

MEMORANDUM

To: Planning Commission

From: Anne McClung, AICP. Planning and Building Director

Date: July 17, 2020

Subject: CUP 20-0003 – Conditional Use Permit Request for Additional Height in the Downtown Commercial zoning district for Parcel DC #5 on 1.77 acres in the Midtown Development including portions of tax parcel 257-A218 and tax parcel 257-A-94A by Midtown Redevelopment Partners, LLC

SUMMARY OF REQUEST

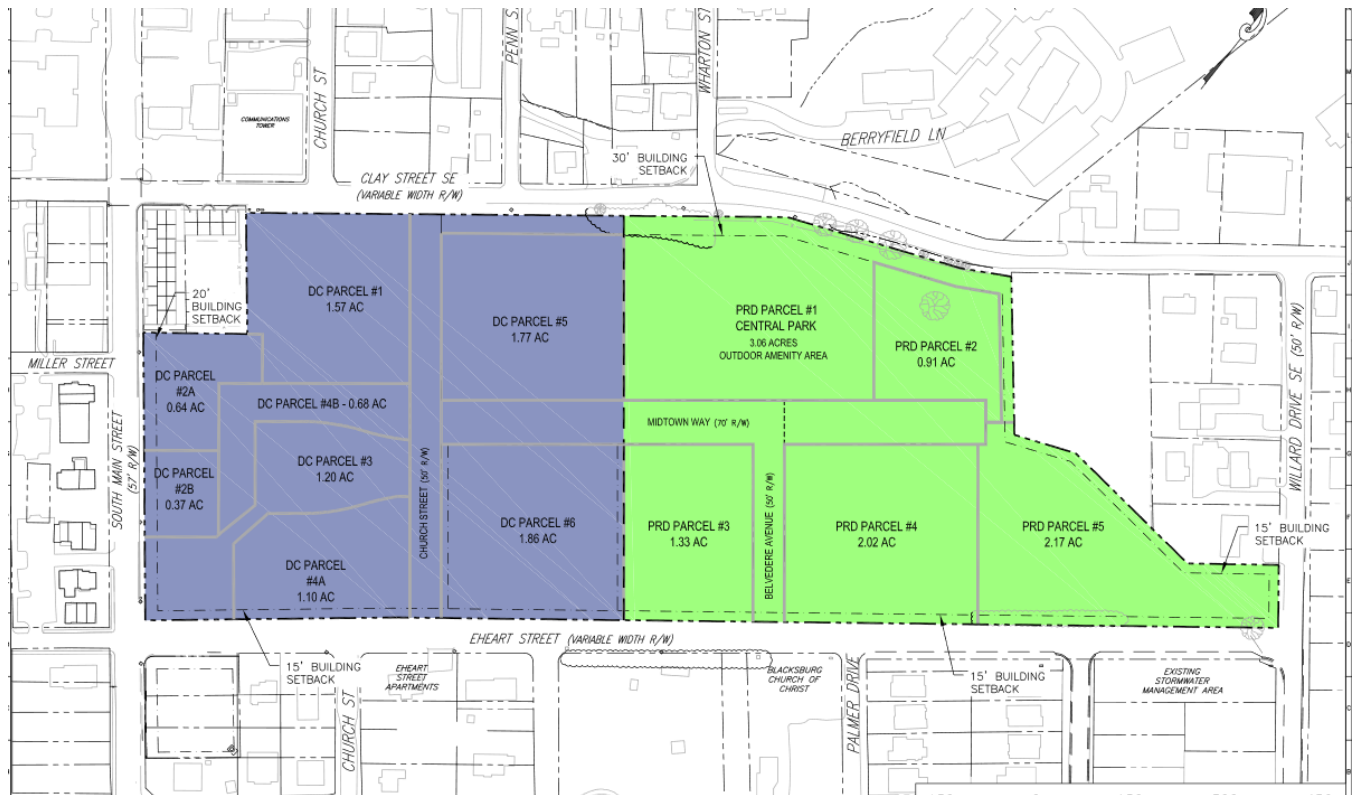
Property Location	401 Church St./Midtown Development
Tax Parcel Numbers	Portions of tax parcels 257-A218 and tax parcel 257-A-94A
Parcel(s) Size	1.77 acres
Present Zoning District	DC Downtown Commercial with Conditions
Current Use	Vacant
Adjacent Zoning Districts	North: O Office; R-5 Transitional Residential East: PR Planned Residential w/ conditions (Midtown) South: DC Downtown Commercial w/ conditions (Midtown) West: DC Downtown Commercial w/conditions (Midtown)
Adjacent Uses	North: Parking lot, single family homes, church East: Vacant; future park site South: Vacant; Midtown construction West: Future Police Department
Adopted Future Land Use	Civic
Proposed Uses	Mixed-use building (office, commercial, residential)
Midtown District Standards	
Maximum Height	60'
Proposed Height	70'
Pattern Book Setbacks	Midtown Way: 0' required, proposed varies 7-16' Church St.: 12' from curb line required, proposed 19' Park: 0' required, 10' building separation, proposed varies 0.8-6.5' Clay St. : 30' from right-of-way required, proposed 56'
Maximum lot coverage	100% lot coverage allowed

BACKGROUND AND EXISTING CONDITIONS

The proposed Conditional Use Permit is for a 1.77-acre parcel in the Midtown development on South Main St. The entire 20+ acre Midtown project was rezoned to the Downtown Commercial (DC) and Planned Residential

(PR) zoning districts in May of 2019 by Ordinance #1866. A graphic illustrating the most current parcel configurations for the development is shown below. The CUP filed is for Parcel DC #5 only.

Construction on the Midtown project is currently underway with grading of the entire 20± acre site along with the construction of utilities and stormwater management facilities to serve the entire site. A site plan for development on Parcel DC #5 is under review. Other site plans filed and under review by the Town include the Police Station (Parcel DC #1) and Eagle Townhomes (Parcels PR #3 and PR #4).



DEVELOPMENT PROPOSAL

Midtown Partners LLC seeks a conditional use permit for additional height up to 70' in the Downtown Commercial zoning district to allow for the construction of a multi-story, mixed-use building on Parcel DC #5. Parcel DC #5 is illustrated on the aerial in Attachment A. The building on Parcel DC #5 would have lower level parking with office, commercial and residential units on the ground floor facing Midtown Way. The upper floors will be comprised of all residential units. The building is 5-stories over one parking level for a total of 6- stories. An estimated 90 residential units are proposed. The Conditional Use Permit application for 70' is an increase of 10' over the allowed height of 60'. The applicant estimates the final building height would be 65' as measured from Midtown Way. The request for 70' allows some flexibility in final design and takes into account the variability in final grades that will be used in the height measurement pursuant to the Zoning Ordinance. The CUP application was previously distributed to the Planning Commission.

The measurement of building height is contained in the definitions section of the Zoning Ordinance as shown below.

HEIGHT, BUILDING—The vertical distance measured from the adjoining grade at the front entrance of the building or structure to the highest point of the structure. For corner lots, the building height shall be the average of the front height defined above and the building side height adjacent to the street. The building side height shall be defined as the vertical distance measured from the lowest adjoining grade on the side adjacent to the street to the highest point of the structure.

Parcel DC #5 is a corner lot and the building height measurements will be taken from Midtown Way and Church St.

ADDITIONAL BUILDING HEIGHT IN DC

In September of 2019, Town Council adopted Ordinance #1900, which approved a Zoning Ordinance text amendment to allow applicants to request additional building height by Conditional Use Permit in the DC district. The by-right building height limitation in the DC district is 60'. This is also the height limitation in the approved Pattern Book for the Midtown development. As part of a pending amendment to the rezoning, including the Pattern Book, the building height will continue to be limited to 60' unless a Conditional Use Permit for greater height is approved. The CUP allows an applicant to ask for up to 100' in height. Each CUP request is reviewed on a case-by-case basis. To date, two CUP applications have been filed; one for the North End mixed-use development approved for a maximum height of 100' and one for the Police Department in Midtown approved for a maximum of 76'.

Specific criteria for consideration of each CUP request for additional building height were included in the Zoning Ordinance amendment. The applicant has provided justification responding to these criteria in the application. The staff analysis of the application against the evaluation criteria found in Section 3141 of the zoning ordinance is found below.

CRITERIA FOR EVALUATION OF CONDITIONAL USE PERMIT REQUESTS

There are a number of analysis points for the evaluation of a request for a conditional use permit within the Town. The policies and maps in the Comprehensive Plan lend guidance to the Town's vision of growth in the future, while specific codes and requirements in the Zoning Ordinance, Subdivision Ordinance, and the Town Code ensure that the development meets all applicable regulations. Specifically, the Zoning Ordinance calls out the criteria for evaluation of a CUP request, as found below:

Section 1181 of the Zoning Ordinance requires the Commission to study all rezoning requests to determine:

- 1. Conformance to the Comprehensive Plan, or to specific elements of the Plan, and to official Town policies adopted in relation thereto, including the purposes of the Zoning Ordinance.*
- 2. Adherence to minimum adverse impact on the surrounding neighborhood or community. The proposal as submitted shall not cause adverse impacts as defined by Section 1181 (b) of the Zoning Ordinance. Adverse impacts considered may include, but not be limited to, traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes, and vibrations. Due regard is given to the timing of the operation, site design, access, screening, or other matters which might be regulated to mitigate adverse impact.*

Comprehensive Plan Evaluation

Typically, the proposed uses for Conditional Use Permit requests are evaluated for their conformity to the Comprehensive Plan. In this instance, the use was evaluated as a part of the Midtown rezoning request. The Future Land Use designation is Civic, representative of the historical use of the site as a school.

Conditional Use Permit Criteria

Building height combined with building length and width dictate the building's mass and scale and can significantly impact the user experience from the street level. This is a corner lot, and height is measured as an average measurement from the grade to the top along street frontages.

Evaluation criteria to determine the appropriateness of the height increase requested are found below with staff analysis:

- (1) Whether the parcel has frontage on a Major Arterial roadway;

The parcel itself does not have frontage on an arterial roadway. The parcel will have frontage on Midtown Way and the new portion of Church Street in the Midtown Development. The development does interact with Clay St. Land for a trail is proposed between the parking lot and the existing vegetated bank on Clay St. When dedicated to the Town, Parcel DC #5 will technically not abut the Clay St. right-of-way. The Midtown development as a whole does have frontage on South Main Street, which is an arterial roadway.

- (2) The parcel is not located within two hundred fifty (250) feet of any parcel zoned R-4, R-5 or OTR;

The parcel is closer than 250' from residentially-zoned properties (R-4, R-5 and OTR). There are R-5 zoned properties located across Clay St. containing three houses and a small church; all of which are very close to the street. The applicant indicates that the closest point of the building on Parcel DC #5 will be 76 feet from the Clay St. right-of-way and approximately 127 feet from the existing structure across Clay St.

- (3) Relationship of building to the street;

The proposed building is oriented internally to the Midtown development with the front of the building on Midtown Way. There will be ground floor entrances on Midtown Way. A portion of the building wraps the corner around Church St. and then transitions to a screening wall for the parking area. The vehicular entrance to the building is on Church St. There is no vehicular access from Clay St. or Midtown Way. The primary relationship of the building will be to the two immediately adjacent streets. On the Midtown Way side of the building, the building height is approximately 66'. The building height on Church St. at the lowest grade is approximately 70' based on the elevations submitted. The building does not have a relationship with Clay St. The Clay St. side of the building is the back of the building and contains the service area. The impacts along Clay St. will be further discussed in the impacts on adjacent uses criterion.

- (4) Building mass, scale, architectural features, which should include expression lines or other horizontal building articulation, and step backs for stories above 60' in height;

The elevations submitted with the Conditional Use Permit do not show any building step backs. The building articulation is achieved primarily through materials change and balcony elements. There are no changes in the horizontal building plane. There are a variety of building materials proposed including two colors of brick, a gray block patterned fiber cement product, a gray stucco product, three metal colors and perforated mesh. Building elevations and renderings are included in the CUP application and Attachment B.

The architectural renderings for Parcel DC #5 were originally submitted in January pursuant to the approved Development Agreement with the Town. A written review was provided to the applicant in March. The applicant has not submitted an official revised submittal for Parcel DC #5 but has been responding to input and revising the design. Revised drawings were included in the CUP application and the most updated drawings, submitted July 15, 2020, are included as Attachment B.

In the initial review of the architectural drawings by Planning Commission, the Historic or Design Review Board and Town Council there were concerns expressed about the view of the building from Clay St., especially given the change in elevation from Clay St. up to Midtown Way. There were concerns the building at a measured height 60' may appear looming and there was a suggestion that the building might step down towards Clay St. Again, the primary impact of the additional height requested will occur internal to the project and the height increase to a maximum of 70' represents and a 16% increase over the existing maximum height of 60'.

(5) Building setbacks;

The Pattern Book describes building setbacks. The building must be set back a minimum of 12' from the curb on Church Street. The applicant indicates the building setback along Church St is 19 feet from the curb line to the building face. The building setback on Midtown Way is 0' but a pedestrian way is required on Midtown Way between the building and the street. The applicant indicates the building setback on Midtown varies from 7'-16' as measured from the right-of-way line.

The building on Parcel DC #5 is proposed to be 56' feet from the property line (Clay St. right-of-way) as stated in the application. The Clay St. side of the building is the back of the building with surface parking and the service area. A future 10' trail in a proposed 16' easement will separate the parking area from the proposed retaining wall and the vegetated bank that leads down to Clay St. The site plans indicate that the retaining wall height will vary with a maximum of 10 feet. The wall extends 145 linear feet. The approximate frontage of Parcel DC #5 facing Clay St. is 291 linear feet with 110 feet of the retaining wall. The remaining portion of the retaining wall will be adjacent to Parcel PR #1 (Town park).

(6) Width of sidewalk;

The sidewalk widths are governed by the approved Pattern Book. Typically, 8' wide sidewalks are required along side streets in the DC district. The sidewalk along Midtown Way is required to be 10' and based on current designs, the applicant indicates a 13' sidewalk and an additional 7' of concrete to the face of the building. A 12' sidewalk is proposed along Church St, compliant with the Pattern Book.

The Midtown project does not include construction of a sidewalk along Clay St. The Town has a Capital Improvement project to construct sidewalk on Clay St. The sidewalk has not yet been designed. Within the Midtown project on the Clay St. side of Parcel DC #5, the applicant is providing a 16' easement for a future 10' trail.

(7) Impact on pedestrian environment;

The pedestrian environment comprises more than just the sidewalk minimum width. The pedestrian area will also feature urban street trees, downtown benches and planters, and other downtown street furniture. In addition, there will be on-street parking on Church St. and Midtown Way. Bikes lanes are included on both sides of Church St. The wider sidewalks along with the on-street parking and bike lanes mitigate the additional building height.

(8) Impact on adjacent land uses

The building height on DC Parcel #5 will have visual impacts on surrounding uses. While the tallest building mass will be experienced at the corner of Midtown Way and Church St. interior to the site, the building will be elevated above Clay St. The building is set back from Clay St. separated by the existing vegetated bank, proposed retaining wall, proposed trail easement, landscaping, and the parking lot. However, the parking lot will sit approximately 15 feet above Clay St. It is estimated that the building will rise some 89 feet above Clay St. The impact on the adjacent uses is slightly exacerbated by the additional height proposed. Building design can help to mitigate the impacts of the building from Clay St. and the adjacent residential areas. Landscaping is proposed in and adjacent to the parking area and will include red maple and linden trees, serviceberry and hawthorn shrubs/small trees and other lower vegetation. Taller evergreen vegetation could help screen the lower portion of the building.

The impact on the development on Parcel DC #5 from Clay St. is important as the proposed development is across from the historic T-intersection of the original 16 squares of Blacksburg at Clay Street and Church Street. The importance of the relationship to the Historic District was noted in the reviews of the initial architectural renderings. The applicant has provided illustrations related to views of the development on Parcel dc #5 from Clay St., which can be found in the CUP application and in Attachment B.

There were concerns expressed in the review of the January architectural submittal that the building design was not sensitive to the adjacent historic district and the suggestion that options for lower building height toward Clay St. might be considered. Building design is challenging with visibility from three street frontages but the most visible frontage to the Town will be the Clay St. side of the building.

EVALUATION OF IMPACTS

The Town Engineering staff have reviewed the application and find that the additional height request does not have adverse impact on Town infrastructure.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on June 18, 2020. Notes and the sign-in sheets from this meeting included as Attachment C. There were no citizen attendees. The meetings was broadcast on WTOB and livestreamed on the Town website.

SUMMARY

The Planning Commission and Town Council are asked to evaluate the request for a Conditional Use Permit for Additional Height in the Downtown Commercial zoning district in accordance with sections 1181 and 3141 of the zoning ordinance. The evaluation should consider the conformity to the comprehensive plan, the zoning ordinance, and the mitigation of adverse impacts.

STAFF RECOMMENDED CONDITIONS

1. The site shall be developed in substantial conformance with the application dated April 1, 2020.
2. The maximum height of the structure shall be limited to 70'.

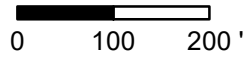
ATTACHMENTS

- Attachment A -Staff GIS Map
- Attachment B - Excerpt from 7-15-20 Midtown supplemental submittal
- Attachment C - Neighborhood Meeting Notes

**CUP20-0003
DC Parcel #5**

■ ■ ■ Subject Area

□ Parcels

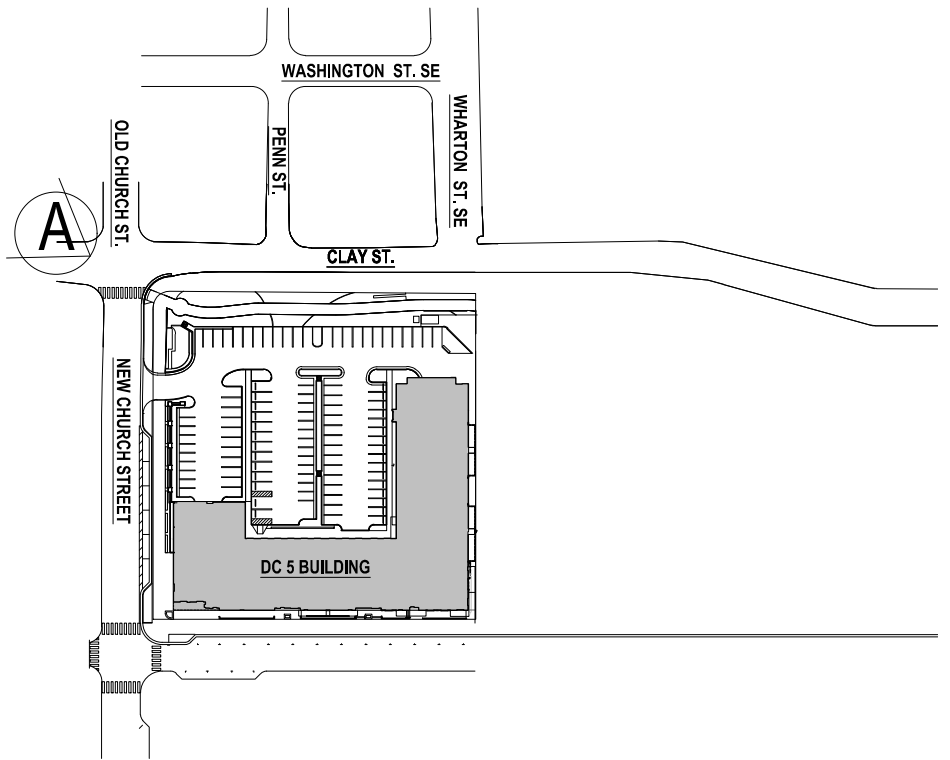


Blacksburg TOWN OF
VIRGINIA





VIEW A - FROM CHURCH STREET AND CLAY STREET.



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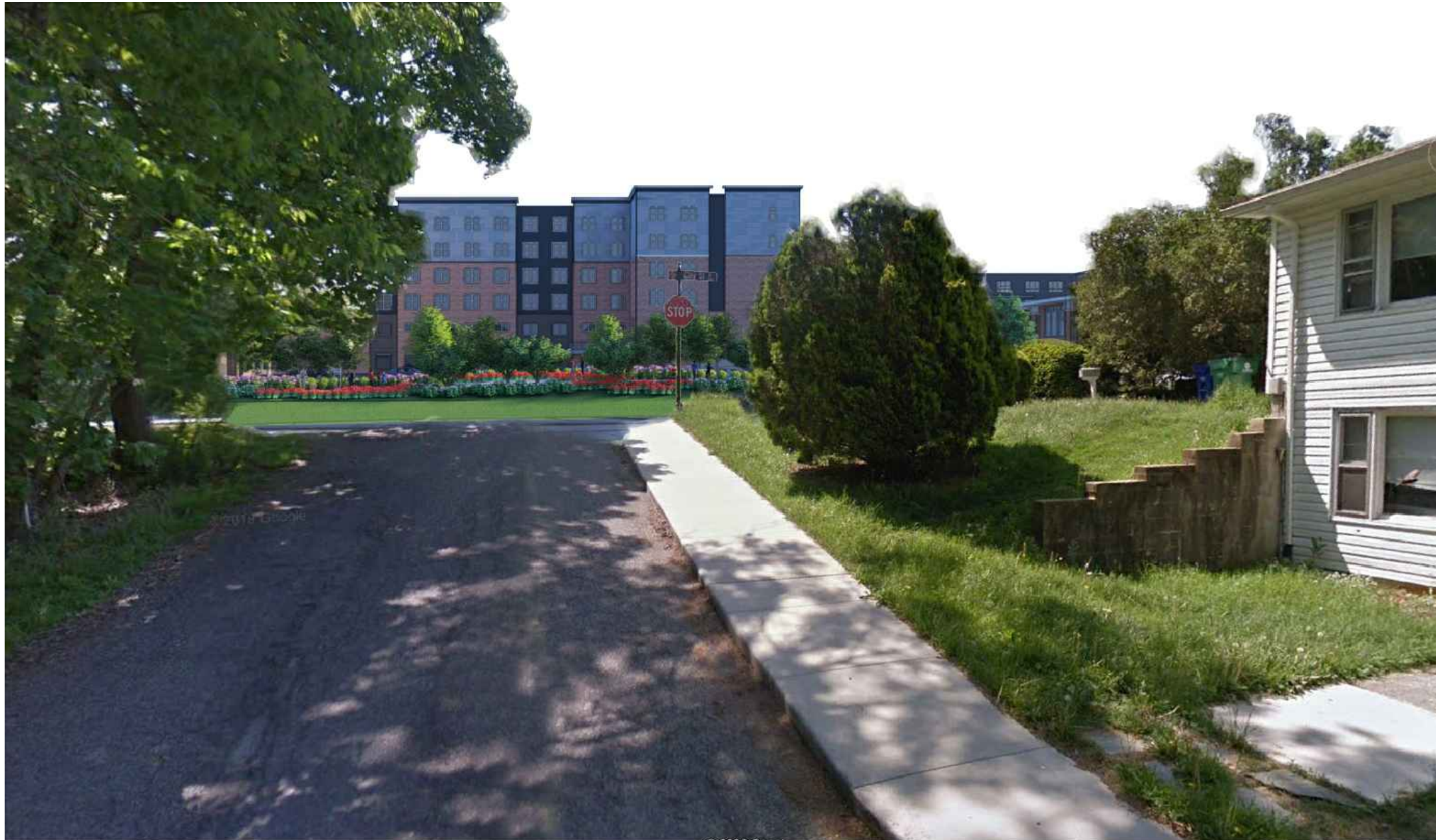
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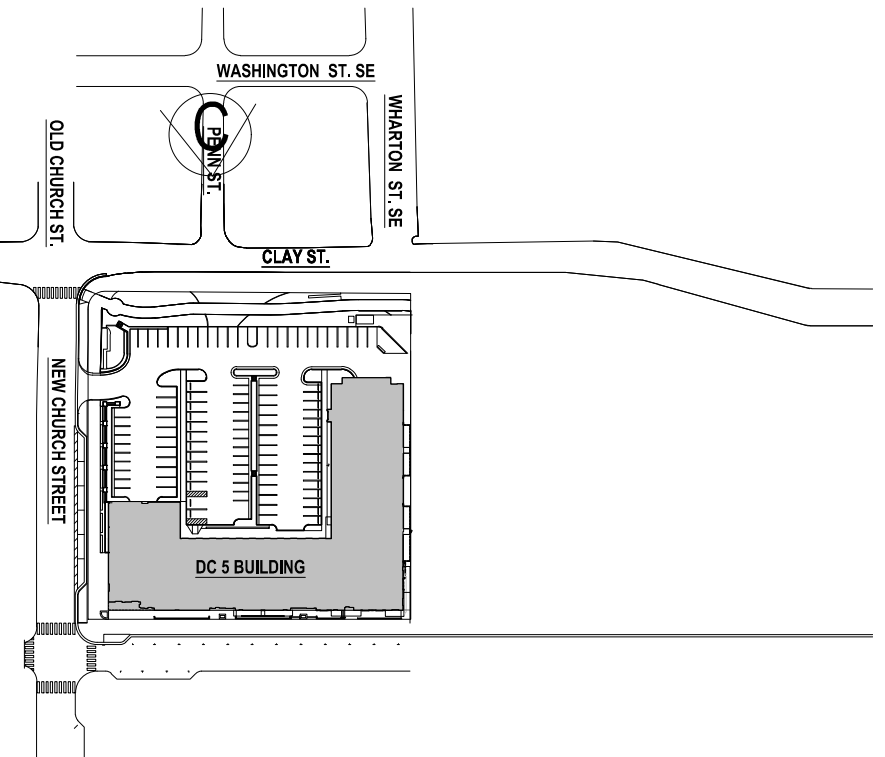
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VIEW C - FROM PENN STREET AND CLAY STREET.



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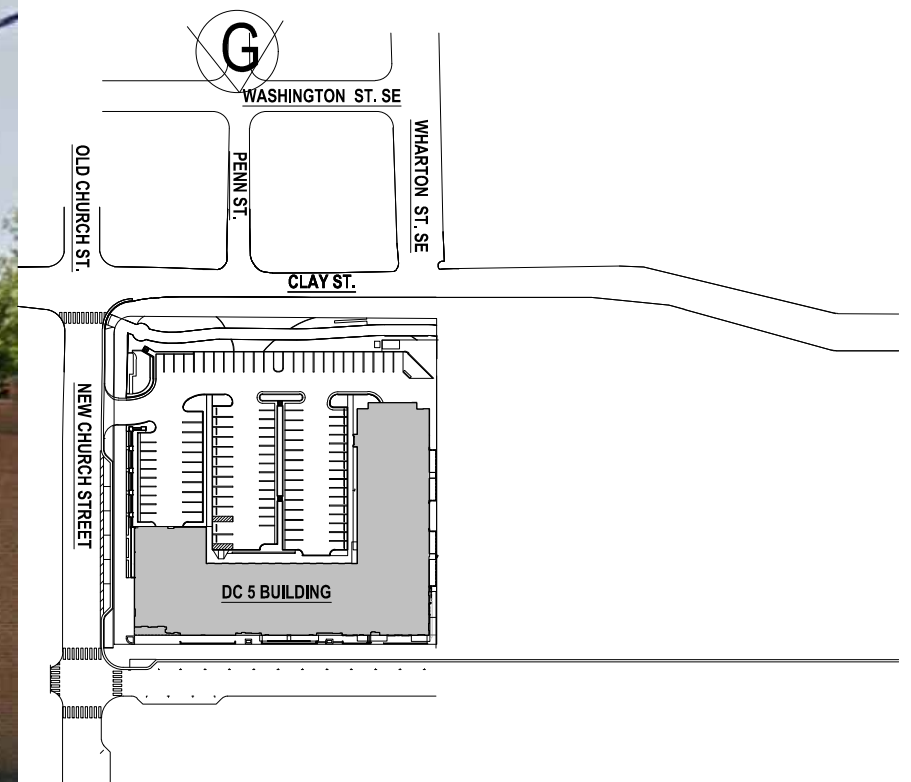
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VIEW G - FROM PENN STREET.



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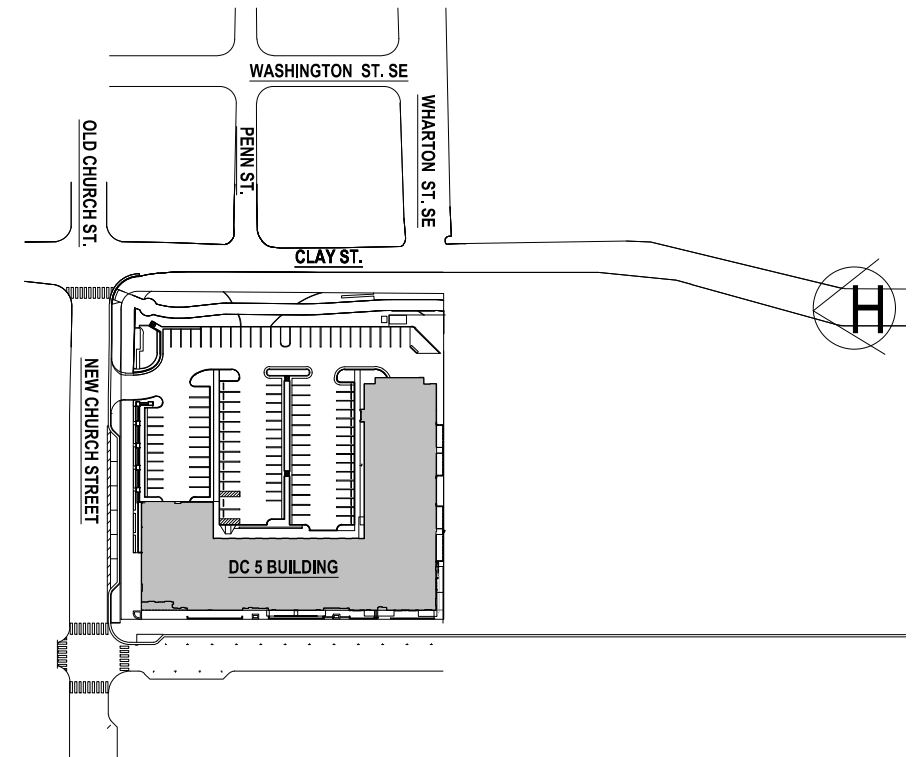
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VIEW H - FROM CLAY STREET.



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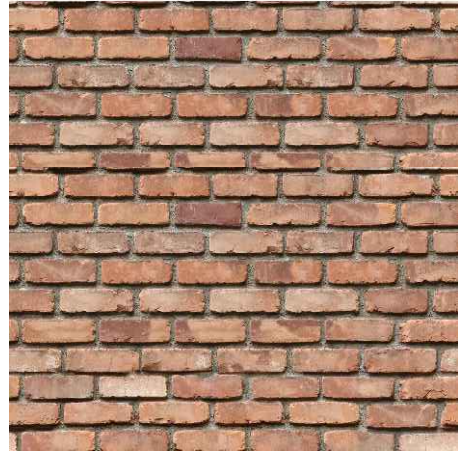
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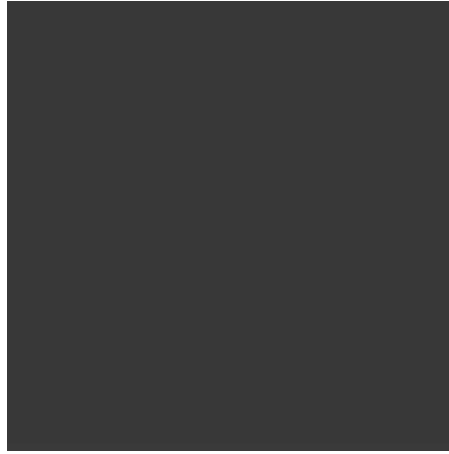




MASONRY / BRICK 3
30%



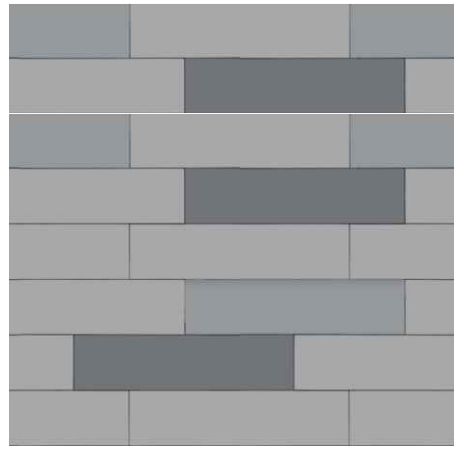
BREAK METAL - 1
0.5%



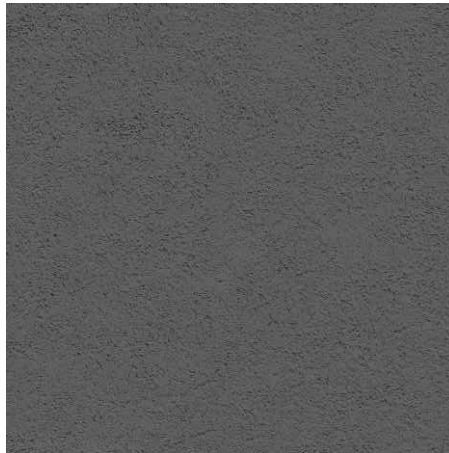
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0.5%



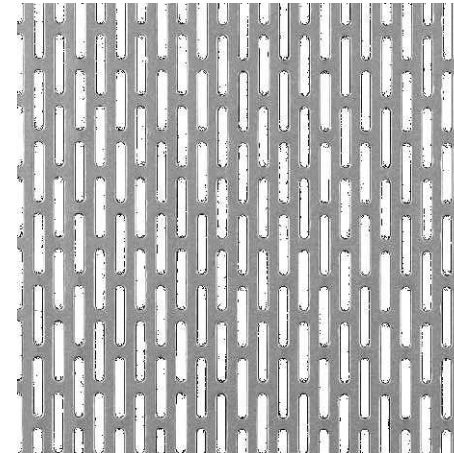
MASONRY / BRICK 2
11%



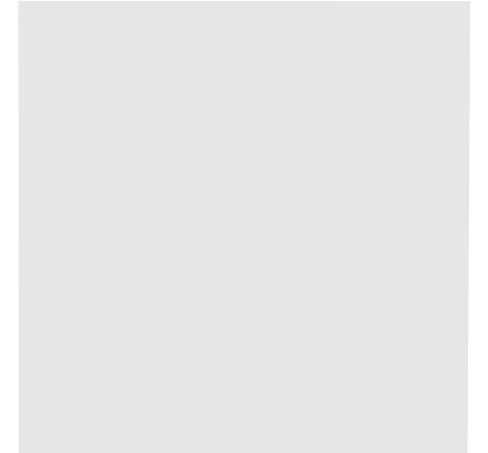
MASONRY / FIBER CEMENT
24%




MASONRY / 3 COAT STUCCO 2
10%



PERFORATED MESH
0.5%



BREAK METAL 3
5%

 7/15/2020 MIDTOWN DC 5 - BUILDING ELEVATIONS MATERIAL BREAKDOWN			
ELEVATION	MASONRY (BRICK, STUCCO & FIBER CEMENT)	METAL PANEL	OPENINGS
(1) MIDTOWN WAY	72%	1%	27%
(2) PARK VIEW	75%	1%	23%
(3) NEW CHURCH	78%	1%	22%
(4) CLAY STREET VIEW	77%	1%	22%
TOTAL BUILDING MATERIAL PERCENTAGES	75%	1%	23%

NOTE: NO MORE THAN 50% OF THE GROUND FLOOR MAY BE OFFICE SPACE.
 NOTE: THERE WILL BE A SIGNAL ON SOUTH MAIN STREET, AND THE PLAZA DESIGN MAY CHANGE.
 NOTE: ALL SIGNAGE WILL BE DESIGNED AND APPROVED IN A SEPARATE PACKAGE.

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MIDTOWN - DC5

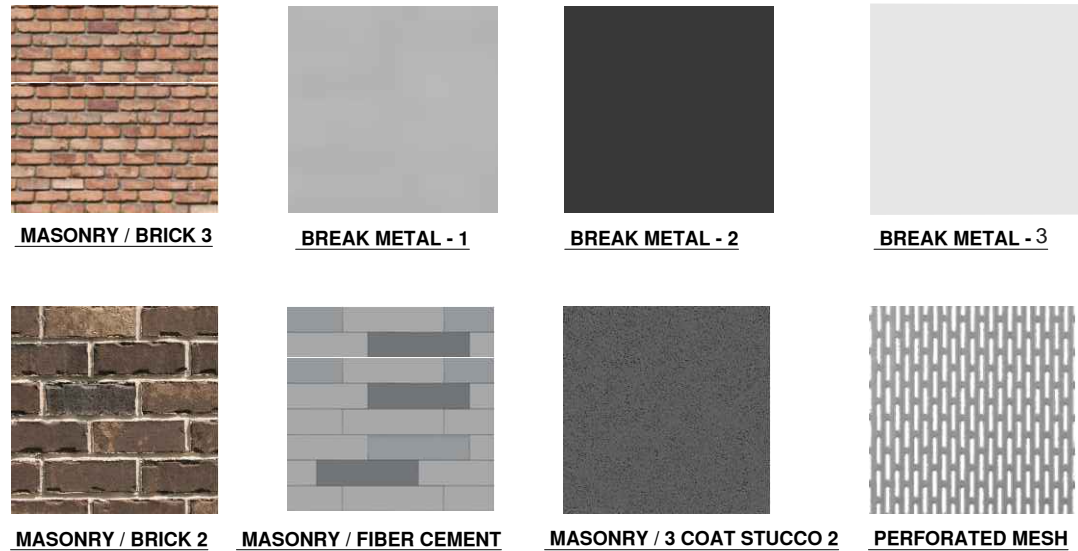
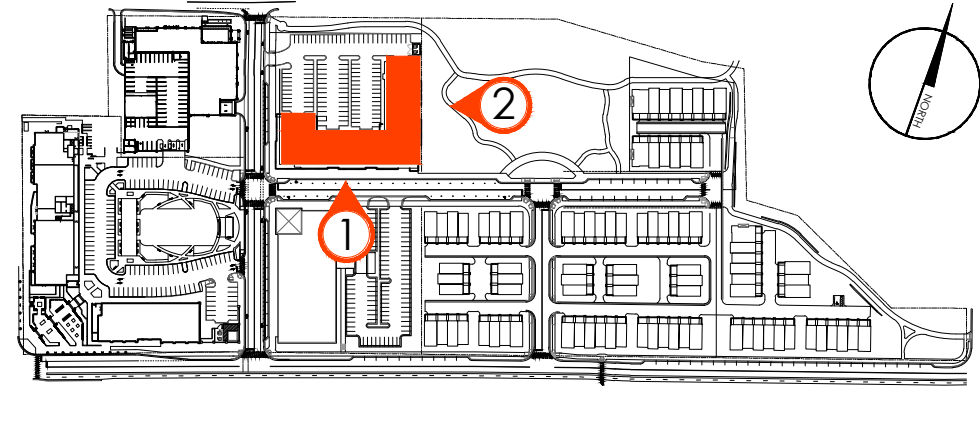
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7/15/2020			
MIDTOWN			
DC 5 - BUILDING ELEVATIONS MATERIAL BREAKDOWN			
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(4) CLAY STREET VIEW	77%	1%	22%
TOTAL BUILDING MATERIAL PERCENTAGES	75%	1%	23%



② DC5 BUILDING ELEVATION - PARK VIEW
SCALE: 1/8"=1'-0"



① DC5 BUILDING ELEVATION - MIDTOWN WAY VIEW
SCALE: 1/8"=1'-0"

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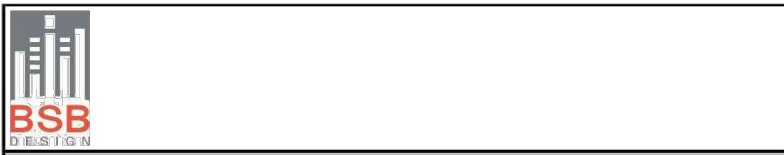
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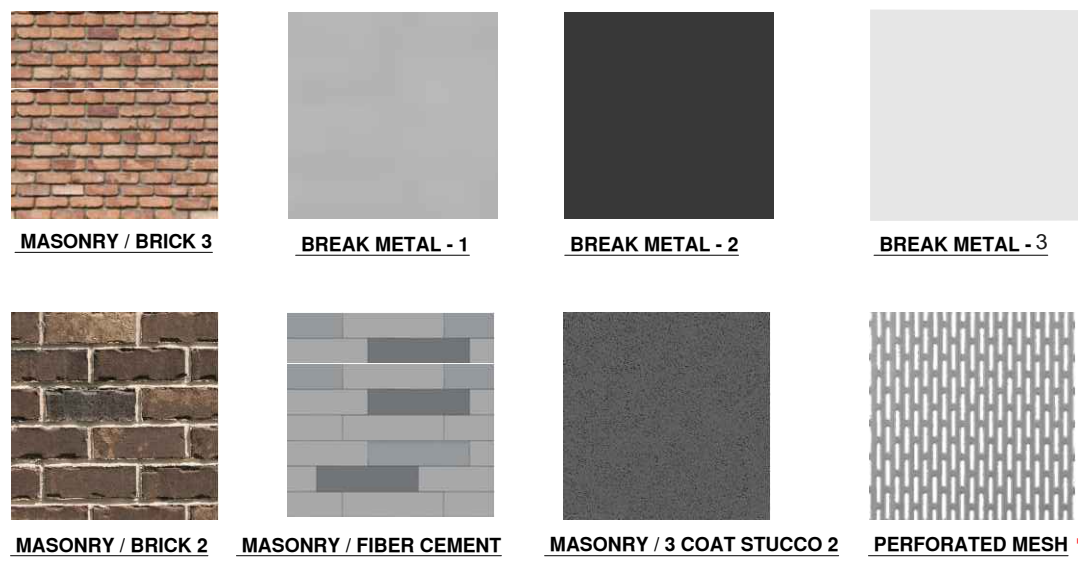
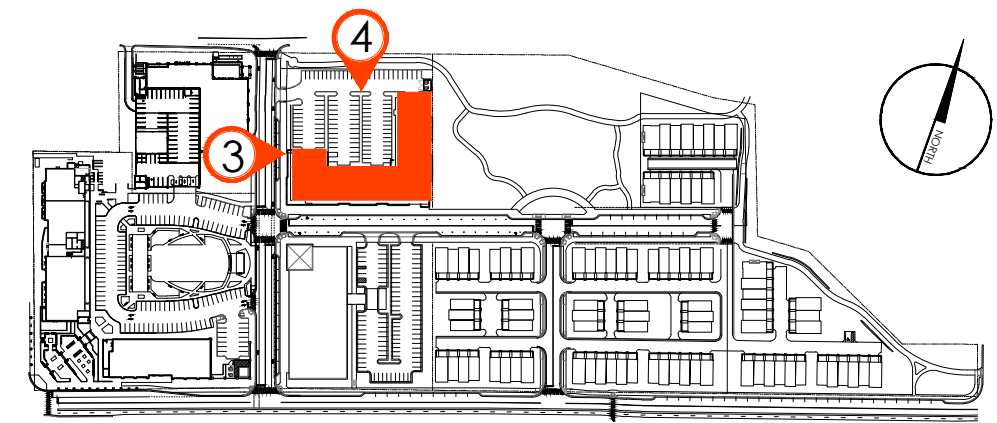




7/15/2020

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DC 5 - BUILDING ELEVATIONS MATERIAL BREAKDOWN

ELEVATION	MASONRY (BRICK, STUCCO & FIBER CEMENT)	METAL PANEL	OPENINGS
(1) MIDTOWN WAY	72%	1%	27%
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TOTAL BUILDING MATERIAL PERCENTAGES	75%	1%	23%



④ DC5 BUILDING ELEVATION - CLAY STREET VIEW
SCALE: 1/8"=1'-0"



③ DC5 BUILDING ELEVATION - NEW CHURCH VIEW
SCALE: 1/8"=1'-0"

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BLACKSBURG, VA

APRIL 16 , 2020 | MU190386.00

The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.) © 2020 BSB Design, Inc.





NOTE: NO MORE THAN 50% OF THE GROUND FLOOR MAY BE OFFICE SPACE.
 NOTE: THERE WILL BE A SIGNAL ON SOUTH MAIN STREET, AND THE PLAZA DESIGN MAY CHANGE.
 NOTE: ALL SIGNAGE WILL BE DESIGNED AND APPROVED IN A SEPARATE PACKAGE.

MIDTOWN REDEVELOPMENT PARTNERS, LLC

3169 COMMERCE STREET, BLACKSBURG, VA 24062

MIDTOWN - DC5

BLACKSBURG, VA

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**RZN 20-0002 Midtown Rezoning Amendment to RZN17-0006
CUP20-0002 Additional Height for DC #5
RZN20-0003 Special Signage District
Zoning Ordinance Amendment #51 Residential in DC**

Neighborhood Meeting
Thursday, June 18, 2020
6:30 PM

Town staff in attendance: Anne McClung, Planning and Building Department Director
Kali Casper, Assistant Planning Director

Applicants in attendance: James Cowan, CowanPerry PC
Ian Friend, SAS Builders, Inc.
Steve Semones, Balzer and Associates

The meeting began at 6:30 pm.

Ms. Anne McClung opened the meeting by discussing the schedule of upcoming meetings, planning department review and responsibilities in relation to the Midtown applications filed, and the purpose of the Neighborhood Meeting. She noted there were three different application requests and one Town-initiated zoning amendment. She also directed all those in attendance to the Town of Blacksburg website where the current application, meeting schedule and any future documents and additions to the application could be found.

Mr. Jim Cowan gave a brief presentation regarding the proposed amendments to the approved rezoning from May 2019 and the request for additional height on DC Parcel #5. He also provided information on current conditions on the site and how the project is moving forward.

There were no attendees at the meeting. The meeting was broadcast on WTOB and livestreamed on the Town website.

The meeting was adjourned at 6:58 pm.

Neighborhood Meeting: Midtown Development

Date: June 18, 2020

NAME (please print)	EMAIL	*
Jim Cowan	jcowan@cowanpry.com	
Jan Friend	ifriend@sasbuilders.com	
Steve Semons	SSEMONS@bizer.co	
Anne McClung	(Town of Blacksburg)	
Kali Casper	(Town of Blacksburg)	

PLEASE PRINT LEGIBLY

*PLEASE INDICATE IF YOU WOULD LIKE A COPY OF THE STAFF REPORT EMAILED TO YOU

Please note that any information (including but not limited to name, address and email address) provided on this sheet will become a part of the permanent public record for this development application, and may be distributed in hard-copy form, or electronically.