

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
1211 SULLY DR 2801
Street Address
HARRISONBURG VA 22801
City State Zip
540-246-6666; 540-383-8141
Telephone
maslam7617@aol.com; imranaslam8328@gmail.com
E-Mail

OWNER'S REPRESENTATIVE INFORMATION

Blackwell Engineering
Owner's Representative
566 E. Market St.
Street Address
Harrisonburg VA 22802
City State Zip
540-432-9555
Telephone
Ed.Blackwell@@aesva.com; Brian.Kinzie@aes.va.com
E-Mail

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 [Signature] DATE 4-6-23

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.

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

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:

- 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 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: _____

By: _____

Alexander Banks, VI
City Manager

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.

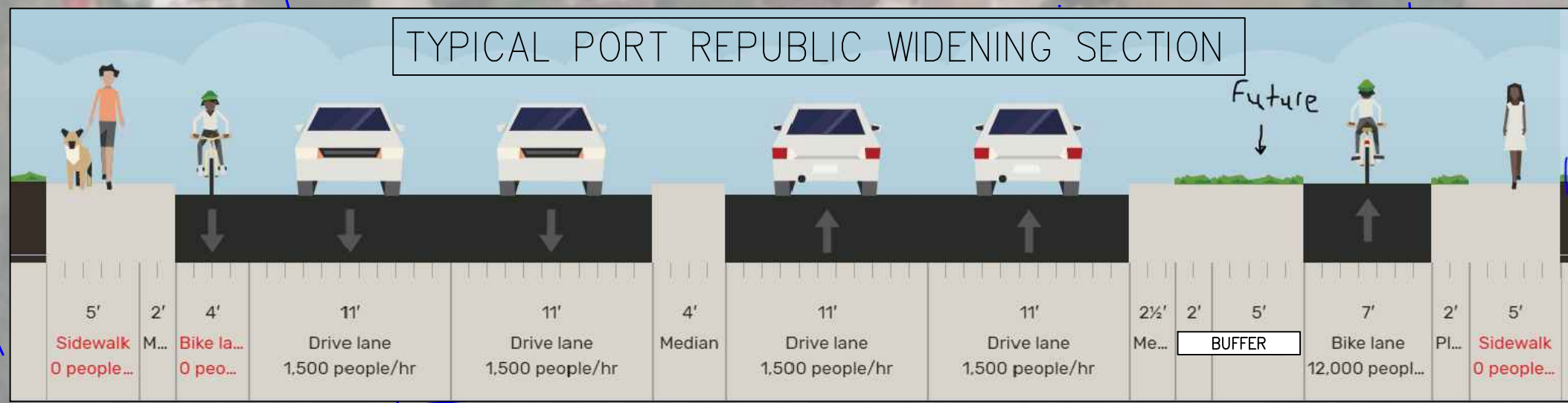
Staff accepts the framework of this TIA with the understanding that additional information relevant to the site will be provided in a resubmittal.

- 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	1/200 sf of gross floor area*	15
Fast Casual Restaurant	3000	1/100 sf of gross floor area**	30
High Turnover (Sit-down Restaurant)	3000	1/100 sf of gross floor area**	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 PROFFER LETTER, THE APPLICANT SHALL PROVIDE AT LEAST 100 SPACES GREATER THAN WHAT IS REQUIRED BY CITY CODE.

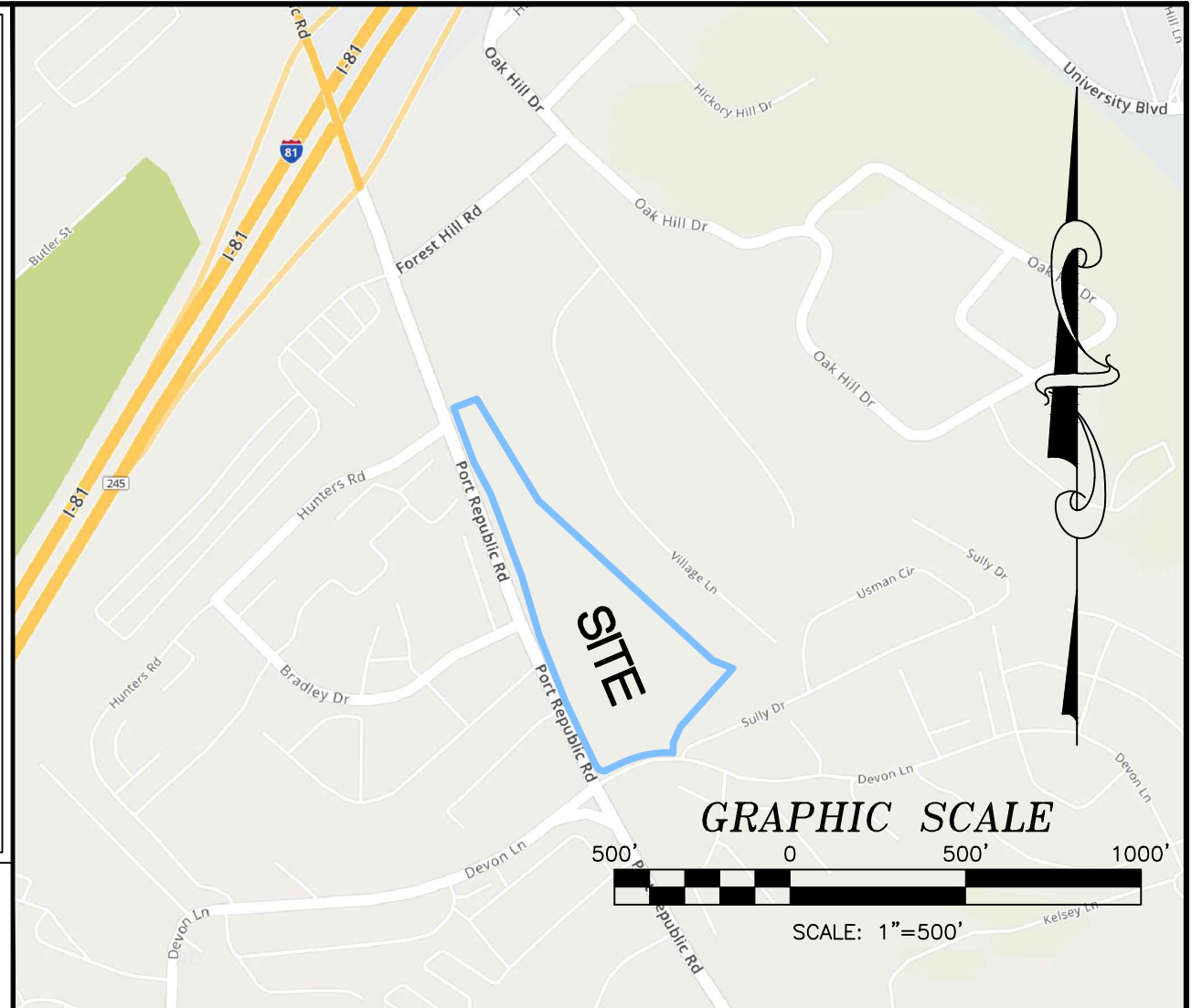
LEGEND

- 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
 540-246-6666

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 USES: MULTIFAMILY
 RESIDENTIAL & COMMERCIAL
 FEMA FLOOD ZONE: X



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

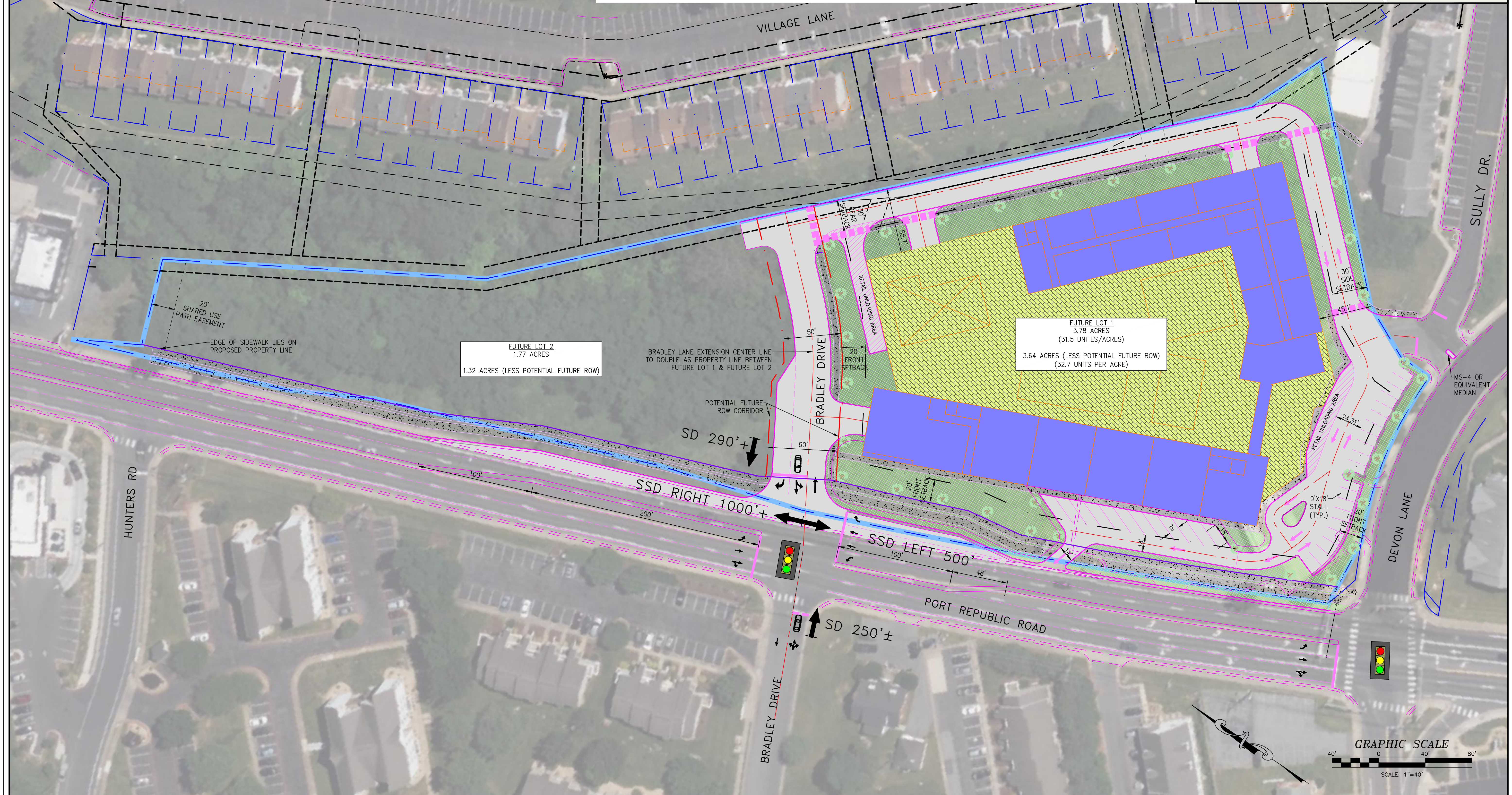
Blackwell Engineering
 A Trademark of AES Consulting Engineers
 566 East Market Street
 Harrisonburg, Virginia 22801
 Phone: (540) 432-9555

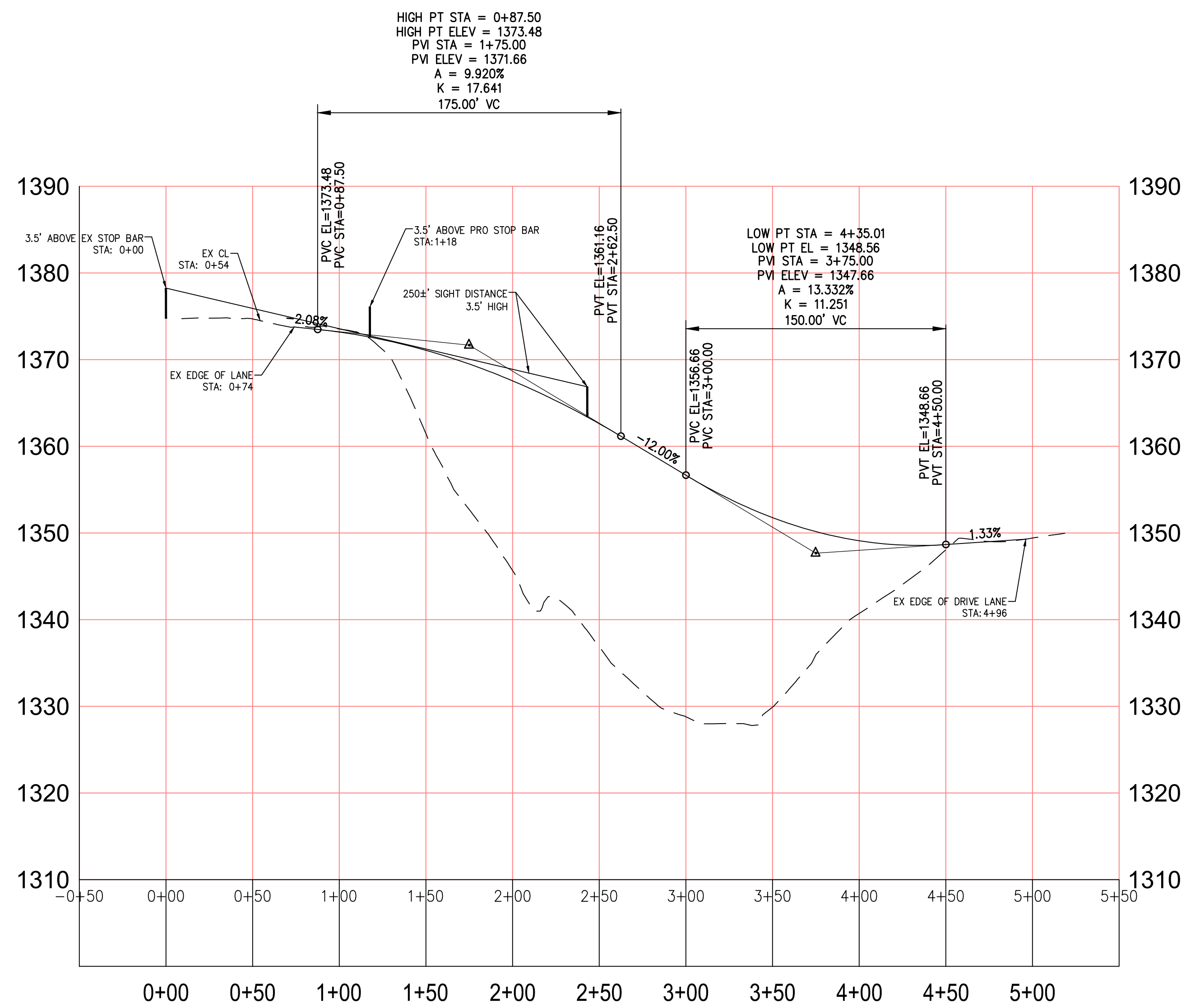
Revision Dates
7-28-23
8-4-23

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

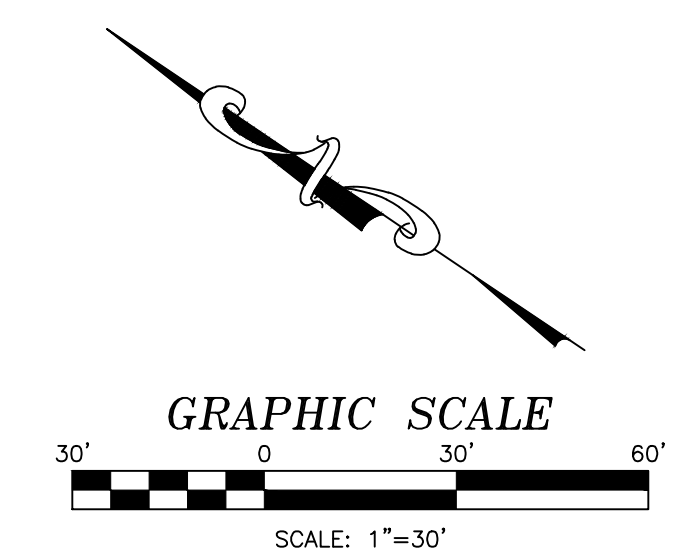
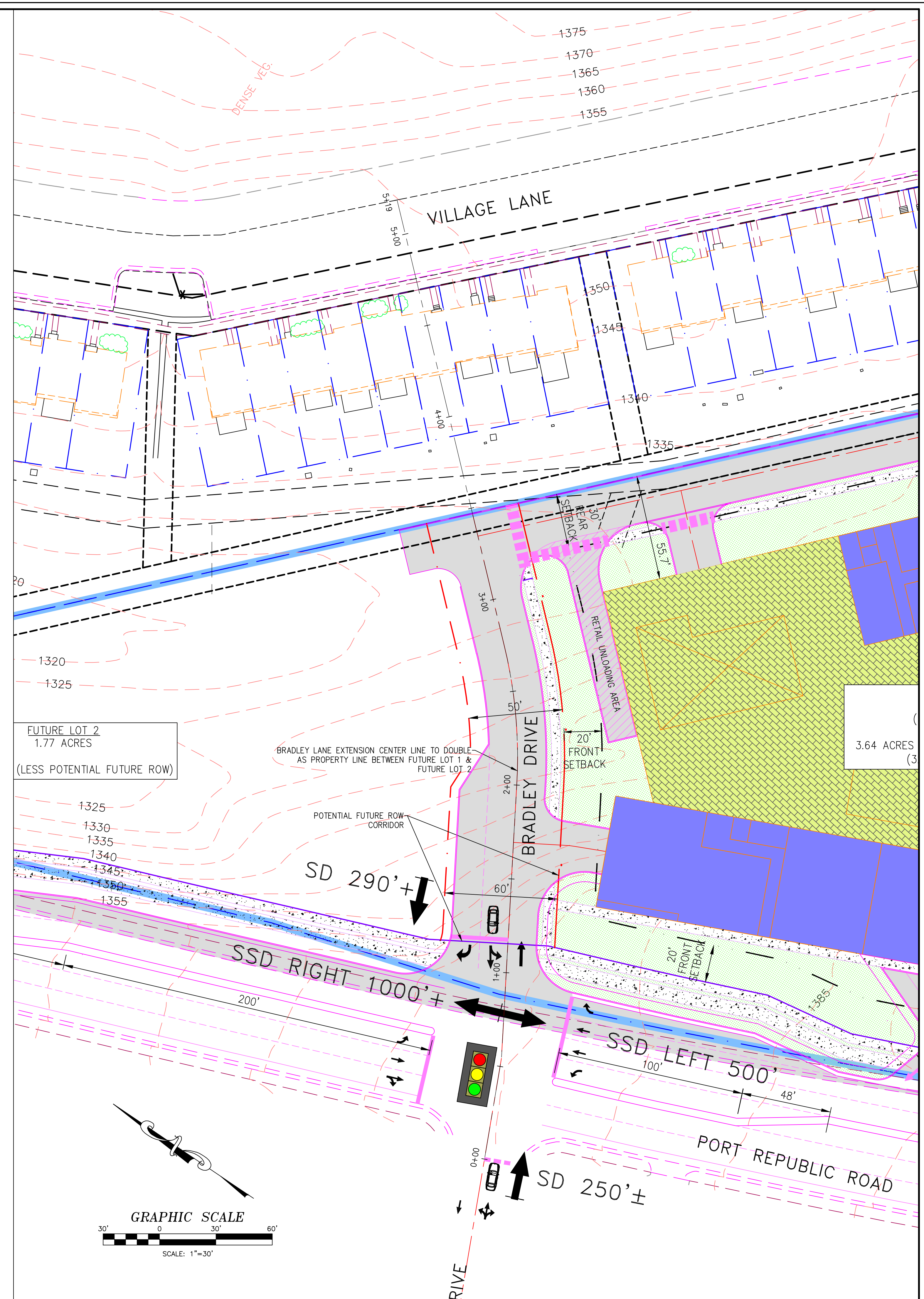
Drawing No.
1
 of 1 Sheets

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



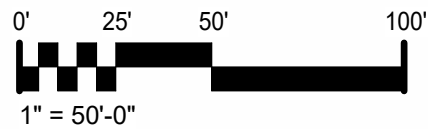




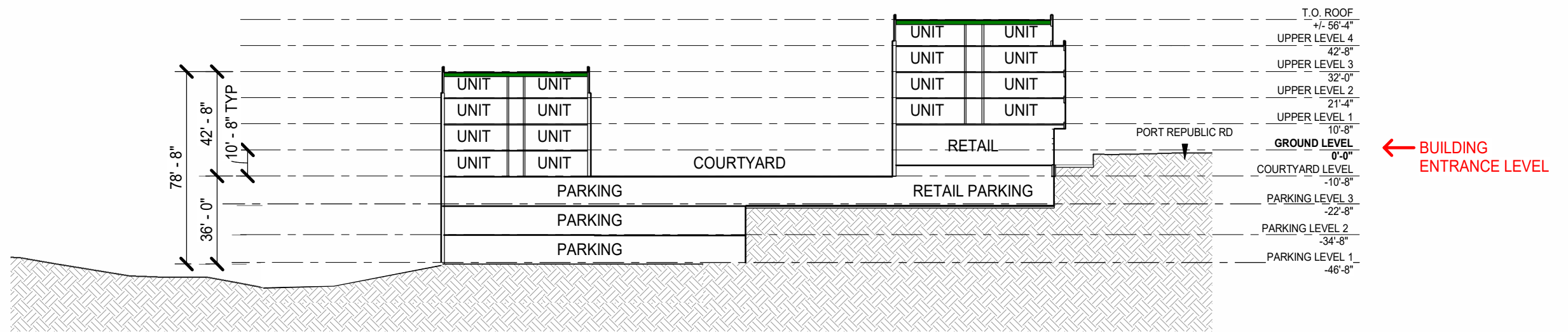
West Elevation



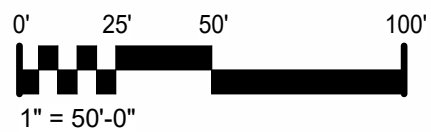
South Elevation



NOTE: TOPOGRAPHY SHOWN AS EXISTING



BUILDING SECTION



NOTE: TOPOGRAPHY SHOWN AS EXISTING

8/4/2023 10:01:25 AM