

**BJSF Harrisonburg Phase I**

**RZ - \_\_\_\_\_  
REZONING REQUEST PROFFER  
(Conditions for this Rezoning Request)**

**Applicant:**

The Beverly J. Searles Foundation, Inc.

**Owners:**

BRUBAKER DANIEL W. NANCY R. TRUSTEES

Tax Map No. 007 C 2

150 W. Mosby Road

AREA = 32.98 acres

ZONED: R2C

BLUESTONE LAND COMPANY INC.

Tax Map No. 007 C 3

210 W. Mosby Road

AREA = 3.3 acres

ZONED: R2

**Dated: June 8, 2023 and Revised July 7, 2023 and August 1, 2023**

**TO THE HONORABLE MAYOR AND MEMBERS OF  
THE COUNCIL OF THE CITY OF HARRISONBURG**

Property Information

The Applicant and the Owners of the above-described parcels, containing 36.28 acres (+/-) of land (the "Property"), have petitioned the City of Harrisonburg, Virginia (the "Council") for a rezoning to allow for the development of a specific project, identified as the BJSF Harrisonburg Phase I (the "Project"), as specifically detailed in the Mosby Road Rezoning Area Map and Concept Plan (2 pages) ("Concept Plan") by Valley Engineering containing a total of 12.00 acres which represents the portion of the Property delineated in the rezoning application filed with the City.

The Applicant intends to develop up to 164 units of affordable multifamily rental housing on this 12 acres. 82 of the units will be in a single four-story building designed for occupancy by senior residents, ages 55 and older, containing one- and two-bedroom units. A minimum of 82 of the units will be in a separate four-story building for occupancy

by residents with families containing one-, two-, and three-bedroom units. Depending on funding, all units may be converted to 55 and older units in the project as rezoned.

### Proffers

In furtherance of the Proposed Rezoning, the Applicant hereby proffers that in the event the Council shall approve the rezoning of the Property, from their varying current zoning districts to R-5C High Density Residential District, then the Project shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Applicant and such be approved by the Council in accordance with Virginia law. In the event that such rezoning is not granted, then these Proffers shall be deemed withdrawn and have no effect whatsoever. These Proffers shall be binding upon the Applicant, the Owners, and their legal successors or assigns. Any and all terms and conditions, accepted or binding upon the Property and Project, as a condition of accepting these Proffers, shall become void and have no subsequent effect. 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 all conditions are in conformity with the City's Comprehensive Plan.

The Applicant, who is acting on behalf of the Owners of the Property, hereby voluntarily proffers that, if the Council approves the rezoning, the Applicant and the Owners, or their successors and assigns, will provide the following during the Project:

1. The number of dwelling units on the property shall not exceed 164 units.
2. The property shall not contain dwelling units that have more than three (3) bedrooms. None of the dwelling units shall be rented on a "per bedroom" basis other than one-bedroom units designed for that purpose. At least 25% of the total units will be one-bedrooms.
3. A minimum of 82 units will be age-restricted, in that at least one member of each household must be aged 55 or older and will comply with applicable laws and regulations relating to age restricted housing.
4. A minimum of 1.35 parking spaces per dwelling unit shall be provided. Occupancy shall be limited to a family or no more than three (3) unrelated persons per dwelling unit.
5. Solar panels shall be installed and maintained on a minimum of 10,000 sf of building roof area as measured from the outside perimeter of the solar installation area (and not panel surface area).
6. A minimum of two (2) "Level 2" (equivalent or better technology at the time of construction) electric vehicle charging stations at the property shall be installed prior to project completion and thereafter maintained in operating condition.
7. An easement shall be granted for a bus shelter at a location acceptable to Harrisonburg Department of Public Transportation (HDPT). A concrete pad will be

- constructed within the agreed easement location to HDPT's bus shelter design specifications. HDPT will install the bus shelter on the pad provided.
8. Amenities Proffer shall include a minimum of 1,500 sq feet of installed and maintained outdoor amenity area space, to potentially include community amenity and recreational areas such as a dog run, gazebo, koi pond, picnic pavilion. The location and specific amenity type may be changed or relocated relative to final site plan approval and resident mix. A community clubhouse will also be constructed containing a minimum of 2500 sq. ft. Both the clubhouse and outdoor amenity areas proffered shall be completed and opened no later than the issuance of the 100<sup>th</sup> Certificate of Occupancy for residential units on the property.
  9. The north side of Mosby Road will be improved and widened for the length of the full property frontage as generally shown on the Concept Plan. These improvements shall contain the following mitigations subject to final site plan approval of the final engineered design:
    - A. The north travel lane of West Mosby Road will be widened to include an eighteen-foot (18') width of pavement from centerline exclusive of curb and gutter and turn lane.
    - B. Curb and gutter will be provided along the north travel lane of West Mosby Road along the entire property frontage.
    - C. A two-foot (2') green strip will be provided between the curb and gutter and sidewalk along the north side of the West Mosby Road frontage. Consideration by the City Public Works Department will be given during site planning to allow a sidewalk to be installed adjacent to curbing in sections where topographic hardship can be demonstrated.
    - D. A minimum five-foot (5') sidewalk will be provided along the north side of the West Mosby Road street frontage.
    - E. Public Right-of-Way or a Pedestrian sidewalk easement will be dedicated or granted to a point six inches (0.5') behind the installed sidewalk along the north side of West Mosby Road.
    - F. A one hundred foot (100') right turn lane with one hundred foot (100') taper will be provided serving the primary project entrance as shown on the Concept Plan.
  10. A vegetated screen shall be provided and maintained along the common property line with Tax Parcel # 007-C-6 as generally depicted on the Concept Plan. The screen shall include a single row of evergreen trees planted approximately ten (10) feet apart. Trees shall be a minimum of six (6) feet tall at time of planting.
  11. The Owner/Applicant shall participate in a Small Area Transportation Study in accordance with the Small Area Transportation Study Agreement submitted as part of the rezoning application.
  12. A 10' wide minimum gated emergency only access will be provided from Pear Street into the development to provide a second means of egress. The access shall be installed to standards required to support full size fire engine weight. The

final location of the emergency only access will be at a location acceptable to the Harrisonburg Fire Department.

13. The entrance to the Project from Mosby Road shall be installed at the location shown on the Concept Plan. The entrance dual roadway and roundabout shown on the Concept Plan shall be dedicated to the City for public use upon completion of full installation, final coat paving, inspection and acceptance by City Public Works for inclusion in the City's public street network.
14. The installed roundabout shall maintain a minimum of two hundred twenty-five feet (225') of entrance separation from Mosby Road (measured from the edge of the westbound travel lane on Mosby Road to the outer edge of the inscribed circle diameter (Yield Line) of the roundabout. The 225' entrance separation shall be maintained for access management purposes on any future public street connections to the roundabout.
15. The Owner/Applicant shall dedicate to the City upon request up to thirty feet (30') of right-of-way along the Pear Street Project (Phase I) frontage as measured from the centerline of the current Pear Street pavement for future right-of-way improvements.
16. No less than one (1) large deciduous tree shall be planted and maintained for every fifty (50) linear feet of parcel public street frontage where trees are not required by parking lot landscaping regulations (Section 10-3-30.1(1) of the Zoning Ordinance). Trees shall be planted within 10 feet of public street rights-of-way. At the time of planting, tree sizes shall meet the requirements as defined in Section 10-3-24 of the Zoning Ordinance.

**IN WITNESS WHEREOF**, the parties have executed this Rezoning Request Proffer as follows:

**APPLICANT:**

BEVERLY J. SEARLES FOUNDATION, INC.

By: [Signature] (SEAL)  
Philip E. Searles, President

STATE/Commonwealth of Virginia  
CITY/COUNTY OF Harrisonburg

The foregoing instrument was acknowledged before me this 9 day of August, 2023, by Philip E. Searles, President of the Beverly J. Searles Foundation, Inc., Applicant.

SANDRA K. D. SYLVESTER  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #331981

Sandra K. D. Sylvester  
Notary Public

My commission expires: August 31, 2023  
Registration Number: 331981

*(Owner signature pages to follow)*

**OWNER:**

DANIEL W. BRUBAKER,  
Trustee of the Daniel W. Brubaker Revocable  
Declaration of Trust, under Trust Agreement  
dated June 10, 2003

Daniel W. Brubaker (SEAL)

COMMONWEALTH OF VIRGINIA  
CITY OF HARRISONBURG

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of July,  
2023, by Daniel W. BRUBAKER, Trustee of the Daniel W. Brubaker Revocable  
Declaration of Trust, under Trust Agreement dated June 10, 2003.

Trisha J Smith  
Notary Public

My commission expires: 7/31/25  
Registration Number: 7294874



**OWNER:**

NANCY R. BRUBAKER,  
Trustee of the Nancy R. Brubaker Revocable  
Declaration of Trust, under Trust Agreement  
Dated June 10, 2003

Nancy R. Brubaker (SEAL)

COMMONWEALTH OF VIRGINIA  
CITY OF HARRISONBURG

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of July,  
2023, by Nancy R. Brubaker, Trustee of the Nancy R. Brubaker Revocable Declaration of  
Trust, under Trust Agreement Dated June 10, 2003

Trisha J Smith  
Notary Public

My commission expires: 7/31/25  
Registration Number: 7294874



**OWNER:**

BLUE STONE LAND COMPANY, INC.,  
A Virginia stock corporation

By: Daniel W Brubaker (SEAL)  
Daniel W. Brubaker, President

COMMONWEALTH OF VIRGINIA  
CITY OF HARRISONBURG

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of July,  
2023, by Daniel W. Brubaker, President of Blue Stone Land Company, Inc.

Trisha J Smith  
Notary Public

My commission expires: 7/31/25  
Registration Number: 7294874



**OWNER:**

D & N, LLC,  
A Virginia limited liability company

By: Daniel W Brubaker (SEAL)  
Daniel W. Brubaker, Manager

COMMONWEALTH OF VIRGINIA  
CITY OF HARRISONBURG

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of July,  
2023, by Daniel W. Brubaker, Manager of D & N, LLC.

Trisha J Smith  
Notary Public

My commission expires: 7/31/25  
Registration Number: 7294874



# 2023 Conceptual Layout



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## MOSBY ROAD REZONING



4901 CROWE DRIVE  
MOUNT CRAWFORD, VIRGINIA 22841  
(540) 434-6365  
www.valleyesp.com

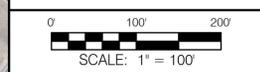
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REVISIONS:  
6/29/23- PER CITY COMMENTS

DATE: 06/09/2023

PROJECT No.: 13006-5

EXP./CLIENT No.: 9014-4



## REZONING AREA MAP

SHEET NO.:  
**CP-1**



# 2023 Conceptual Layout



## MOSBY ROAD REZONING



4901 CROWE DRIVE  
MOUNT CRAWFORD, VIRGINIA 22841  
(540) 434-6365  
www.valleyesp.com

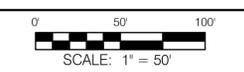
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## CONCEPT PLAN

SHEET NO.:  
**CP-2**