

May 27, 2010

Mr. Kurt Hodgen  
City Municipal Building  
345 S. Main St.  
Harrisonburg, VA 22801

Reference: Rezoning Request for 2868 S Main St. -- Proffered Conditions

Dear Mr. Hodgen,

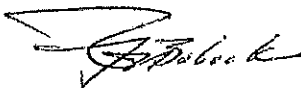
This letter is to serve as notice of proffered conditions for the requested rezoning of the referenced property, located on the eastern side of S Main Street (Route 11), located roughly between East Kaylor Park Dr. and Boxwood Ct. It has been requested to rezone this parcel from its present zoning of R5-C to that of R5-C with revised conditions. Babcock, LLC, the property's contract purchaser and Developer, hereby proffers that the development of the subject property (on this letter and referenced application for rezoning) shall be in strict accordance with the following conditions:

- 1) Roadway, parking, and building configurations within the proposed Development shall be in substantial conformance to the provided Plan of Development, except as allowed for in Item #9 below. However, it is understood that building and parking configurations may be modified during final grading and utility design or upon discovery of unforeseen circumstances in accordance with all applicable codes and ordinances.
- 2) No more than 466 units shall be constructed within the proposed Development.
- 3) The first phase of the Development shall consist of no more than 222 units.
- 4) A minimum of one hundred and ten percent (110%) of parking spaces required by the City of Harrisonburg parking regulations shall be provided within the proposed Development by time of completion.
- 5) The Developer/Owner shall not apply for or be granted a permanent certificate of occupancy for any residential unit within the Development prior to the completion of construction of East Kaylor Park Drive, between South Main Street and the proposed roundabout at site entrance, and acceptance of said construction by City Administration.
- 6) The Developer/Owner shall install landscaping at the center of the proposed roundabout island on East Kaylor Park Drive, to be located at the site entrance. Maintenance of such landscaping shall be the sole responsibility of the Developer/Owner. Should the Developer/Owner fail to maintain such landscaping to the satisfaction of City officials, the Developer/Owner shall reimburse the City for any and all costs associated with the City's removal of such landscaping.
- 7) The Developer/Owner shall install traffic signals at the intersection of South Main St. and Kaylor Park Dr., and shall bear all expenses associated therewith. The Developer/Owner shall not apply for or be granted a permanent certificate of occupancy for any residential unit within the Development prior to such traffic signals being accepted by City Administration.
- 8) An emergency access route to Boxwood Court, constructed to minimum City standards for emergency access routes, shall be provided as part of the first phase of the Development.
- 9) The Developer/Owner shall not apply for or be granted permanent certificates of occupancy for more than 222 residential units prior to the completion and acceptance (by City officials) of Boxwood Court, and completion of the private street connecting to it. As part of this construction, the intersection of Boxwood Court and South Main Street shall be improved to accommodate a "right-in, right-out" configuration, through implementation of a 2'-wide concrete median along a portion of South Main Street, as depicted in the attached Plan of Development. Alternatives and/or alterations to the intersection's proposed configuration shall be allowed if and when agreed to by both City Administration and the Developer/Owner.
- 10) The Developer/Owner shall install signage reading "No Parking - Violators Will Be Towed", or similar, along the primary private street within the Development.
- 11) Bike racks and a bus stop shelter shall be provided and installed by the Developer/Owner during the first phase of Development construction. Placement shall be coordinated with the City of Harrisonburg's Department of Public Transportation.
- 12) Architectural style of buildings shall be varied. At least thirty percent (30%) of the façade of each residential building shall be brick or stone veneer. There shall be no exposed corrugated steel or exposed masonry on buildings. Façade shall be defined as the main face or front of a building.

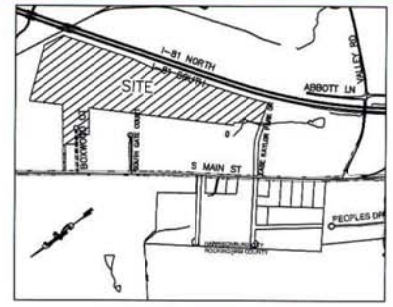
- 13) Street lighting shall be installed throughout the Development. Street lighting shall include fixtures intended to reduce glare and light pollution and shall be appropriate to a residential community.
- 14) The Developer/Owner shall install blue-light emergency phones throughout the Development, concurrently with the adjacent Development's construction. Placement of such phones shall be coordinated with the Harrisonburg Police Department.
- 15) Crime Prevention Through Environmental Design (CPTED) techniques shall be utilized in the design of the Development.
- 16) Open space parks and recreational facilities shall be developed concurrently with the adjacent residential Development. At least a portion of the recreational facilities shall be constructed during the first phase of the Development's construction. This first portion, at a minimum, shall consist of the Development's community center pool, a basketball court, a tennis court, a volleyball court, and an open recreational field.
- 17) The community center building shall be constructed during the first phase of the Development's construction.
- 18) Natural vegetative buffers and landscaping shall be installed and maintained concurrently with the adjacent residential Development in the following manner:
  - a. All areas not paved or built upon shall be seeded, covered with sod, or landscaped to provide an attractive appearance throughout the Development.
  - b. The primary private street shall be lined with deciduous trees, spaced at no greater distance than 50 feet. Trees shall be a minimum of 2" in caliper at time of planting.
  - c. Shade trees shall be planted either within or along the perimeter of all parking areas, at the rate of one tree per twenty parking spaces provided. Trees shall be a minimum of 2" in caliper at time of planting.
  - d. A ten-foot-wide vegetative buffer easement shall be provided along the western property line, to approximate limits depicted in the referenced Plan of Development, for the planting and maintenance of vegetative screening consisting of conifers and broadleaf evergreen trees and shrubs. Minimum heights at planting shall be 48" for such trees, and 24" for such shrubs.
  - e. Exceptions shall be made for instances that would impact emergency response or conflict with any applicable codes, ordinances or utility placement.
- 19) Bicycle and pedestrian facilities shall be provided, at a minimum, along the primary private street through the Development.
- 20) The Developer/Owner shall construct and maintain a multi-use path that shall connect bicycle and pedestrian facilities allowed for in Item #19, above, to a planned City multi-use path at the northern property limits. Details of this connection shall be designed in close coordination with City Staff at time of connection. Minimum standards for design and construction shall match the standards to which the connecting leg of the City's multi-use path is initially constructed. Connection to City path shall be made within 180 days of the City's completion of connecting leg.
- 21) The Developer/Owner shall design and reserve an easement along the eastern side of the property for future dedication to City for the construction and maintenance of a ten-foot-wide multi-use path. Location of such trail is approximately shown on the referenced Plan of Development. Width of such easement shall generally be twenty feet (wider, as necessary for proper facility maintenance). Precise location and width of such easement shall be professionally designed, at the sole cost of the Developer/Owner, as part of the Development's first phase construction documents. Dedication of such easement to the City shall be made within 60 days of City's completion of construction of preceding connecting leg (referenced in Item #20, above). Should significant obstacles present themselves prior to the dedication of this easement, City Administration may refuse the requirements put forth in this proffered condition.

This letter supersedes and replaces my previous letters to you outlining proffered conditions for the referenced rezoning request.

Sincerely,



Robert Babcock  
Babcock, LLC – contract purchaser / Developer



VICINITY MAP  
SCALE 1" = 100'

AREA & DENSITY TABULATION	
AREA:	60.431 AC
TOTAL UNITS:	468 UNITS
BEDROOMS PER UNIT:	1-4 BEDROOMS (MIXED)

LEGEND	
RESIDENTIAL USE	[Yellow Box]
OPEN SPACE	[Green Box]
ROADS & PARKING	[Grey Box]
5' SIDEWALK	[Red Line]
BICYCLE LANE	[Blue Line]
MULTI-USE PATH	[Green Line]

**OWNER**  
**BILL V. NEFF**  
 3570 NORTH VALLEY PIKE  
 HARRISONBURG, VA 22802  
 (540)434-9593

- NOTES:**
1. PUBLIC WATER & SEWER TO BE INSTALLED BY DEVELOPER FOR ALL DWELLING UNITS & COMMERCIAL USES. WATER & SEWER SERVICE TO BE PROVIDED BY THE CITY OF HARRISONBURG. LOCATION OF PROPOSED WATER & SEWER LINES IS CONCEPTUAL ONLY. FINAL DESIGN WILL BE SHOWN ON THE CONSTRUCTION PLANS.
  2. PRESENT LAND USE: OPEN LOT, RADIO TOWER (TO BE REMOVED).
  3. FUTURE STORM WATER DRAINAGE PLAN AND FACILITIES SHALL CONFORM TO THE REQUIREMENTS OF ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS. EROSION AND SEDIMENT CONTROL PLANS SHALL BE PROVIDED FOR ALL CONSTRUCTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST EDITION OF THE VIRGINIA EROSION & SEDIMENT CONTROL HANDBOOK.
  4. NO PORTION OF THE LAND SHOWN HEREON IS LOCATED WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN. ALL LAND SHOWN IS DESIGNATED ON THE FEMA FLOOD INSURANCE RATE MAPS AS ZONE "X" (AREAS OF MINIMAL FLOODING) ON MAPS #510076 0004 B AND #510076 0005 B.
  5. ALL INTERIOR TRACT LINES TO BE VACATED AS SHOWN ON THIS PLAN IN ACCORDANCE WITH THE CITY ORDINANCE.
  6. THE ARCHITECTURAL STYLE SHALL BE VARIED. AT LEAST 30% OF THE FACADE OF ALL BUILDINGS SHALL BE BRICK OR STONE VENEER.
  7. THIS PLAN IS BASED ON SITE GRADING, RESULTING IN SLOPES OF ±5% IN ALL RESIDENTIAL USE AREAS.
  8. THE COMMUNITY CENTER MAY INCLUDE ACTIVITY, MEETING & OFFICE SPACES. THE CENTER SHALL BE CONSTRUCTED DURING THE FIRST PHASE OF RESIDENTIAL CONSTRUCTION & SHALL BE CONSTRUCTED AT 75% BUILD OUT OF UNITS. CONSTRUCTION OF SPORTS FIELDS, PARKS & TRAILS WILL BE CONTIGUOUS WITH ADJACENT RESIDENTIAL DEVELOPMENT, WITH MIN. FIRST PHASE INCLUSIONS AS NOTED IN PROFFERED CONDITIONS.
  9. TRASH PICKUP WILL BE COORDINATED BY THE PROPERTY MANAGEMENT COMPANY; DUMPSTER PADS TO BE LOCATED DURING FORMAL DESIGN (NOT SHOWN, FOR CLARITY).
  10. POSTED SPEED LIMIT WITHIN DEVELOPMENT TO BE A MAXIMUM OF 25 MILES PER HOUR.
  11. APPROXIMATE LOCATION OF BUILDINGS, PARKING AREAS, LANDSCAPING, STORMWATER MANAGEMENT, AND WIDTH OF TRAVELWAYS SHOWN. EXACT LOCATIONS AND WIDTHS WILL BE SHOWN ON CONSTRUCTION DRAWINGS TO REFLECT SPACING REQUIREMENTS PER CITY OF HARRISONBURG FIRE & RESCUE DEPARTMENT.
  12. NUMBER OF PARKING SPACES MAY VARY FROM THAT SHOWN. AT A MINIMUM, 110% OF PARKING SPACES REQUIRED BY CITY CODE SHALL BE PROVIDED.
  13. PRECISE LOCATION OF MULTITRUSE PATH AND ASSOCIATED EASEMENT TO BE DETERMINED DURING DESIGN PHASE OF DEVELOPMENT.
  14. PRECISE LOCATION OF BUS STOPS/SHELTERS TO BE DETERMINED BY CITY ADMINISTRATION.

# 2868 SOUTH MAIN STREET

CITY OF HARRISONBURG, VIRGINIA

## CONCEPTUAL SITE PLAN

R-5 DISTRICT

**VALLEY**  
 Engineering - Surveying - Planning  
 3231 PEOPLES DRIVE  
 HARRISONBURG, VIRGINIA 22801  
 TELEPHONE (540) 434-6365 OR (800) 343-6365  
 FAX (540) 432-0685

DRAFT	Date	Requested By	PROJECT: 9716-1
1	03/09/10	CLIENT - CONCEPT SITE LAYOUT	EXPANDER: 4088-2
1	05/05/10	CLIENT & CITY OF HARRISONBURG	SCALE: AS SHOWN
			DATE: 03/09/10
			DRAFT: 05/05/10
			SHEET 1 OF 1