



CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT

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June 1, 2021

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT:

Consider a request from Tawakkul Investments LLC to rezone a parcel addressed as 116 Pleasant Hill Road

This item was discussed together with the special use permit and preliminary plat, both as identified and described below.

Consider a request from Tawakkul Investments LLC for a special use permit to allow townhomes at 116 Pleasant Hill Road

This item was discussed together with the rezoning and preliminary plat, both as identified and described above and below, respectively.

Consider a request from Tawakkul Investments LLC to preliminarily subdivide 116 Pleasant Hill Road

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: May 12, 2021**

Chair Finnegan noted that the next two public hearing items and the first item in New Business – Other Items, regarding 116 Pleasant Hill Road, will be considered together. Chair Finnegan read the requests and asked staff to review.

Ms. Dang said that 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

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, 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.

Chair Finnegan asked if there were any questions for staff.

Councilmember Dent said that she keeps hearing the same variance requests for townhome developments. I wonder if that might be feedback for the Subdivision and Zoning Ordinance revisions.

Commissioner Byrd said that the entrance is a suggested entrance. While things are being finalized, in those later stages, due to traffic issues, they would make any adjustments during that part of the phase, correct?

Ms. Dang said that there was a public comment received that brought up concerns and was asking about an evaluation of the entrance location. You are correct, if it has not already been looked at by our Engineering Division and the Public Works Department, they would certainly be looking at that during the Engineered Comprehensive Site Plan review phase.

Mr. Fletcher said that he was looking at comments regarding this request. I looked back through the comments to see if there was an acknowledgement about sight distance. We talked about a lot of different issues on this matter. There is a lot of work that goes on behind the scenes that we do not always talk about. We focus on a lot of different things and I have a lot of faith in our Engineering and Public Works staff. My only concern with the sight distance issue is that there is not an actual acknowledgement of no sight distance concern. That is not always the case. For sight distance there has to be a certain distance based on the type of street, the speed limit of the street, and the K value of the curve of the street. If there is a sight distance issue, it could end up that the design of the entrance may have to shift one way or the other. Because the site is laid out almost as dense as possible, that could alter the layouts of the lots. What I am wondering is how we might be able to offer some flexibility of design, if you end up approving their plat, so that there is not a substantial difference in the design where they are not increasing the number of lots and making

sure that all the design criteria are being met. My concern is that if it shifts the design so much, when they go to final plat, they are not adhering in substantial conformance with the preliminary plat as designed and as approved by the Planning Commission.

Mr. Russ said that he is not sure how we would go about increasing flexibility beyond “in substantial conformance.” They are not wedded to the precise details of what is being shown. They can deviate from them. I do not know of any avenue for giving them additional wiggle room.

Mr. Fletcher said that staff discussed this prior to the meeting. We have definitely had changes between the preliminary plat and the final plat. It has not been so significant where it is throwing off the density, building alignment. Maybe the applicant can speak to whether they have already evaluated the sight distance at the intersection looking east and west along Pleasant Hill Road. If the applicant gets further down the line and there is a sight distance issue, it may need to come back to Planning Commission.

Chair Finnegan said thank you for that insight. We did get that email from Mr. Pippin about the visibility issues there. To my recollection, something similar to this that we approved was a rezoning on South High Street near Ace Hardware. There is a blind hill there. It was not residential, but we had similar concerns regarding visibility and cars getting in and out of the there.

Commissioner Hull asked if there was guest parking.

Ms. Dang said that if they have room to add more, they can add more. As they have offered in their proffer, they would only have to provide one and a half parking spaces per dwelling unit. If it is guest parking or parking for the dwelling, that is the minimum number of spaces they have to provide for all of the uses.

Commissioner Whitten said that this is a small number. Have they addressed affordability and ADA accessibility beyond the parking spaces?

Mr. Fletcher said that he looked back at the Virginia Building Code. When you are building townhomes and you are individually subdividing them, there are no ADA requirements based on the number of units that have to meet ADA accessibility. If all units were all on one parcel, that changes the game because they would be considered apartments. I do not think that they are required to have ADA accessibility. If they were one-story subdivided townhomes, they might have to meet some accessibility requirement. It is definitely something for us to keep in mind as we continue to look at housing, to be able to find more and accommodate more.

Commissioner Whitten said that she is aware that there is not a law that says they have to. I want it in our thought process and hopefully developers and builders will think about it and make some provisions.

Councilmember Dent said that she seconds Commissioner Whitten’s comment on affordability. I see in the letter from the designer that they refer to “much needed affordable housing within the City.” While I appreciate the sentiment, I wonder what they mean by affordable. There are not any affordable housing proffers. Is it that more dense housing is by nature affordable? I am concerned

that “affordable housing” has become the buzzword and they know that City Council is looking for that, so it becomes lip-service without putting in the proffers to make it affordable.

Commissioner Whitten said that is why she asked the question.

Chair Finnegan said that the commissioners can ask the applicant. When it comes to market rate projects, the reasons that this denser housing goes in is because that is what they need to do to get their money back on their investment. Everyone knows that we want affordable housing. If there are no incentives, it is unlikely that they are going to offer it.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant’s representative to speak to their request.

Jon Ernest, Monteverde Engineering and Design Studio, spoke as the applicant’s representative. From the affordable housing standpoint, we have looked at a number of layouts, taken comments from staff into consideration, and looked at new urbanists concepts that we can apply, such as bringing the frontage of the homes closer to the road. As we do that, costs go up. As shown now, with the increased density as much as possible, unfortunately with the cost of labor and construction materials, the delay, and supply and demand, the housing is as affordable as it can possibly be. It is a very complex and difficult question to answer as the fluctuation of prices in lumber and construction prices is so volatile, especially in 2020 and 2021.

At this point in the meeting, Commissioner Orndoff joined the meeting.

Mr. Ernest continued by thanking Ms. Dang, for the project introduction and for presenting this request to the Planning Commission and to the public. The applicant is seeking a rezoning of 116 Pleasant Valley Road from its current zoning designation of R-2 to the more recently created zoning classification of R-8. The rezoning of this property, along with the SUP request to allow for townhomes in this district will enable substantially greater housing density than current zoning limitations allow. This speaks to our applicant’s desire and intent to provide as much of an affordable housing product as this market allows. Most of us see the very apparent demand for housing inventory, not only locally or regionally, but nationally. Current market trends are unfortunately pricing out a large demographic of homebuyers. Our applicant has sought to reach that demand and offer a solution for that existing demand. We believe that the project’s location, along with meeting the original intent of the R-8 zoning classification increasing the density where it is otherwise prohibited, makes this property an opportunity that aims to meet the existing demand while conceptualizing itself perfectly with the surrounding land uses of the immediate neighborhood being R-2, R-3 and mostly townhome and apartments throughout this neighborhood. With that, I would like to introduce one of the applicants, Jawad Ahmad.

Jawad Ahmad, Tawakkal Investment, spoke in support of the request. We purchased the property a few months back. The objective is to build affordable housing and meet the City needs. Due to the current situation worldwide, it is going to be difficult with costs going up tremendously. We will do our best to keep the costs down and make it affordable for the residents of Harrisonburg.

Chair Finnegan referred to the concerns regarding the entrance off of Pleasant Hill Road. Given the location of the property, the fact that the entrance needs to be central given the design, is there any way to mitigate those problems? Is that a concern of yours that it will create accidents coming in and out of there?

Mr. Ernest said that sight distance and any traffic related issues are typically the foundation of any development. We take those very seriously. We like to do our due diligence up front. We have spoken and reviewed this plan with Public Works. We have seen no sight distance issues at this point, without going on-site and actually taking the measurements, which would give us more accurate data than just our design programs. Out of good practice for developments, we like to centrally align proposed entrances. Out of good practice and to maximize the project's potential and speaking with Public Works through pre-application and post-application, we have come to this determination. If it is deemed that sight distance is not met, which does not seem to be a concern from Public Works or our preliminary studies, then we would take the necessary steps to address those.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said that a lot of this has already been said. We are building more housing in Harrisonburg. This is a residential area with a lot of apartments. I used to work at Merriweather Hills. I am familiar with this area. There are a lot of multi-family homes. This seems like an appropriate location for this, with the caveat of the visibility issue. I am glad to see the R-8 being put to use.

Chair Finnegan noted that Commissioner Orndoff had joined the meeting.

Commissioner Whitten made a motion to recommend approval of the rezoning request.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Orndoff	Aye
Commissioner Hull	Aye
Commissioner Whitten	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Baugh	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on June 8, 2021.

Commissioner Baugh made a motion to recommend approval of the SUP request.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Whitten	Aye
Commissioner Orndoff	Aye
Commissioner Hull	Aye
Councilmember Dent	Aye
Commissioner Byrd	Aye
Commissioner Baugh	Aye
Chair Finnegan	Aye

The motion to recommend approval of the SUP request passed (7-0). The recommendation will move forward to City Council on June 8, 2021.

Commissioner Baugh made a motion to recommend approval of the preliminary subdivision request.

Commissioner Whitten seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Hull	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the preliminary subdivision request passed (7-0). The recommendation will move forward to City Council on June 8, 2021.