



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Dean Weaver to amend the Zoning Ordinance Section 10-3-57.5 Area, density and dimensional regulations of the R-7, Medium Density Mixed Residential Planned Community District. The amendment would modify subsection (b) by increasing the maximum density allowed in the R-7 district from 12 dwelling units per acre to 15 dwelling units per acre.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: December 9, 2015.

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said Kin Group, LLC, property owners for Collicello North, is requesting a Zoning Ordinance (ZO) amendment to the R-7, Medium Density Mixed Residential Planned Community District. The proposed amendment is to Section 10-3-57.5 (b) which regulates density within the R-7 district, and would increase the allowable density from twelve (12) to fifteen (15) dwelling units per acre.

In 2013, the applicants received City Council approval to rezone and master plan the 127,195 +/- square feet of property known as Collicello North. The applicants took on the spirit and intent of the R-7 zoning by master planning an infill site that had been passed over by traditional development. They maximized the permitted density of 12 units per acre with a proposed 35 dwelling units – a mix of single family, duplex, and townhouse units.

After site development of the Collicello North project began, the applicants felt that there was increased cost associated with infill development and that an adjustment to the maximum density, by adding additional units, would help offset the expense. Therefore, they are proposing an increase in the allowable density from twelve to fifteen units per acre.

When reviewing the proposed amendment, staff created the following chart to compare the existing maximum allowable residential density per unit type per zoning district.

Existing Maximum Allowable Residential Density Per Unit Type Per Zoning District

	Single Family Detached Lot Area/Units Per Acre	Duplex Lot Area#/Units Per Acre	Townhouse Lot Area#/Units Per Acre	Multi-Family Lot Area#/Units Per Acre
R-1	10,000 / 4			
R-2	7,000 / 6	5,500 # / 7		
R-3s	6,000 / 7	4,000 # / 10	2,000 # / 21	3,000 # / 14 (SUP Req'd)
R-4	6,000 / 7	3,000 # / 14	2,000 # / 21	3,000 # / 14
R-5			2,000 # / 21	1,800 # / 24
R-6*	Per Master Plan / 6			
R-7*	Per Master Plan / 12	Per Master Plan / 12	Per Master Plan / 12	Per Master Plan / 12
MX-U [^]	Per Master Plan / 20	Per Master Plan / 20	Per Master Plan / 20	Per Master Plan / 20
U-R	7,000 / 6	7,000 # / 6		
B-1	No Min. / No Max.	No Min. / No Max.	No Min. / No Max.	No Min. / No Max.

* R-6 and R-7 developments require at least two types of residential housing types (i.e. lot size variations and configurations, single family attached, etc.) and no one housing can exceed 70 percent of the master plan. In R-7, no more than 30 percent of the total dwellings may be multi-family units.

[^] MX-U requires a specific mix of uses; residential uses shall make up no less than 50 percent nor more than 80 percent of the uses within the master plan.

Per unit

Utilizing the chart, one can determine, for instance, that a traditional R-1, Single Family Residential development would allow for four (4) single-family detached dwelling units per acre.

When one computes the possible density of an R-7 development today, utilizing the traditional lot area density, the minimum lot area per unit is 3,630 square feet per unit ($43,560/12 = 3,630$). The proposed density in the same approach equates to 2,904 square feet of lot area per unit ($43,560/15 = 2,904$). Thus, an increase in the R-7 density would be more within the range of R-3 and R-4 density for townhomes and multi-family units; which require lot area of 2,000 square feet per townhouse unit and 3,000 square feet per multi-family unit, respectively.

It should be understood that although the density is being proposed to increase by 3 units per acre, in actuality, the increase would be a minimum of 6 potential additional units because the R-7 master plan requires a minimum of 2 acres for such developments. Also remember that R-7 developments require at least two types of residential housing types (i.e. lot size variations and configurations, single family attached, etc.) and no one housing type can exceed 70 percent of the master plan. As well, no more than 30 percent of the total dwellings may be multi-family units.

Staff researched the records of when the R-7 district was being created and there is no documented reasoning for the maximum density of 12 units per acre within the R-7 district. The master plan process of an R-7 development requires much scrutiny from City staff, during the conception of the project, as well as review and approval from Planning Commission and City Council. Because of this, staff believes the request for the increase in density is within keeping with the intent of the R-7 district.

Staff has discussed that any new, or existing R-7 master plan development that would like to increase density, if this is approved, would need to go through the rezoning and master plan process. Therefore, staff is recommending approval of the requested ZO amendment.

Chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing and asked if the applicant would like to speak in regard to the Zoning Ordinance Amendment.

Dean Weaver said he is with Kin Group and I just want to make myself available and to say I still believe in this project very passionately. I did request this, not just on behalf of Collicello North, but more for what I am learning with Collicello North and because I believe in R-7 development. I hope to apply this change and what I have learned with Collicello North to future R-7 projects.

I currently have an R-5 project going on within the County, so I am learning both systems. I believe this change will go a long way in promoting the R-7 and its great traditional neighborhood values, which I appreciate very much. When I first bought the property, we really looked at the R-3 and I felt it was just not fun, it was not the way I like to look at things and I do not feel it is the way people want to live in the future. I believe the R-7 really has the future in mind.

Chair Fitzgerald asked if anyone else would like to speak regarding the ordinance amendment. Hearing none, she closed the public hearing and asked for discussion or a motion.

Mr. Colman said I think what the R-7 does is to increase density to build community. Much of the property available within the City now is very hard to develop, so unless you have a high density on it, you cannot make it work from the return standpoint. This is one of those sites. I am in support of the request.

Chair Fitzgerald said I find it fascinating that there was not really a strong reason as to why the number 12 was chosen for the density.

Mr. Fletcher said so did we.

Mr. Baugh said I would like to expand on this just a bit. I think where this came from was the idea that R-7 oversimplified, is just a flexible R-3. It was really intended to take how our “R-3ish” looking property through a planned use phase that would require scrutiny and interaction with staff, Planning Commission and City Council. My recollection of where the 12 probably came in was because of the old R-3 – three stories and 12 units per building standard. I intend to support this request. I think in an ideal world, what staff is saying is exactly right, which is the nature of R-7 and its flexibility and the fact that you have so much staff involvement that it allows us to make a case-by-case determination, such that allowing the increase from 12 to 15 is reasonable. But, this issue of density is part of our history; it is not that far back in our history. The next thing we will hear about will be the past decisions that did not take this density issue into serious enough consideration when rezonings occurred. The fact is, the nature of our City and the nature of our market is we have and will have for the foreseeable future, the vast majority of potential developers wanting to increase density. There is money there. They will always want more and the pressure is always going to be more. The history, until not too long ago, was that it never hurts to ask the City for more. I do think that there was some intent at keeping the number at 12; but I think we can go to 15 and still get it right. I certainly hope we do not lose sight of these larger issues, because they are pretty important.

Mr. Da’Mes said from creating the chart within the staff report, was there anything within the chart that caught staff’s attention as to why it was a particular way or if there was another area that could change.

Mrs. Banks said there was nothing that caught my attention.

Mr. Fletcher replied nothing for me either. Quite honestly, it seemed like a natural progression once we compiled it and looked at the numbers. If you look at R-3 and think maybe this is a modified more flexible and environmentally friendly R-3; but the reality is that R-3 would allow for 21 townhomes, by right. This is 15 and it is required to have open space; and required to have this traditional neighborhood design feel; and in a perfect world you would not get approved R-6 or R-7 without our blessing. The reality is that the R-6 and R-7 developments do not even get to the Planning Commission without some kind of real good nod from staff; we have to apply it and make it work.

Mr. Baugh said my sense is that the larger undeveloped tracts that are left, may be hanging on in the hopes that some day they will be allowed to have more density than what is currently allowed. So there is an element here that the more we plan for these things and how we limit these things; but there are no limits on us that we are not going to make an exception every time someone asks.

Mr. Colman said in this context the common space does not change, it still needs to be at 15%.

Mrs. Banks said yes, that is correct.

Dr. Dilts said I move to recommend approval of the amendment to Section 10-3-57.5 in order to increase the allowable density within the R-7, Medium Density Mixed Residential Planned Community.

Mr. Heatwole seconded the motion.

Chair Fitzgerald asked if there was any further discussion. Hearing none, she called for a voice vote.

All voted in favor of the motion (7-0).

Chair Fitzgerald said this will move forward to City Council on January 12, 2016 with a favorable recommendation.

Respectfully Submitted,

Alison Banks
Senior Planner