

***Consider a request from Skylar & Talli LLC and James Madison University Real Estate Foundation Inc to rezone 1351 & 1361 Peach Grove Avenue***

***Consider a request from Skylar & Talli LLC and James Madison University Real Estate Foundation Inc for a special use permit at 1351 & 1361 Peach Grove Avenue***

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a rezoning and a special use permit (SUP) for a +/- 15.35-acre property addressed as 1351 and 1361 Peach Grove Avenue and identified as tax map parcel 92-F-10 and 6. The property is zoned R-5C, High-Density Residential District Conditional and B-2, General Business District. The applicant is requesting a SUP per Zoning Ordinance (ZO) Section 10-3-55.4 (1) to allow multiple-family dwellings of more than twelve (12) units per building in the R-5 district. The development would consist of 207 multifamily units with a mix of one-, two-, three-, and four- bedroom units within a mix of multifamily row apartments, quadplexes, and garden apartments.

*1351 Peach Grove Avenue: Prior Rezonings, SUPs, and Development Plans*

In June 2019, City Council approved a request to rezone 1351 Peach Grove Avenue (addressed as 1051 Peach Grove Avenue in 2019) from B-2, General Business District to R-5C, High Density Residential District Conditional, along with three SUPs to allow multi-family development, increased building height, and non-residential uses. At that time, the applicant proposed a six-story mixed-use building with approximately 16,000 square feet of commercial space on the first floor and 120 multi-family units above, consisting of one-, two-, three-, and four-bedroom units. Staff and Planning Commission recommended denial of the rezoning due to concerns that the design was vehicle-centric and did not provide a safe, walkable pedestrian-friendly environment, and did not support a cohesive mixed-use environment. City Council approved the rezoning and associated SUPs.

In 2021, the applicant revised proffers to remove the requirement for non-residential uses, including the previously mandated minimum commercial square footage, and to increase the maximum number of bedrooms from 400 to 460. The revised proffers added new commitments, including construction of a bus pull-off and shelter easement and a requirement that total traffic generation not exceed levels established in the previously accepted traffic impact analysis (TIA). Overall, the changes transitioned the project away from a mixed-use concept toward a higher-density residential-only development while incorporating additional transportation-related improvements and traffic controls. Staff and Planning Commission recommended denial of the request. Staff noted the loss of the mixed-use component, the unit mix of predominantly four-bedroom units indicating that the development was geared toward student housing, and the design continuing to be vehicle-centric and not supporting a pedestrian-friendly environment. Staff suggested the applicant consider proffering a multi-family building that would have one-, two-, and

three-bedroom units and a proffer that provided a breakdown of the number of each style of the units. Ultimately, City Council voted to approve the amendment to the proffers.

An engineered comprehensive site plan (ECSP) for the residential-only project was approved on March 13, 2024, and will remain valid from that date for five years. The SUPs to allow for more than 12 units in a building and increased height are valid as long as the approved ECSP remains active. If someone does not pursue developing the approved ECSP, then it and the two SUPs would expire on March 13, 2029. The SUP for non-residential uses has expired.

#### *1361 Peach Grove Avenue: Prior SUP and Development Plans*

In February 2023, 1361 Peach Grove Avenue received approval of an SUP to allow for multiple-family dwellings in the B-2 district. As required by Section 10-3-93 (d) of the ZO, the applicant submitted a development plan to be in accord with the requirements of the SUP. Section 10-3-93 (d) states that “[f]or multiple-family dwellings and mixed use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval.” In addition to the required development plan, the applicant proposed conditions further limiting the development. The applicant conditioned a mix of one-, two- and three-bedroom units, pedestrian connectivity and transportation improvements, 1.3 parking spaces per dwelling unit, and environmental features such as solar panels and electrical vehicle charging stations. The SUP was approved to allow no more than 376 units with a minimum of 30% of the units required to be one bedroom and a maximum of 20% of the units able to be three-bedroom units. The development plan demonstrated one entrance along Peach Grove Avenue, three residential buildings, and a two-level parking deck. Staff and Planning Commission recommended approval of the request, which City Council approved. However, the SUP has since expired due to the lack of diligent pursuit of the SUP within 24 months of City Council’s approval.

#### *Proffers for the Current Request*

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

1. The Project shall contain no more than 739 bedrooms.
2. The Applicant shall construct a westbound right turn lane with a minimum length of 50 feet and a taper with minimum taper length of 100 feet on Peach Grove Avenue into the main entrance of the Project no later than issuance of a certificate of occupancy for the Project. Public Works may, in its sole discretion, waive, in whole or in part, construction of the turn lane and taper.
3. The Applicant shall grant a bus shelter easement to the City, in a location on Peach Grove Avenue acceptable to the Harrisonburg Department of Public Transportation (HDPT) and shall construct a concrete pad and bus shelter to HDPT’s specifications no later than issuance of a certificate of occupancy for the Project or such later date as HDPT may request. HDPT may, in its sole discretion, waive, in whole or in part, the completion of this proffer.

4. The Project shall be developed in substantial conformance to the Conceptual Site Plan, entitled, Peach Grove-Harrisonburg, VA Rezoning & SUP Submittal” dated March 6, 2026, last revised May 1, 2026, prepared by Niles Bolton Associates (the “Conceptual Site Plan”). Substantial conformance to the Conceptual Site Plan refers to:

- (c) the general location of building envelopes, travelways, parking structures (including any slip deck), green spaces, clubhouse and amenity courtyard as shown on the Conceptual Site Plan;
- (c) the general location of perimeter sidewalks along the “Shared Access Drive” (the private drive bordering the northeast Project boundary where the secondary access is located, as shown on the Conceptual Site Plan), and a pedestrian connection to commercial property to the north shown on the Conceptual Site Plan; and
- (c) the general location of primary and secondary entrance locations as shown on the Conceptual Site Plan. The Department of Public Works, in their sole discretion, may waive the requirements of this proffer if other acceptable entrance location(s) can be provided.

The Conceptual Site Plan may be modified during site plan review as needed to meet applicable local, state, and federal requirements and otherwise deemed necessary/beneficial during the Comprehensive Engineered Site Plan (“Site Plan”) approval process with approval by the Department of Community Development.

5. The public sidewalk along the Property’s frontage on Peach Grove Avenue, in the area shown on the Concept Plan, shall be reconstructed to be a minimum of five (5) feet in width and shall include a minimum two (2) foot wide grass strip buffer between the back of curb and the sidewalk. The Applicant shall dedicate land for public-street right of way along the Property’s Peach Grove Avenue frontage at a minimum of 7.5-foot width from back of curb to encompass the public sidewalk plus the maintenance area. This proffer shall be satisfied no later than issuance of a certificate of occupancy for the Project.
6. No later than issuance of a certificate of occupancy for the Project, a minimum of fifty (50) exterior bicycle parking spaces shall be installed and maintained on the Property compliant with location and spatial requirements of Zoning Ordinance Section 10-3-25.1.
7. Upon request by the City, but no sooner than after issuance of a certificate of occupancy for the Project, the Applicant shall dedicate a ten (10) foot wide shared non-vehicular, pedestrian and bicycle path easement from the Property to Tax Map Parcel 92-F-7 for a possible future bicycle and pedestrian connection. The location for the potential easement would be determined during site planning for the Project or, if the request is made after Project site plan

- approval, at the time of such request. In addition, no later than issuance of a certificate of occupancy for the Project, the Applicant shall provide a five (5) foot wide pedestrian connection between the Property and Tax Map Parcel 92-F-11 (currently the Food Lion shopping center) in the location shown on the Conceptual Site Plan.
8. No later than issuance of a certificate of occupancy for the Project, the Applicant shall plant street trees along the Shared Access Drive and Peach Grove Avenue as follows: a minimum of twenty-six (26) large deciduous trees (at least two (2) inches in caliper and a minimum of ten (10) feet in height at planting and to exceed four (4) inches in caliper at maturity), spaced approximately every forty (40) feet. Tree locations along the street frontage are at the discretion of the Applicant / property owner.
  9. Buildings along the Shared Access Drive shall have front facades facing the Shared Access Drive.
  10. Patios on Peach Grove Avenue shall be enclosed with opaque six (6) foot tall wood or fiber composite fencing with perimeter plantings around the fencing consisting of the following minimum plantings or comparable, as determined by the Applicant / property owner in consultation with City Staff during site planning: evergreen shrub foundation planting at least three (3) feet in height at maturity with an additional row of at least one of the following: shrubs (18" – 24"), ground cover (6" – 18"), or ornamental grass (24" – 36") layered in front.
  11. Siding on all multi-family buildings and clubhouse will be Hardie Board or similar quality siding and shall not be vinyl siding or aluminum siding.

Proffer 1 limits the development to no more than 739 bedrooms. While the application does not establish a maximum number of dwelling units in the proffer, the bedroom proffer limits the overall occupancy of the development. Proffer 4 requires the development to be in substantial conformance with the submitted Conceptual Plan. The proffer establishes the general layout of buildings, access, circulation, parking, open space, and amenities, while allowing limited adjustments during site plan review.

Proffer 6 requires a minimum of 50 bicycle parking spaces to be installed and maintained on the property. Per the ZO's Article G Off-Street Vehicle and Bicycle Parking Regulation Section 10-3-25.1 (3), multifamily dwellings are required to provide one bicycle space per six units that are constructed. In the applicant's concept plan they reference that they plan to construct 207 units. Based on this calculation the project would be required to provide 35 bicycle spaces. With this proffer the applicant would be required to provide more than the minimum amount that would be needed to meet the ordinance.

The applicant has also proffered landscaping features and screening within the development in response to staff concerns about screening the decks and patios from the public street right-of-way.

Proffer 10 requires screening by providing an opaque fence with landscaping for patios along Peach Grove Avenue.

Proffer 8 requires that at least 26 large deciduous trees be planted along the shared access drive and Peach Grove Avenue prior to issuance of a certificate of occupancy. This would require trees where they would not typically be required. The ZO requires trees when a parking lot is adjacent to a public street. The applicant has designed the site to have the building between the parking lot and the public street and would not be required to plant trees along the public street right-of-way.

### *Land Use*

The Comprehensive Plan designates this site as Mixed Use and Governmental/Quasi-Governmental and states:

#### *Mixed Use*

The Mixed Use category 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.

#### *Governmental/Quasi-Governmental*

These lands include properties owned or leased by the City of Harrisonburg, the Commonwealth of Virginia, the federal government, and other governmental/quasi-governmental organizations. Examples of entities included in this category are City Hall, City administrative and support facilities, Harrisonburg City Public Schools, James Madison University, Rockingham County Administrative Offices, Rockingham County Public Schools, and the Massanutten Regional Library. Properties within this designation may already include uses supplied by the entities mentioned or are planned to be used by such public entities for any type of uses necessary for their services. Some Governmental/Quasi-Governmental uses, such as James Madison University, other state agencies, and the federal government are not subject to some of the City's land use regulations. City parks are included in the Conservation, Recreation, and Open Space Category. Furthermore, it should be understood that properties that are owned or leased by the City, which may not be designated as Governmental/Quasi-Governmental by the Land Use Guide, may be developed with public uses, as defined by the Zoning Ordinance, to operate and provide services supplied by the City in any zoning district, which as of the approval of this document, is every zoning district in the City.

The property addressed as 1361 Peach Grove Avenue is designated by the Comprehensive Plan's Land Use Guide (LUG) as Governmental/Quasi-Governmental because it is owned by the James Madison University (JMU) Real Estate Foundation. The Comprehensive Plan states that Mixed Use areas outside of the downtown area should be around 24 units per acre. The proposed 207 units is about 13 dwelling units per acre.

#### *Transportation and Traffic*

A TIA was accepted by the Department of Public Works on February 20, 2026. Under the studied 2025 conditions, the TIA demonstrated that the surrounding roadway network is already beginning to experience operational delays, and those delays are expected to continue and incrementally increase through 2030. These impacts are primarily focused at the signalized intersection of Peach Grove Avenue and Port Republic Road and are anticipated with normal background traffic growth as well as with the addition of the proposed development. The intersection is operating at generally acceptable levels of service under existing conditions although approaches to Port Republic Road, including Devon Lane, Peach Grove Avenue, and Neff Avenue, experience noticeable congestion during the PM peak hour. While the TIA acknowledges that intersection delays will increase in the future, it states that “[a]ll queuing and storing issues at the Port Republic Road/Peach Grove Avenue intersection present under 2030 build conditions are extant without the proposed development.” The TIA also notes that, without improvements, the surrounding roadway network is expected to experience increased delays and queueing, including significant increases at existing commercial entrances.

The TIA identifies the need for turn lane improvements at the primary site access on Peach Grove Avenue to accommodate anticipated site-generated traffic and maintain acceptable roadway

conditions. The turn lane warrant analysis results indicate that improvements are needed on Peach Grove Avenue at the main site entrance to install a minimum 100' right turn taper on the westbound approach. The applicant is proffering a westbound right turn storage of 50' and a taper of 100' in length to provide additional space for right-turning vehicles to leave the through lane on Peach Grove Avenue.

Proffer 3 requires the installation of a concrete pad and bus shelter that would be built to HDPT specifications. The shelter and concrete pad would be placed in a public easement and would be maintained by HDPT. Proffer 4 establishes the general layout of internal travelways and the perimeter sidewalk along the private shared access drive. Proffer 5 requires reconstruction of the existing public sidewalk along Peach Grove Avenue to a minimum width of five feet and includes dedication of 7.5 feet of public right-of-way from the back of curb to accommodate the sidewalk and associated maintenance area. The existing sidewalk along Peach Grove Avenue does not meet the standards for new sidewalk that would be constructed today. The existing sidewalk is four feet in width and does not have a minimum two-foot-wide grass buffer between the sidewalk and the public street.

Proffer 7 provides for a potential future pedestrian and bicycle connection to the adjacent property to the northwest (tax map parcel 92-F-7). The final location of the easement would be identified during the site planning phase for the development or at the time of the City's request for the easement. Know that while the applicant has proffered a 10-foot-wide easement for the future connection, the City's standard for a shared use path is a 20-foot-wide easement to accommodate construction of a 10-foot-wide path and 2-foot-wide graded shoulders on each side. This proffer would allow for interconnectivity between parcels to be explored in the future. Additionally, Proffer 7 requires the applicant to provide a five-foot-wide pedestrian connection between the development and Tax Map Parcel 92-F-11 (Port Crossing Shopping Center), as shown on the conceptual plan. Staff has emphasized to the applicant that interconnectivity between adjacent parcels is encouraged in all developments.

The applicant's letter states that they are proposing to install an eastbound left-turn lane on Peach Grove Avenue at the main site entrance by converting the existing two-way left-turn lane. In the letter they identify that the turn lane would have 100' of storage with a 100' taper. At this time this turn lane is not proffered and would not be required as part of the rezoning if approved as presented. If the applicant chooses to proffer the eastbound turn lane prior to the May 13, 2026 Planning Commission meeting, and update will be provided at the meeting.

#### *Public Water and Sanitary Sewer*

While staff does not anticipate issues regarding water or sanitary sewer service availability for the proposed development, the applicant has been advised that they will be responsible to complete a study of the water and sanitary sewer capacity as part of the ECSP process. Any public system improvements required to meet the increased demands resulting from the project will be the responsibility of the developer.

### *Housing*

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

The proposed development is intended to target "young professionals and/or graduate or undergraduate students" and offers a unit type of predominantly four-bedroom/four-bathroom units. While the applicant has stated that the four-bedroom units could be converted to serve the needs of families in the future, such a conversion would require considerable additional investment; therefore, staff does not consider this proposed project to provide affordable and middle-income housing suggested by the Housing Study.

Building purpose-built student housing can still be appropriate in the City in locations that support pedestrian access to academic buildings and other university amenities. While the applicant states that the project is approximately 2/10<sup>th</sup> of mile to Sentara Park (located at the corner of Neff Avenue and Peach Grove Avenue) and approximately 9/10th mile from JMU's Port Republic campus entrance, the proposed development is over one mile from academic buildings when following public streets and existing shared use paths or trails.

While James Madison University (JMU) has made it known through their strategic plan (The Madison Promise, <https://www.jmu.edu/madison-promise/index.shtml>) that they plan to grow overall enrollment, they also have plans to build more on campus housing. The strategic plan states that the university would like to house approximately 60% of the students on campus by 2040. As JMU increases its supply of university-managed housing, demand for some forms of off-campus student housing may shift over time. Staff has concerns about how this site could be used in the future if students were no longer the ones living in the units. The proposed amenities and overall site design, such as a clubhouse instead of more family-oriented features like a playground, suggest the development is more narrowly tailored and may have limited adaptability for a broader range of the population. While the applicant has provided an example of how a unit could be converted to serve a non-student household, staff believes it would be better for the community to not have to rely on someone being willing to make the financial investment to physically convert the units

at some point in the future. Instead, it would be better for the community to provide the appropriate style of units at the initial time of construction.

### *Public Schools*

The City contracted with the University of Virginia's Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projects for the City of Harrisonburg" (April 2025). The report can be found at the following link: [https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment\\_2025-04-30\\_Final.pdf](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.

Based on the Weldon Cooper Center report's calculation, this development's proposed 207 residential units are estimated to generate 25 to 116 K-12 students at full build-out. While the project may be intended for student housing, areas vacated by students may then create the availability of 207 apartments elsewhere in the community. According to the School Board's current attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development.

### *Conclusion*

Staff does not believe that more student-oriented housing is needed at this time. Staff recognizes that someone can already build units that are marketed to students with the existing zoning and approved ECSP on a portion of the site addressed as 1351 Peach Grove Avenue. However, staff believes there is an opportunity here to provide for other housing that is greatly needed for our community and to encourage off-campus student housing to be located closer to JMU's academic buildings. Staff has consistently encouraged the applicant to consider a greater proportion of one-, two-, and three-bedroom units to better align with community housing needs and to reconsider the general design of the buildings and layout of the site.

Staff recommends denial of the rezoning and SUP request.

Chair Baugh asked if there were any questions for staff.

Councilmember Dent said I was looking for a proffer I thought we had before... maybe this was in the history of a certain minimum of one, two and three bedrooms as opposed to the four-bedroom.

Ms. Rupkey said that was on one of their previous requests.

Councilmember Dent said that is in the previous request but not in the current one?

Ms. Rupkey said correct.

Vice Chair Porter said I am not sure you can speak to the intent, but the parcel that is 1361 Peach Grove that is the JMU owned portion of the property that is currently zoned B-2. [To Chair Baugh] You have been around long enough; was the intent because it simply was owned by JMU to make it B-2 or was there an intent to actually have potentially that be a business district? Or was it the City's plan... hoping that would be more use for commerce than housing?

Mr. Fletcher said is your question why is it zoned B-2?

Vice Chair Porter said more of whether it was the fact that JMU owned it that it became B-2.

Mr. Fletcher said the 9 acres that the foundation owns has been B-2 likely since it has been annexed into the City in 1983.

Vice Chair Porter said the intent there was that commerce would be there in that spot as opposed to housing.

Mr. Fletcher said I presume so. I was not here in 1983 but that is what it was zoned.

Chair Baugh said I am having a little bit of trouble getting my brain around the question, but I think the answer to your question is, if you go back the zoning for that entire area... essentially you have the existing commercial development there. I think it all had a B-2 zone because for no other reason it was anticipated since you had a commercial area there, if there would ever be commercial expansion that would be where it would go. Instead, the owner of the main parcel asked it to get rezoned to the mixed use and now residential which got approved. That was, as I recall, not a unanimous vote. Staff had recommended against that, I believe. It did end up getting approved. The JMU piece was a later special use [permit] request. I said, somewhat flippantly at one point, it has settled out somewhat now, but there really was a stretch where, for the undeveloped property out there, it seemed like everybody who owned a property with a residential zoning wanted a commercial zoning and everybody who owned a property with a commercial zoning wanted a residential zoning for whatever reason.

Councilmember Dent said what I remember was when this came back, in 2021, I was very bummed to lose the mixed use commercial portion of it. I imagine now I would have voted against it, but I do not know for sure if I did then. I would definitely prefer a mixed use and not the four-bedroom four-bath .

Commissioner Jezior said how many units are going to be one, two, three or four-bedroom or is it just open?

Ms. Rupkey said the applicant would be able to speak more to that, but it is not proffered that it would be in a certain occupancy for each of them.

Councilmember Dent said the one, two, and three was in the 2021 proposal, but not proffered now in this current one.

Ms. Rupkey said there is a breakdown in the packet.

Vice Chair Porter said in the conceptual site plan they do have a breakdown, and it is almost 80% four bedroom.

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.

Jim Buchanan, the applicant from Landmark Properties, came forward to speak to the request. He said Landmark Properties is a vertically integrated development company which means that, not only do we develop these properties, we construct them, and we manage them. At this time in our life-cycle we also hold these projects into the long term. We work closely with our management team and all of these properties. We develop multiple types of housing. We develop multifamily housing, [unintelligible] housing. We also develop university-oriented housing that we are talking about. [Referring to the slideshow on the screen] This is the project location. You might be familiar with it. It is adjacent to the University Park. Like staff brought up, which we have had a great time working with staff and we really appreciated their feedback throughout this process, we have been talking to them closely. It is adjacent to University Park, a short walk from our location to the campus. It is also adjacent to pure commercial around us, in the front portion of the site, and pure residential behind us in multi-family high density residential. One of the reasons why we are so excited to bring this project before you today is to revisit what the original site plans were. We do build nationally but over time we look at one of these projects, we look at it at a local level. We try to let the underlying Comprehensive Plan and zoning drive which sites we select. When we go out and develop housing and we come up with these site plans, it is much easier for us to work where the demand is, the underlying demand will be located adjacent to campus, then to try to go out further away and try to draw people in. We always try to pay attention to the Comprehensive Plan, the underlying zoning, what has been approved previously, and the location, particularly. These are the existing sites. The B-2 JMU Foundation parcel, the B-2 with the SUP allowing multifamily and the R-5C parcel is the same zoning we are applying for today. That is why we are here today because we want to combine these lots and, as part of that, we need to rezone. What it did open up is a new chance for us to look at the existing site plans and improve them. and We worked really closely with staff on that and are very proud of where we are today.

As you can see, this residential use is going to support the Comprehensive Plan by introducing residential into a purely commercial district. Thus, creating a sort of mixing of uses. We are going to have multiple modalities of transportation here, including direct pedestrian connections on multiple sides. Both on the inside of our site into the commercial through a pedestrian connection, but also there are sidewalks that we are going to wrap all the way around the site that were not there before. We are also going to be putting in street trees we are going to be proffering that. We are going to be showing you some renderings, but standing behind those renderings, offering to you that this is really the property that we are going to build, is very important to us. We wanted you guys to do that, so that is why we have included so many proffers.

This is the existing conditions; it is vacant land. It currently contributes about \$17,000 in property taxes to the City. Since the large parcel in the back is owned by the [JMU] Foundation, it is tax exempt, and the vacant parcel in the front is owned privately. These are the existing site plans that we have put in that were on the books. In total those site plans had about 1,200 beds with about 536 units, 850 paid parking stalls. There were six stories. The applicants of those had maxed out the units per acre on both, ending up with about 35 units per acre. The other thing I wanted to point you to here, because this came up in the last rezoning and this is something that we wanted to respond and fix as we came forward to you today, is [referring to the image on the screen] number three represents the existing shared access drive, if you are going into Food Lion cutting behind McDonald's, that is there. Two and one (as numbered on the image), since these sites were separated in their original rezonings and they were not working together, they basically ended up with entirely surface parking lots with large, tall buildings on them of about six stories and two additional curb cuts that conflicted with each other which and did not allow adequate turning lanes. I am going to show you now the site plan you might have seen before. We are able to push that turn lane all the way back to create a 100-foot taper, where that did not exist before, all the way back in the site. That was actually something that staff recommended to us and really pushed for. We are happy to accommodate that. We thought it was a great comment. The second entrance is on the shared access drive. That will be our secondary access point with the primary all the way back on Peach Grove Avenue as far as we can put it.

There is a multitude of different unit types here. I want to show you how we broke up the housing types. We also have a slip deck here that is two stories, that is in the back portion of the site. What that allowed us to do was create a lot more greenspace. Open it up for more trees, more plantings throughout the site. Centralized courtyards and allowing there to be a much greater deal of greenspace all throughout the site and lower the overall intensity of this site to create a much more efficient unit plan that really works together and really creates something that we are proud of, versus that surface parking. This will show you we have garden apartments. We have these rowhouse townhome-style apartments. [Referring to the conceptual layout image on the screen] In the light yellow are those rowhouse townhomes. In the green are townhomes with basement units with front doors on them. If you are in the shopping mall, you will actually see front doors. We

are going to put the masonry feature around those front doors to differentiate that. You will see them on the shared access drive to create activity around this commercial use. We have also pushed those garden style apartments, which are more similar to the building behind us that is already high intensity residential, we have pushed them back on the site, so that we can put them adjacent to those and then lower the density and taper it out as we get to Peach Grove [Avenue] and Port Republic [Road]. It was really important to us, as we heard from staff at a local level, that they wanted to see, when you drove by this, to not just be a big building with a surface lot. We wanted to see greenspace, we wanted to see trees, we wanted to see sidewalks, we wanted to have different modalities encouraged. We actually lowered our parking to the minimum. We are at like 90% per bed, which is the code minimum that we could do in this case. Again, we really wanted to encourage different modalities and we are going to be including that bus stop.

This is a rendering of the site looking west. you can see The Hills Southview apartments that currently exist behind us in our new site. [Referring to the 3D rendering] This is looking at University Park and JMU's campus. This is looking straight up the middle of the site on the secondary entrance from the shared access road. You can see the courtyards and street trees. This is looking east from the back of the Food Lion. Again, those taller multifamily units all the way in the back of the site closest to The Hill Southview, and then we move to these townhome-style rowhouse units, and then on to these quadplexes and try to break it up.

This is how we responded to staff comments, push that curb cut all the way back to the access road like I said, the public sidewalk street trees. The enclosed patios on those quadplexes have front doors that face each other in these courtyards, so we wanted to make sure that we created privacy there. That was something that we got from staff that we thought was really helpful feedback. Additionally, there is that bus shelter there. The masonry and stone, you can see some on the lower level where the front doors are because we want to break up the differentiation. Those centralized courtyards, if people are walking around, we really wanted them to walk on this center part of the site. The direct pedestrian connection into the shopping center, there is a cut through, walk right down get onto the sidewalk get over and get your groceries and walk back home. No need to get in your car, it is totally integrated into the surrounding commercial around us, and it is really going to help draw traffic for them. We have also proffered high quality materials. One of the things that we heard from staff was that there is concern about building something that is aluminum siding at the end of the day. Absolutely not. We proffered that right into our proffers. We are going to be using Hardie Board. we are also going to be using that masonry and stone in different areas of the site. We are also going to be extending the curb and the sidewalk all the way around. That was not proffered before. We felt like it was a great point to add all the way around the site will not only replace what exists on Peach Grove Avenue. There is no sidewalk, there are no street trees currently on that access road on that side. We are going to put all of that in and then cut all of the way back into the shopping center. If you are over at Vito's, you walk over you look around you will see front doors, trees and curbs, you will see total integration of a commercial area. There are

a couple of things that I wanted to point out in this since we did have a chance to relook at this holistically. Even though there was already R-5, on the books here and that multifamily in the B-2, how do we reduce this density because that was something that came up before there were traffic concerns? We took down the parking to a 90 percent minimum. We have reduced the overall bed count by about 40%. Parking spaces are down 22 percent. We have reduced the overall height from six stories down to two. It is almost a 60 percent reduction in units per acre, and we have eliminated that curb cut that was conflicting. Now we are only adding one more curb cut that is pushed as far back as we could.

The other point I wanted to make was, if you looked down at the bottom, what this shows is a traffic comparison. Those are the two prior traffic analysis on the two previously approved site plans. This is our traffic analysis. We actually ran this at 800 beds. We are all the way down to 736 beds, so there will actually be further gains from this. Overall traffic reduction is 18.5 percent from that, compared to what it was before. In those morning hours and rush hour, you are looking at about a 47 percent reduction compared to what was approved previously. It was something we really wanted to be thoughtful about. If we are going to open back up and try to look at it, how do we reduce that intensity. Not just eliminating that curb cut, not just having that bus stop, not just doing additional bikes, but actually lowering that overall traffic.

[Referring to the Powerpoint slide] This is a comparison of some of the proffers and previous proffers that were there, into what we are doing now. Again, we really want to stand behind what we are showing you in these renderings. High quality materials in terms of those Hardie Boards. Absolutely no aluminum or vinyl siding on this. Future pedestrian connection to Deer Run [Apartments]. We are going to find that during our site planning process. That was something that staff would look for in case Deer Run [Apartments] gets redeveloped. They wanted to find a way to align an easement there. The privacy fencing, the street trees, above minimum bike parking proffered. We thought that was something that was important that we wanted to do. Direct pedestrian connection to Peach Grove Avenue. They followed each other and went around the access road before, but it did not have the cut through that was something that staff brought up. We thought it was a great idea, and we were able to accommodate that. Additionally, the turn lane proffer was there before, but again they conflicted with each other and now we are in a much better position through this combined site plan. Finally, the sidewalks proffer. It really was not proffered in the same way previously, and we are going to wrap it all the way around the site which was not there before on the existing site plans that have been proposed previously.

Overall, we are talking about a site that currently generates \$17,000 of property taxes a year. We had heard previously, “hey we are approving housing but how do we get this out of the ground?” This new site plan reduces the intensity and gets us into a place where we can really take what two separate developers had created, this inefficient mix, and create a much more efficient mix that can get out of the ground. We are going to reduce that traffic by 18.5 percent. We are going to

reduce the conflicts of the entrances. Again, we are going to support that Comprehensive Plan by introducing residential into commercial and tying directly into it. We are going to also be contributing meaningfully because there is tremendous demand for this type of housing in Harrisonburg. We have tracked these properties all around the country, and Harrisonburg outpaces most of the country in how quickly it leases up. Across all of these properties that we track in a market, almost all of them are at 99 to 100 percent occupancy, right now. They are getting close to 10 percent rent growth in some of these properties across unit types. Additionally, we are going to enhance pedestrian connectivity, but we are not going to just be doing that we are going to be encouraging multiple modalities. Not just in terms of cars, but there are bus, bike, and pedestrian connections all around. You can walk right across the street and get into campus. I will conclude my presentation there. We can get through a few questions. We also brought in members of our traffic team, site planning team, architecture, and legal teams, if you have any questions, they might be better suited than me to answer some of them. We are happy to answer any of your questions.

Councilmember Dent said could you go back to the chart with the x's and checks. What is missing is the previous two iterations had a mix of one, two, three and four bedrooms with minimums and maximums of one, two and three. Why did you omit that?

Mr. Buchanan said in the R-5C parcel, I do not believe there was any maximum of fours, was there? We are going to be having ones, twos, threes, and fours on this site. I believe that the limitation that you are talking about was on the B-2 parcel, since that was going to for a SUP [Special Use Permit] to allow multifamily. I could be wrong on that.

Councilmember Dent said I also see the conclusion staff has consistently encouraged the applicant to consider a greater proportion of one, two and three-bedroom units to better align with the community's needs.

Mr. Buchanan said I certainly respect staff's position on that. I do not want to sit here and disagree with them. We do see tremendous demand for these. The parcels behind us include those types of units and surrounding us include those types of units. Across all of those comparables that we look at the existing multifamily all around us, they are at 99 or 100 percent occupancy. There is a huge demand. One thing that we did do, and we are going to file, is since staff did mention this concept, what happens if 10 or 20 years down the road there is not as much demand for four-bedroom units, which is a very fair question to ask. We have actually filed a plan in here on how a future developer can come in and eliminate a bedroom and turn those down to three [bedrooms]. It is very simple to do. We will file it in, so they know exactly how to do it within the units and turn them into a lower intensity use if that demand that is there today fails to exist in the future.

Commissioner Seitz said how long has Landmark [Properties] been developing student housing in various communities across the county?

Mr. Buchanan said we have been doing it since 2004. We started in Athens, Georgia where our headquarters still are today. At this point in time, we manage about 70,000 beds of student housing across the country. We are very experienced in managing these properties and try to hold them in the long run.

Commissioner Seitz said once a property is no longer in fashion or what students are looking for, how often have you seen other developers go back in and make the very changes that you described are possible here?

Mr. Buchanan said I do not know if I would be able to tell you off the top of my head how many times it has happened on the properties that we have developed, or that other developers have developed, but it is something that we have filed with other cities as well in our plans on how you do this. All it means is we have designed buildings in such a way that to do that is accommodated. You are not going to run into a structural constraint with a building that does not allow you to change that. I do not know how many times somebody has done it previously, but typically from what we have seen in the markets we have developed, there is a tremendous demand for these types of units. We do not usually come into markets where we feel like the demand would not be met.

Commissioner Seitz said Harrisonburg is full of things that were originally built primarily with students as their focus that are now occupied because students have moved on from that product. If this greenfield site was not available, would Landmark [Properties] have proforma that would make it worth investing and rehabbing housing that is 20, 30, 40 years old?

Mr. Buchanan said we have an acquisitions element as well. We do acquire and rehab other sites. I do not know how many times a unit has been converted between those, but we do also acquire existing student housing and rehab it.

Commissioner Seitz said my observation, having grown up in this area, is that I get that the amenities that you are baking into this site plan and these unit designs and so on are in demand. I think there is a dynamic here. In the letter that accompanied this, it began with kind of an open case that there is a demand for student housing. The rental market here is tight, so the solution is let's build more student housing and it is good overall because it frees up other types of housing. Well, the challenge is that other types of housing does not always line up with what the housing needs are. Part of the reason that dynamic happens is because there are greenfield sites where it is cheaper to go out and build and develop from the get go. I understand why this makes sense relative

to a short-term demand, but we have no guarantee that the economics will make it viable to renovate this project 15 years in the future when it is not what students are looking for.

Mr. Buchanan said I appreciate that comment. The only thing I can say is we looked at the existing site plans that were approved previously, and we underwrote those separately as well. They were not viable to get out of the ground today.

Commissioner Seitz said viable in what way?

Mr. Buchanan said financially viable.

Commissioner Seitz said there was not the ability to absorb that many units in the market?

Mr. Buchanan said this is where it gets a little complicated, but effectively the materials for buildings over certain types of heights, they start to change, and where you have seen the largest run up in material price as well as overall costs in the efficiency of developing those has been significantly higher in taller buildings. We looked at those first because it would be much easier for me to come in and just develop what is on the books. What we found was that we could not. We priced it and looked at the plans. We had to move to a more efficient plan. What that opened up was the ability to reduce the intensity and the density and that is why we are in a more four-story modality here. At this point we have reduced the overall height and that has allowed to move to a construction type that is primarily timber. Which is a more efficient construction material. I cannot say within all of these, but we did underwrite those sites. It was thoughtful how we came about this.

Commissioner Kettler said do you intend to separate the cost of parking from the cost of rent?

Mr. Buchanan said I do not know if we have made that full determination today, but we would end up being very similar to whatever the other comparables are in the market.

Commissioner Jezior said for the Traffic Impact Analysis, Neff [Avenue] and Peach Grove [Avenue] and Port Republic [Road] were studied because that intersection already now has a lot of issues. To add another 600 and something cars going through there, mainly students, how is that going to impact that?

Councilmember Dent said I would like to chime in on that we had through the HRMPO, that I am on, an area study of that whole ginormous intersection with some of the projected development considered. They were proposing a need for a really elaborate Michigan left turn, or close off right in right out into the Food Lion, all sorts of things to try to contain the mess and the danger that

whole area is. That is beyond the TIA for a particular site. It is, what do we do about this whole area?

Commissioner Jezior said yeah, with your analysis did that take into account any of the other things that the City is looking at doing in that intersection?

Evan Robohm, traffic engineer with Timmons Group representing the applicant, came forward and spoke to the request. He said all of you are exactly right. There are existing constraints out there today. Before you add in background rows, before you add in other apartments that are approved in the area and before you add in this proposed apartment complex. The challenge with this site, particularly, is that the travel patterns that we are anticipating people to take are not the critical movements at Neff [Avenue] and Port Republic [Road]. Commissioner Dent, you are exactly right. We looked at the [HR]MPO [study], the proposed improvements for this corridor and ultimately it is a little bit beyond the scope for this analysis because those improvements are outside of the City right of way. The Department of Public Works staff did ask us to provide additional analysis in our study saying what happens if we change certain things. They were asking the same question that you are, and we did find that the MPO's project would improve the conditions significantly. We also analyzed potentially changing the access around a little bit. All in all, it is a bit challenging for me to say, and I am sure you do not want me to say that there are no impacts, but the site does contribute traffic. It does make an existing situation a little bit worse, but this traffic is not the critical movements that are causing the most delay right now.

Councilmember Dent said you mean because it was off of Peach Grove [Avenue] not directly onto Neff [Avenue] and Port [Republic Road] and such?

Mr. Robohm said great question what I am specifically mentioning is that if you look at the turning movements at Neff [Avenue] and Port Republic [Road] the travel pattern in the evening, which is the most challenging time period, is people leaving the City and going southbound straight through the intersection or they are making a southbound left and those are the main challenging movements.

Councilmember Dent said I see the Peach Grove [Avenue] corner is not the worst one, at least at that time of day. That is a part of this whole area study, so I am glad you are looking at that.

Commissioner Jezior said who would be the property manager? Would you be the property manager, as well as the developer?

Mr. Buchanan said we are going to be the developer, the construction company and the property manager. If I design it wrong, believe me, I will be talking to the same person that will be managing it every day. That is why we start this from out of the gate. We have internal architects who help

us design these sites. We talk to our property managers out of the gate and say, "What do you need? How do we accommodate this and that? What do you not want to see? What is not working?" We always adjust based off of our experience across the country. Eliminate certain things, add certain things, basically whatever we think serves the tenants best.

Vice Chair Porter said what sort of onsite staffing pattern do you generally have for a development of this size?

Mr. Buchanan said we are going to have not only full-time leasing but a full-time property manager. I do not know that we have determined the exact number of heads that is on a site this size, but it could be three people, it could be four people, something like that. It just depends, and then you will have a maintenance person as well. We also furnish our units, so it cuts down on the in and out movement that you see when other people do not furnish their units. You will see it in graduation right now and all of the couches will be in the dumpster. We have fully furnished units in ours to try to prevent that. We will also have things like valet trash. Residents can put it out, pick it up and put it right in our dumpster that is off-loaded that has already been coordinated in our site plan.

Councilmember Dent said furnished? I had not thought about that. How many units around here are furnished? Is that standard or not?

Vice Chair Porter said I could not answer your question. I know that, for example, The Hills, Sunchase, and a few others have furnished units to the best of my understanding.

Commissioner Seitz said do you have any way to quantify... you talk about this supporting multimodal modes of transportation. You have a bus stop. You have accommodation of bikes. Do you have any way to quantify how those accommodations of bikes and bus riders might take the pressure off of vehicular traffic to and from the development?

Mr. Robohm said in the traffic study the land use that we used to analyze the vehicle trips was specific to off-campus student apartments. The institute of transportation engineers surveys similar land uses that are close to campus that is only being used for student housing. Those kinds of travel patterns are already baked into the data that we are using, so we are not using a typical apartment complex land use. We do anticipate the vehicle trips are fairly accurate. In the MPO study that Commissioner Dent mentioned, they mentioned the ridership of this particular area and it is very high student ridership. I would anticipate that the new vehicle trips would be even less. As you mentioned earlier, the unit count has also dropped from what was analyzed in our traffic study.

Mr. Buchanan said from 800 down to 736 is where we are currently at.

Commissioner Kettler said the design of this is basically, in terms of the parking and relationship to where the buildings are, very much gives the impression that everyone is going to drive right up to where their apartment is. There are other ways to design a property so that is not necessarily the case. I am wondering how or if that factors into the TIA and how trips are likely. Commissioner Seitz talked about the bikeability, that side of things, but there is a flip side making it easier to drive then it is less likely to do that. I do not know how or if that is accounted for.

Mr. Robohm said if I am hearing your question, you are talking about the internal site circulation. We did take into account generally where units are on this site and how people are entering into each entrance. That is accounted for at the point that you turn into the development. After that, because it would be internal to the site, and there are no public road intersections in the site, we did not go more granular than that to route someone to their front door.

Mr. Buchanan said we have a slip deck in the back. We did try to align that so that since there is topography on the site it is a little bit easier for folks who are living in those larger buildings in the back. They will probably end up parking there and walking out that way just to try to avoid walking up hills if we can. It is not all front door. We do have a two-level slip deck and the benefit of that is we got more greenspace out of it.

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.

Randy Hoffman, a Harrisonburg resident, came forward to speak to the request. He said I really did not intend to have any questions about this, but sitting and listening made me wonder, does the Planning Commission and or zoning, when you are considering these large projects with a tremendous amount of roof space, are you considering any requirements or proffers related to solar energy gains? With this many vehicles as we are moving more and more away from traditional cars, are you looking to require any charging stations in a project of this size? That is just food for thought. Thank you.

Panayotis Giannakouros, a City resident, called in to speak to the request. He said this project offers the opportunity for two comparisons. The first one is historical. In 2019, the councilmember who strongly advocated mixed use and high density on this site was Councilmember Chris Jones. He was supported by Madame Mayor. They subsequently went on to oppose the Bluestone Town Center, underscoring just what a bad idea that was. Not only was that a greenfield development, it also slated a large patch of some of the oldest forest in the City to be taken out. Forest that had just become accessible to the community and that could have benefited from incentives for preservation from a Biden administration and that in the future when the current administration leaves, will urgently be a potential site for that kind of protection. That was forced through by, a

then new City Council majority, two of whom are up for reelection right now challenged by Nicki Gross and Kat Hendley. The second comparison that this project offers is the present proposal. The present proposal can be weighed against The Link's proposal. The best place I think for that weighing to be done would be by the public in the Comprehensive Plan. The developers did cite the Comprehensive Plan. The current Comprehensive Plan is stale and very outdated. In that Comprehensive Plan not only is it stale and past its use date, it was not an adequate public input process. There is a myth that there is urgency around projects like this. Yes, time is money for the developer, but for the community please let us consider this after the Comprehensive Plan alongside The Link. That would be an ideal way to comprehensively plan for our City. Thank you so much Mister Chair.

Warren Coleman, a representative from the JMU Foundation, came forward to speak to the request. He said we have been working with developers, and as you know we have gone through a few developers on this property who presented to you, and you approved their plans. I just want to let you know that Landmark [Properties] is a top-notch company that will produce and erect. I think some of the questions that we have heard before is that the board approves things and the developers never deliver. This group will deliver. As they have gone through, they have made it not look like six-story buildings they have made it look like a community that you could see in any type of town. It is going to be a very aesthetic nice-looking place that is going to meet the needs of students and the people. Whether it is one, two, and three bedrooms, anybody can live there. It does not mean it is a student. It will be something that is nice to look at as you go down the road versus something that you are saying why did we ever let that happen. On that point this developer has the Foundation's support, the University's support, because they want to see nice places for the people that are in this community to have to live. That is a great spot for that to be taken care of. Thank you.

Chair Baugh closed the public hearing and opened the matter for discussion.

Commissioner Jezior said I think my concern with the location here is, if anyone has ever tried to bike or walk from this site, it is uphill both ways and it is every road you want to go to get to campus. I know students will ride the bus when they need to. The amount of students that are going to bike up Port Republic [Road] or Neff [Avenue] in the bike lane that have cars whipping by at 40 to 45 miles an hour are very few and far between. I think if JMU wanted to make this area more bikeable, they have a lot of the property between here and the main part of campus. They could definitely pave parts of the arboretum trail make it accessible by things other than a car. That is definitely my biggest concern. I think it is great. It is next to Food Lion, it is next to restaurants, it is good in that sense. But 80% four-bedroom is going to all students, and they are all going to drive without another alternative other than the bus to get there. That is definitely my biggest concern.

Commissioner Seitz said I looked up what bus routes serve that, and they are all JMU loops. None of the bus routes connect to larger Harrisonburg. You can via a JMU loop get to a transfer point and then transfer to another bus.

Chair Baugh said that reflects the fact that is really how the system is designed.

Commissioner Seitz said I guess I come at this from two things. One, I think about what is the end of life of this? Again, to date, we have plenty of proof that there is never an economic model that has us go back and rehab things. Yes, the general principle, if we build more student housing it takes pressure off the other rental markets, that is fine. Those things are seldom ideal for workforce housing. I would rather see us design workforce housing and let JMU students compete to live in it too. The other thing is that, in general, we actually need density, we do not need 12 units per acre. I get that the economics of building six stories... Believe me, I professionally understand that, but this is a low-density residential development. I kind of chuckled reading through this at the constant reference to how great it is as a multiuse. There is not anything commercial on the property itself. It claims multiuse by being adjacent to a shopping center that largely caters to student lifestyles or the needs of commuters coming and going at JMU. I think one of the things I look forward to, in further discussions about zoning and perhaps next year about the Comprehensive Plan, is that staff hopefully puts the mixed use definition here every time. It has “quality architectural design and features, and strategic placement of green spaces,” now you guys have done that. But they are “prime candidates for ‘live-work’ and traditional neighborhood developments.” Yeah, not so much. At the very end, it cites our downtown as kind of the model for what mixed use should be. This is a residential project next to a commercial center. It is not mixed use.

Commissioner Kettler said I think staff’s analysis here is excellent. I think it successfully highlights a few things that I am thinking. One, JMU’s strategic plan which calls for more students on campus. Two, opportunity with zoning reform to encourage high density student housing even closer to the actual academic buildings here. I am looking at parts of Reservoir Street in terms of being particularly close or adjacent to those academic buildings and adjacent to JMU property itself. I am also looking at bike-ped improvements and changes on the University Boulevard realignment. That is going to be a road that leads straight into JMU and has improvements with a shared use path. Between that and the study on the Port Republic [Road] and the I-81 corridor there, I think the writing is on the wall in terms of Port Republic [Road] in this area that there is going to need to be more bike-ped access to make it easier to do that. Yet, the design for this, even apart from the four-bedroom versus two or three-bedroom, which I think is very significant and I agree with everything that has been said, but even aside from that when there is that much parking right up in front, that is a signal that people living there should drive places and should drive really everywhere if they can. This is an area next to a commercial center that is surrounded by effectively

medium density on a couple of sides and then to the south there is an approved mixed townhouse and single-family home development, if I recall correctly.

Ms. Rupkey said Weston Park, that is a mix of single-family, duplex, and townhomes.

Commissioner Kettler said what I am looking at here in this particular property is a potential neighborhood center. I agree with Commissioner Seitz that higher density on this, especially since we are talking right next to a commercial center and right next to a couple of bus routes, that is important. Just because there is more likely to be more on-campus housing does not mean that there should not be more housing here. Even if everything that JMU is saying is true and that there will be more student housing on campus, 6,000 more students would generate a significant amount of more staff and other university folks. Just because there is more housing that might be on university does not mean that there not more housing that is going to be required, but not four-bedroom.

Vice Chair Porter said I think for the record it is important to include that Peach Grove [Avenue] and Port Republic [Road], at least in the Metropolitan Planning Organization's regional study, was the most impacted and most dangerous intersection in that region and this is only going to make it worse. I think there was a good effort made to try to look at the traffic study, and I think that some of the things that you did with the access off of Peach Grove [Avenue] makes a lot of sense to me. It is not really your fault, as a developer, that this is an impacted stretch of road that is really becoming the bane of a lot of people's in the community's existence, that the fact that the primary route to our hospital is one of the most congested roads in our community. We are seeing significant backups at the I-81 interchange to be able to exit off this road that are getting worse and worse by the day. I think that a large portion of the community would say just for that reason alone, it would be irresponsible for us to support this kind of development. With that being said, I do think that the design of the property is thoughtful. I think there are a lot of things here that it is clear that there has been a lot of thought put into this. This is not a bad development. I personally take great issue with the four-bedroom model and that any developer that comes in here and says 80 percent of their property is going to be a four-bedroom set up, I am going to have opposition to it. Simply because I do not think it is a good model in terms of how it is going to serve our community in the long-term. To Commissioner Seitz' point, I do not see this being economically viable to be able to go in and retroactively change these units back to something more serviceable for our community. I bring this issue up every time that four bedrooms come up is the fact that it has a detrimental impact on the poorest people in our community that are needing to access a Section 8 voucher. The one-bedroom units, when HUD does its study of what a fair market rent for the area is, most developers and most property managers will report those as one-bedroom units. The fact is that they actually suppress the amount that can be paid for through a voucher. You are effectively harming people in this community that are bidding to be able to get a one-bedroom unit with a voucher. Again, that is a structural issue that is not your fault as a developer,

but it is an issue and effectively what you have here are three large dormitory buildings surrounded by a pretty decent apartment complex. The fact is that 80 percent of the concentration is going to be in three buildings. That design I do not think serves our community very well.

Chair Baugh said I am definitely not saying I am looking to support this, but I want to throw in something on the traffic that I think we know this, but it is not being mentioned much is... one thing that has caught my attention about this, and I am sure as time goes on we will see more of the applicant actually answer the question as to why they are doing this place, but this is the first time we have had a site that is already approved for something like a six-story building where the applicant is coming in and said, "I would like to do something less dense." I just want to point out to you that while pretty much if anything has been said about traffic that is untrue, I do not know what it was but the two things that could be developed there right now is they would generate more traffic. I know this is often something that we deal with but there is a tendency, certainly from the general public, to look at almost any development and say, I am comparing what has been proposed to what I have now, which is often an undeveloped lot that often everybody either prefers because they like living in a developed lot or they prefer because of the next point I am going to get to. Which is, at least it keeps our options open, we live to fight for another day. I guess that the thing that keeps gnawing at me about this one, because I was around when the R-5 piece first became R-5, and staff recommended against that as well, and if I recall correctly it was in line with some of these things that are being talked about here as what we would see as preferable if not ideal. Did not like the six-story building because it took that mixed use neighborhood feel off of the table. Is this exactly that? It is not. I certainly agree with Councilmember Dent that why again did we let them take the commercial out of that because I certainly like the mixed-use aspect of that. I do believe I voted for that change, and I think what stuck with me then was almost this feel of we want to preserve this for something better and then you ask what is something better in terms of something that you might actually expect to see there. Now, I am having trouble figuring out what that is. Especially since let's look where this sits on the map. It is bounded by established commercial. That is presumably not going anywhere. There is nothing in the planning that says anything on the other side of Peach Grove [Avenue] should look like this. I have talked to a couple of people about this. While it is not part of what is already planned as our high-density area, it is right next to it. The Lois Lane property behind it actually is. Some of these things are sort of like perception, what have we thought about this space. How has it looked to us in the past? At least up until now, I think for the people who have been paying attention to this R-5 high density area, would most people have looked at it and have thought that at least conceptually it would be okay for it to go all the way to Peach Grove [Avenue]? That there would be this corner of the property that we would be fighting to preserve for some sort of mixed-use development that might come down and, in the meantime, we have allowed a rezoning and a special use permit on it that already pushed it away from that. I guess part of what I find challenging about this is on the one hand there is very little that has been said in this debate that I disagree with or that I think is not a good point. On the other hand, if you do the analysis between what is there and what is likely to happen there

now if you do not do anything, is this an improvement on it? I kind of think it is. It is from a certain perspective. Right, you have eliminated the six-story building. You have made it more in keeping with the residential that abuts it over on the Lois Lane property. It is not like there are four adjoining undeveloped properties where this sort of sets a precedent for what goes there. It is kind of boxed in. I do find myself wrestling with this maybe a little more than some of us. I made a point of talking to a few folks and to the extent that we have said there is an area that we want student housing, it has kind of been this area. Again, unless you attach a lot of importance to that difference between the old commercial and the R-5 that is all around it. It does not necessarily mean that this is the thing to do right now, but I am mindful of that. Again, when it went to R-5 I was having trouble seeing how we could preserve it for a mixed-use property that might be ideal. That seems even more of a distant thing now. I will try to summarize this and stop talking. Conceptually, I am all for voting against things in order to preserve something better in the future. If I was clear about what the positive vision is for these parcels, particularly if they stayed separate, would be. How are we going to get there?

Commissioner Seitz said it has been nine years since we have a public conversation about what we could do there. I hear what you are saying. How does this relate to all other outcomes given the current Comp Plan instead of assumptions. I would put to this group to consider have we passed a tipping point where other types of housing are more important to us than student housing in the eight to ten years that we have looked at the Comprehensive Plan. I think that in what other conditions have evolved such that we might rethink how this green field site, how the property to the south of it on the other side of Peach Grove Avenue might need opportunities that the City currently has. If we are committed to facilitating student housing that is in demand, this is a good project.

Vice Chair Porter said that is the conflict I have as well. Chair Baugh you are nothing but consistent. This is the argument that you have pretty much made last year when we voted for a property that is about a half mile closer where the gas station is now being converted. I was convinced to vote on that primarily based on your argument but also the fact that it was closer to campus and there were a lot of options for students to be able to access campus through bikeable and walkable means. I do not know that is exactly what we have here. I think we are arguing two issues here and what you bring up is an extremely important issue. I am kind of the mind of Commissioner Seitz which is the fact that if I could go back in time and talk about how we have kind of painted ourselves into a corner on Port Republic Road. It makes sense to want to concentrate your student population. Proximity to campus makes sense but the reality is we have a road now that, in my opinion, is dangerous and overtaxed. I think a large portion of the community has a real problem with the fact that this continues to be a problem and it continues to grow. This would be well we are going to put one more pebble on the scale because this is where we put these types.

Commissioner Seitz said because we do not have a better idea.

Vice Chair Porter said I am of the opinion that we do at some point I hate the fact that this particular project and these developers are caught up in this discussion because I do not think it is so much about their plan or even what they are trying to do here. It is the fact that we have continued to allow this to go on over a period of time in a specific part of town and we have reached a point where I think we are reaching a limit to what is feasible, reasonable, and sustainable. If there were no parking spaces on here and these students had to ride the bus I might be back on board, but we all know that is not possible. The fact is that we do need more workforce housing in this community. We need more affordable housing in this community and yet we continue to get primarily folks coming in here because it is economically viable to build for students. These four-bedroom units tells us exactly where they are headed with this and what type of housing it is going to be. To Commissioner Seitz's point in 20 years this may not be the flavor of the month anymore and now we have a bunch of four-bedroom units that someone is going to renovate. I just do not think that is a wise plan for us to be able to move forward and say this is what our community needs. We have enough of this, we need something else. Maybe we wait for that developer that is willing to take a chance on this but right now that is not coming to us unfortunately.

Councilmember Dent said what I am hearing is the distinction between demand and need. Demand as in the developers would build for market demand. There is always a market demand for student housing versus need. We know we need workforce housing. We are the advisory committee to the deciding body. My pledge is to put need over market demand.

Chair Baugh said this may be the time to do it. We arguably have need in every category. If you were to say there was one we do not need it would be this and then we have all the reasons that we have talked about. Which is well it does help with the supply. You know 99 percent we keep hearing numbers like that. While at the same time we might have consensus on boy it would be nice if we were building more of other stuff. I guess I keep coming back to this is not the one that is on the other side of town. It is right over here with the area that we kind of planned for this type of development. The proposal actually puts fewer people on the property than what they can build right now.

Vice Chair Porter said it does sound like their design is not economically viable based on the testimony we heard.

Chair Baugh said that has been something people have done before. It has never been something I have particularly found persuasive. There are certainly people who disagree with me on that. That certainly comes up, which is just because you do not like what could be built there by right maybe we do not like it enough and we just say no and we kind of dare them to do it is a bit strong. We are willing to take that risk. That is a legitimate point of view.

Commissioner Alsindi said I think when these parcels were planned B-2, the intention was that people who live there, at that time and in the foreseeable future, will need these functions to be here. It is B-2, so it is a general business district. What we are doing now is we are bringing more people here, with less functionality. You are bringing more people with the existing Food Lion, for example. We are reducing functionality and increasing inhabitants in that place, while we have as discussed place, we cannot create this location again in the middle of the City. Is that what we are doing?

Chair Baugh said we have already rezoned it away from commercial.

Commissioner Alsindi said I would have rezoned the R-5C into a B-2, in fact. I need to increase functionality in a place where there are more inhabitants now, but I am bringing more housing because under the title named, "I need more housing" but is the housing that I need? With less functionality, reach out and access. I am in favor of having people eventually in need to go to downtown. I am also considering emerging needs. This is a bazaar with the supermarket here or a store market, and you might have more over there. While we have residents there. Not just students, but families and so on. We are eliminating a major function here.

Councilmember Dent said by functionality do you mean the actual mixed-use commercial?

Commissioner Alsindi said yes, that is why I said I would use a planning terminology. This is a function, and we are removing the function and bringing people there because we think that housing is important. but, is this the housing that is important in this location? Does it become important?

Commissioner Kettler said I have a hard time seeing a version of events where Port Republic [Road] between here and I-81 does not have a lot of bike-ped improvements because it is really the only way to handle the traffic. I definitely recognize the need for a variety of housing and more workforce housing. I think even if it retained mostly student housing, I would be more on board with it if the layout was more amenable to walk and bike access orientation in the future. I would be more on board if I saw that, this is really not that.

Councilmember Dent said The Walk name is rather ironic.

Ms. Dang said you may already understand this, and I may have misunderstood something that was said previously. I just wanted to remind you that the special use permit for the JMU Foundation has expired. There is the hypothetical ability that somebody could build by-right B-2 uses. Whether the feasibility of that with the topography and everything that is there would need to be evaluated.

Councilmember Dent said the special use permit that is expired, what would that have permitted that it no longer does?

Ms. Dang said the multifamily housing.

Chair Baugh said it was going to be a residential property with a B-2 zoning.

Vice Chair Porter said which if I was trying to house people that work and live near the University or are currently employees of the University, that might be a good use of that property. Would the tax implications of the JMU Foundation retaining the ownership of that property, how would that impact? Would that still be tax exempt even though it is very different than their core mission? One of the points that was brought up was that this was going to bring greater tax revenue to the community but if JMU retains ownership of that portion of the land...

Mr. Russ said I do not think that the intention is for JMU to retain ownership of the land. It is a contract purchase.

Commissioner Kettler said I would like to recommend denial of the rezoning and special use permits.

Commissioner Jezior seconded the motion.

Commissioner Alsindi said if I would be voting in favor of the denial I would not be voting for merely the reasons in addition to what I mentioned that this is just increasing inhabitants there while there is a potential for a mixed business or as I call functionality. That is the reason I would vote for the denial in addition to what Adam mentioned.

Councilmember Dent said I would be potentially more amenable to supporting it, if it had proffered percentages of one, two and three-bedroom, as opposed to what you saw on the chart you mentioned. 79 percent four-bedroom.

Chair Baugh said it is interesting to me. I am not saying this is bad or wrong. Just as I said we have never had somebody that had a six-story building approved say please rezone this so I can do something less dense.

Councilmember Dent said I would be vaguely more likely to not...

Chair Baugh said if it was a distribution away from those four-bedroom units. The other thing that I think is interesting about this, the history on these types of developments has been the developer frequently comes in and does everything possible to talk as little as they can about it being targeted

for student market. When you are looking at the proposal and going I did not live here I know who is going to move into these units whether it is because of location or whatever factors are going in. At least they own it. It kind of owns that idea of we are marketing to students we just kind of want to build it out as take a list of forward looking things that it does not include but what it does include is this well if staff did not like before that it did not seem to integrate with the stuff around it, it kind of would. I am not saying that you need to vote for it in fact I will say because this is something that has come up a time or two before with people, I have had it attributed to me that I think things because of a statement that I make. I do like to sort of say things and just because I say something does not mean it is what I am ultimately going to vote on. Sometimes I just think it ought to be out there and make sure we have discussed it. I guess that is a part of the attorney-public servant hybrid. Attorneys would say to get it into the record. Normal people would say something that made more sense. The idea that at least it was out there as food for thought and if nobody wanted to go for it that is fine. Maybe I do not want to go with it either but at least we talked about it.

Commissioner Kettler said the reason why I am not so upset about a six-story building is the six stories are not what I am upset about, the parking is the part that I really do not like and that is the part that is easily redeveloped.

Vice Chair Porter said I would just reiterate I do not think that this is a bad development. I have seen worse in our area. I think the issue is just that it is coming at a place and time where our community needs to really think about what we have done in this part of town. It is not the developer's fault that it is the way it is. The fact is that I think that I could not in good conscience sit here and say I am going to go ahead and say that we need to add 739 more bedrooms and probably 500 to 600 more cars to an area that is featuring the most dangerous intersection in our community because of the way that this is configured. The reality is that we have got a mess on Port Republic [Road] and we have got to figure out a way to fix it and I think the City has a lot of responsibility. My primary issue here is the fact that this would exacerbate it. It is not because this is a bad development. In fact, it is probably a better development than the one that they can do by right. Signing off on this is simply something that I cannot support on that basis alone.

Chair Baugh said as you look at the general issue of the housing shortage and you look at reasons that people bring up as to why you have a housing shortage. One of the things that I think historically has burdened a lot of communities and really has not with us is the...you look at a community and say, why have you not approved a lot of housing, and you find that there have been any number of proposals that were all voted down. Suddenly, you wake up one day and you realize, oh we have not approved any new residential in the last ten years. That has not been us, but I sort of feel like some of this is starting to creep into our domain. That we are starting to maybe say no. At some point, the perfect does become the enemy of the good, which is really what has happened in other communities. I say that not because I am pounding my fist into the table and

saying to vote against this is to vote the perfect building. We are not saying that. I am mindful as somebody who has heard a lot of these debates over the years that I am hearing more and more of these ones that I say that is a direction we probably do not want to go into. We do have a housing shortage and ways to deal with it. You can almost always find a way to vote against something because it could have been better.

Commissioner Seitz said I know there is a motion on the table. In the facilitation that I have done of strategic planning with clients and other people, I have learned that purpose built decision making is usually more about what you say no to than what you say yes to. While I do not have an alternative and a higher best use for this site, as a resident of Harrisonburg and as someone who grew up commuting in and out of Port Republic Road and watch the houses spread up and over the hill and down, I am a little chagrined that as a community we have not tackled this project sooner. All of that is not persuading me to exacerbate the problem just because we do not have a better solution.

Vice Chair Porter said it is a bit of an ancillary issue but also in the context of this we are talking about an announcement from the University that they are looking to increase on campus housing, which I absolutely applaud and have thrown a lot of rocks at them throughout the years because of the fact that we need more on campus housing. That also comes with a stated goal of increasing enrollment to 30,000 students. For the record, I do believe it is incumbent upon the University to work with us as a partner to be able to solve some of these issues in our community. JMU is the economic engine of our community. It is a source of pride for our community. It is not about saying that JMU is bad for our community, the reality is that it is the lifeblood of our community. With that being said, we are badly out of balance in our housing market. We have one of the lowest home ownership rates in the Commonwealth right now, which is a problem. We have a university where a lot of people who work there in entry-level jobs that cannot afford to live in this community to be able to work there and we are not doing anything to actually address those issues. The market is not correcting this problem for us, the market continues to bring us four-bedroom developments that are going to house students. If the University is going to expand and become an R-1 university and realize its vision of becoming a 30,000-student institution, we as a community have to be much more direct and demand engagement on this issue. Maybe to the point that the caller made earlier about the fact that it is time for us to look not only at a comprehensive zoning rewrite but also our comprehensive plan it is time for us to get that going and we have already had this discussion. I think this is part of a much larger discussion about how our community grows over the next 20 years and that includes incorporating JMU.

Commissioner Kettler said as I continue to look at the internal design of this, when we talk about walkability it can hinge on some really fine details. One thing I am looking at is on the internal layout of the property, the bottom of it there does not appear to be plans to connect with adjacent properties and when it is looking north there is one pedestrian connection that is farther north and

there is not one that is from the larger part of the property heading into the commercial area. These are places where people are absolutely going to walk anyway. There will just be lots of grass paths that are so well worn that they should have really had that there in the first place. There is a lot of fine details when you are trying to increase walkability that you really have to be mindful of. We are so focused on making sure cars can go places that we often forget those fine details. Although internally in the property I think there has been a good job of that with the green and the walkways internally.

Chair Baugh said I think some of it is you cannot do anything about how the existing commercial is laid out. The connection that you would put on the map puts you behind buildings and it still raises challenges about what real people will do.

Chair Baugh called for a roll call vote.

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|----------------------|-----|
| Commissioner Seitz   | Aye |
| Commissioner Jezior  | Aye |
| Councilmember Dent   | Aye |
| Commissioner Alsindi | Aye |
| Commissioner Kettler | Aye |
| Vice Chair Porter    | Aye |
| Chair Baugh          | Aye |

The motion to recommend denial of the rezoning request was approved (7-0). The recommendation will move forward to City Council on June 9, 2026.

Commissioner Kettler made a motion to recommend denial of the special use permit.

Vice Chair Porter seconded the motion.

Chair Baugh called for a roll call vote.

|                      |     |
|----------------------|-----|
| Commissioner Seitz   | Aye |
| Commissioner Jezior  | Aye |
| Councilmember Dent   | Aye |
| Commissioner Alsindi | Aye |
| Commissioner Kettler | Aye |
| Vice Chair Porter    | Aye |
| Chair Baugh          | Aye |

The motion to recommend denial of the special use permit was approved (7-0). The recommendation will move forward to City Council on June 9, 2026.