

MEMORANDUM

To: Planning Commission

From: Anne McClung, Planning and Building Director

Date: June 26, 2020

Subject: RZN 20-0002 – Request to Amend RZN 17-0006 for the Midtown development at 501 South Main Street by Steve Semones (agent) on behalf of Midtown Development Partners LLC (applicant/owners) and Town of Blacksburg.

**SUMMARY OF REQUEST**

<b>Property Location</b>	501 South Main Street
<b>Tax Parcel Numbers</b>	#257-A-94, #257-A-94A, #257-25C, #257-A-217, #257-A-218
<b>Parcel(s) Size</b>	21+ acres
<b>Present Zoning District</b>	Downtown Commercial 10.59 acres Planned Residential 10.54 acres
<b>Current Use</b>	Vacant
<b>Adjacent Zoning Districts</b>	North: DC - Downtown Commercial, Office, R-5 Transitional Residential, RM-27 Low Density Multi Unit Residential East: R-5 Transitional Residential South: R-4 Low Density Residential, R-5 Transitional Residential, PR Planned Residential (across Eheart St.) West: DC (Clay Court) and R-5 across Main Street
<b>Adjacent Uses</b>	North: Verizon communication tower/building, vacant lot, single family, Spout Spring, Berryfield apartments East: Residential, Single and Multi-family South: Residential, Single and Multi-family West: Clay Court mixed use, small scale office (across South Main St.)
<b>Adopted Future Land Use</b>	Civic, Mixed Use Area D
<b>Proposed Zoning Change</b>	Amend application, pattern book, proffer statement, no change in approved zoning districts proposed
<b>Proposed Uses</b>	Office, commercial, hotel, restaurant, townhouses, multi-family residential, public safety building
<b>Maximum Density</b>	DC: 48 bedrooms/acre (343 bedrooms) or 24 units per acre (171 units) PR: 48 bedrooms/acre (505 bedrooms) or 24 units per acre (252 units)
<b>Minimum Parking</b>	Varies per parcel
<b>Bike Parking</b>	0.25 spaces per bedroom
<b>Minimum Open Space</b>	PR - 20% of total PR district area (32% provided) DC- none required, Public Space provided

## EVALUATION OF APPLICATION

This staff report is divided into topical areas of evaluation. Many of the overarching principles in the Comprehensive Plan, the Residential Infill Guidelines, and the Zoning Ordinance overlap into key topical focus areas. To aid in review of the staff report each topic or focus area is covered only once. **The Staff Report focuses on the areas of proposed change and updates from the approved rezoning.**

List of Attachments:

- A. Maps
- B. Excerpts from adopted rezoning Z-Sheets #Z1- #Z9 for comparison of adopted to changes proposed
- C. Architectural Renderings submitted to date to assist in review of building material changes
- D. Supporting regulations: Comprehensive Plan & Zoning Ordinance
- E. Neighborhood Meeting Notes and Sign-In Sheet

## KEY ELEMENTS

**Below is a summary of key elements to provide guidance to Planning Commission for discussion at the work session.**

- New Townhouse unit type proposed
- Change to allowed building materials
- Addition of surface parking lot on Church St. and associated screening
- Changes to pedestrian access and open space
- Residential on ground floor

## BACKGROUND/PROJECT STATUS UPDATE

The Midtown Development on South Main St. is the site of the Old Blacksburg Middle School. A rezoning for the entire 21+ acre site (RZN 17-0006) was approved on May 14, 2019 by Ordinance 1866. The rezoning was approved with a detailed Proffer Statement, Application and Pattern Book. Many of the elements from the Pattern Book were included as cut sheets attached as Exhibits to the Proffer Statement to provide more clarity on what elements from the Pattern Book were binding. All of the documents approved with RZN 17-0006/ORD 1866 can be found on the Town website Public Hearing tab under Archived Public Hearings.

In addition to the rezoning, the Town entered into a Development Agreement with the applicant for the Midtown project. The Development Agreement was also approved in May 2019. The Development Agreement addresses issues such as:

- Provisions for a shared stormwater facility;
- Property transfers between the Town and the Developer;
- Plan review timelines;
- Timing of construction milestones; and
- Reimbursement to developer for the costs of improving the public gathering areas (Plaza and Old School Commons)

An amendment to the Development Agreement has been in process and was recently approved by Town Council on June 23, 2020. The amendment addresses the larger parcel size for the Police Station and Parking Garage and approves the design and cost estimates for the Plaza and Commons. The amendment also changes and clarifies review timelines for plans. The Development Agreement works in tandem with the rezoning provisions but is not part of the Planning Commission's review.

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The Town is moving forward with the design for the new Police Station and parking garage in the Midtown development on Parcel DC #1. Planning Commission reviewed a Conditional Use Permit (CUP 20-0002) for additional height for the parking garage and will take action on this application on July 7, 2020. The applicant has been working with Eagle Construction for development of the residential parcels between Midtown Way and Eheart St. A site plan has been submitted and is under review.

At the time of rezoning Midtown Partners owned three of the five parcels included in the rezoning area. The Town of Blacksburg owned the remaining two parcels. The parcels owned by the Town are the two paved areas from the former school use located on Clay Street and Eheart St. All of the parcels are illustrated on Sheet Z #1 of the application. The Town agreed to transfer property to Midtown Partners as part of the Development Agreement. The transfer of property between the Town and the applicant is underway pursuant to the provisions of Development Agreement.

The Town has received and reviewed a lot line adjustment plat to create the parcels as shown in the application. With the amendment to the Development Agreement approved, the plat can now be recorded.

Site plans for the Police Station and Parcel DC #5, are also under review by the Town. Architectural renderings, as required by the Proffer Statement and Development Agreement have been submitted for Parcels DC #1 (police station/parking garage), DC #2, DC #4, DC #5, Plaza and Commons.

**EXISTING SITE CONDITIONS UPDATE**

The subject parcel is approximately 21 ± acres in size with frontage on Main Street, Clay Street and Eheart Street. The parcel shape is a long rectangle. The Main Street frontage is approximately 445 feet. There is variation in the topography over the parcel. There are flat areas, such as the location of the former athletic field area, as well as significantly sloped areas. In general, the site is raised along the South Main Street frontage and along Clay Street. The applicant has been grading the site to prepare for development. An infrastructure plan for stormwater, roadways and utilities was approved by the Town and construction is underway.

**CURRENT REZONING AMENDMENT**

RZN 20-0002 is a request by Steve Semones (agent) for Midtown Development Partners, LLC (applicant/owners). The ownership interests listed for Midtown Partners in the application is Jeanne H. Stosser and James K. Cowan Jr. The Town is also a property owner within the development.

For the rezoning amendment, the applicant has submitted the same set of rezoning documents as the previous rezoning. Staff and the applicant agreed that going forward it would be best to have one consistent set of materials to review and not have amendments in separate documents. Changes in the application are shown in strike through and underline in the application and Proffer Statement. Changes to the Pattern Book are described in the staff report. Changes to the 11X17 "Z- Sheets" graphics are described in the staff report. In addition, the adopted 11X17 "Z- Sheets" graphics are included in Attachment B to assist the Planning Commission in comparing the adopted and proposed changes in the application.

**EVALUATION CRITERIA**

Section 1151 of the Zoning Ordinance requires the Commission to study all rezoning requests to determine:

- 1) *Whether the proposed amendment conforms to the general guidelines and policies contained in the Comprehensive Plan.*

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- 2) *The relationship of the proposed amendment to the purposes of the general planning program of the Town, with appropriate consideration as to whether the change will further the purposes of [the Zoning Ordinance] and the general welfare of the entire community.*
- 3) *The need and justification for the change.*
- 4) *When pertaining to a change in the district classification of the property, the effect of the change, if any, on the property, surrounding property, and on public services and facilities. In addition, the Commission shall consider the appropriateness of the property for the proposed change as related to the purposes set forth at the beginning of each district classification.*

### **COMPREHENSIVE PLAN**

#### **Comprehensive Plan Map Series**

In evaluating whether the proposed use conforms to the general guidelines and policies contained in the Comprehensive Plan, all applicable sections of the Plan should be included in the review of the application. The Comprehensive plan offers a wide range of guiding principles for the future of development with Town. The following text identifies the designation of the proposed rezoning property on the maps in the Future Land Use map series.

#### **Map A: Future Land Use Designations**

The property is designated as “Civic” on the Future Land Use Map. Civic uses typically include schools, government offices and buildings, service organizations, and other institutional uses that can occur in any zoning district. The Civic designation reflects the historic use of the property for a public school.

The property is also designated as Mixed Use Area D on the Future Land Use Map. Mixed Use Areas are intended to be developments containing a mix of both residential and non-residential uses. The Downtown Commercial (DC) and Planned Residential District (PR) are typical implementing zoning districts for the Mixed Use Future Land Area classification.

The Comprehensive Plan states that all properties within a Mixed Use Area should complement adjacent properties with vehicular connections, coordinating pedestrian amenities, and complementary architecture and site design features and compatible uses. Mixed use areas are encouraged to have vertically mixed uses and include outdoor activities such as patio dining. On-site parking should be accommodated without dominating the streetscape. A strong bike and pedestrian system should be included within the project and connect to the Town’s greenway system. Low impact design techniques should be considered. Historical and environmentally sensitive sites within a Mixed Use Area should be adequately protected. More specifically, the Comprehensive Plan indicates that redevelopment of Mixed Use Area D should have “uses that stimulate pedestrian activity on Main Street and have sensitive transitions to established neighborhoods within the Blacksburg Historic District.”

#### **Map B: Urban Development Areas**

This property is within a designated Urban Development Area. UDAs and Mixed-Use Areas are intended to serve as focal points for commercial and residential growth in Town.

#### **Map C: Neighborhood, Employment and Service Areas Map**

The front part of the OBMS site is located in a Commercial area, which is the same designation on the Neighborhood, Employment and Services Map along all of the Town’s commercial corridors such as Main Street, Prices Fork Road and University City Blvd. The back of the parcel is located within an “Urban Walkable Residential” area, which reflects a variety of housing types within proximity to commercial areas and the University.

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### **LAND USES AND ACREAGES UPDATE**

The Midtown project proposes a variety of different uses. Proffers #10 and #11 outline the uses by parcel as shown below. The location of the parcels is illustrated on Sheet #Z3 of the application. Parcel numbering and parcel sizes have been updated in the revised application. The applicant has combined some parcels. Parcels DC #4a and #4b have been combined into a new Parcel #4a. Parcel DC #4c has been renumbered to DC #4b. Proffer #10 addresses the allowance for combining parcels. This proffer has been revised to also address dividing parcels should the applicant want to separate parcels that have been combined.

Changes in parcel numbering and size can best be understood by comparing the old and new 11X17 “Z-Sheets” drawings. The currently approved drawings can be found in Attachment B. The chart below reflects the rezoning amendment application information.

DC Parcel #1	1.57 acres	Civic or Multi-use Commercial (public safety building)
DC Parcel #2A	.64 acre	Multi-use Commercial and Office
DC Parcel #2B	.37 acre	Multi-use Commercial and Office
DC Parcel #3	1.20 acres	Community Open Space (Old School Commons)
DC Parcel #4A	1.10 acre	Multi-use Commercial, Office, Parking
DC Parcel #4B	.68 acre	Parking
DC Parcel #5	1.77 acres	Multi-use Commercial and Residential
DC Parcel #6	1.86 acres	Hotel
PR Parcel #1	3.06 acres	Civic/Park Space and Recreation Area (Central Park)
PR Parcel #2	.91 acre	Multi-family Dwelling, Townhouse and Community Recreation
PR Parcel #3	1.33 acres	Multi-family Dwelling and Townhouse
PR Parcel #4	2.02 acres	Multi-family Dwelling and Townhouse
PR Parcel #5	2.17 acres	Townhouse, Two-family Dwelling and Community Recreation

### **DOWNTOWN COMMERCIAL**

The purpose statement for the Downtown Commercial zoning district is as follows:

#### ***Downtown Commercial §3140***

*The Downtown Commercial district is the heart of Town culturally, geographically, and historically. It lends the Town its small-Town architecture, scale, and feel. It is intended to be a predominantly pedestrian area, catering to bicycle and pedestrian traffic with shops and storefronts close to the road, pedestrian scale, wide walkways, street trees and limited off-street parking, well screened. The history of the area is retained with preservation of historic structures and replication of style in additions and expansions. The core of the Downtown exudes the vitality of the interaction of people and activities. Commercial opportunities include a diversity of specialty, retail services, cultural, recreation, entertainment activities, and public functions.*

The application indicates that, for the DC district, the permitted uses would be all those listed in the DC district except consumer repair service, funeral home, pawn shop, and tattoo parlor. Typical permitted uses in the DC district include retail commercial, restaurant, personal services and offices. Residential uses are allowed on upper floors of DC zoned parcels at a density of 48 bedrooms per acre.

#### **Office on the Ground Floor**

The Downtown Commercial district does not allow office uses by-right on the ground floor. Offices are allowed by-right on all upper floors and in basement levels. It is important to create visual interest at street level and have uses that draw pedestrians in from the street for a vital and active downtown.

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Offices uses are intended to be part of the mix of uses in Downtown and there will be locations where office on the ground floor in the DC district is appropriate.

The Midtown rezoning was approved with allowances for some office uses on the ground floor.

Building(s) on Parcel DC #2A and #2B may have a maximum of 25% office. Buildings on Parcels DC #4A (formerly #4A and #4B) and DC #5 are limited to a maximum of 50% office. The percentages included are for General Office and Medical Office combined.

### **Residential on the Ground Floor**

The applicant proposes residential units on what is considered to be the ground floor on Parcel DC #5. Parcel DC #5 is bounded by Clay St., Church St., and Midtown Way. The ground floor is the floor level abutting Midtown Way. The area of the building abutting the Town Park is now proposed for residential use on the ground floor. Thus, the more visible portions of the building will contain commercial or office uses.

The Zoning Ordinance does not allow residential on the ground floor in the DC district. It is important to retain highly visible pedestrian space for active uses that add to the vitality of Downtown. Currently, the only allowance for residential on the ground floor in DC is for townhomes proposed in conjunction with the rehabilitation of an historic structure and approved through a CUP. A Zoning Ordinance amendment (ZOA #51) is in process to consider allowing residential uses on the ground floor in the DC district under very limited circumstances. The referring resolution (#6-C-20) was approved in June directing staff and the Planning Commission to consider the amendment. Factors to determine if residential on the ground floor is appropriate will include parcel size, parcel frontage and context in a mixed-use development. This Zoning Ordinance Amendment is being processed on the same schedule as this rezoning amendment.

In the application on page 37, wording specifically prohibiting ground floor residential has been struck through. If the Zoning Ordinance amendment is approved the wording should be removed. If the Zoning Ordinance Amendment is not approved, the wording should be retained.

### **PLANNED RESIDENTIAL**

Typical uses in the PR district include a variety of residential uses such as single family, multi-family, townhomes and duplexes (two family dwelling). Proffer #6 states that no more than 75% of the total Planned Residential units can be multi-family units (typically apartments) and a minimum of 25% of the units must be townhouses.

The applicant is now further along in the design and development process and is anticipating much of the residential components of the project will be in the form of townhouses. The applicant is proposing townhouses on all of the PR parcels between Midtown Way and Eheart St. (Parcels PR #3, PR #4 and PR #5). The Townhouses will be 3 to 4 stories in height. Illustrations of the options for the designs of the townhouses can be found in Exhibits L, M and N of the Proffer Statement. The illustrations have been amended to show a 4-story townhouse. The Proffers remain unchanged in order to retain the flexibility in the type of residential units allowed (apartment, townhouse, and duplex).

### **New Residential Use Type Proposed**

The applicant is proposing two types of townhouses. Townhouse "Type A" will be similar to the typical townhouse as defined in the Zoning Ordinance shown below. The Zoning Ordinance defines Townhouse as:

TOWNHOUSE—A grouping of three (3) or more attached single-family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common walls.

The PR district does allow for the creation of new dwelling types outside the existing definitions in the Zoning Ordinance. For example, in The Retreat project on Prices Fork Road, the applicant created a residential use type to allow multiple dwellings on a single lot to accommodate the cottage-style development proposed.

The current definition of a Townhouse does not allow one townhouse unit to be located above another one. The applicant is proposing a new Townhouse "Type B" which would allow vertically stacked townhouses. This type of townhouse is often referred to as a "2 over 2". While the units are stacked upon one another the exterior appearance looks the same; reading as one townhouse unit. The applicant is proposing a slightly different definition for Townhouse "Type A" than the typical townhouse per the Town's definition. The proposed definition allows the required rear access to be a standard door or a garage door. The proposed definitions are found below and would be specific to this project.

TOWNHOUSE TYPE "A" – A grouping of three (3) or more attached single-family dwellings in a horizontal row in which each unit has its own front door and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common walls. Rear access may be provided by a standard door or a garage door.

TOWNHOUSE "B" - A grouping of three (3) or more attached single-family dwellings in a horizontal row with one unit vertically stacked above another, in which each unit has its own front and rear access to the outside; except that vertically stacked units may share a common foyer from one front door and one rear door. Rear access may be provided by a standard door or a garage door. No more than one units shall be stacked above another unit, and each unit is separated from any other unit by one (1) or more common walls or floor system. Type B Townhouse is not require to be located on its own individual lot. Stacked units are not required to vary their setbacks between the lower and upper unit. Stacked units shall not be considered as contiguous between the lower and upper unit.

The application also states that Townhouse "Type A" and "Type B" units shall be permitted to be constructed in separate blocks or as an integrated blocks as determined by the builder. This will provide flexibility in how the "Type A" and "Type B" townhouses are combined.

The stacking of units is typically found in apartment development, which has a very different look and feel than townhouses. Given that the exterior appearance will remain that of a townhouse style, the flexibility to include stacked units should not impact the character of the PR portion of the development.

### **THE PATTERN BOOK/DEVELOPMENT STANDARDS**

The applicant worked with Communita Design, a Seattle based design firm, to develop a Pattern Book for the Midtown project. The Pattern Book contains general text outlining the placemaking goals of the plan, overarching design principles and pictures representative of possible building types and public spaces in the project. The Pattern Book itself is intended to be illustrative in nature and while explanatory and supportive, it is not considered a binding proffered element. The applicant pulled portions of the Pattern Book into separate cut sheets and included the cut sheets in the Proffer Statement to indicate the binding elements.

### **Use and Design Standards**

Use and Design standards govern the physical development for a particular use in any zoning district. Use and Design Standards are found in Article IV of the Zoning Ordinance and are categorized by type of use (Civic, Residential, Commercial, and Office). At the time of the rezoning not all uses were known and

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thus the applicant included an overall commitment that all Use and Design Standards would be met. In the event that changes, the applicant would need to request a special exception, which would be a public hearing process. The applicant should review the development currently under site plan review to determine if all Use and Design standards are met. If an exception is needed it could be included in the rezoning amendment request.

### **Building Design**

The building orientation, style, materials, scale, massing, and height of a development are elements affecting how a proposed development fits into the surrounding area. The applicant developed a Pattern Book for Midtown, which has a very general level of architectural commitment as design work was in the early stages and tenants for the various buildings had not been identified.

The Pattern Book and Proffers do include individual cut sheets with development standards and design features listed parcel-by-parcel. Please refer to Exhibits A-I and L-N of the Proffer statement. The topics covered in each Parcel cut sheet include:

- Allowed Uses (previously discussed)
- Height
- Setbacks
- Overhangs
- Parking
- Entries
- Landscape
- Architecture
- Building Materials

To address design review going forward once the rezoning was approved, both the Proffer Statement and the Development Agreement between the applicant and the Town require architectural review for buildings in the DC zoned portion of the site. The applicant submitted architectural renderings for Parcels DC #2, DC #4 and DC #5 in January of this year. Revised drawings for Parcels DC #2 and DC #4 were submitted in May. Drawings for Parcel DC #1 (Police Station) are also under review. The most recent version of the drawings for each of these parcels is contained in Attachment C. These renderings and elevations are very helpful in considering the types of building materials used and thus being able to evaluate the changes in building materials now proposed.

For the residential portion of the development, a selection of design options were included in the Proffer Statement (Exhibits L, M and N). A staff level comparison of the designs with the site plans/ building plans submitted will occur to determine compliance of buildings on the PR portion of the site.

### **Building Materials CHANGES PROPOSED DOWNTOWN COMMERCIAL**

During the rezoning public hearing process there was a great deal of discussion about the building materials to be used; particularly on the DC zoned portion of the development. The buildings on the DC parcels, particularly Parcel DC #2 and DC #4 will be very visible from Main Street. The approved Proffers and Pattern book require 50% masonry materials and limit EIFS to 20% as an accent material on certain frontages. The applicant is now proposing changes to the commitments regarding building materials. The new building material percentages were included in revised architectural renderings and the applicant was advised that the changes require an amendment to the Pattern Book and Proffer Statement. To get an idea of the visual impact of the various building materials, staff has included the architectural renderings received to date in Attachment C. Staff has also prepared a chart comparing building material changes for Parcels DC #2, DC #4 and DC #5 which may also be helpful.



***Adopted Pattern Book and Proffer Statement Exhibits for DC Parcels:***

**Façade Materials:** Buildings shall be constructed with a minimum of 50% masonry materials such as brick or stone (Excluding synthetic stone but permitting cast stone and composite limestone)

**Alternative Materials:** The remaining 50% of facade materials may include cast materials, glass, metal, and cement composite siding, smooth finished concrete or equivalents as approved by the town. A maximum of 20% of each floor façade can be EIFS used as accent panels. No EIFS may be used on the first floor on both the South Main Street and Commons portions of the buildings.

**Foundations:** Foundations shall be monolithic slab or basement construction. All foundations visible on the exterior of the building shall be faced with brick, smooth finished concrete surfacing or parged/painted concrete.

**Vinyl siding** is not permitted.

The applicant is proposing a change to add “fiber cement panel system” in the same category with brick and stone and change the reference from “masonry” materials to “quality” materials. Thus the fiber cement panel system, or cement composite siding (sometimes referred to as hardie plank/panel), would be a material equivalent to the masonry material and counted in the 50% requirement. Proffer statement Exhibits A, B,C, D, E which cover all of the DC zoned parcel are proposed to contain the wording as follow:

*“Buildings shall be constructed with a minimum of 50% quality materials such as brick, stucco, or fiber cement panel system”*

The applicant has also added a limitation that no more that 50% of a façade will be fiber cement panel system.

*“Fiber cement panel systems shall only account for 50% of the proposed façade materials”.*

The applicant has specifically stated that the lap siding version of the product will not be used.

*“Fiber cement lap siding is not permitted on the DC portion of the development”.*

Staff does not support removing the category of “masonry materials”. The change, as proposed, would allow all DC buildings to be constructed with no masonry materials. The buildings could be 50% fiber cement panels system and the other 50% “alternative materials”. Manufacturers such as Nichiha make fiber cement panel systems that mimic brick, stone or block. The intent of the masonry requirement was to ensure that a meaningful portion of the facades were original materials and not faux versions. The elimination of a masonry requirement represents a substantial change to the building materials. The potential for significant expansion of fiber cement panel systems on all DC parcels is not in keeping with the intent and approval of the rezoning.

The fiber cement panel systems come in a variety of textures and styles from a variety of manufacturers. Many of the products are very residential in character. For example, the wood grain texture, lap siding style, and shakes/shingles styles are appropriate for residential applications and are not appropriate for an urban mixed-use project. A product that is vertical siding that looks like board and batten is also available and again based on use can bespeak a more residential product. Again, buildings on Parcels DC #2 and DC

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#4 are the most critical. As part of the changes proposed considering larger panel system fiber cement panel system products may be more appropriate to convey a more urban look and feel.

Other alternative materials are included in the Pattern Book and Proffer Statement such as glass, metal and mesh. These materials lend a more contemporary look. Having a variety of materials does give the applicant more choices in how to make the buildings in the development cohesive and also give each building its own distinctive identity.

It may be useful for the applicant continue to work with staff on how to refine the changes to the building materials request and be more specific about what percentages and materials could apply to each building. For example, the allowed percentage of fiber cement paneling could vary by parcel. While the current proposal is easier to apply when it covers all the DC parcels in the same manner, it results in the potential for a significant decrease in overall quality of materials and the look of a Downtown high quality office and commercial space. If any samples of proposed materials are available that would be helpful in evaluating the proposed changes. Staff also suggests providing any pictures of buildings where the proposed materials have been used.

#### **Building Materials CHANGES PROPOSED PLANNED RESIDENTIAL**

The applicant proposes a similar wording change regarding “quality materials” to apply to the Planned Residential portion of the development. The wording change is contained in the applicable Proffer Statement Exhibits and the Pattern Book pages.

#### ***Adopted Pattern Book and Proffer Statement Exhibits for PR Parcels:***

**Façade Materials:** Buildings shall be constructed with a minimum of 50% masonry materials such as brick or stone (including synthetic stone). In the PRD area, synthetic stone may be used on buildings for up to 35% of the elevation area on each side of any one or more buildings.

**Alternative Materials:** The remaining 50% of façade materials may include cast materials, glass, metal and cement composite siding, smooth finished concrete or equivalents as approved by the town. A maximum of 20% of each floor facade can be EIFS used as accent panels. No EIFS may be used on first floor.

**Foundations:** Foundations shall be monolithic slab or basement construction. All foundations visible on the exterior of the building shall be faced with brick, smooth finished concrete surfacing or parged/painted concrete.

**Vinyl siding** is not permitted.

The applicant now proposes the wording as follows:

#### ***Façade Materials***

*“Buildings shall be constructed with a minimum of 50% high quality materials such as brick, stucco, high quality synthetic stone or fiber cement panel system. Fiber cement panel systems may only account for 75% of the proposed facade materials. Synthetic stone shall be a minimum 1 1/2” thickness as approved by the Town. In the PRD area, synthetic stone may be used on buildings for up to 35% of the elevation area on each side of any one or more buildings.”*

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Staff has many of the same concerns about this change as noted for the DC material changes proposed. There is more flexibility in the style and texture since the PR section of the development is residential product. However, the look and feel should still be of an urban townhouse project.

### **Building Height UPDATE**

Building height is measured from the grade at the front entrance of the building to the peak of the roof or tallest point of the building. This calculation is slightly different for corner lots where the entry heights on the two street sides are averaged to calculate a maximum height. The Downtown Commercial district and the adopted rezoning allow a maximum of 60' of building height in the DC portion of the project.

The parking garage being constructed by the Town along with the Police Station is proposed at a height exceeding 60'. The Town filed a Conditional Use Permit (CUP 20-0002) to allow a maximum height up to 76'. The Police Station and parking garage are on a single corner lot and as measured exceed the 60' height limit. The CUP is scheduled for public hearing by the Planning Commission and Town Council in July 2020.

As part of the changes to the Midtown development, Midtown Partners, LLC has also filed a Conditional Use Permit (CUP 20-0003) to allow height greater than 60'. The CUP request is specific to Parcel DC #5 only. Please see the staff report for the CUP for more information.

As it relates to the rezoning amendment, the applicant has revised the Proffer Statement Exhibits and the Pattern Book to state that the maximum height is 60' "unless approved otherwise through a Conditional Use Permit". This will recognize the possibility that in some cases a greater height may be approved through a public hearing process. With the proposed wording the Proffers and Pattern Book will not need to be amended based on the outcome of individual CUP approvals. Staff did notice the wording was not included on Exhibits H and Exhibit I (Parcel DC #4 and DC #6) which would preclude the filing of CUP requests for additional height on those parcels.

### **Buffering/Landscaping**

The applicant will also have to show on site plans that the landscaping provided meets the Town ordinances for any surface parking lot landscaping, street trees and overall site canopy coverage:

- 5% of the entire surface parking area (excluding access drive) landscaped with trees and ground cover in parking lot islands (§5427(a))
- 1 tree per 10 parking spaces (§5427(b))
- Perimeter parking area of at least 10' wide where any parking is adjacent to public right-of-way (§5427(f))
- 1 street tree per 30' linear foot of frontage

The Downtown Commercial district has no requirement for canopy coverage. Street trees must be provided on public streets. Parking lots constructed within the DC district must meet the standards within the Zoning Ordinance. The applicant has noted that the number of landscape islands in the loop parking areas is reduced. The parking area wraps around the Commons, which will be landscaped. The reduction in landscape islands would constitute an exception to Sections 5427(a) and 5427(b) that can be approved as part of the rezoning amendment request. Screening of the new proposed parking lot off the loop drive is covered in the parking section of the staff report.

### **Open Space UPDATE**

The percentage of open space for the entire development is 32%. The Zoning Ordinance requires 20% open space in the Planned Residential district. Open Space amount and location is best illustrated on Sheet Z #7. The park area to be dedicated to the Town is included in the open space calculation. There is

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also a relationship between the location of the open space and the pedestrian network which is illustrated on Sheet Z #5.

The applicant is proposing a change in the configuration of open space in the PR area south of Midtown Way on Parcels PR #3, PR #4 and PR #5. The amount of open space is reduced and in the new configuration does not appear to break up the buildings with as much open space compared to the existing configuration. The change in the overall amount of open space is a slight reduction (159,453 SF to 144,864 SF) compared to the overall amount provided, but the impacts should be considered. The applicant may want to provide more information on the proposed change and the relationship of open space areas to the proposed townhouse buildings.

#### **Public Spaces UPDATE**

A plaza area, "Midtown Plaza" was approved on the corner of South Main St. and Eheart St. as part of the rezoning. The applicant will dedicate this area to the Town. A second public space, "Old School Common" was approved interior to the site and would be framed in U-shape by the proposed building on S.Main St., the police station/parking garage on Clay St. and a future building on Eheart St. The combined size of Midtown Plaza and Old School Commons is 1.20 acres and shown as Parcel DC #3 in the Pattern Book and on the "Z sheets". The size of the Commons is slightly reduced from the original approval based on the large parcel needed for the police station and parking garage as well as the realignment of the Midtown Way loop driveway with Midtown Way. General schematic designs for the Plaza and the Commons were approved on June 23, 2020 by Town Council as part of the amendment to the Development Agreement found in Attachment C.

The third public space proposed is a 3.06 acre park area along Clay St. referred to as "Central Park" in the application. This area is elevated from Clay Street and would contain part of the trail system proposed in the development. This area will also be dedicated to the Town.

#### **Bicycle and Pedestrian Improvements**

Many individual policies and regulations address streetscape, bicycle, and pedestrian improvements as being a high priority to encouraging walkability and contributing to a high quality of life in Town. Providing enhanced pedestrian and bicycle facilities will encourage alternate-transportation behavior and lead to less dependency on personal vehicle trips. These facilities may include wider sidewalks, separation between the street and the sidewalk with a vegetated buffer strip, on or off-street bicycle facilities, covered bicycle parking, and other elements to provide a pleasant and safe streetscape experience.

#### **Bicycle Facilities UPDATE**

The vision of the Blacksburg Bicycle Master Plan is to create a bicycle friendly community through infrastructure improvements and non-infrastructure recommendations. The Midtown project was approved with bike lanes on both sides of the new segment of Church St. to be constructed between Clay St. and Eheart St. A two-way cycle track will be constructed on the south side of Eheart St. from Main St. to Willard Dr. A bicycle facility will be undertaken by the Town to provide a continued network from the signalized intersection of Eheart St. and Main St. to the entrance to the Huckleberry Trail at the terminus of Eheart St.

#### **Pedestrian Improvements UPDATE**

The Downtown Commercial district requires a minimum 10' sidewalk width on Main Street and an 8' sidewalk width along side streets. The approved rezoning shows a trail system bisecting the development from southeast to northwest and extending from Eheart St. to Clay St.

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Looking at Clay Street as a whole, there are some existing segments of sidewalk along Clay Street on either the north or south side of the street but there is no continuous sidewalk that runs the length of Clay Street. Clay Street is a narrow and hilly road with limited sight distance, which makes the need for a safe pedestrian way all the more important. With further development anticipated on Clay Street to the north, pedestrian and bike activity can be expected to continue to increase. The Town has a Capital Improvement Project to design and construct sidewalk on Clay St. The project is described below with a completion date estimated in 2023. The continuous sidewalk will be on the south side from Main St. to Jefferson St. Pedestrians will cross at Jefferson St. where there is a significant amount of existing sidewalk going up the hill towards the Town limits.

“This project is intended to provide a sidewalk connection along the south side of Clay Street from Church Street to Jefferson Street (approximately 2,600 feet) with adjustments to Clay Street to facilitate bike mobility and improve storm drainage. The addition of sidewalk in this location would provide a connection between existing sections and complete the network along Clay Street. Curb, gutter and a drainage network would be added along the length of the project, as needed, and the roadway section would be widened, where applicable, to provide for appropriate on-road bike facilities. The addition of sidewalk and widening of the road will require storm water management considerations and special attention will need to be given to the management of runoff due to the sensitive nature of the existing water shed. Small adjustments to the current Clay Street alignment, both vertical and horizontal would be made to improve areas of poor sight distance and excess grade change.”

***Pedestrian Improvements CHANGE PROPOSED***

The applicant is proposing changes to the pedestrian circulation as shown in the approved rezoning. The easiest way to evaluate the proposed change is to compare the adopted Sheet Z #6 and proposed Sheet Z #6. Sheet Z #5 shows both the pedestrian connections and open space.

The changes occur in the Planned Residential area south of Midtown Way and are the result of more detailed planning and design for the townhouse development. In summary, there are fewer pedestrian cross-connections shown on revised Sheet Z #6. In particular, reduced connections from Midtown Way to Eheart St. The adopted pattern of pedestrian connections resembles a grid. Belvedere St. is still proposed as a public street and will have sidewalk, however, the removal of other internal connections may speak to greater building massing. Having long expanses without pedestrian flow is not desired. The overall level of connectivity is important, as a rich pedestrian grid is important in creating a human-scale, easily traversable and inviting place.

The site plan currently under review for the residential townhouse development shows more pedestrian connections than are reflected in the rezone drawings. More information would be helpful to determine the true level of connectivity. Whether public sidewalk or internal pedestrian pathways, both can provide the desired pedestrian connections. In addition, more context on the need for the changes and the relationship of pedestrian circulation to the townhouse buildings would be helpful in understanding and evaluating the impacts of the proposed change.

**Parking CHANGE PROPOSED**

Parking proposed for Midtown is a combination of surface lot parking, structured parking garage, residential garage parking and on-street parking. The hotel use on DC #6 does have a dedicated surface lot and DC #5 has a combination of surface and under building parking. There is also surface parking around the Old School Commons. On-street parking is not included in parking calculations for the development. The parking garage is anticipated to have 339 spaces. The loop drive, including the new parking lot, will contain 127 spaces.

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### Parking Lot Proposed

Parking was an issue discussed at length in the rezoning. There were many unknowns at the time including the number of parking spaces that would be available in the parking garage as well as the specific tenant users and their parking needs in the DC portion of the development. The result was that specific parking ratios were not identified for the DC portion of the site but rather the Pattern Book included language that stated:

“In the event the Parking Facility cannot provide enough parking spaces to meet the requires parking standard for both residential and non-residential uses in DC Parcels...then the required parking standard for DC Parcels...shall be reduced to match the number of parking spaces the Parking Facility can provide.”

The applicant has been concerned about having adequate parking in the DC portion of the site. The possibility of expanding the parking garage was explored with the Town but was not feasible. The applicant has added some parking spaces around the loop drive by reconfiguring the parking spaces and replacing parallel spaces with pull-in spaces. Through this rezoning amendment, the applicant is requesting to add a small surface parking lot abutting Church St. and Eheart St. next to the building on Parcel DC #4. The lot would have 15 parking spaces and serve as the access for the solid waste pick up. The building renderings for Parcel DC #4 in Attachment C illustrate the size and look of the proposed parking lot.

The approved Pattern Book and Proffer Exhibits do not allow parking in this location. Proffer Statement Exhibits C & D do contemplate surface parking and require it to be located behind the building (not just behind the front building line) and screened from Eheart Street.

The drawings submitted with the architectural renderings showed parking located on two sides of the building including the Commons. The parking on the Commons is considered behind the building. Because the proposed parking adjacent to Church Street is not located behind the building, it does not comply with the Pattern Book and Proffer as adopted. While the building on DC #4 is oriented to Eheart Street and Old School Commons, DC #4 also has frontage on Church Street and the proffered elements specific to the Church Street frontage do apply.

The Pattern Book includes proffered elements related to parking for the Church Street frontage. One proffered element requires that the garages and parking lots along Church St. shall be located behind or to the side of the building. This requirement is designed to eliminate parking between the building and Church Street. It was anticipated that the building on Parcel DC #4 would meet Eheart St. and Church St. and have a corner element or other architectural building element at the street as opposed to parking. There are additional elements to consider for Church Street parking, the Pattern Book calls out the Old School Commons, multi-family uses, townhomes, and the civic/public safety (police station) building but do not apply to Parcel DC #4 as proposed. Implementation of these standards again would mean there are no parking areas facing Church Street, with the exception of the Old School Commons or for the previously specified uses.

The applicant was advised through the review of the architectural renderings that an amendment to the rezoning would be required for parking in this location. The applicant has filed this amendment and indicated the parking lot is much needed and will make development on Parcel DC #4 more desirable. As noted, the lot also provides for solid waste pick-up for the building on Parcel DC #4.

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### Parking lot Screening

Page 12 of the Proffer Statement, Exhibit C, states that “Parking will be screened from Eheart St. and new Church St. In addition, page 11 and page 33 of the Pattern Book, in the proffered elements, for Eheart St. and Church St. state that “Parking lots shall be screened with an architectural wall or screen, or shrubs and trees. In this instance, staff is of the opinion that both screening elements of a wall and vegetative material should be included in buffering the parking lot along Eheart St. and Church St. Some of the visuals prepared by the applicant show both a wall and plantings. If the addition of the parking lot is approved, staff suggests the details of the landscape buffering be part of the rezoning proffers. This would include a commitment to the architectural screening material, planting width and planting scheme. This will provide a greater level of assurance of how the new surface parking lot if approved will look from Eheart St. and from Church St.

### Clarification on Parcel DC #5

The applicant has added an asterisk in in the Pattern Book (pages 15, 17, 19) as follows:

*\*Parcel DC5 is not required to meet these requirements.*

Staff assumes that the reference is to the parking ratio standard only and not exemption from other standards included on the same pages of the Pattern Book but would like clarity on this addition. Proffer Statement Exhibit D, (page 13 of the application) now indicates there is no minimum parking requirement for residential or non-residential uses on Parcel DC #5. Previously, the Exhibit for Parcel DC #5 indicated a parking ratio of 1 per 300 SF for non-residential uses, 1 space for 1 bedroom units and 2 spaces for units with 2 or more bedrooms. Based on the site plan submitted for Parcel DC #5 there will be 91 units, 14,700 SF of non-residential uses and 176 parking spaces provided. Staff’s only concern is the “right sizing” of parking to match anticipated demand to ensure that residential parking does not spill into the adjacent neighborhood. There are other parking options in the development as a whole and it is more likely that any overflow parking for Parcel DC #5 will occur internal to Midtown.

### Wording in Proffer Statement

Staff is concerned about the use of the term “parking facility” in Proffer #10. The term is specifically defined in the Zoning Ordinance and is not intended to refer to supporting parking areas. The term is used elsewhere in the Proffer Statement but seems contradictory. The definition of a Parking Facility is that parking is the primary use and the revised Proffer Statement identifies the Parking Facility as a secondary use.

### Access and Circulation UPDATE

There has been a change to the configuration of the intersection of the loop driveway and Midtown Way. The intersection of the loop drive and Midtown Way were originally off set. With the enlargement of Parcel DC #1 for the police station and parking garage, the loop drive was pushed further south towards Midtown Way, which created issues of pedestrian safety and potential vehicle conflicts. Staff and the applicant have agreed that a four-way stop is now possible and preferable for both pedestrians and motorists. The four-way stop design is reflected in the graphics submitted for the rezoning amendment.

Town Council has expressed concern about the look and feel of loop drive with the amount of asphalt in the loop and associated parking around the loop. The applicant has indicated they will work with the Town to consider alternative materials, such as concrete, which can significantly impact the character of the space. The goal will be to create a more pedestrian friendly environment and alert motorists that when traversing the loop they are in a pedestrian area. With an alternative material, the Commons and the loop drive can read as one cohesive space.

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### **INFRASTRUCTURE**

None of the proposed changes affect the provision of infrastructure such as stormwater facilities, water or sewer service.

### **NEIGHBORHOOD MEETING**

The neighborhood meeting was held on June 18, 2020 at 6:30PM. Notes from the meeting and the sign-in sheet are included as Attachment E of the staff report. There were no citizen attendees at the meeting. The meeting was broadcast on WTOB and livestreamed on the Town's website.

### **PROFFER STATEMENT**

The proffer statement submitted by the applicant is dated April 1, 2020 and is contained on pages 3-33 of the application. There are 17 proffers (pages 3-9) and attached Exhibits A-N. Exhibits A-I (pages 10-24) are individual cut sheets that summarize the binding elements from the Pattern Book for each road frontage and parcel. Exhibits L-N are renderings of potential residential architectural styles (page 29-33).

### **SUMMARY**

The Planning Commission is asked to consider and make a recommendation of approval or denial of the proposed rezoning amendment request. If approved, the revised documents including the application, Pattern Book and Proffers offered by the applicant and approved by the Town Council will replace and supersede the existing approvals. If denied, the development will continue to be bound by the ordinance, application, proffers and Pattern Book approved in May of 2019. The decision to grant or deny the rezoning request is a discretionary decision, and should be made according to the criteria outlined in §1151, and with the analysis provided.

#### Attachments:

Attachment A Maps:

- Aerial Map
- Future Land Use Map
- Zoning Map

Attachment B Adopted Rezoning Drawing Sheets Z #1- Z #9

Attachment C Architectural Renderings submitted to date

Attachment D Supporting regulations: Comprehensive Plan & Zoning Ordinance

Attachment E Neighborhood Meeting Notes and Sign-in sheet