

MEMORANDUM

To: Planning Commission

From: Anne McClung,  Planning and Building Director

Date: August 17, 2018

Subject: 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) or behalf of Midtown Development Partners LLC (applicant/owners).

At the July 3, 2018 Planning Commission Work Session, there was discussion regarding a number of aspects of the OBMS Rezoning Application and associated Pattern Book. Follow up on several of the items occurred at the July 31, 2018 Planning Commission work session. The applicant submitted a packet of additional materials on August 10, 2018 updating both the application and the Pattern Book to respond to the remaining issues. The revised materials were provided to the Planning Commission earlier this week. The staff analysis is arranged by topic below. The topics are a general summary of the issues discussed at the work session.

The Town Attorney has provided the attached information for the Planning Commission regarding the development agreement currently under negotiation as part of the OBMS project. The Planning Commission consideration of the agreement is limited to the relationship of the agreement to the land use request in the rezoning. For instance, there may be land use issues as part of the rezoning that either cannot be included in a proffer statement or are better addressed in the agreement as opposed to the rezoning proffers. Other elements not germane to the Planning Commission consideration of the rezoning have not been included.

BUILDING ELEVATIONS

- No elevations have been provided for the Office Building (Gateway Building) on South Main St. The revised materials state that further information is to follow on this topic. The Planning Commission expressed concerns at the work session regarding the importance of this building as it faces Main Street and is the most visible building in the project. More information on the design of the building was requested at the Planning Commission work sessions of July 3rd and July 31st. It was expected that elevations would be provided.
- Elevations have been provided for the hotel building and are attached to the Applicant's cover memo. It is staff's understanding the elevations are proffered as binding but this should be clarified at the work session.
- The Applicant has revised the Master Plan to show the public safety building and parking garage as a general designation on DC Parcel #1. The orientation of the building and the garage has not been

determined. The previous plan showed the garage fronting on Clay Street and the public safety building facing the Old School Common. Feedback on the rezoning from the public, the HDRB and the Planning Commission has shown that having the garage facing Clay Street is not desired. The Town is still in the process of reviewing responses to the PPEA proposals that were submitted in early August. The Town will move forward with the design of a new public safety building but this will not occur in the timeframe of the rezoning. No further detail or elevations will be provided for the garage or public safety building. Wording is proposed in the proffer statement to confirm that the Planning Commission, HDRB and the public will be involved in the design process. The wording states:

“The final location, orientation and design of the proposed public safety building shall be approved by the Blacksburg Town Council through a process involving the Planning Commission, the Historic or Design Review Board and the public.”

“The final location, orientation and design of the proposed parking garage shall be approved by the Blacksburg Town Council through a process involving the Planning Commission, the Historic or Design Review Board and the public.”

- The Applicant has been in conversation with a representative of the Clay Court Homeowners Association. Since design of the garage is not yet known the Applicant is unable to provide a specific illustration of the interface between the garage and the east side of Clay Court at this time. The Applicant indicated that further information is to follow on this topic.
- The Applicant has revised the Pattern Book to address the issues of architectural variety. The HDRB expressed concerns that, as written, all of the buildings, particularly in the residential area could look the same. Given the scale of the project, architectural variety is needed to break up the project components so that the design is not monotonous and does not appear larger in scale. The Applicant has revised the wording in the Pattern Book on p.6 which is helpful. However, the wording is general in nature and staff would suggest consideration of more specific commitments be considered.
- The Applicant has revised Proffer #7 regarding EarthCraft or other certification. The proffer indicates that all buildings in the project will be certified. A variety of different possible programs are listed. It would be helpful for the applicant to go over the programs with the Planning Commission at the work session to ensure a common understanding of the types of elements included.

BUILDING MATERIALS

- The work sessions on July 3rd and July 31st involved discussion of the use of EIFS in the project, particularly on the buildings in the DC zoning district such as the Gateway Building and the Hotel. There are concerns about the durability and quality of EIFS as a building material particularly when used in quantity or in locations that are more easily damaged. The revised materials indicate that no EIFS will be used on the first floor of the buildings in the DC district. The 20% maximum use of EIFS will apply to each building façade as opposed to 20% of the total building. A reduction to 20% EIFS is also proposed for the buildings in the PR district but would not have the ground floor restriction proposed for the DC district.
- The Applicant would like to retain the ability to use synthetic stone as a building material. Information on the type of synthetic stone to be used has been provided and is attached to the Applicant’s cover memo.

- The Applicant has revised the text in the Pattern Book to say that any “equivalents” of allowed building materials have to be approved by Town staff. Staff had concerns that to allow an open ended ability for the Applicant to approve alternative building materials could be problematic in future.

USES

- More clarity was needed on how the allowance of 60% of the ground floor space in the Downtown Commercial district for office uses would be applied. It was not clear if the percentage was intended to be a total for all buildings or applied on a building-by-building basis. The applicant has clarified that “no individual building within the proposed DC district shall have more than 50% of the ground floor used for office uses” In addition to clarifying the application of the percentage the applicant has reduced the percentage. Most of the recent Conditional Use Permits for DC zoned buildings have been in the 30-40% range for the amount of office on the ground floor. The previous requests were typically for one multi-tenant building as opposed to applying to multiple buildings within a larger project.
- The Applicant has added more detail on parking lot screening in the Pattern Book and included a new proffer #8 regarding buffering of parking spaces along Eheart Street. The proffer states that “evergreen plantings” will be used to screen parking spaces from the public right-of-way. Section 5427 of the Zoning Ordinance requires a 10’ wide planting strip where parking lots abut a public street, however, the requirements for the buffer content are general in nature and not as specific as contained in the proffer.
- The Applicant has revised Section 3.1.3 in the application to clarify the understanding that the DC district does not allow residential on the ground floor.
- The Applicant has indicated in the submitted responses that they have reviewed the definition of Townhomes in the Zoning Ordinance and can comply with this definition and no further delineation of this use is needed in the rezoning application.
- The Applicant has revised the application to limit the use on DC Parcel #6 to a hotel. It was previously shown with the possibilities for other uses which could have different design considerations from a hotel. The Applicant is comfortable committing to this specific use in this location.
- The Applicant has revised the application text to exclude DC Parcels #1, #3 and #6 from the residential density calculation. Thus the density calculation of 48 bedrooms per acre will not be based on the entire 9.25 acres zoned DC. The public safety building/parking garage, Old School Common and Midtown Plaza have now been excluded from the maximum density calculation. The total number of bedrooms allowed based on the revised calculation could be spread out in any configuration over the remaining DC zoned parcels. So parcels may be developed at less or more than 48 bedrooms per acre as long as the total number of allowed bedrooms is not exceeded.

SITE DESIGN

- The Applicant has revised the Master Plan to show a bike and pedestrian connection to the adjacent parcel at 402 Clay Street as suggested by the Corridor Committee.
- Wording regarding a possible future vehicular connection to the adjacent parcel at 402 Clay Street has been removed. The wording included in the April application was general in nature. No connection was shown on the Master Plan and thus the application wording and the application graphics were not aligned. Staff had suggested the applicant either show a vehicular connection or eliminate the wording. The

Applicant was not able to reach consensus on a development scenario to provide this connection that was mutually acceptable to both parties. Planning Commission may recall that the original October submittal of the rezoning included the parcel at 402 Clay Street. The owners of 402 Clay St. withdrew from the OBMS rezoning and filed a separate rezoning. Midtown Way will be a dead end street.

- The Planning Commission discussed how the proposed hotel would look and function on Eheart Street. Specifically mentioned was the possible location of HVAC equipment on the Eheart St. frontage. The Zoning Ordinance requires screening of HVAC equipment. The Applicant has added the following wording to the application.

“Exterior HVAC equipment must be screened as required by Town ordinances. No ground mounted HVAC equipment on any building adjacent to Eheart Street shall be visible from Eheart St.”

Staff is not sure how the wording is different than what would be required by the code. The Planning Commission conversation was focused on limiting the location of HVAC equipment on Eheart St. for the hotel. Further discussion of the location and screening of equipment is needed at the work session.

- The Applicant met with the Fire Code Official to go over emergency access for the development. The Applicant has revised the application making adjustments to PR Parcel #3 to provide a minimum of 20’ for access on the eastern side of the building. The access requirement is shown on Sheet Z4. This appears to satisfy the concerns regarding emergency access.

- The Applicant has clarified that the covered parking for the residential units will be “podium parking deck or private garage”. The issue of carports was raised at the work session. In the revised material the Applicant has specifically stated that carports are not included. The Applicant may want to further explain the term “podium parking deck” to ensure that there is a common understanding of this type of parking.

- The Applicant has added a parking standard of one space per 17 rooms for the hotel proposed on DC Parcel #6. The parking standard in the Zoning Ordinance for a hotel/motel/motor lodge and requires one space per guest room plus one space per 10 guest rooms plus spaces as required for other uses. The Applicant should provide more information on the derivation of the parking standard proposed. The standard in the Zoning Ordinance is designed for more suburban stand-alone hotels and is not directly transferable to a Downtown hotel in a larger mixed use project.

- The Applicant was originally working with staff to design two-way cycle tracks for both Eheart Street and New Church Street. The Applicant submitted the attached layout (Z4 dated 4/13/18) showing two-way cycle tracks are feasible for both streets. After further review, cycle tracks are most beneficial on streets with few conflicts with driveways and side streets and where the cycle track can be implemented continuously. In addition to these factors, the difficulty of safe transition areas at the intersection of Church Street and Clay Street led to a revised staff recommendation for bicycle lanes on New Church Street as opposed to a cycle track. The revised submission dated August 10, 2018 includes bicycle lanes on either side of Church Street. This submission currently does not show the previously discussed two-way cycle track which is still the recommended and agreed upon treatment for Eheart Street. The revised application materials show the bike lanes on New Church Street. The graphic attached to this memo shows the cycle track on Eheart St.

- Discussion about the need for sidewalk on Clay Street has occurred at both of the July work sessions and was covered in the staff report. The Applicant proposes a multi-purpose trail through the site paralleling

Clay Street as an alternative to a street level sidewalk. Staff has been researching the viability of a sidewalk on Clay Street taking into account the existing right-of-way, proposed right-of-way from the OBMS site and the location of existing overhead utilities. Staff would like the opportunity to meet with the Applicant to discuss this option. Staff will provide more information on the specific configuration of a potential street level sidewalk at the work session. The Town is open to various funding options to accomplish the project. The Town is in the process of looking at the entire length of Clay Street to find a way to provide continuous sidewalk to accommodate existing and future pedestrian traffic.

- The Applicant has shown which roadways are proposed as public and which are proposed to be private. The roadways are illustrated on Sheet Z9. New Church Street, Belvedere Avenue and a portion of Midtown Way (from New Church St. to Belvedere Ave.) are proposed as public streets. The remainder of Midtown Way to its terminus will be a private street as will any internal driveways or connections to serve the residential project components.
- The Applicant has also specified the right-of-ways to be dedicated for the public streets. New Church St. and Belvedere Avenue will be 50' and Midtown Way will be 70'.
- The Applicant has revised the application to show the terminus of Midtown Way as a private street and the configuration of the terminus remains as originally designed. This does not address potential difficulties in turning around in an area that has on-street parking and multiple entrances to residential portions of the project. This issue should be further discussed at the work session.
- The Applicant has revised the application to specifically state that utilities will be placed underground with construction of the project with the exception of the overhead lines that exist on Clay Street. The area where utilities would not be moved underground was vague in the previous application.

GENERAL REZONING APPLICATION

- The Applicant has added text to the Open Space Section 4.1 of the application to acknowledge that the recreational amenities in the residential areas are for the residents of the development. This will differentiate these areas from the proposed public spaces. Recreational amenities for residents are required by the Zoning Ordinance. The Applicant has not specified what specific amenities will be provided but listed pocket parks, playground areas, pool and clubhouse as examples.
- The Applicant has revised the signage section of the Pattern Book and the application. The signage for the DC district uses will comply with the existing DC standards in the Zoning Ordinance. The Applicant plans to file a Special Signage District in future to cover both the DC and PR zoned portions of the development. A Special Signage District is a useful tool to create a coordinated signage program to meet the needs of larger scale developments with multiple uses and buildings. A Special Signage District is processed as a public hearing item the same as a rezoning. This was discussed at the July 31st work session.
- The Applicant has removed references to Section 3113 (3) of the Planned Residential district. This section was not relevant the application.
- The Applicant states that the all of the Use and Design Standards for the Conditional Uses requested in conjunction with the rezoning have been reviewed and they "believe these standards can be met" with one exception. The Applicant is requesting an exception to the standard in the PR district regarding the separation between multi-family and townhome buildings and is requesting the Pattern Book guide this separation. Specifically, the Applicant is requesting an exception to Section 4216(a)(1) and 4231(b)(3) for

6 RZN17-0006 OBMS
08-17-18 ALM

multi-family and townhome uses respectively which govern the minimum separation between buildings. According to the code, multi-family buildings shall be separated by a minimum of 25' and townhomes may not be constructed in more than eight units in a row, and no more than two contiguous buildings. Townhomes must be separated no less than 40' from other principle structures on the adjacent property.

The Planning Commission would need to take action on this exception. All other Use and Design Standards will have to be met for the uses requested to occur and the statement that the Applicant "believes" they can be met in no way modifies or grants any other exceptions. If in the course of development, standards cannot be met, then an exception would have to be filed and go through the public hearing process.

- The Applicant has removed references to the establishment of an internal Review Board. This was discussed at the July 31st work session.

DEVELOPMENT AGREEMENT DRAFT PROVISIONS RELATED TO REZONING

Developer Obligations

Architectural Design; Review by Town. The design and facade treatment for the Project Buildings and the materials to be used on the facades shall be consistent, in terms of massing, materials, fenestration, rhythm and overall architectural vocabulary, with the principles included in the Old Blacksburg Middle School Site Pattern Book and the proffers submitted by Midtown as part of the Rezoning Application. When any site plan application(s) for the Office Building, Hotel, and Parking Garage is submitted to the Town for review in its governmental capacity, Midtown or any Purchaser shall also submit drawings and architectural elevations detailing the proposed exterior appearance, including, without limitation, building materials and elevations, landscaping plans, and building layout and design criteria of any Project Buildings as well as the Streetscape Improvements (“Project Review Plans”) to the Town Representative. The Town Representative may present the Project Review Plans to the Town Council to determine compliance with this Agreement and consistent with the intent of the Town Council’s approval of the Rezoning Application. The Town shall complete its review of the Project Review Plans and communicate with Midtown or any purchaser within forty-five (45) days of receipt.

Conformity with the Rezoning. The Project must be designed, constructed and developed in substantial conformance with the Rezoning Application as approved by the Town Council and as otherwise required by this Agreement.

Conformity with Project Review Plans. The Project Buildings and Streetscape Improvements shall be constructed in substantial conformance with the Project Review Plans as approved by the Town.

New Traffic Signal at Eheart and Main Street. Midtown shall install a streetlight and related intersection improvements at the intersection of Eheart Street and Main Street as further described in the Rezoning Application. Construction and installation shall occur prior to the completion and issuance of a certificate of occupancy for the first Project Building.

Design and Construct New Church Street. Midtown shall construct new Church Street as a public street connecting Eheart Street to Clay Street, which shall be constructed in conformity with Town standards and the design criteria set forth in the Rezoning Application. Construction of New Church Street shall be completed prior to the issuance of a certificate of occupancy for the first Project Building.

Streetscape, Public Streets and Streetlight Improvements. Midtown shall be responsible for the construction of the Streetscape Improvements along and adjoining public streets in accordance with specifications approved by the Town. The construction of Midtown Way and the cross-street connecting to Eheart Street shall be phased in conjunction with the development of the parcels fronting those streets. Each portion of these public streets and construction shall be completed prior to the issuance of a certificate of occupancy for the development fronting the applicable portion of the new public street.

Public Improvements. Midtown shall be responsible for the construction and improvements known as Central Park, the Plaza and the Event Area (collectively, the “Public Improvements”).

(a) Central Park. Midtown, at its sole cost and expense, shall construct and improve the Central Park within six (6) months following the site plan approval for the Office Building. Midtown shall finish grade, install trails, landscaping, and lighting, and [_____]. The proposed improvements shall be included on a site plan approved by the Town.

(b) Plaza and Event Area. Midtown shall construct a plaza to be located at the intersection of South Main and Eheart Street (the “Plaza”), and a multi-purpose, outdoor event area known as Old School Common Event Area (the “Event Area”). The design, layout and improvements shall be finalized by mutual agreement of the Town and Midtown through a collaborative review process. The design and improvements shall be shown on a site plan submitted by Midtown and shall be consistent with the principles included in the Old Blacksburg Middle School Site Pattern Book and the proffers of the Rezoning Application. Construction of the Plaza and Event Area shall occur within six (6) months following the site plan approval for the Office Building. The Town shall reimburse Midtown for hard costs, including structure, utilities, site work, and related overhead, incurred by Midtown in constructing the Plaza and Event Area up to a maximum amount of \$2,000,000.

(c) Conveyance/Dedication to the Town. After completion of the Central Park, Plaza, and Event Area improvements, Midtown shall convey or dedicate, by a separate gift or sale agreement, to the Town, the Central Park, Plaza and Event Area. Midtown shall be permitted to reserve an easement for stormwater management facilities to serve the Project under the Event Area (the “Shared Stormwater Facility”).

Conveyance of Land for Public Safety Building to Town. Midtown shall convey, by separate gift or sale agreement, approximately 1.160 acres of land adjoining Clay Street to the Town at the Closing Date to allow construction of the Public Safety Building. The form of conveyance shall be mutually agreeable to the parties and determined prior to the Closing.

Design and Construction of the Shared Stormwater Facility. Midtown shall design, commence, and complete construction of the Shared Stormwater Facility necessary to support and facilitate construction of the planned development in the Downtown Commercial District of the Project Area prior to the issuance of the first certificate of occupancy in the Downtown Commercial District. The facility may also be designed to handle some or all of the stormwater management needs of the Planned Residential District of the Project Area. The parties acknowledge that the costs of this system shall be allocated among the various parcels according to their estimated percentage, post build out, of the impervious surface for the parcels to be served; each parcel, upon payment of its share of the costs, shall have a right to connect to this system. The estimated cost is \$_____, as reflected in the estimate prepared by Balzer and Associates, Inc., dated _____, 2018. The parties agree that a long term shared maintenance agreement for the Shared Stormwater Facility shall be developed and executed prior to the Closing.

Town Obligations

Plaza and Event Area.

The Town will reimburse Midtown for the hard costs of constructing the Plaza and Event Area up to a total amount of \$2,000,000.

Conveyance of Eheart Property to Midtown. The Town agrees to convey the Eheart Property to Midtown. The Eheart Property shall be conveyed to Midtown at the Closing Date by special warranty deed. The draft deed and legal description to convey this property shall be mutually agreeable to the parties and drafted prior to the Closing.

Parking Garage Contribution. The Town shall provide reimbursement for the Town's proportional share of the hard costs, including building structure, utilities, site work, and related overhead, incurred in constructing the Parking Garage.

Public Safety Building. The Town shall construct the Public Safety Building. The Public Safety Building shall contain approximately 36,000 gross square feet and shall be principally used by the Town Police Department. Reserved parking for the Public Safety Building shall be provided in the Parking Garage.

Town Share of Stormwater Facility Costs. The Town acknowledges that a Shared Stormwater Facility is an essential element of the Project. The Town agrees to reimburse up to ten percent, but not to exceed \$ ____ of the shared costs, based on the cost estimates provided herein.

Proposed use and student housing restrictions

Use Restrictions. The parties recognize that the success of the Project will be dependent upon the ability to attract tenants to occupy the Project Buildings and that allowing certain types of uses in the Project Buildings would threaten the success of the Project. The parties want the Project to encourage long-term residency. Midtown and any purchaser hereby agrees that the Project Area shall be subject to a declaration of covenants, conditions and restrictions (the "Declaration"). Midtown shall record the Declaration in the Circuit Court Clerk's Office prior to the issuance of the first certificate of occupancy for any development in the Planned Residential District. The Declaration shall be approved by the Town Representative and at a minimum, shall include the use restrictions identified in the proffers in the Rezoning Application which shall run with all development in the Planned Residential District (collectively, the "Use Restrictions").

(a) No "tattoo parlor" or "body-piercing salon" (as defined in Virginia Code § 15.2-912) and no "pawnbroker" (as defined in Virginia Code § 54.1-400) shall be located or operated on the Project Area.

(b) No "consumer repair center" or "funeral home" (as defined in Zoning Ordinance § 2103) shall be located or operated on the Project Area.

(c) No retail stores that principally sell tobacco, e-cigarettes or smoking paraphernalia shall be located or operated on the Project Area: The term "principally sell" means that these items constitute more than fifty percent (50%) of inventory at any given time.

(d) The occupancy standard for all dwelling units in the entire Planned Residential District shall be (i) a family plus two unrelated persons or (ii) no more than three unrelated individuals.

(e) All Leased Communities within the Planned Residential District shall comply with the following criteria:

(1) No four (4) bedroom, and (4) bath or three (3) bedroom and three (3) bath apartments will be offered for lease.

(2) All leases shall be by the unit. "By-the-bedroom" leases shall not be permitted.

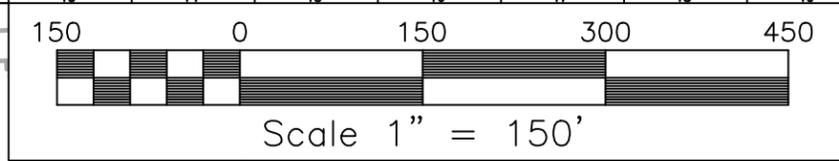
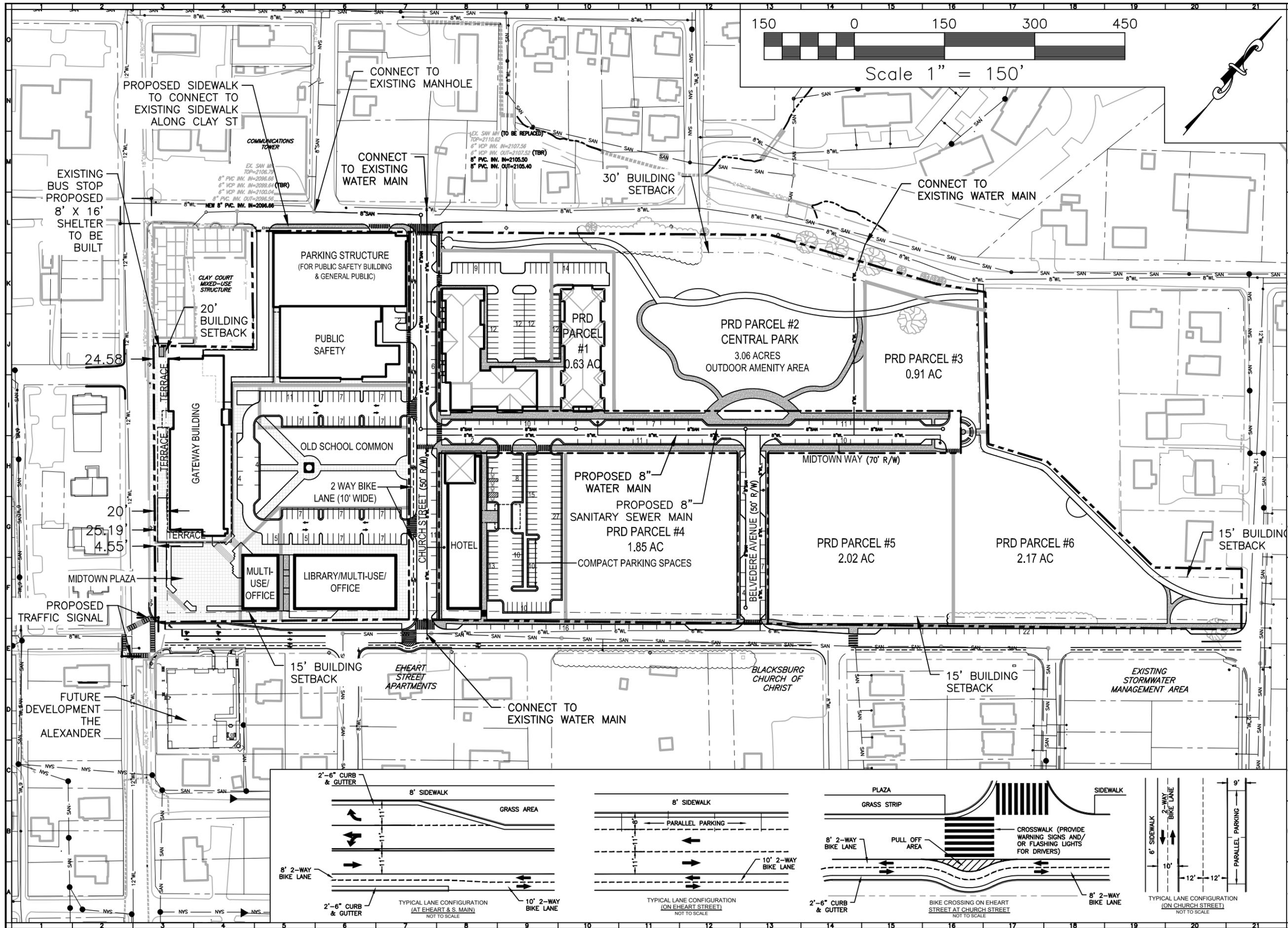
(3) The owner or management company shall verify the income of all lessees at the time any lease for any unit becomes effective. The monthly income of each lessee shall be twice the monthly rent for the unit.

(4) Any property owner or property management company with more than fifty units in the Planned Residential District shall maintain onsite management, which shall be provided during office hours of 9:00 am to 5:00 pm Monday through Friday; and 24 hour on-call emergency maintenance. One office in the Planned Residential District may manage all properties of an owner located in the Planned Residential District.

(5) The owner or management company shall establish and maintain a resident and guest parking policy. Such parking policies shall provide for the issuance of permits/stickers for residents and visitor passes for visitors. Parking passes shall be visibly displayed in a location determined by the parking policy.

(f) The Town shall have the right to request that representatives of the Leased Communities provide documentation including leases, to facilitate enforcement of these conditions.

(g) Further restrictions on "for sale" residential units and developments in the Planned Residential District (excluding transfers by the developer to related and/or subsidiary entities), whether single-family, townhome, duplex or condominium unit beyond what is in Pattern Book § 3.2.5 are under discussion.



www.balzer.cc
 New River Valley
 Richmond
 Roanoke
 Staunton
 Harrisonburg

RESIDENTIAL LAND DEVELOPMENT ENGINEERING
 SITE DEVELOPMENT ENGINEERING
 LAND USE PLANNING & ZONING
 LANDSCAPE ARCHITECTURE
 LAND SURVEYING
 ARCHITECTURE
 STRUCTURAL ENGINEERING
 TRANSPORTATION ENGINEERING
 ENVIRONMENTAL & SOIL SCIENCE
 WETLAND DELINEATIONS & STREAM EVALUATIONS

Balzer and Associates, Inc.
 448 Peppers Ferry Road, NW
 Christiansburg, VA 24073
 540-381-4290
 FAX 540-381-4291

OLD BLACKSBURG MIDDLE SCHOOL SITE
 501 SOUTH MAIN STREET
OVERALL CONCEPTUAL MASTER PLAN
 MOUNT TABOR MAGISTERIAL DISTRICT
 TOWN OF BLACKSBURG, VIRGINIA

DRAWN BY GLM
 DESIGNED BY SMS
 CHECKED BY SMS
 DATE 10/6/17
 SCALE 1"=150'

REVISIONS:
 1. 4/13/18

SHEET NO.
Z4
 JOB NO. B1200098.00

