

2011 CURRENT PROFFERS FOR TAX MAP PARCELS 35-0-4 & 5.

August 8, 2011

City of Harrisonburg Community Development
Director of Community Development
Ms. Stacey Turner
409 South Main Street
Harrisonburg, VA 22801

Subject: Rezoning of T.M. Parcels 35-O-4, 35-O-5

Dear Ms. Turner:

As a condition of rezoning, the Owners and Developers (the "Developer") proffer that the development of the subject property (the "Property") on this application shall be in accordance with §15.2-2298 of the Code of Virginia and the Zoning Ordinance of the City of Harrisonburg and for the conditions set forth in this submission, if and only if, the zoning request for B-1, Central Business District, is granted. The Owners wish to revise the proffers previously submitted in letters dated July 1, 2008 and February 4, 2009. This is being done to address concerns on the part of the City's Planning Staff. If this request for rezoning is denied or approved with conditions not agreed to by the Developer and the Owners, the proffers and conditions shall immediately be null and void and of no further force or effect. If the rezoning request is granted, these proffers and conditions will supersede all proffers and conditions that may now exist on the Property.

This application contains three exhibits described as follows:

Exhibit A – Site Plan prepared by Blackwell Engineering, PLC and dated February 4, 2009.

Exhibit B – Three (3) examples of proposed buffer fencing types.

Exhibit C—Example of building façade and architecture.

1. The Site Plan provided in Exhibit A is proffered as to general layout, approximate square footage of the building and dedicated parking. The amount of commercial space will be up to 2816 sq.ft., and the amount of residential space will be up to 6570 sq. ft. The number of residential units will not exceed 7. The number of bedrooms will not exceed 9. The building will be Mixed Use.
2. The occupancy of each residential unit will not exceed a single family or two unrelated persons per unit.
3. Parking for residential units will be one space per bedroom. Parking for commercial space will be one space for each 300 sq. ft.
4. Use Restrictions. The following uses as delineated in Harrisonburg's Zoning Ordinance, Article P. B-1 Central Business District, § 10-3-84 shall be permitted on the Property:
 - 1) Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores,
 - 2) Governmental, business, and professional offices and financial institutions,
 - 3) Hotels, motels, and buildings used for dwelling units, CBD, as defined under Article F, except that such occupancy may be superseded by building regulations,
 - 4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education,
 - 5) Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities,
 - 6) General service or repair shops, when not employing more than ten (10) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building,
 - 8) Accessory uses incidental to any permitted uses which are attached to or within the principal building.
5. Applications will be made for all Special Uses where necessary.
- 6 Buffer. A 6' fence of one type shown in Exhibit B will be placed on the west boundary of the property.
7. Landscaping will include a minimum of two (2) deciduous trees or planters and a minimum of 10 bushes in locations as shown on the conceptual plan.
8. The buildings will have a brick façade on the south side of the building facing Wolfe St. and the east side facing the railroad, and no vinyl siding will be used on any part of the façade. A brick walkway or brick stamped decorative concrete will be provided on the south and east sides of the building where elevation permits. The style of the buildings will be esthetically similar to Exhibit C. A bicycle rack will be located on the property.
9. Severability. The unenforceability, illegality, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

10. Until the site is developed per the plan discussed herein, the Owners will be entitled to use the current buildings and the property as permitted by right as described in Paragraph 4 above and all Special Uses approved by City Council.

OWNER/DEVELOPER:



John C. Stemper