

**TO:** Planning Commission

**FROM:** Anne McClung, Planning and Building Director 

**RE:** Zoning Ordinance Amendment #51/Ordinance #1940 – Amendment to allow Residential Dwelling Units on the Ground Floor in the Downtown Commercial (DC) Zoning District

**DATE:** July 17, 2020

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### **Zoning Ordinance Amendment Process**

In June of this year, Town Council adopted a referring resolution to send potential changes to the Downtown Commercial (DC) zoning district to the Planning Commission for review. The Town Council referred this amendment to the Planning Commission through resolution 6-C-20, (Attachment A). This is the first step in an amendment to the text of the Town's Zoning Ordinance. Given the limited scope of the amendment and the ongoing meeting challenges associated with the COVID 19, this amendment was not sent to the Zoning Ordinance Review Committee (ZORC), a sub-committee of the Planning Commission, for review.

The genesis for this amendment is a proposal in the Midtown development, a 21-acre mixed-use development on South Main St. This amendment is being processed on the same schedule as the rezoning amendment and conditional use permit requests for the Midtown development. A neighborhood/public input meeting was held on June 18, 2020 for the rezoning amendment, conditional use permit and zoning ordinance amendment. The meeting was held in the Council Chambers and broadcast live on WTOB Channel 2 and available for live stream on the Town website. There were no in-person attendees. No correspondence has been received to date on the amendment.

### **Background**

In discussions and as shown in the architectural drawings submitted in January 2020 by Midtown Partners, LCC for the Midtown development, residential uses are proposed on the ground floor of one of the DC parcels in the development. Parcel DC #5, bounded by Clay St., Church St. and Midtown Way is zoned DC and shows a mix of office, commercial and residential units on the ground floor. The Pattern Book approved for the Midtown development identifies Midtown Way as the ground or first floor. The building overall is proposed to be a 5-story building over parking. The lower level is parking, the ground floor is mixed-use and the upper floors contain residential units. The residential units proposed on the ground floor face the adjacent 3-acre Town Park. This proposal on Parcel DC #5 led to consideration of a Zoning

Ordinance amendment to allow residential uses on the ground floor in the DC district under very limited circumstances. Attachment B shows the floor plan for the building on Parcel DC #5 with office and commercial spaces shown in green and the residential units shown in white.

In general, residential uses on the ground floor in a downtown area are not an appropriate land use. Ground floor space should be reserved for commercial uses and other uses that stimulate street vitality and pedestrian interest. The Town does allow for office uses on the ground floor by Conditional Use Permit to provide a mix of uses in downtown and give owners options to fill ground floor spaces that lack high visibility or have other issues that make the space less desirable for commercial tenants.

Currently, the only allowance in the Zoning Ordinance for residential uses on the ground floor in the DC district is within the Historic District. Townhomes can be approved by Conditional Use Permit when proposed in conjunction with rehabilitation of a contributing structure in the Historic District. An example of this provision would be the approval of a CUP for townhomes in the Main and Lee development downtown. New townhomes are proposed along with rehabilitation of the Kelsey House at 201 South Main St.

While related to the Midtown project, the Zoning Ordinance amendment would apply to the entire area in the Town that is zoned Downtown Commercial. The DC zoning district is illustrated in Attachment C. It is unlikely that other parcels within the district will meet the development criteria proposed.

### **Criteria for Amendments**

The amendment proposed would change the permitted use section of the Downtown Commercial district (Section 3141) of the code. The criteria proposed create a very limited set of possibilities for potential applications of the ground floor residential use provision. In order for ground floor residential units to be appropriate, the residential use should be part of a larger mixed-use project. Staff is recommending a 10-acre threshold for the mixed-use development. Another criterion is a mandate that the ground floor must itself be a mix of uses and cannot be exclusively residential. The residential units should be integrated into the building and a requirement that a common entrance be provided that is shared by the residential and non-residential tenants is included. Lastly, it is important that highly visible street facing space be reserved for non-residential uses. Thus, the proposed requirement is that the residential units cannot have frontage on a public street. The criteria in combination will ensure the residential units do not dominate a development and remove vital ground floor commercial space.

The specific wording of the criteria can be found below.

## **DOWNTOWN COMMERCIAL**

### **Sec. 3141 - Permitted uses.**

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

#### Residential

Home Occupation

Multifamily Dwelling (allowed only on the upper floors of a multi-story building or in the basement of a structure) See § 3141 (b) for residential uses allowed by Conditional Use Permit.

***Multifamily Dwelling in a mixed-use development allowed on ground floor, subject to the following criteria:***

- (1) Located in a mixed-use development of 10 acres or greater.***
- (2) Located in a mixed-use building with commercial or office uses on the ground floor.***
- (3) The location of the residential ground floor dwelling units in the building do not face nor have frontage on a public street.***
- (4) There is a common entry point shared by both the residential and the non-residential portions of the ground floor.***

### **Attachments:**

Attachment A – Town Council referring resolution 6-C-20

Attachment B – Floor Plan/Excerpt from Midtown Architectural Submittal

Attachment C – Aerial of Downtown Commercial Zoning District

RESOLUTION 6-C-20

**A RESOLUTION REFERRING A PROPOSED ZONING ORDINANCE AMENDMENT  
TO THE PLANNING COMMISSION REGARDING RESIDENTIAL USES IN THE  
DOWNTOWN COMMERCIAL ZONING DISTRICT**

**WHEREAS**, the Town of Blacksburg supports and encourages housing diversity to meet housing needs in the community, including market rate housing;

**WHEREAS**, the Comprehensive Plan supports the provision of mixed-used development in the Town to meet the commercial, service and residential needs of a growing community;

**WHEREAS**, the 2015 Downtown Blacksburg Housing Market Strategy indicated a market for residential development in the Downtown area;

**WHEREAS**, walkable infill development with the use of existing infrastructure is encouraged;

**WHEREAS**, for these reasons, the Town Council has determined that provisions regulating the location of residential units on the ground floor in the Downtown Commercial zoning district should be reviewed and a potential Zoning Ordinance amendment developed; 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:

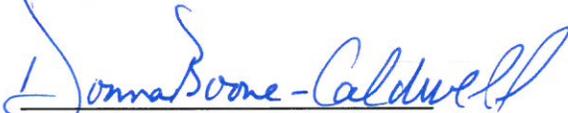
1. That the Planning Commission is hereby requested to review the Zoning Ordinance to consider proposed changes to the Downtown Commercial zoning district to allow residential units on the ground floor in mixed-use developments under limited circumstances.
2. Specifically, the Planning Commission is requested to consider and, if appropriate, develop text amendments for Articles III and IV of the Zoning Ordinance.
3. That the following changes to the Zoning Ordinance are proposed:

- a. Amendments to Article III to allow residential dwelling units on the ground floor in the Downtown Commercial District when limited in scale and location and part of a large scale mixed-use development.
- b. Amendments to Article IV to consider modifications to the use and design standards as needed.

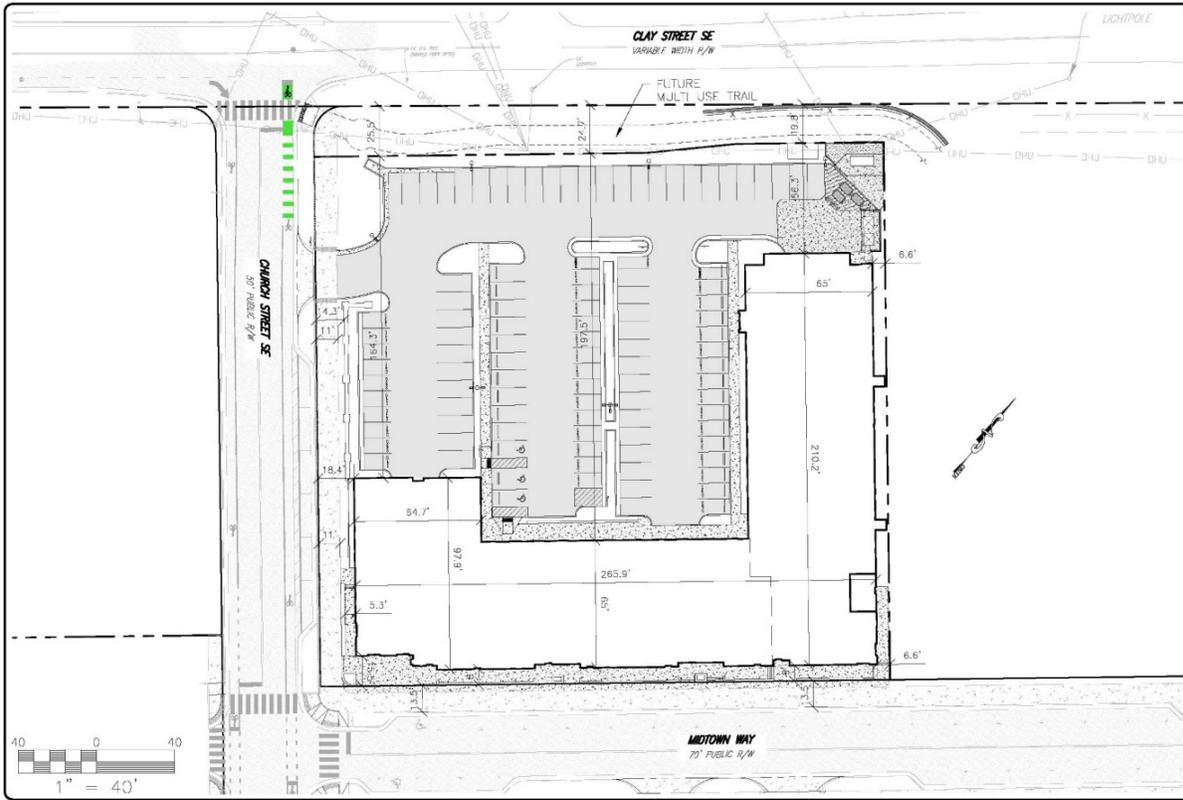
4. That the Planning Commission is further requested to propose other amendments to related sections of the Zoning Ordinance, the Subdivision Ordinance or the Town Code as necessary for consistency with the amendments described in the preceding paragraph.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Date of Adoption: June 9, 2020

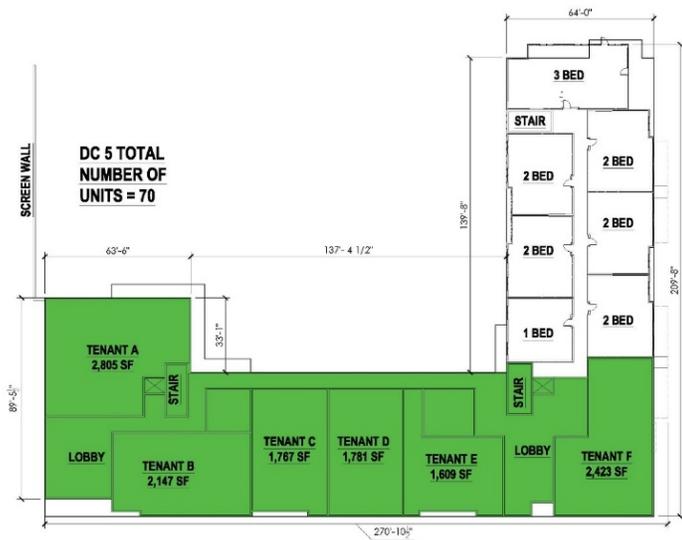


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**MIDTOWN DC PARCEL 5**  
 CONDITIONAL USE PERMIT APPLICATION  
 SITE PLAN  
 MOUNTAIN VIEW DEVELOPMENT DISTRICT, INDEPENDENCE COUNTY  
 TOWNSHIP, BLACKSBURG, VIRGINIA

DATE: 04/16/2020  
 SCALE: 1" = 40'  
 REVISION:

**CUP3**  
 PROJECT NO. 2020028100



**DC5 - CONCEPTUAL FLOOR PLAN - LEVEL 2**

NOTE: NO MORE THAN 50% OF THE GROUND FLOOR MAY BE OFFICE SPACE.  
 NOTE: THEIR WILL BE A SIGNAL ON SOUTH MAIN STREET, AND THE PLAZA DESIGN MAY CHANGE.  
 NOTE: ALL SIGNAGE WILL BE DESIGNED AND APPROVED IN A SEPARATE PACKAGE.

**MIDTOWN REDEVELOPMENT PARTNERS, LLC**  
 3189 COMMERCE STREET, BLACKSBURG, VA 24082

**MIDTOWN - DC5**  
 BLACKSBURG, VA

The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.) © 2020 BSB Design, Inc.

JANUARY 31, 2020 | MU190386.00



# Zoning Ordinance Amendment #51 Ordinance 1940

 Downtown  
Commercial



0 300 600'

**Blacksburg** TOWN OF  
VIRGINIA

