

CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Other Matters – Discussion of draft Zoning Ordinance Amendment – Article K.2, R-5 High Density Residential District (To Add Single Family Detached and Duplex Dwelling Units as Permissible Uses in the District)

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: August 9, 2017

Ms. Dang said we have two items under other matters. I will invite Dick Blackwell to come up and talk to you all about his proposal for amending the R-5, High Density Residential District to add single family detached and duplex dwelling units. Typically, when somebody comes up with a Zoning Ordinance amendment proposal we usually receive the application, staff reviews it, and then we hear it at public hearing. But given the uniqueness of this particular item and the fact that this body has had some similar discussions, not necessarily about R-5 but just about single-family and duplex dwelling units, we thought it would be advisable to bring this to you all for some discussion with Mr. Blackwell first and then he could submit his formal submission of the Zoning Ordinance amendment.

Dick Blackwell, 70 Peyton Randolph Court, said I am glad to have this opportunity because I am not trying to ram something through. I think this is something that the City needs to look at and discuss. We talked about affordable housing and the word is relative, what is affordable to one person is not to another. The cost of land, increasing regulations, now you must put sidewalks on both side of the street, and grass strips; we like that, but it increases cost. The cost of labor is going up, cost of materials is going up and I am sure Mr. Colman knows working with people, the cost of putting streets in, stormwater, now we have stormwater quality to address by putting in devices which are quite expensive. So, I was thinking, how do we keep some costs down to help some people get a single-family detached home that might never be able to be attainable.

A project that I am working on probably brought this to light for me. It is a five-acre parcel, it happens to be kind of rectangular, we have to bring the street in and it would be a cul-de-sac street. It is zoned R-1. If we do R-1 zoning, we can only get about ten lots in these five acres because of the way it is shaped. If you consider the cost of land \$50,000 an acre and the road with water, sewer, and off site work could be about \$800,000, we are talking about over \$1,000,000 to develop this land without carrying cost, profit and real estate fees. If we rezoned it R-3, we can get 17 single-family lots. R-3 allows 60-foot frontage but you still must have 6,000 square feet. At that stage the lots would be \$64,000 a piece, which is still too high. We had numerous meetings with staff to try and think this through, and Mr. Colman and I met one day and spent time hashing it out, thinking about it. If we went with lots as small as 30 feet wide, at least 60 feet deep, but a total of 3,000 square feet, which is small, if we did that we can get 34 lots in the subdivision. Then, the price would be down to \$32,000 a lot, which it would not be affordable to everybody, but it would be affordable to more people than present. I have made a proposal, that I am sure you have seen. I am not married to this, as this is why I am really happy to just come in and talk about it. I did not want to come in with an up and down vote on it, let us think it through what is best.

The one Mr. Baugh was talking about with Mr. Stone if he leaves those R-1 lots as R-1 this is going to be a little problem for the community, but if we had a zoning where you can come back

in and have these smaller size lots, he can get two or three houses there, which would really buffer the residential community from the commercial. Right now, he can only get one house on that lot, that was not so much for financial gain, but to do something the community would like. But the only zoning we could figure to do this in was R-5 and you see what happens when you do an R-5 zoning everyone comes in screaming fearful of what that means, even if you say it is R-5 single-family only and it cannot be changed without going through the Planning Commission and City Council, it does frighten people. We looked to do it in an R-1; it did not seem appropriate.

Vice Chair Fitzgerald asked do you mean making the lot size smaller.

Mr. Blackwell said another thing, if we do these we would like to put the house closer to the street, so that you have backyard. One thought, and I have talked to Public Works Department about this and that is doing alleys. Having alleys in the back, where people can park. We talked about what is the possibility of the developer building the alley to City standards, then the City taking over the maintenance of it. They get money from VDOT and they also get street money from the budget and the alleys would not have big trucks driving on them. If it was built well it would last a long time. These are all discussions or situations that need to be thought out and it is more than just the Community Development staff; the Fire Department must get in on it, the Public Utilities Department, and certainly the Public Works Department.

I found a book and I will pass these around, you can build a lot of houses on a 30 or 40-foot-wide lot. There are a lot of these parcels in the City, and if you have to build a full street and take care of water, stormwater, sewer and all, it just costs. We are going to have parcels that are not going to be developed. Frankly, I think some of these little R-3 parcels that we have, instead of having people feel like they have to do townhouses, if they can get smaller lots maybe they would consider building single-family detached dwellings or duplexes. I remember when I was growing up and finally got my first job, I wanted to get a single-family detached house. I think a lot of people still feel that way and with something like this we can help at least a few more people have that dream.

Mr. Colman said I would like to comment to this also, as you know they are also discussing this in the Comprehensive Plan review. There is a lot of interest and a lot of support for affordable housing and what that means. I like the idea of supporting something like this. Personally, what I would like to see, perhaps in the other uses R-1, R-2 and R-3, is to have something similar to this, maybe as a special use permit, something that will be conditional and it would have to be approved on a case-by-case basis and making sure that it fits the area.

Mr. Finnegan said this is something that has come up on the Comprehensive Plan review in Committee 1 a lot. I am frankly really alarmed at the decrease in homeownership, you just watch that line just go down and down. Where do you get on, where is the entry point for people trying to buy their first house?

Vice Chair Fitzgerald said I think Mr. Baugh has used, in a group that he gave a talk to that I listened in on, that we have sort of solved our affordable housing problem by accident and that is the cycle of emptying out old student housing complexes. The Comprehensive Plan Committees have noted that although that does provide an affordable place to live, that kind of accidental housing is not ideal in a whole host of ways.

Mr. Baugh said what we are talking about here is really something that bridges that gap that we do not have. We do not have a great way of bridging that gap and the ways that do seem to incentivize some things that we said we are not crazy about. I think the concept itself, the part that Mr. Blackwell is saying is the main point, I think it has a lot of merit and is something we definitely should be looking at. I see the rationale for putting it in R-5, but from a mechanical stand point, if you look at our existing ordinance, if what we were trying to do is something right now and put it in a place that you can make it fit the most easily and if you just did it right now, that is probably the place to put it.

Some of the history on this, if I remember correctly, and mixed use may have come afterwards but certainly R-5, R-6, and R-7 came out of the 2004 Comprehensive Plan. Everybody liked those ideas, so we went ahead and created those and then of course the hard thing that came after was the R-3 change. One of the things that is clear now in hindsight, is before the R-3 change happened, again R-6 and R-7 were created in a world where there were some more large undeveloped tracks that you would have liked to incentivize to go to R-6 or R-7, but the way we handled R-3 meant that they got developed as R-3. Which is why we now sit in this world and we go “we have these R-6 and R-7 categories with not a lot of inventory that looks like it is even suitable for it.”

It seems to me that the obvious place to put it is R-6. If R-6 is low density mixed residential, R-6 in my view generally is supposed to be the flexible low density category. Is this not what we are talking about here? We are talking about the challenges of putting it in R-1, R-2 and R-3; it probably can be done. I am brainstorming, if you were talking about making a special use permit item, I am almost thinking can you make it a special use permit item in R-6. I would love to see us go the other direction from this trend to use R-3 and R-5 as the place where we have flexibility just because that is how we have had it and we keep doing it. This is a flexible low density approach.

Mr. Fletcher said this concept is not new for us because we have talked about it probably as far back as 2010, about adding single-family and duplex homes in R-5. Mr. Baugh is correct in the fact of why R-6 and R-7 are not used more. I think he has hit a good point, which is the fact that we have developed so much that the incentivization is no longer there. I do not know if the rhetoric began in Harrisonburg that when you choose the words “medium density” and “high density” that immediately it means townhomes and multifamily; it does not. Those terms are used to describe density, it does not describe types of units. That is what we need to make sure is clearly understood, because when we hear R-3, I have so many people say “it is zoned R-3, I can build apartments.” The question then is why.

Harmony Heights is zoned R-3 and has single-family homes. Diamond Court zoned R-3 and has single-family homes. Bluestone Hills is zoned R-3 and has single-family homes. There is a repeating pattern; it is about density. You have smaller lot requirements in R-3 than you do in R-1, so the same line of thinking in R-5 is that if you have smaller lot requirements, you increase your density for a use that you hope is desirable. So when you compare the two, on an R-3 piece of property, you can get 14 apartment units per acre and on an R-5 piece of property you can get 14 single-family homes per acre. It is not about the type of home, it is about density.

Mr. Blackwell asked does R-6 require some open space.

Mr. Fletcher said R-6, R-7 and MX-U are all master plan communities. There are minimum requirements that allow you to apply and then you are held to the master planned community;

so that means that all of the work is on the front end. You are really buying into the concept from a developer's perspective, you are paying a lot of money upfront on an investment that you hope people buy into. We have learned a lot with the ones that we have.

Mr. Baugh said part of what I am saying is that I do not know if we have to be totally wed to the existing template of R-6. I think everything you have said is certainly correct, I think I agree with all of it. I think what you run into, again is I am a citizen and something has come up and it is called medium density. What is R-5. It is called high density.

If what we are talking about is something that encourages innovation, creativity, and development of these isolated lots that we would like to develop as low density, then maybe it makes sense to approach that as how do we refine or create the low density district or the low to medium, or something that clarifies that is what you are doing.

Mr. Fletcher said would you help me understand what you mean by it is a low density issue. Are you talking about the type of homes that are developed at a little higher density, but in a low density environment?

Mr. Baugh said yes, well said; that is what I mean.

Mr. Fletcher said I have even explained to folks that do not do what we do and I said I do understand the layman's perspective. If someone was looking at a map of zoning and they see all these different colors and in years past they have requested to rezone to R-3 and then proffer only single-family homes. That is what Russell Drive is off of Pear Street, they wanted just smaller lots, but single-family homes. Now we are just taking one step further, but for some people when they look at the map they are going to say "is that not spot zoning, it is a different color, it means something different, it is scary, why is that." No, the use is the same, it is all about density. The other thing is that when you build R-6 and R-7 communities, and townhome communities too, you must immediately have a home owners association (HOA) and what does that do? That increases the cost to the home owner because they have to pay monthly fees into the HOA. What Mr. Blackwell is saying is that if you want to go affordable, then you are telling people okay, buy a smaller lot at a lesser cost, buy a smaller home, and you are not charging HOA fees.

Mr. Blackwell said except the stormwater detention, who is going to own the pond, who is going to maintain the pond? If you do not make an HOA to do that, is one person going to do it, or is the City going to take them over and maintain them?

Mr. Colman said at this point we are all paying for the City's stormwater fee, and as you increase the number of rules you are increasing the number of paying customers per say.

Ms. Dang said but the City does not maintain the private pond.

Mr. Colman said I understand, but at the same time this is a place where we can say "well the City is collecting fees for this." A plan like this could mean okay, this is where the City would have to maintain this, but it also might need a more specific requirement for that if the City is going to maintain the stormwater facility.

Mr. Blackwell said the Town of Bridgewater takes all of them over, that way they know they get maintained properly. But that is a much smaller town. That is one of the little things, if we are trying to make it more affordable, we keep having these additional things.

Mrs. Whitten said we cannot make it more affordable for the citizen and not more affordable for the City, costs cannot go on the other side.

Mr. Blackwell said I spoke to several realtors and they said if a house goes on the market for \$250,000 or less it is gobbled up. It really gets taken, there is a demand. I asked some builders if they can build for less than \$100 a square foot and a lot of them said it is very hard. But I do know that some are building townhomes for \$80 a square foot. I think it is possible if we can build for \$100 a square foot, then you have 1,800 square foot homes, then you have \$180,000, plus \$34,000 for the lot, which is about \$220,000. Some years ago, that would have sounded really high. Today unfortunately, that is not the case. I do not know the figures but I do not think the salaries in Harrisonburg are tremendously high. We talked about this a lot and I just pulled the trigger and presented it to you. I am not saying I have the best idea, but let us come up with something.

Mr. Colman said the way I look at it is more in a way to do more infill. If we can use lots that perhaps are less than one acre, even though one acre is what triggers some of the water quality requirements the City has, if this is not a lot you would need to have water quality and stormwater management, it depends on the adequacy of the existing system. That is why I think having this as a special use permit when we look at each case where it fits, to me, it works better than someone comes in and states "here the M-1 has not been developed let us all turn it into," and that is not what we want. I do not know if we want a six-acre lot completely filled up with smaller lots. Maybe? Maybe not? The way I can see this is as an infill for areas of the City you cannot do anything else.

Mr. Blackwell said certain costs are very fixed, streets, water and sewer all that. If we cannot get enough lots on a particular piece, they are not going to develop, they are not going to do it, you cannot afford to. Bobby Beck, of course he bought the land at Chattam Square thinking he was going to put a hotel there, and he did not get it. So what he is doing was the best he can do, but he will probably lose \$2 million dollars on that development, not many people can do that.

Ms. Dang said it sounds to me like there is a general feeling that you like the concept here, and the two pieces of advice that I heard were for Mr. Blackwell to consider exploring a little further about whether smaller lots could be a special use permit in R-1, R-2, or R-3 and the other suggestion was maybe R-6 can be amended or re-written to incorporate this concept. What I am asking for is what other advice or directions you want Mr. Blackwell to explore and staff will continue to work with him on exploring these and asking these kinds of questions.

Mr. Fletcher said the one thing I would clarify is that by adding it into R-5, there are no identified R-5 properties; somebody has to ask for a rezoning. There is only one R-5 parcel in the City of Harrisonburg that is straight zoned R-5, only one.

Mr. Blackwell asked there is only one existing.

Mr. Fletcher said it is on Hunters Road. It is a very interesting shape and there is already an engineer comprehensive site plan approved for it; the developer just never pulled the trigger to develop it. It is on Hunters Road, it is right in the middle of student housing, and it was a 16-unit development. I think we rezoned it in 2007.

Ms. Dang said I was going to ask you about R-6 also. Is that a similar situation with R-5?

Mr. Fletcher said R-5, R-6, and R-7 are all properties that have to go through the rezoning process, no properties were rezoned proactively.

Mr. Blackwell said I avoid R-6 because of the open space.

Mr. Fletcher said R-6 only allows six units an acre. R-7 is 15 units an acre.

Mr. Blackwell said we could do R-7, but it has other things with it that you would not want to do if you are trying to do affordable housing.

Mr. Baugh said part of what I am saying is I absolutely do not think you can just plunk this in an R-6. I am also throwing out the idea that if R-6 could be massaged in some way. The other place that I envision is in R-2. What I think we are talking about here actually sort of an intentional defacto district. That is really what R-2 is. Again, we do not use it as a planning category, it is really sort of that “capture all” when we created zoning. Where do we put these established neighborhoods that the lot sizes are too small and setbacks are too small to fit in with this then modern sense of what an R-1 is? What we are really talking about here, at least in terms of traditional vibe and sense, that is what this looks like to me. These look like the things that would go in and around our existing R-2 neighborhoods.

Mr. Colman said with that I think we go back having a front yard setback; I would respect the existing setbacks. I would not want to change it either because it would not just fit. The special use permit would be a better way where we can adjust those things as we can to make it work with in the area.

Vice Chair Fitzgerald said it sounds like the general concept is heartily endorsed. The question is the best way to do it.

Mr. Blackwell said I will continue to work with staff. You all may want to talk to staff about your thoughts and we will combine them all. I do not want to cram this down your throat, but I do think this is a need, not just for a couple of clients, but for the City as a whole.

Mr. Baugh said we got control over apartments, now we have the situation where we are left with these properties, many of which there is almost nothing left. You have two choices, do what he did and try to just come up with something, get creative and see where you can put something, or townhouses. How many townhouses can I cram into it? You do not want to do that. In some respects it would be nice if we can figure out a way to get some of that off the table proactively.

Mr. Blackwell said I wish we did not have to call it R-5. Is there an R-4?

Mr. Fletcher said there is an R-4. It is a planned unit development district, it is an old 1960s era approach.

Mr. Blackwell said there are a number of little infill places that are big enough where you can probably get two houses on it. The City actually owns a piece of property and I knew a client that inquired about it. The City wanted \$100,000 for it and you had to do an R-2 on it.