



April 22, 2025 City Council Meeting

Title

Consider Rezoning at 1211 and 1231 Smithland Road — Adam Fletcher, Community Development

Summary

Project name	N/A
Address/Location	1211 and 1231 Smithland Road
Tax Map Parcels	71-A-3 and 4
Total Land Area	+/- 10.14-acres
Property Owner	Janis Brown Enterprises LLC
Owner's Representative	David Gast, Riverbend Companies
Present Zoning	R-1, Single Family Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Planning Commission	February 18, 2025 (Public Hearing) March 12, 2025 (2 nd Review by PC)
City Council	April 8, 2025 (First Reading/Public Hearing) April 22, 2025 (Second Reading/2 nd Review by CC)

Recommendation

With updated proffers from the applicant: Staff recommends approval of the rezoning request.

Fiscal Impact

N/A

Context & Analysis

At the April 8, 2025, City Council meeting, staff recommended denial of the rezoning due to concerns with the design of the street network and with overall feasibility of the layout of the neighborhood given that the conceptual development was relying on deviations from the Subdivision Ordinance that staff was not prepared to support. City Council tabled the request and asked for the applicant and staff to continue working on the application. Since the April 8 City Council meeting, the applicant submitted revised proffers.

Proffers

The applicant has offered the following revised Proffers (written verbatim):

1. The overall density of the development shall not exceed 55 units.

2. Only single-family detached and duplex dwellings are permitted as principal uses. The number of duplex dwelling units shall not exceed twenty percent (20%) of the total number of units in the development.
3. No more than one public street connection to Smithland Road shall be permitted. The public street shall end in a street stub to provide connectivity to the parcel identified as tax map number 71-A-13. Only one intersection shall be permitted on this public street and the intersection shall be located no less than 330 linear feet from Smithland Road. No driveways will be located on this new public street. Location and alignment of the public street shall be as approved by the Department of Public Works.
4. In addition to the public street stub described above, a minimum of one additional public street stub shall be constructed to the boundary of the development to provide additional connectivity to the parcel identified as tax map number 71-A-13. Location of the street stub shall be as approved by the Department of Public Works.
5. Any street with on-street parking shall have curb extensions at intersections.
6. Upon request from the City, the Owner/Applicant will dedicate the necessary public street right-of-way along Smithland Road approaching the intersection into the development; up to twenty feet (20') in width to allow for a two-hundred-foot (200') right turn lane and a two-hundred-foot (200') right taper and to include curb and gutter and a five-foot (5)' sidewalk with a two-foot (2') grass buffer. In addition, a ten foot (10') temporary construction easement shall be provided.
7. Upon request from the City, the Owner/Applicant shall dedicate land adjacent to tax map parcel 64-B-4-A for public street right-of-way as generally depicted in Exhibit A.
8. A shared-use path shall be constructed along one side of the new public street connection between Smithland Road and tax map parcel 71-A-13. A sidewalk will be constructed on the other side of the public street.
9. A ten foot (10') wide shared use path will be constructed between a public street and tax map parcel 71-A-13 in the location generally shown in Exhibit B. A twenty foot (20') wide public shared use path easement shall be conveyed to the City upon completion. The shared use path shall be constructed and dedicated to the City of Harrisonburg as a public shared use path easement prior to the completion of the Development. However, if a public street stub is provided in this general location, then the shared use path would not be required.
10. A recreational play area of no less than 500 square feet shall be provided. If provided adjacent to Smithland Road, then a privacy fence at least six feet (6') in height shall be constructed between the recreational play area and Smithland Road. Between the privacy fence and Smithland Road, a staggered double row of evergreen trees shall be planted and maintained by a Homeowner's Association, with the trees in each row

planted not more than ten feet apart and a minimum of six feet (6') in height at the time of planting.

11. Screening in the form of a privacy fence at least six feet (6') in height shall be constructed along the boundaries of Parcels 71-A-5, 71-A-1, 64-B-4-A, 64-B-5, and the southwest boundary of 71-A-2 that is parallel to Smithland Rd, and shall be maintained by a Homeowner's Association.

A tracked changes version of the proffer letter is attached.

One of the proffers (current proffer number 5) was moved to immediately follow proffer number 3 for better flow.

The primary change made by the applicant is the addition of this statement to proffer number 3:

“Only one intersection shall be permitted on this public street and the intersection shall be located no less than 330 linear feet from Smithland Road.”

The addition of the above statement (in conjunction with the Virginia Department of Transportation (VDOT) and City standards) offers more certainty regarding the development's street layout by preventing more than one intersection on the main road (Public Road C) and limits the potential variations of street layouts in the development.

Staff is comfortable recommending approval of the request with the understanding that there is still uncertainty regarding street designs (i.e. cross sections, grades, curves, lengths of tangents, cul-de-sacs, etc.) that will need more thorough evaluation leading up to the preliminary platting phase. At this time, staff is not offering support for known or unknown Subdivision Ordinance or Design and Construction Standards Manual variances and the applicant is encouraged to continue working with staff prior to submitting a preliminary plat application.

Options

1. Approve the rezoning request.
2. Deny the rezoning request.

Attachments

- Revised proffers, dated April 14, 2025
- Revised proffers – tracked changes, dated April 14, 2025
- Memorandum (April 8, 2025 City Council meeting)
- Extract from Planning Commission
- Site maps
- Revised Proffers and Conceptual Layouts (as presented to Planning Commission on March 25, 2025)
- Revised application and supporting documents (includes proffers and conceptual layouts published received prior to March 25, 2025)
- Public Comments
- Additional Public Comments