

MEMORANDUM

To: Town Council

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

Date: January 28, 2022

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).

Town Council reviewed this CUP application at its January 16, 2021 work session. In response to discussion at the work session, the applicant has submitted a revised application dated January 27, 2022. Staff has reviewed the revisions, 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 and December 30, 2021 staff update memo 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 January 27, 2022. There are nine items discussed in the letter.

Internal Loop Road/Rugby Lane

The applicant is proposing a lower speed limit of 15 mph for the internal loop road and for Rugby Lane. This revision addresses the Corridor Committee and staff recommendation for lower speed limits due to the number of conflict points with individual unit driveways, parking areas served directly from the loop road, and pedestrian walkways. Staff recommends a condition to reflect this commitment. See condition #8.

Homeowners Association (HOA) Commitments

The revised application indicates that the HOA will be responsible for the all exterior maintenance of the grounds and the buildings. Page 9 of the application notes that “this includes, but is not limited to, parking areas, sidewalks, open space & recreational areas, landscaping, lawn maintenance, exterior building repairs, and roof repairs”. The applicant previously indicated this in email form and has now incorporated the commitment into the application. This addresses concerns raised by the Planning Commission with respect to long-term maintenance of the development. With respect to maintenance, the applicant has also noted in the letter that upon purchase, all homeowners are required to provide a capital contribution to the HOA maintenance fund.

The revised application also indicates that the HOA will include “conditions within its operating documents that discourage excessive noise, large parties and underage drinking.” The applicant is putting this forward as a way to address concerns regarding lifestyle conflicts that would be otherwise

be addressed by good property management in a multi-family rental development. Staff will work with the applicant to determine more specific language for this item with the goal of this being an additional condition.

The revised application also includes a commitment for the HOA to implement a parking policy for the development. This is further discussed under the parking section below.

These changes respond to the discussion regarding HOA assurances. The Town does not enforce HOA policies or regulations.

Parking

The revised application includes a commitment to implement a parking policy for the development detailed on page 3 of the application text. The parking policy will be governed by the HOA and will limit the number of vehicles allowed per unit to the number of bedrooms per unit. A three-bedroom unit will be allowed three vehicles onsite. The policy also notes that guest parking will be designated with signage.

The number of parking spaces meets the code requirement of 1.1 spaces per bedroom with 309 total spaces proposed. However, as noted in the staff report, approximately 50% of provided parking spaces are interior to a garage and 62% of the provided parking spaces are tandem spaces with 2 or 3 cars stacked. The effectiveness of the tandem style parking proposed will be based on the willingness of occupants to move cars as needed. This is more problematic for occupancy with unrelated individuals.

Sidewalks

The applicant has added sidewalk connecting the 11 space parking area across from Building 8 to the rest of the sidewalk system. This meets the recommendation of Corridor Committee and staff for sidewalk connectivity for the units. Other Corridor Committee and staff recommendations can be found in the original staff report.

Landscaping/Buffering

The revised application includes a new commitment to maintain a 15' natural buffer within the 25' Type C buffer. In response to discussion concerning loss of the existing tree line, with the proposed trail relocation, the applicant has provided a 15' natural buffer along the Margaret Beeks Elementary School property line to be preserved during construction of the trail realignment. The natural buffer is depicted on sheets CUP2, CUP3, and CUP4.

Sustainability

The applicant is having a HERS rating performed on the proposed units to determine energy efficiency. The applicant will provide additional information regarding a specific commitment to energy efficiency after the HERS rating is performed and prior to public hearing and Council action.

Marketing Plan

An affirmative marketing plan to discourage student occupancy was discussed at the work session. The applicant has provided a draft marketing plan for the proposed development as an attachment to the revision letter. The draft plan includes strategies to market to Virginia Tech faculty and staff, CRC employees, Industrial Park employees, and other young professionals. It includes information about the

floor plan that may be of interest to potential buyers and family-oriented amenities in the development's vicinity.

Exceptions to Use and Design Standards for Townhomes

The revised application includes a request for an exception to § 4231(b)(5) regarding townhouse orientation. The applicant previously indicated this in email form and has now incorporated the commitment into the application. As noted at work session, this exception is needed for Buildings 5, 6, 10, and 11. The applicant has provided justification for this request on page 10 of the revised application text.

The following is a summary of exceptions/modifications that were requested as part of the original application 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.

Sanitary Sewer

The condition regarding the Sanitary Sewer Service Acknowledgement Agreement has been edited to mirror the condition from the recent Sheetz CUP and thus the issue is resolved.

UPDATED STAFF RECOMMENDED CONDITIONS

1. The property shall be developed in substantial conformance with the application dated November 1, 2021, and last revised January 27, 2022.
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 owner shall abide by the terms in the Sanitary Sewer Service Acknowledgement Agreement with the Town of Blacksburg.
8. The internal loop road and Rugby Lane shall have a speed limit of 15 mph and be posted as such.

Attachments:

Correspondence received between January 4, 2022 and January 27, 2022
Revision Letter from Applicant dated January 27, 2022
Revised Application (including text and drawings) dated January 27, 2022