

**WESTON PARK- ZONING AMENDMENT REQUEST (R-8)**

**PROFFER STATEMENT**

**DATE: 11/3/23 (Rev. 2- 6 -24) (Rev. 2-9-24)**

RE: Weston Park Rezoning

Owner: PRR 1, LLC

Applicant: Evergreene Homes

Rezoning Case No:

Tax Map Numbers: 088 F 7, 088 F 8, 088 F 9, 088 F 10

Site Area: ±19.66 ac.

These Proffers shall be binding upon the Applicant, the Owners, and their legal successors or assigns (hereinafter referred to collectively as "Applicant"). 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 the conditions are in conformity with the City's Comprehensive Plan. The Applicant has enclosed for reference a Concept Plan prepared by Valley Engineering ("Concept Plan") which is incorporated into this Proffer Statement by reference. The Applicant hereby proffer(s) that the use and development of this property shall be in strict accordance with the following conditions:

1. The development shall not exceed 128 dwelling units.
2. Units shall be a mixture of at least three (3) unit types (single-family detached, duplex, or townhomes). Only single-family detached units shall be located in Area 'A' as identified on the Concept Plan. Area 'B' shall be allowed to contain either single-family or duplex unit types and Area 'C' shall be allowed to contain any of the three proposed unit types. No more than 75 townhome dwellings shall be constructed on the property.
3. Applicant shall plant a 10' landscape buffer adjacent to the existing single-family development as depicted and described on the Concept Plan. The buffer shall be planted with a mixture of large maturing trees (1 tree per 60 LF, 1-1/2' caliper at planting) and medium maturing evergreen shrubs (1 shrub per 8 LF, 36" height at planting). Existing trees and shrubs that are saved during construction within the proposed landscape buffer shall be counted towards the proposed planting requirements. A landscape maintenance easement shall be established during final platting of the development, or during appropriate phases of final platting, and Applicant will establish the homeowners' association as responsible for maintaining the landscape buffer in perpetuity upon the end of the developer control period."
4. Applicant shall provide an easement for a bus shelter adjacent to Port Republic Road at a location acceptable to Harrisonburg Department of Public

Transportation (HDPT) and will construct a concrete pad to HDPT's bus shelter specifications.

5. Applicant shall provide a public street network that extends Decca Drive and Skylark Lane, connecting to the proposed project entrance at Port Republic Road as generally depicted on the Concept Plan. The public street system shall include a total of two connections/road stubs to parcel # 008 F 7A and 008 F 6 as generally depicted on the Concept Plan. Applicant shall also dedicate right of way to allow the future extension of Westmoreland Drive through the northern corner of the property. The dedication shall include 31 feet of ROW on each side of the center line depicted on the Concept Plan. In addition, a temporary construction easement shall be provided as depicted/dimensioned on the Concept Plan.
6. A full connection to Skylark Lane will be installed and open to traffic prior to the issuance of the fortieth (40<sup>th</sup>) Certificate of Occupancy for any dwelling constructed on the property. A full connection to Decca Drive will be installed and open to traffic prior to the eightieth (80<sup>th</sup>) Certificate of Occupancy for any dwelling constructed on the property.
7. The project shall include a contiguous common area/park located adjacent to Port Republic Road. The common area shall be maintained in perpetuity by the homeowners' association after the end of the developer control period.
8. No less than one (1) large deciduous tree shall be planted and maintained by Applicant for every sixty (60) linear feet of public street frontage. At the time of planting, tree sizes shall be a minimum of 1-1/2" caliper. Trees shall be planted on private property within 10 feet of the public right of way where overhead utilities permit. Large maturing trees shall be planted in a manner so as not to conflict with existing overhead power lines along Port Republic Road. In areas where trees must be planted near the power line right of way, small maturing trees shall be utilized. Applicant shall transfer maintenance of any common area amenities, including trees and landscaping to a homeowners' association upon the end of the developer control period.
9. Applicant shall construct off-site road extensions to connect Decca Drive and Skylark Lane to the proposed public streets within the development. The connections include both the roadway, curb and gutter, and sidewalk, assuming existing right of way is in place for construction of the improvements. If the existing right of way is not sufficient to construct the improvements described above, and Applicant is unable to obtain additional right of way cooperatively after reasonable effort, the Applicant shall construct such improvements as able within the existing right-of-way.

10. Sidewalks shall be provided on a minimum of one (1) side of all private streets and on both sides of all public streets where existing sidewalks do not currently exist.
11. During site development, construction access to the site shall be limited to Port Republic Road.
12. A one hundred foot (100') right turn taper will be provided serving the primary project entrance as shown on the Concept Plan.
13. Applicant shall either (a) construct speed tables near the connection points to both Decca Drive and Skylark Lane as generally depicted on the Concept Plan or (b) construct other intersection safety measures, such as raised intersections, traffic islands, painted stop bars, and/or other measures, at the intersection of Decca Drive and the extension of Skylark Lane and at the intersection of the extension of Skylark Lane and the new public street. The locations and designs of speed tables and/or intersection safety measures require approval by the Department of Public Works at engineered site plan approval stage.
14. Applicant shall construct a five (5) foot wide pedestrian connection that connects the existing shared use trail along Port Republic Road to the sidewalk system internal to the site. The location of the connection shall be as generally depicted on the Concept Plan. The pedestrian connection shall be compacted gravel or other hard surface material. If required, a bridge across the existing drainage shall be designed for pedestrian use only (no motorized vehicles, bicycles, etc.). The pedestrian connection shall be maintained by the homeowners' association and shall contain an access easement to allow use by the public.
15. Applicant will reserve necessary temporary construction easements so that future development to the north can connect into the public street stubs shown on the Concept Plan as determined by Applicant's engineer for future connection.
16. Applicant shall install and maintain a posted speed limit signage not to exceed 15 miles per hour to serve as a traffic calming measure in at least three locations on private streets to be determined at site plan review stage.
17. Applicant shall provide public access easements across as-built private sidewalks installed along private streets within the development.

Evergreene Homes

By: 

Mark Giganti

Evergreene Homes

Title: Chief Operating Officer

By: 

Micah Corder

PRR 1, LLC

Title: Manager