



City of Harrisonburg, Virginia

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Building Inspections
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May 6, 2019

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Skylar & Talli, LLC to rezone 5.44 +/- acres from B-2, General Business District to R-5C, High Density Residential District Conditional. The property is addressed at 1051 Peach Grove Avenue and is identified as tax map parcel 92-F-10.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: April 10, 2019

Chair Way said that the four items associated with 1051 Peach Grove Avenue will be presented together in one staff report. He read the request and asked staff to review.

Ms. Dang said these are public hearings to consider four requests from Skylar & Talli, LLC to construct a mixed-use development containing non-residential and residential uses. The requests are:

- To rezone one parcel from B-2, General Business District to R-5C, High Density Residential District Conditional.
- For a special use permit to allow multi-family dwellings of more than 12 units per building per Section 10-3-55.4(1) of the Zoning Ordinance.
- For a special use permit to allow multi-family buildings to be greater than four stories and/or fifty-two (52) feet in height per Section 10-3-55.4(2) of the Zoning Ordinance.
- For a special use permit to allow retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities), and business and professional offices per Section 10-3-55.4(4) of the Zoning Ordinance.

The +/- 5.44-acre property is addressed as 1051 Peach Grove Avenue and is identified as tax map 92-F-10. The parcel is currently undeveloped, has approximately 430 feet of Peach Grove Avenue linear street frontage, and is adjacent to the Port Crossing Shopping Center.

The Comprehensive Plan designates this area as Mixed Use. The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. 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.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

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

Site: Undeveloped property, zoned B-2

North: Retail and other commercial uses, zoned B-2

East: Convenience store, fueling station, and restaurant, zoned B-2

South: Across Peach Grove Avenue, private school, retail, and a nonconforming single-family detached dwelling, zoned B-2

West: Undeveloped property, zoned B-2

The applicant has submitted four separate applications. The first is to rezone a +/- 5.44-acre site from B-2, General Business District to R-5C, High Density Residential District Conditional. Because the applicant would like to construct a building with more than 12 multi-family units per building, the second request is for a special use permit (SUP) per Section 10-3-55.4(1) of the Zoning Ordinance (ZO) to allow multi-family dwellings of more than 12 units per building. (Note: Constructing multi-family dwellings of not more than 12 units per building is a by right ability in the R-5 district.) The third request is a SUP request per Section 10-3-55.4(2) of the ZO to allow multi-family buildings to be greater than four stories and/or fifty-two (52) feet in height, and the fourth and final application is a SUP request per section 10-3-55.4(4) of the ZO to allow retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities), and business and professional offices. If approved, this SUP allows the above noted non-residential uses either within a stand-alone building not exceeding a floorplate of 7,500 square feet or within the entire first floor of any building of any size that is considered a mixed-use building (having residential and non-residential uses).

If all the requests are approved, Skylar & Talli, LLC plans to construct one, six-story mixed-use building containing non-residential and multi-family residential units. The applicant's letter describes plans for the building to contain approximately 16,000 sq. ft. of retail (i.e. non-residential) space that may include uses such as restaurants, coffee shops, bookstores, clothing retailers, and convenience stores. The applicant also plans to include the following on the first floor of the building: interior dumpster facilities, a loading dock to serve both retail and residents, and residential amenities such as a lobby, exercise room, computer room, laundry facilities, and space for bike storage. The second through sixth floors of the building are planned to contain apartments with 1, 2, 3, and 4-bedroom configurations. The applicant's letter describes plans for a total of 120 multi-family dwelling (apartment) units.

At this time, the applicant does not know how tall the planned building will be as architectural drawings are not planned to be completed until the next phase of the project. For comparison, the building at 865 Port Republic Road, a mixed use building similar to the proposed project, is six-stories tall at a height of 69-ft.

With regard to the rezoning request, the applicant has submitted the following proffers (written verbatim):

1. The site shall contain residential and non-residential uses.
 - a.) There shall not be any residential dwellings located on the first floor of any building. However, the first floor of buildings may contain residential lobby area and other residential

amenities for use by residential tenants, such as recreational facilities, computer room, and laundry, etc. These amenities shall not be counted as non-residential.

- b.) A minimum of 15,000 square feet of non-residential uses as permitted by Section 10-3-55.4(4) (i.e. retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), and business and professional offices shall be contained on the first floor of buildings. The proffer does not preclude the property from adding non-residential uses up to the entire first floor of any building.
2. The site shall contain no more than 400 bedrooms.
3. No more than two rows of parking and associated drive aisles can be located between any building and Peach Grove Avenue and between any building and the existing private access road on the property.
4. A sidewalk shall be provided along the southwestern side of the private access road from Peach Grove Avenue to tax map parcel 92-F-11 as generally depicted on the submitted layout titled “The Shoppes at Peach Grove” dated February 23, 2019.
5. A right-turn taper shall be provided for the proposed driveway. The taper shall have a minimum taper length of 125 feet.

Note that the submitted conceptual site layout is not proffered.

Proffer #1 ensures the property includes non-residential uses and does not develop into a residential only site. The conceptual site layout illustrates a building with a floorplate of 32,300 sq. ft. The applicant’s letter describes plans for the building to contain approximately 16,000 sq. ft. of non-residential uses. To provide flexibility in building design, the applicant has proffered a minimum of 15,000 sq. ft. of non-residential uses on the site. Proffer #1 also prohibits residential dwellings from being located on the first floor of any building, but would allow residential amenities such as recreational facilities to be located on the first floor.

With regard to proffer #2, the applicant’s letter and conceptual site layout shows plans for a total of 120 multi-family dwelling (apartment) units with a combination of 20 one-bedroom units, 20 two-bedroom units, 30 three-bedroom units, and 50 four-bedroom units, which is a total of 350 bedrooms. Proffer #2 would allow the site to contain up to 400 bedrooms. The completed traffic impact analysis (TIA), dated February 18, 2019, evaluated trip generation for 340 bedrooms plus 16,000 sq. ft. of non-residential uses. During review of the project, staff was uncomfortable with the proffered increased number of possible bedrooms from 340 to 400 without further analysis of traffic impact. The applicant’s traffic engineer provided a letter dated April 1, 2019 (included within this packet) stating that with the increase from 340 to 400 bedrooms “the overall results of the TIA are unchanged.” After review of the revised analysis, staff accepted the revised TIA on April 2, 2019.

It should be acknowledged that while the applicant has not proffered the number of multi-family units, the R-5 district limits the total number of multi-family dwelling units on the +/- 5.44-acre property to 128, which is 23 units per acre.

Proffer #3 is intended to prevent any future buildings from being separated from Peach Grove Avenue and the private access road by more than two rows of parking and associated drive aisles, thus controlling the location of the building in relation to the overall site.

Regarding proffer #4, because the private access road is not a public street, City regulations and standards would not have required construction of the sidewalk along the private access road with the development of the site. The applicant has proffered that they would construct a sidewalk and that it would be located on the southwestern side of the private access road as generally depicted in the conceptual site layout.

The final proffer, proffer #5, addresses the construction of a right-turn taper, with a minimum taper length of 125 feet, to be provided for the proposed new entrance. Changes were made to the conceptual site

layout after the TIA was completed. Although the TIA did not recommend a right-turn taper with the original site layout, the applicant's engineer and Public Works Department staff agreed that a right-turn taper would be warranted with redistributed trip assignments with the new current layout.

With regard to minimum off-street parking, requirements are calculated based on uses and are provided in Article G of the ZO. In the conceptual site layout, the applicant has shown a scenario in how they might organize off-street parking spaces. The applicant is aware the ZO presently requires parking spaces for the planned residential amenities (recreation facilities, computer room, etc.) at a rate of one parking space for each 250 square feet of gross floor area and that their conceptual site layout has not accounted for this requirement. Staff is working on a ZO amendment that would allow community buildings and spaces associated with housing developments to have reduced off-street parking requirements, however, this proposal has yet to be presented to Planning Commission or City Council and it is unknown whether that amendment would be approved. Staff anticipates bringing this amendment to a public hearing soon.

The applicant has indicated that to meet the City's off-street parking requirements for the planned number of dwelling units and bedrooms, they intend to use the ability granted by Section 10-3-25(1) of the ZO to have up to 25 percent of the total parking provided be designated as compact parking spaces. The conceptual site layout illustrates the locations where compact parking spaces are planned. The applicant understands that each parking space will require a vertical sign with the wording "Compact Cars Only."

During a meeting with the applicant during the review period, the applicant alluded to the City's ZO requiring too many parking spaces. Although it was not discussed with them at the time, if the applicant is interested in reducing the number of required parking spaces, which in turn should reduce construction costs, the applicant could request a SUP for reduced parking per Section 10-3-55.4(6) of the Zoning Ordinance. If such a SUP were approved, it would provide open space for residents and visitors on the property because the space that would have been used for parking must be reserved for open space.

The applicant understands that parking requirements, among other details, would be reviewed during the engineered comprehensive site plan phase of development to ensure that all regulations are met. This is important to understand because, among other things, it appears that the conceptual site layout would not meet the ZO's parking lot landscaping requirements.

During review of the applications, staff encouraged the applicant to design the site so that the building is located closer to the front property line (Peach Grove Avenue) and the private access road, and to not have parking spaces or drive aisles between the building and the streets. The applicant noted that such a design is not desirable for them because retailers want parking in front of the building to serve customers and said that moving the building closer to Peach Grove Avenue would impact the availability of parking spaces within the development.

While staff is appreciative of the applicant's willingness to proffer a limit on the number of parking and associated drive aisles that can be located between any building and Peach Grove Avenue and the private access road, staff believes that continuing to develop in a car-centric fashion on pockets of property that are designated as Mixed Use is not in the best interest of the community. The Comprehensive Plan specifically notes that Mixed Use areas can take different forms, where such spaces could take the form of a single building, single parcel, an entire block, or an entire neighborhood.

By developing the site in the conceptual configuration, it limits the site's potential to mainly being a standalone, mixed use building because it is separated from the surrounding neighborhood. If the building were located closer to the street, it promotes walkability for nearby residents because it removes the perceived barrier that one must drive to the site to access the building. As identified by the Land Use Guide's Mixed Use description, "the scale and massing of buildings is an important consideration when developing in Mixed Use areas," which staff believes the conceptual site layout fails to successfully implement. Moving the building closer to Peach Grove Avenue and the private access road would

promote a more pedestrian friendly design by creating a sense of place by framing the sidewalks next to the building and commercial activity. Concentrating people and places along streets creates an environment that is more accessible, interesting, and safer for pedestrians (it gives pedestrians access from the sidewalk to the building without crossing through a parking lot). Additionally, staff sees that there could be an opportunity to create a courtyard or space for outdoor dining for a restaurant or café between the building and the streets. While existing developments on Peach Grove Avenue have not massed their buildings closer to the public street, staff hopes that as nearby parcels develop and redevelop, which also includes other properties in this area designated as Mixed Use, that they would continue the practice discussed herein. As one suggestion, staff explained to the applicant that the floorplate of the building could be shaped differently and suggested an L-shaped building massed along both Peach Grove Avenue and the private access road as conceptually illustrated in Figure 1. Parking for vehicles could then be located behind the building and out of view from the public street.

During review of the applications, staff encouraged the applicant to relocate the entrance closer to the western property line and further away from the existing entrance. Staff's TIA Acceptance Letter dated April 2, 2019 references two memorandums from the applicant's traffic engineer dated February 25 and April 1, 2019. The February 25 letter incorrectly states in the first paragraph that "[t]he proposed driveway is located as far as possible from the existing driveway because the fire department wants direct access to the west side of the building, and the applicant is constructing a bus turnout and shelter on Peach Grove Avenue at the west end of the property frontage." In reality, the Fire Department would have no issues with the new entrance being moved further away from the existing entrance so long as the required turning radii was provided for fire trucks to turn in to the development and to travel through the parking lot to get to the building. The Fire Department would review these details when the engineered comprehensive site plan is submitted. Moving the proposed entrance further west would improve access management to promote safety for the traveling public. Staff believes that the entrances illustrated on the conceptual site layout, which are proposed to be less than 200 feet apart and both being within 500 feet of the intersection with Port Republic Road, would create a confusing traffic pattern for drivers traveling on Peach Grove Avenue.

Staff's preference would be for the applicant to work with the adjacent property owner of tax map number 92-F-6 to create a shared entrance to reduce the number of entrances and conflict points on Peach Grove Avenue. Fewer driveways spaced further apart allows for more orderly merging of traffic and presents fewer challenges to drivers. If the owner of TM 96-F-6 is unwilling to allow for the creation of a shared entrance, staff would still prefer to move the subject site's new entrance further away from the existing entrance and closer to the subject property's western property line, where there is an existing curb cut for an entrance. Another option is to align the entrance with Eagle Carpet's existing entrance across the street from the subject site with hopes that in the future when TM 96-F-6 is developed, a shared entrance could be considered again.

Additionally, moving the new entrance further west would allow space for the proposed bus stop and bus shelter to be located closer to the proposed building and better serve the residents and visitors to the subject property and to adjacent developed properties who could also use the bus stop. The Harrisonburg Department of Public Transportation (HDPT) has indicated that moving the proposed bus stop and bus shelter closer to the building and between the two entrances would not be an issue for their public transit drivers. Furthermore, with the proposed entrance located closer to the building as illustrated in the conceptual site layout, residents and visitors parking in the parking lot will have to walk across a drive area with a heavier volume of vehicular traffic to access the building. If the proposed entrance on Peach Grove Avenue was moved further west, then the heavier volume of vehicular traffic would be on the opposite side of the parking lot from the building and thus fewer vehicles would conflict with people walking to the building. However, the applicant has indicated that it is their preference to keep the

proposed entrance where it is shown on the conceptual site layout because they desire for the entrance to be closer to the commercial uses.

Over the past decade, new student housing complexes have opened in Rockingham County and have placed increased pressure and traffic on city streets as more students drive longer distances to and from campus. Staff recognizes and values that the proposed development is located closer to James Madison University's campus than some of the newer, traditional student housing complexes and it is within commercial areas for shopping and entertainment. Sidewalks and bike lanes on Port Republic Road and Neff Avenue, as well as, available public transit service would provide residents with alternative transportation options to driving.

While staff supports the location of this site for a mixed use development, staff has concerns about the proposed entrance location, does not believe that the project, as presented, supports the mixture of uses between this property and neighboring properties, and does not believe that the project provides a safe and comfortable pedestrian environment that promotes walkability for residents and visitors as described in the purpose section of the R-5 district in Section 10-3-55.2, which states:

“This district is intended for medium to high density residential development, including townhouses and multiple-family dwelling units, together with certain governmental, educational, religious, recreational and utility uses. Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and shared use paths, so as to provide many choices with regard to mode and route, *and to provide a safe and comfortable pedestrian environment that promotes walkability for residents and visitors.*” (emphasis added.)

For the reasons explained above, staff recommends denial of the rezoning request to R-5C and thus does not recommend approval of the associated SUP requests as presented by the applicant.

However, if the rezoning request is approved, staff recommends approving the three requested SUPs as requested and has no suggested conditions.

Chair Way asked if there were any questions for staff. Hearing none he opened the public hearing and invited the applicant or the applicant's representative to speak to the request.

Mr. Dick Blackwell came forward, representing the owner and developer of the property. The people who did the Traffic Impact Analysis (TIA) said that the entrance was as far west as it could be. It obviously was not. I did not say that. We will discuss it. Originally the building was towards the back of the property. After meeting with staff and the developer, it seemed better to bring it up toward the front. This building has both commercial and residential units. The way that the developer would like to do it, differently than what the staff was recommending, is that the commercial would be towards Peach Grove Avenue and within the second half of the building. The residential entrance would be in the rear of the building. There are 64 parking spaces from the middle of the building around to the side on Peach Grove Avenue that were designed for the commercial units. Most commercial businesses like to have parking in front of the building where their clients, including handicapped, can easily get in. In this case, most of the residents would park in the back. One of the problems with the staff recommendation is that everyone would park in the back, both commercial customers as well as residential. With 350 bedrooms, that could be close to 350 cars from residents. There would be a vying for who is parking where. The commercial people are going to have great concerns that their spaces are being taken up by residents. The only reason we wanted to do it this way is so that the commercial would clearly be designated away from the residential. That is part of the reason we have done this. When we discussed this with the staff, we concluded not to have more than two rows of parking which I thought was agreed on by staff early on.

Regarding the entrances, it could be moved further to the back. The problem is that the next piece of property has an 18-foot slope from front to back. To level it enough to have minimum grades in the parking lot, and somewhat level around the building with handicap parking, we are going to have to cut in

the back and have a three to five foot retaining wall at the property line. The other property goes up fairly steeply, as well. As an engineer, I do not see any way to have a shared entrance that works for both properties at the property line. If it is low enough to serve this property, it is going to be too low for the property behind us. Having the entrance where I am showing it now is 250 feet from this entrance to the next entrance supporting the next piece of property. That is the minimum amount of distance that the Virginia Department of Transportation (VDOT) and the City want between entrances like this, if possible. We have made that provision for the next piece of property to be able to have its own entrance where it works for that property and far enough away from this one for the speed limit on Peach Grove Avenue. We can move it to the back, but I do not think it is wise. It will not serve the next piece of property. You will have two entrances much closer together. Where it is proposed is better for the City and works well for this development.

Another part of the City's concern was walkability. First of all, Peach Grove Avenue does not have a lot of walkers. We are going to put new sidewalks on Peach Grove Avenue. Peach Grove Avenue does not have good sidewalks at the moment. There will be a sidewalk from Peach Grove Avenue over to the building. It does cross two rows of parking, but I do not think that is a lot. We are putting a whole new sidewalk from Peach Grove Avenue to the shopping center. There is not a sidewalk there now. There will be a sidewalk from the building over to the shopping center for residents. We are making a lot of improvements as far as walkability in the area without having the building up against the street. There is only one other of these developments that has been approved, that I know of, in the City, that is Giles Stone's development on South Main Street. He has commercial on the first floor and residents. He asked for 22 one-bedroom apartments. He is probably going to do 11 one-bedroom apartments, but there is still concern about people in the apartments parking in front of the commercial units and the difficulties that it is going to present. Since there are only 22 one-bedroom, I guess he considered that it was not going to be that much of a problem. This could have 350 bedrooms, so it poses a huge problem between the residents and the commercial clients. The way we have it works well. The other way, the applicant would be risking a lot and, at \$18-22 million dollars, that is asking someone to take a huge chance that these commercial units are going to work if you cannot drive to it, except parking somewhere in the back. I would ask that you consider approving what has been presented. Do you have any questions?

Commissioner Finks asked, with the current layout, what would stop the residents from parking in those business parking spaces in the front?

Mr. Blackwell responded that they would have to walk around the building to get to their entrance. They have cards to get into their entrance.

Commissioner Finks said that there would not be anything to stop them. They could still park there.

Mr. Blackwell answered, yes.

Commissioner Finks said that if there is a problem with the number of parking spaces, you could still have the same issue. If people could not find a parking space in the back, they could park around in the business spaces in the front. You would have the same issue.

Mr. Blackwell said that we are providing what is required.

Commissioner Finks said I was assuming that you would have parking for the businesses only, and that would stop some of the residents from parking up front.

Commissioner Whitten said the spaces could be time limited.

Mr. Blackwell said we could have signs.

Commissioner Finks said that, if you did what the city staff has suggested, you could have signs back there that define certain parking.

Mr. Blackwell walked over to the screen to identify the areas he was referencing. The commercial portion would be on half of the first floor closer to Peach Grove Avenue. There are 64 parking spots in that section. There will be an entrance in the back half of the building for the residents. The main entrance will be in the back. True, they could park in the commercial parking and walk toward the back. Another option would be to gate the areas that would protect the parking in the back at night. The other layout, all the parking is mixed up.

Commissioner Finks agreed that the gates would not work with the layout suggested by city staff, but you could put signs designating the commercial spaces. Are 25 percent of the parking spaces intended for compact cars?

Mr. Blackwell answered yes.

Commissioner Finks said that each of those would require a sign. There are going to be a lot of signs. When I go to City Exchange there is parking for residents and there is parking for customers of the Chop House. When they are marked, I do not park in them. There is no shortage of tow trucks on that side of town.

Commissioner Ford-Byrd asked if there would be pets allowed in the dwellings.

Mr. Mac Nichols, the applicant's representative, answered yes, most student housing allows pets.

Commissioner Ford-Byrd said that she believes that the apartments, by their placement are going to sell themselves. My concern is about the businesses. In order for a business to thrive, it needs customers. In my experience when driving to a set up like this, with a child on the spectrum, I would like to find a happy medium for pedestrians and drivers. My concern with the mix of the residents and the patrons is related to my personal example. I went to a restaurant. I was able to park close. I came out and the residents had their animals relieving themselves and we were barked at, which led to my child not wanting to get to the car. I was being inconvenienced, therefore, I am not going back. These things need to be considered to make sure that these businesses are set up for success.

Commissioner Colman said that he understood the argument regarding the grade in reference to the entrances. It is possible, but it would take a lot of work. The entrances are very close together. I drive there on a regular basis. As it is, it is already confusing between the Eagle Carpet on the other side and this entrance. The taper does not offer much, just a little bit of deceleration. There is not a separate lane to move that traffic out of the street, which I would think that a lane would be more desirable than the taper. It would be more usable.

On the side that backs to the other commercial area, you do not have any entrances there, which means that all the traffic needs to flow through the two entrances on Peach Grove Avenue. Given the nature of the businesses on that front area that you are describing, most of the residents are going to exit onto Peach Grove Avenue. That seems like a lot of traffic using one entrance.

Mr. Blackwell said that when they met with Public Works, he suggested a turn lane. They said that they did not need that. You are right, a lot of the traffic will exit there. That was looked at in the TIA.

Commissioner Whitten asked how many total parking spaces?

Mr. Blackwell said that there are 404 parking spaces.

Commissioner Whitten asked, when there is a party, where are those extra cars going?

Commissioner Finks said Food Lion.

Commissioner Whitten said that there have already been parking issues in the neighborhood across Peach Grove Avenue. That is a lot of people in a small amount of space.

Mr. Blackwell said that his understanding is that the developer has some reserved parking in the commercial parking lot. However, I have not reviewed that or know much about that. The property behind this, on this side of Vito's (restaurant), it is possible for the property to have a connection at that point.

Commissioner Colman said that he would recommend that an additional entrance be considered on the commercial side (connecting to the Port Crossing shopping center).

Mr. Blackwell said that it would have to cross part of the neighbor's (Port Crossing shopping center) property. They would have to approve. I have suggested it. The people who own that shopping center are in Florida. We did originally propose a foot traffic path and proposed a sidewalk on the shopping center's property; but since we do not have permission yet, we took it off the conceptual site layout.

Commissioner Colman said that it would be good business for the shopping center.

Mr. Blackwell said that it is going to be looked at. I cannot imagine why they would not approve that.

Commissioner Finnegan said that he agrees that the City's Zoning Ordinance requires too many parking spaces. I would like to get to the point in Harrisonburg where we do not have mandatory minimum parking. I do share staff's concern regarding the walkability. With designs like this, it creates a parking moat around the building which discourages foot traffic. I know I do not feel comfortable walking through the parking lot of many of those businesses where there are cars flying in and out, like the Starbuck's near the interstate. I agree with staff. I would like to see a different kind of development there.

Councilmember Romero said that he assumes that you are looking at student housing, but also maybe some families. Families with young children would want a place to go. Stone Spring Elementary is not too far, but since we are talking about walkability, that would be an issue. Are there any plans for any green spaces around this area?

Mr. Blackwell said that there would be no more than is required by the Zoning Ordinance. It is patterned after 865 East Apartments. The only green space it is going to have is on the roof. There will be space on the roof. 865 East has that and apparently that is well used. That is not like what you would want for kids. There may be kids in these apartments, but I would be surprised.

Mr. Fletcher clarified that there is no indication that this site, as designed, meets the minimum landscaping requirements of the Zoning Ordinance.

Mr. Blackwell said that it meets the minimum landscaping requirements. We have 16 percent green space. It is on the drawing. We also have parking for all the commercial units.

Ms. Dang said that she has not calculated the percentage, but the commercial parking spaces are there. You say there is 16 percent green space. I suppose you are counting the green space on the other side of the private access road. Can he count the green space on the other side of the road?

Mr. Fletcher answered that it has to be within 30 feet of the parking. I do not think you will be able to count much of it since the street width is over 20 feet wide.

Ms. Banks said that it is part of the parking. Our definition of parking lot includes travel ways.

Mr. Fletcher said that then they should be picking that up as part of the required area that is impervious. Have they done that?

Ms. Dang said that these are details that we would look at during the engineered comprehensive site plan review.

Mr. Blackwell said that we counted the whole thing.

Mr. Fletcher asked if they included the private access road that is already existing.

Mr. Blackwell answered, yes.

Mr. Fletcher said that he has not seen any indication that, given the look of other sites, it would be able to be met. If it meets it, that is great as long as it can meet the minimum.

Chair Way asked if there were any other questions for Mr. Blackwell. Hearing none, he asked if there was anyone else who would like to speak regarding the request.

Mr. Nichols said the applicant has a lot of experience in the City with student housing and commercial development. He is very familiar with what students are interested in and also what it takes to have a viable commercial shopping center. He has a lot of commercial space in the City. I would like to address the concern about another access point to the shopping center. One of the problems, based on his experience with student housing, is that he looks to the safety of the students. If you have an entrance there, that would encourage people to come through the development rather than through the access road. With the desire to have the students in that area, by themselves, and not have other cars cut through, I think that may be a concern. The TIA took into account the fact that at the top there is an entrance onto Port Republic Road. People who use that are going to JMU. Not everyone would be exiting out onto Peach Grove Avenue. That was all taken into account when the TIA was done. There are through access points to the convenience store and to McDonald's.

Staff had two basic concerns. One is the possibility of a shared access entrance with the adjacent property. The applicant does not own that property, nor have any control over it. The property is owned by JMU and they are actively trying to sell it. It will be very difficult to negotiate with an owner that is in the process of trying to sell a property. That could cause a problem as far as meeting that requirement.

With respect to the location of the building, any project of this nature has to work financially. Otherwise, someone is not going to do it. The commercial component of this is important because it is taking up at least half of the first floor. As we all know, commercial rents are going to be greater per square foot than residential. In order to meet the mixed-use requirement for this zoning area, you have to have commercial. You have to have commercial space that is desirable to commercial tenants. This is not downtown, so you do not have the businesses that are there that attract pedestrians. All of the other properties are similar to this. I know that the concept is that this may develop as a pedestrian area in the future, but when someone is getting ready to invest a significant amount of money in a project like this, you cannot count on something working financially if you are looking five or ten years down the road until you have pedestrian traffic. There is not that much pedestrian traffic at this point. To expect someone to take the risk of not being able to rent their commercial makes it very difficult.

Mr. Nichols requested to show the slide with the L-shaped building suggestion. In order to encourage pedestrian traffic, we would have to locate the businesses in the areas fronting the public street and private access road. They proffered 15,000 square feet, which would be about half of this floor. If in order to comply to the desire to have pedestrian traffic to the businesses, they are going to have to be located in the area fronting the streets, most likely, and the parking is going to be behind the building. You are asking someone to build a project that will rely on pedestrian traffic that does not exist and will probably not exist for quite a while. People would have to park in the back because the business is in the front. My point is that while it is a good concept, it has to be practical. It has to work. Otherwise, someone is not going to spend the money to do something like this.

The only other practical use of this site would be a shopping center. I think we all know what is happening with shopping centers. With internet sales continuing to increase, people are not going to build a shopping center. You can look around the City and there are struggling shopping centers as it is, right now. In order for the City to maintain or increase their tax base, you have to encourage people to build projects like this. This would be a supplement to the existing shopping center. There will be 350 people that will be encouraged then to walk to the shopping center and support those businesses. That shopping center has struggled for quite a long time and this would provide a boost to those businesses.

The only other vacant land will be to the west. You can see that that has limited frontage on Peach Grove Avenue. That is not zoned mixed-use at this point, but that could be a logical rezoning. You would not be able to have the same concept on this parcel that you are asking for due to the limited frontage. The only other undeveloped parcel is across the street. The practical aspect of this is that to build a project that is going to rely on or is predicated on pedestrian traffic is not reasonable.

As I said, the applicant, with commercial tenants, feels that the proposed layout is going to provide him the best opportunity to make this a successful project. We would request that the Planning Commission take a vote on this. I will be glad to answer any questions.

Commissioner Colman asked if there was any consideration to having one of the sides front Peach Grove Avenue, so that you have pedestrian access directly to the building. You would still have the two parking rows in front of the building on the access road side. Perhaps include a wider sidewalk to allow for the walkability we are looking for, by providing connection to the road on one of the sides. That would be a compromise that would help in both ways.

Mr. Nichols said that in the meeting that we had a couple of weeks ago, that was asked. The problem with that was that if you shift the building down to Peach Grove Avenue, you lose a fair amount of parking spaces on that one side. That would open up spaces on the other end, but it is taking away commercial spaces. Those are prime commercial spaces. When you go out to a business like this, it is going to have parking in the front. Whether we like it or not, that is the way a lot of people are used to doing their commercial work. I realize that downtown is not that way, but you have quite a number of other business, including the library, supporting that pedestrian traffic. This is going to be the first shot. The applicant, in order to take that leap of faith, would have to believe that there is going to be traffic down on Peach Grove Avenue in the near future, at least. I do not think that is likely to happen.

Commissioner Colman said I drive there all the time. My in-laws live around the corner. I drive there on a weekly basis, twice a week or more. There is a lot of pedestrian traffic, but it is students. I do not know if that is your market. Students walk up and down and a lot of them shop there. I see them walking up with their bags from Food Lion. The question is regarding other people. Would they walk there. There is the neighborhood across the street. They might. It is a small neighborhood. I would not expect a lot of people from there. Whether that is the target demographic for the businesses there is a different question.

Mr. Nichols said that the businesses would likely target students. That is who is going to be living there. These students are walking over to the shopping center. They are walking through a lot of parking and drive aisles to get to those businesses. I do not think that traversing two parking rows in that drive aisle is going to inhibit someone from entering those businesses. There will be a sidewalk.

Commissioner Whitten said that you have 350 pedestrians that will be living in the building. Hopefully, they will leave their car parked and they will be pedestrians. They will be going to the JMU sports complex across Port Republic Road and up to South View to visit friends. There will be exchange there. That is a lot of pedestrians right there, if your target market is students.

Chair Way asked if there was any one else wanting to comment regarding the request.

Barbara McKee, 1213 Windsor Road in Ashby Heights, came forward to speak against the request. I am opposed to the rezoning, totally. Years ago, Bruce Forbes asked to have it rezoned, and he was denied rezoning. He did rezone the area where the McDonalds is. We did agree with that. The rest of the land, we did oppose. With all the students that are now in our area, we can hardly drive into town. In fact, we cannot use Port Republic Road anymore. There is always backed up traffic all the way down to the stop light. With this many more students and that many more cars, we will not be able to go anywhere. The students only use Port Republic Road. They do not use the new bypass because that does not directly go to JMU and they like the quickest route possible. There has been an increase in drunk driving in our area. At the stop signs, you always see students with their cellphones out. It is becoming much more dangerous

to drive. They are very inattentive. They are talking or playing around. I think we are asking for more safety problems. They have encouraged all the kids at Stone Spring Elementary School to walk to school. There are families that are walking their kids to school. That is another complex of students that these families are going to have to walk past with their kids. There is a lot of drinking in the apartments, as you know. It is not a good environment that we need to add to our City. The B-2 zoning seems like it will be fine to leave as it is. There is development that could be on the B-2 and put in that little space.

The other problem is that up the road they are building that new Altitude apartment complex on Port Republic Road. It is huge. That is that much more traffic that is going to be on Port Republic Road and the City is not addressing those problems with traffic. That leaves all of us, in this community, with a great problem of transportation. We like our house. We would never leave it. I am also opposed to allowing the building to be six stories. It would be the largest and the tallest complex in our area. We already have the ones next door. If you come from Port Republic Road and Interstate 81, you will see Autumn Park, Camden Townes, 365 Port Road, Hunters Ridge, Deer Run. Then, if you turn onto Peach Grove Avenue you see The Hills, Southgate, Foxhill Townhouses, Squire Hill and then out in the county we have Aspen Heights. It seems that we have enough student housing in our particular housing that we do not need any more. They said that students will be walking to the grocery store. I can guarantee that they all drive. They do not walk to the grocery store because that lot, on Fridays, is filled to capacity. When you say that people are going to walk, they do not.

We have lived in our house for 45 years. We used to be able to see Tip Top Apple Orchard and the farm. Now we see buildings. I would like to oppose the rezoning. I do like it as a more residential neighborhood. The B-2 zoning is fine. You could leave it as it is. Thank you.

Chair Way asked if there were any further comments regarding this request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Ford-Byrd said that she is unclear about the vision for the target market. Is it the students? Is it the Harrisonburg community that will keep these businesses viable? I do not want to see vacant buildings. That does not look good. I have seen that in other places around town. Are we going to be able to sustain the businesses?

Commissioner Finks agreed. I live far from that section of town. I think about how often I drive on Port Republic Road to go to businesses over there. I typically avoid Port Republic Road unless it is the summer or December. I cannot imagine that area attracting me to drive and park there. I think that the businesses that would go in there are going to be serving the students that live nearby, the neighborhoods that do live nearby. While people are not walking there now, this is going to serve the neighborhood. Trying to encourage people to walk is what we want to do citywide. We do not want to encourage people to drive everywhere. The idea that everyone is going to be driving to those businesses, not saying that it would not happen, I just do not see people traversing Port Republic Road. I assume that the businesses that go in there are going to be attending to the needs of that neighborhood.

Commissioner Finnegan said that at the apartments on Lois Lane, you can see people walking to Food Lion down that hill. People are going to walk where they are going to walk. We have seen, on Reservoir Street near Harrisonburg Crossing, people walking. There is a dirt path there. The infrastructure was not put in place to accommodate how people want to use the place. There is an extremely high-density development on Lois Lane. A lot of people live there. I used to drive a cab and if you go over there at night, there are people walking all over the place in there. There is high foot traffic. Maybe not during the middle of the day, but people definitely walk. The idea that no one walks is not valid. I agree that the businesses are going to be serving the people who live in that area.

Commissioner Finks said that he shares the concern regarding traffic. I do not drive in that area a lot, but when I do drive it does seem there are issues, especially around five o'clock or early in the morning. The

TIA showed that this would not be additional burden in that area, it is hard for me to imagine that adding another 400 cars to those intersections is not going to create some issues. Especially with all the other developments that are being built out in the county on Port Republic Road. It seems like it is setting up for some potential traffic issues.

Commissioner Finnegan said you are saying that it is not about the massing of the building along the street? You are saying, the whole thing?

Commissioner Finks responded I am not saying that. I am sharing a concern in general regarding the issue of traffic. I do not think that necessarily precludes me from saying that the massing of the proposed project where it is, necessarily says that I am against it. I am concerned about that. I am concerned that the TIA reflected that there would not be a large issue there.

Commissioner Colman explained that what the TIA does is analyzes the capacity of the system. From that standpoint, it is fine, but is that what we want to see? In Washington, DC, there are many kinds of vehicles and the system can handle it. We have the same situation here. You can add many cars into it and it still would work. If that is what we want to do is a different question. When it comes down to the development itself, it is difficult to envision what is going to survive there. I do not know the answer to that. I know that the cost of the development is very high and requires a lot of investment and a lot of foresight in what you are going to do. This is not necessarily “we are going to do this because we want to” but there is a lot of study behind it to see if it is viable. Any other option, other than this project, it will be difficult to place something there that would make sense financially. Who is going to invest in a property that is going to lose money? They are going to try to find a way to make it work. This is the option that they have identified as viable.

Commissioner Finnegan said that one of the most frustrating moments he had on the Planning Commission was when JMU presented their master plan and said they are building five new parking decks. We talk about parking requirements and I would like to reduce or eliminate the parking requirements in the Zoning Ordinance. As long as JMU is building parking decks, it is easier for people to drive. That is not something that we control from here, but it is something that we should take into consideration. There are many new parking decks being built around campus. That is going to encourage more people to, every morning, every evening, to and from, clog up the roads.

Chair Way said that it is valuable that the bus shelter is identified on the plan. That makes sense to help address some of these issues. For the sake of providing a full range of perspectives, I am inclined to agree with the viability aspect. In some ways it is not our concern, that is the risk of the developer, to plan and to make this venture viable. Obviously, their plan is to include the retail component along with the density of residential elements. I am torn because we endorse the prospect of mixed-use. This land area is designated for mixed-uses. That is something to encourage and nurture. I do not want to be contrarian to some of the other voices that I have heard. I understand the risks that have been taken here. It is easy to say that you want to be a conceptual leader in this area to create that traditional neighborhood that we talk about and we value. That is a risky position, a perilous thing to initiate, when there is not the environment surrounding it that can easily facilitate that design. I believe that staff’s recommendations and suggestions about locations, even if that particular one that staff put forward does not work, are valid. Is there some way to get this to be more placemaking rather than parking lot? I apologize for equivocating on this, but it is a balance and I am struggling to know exactly which way to go.

Commissioner Whitten said that mixed-use by its very nature is intended to grow a neighborhood, to nurture a neighborhood. It is not meant to attract. It is fine if it attracts; if there are businesses that people want to go to, that is fine. That is not what we are going for when we say that we want mixed-use. We want people to live, work, play in an area that is contained. One that makes it easy to not get in your car to go out to dinner or go to the grocery store.

Commissioner Finnegan said that part of what we are up against is a cultural norm, in the City of Harrisonburg, that you drive everywhere. What I struggle with is, do we say yes to this and accept that as the way it is and will always be? Or do we say we would like to see something different because that is not a sustainable path?

Commissioner Finks said one discussion that interested him during the site visit was related to city staff's suggestion regarding placing an L-shaped building on one side of the property. If in the future, we did bring down the parking requirements, that would allow for another structure to be built on this property and have two L-shaped properties facing each other, across from each other. The current layout would not allow for other structures. It would stay this way until it was redeveloped. That point did stand out to me, that the L-shape would allow for future growth on that property if we did reduce the parking requirements.

Commissioner Ford-Byrd said that it is baffling that we live in a such a small town that has two different visions. We have JMU building these parking decks, while we are trying to increase pedestrian friendly businesses and walkability.

Chair Way said that there is a lack of cohesive street generation and walkability in the neighborhood. What is the responsibility of the developer in designing a mixed-use development within an area? Is it the responsibility of the developer to think in terms of the faults of the neighborhood? What are the usual burdens and expectations we place on developers in these situations?

Commissioner Finks said that we are looking at a different angle, now that we have updated the Comprehensive Plan. How we looked at these proposals in the past and how we look at them now is going to be different.

Commissioner Colman said that there is the possibility of development of the properties across the street; perhaps they would provide more walkability and generate a town center in some ways. At the same time, right now, as much as we want proximity to the street, this property is almost isolated in itself. From that standpoint, a concept like the one the applicant presented works. This concept is not proffered, which means that the developer can rework it in some other way that provides walkability and still maintains some of the desired parking availability that they want. I think there are some ways to adjust this, especially if we can make some allowances when it comes down to parking. There is not as much green space as we are asking for. It is just parking. We have to have it because of current requirements. That is something that we need to consider as we look at sites that are going to be mixed-use and our expectations are live and walk, live and shop, live and dine. We need to consider eliminating some of the parking requirements so that it allows for a more complete place, not just a building and parking, but building and open spaces to be enjoyed as well. That is something that I do not think we can solve right now, but it is something that we should consider and pass along to City Council.

Commissioner Finnegan said that he agrees. If we are asking for different types of designs, we need to be willing to make some accommodations and reduce some of the parking requirements.

Chair Way said that another way to think about this is to think about what the alternatives are for this site. What different levels of density, etc. This proposal adds 350-400 people in a potential mixed-use area. If it was not mixed-use, there would be a lot of commuting. At least with this proposal, you have 400 people able to use the retail that is existing and proposed.

Commissioner Finnegan said that affordable housing and related issues are in the Comprehensive Plan. I cannot speak to what these units would cost, but I did look at 865 East. The Fair Market Rent (FMR) for Harrisonburg is \$678 for a one-bedroom unit. The one-bedroom units 865 East start at \$920. That is likely what these units will cost.

Commissioner Colman said that the project is not intended as affordable housing.

Commissioner Finnegan said that people may look at this and say you said you want more units. If we were to vote against it, that is not a consideration because it is not affordable.

Chair Way asked why are we interested in walkability and why are we interested in the questions of proximity to where people are working, especially JMU? Is it trying to avoid excessive transportation, driving and the associated negative environmental outcomes? If you think in terms of the bigger system of the city and the environs, the upside is that it is in the City and it is slightly closer to JMU. If we start to be more vigorous about saying no to this kind of proposal, inevitably there is going to be more of development out in the County. That has a negative outcome reducing our tax base in the City. It pushes all that development out into the County, which leads to transportation problems down Port Republic Road, as we have seen here, and we do not receive any of the benefits such as the increased tax base. At least this is bringing amenities into the City in terms of retail and in terms of bringing people closer in. In an ideal world this would be going up right in the proximity of JMU and where people can literally walk into JMU since it is student oriented, or in the downtown area. In that way, there is a broader systematic way in which there is an upside to this being here in a location that already has a critical mass around it and is closer to the City and potentially on the transportation network where bus routes already exist. With that increased density, perhaps you would get a more viable bus service or mass transit system in this area because you have more potential customers which could help the frequency of the service.

Commissioner Colman pointed out that this commercial area has restaurants, supermarket, gas station. People will walk. I do not envision people taking their cars and driving to Food Lion. It is right there. We are encouraging some of the walkability, at least within the immediate area. There is some walkability that will happen. It is already happening with some of the surrounding developments. Maybe not as much as we would like, but in this case, I believe it will happen. Everything is right next to it.

Commissioner Finks said his concern is with the precedent we might be setting with these mixed-use properties going forward. How far are we willing to get away from the idea of what we are trying to set as walkability? What is walkability? That works here, but is that going to transfer over?

Chair Way said that it is site specific. People can walk from their units down to the retail spaces, but it is not talking to the larger neighborhood.

Commissioner Colman said that we need to look at context. If this was proposed downtown, you should be right against the road. Context has a lot to do with it, as well.

Commissioner Whitten asked if anyone has issues with six stories.

Chair Way said that he is more excited about it being six stories than if it were lower in terms of creating an appropriately deployed streetscape, because this makes, in effect, the spatial distance between the buildings on either side of this street wider. By having extra parking in front of the building, you can actually build a bit taller to maintain a bit of the sense of streetscape.

Commissioner Colman said that he agrees with Mrs. McKee who spoke saying that there is a lot of traffic.

Chair Way clarified that in terms of a design standpoint, creating a streetscape, a taller building makes more sense, of the width of the road to the building. The six-story building is somewhat striking.

Chair Way asked if there should be an initial vote on the rezoning and that would precipitate discussion and voting on the Special Use Permits. We will do rezoning first and then the SUPs because they are going to be depending on the rezoning.

Commissioner Colman said that in light of the discussion that we are having here, regarding the suggestions and whether there will be any response to it will be interesting, to keep the building where it is or try to respond to some of the comments we have. My interest in rezoning is based on whether or not we are interested in looking at some of these issues that we are talking about, especially providing

walkability, access, and things like that, which I think will be worth it. I have some concerns along those lines, trying to compromise on some of the requirements.

Mr. Nichols said that he would like the Commission to take into account what the applicant has taken into account based on his experience with commercial tenants. While the Commissioners and the staff may believe in the goal to create more of a downtown area, for a project like this you have to take into account what the commercial tenants are going to perceive and what they feel that they are going to need to have a successful business. Based on his experience with tenants, which is fairly extensive, the applicant feels that having parking in front of the storefronts is necessary. To make this project successful, he needs to have parking in front of the stores to get commercial tenants in. I would defer to him, since he knows more about that than I do. As far as the walkability, if you have 350-400 residents, that is going to promote walkability in the neighborhood. My understanding is that the issue here is the vision of the building from the sidewalks. There is going to be a visible sidewalk area. It is going to go between those two lanes of parking and drive aisle. There is going to be a visible walk area on the end of Peach Grove Avenue. There are two more along the access road. There is going to be, from a pedestrian perspective, access, or viable access, across to the building. From the safety perspective, people are going to be turning in right or left from Peach Grove Avenue, then if they are going to go to the commercial area, they are going to be making another hard right. People are not going to be speeding through that area. From a safety perspective, it is not going to inhibit pedestrians crossing that area. I am hearing concerns about people walking to this facility, but I do not think that is going to be an issue.

Commissioner Whitten said that if she were a developer, this is the type of plan she would come up with. If you are going to take a bite of the apple, you are going to take the biggest bite you can get. I do not think we have to give the biggest bite.

Commissioner Finks said that he can appreciate the applicant's experience with regards to parking with a commercial business. I think that for a long time that has been the standard for Harrisonburg. I see a lot of empty properties with parking right in front of them all over town. I see properties with no parking in front of them that I have never seen empty. Parking is an important part, but desirability is going to be a bigger factor. Are people able to walk by? What is the key reason why a business is going to go there? I do not know that the absence of parking spaces is going to inhibit those spaces from being filled. I do not think that losing those parking spaces up front will mean that it will be difficult to find tenants. I understand the belief behind it and am not trying to minimize the concern of filling those spaces on a big project like this. We want to hear those concerns, but we do not necessarily have to go with the biggest bite of the apple. While there is not a lot walking traffic in that area, we want that. We want the development that goes there to move us in that direction. I do not want to say that it is the developers job to create this for the City, where we are going to have walkability by building in a certain way.

Chair Way asked you are not convinced that this incrementally moving us in that direction by having more sidewalks, by having mixed use.

Commissioner Finks said no. I do not believe that this is going to be the magic key that everyone is out on the sidewalk, once this property is developed.

Chair Way asked does it at least nudge things in the right direction.

Commissioner Finks said that if we keep saying that it is not happening, so we cannot ever vote for it to happen, then it will never happen. If we keep voting for parking lots everywhere, then no one is going to start walking because we have not built in a way that makes it easier for people to walk. It is like the chicken and the egg.

Chair Way asked does this project not move it incrementally in the direction we want, while other alternatives do not? If it was a B-2 development, it would not. I am inclined to agree. We have always been keen to set the standard and to push things in the right direction. My question here is how much do

we push given the particularity of this site? Maybe the tentative push that this represents is appropriate within the context.

Commissioner Finks said that when he first opened the packet and looked at it, he thought are we going to deny something like this over the idea of what we think mixed-use is. Is that how we are going to set these things up going forward.

Chair Way said that part of his reasoning for this discussion is to include it in the record, so that when it gets to the next stage at City Council, they can see some of the debate and discussions on both sides that this is generating here.

Commissioner Colman said that he would like to see an effort towards bringing one of the sides of the building, even the shorter side, to front the street. To start going in that direction will be encouraging. At the very least, we are pushing in that direction. I do not think that it will be a major hinderance for the developer. Obviously, that is something that he needs to decide. From our standpoint, to find a happy medium there. If anything, my vote is going to be to look for something like that.

Chair Way said that his first reaction to the proposal was excitement over a mixed-use development in a mixed-use area. My second reaction was what a depressing prairie of parking that we see around this. I wonder if there is a way of rearticulating this.

Commissioner Finnegan said that he used the word moat. It is a parking moat. I would like to see something without a moat around it.

Commissioner Finks said that he likes the suggestion to move the south side of the building closer to Peach Grove Avenue. It would be a happy medium that could allow for wider sidewalk, that could allow for outdoor seating, and still provides a lot of parking close by on all sides. It would allow a portion of walkability and avoids the parking moat around the building.

Commissioner Whitten said that the idea closes off the moat and makes it a horseshoe. We are still not talking about the pressure point that this creates, going from B-2 to R-5. What is the consideration for the people in the neighborhoods that are adjoining? We talked about how this should fit on this property, but we have not talked about how it affects people who are already there. I think that deserves some discussion, too.

Commissioner Finks said that one of the things while we are looking at this is that we do not want to label something student housing because it could be any sort of housing. We know JMU is growing and that campus housing is going to continue to grow. How do we, as the Planning Commission, determine if we have enough student housing in the City? How many more beds do we really need for students in the near future?

Chair Way said that the point about the pressure on the roads and the neighborhood is his point about the broader system. So much traffic on Port Republic Road is being generated from outside this area. If there is demand for 400 beds somewhere, where are 400 beds going to go? If we go out into the County or somewhere more remote, it is going to still add the same amount of traffic demands on Peach Grove Avenue and certainly on Port Republic Road. It is a broader system thing. I do not think it is as clear cut that if we, or City Council, do not allow this development to go ahead, it is not going to lead to more traffic in some way in the surrounding areas. In fact, it might lead to more because you add 400 people living in whatever "Heights" is built out there and they drive to Vito's and Food Lion, which is going to put extra traffic demand in the area. Whereas, the 400 people here are going to walk to Food Lion or Vito's.

Commissioner Colman said that the point is that keeping it as B-2, all this could be the same building and parking for people coming and going all the time, instead of people just staying there. There is a benefit to this proposal.

Commissioner Finks said that he would rather see this sort of development than a shopping center.

Chair Way said that the other benefit is that this is one of those sites that there is not anything immediately there, not like the one on Lucy Drive that we dealt with recently. That was right onto a neighborhood which adds to more tension, like the Giles Stone project next to the Purcell Park Neighborhood. There is an opportunity with this proposal. It is not ideal, but there is not that immediate neighborhood concern.

Ms. Dang suggested that any motions begin with the rezoning request. Then each of the special use permits should be voted on separately. Therefore, if City Council votes to approve the rezoning request, they will know how you feel about the SUPs, as well.

Commissioner Whitten moved to recommend denial of the rezoning request to R-5C.

Commissioner Finnegan seconded the motion.

Chair Way called for a roll call vote on the motion.

Commissioner Finnegan: Aye

Commissioner Ford-Byrd: Aye

Councilmember Romero: Aye

Commissioner Whitten: Aye

Commissioner Colman: No, with the recommendation that site should be adjusted for me to fully support it.

Commissioner Finks: No, with the recommendation to adjust the property for approval.

Chair Way: No, with the recommendation to adjust the property.

The motion to recommend denial passed (4-3).

Chair Way said that the recommendation for denial of the rezoning request will move forward to City Council on May 14, 2019.

Chair Way said that there are a lot of nuances on balance here. I hope the vote captures that.

Ms. Dang said if the applicant were to amend their site, it would have to come back to the Planning Commission. Is that correct?

Mr. Fletcher said not necessarily. The proffers submitted were only somewhat controlling over how the site can be developed. As you clearly indicated in your staff report, that building is at the maximum distance that it can be away from the private lane.

Ms. Dang said that if they amended their proffers to say that they were agreeable to move the building to the property line, if that is something that City Council would accept, how would that work?

Mr. Fletcher said that historically any change in proffers often times came back to Planning Commission, but City Council could choose not to send it back. I want to make sure that I understand the vote. Commissioner Colman would you explain your comments regarding your vote?

Commissioner Colman said that his no vote is to leave the opportunity open, if they make changes to the site to accommodate some of the discussions we have had here such as bringing the building forward.

Chair Way said that none of us were wildly enthusiastic about this; I think we were all kind of on one side or the other. Some were more resistant to it than others. I think there are a lot of concerns and questions that we have over this. I hope you have heard some of the debates, discussions, and anxieties that we are having. I hope that City Council is thoughtful about this, as well. I think, for all of us, our votes could

easily be yes to deny on this, and perhaps on the other side they could be persuaded, as well. There is, definitely, work to be done, but there is certainly potential for this site.

Respectfully Submitted,

Alison Banks

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Senior Planner