

**TO:** Planning Commission

**FROM:** Paul Patterson, Zoning Administrator 

**RE:** Zoning Ordinance Amendment #39/Ordinance No. 1884 – Amendment to the Zoning Ordinance is to change the General Commercial zoning district to clarify locations for support facilities for upper story residential units, allow ground floor residential units by CUP and modify Use and Design Standards for the hotel/motel use.

**DATE:** November 16, 2018

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### **Amendments Proposed**

The Town has been encouraging new mixed-use development and redevelopment in areas around Town. There have been examples of successful small scale mixed-use projects that have been constructed such as the ReMax office on North Main St. Larger scale proposals have tended not to be true mixed-use projects but more undergraduate student housing projects proposed in commercially zoned areas with a very small amount of commercial use. Staff is concerned about the loss of the very limited commercial zoned land available in Town that is needed to provide for the commercial and service needs of the existing and future population.

Related to the residential uses on the ground floor, this amendment will create an option to request residential on the ground floor when a freestanding residential development is integrated into a larger commercial project. This will respond to requests staff have received for more flexibility on how development can occur in a true mixed use project.

Staff has also had proposals for projects with the ground floor to be a commercial hotel/motel use with the remaining floors to be multi-family development. Again, the driver is the desire to construct a residential project in a commercial district as opposed to a mixed-use project.

The propose zoning amendment will:

1. Provide clarity on the relationship of the ground floor of a mixed-use project and the locations for support facilities such as parking, clubhouse, or fitness center;
2. Create the opportunity to request residential on the ground floor through the Conditional Use Permit process when part of a larger mixed-use project; and

3. Amend the Use and Design Standards for the hotel/motel use.

### **Zoning Ordinance Amendment Process**

Town Council adopted a referring resolution to send potential changes to the Town's Zoning Ordinance to the Planning Commission for review. The Town Council referred this amendment to the Planning Commission through resolution 11-B-18 (see Attachment A).

The Zoning Ordinance Review Committee (ZORC), a sub-committee of the Planning Commission reviews proposed Zoning Ordinance Amendments and makes recommendations to the full Planning Commission. The ZORC held several meetings earlier in 2018 to review and discuss the proposed amendment and its recommendations are included in the amendment wording.

### **Public Input Meeting**

A public input meeting is held for all amendments to the Zoning Ordinance prior to public hearings. The meeting for ZOA #39 was held on Wednesday, November 7, 2018. A second meeting will be held on Thursday, November 29, 2018. Notes and the sign-in sheet are attached to this report. The text of the proposed modifications to the Zoning Ordinance have been posted on the Town's website.

### **Criteria**

The Planning Commission is tasked to study the zoning amendment proposal and hold a public meeting to determine:

- Whether the proposed amendment conforms to the general guidelines and policies contained in the Town's Comprehensive Plan.
- The relationship of the proposed amendment to the purposes of the general planning program of the Town, with appropriate consideration as to whether the change will further the purposes of the zoning ordinance and the general welfare of the entire community.
- The need and justification for the change.

The Planning Commission will hold a public hearing and make a recommendation on the proposed zoning ordinance amendment to the Town Council, which will take final action on the proposed amendment.

### **Amendment Text**

A draft copy of the proposed zoning ordinance is attached (Attachment B). The remaining portion of this staff report outlines some of the considerations and reasoning on the zoning ordinance amendment wording.

**ARTICLE III, DISTRICT STANDARDS, GENERAL COMMERCIAL**

- 1. Clarify the allowed location of residential support facilities, such as parking, for upper story residential development in the district;**

**Background:** Per Section 3151(c) of the zoning ordinance, multi-family residential in the General Commercial zoning district is allowed by-right but only allowed on upper floors and lower basement. Residential use is not allowed on the ground floor as the district is a commercial one and the ground floor should be occupied by commercial, office and service uses. Historically there have not been problems with how this development form occurs in Town. The development pattern of a full floor of commercial uses and one or two stories of residential development can be seen in Town, most notably in the Downtown area. More recently, mixed-use projects in the CG district are proposed as student housing developments with a small amount of commercial use on the ground floor. The bulk of the ground floor space is proposed as parking for the residential units above. More guidance is needed on the appropriate mix of uses to prevent limited commercially zoned land from being used for primarily residential purposes.

The amendment provides clarity on the relationship of the ground floor of the building and support facilities for the multi-family use. Residential support facilities such as parking, clubhouse, meeting rooms, lobby, study areas, or fitness center should not occupy the ground floor at the expense of commercial uses. The ZORC determined that some use of the ground floor would be acceptable for residential support facilities and has recommended limitations based on the size of the parcel. They discussed the amendment at length to try to consider all the different types of designs and parcel configurations to which the standards might apply.

**Language in the ordinance:**

“Residential support facilities.

All support facilities associated with residential uses shall be located on upper floors of multi-story buildings or in basements including, but not limited to, clubhouses, meeting rooms, study areas, tanning salon and fitness center. A leasing office may be located on the ground floor.

Parking located on the ground floor serving residential uses above shall not be allowed unless the following criteria are met:

- a) For a lot size of one acre or greater, residential parking spaces shall comprise less than 30% of the square footage of the ground floor and the remaining 70% is comprised of non-residential uses;

- b) For a lot size of less than one acre, residential parking spaces can comprise up to 50% of the square footage of the ground floor and the remaining 50% is comprised of non-residential uses;
- c) Lots must be existing as of January 8, 2019 and may not be subdivided for the purpose of creating multiple lots of less than 1 acre; and
- d) Residential parking spaces must be screened from view from the public street or screened from a driveway that functions as a private street.

Parking spaces that are entirely below grade, located underneath the main ground floor of the building, may be allowed.”

**2. Add an allowance for residential dwelling units on the ground floor as part of a larger mixed use development, when specific criteria shall be met and through an approved Conditional Use Permit.**

Background: The desire is to provide an option for a developer to request a separate freestanding residential building when it is part of a larger commercial project, with approval of a Conditional Use Permit. The CUP process will require public hearings with recommendation by the Planning Commission and approval by the Town Council. This amendment also creates criteria for consideration in the CUP process.

Examples of the free standing residential component concept proposed include the recently approved residential building in the Uptown commercial development on North Main St. The applicants opted not to wait for consideration of this amendment and pursued rezoning of a small parcel in the middle of the GC zoning to the Planned Residential zoning district. The residential building is an integral part of the commercial Uptown development. Another example of a possible location for a freestanding residential component would be the Rugby Field parcel on Country Club Dr. A wholly residential component could be integrated in the larger mixed use development of the Rugby Field and First and Main. Without visible street frontage it may be difficult to support commercial or office uses on the ground floor which is what is currently required in the GC district and an integrated residential component would complement the overall development.

Language in the Ordinance:

“A single or multi-story building with residential uses on all floors, with or without residential parking on the ground floor, may be requested by Conditional Use Permit when the residential building is part of a mixed-use development. The following criteria must be met:

1. The applicant shall demonstrate that the residential development is not the principal use in the mixed-use development project. This can include a comparison of the square footage and acreage of the project components;
2. The residential and non-residential components of the mixed-use project must be integrated and share common infrastructure which can include, but is not limited to; common access to the public right-of-way, shared parking areas, common utility lines, and joint stormwater management facilities;
3. The design of the residential development should incorporate principles from the Residential Infill Guidelines in the Comprehensive Plan to promote a walkable and pedestrian scaled urban environment;
4. The residential development should be oriented to the public street or to the driveway that may be functioning as a private street for access;
5. Public streets and driveways functioning as a private street shall contain sidewalks to connect the residential development to the non-residential portions of the mixed-use development project and shall contain street trees; and
6. Parking shall be screened from the public street or driveways functioning as a private street. Parking shall be located behind the front building line of the principal building. Town Council may grant a special exception to this requirement as authorized by Section 1112."

**3. Modify the Use and Design Standards for the hotel/motel use.**

**ARTICLE IV, USE AND DESIGN STANDARDS**

Background:

There was a recent proposal in the CG district for a hotel/motel use on only the ground floor and then multi-family units on all of the floors above. Typically, the first floor of a hotel/motel is occupied by the reception desk, lobby etc. and some guest rooms. Calling the first floor of the project a "hotel" allowed for placing residential units on the ground floor. Hotel/motel units are designed for short term occupancy and are constructed differently than a traditional multi-family unit. The project as proposed was in essence a free standing multi-family building in a CG district. In this case, the applicant opted to pursue a residential rezoning but the original proposal brought to light the issue of the one floor hotel. Modifying the Use and Design standards for the hotel/motel use will ensure that the hotel/motel use is distinct from the multi-family use. While they may be combined, the hotel/motel component must be meaningful and not a way around the restriction of residential on the ground floor.

**Language in the ordinance:**

“A hotel/motel shall not consist of a single ground floor of hotel/motel use with all other floors used for multi-family development. At least 50% of the square footage shall be a hotel/motel use.”

**Attachments:**

Attachment A – Town Council referral resolution 11-B-18

Attachment B – Draft of proposed Ordinance #1844

Attachment C - Public information meeting sign in sheet and summary

Attachment D - Correspondence

RESOLUTION 11-B-18

A RESOLUTION REFERRING A PROPOSED  
ZONING ORDINANCE AMENDMENT TO THE PLANNING COMMISSION  
REGARDING POTENTIAL CHANGES TO MULTI-FAMILY RESIDENTIAL USE  
STANDARDS IN THE GENERAL COMMERCIAL ZONING DISTRICT

WHEREAS, the intent of the General Commercial zoning district is to provide locations for commercial, retail and service uses for the public, and preserving commercial land is an important town goal;

WHEREAS, the General Commercial zoning district is also an implementing district for mixed use development, and its regulations should provide clarity on the parameters for project components and ensure a balance of commercial and residential uses in the project;

WHEREAS, property owners have requested more flexibility for multi-family development in the General Commercial Zoning District when it is part of a larger mixed use development;

WHEREAS, based on the above, the Town Council has determined that it is necessary to review zoning regulations governing the relationship of residential and non-residential uses in the General Commercial Zoning District; and,

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Blacksburg:

1. That the Planning Commission is hereby requested to review the Zoning Ordinance to consider proposed changes to the General Commercial zoning district regarding the amount of commercial development in a mixed use development and provide clarity on the locations for parking and support facilities for residential project components. Specifically, the Planning Commission is requested to consider and, if appropriate, develop text amendments for Articles II, III and IV of the Zoning Ordinance.
2. That the following changes to the Zoning Ordinance are proposed:

- a. Amendments to Article II to add or modify definitions as needed for vertical or horizontal mixed-use development projects and identify facilities supporting residential project components;
- b. Amendments to Article III, Division 15, General Commercial district standards to address the relationship of commercial and residential project components; and
- c. Amendments to Article IV to add use and design standards for multi-family residential as part of a mixed-use development and for a mixed-use development project.

3. That the Planning Commission is further requested to propose other amendments to related sections of the Zoning Ordinance, the Subdivision Ordinance or the Town Code as necessary for consistency with the amendments described in the preceding paragraphs.

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

Date of Adoption: November 13, 2018

<Draft of proposed Zoning Ordinance Amendment #39 changes, as of November 1, 2018>

<Note: Wording to be added to the General Commercial zoning district is underlined>

## ARTICLE III DISTRICT STANDARDS

### DIVISION 15. - GENERAL COMMERCIAL DISTRICT

#### Sec. 3150 - Purpose.

The General Commercial district is designed for a variety of commercial uses, both pedestrian and automobile oriented. The intent of the district is to provide for more intense commercial uses than the Downtown Commercial district, but in a manner which is consistent with the Town's character. Modern "strip" commercial development is not in keeping with the small-town character of Blacksburg, and this district is intended to discourage such development. Instead, a vital and lively streetscape, created by commercial buildings with windows and customer entrances oriented to the street, is an important goal of this district. While residential uses are allowed in the district under some circumstances, such uses should complement the commercial uses that serve as the primary intent in this district

#### Sec. 3151 - Permitted uses.

(a) The following uses and structures are permitted by right subject to all other applicable requirements contained in this ordinance.

##### Residential

Single-family, Detached, existing as of January 8, 2019 (*this wording is pending approval from Town Attorney to include in this amendment*)

##### Civic\*

Administrative Services  
Community Recreation  
Cultural Services  
Day Care Center  
Educational Facilities, Primary/Secondary  
Educational Facilities, College/University  
Home for Adults  
Laboratory  
Life Care Facility  
Nursing Home  
Open Space  
Post Office  
Public Parks and Recreational Areas  
Public Recreation Assembly  
Religious Assembly  
Safety Services  
Shelter  
Utility Services, Minor

Office\*

Financial Institutions

General Office

Medical Office

Commercial\*

Adult Entertainment Establishment

Adult Store

Automobile Renting/Leasing

Automobile Parts/Supply, Retail

Bed & Breakfast

Brewpub

Business Support Services

Car Wash

Clinic

Commercial Indoor Establishment

Commercial Indoor Amusement

Commercial Indoor Sports and Recreation

Communication Services

Construction Sales and Services

Consumer Repair Services

Funeral Home

Garden Center

Grocery Store

Hospital

Hotel/Motel

Kennel, Commercial

Neighborhood Convenience Store

Parking Facility

Pawn Shop

Personal Improvement Services

Personal Services

Private Farmers Market

Public Farmers Market

Restaurant, Fast Food

Restaurant, General

Restaurant, Small

Retail Sales

Specialty Shop

Studio, Fine Arts

Veterinary Hospital/Clinic

Miscellaneous

Accessory Structures

\* Without external speakers only. Any use which incorporates an external speaker may be permitted only with a conditional use permit.

(b) The following uses may be permitted with a conditional use permit:

Residential

Multi-family on the ground floor in accordance with Section 3151(d)

Townhouses on the ground floor in accordance with Section 3151(d)

Civic

Club

Public Assembly

Utility Services, Major

Commercial

Automobile Dealership

Automobile Repair Services

Commercial Outdoor Recreation

Commercial Outdoor Entertainment

Dance Hall

Equipment Sales/Rental

Gasoline Station

Mini-Warehouse

Restaurant, Drive-in

Retail Sales, Large Format

Industrial

Custom Manufacturing

Research and Development

Transportation Terminal

Miscellaneous

Broadcasting and Communication Facility

Outpatient Substance Abuse Treatment Center

(c) Residential uses are permitted by right on upper floors of multi-story buildings, and in basements of structures in the General Commercial District:

(1) Residential Use Types

Two-family Dwelling

Multifamily Dwelling

Home Occupation

(2) Residential support facilities

i. All support facilities associated with residential uses shall be located on upper floors of multi-story buildings or in basements including, but not limited to, clubhouses,

meeting rooms, study areas, tanning salon and fitness center. A leasing office may be located on the ground floor.

ii. Parking located on the ground floor serving residential uses above shall not be allowed unless the following criteria are met:

- a) For a lot size of one acre or greater, residential parking spaces shall comprise less than 30% of the square footage of the ground floor and the remaining 70% is comprised of non-residential uses;
- b) For a lot size of less than one acre, residential parking spaces can comprise up to 50% of the square footage of the ground floor and the remaining 50% is comprised of non-residential uses;
- c) Lots must be existing as of January 8, 2019 and may not be subdivided for the purpose of creating multiple lots of less than 1 acre; and
- d) Residential parking spaces must be screened from view from the public street or screened from a driveway that is functions as a private street.

iii. Parking spaces that are entirely below grade, located underneath the main ground floor of the building, may be allowed.

(d) A single or multi-story building with residential uses on all floors, with or without residential parking on the ground floor, may be requested by Conditional Use Permit when the residential building is part of a mixed-use development. The following criteria must be met:

1. The applicant shall demonstrate that the residential development is not the principal use in the mixed-use development project. This can include a comparison of the square footage and acreage of the project components;
2. The residential and non-residential components of the mixed-use project must be integrated and share common infrastructure which can include, but is not limited to; common access to the public right-of-way, shared parking areas, common utility lines, and joint stormwater management facilities;
3. The design of the residential development should incorporate principles from the Residential Infill Guidelines in the Comprehensive Plan to promote a walkable and pedestrian scaled urban environment;
4. The residential development should be oriented to the public street or to the driveway that may be functioning as a private street for access;
5. Public streets and driveways functioning as a private street shall contain sidewalks to connect the residential development to the non-residential

portions of the mixed-use development project and shall contain street trees;  
and

6. Parking shall be screened from the public street or driveways functioning as a private street. Parking shall be located behind the front building line of the principal building. Town Council may grant a special exception to this requirement as authorized by Section 1112.

**Sec. 3152 – Site development standards**

**Sec. 3153 - [Reserved]**

**Sec. 3154 - Joint and cross access**

**Sec. 3155 - Maximum residential occupancy.**

The maximum dwelling unit occupancy shall be a family, plus two persons unrelated to the family; or no more than four unrelated persons.

**ARTICLE IV –USE AND DESIGN STANDARDS**

**Division 5 –Commercial uses**

**4528.2 - Hotel/motel.**

Additional standards in the MXD, DC and GC zoning districts:

- (1) Parking shall be located behind the front line of the principal building. Town Council may grant a special exception to this requirement as authorized by Section 1112.
- (2) A hotel/motel shall not consist of a single ground floor of hotel/motel use with all other floors used for multi-family development. At least 50% of the square footage shall be a hotel/motel use.

**Zoning Ordinance Amendments #39 & #40 Public Information Meeting  
Wednesday, November 7, 2018  
6:30 PM  
Blacksburg Motor Company Large Conference Room**

Zoning Ordinance Amendment (ZOA) #39/Ordinance No. 1884 – The proposed amendment to the Zoning Ordinance is to change the General Commercial zoning district to:

1. clarify the allowed location of support facilities, such as parking, for upper story residential development in the district;
2. add an allowance for residential on the ground floor with criteria through the Conditional Use Permit process; and
3. modify the Use and Design Standards for the hotel/motel use.

Zoning Ordinance Amendment #40/Ordinance No. 1883 -The proposed amendment to the Zoning Ordinance is to change the development standards in the R-4 Low Density Residential zoning district to allow for:

1. Averaging of existing front yard setbacks in infill areas to allow homes to be built closer to the front property line in conformance with the location of front yards of existing homes on the same side of the block face.
2. Limit the size of new driveways or driveway expansions in the R-4 zoning District.
3. Increase the allowed Floor Area Ratio (FAR) for single family homes and to include basement and finished attic spaces.

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The meeting began at 6:30 pm. Town Staff in attendance were Paul Patterson, Kinsey O'Shea and Kasey Thomsen.

Mr. Patterson opened the meeting by giving an overview of the two zoning ordinance amendments and instructions on how to find more information and updates about the amendments on the Town of Blacksburg website.

The meeting was divided into discussion and question and answer about ZOA #40 and then discussion and question and answer about ZOA #39.

Paul Patterson led the discussion of items 1 & 2 of ZOA #40. Kinsey O'Shea led the discussion for item #3.

# TOWN OF Blacksburg

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Public Input Meeting/ZOA #39 & #40

November 7, 2018

Site Development Standards in the R-4 and R-5

Zoning Districts. Sign-In Sheet

Name - Printed	Email Address
DAWN E. GIETZEN	dgietze1@peoplepc.com
KATHY HUSER	HUSERK@INTELLOS.NET
David Lehn	dilehn.org

Please Print Legibly

**CORRESPONDENCE**

**As of November 15, 2018, no additional correspondence has been received on proposed Zoning Ordinance Amendment #39/Ordinance No. 1884.**