

COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801 OFFICE (540) 432-7700 • FAX (540) 432-7777

REZONING

On **February 28, 2023,** the Harrisonburg City Council approved a rezoning request from R-1, Single Family Residential District, R-3, Medium Density Residential District, and B-2, General Business District to R-7, Medium Density Mixed Residential Planned Community District for the properties located at:

1010 Garbers Church Road, 1645 and 1815 Erickson Avenue,
1781 South High Street, and South Dogwood Drive
(although there is no property frontage along South High Street or South Dogwood Drive)
Harrisonburg, VA 22801

City Tax Map Parcel(s): 21-K-4 & 5; 115-B-1 & 4; and 117-C-3

In connection with the rezoning approval for the property, the following documents together are the approved master development plan:

- Master Plan Zoning Requirements for Bluestone Town Center, revised February 24, 2023
- Bluestone Town Center Rezoning Request Proffer, revised January 13, 2023
- Street Improvement Agreement, dated March 1, 2023
- Master Plan Layout, revised January 10, 2023
- Typical Manufactured Home, Single Family Detached, and Townhome Landscape Plan, dated February 24, 2023
- Page 2 of the Conceptual Site Layout, revised February 24, 2023 (Note: This layout is conceptual and not part of the master development plan, except for the reference from the Master Plan text in Section F, Other Regulations, Subsection (3) to general locations of parks areas shown.)

Thanh Dang, AICP

Date

3/24/2023

Assistant Director of Community Development

Master Plan Zoning Requirements for Bluestone Town Center

December 7, 2022

Revised January 4, 2023

Revised January 10, 2023

Revised February 24, 2023

Approved by City Council on:

2/28/23

Applicant:
Harrisonburg Redevelopment
and Housing Authority
P.O. Box 1071
Harrisonburg, VA 22803

540-434-7386

Prepared By: Blackwell Engineering 566 E. Market St. Harrisonburg, VA 22801 540-432-9555

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Approved by City Council on:

ZONING REGULATIONS FOR BLUESTONE TOWN CENTER

A. Uses Permitted By Right

- (a) Single-family detached dwellings.
- (b) Single-family attached dwellings (townhouse dwellings of two (2) to eight (8) dwelling units).
- (c) Multiple-family dwellings with no more than sixty-four (64) units per building under conditions set forth in subsections 10-3-57.6.(c) and (d).
- (d) Home occupations.
- (e) Community buildings.
- (f) Public and private schools.
- (g) Child day care centers.
- (h) Adult day care centers.
- (i) Retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities unless permitted by special use permit) food and drug stores.
- (j) Governmental, business and professional offices and financial institutions.
- (k) Churches.
- (1) Parks.
- (m)Common open space.
- (n) Public uses.
- (o) Accessory buildings and uses customarily incidental to any of the above-listed uses.
- (p) Dwelling units may be occupied by a single family or not more than two (2) persons, except that such occupancy may be superseded by building regulations.
- (q) Parking lots and parking garages.
- (r) Small cell facilities. Wireless telecommunications facilities are further regulated by Article CC.
- (s) Homestays, as further regulated by Article DD.
- (t) Manufactured homes, provided that the Manufactured homes are (i) attached to a permanent foundation, (ii) titled as real estate, and (iii) limited to one Manufactured home per lot.

B. Uses Permitted Only by Special Use Permit

- (a) Private clubs and golf courses.
- (b) Home for the aged in which three not more than three (3) persons not of the immediate family are provided with food, shelter and care for compensation.
- (c) Major family day home.
- (d) Short-term rentals, as further regulated by Article DD.
- (e) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the city council.
- (f) Drive-through facility.
- (g) Reducing required parking areas to permit fewer than the required number of vehicle parking spaces for any use, provided that an amount of open space equal to the

amount of space that would have been used for the required number of vehicle parking spaces is left available for parking in the event that, at the discretion of the city council, it is needed at some time in the future. Open space used for this purpose shall be so noted in the deed and shall not be used to meet any conflicting requirements of the zoning ordinance.

- (h) Public uses which deviate from the requirements of title 10, chapter 3.
- (i) Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are not permitted, except towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center up to two hundred (200) feet in height. Wireless telecommunications facilities are further regulated by article CC.

C. Area, Density and Dimensional Regulations

- (a) Maximum density: Ten (10) dwelling units per acreage.
- (b) Lot area, lot height, lot width, and yards for all uses:

ZONING	Uses		MINIMUM LOT	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD	MAX HEIGHT
Lomino	0365		AREA (SF)	(FEET)	SETBACK (FEET)	SETBACK (FEET)	SETBACK (FEET)	(FEET)
Α		Senior Apartments	8100	90	10	5	10	50
В	Multiple-Family Dwellings	Multi-family Apartments	8100	90	10	5	10	50
С	Multiple-ranning Dwellings	Garden Apartments	8100	90	10	5	10	50
D		Town Homes- Over Retail	1080	18	0	0	10	50
E	Singe-family attached dwellings	Town Homes	1080	18	0	5	10	40
F	Single-family detached dwellings	& Manufactured Homes	4500	50	20	5	25	40
G	Community Bu	uildings	6000	40	5	5	5	40
Н	All Other U	ses	1080	18	0	0	10	40

- (c) As shown on the Master Plan Layout, housing by unit type and community buildings will be restricted within designated areas.
- (d) Setback and height regulations for accessory buildings and structures are in Section E. Modifications and Adjustments of this master plan.
- (e) The minimum setback for principal buildings along exterior property lines of the development shall be 7-feet for one- and two-story buildings and 10-feet for three-story buildings.

D. Off-Street Vehicle and Bicycle Parking

Off-Street Vehicle and Bicycle Parking are to be governed by Article G of the Zoning Ordinance except for the off-street vehicle parking uses specified below in subsections (1) through (12):

Off-Street Vehicle Parking Regulations

Off-street parking requirements shall be met as stated herein for all new buildings and structures and all existing building types included herein which are hereafter enlarged, altered and/or changed in use.

(1) Definition of a "parking space:" The area required for accommodating one (1) automobile or other motorized vehicle on private property, which shall be a

minimum of nine (9) feet in width and eighteen (18) feet in length, not including passageways (9' x 18'). Twenty-five (25) percent of the total parking provided may be designated for compact automobiles. Compact spaces shall be a minimum of eight feet by seventeen feet (8' \times 17') for regular spaces and eight feet by twenty feet (8' \times 20') for parallel spaces and that all such compact car spaces be clearly marked, using vertical signage or pavement markings, with the wording "Compact Cars Only."

- (2) All off-street parking spaces and drives shall be constructed of an all-weather stabilized, dust free surface which is clearly defined from adjoining on-site improvements.
- (3) On-site parking shall not depend on the public right-of-way in order to maneuver into or out of parking spaces, except for single family detached or duplex dwellings.
- (4) All means of ingress and egress for parking on lots fronting on more than one (1) public street shall be located at least twenty-five (25) feet from the intersection of property lines (rights-of-way) of such streets.
- (5) All vehicle parking spaces required herein shall be located on the same lot with the building or use served, on adjoining lots located on property zoned where such parking is permitted, or within a common or cooperative location in the ownership of all participating owners or have easement and maintenance agreements between the participating owners.
- (6) All off-street vehicle parking spaces for handicapped persons shall conform with the most recent Americans with Disabilities Act regulations at the time of their construction.
- (7) All off-street parking spaces, loading areas, driveways, travelways, parking bays and entrances shall comply with the City Design and Construction Standards Manual.
- (8) Single-family detached, manufactured homes, duplexes, townhomes, and multifamily units shall provide a minimum of one (1) parking space per dwelling unit.
- (9) Multifamily dwellings designated as Senior dwellings shall provide a minimum of one half (0.5) of a parking space per dwelling unit. This senior housing designation of 55 years old to apply for senior parking.
- (10) Community centers/buildings, including those associated with housing developments, where the use of such space is primarily for the use of residents of the housing development, will have a minimum off street parking requirement of 1 space per 500 gross sf.
- (11) Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores and governmental, business and professional offices, financial institutions, public and private schools, child day care centers, adult day care centers, and churches shall provide a minimum of one (1) parking space per 600 square feet of gross floor area.
- (12) All uses not listed above are to be governed by Article G of the Zoning Ordinance."

Combining or Assigning Spaces for Separate Uses

Combining or Assigning Spaces for Separate Uses to be governed by Article G of the

Zoning Ordinance.

Rules For Computing Required Number of Spaces

Rules for Computing Required Number of Spaces to be governed by Article G of the Zoning Ordinance.

Off-Street Bicycle Parking Regulations

Off-street bicycle parking is to be governed by Article G of the Zoning Ordinance.

Parking Lot Landscaping

Parking lot landscaping is to be governed by Article G of the Zoning Ordinance.

E. Modifications and Adjustments

Article T of the Zoning Ordinance does not apply. Modifications and adjustments set forth in this section modify, supplement, or qualify regulations appearing elsewhere in this master plan.

General Modifications

- (1) Architectural treatments and functional elements, including, but not limited to: chimneys, moldings, rain gutters, downspouts, roof eaves, buttresses and bay windows, shall be allowed to project not more than two (2) feet, eight (8) inches into the required yard setback, provided they do not include additional floor space.
- (2) Fire escapes and other required means of egress from any building may project into a required yard setback, provided that they are uncovered and unenclosed.
- (3) Terraces, patios, uncovered porches, decks, uncovered swimming pools, and other similar features may project into a side or rear yard, provided these projections are at least two (2) feet from any adjoining property.
- (4) The front setback of a building will be based on the primary road the building abuts. For corner lots, the building will front on one of the two streets.
- (5) For corner and through lots, the required principal building setbacks for side and rear yards adjoining public streets shall comply with the minimum side and rear yard requirements in Section C. Area, Density and Dimensional Requirements.
- (6) All manufactured housing in the development will, at the time of construction, meet or exceed the then-current requirements of the Fannie Mae MH Advantage or the Freddie Mac CHOICEhome lending programs, or any replacement program with requirements that are substantially similar.

Height

The height regulations heretofore established will be adjusted in the following cases:

- The height limitations of this master plan shall not apply to the architectural features such as chimneys, spires, etc., and necessary accessory structures such as water towers, smoke-stacks and conveyors which are incidental to uses permitted in nonresidential districts.
- (2) The limitations on the number of stories shall not comply to buildings and structures not intended for human occupancy.

Townhouses

The exterior facades of all townhouse units shall be varied in material and design so that no more than two (2) abutting units will have the same architectural appearance and front yard setback depth. Varied front yard setbacks shall not be less than two (2) feet offset from adjoining units as measured at the principal foundation line of each unit, and no setback distance shall be less than the required minimum.

Accessory Buildings

- (1) In residential areas, except portable restroom facilities, which are further restricted in this section. Accessory buildings may be built in the rear yard, but such accessory buildings shall not be less than five (5) feet from any interior side or rear lot line.
- (2) In business areas, except portable restroom facilities, which are further restricted in this section. Accessory buildings shall be held to the same setbacks required of principal buildings. No accessory buildings may be placed within the limits of a recorded easement or required fire lane.
- (3) No accessory buildings or garages may be placed within the limits of a recorded easement or required fire lane.
- (4) Bus shelters are exempt from all regulations within this master plan except that no shelter shall be located within the limits of a recorded easement or required fire lane
- (5) Portable restroom facilities. Portable restroom facilities are not permitted except for active construction sites, emergencies, or temporary events or festivals.
- (6) Principal building or use required. No accessory building shall be constructed on property which has not been improved with a principal building or use and no accessory building shall be used unless the principal use is active.

Walls and fences

Walls and fences, beams and similar items which may restrict passage or vision or simply enhance private property may be located within required yards and defined by building setbacks except as restricted herein:

- (1) No walls or fences or similar items other than landscaping shall exceed a height of eight (8) feet.
- (2) Walls and fences which adjoin property lines shall not be electrified, barbed or otherwise secured in a manner inappropriate or dangerous to the neighborhood.

(3) Walls and fences shall not impede sight distance at entrances and street intersections, in accord with the City's Design and Construction Standards Manual.

F. Other Regulations

- (1) Where buildings are 20-feet or less apart, there shall be no temporary or permanent structures and obstacles, including but not limited to fences, mechanical equipment (exclusive of HVAC equipment), and landscaping (such as trees and shrubs) between the buildings, except when:
 - (a) Sprinkler systems have been installed in the buildings according to National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler system standards; or
 - (b) The parallel or generally parallel exterior wall(s) of the buildings that are 20-ft or less apart are constructed without openings and have a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code
- (2) Proposed building projects as permitted in this district, which rely on private refuse collection, shall provide a designated point of collection for dumpsters, trash cans, or other containers, with appropriate dumpster and refuse storage areas. Said facilities shall be screened on all sides by fences, walls, or landscaping to hide them from view and screening shall be equal to or greater than the height of the container(s) placed within the storage area. Except for landscaping, screening shall be made of decay-resistant material.
- (3) Pocket parks are to be located in at least four (4) of the six (6) locations generally illustrated on the Conceptual Site Layout.
 - (a) Each park will be a minimum of 1,000 sf.
 - (b) Each park will contain one or a combination of the following amenities:
 - Picnic areas, which will include at least one (1) picnic table and one (1) outdoor grill.
 - ii. Play areas, which include playgrounds, tot lots, or other such similar amenities.
 - iii. Sports utility areas/courts
 - iv. Gazebos
 - v. Dog parks
 - (c) At least two of the parks will be play areas. No more than one (1) of the parks will be dog parks.
 - (d) A minimum of three (3) trees shall be planted in each park.
- (4) Landscaping for manufactured home lots, single family detached lots, and townhome lots will have the minimum number of trees/shrubs as noted in the Typical Manufactured Home, Single Family Detached, & Townhome Landscape Plan.

Bluestone Town Center

Applicant:

THE HARRISONBURG REDEVELOPMENT & HOUSING AUTHORITY

Owners:

MARTHA CLARK BARBER AND OTHERS Tax Map Nos. 115 B 1 and 115 B 4 1645 ERICKSON AVE AREA = 46.33 ACRES ZONED: B-2, R-1, and R-3

G S W INVESTORS Tax Map No. 021 K 4 1781 S HIGH ST AREA = 26.08 ACRES ZONED: R3

COOK CREEK CHURCH OF BRETHREN CEMETERY
Tax Map No. 021 K 5
S DOGWOOD DR
AREA = 0.20 ACRES
ZONED: R3

WILLOW LANE PARTNERS Tax Map No. 117 C 3 1010 GARBERS CHURCH RD AREA = 17.14 ACRES ZONED: R1

Dated: January 4, 2023 and revised January 13, 2023

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

Property Information

The Applicant and the Owners of the above-described parcels, totaling 89.75 acres (+/-) of land (the "Property"), have petitioned the of the City of Harrisonburg, Virginia (the "Council") for a rezoning to allow for the development of a specific project, identified as the Bluestone Town

Approved by City Council on:

2/28/23

Center (the "Project"), as specifically detailed in the Bluestone Town Center Master Plan dated January 4, 2023 and revised January 10, 2023 (the "Proposed Rezoning").

Proffers

In furtherance of the Proposed Rezoning, the Applicant hereby proffers that in the event the Council shall approve the rezoning of the Property, from their varying current zoning districts to R-7 Medium Density Mixed Residential Planned Community District, then the Project shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Applicant and such be approved by the Council in accordance with Virginia law. In the event that such rezoning is not granted, then these Proffers shall be deemed withdrawn and have no effect whatsoever. These Proffers shall be binding upon the Applicant, the Owners, and their legal successors or assigns. Any and all terms and conditions, accepted or binding upon the Property and Project, as a condition of accepting these Proffers, shall become void and have no subsequent effect. The Applicant hereby agrees that the Proposed Rezoning itself gives rise to the need for these Proffers, that the Proffers have a reasonable relation to the Proposed Rezoning, and that all conditions are in conformity with the City's Comprehensive Plan.

The Applicant, who is acting on behalf of the Owners of the Property, hereby voluntarily proffers that, if the Council approves the rezoning, the Applicant and the Owners, or their successors and assigns, will provide the following during the Project:

- 1. Provision of Affordable Dwelling Units. Provision of Affordable Housing. Where the Master Plan indicates residential uses, the residential dwelling units within the Project are two-fold: a) for-purchase units; and b) rental units. The Project will incorporate affordable housing components as set forth below:
 - a. For-Purchase Units (single-family detached dwellings, manufactured homes, and townhouses):
 - i. Term: The For-Purchase Units affordability period shall only be upon the initial sale from the Developer to the initial homebuyer.
 - ii. Income Restrictions: 100% of the For-Purchase Units will be initially sold and restricted only to households with incomes between 80% and 120% of the Area Median Income (AMI), as established and updated regularly by the U.S. Department of Housing and Urban Development (HUD).
 - iii. Compliance and Monitoring: Upon request from the City, the Developer will provide certification of household income eligibility for all For-Purchase Unit sales.
 - b. Rental Units (multifamily and townhomes owned and leased by Harrisonburg Redevelopment & Housing Authority (HRHA) or similar entity):
 - i. Term: The Rental Units affordability period shall be thirty (30) years.
 - ii. Income Restrictions: 100% of units will be occupied by households whose incomes do not exceed 80% of AMI, based on income averaging.

- iii. Rent Restrictions: 100% of units will have affordable rents leased at the Low-Income Housing Tax Credit (LIHTC) maximum rents or below.
- iv. Compliance and Monitoring: Projects awarded LIHTC should submit proof of compliance with Virginia Housing annually. Projects not awarded LIHTC must, upon request from the City, submit an equivalent format to a LIHTC Tenant Income Certification (TIC) for each unit annually during the 30-year term.

c. Annual Construction:

- i. Beginning on the date of the (subject rezoning) application, the City shall not issue building permits for the construction of more than 100 dwelling units per year, on a cumulative basis, excluding senior housing. The City may review building permits that exceed 100 per each year but will not issue them.
- ii. Compliance and Monitoring: Upon request from the City, the Developer will provide an accounting of the number of building permits pulled each year and how many building permits it can still pull in that year, which the City can also verify and control through issuance.

2. Residential Units.

- a. The maximum number of residential units in the Project will be Nine Hundred (900). The maximum number of multi-family units will be 450. The maximum number of townhouse units will be 350. The maximum number of single-family detached and/or manufactured home units will be 145.
- b. The Bluestone Town Center will implement an applicant preference system prioritize a residents who live or work in the City of Harrisonburg and Roel Ingham County. The property wait list uses a two-tiered admission preference system. This system gives applicant households that qualify for a preference an opportunity to be screened for eligibility and of applicants that de not have a preference. The admission preferences are a way of organizing the wait lists to address local housing issues and agency policy. Without admir non preferences, applicant households on the wait list are organized orly by the date and time stamp of their preapplication. Priorities and meterences for admission to Bluest, the Town Center will be applied as follows: eligible applicants who live or work in the City of Harrisonburg at Rockingham County shall be given priority for occupancy or all other trants. Developer reserves the option to provide additional preferences as determined to be necessary.

Proffer 2.b. was not accepted by City Council

3. Environmental Sustainability.

a. All Rental Units shall be initially constructed to meet EarthCraft, Enterprise® Green Communities, or LEED certification building standards.

- b. All For-Purchase manufactured homes will meet or exceed the then-current requirements for Fannie Mae MH Advantage or Freddie Mac CHOICEhome building standards, or any replacement program with requirements that are substantially similar at the time of initial sale.
- c. Solar panel systems will be incorporated on all multi-family housing buildings as a supplementary energy source.
- d. At least 6 electric vehicle ("EV") charging stations will be constructed and maintained at various locations throughout the Project. The EV charging stations shall be "Level 2" equivalent or better technology at the time of construction.
- e. Compliance and Monitoring: Upon request from the City, the Developer will provide certification of the applicable building standard and solar panel system and EV charging station installations.
- f. Landscaping. The Project will contain various green space and common areas, such as, pocket parks, playgrounds, playing fields, and recreation areas. All residential units shall be within 1,000 feet of a green space and/or common area.

4. Impact fee¹.

- a. In exort to mitigate the impact the Proposed Rezoning and the Project will have on the school systems and the surrounding communities, an impact see of Fifty Thousand Dellars (\$50,000) per Rental Unit shall be paid the City of Harrisonburg (the "City") upon the Rental Unit building receiving a certificate of occupancy for all of the units therein, on condition that the City loan \$40,000 per Rental Unit back to the Developer for further construction of the Project.
- b. The Developer shall make annual can payments to the City and the City shall have a subordinate security interest in the Nortal Units pursuant to loan agreements and deed of trust.
- c. Accordingly, the City will immediately retain \$10,000 per Rental Unit upon the issuance of the certificate of occupancy and be paid \$42,000 plus per Rental Unit over time. The Developer shall construct a minimum of 400 Rental Units over the life of the Project, ultimately yielding over \$20,000,000.00 to the City.
- d. Compliance and Monitoring: Upon request from the City, the Developer will certify and provide to the City the number of Rental Unit buildings completed, which the City can verify through issuance of certificates of occupancy.

Proffer 4 was not accepted by City

Council

¹ The Developer recognizes that this proffer is currently inconsistent with the City Code. However, the Developer believes that such an impact fee for school use is an important element of the Project, and such proffers are common throughout Virginia. Accordingly, this proffer will be subject to a zoning text amendment, and, upon approval of this Rezoning Application, the Developer will work with City staff to draft and implement such an amendment.

- 5. *Traffic and Transportation*. The Developer agrees to construct or cause to be constructed the following improvements:
 - a. A southbound left turn lane, by restriping, at the Garbers Church Road entrance (Road J), with 100' taper and 100' storage.
 - b. A section of Road J between Garbers Church Road and Road A, a section of Road A between Road J and Hidden Creek Lane, and the entirety of Hidden Creek Lane, including all associated bicycle, pedestrian, and public transit facilities, and the small diameter roundabouts, both on and off site between Road A and South High Street shall be completed prior to the City issuing more than 150 certificates of occupancy for dwelling units within Phase 1. As part of the Hidden Creek Lane construction, the Developer will construct:
 - 1. A mid-block crosswalk to connect the shared use path on the north side of Hidden Creek Lane to the shared use path that parallels the Sunset Heights Branch of Cooks Creek. The shared use path on Hidden Creek Lane (extended) shall be adjusted to end at the midblock crosswalk and transition the off-road path to on-road bike lanes, on both sides of the street.
 - 2. New sidewalks along the south side of Hidden Creek Lane from the property line to the existing sidewalk along the frontage of the shopping center in accordance with the Street Improvement Agreement with the City.
 - 3. A small diameter roundabout at the intersection of Hidden Creek Lane and South Dogwood Drive, per design specifications provided by the City.
 - c. A traffic signal at Hidden Creek and South High Street, excluding the right turn lane recommended by the traffic impact analysis (TIA) study, will be completed prior to the City issuing more than 300 certificates of occupancy for dwelling units within the Development.
 - d. A section of Road A between Hidden Creek Lane and Erickson Avenue and a section of Road E between Hidden Creek Lane and Erickson Avenue, including bicycle, pedestrian, and public transit facilities, and all associated improvements and traffic signals prior to the City issuing more than 450 certificates of occupancy for dwelling units within the Development. As part of these improvements, the Developer will:
 - 1. Construct the entrance at Road A to Erickson Avenue as restricted to right turn in and right turn out only;

- 2. Construct improvements at Road E to Erickson Avenue, as described in the Street Improvement Agreement accompanying the rezoning application.
- 3. Road E shall not be connected to Erickson Avenue until the improvements described in proffer 5.d. are completed.
- e. Shared use paths between the termination points of Roads C and J to connect with the existing Friendly City Trail prior to opening the respective Road sections to vehicular traffic.
- f. Up to three bus stops within the Project, to include a pull off, concrete pads, shelters, and easements/right-of-way at locations acceptable to the Harrisonburg Department of Transportation (HDPT). HDPT has discretion during site engineering design to waive any requirement of this proffer, if they deem it necessary or appropriate.
- g. Traffic and transportation improvements in accordance with the Street Improvement Agreement accompanying the rezoning application.

Consistent with the timing already set forth herein, these improvements will be phased and constructed in accordance with the mitigation need created by the construction of the development phases. All traffic improvements described above shall be completed prior to the City issuing more than 450 certificates of occupancy for dwelling units within the Development.

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Signature pages follow

APPLICANT: HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY (SEAL) By: Michael G. Wong, Executive Director COMMONWEALTH OF VIRGINIA CITY OF HARRISONBURG The foregoing instrument was acknowledged before me this 2023, by Michael G. Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority, Applicant. Notary Public My commission expires: Registration Number: OWNERS: MARTHA CLARK BARBER AND OTHERS JENNIFER MARIE CHAPMAN NOTARY PUBLIC REG. #7958225 COMMONWEALTH OF VIRGINIA (SEAL) MY COMMISSION EXPIRES DECEMBER 31, 2025 STATE/COMMONWEALTH OF CITY/COUNTY OF Harrisonburg The foregoing instrument was acknowledged before me this 23 day of Fib 2023, by Mary Strate Bahn, owner. Notary Fublic My commission expires: Registration Number:

IN WITNESS WHEREOF, the parties have executed this Rezoning Request Proffer as follows.

MARTHA CLARK BARBER AND OTHERS

By: Sarah Rees (SI	EAL) JENNIFER MARIE CHAPMAN NOTARY PUBLIC REG. #7958225 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES
STATE/COMMONWEALTH OF Virginia	DECEMBER 31, 2025
CITY/COUNTY OF Harn sonburg / Rockingham	
The foregoing instrument was acknowledged befo 2023, by Sarah Rels, owner. Notary Public My commission exp Registration Number	vice Chapman
MARTHA CLARK BARBER AND OTHERS	
By: Charles W. Clark (SI	EAL) JENNIFER MARIE CHAPMAN NOTARY PUBLIC REG. #7958225
STATE/COMMONWEALTH OF Viron nice CITY/COUNTY OF Horrison your / Rockingham	COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DECEMBER 31, 2025
The state of the s	
The foregoing instrument was acknowledged before 2023, by Will W. Wark, owner.	re me this <u>23</u> day of <u>FCb</u> ,
Hamfu Ma Notary Public	iie Chepman.
My commission over	iron: 10 31 05
My commission exp Registration Number	
2.25.25tiation 1 (anibo	11000-0

MARTHA CLARK BARBER AND OTHERS

$\mathcal{D} \in \mathcal{A} \mathcal{D} \mathcal{A}$	
By: Seal (SEAL)	JENNIFER MARIE CHAPMAN NOTARY PUBLIC
Ronnie A. Barber	REG. #7958225
V_{i-1} (COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES
STATE/COMMONWEALTH OF Virginia	DECEMBER 31, 2025
CITY/COUNTY OF Harrisonburg / Rockingham	
	10
The foregoing instrument was acknowledged before me th	is <u>73</u> day of <u>160</u> ,
2023, by Ronnie A. Barber, owner.	The first of the spart of the 1
	1/2
Just Marie	Resman
Notary Hublic	
My commission syminary 1	2 2 25
My commission expires: 12	
Registration Number: 70	138225
MARTHA CLARK BARBER AND OTHERS	
A L L L	
By: A DAGAN OF HAMM (SEAL)	JENNIFER MARIE CHAPMAN
Dorothy S. Harpey	NOTARY PUBLIC REG. #7958225
	COMMONWEALTH OF VIRGINIA
STATE/COMMONWEALTH OF VICANIA	MY COMMISSION EXPIRES DECEMBER 31, 2025
CITY/COUNTY OF Harrison burg/Rockingham	
J. 0	40
The foregoing instrument was acknowledged before me th	is <u>23</u> day of <u>165</u> ,
2023, by Dorothy S. Hanpur, owner.	
July Mariel	Cepnan
Notary Public	of coming and a supplemental
	2/21/25
My commission expires:	0 1 1 1 0 5 mm
Registration Number:	158225

G S W INVESTORS	
By: Mayor Manager	
M. STEVEN Its: //Anage/	JENNIFER MARIE CHAPMAN NOTARY PUBLIC REG. #7958225 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES
STATE/COMMONWEALTH OF Virginia CITY/COUNTY OF Harrisonburg / Rockingham	DECEMBER 31, 2025
The foregoing instrument was acknowledged before me 2023, by M. Sleven Weaver, Manager of G S W In July Public My commission expires:	llegmen_
Registration Number:	
COOK CREEK CHURCH OF BRETHREN CEMETERY	
By: MSUMMOND	-
Steven Its: Agent STATE/COMMONWEALTH OF Virginia CITY/COUNTY OF Harrisonburg/Pockingham	JENNIFER MARIE CHAPMAN NOTARY PUBLIC REG. #7958226 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DECEMBER 31, 2025
$\int_{0}^{\infty} dt$	10
The foregoing instrument was acknowledged before me 2023, by M. Steven Weaver, Agent of Cook Crown Was Public Notary Public My commission expires:	e this 23 day of 170, eek Church of Brethren Cemetery.
	7958225

WILLOW LANE PARTNERS	
By: Mary Strate Bahn	
Its:	JENNIFER MARIE CHAPMAN NOTARY PUBLIC REG. #7958225 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DECEMBER 31, 2025
STATE/COMMONWEALTH OF Virginia CITY/COUNTY OF Harn Sonburg /ROCKingham	
The foregoing instrument was acknowledged befor 2023, by Wary Strate Bahn, Partner of Willow Lane Pa	
My commission expi Registration Number	ires: 12 31 25 :: 7958225
9	
WILLOW LANE PARTNERS	
By: Sarah Rees Sarah Rees	
Its: manager	JENNIFER MARIE CHAPMAN NOTARY PUBLIC REG. #7958225 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DECEMBER 31, 2025
STATE/COMMONWEALTH OF Virginia CITY/COUNTY OF Hamson Lung/Rockinghan	7
The foregoing instrument was acknowledged before 2023, by Savan Ress., Partner of Willow Lane Notation Willow Lane Notation Willow Lane Notation William Will	re me this <u>23</u> day of <u>Feb</u> , artners.
My commission exp Registration Number	

WILLOW LANE PARTNERS	
By: Dorothy S. Harper	
Its: JENNIFER MARIE CHA NOTARY PUBLIC REG. #7958225 COMMONWEALTH OF N MY COMMISSION EX DECEMBER 31, 20	C ; /IRGIN PIRES
STATE/COMMONWEALTH OF Virginia. CITY/COUNTY OF Harrisonburg / Rockingham	9
The foregoing instrument was acknowledged before me this 23 day of Feb,	
2023, by Doyothy S. Harper, Partner of Willow Lane Partners. Water Marie la man	
My commission expires: 12 31 25	

WILLOW LANE PARTNERS By: Ann S. Egge STEVEN LAMONT LOMAX Notary Public Commonwealth of VA 7647249
Its: Partner
STATE/COMMONWEALTH OF Virginia
The foregoing instrument was acknowledged before me this 23rd day of February. 2023, by Ann S. Egge Partner of Willow Lane Partners. Stay Remain About Notary Public
My commission expires: September 30, 2023 Registration Number: 7647249
MARTHA CLARK BARBER AND OTHERS
By: Ann S. Egge (SEAL) STEVEN LAMONT LOMAX Notary Public Commonwealth of VA 7847240 My Commission Expires 6spt, 30, 2023
CITY/COUNTY OF Knanoke
The foregoing instrument was acknowledged before me this Bridday of February, 2023, by Ann S. Egge , owner. Stylen Gament Games Notary Public
My commission expires: September 30, 2023 Registration Number: 7647249

STREET IMPROVEMENT AGREEMENT

This Street Improvement Agreement ("Agreement") is entered into on this day of March 2023 by and between HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY ("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 necessitated by the Owner/Developer's planned development of tax map parcels 115-B-1,4, 021-K-4, 021-K-5, 117-C-3 totaling 89.84 acres, more or less, owned by the Owner/Developer (collectively the "Bluestone Town Center").

RECITALS

- 1. The Owner/Developer has filed a rezoning application with the City of Harrisonburg seeking to rezone the Bluestone Town Center parcels to R-7, Medium Density Mixed Residential Planned Community District. The site is addressed as 1010 Garbers Church Road, 1645 Erickson Avenue, 1781 South High Street, and South Dogwood Drive.
- 2. A traffic impact analysis ("TIA") provided by the Owner/Developer and accepted by the City in November 2022 indicates future traffic conditions directly related to the Bluestone Town Center warrant improvement of certain streets, widening of certain rights of way, and the establishment of certain other transportation facilities, all within the City.
- 3. The street and related transportation improvements necessitated by the Bluestone Town Center fall into two categories: Proffered Improvements, which are outlined in the proffer statement included with the rezoning application, and Street Improvement Agreement Improvements, which are outlined in this document.
- 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. Owner/Developer agrees to provide engineering design, right of way acquisition (if required), utility relocation (if required), and all materials for and construction of all improvements described below.
- 2. The City agrees to provide funds to the Owner/Developer for portions of the required improvements as described below. Prior to the commencement of any work associated with this agreement the Owner/Developer shall submit to the City for review and approval a cost estimate and schedule that outlines the anticipated dates that construction of the required improvements will occur and when funds will be due from the City.

- 3. Improvements on Erickson Avenue at the intersections with Road E and the Wal-Mart Access Road as shown on Master Plan Public Road Layout sheet, which is attached hereto as Exhibit A:
 - a. Widen Erickson Avenue to provide two (2) 5' bike lanes with 2' buffer (one in each direction), two (2) through lanes (one in each direction), 100' of left turn lanes (one in each direction), 100' of westbound right turn lane storage, 100' of westbound right turn lane taper, and a 5' wide sidewalk on the north side of Erickson Avenue that will extend from the intersection to connect to the existing sidewalk located at tax map parcel 8-F-1. All travel lanes and turn lanes shall be 11' in width and left turn lane tapers shall be designed in accordance with VDOT Road Design Manual Appendix F guidelines. The City will pay 10% of the cost of these improvements.
 - b. Construct a new Traffic Signal that is designed to then applicable City standards. The City will pay 80% of the cost of this Traffic Signal construction.
 - c. Construct a new commercial entrance from Road E onto parcel 115-B-6 and any required parking areas on that parcel in accordance with Exhibits B and C. The City will pay 100% of the cost associated with this commercial entrance and parking area.
- 4. Improvements on Hidden Creek Lane as shown on the Master Plan Public Road Layout sheet, which is attached hereto as Exhibit A:
 - a. Construct a 5' wide concrete sidewalk along the south side of Hidden Creek Lane beginning at the western end of tax map parcel 021-F-1 and terminating at the existing sidewalk located along tax map parcel 021-F-3.
 - b. The City will pay 50% of the cost of this sidewalk construction and will be responsible for obtaining any needed right of way or easements related to the sidewalk construction.
- 5. This Agreement may be modified or amended, and the provisions of this Agreement may be waived, only by a writing executed by both parties.
- 6. This Agreement is contingent upon approval of the submitted rezoning by the Harrisonburg City Council. If the rezoning is not approved by the Harrisonburg City Council, this Agreement is void.
- 7. This Agreement shall be binding upon the Owner/Developer its successors and/or assigns and shall inure to the benefit of the City of Harrisonburg.

City of Harrisonburg, VA

Harrisonburg Redevelopment and Housing Authority

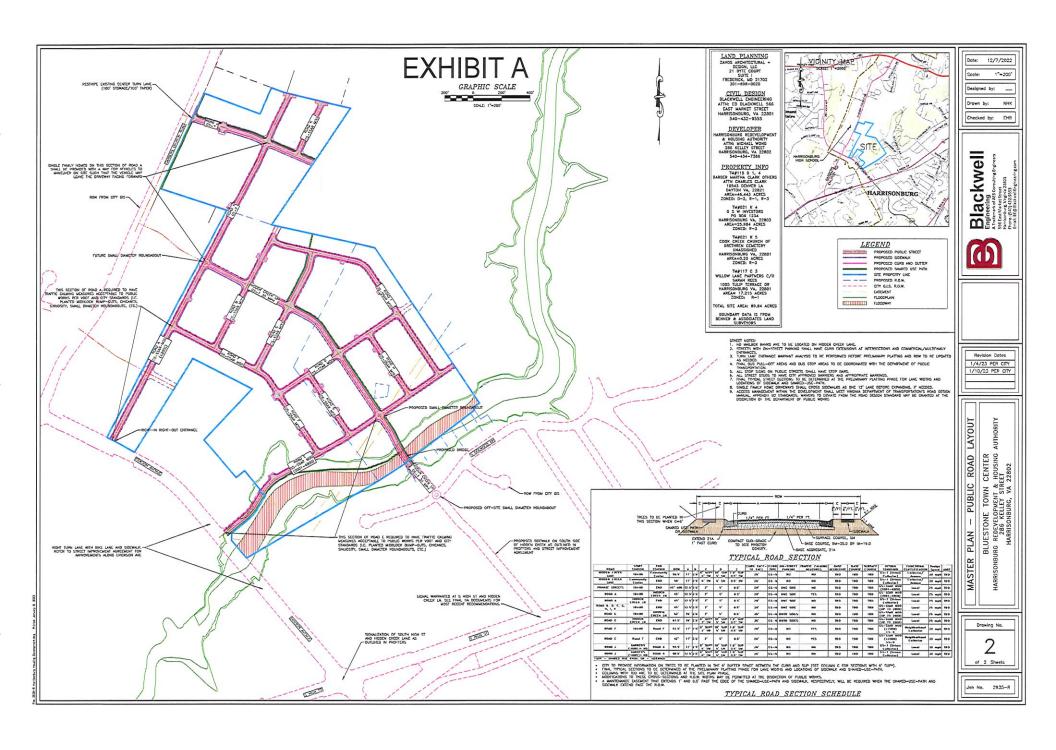
By:

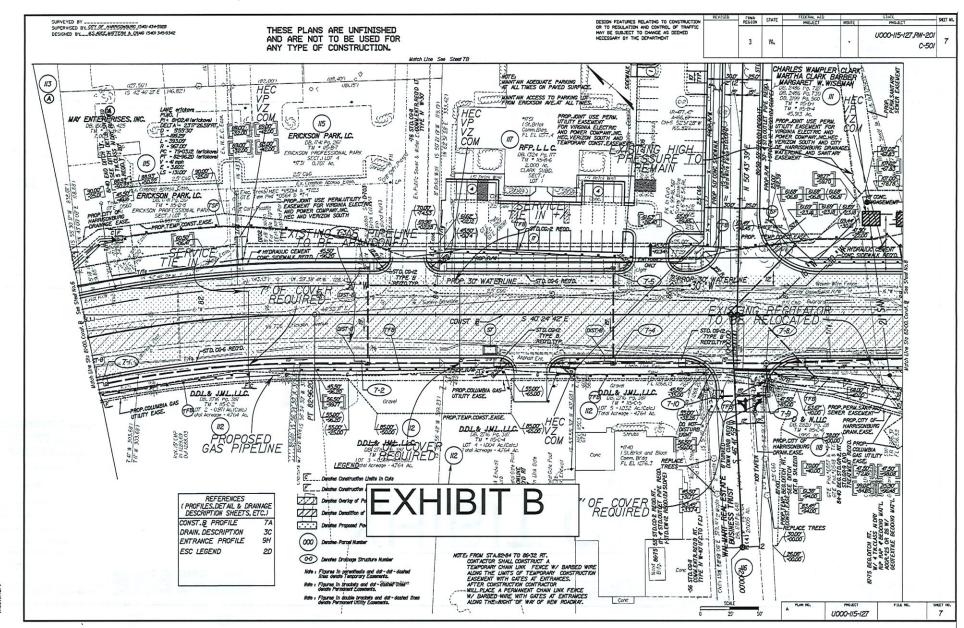
Alexander Banks, VI City Manager

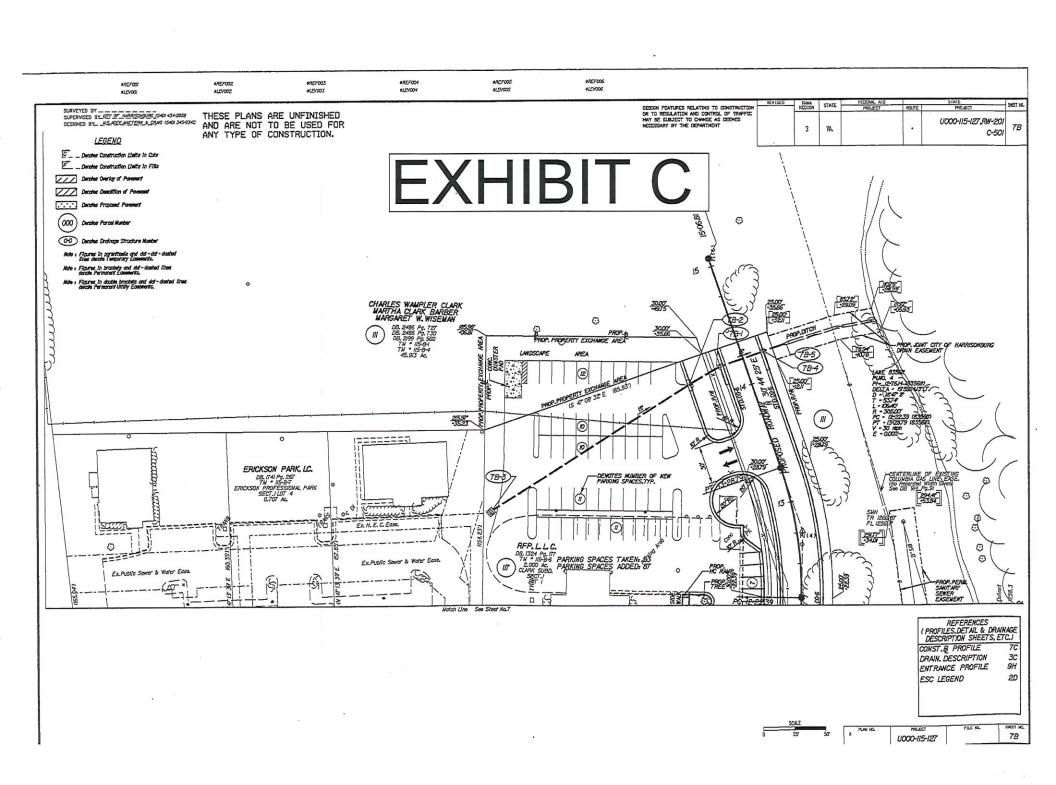
Michael G. Wong **Executive Director**

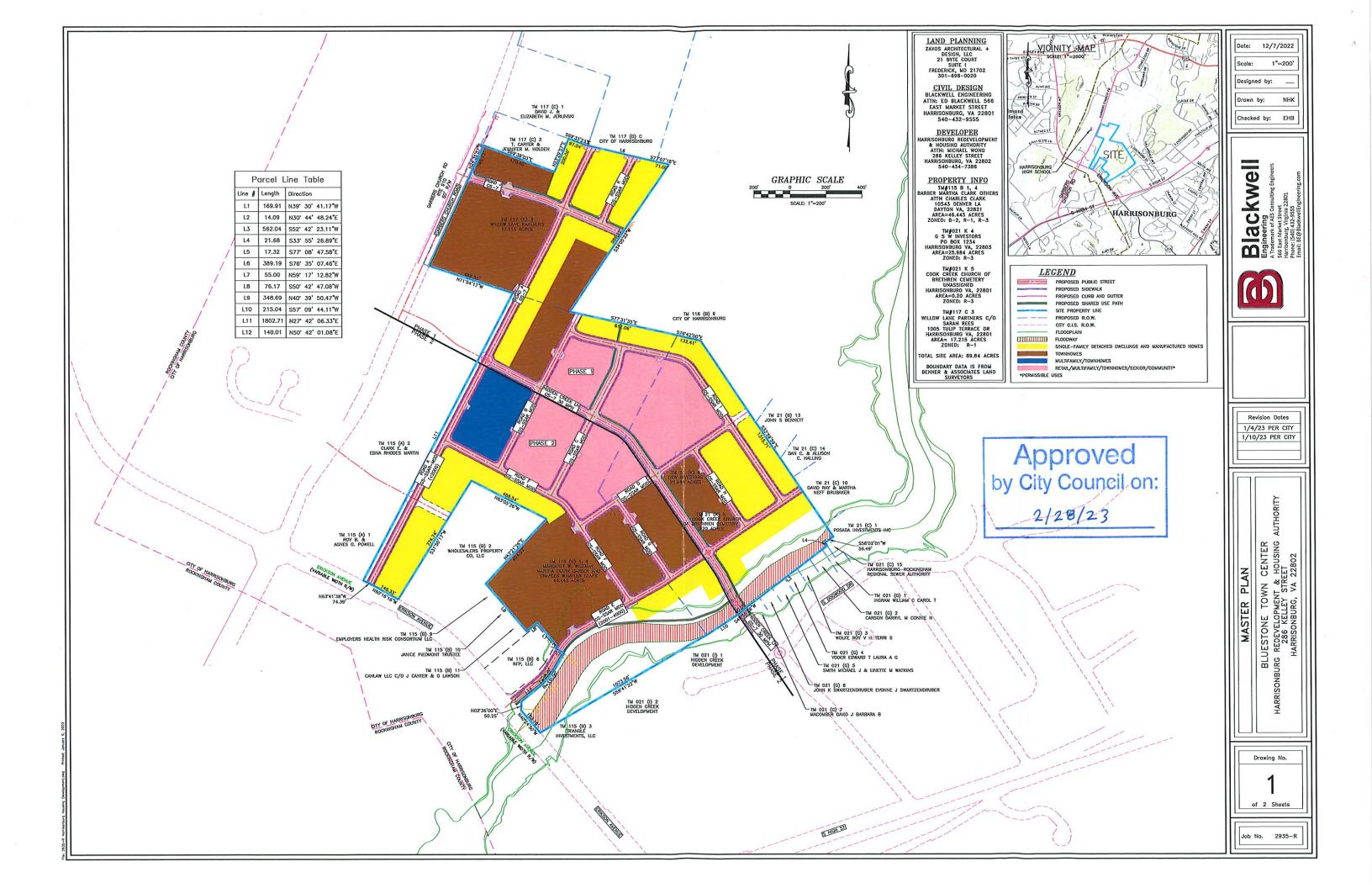


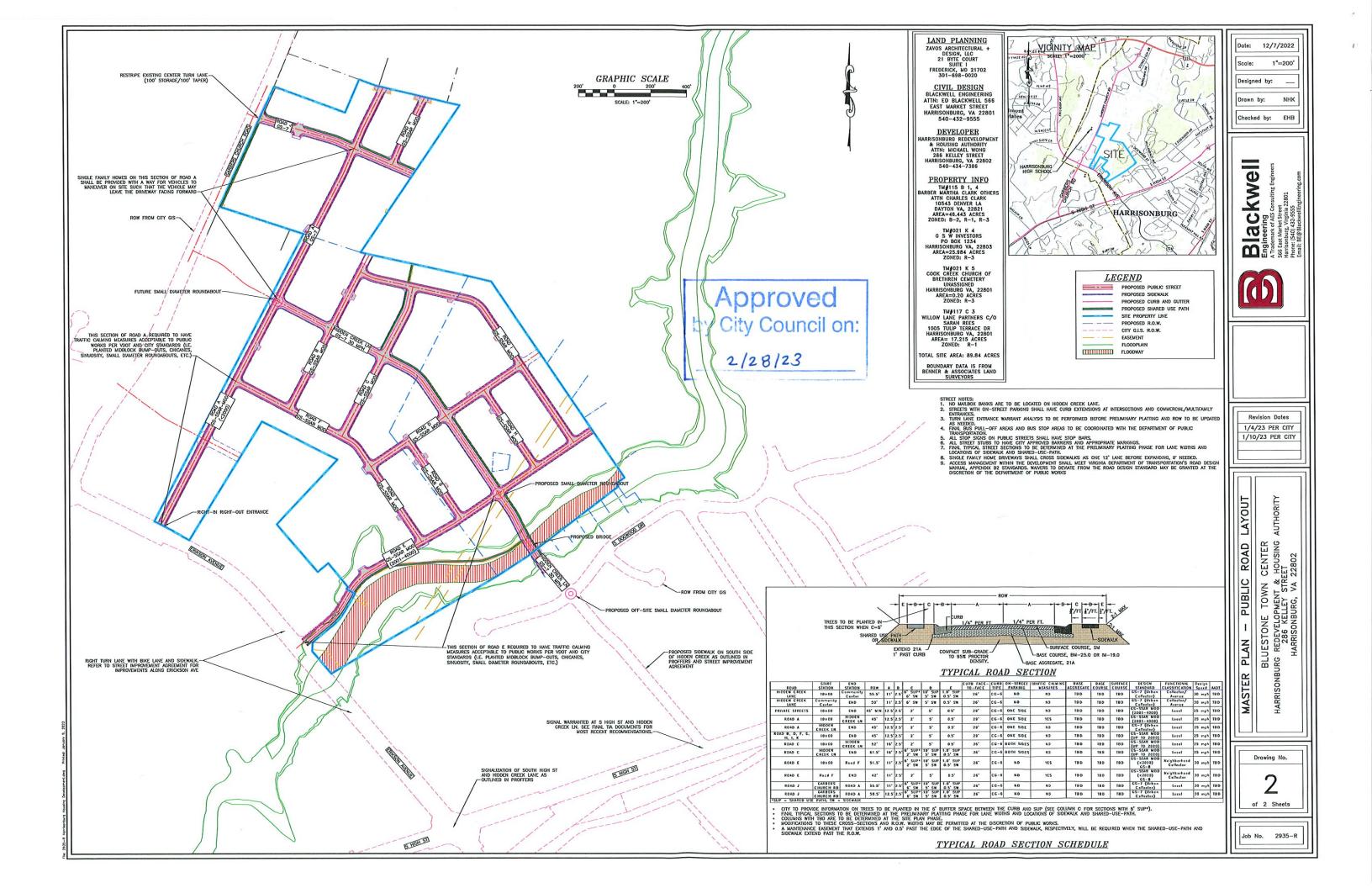


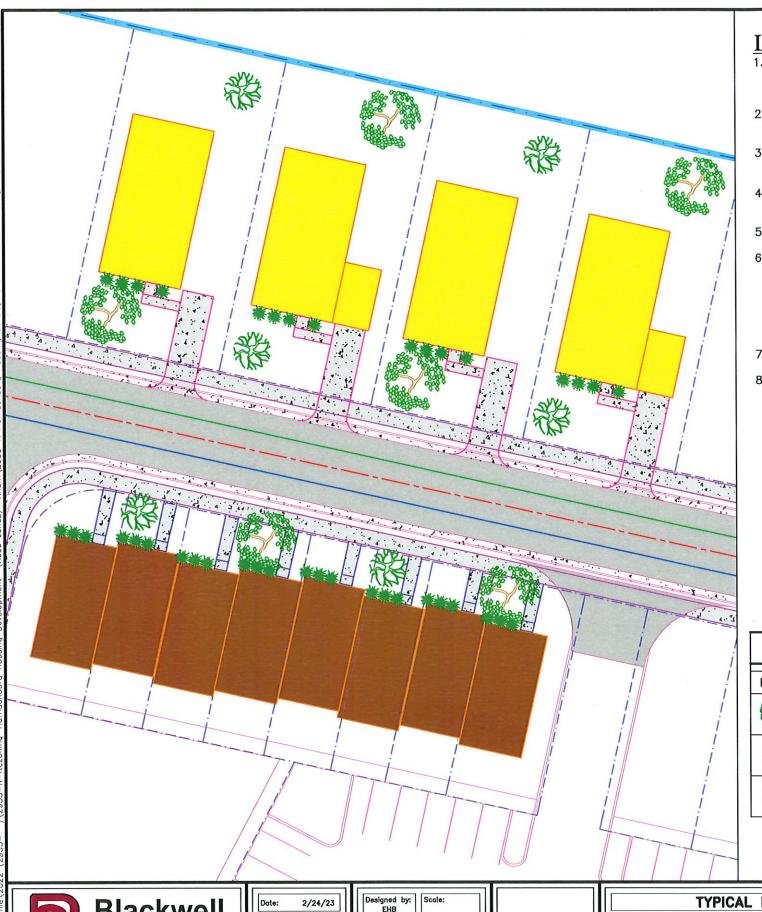












LANDSCAPING NOTES:

- 1. MANUFACTURED HOME LOTS AND SINGLE FAMILY DETACHED LOTS TO HAVE MINIMUM 1 TREE IN THE FRONT YARD, MINIMUM 1 TREE IN THE BACK YARD, AND MINIMUM 4 SHRUBS.
- 2. TOWNHOME LOTS WILL HAVE MINIMUM 1 TREE EVERY OTHER LOT AND MINIMUM 3 SHRUBS PER LOT.
- LOCATIONS SHOWN OF TREES AND PLANTS ARE APPROXIMATE. EXACT LOCATIONS ARE TO BE FIELD DETERMINED BY LANDSCAPER.
- TREES ARE TO BE PLACED MINIMUM OF 10' AWAY FROM WATER OR SEWER LINES.
- 5. LANDSCAPING SHALL NOT IMPEDE VDOT ROAD SIGHT DISTANCE.
- 6. DECIDUOUS TREES, WHEN PLANTED ARE TO BE AT LEAST ONE AND A HALF (1.5) INCHES IN CALIPER AND BE A MINIMUM OF SIX (6) IN HEIGHT. SMALL/ORNAMENTAL TREES, WHEN PLANTED ARE TO BE AT LEAST ONE (1) INCHES IN CALIPER AND BE A MINIMUM OF SIX (6) IN HEIGHT. MULTI-STEM TREES SHALL ALSO BE A MINIMUM OF SIX (6) FEET IN HEIGHT.
- 7. DRIVEWAY CAN BE ASPHALT OR CONCRETE PAVED.
- TREES AND SHRUBS ARE ONLY REQUIRED AT THE TIME OF ISSUANCE OF A CERTIFICATE OF OCCUPANCY. FUTURE PROPERTY OWNERS ARE NOT REQUIRED TO MAINTAIN TREES AND SHRUBS.

Approved by City Council on:

2/28/23

	LANDS	CAPIN	G SCHEDULE PER LOT	
LABEL	TYPE OF SPECIES	NUMBER	EXAMPLES IN GROUP	SIZE
	LARGE DECIDUOUS TREES	Ī	OAKS, MAPLES, BIRCH, CHINESE ELM, DAWN REDWOOD	1.5" CAL/15 GAL
等	SMALL FLOWERING TREE	1	DOGWOOD, CHERRY, SERVICEBERRY, STYRAX, CREPE MYRTLE	1" CAL/ 15 GAL
**	SHRUB	_	GOLD THREAD FALSECYPRESS, SHAMROCK HOLLY, BOXWOOD	3 GALLON

SPECIFIC TYPE OF TREE TO BE BASED ON AVAILABILITY IN LOCAL NURSERY; EVERGREEN TREES MAY BE SUBSTITUTED.



Date: 2/24/23	Designed by: EHB	Scale:
Revision Date	Drawn by: BWK	1":
	Job No.	

Designed by: EHB	Scale:
Drawn by: BWK	1"=30'
Job No.	2935

TYPICAL MANUFACTURED HOME, SINGLE FAMILY DETACHED, & TOWNHOME LANDSCAPE PLAN

BLUESTONE TOWN CENTER HARRISONBURG REDEVELOPMENT & HOUSING AUTHORITY 286 KELLY ST. HARRISONBURG, VA 22802

Drawing No.

