CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801
OFFICE (540) 432-7700 • FAX (540) 432-7777

June 1, 2026

TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA

SUBJECT: *Consider a request from Marilyn S. Pendlebury to rezone 1340 South Main Street*

Consider a request from Marilyn S. Pendlebury for a special use permit at 1340 South Main Street (to allow multifamily buildings with more than 12 units)

Consider a request from Marilyn S. Pendlebury for a special use permit at 1340 South Main Street (to allow retail, offices, restaurants, etc.)

EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: May 13, 2026

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a proffer amendment and two special use permits (SUPs) for a +/- 1.23-acre property addressed as 1340 South Main Street and identified as tax map parcel 18-R-22. The property is zoned R-5C, High-Density Residential District Conditional. Regarding the requested SUPs, the first is per Section 10-3-55.4 (1) to allow multiple-family dwellings of more than twelve (12) units per building. The second is per Section 10-3-55.4 (4) to allow retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), medical clinics, and business and professional offices.

History
In August 2017, City Council approved four requests from Marusstodd Properties, LLC, for the subject site, which at the time consisted of five parcels. The four requests included:

- An amendment to the Comprehensive Plan's Land Use Guide map from Professional and Low Density Residential to Mixed Use;
- A rezoning from R-1, Single-Family Residential and R-3, Medium-Density Residential to R-5C, High-Density Residential District Conditional;
- An SUP pursuant to Section 10-3-55.4(1) to allow multi-family dwellings with more than twelve (12) units per building; and

- An SUP pursuant to Section 10-3-55.4(4) to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants (excluding drive-through facilities).

In November 2018, City Council approved a preliminary plat that vacated internal property lines reducing the number of lots from five to two and approved the following Subdivision Ordinance variances:

- To not dedicate the standard public street right-of-way for Edgelawn Drive (Sections 10-2-41(a) and 10-2-66);
- To not dedicate the full 25 feet of public street right-of-way along the Edgelawn Drive frontage (Section 10-2-45); and
- To not construct or provide surety for frontage improvements along Edgelawn Drive and East Weaver Avenue at the time of subdivision (Sections 10-2-62 and 10-2-67).

The above noted Subdivision Ordinance variances were approved with the following condition:

- When frontage improvements along Edgelawn Drive are required as part of development or redevelopment of any property associated with the preliminary plat, the developer shall be responsible for constructing frontage improvements along Edgelawn Drive for all properties associated with the request. The frontage along Edgelawn Drive is shown as 210.63 linear feet on the approved preliminary plat.

In August 2019, the applicant recorded the final subdivision plat that vacated the internal property lines and created the subject site (1340 South Main Street), tax map parcel 18-R-22-A (1341 Edgelawn Drive) and dedicated 527 square feet of public street right-of-way along Edgelawn Drive.

The SUPs approved in 2017 have since expired because the uses were not established nor diligently pursued within the timeframe required by the Zoning Ordinance Section 10-3-130(c). Without a proffer amendment, the 2017 proffers would continue to require both residential and non-residential uses. Since the applicant still proposes commercial uses, a new SUP is required.

Proffers

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

1. Any building constructed on site (excluding accessory buildings) shall contain residential and non-residential uses. Commercial uses shall only be permitted on the first floor and shall not exceed 5,000 square feet throughout all buildings. Residential units may be located on the first floor.
2. The total number of dwelling units on the property shall not exceed twenty-six (26) units. One-bedroom and two-bedroom units shall be permitted with no more than six (6) of the units being two-bedroom units.
3. No parking lot (including travel lanes and drive aisles) shall be located between any buildings and the following streets: South Main Street and East Weaver Avenue.
4. No vehicular access shall be permitted from the site to Edgelawn Drive.

5. A 6-foot tall opaque fence shall be installed and maintained along the frontage of Edgelawn Drive.
6. A 6-foot tall opaque fence shall be installed and maintained along the property lines adjoining tax map parcel #18-R-20, 18-R-21, & 18-R-22-A.
7. No structure, excluding a dumpster containment, shall be constructed within 150 ft. of the shared property line with Edgelawn Dr.
8. A minimum of six (6) small/ornamental deciduous or evergreen trees shall be planted along the street frontage of Edgelawn Drive. Tree locations along the street frontage are at the discretion of the property owner/developer.
9. At the time of construction the applicant shall reconstruct the curb ramp at the northeast corner of the intersection of South Main Street and East Weaver Avenue to meet the Public Right-of-Way Accessibility Guidelines standards.

The conceptual site layout is not proffered.

Proffers 3, 4 (formerly Proffer 5), and 7 (formerly proffer 8) remain unchanged from the existing regulating proffers. A copy of the 2017-approved existing proffers have been included by the applicant in their supporting documents.

Proffer 1 has been amended to identify a maximum of 5,000 square feet of non-residential space and to allow residential uses on all floors of the development. Proffer 2 has been amended to allow a maximum of 26 multi-family dwelling units, compared to the previously proffered maximum of 22 one-bedroom units. The updated proffer allows a mix of one- and two-bedroom units, with no more than six (6) units being two-bedroom units. If approved, and if they provide the maximum allowed six units with two bedrooms, then 10 additional bedrooms would be provided compared to the existing, approved proffers.

Proffers 5 and 6 (formerly Proffers 6 and 7 respectively) have been updated to provide clarity regarding the location of fencing along property lines and Edgelawn Drive. Proffer 8 (formerly Proffer 9) has also been updated to provide additional guidance for the required amount and type of landscaping along Edgelawn Drive. The original proffer language was unclear and could have been interpreted in a way that if there was no parking lot along Edgelawn Drive, then no trees would have been required.

Proffer 9 is a new proffer that will require the reconstruction of the sidewalk ramp at the intersection of South Main Street and East Weaver Avenue to meet Public Right-of-Way Accessibility Guidelines (PROWAG) standards. In addition, although not included as a proffer, the applicant will be required to construct sidewalks along East Weaver Avenue and Edgelawn Drive as part of site development. While a Subdivision Ordinance variance granted in 2018 allowed the deferral of sidewalk construction along Edgelawn Drive at the time of subdivision, that approval included a condition that requires frontage improvements to be constructed during development or redevelopment of the property. If the applicant does not want to construct the sidewalk, a new variance to the Subdivision Ordinance is required.

The applicant has removed old Proffer 4, which allowed for an entrance on South Main Street. Since the 2017 approval, the City has updated its access management standards. The previously proposed right-in/right-out entrance does not meet current requirements, which requires a

minimum spacing of 250 feet between access points on minor arterial streets. Since the distance between East Weaver Avenue and Edgelawn Drive along South Main Street is less than 450 feet, there is no appropriate location for a new access point. As a result, the applicant has removed this proffer.

Land Use
The Comprehensive Plan designates this site as Mixed Use and states:

> The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for "live-work" and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.
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> 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 applicant has proffered that there would be a maximum of 26 units on the site, which makes the site density 21 units per acre. Without proffers and if there are no commercial uses on the site, the applicant would be able to construct up to 30 units. However, Proffer 1 requires non-residential uses on the site and given the size of the lot and the R-5 district regulations, the maximum number of multifamily units allowed on the site is 26, the same number as proffered.

Staff believes that the proposed uses, with the submitted proffers, generally conform with the Mixed Use area designation.

Transportation and Traffic
The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed rezoning is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a TIA was not required for the rezoning request.

The applicant has proposed the following two traffic-related conditions in relation to their SUP to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants. Staff supports the submitted two conditions with the additional text underlined below:

> 1. All traffic generating uses on the site, including uses not associated with the special use permit, shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis accepted by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.
> 2. No drive-throughs will be permitted.

The additional text within condition #1 clarifies that all uses on the site will be included in the calculation of traffic generation, not just uses associated with the SUP. Staff appreciates the submission of condition #2 as it would prohibit any use from having a drive-through as current regulations only prohibit restaurants from having a drive-through.

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

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

Public Schools
The City contracted with the University of Virginia's Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projects for the City of Harrisonburg" (April 2025). The report can be found at the following link: https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment_2025-04-30_Final.pdf. This report provides overall student enrollment projections through 2034 as well as estimated student generation by housing type for each elementary school attendance zone.

Based on the Weldon Cooper Center report's calculation, this development's proposed 26 residential units are estimated to generate nine K-12 students at full build-out. According to the

School Board's current attendance boundaries, Keister Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

Conclusion
Staff believes that the amendments to the proffers do not change the intent of the of the 2017 rezoning and does not increase the intensity of the use of the site. Staff recommends approval of the rezoning and the two SUPs with the following conditions for the SUP to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants:

1. All traffic generating uses on the site, including uses not associated with the special use permit, shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis accepted by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.
2. No drive-throughs will be permitted.

Ms. Rupkey asked if there were any questions for staff.

Commissioner Seitz said I noted that the site plan that was submitted as an example is not a proffered site plan, I get that. And I noticed that the date of it was about a year ago, 2025. I know we can ask the applicant this, do they have the capacity to make the building bigger or what is going to happen to this area where we are not going to have access to South Main Street?

Ms. Rupkey said that would be a question for the applicant, but they are not proffering the exact location of that building.

Commissioner Seitz said that was the other question...but it does say the building does need to be against [South] Main Street and against Weaver [Street] on the corner.

Ms. Rupkey said correct, but they could theoretically change the shape.

Commissioner Seitz said whatever the footprint it is pushed west and pushed south.

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

Mike Hendricksen, the applicant's representative and contract purchaser, came forward to speak to the request. He said for the last many years we have watched this site sit; as we all have. This, I would say, is an infill site. There are some other terms used to describe some other things earlier and I think this is an infill site and a perfect candidate for this type of mixed use development. I am one of the contractor purchasers by the way and I have a partner on this and when we sit down and talk through: hey let's look at the previous plan, what we like about it, and what we might not

like about it, and what do we think should be adjusted. Ten thousand square feet of commercial space on the previous plan there is a lot of commercial space for this site. It would generate a lot more traffic to this site than what we have proposed now at 5,000 square feet. On the residential side, I think it was 22 one-bedroom units, and if I am not mistaken, I think there was some shorter-term type of idea with renting those. These would be longer term units. Twenty-six apartments. Twenty of them, potentially, one-bedroom up to six two-bedroom units, and I think we would be maxed out at that six two-bedroom units so we would have to have a minimum of 20 one-bedroom units the way that we have presented it. In terms of overall ideas with mixed use buildings, we do believe that these help the social interactions that I think we are all wanting to continue to see in sites like this where you have a mix of uses. You have some potentially service type things. You have some residential. You have some impromptu and then planned interactions between the two, these different groups of people that are in our community. So, while this is not a large site like some previous ones that have been discussed, we think that there can be some types of interactions between residents, professionals, people needing services, all of that type of thing on this site. One thing I will just go back to right quick that was mentioned about the placement of the building, we want the building up along South Main [Street]. We do not want to put that back and put a bunch of parking right there. We would like to see the parking behind the building, as we have it drawn there. That date may have been last year but there have been significant updates on this plan since our initial work on this last year. Where we are, we would love to see this new iteration of the mixed-use plan that we have put forward move forward to the stage. Like I have said, we have watched this site sit for a very long time as everyone has kind of wondering, there was something that was approved at one time and nothing happened. We would like to see something be approved and happen here and corresponds with our Comprehensive Plan as well. I will be glad to answer any questions you have.

Commissioner Seitz said what makes this viable now? How come the previous approvals and stuff did not move ahead? What has changed to make this viable now that did not come together previously?

Mr. Hendricksen said I think the main thing from the previous plan, everyone on Commission knew the late [Mr. Giles] Stone and so I think at that stage where he was in his career and life, this was a pretty big project. This is a pretty big step forward. At that point in time, I am just not sure he wanted to take the risks. At this point, we see that it is here. It is in a corridor that is growing and will continue to grow especially with the announcements and things that have been mentioned about JMU's growth. Some of that additional staffing potentially that was discussed with that growth, maybe they can find a home here as well as some services.

Vice Chair Porter said have you had much discussion with the neighborhood? The folks that live on Weaver [Street] and some of the residential that is close to the site.

Mr. Hendricksen said we have not.

Chair Baugh said this is a neighborhood that has historically gotten quite engaged. I know some folks that are here and suspect that they are attached to some other people who are watching this pretty intently.

Chair Baugh asked if there were any more questions for the applicant's representative. Hearing none, he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request.

Suzanne Fiederlein, a resident at 28 Edgelawn Drive, came forward to speak to the request. She said I were involved in the discussions back in 2017 as well. We have lived there 30 years and several of our neighbors have lived there even longer. Having read all of the documents related to this, I really appreciate the owner's attempt to be very honest and true to the agreements that were reached in 2017, adhering to the proffers that were presented then. What I would like to draw attention to is that there are other things that have changed around it since 2017. In particular, the traffic situation and what has happened elsewhere in the neighborhood. We have had major problems in the neighborhood with the apartments across [South] Main Street from us. This is right down from Port Republic Road and South Main Street, it is a horrible intersection. We cannot get in and out of our neighborhood easily at Edgelawn Drive or Weaver Avenue or Monument Avenue and that is only going to get worse when Kids Castle opens. There are times when I am trying to turn into my neighborhood going south toward South Main Street, I cannot get in at Edgelawn Drive, Weaver Avenue and Monument Avenue because it is all backed up. This one entrance now, no entrance off of Main Street, it is only going to be off of Weaver Avenue, and it is going to add a whole lot more traffic in and out of Weaver Avenue. With the fraternities having moved in at 17 and 21 Weaver Avenue there are excessive cars parked on the streets. The one good thing about having the open field is that the students have been parking in the old parking lot there and getting off the street. Students from across the street park there and on the street. We are only going to have more traffic in and out of Weaver Street as a result of this. It is a problem again of something much larger than this development itself. It would be really nice to use this land for a good residential purpose in our neighborhood. My concern is with the larger traffic problem in the area. The fact that we cannot get in and out of our neighborhood and coming from Port Republic Road which is horribly backed up as well and now you cannot turn left in various places at certain times into our neighborhood. We are really trapped in our neighborhood. Having more traffic and it will not just be coming from South Main Street they will be turning onto Crawford Avenue and coming down through South Main and Weaver Avenue. We have a wicked curve and wicked hill there. People walk in the street with their dogs and their kids. It is just a major problem. Since 2017, that aspect has become a lot worse. That is the main concern I want to draw your attention to about this. Not the development, per se, but the fact that it is really in a place that is going to have major traffic problems. Thank you.

Randy Hoffman, a resident at 25 Edgelawn Drive, came forward to speak to the request. He said my wife and I live at 25 Edgelawn Drive which is the one property on this block that is an owner residential property. There is the other residential spot behind our house that is the rental home right now. We clearly have a highly invested interest in this. It was interesting to me this evening hearing many of the presenters talk about approaching neighborhood before pitching their plans. I certainly wish that would have occurred and I wish I had a better understanding. As an example, the drawings that I saw showed an entry and an exit off South Main Street and unless I have misunderstood, I understand that is no longer going to be in the plan. There will be an entry and exit only off of Weaver Avenue. That is not what was shown on the information that we were sent. I think that this plan in general is probably the best of many bad alternatives for somebody who is living on the property. I will support your decision to approve it. I do think that there are

still some concerns that I want to voice. When we acquired this property in 2004 from Pete Shank, who I think deserves to be better recognized as a community leader than he seems to have gotten. I know he was never really involved in government, but he was a great guy for the community. We bought the house from him. It was really apparent when we bought this house that we were acquiring property very close to commercial. We are in essence half a block from one of the busiest intersections in Harrisonburg, either way. We are about half a block off of Port Republic Road. We are half a block off of South Main Street. At the time that we acquired this property, there were all commercial properties on South Main Street. All of those commercial properties were professional businesses, and it was our understanding that was the zoning. I realize things change over time, and I do not think zoning can be carved in stone, but as a homeowner in this situation, I find it disconcerting that after buying property and looking into the zoning that surrounded me that it somehow got pulled out from under my feet. It is now not just for business professionals, but it is also for high density residential. Again, I am not opposed to this particular plan. I think it probably is one of the best alternatives that we can expect in the neighborhood. I have concerns that with the traffic as it is laying out and especially hearing that people cannot enter or exit directly from South Main Street, you are going to put a lot of people going out onto Weaver Avenue and many of them are likely to try and circumvent what is going to be a backup to South Main Street by cutting through Edgelawn Drive. I am not sure how familiar you are with Edgelawn Drive but while Edgelawn Drive, as it leaves South Main Street and goes back to where it turns, is two lanes. Once it turns and heads towards Weaver Avenue it is about 11 feet wide and two cars cannot pass. Right now, if somebody is coming out of Edgelawn Drive and I am going in off Weaver Avenue one of us has to stop and go well hey neighbor I will get out of your way I will back up. It has not been an issue but somehow I am very worried about this since the entrance and exit off of South Main Street has been eliminated. I do not know that this was actually in a proffer but I think this may have been something that may have been a discussion with Giles Stone, who I know very well. By the way I do not think Giles was ready to give up on business ideas at the time he took this project on. I think it is probably likely that what he found was he did not have investors interested in 10,000 square feet of retail space. I think that is probably a little bit too much for the area myself. He had indicated however that the businesses that would go in there would not be around the clock and go until late at night. I am a little concerned that I do not see anything to that effect. I am not sure that I ever did in proffers, but I am concerned that those businesses that can go in there may be 24 hour and there is nothing that prevents the current or future owners from going ahead with that type of business. There are a couple of other things that I am sure that you can ask for in a proffer. Being the one residence there I would feel a whole lot more comfortable if the fence that separated this development from our property were taller than six foot. I would appreciate not having the people on the second floor of 22 apartments looking down into my backyard. I do not know what the height limits are. I think it would probably require a special use to go more than six feet. It seems like that would indicated in this case. I do not feel like I should have to pay for a 12-foot fence. I am also concerned that the current drawings reverted the dumpster location back to the corner right next to our home and not up against Weaver Avenue like it had been represented in the last set of drawings that Giles had submitted.

Tom Templeton, a resident of 131 East Weaver Avenue, came forward to speak to the request. He said we have been at our residence since August of 1992. We have been loyal members of that neighborhood. We have had a lot of good times in that neighborhood and we miss the people that

are no longer there. Each day I get up early in the morning and see a lot of traffic. If the City wants to make a lot of money they need to put a police officer up at the end of Weaver Avenue right where it meets Crawford Avenue. That is a dangerous intersection. I stand there in my yard and I watch. As far as this apartment building, I think it is hard on the integrity of the neighborhood. I do not know that it is necessary. If you go down to the bottom of Weaver Avenue where they want to build this thing there are two rentals on the south side of Weaver Avenue that Suzanne mentioned and those kids park in different directions all the time. It is a bottleneck right there. I leave for work anywhere from six o'clock to seven o'clock in the morning and a lot of times it is hard to get out onto Weaver Avenue especially coming back in the evenings. If you come up Port Republic Road and your blinking lights are running where you cannot turn left onto Crawford Avenue. You cannot turn left into the little alley of Hillcrest Drive so you have to come down to Route 11, turn left into Edgelawn Drive or turn left onto Weaver Avenue it is tough. It is a dangerous situation. I appreciate what you guys do here. My dad back in the 70s and 80s where I grew up in Western Pennsylvania he was President of Town Council and County Commissioner and he would appreciate what you girls and guys do here this evening and we appreciate what you do also.

Dave Pruett, a resident of 28 Edgelawn Drive, came forward to speak to the request. He said we are very concerned about several things. We have been in our house going on 31 years. We love the Purcell Park neighborhood. It is vibrant. The neighbors are great. We constantly feel under threat. JMU is buying us out through piecemeal. Frats have moved across South Main Street from us and we get parties three nights a week. It is supposed to end at 10 o'clock and it can go to 1 or so sometimes. It seems to me that one of your jobs is to at minimum preserve the integrity of neighborhoods. With that said, I recognize something has to be done with that property. Like Randy, I do not quite feel like it is the least bad alternatives I think there are a couple of alternatives. You may not remember but the very first proposal for that property was townhomes. I think even better than townhomes would be duplexes and triplexes. I am not a developer and I realize that the horse is out of the barn. I always find that the devil is in the details. Everything looks good on paper but how it is processed it can turn out very good or very bad. I am thankful that Giles worked with us before he passed away. That developer seems to be taking some of the concerns of the neighborhood into consideration which it would have certainly been nice if they had talked to us directly, which has not happened. My wife mentioned the traffic issue and it is not manufactured, it is a real problem. There are times when we absolutely cannot get out of our neighborhood and it is only going to get worse. As much as we love having the new kids' playground at Purcell Park that is going to attract a lot of traffic. I guess you know your business better than I do. Try not to do anything that is going to damage this wonderful neighborhood. It is hard to keep the integrity, it is real easy to break it.

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

Commissioner Jezior said I am not sure who this question is for but why was the entrance and exit onto South Main Street taken away?

Ms. Rupkey said it is still shown on the concept plan, the Engineer did not remove it from the concept plan but it is physically no longer allowed due to our access management standards. We

would not allow them to build that entrance based on what we allow for distances between entrances.

Commissioner Jezior said so it is too close to it?

Ms. Rupkey said yes it needs to be 250 feet away and to move it 250 feet away from Edgelawn Drive puts it too close to East Weaver Avenue. Moving it 200 feet from East Weaver Avenue is too close to Edgelawn Drive.

Vice Chair Porter said I have a question related to Edgelawn Drive because I lived on Bluestone Street for a period of time and I know that is a strange little road there that is effectively a one lane alley. I guess I am looking at City staff here, how do we view that road? Is it just a navigable normal City maintained road?

Ms. Rupkey said it is a public street. It is substandard and does not meet the requirements for width, curb and gutter, and sidewalks. It does not have any of that but it is a public street.

Vice Chair Porter said I am not sure that it would make the neighbors any happier to close it but I will tell you this would be a concern to me. I have taken that road a few times and I have been in that same situation the gentleman had brought up where someone is coming around the other way, and I have to back up and allow them to go past. I would think that putting 22 apartments and some commercial property next to this will definitely exacerbate the situation. I would be concerned about that condition regardless of where this goes.

Commissioner Kettler said I would wonder why someone would be going down Edgelawn Drive.

Commissioner Seitz said traffic just backs up and blocks Weaver Avenue and Edgelawn Drive. Then the minute that happens people that are in the neighborhood are taking whatever route they can to try to get to a point of access to these streets. I lived at 1210 South Main Street before it got torn down and turned into a parking lot. I understand the traffic situation in this neighborhood.

Commissioner Kettler said I look at the placement for this within the larger context and it is clearly an area that is increasing slowly in intensity but it is definitely car-centric now and so threading that needle of trying to improve it and increase housing and to do that in the context of what is actually economically possible conflicts with my general preference towards less parking and fewer trips. I think overall it is a good plan. I also think with Edgelawn Drive it just shows some of the limitations of not being a true alley or a full street.

Commissioner Seitz said I am constantly amazed how often individual developments bump up against systemic problems that are beyond the purview of the particular developer. I think that as the City that is where we need to step in and identify solutions that serve the needs of the residents and addresses the concerns of the folks that live in that neighborhood but also set the table for needed development. I am just saying that time and time again I hear legitimate concerns about the impact of projects and struggle to balance the legitimacy of the project

candidly. Outside of the context of this particular neighborhood and the traffic problems and stuff like that I think it is a good project. How do you reconcile that with bigger neighborhood wide issues? Going through the 2018 Comp Plan and there was a call in there for development of neighborhood area plans which are great. One got done for the Northeast Neighborhood and it was fantastic, much needed for the Northeast Neighborhood. To my knowledge that is the only one that got done. This is the perfect example of where you need a small neighborhood plan so that developers have guidance when they look at properties.

Vice Chair Porter said I think that is a very salient point. As someone who did live in this neighborhood for a period of time, I would agree with that. I think the City is failing this community a little bit by what is being allowed to happen on Weaver Avenue. There should be some enforcement related to these students that are parking in multiple different directions. I have seen that. As someone that used to live on Bluestone Street, I know what the party culture is like on that particular block and the kinds of conditions that you have coming through your neighborhood in the middle of the evening particularly on a Friday or Saturday night. This will probably exacerbate that. I do understand your concerns in that area, and I would have the same concerns. There are a lot of issues with entry and egress into this neighborhood. Going all the way up to Monument Avenue and then getting onto Port Republic Road that is an issue as well. The fact is if you have students that are jamming up that area and a lot of these fraternity houses are overpopulated and need to be addressed from a code enforcement perspective. This has been something I have been crusading on for a little while and I do think that this is a factor in this particular issue is that you do have the student population that is parking multiple different directions, parking in areas that are probably not permissible, and the fact that they are also illegally parking on this site. Which if I owned this property I would be concerned about it. Even though it probably gives you guys some relief the reality is that should not be happening. I feel like at some point the City, it is incumbent on them to look at the situation and whether that is code enforcement or police action to address it. I also know there is a lot speeding in that neighborhood as well. Those concerns are all really valid. I am not sure how germane it is to this actual development other than the fact that this development would certainly make it worse.

Commissioner Alsindi said I kind of disagree with you Commissioner Porter in a positive sense. I know this sounds more subjective but this is just my view, that having the area here generally with nothing and having just houses here I think it increases the possibility of people having those fraternity houses over there. The boredom and nothing to do of students probably is another factor that increases this kind of pattern. While I consider what I heard from people in the neighborhood, looking at it from a strategic and more futuristic perspective, having such kind of apartments there I think affects the behavior of civility and the practice of people how they live including students. The fact that there is nothing there I notice there is more calmness as a living neighborhood. There are also students here who are bothering people but generally speaking I think this pattern of development there I would assume they would behave in a different way when you have stores and businesses over there that are more developed. You can go to a restaurant and sit down rather than hanging in dark streets over there doing nothing and bothering people. I am just looking at it from that point of view that strategically having such developments would change the overall pattern of people living in urbanized neighborhoods.

Vice Chair Porter said as a former fraternity member in my youth I can tell you right now I have zero faith in our ability to be able to adjust our behavior based upon what is around us. I do think that neighborhood has been suffering from that issue for a while. There is commerce down the street and there are other things in the neighborhood and it does not change how those students behave in those areas. I think the only thing that would change that behavior is proper enforcement and making sure the right number of students are living in those homes and if they are parking in the wrong direction that they are being ticketed. If they are parking in areas that are not appropriate that they are being ticketed. Eventually they will get tired of paying those fines or having to call mom and dad to pay those fines. I think the bigger issue here is the fact that, I think it is probably where we are going to be headed here pretty quickly, is that this is not a bad development at all and I hope that there is a way that this can be discussed with the neighbors to try to be able to address some of these concerns before it comes to Council. I see this type of development as being in the right place and I do understand the concerns of the neighborhood certainly and I am arguing both sides of the issue here. I do see this as the type of place that we are looking for density and more units in our community, that if I was going to walk or bike to JMU I would be more likely to do it from this location than the place we just had a large issue about. I also think if it is managed properly and managed well it could actually be an asset to that neighborhood. Again, I think a lot of these concerns about dumpster placement and fence height are legitimate concerns that need to be worked on but at the end of the day we are not going to be able to make a lot of determination based on those details. I think what it comes down to is this a permissible use of this area and does it serve the public interest. I am of the belief that it does. I think a commercial space is something that would add something depending on what type of commercial space it is in that community. I think it is more are we doing a good enough job of managing this neighborhood and supporting the residents of this neighborhood to make this viable and so it is not a nuisance for the neighbors? I think that is my take on it.

Commissioner Kettler said in terms of getting to JMU from this general area, I went on the site visit but I did not go to JMU from there. I am not as familiar with this neighborhood. In order to do that they would basically have to go east and then north and go across Port Republic Road or they have to go right up South Main Street. Is that right?

Chair Baugh said pretty much. The foot traffic there as a point of reference, talking about things have changed, there was a time when the apartments on South Avenue was primarily student housing. Which is actually a little further away. There was time when there was even more foot traffic sort of from that area. That is right, that traffic funnels onto South Main Street for the most part. I think one of the concerns of the neighborhood over the years has been various little things that might pull people wander through the neighborhood but that is not really what this is I do not think. Really what has been the idea...there has been a lot of history with this neighborhood. I could vouch for some of the comments that were made. This has always been a neighborhood that has been concerned about what is going on around them and there have been some spots that if you actually know properties that have been purchased in the hope that one day the climate would change and that maybe to knock a house down and go to more intense development. That has never really happened. To be brutally frank the development now where the Starbucks is right off of the interchange that got approved by Council over the vehement objection of the neighborhood when it happened. I mean the neighborhood did not even like that going in there. Then the concern to a modestly lesser extent of those sort of

commercial, and I get it they were kind of quasi-professional office building spaces, that get you all the way up to the Port Republic Road corridor. Of course, it used to be a bank on the corner and now I guess it is a law firm in there. That has kind of been the history of that. I think maybe [unintelligible] recognition that well for the part that is on US Route 11 probably makes a little sense for that to have a little commercial or dense orientation. We are not too crazy about that. We are certainly not interested in seeing more.

Councilmember Dent said come to think of it, that former bank that is now law offices, there was a proposal there to put one of those drive- through coffee places.

Chair Baugh said yeah we shot that down.

Councilmember Dent said we shot it down because that would have been massively disruptive.

Chair Baugh said which is now down South Main Street on the other side and it is a much better location for it.

Councilmember Dent said clearly disruptive to the neighborhood. There are not any proffers or any such about the kinds of commercial that would go in there. It is also sort of up against South Main Street a drive through or any such.

Commissioner Kettler said I think something else that is important that I heard is there are concerns with something like this going in and students being nearby and density being part of that. The most consistent thing that I heard was traffic. I think that is something important to keep in mind as we head into the item three away from where we are at.

Councilmember Dent said come to think of it the large parking area is that because it is a multistory...how many stories is this? Commercial on the bottom even some apartments on the bottom with so many stories of apartments, 26 units. How many stories does that make it?

Chair Baugh said three stories.

Commissioner Seitz said it is 26 units, 6 of them are two-bedroom units so that is 12 plus 20 that is 32 units. Is it a [parking] space and a half per bedroom?

Ms. Dang said it depends on the breakdown.

Councilmember Dent said I suppose there is also allowance for the parking for the commercial.

Ms. Rupkey said they would be required for the one-bedroom to do one and a half spaces and for two-bedroom, two and a half spaces.

Councilmember Dent said how about for the commercial?

Ms. Rupkey said that would depend on what the final use ends up being.

Councilmember Dent said for example, correct me if I am wrong, it is conceivable if all of it got approved that the property owner could find a tenant but it would be a particular use that there are not enough parking spaces to accommodate that use. It would not be allowed even though that commercial use would otherwise generally be allowed. You still have to meet the parking requirements.

Commissioner Seitz said it just seems like if there was ever a case for parking reduction in parking requirements, this site is it.

Commissioner Jezior said it was 90 percent parking for the amount of bedrooms. They were not doing one and a half per.

Mr. Russ said for four bedrooms you need three and a half. Three bedroom you also need two and a half. Three and four bedrooms need fewer parking spaces per bedroom.

Commissioner Jezior said I think in talking about the traffic as well coming out, I like that the building is situated on South Main Street for the pedestrians especially with the commercial space. Sight lines though for traffic coming out from Weaver Avenue are probably going to be a problem as people are coming out and taking a left there and people cutting through. If you have the building set all the way forward you are not going to be able to see traffic going down South Main Street as well.

Ms. Dang said that is a good point and it will be evaluated during the site plan review.

Councilmember Dent said this possible underground stormwater retention might create an effective bit of setback off of Weaver Avenue. Is that right?

Mr. Fletcher said they will not be able to prohibit sight lines they have to meet sight distance requirements.

Commissioner Kettler said I do agree with what what you are generally saying of it being oriented toward the street and not back like right up against the existing residential property.

Chair Baugh said if I recall correctly whether you like it or not that was one of the things that as this thing was negotiated with folks in the neighborhood it was one of the results from that was to get the building placed in that spot. I think the original proposal was more of that sort of tradition kind of building in the middle or maybe skewed a little towards the front parking all around it.

Commissioner Kettler said I think this is a lot better then.

Councilmember Dent said that is one thing staff consistently recommends no parking in front of the building so that it is tucked behind and you are not looking at cars going down the street. More neighborhood walkability.

Ms. Dang said I just want to acknowledge that for all the traffic concerns that have been discussed and the parking issues on the street know that when you all have these discussions right

here and from these community members at public hearings, when the minutes are drafted we send a copy or send that excerpt to the other departments, Police and Public Works to make them aware so that it is going to somebody who can evaluate it.

Councilmember Dent said that is a good point because when they say they cannot get in and out of the neighborhood I wonder if the City needs to make some kind of adjustment like a traffic light at Monument Avenue. This could be a candidate for some of the traffic calming if people are speeding down some of the streets.

Chair Baugh said I know a lot of people do not like to do it, but the most effective thing you can do, and it really only has two layers to it... if its a traffic parking issue, call the Police Department. If it is too many people in a space, these folks [Community Development]. Certainly, on that civil side I can tell you for a fact because it is a complaint driven system. If somebody comes in and talks to Community Development somebody will go out there and take a look at it. You may not like the answer and a lot of times you find things like everybody is in the same family and that is why there is 15 people there. I can tell you from real world experience, particularly on the traffic stuff and again, I do not want to be that guy calling the cops, okay. When a City Council member goes to say I am hearing from constituents about all of these problems in this area the first thing you get is they look at their data and they see how many complaints they have had. If the answer is not a whole lot, people have been toughing it out they are going to say this is the first we have heard of it or we heard one time and it went away. I have known of instances where people sort of bought into okay I guess we are going to have to be the squeaky wheel for a while and it was sort of effective. It is kind of not the fun option on trying to deal with this challenge in my neighborhood. I have definitely found situations where you know darn well because you live close to it or got through there that there are issues in the neighborhood and HPD database does not have any data that supports it so that just tells you are starting at ground zero to get their attention.

Commissioner Kettler said I was just going to say however we feel about these, do we feel comfortable about doing them as one motion?

Chair Baugh said I will throw it out, if anybody does not feel comfortable voting on these in one motion whether because they want to vote for one and not for the other. Any other reason, speak up now or forever hold your peace. Are we okay with taking it up as one motion?

Vice Chair Porter said I wanted to point out as I am sitting here looking at the changes being made to the proffers, most of the issues we have discussed are not going to be impacted by these changes. There is a by-right use currently on the property, and it is an expired special use permit for sure, but the reality is the circumstances that neighbors are most concerned about, the material changes that are going to be made by us passing this or not are not going to be necessarily addressed by this. It might stop the development for a period of time. but the reality is this is going to move forward in some fashion by-right pretty much today. I go back to the applicant and say it would be well worth your time to talk to these folks and have a sit down. I think I even heard the one gentleman say he would probably support this if some of his concerns were addressed. I think that is a worthwhile process to engage in before it goes to Council regardless of how we vote, The reality is I feel like a lot of these circumstances which are unfortunate are not going to be impacted by this decision or the other.

Chair Baugh said I was tempted to do it earlier, just to be clear, what we are actually voting on here, slightly oversimplified, is we are okay with reducing the amount of commercial. They want to tweak the fencing. They are going to enhance some of the stuff at the intersection of South Main Street and East Weaver Avenue and the entrance on South Main Street is gone due to the reasons we went into. You could in theory vote against approving the special use permit to allow them to have more units in it or to do the commercial. But now if you do, you have got a property that is zoned R-5 for high density and it is in the Land Use Guide for Mixed Use and you are sort of saying you cannot have high density or mixed use.

Commissioner Kettler said I move to approve the rezoning and two special use permit requests with conditions submitted by the applicant with additional language recommended by staff.

Councilmember Dent seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the rezoning request and two special use permit requests passed (7-0). The recommendation will move forward to City Council on June 9, 2026.