



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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March 1, 2022

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

**SUBJECT:** *Consider a request from Joyce A. Shultz and Joyce A. Shultz MD Living Trust with representatives Bluestone Land LLC for a special use permit to allow multi-family dwellings of more than 12 units per building in the R-5 district at 765 East Market Street and properties along Franklin Street*

*Consider a request from Joyce A. Shultz and Joyce A. Shultz MD Living Trust with representatives Bluestone Land LLC to rezone 23 parcels totaling +/- 6.48 acres located at East Market Street and Franklin Street*

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

Chair Finnegan read the request and asked staff to review.

Ms. Dang said that The Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of

downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

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

- Site: Commercial use and vacant parcels, zoned B-2 and R-2
- North: Commercial uses, zoned B-2
- East: On both sides of East Market Street, commercial uses, zoned B-2
- South: Commercial uses, single-family detached dwellings, zoned B-2 and R-3
- West: Single-family detached, duplex, and townhomes, zoned R-2

The applicant has submitted two separate applications. The first is to rezone 23 parcels from B-2, General Business District and R-2, Residential District to R-5C, High Density Residential District Conditional. Because the applicant would like to construct buildings with more than 12 multi-family units per building, the second request is for a special use permit (SUP) per Section 10-3-55.4 (1) of the Zoning Ordinance (ZO) to allow multi-family dwellings of not more than 12 units per building in the R-5, High Density Residential District. (Note: Constructing multi-family dwellings of not more than 12 units per building is a by right ability in the R-5 district.) If both requests are approved, Bluestone Land LLC plans to construct 156 multi-family dwelling units within eight buildings as illustrated in the attached conceptual site plan.

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

1. Occupancy Restrictions and Parking: Dwelling units may be occupied by a single family or no more than three (3) unrelated persons. A minimum of 1 off-street parking space per dwelling unit shall be provided. There shall be a minimum overall ratio of 1.4 off-street parking spaces per unit for all parcels herein requested to be rezoned.
2. Road and Sidewalk Improvements: The following improvements will be constructed as part of this development:
  - a. At the time of development, the Owner shall, as approved by the City, and as generally shown on the concept plan, build Franklin Street as a public street with curb, gutter, and sidewalk from the existing terminus near the western boundary of tax map parcel 28-J-28 to East Market Street. In addition, the mid-block crosswalk nearest East Market Street shall be raised. The crosswalks shown at the intersection of Franklin Street and the private entrances to the development shall, at minimum, be painted. The street width will be narrowed with “bump outs” for on-street parking.

3. Exclusive of the parking lot in front of building # 7, no parking lot (including travel lanes and drive aisles) shall be located between any other building and East Market Street or Franklin Street.
4. Density and Unit Mix: The development shall contain a maximum of 156 units. Units shall be limited to 1, 2, and 3 bedroom units, of which a minimum of 70% shall be 2 bedroom units or less.
5. Affordable Housing- The Owner shall provide affordable housing equal to five percent (5%) of the total residential dwelling units within the Project in the form of for-lease affordable dwelling units. The Owner shall convey responsibility of constructing the affordable units to any subsequent purchaser of the Property. The Owner shall create units affordable to households with incomes at or less than 80% of the Department of Housing and Urban Development (HUD) median family income for the Harrisonburg VA MSA at the time of initial move-in (the "Affordable Unit Qualifying Income"). This requirement shall apply for a period of fifteen (15) years following the date the final Certificate of Occupancy for the Project is issued by the City of Harrisonburg (the "Affordable Term"). During the Affordable Term, each January, the Owner shall provide to the City of Harrisonburg a Compliance Report for the prior year to demonstrate that 5% of the units were rented in accordance with this proffer.

While they refer to elements that are shown within the concept plan, the concept plan is not specifically proffered.

The R-5 district allows by right dwellings to be occupied by a family or not more than four unrelated persons. Proffer #1 reduces the allowable occupancy of dwelling units to either a family or not more than three persons. Additionally, because the minimum off-street parking requirements of Section 10-3-25 (7) of the ZO allow for reduced parking when occupancy is restricted, the development does not require as much parking as would have been required under the standard R-5 district. Because this development is bisected by Franklin Street, required off-street parking calculations must be calculated separately for each half of the development. Section 10-3-27 (7) requires one off-street parking space to be provided for each dwelling unit when occupancy is restricted. For example, if 68 dwelling units are constructed on the north side of Franklin Street and 88 dwelling units are constructed on the south side of Franklin Street as illustrated in the concept plan, then a minimum of 68 off-street parking spaces must be provided on the north side and a minimum of 88 off-street parking spaces must be provided on the south side. Although the applicant could have been allowed the flexibility of providing only one parking space per unit, they have proffered to provide a minimum of 1.4 off-street parking spaces per unit for all the parcels together. This proffer binds together all the parcels subject to this rezoning request. This means there will be at least 68 parking spaces on the north parcel, 88 parking spaces on the south parcel, and then either or both of the parcels will have a few more parking spaces so that the overall development has a ratio of 1.4 parking spaces per unit.

If the maximum number of 156 dwelling units was constructed (as noted in Proffer #4), then 219 off-street parking spaces would be required. In the concept plan, the applicant has shown a scenario

in how they might organize off-street parking spaces. The applicant is aware that the single-garage spaces can be counted for off-street parking, however, the surface parking in front of the garage spaces cannot be counted as off-street parking; that the on-street parking spaces shown on Franklin Street cannot be counted towards off-street parking requirements; and they understand that parking requirements, among other details, would be reviewed during the engineered comprehensive site plan phase of development to ensure that all regulations are met.

Proffer #2 addresses street improvements along undeveloped Franklin Street. The applicant has proffered to construct Franklin Street, as approved by the City, and as generally shown on the concept plan. This will include curb, gutter, and sidewalk from the existing terminus near the western boundary of the development to East Market Street. Additionally, the mid-block crosswalk nearest East Market Street shall be raised, crosswalks will be painted on Franklin Street at the private entrances, and Franklin Street's width will be narrowed with bump outs for on-street parking.

Proffer #3 is intended to promote pedestrian friendly design by placing buildings close to streets and prohibiting parking between the multiple-family buildings and public streets. The only deviation to this would allow an off-street parking lot to abut Franklin Street as generally depicted in front of building #7 on the concept plan. Concentrating people and places along public streets creates an environment that is more accessible, interesting, and safer for pedestrians, which are designs and environments that staff promotes.

Proffer #4 restricts the development to a maximum density of 156 dwelling units, which is the same as the maximum density allowed on the +/- 6.48-acre site if rezoned to R-5. Additionally, Proffer #3 limits all dwelling units to 1, 2, and 3-bedroom units and requires that a minimum of 70 percent of the units constructed shall be 2-bedroom units or less. If 156 dwelling units are constructed, then 109 units will be either one or two bedroom units.

Proffer #5 states that for 15 years after the final certificate of occupancy is issued, five percent of the total number of units will be in the form of for-lease affordable dwelling units for households with incomes at or below 80 percent area median income (AMI). It should be noted that family size will not be considered for thresholds. In FY2021, the US Department of Housing and Urban Development (HUD) reported that the Harrisonburg area's AMI is \$66,700 and 80 percent AMI is \$54,700. (Note that a direct calculation of 80 percent of \$66,700 is \$53,360, however, the number HUD states as 80 percent AMI is \$54,700.) If 156 dwelling units were constructed, then five percent of those units, which is 8 dwelling units, would be reserved for households with incomes at or below 80 percent AMI.

Since the affordable units will be rented at market rate, meaning that tenants in the affordable units will pay the same rental rates as others, staff suggested that the applicant set aside the affordable units for households that make 60 percent AMI and below. While it would still be a cost burden to renters, setting aside units for 60 percent AMI and below could help people in that AMI category have a chance at finding housing in the City. The applicant explained to staff that this is not financially feasible.

If the concept plan shown was developed, the City's Parking Lot Landscaping regulations would require street trees along the following sections of Franklin Street – on the north side of Franklin Street between Building #6 and the western limits of the parking lot, and on the south side of Franklin Street between the raised crosswalk and the amenity building because those parking lot areas are adjacent to the public street. However, along the remaining sections of Franklin Street and along East Market Street, there is no parking lot adjacent to the public street so no trees would be required. Staff suggested that the applicant consider proffering additional street trees. The applicant was not comfortable proffering street trees and responded that they will consider the location, type, and number of trees to be planted during the site planning stage.

As demonstrated in the Determination of Need for a Traffic Impact Analysis (TIA) (attached), the development did not meet the 100-trip peak-hour threshold that gives City staff the ability to require a TIA. When a development reaches or exceeds 100-trips in the peak hour, this threshold is what typically causes concern for traffic safety and delays. Thus, a TIA study was not performed.

Staff wishes to acknowledge that the applicant originally desired to close Franklin Street, which could have offered more flexibility for their site design. However, staff did not support closing Franklin Street. Creating an interconnected network of streets provides for street connectivity and accessibility to destinations for people to be able to walk, bicycle, and drive throughout the community. The applicant was able to rework their concept plan and will construct Franklin Street as a public street.

From a design and site layout perspective, staff likes the applicant's proposal to mass buildings close to the public streets with off-street parking relegated behind buildings and to create multi-family structures with more than 12-dwelling units. Staff believes that massing buildings close to the public street with parking behind the buildings creates an environment that is more accessible, interesting, and safer for pedestrians. Therefore, staff supports the SUP request to allow multi-family dwellings of more than 12 units per building.

The City's Comprehensive Housing Assessment and Market Study (Housing Study), which was completed in January 2021 identified a shortage of rental housing units that are affordable to the lowest and highest income renter households (0-30% and above 80% AMI) and found that "[t]here is significant mismatch with many higher income households residing in more affordable units and lower income households residing in more costly units." Among renters, the study noted several key findings of the housing mismatch, which included:

- "There are significantly more households than units in the 0-30% AMI tier. This tier includes most student households (including dependent and independent students), persons needing supportive housing, elderly households, and other household types that are non-student, non-elderly households.
- The vast majority of rental units are naturally occurring affordable housing, meaning that the unit is affordable to a household earning up to 80% AMI without public subsidy; 81% of all rental units are affordable to households with incomes up to 80% AMI.
- Because there are many more households with incomes above 80% AMI but few available for this income tier, these higher income households occupy rental units that

cost less, therefore increasing competition among lower income households for the affordable units.

- The vacancy rate is low; CHAS [Comprehensive Housing Affordability Strategy] data identified that only 2% of rental units were vacant.”

The Housing Study explained that when the rental vacancy rate is low at 2% (or 3.5% per American Community Survey data), it indicates “a very tight market with an inadequate inventory. This creates high levels of competition within the market as renters compete for scarce units and where the lowest income households have the fewest options.”

The housing study also identified that “[t]here are only 230 studio and one-bedroom units affordable to 0-30% AMI households, which is a critical unit type needed to meet the needs of households consisting of 1-2 persons and single persons needing supportive housing.” The proposed development could contribute to help to address the need for more one-bedroom units in the City. Nonetheless, even if there are more two-bedroom units rather than one-bedroom units, overall, this project could help the community with the current housing situation because it would add more units to the market.

The Housing Study also 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.”

Within their letter, the applicant has requested that the City allow them 36 months from SUP approval to obtain any necessary land disturbing permit or building permits for the multi-family buildings due to the typical time frame required for the completion of site planning and financing. Section 10-3-130 (c) of the ZO states that “[w]henver a special use permit is approved by the city council, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the city council may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit.” Staff is comfortable recommending an extension from 12 months to 36 months with the following condition:

The special use shall be established, or any construction authorized shall be commenced and diligently pursued within 36 months from the approval date of the special use permit.

If the SUP is approved with this condition, the property owner should plan their submission schedules accordingly for engineered comprehensive site plan review and/or building permit

review to ensure that the special use is established or the construction of at least one multi-family building is commenced and diligently pursued within 36 months.

While not all suggestions that staff offered were accommodated within the submitted concept plan (i.e. a small open space area for residents, a playground, grading specific areas for a potential multi-use path, and more street trees), overall staff appreciates the accommodations that were made and believes that this project could help the community with providing more housing choices for people who want to live in the City. Staff recommends approval of the rezoning and special use permit request with the suggested condition.

I would like to acknowledge that there many comments received after the publication of the Planning Commission agenda packet. All of those that were sent to me have been forwarded to and received by the Planning Commission.

Chair Finnegan asked if there any questions for staff.

Chair Finnegan said, so that I am clear, the applicant wanted to split Franklin Street, dead end it on both sides. Right now, it dead ends in the woods. In this proposal, they wanted to make it so that you could only access this development from Market Street. You could not cut through from Reservoir Street. Is that correct?

Ms. Dang said, not entirely. They were proposing that the public street itself would be closed through their development, but that they were proposing private travel ways that would connect from Franklin Street to East Market Street. It was the City's opinion that we wanted to maintain the public nature of the public street through this site.

Chair Finnegan asked a public street like an HOA type of private street that you would see in a subdivision?

Ms. Dang said that it would not go straight through. Their proposal had a building around this location [referring to the slide]. The travel ways through the site and through the parking lot would go around the building.

Commissioner Armstrong said there are several three story buildings. I know that 75 feet is the heigh limit for this R-5.

Ms. Dang said the limit is 52 feet.

Commissioner Armstrong said I see both three story and four story here.

Mr. Fletcher said four stories is permitted in R-5.

Commissioner Byrd said this is the first time I have seen someone proffer a speed bump, or is that a raised part of the road? I am talking about the second proffer at the sidewalk.

Ms. Dang said that it would act as a speed hump or speed table as well as a crosswalk. The crosswalk is raised.

Mr. Fletcher said the street is designed to be narrower off of East Market Street and then it would stay at the width to where the raised crosswalk would be. Once you go over the hump, it would widen to allow parking on both sides of the street before narrowing again on the west side of Franklin Street. It would then taper and transition into the width of the existing street.

Commissioner Baugh said my assumption is that what you are talking about there at the intersection is the speed table. I think that Franklin Street and Ott Street are an example of something along that line.

Mr. Fletcher said a speed table functions differently than a raised crosswalk. I think it has to do with the width of that space. A speed table is wider than a raised crosswalk.

Commissioner Baugh asked about the elevation.

Mr. Fletcher said that it is similar.

Commissioner Baugh said that it is at a lower height than a speedbump but enough to slow people down.

Ms. Dang said that at the top Franklin Street, in the Old Town neighborhood, there is a raised crosswalk. I do not know what the traffic engineering terminology is.

Commissioner Baugh said it is probably analogous to what is toward the top of the hill toward Myers Avenue.

Chair Finnegan said the function and purpose of that, plus the street narrowing and the bump-outs is to slow traffic down and make it less attractive to cut through and speed. Is that correct?

Ms. Dang said that is correct.

Councilmember Dent said I appreciate staff clarifying that the five percent set aside for the 80 percent AMI or less is still at market rate. What good does that do if we set aside for slightly lower income people, but they still have to pay the same rate? How do you call that affordable?

Chair Finnegan said that would be a question for the applicant. I fully agree with you. That fifth proffer is weak in my opinion.

Commissioner Armstrong said Franklin Street will still be two lanes plus have side parking on that street?

Ms. Dang said yes, for a portion of Franklin Street. It would be between the painted crosswalk intersection, where the private entrances are, and towards East Market Street where the raised



crosswalk is shown on the illustration. That is where it widens out to accommodate on-street parking.

Commissioner Armstrong said the existing Franklin Street, that is the old neighborhood here, is it the same width as this widened out area?

Ms. Dang said the widened out area is wider than Franklin Street.

Commissioner Armstrong said those were some of the comments. When you have parking on both sides of the old Franklin Street, it is essentially a one lane road. This must be wider than that.

Ms. Dang said that is correct.

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

William Park, representing Pinnacle Construction Development Corporation and Bluestone Land LLC, spoke to the request. I have a presentation that may address some of the questions that were raised. A quick project overview, Ms. Dang has spoken about the rezoning application along with the SUP that we are asking for tonight. There will be 156 multi-family units, with a combination of one, two and three bedrooms. The density will be about 24 units per acre. We are providing all our on-site recreational amenities. We have a community center which contains the leasing office, a great room, fitness area, yoga area, bathrooms, and meeting rooms. We are providing a swimming pool. At this time, we do not feel that there is a need for a playground based on our target market. As we go forward, if it seems like there is a need, then we have some room around the community center to do such. We have on-site property management and maintenance.

Construction of the extension of Franklin Street creates interconnectivity from Reservoir Street to East Market Street. Additionally, we are contributing the residential use to the mixed-use area. The whole area around there is mixed-use, but there is no residential in that mixed-use. The multi-family residential units that we are providing adds the "mixed" to the mixed-use.

Our target market is graduate students, faculty, staff, younger professionals, and other renters by choice. We have worked closely with staff. On this call, I also have Carl Snyder and Craig George with Valley Engineering. They have been instrumental in working with us and working with staff to develop this site plan.

We have been in business over 30 years doing multi-family. We have a multi-family mixed-use project in town, as we have owned and operated the Colonnade for approximately 15 years. We have another 140-150 units going out in Preston Lake, just outside the boundary of the City. We provided voluntary proffers, as mentioned. This is a vacant parcel. It has been vacant forever and there are a number of site constraints. It is not an easy parcel to develop. You have a road running through the center of it. The grade has a change of approximately 40 feet from west to east. We are going to provide all stormwater quantity and quality requirements. All that will be managed on-site. We provided a fiscal impact to the Economic Development director. We will go into more detail to show that it has a positive fiscal impact to the study. Even though it is not really called

for here and not necessarily our target market, we are providing five percent of the units at 80 percent of the median income.

This is a Comprehensive Plan map. You can see that what we are proposing currently fits with what is shown in the Comprehensive Plan. The Comprehensive Plan designates this property and area along East Market Street as Mixed Use. When you look at what we are adding to the entire area, we are adding the residential or mixed portion to this. As you look at the site, it is a transitional piece of property. It is between medium-density residential and commercial. That is a typical good landing spot for higher density multi-family. We think we are going to revitalize the area because we are going to provide a higher-end, high quality project which will include on-site professional management. The site is currently vacant and heavily wooded. You can see the existing right-of-way, the unimproved portion of Franklin Street.

The conceptual layout has eight apartment units. One thing to note that is nice about this project, that to my knowledge is not located in this area, is that we are going to have garages in some of the buildings. The upper floors of every building will have loft units, which are unique to the area. As I mentioned before, we have our own on-site amenities with the community center and the pool.

Some of the transportation and pedestrian improvements include the vehicular connection through to East Market Street. We also have some traffic calming measures, including two raised areas and pedestrian crosswalks. We have narrowed the street and put parking along the street. All of these in an effort to slow down and prevent cut-through traffic. Valley Engineering has worked with staff to determine the need for a traffic impact study. We are not even close to the 100 vehicle peak hour trips that trigger that requirement. We feel that we are going to increase the pedestrian and bicycle connectivity from the areas to the south all the way to East Market Street. The adjacent Family Dollar lot already has an existing bus stop that is right next door that we will be able to take advantage of. The route of the bus shown on the map and route six in the yellow square indicates that it is right next to our project. This slide shows the aerial view showing the Family Dollar and the bus stop.

We are also proffering that we are going to build this in accordance with National Green Building Standards (NGBS). There are a number of things that are taken into account to get this designation, including lot design, resource efficiency, energy efficiency, water efficiency, indoor environmental quality and how we operate and maintain it. As you look at the lot design, it is important to note that to meet the requirements of lot design, one of the things that NGBS or the green certification requires is an infill lot. That enables you not to have more sprawl and not to have to extend water and sewer and other things like that. They want it near public transportation, so we have a bus stop next door. Connectivity is a big part of this as walkways and street crossings are important. They also feel like higher density is important because it is a better utilization of an infill or a vacant lot. Also, being in a mixed-use area is good because you are near shopping and other things that are required by someone who lives there. In doing this green certification, the lot design is a big part of it. This particular project in this location checks a lot of the boxes for the lot design.

This slide comes from the Housing Study. After listening to the previous rezoning request, you have two projects tonight that hit each area of the housing mismatch. It looked like the Woda Cooper group was doing a tax credit deal using income averaging to highlight or serve those people in the 30-70 percent range. We are at the opposite end of the housing mismatch in the 80 percent and higher. I think there is an opportunity tonight to hit both ends of it. It is interesting to note in the discussion about location and where certain types of housing go that serve different income ranges, this particular site sits within a qualified census tract within the City. In a qualified census tract, the requirement is that at least 50 percent of the households have to already be at 60 percent AMI or below. What you are seeing here, with what we are bringing to the area, we are going to be serving for the most part an AMI that is above 80 percent. In effect what it does is mix very well with what is already there. Also in the qualified census tract, the poverty rate in this area is at 30 percent. Not only is this a mixed use project, but it makes the area a mixed income area, too. We talked a little bit about the rents and the affordable portion of it. Over 70 percent of the units are going to be one and two bedrooms. Around 30 percent are going to be one bedroom units. The rental rent on that will be in the upper \$1,200 to begin with. When we look at the rental rate and the AMI in the area, if you take the standard 30 percent of the income for housing, although a lot of times it is 35 to 50 percent, that would equate to a rental rate of about \$1,370. We are making a difference here, even though it is not required. It felt like something that we should go ahead and do, especially since we elected to do it on a project that we had rezoned last year where we offered the same thing. I think it will be a benefit because what it does is that we ensure that these brand new units are set aside that make no more than 80 percent of AMI. It does not have to be that someone can only live an existing type of apartments around here. This will set aside some of the new housing that will be guaranteed for them. I think it does have an impact.

We did a conceptual rendering. Where you see the arrow is the vantage point of the next couple of slides to show the streetscape and how we pulled the buildings up close to the street. This streetscape shows the raised crosswalk area. This is a pretty large area where we would have the traffic calming. The street narrows with these bump outs and then we have parking on each side of the street. Having parking on each side of the street tends to slow down traffic. This is an aerial view of the same area. The fiscal impact that was provided estimates real estate taxes somewhere around \$140,000 a year, personal property taxes at a little over \$100,000, and utility taxes at \$15,000. Total annual taxes would be somewhere around \$260,000 for the City. On the cost side, the only cost we can envision would be on the education side. Based on similar projects we have, with the same type of product, we are looking at probably 0.01 children per unit. It was interesting to hear the previous proposal. Their estimate was around 0.4 children. It is not unusual when we see an affordable project with predominantly two and three bedroom units that is targeted more for families, that you do have more children. We do not envision that here. We ended up with somewhere around 11 or 12 kids times the education budget, which for the City, is somewhere around \$5,000 per child. That is how we arrived at the \$55,000. The net annual difference to the City is around \$200,000. We also have one-time fee revenue of recording taxes, not only now, but for subsequent refinancings that we have. We estimate that around \$250,000. The tap fees were somewhere around \$400,000. One-time fees would total somewhere around \$650,000. Not only are we providing housing, but also a positive impact on the City, not only one time but annually.

In addition to the costs, there are also secondary and tertiary fiscal impacts, what we like to call the ripple effect where the people who live there spend money on local goods and services such as

restaurants and retail stores. That tends to generate income which is spent throughout the whole City once the project is built and stabilized and people are living there. We support local jobs. It is hard to quantify, not only the initial fiscal impact and the real estate, but also the ripple effect that you get from having the project.

To conclude the presentation, we have a project that meets the Comprehensive Plan and SUP requirements for the mixed-use area. It is an infill development of an underutilized and difficult to develop site. It provides needed high-quality housing built with green housing standards. It helps alleviate the housing mismatch and provides some affordable units. It provides street and pedestrian improvements to benefit the entire area. It provides a positive fiscal impact to the City. I am available to answer any questions.

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

Chair Finnegan said my main question is about that last proffer. If we are talking about affordable units, you had mentioned the upper \$1,200s and \$1,370, to Councilmember Dent's point, if you are setting that aside for people making 80 percent of AMI, that means that they are extremely cost-burdened. The HUD number for fair market rent was \$723 for a one bedroom. Explain how this is affordable. If you are setting aside five percent of these units for 80 percent AMI, if it is not reduced rent, how is that helping the affordable housing situation?

Mr. Park said what it does is that sets aside at least five percent of the units for people who make 80 percent or less of the median income so that they have access at all times to these units. If we did not proffer that, there is no guarantee that anybody at that AMI level or less would have access to those units. Is it a tax credit deal where it is 60 percent or less of the median income? No, it is not. It is not meant to be. That is what the project was before, and I give them credit for doing that. We are at the opposite end, but at the same time we are trying to preserve some units for those people who make 80 percent or less. Based on the rents that we are currently charging, we are going to be at rule of thumb, less than someone paying 30 percent of their income for housing. I am not saying that it is perfect. We are trying to help with that even though our target market is above that.

Commissioner Armstrong said it is great to see a map with elevations on it. Will you need to flatten this whole thing and what do you do with the stormwater? There were disparaging comments about unused property, but it is not unused from a stormwater perspective.

Mr. Park said we have to manage stormwater in accordance with what the City requires. If there are specific questions about the stormwater, I have the engineers on the line who can go into more detail. I can tell you that we have to do whatever the ordinance requires, whatever the DEQ requires, and we have to manage that on our site.

Councilmember Dent said you mentioned garages. How does that work?

Mr. Park requested for staff to show the site plan on the screen. If you look at the large buildings at the top of the page, buildings seven and eight, those are... As we mentioned before, we have a fair amount of grade from the top of the sheet down to the bottom of the sheet, probably about 40

feet. What we do is take these two larger buildings at the top, and we use them as retaining walls. You can see a line down the center of each of those buildings, bisecting the building. The front of the building, toward the parking lot, has four stories. On the rear, it has three stories. The lower level of the four stories are garages. There are 16 garages in each of those buildings in addition to the parking in front of those. Likewise, the building on Franklin Street is also a three/four split building as indicated by the line down the center of it. When you have that garage, you also have the parking space in front of it. When we talk about the parking in the parking calculations, when we were above the 1.4 spaces per unit, it did not include the 40 garage spaces. It did not include the 24 street parking spaces. When you include the garage spaces and the street parking, we end up around 1.85 parking spaces per unit. That is how the garages will work.

Councilmember Dent said that is actually good news. So, you have more parking spaces than are required. Maybe this is a question for staff. Does that mean we could make up for that by reducing the parking paved spots somewhat? I do not know that we would want to do that, but it seems like a possibility.

Ms. Dang said I did not do the calculations for what the parking requirements would be for a standard R-5 with full occupancy. In this case, when the applicant reduces their occupancy, as they have proffered a reduction in occupancy for three people or a family, the Zoning Ordinance requires that they provide one parking space per unit. What Mr. Park's team has proffered here is 1.4 spaces per unit. What he is describing also is that our Zoning Ordinance does not allow one to double count the space inside the building [garage] and the space outside of the building. Mr. Park's point is that effectively they can still be used by the tenants to park two cars, one in a garage and one in the space behind it, even though the Zoning Ordinance only counts it as one space. The other thing that Mr. Park was explaining, the widened portion of Franklin Street, could accommodate parking on the public street. Because it is on the public street, they cannot count it as their off-street parking requirements, but there would be this on-street parking available for anyone in the area to use.

Chair Finnegan asked is there any plan, with the projections that the sale of electric vehicles is predicted to rise quite a bit, and I know several people who have gone full electric, are there any plans to put facilities in or any consideration for electric vehicles for the tenants.

Mr. Park said yes. Primarily where that happens is in the garages themselves. This is one of the things we run into in all of our complexes now. What is so tricky is that the charging that is required for the Tesla, is not the same as for the Mercedes and the same as for Volt. That is where we run into a problem. What we do in a garage is set a switch for the breaker that someone can charge at night-time and use the dryer breaker and turn that off and it is enough capacity there for them to hook whatever charger they have into their particular garage. It is one of the problems or issues that we are dealing with all the time. The concern is that you put up a charging station and then it does work for that particular car. So yes, but we handle that through the garages in order to give flexibility to the tenants. In this case, we have 40 garages, so we have the ability to have 40 separate charging stations.

Councilmember Dent said that is an interesting conundrum, as you say, you do not know what kind of car they will have. As I understand it, Tesla's can have an adapter to a universal charger,

but it does not work the other way around. Tesla chargers only work for Tesla. If you wanted to provide chargers, the universal charger would cover all cases. I understand what you are saying. At least you have the infrastructure there for the units with garages so that they can charge in the garage. That raises a question, people might say that they have an electric car and would request a garage unit. How might you promote that or get it across?

Mr. Park said there is no perfect answer to that. We promote it up front. Whoever has the electric car will be the first ones to sign up for those garages. If someone comes in two years later and all those garages are taken, then you have to make a choice. Right now, they cannot have a garage because they are all full, but they can go on the waiting list to have the first garage when it comes out. The garages are not tied to a specific unit. You would not even have to be in the building if you do not mind walking across the street. We are trying to make it as flexible as possible. Whatever charging station is there today, three years from now will be different. If we have the infrastructure and the power in place, then they will be able to plug in whatever they need to.

Chair Finnegan asked if there were any more comments for the applicant. Hearing none, he asked if there were any callers wishing to speak to the request.

Sarah Showalter, 550 Franklin Street, called in opposition to the request. There are two main concerns that these requests raise for me. The first, I am conflicted about, is that this would be a drastic change to move from R-2 zoning to R-5. This apartment complex would change the feel of our street. The reason that I am conflicted about this concern is because I realize that I carry quite a bit of privilege to live on a street of single-family homes and I am trying to hold my privilege more loosely as I care for the people around me in our City. I do recognize the need for more housing in Harrisonburg and I would be invested in welcoming new families into our neighborhood. The second concern that I do feel quite strongly about is that Franklin Street is not prepared to handle the traffic that will come from this development. Currently, Franklin Street does not connect to East Market Street in terms of actual drivability as it will in this proposal. I am concerned that the combination of extending Franklin Street and adding high-density housing at the same time will flood the existing portion of Franklin Street with traffic that it cannot handle. As Ms. Dang noted, a TIA was not completed with the request. If you look closer, the determination of need only accounted for the increase in traffic from the apartment complex and did not account for any new through traffic that would be added. Although I do recognize that is not the applicant's responsibility, I feel strongly that a TIA does need to be completed prior to any rezoning. I do believe that there will be a significant amount of through-traffic once these roads are connected, with the way that Reservoir Street is often backed up all the way to Franklin Street and due to the fact that the two streets to the north and the two streets to the south do not connect to East Market Street or are compromised by being one-way streets. Franklin Street will become an easy and natural short-cut. It is not prepared to handle that. Currently, there are not sidewalks on the developed portion of Franklin Street. There are not curbs on most of the street. It is narrow. There is a lot of on-street parking that requires vehicles to pause to allow others to pass, where things bottleneck. The current intersection of Franklin Street and Reservoir Street is not ideal and offers low visibility of oncoming traffic. My family has chosen not to use the intersection for biking and walking because it is not safe. We opt to take side streets to the north to find a safer way to access Reservoir Street. I would like to see the City work at making to Franklin Street and ensuring the safety of the route as it connects to East Market Street before considering high-density

buildings on it. If that could happen, then Joyce A. Shultz Living Trust, who is trying to sell the land, would probably have a much easier time selling the R-2 lots if there was a road that connected to them. I am invested in the safety of our neighborhood. My husband and I have felt the call to live in this neighborhood and engage especially with the children who live between Long Avenue to the north and Norwood Street to the south, which is primarily an immigrant population. We spend a lot of time hanging out with kids on the playground, at Ridgeway Mennonite Church which is in our backyard. I care deeply about the safety of the children in this neighborhood. I am very concerned that the combination of connecting Franklin Street to East Market Street at the same time as adding high-density housing could compromise that safety. Thank you for considering these concerns and for your investment in our City.

Jeff Bradfield, with Rolling Hills Shopping Center, he had just heard of the proposed development. My concern with the development is the additional traffic both on East Market Street and Reservoir Street. Both of these streets have extreme amounts of traffic. The intersection of Route 33 (East Market Street), and Hawkins Streets, and all the other streets below the Sheetz frequently are backed up beyond where the Franklin Street cutoff comes out on this property. Adding what has to be potentially a couple hundred cars at various times, going out this way and also out onto Reservoir Street is going to create a huge mess where there is already a big mess. We cannot get out of our parking lot from the front and the side street on Hawkins Street. The stoplight is set for only two cars to get out now because of all the other interchanges. We wind up going back through Norwood Street and coming out onto Reservoir Street to get out of our parking lot because of all the traffic coming down hill. Add all this other to it and we are going to have even more problems. Reservoir Street is frequently backed up well past the cemetery going down Reservoir Street. A lot of times it is backed up into the roundabout. That stops that area. If you put even more cars in it, no one is going to be able to go anywhere in the front or back of this whole area. That is the biggest problem I have with the whole subdivision. The presenter for the subdivision said that he expected there to be approximately 10 to 11 children in 156 units at a cost of \$6,500 per kids or \$55,000 for the City, I cannot see that when you have 156 units and you are only going to have 10 or 11 children. I think that is very wishful thinking on the developer's part. It is also a way to sugarcoat it to make it sound better for the Council. That is all I have to say. Thank you.

Patricia Lobb, 612 Franklin Street, called in opposition to the request. I have lived in this townhouse for 31 years. Currently, it is a very quiet community of homes. We all know each other on Franklin Street. We all get along very well. The one concern I am going to voice is the same that you have heard so far. It is the traffic. I know that you have stated that the traffic survey was not required. It is very difficult, right now, on Franklin Street as it stands with only 15 to 20 homes on this end of Franklin Street. To get out at rush hour, turning onto Reservoir Street at 5:00 or 5:30, going towards East Market Street, it is backed up at East Market Street and Reservoir Street sometimes all the way to Franklin Street. Trying to go toward McDonald's, Reservoir Street is a mess. It is also a very tight street to turn up. If you are coming up from McDonald's and you are turning right, it is a sharp right hand turn. If you want to do this development, it would almost require rebuilding the intersection at Franklin Street and Reservoir Street. With this amount of traffic, you would have to put a light there. If you are going to extend Franklin Street to East Market, you almost have to put a light right there. It would only be a hundred yards and then you have the light at East Market Street and Vine Street. Traffic is a major concern. There are other things about it that you keep saying the applicant said that about affordable housing and 30 to 35%

of your income is what they have figured. I worked in mortgages here, locally, for over 13 or 14 years. When you are qualifying and saying you can, based on your gross income, afford a house, rent or lease. That is very deceiving. It is gross. It is not net. If you go on 30% of your net income and then start taking out your utilities, your water, your sewer, your internet and all that, people are living paycheck to paycheck, if they can live paycheck to paycheck. I know you want affordable housing, but \$1,300 or \$1,400 a month? That is not affordable for the average person working in Harrisonburg. The one concern that I do have about this development down here is the traffic. Once again, I know that you said that the traffic survey was not required, but I really feel that you need to take a major look at the traffic. Come around here on a Friday at about 5:15 on Reservoir Street going toward East Market Street. You can see how backed up it is trying to turn onto Myers Avenue and then trying to get further down to East Market Street. I will be opposed to this.

Chair Finnegan asked the applicant if he wanted to respond to the public comments. Either Hawkins Street or Norwood Street is a one-way street. I think it is Hawkins. Was there any thought, any consideration to make this a one-way street to regulate which way the traffic is coming in? Can you speak to the traffic concerns?

Mr. Park said I am going to defer to staff. I see that we have Ms. Yancey on. Maybe she can speak to it, but also with respect to the traffic. I also have Carl Snyder with Valley Engineering who did the analysis with staff. Maybe they can speak to this more than I can. I know that when we go through this process, it is a quantitative, empirical review. We were far less than what the threshold is.

Erin Yancey said I am the Public Works Planning Manager and coordinate with the Department of Community Development on development review and streets specifically. The Franklin Street right-of-way has been in existence and there are a number of factors leading to our preference for it to connect to East Market Street here and to not sell the right-of-way for private use. As you know, this area is shown as a Mixed Use area in our Comprehensive Plan. Going along with mixed-use, you want to have a connected street network. Downtown is an example of that, as you saw in the staff report. That is the kind of street network that we are trying to create in Mixed Use areas. It would be following the pattern of the streets south of it, starting at Martin Luther King Jr. Way. Heading north you come to South Carlton Street, Kenmore Street, Norwood Street, Hawkins Street and then we have Franklin Street and Long Avenue that are disconnected. We would prefer that we continue that connected network further to create the traffic distribution that you want in a densifying area, so that we do not concentrate all of the traffic on our arterial streets which are really meant for through traffic more than neighborhood movements. Another big reason why we want a connected network is to facilitate non-motorized travel such as walking, biking, scootering or e-bikes. As we urbanize, we are trying to facilitate that mode-shift away from vehicular travel. Shorter travel paths are essential to that goal.

Chair Finnegan said I believe that the next street over that runs parallel to Franklin Street is a one-way street. Was there consideration to make Franklin Street one-way?

Mr. Fletcher said we did not talk about one-way streets at the staff level. We only talked about two-way.



Ms. Yancey said correct. Hawkins Street is too narrow to be two-way. Otherwise, it would be. We do not see a reason to restrict movement unless there is a physical reason to. We really do not know how much traffic is going to be re-routing through there given that there are other options for going between East Market Street and Reservoir Street. We do have a process for evaluating traffic when there are complaints about speeding or other traffic safety issues. That is through the Transportation Safety and Advisory Commission which has a Bicycle and Pedestrian Subcommittee to address more specific needs to non-motorized travel. We felt that the benefits outweighed any perceived concerns.

Commissioner Armstrong asked would the City find it acceptable to have this access between the old and the new Franklin Street as pedestrian and small motorized but not vehicular. I can guarantee that narrowing streets does not slow traffic. I live in Purcell Park. It is a constant problem. There are a lot of kids on our street. We do not have any sidewalks, the same as this old Franklin Street area. A narrow street with parked cars, it does not matter. They are flying. It is a real danger. I am wondering about making this accessible for pedestrian and small vehicle, but not cars. This is directed at the City because the City has required this to be open access.

Ms. Yancey said that Public Works' preference would be that vehicles have more opportunity to circulate off the arterial routes of Reservoir Street and East Market Street and to facilitate those shorter travel paths. One of our goals in the Comprehensive Plan is to lower vehicle miles travelled. That can only be accomplished with a connected network. There are not a lot of places within the City where we can achieve additional connectivity as close in as we have it here. We have sold a lot of rights-of-way over the years.. That is not helpful to the goal of connectivity, and this is an opportunity we have that we think will serve the community.

Commissioner Whitten said if you create a cut-through, people are going to take it. Build it and they will come is a reality. You are creating a situation where there is not a problem and they do not need a traffic calming plan, but they will. To me, that is a disservice to the people that are there. If the apartment complex can be built and not have that extension of Franklin Street, I think that is better for everybody. I do not agree with that philosophy of the connectivity being a benefit to a residential neighborhood. I do not believe that it is. I agree with Commissioner Armstrong. I live on Mason Street. There is parking on both sides of the street. We are currently in the Neighborhood Traffic Calming Program. We are told that people really are not going that fast. If you live here every day and you see how fast people are going, yes, they are going that fast. It is a problem. We do have to address it. I am very reluctant to approve something, and I am disappointed that the City made the suggestion that Franklin Street needs to be extended. That is not pro-neighborhood.

Carl Snyder, Valley Engineering, spoke in support of the request. I wanted to speak to the speed and the traffic and the need for traffic calming. It was mentioned earlier, but I want to reiterate, do not forget about the mid-block speed table that includes the pedestrian cross-walk. That is a traffic calming device. I realize that we can debate about the narrow street and its effectiveness, the narrow streets is a traffic calming device in the City's DCSM. I can point to examples of communities with wider streets where the speeds are much higher because of those widths. I wanted to make sure, since it was mentioned about no traffic-calming measures, that there are

some already included. Through the site plan process, we will continue to work with Public Works and the City as a whole to address these very concerns.

Craig George, Valley Engineering, spoke in support of the request. To build on what Mr. Snyder mentioned about traffic calming on Franklin Street. It was not mentioned in the presentation because we went back and forth with the City. There is not a City standard for what we are calling a raised intersection. It is not proffered, but there is on the table and is being discussed, the primary intersection which is labelled as the painted intersection on the plans to be entirely raised. What that does is two things. It is an additional traffic calming measure for vehicular traffic. It also gets pedestrian traffic on a single level, obviously because the site is separated in two sites. It helps both pedestrian connectivity and vehicular calming. It is not proffered, not because we do not want to do it, but because it was not on the City standard list. There are details that we would need to work out with the City on how to accommodate that.

Mr. Fletcher said I recollect that there were potential issues with drainage which is why you might not want to build the additional raised table at the crosswalk. We were highly recommending to have both of those spaces be raised. There was concern of committing to that space given drainage that you might not be able to accommodate due to cost. I do not recall it being associated with the City not having any design criteria.

Mr. George said one of your comments was suggesting proffering the raised crosswalk but waiting on the raised intersection, if I am correct.

Ms. Yancey said I do not remember it that way.

Ms. Dang said we requested both the raised intersection and the raised crosswalk. My recollection was that you were not ready to commit to it until you got further along with site design. I do not know if it was because of drainage or tying everything together.

Commissioner Armstrong said I have no problem with the traffic calming within the development. The target market includes a lot of university employees and students. If I [*unintelligible*] Franklin Street to Reservoir Street. There are no sidewalks in the old Franklin Street section. The traffic calming in the development is fine. It is from the development to Reservoir Street that is a real problem. I feel strongly about this because it is an issue of danger for pedestrians. This whole idea of connectivity, not distinguishing between pedestrian and vehicular, especially when you are connecting to a street that does not have sidewalks on it. It does not make sense to me.

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

Commissioner Baugh asked for a brief recess.

Chair Finnegan called for a recess.

The meeting reconvened.

Chair Finnegan said I understand and share staff's view of the traditional neighborhood design. If you look at the best parts of the City, Downtown for example, have that grid, that traditional neighborhood design. We would benefit from some background from staff about the data behind spreading traffic out on that grid. That would be good information for us to have. I doubt that it is a matter of opinion. I would like to see the data on the impact that the grid design has on alleviating some of that traffic, as Ms. Yancey was talking about.

Commissioner Byrd said the mention of affordable housing is not something that I believe at all. The math does not work out. Even with the presented possible low rent for a one-bedroom apartment. I am sitting here looking at a two-bedroom apartment and am surprised at the rent. That is a very luxurious apartment. Five percent, even if it is at the maximum number of the 156 units presented, is six units. I see that neither as a pro nor a con because I do not think it is believable or practical.

We also have to keep in mind that if we consider the SUP, we would be giving them three years to begin doing anything with this. The main concern with this is traffic. I can vouch that the intersection of Reservoir Street and East Market Street, when there is a red light there, that traffic immediately starts backing up, up that hill. As long as the light is red, the traffic collects. When the callers are talking about it reaching Franklin Street, I have been in that traffic. I have seen that often. If we are going to allow the extension of Franklin Street to Route 33, and it is two-way, then of course traffic will come in from 33 and go out. I can see where if someone did a traffic study, they would think there is less encouragement to go all the way down Franklin Street to Reservoir Street, especially if you have done it once or twice. You will notice the issues with that road. I understand what people are saying about the traffic. It is on my mind.

Commissioner Whitten said if the complex did not generate enough concern about traffic, or the numbers to warrant a traffic study, certainly extending a street through another portion that is not the apartment complex, the other part of Franklin where people do live and are living, and do not have sidewalks. Should that not trigger a traffic study? That is a real concern and a real danger. This needs to go back to the drawing board. While the SUP does give them three years, they could start building it right away, too. Three years from now, the traffic is going to be worse and we are still not have a traffic study. I am not comfortable with that. This is about public safety. We need to be concerned about that.

Chair Finnegan said when it comes to traffic, I used to live on Long Avenue for several years. That neighborhood is, because of the dead end of Franklin Street and Long Avenue, it is not connected in with Market Street. Having lived there I can say that I can walk downtown, cutting through the cemetery, but there is no walking in the opposite direction. It was not connected. That section of Route 33 is not pedestrian friendly, especially if you are trying to get to something on the other side of it. We are in something of a prisoner's dilemma when it comes to traffic. We say we are concerned about traffic. We are concerned about parking. We have to have enough parking. We are concerned that there are not enough parking spots for this because there are cars. We are stuck in this never ending loop. When I say "we" I do not just mean Harrisonburg, most American cities are in the same boat. I do not know how we get out of it. Having interconnected streets is one way of making more pedestrian friendly. As I said earlier, we have had 100 years of car-centric development. We are now living in the reality of this catch-22 of wanting to have enough parking,

wanting it to be safe for people and then having traffic issues because we cannot live without our cars. It is not good. I do not know what the answer is. I think the beginning of the answer is to make sure that we are making all new developments as pedestrian friendly as possible. I do appreciate that there are traffic calming measures that were taken into account. I do not fully understand why it was not considered to make this one-way because it would cut down on cut-throughs going one way. The next street over is a one-way street. At this point there are a lot of things about this development that I do not love, but I am still inclined to support it. I have had a coworker and a family member who recently have just about given up on finding any housing in Harrisonburg. Our apartment occupancy rent, not even talking about affordable housing because I think that this proffer for affordable housing is not affordable. We have gotten to a point where our vacancy rate is below two percent. It is a huge problem. I have family members living in guest rooms and on couches who are working here, gainfully employed, and have nowhere to live. I would hesitantly support this. I do not love it, but I think we have painted ourselves into a corner with housing and car dependent development for far too long.

Commissioner Orndoff said this is the dilemma that we continue to have. We are not going to solve the problem. We are certainly not going to solve both parts of the problem, but housing is an issue. Although this is going to contribute to the traffic problem, I think that trying to find housing for people is a higher priority. I am inclined to support this.

Commissioner Baugh said I am not sure anybody wants to hear what I have to say about this, although I guess the punchline, I am still open to hearing more, but for reasons that I will get into in a second, I end up where Commissioner Orndoff is. Maybe be for similar reasons, maybe not. I am going to say some things that may seem heretical to some people. Maybe we can just say that we have honest differences of opinion. As long as I have been doing this, I do not think that I have ever said out loud what I am going to say right now. I have been doing this on and off now for 18 years. This traffic study thing comes up every time. I understand people are worried about traffic. So much of the dialogue about traffic studies, it almost seems to imagine a world where the purpose of a traffic study is to possibly tell you that the development is going to put too much traffic on the road and therefore, you should not do it. Now that I have been around people who do this, I do not think the people who do this think that is what traffic studies are for all. They are actually more related to the CIP than the way we commonly use it. They are more about making sure the local government has enough notice and opportunity, as you can see in the CIP, there is a list of road projects with priorities. This is a way for the City to get data in certain instances. If it does not meet a threshold, that is not saying that there will not be any traffic in the neighborhood or that people will not be more inconvenience or might possibly be less safe in the circumstances. The threshold is about 'is it enough volume that the City needs to start doing something with their planning for their infrastructure to address it?'

Here is the other thing that is my point of view that a lot of people disagree with, it is almost like there is this mindset that when you have areas where some property is developed and some is not, that people come real close to saying that the people who develop the property first have superior rights than the people who own the undeveloped property. I think that is the point of what City staff was saying about connectivity. I have had these discussions with people. I understand people feel strongly about these things sometimes. I think about one spot in town where I remember looking at folks and going 'you really do not want anybody driving in front of your house. You

want a pedestrian mall in front of your house.’ There may be reasons to take that up, but in the meantime there is a reason why these are called public rights-of-way. They are there for the benefit of the community. The fact that the people with the property around me are living on property that got developed ahead of me, I know I am weird, but I have trouble with this idea that it somehow gives them superior rights to limit what happens on the property. I think that is a broader question for the community to address in its planning and in trying to look at its own larger interests. It really, not only to me is it simple... I get it. If I have lived at the end of the cul-de-sac, I do not want the road to go through. That is human nature, but I am not sure that I see the planning or even legal value in that necessarily.

I also do pick up a sense here that some of the stuff that is getting discussed... Commissioner Orndoff talked about how he hinted that you hate NIMBY arguments. I can tell you, I am hard-wired to hate NIMBY arguments, too. I am also a little hard-wired not to care for arguments, positions or points of view where I feel like the perfect is starting to become the enemy of the good. If we could do something here, it would be helpful, but let us really put all of our energy into ‘well, we could have done it this way’ and ‘we could have done it that way’ and because there is... ‘I am not looking at it about whether the project is in some sense a net benefit. I am looking at it solely focused on ‘it could have done this’ and ‘should have done that’ because it is not doing those.’ I reject that. At least in the general sense. We do not know. None of us can predict the future. I have to admit, the one that we did on Lucy Drive. I know that there have been some strong opinions voiced. I probably feel strongly the other way. I will not be surprised that if that goes on to be developed the way that it is proposed, that five or ten years from now nobody will remember that there was a dispute there. As I have been playing this over in my mind, one of the things that, Commissioner Byrd was talking about, why can it [the Lucy Drive development] not develop as an R-3? I think the best answer I can come up for that is, given the proximity of that property to the mall and the big commercial area, the economics for that ever to develop as R-3 are not good and would require something that 18 years ago I believed in a lot, and I do not think I believe in it much anymore. Which is, a real commitment on the part of the City and the planners to say ‘we believe in the development of that property as an R-3 so much that we are willing to hold the line. We are willing to draw the line in the sand and we are saying we are never going to do it.’ My experience has been that, even if you are going to find a majority to do that right now, wait to the next election or two, it is going to change, and the stuff will be moot. You never really can plan when it is hinging on ‘we as a community are going to hold the land on this type of development.’ I feel differently about this one.

The other thing that I feel differently about, that we touched on a little bit, is that while they do not have their own neighborhood association, Hawkins-Norwood historically has been one of the more stressed little neighborhoods in the City. In some respects, you have almost an opposite dynamic than what we were looking at with Lucy Drive. It is, not my argument, but the crude argument of the landowners up there is, this type of development is going to bring my property value down therefore do not do it. This one is probably going to bring some property values up. Probably in and of itself would have helped that stretch over that we are not talking about so much where, as we are pointing out, you cannot even do the things that you would like to do because the City right of way is so narrow through there.

To the extent that I have hesitation over this, it is not the piece that it does not do enough for affordable housing. I am mindful of the piece in our Housing Study that said, 'we need more of everything.' Probably to go in with just the affordable housing segment of it is not a great idea either. Now I am thinking what some people were thinking on Lucy Drive a little bit. You have a six and a half acre undeveloped property... This is going to pull... This is one I almost wonder where there is an argument for holding out for better. The existing R-2, nobody wants it. With the development of R-8 and some things, there are maybe some possibilities for that. This does not have the same appreciation market pressure on it that the property up behind the mall has. Mr. Chair you asked and maybe I should have kept my mouth shut and said I do not know, tell me and I will vote. It is not a strong yes, but I am leaning toward yes. We need housing. I think that something in this market range, it has been demonstrated is something we need.

The argument that I want to give a shout-out to is Commissioner Armstrong's argument on the other property. This is the one that feels more to me like the developer is going to make more money because it has more density. You could just put some smaller houses on it. Maybe you could do an R-8. It is planned for mixed-use, so you could get imaginative and really develop it as mixed-use. That is what is playing in my mind.

Commissioner Byrd said Commissioner Baugh reminded me of something that I was thinking about during the open portion. That was, if the development is successful, then a lot of the traffic concerns that people have in that area would get more attention. Clearly everyone knows about it who is around there, but it will not get any attention. I have driven on Hawkins Street three times. Unless I absolutely have to, I will avoid it. When we are saying 'narrow,' that is a glorified alley that eventually becomes a real road near Reservoir Street. That made me reconsider some things that I was thinking about with this location. Pedestrian-wise, it is better closer to Route 33. Yes, that intersection, where the Sheetz is, is not the best place to cross, but any multilane road never has a great intersection for pedestrians to cross. It is clearly designed for vehicles, not for human foot traffic. A person walking it is unlikely, especially if they are as affluent as their market, to be walking to the Sheetz. They will be walking to the Food Lion if they are going to be walking somewhere. They will deal with walking past cars to walk over to the parks and go all the way down Franklin Street despite the fact that there are no sidewalks. I might be in favor. No one has talked about the SUP being extended from one year to three years. They are the ones that presented that, so I do not think that they are ready to go within a year.

Chair Finnegan said they can start building as soon as this is approved, or they could wait three years. That is not for us to say or decide.

Commissioner Byrd said it is for us to say or decide because we are the ones that are saying whether we add it as a condition or not. I am asking, why did they ask for it?

Chair Finnegan said we could decide not to grant it.

Commissioner Whitten said we do not often see fiscal sheets of number that tell us economic, developmental-wise, how much good this is going to the City. Since we did on this one, I will say, there are some pretty big costs in streets and traffic signals and those types of infrastructure needs

that could come as a result of this that could erase that revenue sheet pretty rapidly. I think you know which way I would go as far as a motion, so I am going to wait.

Commissioner Armstrong said I do not think this is a matter of privilege in this older neighborhood. At least I do not see it that way. This is a matter of safety and I do not hear enough discussion of that. I tell people who are flying down my street, you hit a kid *[unintelligible]* your life. And they say 'well I would not mean to.' It does not matter whether you mean to. *[unintelligible]* That is too late in my opinion. I do not think that there is enough consideration here. I would consider a motion that says to approve this project with pedestrian only access there.

Commissioner Baugh said we should take a second to address Commissioner Byrd's concern. The history on this has simply been that, I think that it was a year, we found that a lot of these SUP were dropped by the wayside because the default time was too short. At one time we ended up having, particularly if you hit a little economic downturn, suddenly you have a lot of agenda items that are about renewing SUPs that you already did because the market kept you from doing it. How that plays with what was requested here and what staff recommended, I am wondering if staff could give us the summation of that.

Ms. Dang said it came at the request of the applicant and we did not have any concern that extending this particular SUP an additional 24 months to make it 36 months.

Mr. Fletcher said that the SUP is to allow more than 12 units per building. It is a reflection of the development itself and how long it might take that developer to get through their own sequence of other projects that they are working on, getting the financing set up correctly. There are so many different things. Working through the engineered comprehensive site plan review timeline. This particular site, if I am remembering correctly, our City engineer had comments for the applicant about stormwater. They are really going to have to drill down to decide how they are going to manage their stormwater. A lot of that back and forth can take place outside of these conversations. They take quite a bit of time. Once they have submitted their engineered comprehensive site plan, casually I would say that they are locked in, they are moving forward. There are times that applicants hope to have a bit more time to get started on a project and this happens to be one of them. When Mr. Park began the discussions several months ago, we did remind him about his other project on Blue Ridge Drive and Country Club Road where the timeline for that was coming up and he needs to get moving on that. I would not be surprised if see a request from Mr. Park if that timeline expired and he has to come back and ask permission to have it regranted.

Commissioner Byrd said thank you. In light of that, I make a motion to recommend approval of the rezoning and the SUP with the suggested conditions.

Councilmember Dent seconded the motion. Commissioner Baugh, I love what you said about the person who got there first does not want the person who comes there later. One of the best renditions of that I have heard is 'if you like your viewshed, you better buy it.'

Mr. Fletcher said procedurally the rezoning vote needs to occur before the SUP.

Commissioner Byrd moved to recommend approval of the rezoning request.

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of the rezoning request passed (6-1). The recommendation will move forward to City Council on March 8, 2022.

Commissioner Byrd moved to recommend approval of the SUP request, with the suggested conditions.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of the SUP request passed (6-1). The recommendation will move forward to City Council on March 8, 2022.