

PROFFER STATEMENT
THE VISTA AT FOREST HILLS

Owner/Applicant: DCI Partners LLC

Rezoning Case No.: _____

Date: September 7, 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 through and including September 7, 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:
 - The general location of the mixed-use building and other structures as illustrated,
 - The number of stories within such building and structures, which Applicant proffers shall be comprised of four (4) 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,
 - Applicant proffers to provide a minimum of 1.35 parking spaces per dwelling unit,
 - One (1) large deciduous or evergreen tree shall be planted and maintained no less than every fifty (50) linear feet on center along the building façade facing the adjoining

property along Village Lane, with trees sizes meeting the requirements as defined in Section 10-3-24 of the Zoning Ordinance at the time of planting, 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 Sully 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 a separated asphalt bike lane of seven feet in width with adjoining buffer strips along the Property frontage with Port Republic Road substantially as shown on the Development Plan (the "**Trail Dedication**"), together with appropriate temporary construction easements, and Applicant proffers to dedicate such transportation facilities to public use and contribute to the costs thereof as provided in the SIA and shown on the Development Plan.

ii. Along Port Republic Road (Future). Applicant proffers to dedicate additional public right-of-way or public access easement for public use up to seven (7) feet wide adjoining the Trail Dedication, together with appropriate temporary construction easements, within thirty (30) days of written confirmation from the City that it intends to request authorization to bid construction of a second separated bike lane along the Property's Port Republic Road frontage and which extends beyond the boundaries of the Property as part of a larger bicycle and pedestrian corridor.

iii. 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.

iv. 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.

v. 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.

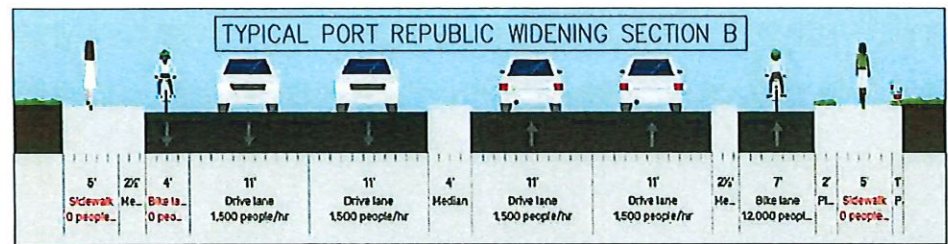
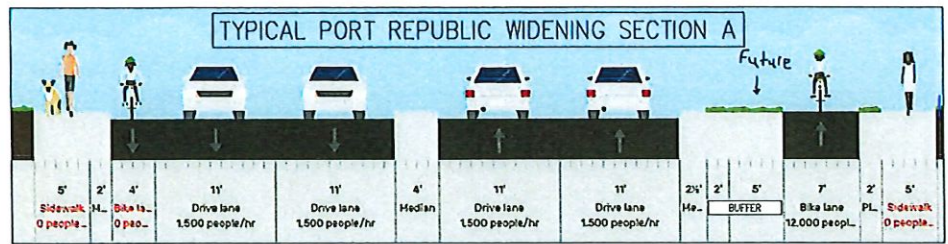
f. Dedication of Devon Lane Parcel. Applicant proffers that it will quitclaim to the City, without consideration upon demand, all right, title and interest of Applicant to the parcel on the southern side of Devon Lane (opposite side of Devon Lane from Future Lot 1) which is shown on the City's GIS map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

DCI Partners LLC

By: _____

M. Aslam, its Manager

2023 Development Plan



Setback Table

Front	20'
Side	10'
Rear	10'
Side/Rear Abutting Residential	30' + 1' per Building Height over 35'
*Per Sec. 10-3-92	
Building Height*	58.9'
*See Building Height Profile	53.9' Needed against Residential

NOTED: ADJACENT LAND MAY BE OBTAINED FROM ONE OR BOTH ADJACENT PARCELS, UP TO THE AMOUNT SHOWN, IF NEEDED TO ACHIEVE PROPER BUILDING SETBACK BASED UPON FINAL BUILDING HEIGHT AND FOOT PRINT. IF NEEDED, LAND TRANSFER SHALL OCCUR AFTER REZONING/SUP APPROVAL BUT PRIOR TO SITE PLAN APPROVAL.

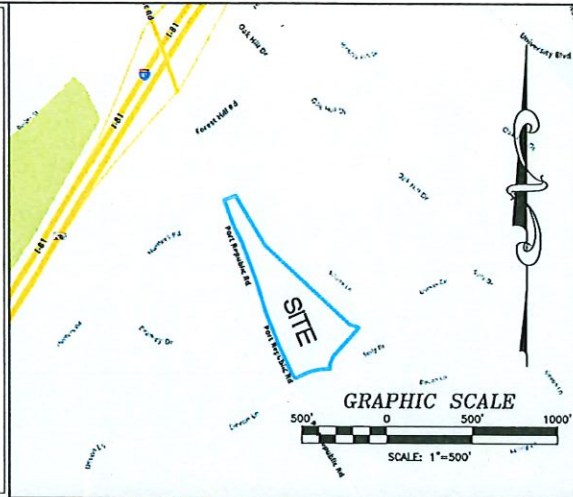
- LEGEND**
- EXISTING BUILDING
 - PROPOSED BUILDING
 - PROPOSED COURTYARD
 - PRO SIDEWALK
 - CENTER LINE
 - EXISTING ROAD
 - PROPOSED ROAD/EOP
 - PROPOSED ROAD/EOP
 - CONCRETE AREA
 - PAVED ROAD
 - GRASS AREA
 - SITE PROPERTY LINE
 - EXISTING PROPERTY LINE
 - PRO ROW
 - POTENTIAL FUTURE ROW
 - ADJACENT LAND TRANSFER
 - PRO ACCESS EASEMENT
 - SETBACK
 - EX LIGHT POLE
 - EX POWER POLE
- NOTE: COLORED RECTANGLES IN COURTYARD ARE POTENTIAL ADVENTURES. SEE LANDSCAPING & GREENSPACE PLAN.

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
540-246-6666

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 USE: MULTIFAMILY
RESIDENTIAL & COMMERCIAL
FEMA FLOOD ZONE: X

PROPERTY INFO
HEIGHT: NO MORE THAN 75'
STORIES: NO MORE THAN 4
STORIES OVER THE RETAIL OR
PARKING GARAGE



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

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

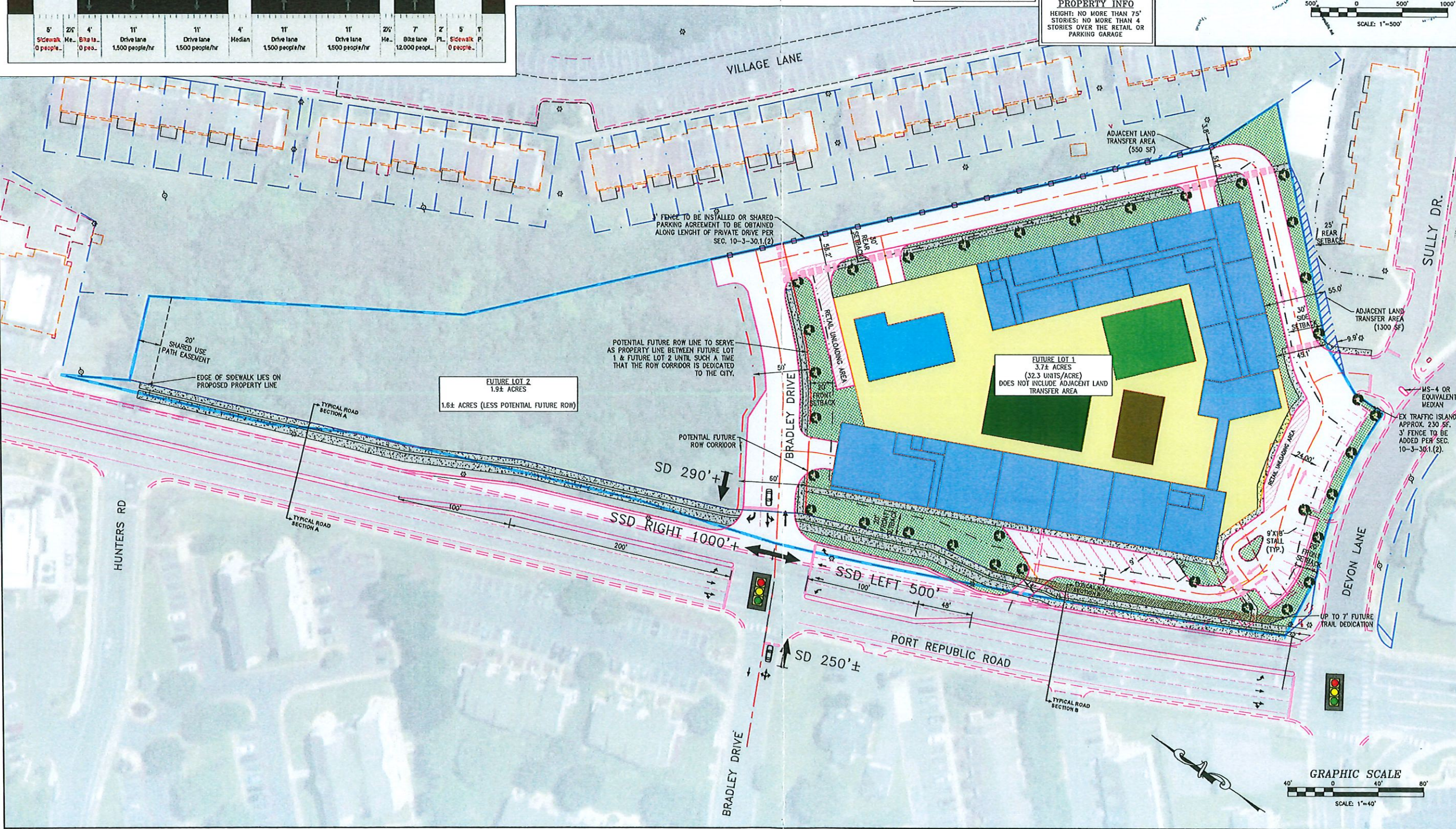
Revision Dates

7-28-23
8-4-23
8-24-23
9-7-23

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

Drawing No.
1
of 2 Sheets

Job No. B02916



2023 Development Plan