

CONDITIONAL USE PERMIT APPLICATION

FOR

RUGBY FIELD TOWNHOMES

**Country Club Drive and Rugby Lane
Blacksburg, Virginia**

TAX PARCEL

287-A 41A

NOVEMBER 1, 2021

Revised JANUARY 27, 2022

PREPARED FOR:

DIVERSIFIED INVESTORS XIII, LLC

P.O. Box 10397

Blacksburg, VA 24062

PREPARED BY:

BALZER & ASSOCIATES, INC.

80 College Street, Suite H

Christiansburg, VA 24073

Description of Proposed Use:

The site is located on the corner of Country Club Drive and Rugby Lane and is currently owned by Diversified Investors XIII, LLC. The project site is currently vacant but is part of what was known as the Rugby Field. This 8.444-acre parcel was included in the 2006 rezoning for the First and Main development (Ordinance 1412) and over the last few years has seen the construction of a new daycare/early learning and new hotel. A new road, Rugby Lane, has been constructed from Country Club Drive to the First and Main Shopping Center as well as all the water and sewer service for this site and the overall stormwater management system that serves the full buildout of the property.

The property is currently zoned GC (General Commercial) and is designated Commercial on the Comprehensive Plan's Future Land Use Map. The proposed use of the property is for sale townhome units on subdivided lots and the associated improvements required, including parking areas, utility extensions and common open space. Multi-family uses have been a permitted use on the upper floors in the GC zoning district for many years. However, the GC ordinance has been modified recently to allow multi-family and townhouse uses on the ground floor in the GC district by way of a Conditional Use Permit (CUP). To be considered for this CUP, there is a list of criteria in Sec.3151(d) of the zoning ordinance that must be met which will be discussed later in this application text.

There are a total of 98 townhome units proposed with a total of 280 bedrooms and there will be several different proposed townhome unit models for future owners to choose from.

- There will be 7 units of Unit Plan A1. These units will be three and a half story, 2-bedroom/2.5 bath at approximately 1,534 s.f.
- There will be 7 units of Unit Plan A2. These units will be three and a half story, 2-bedroom/2 full bath/2 half bath and an office/attic flex option at approximately 1,717 s.f.
- There will be 8 units of Unit Plan A3. These units will be three and a half story, 3-bedroom/3.5 bath at approximately 1,773 s.f.
- There will be 14 units of Unit Plan A4. These units will be three and a half story, 3-bedroom/3.5 bath at approximately 1,800 s.f.
- There will be 42 units of Unit Plan B. These units will be two story, 3-bedroom/2.5 bath at approximately 1,465 s.f.
- There will be 4 units of Unit Plan C1(base plan). These units will be two story, 3-bedroom/3 bath at approximately 1,468 s.f.
- There will be 8 units of Unit Plan C1(attic option). These units will be two story, 3-bedroom/3 bath with attic build out options at approximately 1,658 s.f. or 1,764 s.f.
- There will be 8 units of Unit Plan C2. These units will be two story, 2-bedroom/2 full bath/2 half bath and an office/attic flex option at approximately 1,682 s.f. or 1,788 s.f.

*Slight variations in unit mix or square footages may occur in different buildings based on final architectural design and owner/buyer preferences, however total number of units and bedrooms will remain consistent.

All units will have either a one car or two car garage, plus additional parking on or near their lot, outdoor living space, and excellent connectivity to adjacent commercial uses. All units will provide a living room, kitchen, multiple bathrooms, and laundry area. Certain units will have the option for a ground floor level bedroom that would allow for the opportunity for aging in place. Some homes may also provide designated work from home spaces and additional finished attic space based on buyer preferences. Vehicular access to the project will be solely from Rugby Lane. A loop road will connect in two points to Rugby Lane to provide adequate circulation for residents and emergency services. Parking will be provided off this internal drive aisle in private garages, driveways, and courtyard parking areas. Parking spaces will be located adjacent to the individual townhomes. Parking will be provided as required by the Town zoning ordinance for townhome use at a ratio of 1.1 spaces per bedroom. At this ratio, each proposed bedroom is provided a parking space and there will be 29 additional spaces on site for visitor parking. A parking policy will be implemented by the governing Homeowners Association (HOA). This policy will regulate the number of vehicles for homeowners. Parking will be determined based on the number of bedrooms a home has. Homeowners will only be able to have one vehicle per bedroom in their home. For example, a three-bedroom home will only be allowed to have three vehicles onsite. Guest parking areas will also be designated on site by signage.

Please demonstrate how the proposed use, when complemented with additional measures, if any, will be in harmony with the purposes of the specific district in which it will be placed:

The property is currently zoned GC General Commercial. The areas surrounding it are R-4 (Low Density Residential) to the west and north, PC (Planned Commercial) and GC (General Commercial) to the east and south. General Commercial is described in the Zoning Ordinance as follows: *“The General Commercial district is designed for a variety of commercial uses, both pedestrian and automobile oriented. The intent of the district is to provide for more intense commercial uses than the Downtown Commercial district, but in a manner which is consistent with the Town's character. Modern "strip" commercial development is not in keeping with the small-town character of Blacksburg, and this district is intended to discourage such development. Instead, a vital and lively streetscape, created by commercial buildings with windows and entrances oriented to the street, is an important goal of this district. While residential uses are allowed in the district under some circumstances, such uses should complement the commercial uses that serve as the primary intent in this district.* The site is also designated to be Commercial in the Town of Blacksburg Future Landuse Map.

As mentioned above, multi-family residential uses are allowed in the GC district as by-right uses or with a CUP based on certain parameters and at a density of up to 48 bedrooms per acre. The encouragement of residential uses in a commercial district provides opportunity for mixed use development. In fact, residential use was always planned on this site as First and Main was being developed and the 14.65-acre parent parcel, which was the rugby field, was designated to have a maximum of 400 bedrooms developed on it in the future. A mixed-use development can provide a home lifestyle that is different from a typical single-family home in a traditional neighborhood. These mixed-use areas typically have a more urban feel and are more active as residents can walk to many daily needs such as retail, commercial and restaurants. As the proposed townhomes are part of First and Main, there are a number of these daily needs that are

less than a 5-minute walk for the future residents. The Gables Shopping Center and the Kroger shopping center are also in short walking distance. The design of the units as Townhomes versus a larger multi-story apartment building, also better relates to Margaret Beeks Elementary School and the residential homes on the north side of Country Club Drive.

The proposed 280 bedrooms provides a density of 33.18 bedrooms per acre and 11.6 units per acre on the 8.444-acre parcel. This is less density permitted by right in the GC district and is under the 400 bedrooms allowed on this property as part of the original 2006 First and Main rezoning approval.

This property has two Neighborhood, Employment and Service Areas as designated with the Town's Comprehensive Plan (Map C). The majority of the site is located in the "Commercial Area" and a small portion near Country Club Drive is located in the "Urban/Walkable Neighborhoods" designation. The Comprehensive Plan doesn't specifically discuss residential uses in the designated Commercial Areas however, residential uses are allowed as by-right uses and CUP uses in the current zoning ordinance. The Comprehensive Plan states that Urban/Walkable Neighborhoods are "*compact residential neighborhoods located within walking distance of employment and commercial centers. These areas typically have access to all modes of transportation, including transit as well as bicycle and pedestrian infrastructure. Streets are typically organized in a grid pattern, which allows for easy pedestrian travel. Pedestrians can travel from these areas to commercial centers, the University, and neighborhood schools.*"

The Comprehensive plan also discusses future issues and opportunities for these Urban/Walkable Neighborhoods. Our project addresses two of these and are listed below:

- *These areas are close to schools, the University, and businesses. Additional pedestrian and bicycle infrastructure in these areas can reduce car dependency.*

The project sits within a large commercial development and is next to an elementary school so alternative means of transportation are encouraged with this residential use. Multiple sidewalks, a multi-use trail and several Blacksburg Transit stops along South Main Street give future residents various ways to commute to work, entertainment, shopping, and school without having to rely on their personal cars. The speed limit of the internal loop road as well as Rugby Lane will be regulated below a typical 25 mph speed and will be posted as 15 mph streets. This reduction in vehicular speed provides for a more walkable community.

- *There is a limited inventory of homes within walking distance of the University and Downtown. In addition, these homes are often beyond the financial reach of many young families, young professionals, or employees of the University or Downtown businesses who would like to live in this area. Creative strategies are needed to encourage more homeownership in these neighborhoods.*

The design and square footage of the proposed homes has been planned to allow for a more reasonable price point than other new single-family homes or townhomes for sale that are under development. This has been designed with the target market of young families/professionals in mind. While the project is located a little farther from downtown (1.3 miles / 25-minute walk than other areas designated as Urban/Walkable Neighborhoods, it is walkable to other shopping and entertainment opportunities along South Main Street.

As stated earlier in this application text, any townhouse use on the ground floor may be granted a Conditional Use Permit if it meets the conditions listed in Section 3151(d) of the Town's Zoning Ordinance. Below is the list of criteria and the project's design response to each:

A single or multi-story building with residential uses on all floors, with or without residential parking on the ground floor, may be requested by Conditional Use Permit when the residential building is part of a mixed-use development. The following criteria must be met:

1. *The applicant must demonstrate that the residential development is not the principal use in the mixed-use development project. This can include a comparison of the square footage and acreage of the project components;*
The entirety of the First and Main development is approximately 41 acres. The subject parcel is 8.444 acres equating to 20.5% of the overall acreage. As the original approvals included a 400-bedroom density on the rugby field property and the current proposal is only proposing 280 bedrooms, residential development is clearly not the principle use of the overall development.
2. *The residential and non-residential components of the mixed-use project must be integrated and share common infrastructure which can include, but is not limited to, the following: common access to the public right-of-way, shared parking areas, common utility lines, and joint stormwater management facilities;*
Rugby Lane is the common access aisle that serves the commercial parcels, the proposed residential component as well as connecting into the entirety of First and Main. Water, sanitary sewer, traffic improvements and stormwater management were designed for the entire development buildout and has been constructed and accepted by the Town.
3. *The design of the residential development should incorporate principles from the Residential Infill Guidelines in the Comprehensive Plan to promote a walkable and pedestrian scaled urban environment;*
The specifics of compliance with the Residential Infill Guidelines are included later in this document. At two and three stories, the Townhome units are certainly pedestrian scaled and provide multiple options for walking and biking to adjacent commercial uses or connecting to the Town's offsite sidewalk and trail system.
4. *The residential development should be oriented to the public street or to the driveway that may be functioning as a private street for access;*
Units are designed and oriented to have a front facing façade on Country Club Drive as well as Rugby Lane. The units will have front doors facing the street and will have sidewalk connections from their doors to the existing trail or sidewalk infrastructure that runs parallel to the two roads.
5. *Public streets and driveways functioning as a private street must contain sidewalks to connect the residential development to the non-residential portions of the mixed-use development project and must contain street trees; and*

Sidewalks currently exist on the project side of Rugby Lane. New street trees will be installed along the section of road with the site plan development plans for this project if approved.

6. *Parking must be screened from the public street or driveways functioning as a private street. Parking must be located behind the front building line of the principal building. Town Council may grant a special exception to this requirement as authorized by Section 1112.*

All parking is located behind the front building lines. The only parking area proposed that is in close proximity to Rugby Lane is limited to 11 parking spaces and is intended to be primarily guest parking and will be screened with landscaping as shown on Sheet CUP3.

As the project is residential in nature, the applicant has also looked towards the Residential Infill Development Guidelines for direction on the design. Based on the proposed project components, the following Guidelines are being addressed with this proposal:

- **Setback:** Consistent front building setbacks create a uniform appearance along the street.
 - The homes located along Country Club Drive and Rugby Lane are providing a consistent setback. The remaining homes are located within the interior of the development.
- **Building Frontage/Entries:** Landscaping in front of buildings and entry features, such as porches or steps, create visual interest and give the neighborhood an identifiable character.
 - As most units will have a visible front and rear elevation, features such as covered entry ways and porches are proposed as well as a variety of architectural features. Many driveways will have a planting strip in the middle to reduce impervious area and additional landscaping will be installed throughout the development.
- **Screening/Landscaping:** Hedges, trees, shrubs, and fences can provide privacy, a transition between spaces, and can help buffer pedestrians from vehicle traffic.
 - There will be a landscaped buffer yard along the exterior parcel boundary adjacent to Margaret Beeks Elementary School. As there are existing trees in this area, some may be saved if grading allows. Street trees and other internal landscaping will also be provided.
- **Off-street parking:** Parking for residential areas that plays down the visual impact of cars and parking garages respects the character of an existing neighborhood and identifiable character.
 - All parking will be located behind the front building line and internal to the site and therefore will not dominate the view of the site. Parking will be a mix of individual garage/driveway parking, courtyard parking and some on street parking. Surface parking areas will also be screened with landscaping as shown on the masterplan.
- **Bicycle Facilities:** Streets that have been optimized for bicycle travel and bicycle parking facilities can help support bicycle activity in a community.
 - Visitor bike parking will be provided at three locations within the development and will accommodate 48 bikes. As each townhome will have a garage, area has been reserved and designed to allow for up to three bikes to be stored in the garage for owners. The unit plans show these bikes in the garage mounted on wall hangers,

however they may be provided by ceiling hangers also. As each garage could provide up to three bike hangers, the total available bike parking onsite will be 342 spaces.

- **Walkways:** Internal walkways within larger residential developments promote pedestrian movement by connecting users from the public sidewalk network and parking areas to ultimate destinations within a site.
 - Multiple locations of unit connections to the sidewalk infrastructure and multi-use trail are demonstrated in the master plan.
- **Sidewalks:** Well-connected and maintained sidewalks contribute to the character of neighborhoods by providing safe places for people to travel and interact with one another.
 - Sidewalks are located throughout the development that connect residents to parking areas, open space and the existing sidewalk and trail infrastructure along the perimeter of the property. The multi-use trail on the western side of the property will be relocated/rebuilt as part of this project.
- **Open Space:** Comfortable outdoor places in multifamily developments can provide a place for people to sit, rest, and interact, fostering a sense of community.
 - Several areas of open space are provided within the community to promote outdoor relaxation and enjoyment. Drawing CUP3 shows the various open space areas proposed and indicates approximately 21% open space. Final design drawings may require minor modifications of the open space areas, but overall open space will remain above 20%.
- **Architectural Features:** Structures that are designed with architectural features similar to existing homes contribute to a sense of place and add to the character of the neighborhood.
 - All Townhomes will have covered front entries, covered back porches, varying window sizes and patterns, varying horizontal and vertical relief and varying roof elements. Some homes will also have the options of second/third story outdoor areas.
- **Scale and Massing:** Buildings designed to fit within the context of the surrounding structures help reinforce neighborhood character and create visual interest for pedestrians.
 - The proposed townhomes will be a mix of two-story and three-story homes. Taller units are placed internal to the site with the lower units along Country Club Drive and the Margaret Beeks property line.

Please demonstrate how there will be no undue adverse impacts on the surrounding neighborhood in terms of public health, safety, or general welfare, and show the measures to be taken to achieve such goal:

The proposed use of the property is consistent with the uses in the vicinity of the site, is consistent with the comprehensive plan and provides no adverse impact on adjacent properties. It is also consistent with the design principles included in the 2006 rezoning request and the 2013 rezoning amendment. Within those rezoning requests, several proffers were set to minimize the impact of development of this lot to County Club Drive and Margaret Beeks Elementary School.

Country Club Drive:

- 1) A larger 25' setback is required which has been adhered to with this plan.
- 2) A building height of 50' or to an elevation of 2184' (whichever is lower) within 100' of Country Club Drive is required and has been met with this plan.

3) An additional landscape buffer of a 100' radius as measured from the northwest corner is required and has also been adhered to with this plan.

Margaret Beeks Elementary School:

- 1) A perimeter fence extending along the MCPS property line from Country Club Drive to the southern property line is required. As shown on drawing CUP 2, a new screening fence is proposed along that property line.
- 2) A vegetative buffer of 50' of existing vegetation or a Type C buffer yard is required along the common property line. As shown on drawing CUP 2, a Type C buffer yard is proposed. The proposed townhomes will still maintain a 50' setback from the property line.
- 3) A connection to the Kennedy Avenue Perimeter Fence is also required with the development of this property and is noted to be provided.

A multi-use path connection to the Huckleberry Trail was also proffered to connect from Country Club Drive to Hubbard Street. This trail has been installed for several years and will be relocated and rebuilt with the development of the townhomes.

With the 2006 rezoning request, a traffic study was completed to analyze the impacts from the overall First and Main development which as discussed, includes rugby field property. In 2018, an updated study was completed with the infrastructure plans for Rugby Lane. That update included the planned uses on the rugby field and assumed 400 bedrooms of multi-family development. That update was reviewed and approved by the Town and all improvements required to County Club Drive were completed with that project. The decrease in density, combined with the walkability of the neighborhood and the proximity of public transit reduces overall trips per day as well as concerns of excessive traffic and eliminates any need for required road improvements. This is demonstrated in a trip generation comparison. Upon review of the ITE Manual for trip generation, the previously approved use and the proposed use are estimated to generate the following vehicle trips shown below.

Previously 2018 Approved Multi-family (Apartments) Use

<i>ITE</i>	<i># of persons</i>	<i>Sq.Ft.</i>	<i>AM In</i>	<i>AM Out</i>	<i>AM Total</i>	<i>PM In</i>	<i>PM Out</i>	<i>PM Total</i>	<i>Weekday</i>
220	400	n/a	22	90	112	104	56	160	1,324

Proposed Multi-family Low Rise and Multi-family Mid Rise (Townhome) Use

<i>ITE</i>	<i># of units</i>	<i>Sq.Ft.</i>	<i>AM In</i>	<i>AM Out</i>	<i>AM Total</i>	<i>PM In</i>	<i>PM Out</i>	<i>PM Total</i>	<i>Weekday</i>
220	62	n/a	7	22	29	22	13	35	454
221	36	n/a	3	10	13	10	6	16	196
Total	98		10	32	43	32	19	51	650

As a mix of commercial and residential uses were always planned as part of First and Main and particularly the rugby field property, the use proposed is in keeping with that plan. The townhome model as a “for sale” product provides the opportunity for owner occupied homes thus minimizing initial neighbor concerns of multi-family rental/student housing adjacent to Margaret Beeks and possible lifestyle conflicts. The floor plans and layout of the units on individual, subdivided lots hopes to encourage a diverse resident mix that is searching for a home. A Homeowners Association will also be created for the community. This HOA will be responsible for all exterior maintenance of the grounds and the buildings. This includes, but is not limited to, parking areas, sidewalks, open space & recreational areas, landscaping, lawn maintenance, exterior building repairs, and roof repairs. The HOA will also have conditions within its operating documents that discourage excessive noise, large parties and underage drinking. A walkable community with reasonably priced homes and adequate parking should add value to the adjacent business and restaurants as well as the surrounding neighborhood

Any modifications or exceptions to Use and Design Standards or Development Standards must also be requested at the time of CUP evaluation. Identify and provide a justification for modification/exception.:

The applicant is requesting the following exceptions to the Use and Design Standards and/or Development Standards:

1. Section 4231(b)(1): “Except in the DC District a maximum of eight (8) dwelling units may be constructed in a contiguous series of townhouses. No more than two (2) contiguous series shall be constructed adjacent to each other.”

Exception Requested: More than two contiguous series of townhomes are proposed to be adjacent to each other.

Description: Due to the depth and width of the parent parcel, the east and west property lines are most efficiently utilized as shown on the masterplan and certainly maximizes the front doors that can face Rugby Lane. The masterplan shows three contiguous series along Rugby Lane and four contiguous series along the western buffer yard. Each series is only made up of six individual units rather than the maximum allowed of eight, which reduces the impact of the multiple buildings in a row.

2. Section 4231(b)(3): “Except in the DC District, the minimum separation between any contiguous series of townhouse units shall be twenty (20) feet from any other contiguous series of townhouse units. The minimum separation between any contiguous series of townhouse units shall be forty (40) feet from any other adjacent principal structure. Zoning district setback requirements do not apply to individual townhouse lots. Setback requirements do apply to the lot or parcel from which the individual townhouse lots are subdivided.”

Exception Requested: Allowance to have a minimum of 13’ between units which is less than the required twenty (20) feet between contiguous series of townhome units.

Description: The unit design and layout has maximized the developable area in keeping with the density limits as originally proffered. Developing as townhomes versus traditional multi-family apartments or condos, has allowed units heights to be residential in nature in height and scale. However, to reach a density that makes the project viable, a slight reduction in the spacing between series of units was necessary.

3. Section 4231(b)(5): “The principal orientation of all townhouses shall be the street or parking area on which the lot has frontage. There shall be at least one (1) entrance facing the street, and the principal windows of the townhouse shall also face this street.

Exception Requested: Four buildings (5, 6 10, & 11) out of the twenty buildings shown on the masterplan do not meet the exact description within this requirement.

Description: While Buildings 5 and 6 do not have a door that face the parking lot/street, there are doors that are on that side of the building – just inset perpendicular to the garage door. The other side of those buildings do face the parking areas of First & Main and we believe will create the appearance of a more cohesive overall development between the Rugby Field and First & Main with the “front” of those units addressing First & Main. Buildings 10 and 11 are alley loaded units which only have garage doors on the alleys. Their front doors face the common interior greenspace creating a more interactive neighborhood common area. It is important to note that all four buildings do have architectural features on both sides including primary windows, material changes, color variation, and horizontal and vertical relief that do provide interest and do not present as the “rear” of the unit. As the project design is oriented around a center loop drive and there is a mix of driveways, alley access and courtyard parking, many of the proposed units will not meet this design standard. However, units will have sidewalks and landscape areas adjacent to them to minimize impact.

4. Section 4231(b)(6): “Shared driveways are permitted, with the recordation of perpetual easements to provide for the use and maintenance of the shared driveway. Courtyard style parking is permitted. Only one (1) yard, either the front yard or the rear yard, or in the case of an end unit, the side yard, shall be improved with a driveway or parking spaces. All parking spaces shall be located behind the front building line. Town Council may grant a special exception to this requirement as authorized by § 1112.”

Exception Requested: Two yards are proposed to be improved with a driveway or parking spaces.

Description: As the project design is oriented around a center loop drive and there is a mix of driveways, alley access and courtyard parking, many of the proposed units will not meet this design standard. However, units will have sidewalks and landscape areas adjacent to them to minimize impact.

If the application is an amendment to an existing approved S/CUP, provide an identification of any proposed changes requested below and on a plan, and strike-through and italic edit of any conditions proposed to be changed:

This application is not amending an existing approved S/CUP.

RUGBY FIELD TOWNHOMES CONDITIONAL USE PERMIT		
Adjacent Property Owners		
Tax Parcel(s)	Owner	Address
287- 16 1,2,3	MONTGOMERY COUNTY SCHOOL BOARD	750 IMPERIAL STREET CHRISTIANSBURG, VA 24073
287- A41A2; 287- A 27A	BLACKSBURG APF PARTNERS LLC	3855 MEMORIAL BLVD KINGSPORT TN 37664
287- A 38A	KROGER LIMITED PARTNERSHIP I	1014 VINE ST CINCINNATI OH 45202
287- A41A4	BLACKSBURG HOTEL LLC	6627 BROAD ST STE 300 RICHMOND VA 23230
287- 19 3	WILLARD CLINTON GRAVES FAMILY TRUST C/O BRIAN GRAVES TRS	P O BOX 141 BLACKSBURG VA 24063-0141
287- A103	LAWLESS MICHAEL DAVID LAWLESS MONIKA FRALEY	1210 DRAPER RD SW BLACKSBURG VA 24060
287- 9 13A,14 & * 287- 9 13C	ELLCOTT CLARA FRANCES TRICE ETAL	10850 RAMSHORN RD MIDLOTHIAN VA 23113