



City of Harrisonburg, Virginia

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May 1, 2017

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Davis Mill, LLC, Mary L. Shifflett, and Brent Mumbert with representative Blackwell Engineering to rezone a 4.34 +/- acre area zoned R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional. The site is located at 2465, 2485, 2511, and 2521 Reservoir Street, and 2401, 2402, and 2408 Clubhouse Court, and is identified as tax map parcels 81-A-7, 9, 10, 11 and a portion of 81-E-7. Parcel 81-E-7 is split-zoned and if the request is approved, the entire lot would be zoned R-5C.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON:
April 12, 2017

Chair Way read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Medium Density Mixed Residential. This designation states that these largely undeveloped areas continue the existing medium density character of adjacent areas, but in a different form. They are planned for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. They should be planned communities that exhibit the same innovative features as described for the low density version of mixed residential development. The gross density of development in these areas should be in the range of 4 to 12 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: Single-family dwellings and Campus View Apartments & Clubhouse (under development), zoned R-3

North: Vacant lots and multiple-family dwellings, zoned R-3

East: Multiple-family dwellings, zoned R-3 and R-5C

South: Vacant lots and townhomes, zoned R-3

West: Single-family dwellings and multiple-family dwellings, zoned R-3

The applicant, Davis Mill, LLC, a development company and owner of Campus View Apartments, is requesting to rezone four parcels and a portion of a fifth parcel from R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional. If approved, the applicant plans to vacate interior property lines and add the acreage to the existing Campus View Apartment development in order to construct three additional multiple-family apartment buildings on the subject property.

The City With The Planned Future

Before discussing the R-5C rezoning request, it is best to understand how the Campus View Apartment project has evolved.

The current 7.03-acres of R-5C property known as Campus View Apartments was originally part of an R-3, Multiple Dwelling Residential project with a very similar name: Campus View Condominiums. In June 2008, the Campus View Condominiums project received engineered comprehensive site plan approval on a 12+ acre site to build 14 buildings; 13 residential buildings consisting of a total of 156 dwelling units, and one building consisting of 11 dwelling units and a clubhouse unit. Four buildings (47 units and the clubhouse) were constructed and a fourth building was issued building permits, but only a “building pad” was constructed. Unfortunately, Campus View Condominiums went into foreclosure and the entire project was not completed.

In May 2012, Davis Mill, LLC purchased portions of the Campus View Condominiums property. After receiving multiple setback and lot area variances from the Board of Zoning Appeals, the property was subdivided into two parcels; one parcel that is just over five acres and a second parcel of 7.03 acres. Located on the five acre parcel were the four constructed multiple-family buildings and the “building pad,” which Davis Mill, LLC eventually completed and now owns. In total, 58 units exist on the five-acre site, which is now known as Campus View Condominiums. The 7.03 acre site was proposed to be developed with the remaining nine, 12-unit buildings of the original 14 structures that were approved as part of the June 2008 engineered comprehensive site plan and would be known as Campus View Apartments (rather than condominiums).

In November 2012, Davis Mill, LLC received approval to rezone the 7.03-acre site from R-3 to R-5C, proffering to build no more than 108 units within eight buildings (which is the density of the R-3 district), while simultaneously requesting a SUP per Section 10-3-55.4 (1) to allow multiple-family dwellings of more than 12 units per building. To do this, the applicant proposed to remove a building and to redistribute those 12 units by placing two additional units within six of the remaining buildings. Due to the topography of the property and because of the exposed foundations that were already planned for many of the multiple-family buildings, the majority of the additional two units were added as basement units.

In early 2014, Davis Mill, LLC purchased a 2.04 acre parcel adjacent to the existing R-5C Campus View Apartments and in August 2014 received approval for a SUP per Section 10-3-48.4 (6) to allow multiple-family dwellings of up to 12 units per building within the R-3, Medium Density Residential District. Currently, that acreage is under construction with two multi-family buildings, totaling 24 dwelling units, and a separate clubhouse facility. As part of the engineered comprehensive site plan approval for this phase of Campus View Apartments, the property line between the 2.04 acres was vacated to accommodate for building setbacks and added to the R-5C acreage creating a 9.07-acre, split zoned property.

In January 2017, the applicant purchased two parcels (identified as tax map parcels 81-A-7 and 81-A-9), zoned R-3, with frontage along Reservoir Street from the City of Harrisonburg. The applicant also has two adjacent parcels (identified as tax map parcel 81-A-10 and 11) along Reservoir Street, zoned R-3, under contract to purchase. The current request is to rezone the four parcels, totaling 2.3 +/- acres, and a 2.04 +/- acre portion of a fifth parcel, from R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional. The applicant has proffered the following (written verbatim):

- There shall be no more than 42 additional units constructed on the subject properties, beyond those already approved by the SUP (8/2014) and as shown on the engineered comprehensive site plan revised and approved on 4/13/16;
- There shall be 19 additional trees (beyond the Parking Landscape Requirements) comprised of deciduous and evergreens. They shall be located along the southern boundary of the property.

The applicant further proffered that once completed the entire 11.37 acre development known as Campus View Apartments will consist of 13 residential buildings with a total of not more than 174 units, and one clubhouse/community building.

If approved, there would be 11 more units than what would be allowed by special use permit within the R-3, Medium Density Residential District and 97 fewer units than what is permitted by-right in the R-5, High Density Residential District. The applicant is not proposing to construct additional multiple-family buildings; but desires the flexibility to come back to request a SUP per Section 10-3-55.4 (1) to allow more than twelve units per building for the proposed two new buildings shown on the site plan submitted with this rezoning application. Approval of the rezoning gives the property owner five more units than could be built with an R-3 SUP allowing multiple-family dwelling units.

Because the applicant is proffering the total number of units at 174, which is an overall density of 15.3 units per acre, staff is recommending in favor of the request. Although the property is designated Medium Density Residential by the Comprehensive Plan's Land Use Guide, the specific circumstances involving this property are such that staff believes a precedent would not be set for rezoning other properties in this area to the High Density Residential District without appropriate reviews and potential limitations. At this time, staff's favorable recommendation for the rezoning request has no bearing on our opinion for any future SUP request to increase the allowable units within any building on this property.

Staff recommends approval of the rezoning request as submitted by the applicant.

Chair Way asked if there were any questions for staff.

Mr. Finnegan said I have a question regarding the last thing you said about it not setting precedence. Is that just because of the very specifics of this project?

Mrs. Banks said given the very specifics of this proffer we feel that any other case that came before us, whether it is a special use permit in R-3 or a rezoning to high density, it would go through the same reviews and the same scrutiny that this case has gone through. The proffers in this particular case have limited this development.

Mr. Fletcher said I think that the density issue is also saying what Mrs. Banks said about precedence, being that they have proffered essentially almost the same density that is permitted by R-3. The precedence being that somebody is not rezoning to R-5 and taking advantage of the maximum density allowed which is 24 units an acre; they are essentially at a medium density category, which is what R-3 permits.

Chair Way asked if there were any more questions for staff. Hearing none, he opened the public hearing and asked if anyone would like to speak in favor or against this request.

Ed Blackwell, Blackwell Engineering, representing the owner Guy Blundon, said I am here to answer any questions. Mrs. Banks did a great job. This project started as R-3 years ago and it was allowed to have this density with some zoning changes. Within the whole property we exceed the City's parking requirement by about 50 parking spaces for the overall complex. We went ahead and did a second clubhouse. There is already a clubhouse and pool with the original section, but we keep adding. With this four acres we have out towards Reservoir Street we have added five buildings. When we did the previous phase we thought that it was time to build another clubhouse; kids like it, plus we keep adding kids in this neighborhood, we are overwhelming the existing clubhouse. We have two access points onto Chestnut Ridge Road.

There was an access going to Reservoir Street for emergency access only in the phase when we first purchased the two City lots. Now with the contract to purchase these two additional lots, we have more road frontage on Reservoir Street. After discussion with the City, it was decided to disperse our traffic

coming out on Reservoir Street right to a median crossing. So working with the Public Works Department that was the place to connect. We will have one access onto Reservoir Street.

The reason we are asking for the six additional units is because we may come back for a special use permit; I doubt we will come back for all those at this time. We are getting some topography data for some of the proposed buildings. We are looking at what is called 3/4 split buildings, where you have four units on one side and three on the other; the land just naturally lays to do that. If we do a 3-3 split and have two empty units on the upper floor, or do we ask for two more units in that building? What we can do with the rezoning is just the 12 unit buildings, three additional 12 unit buildings unless I come back before this body.

We want to ask for the extra units so I do not have to come back and rezone it again; but just ask for the special use permit. That is the reason we are asking for the six extras units in case we think we can get them and I have to come back and get your approval.

Mrs. Whitten asked if each unit is four bedrooms.

Mr. Blackwell said yes, all the units in all the Campus View Apartments are four bedrooms.

Mrs. Whitten said total by my numbers there would be 696 residents that is a lot; lots of cars, lots of people. It does not look like medium density to me now.

Chair Way asked if there are any more questions for Mr. Blackwell.

Mr. Finnegan said it is 11 more units than what would be allowed by special use permit within R-3 and if there are four people per unit, then that is 44 extra people that we are talking about.

Mr. Blackwell said yes it is. We thought that trying to keep the zoning close, we might not have the clubhouse, I could have had more parking, I could of asked for more units, but of course you all can say. We are trying to get the balance. We thought the clubhouse was a good addition on the last phase and even at the time we were doing Phase III we were thinking about getting the city lots and putting one of the buildings up by Reservoir Street; but then these other parcels became available for sale. That is the reason we have the units there on the left side.

Chair Way asked if there was anyone else that would like to speak in favor or against the request.

Marshall Price, 2403 Massanetta Spring Road said I sent you a letter earlier with my concerns. I have always had a concern on Reservoir Street because of the amount of traffic that is dumping out and with what is coming online pretty soon for Reservoir Street. Even though Reservoir Street is going to be enlarged and improved it is going to still be a very busy area.

Originally, my request was to stop the project of more density. There is a point that you need to know, in the zoning for R-5 the parking is 3 ½ parking spaces per unit and these are four bedroom units and they are going to be marketed to college students, so that means four cars. Even though the owner has shown that he has added more parking spaces, it is going to be maxed out and then if they have friends, and they have parties, there is going to be a spill over. That is probably an issue that has to come up somewhere else; to look at trying to change that requirement, of the 3 ½ parking spaces per four bedroom unit, because there are going to be four people driving.

I have property across Reservoir Street from this site. As I studied this and I started to get into it, my thought was that the City was going to approve this request. Me telling you to stop this is me working up the hill. On a side note, I wanted to buy those properties from the City, but someone up above took it out of the hands of the Public Works Department and it went through all the proper channels it was advertised one time and it was sold at appraisal. When the City was doing right-of-way purchases I requested that I really would be interested in land coming up for purchase and I missed it in this regard.

I am really not opposed to development, it would be really hypocritical for me to sit here and say no, and I have apartments. I built these in the 1990s. What I am requesting now is that I believe once you approve this developer's request, he has added an entrance to Reservoir Street and I know that the City has said this would be good for them to come in and come to that cross over, which is across from my property. I believe because of this development, this large development, no students are going to go to that exit on Chestnut Ridge Road to leave the site; they will always be avoiding the light.

What is going to happen is that you are going to have traffic coming up to get back into the apartments and they are going to want to cut across and traffic is going to be coming down and I am on the other side and my individuals will not be able to get out of that property. One other thing that is going to happen is that they will start coming up and they are going to want to cross and that cut over is only going to be so wide and those cars are going to start backing up into Reservoir Street.

I would like to see if you can get him to move his entrance either up or down and that would create a right in or right out and it would not be right across from that cross over. I believe that you would not have a traffic backup and the City would be happy because there would be another entrance in. I understand that fire and rescue are looking for a way to get into those properties, but I just believe that with all those dropping out it is going to be a problem for Reservoir Street.

The other thing I am going to be concerned about is less parking, when they have their parties, they are going to dump over into my parking lots and that is something that I will have to take care of and deal with. In our apartment complex, we do not allow any parties with our tenants, we are pretty strict about that and we try to be good neighbors, so does everyone around us. I want to offer this because down the road you did a right in and right out at Charleston Townes, and you can do that here; but I just know what the students will do especially on this thing they are going to avoid it, but that can be an option, I think he can move it one way or the other. That would be my proposal if you go ahead and approve the whole complex.

One other thing that I will say, when I was doing all these developments or doing this myself back in the 80's and 90's, I used to remember going for zoning and I was always told that you had to stay within the zoning. You could not put an R-5 with an R-3 around you or right in the middle of it, but this is what has happened. I was kind of asleep at the wheel when the first one came on board but that is just something we should think about when we are doing that too.

Last thing, both of these individuals Mrs. Banks and Ms. Dang, were very helpful to me. To give me the time to study this to understand it and change my game plan on what my suggested proffer would be for this developer. I am hoping Mr. Blackwell would say that is something we can work out.

Chair Way asked if there was anyone else that would like to speak in favor or against the request.

Mr. Blackwell said I am empathetic to some of your concerns. I am a police officer and I go out and patrol a lot on the weekend. When it comes to parking, a lot of these places do not have enough. I will say on my patrolling at night, typically that is when people are at home. Campus View is one of the places that seem to have extra parking, it has been that way a few years, but I am also a realist in that could change in two years with the new student population.

We are meeting the City's parking requirement, we are exceeding it by 50 some spaces for the overall complex, but we are just a tad under the one space per bedroom. The clubhouse has their own parking and you take all that combined and we exceed the city's requirement. A lot of the clubhouse use is internal but then again I am a realist, someone can have a birthday party and they get people from out of the complex come in. We think with the parking lot we will be okay, but again every year, there are so many new students, so the complex can change and I have seen it happen.

As far as the entrance, I have to defer to Public Works. If we slide it down, it can create other conflict points; people come up and try to do a u-turn. I do not mind looking at the possibility about moving that entrance, but I would want Public Works to say yes, we are okay with that or no, we are not.

Chair Way said you are looking at like an exit only.

Mr. Blackwell said well or even slide the entrance. I can slide it down or do a right in or right out, my client wants a full entrance. I would like to propose we can do a full entrance, but if we slide it down it becomes by defacto a right in right out because of the median. This location was worked out with Public Works; they actually had me slide it up the hill to line up with that cross over as much as we could. They actually asked me to move that building on the left a little farther up and possibly slide it a little bit more. I told them I would get on that at the site plan process.

I have talked to Tom Hartman and Jim Baker with the Public Works Department, so I would like to defer to them. During the site plan I would be happy to slide it a little bit if we need to. The problem is when you start having an entrance that is not at their designated cross over, that is the preferred method. I live in Woodland; there are times I sit five minutes to get out of my neighborhood. I understand what Mr. Price's concern would be, I am hoping it would be better with the new road being built, but right now it is a mess. But when you get an entrance off alignment with a cross over, it creates other issues, u-turns, illegal u-turns, you can put up a no u-turn sign and kids will still do it.

Chair Way closed the public hearing and asked Planning Commission for a motion on the request for the purpose of discussion.

Chair Way asked what is the parking minimum for R-3.

Mrs. Banks said it is all the same for all zoning districts. Parking minimums for single family homes we require just one off-street parking space, duplexes need two parking spaces. With townhomes and apartments it is based on number of bedrooms. One bedroom is 1 ½ spaces; two and three bedrooms is 2 ½ spaces and four bedrooms is 3 1/2 spaces.

Ms. Dang said basically the parking is based on the use not the zoning.

Mr. Fletcher said we do not incrementally round up, we round up once the total is calculated.

Mrs. Whitten said realistically no one is bringing half a car and they will for sure have four cars.

Mr. Finks said I cannot imagine students wanting to live there, that would not have a car, it is not walkable. Everyone would have a car if they lived there.

Mr. Fletcher said well it is interesting because we get both sides of it all the time. Some believe our parking requirement is too strict and some believe our parking requirement is too lenient. If we require more parking, then they put in more parking, which is more pavement and then often times they are exceeding the minimum parking requirement anyway. It really depends on the situation; we end up with different philosophies as to whether we require more parking or not.

Mrs. Whitten said I think when you are building something for students and they need to get to campus, obviously they are not going to use a car to get to campus, they are going to use their car to get to other places; but they are going to have a car. We cannot make our zoning or parking requirement just for college students. I have some concerns; not so much about this particular one. I am really concerned about the numbers and the numbers of brand new shiny sparkling granite topped kitchens that seem to be desired by students that are leaving a lot of other apartments vacant in the city. We have so many that are sitting vacant, that are not going to be used by college students.

I questioned whether we need to keep all these apartments. If there is a downturn in the economy, what is going to happen to a complex like this? It is not a reason not to vote for this particular one, but I have some real concern about the number of apartments and, if you drive through there, it certainly does not

feel like medium density at all. I agree with Mr. Price, most college students are not going to drive back out to that side road to get to Reservoir Street, they are probably going straight through and you are going to have a lot of people cutting through to get to that cross over street. I do think that needs to be addressed in some way.

Mr. Colman said the timing is right as we are looking at reviewing the Comprehensive Plan as to whether we need more of this housing. I do not know if that is to accept the zoning but certainly something to consider in terms of student housing and how it impacts neighborhoods. These areas of student housing, or other places, are really impacting each other in a sense. I understand the parking, or them having the parking they need. I think that seems to be necessitated just by the development; they would have to provide parking for their tenants one way or another. I do not know how that is going to be if there is no room for it. I realize that a lot of people come out of there, and some people would be affected by it, like Mr. Blackwell would as he is trying to get out of his neighborhood and that is happening already. I avoid going in that direction because it will take you a while to get through there, I do not think that is a reason to say no to it either way.

Mr. Finnegan said I know it is bad now because it is under construction so it is hard to see, you cannot isolate this.

Mrs. Whitten said yes, but it was bad before it was under construction, I mean it was obviously too small of a street for the flow, but with the amount of people that are being added I am not sure we are not going to be in the same situation that we are with the high school. We are going to build it and it is still going to be too small. That is my concern.

Mr. Finks said we are looking potentially at adding another 600 cars driving to that section on a daily basis.

Chair Way said I am thinking widening roads will induce more traffic volume in these complexes. That is the trade off that happens when you widened the road, it becomes more attractive to build things along it.

Mrs. Fitzgerald said on the other hand we have people in the audience tonight who have spoken about students living close to neighborhoods, very close to neighborhoods, and the traffic that happens when students are right up smack next to established neighborhoods. Something like this collects a lot of students in one place, which lessens the impact on some neighborhoods possibly, but that consequence is less over here, but it pops up somewhere else in the view of traffic. We are always working with tradeoffs when we are dealing with a large public university of many thousands of students.

Mr. Colman said on that note we have had issues with illegal occupancy of residential in R-1 and R-2, certainly your point is well taken in the sense that this is better than having students in our neighborhoods.

Mrs. Fitzgerald said none of these kinds of decisions are unambiguously good or bad, it is just a tradeoff of consequences in one or the other. As a relatively new School Board Member who is looking at the consequences of the kind of pipeline that we are talking about, where old apartments empty out when new, beautiful ones are being built and students naturally go to the ones that look nicer. We know that this is the case, but again, it is just a buffet of tradeoffs that we have to pick from.

Chair Way said specifically on this rezoning issue here, I see the advantages that come with the R-5 rezoning with the proffers. It seems to be that you get to rearrange the parking in a slightly better way so it would be away from the front, which seems like a positive thing from the aesthetics stand point, and reducing the front setbacks might make it easier to walk to bus. My anxiety is the guidelines seem to suggest medium density residential in the Land Use Guide of the Comprehensive Plan with 4-12 dwellings per acre, so any of these options are going to push the bar because it is 13. At 13, it was the lowest and it would go up to 23 without any proffers in R-5.

I want us to be thoughtful about how much we want to stay as close as possible to that target for that medium density residential and yes there might not be a large difference between 13 and what is 15, but I do think we need something and they are important facts for us all and they are a little bit looser with it. I am torn with that, because there are advantages to this, it is already contiguous with an R-5 property, but again as Mrs. Whitten was saying, this is supposed to be medium density residential and lines in the sand have to be drawn sometimes.

So with the food truck thing, if we are saying my rationale is we are trying to keep to what the Land Use Guide suggests, which is Planned Business in that corridor on that particular area; should we also try and keep to the Comprehensive Plan and the Land Use Guide on the guidelines suggested in this area as well; that is basically what I am saying. I know there are many tradeoffs here and many practical reasons why R-5C makes sense in this case, then again we are into the R-5C because we already did a rezoning on that other one away from R-3 to R-5C and so yes this does not necessarily impact the surroundings. We are at a situation where a previous rezoning now has an impact on this one.

Mr. Fletcher said I wanted to clarify that the Comprehensive Plan defines medium density residential as up to 15 units per acre.

Mrs. Fitzgerald asked what the density is for the proposed development.

Mr. Fletcher said 15.3.

Chair Way said are you sure it is 15.

Ms. Dang asked are you looking at mixed or the medium density.

Mr. Fletcher said medium density residential is 1 to 15 units per acre.

Mrs. Banks said the subject property is Medium Density Mixed.

Mr. Fletcher said there was a conversation about that medium density was up to 12, and I was clarifying that medium density is up to 15.

Chair Way said so this area is medium density mixed residential.

Mr. Fletcher said which is 4 to 12 and this gets interesting too, because the 4 to 12 dwelling units per acre was designed around the concept of R-7, which was up to 12 units per acre. This body, just last year, increased R-7 density to 15. So we have made a contradiction in the zoning in the medium density residential.

Mr. Finnegan asked in the 2011 Comprehensive Plan was that designation made knowing that Reservoir Street was going to be widened as it is being widened now planning for that growth.

Mr. Fletcher said the Medium Density Mixed designation was provided to large acreage in what was Chestnut Ridge before Chestnut Ridge extended from East Market Street to Reservoir Street. There were plans for single family detached neighborhood residential streets; it was preliminarily platted, I think we went through a preliminary plat for it. In fact, that was probably in the 2006-2007 time period and the property sold hands before the R-3 amendments and R-5 changes went into effect. The Copper Beach Townhomes multi-family complex was approved and they were allowed by right. The Medium Density Mix designation was designed to accommodate what became the R-7 zoning classification. It was designed to be a sort of a TND (Traditional Neighborhood Development) where you would have single family, duplex, townhomes and multi-family development, where the incentive was to increase density but maintain open space so that people would cluster development.

Mrs. Whitten said is it just the one R-7, out on South Main Street. Is that the only one?

Mr. Fletcher said Pointe Drive is actually an R-2 neighborhood that was by right. There are no developments in the City that are zoned R-7 and developed exactly how it was envisioned. Brookside

Park came close because they have an acreage set up for open space residential, but that is sort of the conflict that we get in these opportunities where the Comprehensive Plan calls for one thing and what you have, what you get, and what you propose are not exactly what you want.

Chair Way said the zoning says 15 maximum per the Land Use Guide.

Mr. Fletcher asked Ms. Dang and Mrs. Banks if they worked closely with Mr. Blackwell to layout the buildings differently than originally proposed. Were not some of the buildings perpendicular? There were some layout changes to help get some visual aesthetic and to move the buildings closer to Reservoir Street.

Mr. Baugh said R-5 has some of those elements where we get increased flexibility.

Mr. Fletcher said the R-3 zoning district allows townhomes by right. Often times you end up with a preliminary plat variance request where the townhomes do not front on a public street, which is what most of our townhome communities do in the City of Harrisonburg. By right, they can build townhomes, but likely need a plat variance, I am not sure if they would build a public street in this area, but they would be allowed to have four occupants per dwelling, and up to four bedrooms. Just another take on it.

Mr. Baugh said as it is right now they can get the density in there and that is modestly troubling.

Mrs. Banks said 91 townhome units would be allowed.

Mrs. Whitten said it is a big concern that R-3 and R-5 are that close.

Mr. Baugh said yes and no because I think this illustrates the point that part of what has happened with R-5 is we have seen some of these types of things. R-5 in many respects, has kind of become a you cannot quite get what you need in R-3 so we will ask for an R-5C. Just like this, where we proffer way under the limits of what we can do in R-5. This is not the first time we have seen that.

Mr. Fletcher said just to add to Mr. Baugh's comment, R-5 has also become sort of that small scale mixed use component, which is what 865 East is. It not only took advantage of the density, but they took advantage of three special use permits. Those three special use permits allowed non-residential use on the first floor, to have more than 12 units in the building, and to build more than four stories in height. There are six stories, looks like seven from the back, and they have about 96 units. I do not recall if they maximized their density or not, but really the R-5 has become the defacto, small scale mixed use component because you have that ability to have non residential units on the first floor.

Mr. Baugh said and it gets back to some of the things that when we were changing R-3 and creating R-5, one of the things that always struck people odd was that the old R-3 was what everybody called high density, because it was the highest residential density that was allowed; although it was called medium density. It was an odd situation where we had nothing called high density; it was all in the creation of R-5 that we even had a residential zoning category that was called high density. This history of tension between what is medium what is high, what does it say on paper and what are my eyes telling when I am looking at it, has a long rich history.

Mr. Fletcher said another component of this is when people say I live in an R-1 community they do not really realize that they might live in a higher, denser zoning district than a traditional R-1 district. If you take Sunset Heights for example, which is R-1; it is higher density than what R-1 standards allow today. They reach into the six and seven units per acre density, where R-1 today is four units per acre. If you would look on the city with a grand scale and you look at older neighborhoods, like Purcell Park, Sunset Heights, look at Pleasant Hill Acres, you look at all these older established neighborhoods the density in there is higher than R-1, but they are zoned R-1. A lot of that has to do with the types of structures, your setbacks and your occupancy. So when people are hearing density they are thinking I am R-1, I am low density; but are you really?

Mr. Baugh said regarding the access on Reservoir Street, I am looking at this and first off I probably do not have to have a long chat with anybody at Public Works to understand why they want it to line up. I also get why you want it there because we go back to the point that you can find a way to develop this property without a rezoning, to get at least comparable density. If the entrance is not there and they would have to go in and out of the existing entrance, that would be worse. Neither one of them may be great, but I think that would be worse.

The one thing that I wonder about, though the suggestion is whether how much it was considered about making that a right-in and right-out entrance, as I am looking at it, there is a level in here where someone has already said “okay, there is going to be more traffic,” and at some level that is just what happens; okay you make the best of it. The scenario that I am seeing here, that I wonder how much it was looked at, is what Mr. Price talks about, which is the return traffic to this project, wanting to make a left turn in off Reservoir Street and how much that creates a sort of jamming of traffic in general. Certainly with respect of anybody wanting to come out and make the left from across the street; the right in right out would take care of that.

Mr. Fletcher said not necessarily. If you want to turn left, then you can still make the turn and then turn right in.

Mr. Baugh said the point then being that same traffic goes further up.

Mr. Fletcher said the original iteration of this did have the entrance further north there was a significant amount of back and forth with Public Works Department, our City Engineer, and the private Engineer to have this alignment. If Mr. Hartman were here he would say it is the dispersment of the traffic; it is about where everything is focused.

Mr. Baugh said that was the point I was making, which is before you start focusing entirely on fantasies, how bad this is going to be, how bad would it be if that was not there.

Mrs. Whitten asked is there a bus stop along there somewhere.

Mr. Finks said there are two; it looks like one on either side of the road according to Google Maps, not a physical bus stop but Google Maps says that there is supposedly a sign out there.

Mr. Blackwell said we would like to put one in.

Mr. Colman said that would be good, that would definitely help.

Mr. Fletcher said there is a lot that goes in to the planning of those; everybody wants to have a bus stop added. When you put bus stops at sporadic locations it throws off the Transit Department’s calculations significantly, because it is all about how many times you stop, how long to the next bus stop.

Mr. Price said there is a bus stop there now.

Chair Way said there are two sides to this. If students in this complex here are using their cars, but we do not think of where the students are going to, which is the University, and I kind of hope and wish that the University would think about discouraging people from using cars at their end, so we are reducing the amount of parking on campus, that is the other side.

Mr. Baugh said I think they have made some good steps in that direction, because of that I do not think the issue is so much about the traffic to and from JMU as it is the fact nonetheless they still need a car. Again JMU has made it tough enough to navigate on campus, but you still need a car to go to the store.

Chair Way said I am just responding to your point about the traffic back up on the road when they are coming in and out of that entrance. I think that is less of a problem.

Mrs. Whitten said in light of this discussion, as much as I am not in love with the density of this I do like the fact that there has been some thought that has gone into the whole process and trying to make the best

use of the situation that we have. I think staff has done very good work on this and the applicant has as well.

Mrs. Whitten moved to approve the rezoning – 2465, 2485, 2511, & 2521 Reservoir Street (Campus View) (R-3 to R-5C) as presented by staff.

Mrs. Fitzgerald seconded the motion

Mr. Baugh said I even think what is envisioned, if we did not have this issue with population growth and how we are dealing with density, even some of the things that they are sort of projecting down the road of possibly wanting to come back because it would be a more efficient use of the space. In one sense from a planning stand point, those are the type of things we want to encourage and we would like to see people do, I think we are clear that the cloud over it is the issues related to rapid population growth.

Chair Way asked if there was any other discussion. Hearing none, he called for a voice vote on the motion.

All voted in favor (7-0) to approve the rezoning – 2465, 2485, 2511, & 2521 Reservoir Street (Campus View) (R-3 to R-5C) as presented by staff.

Chair Way said this will go forward to City Council on May 9, 2017.

Respectfully Submitted,

Alison Banks

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Senior Planner