



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

April 5, 2021

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

SUBJECT:

Consider a request from Martha E. Grover, Trustee and MG Harrisonburg LLC with representatives Bluestone Land LLC to rezone two parcels from R-1, Single Family Residential District to R-5C, High Density Residential District Conditional. The R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses. The residential density ranges for the R-5 district are multifamily, 1,800 sq. ft. minimum/unit; multifamily quadraplex, 3,000 sq. ft. minimum/unit; and townhouse, 2,000 sq. ft. minimum/unit. The Comprehensive Plan designates this site as Medium Density Mixed Residential. These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. The gross density of development in these areas could be around 20 dwelling units per acre. The two parcels totaling +/- 7.0 acres are addressed as 161 and 241 Blue Ridge Drive and are identified as tax map parcels 28-G-2 and 1, respectively.

Consider a request from Martha E. Grover, Trustee and MG Harrisonburg LLC with representatives Bluestone Land LLC for a special use permit per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District. The two parcels totaling +/- 7.0 acres are addressed as 161 and 241 Blue Ridge Drive and are identified as tax map parcels 28-G-2 and 1, respectively.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: March 10, 2021**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said that on February 9, 2021, City Council received two separate applications from Martha E. Grover, Trustee and MG Harrisonburg LLC with representatives Bluestone Land LLC.

The first was to rezone two parcels from R-1, Single-Family 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 was for a special use permit (SUP) per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District. Both of these requests were presented to Planning Commission on December 9, 2020. Staff and Planning Commission (4-2) recommended denial of the rezoning and the special use permit.

The staff memorandum for the rezoning and SUP stated that staff believed the applicant had adequately addressed conditions #2 and #4 within Section 10-3-55.6 (e), but found it difficult to believe that conditions #1 and #3 were met. Staff also stated that “consideration should be given to whether or not the regulatory controls within Section 10-3-55.6 (e) should be alleviated or removed. These regulations were created in 2007 and could no longer be relevant or needed. Additionally, if Planning Commission desires, staff can also review the Land Use Guide and evaluate whether amendments should be made for this site. This may be appropriate to do after the housing study is completed in January 2021.”

During the February City Council meeting, the rezoning and SUP requests were tabled and referred back to the Planning Commission for review noting that the applicant had offered a new proffer and because the Comprehensive Housing Assessment & Market Study was completed since Planning Commission’s December 9th review. In addition, City Council directed staff to draft Zoning Ordinance amendments to remove conditions (1) and (3) and to draft any alternative recommendation staff might believe is necessary for Section 10-3-55.6 (e). Staff’s review and recommendation of the Zoning Ordinance amendment is explained in a separate memorandum.

The Comprehensive Plan designates this site as Medium Density Mixed Residential. These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. Like the Low Density Mixed Residential designation, the intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas could be around 20 dwelling units per acre. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

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

- Site: A nonconforming, nonoperating commercial truck terminal and undeveloped land, zoned R-1
- North: Across Blue Ridge Drive, single-family detached dwellings, zoned R-1
- East: Across Country Club Road, single-family detached dwellings, zoned R-1
- South: Across Country Club Court, vacant parcel, zoned R-3; and across Chesapeake Western Railroad tracks and Country Club Court, townhomes, zoned R-3
- West: Across East Market Street, commercial properties, zoned B-2

The applicant has submitted two separate applications. The first is to rezone two parcels from R-1, Single Family 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) to allow multi-family dwellings of 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 142 multi-family dwelling units within four, 3 and 4-story multi-family buildings as illustrated in the attached conceptual site layout (Exhibit A).

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 1.5 parking spaces per dwelling unit shall be provided.
2. Bicycle and Pedestrian Connection: The owner will design and construct a 10-ft wide shared use path connection from the western terminus of Blue Ridge Drive to the western boundary of 919 Oakland Street (Tax Map Parcel # 028 F 1) as general shown on Exhibit A. In the event the City obtains necessary easement or right-of-way prior to final paving of the development, then the owner will also construct the shared use path connection to East Market Street. The final alignment of the connection will be determined and eventually agreed to at the site plan review stage of the project.
3. Road and Sidewalk Improvements: The following improvements will be constructed as part of this development:
 - a. Blue Ridge Drive shall be improved to include 2.5' curb and gutter, 6' planting strip, and 5' sidewalk along the project frontage. The face of the proposed curb shall be located 13' from the centerline of Blue Ridge Drive.
 - b. Country Club Road shall be improved to include 2.5' curb and gutter, 6' planting strip, 10' shared use path, and 2' path shoulder. The face of the proposed curb shall be located 6' from the existing edge of pavement.
 - c. A 5' wide sidewalk with a 2' planting strip shall be installed along the project frontage of Country Club Court.
4. Donation of Right-of-Way: For the purpose of road improvements to the intersection of Blue Ridge Drive and Country Club Road, the Owners shall provide a right-of-way to the City across 028 G 1 and 028 G 2 as generally shown on the Concept Plan dated 11-25-20,

- attached as Exhibit A, within 90 days of the issuance of building permits.
5. Donation of Additional Parcels: For the purpose of future improvements to Blue Ridge Drive, MG Harrisonburg LLC has entered into a Development Agreement with the City of Harrisonburg regarding donation of Tax Map Parcels 028 F 1 and 028 F 2 to the City. Those parcels are not included in this Rezoning Application.
 6. Density and Unit Mix: The development shall contain a maximum of 142 units. Units shall be limited to 1, 2, and 3 bedroom units, of which a minimum of 75% shall be 2 bedroom units or less.
 7. Parking Lot Placement- Parking shall not be located between the proposed apartment buildings and Blue Ridge Drive or Country Club Road. This proffer does not apply to amenity structures, maintenance facilities, and/or other accessory structures.
 8. Bus Shelter- The Owner will coordinate with the City to identify and provide a location for a bus shelter if requested during the site plan review phase of the project. Owner shall provide a concrete pad for City-provided shelter at a mutually agreeable location.
 9. Playground-A playground will be provided within the development.
 10. Street Trees- Street Trees will be provided along Blue Ridge Drive and Country Club Road frontages. Tree spacing will average 60 ft on center for medium or large maturing trees and 30 ft on center for small maturing trees. Location of street trees to be in the proposed planting strip or behind the sidewalk, depending on the location of above or below grade utilities.
 11. 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 area median family income 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 the proffers refer to elements within Exhibit A, the conceptual site layout 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 unrelated persons. With this proffer, because the minimum off-street parking requirements of Section 10-3-25 (7) 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. Although the applicant could have been allowed the flexibility of providing only one parking space per unit, they proffered that they would provide a minimum of 1.5 parking spaces per unit. If the maximum number of 142 dwelling units (Proffer #6) were constructed, then 213 off-street parking spaces would be required. In the conceptual site layout,

the applicant has shown a scenario in how they might organize off-street parking spaces. The applicant understands 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.

With Proffer #2, the applicant has proffered design and construction of a 10-foot wide shared use path connection from the western terminus of Blue Ridge Drive to the western boundary of 919 Oakland Street. Because the full connection to the intersection of East Market Street and Martin Luther King, Jr. Way will require that the City obtain easements or right-of-way from tax map parcel 28-G-11, which is parallel to East Market Street and not owned by the applicant, the applicant has described in the proffer that “[i]n the event the City obtains necessary easement or right-of-way prior to final paving of the development, then the owner will also construct the shared use path connection to East Market Street.” It is unknown at this time whether easements or right-of-way will be needed from 28-F-1 (919 Oakland Street) or if the shared use path can be constructed entirely on public right-of-way and 28-G-11. It is understood that if the full connection is not made by the owner, then the City will later complete the connection. Right-of-way acquisition and new crosswalks at the intersection of East Market Street and Martin Luther King Jr. Way will be included with the Virginia Department of Transportation’s (VDOT) Exit 247 project, which is scheduled for construction advertisement in November 2022.

Proffer #3 addresses frontage improvements along Blue Ridge Drive, Country Club Road, and Country Club Court. Staff requested the applicant’s consideration to construct a 10-foot wide shared use path along the Blue Ridge Drive frontage to connect the future shared use path connection to East Market Street and the future shared use path on Country Club Road that would be constructed with the development. At this time, the applicant explained that they are not comfortable committing to a shared use path along Blue Ridge Drive because there are many unknowns still to coordinate with utilities, greenspace, and building setbacks.

Proffers #4 and #5 address dedication of land to the City for right-of-way associated with the Martin Luther King Jr. Way Extension to Country Club Road identified in the 2018 Comprehensive Plan’s Street Improvement Plan as project NE-17. The description within the Street Improvement Plan includes:

“... [c]onstruct new three lane road extension of Martin Luther King Jr Way from East Market Street to Country Club Road, with sidewalk on one side and a shared use path on the other side. Construct transit transfer center and park and ride lot near to East Market Street and the I-81 interchange, accessed by Martin Luther King Jr Way extension...”

While the Martin Luther King, Jr. Way extension project has been in the Comprehensive Plan’s Street Improvement Plan since 2011, when the most recent Comprehensive Plan was adopted in 2018, the addition of a planned transit transfer center on the subject property was added. Included in the packet is an excerpt from the March 2018 “Harrisonburg Downtown Transit Center Conceptual Design Report” that describes and illustrates the proposed Martin Luther King Jr. Way extension. It should be noted that while the City still has interest in the road extension project to improve connectivity, the transit transfer center project is no longer being pursued by the City at this location.

With Proffer #4, the applicant would donate right-of-way for future road improvements by the City at the intersection of Blue Ridge Drive and Country Club Road as conceptually illustrated in Exhibit A within 90 days of building permit issuance. If the rezoning request is approved, but the proposed, conceptual development does not come to fruition, a building permit for any new construction, addition, or renovation on the site would trigger the requirement to dedicate land for public street right-of-way.

Proffer #5 includes donation of properties identified as tax map parcels 28-F-1 and 2 located between Oakland Street and tax map parcel 28-G-11 (which is the parcel that is parallel to East Market Street and stretches the entire block length from Blue Ridge Drive to North Carlton Street) for the future connection between Martin Luther King Jr. Way and Blue Ridge Drive. The two parcels are not part of the proposed development and are not included as part of the rezoning request, but they are owned by the same property owner at this time. Those parcels would remain zoned R-1. Details for the land donation are described in the attached Development Agreement entered between the applicant and the City. The Development Agreement describes that if the City has funding in place to advertise for construction of the connection between Martin Luther King Jr. Way and Blue Ridge Drive within 15 years of rezoning approval, then the owner of 28-F-1 and 2 would donate those parcels to the City.

Proffer #6 restricts the development to a maximum of 142 dwelling units that are limited to 1, 2, and 3-bedroom units, and of the 142 units, a minimum of 75 percent of them shall be 2-bedroom units or less. This means that at least 107 units will be either one or two bedroom units.

Proffer #7 is intended to promote pedestrian friendly design by placing buildings close to the street by prohibiting parking between the multi-family buildings and Blue Ridge Drive and Country Club Road. Concentrating people and places along the public street creates an environment that is more accessible, interesting, and safer for pedestrians, which are designs and environments that staff promotes.

Proffer #8 would require a bus shelter be installed if requested by the City during the engineered comprehensive site plan phase of the project, while Proffer #9 would require a playground within the development.

If the conceptual layout shown was developed, the City's Parking Lot Landscaping regulations would require street trees along Country Club Court because there is a parking lot adjacent to the public street. However, along Blue Ridge Drive and Country Club Road there is no parking lot adjacent to the public street so no street trees would be required. Proffer #10 would require street trees along the Blue Ridge Drive and Country Club Road frontages. The specific location of the trees and whether they would be within the 6-foot planting strip within public street right-of-way or on private property behind the sidewalk will be determined during the engineered comprehensive site plan phase.

Proffer #11 was added by the applicant between the December 2020 Planning Commission meeting and February 2021 City Council meeting. The proffer states that for 15 years after the final certificate of occupancy is issued, 5 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 FY2020, the US Department and Urban Development reported that the Harrisonburg area's AMI was \$71,900 and 80-percent AMI is \$57,500. If 142 dwelling units were constructed, then 5percent of those units or 7.1 dwelling units rounded up to 8 dwelling units would be reserved for households with incomes at or below the 80-percent AMI.

As demonstrated in the Determination of Need for a Traffic Impact Analysis (attached), the development did not meet the 100-trip peak-hour threshold that gives City staff the ability to require a Traffic Impact Analysis. When a development reaches or exceeds 100-trips in the peak hour, this threshold is what typically causes concern for traffic safety and delays. The development is estimated to generate only 51 additional trips in the PM peak hour. The development is estimated to generate approximately 760 trips per day, on both weekdays and weekends, according to the Institute of Transportation Engineers' Trip Generation Manual, 10th Edition. Distributing the traffic between two entrances, both located on side streets, and not on a primary thoroughfare, further reduces these concerns, as does the provision of multimodal options for the residents. Any increased traffic at the Blue Ridge Drive/Country Club Road and East Market Street/North Carlton Street intersections can be accommodated by signal timing modifications. The overall Level of Service (LOS) (a measure of delay) should not be significantly impacted. Spotswood Drive, Oakland Street, and Country Club Court can absorb additional traffic within an acceptable LOS at these unsignalized intersections. Staff acknowledges that the proposed development will cause an increase in traffic volume on surrounding streets, especially Oakland Street and Spotswood Drive, and that while small lot single-family detached, duplex, or townhome development on the subject site may not result in as many dwelling units, those types of developments would also cause an increase in traffic volume.

As previously mentioned, City Council directed staff to draft Zoning Ordinance amendments to remove conditions (1) and (3) and to draft any alternative recommendation staff might believe is necessary for Section 10-3-55.6 (e). Staff's review and recommendation of the Zoning Ordinance amendment is explained in a separate memorandum, and staff has recommended that all four conditions be removed and to amend Section 10-3-55.4 (1) and (2) by removing the references to Section 10-3-55.6 (e) as the references would no longer apply. Since staff is recommending to remove the four conditions within Section, 10-3-55.6 (e), the remainder of this staff report and recommendation is under the presumption that the amendment is approved.

From a design and site layout perspective, staff likes the applicant's proposal to mass buildings close to the public street 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 is more compatible with existing single-family detached development along Blue Ridge Drive than smaller multi-family buildings with parking lots surrounding the buildings and adjacent to public streets.

Staff acknowledges adjacent neighbors' concerns about the height of the proposed multi-family buildings along Blue Ridge Drive. The views from adjacent residential uses and from the public street will have views to large buildings (including a 66-unit building, two 24-unit buildings, and a 28-unit building). As illustrated in the attached conceptual site development layout, Building

Type 1 is proposed to be 3-stories tall at a height of 48'-8" and Building Type 2 is proposed to be 4-stories tall at a height of 47'-3", which is 13'-8" and 12'-8" taller, respectively, than the maximum height allowed in the R-1 district of 35-feet. Know that the R-5 district allows up to 52-feet in height for multi-family buildings and that the conceptual building heights are not proffered.

With regard to the height of the planned structures, staff believes that on the Country Club Road frontage, the railroad and Country Club Court frontage, and the East Market Street frontage, that there is little or no issues with incompatibility. Country Club Road is a relatively busy road and by constructing taller buildings and potentially closer to the street along with the construction of the multi-use path and the proffered street trees, the proposed development could create an environment that could slow traffic due to the visual aesthetic and to create a more pedestrian friendly area. Proffer #7 will likely push most structures to be located near the public streets, and given the necessary setback along the property line of the railroad tracks and the existing layout of the townhouse development within Country Club Court, taller structures adjacent to the railroad tracks and the townhouses should be insignificant. With regard to East Market Street, the elevation drawing of the subject site provided in the attached conceptual site layout shows that the planned buildings will sit about 14-feet lower than East Market Street, and thus there is negligible impact with regard to height. The impact on Blue Ridge Drive is the main focus of contention. There is no doubt that for the existing single-family homes along Blue Ridge Drive, the built environment will be different, but it does not mean the residential structure will be entirely incompatible. The proffered street trees will help soften the visual impact while the minimum setback of 10-feet in the R-5 district and the six-foot planting strip with a five-foot sidewalk will create a pedestrian environment that staff believes will establish a pleasing community setting.

Staff agrees with the applicant that a multi-family residential development on this site is more compatible with surrounding land uses than a nonconforming truck terminal. The applicant describes that several existing conditions, including overhead electric transmission lines and easements, proximity of the Chesapeake Western Railway, and the floodplain present obstacles for development of small lot single-family detached and attached homes, and staff believes that these are some of the contributing reasons that could support the "special circumstances" referred to in the Comprehensive Plan's Land Use Guide description for Medium Density Mixed Residential, as to where multi-family dwellings could be appropriate. Additionally, with the proposed layout for the development, the multi-family structures are located mostly outside of the floodplain and away from the railway. It should also be understood that the Medium Density Residential designation that is identified for the Country Club Court townhome community, which is adjacent to the subject site, also specifies that multi-family development could also be appropriate in special circumstances for properties having that designation as well.

Staff believes that the proposed development consisting of one, two, and three-bedroom units, where at least 75-percent of the units will be one and two-bedroom units will benefit the City. 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 data identified that only 2% of rental units were vacant.”

The housing study explained that when the rental vacancy rate is low at 2%, 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 “[o]nly 10% of all [rental] units are affordable to 0-30% AMI households, most of which are large units” and “[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. Even if there were more two-bedroom units rather than one-bedroom units constructed, overall, this project could help the City with the current housing situation because it would add more units to the market.

Lastly, the housing study places the subject site within Market Type A and notes that “priorities and policies that are appropriate to market Type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing.” Staff believes that the proposal utilizes two parts of the recommendation by increasing density with the zoning change and that this project is a larger-scale, infill development.

Staff recommends approval of the rezoning and special use permit requests.

Chair Finnegan asked if there were any questions for staff.

Chair Finnegan said that he hopes that those Planning Commissioners who were not on the Planning Commission at the time in December have had time to read the full report.

Commissioner Baugh said that medium density mixed residential is the name of R-7. Was there any consideration to pushing harder for this to be an R-7 type development, rather than R-5 conditional? You would not get the same level of density with R-7, but it would increase density over R-1. To what extent did that come up?

Ms. Dang said that the R-7 district was not considered because the R-7 district requires a minimum of two contiguous acres.

Mr. Fletcher said that the site is larger than two acres in size, so it would meet that requirement. R-7 is a zoning district that would blend in there because of the opportunity for someone to be able to build single-family detached dwellings on small lots, duplexes, townhomes, and multi-family. While we are hopeful for a certain type of development, we never get the perfect proposal. When someone comes to us, they have a product in mind. They have a development in mind. They have a density that they are hoping to achieve. All of those things come into play. We did not discuss R-7 because their idea was apartments. They wanted apartment units. Trying to develop single-family detached dwellings was not on the radar. That is not what they do. That is not what this developer proposed. Was R-7 discussed? I cannot recall what those early conversations were. It was last summer when we first started talking with them about this and what the options might be. I would not be surprised if we did not bring up the topic of hoping for small lot single-family development. We are always looking to find opportunities to develop more single-family detached homes. Recently, it has been rare. I think the last single-family detached subdivision that we entertained was The Crossings on the south end of the City off of Ramblewood Road near Greendale Road where there are duplexes and single-family homes. That was probably in 2009 or 2009. The context is that when people bring us projects, right off the bat we might look at the Land Use Guide and say that they have an uphill battle because the Comprehensive Plan calls for different things. The Medium Density Mixed category is across the board different types of residential dwelling units. It specifically says single-family, duplex, townhomes and, in special circumstances, multi-family. It was designed, in 2004, as the R-7. The position we find ourselves in, as a community, is very different from that time period. Was R-7 specifically discussed? I do not recall, but we would have likely pointed out that for the apartments you would have to figure out if there were components of it that are in compliance. They knew that coming in. They asked if this is going to work. We said that we have to evaluate it. We have to look at it. There is a Housing Study that we are in the midst of. There is so much going to figure out all of those things. It was in line to be heard in City Council at the same time that the Comprehensive Housing Assessment and Market Study was set to be heard. I cannot say why the applicant tabled it, but they tabled it. The Housing Study was presented to City Council, then their proposal was presented one month later.

Ms. Dang thanked Mr. Fletcher for the correction and stated that the property, the two parcels together, totals seven acres.

Councilmember Dent thanked staff for the presentation. I heard Mr. Fletcher say that they do not know why the applicant tabled the requests. Whether or not this was their stated reason, it was brilliant on their part to wait until the Housing Study was out there so that they could respond with the affordable housing proffer. Several members of City Council, enough of us to pass this, were ready to go with it and then decided to send it back to staff. I am glad that we did for the staff's in-depth rethinking of the revisions to the ordinance and coming around to recommending something that I was in favor of all along. I listened in on the previous Planning Commission meeting and saw the contention about it. It was frustrating to see something that we need so much being turned down because it did not meet these technicalities, so wipe out the technicalities. It is a great solution. I will reiterate what I said in City Council. We are a City, so we need to grow inward and

upward to some degree, or we will keep spilling out into the County. It was interesting to hear that the originally intent of the R-5 was to grow up or grow, period. We now see how far out of control that has gone that the fancy new apartment buildings are in the County. We need to pull some of that growth into the City. I am glad to see the recommendation to go ahead with this.

Commissioner Whitten said that we do not like wiping out technicalities. I want to be clear about that. We are still concerned about all four of these conditions. We are just saying, they exist already, we do not need to use a two-by-four, to use a country term. They are still important. The one that I am having a difficult time squaring is the one about surrounding land use and incompatibility. It is easy to say, "Look at this picture. It is going to be fine for the people who live across the street." I think that neighborhoods that exist have to get consideration. I am very concerned for people that are coming, people that are here that need housing. I really am very concerned about that and I want to find solutions. I do not want to find them by way of the detriment of an existing neighborhood. I think that we have to look very hard at that verbiage about surrounding land use and planned future uses as envisioned in the Comprehensive Plan. I think it is a high calling to look for housing where it seems that it does not exist. Using infill is wonderful but I do not want it to be to the detriment of people who have poured their life savings into a home.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he invited the applicant to speak to the request.

William Park, Manager of Bluestone Land, LLC, called in support of his request. Staff did a very good job going over our proposal. I am sure you are all familiar with it. The one thing that we did not have back in December is the benefit of the Comprehensive Housing Assessment and Market Study. From what we are seeing, we certainly meet the area of the housing mismatch. We felt it was important to address some of the affordability under the 80% AMI. We decided to proffer five percent of the units at 80% or below. Although that particular area did not show a mismatch what we find in many areas that we work in is that it does not take into account substandard housing and the conditions of what some people are living in at 80% and below. This would guarantee that there be at least five percent of the units set aside for the first 15 years for those that are at 80% AMI or below. I am available to answer any questions. We feel like the project is in accordance with the Comprehensive Plan, as it does suggest up to 20 units per acre, which is where we are. That was the proffer that added in addition to the other ten.

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

Chair Finnegan said that, as someone who voted against denial in December, I hope that Harrisonburg is getting to a tipping point on some of these things. It was referenced earlier that the City is thinking differently now about density and growth than we were 10, 20 or 30 years ago. The comments that will go into the public record, that we received in opposition, many mentioned traffic. I do share that concern about traffic at this location because it is very close to the intersection of Vine Street, Country Club Road and East Market Street. That is probably the worst intersection in the City. I do not want to dismiss those concerns. I know that the traffic analysis was mentioned in the report. Does staff or Public Works have any concerns about the issue that might create.

Mr. Fletcher said that he would like to make sure that people understand what a Traffic Impact Analysis (TIA) is. It is an evaluation of the level of service that a particular development might have on the existing traffic. There are realities to human behavior for traffic. We talked about some of the concerns that were pointed out about where traffic would flow. What the TIA is telling you is that the streets would still function at an acceptable level of service. It does not say that traffic is going to double or triple. It is very likely that Oakland Street and Spotswood Drive would have more traffic from this as people are trying to go to Carlton Street. Human behavior will learn that it will be more difficult to turn left at the intersection of Oakland Street and Carlton Street because of the stacking queues of the traffic signal. I think human behavior will end up dispersing between Spotswood Drive and Blue Ridge Drive to turn left on Carlton. There is a reality to adding density that is going to add traffic. A lot of the conversations about this project at the staff level, or when we are sharing comments and going over different points of view and the interpretations, is that we talk about the “what ifs.” We can hypothetically talk about the “what ifs” for a long time, and we do that. We try to evaluate everything and think through all the different scenarios. We talked about that. Oakland Street and Spotswood Drive are going to see an increase in traffic, whether it is apartments or townhomes. You are going to have an increase in traffic. The TIA is about the level of service that they find acceptable. The TIA does not tell you all of the answers. It is a software program where you decide the distributions of where traffic will go. What are the units? Where are the entrances? What type of streets is the development connecting into? It gives an evaluation based on the software’s ability to interpret that data. There are human behaviors that are not going to be able to be known. That is the reality of it. It is not a perfect science. It is a complex thing to do.

Ms. Dang said that a TIA was not required for this proposal because it did not meet the threshold. Nonetheless, the things that Mr. Fletcher mentioned about level of service, Public Works did do an evaluation without a TIA, which is described in the staff report. We included their comments in the staff report about the level of service, as follows:

Any increased traffic at the Blue Ridge Drive/Country Club Road and East Market Street/North Carlton Street intersections can be accommodated by signal timing modifications. The overall Level of Service (LOS) (a measure of delay) should not be significantly impacted. Spotswood Drive, Oakland Street, and Country Club Court can absorb additional traffic within an acceptable LOS at these unsignalized intersections.

We went on to acknowledge that any development is going to increase traffic in this area regardless of the type of development.

Chair Finnegan asked what the process is for people who live in that neighborhood if they want traffic calming measures installed in their neighborhood?

Ms. Dang said that the City has a process for enrolling in the Neighborhood Traffic Calming Program. That program is overseen by the Department of Public Works. To address traffic concerns does not always mean that the neighborhood has to go through the process of enrolling in that program. There may be other things that Public Works can assist with, depending on what

the issue is. I encourage neighbors to contact the Public Works Department for a discussion of traffic calming measures. The Police Department can assist with enforcement issues.

Chair Finnegan said that is the concern that he acknowledges and shares. I do have a hard time agreeing with the issue of the height of the buildings. It is currently an empty truck parking lot. If we are talking about views, we are not cutting down a redwood forest or replacing a lake. There are some concerns that we received from the public that I am more sympathetic to than others.

Commissioner Byrd noted that current operations at that site are non-conforming. For some reason that area is R-1 even though the last time we discussed this, it sounded like most people were in agreement that it was unlikely to ever be used as R-1 due to all the flooding, train tracks and other issues that make it unlikely that someone would want to put a single-family house on those parcels. The extension of Martin Luther King, Jr. Way is no longer being pursued, but it is an idea that remains with the City. If it ever came to fruition, it would change everyone's view of the traffic in that area completely. I mention that because there are still proffers that enable that to happen, if the City decides to pursue that. I keep that project and that planned future use in my mind. If they extend Martin Luther King, Jr. Way it changes the whole traffic profile of that neighborhood. We should keep that in mind.

The difference between the R-3 across the train tracks and this proposed R-5 would be slightly higher buildings which are already lower relative to Market Street. The main concern that I see for residents is the R-1 residents who are directly across the street. If there is going to be shrubbery and the distance of those buildings from the streets, I do not see what concern about the height of the buildings would play into their residences. I have lived in neighborhoods and grew up in neighborhoods where there are houses right beside four-story apartment buildings and no one was considering selling those houses. In my years of living in those neighborhoods, I did not see that having any effect on what their portion of the neighborhood is.

As far as the affordable housing proffer, that is in additional thing. I have had more time to think about these things, such as the traffic. I would be more in favor of this in its current state at this time than I was in the past.

Commissioner Baugh said that he agrees with Commissioner Byrd's point that when you have lived elsewhere, some of the things that you hear sometimes about how the world is going to come to an end if this building is close to that building, when you have lived in other places and seen other things, you smile and acknowledge it. It bothers me that an opportunity was missed here to look at R-7. As I imagine an R-7 development in this spot, I can also imagine that the neighbors would still be concerned about it anyway because they will always be concerned. An R-7 would be consistent with the Planning and Land Use Guide. It would be consistent with the Housing Study. It would be a little less intrusive on the surrounding neighborhood and it is what it was designed for. This is a part of the larger issue of, when we created R-6 and R-7, we are certainly disappointed that more people have not gone to it, but this illustrates the point that one of the reasons people do not go to it is because we do not push people to go to it. When is the last time that an applicant came in and volunteered to do something that was less dense? It is going to be a little more dense, a little more in that direction. I feel that an opportunity was missed here to at least engage with some dialogue on that and flesh out the possibility that maybe was missed here.

Commissioner Byrd asked staff if the maximum height of R-7 is 50 feet or 40 feet. I think that there is a 50 foot option for multi-family units, but most of them are 40 feet.

Ms. Dang said that there is a maximum building height of 40 feet and three stories for all uses, except that multi-family dwellings can go up to 50 feet and four stories.

Commissioner Byrd said that he is mentioning it because we have been talking about building heights. Their proposed buildings are all under 50 feet. I thought it was interesting.

Chair Finnegan said that the City can do certain things through HRHA to address housing needs and affordable housing. In terms of our role and City Council's role, in approving these we are relying on the market to provide housing. We are asking the invisible hand to please build housing for us. As I was thinking about this, I remembered a parable that I heard when I was a kid. A man was on a roof during a flood. He was praying that God would save him from the flood waters. A rowboat came by and asked if needed help. He said, "No, thank you. I am waiting for God to save me." You get the idea. It happens two or three more times, and he drowns. He goes to heaven and he asks God, "Why did not save me?" God answered, "I sent you a boat, a motorboat and a helicopter and you did not take them." I do think that there is an element of truth in that when it comes to the market based proposals that we either approve or deny. The City, contrary to common belief, does not have total control over what gets built. We have partial control over what gets built. Mostly the control that we have is to say no. I am in favor of this request. I have stated my concerns about traffic. I hope that those can be addressed. This comes at a time that we need more housing in the City.

Commissioner Byrd moved to recommend approval of the request to rezone two parcels at 161 and 241 Blue Ridge Drive.

Commissioner Orndoff seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Whitten	No, because I believe that this rezoning is inconsistent with good zoning practice in terms of the surrounding neighborhood and the density.
Commissioner Baugh	No
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Hull	Aye
Commissioner Orndoff	Aye
Chair Finnegan	Aye

The motion to recommend approval of the request to rezone two parcels at 161 and 241 Blue Ridge Drive passed (5-2). The recommendation will move forward to City Council on April 13, 2021.

Commissioner Byrd moved to recommend approval of the request for a special use permit to allow multi-family dwellings of more than twelve units per building at 161 and 241 Blue Ridge Drive.

Commissioner Orndoff seconded the motion.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of the request for a special use permit to allow multi-family dwellings of more than twelve units per building at 161 and 241 Blue Ridge Drive passed (5-2). The recommendation will move forward to City Council on April 13, 2021.