

Proffer Statement

In connection with the rezoning request for the property located at 1211 and 1231 Smithland Road (the "Property") and identified as tax map parcels 71-A-3 and 71-A-4. The final layout of the development will be determined upon comprehensive site plan approval.

I hereby proffer that the use and development of the subject Property shall be in strict accordance with the conditions set forth in this submission.

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.
- 4.5. Any street with on-street parking shall have curb extensions at intersections.
- ~~5.1. 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.~~
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.

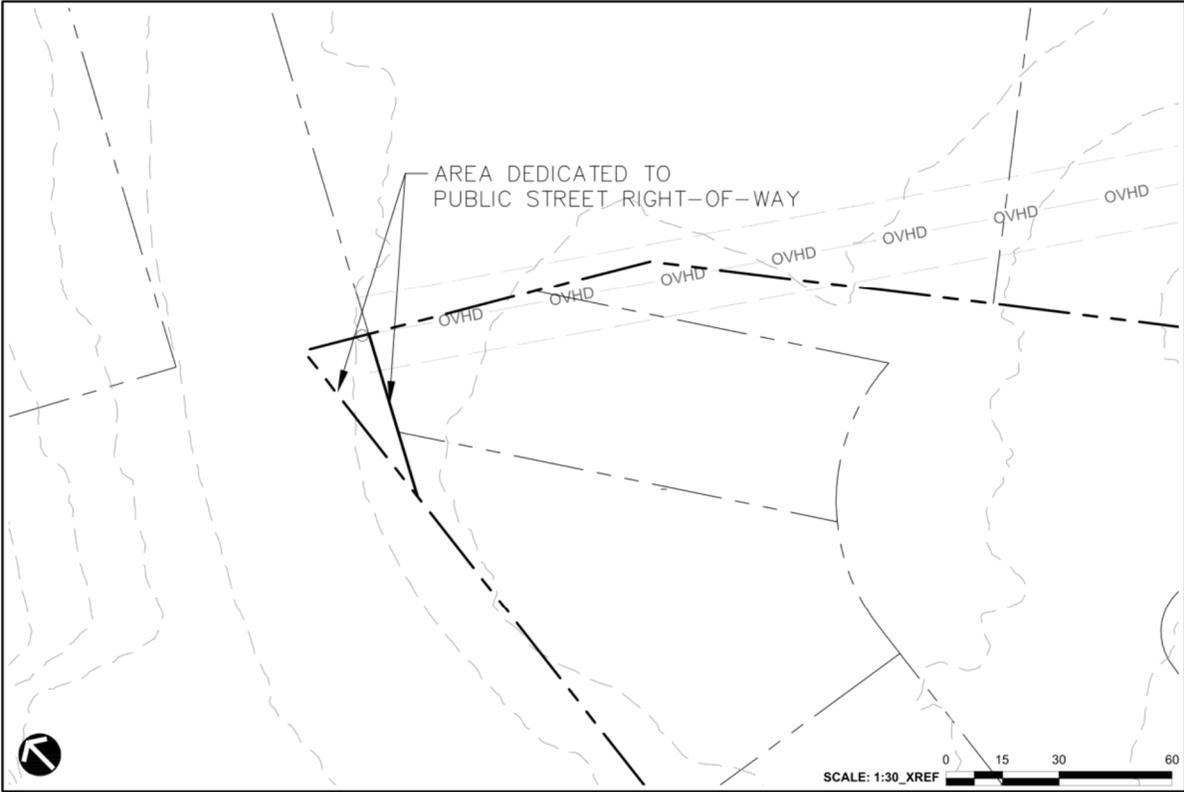
Kathleen Kelly Ganoë, POA for Janis Brown, Property Owner

Date

David Gast, Smithland Village, LLC, Applicant

Date

Exhibit A

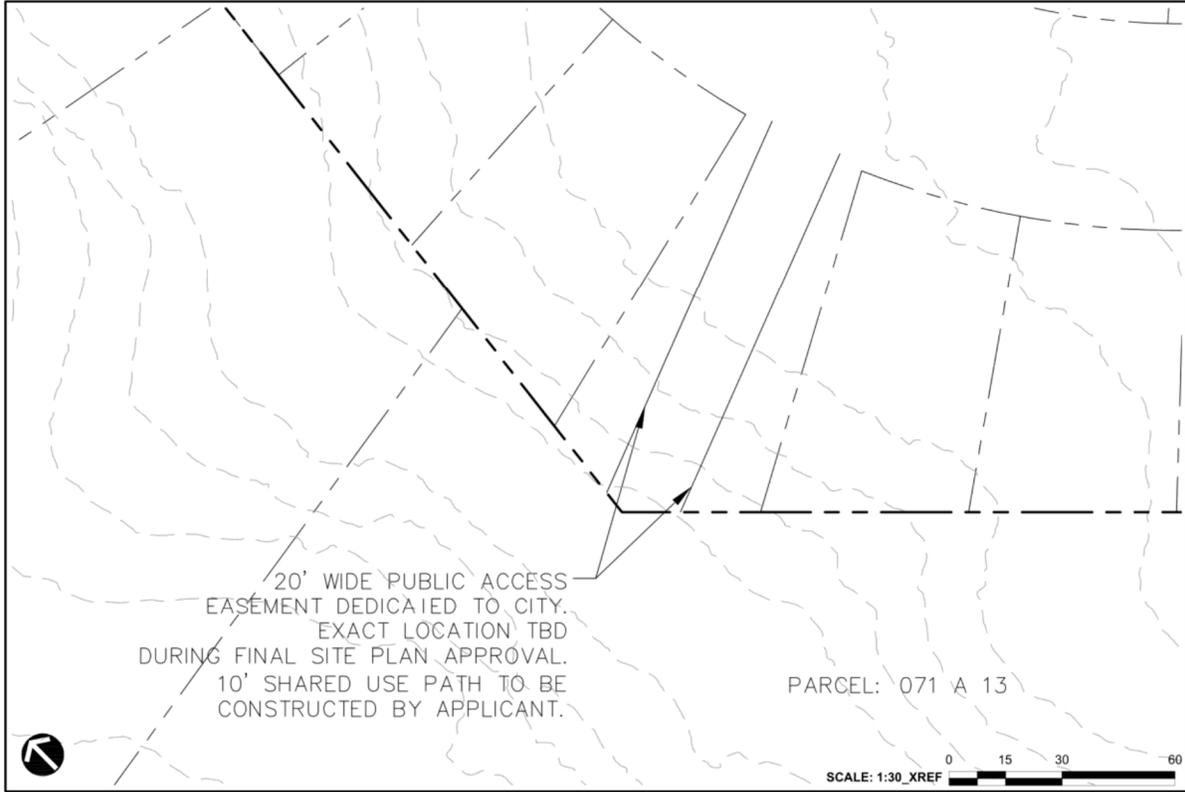


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LandDesign.

Exhibit B



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