

REZONING REQUEST PROFFER STATEMENT

PROPERTY: PARCEL 1-1361 PEACH GROVE AVENUE, PARCEL 92-F-6
PARCEL 2-1351 PEACH GROVE AVENUE, PARCEL 92-F-10

Date: May 1, 2026, last revised May 27, 2026

TO THE MEMBERS OF THE COUNCIL OF THE CITY OF HARRISONBURG:

On behalf of LCD Acquisitions, LLC (the “Applicant”), an affiliate of Landmark Properties, Inc. based in Athens, Georgia, in association with the rezoning and special use request submitted for the Property, we submit, pursuant to Virginia Code §§ 15.2-2303 and 15.2-2303.4 and Sec. 10-3-123 of the Zoning Ordinance the following proffers. These proffers are submitted for a unified project (the “Project”) on two parcels—(a) Parcel 1 to be rezoned from B-2 to R-5C, and (b) the proffers and concept plan associated with Parcel 2, already zoned R-5C, to be amended. The Applicant is under agreement to acquire the Property, whose present owners are listed on the chart immediately below.

PARCEL 1	PARCEL 2
1361 Peach Grove Avenue / Parcel 92-F-6	1351 Peach Grove Avenue / Parcel 92-F-10
Owner: James Madison University Foundation, Inc., a Virginia nonstock corporation	Owner: Skylar & Talli, LLC, a Virginia limited liability company
Zoning: B-2	Zoning: R-5C
Comprehensive Plan: Government/Quasi-Governmental	Comprehensive Plan: Mixed-Use
Acreage: 9.907	Acreage: 5.438

The Applicant hereby voluntarily proffers that, if the Council acts to rezone the Property as requested, the Applicant shall develop the Property in general accord with the following proffers, which are new to Parcel 1 and amended and restated as to Parcel 2:

1. The Project shall contain no more than 739 bedrooms. A minimum of twenty-one percent (21%) of the units will be one-, two-, and three-bedroom units.
2. The Applicant shall construct a westbound right turn lane with a minimum length of 50 feet and a taper with minimum taper length of 100 feet on Peach Grove Avenue into the main entrance of the Project no later than issuance of a certificate of occupancy for the Project. Public Works may, in its sole discretion, waive, in whole or in part, construction of the turn lane and taper.
3. The Applicant shall grant a bus shelter easement to the City, in a location on Peach Grove Avenue acceptable to the Harrisonburg Department of Public Transportation (HDPT) and shall construct a concrete pad and bus shelter to HDPT’s specifications no later than issuance of a certificate of occupancy for the Project or such later date as HDPT may request. HDPT may, in its sole discretion, waive, in whole or in part, the completion of this proffer.
4. The Project shall be developed in substantial conformance to the Conceptual Site Plan, entitled, “Peach Grove-Harrisonburg, VA Rezoning & SUP Submittal” dated March 6, 2026, last revised May 1, 2026, prepared by Niles Bolton Associates (the “Conceptual Site Plan”). Substantial conformance to the Conceptual Site Plan refers to:

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(a) the general location of building envelopes, travelways, parking structures (including any slip deck), green spaces, clubhouse and amenity courtyard as shown on the Conceptual Site Plan;

(b) the general location of perimeter sidewalks along the "Shared Access Drive" (the private drive bordering the northeast Project boundary where the secondary access is located, as shown on the Conceptual Site Plan), and a pedestrian connection to commercial property to the north shown on the Conceptual Site Plan; and

(c) the general location of primary and secondary entrance locations as shown on the Conceptual Site Plan. The Department of Public Works, in their sole discretion, may waive the requirements of this proffer if other acceptable entrance location(s) can be provided.

The Conceptual Site Plan may be modified during site plan review as needed to meet applicable local, state, and federal requirements and otherwise deemed necessary/beneficial during the Comprehensive Engineered Site Plan ("Site Plan") approval process with approval by the Department of Community Development.

5. The public sidewalk along the Property's frontage on Peach Grove Avenue, in the area shown on the Concept Plan, shall be reconstructed to be a minimum of five (5) feet in width and shall include a minimum two (2) foot wide grass strip buffer between the back of curb and the sidewalk. The Applicant shall dedicate land for public-street right of way along the Property's Peach Grove Avenue frontage at a minimum of 7.5-feet width from back of curb to encompass the public sidewalk plus the maintenance area. This proffer shall be satisfied no later than issuance of a certificate of occupancy for the Project.

6. No later than issuance of a certificate of occupancy for the Project, a minimum of fifty (50) exterior bicycle parking spaces shall be installed and maintained on the Property compliant with location and spatial requirements of Zoning Ordinance Section 10-3-25.1.

7. Upon request by the City, but no sooner than after issuance of a certificate of occupancy for the Project, the Applicant shall dedicate a ten (10) foot wide shared non-vehicular, pedestrian and bicycle path easement from the Property to Tax Map Parcel 92-F-7 for a possible future bicycle and pedestrian connection. The location for the potential easement would be determined during site planning for the Project or, if the request is made after Project site plan approval, at the time of such request. In addition, no later than issuance of a certificate of occupancy for the Project, the Applicant shall provide a five (5) foot wide pedestrian connection between the Property and Tax Map Parcel 92-F-11 (currently the Food Lion shopping center) in the location shown on the Conceptual Site Plan.

8. No later than issuance of a certificate of occupancy for the Project, the Applicant shall plant street trees along the Shared Access Drive and Peach Grove Avenue as follows: a minimum of twenty-six (26) large deciduous trees (at least two (2) inches in caliper and a minimum of ten (10) feet in height at planting and to exceed four (4) inches in caliper at maturity), spaced approximately every forty (40) feet. Tree locations along the street frontage are at the discretion of the Applicant / property owner.

9. Buildings along the Shared Access Drive shall have front facades facing the Shared Access Drive.

10. Patios on Peach Grove Avenue shall be enclosed with opaque six (6) foot tall wood or fiber composite fencing with perimeter plantings around the fencing consisting of the following minimum plantings or comparable, as determined by the Applicant / property owner in consultation with City Staff during site planning: evergreen shrub foundation planting at least three (3) feet in height at maturity with an additional row of at least one of the following: shrubs (18" – 24"), ground cover (6" – 18"), or ornamental grass (24" – 36") layered in front.

11. Siding on all multi-family buildings and clubhouse will be Hardie Board or similar quality siding and shall not be vinyl siding or aluminum siding.

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12. The Project will include at least six (6) electric vehicle charging stalls (e.g. three (3) double-sided chargers), which shall be installed no later than issuance of the certificate of occupancy.

These proffers shall take effect upon approval of the rezoning by the City Council. We hereby proffer that the development of the Property shall be in strict accordance with the conditions set forth in this submission.

[SIGNATURE PAGE FOLLOWS.]

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In witness whereof, the Applicant and Owners have caused these Proffers to be executed as follows:

APPLICANT:

LCD ACQUISITIONS, LLC

By: _____ (SEAL)

Name: _____

Title: _____

Date: _____

OWNER:

SKYLAR & TALLI, LLC,
a Virginia limited liability company

By: _____ (SEAL)

Name: _____

Title: _____

Date: _____

OWNER:

JAMES MADISON UNIVERSITY FOUNDATION, INC.,
a Virginia nonstock corporation

By: _____ (SEAL)
Warren K. Coleman, CEO

Date: _____