ft.
Property Address Tax Map Parcel/ID Total Land Area (circle)
Existing Zoning District: B2C Proposed Zoning District: B2C
Existing Comprehensive Plan Designation: B2

PROPERTY OWNER INFORMATION

DCI PARTNERS LLC 540-246-6666; 540-383-8141
Property Owner Name Telephone
1211 SULLY DR maslam7617@aol.com; imranaslam8328@gmail.com
Street Address E-Mail
Harrisonburg VA 22801
City State Zip

OWNER'S REPRESENTATIVE INFORMATION

Blackwell Engineering 540-432-9555
Owner's Representative Telephone
566 E. Market St. Ed.Blackwell@@aesva.com; Brian.Kinzie@aes.va.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.

PROPERTY OWNER

4-6-23
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

Date Application and Fee Received Total Fees Due: \$
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

810 PORT REPUBLIC RD
Property Address

092 A 1
Tax Map

5.91
Total Land Area

acres or sq.ft.
(circle)

Existing Zoning Classification: B2C

Special Use being requested: Mixed use building per Sec 10-3-91.(17)

PROPERTY OWNER INFORMATION

DCI PARTNERS LLC
Property Owner Name

540-246-6666; 540-383-8141
Telephone

1211 SULLY DR 2801
Street Address

maslam7617@aol.com; imranaslam8328@gmail.com
E-Mail

HARRISONBURG VA 22801
City State Zip

OWNER'S REPRESENTATIVE INFORMATION

Blackwell Engineering
Owner's Representative

540-432-9555
Telephone

566 E. Market St.
Street Address

Ed.Blackwell@@aesva.com; Brian.Kinzie@aes.va.com
E-Mail

Harrisonburg VA 22802
City State Zip

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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

4-6-23
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.

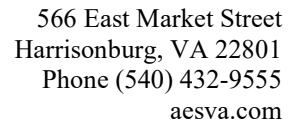
Note: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

Date Application and Fee Received

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

Received By



Civil Engineering ♦ Land Planning ♦ Surveying ♦ Landscape Architecture ♦ Municipal Utilities

Other Considerations

In the future, the existing property will be split into two lots, labeled “Future Lot 1” and “Future Lot 2” on the Development Plan, with the centerline of the proposed Bradley Drive extension dividing the two lots. If, as laid out in the proffers, Bradley Drive becomes dedicated as a public road, the area within the “Potential Future ROW” will be dedicated to the City. The areas of “Future Lot 1” & “Future Lot 2”, both including and excluding this potential future ROW area, are shown in the labels on the Development Plan. For “Future Lot 1,” the density of the lot (based on 119 apartment units) is given for both conditions.

Although not reflected in the Development Plan and Rendering expressly, the applicant intends to explore installation of electric vehicle charging stations and solar infrastructure as part of its project, with the support of current funding programs intended to make such investments economically viable.

The applicant intends that the development will make provision for bicycle storage for residents as well as bicycle parking in accordance with the requirements of Section 10-3-25.1 of the City Code.

In addition to the street trees required by the City of Harrisonburg’s Zoning Ordinance along public streets, the applicant also plans to plant street trees 50’ on center along of the length the private street to the rear of the building, as shown on the Development Plan.

Conclusion

Ultimately, the applicant believes that this project will be a positive addition to the City. Through redevelopment of the property, the applicant hopes to take a portion of the city that is currently underused and revitalize it through the creation of a mixed-use building that can be utilized by students and City citizens alike. Though the project will increase traffic on Port Republic as it currently stands today, the proposed development is close to traffic neutral compared to the potential commercial uses allowed under the current proffered zoning. More importantly, by partnering with the City on transportation improvements along Port Republic Road (to include ROW, turn lanes, bike lanes, and sidewalk), the applicant hopes to help alleviate some of the congestion on Port Republic Rd with increased efficiency and safety. Lastly, by providing a student housing complex within walking/biking distance of JMU, the applicant hopes to reduce the number of students that need to drive to campus as JMU continues to expand and grow.

We thank you for your time in considering our request for rezoning and SUP. If you have any questions, please feel free to reach out to Mohamad Aslam (540-246-6666) or myself (540-432-9555).

Cordially,



Edmond H. Blackwell, P.E.
Civil Engineer

PROFFER STATEMENT
THE VISTA AT FOREST HILLS

Owner/Applicant: DCI Partners LLC

Rezoning Case No.: _____

Date: August 3, 2023

Tax Map No.: 092-(A)-1 City of Harrisonburg

DCI Partners LLC hereby proffers that the use and development of the property comprised of approximately 5.91 acres known as City of Harrisonburg Tax Map No. 092-(A)-1 (the “**Property**”) shall be in strict accordance with the following conditions which shall take effect upon final approval by the City Council of the City of Harrisonburg of this conditional rezoning and final approval by the City Council of the City of Harrisonburg of the associated special use permit allowing residential use of the Property in accordance with applicable law. Upon effectiveness, these proffers supersede and replace all prior proffered conditions pertaining to the Property. The conditions set forth in this Proffer Statement supersede all conditions set forth in previous proffer statements and supporting materials submitted as part of this rezoning application.

All references in this Proffer Statement to the Development Plan mean and refer to the conceptual plan entitled “Development Plan, The Vista at Forest Hills,” dated July 6, 2023, revised July 28, 2023 and revised August 4, 2023, prepared by Blackwell Engineering submitted as part of the Application (the “**Development Plan**”) and all references in this Proffer Statement to the Rendering mean and refer to the rendering entitled “Forest Hills Rezoning 1,” dated July 6, 2023, prepared by Moseley Architects (the “**Rendering**”), provided that such Development Plan and Rendering are for illustrative purposes only and are not proffered except as expressly stated otherwise in this Proffer Statement.

1. **DESIGN STANDARDS.** The Development Plan for The Vista at Forest Hills contemplates retail, restaurant and commercial uses in each case as permitted by the underlying B-2 zoning, plus residential use as permitted by special use permit. Applicant proffers that the Development Plan will be used as the basis for engineered comprehensive site plan approval of the proposed development/redevelopment of “Future Lot 1” on the Development Plan, to include without limitation:

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street parking spaces required by the City's Zoning Ordinance for all uses on the Property on a combined basis,

- The landscaping buffer as shown along the building façade facing the adjoining property which fronts on Village Lane, and
- The general location of sidewalks and crosswalks within the Property.

2. **MAXIMUM DENSITY.** All traffic generating uses developed on site shall be limited to a total of vehicle trips in the AM peak hour and vehicle trips in the PM peak hour as set forth in the traffic impact analysis accepted by the City by letter dated July 21, 2023 (the "**Accepted TIA**"), calculated using the latest edition of the Institute of Traffic Engineer's Trip Generation Manual, unless the Applicant first, at its cost: (a) completes a Traffic Impact Analysis accepted by the City Department of Public Works and (b) implements all identified mitigation measures or improvements shown as warranted by such Traffic Impact Analysis, whether on or off site, which are attributable to the then-existing and then-proposed traffic-generating uses on the Property on a cumulative basis (excluding any uses to be discontinued due to redevelopment as a part of such proposed plan). The City Department of Public Works may, in its discretion, waive completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

3. **TRANSPORTATION IMPROVEMENTS.**

- a. Bradley Drive. As part of the initial phase of redevelopment of the Property for commercial and/or residential purposes, Applicant will concurrently design and construct, at its expense, the roadway shown on the Development Plan as "Bradley Drive" ("**Bradley Drive**") as a private access road with the "Potential Future ROW Corridor" shown on the Development Plan intended for future public dedication under certain conditions, all as set forth in the Street Improvement Agreement between the City and Applicant entered into as part of this rezoning application (the "**SIA**").

The entrance location of Bradley Drive onto Port Republic Road shall not be materially modified from what is shown on the Development Plan and the Accepted TIA, but the road design and alignment may deviate from what is shown on the Development Plan as necessary to address engineering considerations and site constraints, subject to approval as part of the City's site plan review process.

- b. Port Republic Road Improvements. Applicant shall participate in the cost of street improvements shown on the Development Plan within and along Port Republic Road in accordance with the SIA.

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shall only request a right-out connection to Port Republic Road to serve the northwestern portion of the Property shown as “Future Lot 2” on the Development Plan.

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ii. Along Bradley Drive. Applicant shall dedicate to public use a perpetual non-exclusive easement for pedestrian travel across the concrete sidewalk five feet in width along Bradley Drive to the boundary of the adjoining property substantially as shown on the Development Plan.

iii. Connecting Path Dedication. Applicant shall dedicate to public use, within thirty (30) days of written demand by the City, a 20-foot wide perpetual non-exclusive easement for shared use path being shown as “20’ Shared Use Path Easement” on the Development Plan.

iv. Forest Hills Manor Connection. Applicant will grant a private access easement for the benefit of the adjoining parcel known as Forest Hill Manor (being City of Harrisonburg tax parcel 92-A-2) and construct as part of development/redevelopment of Future Lot 1 a pedestrian connection (including crosswalks) from such Forest Hills Manor property to the Bradley Drive sidewalk which leads out to Port Republic Road, all as generally shown on the Development Plan.

f. Dedication of Devon Lane Parcel. Applicant proffers that it will quitclaim to the City, without consideration upon demand, all right, title and interest of Applicant to the parcel on the southern side of Devon Lane (opposite side of Devon Lane from Future Lot 1) which is shown on the City’s GIS map as being a portion of City tax parcel 92-A-1.

DCI Partners LLC

By: _____
M. Aslam, its Manager

STREET IMPROVEMENT AGREEMENT

This Street Improvement Agreement (“Agreement”) is entered into on this ____ day of _____, 20__, to be effective as of the Effective Date (as defined below), by and between DCI PARTNERS, LLC (“Owner/Developer”) and the CITY OF HARRISONBURG, VIRGINIA (“City”) to memorialize the rights and obligations of the parties related to certain street and other transportation facilities improvements related to the Owner/Developer’s planned development of tax map parcel 092-(A)-1 totaling 5.91 acres, more or less, owned by the Owner/Developer (“The Vista at Forest Hills”).

RECITALS

1. The Owner/Developer has filed a land use application with the City of Harrisonburg seeking to amend existing proffers and requesting a special use permit for The Vista at Forest Hills. The site is addressed as 810 Port Republic Road.
2. A traffic impact analysis (“TIA”) provided by the Owner/Developer and accepted by the City by letter dated July 21, 2023, found future traffic conditions directly attributable to The Vista at Forest Hills warrant improvement of certain streets, widening of certain rights-of-way, and establishing certain other transportation facilities within the City.
3. The City has a transportation capital project, the Port Republic Road Corridor Improvements (the “Project”), currently under design that is directly adjacent to this parcel. Warranted improvements described in the TIA will directly impact that work; therefore, the parties desire to incorporate these improvements into the Project, under provisions described in this Agreement.
4. The Owner/Developer has submitted proffers as part of its rezoning application to the City which require the Owner/Developer to provide the Improvements as described below.

AGREEMENT

It is agreed between the parties as follows:

1. Improvements. The following improvements on Port Republic Road as shown on Development Plan sheet, which is attached hereto as Exhibit A, shall be incorporated into the Project (the “Improvements”):
 - a. Construction of northbound right turn lane from Port Republic Road onto Bradley Drive. The right turn lane shall have 100’ of storage and a 48’ taper.
 - b. Construction of a southbound left turn lane from Port Republic Road onto Bradley Drive. The left turn lane shall have 200’ of storage and a 100’ taper.
 - c. Construction of the westbound approach signal arm and appurtenances. This shall include an additional signal mast arm that will be installed on an already planned traffic signal upright, signal heads, and associated wiring and conduits.
 - d. Construction of project frontage improvements as shown in the Development Plan attached as Exhibit A, which includes a 7’ buffer area, 7’ asphalt bike lane, 2’

buffer area, and 5' concrete sidewalk and runs the entire length of the Port Republic Road frontage. This shall include any needed drainage and stormwater management facilities needed to direct stormwater solely to these additions to the public stormwater infrastructure along Port Republic Road.

2. Funding and Dedication. The City agrees to contract for and manage the design, engineering and construction of the Improvements in accordance with all applicable law with a target completion date no later than December 31, 2025, and the City shall be solely responsible for repair and other obligations relating to any defects or deficiencies in design or construction of the Project and Improvements. If the Project is delayed for any reason not caused solely by Owner/Developer, then such delay shall not entitle the City to delay or defer issuance of any site plan approval, land disturbance permit, or building permit for The Vista at Forest Hills which otherwise meets applicable requirements for approval.

Owner/Developer agrees to provide funding and dedicate rights-of-way and easements as needed for the inclusion of the warranted improvements into the Project as described below:

- a. Funding for engineering design – The City will request a quote for an additional work fee for the design services needed to incorporate the warranted improvements in Section 1 from its engineering consultant for the Project. The City will provide Owner/Developer with an invoice for this amount, with funds due within 60 days of the Effective Date (as defined below) or within ten (10) business days of receipt of the invoice(s), whichever is later. The City shall obligate its engineering consultant to cooperate with Owner/Developer to ensure that (i) Project grading takes into account the plans for development of The Vista at Forest Hills and (ii) the commercial entrances to Bradley Drive and The Vista at Forest Hills are incorporated into the Project substantially as shown on the Development Plan attached as Exhibit A.
- b. Right-of-way and easement dedication – Upon completion of the 60% design plans (right of way plan set), the City will develop plats that will identify the required right-of-way, permanent easements, and temporary construction easements that are needed from the subject parcel in order to construct the Improvements. The City will develop all associated deeds of dedication and the Owner/Developer will convey all needed property to the City at no cost. The City and Owner/Developer agree that the area along Port Republic Road intended for public dedication shall end at the edge of the planned sidewalk and shall not materially deviate from the Development Plan attached as Exhibit A.
- c. Funding for construction – Upon completion of the engineering design phase, the City will competitively bid the construction phase of this Project. The construction bid will be based on estimated unit quantities and the bid tab for the Project will have specific line items which are exclusively for the Improvements that will be the sole responsibility of the Owner/Developer. In no event shall the unit quantities paid by Owner/Developer exceed the unit quantities paid by the City for comparable improvements within the Project. Prior to the award of the construction project, the City will invoice the Owner/Developer in the amount

that is equal to the sum total of the specified line items which Owner/Developer shall pay within 45 days of receipt of this invoice.

3. Future Dedication of Bradley Drive. The City understands that the Bradley Drive extension into The Vista at Forest Hills will be designed and constructed initially as a private street. The City and Owner/Developer also understand that at some point in the future this street could be extended into other properties under a redevelopment or public street project and the City will desire Bradley Drive between such adjoining properties and Port Republic Road to become a public street at that time, and Owner/Developer has proffered to dedicate to public use the area shown as “Potential Future ROW Corridor” on the Development Plan. The City understands that Bradley Drive within the development will not necessarily meet City standards for public streets and recognizes that certain standards may need a variance/waiver in the interest of the public street network at the time of such consideration. The City will work with Owner/Developer during the site plan design and review process for The Vista at Forest Hills to develop a street design which could be considered acceptable should the street ever be dedicated for public use. Owner/Developer will keep “Potential Future ROW Corridor” free from encroachments other than the proffered sidewalk and transportation improvements shown on the Development Plan and other improvements approved as part of the City’s site plan review and approval process.
4. Amendment. This Agreement may be modified or amended, and the provisions of this Agreement may be waived, only by a writing executed by both parties.
5. Effective Date. This Agreement is contingent to take effect upon final approval of the submitted rezoning application and special use permit by the Harrisonburg City Council, including the expiration of any applicable appeal period without the filing of an appeal (the “Effective Date”). If the rezoning is not approved by the Harrisonburg City Council or is lawfully challenged and set aside on appeal, this Agreement is void. The parties acknowledge that if an appeal is timely filed, it may be necessary to renegotiate the terms of this Agreement given the pending timeline for the Project and the parties agree to negotiate in good faith in that regard.
6. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the City of Harrisonburg and Owner/Developer.

City of Harrisonburg, VA

DCI Partners, LLC

By: _____

Alexander Banks, VI
City Manager

By: _____

M. Aslam
Manager

Attest

Attest



CITY OF HARRISONBURG
**PUBLIC
WORKS**

320 EAST MOSBY ROAD, HARRISONBURG, VA 22801

OFFICE (540) 434-5928 • FAX (540) 434-2695

July 11, 2023

Carl Hultgren, PE
Gorove Slade
1140 Connecticut Avenue NW, Suite 600
Washington, DC 20036
RE: Forrest Hills Tower TIA

The Public Works Department staff have completed a review of the fourth submission of the Traffic Impact Analysis (TIA) that was received June 30th, 2023.

Public Works staff has come to conclusion that the TIA sufficiently represents both the present and future conditions of portions of the City's road network most impacted by the proposed Forrest Hills Tower development. Staff has also reviewed recommended measures to mitigate the increase in volume projected to be caused by the development and have concluded that they are adequate for the needs of the road network.

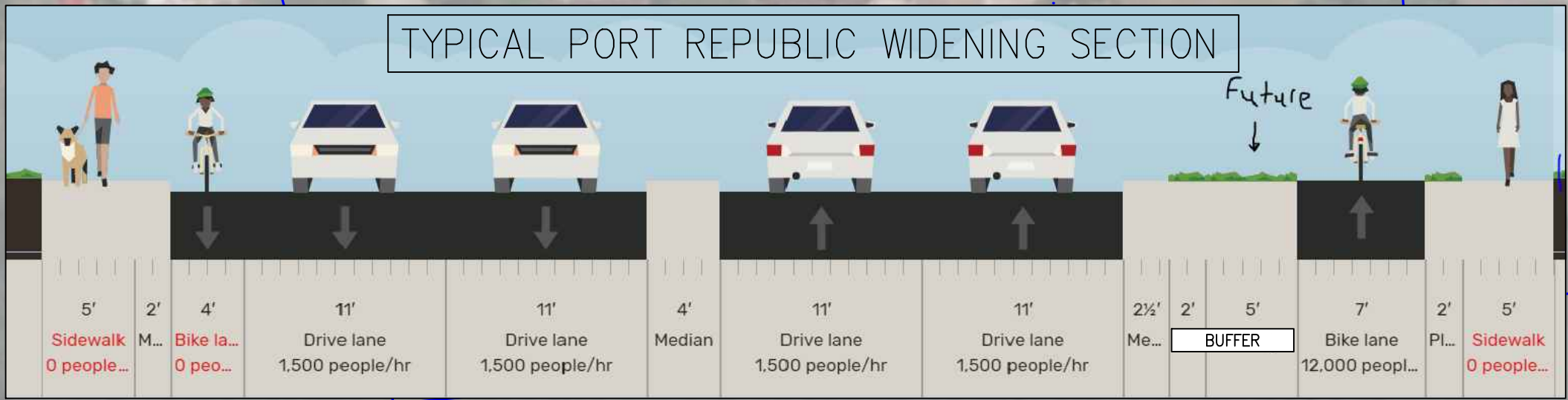
Staff accepts the framework of this TIA with the understanding that additional information relevant to the site will be provided in a resubmittal.

- a) Provide updated information on the potential phasing of the Port Republic Road & Bradley Drive intersection as split phase, while accommodating the necessary 34 second split for pedestrian crossings.
- b) Update the sight distance profile based on the updated information provided by the developer.
- c) Include both Access Management Exemption Requests for the site driveways in the appendices.

This resubmittal should be provided prior to the end of day July 14, 2023, for staff to review.

Thank you for your work on this TIA.

Timothy Mason
Public Works – Transportation Systems Specialist



Parking Table			
	Gross Sq. Ft./Dwelling Units	Ratio	Spaces Needed
Convenience Market	3000	1/200 sf of gross floor area*	15
Specialty Retail	3000		15
Fast Casual Restaurant	3000	1/100 sf of gross floor area**	30
High Turnover (Sit-down Restaurant)	3000		30
Off-Campus Student Apartment	119	1/Dwelling Unit***	119
Total Needed Parking			209
Handicap Needed			7

*Per §10-325.(17)
**Per §10-325.(15)
***Per §10-325.(7)

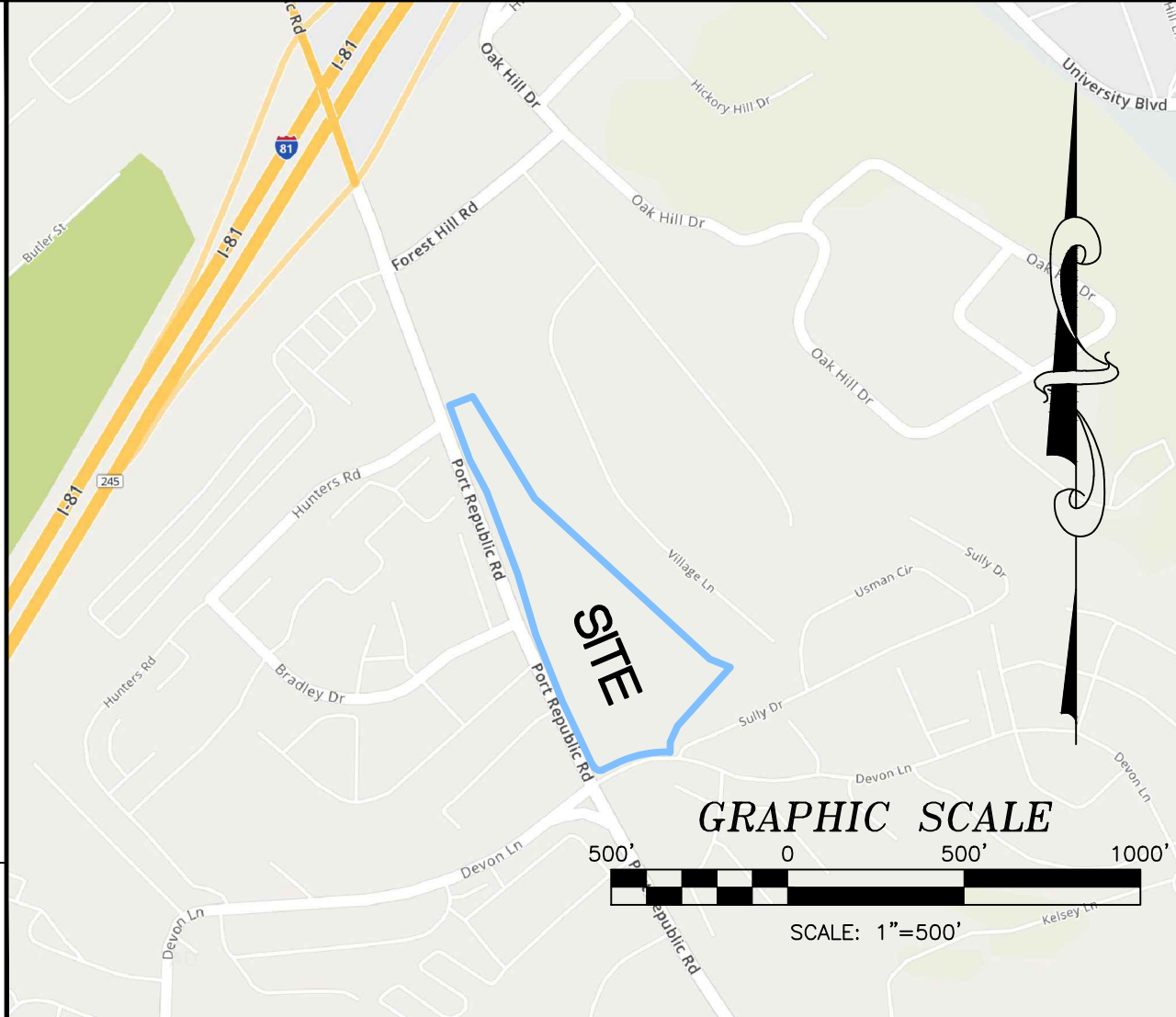
PER THE PROFER LETTER, THE APPLICANT SHALL PROVIDE AT LEAST 100 SPACES GREATER THAN WHAT IS REQUIRED BY CITY CODE.

LEGEND	
	EXISTING BUILDING
	PROPOSED BUILDING
	PRO SIDEWALK
	CENTER LINE
	EXISTING ROAD
	PROPOSED ROAD/EOP
	PROPOSED ROAD/EOP
	CONCRETE AREA
	PAVED ROAD
	GRASS AREA
	SITE PROPERTY LINE
	EXISTING PROPERTY LINE
	PRO ROW
	POTENTIAL FUTURE ROW
	ADJACENT LAND TRANSFER
	SETBACK

CIVIL DESIGN
BLACKWELL ENGINEERING
ATTN: ED BLACKWELL 566
EAST MARKET STREET
HARRISONBURG, VA 22801
540-432-9555

DEVELOPER
DCI PARTNERS LLC
ATTN: MOHAMAD ASLAM,
12111 SULLY DR.
HARRISONBURG, VA 22801
540-245-6666

PROPERTY INFO
TM#092 A 1
DCI PARTNERS LLC
12111 SULLY DR
HARRISONBURG VA 22801
AREA= 5.91 ACRES
EXISTING ZONING: B2C
EXISTING USE:
COMMERCIAL-GAS STATION & C
STORE
PROPOSED USED: MULTIFAMILY
RESIDENTIAL & COMMERCIAL
FEMA FLOOD ZONE: X



Date: 7-6-23
Scale: 1" = 40'
Designed by: EHB
Drawn by: BWK
Checked by: EHB

Blackwell Engineering
A Trademark of AES Consulting Engineers
566 East Market Street
Harrisonburg, Virginia 22801
Phone: (540) 432-9555



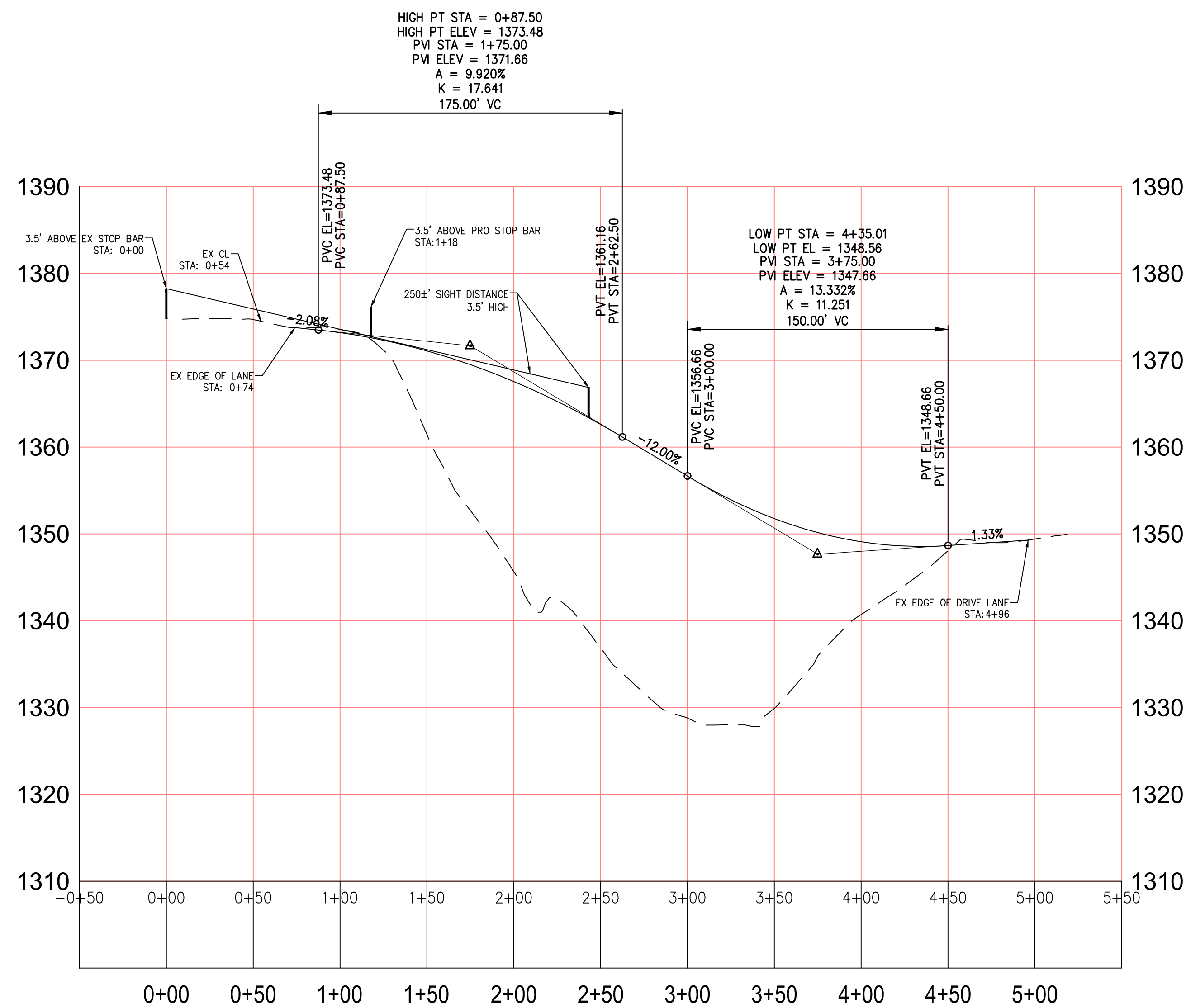
Revision Dates
7-28-23
8-4-23

DEVELOPMENT PLAN
THE VISTA AT FOREST HILLS
DCI PARTNERS LLC
12111 SULLY DR.
HARRISONBURG, VA 22801

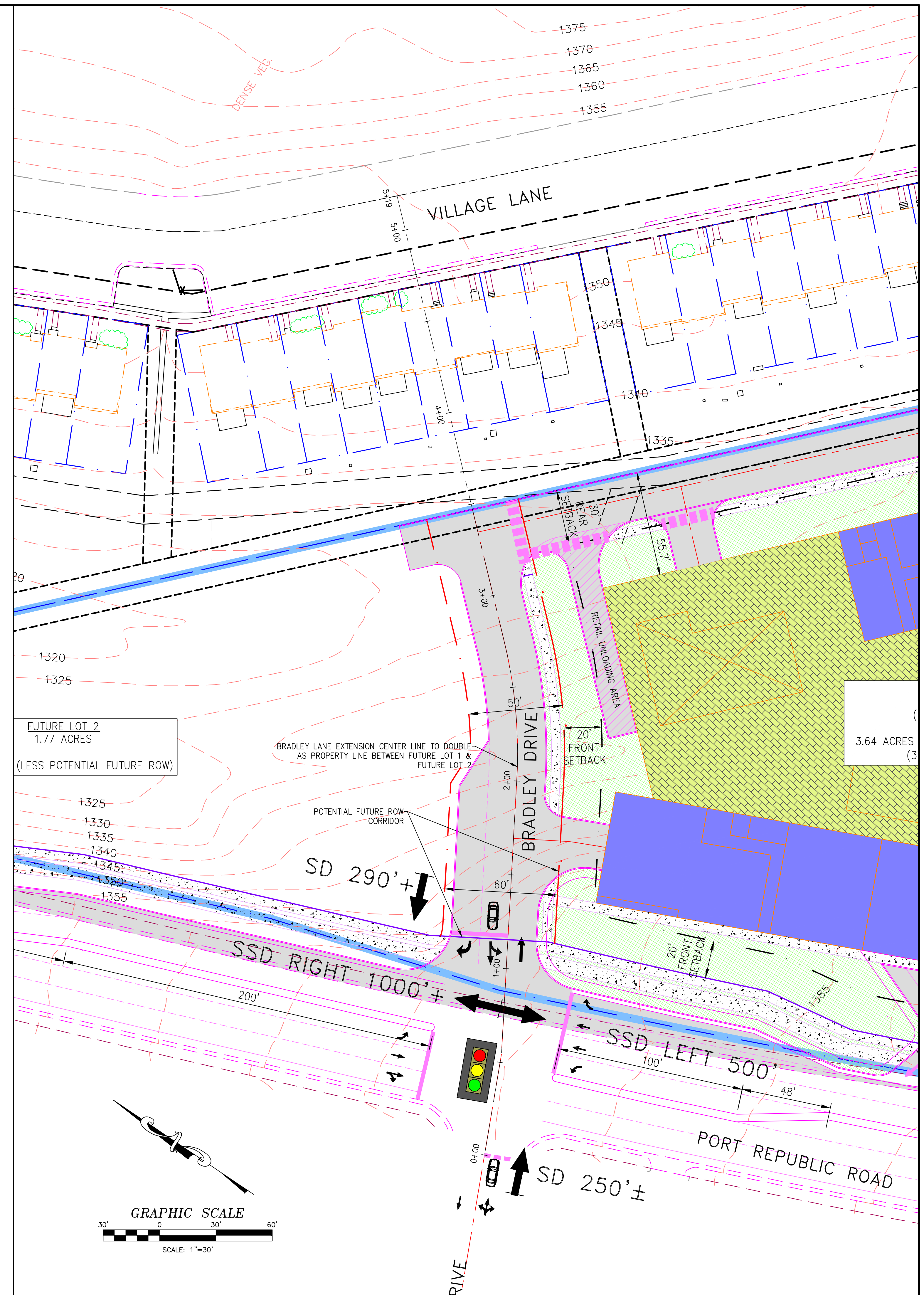
Drawing No.
1
of 1 Sheets

Job No. B02916





ALIGNMENT - BRADLEY DR.



Date: 7-6-23

Scale: AS NOTED

Designed by: EHB

Drawn by: BWK

Checked by: EHB

Blackwell Engineering
A Trademark of AES Consulting Engineers
566 East Market Street
Harrisonburg, Virginia 22801
Phone: (540) 432-9555



Revision Dates
7-28-23
8-4-23

PRELIMINARY BRADLEY DR. EXT. PROFILE
THE VISTA AT FOREST HILLS
DCI PARTNERS LLC
1211 SULLY DR.
HARRISONBURG, VA 22801

Drawing No.
2
of 2 Sheets

Job No. B2916



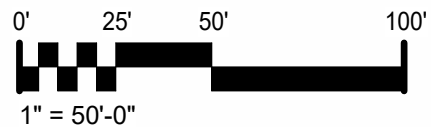




West Elevation



South Elevation



NOTE: TOPOGRAPHY
SHOWN AS EXISTING

