

MEMORANDUM

To: Town Council

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

Date: February 18, 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).

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Town Council further reviewed this CUP application at its February 15, 2022 work session. The following sections reflect the staff-recommended conditions and the exceptions requested by the applicant as discussed at the work session. New public correspondence received regarding this request is attached.

**Staff-Recommended Conditions**

1. The property shall be developed in substantial conformance with the application dated November 1, 2021, and last revised February 8, 2022.
2. The maximum number of bedrooms shall not exceed 277. 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. The Homeowners Association (HOA) declaration shall include the following provision in capital letters on the first page of the declaration: "Unit owners are advised that the requirements of this Declaration are in addition to the applicable ordinances of the Town of Blacksburg, including, without limitation, its nuisance and noise regulations."

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.
9. All dwelling units constructed pursuant to the approved Conditional Use Permit shall achieve a Home Energy Rating System (HERS) Index equal to a 15% or greater improvement over the minimum requirement in the current Virginia Residential Code applicable to the permit, and subsequent updates. Qualification shall be demonstrated through documentation submitted to the Planning and Building Department from a home energy rating service certified through the Residential Energy Services Network (RESNET) at the time of building plan review that demonstrates that each dwelling unit will attain this qualification, prior to the issuance of a building permit for each dwelling. Verification of this achievement shall be demonstrated through third-party inspection of one constructed townhouse per unit type within each phase of construction, prior to issuance of a certificate of occupancy.

#### **Exceptions to Use and Design Standards for Townhomes**

The following is a summary of exceptions that are requested for the revised application. Analysis regarding the below exceptions can be found in the December 30, 2021 staff report and subsequent staff update memos.

- a. § 4231(b)(1) to allow more than 2 contiguous townhouse series adjacent to each other for buildings 1, 2, 3, and 4 and buildings 16, 17, and 18.
- b. § 4231(b)(5) to allow the orientation of buildings 5, 6, 10, and 11 as shown in the application elevations and drawings.
- c. § 4231(b)(6) to allow more than 1 yard of townhouse units to be adjacent to a driveway or parking area for buildings 9 and 12 and units 604, 701, 703, 801, 803, 1001, 1005, 1101, 1105, 1301, 1303, 1401, 1403, 1806, and 1901.

#### **Attachment:**

Correspondence Received between January 28, 2022 and February 17, 2022

**Kali Casper**

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**From:** Douglas White  
**Sent:** Monday, February 14, 2022 1:32 PM  
**To:** Planning Commission  
**Subject:** Recent Uproar About South Main Developments

**External Message Warning**

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Planning Commission Members

It would seem the Three Developments Proposed around First and Main have simple solutions based on location.

Sheetz should go to the Main and Country Club / CHP site. This would get the gas station out of the creek and the coming flood. It should be attached to Gables Shopping Center and a One-way Entrance only from Country Club. Out-bound traffic should cross Gables Shopping Center Lot and go to the stop light across from Krogers.

CHP project should go to the Rugby Field to better align with the Elementary School behind. No Crossing busy streets to get children to school. Daycare across the street and Groceries on the block.

Apartment development of Rugby Field moves to the Sheetz location. This would complete the "Mixed Use" of the First and Main that never occurred. I think this spot has 3 lots that could be developed to equal the Rugby Field Space. Some could be mixed use.

I know most think these are all owned by separate parties but I think differently. Seems the only odd one out is Holt.

Just a thought

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