Subject: Opposition to Rezoning Request for 1211 and 1231 Smithland Road (Janis Brown Enterprises LLC / Riverbend Companies)

Honorable Members of the Harrisonburg City Council,

I am writing to respectfully urge the denial of the rezoning request submitted by Janis Brown Enterprises LLC (represented by Riverbend Companies) to change the zoning of 1211 and 1231 Smithland Road from R-1 (Single-Family Residential District) to R-8C (Small Lot Residential District Conditional).

As a resident of Smithland Road, I have significant concerns that this rezoning and the proposed high-density development are incompatible with the character of our neighborhood and present serious issues related to traffic safety, infrastructure capacity, environmental preservation, and adherence to the City's Comprehensive Plan. My primary objections are as follows:

Traffic Congestion and Safety Concerns

Smithland Road is a narrow, two-lane road with curves, limited sightlines, and no sidewalks or adequate shoulders. Currently, pedestrians—including residents walking their pets or children playing—must exercise extreme caution. The proposed development, which could introduce up to 70 new households, would significantly increase traffic, exacerbating existing hazards and further compromising pedestrian and bicycle safety.

Additionally, traffic flow toward Keezletown Road is already problematic. The intersection at Country Club Road is overburdened, with heavy congestion creating unsafe conditions. Adding more vehicles to this already strained corridor would only worsen the situation. Furthermore, I find it concerning that the proposed sidewalk is planned for the side of Smithland Road opposite the development, which raises questions about its practicality and effectiveness.

Public Infrastructure Strain

One of the key reasons I chose to reside on Smithland Road is its priority status for snow clearance after winter storms. As a staff member in the Emergency Department at Rockingham Memorial Hospital, reliable road access during inclement weather is critical. I am concerned that diverting city resources to clear

internal roads within the proposed subdivision could delay the timely plowing of major roads, including Smithland Road, Keezletown Road, and Country Club Road.

Stormwater Management Risks

The development could exacerbate stormwater management issues, as seen in the Barrington subdivision of Rockingham County. Residents there are now burdened with stormwater fees that should have been addressed by the original developers. Poor planning and unchecked development in that area led to significant drainage problems, and I strongly urge the City Council to avoid making a similar mistake. Without proper stormwater mitigation strategies in place, this development could create long-term environmental and financial burdens for both the city and its residents.

Incompatibility with Existing Neighborhood Character

The current Smithland Road community consists of low-density, single-family homes on larger lots, consistent with the R-1 zoning established when the area was annexed into the city. The proposed development, which seeks to place up to 70 dwellings on approximately 10.14 acres, represents a drastic and unwarranted increase in density. This would fundamentally alter the character of our neighborhood. The proposed lot sizes are significantly smaller than those of surrounding properties, making them more akin to tiny houses rather than the traditional single-family homes that define our community.

Failure to Align with the Comprehensive Plan's Low-Density Mixed Residential (LDMR) Vision

While the Comprehensive Plan designates this area as Low-Density Mixed Residential (LDMR), the proposed R-8 zoning and the initial conceptual plans fail to align with the intent of LDMR. The plan emphasizes the inclusion of green and open spaces, clustered development, and environmental resource protection—none of which are adequately addressed in this proposal. Meeting a numerical density threshold does not equate to fulfilling the broader goals of LDMR, which call for thoughtful and sustainable neighborhood planning.

Environmental Concerns

The property in question contains mature hardwood forests and grasslands that provide essential wildlife habitat. Clearing these natural areas would destroy valuable ecosystems and contradict the environmental protection goals outlined in

the Comprehensive Plan. Once lost, these habitats cannot be easily restored, making preservation a crucial consideration.

Negative Impact on Property Values

A high-density development of this scale in an established low-density neighborhood is likely to have an adverse effect on surrounding property values. Homeowners who invested in this community based on its current zoning and character may experience financial setbacks if the proposed development is approved.

Conclusion

For the reasons outlined above, I strongly urge the City Council to deny the rezoning request for 1211 and 1231 Smithland Road. This proposed development is not suitable for our neighborhood and would have lasting negative consequences for traffic safety, infrastructure, environmental sustainability, and community character. I encourage the developer to consider a plan that aligns with the existing R-1 zoning and respects the established low-density nature of the area.

Thank you for your time and thoughtful consideration of this matter.

Sincerely,
Ahmed Mahmood
Resident/Owner, 909 Smithland Road
540-307-0529

COMMENTARY

To: Harrisonburg City Planning Commission
Date: March 12, 2025
Re: Proposed Rezoning of 10+/-ac from R-1 to R-8 along Smithland Rd
Applicant: Riverbend Investments

Members of Harrisonburg Planning Commission and City Staff:

Thank you again for the opportunity to comment on this rezoning proposal. As you know, the neighborhood Petition presented at last month's meeting included a number of significant concerns regrading neighborhood and public impacts from this development (know that we have since added another four signatures to that petition). It was disheartening that those concerns seem to have been given little consideration in the discussion, with the discussion centered around "how can we devise a concept plan that lets us justify approval?" There seemed to be little concern over how the placement of 70 houses/lots within what is now a rural-character neighborhood would impact residents, public safety, City infrastructure and the natural environment. While focused on density, many of the goals and objectives in the Comp Plan were seemingly brushed aside.

I give you some excerpts from the Comp Plan:

- This will be a city proud of its assets, both cultural and natural, saving the best of its historic buildings and areas and preserving cherished green spaces.

- Goal 4. To improve the quality of land use and development patterns.

- Goal 11. To preserve and enhance the City's natural environment for future generations through education and policies that encourage development that is compatible with nature and builds community resiliency and social responsibility within the community.

- Strategy 4.1.5. To encourage or provide incentives for new development and redevelopment to preserve existing trees and vegetative areas and/or to add new trees and plantings.

- Strategy 4.1.6. To require or provide incentives for open space or "cluster" development to preserve green space within new residential subdivisions.

- Objective 4.3. To adapt to new trends and demands while ensuring that new development and redevelopment of residential, commercial, and industrial properties will be compatible with adjacent existing uses and with planned land uses of surrounding parcels.

- The Land Use Guide descriptions and map make up the official land use policy of the Comprehensive Plan and is to be used as a guide in decisions on such matters as rezonings, special use permit proposals, and the location of public facilities.

- [Description of the Comp Plan's desired land use of Low Density Mixed Residential]: Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. The intent is to have innovative residential building types and allow creative subdivision designs that

promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains).

The above considerations are supposed to guide the City in considering a proposal such as this. I would not be going far out a limb to state that this proposed development fails to meet these objectives. As shown, this development will require the entire 10+ acres to be completely reconstructed, with no preservation of existing features possible.

As stated before, "R-8 and the Comp Plan's Low Density Mixed Residential are not the same".

The most recent "concept plan" provided by the developer shows a reduction to 45 or so lots, and shows wider streets and a somewhat revised street layout. That design of the street network still fails to comply with current City standards. Further, given the revised information from the applicant was received the day it had to be sent to Commissioners (last Friday), the Staff report, as of this writing, states that the staff has not had time to review this latest proposal in order to make comment.

The reduction of lots evident on the concept plan as it has progressed is the direct result of trying to meet City standards for street and intersection design. With those standards still not met, the question becomes what layout will ultimately prove satisfactory? What will be the lot count under such a plan? The discussion at the last PC meeting, and the Staff Report, imply that the success of this development may hinge on the granting of variances to certain City standards. At what point in the process will those decisions be made, and how will they affect the outcome of the "plan"?

The developer continues to work with staff to produce a palatable plan, with assumptions being considered as to what variances might be acceptable further down the development process (i.e., subdivision). However, the rezoning proposal remains for up to 70 units. If the plan requires a reduction from 70 to 45 lots (perhaps fewer) in order to satisfy City concerns and comply with infrastructure standards, why does the rezoning continue to propose up to 70 lots? It is apparent that such numbers are not feasible, an affirmation that this parcel(s) of land may not be conducive to such a development..

Here is the big concern with this scenario;

If this rezoning is approved, will the City have put themselves in a position to later be obligated to approve undesirable variances because they approved the rezoning for such a high density? Why not have the proffered maximum number of lots reflect what may actually be possible? Why not work towards a plan that meets City standards, or at least one that reflects variances that staff can support, and set a maximum number of lots based on that plan?

A final clarification regarding new Proffer #10: the "neighbors" did not request screening, we simply asked if that had been considered. The inclusion of screening by no means changes the neighborhood's opposition to this rezoning as confirmed by our Petition.

Sincerely,

Dan Rublee
1251 Smithland Road

Outlook

Smithland road developement

From Steven Hostetter <steve@hostettercustomhomes.com>
Date Wed 3/12/2025 4:28 PM
To Meghan.rupkey@harrisonburgva.gov <Meghan.rupkey@harrisonburgva.gov>

WARNING: External email. Be cautious when clicking on links or opening attachments.

Meghan, I am Steve Hostetter and I live on Smithland Road and I am aware of the subdivision proposed for the 10 acres that has been for sale a long time. I am a builder - I have been for 27 years and I have built on three pieces of property in the city and many out in the county. I am not opposed to development or I would quickly run out of work or go back to remodeling - which I don't enjoy!
I do want to join with many other residents of Smithland road to raise my concern for the density and design of this ridiculous proposed subdivision. It stands in stark contrast to the rest of the developed properties on Smithland and raises many issues.
-From my understanding, it doesn't even comply with previous standards of density within the city with small driveways, sqft of yards, parking, etc. I have no problem with building houses on the land but what about the character of the neighborhood and really with most of Harrisonburg in general.
-I already take my life in my hands whenever I walk/run or bike on Smithland road which I do often. There are no sidewalks or bike paths. The shoulders of the roads are dangerously small and not suitable for easy walking when a car approaches. So if this development triples the number of houses on Smithland East of 81 then how about some sidewalks, bike paths, etc to deal with the obvious increase (x3) of traffic, walkers, runners, bicyclers, etc?
-Traffic!! The road is already dangerous in its present state. Improvement needs to be a part of the plan and the city should pay.
-Noise, safety (crime), all are concerns also.
Thank you for passing this on to other planning commision members.

Steven Hostetter
President & Owner

Hostetter Custom Homes, LLC
1050 Smithland Rd. Harrisonburg, VA 22802
tel: 540.810.0006
web: hostettercustomhomes.com

Hostetter
CUSTOM HOMES

PETITION

To: Harrisonburg City Planning Commission
Date: February 5, 2025
Re: Proposed Rezoning of 10+/-ac from R-1 to R-8 along Smithland Rd
Applicant: Riverbend Investments

The below residents and property owners along Smithland Road surrounding and near the property proposed for rezoning wish to voice our concerns over this proposal. Several of us have lived here since before or just after this area was annexed into the City in 1983. At that time, the City designated and zoned this area for R-1 single family use, which, aside from a couple of now-demolished farms, was the existing land use of the area. There are currently about 33 homes, many on large lots, along the entire 1.8 mile distance along the road. Also, since the mid 1980s, only about 8 new homes have been constructed, all on lots conforming to the current R-1 zoning requirements.

Though we understand that property owners have a right to develop their properties in accordance with local requirements, this proposal represents a significant change to both the current property zoning of R-1 and to the character of this long-standing neighborhood. The 33 mentioned existing homes are constructed on roughly 60 acres. This proposal is to build more than twice that many additional homes on a parcel of land $1/6^{th}$ the size. This seems totally unreasonable in such an area. The focus we've seen in City staff information and in the developer's proposals simply points to "density", using that as the only comparison to existing and proposed zoning (and Comprehensive Plan designations) and numbers of lots allowed to be placed on a given property. Zoning is supposed to be about much more than that. In particular it is about maintaining compatibility between land uses. Crowding this type of numbers-driven subdivision into an area such as Smithland Road is not respectful to the current land use and should not be acceptable to the City. When one looks at density, it is a given that the 4 units per acre allowed in R-1 is rarely achievable once streets, open spaces, utility needs and such are considered. That makes this proposal even more contradictory to the current character of the neighborhood. We foresee this development making an adverse impact on property values of existing homes, given the density and sheer numbers of homes it contains.

Again, we re not opposed to respectful and compatible development of this property. However, we do ask that the City reject this particular proposal and suggest the applicant present a plan that is better representative of the neighborhood, that protects existing property values, protects natural resources, creates less of an impact on traffic, reduces school populations and burdens on public utilities, etc.

Aside from the significant change in dwelling unit density discussed above, below are some other concerns expressed by the neighborhood group:

1. The developer has tried to justify that the R-8 district is a close equivalent to the Low Density Mixed Residential (LDMR) land use designated for this area in the Comprehensive (Comp) Plan. This comparison has been made simply by considering dwelling unit per acre densities listed in the two provisions. There is more to the LDMR use than just consideration of density. Below is an excerpt from the Comp Plan:

> Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open

space or recreation. The intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains).

From our review, this proposal fails to comply with the desire for open space and recreation (a tiny playground along a public street seems a way to simply fill a square in the proposal, and is unusable for lots given the proffer of "no driveways along the entry street"). Perhaps more importantly, the plan fails in the goal to "protect environmental resources or sensitive areas". Planning Commission should be aware that over three acres of this property is currently mature hardwood forest with significant hardwood trees including large oaks, poplars, hickories and other species. Another acre of the property is in forest as well, albeit less mature. Both these areas provide significant tree canopies that help to offset environmentally insensitive conditions in and around the City.

2. The above forested areas also provide significant wildlife habitat, as does the grasslands that comprise the remainder of the property. These areas support deer, black bear, foxes, pileated woodpeckers, owls, hawks and many other bird species, as well as more typical urban wildlife. The property seems to be a thoroughfare of sorts as wildlife are consistently seen migrating through it.

3. We are very concerned with the increase in traffic. Smithland Road is a narrow street with many curves and poor sight distance in places. This development has the potential to significantly increase the number of vehicles traveling the road. There is no curb nor sidewalk along Smithland Road, nor even suitable shoulders, meaning pedestrian and bicycle safety along the road is already compromised, and will be significantly worsened by this development.

3. We are concerned that approval of this development will set a poor precedent leading to similar proposals on other undeveloped or partially developed properties along the road. Such a precedent could lead to even more significant impacts on the character of the area and on the natural resources it contains.

4. Though perhaps the time to argue this position is past, the Comp Plan's designation of Low density Mixed Residential already makes a significant impact to the Smithland Road area compared to the current R-1. As you know, the Comp Plan also includes a Low Density Residential land use which seems to be the equivalent of the existing R-1. Planning Commission (and staff) should be aware that out of the approximately 1650 acres designated in the Comp Plan for Low Density Residential, less than one percent of that is undeveloped land as opposed to long established existing neighborhoods. The few areas remaining for LDR development are smaller parcels sandwiched within or near to larger existing neighborhoods. The Comp Plan has effectively eliminated new development of the traditional R-1 type. It seems preserving much of the existing R-1 land as R-1 or Low Density Residential would be important to the diversity of new development within the City. Despite what market reports may claim, the City does not need to utilize every vacant parcel for maximizing available housing.

5. The developer states in their information that real estate market reports identify the "need" for significant numbers of new single family lots/homes in Harrisonburg. Perhaps that is true. However, there are several developments in the City that have the potential to provide such numbers that are either approved and currently dormant, currently active, or in the proposal stage, respectively Blue Stone Town Center, the Smithland Road "Quarry" property rezoned many years ago, and the proposed development of the Waterman Drive quarry property. It would seem the City should be considering

there are already a number of yet to be built upon lots in, or close to, a ready to build state, before they approve significantly more.

6. We understand the concept plan is not an obligation, and that the proffers simply provide for a maximum number of lots. However, it should be pointed out that the plan shows streets that do not comply with City geometric standards for centerline radii, horizontal sight distance, intersection design and perhaps other factors. The plan as shown seems to need variances which are not identified. Absent such variances, the layout of the plan will need to change, which could reduce the lot yield. Similarly, the property boundary on the plan looks to have been derived from the City's GIS mapping and is not correct. There is a 50ft. Private right-of-way with a 100ft. diameter turnaround along the western boundary that is not shown. Preservation of this right-of-way may result in changes to the layout.

7. Managing stormwater for this development will be very difficult given the current state of the property generates very little runoff. The drastic difference in land cover posed by the development will force the need for multiple stormwater treatment and flow reduction facilities. Such provisions could have a significant impact on cost, and may also require additional space. The use of open space and tree preservation encouraged by the Comprehensive Plan would be beneficial in reducing the stormwater impacts caused by the rest of the development. There are no adequate receiving channels for generated stormwater from this project. The developer will likely need offsite improvements requiring easements and maintenance agreements with downstream owners, who would not be obligated to grant such.

8. We understand from the developer that the "guest parking" areas shown at one point on the plan have been requested by City staff to be removed from the plan. As laid out, there is no on-street nor off-street parking shown. All parking is provided solely by garages as the 10ft. front setback does not allow for driveway parking. Therefore, there will be nowhere for visitors, or additional family cars to park, based on this plan. Perhaps this could be solved by modifying the building footprints to back-set the garages, but the plan does not illustrate that.

Also, please know that the neighborhood owners and residents only came aware of this proposal within the last week or so despite the application being first submitted on or before January 10. City staff states they have met all the requirements for public notice. However, the signage announcing the rezoning was made visible only a few days ago and, as of this date, none of the adjacent property owners have received any written notice. Lastly, as of this date, there is neither an agenda nor any related materials concerning the upcoming 2/12/25 Planning Commission posted in the City's boards and commissions webpage. The neighborhood has had little time and sparse information to give this proposal full consideration.

We the undersigned appreciate the opportunity to voice our concerns through this petition and narrative. We hope you will consider our issues to be important and relative, and take action to protect our interests, to protect the local natural habitats and to consider that the quality of a development is equally or more valuable than how many building lots it provides. Thank you.

SIGNATURE PAGES FOLLOW

PETITION

To: Harrisonburg City Planning Commission
Re: Proposed Rezoning of 10+/-ac from R-1 to R-8 along Smithland Rd
Applicant: Riverbend Investments

NAME	DATE	ADDRESS	SIGNATURE
Anthony Tongen	2/8/25	1145 Smithland Rd	Anthony J Tongen
Megan Tongen	2/8/25	1145 Smithland Rd.	Megan L Tongen
DALE KIBLER	2/8/25	1035 SMITHLAND RD.	Dale Kibler
Heidi Yoder	3/5/25	920 Smithland Rd.	Heidi Yoder
BRENT YODER	3/5/25	920 SMITHLAND	
Wayne Dean	3/5/25	939 Smithland	Wayne Dean
Carolyn A. Dean	3/5/25	939 Smithland Rd	Carolyn A. Dean

PETITION

To: Harrisonburg City Planning Commission
Re: Proposed Rezoning of 10+/-ac from R-1 to R-8 along Smithland Rd
Applicant: Riverbend Investments

NAME	DATE	ADDRESS	SIGNATURE
Lana Gascho	2-8-25	1270 Smithland Rd Harrisonburg 22802	Lana Gascho
Lee Gascho	2-8-25	1270 Smithland Rd Harrisonburg VA 22802	Lee Gascho
Floyd L. Wall	2/8/25	1341 Smithland R Harrisonburg VA 22802	Floyd L Wall
Diane Lambert	2/9/25	1366 Smithland Rd	Diane Lambert
Dennis Lambert	2/9/25	1366 Smithland Rd	Dennis Lambert
Brock Dorsey	2-9-25	1264 Smithland Rd Harrisonburg, VA 22802	Brock Dorsey

PETITION

To: Harrisonburg City Planning Commission
Re: Proposed Rezoning of 10+/-ac from R-1 to R-8 along Smithland Rd
Applicant: Riverbend Investments

NAME	DATE	SIGNATURE	
Alma Navez Perez	2-6-25		1165 Smithland Rd Harrisonburg VA 22802 340 435-6260
Joshua A Soto Navez	2-6-25	Josh Soto	540-435-8311
~~German~~ Ivan Soto	2/6/25		

NAME	DATE	Address	Sign.	
Steven Hostetler	2/6/2025	1030 Smithland Rd		
Bethany Willi	2/6/2025	1150 Smithland		
Mitchell Willi	2/6/2025	1150 smithland		*
Dan Rublee	2/7/25	1251 Smithland Rd		
Marie Rublee	2/7/25	1251 Smithland Rd		
Sandra Perry	2/7/25	1316 Smithland Rd		
Ronnie Steele	2-7-25	1311 Smithland Rd		
Linda Steele	2-7-25	1311 Smithland Rd		
Devin Oberdorff	02/07/25	1256 Smithland Rd		
Hunter Oberdorff	02/07/25	1256 Smithland Rd		
Tim Nelson	02/07/25	1075 Smithland		
Laura Nelson	2/7/25	1075 Smithland Rd		
Andrew Bawcombe	2/7/25	1260 Smithland		

* Mr. Willi also owns both 1241 and 1175 Smithland Rd, properties bordering the rezoning property.