

TO: Town Council

FROM: Kali Casper, AICP, Assistant Planning Director

RE: Zoning Ordinance Amendment #49 – Amendment to the Zoning Ordinance for changes to the Historic District relating to the list of contributing structures, Board membership, signage, review criteria, and parking

DATE: February 6, 2020

Amendments Proposed

Zoning Ordinance Amendment #49/Ordinance #1924 includes the following changes:

- revise the membership requirements for the Historic or Design Review Board (“HDRB” or “the Board”);
- incorporate Sign Guidelines into the Historic or Design Review Overlay District (“the Historic District” or “the District”);
- clarify how different types of applications are reviewed by staff or HDRB and clarify redevelopment plan submittal requirements;
- establish criteria for the provision of parking in the District; and
- update the list of contributing (historic) structures (“the List”) in the Blacksburg Historic or Design Review Overlay District.

The draft text of the amendments is attached. These changes are discussed by topic in this document.

Background

On September 10, 2019, Town Council referred an amendment to the Historic or Design Review Overlay zoning district to the Planning Commission for review. The boundaries of the District are as originally adopted in 1999. Structures within the Historic District were originally surveyed in 1986/1989 and 1996-1997 in order to establish the District. The survey information was updated in 2006 as part of a grant program but no changes were made to the list of contributing structures at that time.

In 2016, Hill Studio completed a historic district survey update and created sign design guidelines as part of a grant from the Virginia Department of Historic Resources (VDHR). For the survey update, Hill Studio completed 45 full re-surveys and 194 field checks of properties within the Historic District but again no changes were made to the List.

In 2011, a zoning amendment was approved that created binding review for redevelopment where a contributing structure has previously been demolished or relocated and changed the composition

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of the HDRB. In 2015, the Historic District was amended to add the Old National Bank building to the List as requested by the owner in order to be eligible for a newly created residential density bonus in conjunction with retention and rehabilitation of a contributing structure. Allowing residential on the ground floor in the Downtown Commercial zoning district in conjunction with retention and rehabilitation of a contributing structure was also added to the Zoning Ordinance at this time.

HDRB Membership

The proposed Zoning Ordinance amendment includes several changes to the requirements for the composition of the Historic or Design Review Board (HDRB) in Section 3271. The proposed text continues to require the following membership and changes the ownership requirement from “shall” to “should”. This reflects the difficulty HDRB has had in attracting owners who live or own property in the District to serve on the Board.

The Board must include:

- One member of Planning Commission
- One licensed architect or architectural historian
- Total minimum of two members with professional training in architecture, history, architectural history, planning, building or development
- One owner of commercial property **OR** one owner of property within the District that also resides in the District

The Board should include the following:

- One owner of commercial property within the District
- Two owners of property within the District that also reside in the District

The owner under the required must category would count towards this category, meaning one owner is required but three owners are preferred.

These changes retain the intent of the current text and meet the requirements of maintaining Certified Local Government designation from the VDHR while allowing for some flexibility in filling vacancies with appointments to the Board.

Signage and Design Guidelines

The proposed Zoning Ordinance amendment incorporates the Sign Design Guidelines created by Hill Studio in 2016. The sign guidelines will be added as a reference document in Section 3282 to assist HDRB and staff with reviewing proposed signage in the Historic District. The Design Guidelines Overview as well as Guidelines for New Construction, Exterior Alterations & Additions, and Relocation & Demolition are already included in the Ordinance by reference and are called out specifically in the revised text. Project reviews for signs within the Historic District have become increasingly frequent but lack specific guidance for applicants as well as staff and HDRB in the review process. This amendment does not change the method or nature of review for sign projects.

Review Types

The proposed Zoning Ordinance amendment includes several changes to Section 3283 “Applicability of design guidelines” in order to provide clarity to citizens, applicants, staff, and HDRB regarding the

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method and nature of different review types. Projects are currently sorted into the following categories that remain unchanged:

- Exempt from review
- Advisory administrative staff review
- Advisory Board review
- Binding Board review

The proposed amendment does move minor repair projects for windows from the category of exempt from review to an advisory administrative staff review. In working with the ordinance, staff has found this type of project particularly challenging in that it is difficult to determine what constitutes a minor repair for a window. If exempt from review, owners often have no guidance on whether their planned alterations are truly a minor repair. For example, replacing one windowpane with like glass is clearly a minor repair but replacing multiple panes with different glass and repairs to the framing may not be categorized as minor. In addition to this ambiguity, windows are frequently detailed in the architectural summary in the survey information for contributing structures meaning additional specificity and scrutiny may be beneficial.

Moreover, the Board has regularly asked about window replacements that occur within the District and has expressed interest in reviewing window replacements when materials change (wood to vinyl, etc.). While review by HDRB is not proposed for repair or replacement (where no change in design or material is proposed), the Board's concern about these projects highlights the importance of how windows are reviewed in the District. Windows are often a defining architectural feature and there is a desire to ensure that the repair is not going so far as to change the character of the structure.

All other changes to this section are based on implementation of the ordinance since its adoption and are intended to provide clarity and make the ordinance more accessible to citizens and applicants. Several of the changes provide examples and call out specific types of projects (for example, roof replacements) which were previously classified as exterior alterations. These project types still receive the same review type but provide more precise language for staff to determine which type of review a project should undergo.

Redevelopment Plan Criteria

The proposed Zoning Ordinance amendment includes several changes to Section 3287 "Redevelopment plan criteria" in order to provide clarity to citizens, applicants, staff, and HDRB regarding the expectations of submittals for redevelopment plans. These changes are proposed as a direct result of the two recent redevelopment plans that have been reviewed and approved by HDRB; the Old National Bank Building project and the Main & Lee Townhouse project. A few minor changes are also proposed to clarify the process for redevelopment plans.

Parking in the Historic District

The proposed Zoning Ordinance amendment includes new criteria for the provision of parking in the Historic District in Section 3289-3290. These sections are intended to address the significant impact that parking additions are having on the overall character of the Historic District. The criteria are separated into several types of parking; parking serving non-residential uses, off-site

parking serving residential uses, and on-site parking serving residential uses. These categories of parking reflect different concerns within the District. Off-site parking serving residential uses and parking serving non-residential uses can lead to concerns when parking is the primary use on a parcel. Parking as the primary use on a parcel is of even greater concern when structures, typically small scale residential homes, are demolished to provide surface parking lots. On-site parking serving residential uses can adversely impact the District when large portions of front yard space are paved for parking that is not residential in nature and inconsistent with the character of the District. These concerns have been illustrated in the Historic District through several projects within the last five years including the Slice parking lot on the corner of Clay and Church streets and the Blacksburg United Methodist Church parking lot on the corners of Lee, Penn, and Washington streets.

Conditional Use Permit (CUP) vs. By-right

The proposed amendment creates a conditional use permit process for all new parking serving non-residential uses and all new off-site parking serving residential uses. New on-site parking serving residential uses remains by-right if specific criteria are met related to driveway width, landscaping, and location of parking. If these criteria are not met, a conditional use permit is required.

Criteria for CUPs

Parking may be requested through the conditional use permit process within the Historic District as noted in the previous paragraph. Since parking can have a significant impact on the character of the Historic District, evaluation criteria to determine the appropriateness of the parking related use are needed. The criteria below are intended to minimize the negative impact on the District and to ensure that a context-sensitive and high-quality project is proposed. Proposed criteria include:

- Location and visibility of proposed parking
- Proposed driveway width
- Size of proposed parking area
- Impact on the relationship of the building to the street
- Landscaping, buffering, and screening to mitigate visual impacts
- Unusual shape or topography of a lot
- Location of existing structures
- Preservation of mature trees
- Consistency with existing development pattern in the Historic District
- Impact on adjacent properties
- Consideration of parking in keeping with the Historic District and the Guidelines
 - Proposed materials such as brick, concrete, or other textured surfaces
 - Two parallel narrow strips of concrete or other material with grass in between, known as a ribbon driveway
 - Use of permeable parking surfaces

Proposed criteria are based on the Blacksburg Historic District Design Guidelines, criteria for exceptions to parking in front of the front building line, and research from other localities.

The List of Contributing Structures

The Historic District includes contributing (or historic) structures and non-contributing structures. The division of structures within the District into these two categories is based upon two sets of survey work completed in 1986/1989 and 1996-1997. Since the adoption of the District, two additional sets of survey work (2006 and 2016) have been completed. The 2016 grant work was completed with the goal of updating Town records and creating a consistent and complete inventory of resources. As part this effort, Hill Studio conducted a full resurvey of the 45 contributing structures surveyed in 1986/1989. The survey was consistent with the procedures established by the *Secretary of the Interior's Standards and Guidelines for Identification and for Documentation* and the VDHR survey manual, "Guidelines for Conducting Historic Resources Survey in Virginia".

Hill Studio also conducted a field check of 194 properties in the Blacksburg Historic District for major modifications or demolitions and took updated photos of each resource. Any secondary resources added or demolished since the last survey were recorded. As part of the final report, Hill Studio recommended expanding the period of significance for the Blacksburg Historic District from 1940 to 1965 to recognize properties associated with the tremendous growth Blacksburg experienced following World War II. Further detail on this justification is detailed in the attached excerpt from the *Blacksburg Historic District Survey Report* prepared by Hill Studio. The contributing/non-contributing status of each property was also assessed based on this expanded period of significance.

In addition to this justification and the survey information, the Design Guidelines provide further reasoning for updating the List. The Design Guidelines note, "While significant historic content is limited to a small number of buildings, the aggregate of structures form loose historic patterns that can serve as a guide for future actions. Infill building, when appropriate in type, scale, massing and material, will benefit the downtown and adjacent neighborhoods. These guidelines provide a framework for design that reinforces the character of the district. New construction should be compatible with existing buildings by respecting established patterns of building orientation, type, volume, height, and scale." These remarks reinforce the importance of the fabric and character of the District as a whole.

The character of much of Downtown Blacksburg is expressed through its historical development pattern. Residents and visitors often compliment the charming nature and small town feel of Blacksburg. Beyond the architectural style of specific buildings, setbacks and orientation to the street, pedestrian scale, and massing all contribute to this character that is valued by the community. Demolition and redevelopment of a large number of the structures with modern buildings at the maximum height and floor-to-area ratio would result in a very different Town.

Based on this survey report and the information for individual structures, Hill Studio recommended updating the list of contributing structures. This recommendation includes adding 8 structures originally omitted from the list, adding 27 structures from the 2006 survey efforts, and 7 structures from the 2016 survey work. In the interim, 4 of these structures have been demolished, resulting in

a total of 38 structures recommended to be added to the List. HDRB emphasized that one of these structures was demolished to allow for expansion of a surface parking lot. Since it was not a contributing structure, HDRB's recommendations to preserve the structure were not binding and there was no input on redevelopment of the parcel.

Town Council directed staff to put forward the 38 structures for consideration for addition to the list of contributing structures. No properties on the existing list of contributing structures will be removed. Staff understands this may be the most controversial element of the amendment. The proposed list by address and a map of the proposed list are attached.

Impact of Being Added to the List

For structures on the List, most exterior alterations to the structure will fall under advisory Board review. However, HDRB has binding protections over demolition of contributing structures and binding review over any redevelopment where structures have previously been demolished. Contributing structures may also qualify for a residential density bonus and/or allow for residential use on the ground floor in Downtown Commercial zoning district. The Old National Bank Building project is an example of a project that qualified for twice the residential density in conjunction with the retention and rehabilitation of a contributing structure. The Main & Lee Townhouse project is an example of a residential use on the ground floor in Downtown Commercial in conjunction with the retention and rehabilitation of a contributing structure. Ground floor residential is not otherwise allowed within the Downtown Commercial zoning district. Both of these projects also included approval to demolish contributing structures as part of their respective redevelopment plans. HDRB approved demolition of one contributing structure for the Old National Bank Building project and demolition of two contributing structures for the Main & Lee Townhouse project.

Other Changes

Several other sections of the Zoning Ordinance included in the proposed amendment are administrative in nature and are intended to ensure consistency with proposed changes. For example, one change is adding a reference to the R-5 zoning district that indicates additional standards may apply in the Historic or Design Review Overlay zoning district for parking related uses. These changes are detailed on pages 13-14 of the proposed text.

Zoning Ordinance Amendment Process

HDRB Review

Since the 2016 survey update, HDRB has encouraged review and update of the Zoning Ordinance in order to incorporate the most recent survey work as well as omissions dating back to the original creation of the District. HDRB sent a letter dated April 17, 2017 to Town Council summarizing HDRB's concerns relating to delay in revisions to this ordinance. HDRB reviewed the draft text on November 18, 2019. Discussion primarily included questions to clarify language in the ordinance. A few minor changes were made to the draft text language based upon questions from HDRB to provide clarity and are reflected in the attached text. Overall, there was consensus in favor of the changes including the additions to the List and strong support for the additional protection granted to the Historic District in the ordinance.

ZORC Review

The Zoning Ordinance Review Committee (ZORC), a subcommittee of the Planning Commission, reviewed the draft text on December 9, 2019. Discussion primarily included the criteria for parking and the proposed list of contributing structures. Some concern was expressed that the parking regulations only apply to the Historic District when the issues exist in Town more broadly. Specifically, there was interest in prohibiting parking in front of the front building line in the Downtown Commercial zoning district that includes areas outside the Historic District.

Several members expressed significant concern regarding adding structures to the List and a few suggested removing structures already on the List. There was also discussion regarding demolition by neglect and approaches being pursued by other localities.

Planning Commission Review

Planning Commission reviewed the draft text at a work session on January 21, 2020 and recommended approval 6-1 at the public hearing on February 4, 2020.

Public Input Meeting

An initial kickoff public input meeting was held on October 3, 2019 to inform owners and residents in the District that an amendment was being proposed and the sign-in sheet and meeting notes are attached. Another public input meeting was held on January 9, 2020 with draft text available for review and the meeting notes and sign-in sheets are also attached.

Attachments:

- Zoning Ordinance Text
- Justification for expanded period of significance: Page 6 excerpted from *2016 Blacksburg Historic District Survey Report* prepared by Hill Studio
- Proposed List of structures to be added
- Map of proposed structures to be added to the List
- October 3, 2019 public input meeting notes and sign-in sheet
- January 9, 2020 public input meeting notes and sign-in sheets
- Correspondence received as of February 6, 2020

Additional resources found at www.blacksburg.gov/historicdistrict:

- Individual surveys by address
- *2016 Blacksburg Historic District Survey Report* prepared by Hill Studio (full document)
- Blacksburg Historic District Sign Guidelines prepared by Hill Studio
- HDRB Letter dated April 17, 2017