



**CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT**

**Change of Zoning District
(Rezoning) Application**
www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

Property Address _____ Tax Map Parcel/ID _____ Total Land Area _____ acres or sq.ft.
(circle)

Existing Zoning District: _____ Proposed Zoning District: _____

Existing Comprehensive Plan Designation: _____

PROPERTY OWNER INFORMATION

Property Owner Name _____ Telephone _____

Street Address _____ E-Mail _____

City _____ State _____ Zip _____

OWNER'S REPRESENTATIVE INFORMATION

Owner's Representative _____ Telephone _____

Street Address _____ E-Mail _____

City _____ State _____ Zip _____

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 _____ DATE _____

REQUIRED ATTACHMENTS

- Letter explaining proposed use & reasons for seeking change in zoning.
- Statement on proffers, if applying for conditional rezoning.
- Survey of property or site map.
- Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit www.harrisonburgva.gov/traffic-impact-analysis.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

Date Application and Fee Received _____ Total Fees Due: \$ _____
Application Fee: \$550.00 + \$30.00 per acre

Received By _____



KANAWHA

REALTY ADVISORS

January 7, 2025

Thanh Dang
Harrisonburg Planning Department
409 S. Main Street
Harrisonburg, VA 22801

RE: Proffer revisions to W. Mosby Road Site

Dear Thanh:

Thank you for your help with amending Proffer number 3 pertaining to the Federal Fair Housing Act. The Fair Housing Act provides an exemption for properties intended and operated for occupancy by persons 55 years of age or older, which allows for up to 20% of the units to be occupied by residents under the age of 55. However, the language in the original approved proffer does not contemplate allowing any residents younger than 55 that is otherwise permitted by the Fair Housing Act. Our goal is to bring the proffers and Act into alignment.

The purpose driving this request is our desire to apply through Virginia Housing for 811 Rental Assistance for disabled residents for 11 of the 84 total units (more than 11 units triggers additional HUD restrictions that we would prefer to avoid). This subsidy is only available for residents up to 62 years of age, though those residents who qualify for the program can continue to receive the benefit after the age of 62.

While Virginia Housing administers this program for disabled residents, they do so in coordination with the Department of Behavioral Health and Developmental Services (DBHDS). DBHDS has indicated that the market for disabled residents over age 55 who utilize this subsidy is very shallow, and that the “vast majority” are below age 55. Therefore, in order to open the possibility of securing 811 Rental Assistance from Virginia Housing, we need to first make sure that the underlying zoning will permit us to reach the intended market.

Finally, this rental assistance will allow us to receive subsidized rents higher than the restricted rents we would otherwise receive from this target market. The subsidy therefore has the added benefit of improving the economic viability of our proposed development. We hope that your team and City Officials will give this request the careful consideration it deserves, and I remain available to field any additional questions you may have.

Regards,

Mark

J. Mark Slack
Managing Member

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, August 1, 2023, and January 10, 2025

**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 shall meet the federal regulations in the Fair Housing Act exemption for properties intended and operated for occupancy by persons 55 years of age or older.
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 100th 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: _____ (SEAL)
Philip E. Searles, President

STATE/Commonwealth of _____
CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Philip E. Searles, President of the Beverly J. Searles Foundation, Inc., Applicant.

Notary Public

My commission expires: _____
Registration Number: _____

(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

_____ (SEAL)

COMMONWEALTH OF VIRGINIA
CITY OF HARRISONBURG

The foregoing instrument was acknowledged before me this ____ day of _____,
2025, by Daniel W. BRUBAKER, Trustee of the Daniel W. Brubaker Revocable Declaration of
Trust, under Trust Agreement dated June 10, 2003.

Notary Public

My commission expires: _____

Registration Number: _____

OWNER:

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

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

COMMONWEALTH OF VIRGINIA
CITY OF HARRISONBURG

The foregoing instrument was acknowledged before me this ____ day of _____,
2025, by Daniel W. Brubaker, President of Blue Stone Land Company, Inc.

Notary Public

My commission expires: _____

Registration Number: _____

OWNER:

D & N, LLC,
A Virginia limited liability company

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

COMMONWEALTH OF VIRGINIA
CITY OF HARRISONBURG

The foregoing instrument was acknowledged before me this ____ day of _____,
2025, by Daniel W. Brubaker, Manager of D & N, LLC.

Notary Public

My commission expires: _____
Registration Number: _____