

MEMORANDUM

To: Planning Commission

From: Kali Casper, AICP, Assistant Planning Director

Date: February 3, 2023

Subject: **UPDATE** RZN 22-0003/ORD #2003- Request for an amendment to previous rezoning Ordinance #746 to modify a Planned Commercial PC zoning district including permitted uses at 1055 Plantation Road (Tax Map. 254-A-18) by Broadstreet Partners, LLC (applicant) for Blacksburgs Green BLD LLC (owner).

CUP 22-0006 - Conditional Use Permit Request for Mini Warehouse Use in the Planned Commercial PC zoning district at 1055 Plantation Road (Tax Map No. 254-A-18) by Broadstreet Partners, LLC (applicant) for Blacksburgs Green BLD LLC (owner).

REVISIONS TO DEVELOPMENT PROPOSAL

Following discussion at the January 31, 2023 work session, the applicant submitted application revisions for the rezoning request with materials dated **February 2, 2023** in response to remaining staff and Planning Commission comments. Changes include:

- Proffer revisions
 - Changed to include property owner signature block rather than developer signature
 - Temporary construction easement language added
 - Change to future CUP process language
- Proffer exhibit revisions
 - Slight changes to uses to match Zoning Ordinance use types

The revised submittal includes several revisions to the proffers and proffer exhibit. The proffer been revised to provide owner information rather than applicant information. The cross access easement proffer has been revised to include a temporary construction easement to ensure that cross access can be provided in the future. The use proffer has also been revised for clarity with input from the Town Attorney.

The proffer exhibit has also been revised with slight changes to the allowable uses to match use types in the current Zoning Ordinance. Professional Office was removed as professional offices are included in the definition of general office. Clinic/Urgent Care has been revised to Clinic or Urgent Care and Medical Office was added. Medical Office is distinct from General Office and from Clinic and is desired by the applicant as a potential future use.

These changes address the comments in the staff report and memos.

The most recent proffer statement can be found on the following page.

PROFFER STATEMENT – February 2, 2023

1. The property shall be developed in substantial conformance, as determined by the Zoning Administrator, with the submitted rezoning application entitled Mini-Storage Development located at 1055 Plantation Road (“the Application”) dated February 2, 2023.
2. For the future 1.15± acre commercial development area, the development plan will permit the uses attached hereto in the document entitled “1055 Plantation Road CUP/RZN.”” However, before any of these uses may begin in that area, Broadstreet Partners, LLC, or its successors and assigns, must apply for approval of that use through a conditional use process as set out at Zoning Ordinance 1180, et seq. Broadstreet Partners, LLC acknowledges that this proffer is a material factor in this rezoning, that it shall not be severable, and that this proffer must be disclosed as part of any contract for the sale of the future 1.15± acre commercial development area property.
3. The applicant shall dedicate a cross-access easement and temporary construction easement along the proposed Crisp Road extension encompassing the entire proposed lot line between Lot 1 and Lot 2. Cross-access between these two parcels shall be evaluated at the time of development for Lot 2 as part of the required Conditional Use Permit (CUP) to develop the lot. If it is determined that the cross-access connection is both needed and warranted based on the desired use and traffic/access impacts, it shall be constructed with the development of Lot 2.

The staff recommended conditions for the CUP can be found below. No changes are proposed to the conditions based on the February 2nd application revisions.

STAFF RECOMMENDED CONDITIONS

1. The property shall be developed in substantial conformance with the application dated October 3, 2022 *and last revised January 26, 2023*; and with rezoning Ordinance #2003.
2. Prior to issuance of a certificate of occupancy, the owner shall install five bicycle parking spaces with inverted-U bicycle racks to meet Town standards.

Variances/Exceptions Requested

Sewer VariANCES

- Subdivision Ordinance Section 5-701(a)
- Sewer Specifications Section 1.21(c)
- Town Code Section 18-204

Mini-warehouse Use and Design Standard Exceptions

- Section 4541 (3)
- Section 4541 (4)

Bike Lane Variance

- Subdivision Ordinance Section 5-321

Attachments

- Application Revisions dated February 2, 2023