


DATE: March 1, 2019

TO: Planning Commission

FROM: Anne McClung, AICP Planning and Building Director 

RE: RZN 17-0006 – Request to rezone the Old Blacksburg Middle School property at 501 South Main Street from R-4 Low Density Residential to Downtown Commercial (DC) and Planned Residential (PR) zoning districts by Steve Semones (agent) on behalf of Midtown Development Partners LLC (applicant/owners).

At the February 19, 2019 work session, the Planning Commission discussed the rezoning application as a whole. A number of items were covered with questions asked of staff and the applicant. The Commission then reviewed the proffer statement going through each proffer individually with comments on specific areas of concern. The applicant has submitted the attached materials in response. The submittal includes the following:

- Cover letter from Mr. Jeffrey Geiger, dated February 28, 2019 outlining proffer changes
- Revised proffer statement with all attachments dated February 28, 2019
- Revised page 33 of rezoning application
- Revised Sheet #Z4

Proffer #1 - No change. The wording in Proffer #1 was discussed at the work session with the applicant providing more explanation of the difference between “substantial conformance” vs. “general conformance.”

Revised Proffer #2 – This proffer has been revised to indicate that the traffic signal will be installed prior to the first certificate of occupancy for any buildings in the development instead of allowing some development to proceed without the traffic signal installed.

Revised Proffer #3 - This proffer has been revised to indicate that new Church Street will be completed prior to the issuance of Certificates of Occupancy (vs. 60 days after CO) for the four buildings that adjoin new Church Street. The four buildings are presumably the public safety building on DC #1a, the building on DC #4b, the building on DC #3 and the hotel on DC #6. This does not include any other buildings on other parcels within the DC district. While unlikely, other buildings could proceed provided access other than new Church Street was available. The only other viable access would be the service alley on Clay Street. More information on the timing of different project elements that make this unlikely is contained in the Development Agreement. The Planning Commission, however, is reviewing the rezoning as a stand-alone document.

Proffer #7 – No change. There was discussion at the work session about implementation of this proffer in the future but there was not consensus on a specific change to address the issue.

Revised Proffer #9 - This proffer has been revised to specifically mention the Planning Commission for "input" in the review of parcels DC #1A and DC #1B. Other DC parcels are not included.

Revised Proffer #10

-For parcel DC #3, the defined term of "community recreation" has been removed from the uses on the parcel. This avoids any confusion that the Common would include community recreation facilities designed exclusively for the use of development.

-For parcel DC #4a, the request for a CUP for a bank with drive-through has been removed.

-For parcel DC #5, a limitation of 50% of the ground floor for medical and general office has been added. The cover memo reflects previous wording related to floors facing Midtown Way. The proffer as worded, however, has been updated to be more clear that it applies to the entire ground floor of the building.

-For parcel PR #5, the applicant has added wording to clarify which parcels may be combined. This addresses concerns expressed at the work session about the broad nature of the wording regarding parcel combination and associated transfer of uses when parcels are combined.

Revised Proffer #11

-For parcel DC #6, the applicant has added wording to clarify which parcels may be combined. This addresses concerns expressed at the work session about the broad nature of the wording regarding parcel combination and associated transfer of uses when parcel are combined.

Revised Proffer #12

-For parcel PR #5, the applicant has added wording to clarify which parcels may be combined. This addresses concerns about the broad wording regarding parcel combination and associated transfer of use when parcels are combined.

Revised Proffer #13 – The applicant has added wording to provide a timing mechanism for the proffer related to the Owner constructing improvements on parcel DC #3.

New Proffer #14 – The applicant has added language to provide a reference for signage for the residential portion of the development should signage be desired prior to completion of a special signage district for the development as a whole.

New Proffer #15 - The applicant has added the clarification that no Community Recreation uses on PR#5 will front on Eheart St. This arose from discussions about parcel combination and provide and reinforces that development along street frontage will be as reflected in the design contained in the Pattern Book.

New Proffer #16 – The applicant has added a proffer to clarify that access easements will be provided through the loop driveway around the Old School Common. The loop contains a drive aisle, parking and the entrance to the potential parking garage.

Other – The applicant has deleted wording regarding severability per request of the Town Attorney.

Revised Exhibits

-The proffered wording in the Pattern Book regarding a “street friendly presence” was removed. Staff commented that the wording was vague to be included as proffered language. In response, the applicant indicated at the work session the language would be removed. As a substitute, the applicant has provided wording about the pedestrian friendly streetscapes in the guiding principles.

-The Planning Commission inquired about Pattern Book streetscape design sheets for the Clay Street frontage for parcels DC #1a and #1b. The applicant has indicated no sheets were prepared for this streetscape in the preparation of the Pattern Book. The parcels are proposed for the Public Safety Building and Parking Garage, which remain under discussion, which is likely why no design sheets were included.

Application

The applicant has revised application pages to be consistent with the revised proffer statement.

Summary

The Planning Commission is reviewing the revised proffer statement to determine if issues of concern have been addressed. As noted at the work session, the Planning Commission is reviewing the rezoning as a stand-alone land use decision independent of the Development Agreement currently under negotiation between the applicant and the Town Council.

