



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

June 12, 2013

### REZONING - COLLICELLO NORTH R-7 (KIN GROUP, LLC)

#### GENERAL INFORMATION

- Applicant:** Kin Group, LLC with representative Dean Weaver
- Tax Map:** 40-H-1—8 and 11—16, 40-I-14, 15, and 16, and portions of undeveloped 6<sup>th</sup> Street right-of-way, undeveloped portions of Collicello Street right-of-way, adjacent undeveloped alleys, and other public street right-of-way near Edom Road all of which is illustrated on tax map sheet 40.
- Acreage:** 127,195 +/- square feet
- Location:** Bounded by Virginia Avenue, 5<sup>th</sup> Street, portions of undeveloped Collicello Street, and Edom Road
- Request:** Public hearing to consider rezoning 17 parcels and portions of undeveloped public street and alley right-of-way that will soon be in their ownership from R-2, Residential District and M-1 General Industrial District to R-7, Medium Density Mixed Residential Planned Community District. The planned development will provide at least 35 dwelling units and would permit any allowable non-residential uses.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the existing character of the neighborhood. These are older neighborhoods, which can be characterized by large housing units on small lots.

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

- Site:** Vacant commercial building and undeveloped lots and property, zoned R-2 and M-1
- North:** Business office fronting Virginia Avenue, zoned M-1, undeveloped lots fronting undeveloped Collicello Street, zoned M-1, and an automobile repair shop and a non-conforming single family home, zoned M-1
- East:** Automobile repair shop, and across Edom Road, parking lot, zoned M-1
- South:** Nonconforming single family home fronting Collicello Street, zoned M-1, and a single family home fronting Collicello Street, and across 5<sup>th</sup> Street single homes, zoned R-2

West: Single family homes fronting Virginia Avenue, zoned R-2, and across Virginia Avenue, a repair shop and non-conforming single family homes, zoned M-1, and a duplex structure, zoned R-2

### **EVALUATION**

The applicant is requesting to rezone six parcels, zoned R-2 Residential District, and 11 parcels, zoned M-1, General Industrial District, along with adjacent undeveloped public street and alley right-of-way (ROW) that will soon be in their ownership, all to the R-7, Medium Density Mixed Residential Planned Community District. The property is located at the north end of the developed section of Collicello Street, bounded by 5<sup>th</sup> Street, Virginia Avenue, portions of undeveloped Collicello Street, and Edom Road. The subject area totals 127,195 +/- square feet (2.92 +/- acres) in area and would contain at least 35 residential dwelling units. The proposed master planned neighborhood has been named "Collicello North."

The applicant is the same entity that over the past year received approval from City Council to close and purchase the adjacent public street and alley ROWs including: the majority of undeveloped 6<sup>th</sup> Street between Virginia Avenue and Edom Road, portions of undeveloped ROW near Edom Road, portions of undeveloped Collicello Street to the south of its intersection with undeveloped 6<sup>th</sup> Street, and portions of two undeveloped alleys off of and perpendicular to undeveloped 6<sup>th</sup> Street. As shown on the master plan layout, the applicant will also soon be requesting to close more undeveloped Collicello Street ROW; a 1,557 +/- square foot area that is entirely encompassed by this proposed development. If this area is closed and purchased by the developer, and if the developer purchases additional undeveloped 6<sup>th</sup> Street ROW that was originally planned to be bought by the adjacent property owner of tax map 40-I-6, then additional residential units could be built within Collicello North because both of the mentioned areas would become zoned R-7 and added to the overall development. The planning for this scenario has been incorporated into the regulatory control of the Collicello North master plan.

To fully understand the proposed rezoning, one must understand the R-7 zoning district, which was added to the City Code in October 2005. The adoption of this district put into practice listed strategies of the 2004 Comprehensive Plan including, among other things, providing incentives for neighborhoods that contain a mix of housing types and for providing open space or cluster development to preserve green space within subdivisions. The 2004 plan also strategized to address traffic calming measures and to create flexibility with building setbacks that could enhance social interaction among neighbors. These strategies led to the creation of the R-6 and R-7 zoning districts. In brief, these districts have the same intent except that R-6 allows only detached single family homes at a maximum of six units per acre, while the R-7 allows detached, attached, and multi-family units at a maximum of 12 units per acre. The R-6 district allows five percent non-residential uses, while the R-7 district allows 10 percent non-residential uses. The non-residential uses permitted by these districts that cannot exceed the specified percentages include: retail stores, convenience shops, personal service establishments, restaurants, food and drug stores, and governmental, business, professional, and financial institutions. Other non-residential uses of this district include places of worship and child and adult day care centers, however, such uses are not limited in the amount of area they may take up within such developments.

As explained by the Zoning Ordinance, the purpose of 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

neighborhoods are developed under an approved master development plan that incorporates regulatory text and a master layout of the neighborhood. In other words, aside from particular provisions of the Zoning Ordinance that must be met, the approved master plan is the “zoning” by which all development must abide. The R-7 zoning district requires a minimum of two contiguous acres, a minimum of 15 percent open/green usable space, and at least two types of residential housing types, where no one type can exceed 70 percent of all residential units. If multi-family units are built, they cannot exceed 30 percent of the total number of units. The master plan must also identify the required areas, widths, depths, and building setback requirements of all lots and it may also incorporate provisions that are typically regulated by Article T of the Zoning Ordinance, which among other things includes the regulations for walls and fences; terraces, patios, and decks; and accessory buildings.

To date, the City has approved two R-7 master planned communities: Brookside Park and the Quarry. Aside from Collicello North, these are the only two R-7 applications to ever be submitted. The Brookside Park master plan was originally approved in June 2006, but has been amended twice; once in 2007 and then again in 2011. This development has not been completed but has gradually developed over the past few years. It is located off of Suter Street and includes over 7 acres of property and is master planned to include single family detached and attached homes at about 82 percent of the maximum permitted density. The Quarry was approved in September 2007 and includes about 118 acres of property located off of Linda Lane and Smithland Road and is master planned to include non-residential uses along with all housing types allowing up to 744 residential units, which is a little over half of the permitted density. This development never materialized but has received attention from potential developers since its approval.

With regard to the subject request, Collicello North has met or exceeded all of the minimum required provisions to construct an R-7 development. The property is almost three acres in size; the master plan text defines all of the area and dimensional requirements for all lots; the master plan layout illustrates the general arrangement and location of the types of residential units, roads, sidewalks, and landscaping; the neighborhood will have at minimum just over 15 percent usable open/green space; and they have addressed the regulatory matters of Article T. As is necessary when proposing a rezoning in any of the City’s master planned districts, the developer has worked closely with staff to ensure the provisions of the master plan can be practically applied. The master plan text and layout have been thoroughly reviewed and edited, where necessary, by City staff. The master plan text and the governing layout sufficiently explain the details of Collicello North, and therefore such information does not need to be repeated in this report. However, there are several matters that need to be clarified herein.

First, the project would maximize the permitted density of 12 units per acre in providing at least 35 dwelling units—15 single family detached units, one duplex structure (two units), and 18 townhouse units—all made up among six different housing types. All buildings, including community buildings and non-residential structures, would have zero building setbacks. Note that although zero setbacks are afforded to the single family detached units, this provision is more about offering flexibility in design as these dwelling units could never physically touch another unit because they would then be considered attached units, which would not be permitted by the master plan.

A majority of the residential lots would not have public street frontage; therefore, a variance to the Subdivision Ordinance Section 10-2-42 (c) would be required during the platting of this project. As described earlier, if additional density is achieved by purchasing more property, then extra units could be built. The additional units could take the form of any of the permitted types as indicated in the

master plan, the existing single family home, or multi-family units. If multi-family units are constructed, they would be incorporated within the area delineated for mixed-use at the corner of the intersection of Collicello Street and 5<sup>th</sup> Street and would be designed and built in conformity to the vision and intent of the rest of Collicello North. If density permits, the multi-family units may be incorporated into a mixed-use building that might house any of the non-residential uses allowed by the district. Collicello North will allow any of the non-residential uses up to the maximum 10 percent of the development, which at this time is about 12,720 square feet. As required by the R-7 zoning district, the 10 percent includes all land area associated with the non-residential uses (i.e. streets, parking, landscaping, etc.). Buildings containing non-residential uses cannot exceed floorplates of 7,500 square feet, while mixed use buildings allow the entire first floor of the building to include the non-residential uses.

What is not obvious when looking at the master plan layout with regard to residential unit parking spaces, is that the developer has uniquely designed the driveways leading into the garages of the Type B, C, and E units as parallel parking spaces. The parallel spaces for the Type B and C units offer additional parking spaces for the property owner, or to be available to offer parking spaces for neighbors if they are having a family event or if there is a community event. The parallel spaces for the Type E units are provided to meet the minimum parking spaces necessary for those townhome units.

With regard to the public street layout, the designed road does not meet the typical requirements of public streets pursuant the Design and Construction Standards Manual (DCSM). It is already known that some of these issues will include deviations to street and ROW width requirements, curve designs, and to the standards for street classifications. Because of these issues, a variance to the Subdivision Ordinance for the design standards of the street would be required during the platting of the project. As is specified with the Subdivision Ordinance Section 10-2-41 (a), variances may be approved by City Council on a case-by-case basis when:

- the proposed alternative would better achieve the walkable, pedestrian and bicycle-oriented environment the city desires;
- the particular conditions of the site and surrounding street network would allow the proposed alternative without causing undue inefficiencies for service vehicles, nor an excessive reduction in pedestrian safety due to pedestrian-vehicle movement conflicts; and
- the proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the comprehensive plan.

Staff believes the proposed street layout meets the criterion above and is prepared to support the necessary variances during the platting phase. The intent behind Collicello North's street layout is to utilize narrow street widths combined with streetscape planting to create traffic calming measures for a safer environment for automobiles, pedestrians, and bicyclists.

The Collicello North master plan also indicates the extension of Collicello Street will either be a public or private street. At this point, the most likely scenario, and also the hope of the developer, is that the entire road will be a public street. The road section to be built within the existing undeveloped Collicello Street ROW can be accepted as a public street as such a design meets specific criterion for the City to be able to receive maintenance funds from the Virginia Dept of Transportation. The remaining road section that would connect the existing ROW westward to Virginia Avenue is the part of the road that could still be a private street. Regardless of that section being public or private, the physical road would be built as shown. All other roads shown on the master plan will be private streets. Any section of a street that is not public will not be maintained by the City, and therefore, will not

receive City trash services or receive public snow removal services. Public school bus services would be provided as is determined necessary.

Regarding the phasing of the project as shown within Appendix B, pursuant to the requirements of the Zoning Ordinance Section 10-3-11 (c) concerning certificates of occupancy, no certificates of occupancy shall be issued for any building within any phase, unless the phase is completed or the developer has posted an approved surety to the City, to complete any particular phase. A note on the phasing layout sheet indicates the developer's preference to build phases 1 and 2 in immediate sequence, which would complete the through street. However, if there is a gap between these two phases, a temporary, public turnaround will be provided.

The Collicello North master plan also indicates that if the City approves of its location, a transit bus stop area would be provided within the mixed use area near the intersection of Collicello Street and 5<sup>th</sup> Street. The Director of the Department of Public Transportation has already commented that at the present time, such a stop at the desired location would most likely not be accommodated as there is a transit stop near the intersection of 3<sup>rd</sup> and Collicello Streets. The City's goal is to be within  $\frac{3}{4}$  of a mile of everyone, thus the residents of Collicello North would be serviced by the stop on 3<sup>rd</sup> Street.

As discussed above, the development would require variances from the Subdivision Ordinance. These variances should be considered when making a recommendation for this project as approving an R-7 plan of development could be perceived as also providing an endorsement for variances that would be requested during the platting phase.

The Comprehensive Plan designates the entire subject area and the majority of the surrounding area as Neighborhood Residential. This designation is characterized by large housing units on small lots, where existing conditions should dictate the types and densities of future residential development, and where infill development and redevelopment should be compatible with the existing neighborhood. Given the site's location within the overall neighborhood, the physical characteristics (i.e. slope and grade) of the project site, and the general design and philosophy of Collicello North, staff believes the intent of the Neighborhood Residential land use designation would be fulfilled.

Much of the subject property is zoned M-1, therefore rezoning these industrially zoned properties to a residential district is more in line with the long term plans of the City. As one travels north, up the hill of Collicello Street, single family detached homes would be the first types of residential units visible to the rest of the existing single family and duplex neighborhood to the south. The majority of Collicello North's attached units would be built beyond the crest of the knoll, not visible from the existing neighborhood, and predominately accessible only from Edom Road, lessening the overall traffic impact of this development to the existing neighborhood. Staff also appreciates that the first two phases of the project would build all of the detached single family homes—the later phases would incorporate the attached residential units. Often times, detached single family homes are built in later phases of development projects.

Although the unit density of Collicello North and the utilization of townhome units is closer to an R-3-type development than an R-2-type development, which is what the majority of the neighborhood to the south is zoned and what is traditionally thought of as a Neighborhood Residential development, Collicello North is quite different from a medium to high density R-3 development because R-7 dwelling units must be occupied by a single family or not more than 2 persons, which is similar to R-1 and R-2 occupancy restrictions. The R-7 zoning district is not a multi-tenant zoning district. It was designed to promote home ownership within a cohesive single family neighborhood. Furthermore, the

flexibility afforded through reduced setbacks and the required open space also sets it apart from other developments that achieve similar unit density.

Staff believes Collicello North embodies the intent of the R-7 zoning district and is master planned in a way that creates an excellent transition from the existing neighborhood toward the existing industrial uses along Edom Road.

Staff recommends approving the request to rezone the properties from R-2 and M-1 to the R-7 Medium Density Mixed Residential Planned Community District.