TOWN OF Blacksburg VIRGINIA

DEPARTMENT OF
PLANNING AND BUILDING

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MEMORANDUM

To: Planning Commission

From: Emma Martin, Planner I ___EM___

Kinsey O'Shea, AICP, Town Planner___KO___

Date: December 12, 2019

Subject: CUP 19-0007 Conditional Use Permit for General Office with accessory Club Use in the Old Town Residential (OTR) Zoning District on 0.341 acres at 205 Kent Street (tax parcel 256- 6SEC 4 3, 4A), requested by Ryan Seavy of [R(Plus) Incorporated] (applicant) and H C M F XXXIII Partnership (property owner)

SUMMARY OF LAND USE REQUEST	
Property Location	205 Kent St
Tax Parcel Numbers	256-6 Sec 4 3, 4A
Parcel(s) Size	0.341 acres
Present Zoning District	OTR- Old Town Residential
Present Use	Vacant
Adjacent Zoning District	**North:** Old Town Residential
	East: Old Town Residential
	South: University
	West: University
Adjacent Uses	**Northwest:** Multi-family residential
	Northeast: Single-family residential
	Southeast: Multi-family residential
	Southwest: University
Adopted Future Land Use	Medium-Density Residential
Proposed Use of Structure	Office use with accessory club use
OTR District Standards	
Maximum Height	35' to 45'
Minimum Setbacks	Front: 20'
	Side: 20'
	Rear: 25'
Maximum Lot Coverage	50% impervious
Maximum Density	15 bedrooms per acre
Proposed Parking	6 spaces (5.3 required for 1,600 square feet of office space)
Proposed Bike Parking	Not specified, minimum 5 spaces required

EXISTING CONDITIONS

The property subject to this Conditional Use Permit request is located at 205 Kent Street. The two parcels are approximately 0.341 acres combined and contain an existing two-story house that has been unoccupied for many years and was most recently used as student housing. The Cranwell family currently owns the existing property at 205 Kent Street. The owner intends to reuse and rehabilitate the structure and to add additional square footage on the rear of the building to accommodate event space. The owner is requesting a Conditional Use Permit to allow an office use with accessory use of club in the Old Town Residential Zoning District. The owner is also requesting a Conditional Use Permit request for vehicle access of the rear alley for a non-residential use (CUP19-0008). This staff report covers the Conditional Use Permit request for the office use with accessory club use.

The surrounding neighborhood is a mix of residential and non-residential uses. Adjacent uses include single- and multi-family residential dwellings and Virginia Tech residential halls across Kent Street. The Neyhart and McConnell law office and Chabad are located diagonally from the subject area.

DEVELOPMENT PROPOSAL

Ryan Seavy, representing the Cranwell Foundation, has applied for a Conditional Use Permit for an office in the Old Town Residential District at 205 Kent Street. The intended primary use of the proposed development is a permanent office for the Cranwell Foundation. The application notes the office will manage day to day operations and fulfill the mission of the Foundation via the Cranwell Foundation's five permanent staff. The applicant states that employees of the Cranwell Foundation will access the property and the proposed parking lot from the mid-block alley connecting to Washington Street.

The applicant proposes converting the existing house to a General Office Use. The concept plan also proposes a ground floor addition to the rear of the structure to serve as multi-purpose space for the Foundation events that are accessory to the primary office use. These functions may include practice for international dance group performances, speakers, lectures, fundraising events, musical performances, round table discussions, or mindfulness practice meetings.

The applicant states that on average, a maximum of one gathering or event per week with more than 30 attendees would occur. Staff recommends a condition that the total not exceed a maximum of 52 times per year. Additionally, the applicant states there will be a maximum of 16 events per year with more than 50 attendees. For functions, parking at 205 Kent Street will not be available for the general public and will be reserved for guests requiring on-site parking for accessibility. The applicant intends that when guests attend functions at 205 Kent Street, they will utilize downtown public parking or other modes of transportation.

The block defined by Kent Street, Washington Street, Otey Street, and Wall Street (referred to as the Kent Street Block) contains nine properties (including 205 Kent Street) that include a mix of single and multi-family residential dwelling units, the Chabad at Virginia Tech, and a law office. Within the Kent Street Block, as well as the Old Town Residential Zoning District as a whole, there are a number of use types requiring a Conditional Use Permit that have been previously approved. There are currently two other properties in the Kent Street Block with Special Use Permits. The property at 301 Wall Street previously had a Special Use Permit to operate a former bed and breakfast with a tearoom (which is classified as a small restaurant under the Zoning Ordinance). This use is no longer operating and is now the Chabad at Virginia Tech. The law office at 210 Otey Street has a Special Use Permit to allow the conversion to a General Office Use and Residential Use. The Virginia Tech campus is located across Kent Street to the West and consists of residential dorms.

NEIGHBORHOOD MEETING
A neighborhood meeting was held on December 4, 2019 at 5:30 PM. Notes and sign in sheet are attached. The neighborhood meeting covered both CUP19-0007 and CUP19-0008.

EVALUATION
The criteria to be considered in evaluation of a Conditional Use Permit include:

1. Conformance to the Comprehensive Plan, or to specific elements of the Plan, and to official Town policies adopted in relation thereto, including the purposes of the Zoning Ordinance.

2. Adherence to minimum adverse impact on the surrounding neighborhood or community. The proposal as submitted shall not cause adverse impacts as defined by Section 1181 (b) of the Zoning Ordinance. Adverse impacts considered may include, but not be limited to, traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes and vibrations, Due regard is given to the timing of the operation, site design, access, screening, or other matters which might be regulated to mitigate adverse impact.

Comprehensive Plan
The Future Land Use map identifies this property as Medium-Density Residential land use. The definition of Medium-Density Residential is: residential units with up to and including ten dwelling units per acre or up to 20 bedrooms per acre, whichever is less. Typical implementing districts are Transitional Residential (R-5), Old Town Residential (OTR), Planned Residential (PR), and Planned Manufactured Home (PHM) zoning districts.

This Future Land Use does not contemplate additional non-residential uses, but the implementing zoning districts do allow some non-residential uses by Conditional Use Permit. These requests are reviewed on a case-by-case basis for their merits and neighborhood compatibility, as well as the mitigation of any adverse impacts.

This site is not in a Mixed-Use Area or Urban Development Area. It is designated as an Employment Area on the Neighborhood, Employment, and Service Areas Map. See attached staff appendix for reference.

Zoning Ordinance
<u>Use Definitions</u>
General Office use is defined as:

> *"Use of a site for business, professional, or administrative offices, excluding medical offices. Typical uses include real estate, insurance, management, travel, computer software or information systems research and development, or other business offices; organization and association offices; or law, architectural, engineering, accounting or other professional offices."*

The proposed use of offices for the Cranwell Foundation is consistent with this definition.

Club use is defined as:

> *"A use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organization, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. A club does not include a building in which members reside. A student center is a club."*

The proposed accessory use of club for the Cranwell Foundation is consistent with this definition.

District Intent

The Old Town Residential District purpose stresses that the district is intended to retain and protect the small-town character, unique architecture, and pattern of the historic heart of the Town. The district is intended to allow broad Conditional Uses which ease the transition from commercial and campus to residential.

> *The district is designed for a low and medium density residential base, with small scale office, commercial, and retail uses in renovated or replicated housing, a dynamic mix of uses linked by a common historic residential character.*

General Office use is allowed in the Old Town Residential District by Conditional Use Permit. The rehabilitation of the existing structure, built circa 1930, is consistent with the purpose and intent of the district.

Per District Standard section 3061 (b) of the Zoning Ordinance, General Office as a use in the Old Town Residential District shall require a Conditional Use Permit.

Development Standards / Use & Design Standards

A full list of Use and Design Standards for §4420 general office use are as follows. In addition, the full list of Use and Design Standards are located in the appendix. Staff comments have been provided in italics below.

1. Exterior lighting shall be compatible with the surrounding neighborhood.

The applicant has not proposed exterior lighting. If the applicant wishes to use any exterior lighting, a lighting plan needs to be submitted as part of the Conditional Use Permit application. This lighting should be residential in nature. The zoning ordinance contains regulations regarding the height of light poles and the amount of light that can be cast onto adjacent properties and streets.

2. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.

As stated above, the existing entrance to the site from the alley will be improved to accommodate ingress and egress to the parking lot. There does not appear to be a safety issue in terms of traffic circulation nor impact on adjacent property. The applicant is not proposing any new entrances to the site. The parking lot will be accessed via the existing alley.

3. The street elevation of the principal structure shall have at least one (1) street-oriented entrance, and contain the principal windows of the office.

The applicant proposes to keep the street oriented pedestrian entrance of the existing building, but will replace the walkway leading from Kent Street to the building entrance. The new walkway will be located near the side property line, and not centered leading to the front door as it exists today. The retaining wall will be removed and the front lawn will be graded to street level.

4. Loading areas shall be sited in such a way so as to minimize the impact on any surrounding neighborhood. Sufficient screening material meeting the standards of Article V, Division 3 of this ordinance shall be provided to screen and diffuse noise impacts on adjacent residences. A type D buffer shall be required when a loading area is located adjacent to a residential use.

The applicant has not provided any loading area information.

5. The use of alternative paving material, such as brick pavers or porous pavement is permitted.

The applicant states that the parking lot will be constructed of approximately 1800 square feet of pervious pavement. Staff supports the use of pervious pavement.

§4420(b) Additional standards in the OTR zoning district:

1. The retention and use of upper floors for residential purposes is encouraged, so as to continue and enhance the residential character of the neighborhood.

The application proposes to use all of the existing structure floor space as office, therefore, no residential use is proposed.

2. A general office which adjoins a R-4, R-5, OTR, RR1, RR2, or PR zoning district shall have a type A buffer yard behind the front line of the principal building. (A Type A buffer consists of a 10' buffer; 4' architectural screen; and small evergreen trees; or a 20' buffer; a row of small evergreen trees and a row of evergreen shrubs)

The parcel at 205 Kent Street adjoins the Old Town Residential Zoning District from the North, East, and South. Virginia Tech residential dorms are located to the southwest of 205 Kent Street, and are zoned as University.

The applicant is proposing a 10 foot type A buffer yard with an architectural screen and screening trees along the side property lines adjacent to the new addition to meet this standard. The tress will be located on the outside of the screen, adjacent to the neighboring properties to soften the screening wall. The screen is proposed to be made of a wall of gabion baskets filled with stone, which allow the growth of vines, creating in effect a green wall. The buffer yard does not extend beyond the front building line. This maintains a residential appearance such that the front yards of neighboring properties flow into one another. The building at 205 Kent Street will be accessed by pedestrians and vehicles via the rear alley, thus a type A buffer yard to the East along the alley would not allow those entrances to function. There is no buffer required on the West side of the property due to the presence of Virginia Tech across Kent Street.

3. For existing structures, no exterior changes may be made that are nonresidential in character.

The applicant is not proposing changes to the existing portion of the structure that are non-residential in character. The existing retaining wall will be removed and the front lawn will be graded to eliminate any fall risk and to prepare the property for potential future installation of a sidewalk. The proposed addition to the rear will be minimally visible from the street due to its location behind the existing structure and one-story height.

4. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.

The applicant states that the use will be consistent with other properties in the neighborhood. The proposed project will utilize the alley to access parking, similar to other properties along Kent Street. The hours of operation of the Cranwell Foundation have not been provided, but the five employees will be the primary daily users of the structure. The application states that the new structure will be used as an event space for more than 30 attendees on an average of once a week, and an event space for larger functions (more than 50 attendees) no more than sixteen times per year.

The Kent Street block has two existing properties that are non-residential. The Chabad at Virginia Tech is located along Wall Street and is an Assembly Use. Neyhart and McConnell, P.C. is a law firm office located along Otey Street.

5. The scale, massing, and building design should be compatible with the surrounding neighborhood. The structure shall be street-oriented with pedestrian entrances from the street.

The scale, massing, and building design should be compatible with the surrounding neighborhood. The structure is street-oriented with pedestrian entrances from both the street and the alley.

The materials, height, and visibility appear to be consistent with surrounding properties. The applicant states that the design and material choice for the addition were made to complement and enhance the existing structure rather than to replicate that structure. Brick is used as the primary exterior material because of its residential character and prevalence of brick construction in Blacksburg. No changes are being proposed to the height of the building since all additions will be made on the ground floor. Massing will increase, but the addition will be one story to the rear of the building. Staff feels that the design and material choices for the addition was made to complement and enhance the existing structure rather than to replicate or copy the existing structure.

6. The location, dimensions, and design concept of any proposed signage should be provided at the time of the Conditional Use Permit application.

The application states that the proposed signage will be similar to provided graphics but does not specify signage dimensions. The applicant should provide final type, location, and size of signage. All signage must meet requirements of the Zoning Ordinance.

7. 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.

Proposed parking is located to the rear of the building, meeting this standard.

§4420. Additional standards in the OTR zoning district: The architecture and historic character of structures in the OTR zoning district shall be retained. The retention and use of existing structures that contribute to the character of the neighborhood shall be a consideration in the granting of a Conditional Use Permit.

The applicant states that the proposed design for the Cranwell Foundation building, through its siting, massing, organization, and materiality is residential in nature and designed to complement and enhance the property's existing structure as well as the neighborhood at large. The applicant states that the proposed design also reduces the visual impact of the project on the surrounding neighborhood by placing all new floor area at ground level, minimizing the height of the proposed building addition, and locating the addition to the rear of the property. Staff feels that the street view of the new and existing structure will be similar since the proposed additions are located to the rear of the existing building. Staff feels that the existing building will remain the focal point from Kent Street, and the new, modern addition will be nearly invisible from the street. Additionally, the proposed design for the addition is shorter and contains less floor area than many of the surrounding properties used for non-residential purposes.

ADVERSE IMPACTS

Section 1181 of the Zoning Ordinances requires that Conditional Use Permit requests be evaluated for minimum adverse impact on the surrounding neighborhood or community. Adverse impact shall be evaluated with consideration to items such as, but not limited to: traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes, and vibrations. In consideration of these impacts, due regard shall be given to the timing of the operation, site design, access, screening, or other matters which might be regulated to mitigate adverse impacts.

Noise
Noise from the property at 205 Kent Street will depend on club use events and hours of operation. Noise from the office use will be minimal.

Hours of Use
The applicant does not designate any general hours of use. Limiting hours for the primary office to normal weekly business hours would result in a lower impact on the surrounding residential neighborhood. Hours and events of comparable properties were provided by the applicant and are detailed below.

Neyhart and McConnell, P.C., a law firm located at 210 Otey Street has business hours from 9 AM to 5 PM Monday through Friday.

The applicant provided event and schedule information for the Virginia Tech Newman Catholic Community and the Wesley Foundation. The Virginia Tech Newman Catholic Community, located at 203 Otey Street hosts approximately 30 events per week. The events vary from daily prayer gatherings to full Catholic mass, as well as weekly dinners. The various services and gatherings occur at multiple times per day, every day of the week.

The Wesley Foundation is located northeast at 209 W Roanoke Street. The Wesley Foundation hosts a minimum of three events per week including worship on Wednesday at 7:30 PM, bible study on Monday at 7:00 PM, and Sunday dinner at 5:30 PM.

Parking
The proposed parking will provide six parking spaces including one ADA accessible space. The Zoning Ordinance requires one space for every 300 square feet of office space. The applicant intends to use approximately 1,600 gross square feet as general office. Therefore, 5.3 parking spaces are required per the parking requirements for general office space in the Zoning Ordinance. Bicycle parking is required, and the application should be revised to include the 5 required spaces at a minimum.

The proposed number of parking space is similar to what would be required if this were a multi-family residential use, based on density and allowed number of bedrooms. Thus, the location, access, and number of spaces is consistent with the adjacent properties located within the Kent Street Block.

The application states that guests attending events at 205 Kent Street will utilize public parking Downtown and walk to the building. The Kent Square parking garage and two Virginia Tech parking lots are located within a 5-minute walk from 205 Kent Street.

Pedestrian Access
There is a sidewalk on the “University side” of Kent Street, but no sidewalk on the “Town side” of Kent Street. Pedestrians arriving to the building from the “University side” sidewalk can cross Kent Street to the 205 Kent Street entry path. The applicants desire a crosswalk in this location, which would require additional staff review. The applicant intends for pedestrians to access the site from the alley entrance, and states that such instruction would be provided in event information to guests.

The proposed redevelopment of 205 Kent Street is designed to accommodate the construction of a future sidewalk on the east side of Kent Street as surrounding properties evolve. According to the applicant, “this project has the potential to be a catalyst for improvements to the existing pedestrian

oriented infrastructure on Kent Street". The applicant should provide an easement for the installation of sidewalk in the future.

The project proposes to remove the retaining wall, which is in poor condition and encroaching into the vehicle travel way along Kent Street and grade the front lawn to meet the street elevation, which would allow for future construction of a sidewalk. Grading the front lawn and removing the retaining wall will eliminate the fall risk from the lawn into Kent Street. This will also improve the appearance of the property. The neighbor to the northwest of the property has concerns regarding the removal of the wall, as her property also has a wall that connects to the wall to be removed. This could be addressed during the site plan stage with the applicant working with staff to ensure that precautions are taken with grading and other improvements to protect the adjacent wall from damage or failure.

Utilities

The Town Engineering Staff have reviewed the application with regard to the development's stormwater management plan. The concept plan is approved at this time.

The Town Engineering Staff have reviewed the application with regards to water and sanitary sewer service and provide the following comments that can be addressed in the site plan stage.

- The building is proposed to be constructed over private water and sewer laterals. In order for the building to be constructed in this way, the lateral must be an approved material per the Building Department. Please work with the Building Department to determine if the current laterals meet this requirement or must be replaced.
- The location of the entire water and sewer laterals must be identified for the plat and site plans to be approved.
- A downstream sewer capacity analysis will need to be performed before a site plan can be approved. We recommend engaging with Town staff on this as early in the process as possible.

Transportation

The Town Engineering Staff have reviewed the application with regard to transportation impact and provide the following comments:

- The applicant states that the regular users of the alley will be the Cranwell Foundation's five office employees. Based on the 1600 SF Office space the anticipated total daily trips would be twenty-six (26). As a comparison, the anticipated number of total trips for a Single Family use would be ten (10) and a Multi-Family use with two (2) and Three (3) dwelling units, respectively, would be fifteen (15) and twenty-two (22) total trips. Though an office use would be expected to have higher traffic volumes than past uses the increase would be expected to have a negligible impact.

Alley Vehicular Access

The proposed parking will provide six parking spaces located in the rear of the property accessed via the alley. This request requires a CUP which has also been requested by the applicant. Please see the Staff Report for CUP19-0008 for more information regarding the alley use request. This use is consistent with adjacent and surrounding properties both in terms of the number of parking spaces provided as well as the general use of the alley to access parking areas. The alley is the historical means of vehicular access to 205 Kent Street and is in fair condition.

SUMMARY

The application shall be evaluated on compatibility with the Comprehensive Plan and to official Town policies, including the purposes and development requirements of the Zoning Ordinance and Subdivision Ordinance regarding use and design standards for alleys. Per section 1183, the Commission shall base its recommendation upon the review of the submitted application materials, the specific and general criteria for the Conditional Use, public comment received at the hearing, and the information and evaluation provided by the staff. The Conditional Use Permit application being reviewed is a discretionary decision. In making a recommendation to the Town Council, the Commission may recommend any conditions necessary to ensure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the design, scale, use, or operation of the proposed Conditional Use. Where warranted, for the purpose of compliance with the general standards for Conditional Uses, such conditions may exceed the specific standards for the use found elsewhere in the Zoning Ordinance. In addition, the Conditional Use Permit application is evaluated on minimum adverse impact on the surrounding neighborhood or community.

No adverse impacts are expected due to a General Office use with regard to traffic, parking, external lights, noise, dust, drainage, water quality, air quality, odor, fumes and vibrations.

STAFF RECOMMENDED CONDITIONS

1. The property shall be developed in substantial conformance with the revised application dated December 2, 2019.
2. The office hours of operation shall be limited to 8:00 AM to 5:00 PM Monday through Friday to limit impact on the surrounding neighborhood.
3. A maximum of 16 events per year with more than 50 attendees shall be permitted. A maximum of 52 events per year with more than 30 attendees shall be permitted.
4. The applicant shall dedicate a sidewalk easement on the property along the Kent Street frontage with a minimum width of 10’ to allow for the future construction of curb and gutter, 4’ vegetated buffer strip, and 5’ concrete sidewalk.

Attachments

Staff GIS Maps
Neighborhood Meeting sign-in sheet and notes
Staff Appendix