



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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January 2, 2024

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT:

Consider a request from 865 East LLC to rezone 865 Port Republic Road

Consider a request from 865 East LLC for a special use permit to allow multiple-family and/or mixed use buildings at 865 Port Republic Road

Consider a request from 865 East LLC for a special use permit to allow the reduction in required side and/or rear yard setback at 865 Port Republic Road

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: December 13, 2023**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said in December 2007, City Council approved a rezoning of the subject property from B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional and approved three special use permits, which included: (1) to allow multiple-family dwellings to have more than 12 units per building, (2) to allow multiple-family dwellings to be greater than four stories and/or 52 feet in height, and (3) to allow retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive through facilities), and business and professional offices. The existing, regulating proffers, include (written verbatim):

1. The density and layout of the development will be in substantial conformity with the plan of development. Landscaping shall be provided as generally shown and common and recreational amenities will be provided as generally shown on the plan.
2. Ten parking spaces shall be reserved for exclusive use of the Devonshire Townhomes. The neighboring property owners association will regulate these parking spaces.
3. The single primary structure shall not exceed a maximum dimension of 90-feet in width, 310-feet in length, and 91-feet in height. The structure will contain no more than 100 individual apartment units with a maximum of 290 bedrooms. The project will contain a maximum of 16,000 gross square feet of commercial/retail space on the first floor of the structure. The project will have on-site laundry, exercise and game room facilities.

4. The structure will contain a varied and complimentary exterior finish consisting of a mixture of brick, drivit [sic], and other non-combustible materials. The exterior appearance generally as shown on the sample exterior elevation submitted herewith as Exhibit A.
5. The structure will contain all refuse collections facilities within the building.
6. All commercial spaces will have delivery service via a consolidated loading dock area with internal fire-rated service access to the rear of individual commercial units.
7. Site lighting for parking will be installed with downward lighting to minimize light pollution.
8. The applicant or its successor will retain operation and control of the project and retain responsibility to govern and approve all architectural, signage, regulatory, and other management functions of the project. The applicant, or its successor will maintain control and regulation of on-site parking.
9. All commercial signage will be restricted to either a pylon sign along Port Republic Road and/or along the first floor sign marquee area above individual commercial units.
10. The structure will contain an interior secure bike rack area for residents.
11. The structure will contain security features to control access to the residential areas of the building.
12. The applicant proffers the construction of a turn lane on Devon Lane materially shown on the plan. The entrance from Port Republic Road will be designed as a “right-in right-out” entrance subject to further discussions and design approval by the Public Works Department.
13. Applicant hereby proffers that it will provide a weekday private van/bus shuttle service during peak hour traffic periods (at minimum 7:30am to 10:00 am and from 3:30 pm to 6:00 pm) to and from the JMU campus for project residents only. This service will be limited to times when JMU is in full enrollment operation. This service will commence once the building has reached residential unit lease rates of 75% and be maintained for a minimum period of three years from service commencement.

The engineered comprehensive site plan for the development as it exists today was approved on April 25, 2008. Building permits were applied for that same year and the 6-story building (as viewed from Port Republic Road) was completed in September 2009. While the proffers identified that the height of the building would not exceed 91-feet in height, 100 residential units, and no more than 16,000 square feet of commercial/retail space, the building today stands at 70.2-feet in height with 96 dwelling units and 15,564 square feet of commercial/retail space.

In all, the applicant has submitted four applications to make way for the proposed project. The first application is a Zoning Ordinance (ZO) amendment that, if approved, would create the ability for property owners of B-2-zoned properties to request a special use permit (SUP) to allow for the reduction in required side and/or rear yard setbacks of up to zero feet. The specifics of the ZO amendment are described in a separate staff report. This report presumes that the ZO amendment is approved as submitted by the applicant.

The second application is a request to rezone the property from R-5C, High Density Residential District Conditional to B-2C, General Business District Conditional. The third application is a SUP to allow multiple-family dwellings and/or mixed use buildings per Section 10-3-91 (17) while the

fourth application is a SUP to allow for the reduction in required side and/or rear yard setbacks per Section 10-3-91 (9).

The property is located at the intersection of Port Republic Road and Devon Lane and addressed as 865 Port Republic Road. If all four requests are approved, the applicant intends to construct an addition to the existing building as shown on the Development Plan for 60 multifamily dwelling units. Given the terrain of the property, the new building addition will have 7 to 8 stories exposed. The new building addition would be elevated on columns above the existing surface parking area and connected to the existing building by a breezeway.

Proffers

If the rezoning is approved, it would supersede and replace the existing 2008-approved proffers.

The applicant has offered the following proffers (written verbatim):

1. Only the following non-residential shall be permitted on the Property: retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), and business and professional offices.
2. Special use permits shall be permitted as approved by City Council.
3. The Existing Building and the Building Addition shall contain no more than 160 individual apartment units containing a maximum of 470 bedrooms.
4. Non-residential uses may only be located on the first/ground floor of the Existing Building and shall not exceed 16,000 gross square feet. The Building Addition shall have no additional commercial square footage, but may have on-site laundry, exercise and game room facilities and other customary resident amenities to encourage on-site convenience.
5. Ten (10) designated parking spaces shall be reserved for the exclusive use of the Devonshire Townhomes, as shown on the Development Plan, to accommodate for street parking along Devon Lane that was removed as a consequence of the development of the Existing Building. The neighboring property owners' association, for which the spaces are reserved, will regulate the ten (10) reserved spaces via a permit system.
6. The Building Addition shall contain a varied and complementary exterior finish consisting of a mixture of brick, dryvit, and other non-combustible materials with architectural offsets, angles, and finishes to create an exterior appearance similar to the Existing Building.
7. Applicant shall install and maintain the following as bonded improvements as part of any engineer-submitted comprehensive site plan for the Building Addition, and as generally shown on the Development Plan:
 - A. Construct a five-foot (5')-wide sidewalk where none exists at the back of the curb bordering the slip lane at the intersection of Port Republic Road and Devon Lane;
 - B. Dedicate a right-of-way for the existing slip lane and sidewalk referenced below, to be located one-half foot (0.5') behind back of the sidewalk;
 - C. Reconstruct the crosswalk across the slip lane including the existing island sidewalk section, such that the crosswalk ramp for the slip lane connects to the crosswalk ramp for the Devon Lane crosswalk, adhering to the Public
8. Right of Way Accessibility Guidelines to the maximum extent feasible, and eradicate the existing crosswalk.

9. Applicant shall grant the City a twenty-foot (20’)-wide easement for a shared use path and pedestrian accessway to be finally located and granted upon City request in the general location shown as the yellow hashed area on page 1 of the Development Plan.
10. Any new or relocated site lighting for parking shall be installed with downward directional lighting and shielding to minimize light exfiltration into neighboring properties.
11. The maximum height of freestanding signs along Port Republic Road is eighteen feet (18’) and the maximum height of freestanding signs along Devon Lane is eight feet (8’).
12. The height of the Building Addition shall not exceed the maximum elevation of the Existing Building as measured from the Existing Building frontage on Port Republic Road

Between publication of the Planning Commission staff report and the Planning Commission public hearing, the applicant submitted a new proffer letter that amended proffer number 11 regarding sign height. The B-2 district allows freestanding signs to be 35-feet tall and the proffer has reduced the allowed maximum height.

Additionally, the applicant requested that staff include with the supporting documentation a letter dated November 17, 2023 and titled “Zoning Administrator Determination on How Building Height is Calculated for Proposed Development Plan at 865 Port Republic Road.” The letter describes how building height is calculated for the proposed project. Proffer #12 restricts the maximum height of the Building Addition to not exceed the maximum elevation of the Existing Building.

While some of the proffers are self-explanatory, staff offers additional information on Proffers #1, 3, 5, 6, 7, 8, and 9.

Proffer #1 would retain the non-residential uses currently allowed with the property’s R-5 zoning and approved SUP, while prohibiting other by right uses in the B-2 district. If in the future, the property owner desires to add other uses typically allowed by right in the B-2 district, they would have to rezone the property to amend the proffers.

Proffer #s 5, 6, and 9 are similar to proffers #2, 4, and 7 from the 2007 rezoning.

Proffer #3 is addressed in the Development Plan section of this report.

Proffers #7 and 8 are addressed in the Transportation and Traffic section of this report.

Development Plan

As required by Section 10-3-93 (d) of the ZO, the applicant has submitted a development plan to be in accord with the requirements of the SUP. Section 10-3-93 (d) states that “[f]or multiple-family dwellings and mixed use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval.” If the SUP is approved, then details of the development plan would be used to ensure that what is proposed and evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, the property owner must apply to amend the development plan by going through the SUP process again.

Features of the development plan submitted with the SUP that would be used as the basis for an engineered comprehensive site plan approval include, but are not limited to:

1. The general location of buildings and structures as illustrated.
2. The general number of stories within proposed buildings and structures as illustrated.
3. The general location of parking areas as illustrated.
4. The general location of pedestrian connections as illustrated.

Additionally, the applicant has proposed the following conditions, which are described on the development plan as “Owner/Developer Self Imposed Conditions” (written verbatim):

1. The density of the development and layout of improvements will be in substantial conformity with the Plan of Development (“Plan”) submitted in connection with this request by AES Consulting Engineers. Minor alterations to the “as constructed” layout for topographical features, utility installation, and other contingencies shall require approval by the Zoning Administrator. Further, landscaping and open area shall be provided as materially shown on the plan.
2. The existing building and the building addition shall not exceed the dimensions shown on the Development Plan. Said maximum dimensions are excluding projecting balconies, covered walk or entry areas including residential area unloading canopy.
3. The existing building and the building addition will contain all refuse collection facilities within the building as to avoid the need for a separate exterior dumpster or trash collection structure or area.
4. The existing building and the building addition will contain security features to control access to the residential areas of the building.
5. A minimum of two (2) “Level 2” (equivalent or better technology at the time of construction) electric vehicle charging stations at the property shall be installed prior to issuance of first certificate of occupancy and the occupancy of any residential unit in the building addition, and thereafter maintained in operating condition.

Conditions #3 and 4 are similar to proffers #5 and 11 from the 2007 rezoning.

As previously described, the new building addition is proposed to have 60 multifamily dwelling units. Note that proffer #3 restricts the existing building and building addition to no more than a total of 160 individual apartment units containing a maximum of 470 bedrooms. The number of dwelling units between the two buildings can change so long as they do not exceed the maximums proffered.

The building addition would be elevated on columns above the existing surface parking area and connected to the existing building by a breezeway. Sheet 2 of the Development Plan shows that the applicant would maintain the majority of the existing surface parking and anticipates the loss of 14 off-street parking spaces. The ZO requires for multifamily units in the B-2 district a minimum of one off-street parking space for each dwelling unit or as may be more or less restrictive as conditioned by the SUP. At the end of the applicant’s letter, a Summary Table describes that there are 343 existing off-street parking spaces on the property, 219 off-street parking spaces would be

required by the ZO for the existing building and proposed building addition, and that the applicant plans to provide 329 off-street parking spaces, which exceeds the number required.

Between publication of the Planning Commission staff report and the Planning Commission public hearing, the applicant submitted an updated Development Plan reflecting a change made to their SUP application to allow for the reduction in required side and/or rear yard setbacks per Section 10-3-91 (9). The Development Plan now shows the proposed B-2 setback for the side and rear yards to be a minimum of 30-feet.

Land Use

The Comprehensive Plan designates this site as High Density Residential and states:

These areas have been developed or are planned for development that have the highest residential density ranges outside of the downtown area and properties designated Mixed Use by the Land Use Guide. Density is planned to allow up to 24 dwelling units per acre. While a number of existing multi-family developments and areas adjacent to such developments are identified as High Density Residential, residential land use could include small-lot single-family detached and single-family attached neighborhoods. In special circumstances, non-residential uses may be appropriate.

With regard to the Comprehensive Plan, Traditional Neighborhood Development (TND) principles are encouraged to be included in all developments throughout the City. Adding multi-family dwelling units at this location would incorporate some of those characteristics such as: having a neighborhood that allows residents to work, shop, and carry out many of life's other activities; and allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school. Additionally, this development is proposed for student housing and the location is within close proximity to James Madison University (JMU).

The proffered maximum density of the proposed project is just over 29 units per acre, which is above the planned density, but less than the maximum density allowed by SUP in the B-2 district.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed rezoning is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA.

With Proffer #7, the applicant has committed to constructing new sidewalk facilities and dedicating right-of-way at the intersection of Port Republic Road and Devon Lane.

With Proffer #8, the applicant has committed to grant the City a 20-foot-wide easement for a shared use path in the rear of the property. Know that there are no current plans for a shared use path project at this time, but staff requested this easement for planning purposes.

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type C. Along with other details of this market type, it is the smallest but fastest growing market type in the City. Among other characterizations, Market Type C has a large number of university students. The Housing Study states "[l]ike Market Type A, Market Type C has above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." It goes on to say that "Market Type C has above median access to amenities yet is the most affordable market type in the City. The creation and preservation of affordable housing and construction of middle income housing would be appropriate here as there are already amenities in place that would make these areas attractive locations for housing..." The Housing Study also notes that "[h]aving an adequate supply of smaller apartments in Market Types A and C is important because these block groups have higher scores for access to amenities such as jobs, parks, full-service grocery stores, and public transit."

Public Schools

The student generation attributed to the proposed 60 new residential units is estimated to be 7 students. Based on the School Board's current adopted attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools and while the subject rezoning is intended for off-campus student housing, most likely housing vacated by students would create the availability of 60 additional apartments in the community which could be occupied by families.

Recommendation

Considering the proximity of this proposed student housing project to JMU and the High Density Residential designation of this area in the Comprehensive Plan's Land Use Guide, which supports higher density and in special circumstances non-residential uses, staff believes that this development can have a positive result for the community. Staff recommends approval of the rezoning and approval of the SUPs with the following conditions:

For the SUP to allow multiple-family dwellings and/or mixed use buildings per Section 10-3-91 (17), staff recommends conditioning the "Owner/Developer Self Imposed Conditions" described earlier in this report.

For the SUP to allow for the reduction in required side and/or rear yard setbacks per Section 10-3-91 (9), staff recommends the following condition:

1. The SUP shall be applicable only to the existing building and planned building addition in the location shown on the Development Plan with the ability to deviate up to 10-feet in any direction.

The condition would prohibit other structures not vetted by the SUP process from being constructed with reduced side and/or rear yard setbacks.

Chair Finnegan asked on page six of the staff report talks about being elevated, "the development plan shows that the applicant would maintain a majority of the existing surface parking. Anticipates a loss of 14 off street parking spaces", is there new parking being constructed? So, the

parking was overbuilt back in 2007 with the original building. We are talking about putting a building over top of the parking lot?

Ms. Dang said that is correct.

Chair Finnegan said like a giant dingbat. I do not know if anyone is a fan of those buildings from southern California with parking underneath.

Mr. Fletcher said to clarify, they will lose a few spaces because of the piers.

Chair Finnegan said that what it is saying an estimated loss of 14, I am guessing that is what that number is.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request. Todd Rhea, applicant's representative, came forward to speak to this request. He said good evening, Chair Finnegan, fellow Commissioners, and City officials. I am Todd Rhea, a local land use attorney with the firm of Clark & Bradshaw here in downtown Harrisonburg. I am presenting on behalf of the applicant, 865 East LLC. Also, here with me this evening is Brian Kinzie with Blackwell/AES Engineering. We are the same entitlement team who presented the original 865 East for zoning approvals in 2007. We are proud to remain associated with this groundbreaking project which is one of the first R-5 zoning approval entitlements in the City. The owner has demonstrated the ability to deliver and operate a high-quality community under committed proffers and has the reputation and expertise to give the City confidence that the proposed expansion will exemplify the same level of design and construction quality and operational competence. As staff has outlined in detail, the owner is requesting approval for rezoning to a B-2C classification coupled with a multifamily special use. This location is tailor made to utilize the City's B-2 multifamily special use category. The site lies in a high-density residential area as designated in the City Comprehensive Plan. The applicant seeks to provide additional housing density with zero to minimal additional public infrastructure outlay. The site contains underutilized tiered surfaced parking areas based on objective vehicle permitting data. There are currently 274 bedrooms on the site and there are about 185 vehicle permits for 343 existing spaces. There are that many spaces because that is what the R-5 zoning ordinance required in 2009. The requested approvals would allow for the expansion of this successful mixed-use property by more efficiently utilizing the parcel, which is located within easy walking distance to James Madison University, and well developed bike and pedestrian infrastructure. The site already contains a HDPT transit stop and multiple onsite restaurants and other commercial amenities. The rezoning request would add a building addition complementary to the existing structure connected by an elevated breezeway. The structure addition provides the same level of controlled access and safety security for its residents. 865 East already has an established space and plan for secure indoor bike parking and storage, which is actively utilized for both bicycles and scooters owned by residents. Given its proximity to the University, 865 East also has a history of housing students including international transfer students who do not have cars or require parking. The structure addition also works with the existing topography which slopes down to the south and west rear of the site so that the proposed addition would have the same top level elevation when viewed from Port Republic Road. The applicant confirmed that the building addition meets City height code requirements and there

is a recent memorandum to that effect from the City Zoning Administrator in your file. The addition would be built over and retain the majority of existing onsite parking, which can supply the added units based on a decade of parking use history. Building above existing underutilized surface parking accommodates additional residents on site without adding to gross impervious surface area and stormwater runoff. The owner has plans for auxiliary temporary parking service with shuttle service and alternative access points to the lower parking tiers during any future construction. As part of the preapplication and staff comment process, the applicant has provided building addition tables containing detail unit elevation and parking data for staff and Commissions consideration. 865 East is located in the perfect location to provide the benefits encouraged by the City when it adopted the B-2 multifamily special use category with reduced parking ratios. I will expand a bit here to say that the City has operated for 50 years under parking requirements that have yielded acres and acres of excess surface parking. City Council, City staff, and this Commission have been consistent in encouraging more efficient use of surface parking spaces to house people and encourage biceped and public transit modalities. This application meets these goals and objectives. The requested Zoning Ordinance text amendment...well I will skip that part because we already covered that in our previous discussion. Finally, allowing the requested building addition provides fiscal benefits to the City in the form of increased revenues from a more intensive use of the site through additional constructed improvements on already developed land and in place public infrastructure. We greatly appreciate your positive considerations of the merits of the rezoning, special use and ordinance amendment requests this evening. The applicant has worked closely with staff, as you all can see from the proffer and development condition details to iron out numerous technical details and development conditions and we are pleased to have received their recommendations for approval. We are happy to field questions and address concerns from the Commission or public this evening. I have tried to anticipate and answer a few. If you have others, we welcome the chance to respond. Thank you all for your time.

Chair Finnegan asked if there were any questions for the applicant's representative.

Vice Mayor Dent said I am curious about that breezeway and what do you expect people to use that for, just to get over to the retail for example?

Mr. Rhea said yes, well 865 East is designed for one residential entrance with fob security. There will be an added entrance in the building addition, but residents can still move throughout the building without having to go outside, so it allows the entire building to a secure perimeter. It is high enough and designed at a floor, we talked to fire and rescue, where fire and rescue equipment can easily get under there.

Chair Finnegan asked can you just say that part again that you said about how many spots were required at the time that it was built or rezoned?

Mr. Rhea said it has 343 spots if you look at the parking table contained with the zoning justification letter, it showed how many of those were generated by the commercial uses and how many were generated by the initial 96 units with the 274 bedrooms. That came out to the 343 number, of which we have ten years of history now, not much over 50 percent of those spaces have been used, they are all permitted vehicles.

Jeffrey Gehrs, an adjacent homeowner called in to speak to the request. He said I wanted to discuss a few issues that I have brought up, I sent a letter in and thankfully the gentleman that just presented covered many of them. The one issue that I do have is with the parking, he is saying there are 184 parking permits issued for 274 currently available bedrooms, that is more than 50 percent that he stated at the end which is what they would have to achieve in order to use only the amount of parking that they will have after they put their addition on. The other issue that I brought up, and I guess somehow they covered it, that they are calling this an addition I guess somehow to circumvent what is really a new building, by putting a breezeway. Somebody gave them some ruling that it is an addition but if you build a garage next to your house and put a breezeway, it does not become an addition, it becomes a garage and a new building. My other issue is the height of the building. They use 71 feet for the front of the building out there on Port Republic Road but at the back of the building it comes up, from what I can assess, at least 114 feet, which seems pretty substantially high when the zoning is 75 feet. They did not really address that outside of fact to say it is an addition and it is going to be level across the top. Those are my concerns and on parking they address some of the construction parking which I appreciated.

Chair Finnegan asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan continued he said you know I am going to use this as an opportunity to talk about the parking requirements. We are overbuilding parking in the City. The parking requirements are making the City less walkable. More impervious surfaces. Higher cost of housing. I will say that compared with the one that we heard two months ago across the street from this, I voted against that one based on the amount of parking that they were building. So, this is sort of in some ways the opposite. We are putting housing overtop of parking that already exists, that was overbuilt more than a decade ago.

Vice Mayor Dent said maybe this was more of a question for the applicant, but I am curious how the parking under the building will work. [Referencing to an image on the screen] From a sideview it looks like there are two big hollows that are open underneath. Apparently could have built that for amenities and such too if we have that much more parking than we need.

Chair Finnegan said there is more parking in Harrisonburg than there is housing.

Vice Chair Byrd said I have actually been trying to figure out the correct question I want to ask staff because I was reviewing the statement from the Zoning Administrator. We talk about rear setbacks all the time but when we discuss the heights of buildings, we are not referring to how the height looks from another direction besides the curb. I think that can throw the community off because they go “well, I am looking up a hill and that building is tall and you are going to build this other building that is the same height.” From my perspective, I am going “well you are still looking up a hill, so it is always going to be that tall.” But I can see how the community might go “well, does that not make that height many more feet from that perspective?” I understood what the Zoning Administrator...I do not think I actually have a question. I just wanted to make sure the community knows that is a thing that I am aware of to think about. Construction-wise, I do not know how we would have tapered buildings. Back more to this particular application, since the shuttling was mentioned by the applicant, that addressed my concern about during the construction

because I was going well, you do have... this is pretty close to the upper part of that parking, so I was going that part is going to not exist while you are building the structure. You have already addressed that with some other locations for people's cars. I would be in favor of this as I have stated previously, I am for buildings overarching like literally built above the parking. It would be odd for me to change my position and that was my position a couple of months ago.

Commissioner Baugh said as somebody who also is on the losing side of the vote with the Chair on the one kind of diagonally across the street with a lot of the same concerns about parking. I mean I understand the concerns. I know we are all still, in many ways, trying to get our brains around this. In many ways, I keep going back to the presentation we heard on council at the end of last year when talking about some of these issues. I do think at least a corollary to that is yeah, if your commitment is going to so everybody comfortably has a parking space then everybody is going to have a parking space and everybody is going to have a car and they are going to be...and one of the ideas behind this R-5 area when it was created and recognizing it as a natural place for more dense JMU related housing is the idea of more available public transportation. It is interesting because again, I think what bothered us about that other development was that it reflected such a strong commitment to tell the marketplace hey if you move here, you will have all the parking you need. You will be paying for it, but you will have all the parking you need. There is an element in here of well when we want to encourage people to use other alternatives part of that, I hate saying this out loud, but it is the harsh reality, part of it is making it less convenient for people to use their car. I am open to other thoughts everybody has but I am finding it easy to support this one.

Vice Chair Byrd said I feel that this particular building is in a prime location for less parking anyway. One, just walking down the hill, there is a grocery store therefore you can do your shopping within reasonable walking distance. There is a bus stop beside it and the location to those main parts of a person's life especially a college students' life, this is a prime example for them. There are other areas of the City where I go where grocery stores are further away and I would be a little bit more resistant to that idea, but this location and this area which I can see how the other side of the street would also include that. I definitely can understand the idea of the reduction of parking. Therefore, I will make a motion to approve the rezoning.

Commissioner Baugh seconded the motion.

Vice Mayor Dent said one more follow up question from the statement about the signs that B-2 would allow 30-foot signs, are those proffered? The condition, whatever it was, was to keep it at the current 18. That just sort of triggered my recognition that staff must have had to comb through and see what other unintended consequences there might be for going from R-5C to B-2C.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye

Chair Finnegan Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on January 9, 2024.

Vice Chair Byrd said I will make a motion to approve the special use permit to allow multifamily and mixed-use buildings in B-2 with the conditions.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit request passed (7-0). The recommendation will move forward to City Council on January 9, 2024.

Vice Chair Byrd said I would like to make a motion to approve the special use permit with conditions presented by staff.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit request passed (7-0). The recommendation will move forward to City Council on January 9, 2024.