

**TO:** Planning Commission

**FROM:** Kinsey O'Shea, AICP, Town Planner     KO    

**TITLE:** RZN19-0005/ORD 1906-Request to rezone 3.556 acres of property at 900 and 1002 Glade Road and vacant parcels on Glade Road (Tax Map Nos. 225-A 5, 225-A 6, 225-A 7 and a portion of 225-A 4) from RR-1 Rural Residential 1 zoning district to PR Planned Residential zoning district for Multi-Family Housing and Townhomes by Craig Stipes of Broad Street Partners, LLC (applicant/contract purchaser) on behalf of the Ruth Epperly Life Estate, Kevin Gilbarte and Cary Hopper (owners).

**DATE:** January 31, 2020

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At the January 21, 2020 Planning Commissions work session, the Commission reviewed the revised application dated January 3, 2020 for the above-referenced request. The applicant has since provided a new revised proffer statement, dated January 30, 2020 with additional changes as below. The January 30, 2020 proffer statement is included as an attachment to this memo. All other aspects from the January 3, 2020 application remain the same.

- Proffers 1-7 remain unchanged since the January 3, 2020 proffer statement.
- 8. Maximum rental cap for existing units of \$1000/month for two-bedroom units; and \$750/month for one-bedroom units. A covenant to be recorded prior to Certificates of Occupancy provides additional language stating that the rents are to remain flat for 5 years, and increase to only \$1,100 and \$825 per month for two-bedroom units and one-bedroom units respectively, for an additional 5 years.
- 9. An increase in the percentage of income-qualification units from 50% to 60%. The proffer language also changed to require 1.5x monthly rent, instead of the 2x monthly rent as previously proffered. The language still includes the prohibition of non-tenant guarantors.
- 10. The development will be Earthcraft (Viridiant) certified within 12 months of issuance of a certificate of occupancy.

The January 3, 2020 application was revised and submitted following the November 2019 Planning Commission public hearing, and was discussed at the Planning Commission work session on January 21, 2020. The staff memo dated January 17, 2020 outlined the changes in the January 3, 2020 application from the previous application dated October 23, 2019 including:

- Additional land added to the property
- Increase in the number of cottage units
- Increase in the number of bedrooms
- Overall decrease in residential density due to additional acreage added to the rezone area
- Construction of multi-use trail along western side of the property
- Increase in the overall open space; eliminating the request to allow setbacks to be counted in the open space calculation
- New proffer requiring residents in a percentage of the units to income-qualify without non-tenant guarantors
- New proffer committing to several green building/sustainable building practices

Due to the nature of the changes in the January 3, 2020 application, a second neighborhood meeting was held on January 23, 2020. Notes and the sign-in sheet from this meeting are attached.

**ATTACHMENTS**

1. Proffer Statement dated January 30, 2020
2. Neighborhood Meeting Notes and sign-in sheet from January 23, 2020 neighborhood meeting

**Proffer Statement for the Application**  
**To Rezone Tax Parcels 225-A-5,6,7 from RR-1 (Rural Residential 1) to PRD (Planned Residential)**  
**January 3, 2020 Revised January 30, 2020**

Pursuant to Section 15.2-2298 of the Code of Virginia (1950) as amended, and Section 1160 of the Town of Blacksburg Zoning Ordinance, Town Code Appendix A, the undersigned owner (Broad Street Partners, LLC) seeks to amend the zoning of Tax parcels 225-A-5, 225-A-6, and 225-A-7, and a portion of 225-A-4 (the "Property") from the existing zoning of RR-1 (Rural Residential) to PRD (Planned Residential) zoning classification, subject to the following proffered conditions:

1. The Property shall be developed in general conformance with the submitted rezoning package entitled "Planned Residential District Rezoning for The Farm Multi-Family Development" rezoning package dated July 31, 2019, revised October 23, 2019, and revised January 3, 2020 prepared by Gay and Neel, Inc. This includes the site development plan and architectural schematics.
2. The maximum building height for structures within the project shall be as follows:
  - Single Unit Multi-Family Dwellings: 32 feet
  - Multi-Family Dwellings: 42 feet
  - Townhomes: 32 feet
  - Community Building: 28 feetBuilding height shall be defined as the distance from the threshold of the front door of the structure to the highest point of the structure.
3. The owner shall develop a parking policy and shall (i) issue parking permits/stickers to residents and (ii) implement parking enforcement measures such as signage and towing as necessary. The number of permits/stickers shall be limited to the number of parking spaces as shown on the plan. The Townhouses shall have different identifying permits/stickers for reserved parking in front of the Townhouse garages.
4. The proposed Planned Residential District shall have a maximum occupancy requirement for the apartment units. The maximum dwelling unit occupancy shall be a family plus two (2) unrelated persons. Specific occupancy requirements for unrelated persons shall be no more than one (1) unrelated person per bedroom.
5. 4-bedroom units shall not be constructed.
6. Units will not be leased by the bedroom.
7. Signage will comply with the existing Town of Blacksburg signage regulations for residential zoning districts as defined in Section 5532 of the Town of Blacksburg Zoning Ordinance.
8. The existing building currently has six 2-bedroom units averaging \$1,000 per month in rent and six 1-bedroom units averaging \$750 per month in rent. A covenant, managing the maximum rents on these units is shown as attached Exhibit A. The covenant shall be recorded by the owner prior to a certificate of occupancy being issued for the property.
9. Residents in a minimum of 60% of the dwelling units shall be required to demonstrate, through a pay stub or other means, that their income is one and a half (1-1/2) times their monthly rent obligation at the time of unit rental. Non-tenant guarantors on the leases of these units are not permitted.
10. The project will obtain an Earthcraft (Viridiant) certification within 12 months of a certificate of occupancy being issued.

Broad Street Partners, LLC

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Commonwealth of Virginia  
County of Montgomery

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_ My commission expires: \_\_\_\_\_  
Notary Public

## EXHIBIT A

### **Covenant to be recorded for The Farm Planned Residential District**

The existing apartment building consists of six 2-bedroom units averaging \$1,000 per month in rent and six 1-bedroom units averaging \$750 per month in rent as of October 23, 2019.

These average rents shall be maintained for a period of five years from the issuance of a certificate of occupancy.

At the expiration of that five-year period, the average rental rate for the six 2-bedroom units shall not exceed \$1,100 per month and the average rental rate for the six 1-bedroom units shall not exceed \$825 per month. This average rental rate cap shall remain in place for an additional 5 years.

At the expiration of that five-year period, this covenant shall expire.

This covenant shall not prevent the owner of the property from changing other lease terms, evicting tenants for non-payment or other violations as allowed by law.

RZN19-0005 Glade Road Multi-Family PRD Rezoning  
2<sup>nd</sup> Neighborhood Meeting  
Thursday, January 23, 2020  
6:00 PM  
Blacksburg Motor Company Building, 400 South Main Street.

Town staff in attendance were Kinsey O'Shea and Kasey Thomsen

Attendees for the applicant were John Neel of Gay and Neel, Inc. and Craig Stipes and Rob Jones of Broad Street Partners.

The meeting began at 6:08 pm.

Kinsey O'Shea opened the meeting by discussing Planning Commission's recommendation on the request at the November 2019 public hearing; subsequent changes made by the applicant necessitating the need for a second neighborhood meeting; and any and all future meetings to discuss and decide upon this project. She also directed all those in attendance to the Town of Blacksburg website where the current application, meeting schedule and any future documents and additions to the application could be found.

John Neel and Craig Stipes gave a presentation describing changes to the application and plan.

The meeting was opened up to questions from those in attendance.

- A citizen asked if it was correct that only 50% of the dwelling units had to show/meet income requirements.
- A citizen asked where the Multi-Use Trail would be going.
- A neighbor asked if the applicant was planning to install a deceleration lane leading up to the entrance. The neighbor was concerned that people waiting to enter the complex would block the road.
- A citizen asked if a family could buy a unit and rent out a second bedroom to a student.
- An attendee stated that since only 50% of the dwelling units had to meet income requirements, there were still over 50 bedrooms that could be rented to students.
- An attendee asked why all the units couldn't be made to follow income requirements and restrictions, or if age restrictions were feasible.
- An attendee asked how many parking spaces the project had.
- A citizen stated they were very concerned about traffic going in and out of the complex and traffic congestion in general, including the intersections further away from the development on Glade Road near the commercial area.
- A citizen asked if there was any attempt to create a second entrance in case the first entrance is blocked for some reason.
- A citizen asked about the location of the multi-use trail. The citizen asked if the trail could go along the right side of the property instead of the left.
- An attendee expressed concern that pedestrians and cyclists will also be crossing Glade Road at the entrance of the property to get to the trail and also into the complex. The same attendee stated that the multi-use trail just ends at the property line, and wondered if the easement for the trail on the adjacent property is legally binding. Lastly, the attendee asked if the applicant could relocate the development entrance between the two townhome buildings, instead of across from Oriole Drive.

- A neighbor stated that due to the specific nuances of Glade Road and the blind curve, aligning the entrance with Oriole Drive will be a safety issue, even if alignment of the entrances is more desirable from a general engineering perspective.
- A neighbor asked what would happen if the property was sold; would the terms agreed to by the applicant still apply? How could they be changed?
- A neighbor asked if the applicant has taken the blind curve on Glade Road near Oriole into account when designing the property and especially the entrance. The neighbor stated that even now problems exist with spotting cars at the intersection of Glade and Oriole and there have been several occasions when cars exiting Oriole Drive onto Glade Road have nearly been struck by oncoming eastbound traffic.
- An attendee stated that there will be more cars than bedrooms if units are rented to families, and thus more traffic coming to and from the development.
- A citizen was concerned about the lack of deceleration lane/right turn taper into the development.
- An attendee expressed concern about increasing congestion at the signal at University City Boulevard at the Kroger, and the crosswalk; the citizen asked if any improvements were proposed there.
- An attendee was concerned about parking spillover into the neighborhood, stating that students tend to park on nearby streets because they can't or don't want to park in the spaces.
- A citizen asked if the tenants of the complex could obtain neighborhood parking permits, if the nearby neighborhood opts to pursue town parking permits.
- A citizen mentioned that the Future Land Use designation for this parcel was R-4 (Low Density Residential.) The citizen questioned the applicant about the choice to develop such high density when it is not compatible with the FLU designation, and why the choice was made to not pursue a comprehensive plan designation change prior to submitting the rezoning request.
- A neighbor stated that this piece of property in this part of town should not be developed at this density.
- A neighbor who will face the back of the property said that their view will be of a 4-story building, and also stated that placing a barn type structure amongst all the multi-family housing does not add character to the project.
- An attendee asked how sewer would be provided for the project.
- An attendee asked what code amendments are being asked for from the applicant to the Town.
- A neighbor asked how the project was reviewed and evaluated through the process.
- A citizen asked if there are other developments in Blacksburg with income and other rental restrictions that have been successful.
- An attendee asked the applicant how they would handle empty units if they don't get enough tenants that meet income and other rental requirements.
- A neighbor stated that the neighborhood is very concerned about density and does not feel this is the right place for such a dense project. The neighbor pointed out that the Future Land Use map does not indicate that this area should have this much density like the type the proposed project would bring.
- A neighbor stated that his neighborhood is not obligated to give citizens a home near where they may work. He stated that not everyone gets to live within walking distance of employment and services.
- A neighbor who lives downstream from the proposed project currently experiences stormwater issues and wonders what improvements are proposed that may remedy the current situation. The neighbor is concerned that additional development will exacerbate the current conditions.

- An attendee asked if the applicant was treating all the stormwater quality on site or buying nutrient credits to offset the difference.
- A citizen was concerned that this project will be the first step to many other high density projects in this area in the future.
- An attendee asked if the public sewer went all the way down Glade Road.
- A neighbor stated that it is the cumulative effect of this development and other potential future developments that will have a negative impact on their quality of life.
- A citizen felt that the zoning ordinance and comprehensive plans were not being considered during these rezoning requests, and wondered what the point of the documents were if they were not being followed.
- A neighbor asked the applicant how they planned to reduce light pollution intruding into the neighborhood.
- A citizen asked if engineering standards such as water pressure would have to be resolved prior to the Planning Commission.
- An attendee asked if the applicant had floor plans of all the other types of housing units, not just the townhomes.
- An attendee asked about regulation, management, and responsibility for the proposed community garden and dog park.
- A citizen asked if there is a connection on the proposed project to access the 40 acre parcel behind it.
- An attendee asked if the people using the trail will be able to access the 40 acre parcel behind the proposed project.
- A resident noted that all of the problems boil down to too much density proposed.
- Several neighbors stated that they like the project, just not in this location in their neighborhood.
- A resident of 1201 Glen Cove Lane stated that the stream near her house already takes water from the nearby Kroger and the post office and the banks are eroding. She asked that Town staff and the applicant come look at the stream to see the extent of the damage.
- Meeting was adjourned at 8:06 pm.

2nd Neighborhood Meeting

RZN19-0005 The Farm-Glade Road PRD

Date

Thursday, January 23 2020 6:00 PM.

Name	Address	Email
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