

MEMORANDUM

To: Planning Commission

From: Kali Casper, Assistant Planning Director
Anne McClung, Planning and Building Department Director

Date: December 30, 2021

Subject: **UPDATE** CUP21-0006 Conditional Use Permit Request for Townhomes on the Ground Floor in the GC General Commercial zoning district on 8.444 acres at 203 Country Club Drive SW (Tax Parcel No. 287-A 41A) by Steve Semones of Balzer and Associates, Inc. (applicant) for Diversified Investors XIII, LLC (property owner).

The Planning Commission reviewed this CUP application at its December 16, 2021 work session. In response to the neighborhood meeting, staff report and discussion at the Planning Commission work session, the applicant has submitted revised supplemental application materials dated December 28, 2021. Staff has reviewed the revised materials, updated the recommended conditions and provided analysis on the changes proposed in relation to the topics covered at the work session. It may be helpful to refer to the December 10, 2021 staff report for more information and explanation on the various topics discussed below.

The applicant, Steve Semones, has summarized the changes to the application in his letter dated December 28, 2021. There are 11 items discussed in the letter. Staff has listed those items below and included others based on our evaluation.

Parking Landscaping

As noted in the applicant's letter, additional landscaping is shown to better screen parking areas.

Building Height

The applicant has verified building heights fall within the parameters set by the First and Main rezoning.

Parking Spaces

The applicant has withdrawn the Alternative Transportation plan originally proposed and will now build the 11 parking spaces shown with initial construction of the project. The parking spaces are shown on 11 X 17 Sheet CUP2.

Solid Waste/Recycling

The applicant has provided information on the location for storage of solid waste and recycling carts for the various types of units in the development. Storage will primarily occur in garages. More specifics on locations of solid waste and recycling carts will be addressed at the site plan stage of development.

Internal Loop Road/Alleys

The applicant has indicated the width of alleys as 20' meeting the required width. The applicant has also indicated that alley access to the garages for Building 9 & 10 and 11 & 12 are now designated as one-way. Two of the internal parking areas have been adjusted to a 20' drive aisle and made one-way. The applicant has opted not to make the private internal loop road a one-way road or to set a lower speed limit on the loop road.

Sidewalks

The applicant has increased the sidewalk connectivity in the project. Sidewalks have been added between buildings 2 & 3 to connect to the bike rack. Other sidewalks have been added to provide connectivity along the front of units. The applicant has opted to retain the existing width of the sidewalk connections to the multi-use trail and not to widen the sidewalk connections to the multi-purpose trail.

Sustainability

The applicant is now proposing to construct the units to an Energy Star rating and has attached a Review Checklist that will be used for the project. Staff is in the process of coordinating with the Building Division to determine how the proposed commitment relates to current minimum building code requirements.

Signage

The applicant was asked to provide information on proposed signage for the development as part of the CUP review. The signage information has been submitted and shows a 40 square foot monument sign of 8' in height. This complies with the General Commercial district signage regulations. Illustrations of the signage are attached to the applicant's December 28, 2021 letter.

Buffering

The applicant has referenced application Sheet CUP 3 showing landscaping that meets a Type C buffer with an architectural fence. The applicant is unable to provide more information on how much existing vegetation will be retained. The applicant has indicated that until final grading plans are completed no commitment regarding existing vegetation can be provided. The multi-purpose trail relocation is shown on 11 X 17 Sheet CUP4.

Perimeter Fencing

The applicant proposes to replace the existing chain link fence along the boundary with Margaret Beeks Elementary school with the required perimeter fence per the First and Main rezoning. The applicant is coordinating with representatives from the school. The space between the school and the proposed development will contain the perimeter fence adjacent to the school, landscape buffer, multi-purpose trail, yard for townhouse, and then a townhouse.

Open Space

The applicant has updated the open space calculations as requested by staff by removing areas such as the 11-space parking area. The required 20% open space is met. Revised open space calculations are shown on 11 X 17 Sheet CUP3.

Exceptions to Use and Design Standards for Townhomes

The following exceptions are needed and were discussed on pages 10-12 of the staff report.

§ 4231(b)(1) No more than 2 contiguous townhouse series adjacent to each other

§ 4231(b)(3) Minimum of 20' separation between contiguous series of townhouses; separation remains at 13'.

§ 4231(b)(6) Only 1 yard adjacent to a driveway or parking spaces

An exception to § 4231(b)(4) regarding sidewalk connectivity is no longer needed.

An exception to § 4231(b)(5) regarding townhouse orientation is needed but still has not been requested.

Sanitary Sewer

As noted in the staff report, there is not currently adequate downstream capacity in the sewershed for the projected sewer flows from the proposed development. However, there is currently a funded Capital Improvement Project (CIP) to upgrade sewer capacity in the South Main area to the Cedar Run pump station. To address the timing of any new development with sewer capacity, a Sanitary Sewer Improvements Acknowledgment Agreement is proposed. The Agreement states that no site plan can be approved until the CIP project is completed. A draft of the Agreement letter is attached.

A similar letter of agreement was used in the rezoning for the townhome development approved for the old high school property on Patrick Henry Drive. It is also the approach being used for the other development applications currently under review in the South Main St. area including the proposed Sheetz gas station in the First and Main commercial center and the Legacy affordable housing development on Country Club Drive.

Miscellaneous

The applicant has not provided any further information on commitments to exterior maintenance in the HOA documents or potential corporate purchase of multiple units.

UPDATED STAFF RECOMMENDED CONDITIONS

1. The property shall be developed in substantial conformance with the application dated November 1, 2021, revised December 6, 2021, and last revised December 28, 2021.
2. The maximum number of bedrooms shall not exceed 280. Unit types A1, A2, and C2 are limited to a maximum of 2 bedrooms per unit. Unit types A3, A4, B1, B2, and C1 are limited to a maximum of 3 bedrooms per unit. Any areas shown as attics, office/flex space, or similar shall not be used as bedrooms.
3. The maximum occupancy shall be limited to a family plus two unrelated individuals or up to three unrelated individuals per unit.
4. Bicycle racks in individual unit garages shall be a type specifically approved by the Town, shall be affixed to either the wall or the ceiling, and shall be installed prior to issuance of a Certificate of Occupancy.

5. The existing trail easement must be vacated and a new trail easement must be dedicated in the location shown on the Trail Relocation Exhibit (Sheet CUP4) prior to site plan approval.
6. The Homeowners Association (HOA) documents must include a provision requiring the HOA to provide notice to owners regarding the Town's homestay regulations with any change in ownership for an individual unit.
7. The applicant shall abide by the terms in the Sanitary Sewer Service Acknowledgement Agreement dated December 28, 2021 (this date may change to reflect the final version of the agreement).

In summary, the recommended conditions reflect both the mitigation of potential impacts of the proposed development, as well as a requirement for the developer to adhere to the required standards for development, provided the Use and Design Standard exceptions are granted. Should the applicant further amend the application, these conditions may change.

Attachments:

Draft Sanitary Sewer Acknowledgment Agreement dated December 28, 2021

DRAFT

December 28, 2021

Ms. Jeanne Stosser
Diversified Investors XIII, LLC
P. O. Box 10397
Blacksburg, Virginia 24062

RE: CUP 21-0006 – Rugby Field Townhouses-203 Country Club Drive-Sanitary Sewer Improvements Acknowledgement Agreement (“Agreement”)

Dear Ms. Stosser:

This letter summarizes our discussions about the sanitary sewer issues associated with the above-referenced project. We believe that it is beneficial to both parties to memorialize these discussions.

With regard to the proposed development of the lot at 203 Country Club Drive, (the “Development”), the parties acknowledge that conditional use permits are necessary for the Development to occur and that this agreement has no effect if the permits are denied.

The owner (Diversified Investors XIII, LLC) acknowledges the following facts regarding the downstream inadequacies of the sanitary sewer to which the Development would drain:

1. There are 20 pipes, totaling approximately 4,500 linear feet, downstream of the proposed development that are above capacity as defined in Section 1.22 (e) of the Town of Blacksburg Sanitary Sewer Specifications.
2. The area that must be upgraded is located along South Main Street and Ellett Road.
3. For the increase in sewer flows directly attributable to the project, it is necessary to increase the size of the above referenced existing mains from two to three pipe sizes.

Diversified Investors XIII, LLC further acknowledges that, for the Development to occur, the following improvements need to be constructed to resolve the downstream inadequacies:

1. For sewer flows directly attributable to this development, all 20 sections of the pipes must be upgraded from two to three pipe sizes; 15 sections of 10-inch pipe must be upgraded to 15-inch and 5 sections must be upgraded from 12-inch to 18-inch pipe.
2. All associated manholes and laterals must be upgraded or replaced as necessary.

It is critical to acknowledge that a site plan cannot be approved until the construction of the upgrades is completed and accepted by the Town.

The Town of Blacksburg currently has a funded Capital Improvement Program (CIP) project to design and construct the upgrades and the improvements are currently under design. The project is titled “South Main/Cedar Run Sewer Upgrades.”

It is the Town’s intent to complete the design and bid the project for construction Spring/Summer 2022. It is anticipated construction will take approximately one year. The Town will use its best efforts to meet this schedule so that the construction can be completed within

this time frame. However, it is possible for circumstances to arise that prevent the Town from meeting that schedule, such as lack of bidders or receiving bids that exceed the budget that can impact the timing of the award of the project. The performance of the CIP project is a municipal function. The Town of Blacksburg will not be liable for any claims for damages by Diversified Investors XIII, LLC if its CIP project is delayed and Diversified Investors XIII, LLC expressly waives any such claims.

If Diversified Investors XIII, LLC wishes to accelerate this schedule in order to meet their project completion date, the owner can include the construction of these upgrades in their site plan and perform the work themselves at their cost.

If any part of the above is inaccurate or objectionable to Diversified Investors XIII, LLC, please let me know. Otherwise, please acknowledge and accept this Agreement by signing below.

Please feel free to contact me if you have any questions.

Sincerely,

Randy Formica, Director
Engineering and GIS Department
Town of Blacksburg

I understand and acknowledge the facts, limitations and development requirements stated above and have the authority to enter into this Agreement:
Diversified Investors XIII, LLC

By: _____

(Name): _____