



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections

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December 3, 2018

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

**SUBJECT:** Public hearing to consider amending Section 10-3-56.6 within the R-6, Low Density Mixed Residential Planned Community District and Section 10-3-57.6 within the R-7, Medium Density Mixed Residential Planned Community District to allow property owners the ability to meet off-street parking requirements as may be specified within an approved master development plan.

### EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: November 14, 2018

Chair Way read the request and asked staff to review.

Ms. Dang said the R-6 and R-7 zoning districts were both adopted and added to the Zoning Ordinance in October 2005. The R-6, Low Density Mixed Residential Planned Community District was created, and is intended, to provide opportunities for the development of planned residential communities offering a mix of large and small-lot single-family detached dwellings and open spaces, together with certain governmental, educational, religious, recreational and support uses.

Like the R-6 district, the R-7, Medium Density Mixed Residential Planned Community District was also created, and is intended, to provide opportunities for the development of planned residential communities offering a mix of single-family detached and attached dwellings and open spaces, together with certain governmental, educational, religious, recreational and support uses. Under special circumstances, limited multiple-family dwellings may also be included.

Both the R-6 and R-7 districts promote innovative residential building types and creative subdivision design solutions to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces, and the protection of environmental resources. Additionally, R-6 and R-7 communities shall be developed and redeveloped in accordance with a master development plan adopted at the time of rezoning or a subsequent approved amendment thereof. The master development plan governs development on the site and is used as a basis for subdivision and site plan approval and zoning code enforcement. Sections 10-3-56.6 (e) and 10-3-57.6 (g) of the R-6 and R-7 district regulations, respectively, require that master development plans describe in map and text form:

- (1) General layout of roads, housing areas, open space, parks, pedestrian and bicycle trails.
- (2) General location and number of community building, school, day care, church and public use sites proposed.
- (3) Description of housing types/lot configurations to be used with lot areas, minimum widths and depths, minimum yards defined.
- (4) Indication on the master development plan of the general location of housing types/lot configurations proposed.

- (5) Environmentally sensitive areas: slopes exceeding fifteen (15) percent, streams and 100-year floodplains.
- (6) Proposed active recreation areas and recreation facilities.
- (7) Proposed general landscape plan (landscape areas, plant materials and general specifications).
- (8) Description of how design principles of the district are to be met and proffers, if any, to implement the principles.

Currently, Sections 10-3-56.6 (b) and 10-3-57.6 (b) of the Zoning Ordinance state that off-street parking within the R-6 and R-7 districts is regulated by Article G, Off-Street Vehicular and Bicycle Parking. Article G then regulates minimum off-street vehicular parking spaces based upon specific ratios or other determining factors for different uses. Article G also regulates other matters, such as, but not limited to, minimum off-street bicycle parking spaces, the location of parking spaces, parking lot landscaping, and how to compute the required number of spaces.

In particular, and in only considering the permissible residential uses, the R-6 and R-7 districts would follow the requirements of Section 10-3-25 (7), which require the following parking ratios:

Dwelling: One (1) parking space for each new detached single-family dwelling; two (2) parking spaces for each duplex unit. For town houses and other multifamily dwellings, one and one-half (1½) spaces for each dwelling unit with one (1) bedroom, two and one-half (2½) parking spaces for each dwelling unit with two (2) or three (3) bedrooms, plus one (1) additional parking space for each bedroom when a unit has over three (3) bedrooms.

For example, Article G would require that a four-bedroom town house provide 3½ parking spaces. An applicant proposing to rezone properties to R-7, where the R-7 district regulations restrict the occupancy of each dwelling unit to a single family or not more than two persons, may have justification to propose providing less than 3½ parking spaces per dwelling unit. By default, Section 10-3-25 (7)'s parking requirements, more or less, require that a parking lot be created to meet the minimum off-street parking requirements for townhouse developments. It should also be understood that an applicant could also propose alternatives to parking lot landscaping.

To assist in the utilization of the R-6 and R-7 districts, and to allow applicants the opportunity to propose creative subdivision design solutions as is the intent of both districts, staff is proposing to amend Sections 10-3-56.6 (b) and 10-3-57.6 (b), which have identical text, by modifying the text as follows:

(b) Unless otherwise specified within the master development plan, off-street vehicle and bicycle parking regulations for all buildings and uses permitted in this district are governed by article G.

In any scenario in which the developer proposes to address off-street parking in a way that is not consistent with Article G of the Zoning Ordinance, the master development plan must describe and/or illustrate the off-street parking and landscaping plan. The master development plan would be reviewed and vetted by staff and Planning Commission prior to action by City Council. When the master development plan does not specify parking requirements, then Article G would regulate off-street vehicle and bicycle parking.

Staff recommends approval of the Zoning Ordinance amendment request as presented.

Chair Way said I have a couple of quick questions. Was there anything that particularly prompted this amendment?

Ms. Dang said I know from my experience here the last couple of years, there have been potential developers who have spoken to us, but have not submitted anything formal, where this has come up in

conversations. I believe that Mr. Fletcher and Mrs. Banks have had similar experiences when just discussing these zoning districts, informally, with developers.

Mr. Fletcher added that there is a particular development that is working its way through the system; but has not submitted anything officially. As we have been continuing to give them guidance and suggestions to consider we had that “ah ha” moment that our zoning regulations are going to force a developer to build parking lots for developments. As much as we wanted to promote this townhome neighborhood to do alleys in the back and have a garage off the alley with a small back yard, our parking regulations absolutely push them to having to do a different design. Also, because of the way our landscaping regulations work, single family detached, and duplex dwellings are exempt from landscaping regulations. Landscaping is geared to a parking lot and in our traditional townhome developments we have seen throughout the City, they end up with these large parking lots and the landscaping requirements come in to play. But, in these R-6 and R-7 scenarios where it would be a single family type neighborhood, there may be reasons that you do not need two or three parking spaces for each townhome. In some cases, we may end up not needing to require any parking spaces. This proposed amendment gives these districts that flexibility.

Chair Way said along those lines of parking lot landscaping, is there any potential that this could lead to more negative outcome in terms of not providing landscaping.

Mr. Fletcher said in our experience so far, R-6 and R-7 rezonings get to Planning Commission after much interaction between the developer and staff. There is a risk on the part of the developer that if they do not get a favorable nod with staff, then Planning Commission may not have a favorable recommendation; we just have not had that experience yet where a developer has presented their R-6 or R-7 application to Planning Commission without staff’s favorable recommendation. We only have one R-6 development and three R-7 developments.

Mr. Finks asked if staff could provide examples of proposed alternatives to parking lot landscaping requirements.

Ms. Dang said imagine a row of townhomes that had a private alley in the back, where the owner enters from the back. Think of a driveway going up to the townhomes as opposed to the traditional large parking lot out front.

Mr. Fletcher said think of Liberty Square. In front of all those units there is a parking lot and every so many spaces you must have a landscape island and you must provide one at the end of every parking bay. Staff and this body specifically exempted single family detached dwellings and duplexes from that requirement because it did not make sense to require landscaping for those uses. That same scenario would come into play now with townhomes, if approved as part of the master plan.

Mr. Finks said the alternative is less pavement.

Mr. Baugh said the goal here is not to say you do not have to address parking and landscaping. It is still part of the plan, it is just a way of not enforcing the parking in as ridged a direction as we are at the moment.

Mr. Fletcher said that is correct.

Mr. Finks said my concern is the chance of losing green space and risking runoff situations in these neighborhoods.

Mr. Fletcher said I better understand your concern. Picture a typical public street where you have a row of townhomes and the townhomes sit ten feet from the front property line. Then, behind that townhome you have your lot, green space, and then there is an alley to access the driveway parking or perhaps a garage. There are no provisions that allow that to happen now. The proposed amendment allows

developers an option to not have that large parking lot and gives the developer the flexibility to not have to do all of the required landscaping in the locations such as next to every driveway as required by Article G. . I did not at all look at this amendment from the perspective of losing green space; this is all about giving flexibility in design of these master planned communities.

Chair Way said if you are going to give the flexibility to the parking you almost have to give the same flexibility to the landscaping.

Mr. Fletcher said correct. The current landscaping regulations do push certain designs. So, you have to have flexibility in landscaping.

Mr. Finks asked is this going to set some precedent in some way that we are leaning towards this way of allowing people to be more creative in getting less pavement and are we going to be doing this in other zoning classifications.

Mr. Baugh said the default is that you have to do it. It is giving someone the opportunity to make their case that they can provide the parking with some flexibility to parking and landscaping. To me what holds this together is the idea of the R-6 and R-7 are somewhat of a planned unit development, the development must come forward as a project that requires approval. This is different than developing individual by-right lots, whether residential or commercial.

Mr. Fletcher said and to get more at Mr. Finks' concern of does this set a precedent, at any point in time someone could come forward to the City and apply to amend the off-street parking regulations, for any type of use, within any zoning district in the City. This is just a way we hope to incentivize folks to utilize the R-6 and R-7 development, to promote flexibility, and to get more designs like we intended these districts to have. The way the ordinance is currently written does not help folks to utilize the best design for development. We already know that we want to look at the zoning regulations with regard to parking, so this is kind of a fix for these districts until we can accomplish it.

We have already done this in the Mixed Use District (MX-U), and not a single person has applied for that particular district, even though it has been on the books since 2009. The MX-U district specifically says "off-street" parking shall be proposed and shown for all buildings and uses." My interpretation of that would be that the applicant gets to decide what their parking will be. So, in reality we have kind of already done that, at least within one district.

Mrs. Banks said I would like to point one thing out with off-street parking. With single-family detached homes and duplexes, you are allowed to stack vehicles, one in front of the other, and that can count as two spaces. With quadplexes, apartments, and townhomes you do not have that opportunity. Therefore, if you have a garage in your townhome development, with a driveway and parking space leading into the garage, you can only count that as one off-street parking space, even though you may have two or three spaces there. That is the way the ordinance is written, you cannot maneuver one vehicle in order to get one out of the garage. That is why you often see the large parking areas in front of the townhomes or apartments that may have garages. This will help so that you can count those extra spaces in front of the garage and now have the remaining area available for grass or landscaping.

Chair Way asked with R-6 and R-7 is there a minimum number of acres you must have to develop.

Mr. Fletcher replied you need a minimum of two acres to rezone to R-6 or R-7. You get to decide your dimensional requirements, but density is capped.

Mr. Finnegan asked how common are these R-6 and R-7 developments. How many do we get per year?

Mr. Fletcher said we have had the R-6 and R-7 districts in the Zoning Ordinance since 2005 and we have one R-6, Chatham Square along Betts Road, and three R-7 developments, Brookside Park, Village at

Chicago Park, and Collicello North. Collicello North has not yet begun to construct homes. So, to answer your question, it is rare that you see these rezonings.

Mr. Finnegan asked are you hoping this amendment will encourage more of these developments.

Ms. Dang said to be honest, I think that there are additional things that we need to review with the R-6 and R-7 districts and we plan to when we work on our ordinance update. But we do feel that this amendment that we are proposing was a minor thing, and that if someone were interested in R-6 and R-7 at this time as it is written, then we did not want the parking to stifle a development.

Mr. Baugh said the R-6 district somewhat parallels the R-1 and R-2 zoning districts and R-7 kind of parallels R-3. A lot of the underlying concept was to help move away from the usual grid design and increase flexibility of the design for the entire acreage. And if the density is about the same, then maybe we can get some things like dedicated green space and things like that. For some of us who were there when R-6 and R-7 came to be, if you would have told us that we would only have four developments in 13 years, we might have been disappointed.

So, the concept was more of if you have the acreage, you want to develop it and not increase the density, then we want to give you the flexibility to develop it with something cool.

Mr. Fletcher said since we are discussing the history of R-6 and R-7, I just wanted to mention that if you take a step back and read the R-6 and R-7 regulations, what it somewhat represents is that late 1990s, early 2000s cluster development zoning. We have all seen these pictures with the homes in one corner and all the open green space in another, that is kind of how that was created, around that cluster development design. In reality, often times it does not work out that way because people are trying to maximize the space.

Mr. Finnegan said this is one way to reduce parking requirements and I am in favor of reducing parking requirements wherever possible. I intend to vote for this.

Chair Way asked if there was any further discussion. Hearing none, he opened the public hearing and asked if there was anyone wanting to speak regarding the proposed ordinance amendment. Hearing none, he closed the public hearing and asked if there was a motion.

Mr. Finnegan moved to recommend approval of the amendment as presented.

Mr. Finks seconded the motion.

Chair Way called for a voice vote on the motion.

All voted in favor (4-0) of the motion to recommend approval of the proposed ordinance amendment regarding off-street vehicle parking regulations in the R-6 and R-7 districts.

Chair Way said this will go forward to City Council on December 11<sup>th</sup>, with a favorable recommendation.

Respectfully Submitted,

*Alison Banks*

Alison Banks  
Senior Planner