

Consider a request to rezone 810 Port Republic Road (The Vista at Forest Hills)

Consider a request for a special use permit to allow multiple-family dwellings and/or mixed use buildings at 810 Port Republic Road (The Vista at Forest Hills)

Consider a request for a special use permit to allow reduction in required side and/or rear yard setbacks at 810 Port Republic Road (The Vista at Forest Hills)

Chair Baugh read the request and asked staff to review.

Ms. Soffel said in May 2008, City Council approved a rezoning for the subject property from R-4, Planned Unit Residential District to B-2C, General Business District Conditional. In October 2023, City Council approved requests to amend the 2008 proffers and a special use permit (SUP) to allow multiple-family dwellings and/or mixed use buildings with a development plan. At the time, the applicant proposed to redevelop a portion of the site by constructing a multi-story building containing retail establishments and 119 multi-family units that would be marketed to the college student population. The development is now in the engineered comprehensive site plan review phase of the project. The current 2023-approved proffers are attached herein and the 2023 staff memorandum and supporting documents are available here: <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=6371257&GUID=22D5C2BE-9F4F-4787-B5E9-DE9F92342E90&Options=&Search=>.

Today, the applicant is requesting to amend the existing proffers and to receive approval of two SUPs. The first SUP is an amendment to the previously approved request to allow multiple-family dwellings and/or mixed use buildings in the B-2 district per Section 10-3-91(17). The second SUP is a request to allow for the reduction in required side and/or rear yard setbacks per Section 10-3-91(9).

Proffers

All current, 2023-approved proffers will remain the same except for changes within the second bullet of proffer #1. Currently, proffer #1 from the 2023 approved rezoning states:

1. DESIGN STANDARDS. The Development Plan for The Vista at Forest Hills contemplates retail, restaurant and commercial uses in each case as permitted by the underlying B-2 zoning, plus residential use as permitted by special use permit. Applicant proffers that the Development Plan will be used as the basis for engineered comprehensive site plan approval of the proposed development/redevelopment of “Future Lot 1” on the Development Plan, to include without limitation:
 - The general location of the mixed-use building and other structures as illustrated,
 - The number of stories within such building and structures, which Applicant proffers shall be comprised of four (4) stories of residential dwellings atop

- either three (3) stories of parking garage or up to three (3) stories of combined commercial/retail space and parking garage,
- Applicant proffers to provide a minimum of 1.35 parking spaces per dwelling unit,
- One (1) large deciduous or evergreen tree shall be planted and maintained no less than every fifty (50) linear feet on center along the building façade facing the adjoining property along Village Lane, with trees sizes meeting the requirements as defined in Section 10-3-24 of the Zoning Ordinance at the time of planting, and
- The general location of sidewalks and crosswalks within the Property.

The applicant is requesting to amend the above existing proffer to allow an additional story of residential dwellings above the proposed parking area on the northeastern side (rear) of the building. They propose the following new proffer #1 (note the changes are within the second bullet):

1. DESIGN STANDARDS. The Development Plan for The Vista at Forest Hills contemplates retail, restaurant and commercial uses in each case as permitted by the underlying B-2 zoning, plus residential use as permitted by special use permit. Applicant proffers that the Development Plan will be used as the basis for engineered comprehensive site plan approval of the proposed development/redevelopment of “Future Lot 1” on the Development Plan, to include without limitation:
 - The general location of the mixed-use building and other structures as illustrated,
 - The number of stories within such building and structures, which Applicant proffers shall be comprised of five (5) stories of residential dwellings atop three (3) stories of parking garage in the rear and four (4) stories of residential atop three (3) stories of combined commercial/retail space and parking garage along Port Republic Road, as shown in the Rendering,
 - Applicant proffers to provide a minimum of 1.35 parking spaces per dwelling unit,
 - One (1) large deciduous or evergreen tree shall be planted and maintained no less than every fifty (50) linear feet on center along the building façade facing the adjoining property along Village Lane, with trees sizes meeting the requirements as defined in Section 10-3-24 of the Zoning Ordinance at the time of planting, and
 - The general location of sidewalks and crosswalks within the Property.

In their letter, the applicant explains that this requested change allows them to meet accessibility building code requirements by adding an additional story in the rear of the building, which would provide the additional square footage needed. There will be no increase to the square footage of the retail space, nor will there be an increase to the number of residential units.

The applicant submitted an updated Building Height Profile to illustrate the height of the proposed building relative to the building addressed as 865 Port Republic Road (known as “865 East”) located on the opposite corner at the intersection of Port Republic Road and Devon Lane. There is a small change to the proposed highest roof elevation. The 2023 Building Height Profile illustrates the “top of the roof” at an elevation of 1,449.0-feet and the new Building Height Profile illustrates the “high point of the building” at 1,450.73-feet, which is 1.73-feet taller.

In addition, the applicant submitted an updated Building Section drawing that illustrates the relative height of the front portion of the building adjacent to Port Republic Road and the rear portion of the building adjacent to Forest Hills Townhomes and Forest Hills Manor.

As previously noted, all other proffers would remain the same as was approved in 2023.

Development Plan

In October 2023, City Council approved a SUP to allow multiple-family dwellings and/or mixed use buildings on the property. As specified by Section 10-3-93 (d) of the Zoning Ordinance (ZO), applicants must submit a development plan 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:

- a. The general location of buildings and structures as illustrated.
- b. The number of stories within proposed buildings and structures as illustrated.
- c. The general location of parking areas as illustrated.
- d. The general location of pedestrian connections as illustrated.

The proposed proffer amendment changes the number of stories identified in the development plan that was approved in 2023. This new SUP request would amend the development plan to reflect the changes proposed in the proffer amendment request.

Note that the development plan shows the rear travelway encroaching on the neighboring parcel identified as tax map 12-L-14 (Forest Hills Townhomes). Staff has determined that the travelway may straddle the property line provided that an agreement is signed by both property owners containing language and an exhibit for a private access easement, that the agreement contains a

maintenance agreement for the travelway, and that the agreement is established in perpetuity and binding on future owners until the development or travelway changes. The engineered comprehensive site plan should illustrate the limits of the private access easement, and the agreement must be in place before any certificates of occupancy are issued. The applicant is working on obtaining a letter of intent from the adjacent property owner stating that they plan to sign an agreement that conforms to the requirements stated above. The letter of intent must be provided prior to the issuance of the Land Disturbance Permit.

The 2023 SUP approval included a condition that limited the number of dwelling units to 119, with no more than 440 bedrooms. Staff continues to recommend this condition, as follows:

The number of dwelling units shall be limited to 119 with no more than 440 bedrooms.

The proposed proffer amendment and the amended development plan provide additional flexibility in the design of the building, while allowing a slight increase in the maximum height of the building overall and, with staff's recommended condition, would maintain the previously approved maximum number of dwelling units and bedrooms.

Setbacks

The Zoning Ordinance requires that when a property is zoned B-2, and has boundaries that abut residential districts, the minimum required side and rear yard setback increases from 10 feet to 30 feet. Furthermore, when structures on the B-2 zoned property are taller than 35 feet, an additional foot of setback adjacent to residential districts is required for each foot above 35 feet. Forest Hills Townhomes (TM 12-L-14) and Forest Hills Manor (TM 92-A-2), located to the rear and side, respectively, are zoned R-4 and have multi-family dwellings.

With the 2023 rezoning and SUP, the applicant intended to perform a boundary adjustment by acquiring adjacent land from neighboring properties to account for the needed additional setback. The boundary adjustments were illustrated on the 2023 Development Plan as a possibility with a note that stated "Adjacent land may be obtained from one or both adjacent parcels, up to the amount shown, if needed, to achieve property building setback based upon final building height and footprint. If needed, land transfer shall occur after rezoning/SUP approval but prior to site plan approval."

In January 2024, City Council approved a Zoning Ordinance amendment to allow for the reduction of side and/or rear yard setbacks by SUP. Today, the applicant is requesting to reduce the side and rear yard setbacks from the required 52.03 feet to 44 feet in order to eliminate the need to purchase the adjacent land and adjust the property boundaries. The proposed reduced setbacks are shown on the new development plan.

To ensure that the setback reduction applies only to the planned building that is taller than 35 feet as shown on the development plan, and that any future building that is taller than 35 feet is not closer to the property lines as is required by the Zoning Ordinance, staff recommends the following condition:

The special use permit shall be applicable only to the planned building in the location shown on the Development Plan and no closer than 44 feet from the property lines adjacent to tax map parcels 12-L-14 (Forest Hills Townhomes) and 92-A-2 (Forest Hills Manor).

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

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.

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 college student housing and the location is within close proximity to James Madison University (JMU).

Transportation and Traffic

A traffic impact analysis (TIA) was accepted by the Department of Public Works on July 21, 2023, as part of the previous rezoning and SUP requests.

Proffer #2 limits all traffic generating uses developed on the site to the total number of vehicle trips in the AM peak hour and PM peak hour as set forth in the 2023 TIA study. To confirm that the proposed changes conform with Proffer #2, staff requested from the applicant a new TIA form ("TIA determination form"), which is attached. The TIA determination form indicated that the project does not change the traffic calculations resulting from the TIA that was accepted by the Department of Public Works in 2023. Therefore, an updated TIA study was not required for the rezoning request.

Together, the proffers, the Street Improvement Agreement with the City dated September 13, 2023, and the Development Plan provide the necessary mitigations to address the development's expected impact on the transportation network.

Public Water and Sanitary Sewer

The applicant completed a study of the water and sanitary sewer capacity prior to submittal of the engineered comprehensive site plan. Any public system improvements required to meet the increased demands resulting from the project will be the responsibility of the developer.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which has "neighborhoods [that] are characterized by the lowest growth of any market type and low housing volume turnover." Additionally, "[i]ncomes in different pockets vary greatly. Median household incomes across block groups in these neighborhoods have the broadest range: \$20,000 to \$91,000. This could point to a divergence of two conditions found within these neighborhoods: one of stable, high-income, low turnover neighborhoods and one of lower turnover in lower income neighborhoods. The Housing Study also notes that "[s]trategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use development to build commerce and housing centers across the City."

Public Schools

The City entered a contract for population and student enrollment projections with the University of Virginia's Weldon Cooper Center for Public Service in 2024. The Center produced a report outlining its findings in April 2025 that can be found at the following link: https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment_2025-04-30_Final.pdf. This report provides overall student enrollment projections through 2034 as well as estimated student generation by housing type for each elementary school attendance zone.

Conclusion

The proposed proffer amendment and the amended development plan provide additional flexibility in the design of the building, while allowing a slight increase in the maximum height of the building overall and, with staff's recommended condition, would maintain the previously approved maximum number of dwelling units and bedrooms. The reduced setbacks, with staff's recommended condition, do not change the proximity of the planned building to neighboring homes. Staff recommends approval of the rezoning and special use permit requests with suggested conditions.

For the special use permit to allow multiple-family dwellings and/or mixed use buildings:

1. The number of dwelling units shall be limited to 119 with no more than 440 bedrooms.

For the special use permit to allow reduction in required side and/or rear yard setbacks:

1. The special use permit shall be applicable only to the planned building in the location shown on the Development Plan and no closer than 44 feet from the property lines adjacent to tax map parcels 12-L-14 (Forest Hills Townhomes) and 92-A-2 (Forest Hills Manor).

Chair Baugh asked if there any questions for staff.

Vice Chair Finnegan said I am seeing in here the proffer to provide a minimum of 1.355 parking spaces per dwelling unit. It is going to limited to 119... Is that units?

Ms. Soffel said yes dwelling units.

Vice Chair Finnegan said is that 160? By my math 119 times 1.35 is 160.65.

Ms. Soffel said that would be the minimum parking spaces. I believe the proposed number is higher than that.

Councilmember Dent said just to piggyback off of that a little bit is it 119 units but no more than 140 bedrooms? A unit can have four bedrooms. They are likely to have more parking just to

accommodate that. My question was the thing about the setbacks. The previous requirement would have required them to buy the additional strip of property and now they no longer have to. It looks kind of bizarre to me to see 1.73 feet. Having digital feet is weird.

Ms. Soffel said the proposal in 2023 was a round number. There are variations that happen with engineering and construction that are minimal and can be expected.

Chair Baugh asked if there were any more questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Ed Blackwell, the applicant's representative from AES Consulting Engineers, came forward to speak to the request. He said thank you for this opportunity. When we came in a couple of years ago we had not designed the building. We got approval from this body. We got approval from Council. Gone through the site development process. We have to get the setback thing signed and then the architect was working on the plans over the last year. That is what is driving some of this, they have to meet some ADA accessibility requirements. There are some changes in the building that the architect recommended. One of them came up to 1.7 foot of height difference. They are actually adding a floor. The structural engineering all of that is done. We were getting outside of our compliance, so we came back to staff. Same number of bedrooms, there are going to a couple one to two bedrooms, I think, but mostly fours. That is just the way the building lays out. The architect needed that extra floor to help with some of that building design stuff. The site is really not changing. The amenities are not changing. In the back the adjacent owners are willing to sell that little strip of property but since Council did the ordinance change after our rezoning two years ago, a year and a half ago council had to change the ordinance for a special use permit for the setbacks if deemed appropriate by government bodies. I would rather not sell it if we can get that variance. That neighbors okay selling if that has to be. He prefers the variance be given by the City so he does not have to sell that piece. It would affect his setbacks later for something like that. Both neighbors are alright with my client building this property and his neighbor next door prefers this setback variance as opposed to selling the property. Staff has been great to work with. Any questions for me I will be happy to answer.

Councilmember Dent said I am really impressed with such a difficult site and such a steep grade and figuring out the layered indoor parking I think that is a good thing because then you do not have a big visible parking lot taking asphalt space.

Mr. Blackwell said this is what you see some of the bigger cities where the parking is either behind it or underground in this case. I think it is working out. Working with staff on some of their concerns they had so that is why we limited the parking. We went down. We all know this is going to be a student housing project; so the students rent better if they have enough parking for bedrooms. We are trying to go underground so it is not seen. It limits the hot asphalt. That is why I think it is a great idea too. Costly, but it is a great idea.

Councilmember Dent said I also like the way that you have now delineated where the residential parking will be and the parking for the commercial zone.

Mr. Blackwell said it is designated in the parking deck the portion that is for students. This will be a card access building. You cannot get in without a little fob.

Councilmember Dent said for the commercial you can?

Mr. Blackwell said the commercial is open to anybody. The main residential parking will have the gates and it is only for cars with the key fob or whatever they have.

Vice Chair Finnegan said do you have an estimate for how much? If you take the cost of the parking deck divided by how many parking spaces, any idea?

Mr. Blackwell said the parking deck does drive the cost up to the property. It is a steep site. It just drops off at the end of the street in the back. The idea is we need parking so let us just build that. It is called platform we are going to build the parking deck in concrete and then we are going to build the building on top like a platform. It just makes sense for this site. It is costly, but I do not have a number. I used to hear \$20,000 a space. We are doing this pretty efficiently. Ramps get expensive if you can have access for each level. Again, that is in the architectural building design and that has been changing based on some things.

Councilmember Dent said since it is such a steep grade, I am looking at the ring road around it, is there are steep grade of that?

Mr. Blackwell said there really is. On the two side roads coming down, one is probably 12 percent. We went through the site plan process. The Fire Marshall looked at it and they did not like how steep it is but they were able to work with the grades there. Mainly because it loops. They can go down the hill easy. Going up they can come in the other direction.

Councilmember Dent said from what you just said about instead of doing ramps you are having entrances at each level in the parking deck.

Mr. Blackwell said we have several entrances around it at different levels. Again, that is in the process of design with the architect. I know the structural engineer and the architect are working that out now.

Councilmember Dent said even just the logistics. Usually if you go into a parking deck you loop around. Would you have assigned parking?

Mr. Blackwell said yes because it is residential the internal residential parking is for the tenants. Each tenant will have a space.

Councilmember Dent said they know which floor to go in on.

Mr. Blackwell said if I am on floor two that is space 208. That is their spot if anybody is there it gets towed, or they will not get in there because they do not have a key fob. You go to JMU campus

and you have those little sensors at every space, they tell you when the deck is full and not full and all that, very similar. You have a key fob, you get the gate opened, you go in and again it is getting above my technology understanding but I think where you park is where your key fob is assigned to.

Councilmember Dent said do you have EV charging stations?

Mr. Blackwell said absolutely. The owner has several cars are EV and he loves those. He is highly planning on doing that.

Councilmember Dent said a certain amount of them?

Mr. Blackwell said early on it was five and he said “no I want to have 15 or 20 because there are students that come in EV cars” so we want them to have that option. That does change things with Harrisonburg Electric Commission [HEC]. It gets into the technology, which is above my level, but how quick they charge and the amperage and stuff. They even want to have such that they could add more too if they start having kids that want it.

Councilmember Dent said my hunch is the midlevel chargers are probably adequate not the super fast chargers that they need at the gas station highways.

Mr. Blackwell said again, the architect is working through that. That would all have to come through the Building Official for approval.

Councilmember Dent said just to have it charger ready so you can add the infrastructure for more chargers.

Mr. Blackwell said I remember in some of the meetings with the architect, the owner wanted to have so many up front with the ability to add more if the kids want it.

Commissioner Nardi said is there something that is going to be done about the intersection at Port [Republic] Road? Is there some sort of traffic calming or something that is going there or am I making that up?

Mr. Blackwell said Port [Republic] Road is being widened. There is a plan there and my client worked with Public Works. We paid for some engineering and some work. We are putting a multipurpose trail, but mostly a bike lane, across our frontage.

Mr. Fletcher said you can also see the median that is in the plan and development.

Mr. Blackwell said we are working with the City on that. That is a City project to do the Port [Republic] Road work. We are going to do our little portion on our side. We are going to widen the road because we need it for some turn lanes.

Councilmember Dent said it looks like for the commercial part there are angled parking spaces and an exit only. So, they have to enter on Devon Lane?

Mr. Blackwell said enter on Devon [Lane]. That was a request. We wanted a full entrance. They are putting a median on Port [Republic] Road so we cannot have a left turn off Port [Republic Road] except at the light.

Councilmember Dent said what we just went through with the previous thing about South High [Street] that you do not want to have a big entrance on a big road, you would send them to the side road basically.

Ms. Dang said if I may add, at the intersection of Bradley [Drive] and Port Republic Road, the City is also planning a traffic signal.

Mr. Blackwell said we will pay for a portion of that light. I think we had the arm and the signal heads.

Councilmember Dent said that makes sense because then that is a two-way entrance then.

Mr. Blackwell said that would become our main entrance if you are coming from the interstate.

Commissioner Porter said I know you are involved on the engineering side but in terms of the leasing of this facility, are these intended to be rented by the bedroom or are these going to be separate units?

Mr. Blackwell said what a lot of colleges have, they rent the apartment but they get leases with each bedroom with a guarantor, or the parents, that have to go sign. They would rent them by the unit, but each student would have their responsibility for their bedroom. I think that is what they typically do. The management group that is going to do this also rents some others in the area and that is how they do it. Forest Hill Manor behind it and Village Lane is rented by the unit but bedroom leases.

Commissioner Porter said we would be looking at 442 possibly even more students in this facility?

Mr. Blackwell said it would be 440 bedrooms and that is 440 students tops. With Fair Housing it is hard to say that it has got to be all students. Two married grad students have kids one moves in there they have the right to rent. Anyone can rent in there.

Chair Baugh asked if there were any questions for the applicant. Hearing none, he opened the public hearing and 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.

Councilmember Dent said we have three things to vote on.

Vice Chair Finnegan said are we doing three separate motions or can we do it all in one?

Chair Baugh said we can do it all on one. I guess my thinking on this would be if anybody thinks they are going to vote differently on the three or if frankly if anyone of you would just say “I would prefer that we take three separate votes” then we probably ought to do that. Otherwise, I think there is no reason mechanically we cannot take it all as one as long as we are clear what we are doing. I think it becomes cumbersome if people keep it to themselves but want the right to vote one way on one end and not on the other. I do not want to take that away from anybody.

Councilmember Dent said just to reiterate the rezoning is really just an amendment to the proffers, right?

Chair Baugh said a proffer amendment is a rezoning for nomenclature purposes.

Councilmember Dent said I move that we approve all three things as recommended by staff. The rezoning, the special use for multifamily dwellings, and the special use for reducing rear setbacks. Staff is okay with a three in one vote?

Commissioner Nardi seconded the motion.

Commissioner Porter said it really does not pertain to how I am going to vote on this just other than expressing a general concern about the overall density of student housing on this particular street. I think most people who live in our City understand that we have a traffic problem on Port Republic [Road] and this is not going to make it any better. I would have liked to have seen some effort to try to reduce the dependance on cars at this particular location, but I also understand why this is being done and I applaud the way the parking is being done based on the design. However, as someone who lives in the City and has to get back and forth across Port Republic Road, the prospect of 440 more students coming out of what is already a pretty impacted area is deeply concerning to me. I understand that this was approved and I understand the reason behind it and we do need student housing but also I hate seeing developments come up that are exsolving the University of their responsibility for providing housing on site and on campus to reduce some of this dependence on this type of student housing. I do not have any major objections to the site design or even that this has already been approved and is moving forward. Just a general concern about the fact that we continue to load that section of town with student housing. I wish that someone would come in and put the same amount of effort and due diligence into creating a property for local families.

Vice Chair Finnegan, Commissioner Nardi and Councilmember Dent said amen.

Vice Chair Finnegan said when this came up in 2023 my recollection is I voted against approval purely because of the number of parking spaces that were being built. It was not an “anti-housing” vote, it was an “anti- this is so close to campus it is within walking distance of campus and dumping this many more cars on it” vote. I will also echo Commissioner Porter’s concern, not only does James Madison University have a responsibility to this community to build more on campus housing, they also have a responsibility, in my mind, to stop building so much parking on campus. All that does is when these apartments have parking and the campus builds more parking, that just

encourages more traffic on the roads and makes traffic worse, makes carbon emissions worse, makes air quality worse, and it makes it more dangerous to walk and bike.

Councilmember Dent said when I was teaching technical writing at JMU in the Computer Science Department, every single semester a group would come up with proposals to increase parking on campus. Until I finally forbade them to do that. I said think outside the box what are alternatives to more parking. I got some interesting proposals like build a subway. Well, unlikely but...

Vice Chair Finnegan said the lowest hanging fruit would be for James Madison University to take one of their primo-parking decks in the middle of campus and make it an HOV [High Occupancy Vehicle] deck. You cannot enter the deck unless you have more than one person in your car. That would be very cheap and very low hanging fruit.

Commissioner Porter said or the bare minimum create transportation systems that works to get students back and forth from this part of town to campus without creating a traffic problem. I understand not every student is going to want to take the bus but the reality is that this is creating a problem that I think the City is going to have to eventually address and it is probably is going to be expensive and limit commerce in that area for time to address it. I understand the reason why this is being built. I understand the motivations of those that investing in it and trying to execute it. I think in terms of wise use of our resources as a community, and just in terms of overall design, this is going to exacerbate the problem.

Mr. Fletcher said if I could just add in the multiuse trails and the road improvements that will be made that I think might change the dynamic about how people might travel through this space. Not only are we acquiring a multiuse trail down this hill, we also just received funding to go around the gas stations with Smart Scale funding. Whether we are going around the gas station or not we will come to the intersection of Forest Hill [Drive] where there will be a new multiuse path along the new road that connects to University [Boulevard]. If you know that area well, you will know that multiuse path will now be a direct shot right over to the old Convocation Center where you can then go down over the hill into Duke Dog Alley and into the campus. The dynamics of the multiuse capabilities are going to significantly shift in the next five years because of that. Right now, if you wanted to go that direction you kind of have to meander down and around. I think psychologically you are seeing it is going to take longer. These new multiuse paths are going to give more direct access. The other idea is to, to Commissioner Porter's comments, hopefully by having the students closer to campus it might relieve them from the desire to live further out Port Republic Road so that they are closer and beginning to walk and ride bikes and utilize the great transportation system that HDPT provides.

Councilmember Dent said yeah that is possible. From where I am on the HRMPO, Harrisonburg Rockingham Metropolitan Planning Organization, we just completed the traffic study for Port [Republic] Road, Neff [Avenue] and Peach Grove [Avenue] which is further east on Port Republic [Road]. That does not include this area, but it is trying to address the traffic snarl there as part of not just the existing commercial and residential buildings but the ones that have been approved and are likely to be moving forward. That does not address right here. It is a good sign that they are putting a traffic signal for the entrance here. We are trying to do what we can with what people are doing which is driving a lot of cars. I agree it would be better if we could reduce that. To what

you are saying [referring to Vice Chair Finnegan], even students living here might decide that they would rather ride their bike.

Vice Chair Finnegan said yes, people do drive. People drive because there are parking requirements. There are parking requirements because people drive. We make it worse. This is more of a long term. I know it is not specific to this request, but this is an example of why we should remove the parking requirements for residential in the Harrisonburg Zoning Ordinance.

Councilmember Dent said a slight aside I wanted to make on the Ordinance change for the setbacks, that was inspired by the 865 East across the street. That just opens the possibility for other developments too.

Chair Baugh said I do think as Commissioner Porter put it, there are two aspects to this and one of them in its simplest form, as long as having a car is the most convenient thing for me to do. Whether it is because infrastructure is making that a priority. Regardless of the reason, as long as that is the most comfortable option then do not be surprised that lots of people are going to do it that way. That seems to be the tough question, how do you make it more uncomfortable to drive? Especially when you have an issue that we have spoken openly about which is JMU, and let us not overthink it, for their own internal marketing reasons I think the developer even said it here, our assessment of our own markets is as we try to appeal to people. If I am choosing between JMU and University A and University A has a reputation for being tough to park, that tends to...you have got that whole overlay. The one I was going to mention was the decision that again we do not have any control over, and who knows what it is going to be like in 20 to 30 years, but what I do know is the dense housing on Port [Republic] Road in the City limits is always going to be closer to JMU and the dense housing that is across the line in the County. Nonetheless, the County has chosen to develop properties out that way. Which might have something to do why the MPO is looking at the corridor of the road until they get to the City limits because it has created its own issues out there. There is that piece of it. I will say as somebody who recalls a time when I was taking a lot of votes to try and make this happen is when you look at the plan, the car auto struggle notwithstanding, you may not like it but our planning has said if we are going to have dense student housing in the City, that is where we want it. While that raises the type of challenges and things that have been mentioned, we have a few on the fringes of the City. There was a time when we got a lot more proposals of people to do those types of things that we said no to because... I think the thinking was whatever we are frustrated with the density and traffic on Port [Republic] Road taking large chunks of that traffic and making its starting point further away from JMU does not help. Now you have expanded the traffic snarled throughout the City. Maybe it is worth further review but the closest thing we did to doing proactive rezoning was when we created R-5 we discussed: do we go ahead and take some of the property in this area? We decided not to do it, but it was discussed and there were advocates on Council for doing that at the time. Again, I am a little less crazy about jumping on the bandwagon of "yeah let us diffuse the students and spread them around and not have them over there." I think there are more advantages than disadvantages. I am also a reasonable guy and willing to discuss it. In any case, that is kind of baked into the cake right now. Now, doing everything we could to discourage people...my recollection is that I voted with you against this proposal before for the same thing. I was asked by at least one Council member to articulate it and I felt like it did not do a good job of explaining it... As it is, there is sort of a morphos nature to it... If the City does not push back on placing the premium providing all this additional auto

infrastructure, it looks like there is nobody else to do it because the market is not doing it and JMU is not doing it.

Commissioner Porter said I think that the issue is most germane to me in this circumstance. By your own admission the parking is going to be expensive to build. Per space you are talking a significant amount of money, and somebody has got to recoup that at some point. That means that this housing is going to be more expensive than what is currently on the market as of today for students. In my opinion, in reality at some point from the time this gets built the direction our rents in the community has gone has continued to move upwards. To the tune of about 7 percent per year, which is one of the highest in the Commonwealth. My big concern is the fact that you have got to pay for this parking and at the end of the day it drives up the cost of student housing. It does one of two things; it either drives students who cannot afford that housing into competition with working families renting multifamily homes in places like High Street and South Main [Street], which we are seeing quite a bit of now. Which, in my opinion, is impacting our neighborhoods and has an adverse effect on working families. I hate to make your request a place to stand on the table and bang here but I feel like this is one of the few chances I am going to get to probably be able to do that as it relates to this issue of building three layers of parking to accommodate 440 plus students to be able to effectively go a very short distance to central campus. I will tell you that I hear it every single day of people complaining, or at least how glad they are that the students are out of the area for awhile, because you can actually travel down Port Republic Road. I think I am speaking for a lot of Harrisonburg residents when I am addressing this point. Again, I do not want to get your application caught up in this part of the discussion, but I think it is important that it be brought into the room and discussed. Your design effectively exacerbates some of these concerns.

Councilmember Dent said to the point about “if only JMU would build more housing” I made that request to a JMU leader and the response I got was kind of chilling. They said “they might want to do that, but it would so irritate the developers who depend on that luxury market for student housing.” That, to me, is the wrong thing for the wrong reason. We do not have any jurisdiction over JMU to tell them they must have the first two years instead of the first year only in on campus housing. Build more on campus housing, that would be my request to them but we do not have any authority to say to do that. The reason they gave for why they did not really shows how that market driven higher end student housing really warps the whole housing market in the City.

Commissioner Porter said I can give you one practical example of that is the HUD [US Housing and Urban Development] fair market rents for one-bedroom units in the City of Harrisonburg are way out of line. They are not representative of what the actual cost of a one bedroom is. They are suppressed by the fact that we have so many student one bedroom units that are being rented as a part of these collaborative leases that it effectively makes it difficult for people to receive appropriate subsidies for one bedroom units in our communities because of the fact of when they do the surveys, landlords are reporting these single bedroom units at \$550 or \$600 or whatever it is that they are renting them for and that is not what a one bedroom unit costs in our community. There are systemic things that pull from beyond this.

Councilmember Dent said I just went to my Harvard reunion and when I was there for four years in Cambridge nobody thought about having a car, it would have been impossible or exorbitant or both in the middle of Cambridge. We walked, we took the T. I did more walking in three days than

I have in months. I wish we had a denser town style campus instead of this suburban sprawl. You are right we are exacerbating it by continuing this sprawl.

Commissioner Nardi said I experienced it two years ago trying to find housing. It is real. It is past time to try and address some of these things.

Chair Baugh said I am going to do some crass and blatant speculation here. First disclaimer is I am long out of the loop that I was in it one time of communication with the higher ups at JMU. First off there was a time not that long ago when a lot of the inside talk was just the opposite. There was a growing recognition that it was a benefit to the students to do something more along the lines of the first couple of years having them live on campus. Data saying that students did better so on and so forth. That does seem to have gone by the wayside. I find myself being a little cynical. I believe what you were told [to Councilmember Dent] I am not sure I believe that I accept it on its face value. In many respects I kind of go back to the thing of the housing that is being built across the line in the County, I kind of wonder if that did not just kick the legs out from under it. If you are in JMU's perspective you are sitting there going "gee wiz, this community is going to be pawing all over itself to build our housing for us, why would we stop them?" That may have been perceived in the moment as better politics to tell you that "I love developers," well that does not quite make sense to me either.

Councilmember Dent said that is quite the admission.

Chair Baugh said I do not know that it is an admission. I think it was considered better than just saying nah that is not something we are interested in right now.

Councilmember Dent said I even contemplated might I personally just decide I am not going to vote to approve anymore student housing period. There is that possibility, but we will see what comes up.

Chair Baugh said I was actually there at one time. I think until we get a handle on the larger housing issue it becomes more and more of a challenge. It is more of a challenge to do that than I feel like it was some years ago when we did see this as more of a direct thing that we will be pushing back against.

Vice Chair Finnegan said I will also say from a property tax perspective there is a Prisoner's Dilemma with the County. You can say no to all student housing in the City and all of that would go out into the County and you will get none of that tax revenue because we are an Independent City.

Councilmember Dent said to the point that as long as we have got these massive student developments keeping them closer to JMU helps to reign in some of the sprawl.

Chair Baugh said that was my comment earlier. That is always going to be the property that has got housing on it that is closest to JMU that is always going to be worth something.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	No
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning request (proffer amendment) and special use permit requests passed (6-1). These recommendations will move forward to City Council on July 8, 2025.