



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Eric Campbell, City Manager
From: Thanh Dang, Assistant Director – Department of Community Development and Harrisonburg Planning Commission
Date: March 10, 2020 (Regular Meeting)
Re: Rezoning – 650 Keezletown Road (Juniper Hill Commons) (R-1 to R-7)

Summary:

Public hearing to consider a request from Harrisonburg Cohousing, LLC to rezone a +/- 5.5-acre parcel from R-1, Single-Family Residential District to R-7, Medium Density Mixed Residential Planned Community District. The planned development is proposed to have a single-family detached dwelling, duplex structures, townhomes, and apartment units. The +/- 5.5-acre property is addressed as 650 Keezletown Road and is identified as tax map parcel 72-B-6. Staff recommended approval and Planning Commission unanimously recommended approval 5-0 (Whitten absent and Colman recused).

Background:

The subject request to rezone +/- 5.5-acres addressed as 650 Keezletown Road and identified as tax map parcel 72-B-6 was on the January 8, 2020 regular Planning Commission's agenda. Staff recommended that the Planning Commission open the public hearing on January 8, without a staff presentation, and continue the public hearing through the regular meeting on February 12, 2020 to allow the opportunity for staff to work with the applicant on making further changes to the master plan. The public hearing was opened on January 8 and no one spoke on the request. Planning Commission voted (6-0 with Chair Colman recusing himself from the vote) to continue the public comment period until the February 12, 2020 Planning Commission meeting.

The Comprehensive Plan designates this site as Low Density Mixed Residential. These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building. 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). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these

areas should be around 7 dwelling units per acre and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

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

- Site: A single-family detached dwelling, zoned R-1
- North: A single-family detached dwelling on property, zoned M-1 and R-1
- East: A single-family detached dwelling, zoned R-1
- South: Across Keezletown Road, single-family detached dwellings, zoned R-1
- West: Single-family detached dwellings and commercial uses, zoned R-1, R-3C, and M-1

Key Issues:

The applicant is requesting to rezone one +/-5.5-acre parcel from R-1, Single Family Residential District to R-7, Medium Density Mixed Residential Planned Community District. The property is located along the northern side of Keezletown Road, its western boundary approximately 525-feet from Keezletown Road’s intersection with Country Club Road. The applicant proposes 28 dwelling units including eight multi-family (apartment) units, 15 townhouse units, two duplex structures (four units), and one single-family detached dwelling. The maximum allowed density proposed by the applicant would be six units per acre. The proposed R-7 master planned community is planned to be called “Juniper Hill Commons.”

The narrative for Juniper Hill Commons states:

“The design of Juniper Hill Commons is based on the concept of cohousing, which originated in Denmark in the 1960s. Cohousing homes are privately owned by the residents as in a typical [homeowners association] or Condo Association, with a club house (common house) and walkable design to foster community. With the first cohousing community built in the United States in the early 1990s, the trend has since grown considerably in North America with over 165 completed communities, as well as hundreds more in various stages of planning or development.”

The narrative further explains the vision and other details of the proposed project, and therefore such information does not need to be repeated in this report. The submission includes a conceptual site layout that illustrates a conceptual arrangement and location of the types of residential units, parking and travelways, and a general landscaping plan. It should be understood that the site would not be bound to the conceptual site layout. However, parking lots and travelways and housing areas would be restricted to the locations depicted in the required master plan layout.

The R-7 district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached units, single-family attached units, and in certain circumstances, multi-family units. R-7 communities are developed under an approved master plan that incorporates regulatory text for the communities. Aside from particular provisions of the Zoning Ordinance (ZO) that must be met, the approved master plan is the “zoning” by which the development must abide. The R-7 zoning district requires a minimum of two contiguous acres at the time of application, a minimum of 15 percent open/green space, and at least two types of residential housing types, where no one type can exceed 70 percent of all residential units. Maximum density is limited to 15 units per acre.

To date, the City has approved four R-7 master planned communities:

- Brookside Park located at Roberts Court, Drake Lane, and Suter Street, rezoned to R-7 in 2006, amended in 2007 and 2011;
- The Quarry located along Linda Lane and Smithland Road, rezoned to R-7 in 2007;
- Collicello North located along Collicello Street north of 5th Street, rezoned to R-7 in 2013; and
- The Village at Chicago Park located along Saturday Drive off of Chicago Avenue, rezoned to R-7 in 2014.

It should be understood that any needed Subdivision Ordinance variances or other subdivision related matters should be considered when making a recommendation for master planned projects as approving the plan of development could be perceived as also providing an endorsement for the subdivision matters during the platting phase. As shown in the conceptual site layout for Juniper Hill Commons, the arrangement of the proposed parcels within this development will, at minimum, require approval of a variance to Section 10-2-42 (c) of the Subdivision Ordinance during the platting phase to allow parcels to not have public street frontage.

As required, the applicant has submitted a master plan, titled “Master Plan Zoning Requirements for Juniper Hill Commons,” and an associated master plan layout, which together, if the request is approved, would be the “zoning” by which the development must abide. The R-7 district allows the applicant to propose their own area and dimensional regulations for the development except for maximum building height which the R-7 district regulations limit to a maximum of 40-feet and three stories for all buildings, except for multi-family dwellings, which may have a maximum height of 50-feet and four stories. Additionally, the R-7 district allows the applicant to propose alternative regulations to address off-street vehicle and bicycle parking and for provisions found in Article T. Modifications and Adjustments of the ZO.

As proposed, Juniper Hill Commons would meet or exceed all the minimum required provisions to construct an R-7 development. The development site is +/- 5.5-acres and Section C (a) of the master plan sets the maximum density to six dwelling units per acre (40 percent of the maximum density allowed in the R-7 district). Furthermore, Section C (c) restricts the location of each housing type to the locations depicted on the master plan layout.

Section F (3) of the master plan references the +/- 2.79-acre area on the north side of the stream and illustrated on the master plan layout as being reserved for common open space and stormwater management. During Planning Commission’s review, the text within Section F (3) stated:

As shown on the Master Plan Layout, open space, parks, trails, and other green space amenities such as, but not limited to, accessory buildings, will be located north of the stream.

Since the Planning Commission meeting, Section F (3) has been amended to state:

As shown on the Master Plan Layout, the designated common open space and stormwater management area is reserved for common open space as defined within the Zoning Ordinance and stormwater management.

This amendment was made to address several matters. First, to avoid conflict with interpreting the term “open space” as used in the master plan, staff recommended that the master plan refer specifically to the definition for “common open space” in the ZO, which is:

“Open space, common: Land within a private development set aside, dedicated and designed to protect natural environmental resources, to serve as a visual amenity, and/or to provide recreational opportunities that is owned by a property owners association and is designed and intended for the common use or enjoyment of the residents of the development. Such land shall be primarily naturally vegetated or landscaped, but may include limited paved areas, such as sidewalks, pedestrian plazas, trails, and recreational courts. Such land shall not include streets, street rights-of-way, driveways, parking areas, structures, above ground public utilities, including stormwater management facilities, or other improvements, except as may be approved for recreational or historic preservation purposes in a development plan or site plan.”

This definition of common open space describes what is allowed and what is prohibited within these areas. While the definition of common open space states that such land shall not include structures, it allows an exception for structures that may be approved by the Zoning Administrator for recreational uses. Furthermore, Section E, Accessory Buildings, item number 6, of the master plan, only allows non-conditioned accessory buildings, such as gazebos and sheds, up to a maximum height of 20-feet within the common open space area.

Second, during discussions about the above matter with the applicant, it was realized that there may be future need or desire to allow stormwater management facilities within the common open space area. However, the definition of common open space prohibits stormwater management facilities. Therefore, the applicant has amended the master plan and master plan layout to designate the +/- 2.79-acres north of the stream as being reserved for common open space and stormwater management. This would allow the applicant to use portions of this area to install stormwater management facilities to meet regulations, as well as, install voluntary stormwater management facilities.

As noted above, R-7 developments must have at least 15 percent of the site reserved as open space or for parks. Originally, staff presented to Planning Commission that Juniper Hill Commons would supply about 50 percent open space. With the amendment made to Section F (3) to allow stormwater management within this area, the total percentage of open space within the development would be less than originally presented if stormwater management facilities were installed in this area. It will not be known until the engineered comprehensive site plan phase or later if and what type of stormwater management facilities would be installed within this area. Staff believes it is unlikely that stormwater management facilities will take up a significant portion of this area and that Juniper Hill Commons will exceed the 15 percent minimum of required open space or parks.

Section A of the master plan describes the uses permitted by right within the development. The applicant plans to include single-family detached, single-family attached (duplexes and townhomes), and multi-family dwellings. The applicant has reduced the number of townhouse dwellings allowed to be attached from eight units as allowed by the R-7 district to six attached dwelling units. In consideration of limiting the size of multi-family (apartment) buildings on the site, the applicant has also reduced the number of

multi-family dwellings allowed per building from 16 as allowed in the R-7 district to six. The R-7 district limits occupancy to a single family or not more than two persons.

Section B of the master plan allows uses permitted by special use permit in the associated district regulations of the ZO if approved by City Council.

Section C of the master plan describes the area, density, and dimensional regulations for Juniper Hill Commons. While Section 10-3-57.5 of the ZO prescribes minimum requirements for such developments, the R-7 district allows lot area, lot width, lot depth, yards for all uses to be set by the approved master plan. Furthermore, the provisions of Article T. Modifications and Adjustments of the ZO can also be adjusted through approval of the master plan, which Section E addresses.

The conceptual site layout and narrative describes eight multi-family (apartment) units, 15 townhouse units, two duplex structures (four units), and one single-family detached dwelling, for a total of 28 dwelling units. On the +/- 5.5-acre site, this equals a density of approximately 5.1 dwelling units per acre. With the proposed maximum gross density described in Section C (a) of 6 dwelling units per acre, the master plan would allow up to 33 dwelling units on the site, which would be restricted to the locations as depicted in the master plan layout. (Note that after the February 12 Planning Commission meeting, at staff's recommendation the applicant amended Section C (d) to clarify that the housing by unit type and community buildings would be restricted within designated areas.) It should be understood that the exact number of the allowed dwelling unit types may vary so long as the density of the development does not exceed six dwelling units per acre, no one housing type exceeds 70 percent of all residential units, and that multi-family units do not exceed 30 percent of all the residential units in the community as regulated by the R-7 district.

Per Section C of the master plan, all buildings, including community buildings and accessory structures, would have five feet building setbacks from all property lines, except along Keezletown Road and along the side and rear exterior property lines of the development. The minimum setback for principal buildings along the Keezletown Road public street right-of-way would be 15-feet in consideration of required front yard setbacks for existing and future developments on Keezletown Road. Except for the R-6 and R-7 districts' master planned communities, where the applicant can propose their own setback regulations, and the B-1 district where there is zero setback requirements, all other residential zoning districts require a minimum front yard setback of 10 to 30 feet. The minimum setback for principal buildings along side and rear exterior property lines of the development is proposed to be 7-feet for one- and two-story buildings and 10-feet for three story buildings (similar to the new R-8 district). This addresses staff's concerns about radiant heat and fire spread between buildings on this property and on adjacent properties, along with the angle for ladder placement for fire and rescue personnel between these buildings. Remember that in most zoning districts, buildings are separated from each other by 20 feet because there is a 10-foot side yard setback required for both buildings. Additionally, in order to allow the five foot minimum setback for interior property lines of the development, staff and the applicant worked together to develop regulations in Section F (1) of the master plan that prohibits structures and obstacles (exclusive of HVAC equipment) between buildings that are 20-feet or less apart. Also, within Section C, the applicant has reduced the maximum building height allowance for multi-family dwellings from 50-feet and four stories allowed by the R-7 district to 40-feet and three stories.

Section D of the master plan governs off-street vehicle and bicycle parking requirements for the development. Section D differs from Article G, Off-Street Vehicle and Bicycle Parking of the ZO in a number of ways. Of note, the locations of parking lots and travelways are restricted to the designated areas depicted on the master plan layout; the development can have more compact parking spaces than what the Article G allows; the distance between parking spaces the Keezletown Road public right-of-way is increased; an opaque wall or fence of at least six feet in height is required when parking spaces are located within 20-feet of side and rear exterior property lines; the number of tree plantings required in the landscape border adjacent to public street right-of-way is increased; and the master plan has modified requirements for landscaping islands. A more detailed summary of the differences between Section D of the master plan and Article G of the ZO is provided in an attachment. (Note that after the February 12 Planning Commission meeting, at staff's recommendation the applicant amended Section D, Off-Street Vehicle Parking Regulations item (1) to clarify parking lots and travelways would be restricted within designated areas.)

Section E of the master plan replaces Article T. Modifications and Adjustments of the ZO. Section E modifies, supplements, and qualifies regulations appearing elsewhere in the master plan. Of note, accessory buildings can be constructed anywhere on the property and are not limited to parcels that have been improved with a principal building or use; and accessory buildings in the open space area are limited to non-conditioned buildings, such as gazebos and sheds, that have a maximum height of 20-feet. A more detailed summary of the differences between Section E of the master plan and Article T of the ZO is provided in an attachment.

Section F of the master plan is titled Other Regulations. Sections F (1) and (3) have been described earlier in this report. Section F (2) requires a designated point of collection for dumpsters, trash cans, or other containers which will be picked up or emptied by private commercial refuse services. Additionally, Section F (2) requires that dumpster and refuse storage areas be screened and located within the area illustrated on the master plan layout. Section F (2) does not preclude individual households from having trash cans outside on their own properties. Section F (4) requires an eight-foot tall, opaque fence be installed and maintained along the property boundary with the adjacent parcel identified as TM 72-B-3, which currently has a single-family detached dwelling. This was included by the applicant after conversations with the owners of TM 72-B-3.

Section 10-3-57.2 of the ZO describes the purpose of the R-7 district and states that eight design objectives shall be achieved. The applicant has addressed these objectives in Section IV of the narrative.

The ZO allows multi-family developments in approved R-7 communities so long as certain conditions specified in Section 10-3-57.6 (d) of the ZO are met. Staff believes such conditions are met:

1. Adequate vehicular, transit, pedestrian and bicycle facilities currently serve or are planned to serve the site. During the engineered comprehensive site plan and construction phase, the applicant will be required to provide sidewalks along Keezletown Road and dedicate the necessary right-of-way for future City plans for bicycle facilities on Keezletown Road. At this time, there are no transit routes serving Keezletown Road, however, transit routes are within a reasonable walking distance from the subject site and future bicycle and pedestrian facilities are shown in the City's Bicycle and Pedestrian Plan and the Comprehensive Plan's Street Improvement Plan along Keezletown Road and Country Club Road;

2. Compatibility with adjacent existing and proposed single-family detached and attached residential development is achieved through the master plan's requirements for parking lot landscaping and fencing requirements, minimum setback requirements from the public street right-of-way of Keezletown Road, restriction of residential dwellings and the community building to specific areas depicted in the master plan layout, and reduction of the maximum height, maximum number of stories, and the maximum number of dwelling units within multi-family buildings. The master plan layout indicates that multi-family buildings would be located in the center of the development away from adjacent properties. Additionally, Section F (2) of the master plan requires that private refuse collection be provided at a designated point of collection, that said facilities shall be screened by fences or walls to hide them from view, and requires refuse collection areas be restricted to the dumpster area illustrated on the master plan layout.

3. The site is environmentally suitable for multi-family development. Section 10-3-57.6 (d) of the ZO states "[t]here shall be adequate area within the site to accommodate buildings, roads, and parking areas with minimal impact to steep slopes and floodplains." This condition is unusual as there is no established criteria of how it should be evaluated. The master plan layout and conceptual site layout show the location of the existing stream and the proposed buildings. There is no mapped floodplain on the site. The applicant also provided an exhibit illustrating where there are steep slopes on the site using contour intervals of two feet. Steep slopes are defined by the ZO as:

“Steep slopes: Natural slopes prior to land disturbance or construction that exceeded fifteen (15) percent (0.15). Such slopes are measured as the rise in elevation over the horizontal distances between contour lines on a topographic map with a contour interval of five (5) feet or less.

While there are steep slopes on the site that will be re-graded, staff believes the site has merit to be developed as presented. The majority of the steep slopes that are on the site are located to the north of the stream. The master plan layout and Section F (3) of the master plan requires that the area north of the stream would be used for open space, parks, trails, and other green space amenities such as, but not limited to, accessory buildings. As described in the narrative, it is explained that the intent is to maintain this area as open/green space for a playfield, orchards, and gardens.

With regard to the Comprehensive Plan, the subject property and properties to the north and to the east are designated as Low Density Mixed Residential and the properties to the west are designated as Mixed Use. Low Density Mixed Residential is described as for “residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building.” The Land Use Guide goes on to describe that the gross density of development in Low Density Mixed Residential areas should be around seven dwelling units per acre. The Mixed Use designation is “intended to combine residential and non-residential uses in neighborhoods,” and “are prime candidates for ‘live-work’ and traditional neighborhood developments (TND).” Additionally, the residential density in Mixed Use areas outside of downtown is recommended to be around 24 dwelling units per acre, and all types of residential

units are permitted: single-family, single-family attached (duplexes and townhomes), and multi-family buildings. While the proposed Juniper Hill Commons development does not conform exactly with either Low Density Mixed Residential or Mixed Use, staff believes that the proposed development serves as a good transition between the more intense Mixed Use areas and the lower intensity and lower density Low Density Mixed Residential areas. A map of the Land Use Guide designations around this area is attached.

Although Juniper Hill Commons would allow townhomes and multi-family units, which is not planned in Low Density Mixed Residential areas, the gross density of the development fits the description of “around seven dwelling units per acre” for Low Density Mixed Residential areas. The narrative and conceptual site layout indicate a gross density of 5.1 dwelling units per acre and the master plan limits the development to a gross density of six dwelling units per acre. Although the City does not calculate density in this way, if one only considers the acreage between the stream and Keezletown Road (approximately 2.75-acres), the gross density of the development as described in the narrative is about 10 dwelling units per acre (28 dwelling units divided by 2.7-acres) and as allowed by the master plan is about 12 dwelling units per acre (33 dwelling units divided by 2.7-acres).

Staff believes the proposed development provides a good transitional area between two different Land Use Guide designations, provides innovative residential building types, and provides a creative subdivision design. This development also helps in the furtherance of achieving Goal 5 of the Comprehensive Plan, which, among other things, is to promote the development of new neighborhoods that are quiet, safe, beautiful, walkable, enhance social interaction, and offer a balanced range of housing choices.

Staff recommends approving the rezoning request to R-7 as submitted.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the rezoning request as submitted; or
- (b) Recommend denial.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising for City Council’s public hearing. The advertisement was published as shown below:

Rezoning – 650 Keezletown Road (Juniper Hill Commons) (R-1 to R-7)

Public hearing to consider a request from Harrisonburg Cohousing, LLC to rezone a +/- 5.5-acre parcel from R-1, Single-Family Residential District to R-7, Medium Density Mixed Residential Planned

Community District. The R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The R-7, Medium Density Mixed Residential Planned Community District is intended to permit the development of master planned residential communities offering a mix of single family detached and attached dwellings and open spaces. The minimum district size is two acres and the maximum density is 15 dwelling units per acre. The Comprehensive Plan designates this site as Low Density Mixed Residential. These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes and mixed use buildings with residential dwelling units limited to one or two dwelling units per building might be appropriate. The gross density of development in these areas should be around 7 dwelling units per acre. The planned development is proposed to have a single-family detached dwelling, duplex structures, townhomes, and apartment units. The +/- 5.5-acre property is addressed as 650 Keezletown Road and is identified as 72-B-6.

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

Recommendation:

Staff recommends alternative (a) approval of the rezoning request as submitted.

Attachments:

1. Planning Commission Extract – January 8, 2020
2. Planning Commission Extract – February 12, 2020
3. Site maps
4. Application, applicant letter, and supporting documents
5. Master Plan Zoning Requirements for Juniper Hill Commons
6. Tracked Changes of MP Zoning Requirements Since PC Review
7. Master plan layout
8. Summary of Differences between the Juniper Hill Master Plan Zoning Requirements and Zoning Ordinance
9. Rezoning Narrative for Juniper Hill commons
10. Conceptual site layout
11. Exhibit - 15% slopes based on 2-ft. contours
12. Exhibit – 2018 Comprehensive Plan, Land Use Guide Map
13. Public comment received as of February 7, 2020

Review:

Planning Commission recommended (5-0, Whitten absent and Colman recused) approval of the rezoning request as submitted.