



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Planning Commission  
From: Department of Community Development  
Date: May 12, 2021(Regular Meeting)  
Re: Rezoning (B-2C to R-8C), Special Use Permit (To Allow Townhomes in the R-8 District), and Preliminary Plat with Subdivision Ordinance Variance to Section 10-2-42 (c) and 10-2-43 – 116 Pleasant Hill Road

### **Summary:**

Consider three requests from Tawakkul Investments LLC. The first two are public hearings:

1. To rezone a parcel from the R-2, Residential District to the R-8C, Small Lot Residential District Conditional, and
2. For a special use permit per Section 10-3-59.4 (1) to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District.

The third request does not require public hearing and is:

3. To preliminarily subdivide one lot into 16 townhome parcels. The request includes variance requests to deviate from the Subdivision Ordinance to allow lots to not have public street frontage and for deviation from public general utility easement requirements.

The +/- 0.95-acre parcel is addressed as 116 Pleasant Hill Road and is identified as tax map parcel 9-E-5.

### **Background:**

The Comprehensive Plan designates this site as Medium Density Residential. These areas have been developed or are planned for development of a variety of housing types such as single-family detached, single-family attached (duplexes and townhomes), and in special circumstances, multi-family dwellings (apartments). Depending on the specific site characteristics, densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate.

The following land uses are located on and adjacent to the property:

**Site:** Vacant property, zoned R-2

**North:** Single-family detached dwellings, zoned R-2

**East:** Single-family attached dwellings, zoned R-2

**South:** Across Pleasant Hill Road, single-family detached and attached dwellings, zoned R-2

West: Multi-family dwellings, zoned R-3

**Key Issues:**

The applicant is requesting to rezone a +/- 0.95-acre parcel from R-2, Residential District Conditional to R-8C, Small Lot Residential District Conditional and is applying for a special use permit (SUP) per section 10-3-59.4 (1) to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District. The applicant is also requesting approval of a preliminary plat with variances to the Subdivision Ordinance to deviate from the requirements that all lots have public street frontage and for deviation from public general utility easement requirements. If the requests are approved, the applicant plans to construct 16 townhomes on the site.

*Rezoning and Special Use Permit*

With the subject rezoning request to R-8C, the applicant has proffered the following (written verbatim):

1. Right-of-way along Pleasant Hill Rd. measuring 25' from road centerline shall be dedicated prior to issuance of any certificate of occupancy, as depicted in the approved Final Plat.
2. Developer shall construct a 5' wide sidewalk along the entirety of the Property frontage occurring at the time of Development. Sidewalk will be placed within the dedicated right-of-way, as identified in Proffer #1, and accurately located assuming future street improvements. Additionally, the Developer will provide two (2) pedestrian connections from the townhome development to the frontage sidewalk as described above and as generally depicted in the Rezoning Exhibit.
3. Entrance into the proposed Development shall be limited to one (1) entrance, as generally depicted in the Rezoning Exhibit.
4. The proposed Development shall not exceed 16 total units.
5. Each townhome unit shall be required to have a minimum of 1.5 parking space(s)/unit, averaged throughout the entirety of the Development.

Note that the submitted conceptual site layout is not proffered.

Proffer #1 and #2 addresses right-of-way dedication and sidewalk improvements along Pleasant Hill Road and pedestrian connections into the development. Proffer #3 would allow the site to have only one entrance onto Pleasant Hill Road to serve all uses on the site. Proffer #4 limits the development to not exceed 16 dwelling units. Finally, proffer number #5 addresses off-street parking. The conceptual site layout shows 32 off-street parking spaces, which is equivalent to providing two parking spaces per dwelling unit. While the Zoning Ordinance requires only one parking space per dwelling in the R-8 district, the applicant has proffered 1.5 parking spaces per dwelling unit, which is more than the base requirement, but less than what is conceptually shown and could allow them to provide less parking should they desire to do so as they move through the development process.

The property is surrounded by single-family detached, single-family attached, and multi-family dwelling types. As previously noted, the subject property is designated Medium Density Residential, which means such areas have been developed or are planned for development of a variety of housing types with a planned density of around 15 dwelling units per acre. Since the property is +/- 0.95-acres and they

have proffered no more than 16 dwelling units per acre, the density calculates to 16.8 dwelling units per acre.

The requested rezoning to R-8C is supported by the Comprehensive Plan and staff recommends approval.

Additionally, staff believes that the proposed townhome use is consistent with good zoning practice and will have no more adverse effect on the health, safety, or comfort of persons living and working in the area and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area, and therefore staff recommends approval of the SUP request.

#### *Preliminary Plat*

If both the rezoning to R-8C and the SUP to allow townhomes of not more than eight units are approved, then the preliminary plat can be considered. If the rezoning or SUP are denied, then the submitted preliminary plat is not relevant and could not be approved.

As required, all lots would be served by public water and public sanitary sewer. An existing public water main and an existing public sanitary sewer main run along the Pleasant Hill Road frontage. The preliminary plat shows how existing and proposed water and sanitary sewer lines will serve each new lot.

The preliminary plat illustrates the location of easements for public water, public sanitary sewer, public general utilities, and includes a note that “easements for stormwater drainage and stormwater management facilities will be determined during site plan review and be included on the final plat prior to recordation.”

Section 10-2-42 (c) of the Subdivision Ordinance requires all parcels to have public street frontage. The applicant is requesting a variance from Section 10-2-42 (c) and describes in their letter justification for the request. This variance request has been approved several times throughout the City for many, existing townhome communities.

The second variance request is to Section 10-2-43 of the Subdivision Ordinance which requires a 10-foot wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and requires at least a 10-foot wide public general utility easement centered on the sides or rear of lot lines. Public general utility easements are provided for utilities, including water, sanitary sewer, storm sewer, electric, natural gas, television cable, telephone cable, and others as deemed utility by the City. The applicant describes in their letter justification for the request. Know that the public general utility easements provided would not preclude utility companies from negotiating alternative easements with the property owner(s). More or less, the requirements as specified in Section 10-2-43 are to ensure that necessary areas are reserved for the needed utilities in traditional subdivisions. Staff does not have concern with the proposed development deviating from this section of the Subdivision Ordinance as it appears all issues typically associated with this requirement are being addressed.

Aside from the variances requested to allow the 16-townhome lots to not have public street frontage and to deviate from public general utility easement requirements, the development meets all other requirements of the Subdivision and Zoning Ordinances.

Staff recommends approval of the preliminary plat and variances as requested.

#### **Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the rezoning, special use permit, and preliminary plat requests as submitted;
- (b) Recommend approval of the rezoning, special use permit with conditions, and preliminary plat request with conditions;
- (c) Recommend approval of the rezoning, recommend denial of the special use permit, and denial of the preliminary plat;
- (d) Recommend denial of the rezoning request, but if the rezoning is approved by City Council, recommend approval of the special use permit, and approval of the preliminary plat with conditions; or
- (e) Recommend denial of all three requests.

**Community Engagement:**

As required, the rezoning and special use permit requests were published in the local newspaper twice advertising for Planning Commission’s public hearing. The advertisement was published as shown below:

***Rezoning – 116 Pleasant Hill Road (R-2 to R-8C)***

Public hearing to consider a request from Tawakkul Investments LLC to a +/- 0.95-acre property from the R-2, Residential District to R-8C, Small Lot Residential District Conditional. The R-2, Residential District is intended for medium-density, single-family and duplex residential development. The R-8, Small Lot Residential District is intended for medium- to high-density residential development that includes single-family detached, duplex, and in special circumstances townhouse development. The residential density ranges for R-8 are single-family, 2,800 sq. ft. minimum; duplex, 1,800 sq. ft. minimum/unit; townhouses, 1,800 sq. ft. minimum/unit; and other uses, 6,000 sq. ft. minimum. The Comprehensive Plan designates this site as Medium Density Residential. These areas have been developed or are planned for development of a variety of housing types which in special circumstances may include multi-family dwellings (apartments). Densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate. The parcel is addressed as 116 Pleasant Hill Road and is identified as tax map parcel 9-E-5.

***Special Use Permit – 116 Pleasant Hill Road (To Allow Townhomes in the R-8 District)***

Public hearing to consider a request from Tawakkul Investments LLC for a special use permit per Section 10-3-59.4(1) of the Zoning Ordinance to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District. The +/- 0.95-acre parcel is addressed as 116 Pleasant Hill Road and is identified as tax map parcel 9-E-5.

In addition, adjoining property owners were notified of the public hearings; the property was posted with signage advertising the requests; and a notices were provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

As required by the Subdivision Ordinance, a sign was posted giving public notice to the request for a variance to deviate from the standards of the Subdivision Ordinance.

**Recommendation:**

Staff recommends alternative (a) approval of the rezoning, special use permit, and preliminary plat requests as submitted.

**Attachments:**

1. Site maps
2. Application, applicant letter, and supporting documents
3. Conceptual site development layout
4. Preliminary Plat

**Review:**

N/A