



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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August 31, 2023

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

SUBJECT:

Consider a request from Daniel W. and Nancy R. Brubaker Trustees and Bluestone Land Company; D&N LLC to rezone 210, 280, and 290 West Mosby Road

Consider a request from Daniel W. and Nancy R. Brubaker Trustees and Bluestone Land Company; D&N LLC for a special use permit to allow multiple-family buildings greater than four (4) stories in height and/or fifty-two (52) feet in height at 210, 290, and 280 West Mosby Road

Consider a request from Daniel W. and Nancy R. Brubaker Trustees and Bluestone Land Company; D&N LLC for a special use permit per Section 10-3-55.4 (1) to allow multiple-family dwellings of no more than twelve (12) units per building for 210, 290, and 280 West Mosby Road

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: August 9, 2023**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said in February 1999, City Council approved a rezoning of +/- 24.83 acres identified as tax map parcel 7-C2. The request was to rezone +/- 21.62 acres from R-1, Single Family Residential District to R-2C, Residential District Conditional and rezone +/- 3.21 acres from R-1, Single Family Residential District to B-2C, General Business District Conditional.

The proffers for the R-2C zoned area included (written verbatim):

1. Any dwellings permitted by right in the R-1 Single-Family Residential District.
2. Single-family dwelling units with limitations as required by area and dimensional regulations set forth in R-2 regulations.
3. Accessory buildings and uses clearly incidental to above.

The proffers for the B-2C zoned section included (written verbatim):

1. Governmental, business and professional offices, and financial institutions.

2. Accessory buildings and uses customarily incidental to above listed uses.

The intent with the above proffers was to be able to construct a higher density detached single family home neighborhood utilizing the allowable smaller lot sizes of the R-2 district while permitting the noted nonresidential uses along a portion of the property's West Mosby Road frontage and at the intersection with Pear Street.

The current request is associated with a portion of the R-2C-zoned land, all of the B-2C-zoned area, and a portion of a separate parcel zoned R-2 with frontage along West Mosby Road.

The applicant has submitted three separate applications. The first is a rezoning request for portions of two parcels totaling +/- 12-acres from R-2, R-2C, and B-2C, to R-5C. The second application for the same area is for a special use permit (SUP) to allow multiple-family dwellings of more than twelve (12) units per building per Section 10-3-55.4 (1) in the R-5 district. The third application for the same acreage is a SUP to allow multiple-family buildings to be greater than four (4) stories and 52 feet in height Per Section 10-3-55.4 (2) in the R-5 district. (Note: Constructing multi-family dwellings of up to 12 units per building is a by right ability in the R-5 district.) If the requests are approved, the applicant plans to construct an "affordable residential community serving seniors and potentially workforce and other citizens qualifying for affordable housing options." The project would not exceed 164 multi-family dwelling units.

Proffers

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

1. The number of dwelling units on the property shall not exceed 164 units.
2. The property shall not contain dwelling units that have more than three (3) bedrooms. None of the dwelling units shall be rented on a "per bedroom" basis other than one-bedroom units designed for that purpose. At least 25% of the total units will be one bedrooms.
3. A minimum of 82 units will be age-restricted, in that at least one member of each household must be aged 55 or older and will comply with applicable laws and regulations relating to age restricted housing.
4. A minimum of 1.35 parking spaces per dwelling unit shall be provided. Occupancy shall be limited to a family or no more than three (3) unrelated persons per dwelling unit.
5. Solar panels shall be installed and maintained on a minimum of 10,000 sf of building roof area as measured from the outside perimeter of the solar installation area (and not panel surface area).
6. 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 project completion and thereafter maintained in operating condition.

7. An easement shall be granted for a bus shelter at a location acceptable to Harrisonburg Department of Public Transportation (HDPT). A concrete pad will be constructed within the agreed easement location to HDPT's bus shelter design specifications. HDPT will install the bus shelter on the pad provided.

8. Amenities Proffer shall include a minimum of 1,500 sq feet of installed and maintained outdoor amenity area space, to potentially include community amenity and recreational areas such as a dog run, gazebo, koi pond, picnic pavilion. The location and specific amenity type may be changed or relocated relative to final site plan approval and resident mix. A community clubhouse will also be constructed containing a minimum of 2500 sq. ft. Both the clubhouse and outdoor amenity areas proffered shall be completed and opened no later than the issuance of the 100th Certificate of Occupancy for residential units on the property.

9. The north side of Mosby Road will be improved and widened for the length of the full property frontage as generally shown on the Concept Plan. These improvements shall contain the following mitigations subject to final site plan approval of the final engineered design:

A. The north travel lane of West Mosby Road will be widened to include an eighteen-foot (18') width of pavement from centerline exclusive of curb and gutter and turn lane.

B. Curb and gutter will be provided along the north travel lane of West Mosby Road along the entire property frontage.

C. A two-foot (2') green strip will be provided between the curb and gutter and sidewalk along the north side of the West Mosby Road frontage. Consideration by the City Public Works Department will be given during site planning to allow a sidewalk to be installed adjacent to curbing in sections where topographic hardship can be demonstrated.

D. A minimum five-foot (5') sidewalk will be provided along the north side of the West Mosby Road street frontage.

E. Public Right-of-Way or a Pedestrian sidewalk easement will be dedicated or granted to a point six inches (0.5') behind the installed sidewalk along the north side of West Mosby Road.

F. A one hundred foot (100') right turn lane with one hundred foot (100') taper will be provided serving the primary project entrance as shown on the Concept Plan.

10. A vegetated screen shall be provided and maintained along the common property line with Tax Parcel # 007-C-6 as generally depicted on the Concept Plan. The screen shall include a single row of evergreen trees planted approximately ten (10) feet apart. Trees shall be a minimum of six (6) feet tall at time of planting.

11. The Owner/Applicant shall participate in a Small Area Transportation Study in accordance with the Small Area Transportation Study Agreement submitted as part of the rezoning application.

12. A 10' wide minimum gated emergency only access will be provided from Pear Street into the development to provide a second means of egress. The access shall be installed to standards required to support full size fire engine weight. The final location of the emergency only access will be at a location acceptable to the Harrisonburg Fire Department.

13. The entrance to the Project from Mosby Road shall be installed at the location shown on the Concept Plan. The entrance dual roadway and roundabout shown on the Concept Plan shall be dedicated to the City for public use upon completion of full installation, final coat paving, inspection and acceptance by City Public Works for inclusion in the City's public street network.

14. The installed roundabout shall maintain a minimum of two hundred twenty-five feet (225') of entrance separation from Mosby Road (measured from the edge of the westbound travel lane on Mosby Road to the outer edge of the inscribed circle diameter (Yield Line) of the roundabout. The 225' entrance separation shall be maintained for access management purposes on any future public street connections to the roundabout.

15. The Owner/Applicant shall dedicate to the City upon request up to thirty feet (30') of right-of-way along the Pear Street Project (Phase I) frontage as measured from the centerline of the current Pear Street pavement for future right-of-way improvements.

16. No less than one (1) large deciduous tree shall be planted and maintained for every fifty (50) linear feet of parcel public street frontage where trees are not required by parking lot landscaping regulations (Section 10-3-30.1(1) of the Zoning Ordinance). Trees shall be planted within 10 feet of public street rights-of-way. At the time of planting, tree sizes shall meet the requirements as defined in Section 10-3-24 of the Zoning Ordinance.

Note that the concept plan is not proffered.

While most of the proffers are self-explanatory, staff offers additional information on Proffers #4 and #8. Proffer # 1 is addressed in the Land Use section, and Proffers 7, 9, 11, 13, and 15 is addressed in the Transportation and Traffic section.

Regarding Proffer #4, the R-5 district allows by right dwellings to be occupied by a family or not more than four unrelated persons. Proffer #4 reduces the allowable occupancy of dwelling units to either a family or not more than three unrelated persons. Section 10-3-25 (7) of the ZO requires one off-street parking space to be provided for each dwelling unit when occupancy is restricted. Although the applicant could have been allowed the flexibility of providing only one parking space per unit, they have proffered to provide a minimum of 1.35 off-street parking spaces per unit.

Regarding Proffer #8, the applicant has proffered a minimum of 1,500 square feet of installed and maintained outdoor amenity area space and a community clubhouse containing a minimum of 2,500 square feet. Staff asked the applicant if they would consider increasing the size of the outdoor amenity area as well as the location specifics of the amenity spaces in relation to the building locations. The applicant explained they are still working on the scope, design, and financing for the project and did not want to overcommit.

Land Use

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

These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and nonresidential uses and multi-family dwellings could be appropriate under special circumstances. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. Like the Low Density Mixed Residential designation, the intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas could be around 20 dwelling units per acre. 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.

Proffer #1 restricts the maximum number of dwellings on the property to 164 units, which is about 13 dwelling units per acre and within the planned density for the Medium Density Mixed Residential designation of around 20 dwelling units per acre.

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 proposed 164-unit project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a Traffic Impact Analysis (TIA).

Know that when the applicant first initiated discussions about this project, they presented a plan that would have rezoned around 28-acres of property. (Reference the Rezoning Area Map included within the application and supporting documents.) Rezoning all 28-acres would have exceeded the 100 new peak hour trips threshold and would have required a TIA study. A TIA study takes months to complete, and the applicant would likely have missed the early Spring 2024 low-income housing tax credits (LIHTC) tax credit application deadlines. Therefore, the subject request is only for 12 of the 28-acres (“Phase 1”) so that the applicant can meet the LIHTC deadlines. Staff understands, however, that the applicant is planning to purchase all 28 acres even though they are only requesting to rezone 12 acres at this time. In knowing a much larger plan of development is

anticipated, staff raised concerns about not completing a TIA for all 28-acres prior to any rezoning of this area as it would result in not identifying the overall, planned development's full impact on the City's transportation network. Not completing a TIA would not identify needed mitigations and would result in missed opportunities for the applicant to proffer street and transportation improvements, which could then place the burden of responsibility on the City.

In the past few years, there have been several rezonings for new housing developments in this area of the City and Rockingham County, such as Cobblers Valley and Zephyr Hill/s, and there are additional developments anticipated between South High Street and South Main Street that are adding to, and will add to, significant traffic to the existing street network. In believing the existing street network is inadequate to handle all the new development, staff would like to complete a Small Area Transportation Study that would consider the transportation network wholistically by examining anticipated development and land use changes; examining the existing street network and determining general locations for new entrances and new public streets through currently vacant lands; and to understand improvements needed to existing streets, intersections, and traffic signalization. In Proffer #11, the applicant has proffered that they will participate in a Small Area Transportation Study in accordance with the Small Area Transportation Study Agreement submitted as part of the rezoning application. As part of the agreement, the applicant is committing to make a \$25,000 cash contribution to the City to defray the cost of the Small Area Transportation Study.

Regarding Proffer #7, a concrete pad will be constructed and an easement would be dedicated for a bus shelter at a location acceptable to the Harrisonburg Department of Public Transportation (HDPT). It is anticipated that the bus shelter will be located in the southbound direction of the new street between West Mosby Road and the roundabout illustrated in the Concept Plan. The exact location will be determined during the engineered comprehensive site plan phase of the project. HDPT will provide and install the bus shelter. During review of the applications, city staff asked the applicant if they would be willing to proffer constructing a bus pull off. The applicant responded that it is too hard to commit to a bus pull off at this time, but they would be willing to consider it during the engineered comprehensive site plan phase.

Regarding Proffer #9, the applicant has proffered a variety of infrastructure improvements along the north side of West Mosby Road to be completed with the project. In Proffer #13, the applicant has proffered the construction and dedication of a new public street between West Mosby Road and the roundabout as illustrated in the Concept Plan. City staff and the applicant envision that future streets or entrances will connect to this roundabout to serve future development in the surrounding area.

In Proffer #15, the applicant has proffered to dedicate, upon request from the City, up to 30 feet of public street right-of-way along the Pear Street frontage as measured from the centerline of the current Pear Street. While staff is appreciative of this, staff suggested the applicant also consider proffering to construct sidewalk along the Pear Street frontage between West Mosby Road and Ruby Drive. This sidewalk would enhance the City's sidewalk network and serve the residents on the west side of Pear Street, including the manufactured/mobile home park off Ruby Drive and the developed and future phases of Cobblers Valley and Zephyr Hill. The applicant responded that they are wary of the extra expense and its impact to the housing project and highlighted the other

infrastructure related proffers they have committed to already. While staff would like to promote the interconnectivity of the City's sidewalk network in this area, staff understands the applicant's hesitations and the fact that constructing sidewalk adds expense to the overall housing cost.

Public Water and Sanitary Sewer

City staff has advised the application that available downstream sanitary sewer capacity may be inadequate for the proposed use and must be evaluated during a Preliminary Engineering Report prior to the engineered comprehensive site plan submittal.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities."

The developer intends to seek support from low-income housing tax credits (LIHTC). LIHTC rentals generally provide affordability for 30 years and typically target households at 60% AMI. In Harrisonburg, there are currently 410 units of LIHTC housing. Sixty units at Lineweaver Annex serve elderly and/or disabled households; this is the only LIHTC senior housing in the City. Bluestone Town Center is zoned for up to 450 multi-family LIHTC units, to be phased over several years, with some senior units planned though not proffered.

Public Schools

The student generation attributed to the proposed 164 new residential units is estimated to be 26 students. Based on the School Board's current adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison 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.

Recommendation

While staff had hoped for additional details regarding amenity space and for more consideration to provide sidewalk along or near Pear Street, staff believes the overall advantages of the proposed project could be beneficial for individuals and families that want to reside in the City. The project's density fits within the range planned for this area and the proposed multi-family would be consistent with existing townhomes and multi-family units located along West Mosby Road and along Mosby Court. Staff recommends approval of the rezoning and both special use permits as submitted.

Chair Finnegan asked if there any questions for staff.

Vice Mayor Dent said not so much a question as an amused comment, and you saw it some of the pictures there, that there were signs for candidates for County School Board or Board of Supervisors or something I thought, "Wait, what? Am I in the County now?" It is within the County line but just on the edge so that was just an interesting observation, anybody can put a sign

anywhere. Seems to imply that it is in the County, but maybe it is just on the way to right outside in the County.

Chair Finnegan said right now Mosby is one lane in each direction. I do not know if there are any future plans or is this on like a 20-year cycle within the next 10 or 20 years... Public Works would like to widen this?

Ms. Dang said I apologize I cannot remember the specific details, but yes, road improvements are foreseen on this portion of West Mosby Road. I recall bike lanes were discussed when we had the rezoning for 130 West Mosby Road where they were proposing townhomes. The answer is yes, improvements are proposed here for widening, bike lanes, and sidewalks.

Chair Finnegan said let's just say this either does not get approved or does not get built for one reason, it does not get the Low-Income Housing Tax Credit (LIHTC) taxes... There is still just a lot of development happening in the County with people using these roads. I mean I do not think that this is going to make or break that road, but I do think that it is clear that there is more growth happening on this side of town and in the County, just outside of the City.

Commissioner Armstrong said I would have seconded that. I was glad that you are thinking ahead about the traffic impact analysis because with that one lane in each direction, there is a lot of heavier traffic, especially at commuter times, and where there is a left turn lane or there is a middle turning lane that turns into a left turn lane people are driving there at full speed. It is getting a little.. and it does the feed into South Main? I am going to second that, it needs some forward thinking.

Mr. Fletcher said our Master Transportation Plan identifies a road that would alleviate some of the traffic. It does not specifically identify the immediate improvements that would be completed along Mosby Road. Standard improvements, like Ms. Dang was referring to, widening if and where necessary sidewalk, curb, and gutter all of those sorts of things. As there are sections of Mosby Road that do not have them, but in our transportation plan, if you look at the map, you will see that there is a road identified that runs, it is almost northbound it is like north west northbound, and it would be in coordination with VDOT and the County because a lot of that road would be in the County and it would connect all the way over to Route 42 on the south. I mean, it is that far, but it would alleviate some of the traffic anyway because then it is also then connecting down towards, I believe it would be, in that section, Baxter Drive. East Kaylor and there is a Baxter and the next one up... You kind of have to see it to know what I am referring to, but it is the south of the City, which then connects you to 11, South Main Street. It is in that section. It is SW3 in our Master Transportation Plan which is the identification number. It does not identify specific improvements like we do for other streets for a third lane, a center turn lane, things like that.

Chair Finnegan asked if there were any other questions for staff. Hearing none, he opened the public hearing.

Todd Rhea, land use attorney at Clark & Bradshaw and representing the applicant, came forward to speak to the request. He said I hate taking things out order, but I do want to address the Mosby Road improvements that you all just brought up and discussed and I think some of the detail might

be missed in some of the proffers. There are a lot of proffers obviously and a lot of detail. I have worked on both City and County projects in this area over the last two or three years. One pertinent issue is there is a proffered right turn lane off of Mosby onto Pear. That was proffered in connection with a County's rezoning requirement called Zephyr Hills. I believe that site plan has been approved in part of the bonded improvements for that County site plan that is the installation of this turn lane off of Mosby. A second important aspect of this and in discussions with Public Works. We have had a lot of discussions in connection with this project with Mr. Hartman's department was this applicant is proffering an additional three feet of pavement over and above what I believe our Design [and Construction] Standards Manual Requirements to accommodate the installation of a bike lane along Mosby, which is a long stretch of this frontage. We have not ignored those details. That additional Mosby transportation improvement was another reason why we did some of what we thought were reasonable tradeoffs with the immediate improvement of Pear Street, pending the completion of the small area study which all have heard about. With that said let me just continue with my more formal presentation. I have represented the Searles Foundation, this well qualified applicant, through the lengthy design and planning process for this exciting new project and I am pleased to present it to you this evening. Here with me tonight are Mark Slack and Phillip Searles on behalf of the applicant the Beverly J. Searles Foundation, Carl Snyder with Valley Engineering, Valley has served as our design civil engineer and traffic consultant through our application process and John Bowman is here on behalf of the property owner, the Brubaker Family, who still live on a portion of this property. The Foundation is a qualified, not for profit corporation located in Georgia and focused on providing affordable housing. Searles has a long history of affordable housing development experience with well over a dozen current affordable housing projects constructed and operated in part with housing tax credits. The City does not have to gamble with whether this applicant has the resources, commitment or experience to successfully bring a large housing community to life. As staff has thoroughly covered in its report and presentation, the applicant requests a R-5C, High Density Residential District rezoning approval with two special use permits requests for height and unit per building allowances. The portion of the subject property being rezoned contains 12 acres designated as Medium Density Mixed Residential on the City's Future Land Use Map contained in the Comprehensive Plan. The proposed rezoning and special use permit requests would allow for the development of this currently vacant 12 acres into an affordable residential community serving seniors and potentially workforce and other affordable housing citizen options. The development will address many of the housing concerns detailed in the City's recent housing study. I outlined those in detail in our letter of justification filed with the rezoning and in your packets. The proposed community is fully compatible with the target densities in the Medium Density Mixed Residential District of up to 20 units per acre. The densities here are actually functionally higher than stated due to the three acres in front which is a common entrance area that will not only be used for the 12 acres being rezoned today, but as a common entrance of stormwater management area for the balance of the Brubaker property as it develops in the future. That area down by Mosby being at the bottom of the hill, the house sitting higher up on the hill so that is where the water from this property largely runs. It is indicated the developer intends to install a variety of age specific on-site amenities for residents. The community would benefit from full time professional property management. This is not a build it and leave it type of community. The developers are voluntarily committed to sustainable futures within the community by proffering the installation of solar panels to power its amenity areas and EV charging stations for resident use. They also will provide convenient bike and e-bike parking and storage onsite to allow

residents to conveniently access bike options. As indicated, the property is located generally at the intersection West Mosby Road and Pear Street. The surrounding properties include the Millwood Townhome and Condominium Communities and Mosby Heights affordable housing apartment community. Numerous retail options are located in walking distance along South Main Street which intersects Mosby Road about a quarter mile east of the proposed community. These shopping amenities are easily accessible to pedestrian and bike trips with existing connecting sidewalks along the south side of Mosby Road. Having been involved in some of the newer projects along Mosby, I can say from first-hand experience, going out there on an almost daily basis that those communities and folks do walk down and utilize those sidewalks to get to Sharp Shopper, Kline's, and Subway, so it is pretty convenient. The exciting new aspect of the current project is that it will serve as a catalyst for further improvement of Mosby Road in this corridor. Facilitating improvements and widening the north side of Mosby along its full frontage. Again, we are not only proffering to widen and improve the area we are requesting for rezoning; we are taking care of the full frontage up front with this phase one development. Again, showing good faith that we are not trying to avoid TIA requirements or avoid making improvements to Mosby. We do recognize that is an important corridor in the City. The subject property is also located along the end of City bus transit route number four and a new transit stop is proffered to be installed on the subject property. That will serve not only public transportation but also City school buses. Finally, getting back to the transportation study issue, the applicant has worked diligently with Mr. Hartman's department on a larger long-term vision for transportation integration in this growing corridor bounded generally by South Main Street, Mosby and Pear, the Erickson/Stone Spring bypass and Route 42. The applicant is contributing significant funds toward and participating in near turn Small Area Transportation Study for this area of the City. We believe this document will be of great value as a long-term long time mobile transportation planning asset and tool. It is important because this is out a nexus of City and County developments and road map work. Having a wider study, not only for this project, but for other projects that are almost certain to come up in this corridor. The City will have a really good baseline for which to evaluate these projects from a transportation basis. Our team looks forward to your positive consideration of our proposal to City Council. We have sincerely appreciated the ability to work closely with City staff, Public Works, and Ms. Webb's housing coordination office on the details of this project to bring a unified proposal forward which squarely hits both the land use and affordable housing targets established by the City. The applicant team has done its homework. We are here and available this evening to address concerns. If the Commission has specific questions, and I am sure that you might, we welcome you to direct them us. We are confident that we can dive into the details. This is not a superficial proposal and should be able to answer any concerns that either the Commission or the public raise this evening. With that, I will thank you all for your time and consideration.

Vice Mayor Dent said a couple things, since there is a minimum of 82 units for age restricted and the height is sort of...special use permits for greater than four stories and so will there be elevators in the building for ADA compliance.

Mr. Rhea said yes there will. One reason for our special use permit for height is the sloping nature of this site and the age-old question of where we are measuring front of buildings from for that elevation. They are not going to be much higher than 52 feet, but we just needed a little bit more leeway due to that sloping topography across the site.

Vice Mayor Dent said you know I am going to ask this, thank you for the solar panels, that is on the amenities, so it is behind the meter of where the property and manager, not individual?

Mr. Rhea said that is correct. When we looked with the Friendly City Solar Program and multifamily housing breaking it up and being separately metered for apartments is not yet to the point where it can be efficiently done. I think that time is coming but currently I think all we can proffer would be to have those panels to power the owner's meter for common areas at the site.

Vice Mayor Dent said the third thing about the EV chargers again, you know it says minimum of two-level twos, now I am wondering, I know you have them proffered, but as you know it is a good idea to build out the infrastructure before you pave on top of it. So, I would imagine stubbing out for charger ready for when the [unintelligible] would be ready to install for more of them in the future.

Mr. Rhea said those comments are well received and these are not the fast chargers like you would get at a service station they are for resident use so they are much easier to expand upon from an infrastructure standpoint than others, from with the layperson calls the high voltage ones that can charge your car in under an hour.

Vice Mayor Dent said I am sure there is a huge difference.

Mr. Rhea said there is a big difference. These are like overnight charging stations for the most part.

Vice Mayor Dent said sure, that makes sense for residents, but you do not need to build it out beforehand necessarily?

Mr. Rhea said again, the build out in connection with expanding overnight chargers is almost like putting things in your garage level. It does not have the type of things you would need to put in. A large service station with those Tesla chargers or the level four or level three, whatever the next level of commercial charging is.

Chair Finnegan said I do not know that there is currently, I was actually out at the mobile home park this past weekend taking part in a door knocking and listening to community members as a part of something for Valley Interfaith Action and we were talking about transportation issues in this area, this property is right adjacent that is in the County, but they were saying Mosby Road is not safe to walk on and the closest bus stop is very far away. Currently, the bus does not come through there, at least that is my understanding talking to those local residents.

Mr. Rhea said it comes to Mosby Heights, I think that is the end of Route Four right now, which is across the street from this property. The mobile home community is in the County and it has been there for a long time. It is over the line. When Cobblers Valley was developed, they actually did not have any access to public water for fire suppression in there, so it was a little bit of an issue and that has now been provided. They were able to tap in for a hydrant in that park. So, that area is improving. Not to get too caught in the weeds or ahead of things outside of this project, but one thing the small area study is going to look at is moving people from the County Pear Street area developments across and through this site getting them over to Mosby. That might be along

existing Pear, that might bisect this site, there could be some additional improvements beyond the City/County line and some sort of coordination because Pear Street goes a little bit past to the church, but it does not go all the way back to the trailer park. Those are all things in the thought process and in consideration. Again, this project is a good catalyst for that. It will set a model for a large chunk of the northside of Mosby. The southside, if they can get to the City, does have good walkable access down Mosby to get to South Main.

Commissioner Armstrong said I just want to speak in support of having your amenities space not really close to your residential areas because for a public health standpoint it is healthier to encourage some small walks to an amenities space. Particularly there is a senior component, it is actually attractive that way.

Mr. Rhea said that is a great point Commissioner Armstrong. Again, this is kind of like parking requirements in that if you spread out amenity spaces and you put them across on the other side of a parking area, then you have conflicts with people walking to access those spaces. The nice thing about this applicant is they have a lot of history to draw upon with other successful affordable senior communities. So, they are pretty well versed in how to maximize their resident enjoyment of those amenity spaces.

Chair Finnegan said walking is good for your health as long as you do not get hit by a car.

Vice Mayor Dent said one other thing, I have noticed that the parking is sort of along Mosby Road but is the topography and are their screenings and such that we typically encourage traditional neighborhood development with the buildings fronting the streets and parking behind, but this is a whole different case?

Mr. Rhea said we looked at that and talked about that with staff on this site. Again, this is really topography driven on this site. The City does have parking lot screening requirements for landscaping and the applicant did proffer street trees along both frontages that would mature over time. The way those parking lots are oriented for this particular site, while the buildings are not pulled down into that corner is topography related.

Vice Mayor Dent said it does, to Commissioner Armstrong's point, make them more coherent buildings plus amenities that are walkable within it.

Mr. Rhea said sort of within the courtyard, almost to the building?

Chair Finnegan asked if there were any other questions for the applicant. Hearing none, he closed the public hearing and opened the request up for discussion.

Chair Finnegan continued and said I have got to say this is the most proffers that I have seen.

Vice Chair Byrd said with all of these proffers I am noticing a lot of attempts to address some of the concerns that we would have concerning Pear and Mosby. In light of that, I would be in favor of this rezoning. I will make a motion to approve the rezoning.

Vice Mayor Dent seconded the motion.

Chair Finnegan said I will say, whenever someone says we are doing affordable housing I am like “is it though?” I do see that. This is a LIHTC project and so in my book you are allowed to say that, but not that it is open to interpretation. Like most communities in the US, we need affordable housing. So, I would be in favor of this.

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
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (6-0).

Vice Chair Byrd said I would like to make a motion concerning 4g, the special use permit.

Vice Mayor Dent 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
Chair Finnegan	Aye

The motion to recommend approval of the first special use permit request passed (6-0).

Vice Chair Byrd said I would like to make another motion to approve the special use permit, which is more than 12 units.

Commissioner Armstrong 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
Chair Finnegan	Aye

The motion to recommend approval of the second special use permit request passed (6-0). The three recommendations will move forward to City Council on September 12, 2023.