



Date of Council Meeting: July 23, 2012

**TOWN OF LEESBURG
TOWN COUNCIL WORK SESSION**

Subject: Form-based Zoning Direction

Staff Contact: Susan Berry Hill, Director
Brian Boucher, Deputy Director
Chris Murphy, Zoning Administrator
Mike Watkins, Senior Planner

Recommendation: Staff recommends that Town Council consider the information contained in this memo to provide direction to staff at the work session on July 23, 2012 regarding potential revisions to the form-based code including the geographic area to be included.

Issues: Should Council direct staff to revise the Crescent Form Based District to reflect revisions contained in the resolution adopted by Council on June 12, 2012?

Background: On March 26, 2012 the Town Council discussed what approach to take regarding adoption of the Form-Based Code (FBC). As a result of the meeting, Staff broke down the FBC into its component parts for Council to identify those aspects it believes should be incorporated into the Zoning Ordinance (see the Staff report dated April 23, 2012).

At the work session on May 7, 2012 Council discussed those elements that individual members did or did not support for inclusion into a FBC. Two elements as currently conceived did not obtain majority Council support for inclusion: "Uses" and "Regulating Map".

At the work session on May 21, 2012 Council discussed both the Use element and the Regulating Map. Council discussion resulted in direction to Staff to prepare a resolution setting forth the items in the current FBC that should be revised.

At the regular meeting on June 12, 2012 Council adopted Resolution no. 2012-071 (see Attachment 1) directing Staff to draft revisions to the CFBD and to present a progress report on preparation of the form-based code at the July 23, 2012 Town Council Work Session. Those seven major items and how they are being incorporated into a revised CFBD are the subjects of this report.

I. Revisions to the Crescent Form-Based District: The Crescent Form-Based District (CFBD) has been substantially revised to address the seven major issues regarding what the ordinance should be and how it should be implemented. Each of these issues and how the code has been changed to address them is set forth below. The language in italics is taken from the resolution adopted by Council on June 12, 2012.

1. Rezoning required for increased Residential Density. *Maximum densities shall be set for by-right residential use, beyond which a rezoning approved by the Town Council shall be required.*

Result: The CFBD has been revised to incorporate this change as follows:

- Two (2) maximum by-right residential densities are proposed in the study area:
 - Medium Density – 8 Dwelling Units per acre.
 - High Density – 12 Dwelling Units per acre.
- To achieve a higher density in certain medium density or any high density residential area, a rezoning application must be submitted and approved by the Town Council.
- No maximum residential density for a rezoning is proposed so that Council can determine the appropriateness of the density during the rezoning.
- The Maximum By-Right Density areas are shown on the Draft Crescent Form-Based District Map (see Attachment 2).

2. Rezoning required for increased Height. *Maximum height shall be set for by-right uses, beyond which a rezoning approved by the Town Council shall be required to increase height up to 70 feet.*

Result: The CFBD has been revised to incorporate this change as follows:

- Maximum by-right height has been set for each use area in the study area, ranging from two to three stories depending on the location.
- To achieve a taller height up to a maximum of four or five stories, depending on the use area, a rezoning application must be submitted and approved by the Town Council.
- The Maximum By-Right Height in Stories is shown on the Draft Crescent District Height Map (see Attachment 3). Maximum height in the five story areas shall be seventy feet (70').

3. Use Areas designated. *A Crescent Form-Based Code District Map shall be created that designates areas for specific uses including pure commercial and pure residential uses, and areas where a mix of commercial and residential uses is required.*

Result: The CFBD has been revised to incorporate this change as follows:

- The study area has been divided into seven (7) proposed use areas:
 - **Mixed Use Commercial:** primarily commercial (office and retail) with the possibility for residential on 3rd floor and above.
 - **Employment:** all commercial – no residential allowed.
 - **Mixed Use Residential:** primarily residential with ground floor commercial.
 - **Residential Core:** intended for residential only because of proximity to existing residential uses and designated as medium or high residential density.
 - **Mixed Use Optional:** primarily commercial but free-standing high density residential permitted as an option in rezoning.
 - **Open Space/MUC Option:** primarily intended for open space due to existing uses and topographical features such as major floodplain but areas can be developed for commercial with appropriate mitigation.
 - **Institutional:** recognizes existing public institutional uses.
 - **Open Space:** recognizes existing open space areas (W&OD Trail and Town parks) and future open space areas that due to floodplain or current use should not be developed.

- The Designated Use Areas are shown on the Draft Crescent Form Based District Map (see Attachment 2).

4. Town Plan guides Street Location. *The Regulating Plan shall be replaced with the Crescent Form-Based Code District Map which shall show the location of use areas, design elements such as parking setback and required build-to lines, and the general location of the streets. Streets shall not be required by the District Map and language will be added to the Zoning Ordinance to indicate that for the alignment of proposed streets a developer must refer to the Town Plan. Proposed revisions will be drafted for the Town Plan.*

Result: The CFBD has been revised to incorporate these changes as follows:

- The Sec. 7.10.11 Streetscape Requirements have been revised to delete references to the Regulating Plan and have been replaced with references to the Town Plan Crescent District Future Streets Policy Map to determine the location of future roads.
- The Sec. 7.10.11 Streetscape Requirements have been revised to incorporate a system to address the development of streets in the study area that is similar to the system currently used by the Town. That is, construction of new streets and improvements to existing streets in by right development scenarios will be treated the same as under existing ordinances. In a rezoning scenario, the approach to obtaining new streets and street improvements will also remain the same.
- A new public street layout for the study area is shown on the Draft Crescent Form-Based District Map (Attachment 2). This layout mandates fewer public streets and allows greater flexibility in the location of those public streets.
- Available street types have been reduced from five to four by the elimination of the “Minor Street” type as redundant and standards have been revised, including the removal of stoops and other obstructions from future rights-of-way to make roads more practical to achieve and maintain for both the Town and developers.
- The *Town Plan* Crescent District Future Streets Policy Map shall be revised to show the reduced public street network with appropriate text to incorporate the changes.
- A Traffic Impact Analysis should be required for by-right development but only above a certain threshold. Even if required, the scope of this study would be significantly narrowed to give the Town vital information regarding the impact of the development only for the nearest intersections. For rezonings, a Traffic Impact Analysis should be required because it will enable staff to adequately address the impacts of the proposed density on the road network and constitute a justification for transportation proffers for off-site improvements.

5. Streamline Process. *The administrative and rezoning processes for development in the Crescent Form-Based District shall be examined to determine ways in which these processes may be reasonably expedited.*

Result: Staff is examining opportunities to modify the existing processes to make them more streamlined. Note that both processes have been substantially streamlined in the past three years with the result that for both rezonings and site plans the average number of submissions and processing time has significantly decreased. Given this fact and the fact that the form-based

code provides substantially more guidance and detail to applicants, it is expected that rezoning process time will decrease because there are fewer design, architectural and negotiating points for the Town to consider during a rezoning.

6. Design Elements. *The following design elements shall be included in the Crescent Form-Based District with revisions as necessary to achieve a traditional urban form: Building Type Specifications (Architecture); Building Materials and Colors; Dimensional Standards; Streetscape; Landscaping; and Parking.*

Result: The CFBD has been revised to incorporate this change as follows:

- Section 7.10.11 Building Type Specifications is being revised to provide more specificity regarding building type and materials closer to the H-1 Old and Historic Overlay District.
- 7.10.11 Streetscape Requirements and necessary DCSM sections are being revised to provide more detailed standards regarding sidewalks, tree planting details, tree zone composition and utility incorporation.
- A usable open space requirement is being added to ensure attractive outdoor private amenities in residential areas.
- Staff is continuing to review the design elements to improve their utility and ease of implementation.

7. Geographic Area of Crescent Form -Based District. *While drafting the provisions for 1 - 6 above, Staff shall consider area of applicability for the Form-Based District and shall be prepared to report to the Town Council with recommendations.*

Result: At the May 21, 2012 meeting Council was shown a “Draft District Map” that contained suggested areas for the CFBD (see Attachment 3). Staff considered areas inside and outside the Route 7/15 Bypass for applicability for the CFBD. Outside the bypass most areas are subject to proffered rezonings and much of the available land fronts on a limited access highway or a major arterial; as such, the CFBD should not be applied to these properties. Based on the different characteristics of the areas, and the original intention of the form-based code to apply to an area inside the bypass, the area presented on the Draft Crescent Form-Based District Map is exclusively inside the bypass. Staff has revised the draft map to incorporate the following changes:

- The area of that map has been changed by deletion of two areas that, upon further study, are deemed impractical for inclusion:
 - Deletion of the existing 16-acre developed area known as Fox Chase Condominiums south of Prosperity Shopping Center which is currently fully developed as residential use.
 - Deletion of the area at the west of South King Street at the Route 7/15 Bypass.
- The Draft Crescent Form-Based District Map has been revised to *add* approximately 45 acres zoned B-3 and R-6 north of the Route 7/15 Bypass and west of Gateway Drive. The property is currently divided into three lots with three separate owners. One lot is the site of Isaac Walton Park and the other two are currently vacant. That fact and the fact that the Town Plan designates the areas as “Downtown” and therefore appropriate for traditional urban style development make it reasonable to include this land in the study area.

- Aside from the changes mentioned above, the Draft Crescent Form-Based District Map area remains the same. As presented, the area includes approximately 427 acres, 219 existing parcels and 126 different property owners. That may be compared to the 85 acres and 40 individual property owners in the original CFBD. Staff will be present at the meeting on July 23, 2012 to answer questions about specific areas.

II. Timing and Outreach: The items discussed above constitute a substantial change from the previously adopted CFBD in that specific use areas have been created and development that is of a higher density and height will now require a rezoning approved by Town Council. In addition, the area that could be subject to the CFBD is larger. For these reasons outreach to property owners and occupants, the Steering Committee and various boards and commissions must be undertaken to inform them of the revisions and to provide them ample opportunity to express their opinion during the public review process. With these goals in mind, Staff recommends the following review schedule:

Date	Action
August 16	Planning Commission briefing
Mid-August	Steering Committee briefing
August 31	Final draft of CFBD, DCSM, SLDR, Town Plan, and Official Zoning Map Amendments available
September 5	BAR briefing and EDC briefing
September 13	Public Input Session
September 17	BAR follow up at regular public meeting
September 20	Planning Commission work session
October 4	Planning Commission public hearing
October 18	Planning Commission action (anticipated)
November 13	Town Council public hearing
November 25	Town Council work session
December 11	Town Council action

III. Utilities Capacity: The “Water and Sewer Master Plan” (WSMP) was approved in September of 1987 but it does not specifically address the Crescent District area. Because the uses are now generally set by the revised form-based code, it should be easier to predict the ultimate need to service this area. However, ultimate build out could require upsizing of pipes off-site to handle flow from the CFBD. With regard to water and sewer treatment plant capacity, ultimate build out of the CFBD may require plant capacity to be increased if the entire area shown on the Draft Crescent Form-Based District Map were to redevelop under the form based code. Payment for upsizing lines and increased plant capacity would be paid for in the following ways:

- If off-site water and sewer lines have to be up-sized to accommodate the growth, this cost could initially be borne by the Town. This would ultimately be paid for through rezoning proffers regarding installation of upgraded lines and availability fees charged to developers for connecting to Town water and sewer facilities. Note that availability fees are *Town wide*, and not assessed differently depending on location in Town. That means

the cost of any off-site up-sized lines would be paid for in part by developers outside of the CFBD.

- The existing sewage treatment facilities can accommodate approximately 600,000 gallons per day in the Crescent District master Plan area. If plant capacity needed to be increased to accommodate some of the growth in the CFBD it would be paid for through proffered rezonings and availability fees.

IV. Comparison of Adopted and Proposed CFBD: The CFBD is intended to implement the goals and objectives of the Crescent District Master Plan and the Town Plan. The central purpose is to foster economic development in this underutilized area in a physical form that is compatible with the character of Leesburg’s historic downtown, including a grid street network, pedestrian-friendly and attractive streetscapes, quality buildings that engage the road, a mix of uses, greater density and a shorter review process. The revised CFBD achieves many of these goals but without the Regulating Map, and with a rezoning required for higher densities and height. Below is a table highlighting the similarities and differences between the two approaches. Where the two approaches differ the Proposed CFBD is highlighted in yellow.

COMPARISON TABLE		
ELEMENT	ADOPTED CFBD	PROPOSED CFBD
Extension of Street Grid	Yes - Required by Regulating Map	Yes - Per Town Plan
Building Height	All By Right per Building Heights Map (in places up to 5 stories or 70')	2 or 3 stories allowed by right with additional stories approved by Rezoning (up to 5 stories and 70')
Traffic Study	No	Yes* but with limited scope in by right cases
Building built to Street	Yes	Yes
Parking behind Building	Yes	Yes
Building Design/Materials	Yes	Yes
Density Increase	Yes – up to 100%	Yes - approx. 25% for by right but higher increases require rezoning
Streetscape - Pedestrian Oriented	Yes	Yes
Streetscape – Consistent and Attractive	Yes	Yes
Medians on Catocin and E. Market Streets	Yes	No
Threshold Trigger	Yes – 10%	Yes – 10%
Mixed uses Guaranteed	No	Yes
Open Space Required	No	Yes
Residential Permitted	By Right: SFD, TH & MF	By Right: either 4, 8 or 12 DUs/acre but higher density requires rezoning

* The right to request a waiver of the Traffic Study will still be available.

Staff Recommendation:

Staff recommends that Council adopt the attached resolution to designate the specific area to be included in the Crescent Form-Based District and to direct staff to proceed with the public process to amend the Crescent Form-Based District to incorporate the principles discussed above.

- Attachments:
1. Resolution no. 2012-071 adopted June 12, 2012
 2. Draft Crescent Form-Based District Map
 3. Draft Crescent District Height Map
 4. Draft Resolution.

The Town of
**Leesburg,
Virginia**

PRESENTED: June 12, 2012

RESOLUTION NO. 2012-071

ADOPTED: June 12, 2012

A RESOLUTION: TO CONSIDER REVISIONS TO THE CRESCENT FORM-BASED DISTRICT

WHEREAS, the Crescent Form-Based District presents opportunities to achieve development and redevelopment that increase property values while reinforcing and extending the character of the downtown in appropriate areas; and

WHEREAS, on February 28, 2012 the Town Council deferred the effective date of Ordinance 2011-O-004, an amendment to adopt Section 7.10 Crescent Form-Based District to the Leesburg Zoning Ordinance, from March 1, 2012 to a date not to exceed July 31, 2013; and

WHEREAS, the purpose of the deferral was to better implement the Crescent District Master Plan to achieve a traditional urban form that reinforces the character of the Town; and

WHEREAS, Town Council has identified areas where the Crescent Form-Based District may be improved to achieve the goals of the Crescent District Master Plan and the Town Plan; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice require consideration of the proposed revisions.

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia hereby that:

SECTION I. Town Staff shall draft revisions to the Crescent Form-Based District to include the following:

1. **Rezoning required for increased Residential Density.** Maximum densities shall be set for by-right residential use, beyond which a rezoning approved by the Town Council shall be required.

A RESOLUTION: TO CONSIDER REVISIONS TO THE CRESCENT FORM-BASED DISTRICT

2. **Rezoning required for increased Height.** Maximum height shall be set for by-right use, beyond which a rezoning approved by the Town Council shall be required to increase height up to 70 feet.
3. **Use Areas designated.** A Crescent Form-Based Code District Map shall be created that designates areas for specific uses including pure commercial and pure residential uses, and areas where a mix of commercial and residential uses is required.
4. **Town Plan guides Street Location.** The Regulating Plan shall be replaced with the Crescent Form-Based Code District Map which shall show the location of use areas, design elements such as parking setback and required build-to lines, and the general location of the streets. Streets shall not be required by the District Map and language will be added to the Zoning Ordinance to indicate that for the alignment of proposed streets a developer must refer to the Town Plan. Proposed revisions will be drafted for the Town Plan.
5. **Streamline Process.** The administrative and rezoning processes for development in the Crescent Form-Based District shall be examined to determine ways in which these processes may be reasonably expedited.
6. **Design Elements.** The following design elements shall be included in the Crescent Form-Based District with revisions as necessary to achieve a traditional urban form: Building Type Specifications (Architecture); Building Materials and Colors; Dimensional Standards; Streetscape; Landscaping; and Parking.
7. **Geographic Area of Crescent Form-Based District.** While drafting the provisions for 1-5 above, Staff shall consider area of applicability for the Form-Based District and shall be prepared to report to the Town Council with recommendations.

SECTION II. Town staff shall present a draft Crescent Form-Based District revised in accordance with the above at the July 23, 2012 Town Council Work Session.

PASSED this 12th day of June, 2012.


 Kristen C. Umstattd, Mayor
 Town of Leesburg

ATTEST:

 Clerk of Council

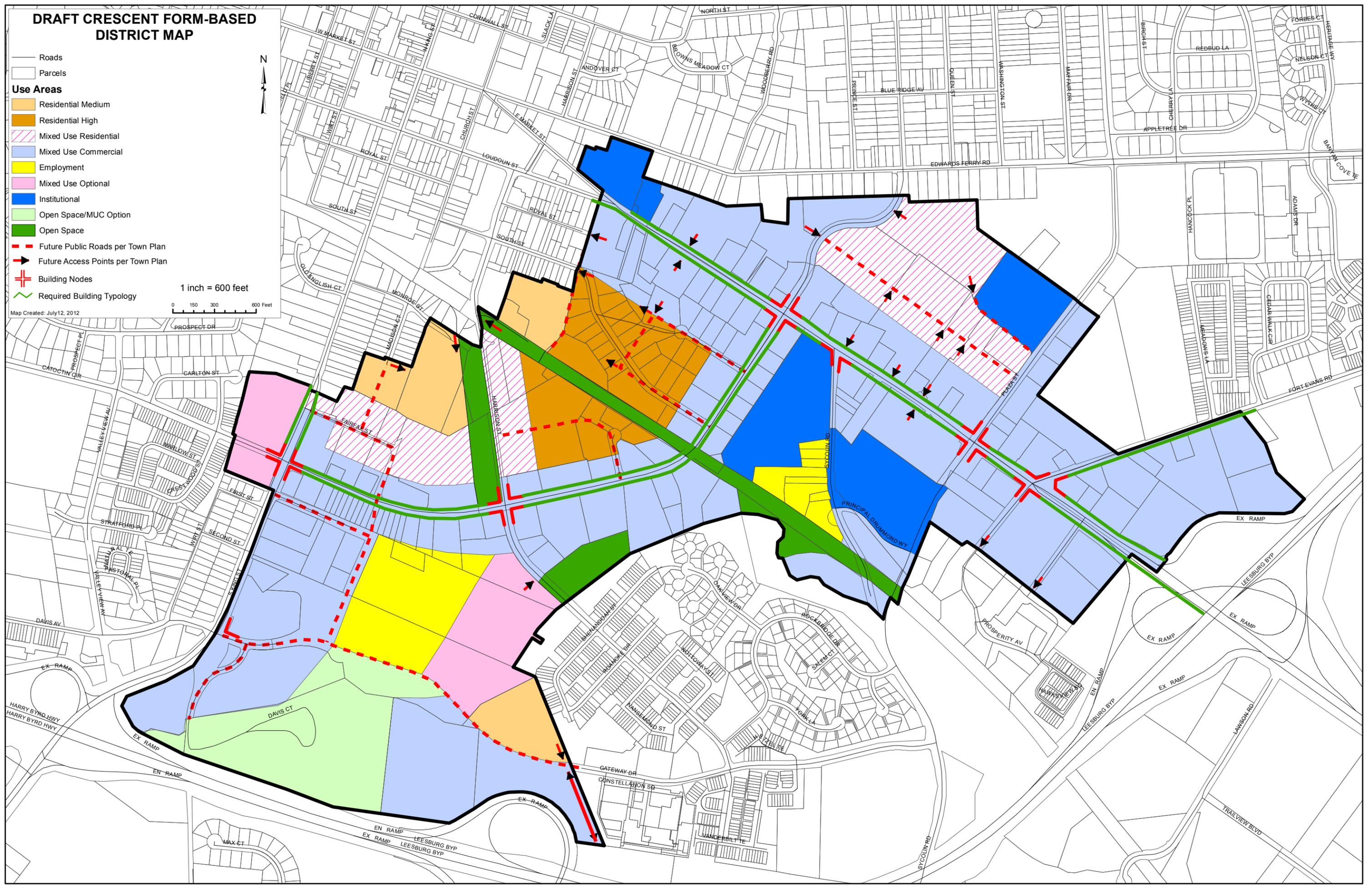
DRAFT CRESCENT FORM-BASED DISTRICT MAP

- Roads
- ▭ Parcels
- Use Areas**
- ▭ Residential Medium
- ▭ Residential High
- ▨ Mixed Use Residential
- ▨ Mixed Use Commercial
- ▭ Employment
- ▨ Mixed Use Optional
- ▭ Institutional
- ▨ Open Space/MUC Option
- ▭ Open Space
- - - Future Public Roads per Town Plan
- ▶ Future Access Points per Town Plan
- ⊕ Building Nodes
- Required Building Typology



1 inch = 600 feet

Map Created: July 12, 2012



DRAFT CRESCENT DISTRICT HEIGHT MAP

- Roads
- Future Public Roads per Town Plan
- Parcels

- Height**
- Two Stories By Right
 - Two Stories By Right/Four Stories w/ Rezoning
 - Two Stories By Right/Five Stories w/ Rezoning
 - Three Stories By Right
 - Three Stories By Right/Four Stories w/ Rezoning
 - Three Stories By Right/Five Stories w/ Rezoning
 - Five Stories By Right

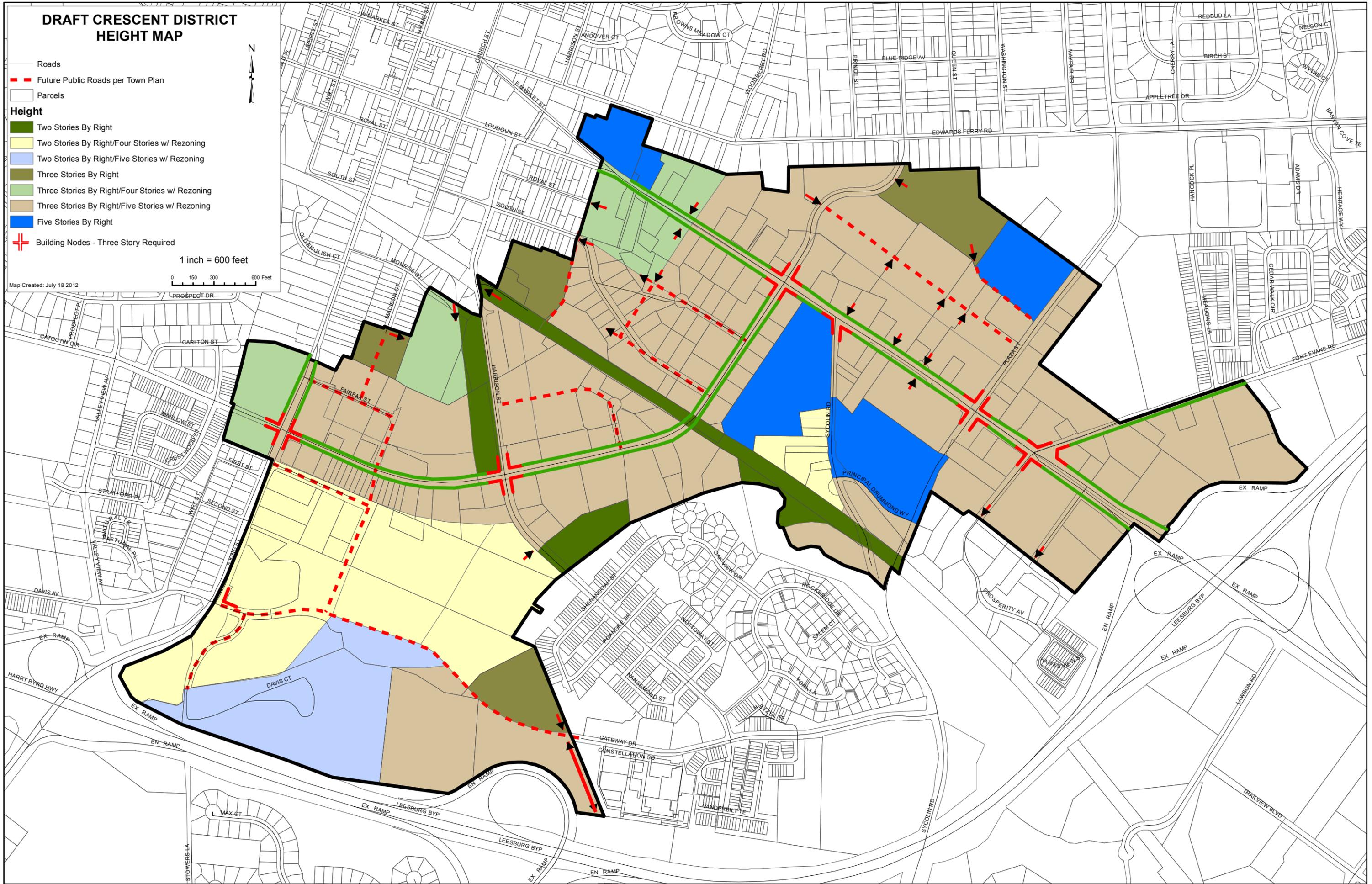
- Building Nodes - Three Story Required



1 inch = 600 feet

0 150 300 600 Feet

Map Created: July 18 2012



PRESENTED: July 24, 2012

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: INITIATING AMENDMENTS TO ZONING ORDINANCE SECTION 7.10 CRESCENT FORM-BASED DISTRICT TO CONSIDER CHANGES TO IMPROVE THE DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP TO CONSIDER ADDITIONAL LAND FOR INCLUSION IN THE DISTRICT

WHEREAS, the Crescent Form-Based District presents opportunities to achieve development and redevelopment that increase property values while reinforcing and extending the character of the downtown in appropriate areas; and

WHEREAS, on February 28, 2012 the Town Council deferred the effective date of Ordinance 2011-O-004, an amendment to adopt Section 7.10 Crescent Form-Based District to the Leesburg Zoning Ordinance, from March 1, 2012 to a date not to exceed July 31, 2013; and

WHEREAS, the purpose of the deferral was to better implement the Crescent District Master Plan to achieve a traditional urban form that reinforces the character of the Town; and

WHEREAS, Town Council has identified areas where the Crescent Form-Based District text may be improved to achieve the goals of the Crescent District Master Plan and the Town Plan; and

WHEREAS, Town Council has identified additional land area that may be appropriate for inclusion in a revised Crescent Form-Based District; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice require consideration of the proposed revisions.

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia hereby that:

A RESOLUTION: INITIATING AMENDMENTS TO ZONING ORDINANCE SECTION 7.10 CRESCENT FORM-BASED DISTRICT TO CONSIDER CHANGES TO IMPROVE THE DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP TO CONSIDER ADDITIONAL LAND FOR INCLUSION IN THE DISTRICT

SECTION I. Amendments to Zoning Ordinance Section 7.10 Crescent Form-Based District are hereby initiated and referred to the Planning Commission to consider changes that will improve the functionality, utility, and implementation of the Crescent Form-Based District to achieve a traditional urban form that reinforces the character of the Town.

SECTION II. Amendments to the Official Zoning Map are hereby initiated and referred to the Planning Commission to consider extending the Crescent Form-Based District to the boundaries as proposed on Exhibit 1 attached hereto entitled “Draft Crescent Form-Based District Map”.

SECTION III. The Planning Commission shall hold a public hearing to consider these amendments to the Zoning Ordinance and the Official Zoning Map and report its recommendation to the Town Council pursuant to Chapter 22, Title 15.2-2204 of the 1950 Code of Virginia, as amended.

PASSED this 24th day of July, 2012.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council