



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

April 4, 2022

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

**SUBJECT:** *Consider a request from Northside LLC with representative Holtzman Oil Corporation to rezone four parcels at 1441, 1451, and 1477 North Main Street*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION  
MEETING HELD ON: March 9, 2022**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the Comprehensive Plan designates this site as Industrial. These areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. They include the major existing and future employment areas of the City.

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

- Site: Formerly Harrisonburg Motor Express and now unoccupied, zoned M-1
- North: Gravel parking lot, zoned M-1
- East: Vacant land in Rockingham County, zoned A2
- South: Across Mt. Clinton Pike, vacant land, zoned M-1 and R-2
- West: Vacant land and the Harrisonburg Technology Zone/Park, zoned M-1

The applicant is requesting to rezone four parcels totaling +/- 4-acres from M-1, General Industrial District to B-2C, General Business District Conditional. The site abuts the City-County jurisdictional boundary and is located at the intersection of North Main Street and Mt. Clinton Pike/Vine Street. If approved, the applicant plans to “develop the parcels over time, constructing a gas station followed by a combination of restaurants and retail stores.” An adjoining parcel that is located within Rockingham County is also being considered for rezoning as part of the project site. The County Planning Commission held a public hearing for the rezoning request on March 1, 2022 at which they recommended approval (5-0) to rezone the property from A-2 – General

Agricultural District to B-1C – General Business District with Conditions. The request will be heard by the County Board of Supervisors on March 23, 2022.

The applicant has proffered the following (written verbatim):

1. Pedestrian access:
  - a. External walks: The Owner shall construct a 5’ wide sidewalk with a 2’ wide grass buffer strip between the back of curb and the sidewalk along the Mt. Clinton Pike and North Main Street frontages of parcel 42-B-12, and if necessary, dedicate right of way to 0.5’ behind the new sidewalk. The proffered sidewalk fronting Mt. Clinton Pike and North Main Street shall be installed prior to the issuance of a final certificate of occupancy for the first use on the Property.
  - b. Internal walks: The Owner shall construct internal 5’ wide sidewalk(s) with private street crosswalks within the Property that connect the public sidewalks to each building on the Property as each use is permitted and developed.
  - c. Connection to signalized intersection: The owner shall construct a sidewalk connecting directly from the North Main Street/Mt. Clinton Pike intersection to the nearest building.
  - d. Crosswalks shall be painted to connect pedestrian routes that intersect drive aisles.
2. The owner shall construct a private internal loop drive/road from North Valley Pike to Mt. Clinton Pike, generally as shown on the Conceptual Plan of Development as prepared by Blackwell Engineering and submitted as part of this application (“Conceptual “Plan”). A 5’ sidewalk will be constructed on at least one-side of the loop drive/road. The internal private loop road/drive shall be substantially installed providing through access from North Valley Pike to Mt. Clinton Pike prior to the issuance of a final certificate of occupancy for the first use on the Property.
3. Roadway improvements:
  - a. Mt. Clinton Pike: A dedicated right turn lane into the Property with taper is to be constructed, generally as shown on the Conceptual Plan, along Mt. Clinton Pike. The existing entrance on Mt. Clinton Pike is to be moved to the west and the existing eastbound left turn lane is to be re-stripped, in accordance with the TIA and as shown generally on the Conceptual Plan or as otherwise agreed during the site plan approval process.
  - b. Inter-Parcel Connections: The owner shall provide for future inter-parcel connections both to the north and west bordering parcels. These two points of connections shall be provided upon request and coordination of the neighboring owners by easement access from the Property boundary to and across the private loop drive/road described in Proffer # 2 above. Final locations of the two connections shall be subject to development approvals and layouts of the connecting parcels and shall be subject to the negotiation of customary reciprocal easement agreements and cost-sharing arrangements with those owners.
4. Site Renewable energy resources:

- a. Solar energy: The owner shall design and construct solar panels on the roof canopy over any gas pumps on the Property at the time of construction. Substantial panel coverage of the canopy will be designed and installed with final configuration subject to structural and regulatory requirements.
  - b. Electric car charging: Within six (6) months of the issuance of a final certificate of occupancy for any petroleum fueling station use on the Property, the owner shall install and maintain a minimum of four fast-charging/level 3 (or at least equivalent current technology) electric vehicle charging stations on the Property.
5. The buildings on the Property shall be characterized by varied roof lines and shall incorporate higher quality finishes such as stone, brick and stucco/EIFS. Lower quality materials such as corrugated metal, unfinished cinder block and low-grade vinyl siding shall not be permitted on building frontages facing North Main Street and Mt. Clinton Pike. The Property shall be maintained under unified developer or property owner association control with established architectural review standards contained in a recorded declaration or similar instrument.
6. Landscaping including tree plantings, shall be installed and maintained along the Property frontage along Mt. Clinton Pike and North Main Street under applicable City of Harrisonburg zoning ordinance to provide for a uniform landscaping frontage along both major streets. Such tree plantings may be modified as required to avoid interfering with existing overhead and underground utilities located along these frontages. Street trees will be installed on one side of the internal loop drive/road consistent with zoning ordinance requirements for street trees along public fronting streets in the zoning ordinance.
7. An easement will be provided for a bus shelter at a location acceptable to Harrisonburg Department of Public Transportation (HDPT) along Mt. Clinton Pike. A concrete pad will be constructed within the agreed easement location to HDPT's bus shelter design specifications. HDPT will construct the actual bus shelter on the pad provided.

Note that the submitted conceptual site layout is not proffered.

While most of the proffers are self-explanatory, staff offers additional information on proffer numbers 2 and 6. With regard to Proffer #2, the owner would be required to construct a private internal loop drive/road from North Valley Pike to Mt. Clinton Pike, along with sidewalks on at least one-side of the loop drive/road. (Note: North Valley Pike is the continuation of North Main Street/Route 11 into Rockingham County and the proposed entrance to the private internal loop road onto Route 11 would be located in Rockingham County.) There was discussion among City staff, County staff, Virginia Department of Transportation (VDOT) staff, and the applicant on whether the loop drive/road should be a private or public drive/road/street. There was also a request from City and County staff for the applicant to consider dedicating public right-of-way for a future street connection between the subject site and the future County fire station to provide street connections to future development to the north. While City staff believes that the area would be best served by a public street with public street connections into other adjacent properties, and likely designed and located at different connection points than the conceptually shown private

road, staff understands the applicant's hesitation to commit to dedicating and building public streets at this time and is appreciative of the applicant's proffer in Proffer 3.b. for future interparcel connections. Staff also believes this development would be best served with sidewalks on both sides of the private drive/road and, if approved, hopes the applicant will consider constructing sidewalks on both sides of this lane.

Proffer #6 refers to the City's zoning requirement to plant trees within the landscape border between parking lots and public street frontages. The applicant proposes to provide for uniform landscaping along the frontage and states that "...tree plantings may be modified as required to avoid interfering with existing overhead and underground utilities..." Know that there is no provision within the Zoning Ordinance to reduce the number of required trees or the required minimum size of trees at the time of planting. Also, the Zoning Ordinance does not require trees to be installed uniformly by species, size, or spacing. Trees may be spaced at different intervals or clustered together to avoid conflicts with utilities. In actuality, the only portion of proffer #6 that is outside of typical requirements is the offer to plant trees along the private road similar to the Zoning Ordinance's parking lot landscaping requirements, which is appreciated.

With regard to the Comprehensive Plan's Land Use Guide, the properties that are across Mt. Clinton Pike and across the intersection of North Main Street are all designated Mixed Use. The subject site and properties to the north and west are designated General Industrial. Properties to the northwest are also within Harrisonburg's Technology Zone/Park with operating businesses and technology firms and the property to the northeast in Rockingham County is where a new County Fire Station will be located (See Exhibit A). While the Comprehensive Plan's Future Land Use Guide designates the subject property for General Industrial, staff believes that commercial uses could be appropriate at this location if the site layout was supported by more urban and traditional neighborhood design (TND), which is what the Comprehensive Plan promotes for the North Main Street corridor rather than the car-centric design illustrated in the applicant's conceptual site layout.

Staff suggested that the applicant consider reversing the design as shown on the conceptual layout by proffering to locate the convenience store along the public street frontage and for the gas/pump island to be located behind that building. Such a layout would promote and establish an urban, TND design for this corridor, which is more accommodating to pedestrians and bicyclists who will be walking and biking to this location. Moving the convenience store closer to Mt. Clinton Pike and North Main Street creates a pedestrian friendly design and a sense of place for people walking, biking, and driving to and past the site.

While the conceptual layout demonstrates the applicant's intent to provide a sidewalk to the convenience store, staff believes it is in the best interest of the City's plans and for all of the people who will walk and bicycle to this site to eliminate the unsafe, large parking lot and gas pump islands adjacent to the public street, where vehicles constantly crisscross through the area in all directions. While much of the concern in conversation is regarding the convenience store location, staff believes that the public street frontage of the site should be constructed with buildings along the frontage and to locate parking to the rear of those buildings. If parking lots must be constructed in front of buildings, to the greatest extent possible it should not occur along the public street frontage. In response to our suggested site layout design, the applicant noted that they have

constructed a similar design at another location that they operate. However, if staff understood correctly, they stated that this layout does not economically perform as well as their other sites and they prefer the conceptual layout. While this could be true, the economic performance of that other site could be due to a number of other factors and not necessarily due to the site layout.

Ms. Dang said she would walk through examples of gas stations that she e-mailed to the Planning Commissioners late afternoon acknowledging that some Commissioners may not have seen the e-mail yet. She walked through powerpoint slides of aerial photos and street views of gas stations that had the convenience store at the public street frontage and the gas pumps in the rear. The locations included:

20008 W Catawba Ave, Cornelius, NC 28031  
18635 Old Statesville Rd, Cornelius, NC 28031  
101 S Statesville Rd, Huntersville, NC 28078  
644 Davidson Gateway, Davidson, NC  
20671 Catawba Ave, Cornelius, NC 28031  
3585 SW Mapp Rd, Palm City, FL 34990  
9 W Union St, Jacksonville FL 32202

Exhibit B is an image showing a half-mile radius from the corner of the parcel at the intersection. This half-mile radius includes a tremendous number of existing residential units and there are more residential units forthcoming with the Vine Street Townhomes project. Know also that the City will be constructing sidewalks along the east side of North Main Street from Holly Hill Drive to the intersection with Mt. Clinton Pike and Vine Street. The Department of Public Works also submitted a Community Development Block Grant (CDBG) application (which has not yet been awarded) to construct sidewalks from the southern corner of the North Main Street and Vine Street intersection to the western most entrance of the Harris Gardens community. In emphasizing our position and stressing the need for the site to accommodate pedestrians, staff asked the applicant if they would be willing to contribute in some way to assist the City in constructing the previously mentioned sidewalks along Vine Street. The applicant noted they might be interested but are not ready to proffer such details. If the applicant was able to contribute in some way, then the CDBG funding, if awarded, could be utilized to extend the sidewalk even further along Vine Street, which would serve more people.

Staff is appreciative of the efforts and proffers that the applicant has made up to this point. Redeveloping this site should assist in developing and redeveloping other properties along this corridor. However, staff believes that the site layout is very important. Placing the buildings (especially the convenience store, which appears to be the use most likely to be constructed first) closer to the intersection would be safer for pedestrians to be able to walk directly from the public sidewalk to the building, more aesthetically attractive from a streetscape perspective, and it would set the expectation of how the other corners should develop. Chapter 15, Revitalization of the Comprehensive Plan identifies North Main Street as a Corridor Enhancement Area and the area around the intersection of North Main Street and Mt. Clinton Pike/Vine Street as a Secondary Gateway. Among other things, Chapter 15 describes that “[t]he Gateways and Corridor Enhancement Areas map [in] this chapter, highlights the important local and regional travel routes into and throughout the City, many of which are commercial destinations. Their quality and

character strongly influence the City's accessibility, attractiveness, and economic vitality." Chapter 15 goes on to recommend that "a special study of each corridor enhancement area be carried out to address issues such as land use and design quality; streetscape improvements; vehicle, pedestrian, and bicycle circulation; access management; development, redevelopment and reuse opportunities; conservation of special features; improvements to utilities and public facilities; and signage." While there have been no specific plans conducted by the City to speak to these issues, staff believes that the City should not disregard the known design ideas of how this corridor should be built and to take the opportunity now to have the proposed development assist in setting the precedent of how this section of North Main Street should be developed and redeveloped. Allowing the car-centric design as illustrated on the conceptual layout would set the wrong precedent and send the wrong message of how we hope to serve the people in this area of the City.

Staff recommends denial of the request.

Chair Finnegan asked if there were any questions for staff.

Commissioner Whitten said I am not clear about the email that you said was sent late. I am not sure that I received that.

Ms. Dang said at about 4:30 p.m., and I apologize that it came so late, it was a response to a request that Chair Finnegan had made on Monday afternoon asking whether there were examples that I could share of other gas stations that had the building closer to the corner or closer to the public street frontage. That is why I shared those images (in the powerpoint).

Commissioner Whitten asked do you know whether, in Florida or in North Carolina, those communities have had zoning changes that require a business to site their building like that?

Ms. Dang said I do not. I did not look into the zoning ordinances of those localities, nor did I call to ask if they required them.

Councilmember Dent said the impression I get is that it is analogous to our preference for multi-family buildings to be built towards the street and the parking in the back. Similarly, we want the gas pumps in the back to make it less car-centric and more pedestrian friendly?

Ms. Dang said that is correct.

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, Clark & Bradshaw, came forward representing the applicant. Along with me tonight, on behalf of the applicant, are Ed Blackwell, of Blackwell Engineering, Rick Koontz, Senior Vice-President with Holtzman Corporation, and the Moore family who are the current owners of the property.

Let us also go back and look at the history of development at this intersection, or lack thereof. In studying the history, it is telling that the proposed and City supported Wal-Mart Marketplace with fuel pumps development changed its location from this area almost eight years ago in 2014. That Wal-Mart Marketplace subsequently opened out on Port Republic Road in 2016 and nothing has happened to spur commercial or other development at this intersection for almost a decade. That Holtzman and the property owners have been willing to invest over two years' time, remediation and study in getting to this stage and are further willing to invest \$15 to \$20 million to fully develop this site speaks clearly to their commitment to the project. It also speaks to the level of risk they are willing to take in bringing those benefits to corridor commuters and nearby residents.

Speaking now to the specifics of the rezoning application before you. The applicant has made it very clear that, as the gas station component to the project is central to its business, it is not willing to hide its primary business pumps behind its secondary convenience store use. We believe this is justified based on real world business considerations, as opposed to well intentioned, but overly idealistic, planning goals.

I will point the Commission first to the newly constructed Wawa facilities at the entrance to the Charlottesville, Albemarle Airport on Route 29 and on Pantops Mountain in Charlottesville and the new Sheetz store also being constructed at the Albemarle Airport intersection. These are both gateway corridor locations under much more stringent design controls than the present site, yet in all instances, the pumps are installed in front of the store next to the major roadways, as this is simply how the petroleum business operates. This is not a front facing static parking lot along a street, the pumps are the primary business use at the location and the driving rationale for the applicant to invest millions in the site to create jobs, citizen amenities and fiscal revenues to the City.

Second, the Northside Gateway project has been patterned on a very successful Holtzman development along Route 7 on the east end of the town of Purcellville in Loudoun County. [Referring to an image on the screen.] This project, named Catoctin Corner, built out successfully with a Holtzman station as its centerpiece, contains similar acreage to the Northside Gateway proposal and is located on a similar vehicular corridor to the Harrisonburg site. In addition to the new Holtzman station, the Catoctin site built out with a pharmacy, several restaurants, a bank and related commercial amenities and uses.

Holtzman has been very proactive in addressing staff, agency, and citizen concerns in its proffers. It has not simply drawn red lines where it is not critical to their business model. The applicant has utilized a proffer set very similar to that at Catoctin Corner, containing upgraded pedestrian improvements and circulation, sustainable commitments to solar panels on the station canopy, four fast charging electric vehicle ports, and a bus stop for easy mass transit access along this busy corridor. The applicant has also provided for inter-parcel access to both the north and west, and high-quality architectural and landscaping design features for the entire site.

Finally, you do not have to rely upon promises with this applicant. You simply have to drive around the City and County and look at the high-quality properties it has constructed in the community to understand its commitment to safe and visually appealing sites and to the pride with which it operates its business. We are not deaf to the issues surrounding what the staff has referred to as

“car centric design” however, the applicant operates a car centric business, and as discussed, their fuel pumps are the primary initial use on the site which require visibility. This is an arterial gateway at the edge of the city and not a core urban area, it is chronically underserved and begging for investment and upgrade. We appreciate the Commission’s understanding of the risk realities and business justifications behind the application and site layout in front of you – we are not here simply playing chicken with site design preferences. Concurring in the staff recommendation for denial may be a pure approach to ideal urban design, but it does not reflect the realities of this site and the operational business model for these uses. A denial would likely leave this site vacant for additional years to come as the zoning process, at a minimum, reboots, leaving commuters and citizens in the area without sorely needed conveniences, forcing them to drive, bike or walk further distances to access commercial amenities.

Thank you for your time in allowing me to present the merits and rationale behind the rezoning request and we ask for your favorable recommendation for approval to City Council in making Northside Gateway a reality for the City. We will be happy to field any questions that the commissioners may have.

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

Councilmember Dent said I see that you have solar panels on the canopy over the pump. That is a good move. What would that be powering?

Mr. Rhea said that would be powering the station. It is for onsite use.

Councilmember Dent asked for the station itself, the pumps?

Mr. Rhea said yes, it is all tied into the same electrical system.

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

Chair Finnegan said I agree with staff about desiring more pedestrian-friendly design, but it is a car-centric business. I do not want pedestrian infrastructure or pedestrian safety to be an after-thought on any of these. I know that right up the hill from this there is public housing. A lot of people do walk. We need to keep all of these things in mind. Obviously, there is a new poultry plant just around the corner. There is a lot here to unpack. I would also say that, as someone who lives on the northwest side of town, all my family lives on the north side of Rockingham County, I pass through that intersection quite frequently. There is no gas station between the old neighbors and the truck stop over by the I-81 entrance. It is underserved in that regard.

Commissioner Byrd said I also understand the City’s concern. On the edge of the City, when the City cannot expand any farther, it does not ring as true in my ears as a bit farther down Main Street to me. This is about rezoning the property, so discussion of where the buildings go sounds new to me, since we are not discussing any other possible future buildings.



Chair Finnegan said we are talking about proffers. We have seen proffers in the past about the massing of the buildings. That is what they are talking about. There is no proffer to mass the building along the sidewalk.

Commissioner Byrd said adding sidewalks to the area would, at least when someone gets to that point along these undeveloped roads that lead to this intersection, it would at least add sidewalks to add on. It looks like, in the future, we will have sidewalks that lead to that intersection. Those pedestrians would just be dealing with a large intersection.

Chair Finnegan said they would be dealing with a large intersection and the parking moat, as I like to call it.

Commissioner Byrd said I have been in larger cities and walking around a parking lot, if you do not know how to walk around a parking lot... Also, what we have suggested with this, in proffer number 2, that there is going to be an internal loop, suggests that we have another sidewalk path that is not being considered when we are discussing a pedestrian walking path. If we do not know if these other future buildings will actually build there, they could decide to build and make an easy path to get to the building as the convenience store part relative to the pumps. I was not understanding how that would justify a denial.

Commissioner Whitten said if you are going to get gasoline, or fuel, your car is going to be in that area. Of course, there will be cars across the whole lot, but if the large number of vehicles are going to get gas, then you are putting them away from the rest of the pedestrians. The pedestrian would have no reason in the gasoline area. Whereas if you put the store in the front and the gasoline behind, if you park back here to do anything else, then you are going to cross that area which is more in and out traffic with gas pumps. That is the way I see it. As a travelling person, if you are coming down the road and looking to get gasoline, you are looking for those gas pumps. You are not looking for the store. If the first thing you see is the store, then my husband is going to say, "Do you see any gas pumps?" That is the reality. While I understand staff's concerns, I would ask, the 7-Eleven on Mason Street, that City Council approved but we did not think was a good idea for the central business district, are those gas pumps going to be out in front? I think they are.

Ms. Banks said they did not submit a site plan, but the conceptual plan had them out in front.

Commissioner Whitten said that is in our Central Business District.

Mr. Fletcher said that site was quite different. There are homes that were directly behind the convenience store. There was a significant amount of discussion about what we wanted to do with that site. I would not compare them apples to apples as they were very different sites. I would not compare those two. With regard to this area being car-centric, we are talking about planning this space. It might appear car-centric today, but that is not what we want it to be. That is what we have to be imagining here, and what we need to set precedent for.

Commissioner Byrd said as it turns out that, as things are changing, I now have to go back to the office which will place me in the neighborhood of this facility. It reminds me of when I was in the office, at lunch we would gather to decide who is going to car-pool to Food Lion or another

location to get food. We have to drive away, in an office full of people, who on National Bike Day, many people would bike to work. A lot of people live in an apartment complex near there and it was easy for them to bike to work. I am very familiar with that area. That side of the street is industrial, but we know that is land waiting for industrial uses to be there. If you have office space or a factory, those employees, once those facilities are built, we would also require them to put sidewalks in. Then they could walk their sidewalk and connect to the sidewalk built here. I am not seeing how future planning, if the edge of the City is already going to be marked for industrial use, where all these pedestrians come from who are not going to already have the sites built that provide walking access to this site? The area needs something and unless we are talking about ending gas stations in the middle of the City... When we talk about the future, if you think cars are not going to be there, that is not going to happen. If you think we are going to switch to electric, guess where those places are going to be switched to at gas station areas, places that are already designed for cars to be there. If, on the edge of the City, as you are leaving, is not a place suitable for cars, I am not understanding what we are planning to do in the County? Are we expecting the County to build residential facilities behind this area and everyone is going to need somewhere to walk to? I am not seeing that. So we have this internal loop, which if people are going there, then at least that traffic is not at the intersection directly. That does bring an issue for the upper landowner, how they are going to deter people from using that loop to skip the light. But they proffered the loop. I was just mentioning that because they proffered the loop. The solar panels are nice to see.

Commissioner Armstrong said it felt a little contradictory in the presentation in that there is an emphasis on it being a car-centric business, but then the presenter flips over to say this will serve nearby walkable communities and we do see housing in this locality. As a walker, in areas like this, it is rough on these big, major arteries to get around. I use South Main Street. I walk it. It is hard. So, we say that we need this because it will serve nearby walkable communities, but this is car-centric. I have to beg the question, when do we stop business as usual. We go year after year, but this is the way it works, or this is the way we have always done it. This is the way the model is, so we should just keep doing it. We are unquestionably in a climate crisis. Now we are in a petroleum crisis. It is a reality. I feel compelled by this. It is a nice design. I know the reality of trying to walk this would be a lot harder than the statements that are here because it is not a short distance when you are walking it. I am mixed on this. I think that having these amenities, having this store here, is a plus for these local walkable communities. It is unquestionably a plus. I miss the Rite Aid that was on South Main Street. That served the Purcell Park neighborhood. I keep coming back to, we cannot keep voting for business as usual. We have to make a commitment to a different vision for our future. It is so compelling what is happening. I am split. There are positives, but the idea of committing to a different vision is also compelling.

Chair Finnegan said I tend to agree with Commissioner Armstrong on that. I think that both the staff and their recommendation for denial made some good points. Mr. Rhea made some good points. I am split on this. Sometimes these requests are easy. This one, for me, is not.

Commissioner Baugh said I do think it checks a lot of boxes. I like that. In some respects, since the locations are not proffered anyway, there is a level in here where I keep coming back to, we are really not in disagreement about anything other than pumps go in the front or pumps go in the back. I find myself leaning slightly in favor of it because I am not quite sure that feels right to... If that is all we are disagreeing about, is that enough of a break... We talk about the need for a

break from business as usual, and yet it is this little thing that we are wrestling with. The rationale for opposing is kind of along the lines of what staff is talking about. It is this corridor idea. We have been planning the idea of paying attention to the esthetics. We do not get to weigh in on esthetics, generally. The short list of things where there is an exception is your primary corridors which we have never done anything with. Staunton, for example, has a corridor overlay district. Charlottesville, I believe, has a corridor overlay district. We do not. We have never taken the step to try to regulate that further. You are right, once you get this here, on the one hand you say that once you get something like this, you better be prepared to be looking at something like this for a long time. On the other hand, it is a good-sized tract in what long-term is probably a pretty desirable location. There is probably potential to do all sorts of things with it in the future. Compared to a 7-Eleven crammed into a small lot, like at Gay Street and Mason Street, this one has potential to do two things with it in the future that market forces might even allow for.

Chair Finnegan asked you are saying the actual site, not the site plan?

Commissioner Baugh said yes. Given this location and the size of the parcel, I feel less that a vote in favor of this is casting something in stone that we will hate 25 years from now than I do most of the time. Or I get concerned about those types of things. Usually, you do. Once you rezone it, you are probably not going to get another chance to rezone the property or do anything with it. If you vote for it, you ought to be prepared to live with what you are voting for, potentially until the end of time. My slight nudge in favor of it is that we have never really said that much about what we mean about enhancements in the corridors. I think this a piece that, it is a City-County parcel. I looked up the Sheetz in Charlottesville. Charlottesville is different because all that is in Albemarle County. It is close to the city but if you know the history of Charlottesville, there is a whole split between the development in the city and the development in the county. Those were county properties. This one is City. Someone tell me what I am missing, and I will go from there.

Commissioner Whitten said if you have driven to Cornelius, North Carolina, and I have, how many people have gotten off the interstate and gone into those areas that we saw pictures of? Their gateway or their streetscape is a corner store on every corner. I do not think it is attractive. One of their ideas, probably 15 years ago, was signs should not be as big. You could not find anything there because they made this ordinance that signs were going to be smaller, and they could not be very tall or very high off the ground. Sometimes those ideas are not the best and they have to be reversed. I do not see how this plan versus the pump in the back is going to affect climate change at all. It is an esthetic. As I have said, for people who are driving and looking to buy gasoline, it is nice to see where that is and to be able to there and not have to deal with the store at all. I understand that is a mechanical common sense design. My dad was a civil engineer. He would think this is great because it keeps you out of the store and it keeps you out of the fast food drive-thru lines. I think that we are into the weeds on something that boils down to, do we want to rezone it for this use? Are we so upset about gas pumps out in the front? I usually agree with what staff recommends. I understand the Comprehensive Plan says this, but as we all know, we do not always have to listen to the Comprehensive Plan. Sometimes we can do what makes sense outside of those recommendations. I would be willing to vote in favor of this.

Commissioner Whitten made a motion to approve the request.

Councilmember Dent said I would start way out of the weeds and say how I would love to say, no new fossil fuel infrastructure period. We are not there yet unfortunately. What I did say, when we approved the Mason Street 7-Eleven pumps, is since we have revised the ordinance to allow that and it has to apply across the City, what I said was, anybody else thinking about a gas station in the City do not even bother talking to us unless you also have EV chargers, which you do. It checks that box. As much as I am philosophically opposed to it, I have to be more realistic and maybe there is a need for it that we should consider. That is a hard one for me.

Commissioner Byrd seconded the motion.

Chair Finnegan said that we have all made our positions clear as to why we would vote the way we would. I will add that I am 50-50 on this one, but I think I break on the side of staff. I would like to see more pedestrian friendly massing of buildings. I understand that I am in the minority here.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	No
Commissioner Baugh	Aye
Commissioner Byrd	Aye
Councilmember Dent	No
Commissioner Whitten	Aye
Chair Finnegan	No

The motion to recommend approval resulted in a split vote (3-3). The recommendation will move forward with a split vote to City Council on April 12, 2022.