

Ad to run 10/31/12 and 11/07/12

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING
TO CONSIDER
AMENDMENTS TO THE CRESCENT FORM-BASED ZONING DISTRICT
AND THE OFFICIAL ZONING MAP TO ESTABLISH THE CRESCENT
DESIGN DISTRICT IN THE CRESCENT DISTRICT MASTER PLAN AREA
AND IN ADDITIONAL AREAS DESIGNATED AS “DOWNTOWN” IN THE
TOWN PLAN
CURRENTLY ZONED B-1, B-2, B-3, R-6, R-8 AND PRN DISTRICTS**

Pursuant to Sections 15.2-1427, 15.2-2204, 15.2-2205 and 15.2-2285 of the Code of Virginia, 1950, as amended, the **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, NOVEMBER 13, 2012 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176, to consider the following:

1. An amendment to the Zoning Ordinance to amend Section 7.10 Crescent Form-Based District (effective date July 31, 2013) to allow for development and redevelopment of land consistent with principles of traditional urban design in accordance with the guidelines provided in the Town Plan particularly the Land Use, Transportation, and Crescent District Chapters. The purpose of the form-based code is to implement the Town Plan and the Crescent District Master Plan by establishing a zoning district that respects the character of Leesburg's historic downtown while providing a transition to more automobile-oriented parts of the community and which permits a mix of uses that recognizes Leesburg's role as a center of retail, office and residential uses for Loudoun County. This ordinance will address density and design issues including, but not limited to: dimensional standards; building height; uses and use standards; building type and design; building materials; open space, landscaping, parking standards, and streetscape requirements. In addition, the amendment includes provisions that will govern the location of build-to lines, parking set back lines and a street network to establish developable blocks of land consistent with a fully-integrated mixed-use pedestrian oriented environment. A “Building Height Map” establishes height areas permitting up to three stories by-right with a maximum height of five stories and 70 feet in certain areas with an approved rezoning. This map is included below. A “Crescent Design District Map” indicates use areas and by-right maximum residential densities are established for some areas with a possibility of greater density with an approved rezoning. This map is included below.

All of the property is identified as “Downtown” in the Town Plan's Planned Land Use Policy Map, which calls for a mixture of residential and nonresidential uses with no designated maximum or minimum residential density or nonresidential Floor Area Ratio (F.A.R.). A portion of the property is also located in the Crescent District Element of the Town Plan, which states, “The Crescent District presents an opportunity for redevelopment consistent with the downtown area that will also incorporate greater density into a collection of uses coupled with high quality pedestrian spaces.” This

element of the Town Plan calls for mixed uses comprising residential, commercial, infill, and institutional uses, with no set minimum or maximum density.

The proposed form-based Crescent Design District permits residential uses in specified areas, including single-family detached, single-family attached, duplex, extended family residence, multiple-family, accessory dwelling unit, and group homes with specific by-right densities that range from eight to 12 dwelling units per acre. These densities may be increased up to 24 dwelling units per acre or higher as approved by the Town Council through a rezoning.

The proposed District permits nonresidential uses in specified areas with no fixed floor area ratio maximum. Nonresidential uses include commercial (bank, eating establishment, hotel, office, retail, etc); institutional uses (assisted living residence, library, park, place of worship, general education school, etc), light industrial and utilities and telecommunications uses.

The proposed District also permits mixed uses in specified areas with no fixed floor area ratio maximum and residential densities to be determined through a rezoning application approved by Town Council.

2. Amendments to Zoning Ordinance Articles 7, 9, 11 and 18 to maintain consistency with the proposed Crescent Design District, including:

- Revise the text of Sec. 7.5.3 to remove certain properties from the H-1, Overlay, Old and Historic District;
- Revise the text of Sec. 7.6.2 to remove those properties from the H-2, Historic Corridor Architectural Control Overlay District proposed to be subject to the Crescent Design District;
- Revise various use standards under Sec. 9.3 to comply with the Crescent Design District, including eating establishments, recreation facilities, and School, Technical.
- Revise Sec. 11.4.1 Shared Parking and Sec. 11.4.5 Shared Parking (Mixed Use) to authorize the Land Development Official to reduce required parking.
- Revise Article 18 Definitions to add a definition for “2 over 2” dwellings.

3. Amendments to the Official Zoning Map are proposed to:

- a) Rezone 215 parcels from either the B-1 (Community Downtown Business) District, the B-2 (Established Corridor Commercial) District, B-3 (Community Retail/Commercial District), the PRN (Planned Residential Neighborhood) District, the R-6, Moderate Density Residential District, and the R-8 (Medium Density Residential District) to the new form-based Crescent Design District;
- b) Amend the H-2, Historic Corridor Architectural Control Overlay District to delete those properties to be rezoned to the new Crescent Design District; and
- c) Amend the H-1, Overlay, Old and Historic District to delete the properties subject to TLZM-2005-0001 Harrison Park.

The properties that are subject to these amendments are depicted on the Crescent Design District Map below.

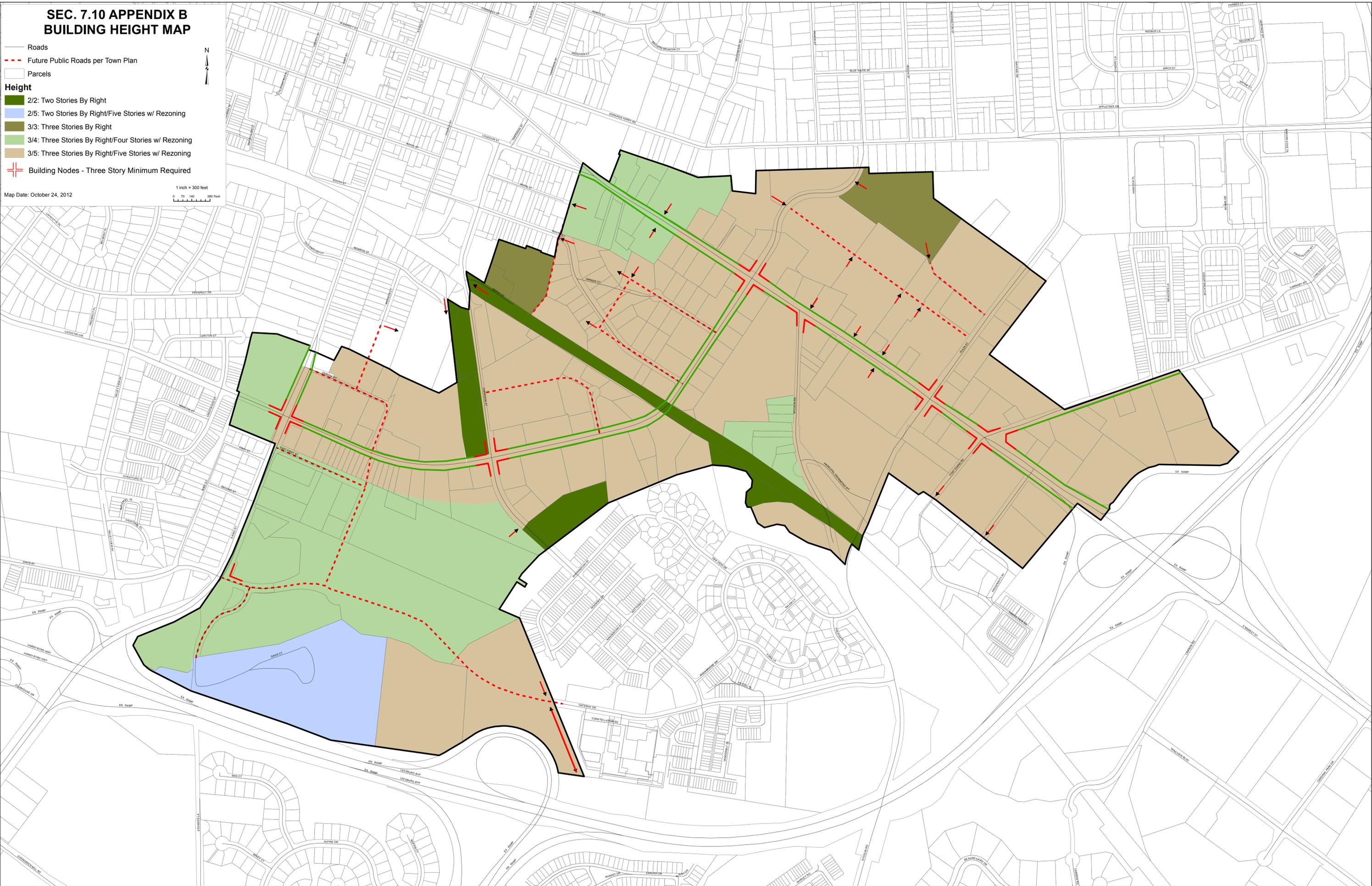
Additional information and copies of the proposed amendments are available for inspection in the Office of the Clerk of Council at 703-771-2733 or by emailing lgreen@leesburgva.gov . Additional information including the full text regarding this proposed Zoning Ordinance Text Amendment and Official Zoning Map amendment is available at the Department of Planning and Zoning located on the second floor of the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia 20176 during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by calling 703-771-2765 and asking for Christopher Murphy, Zoning Administrator. This Zoning Ordinance amendment application is identified as case number TLOA-2012-0001 and the rezoning application is identified as case number TLZM-2012-0004. Information may also be obtained on the Town of Leesburg website www.leesburgva.gov.

At this hearing all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at (703) 771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

SEC. 7.10 APPENDIX B BUILDING HEIGHT MAP

- Roads
- Future Public Roads per Town Plan
- Parcels
- Height**
 - 2/2: Two Stories By Right
 - 2/5: Two Stories By Right/Five Stories w/ Rezoning
 - 3/3: Three Stories By Right
 - 3/4: Three Stories By Right/Four Stories w/ Rezoning
 - 3/5: Three Stories By Right/Five Stories w/ Rezoning
- Building Nodes - Three Story Minimum Required

Map Date: October 24, 2012
1 inch = 300 feet
0 70 140 280 Feet



Ad to run 10/31/12 & 11/07/12

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING
TO CONSIDER AMENDMENTS TO VARIOUS SECTIONS
OF THE LEESBURG TOWN PLAN TO ESTABLISH THE CRESCENT DESIGN
DISTRICT**

Pursuant to Sections 15.2-1427, 15.2-2204, 15.2-2205 and 15.2-2285 of the Code of Virginia, 1950, as amended, the **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, NOVEMBER 13, 2012 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia 20176 to consider amendments to the "Town Plan" to establish a new planned land use category to be known as the "Crescent Design District" within the Central Planning Area and comprising a portion of the area currently designated as "Downtown" on the Planned Land Use Policy Map. The Crescent Design District is intended to be a planning district that respects the character of Leesburg's historic downtown while providing a transition to more automobile-oriented parts of the community and which permits a mix of uses that recognizes Leesburg's role as a center of retail, office and residential uses for Loudoun County.

Amendments to the Town Plan include the following:

- In Chapter 6 Land Use, add a "Crescent Design District" policy area description after the "Downtown" category on p. 6-24.
- In Division D. Policy Maps, amend the Planned Land Use Policy Map to add the Crescent Design District as a defined area.
- In Chapter 11 Crescent District:
 - i. Amend "Architecture" on p.11-8 to reference the Crescent Design District
 - ii. Amend "Building Heights" on p. 11-9 to reference the Crescent Design District and heights of a maximum of 70 feet.
 - iii. Amend Land Use beginning on page 11-11 to delete Objectives 1-9 of the Crescent District.
 - iv. Replace the Crescent District Land Use Policy Map with a new map showing general areas for three use categories: residential, commercial and mixed use.
 - v. Amend "Housing" on p. 11-14 to delete Objective 2 regarding the percentage of affordable housing.
 - vi. Delete the "Miscellaneous" section on p. 11-14.
 - vii. Amend the "Transportation" section on p. 11-15 to describe the proposed street system and how it should be implemented.
 - viii. Replace the "Crescent District Future Streets Policy Map" with a new street layout shown on a "Crescent Design District Future

Streets Policy Map”. The map shall be added to Appendix D. Policy Maps.

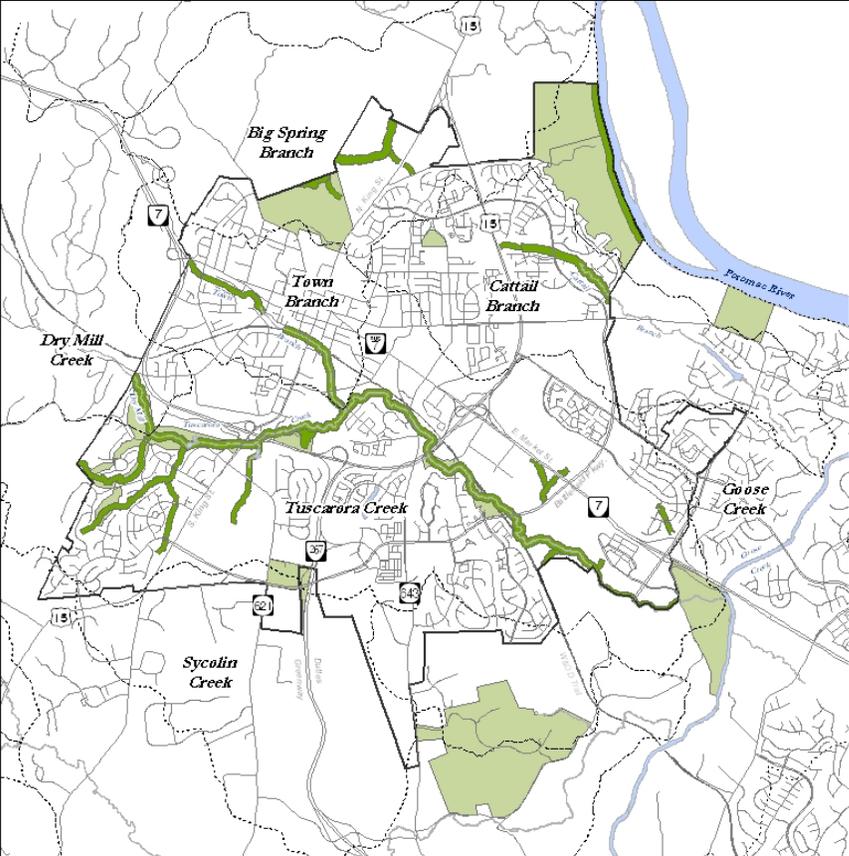
The area that is proposed for the Crescent Design District in the Town Plan is depicted on the map below.

Additional information about these proposed Town Plan amendments and copies are available for inspection in the Office of the Clerk of Council at 703-771-2733 or by emailing lgreen@leesburgva.gov . In addition, the amendments are also available at the Department of Planning and Zoning located on the 2nd floor of the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia 20176 during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by visiting the Town website: <http://www.leesburgva.gov/index.aspx?page=1212>, or by calling Susan Berry Hill, Director of Planning and Zoning, at 703-771-2434 or by emailing sberry-hill@leesburgva.gov. This Town Plan Amendment is identified as case number TLTA-2012-0001, “Crescent Design District”.

At this hearing, all persons desiring to express their views concerning this matter will be heard. Persons requiring special accommodations at the Town Council meeting should contact the Clerk of Council at (703) 771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

Leesburg Town Plan

2011 DRAFT
Green Infrastructure Policy Map

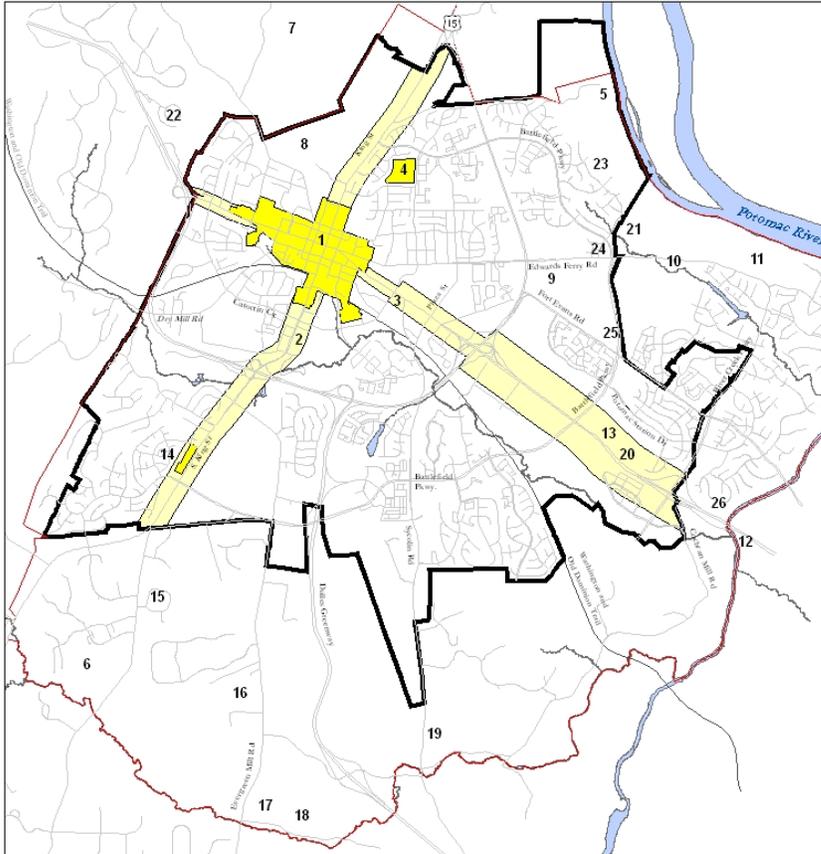


- Watersheds
- Stream Corridors
- Open Space



0 0.25 0.5 1 1.5 Miles

Map Created by PDZ
Draft Map Date: December 15, 2011



**DRAFT
2011 Heritage Resources
Policy Map**

1. Leesburg Old & Historic District
2. Waverly
3. Douglass School
4. Carlheim (Paxton) property
5. Ball's Bluff Battlefield & National Cemetery
6. Rokeby
7. Morven Park
8. Ida Lee (Greenwood Farm)
9. Fort Evans
10. Cattail Ordinary
11. Red Rock Wilderness Regional Park
12. Goose Creek Truss Bridge
13. Carradoc Hall
14. Greenway
15. Dun Robin
16. Bridges Farm
17. Greenfield Farm
18. Log Tenant House
19. Union Baptist Church
20. Stone Harper House
21. Ball's Bluff Masked Battery
22. Fort Johnston
23. Civil War Infantry Entrenchment
24. Civil War Infantry Entrenchment
25. Civil War Infantry Entrenchment
26. Civil War Artillery Fortification

- Roads
- Urban Growth Area
 - H-1 Historic District
 - H-2 Historic District
 - Water



Prepared by Leesburg DPZ
December 15, 2011

DRAFT 2011 Planned Land Use Policy Map

Land Use Categories

- Rural Residential
 - Low Density Residential
 - Medium Residential
 - Regional Retail
 - Community Commercial
 - Community Office
 - Office/Light Industrial
 - Regional Office
 - Light Industrial
 - Heavy Industrial
 - Downtown
 - Open Space
 - Major Institutional
- Planning Policy Areas
 - UGA Boundary
 - Leesburg Town Limit Line
 - Centerline

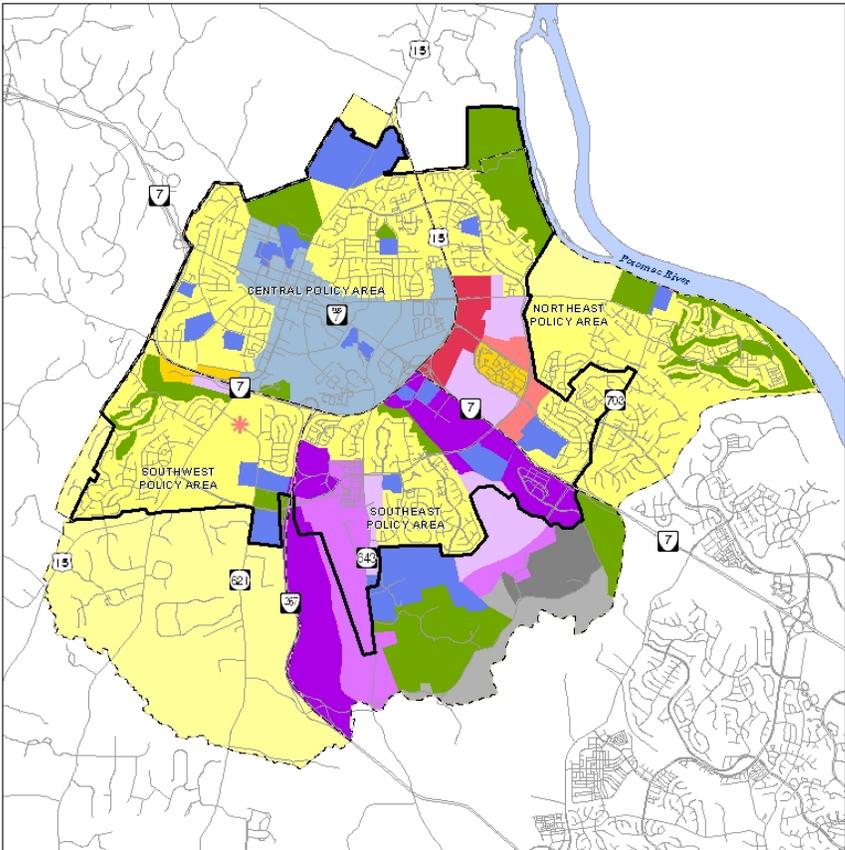
This map is parcel based. In making land use decisions for specific parcels, relevant policies stated in this Plan must be considered in conjunction with this map.

Major Open Space and Major Institutional identifies properties ten acres or larger; as explained in the text. Additional properties may be designated from time to time.

Land use designations in the Urban Growth Area are intended to guide the Town in making recommendations to and coordinating with Loudoun County.



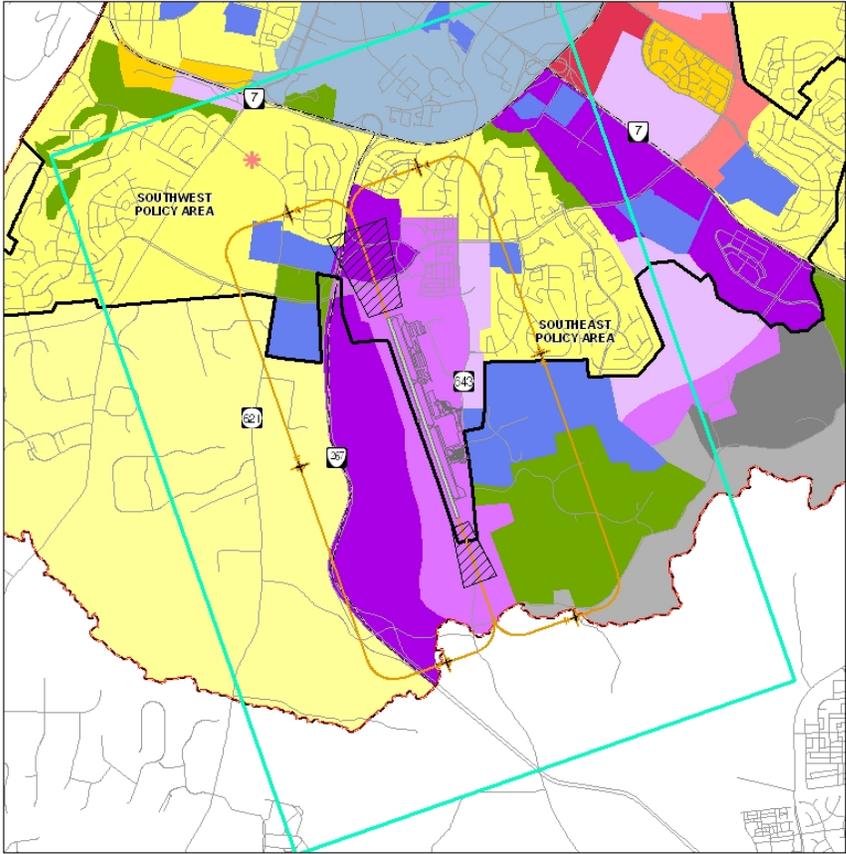
Map Created by: PZD
DRAFT Map Date: December 15, 2011



**DRAFT
2011
Airport Area Land Use
Policy Map**

Land Use Categories

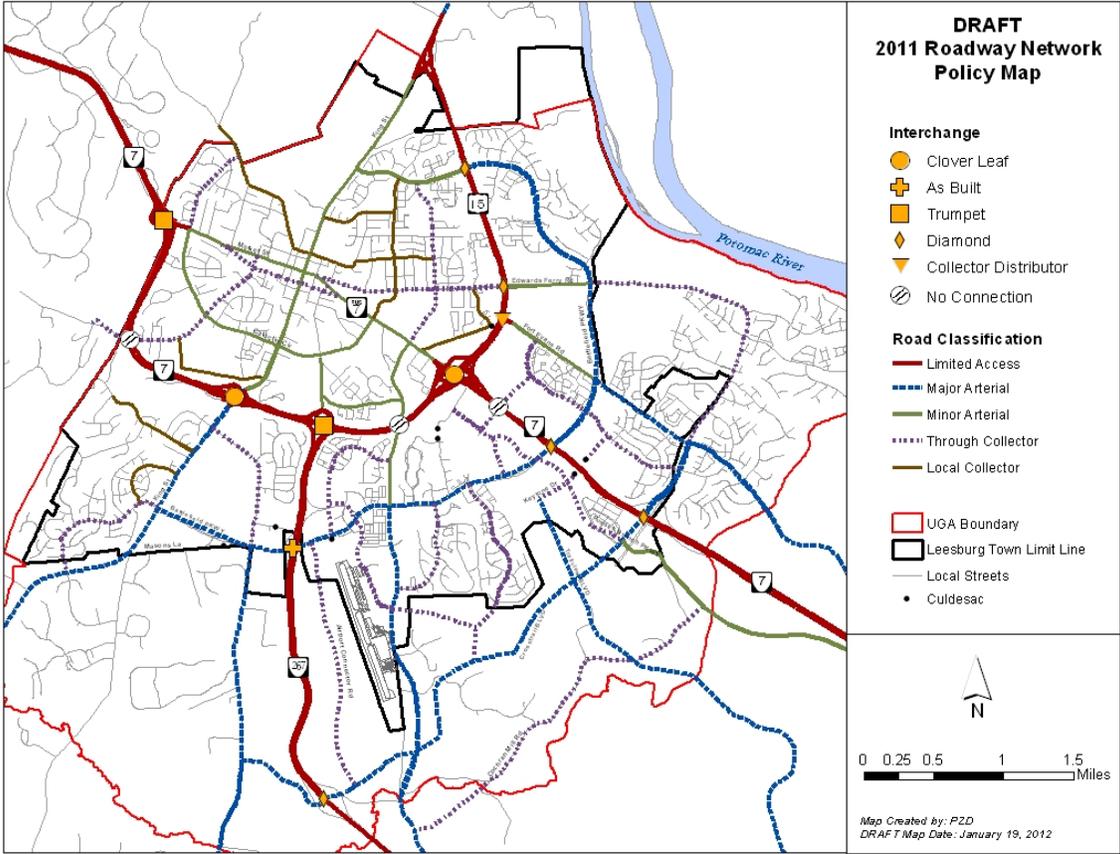
- Rural Residential
 - Low Density Residential
 - Medium Residential
 - Regional Retail
 - Community Commercial
 - Community Office
 - Office/Light Industrial
 - Regional Office
 - Light Industrial
 - Heavy Industrial
 - Downtown
 - Open Space
 - Major Institutional
-
- Planning Policy Areas
 - UGA Boundary
 - Leesburg Town Limit Line
 - Roads
 - Traffic Flight Pattern
 - Area of Influence
 - Runway Protection Zone

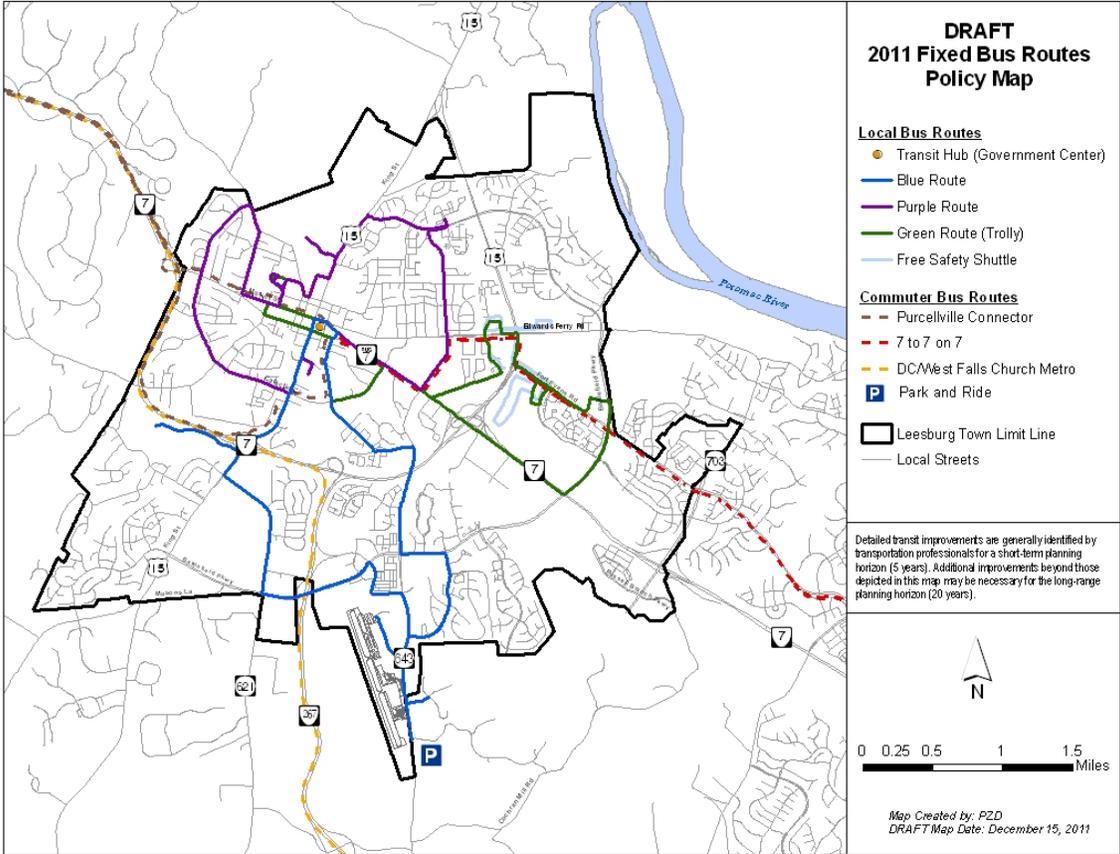


N

0 0.25 0.5 1 Miles

*Map Created by: PZD
DRAFT Map Date: December 15, 2011*



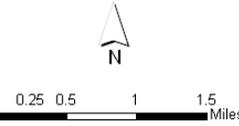




**DRAFT
2011 Bicycle/Pedestrian
Facilities Policy Map**

- Sidewalks, Public & Private
- Multi-Use Paths
- - - Future Improvements
- UGA Boundary
- Leesburg Town Limit Line
- Local Streets

This map presents an interim bicycle/pedestrian system. Additional facilities that are not shown on this map may be identified from time to time.

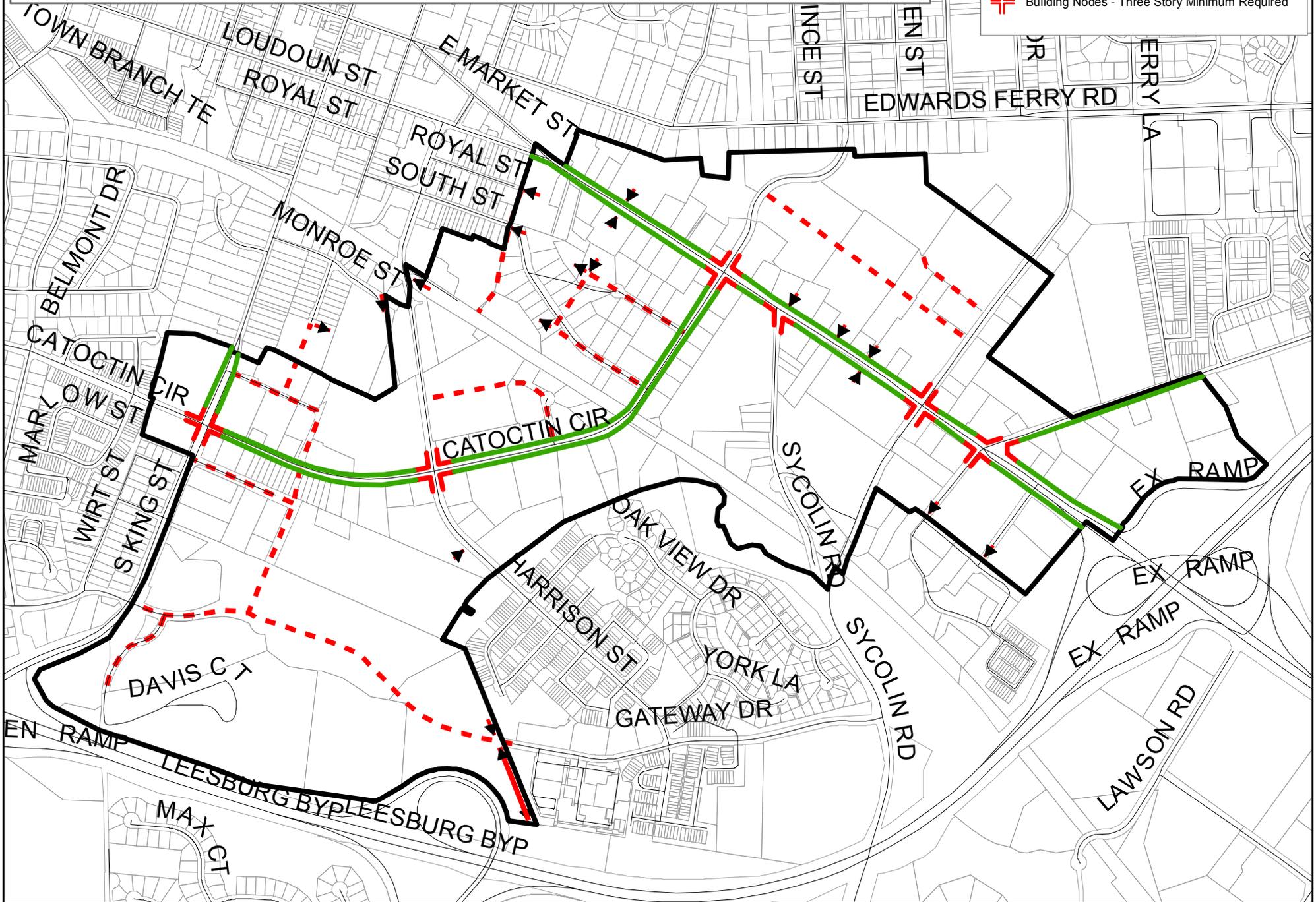


Map Created by: PZD
DRAFT Map Date: December 15, 2011

Crescent District Future Streets Policy Map

DRAFT MAP - October 4, 2012

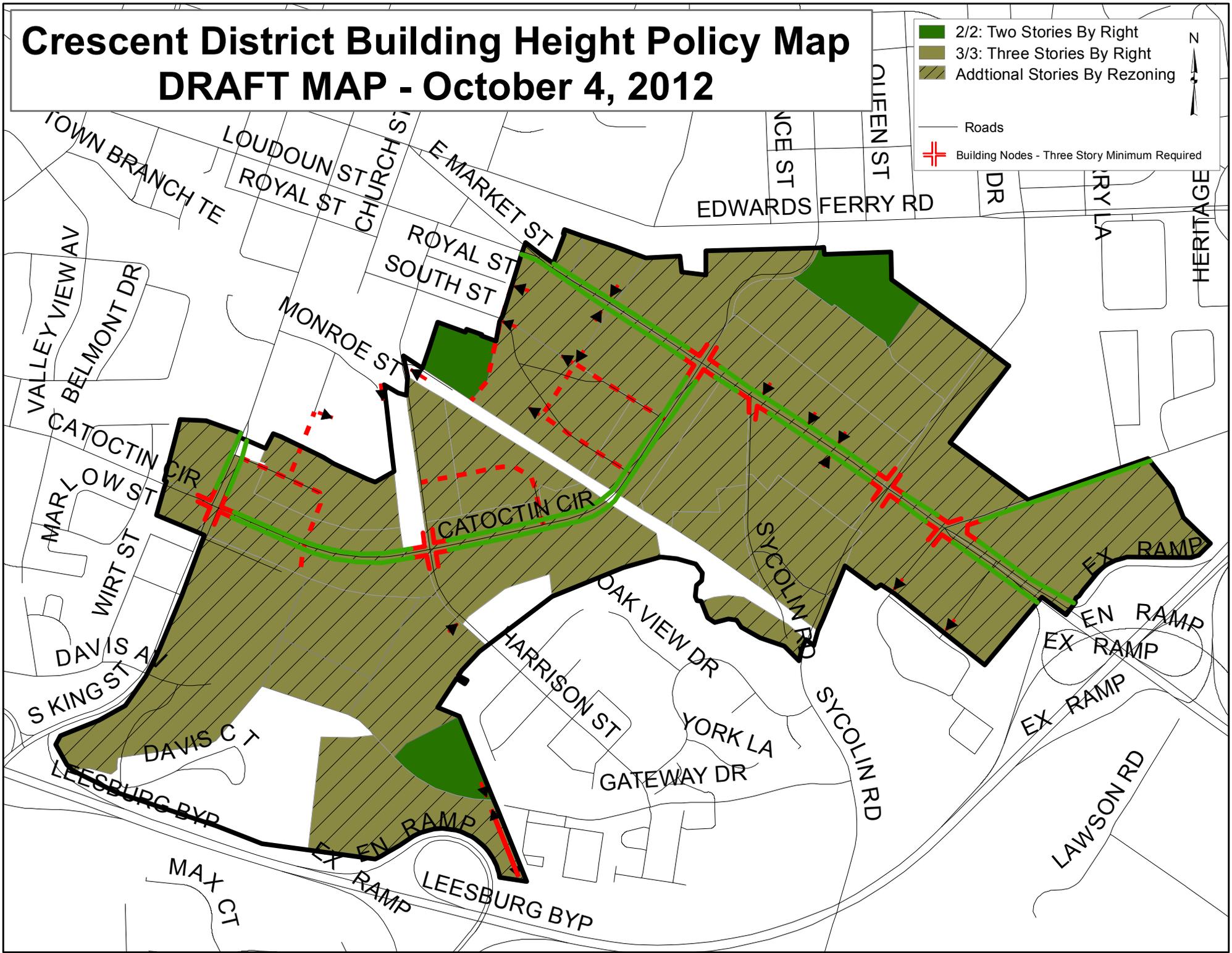
- Roads
- Future Public Roads per Town Plan
- Parcels
- Building Nodes - Three Story Minimum Required



Crescent District Building Height Policy Map

DRAFT MAP - October 4, 2012

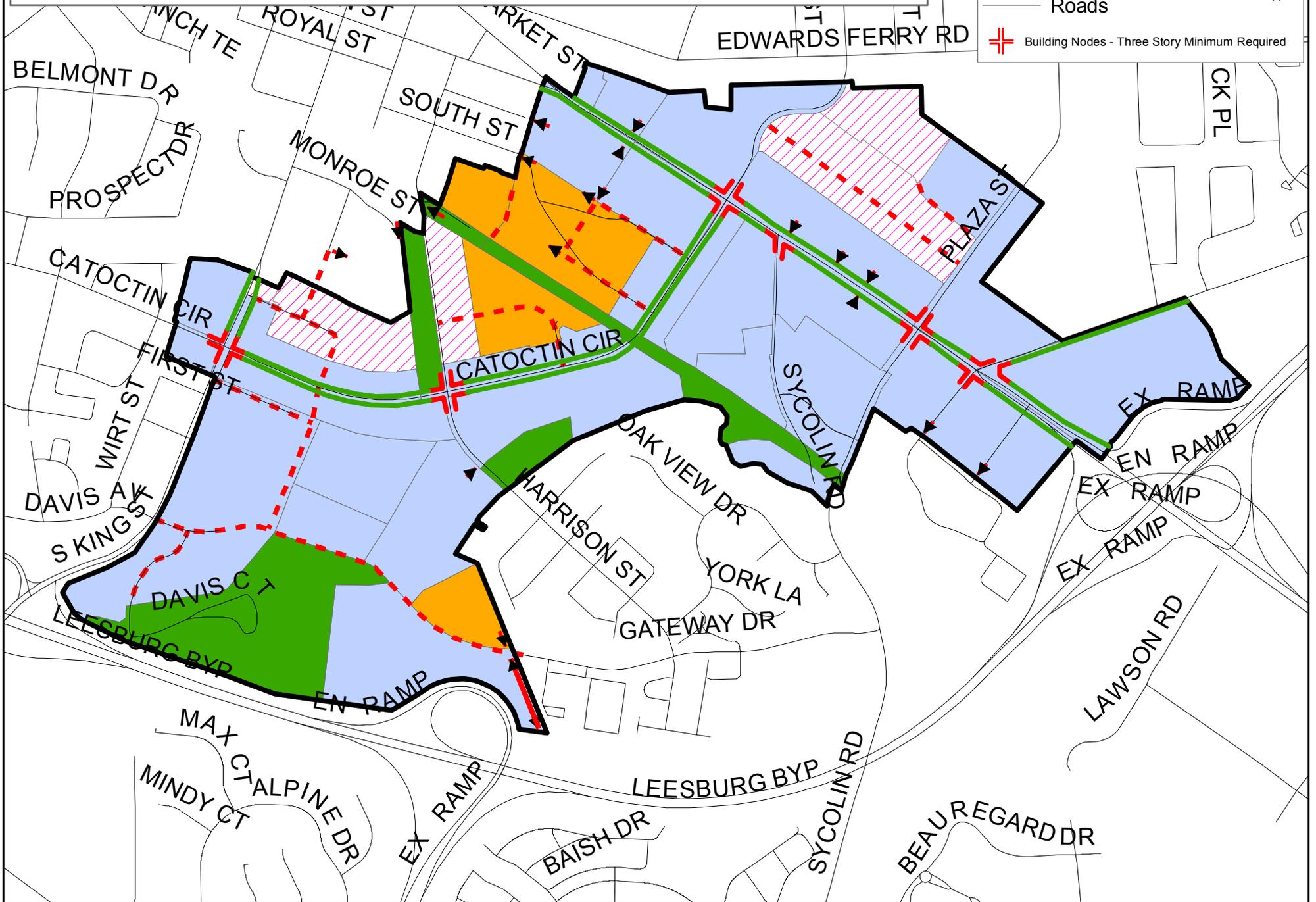
- 2/2: Two Stories By Right
- 3/3: Three Stories By Right
- Additional Stories By Rezoning
- Roads
- Building Nodes - Three Story Minimum Required



Crescent District Land Use Policy Map

DRAFT MAP - October 4, 2012

- Residential
- Mixed Use
- Commercial
- Open Space
- Roads
- Building Nodes - Three Story Minimum Required



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**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING
TO CONSIDER AMENDMENTS TO
ARTICLES 5, 8 AND APPENDIX A OF THE
DESIGN AND CONSTRUCTION STANDARDS MANUAL AND DIVISIONS 2, 3
AND 5 OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS**

The **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, NOVEMBER 13, 2012, at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider amendments to the Design and Construction Standards Manual (DCSM) and the Subdivision and Land Development Regulations (SLDR) to accommodate new design criteria for the proposed Crescent Design District and to make additional revisions to improve both ordinances.

Amendments to the DCSM include the following:

1. Amend Article 5 Storm Drainage, Sec. 5-245 Gate Inlets and Yard Inlets to permit to permit Standard VDOT DI-2 inlets within the parallel parking lanes in the Crescent Design District.
2. Amend Article 7 Transportation as follows:
 - Sec. 7-111 Preparation of Traffic Studies to provide for specific technical requirements for traffic studies and when such studies are required in the Crescent Design District.
 - Sec. 7-210.2 to include a description of the road types in the Crescent Design District and specify the applicable design criteria based on road type.
 - Amend Sec. 7-300 Street Design Requirements to include requirements for streets in the Crescent Design District.
 - Amend Sec. 7-310 General Criteria to include a reference to the Zoning Ordinance.
 - General reformatting of Article 7 for ease of understanding.
3. Amend Appendix A Construction Standards to:
 - Provide revised sidewalks standards to accommodate the Crescent Design District.
 - Add a street tree detail.

Amendments to the SLDR include the following:

1. Amend Division 2 Subdivision, Sec. 2.03 Inactive Applications to increase the required period of inactivity from six months to one year and reduce the number of extension requests from five to four requests.
2. Amend Division 3 Development, Sec. 3.02 Inactive Applications to increase the

required period of inactivity from six months to one year and reduce the number of extension requests from five to four requests.

3. Amend Division 5 Required Installation of Public Improvements, Sec. 5.10 Off-Site Improvements to specify when pro rata share contributions for waterline, sewerage and drainage facilities shall be paid.

Additional information and copies including the full text regarding this proposed Design and Construction Standards Manual and Subdivision and Land Development Regulations amendments are available for inspection in the Office of the Clerk of Council at 703-771-2733 or by emailing lgreen@leesburgva.gov . In addition, the amendments may be viewed at the Department of Planning and Zoning located on the second floor of the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia 20176 during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by calling 703-771-2740 and asking for William Ackman, Director of the Department of Plan Review. The DCSM amendment is identified as case number TLOA-2012-0002; the SLDR amendment is identified as case number TLOA-2012-0003.

At this hearing all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at (703) 771-2722, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.



Date of Council Meeting: November 13, 2012

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING MEETING**

Subject: TLOA-2012-0001 Crescent Design District Zoning Ordinance Amendment
TLOA-2012-0002 Design and Construction Standards Manual Amendment
TLOA-2012-0003 Subdivision and Land Development Regulations Amendment
TLZM-2012-0004 Official Zoning Map Amendment
TLTA-2012-0001 Town Plan Amendment

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

Recommendation: Staff recommends **approval** of the proposed amendments subject to the conditions at the end of this report.

Issue: The five applications listed above are proposed to maintain consistency among Town planning documents if the proposed Crescent Design District is adopted. The specific issue for each document is set forth below.

1. Should **Zoning Ordinance** Section 7.10 Crescent Form-Based District (CFBD) be amended to establish the new "Crescent Design District" to allow for development and redevelopment of land consistent with principles of traditional urban design in accordance with the guidelines of the Crescent District chapter of the Town Plan?
2. Should the **Official Zoning Map** be amended to rezone 215 parcels from the B-1, B-2, B-3, R-HD, R-6 and PRN Districts to the new Crescent Design District?
3. Should the **Design and Construction Standards Manual** (DCSM) be amended to achieve consistency with the proposed Crescent Design District?
4. Should the **Subdivision and Land Development Regulations** (SLDR) be amended to achieve consistency with the proposed Crescent Design District?
5. Should the **Town Plan** be amended to revise and expand the goals and objectives of the original Crescent District Master Plan including expansion of the Crescent District to a larger area?

Planning Commission Public Hearing and Recommendations: The Planning Commission held a public hearing on October 4, 2012 and continued it on October 18, 2012 and again on November 1, 2012. At the public hearing on October 4, 2012 four citizens spoke regarding the amendments. Three speakers were members of the Crescent District Steering Committee and the fourth was a property owner whose land lies within the proposed Crescent Design District. The speakers were generally in favor of the proposed Crescent Design District but expressed concerns about specific aspects of its implementation in regarding its feasibility and to make the district workable for the market. There were no subsequent public speakers at the October 14 and November 1 meetings. The issues raised by the Commission and the

**Ordinance and Town Plan Amendments - Crescent Design District
Town Council Public Hearing Staff Report
November 13, 2012
Page 2 of 20**

public during the hearing and input sessions are discussed in Section V. on page 15 below. At its meeting on November 1, 2012 the Planning Commission recommended approval of all five of the above referenced applications as follows:

- **TLTA-2012-0001 Town Plan Amendments** was forwarded to the Town Council with a recommendation of approval as proposed in the staff report dated November 1, 2012 by a vote of 6-0-1.
- **TLOA-2012-0001 Zoning Ordinance Amendments** was forwarded to the Town Council with a recommendation of approval as proposed in the staff report dated November 1, 2012 by a vote of 6-0-1. In addition, the Planning Commission recommended that the Town Council consider the allowance of a 4-story building by-right for *any* use in the CD District so long as the fourth (top) story is stepped back (see discussion on page 17 below).
- **TLOA-2012-0002 Design and Construction Standards Manual Amendments (DCSM)** was forwarded to the Town Council with a recommendation of approval as proposed in the staff report dated November 1, 2012 by a vote of 6-0-1.
- **TLOA-2012-0003 Subdivision and land Development Regulations (SLDR) Amendments** was forwarded to the Town Council with a recommendation of approval as proposed in the staff report dated November 1, 2012 by a vote of 6-0-1.
- **TLZM-2012-0004 Official Zoning Map Amendments** was forwarded to the Town Council with a recommendation of approval as proposed in the staff report dated November 1, 2012 by a vote of 6-0-1.

I. Fiscal Analysis: Staff has not prepared a quantified fiscal analysis of the rezoning. However, general statements can be made about what can be expected.

Among the fiscal benefits of the proposed zoning are developer responsibilities for utilities and streets within and abutting their properties. Thus town-funded improvements are limited to those areas where public lands exist—mainly streets and stormwater management facilities and utilities. In addition, the proposed zoning will allow the town to obtain proffers to off-set these costs where developers seek higher densities. Also additional costs on a per-dwelling or per-square-foot basis will be less than would be expected under conventional development. Because of the compactness of development, the lengths of streets and pipes to serve the development will be far less than for a suburban pattern of development. And the households expected to predominate in the residences (empty nesters and young singles and couples) do generate as many school children per household as those found in suburban development. The allowed intensity of development will result in large increases in property tax and BPOL taxes.

The development that would occur under the proposed regulations is similar to that advocated by proponents of smart growth. Those proponents include numerous governmental agencies, nongovernmental organizations, and professional planning, transportation, and development associations, such as the US Environmental Protection Agency, Conservation Law Foundation, Lincoln Institute of Land Policy, International City/County Management Association, Urban Land Institute, National Association of Home Builders, National Association of Realtors, American Association of State Highway Transportation Officials, and Transit Cooperative Research Program, among many others. All of these

recognize the potential of the proposed zoning to create development that redresses the problems caused by conventional development and improves economic, environmental, and social conditions in the future.

II. Background: The proposed Zoning Ordinance, Official Zoning Map, DCSM, SLDR and Town Plan amendments presented below are the result of a multi-year effort by both the Town and private citizens to foster economic development in Leesburg in areas that may be underutilized, particularly adjacent to the historic downtown, in a physical form that is compatible with the character of Leesburg. For a brief history of the Crescent Design District, see **Attachment 8**. For a brief description of the Crescent Design District and how it differs from the Crescent Form-Based District, see below.

III. Description of The Crescent Design District: The proposed Crescent Design District is an alternative to pure form-based zoning that takes important design elements of the CFBD and combines them with conventional zoning to achieve an enhanced zoning district that should meet the goals of the Town for quality and traditional urban-style development while at the same time giving additional incentives to developers to undertake redevelopment.

A. TLOA-2012-0001 Zoning Ordinance Amendments - Crescent Design District vs. the

CFBD: The proposed Crescent Design District constitutes a major revision to the existing CFBD in an effort to retain what is attractive about form-based zoning while removing those elements that make it less feasible in a proffer-based development system. Note that the proposed ordinance is not a “watered down” or weaker version of the previous form-based code concerning design elements – those have actually been strengthened based on greater familiarity and practice with the code. What is different is that the by-right nature has been limited to retain some ability by the Council to influence, plan and mitigate the impacts of intense redevelopment, rather than just to react to the issues caused by that redevelopment. The major changes are described briefly below.

- 1. District Area is Larger.** The proposed Crescent Design District incorporates a larger portion of the area inside the bypass designated in the Town Plan as “Downtown”. This proposed area is comprised of 215 parcels and 420 acres compared to 80 parcels and 85 acres in the adopted CFBD. The area is larger than the original Crescent District in the Town Plan, and is larger than the area recommended for inclusion by the Crescent District Steering Committee. The reasons for the increased size are to include areas where the Town Plan calls for traditional urban-style development as proposed by the Crescent Design District and to incorporate properties in this same area that are undeveloped (such as land surrounding Izaak Walton Park). The area is shown in the Proposed Crescent Design District Map (see **Figure 1** below and **Attachment 1**, Appendix A).

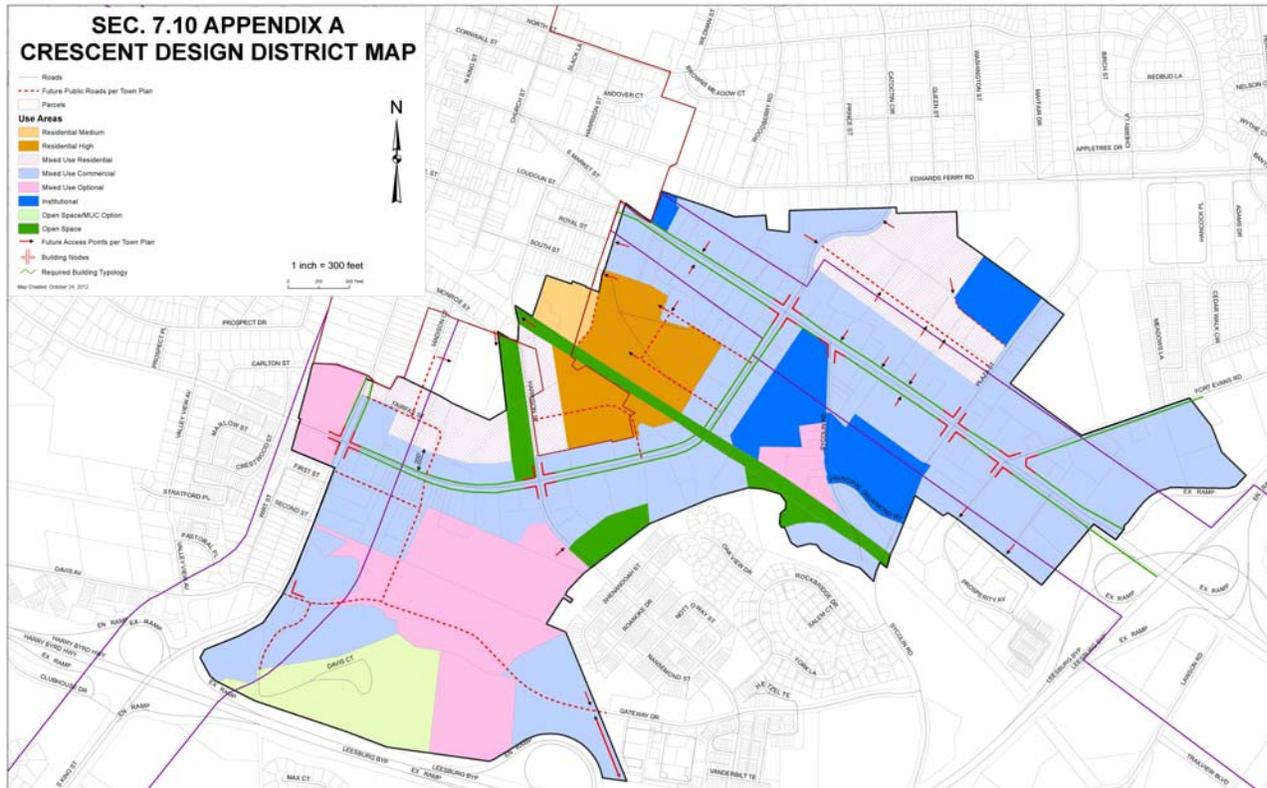


Figure 1 - Proposed Crescent Design District Map

2. **Specific Use Areas are Designated.** A major concern about the existing CFBD is that developers could choose to build only residential uses and that the goal of the Crescent District Master Plan to achieve a fine-grained mix of uses would not be realized. To eliminate this possibility and to ensure the mix of uses sought by both the Town Plan “Downtown” and “Crescent District” designations, specific use areas are shown on the proposed Crescent Design District Map (see **Figure 1** above). Eight specific use areas are proposed: two that are residential, four that require or permit a mixture of commercial and residential uses, one for institutional uses and one for open space. The residential districts are included to honor the core area of residential use proposed in the original Crescent District Master Plan and to serve as transition areas to existing residential uses outside of the district. Overall, this approach is similar to other jurisdictions that have form-based zoning to achieve mixed uses. See **Attachment 1**, Sec. 7.10.3.A Crescent Design District Map for a breakdown of the use areas. Also, specific uses have been added for each Use Area to describe what is permitted in each area in **Attachment 1**, Sec. 7.10.9 Use Regulations and Density/Intensity and Dimensional Standards.

3. **Rezoning Required for Increased Residential Density.** Under State of Virginia enabling statutes the only way for a locality to obtain money to offset the capital facilities impacts of high density residential and commercial development is through proffers voluntarily offered by an applicant as part of a rezoning application. When high density is by-right, the locality may not require monetary contributions or off-site infrastructure to offset the cost of public infrastructure improvements. Transportation and school capital facilities costs are two major public facilities

issues that give concern where the Town has no input on density. To remedy this, a rezoning requirement has been added in certain Use Areas to require a rezoning application approved by Town Council to increase density beyond the base density. See **Attachment 1**, Sec. 7.10.9 Use Regulations and Density/Intensity and Dimensional Standards for the base residential density limits. Note that the ordinance permits Town Council to set the residential density limit as part of a rezoning approval. Note further that there is no base density (known as a “Floor Area Ratio” or FAR) for by-right commercial development in order to encourage more dense nonresidential development in those Use Areas. Finally, Sec. 7.10.10 Rezoning Approval Criteria was added to provide criteria for the Commission and Council to use when considering a rezoning application for increased density.

- 4. Rezoning Required for Increased Height.** The existing CFBD includes a Building Heights Map that specifies maximum height based on location and other criteria. Generally, four stories were permitted by-right in most of the district. The proposed Crescent Design District also includes a Building Height Map (see **Figure 2** below) but with one major difference: heights above three stories require a rezoning. This arrangement allows the public facilities impact caused by additional density obtained through increased height to be offset by proffers.

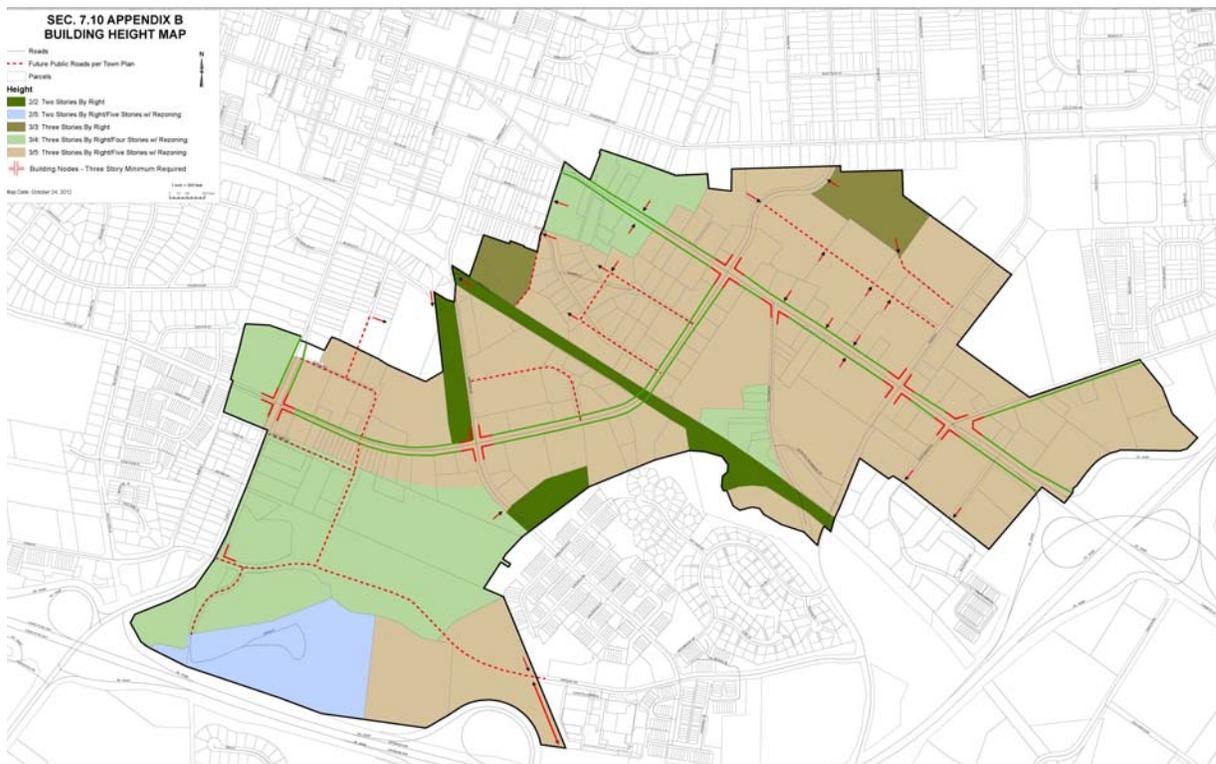


Figure 2 – Building Heights Map

The map also creates six “Height Zones” that designate maximum heights by-right and by rezoning throughout the district. See **Attachment 1**, Sec. 7.10.8 Height Zones for a complete description of the provisions regarding height in the Crescent Design District. The table below (Sec. 7.10.8.F) briefly summarizes the zones on the map.

Designation on Map	No. Stories By-Right	No. Stories Possible per Rezoning	Maximum Building Height	Minimum Stories/Height Required
2/2	Two (2)	NA	35 feet	One (1)/20 feet
2/5	Two (2)	Five (5)	70 feet	Two (2)/25 feet
3/3	Three (3)	NA	46 feet	Two (2)/25 feet
3/4	Three (3)	Four (4)	58 feet	Two (2)/25 feet
3/5	Three (3)	Five (5)	70 feet	Two (2)/25 feet
Intersection Building Node	Three (3) story minimum required for building at the corner	Depends on underlying story designation	Depends on underlying story designation	Three (3)/46 feet

Figure 3 – Height Zones Table

5. No Regulating Map – Town Plan. The existing CFBD relied on a “Regulating Map” to specify precisely where new streets to be added to the grid system would be located. Because the map became part of the Zoning Ordinance, flexibility with regard to street location was strictly limited, and this caused complicated provisions to be included in the CFBD regarding who was responsible for which street improvements as the area redeveloped. Further, the map caused concern regarding the strict nature of the road locations, and in light of a possible State Constitutional amendment regarding the definition of eminent domain, an alternative to the Regulating Map was necessary. The solution is two fold:

- **Follow the Town Plan.** For completion of the grid street system, follow the practice currently used by the Town. That is, when an owner develops by-right, staff looks to see if the Town Plan indicates a planned road on the property. If yes, staff recommends that the developer provide the road. In the case of the Crescent Design District, the roads are needed to handle local traffic, including increased traffic caused by the developer, so to meet current access standards it is anticipated the local roads will be obtained. In the case of a request for increased density through rezoning, Commission and Council can apply the Town Plan street recommendations as part of their reasoning for approval or denial of the application. As a result, the Town Plan Crescent District Future Streets Policy Map is proposed for amendment to indicate the desired grid system on a new Map entitled the “Crescent Design District Future Streets Policy Map” (see **Figure 5** below). How and when streets shall be provided is described in **Attachment 1**, Sec. 7.10.11 Streetscape Requirements.
- **Proposed Grid System.** The desired street grid system is indicated on the proposed Crescent Design District Map (see **Figure 1** above) as a series of red dashed lines for illustrative purposes only. Unlike the Regulating Map, these roads are *not required* by the map and applicants are instead instructed to reference the Town Plan Crescent

Design District Future Streets Policy Map for recommended road locations and the text for an explanation of the map and how it should be used. Black arrowheads on the map indicate preferred access points for new roads whose exact alignment may be varied substantially so long as the connection is made and the road meets Town and VDOT standards.

6. Design Elements Remain. Major design elements of the CFBD remain an essential part of the Crescent Design District to achieve the more urban, aesthetically pleasing and pedestrian oriented redevelopment described in Town Plan goals. Most of these elements have been revised to incorporate the changes described above and to improve the functioning, practicality and implementation of the district for both applicants and the Town. A brief description of how certain elements have been revised is described below:

- **Architecture.** Due to the removal of the street-based Regulating Map, the architectural design moved away from a uniform “street frontage” type of architecture that required specific building types at specific locations. For example, “General Urban Frontage” and “Residential Frontage” mandate specific building types along particular roads. Instead, more building design requirements have been added to better achieve a traditional feel for new buildings while providing a higher, more defined degree of flexibility for applicants similar to the traditional downtown core (see **Attachment 1**, Sec. 7.10.6 Building Type Specifications).
- **Modifications.** To better entertain modification requests a detailed modification process with application requirements and standards to guide the Zoning Administrator and the Planning Commission has been added (See Sec. 7.10.12 Modifications).
- **Signs.** This section has been deleted because additional, more restrictive sign regulations were not considered necessary or desirable.
- **Dimensional Standards.** These are the rules regarding where a building and parking can be located on a property expressed as “Building Frontage Requirement” “Build-to Line” and “Parking Setback Line”. Generally, these rules remain the same except that a modification of the Building Frontage Requirement has been added to permit the Zoning Administrator to decrease it down to 50% (instead of 66% for residential buildings and 75% for commercial buildings) where open space is provided. See **Attachment 1**, Sec. 7.10.4 Siting Standards for specific provisions.
- **Streetscape.** A major function of form-based zoning is to obtain a multi-modal oriented street system that is safe for both vehicular traffic and pedestrians. This goal is met in the Crescent Design District but several changes are proposed, including:
 - a. **Street Types Reduced.** The number of street types has been reduced from five to three to simplify the ordinance and to make the median required for E. Market Street and Catoctin Circle an option where practical.
 - b. **Street Tree Details Added.** To make certain street trees that are planted can survive in the urban environment, street tree details are added to the DCSM.

- c. **Alley Language Revised.** The language regarding alleys in Sec. 7.10.11.H Alleys has been revised to reference the DCSM which has been appropriately amended to address alleys.

- d. **Traffic Impact Analysis Required.** A major feature of the CFBD is that it does not require a traffic impact analysis (TIA) for development under any circumstances. Because the Town uses TIAs to assess the traffic improvements that are necessary as a result of a development, the lack of a TIA requirement means that the Town would have to conduct the study to determine the traffic impacts and then would be solely responsible for correcting them. In an effort to aid the Town in assessing impacts for by-right development, a modified traffic study is recommended as a requirement of the Crescent Design District. For rezoning applications, a TIA shall be required the same for a rezoning outside of the district. Note that in both cases an application can still request a waiver of the TIA. See **Attachment 1**, Sec. 7.10.11.I Transportation Impact Analyses.

- e. **Parking.** The existing CFBD had its own, unique mixed use parking table and process to reduce parking, gave non-residential uses credit for off-site public spaces within 1,500 feet, and permitted the “Pay-in Lieu” option for non-residential uses similar to the H-1 District throughout the CFBD. Analysis led to the conclusion that this was both unnecessarily complicated and overly generous and would likely result in parking shortages. To remedy this, the proposed Crescent Design District does the following:
 - Decreases off-site parking credit to apply only to public spaces along a developer’s own lot frontage.
 - Deletes the Pay-in Lieu option for nonresidential uses.
 - Deletes the separate mixed use table and instead relies on Zoning Ordinance Sections 11.4.2 and 11.4.5 to authorize parking reductions (see Attachment 1, Sec. 7.10.5.A Parking).

7. **Summary Table.** In order to highlight some of the major differences between the existing CFBD and the Crescent Design District, the following comparison table is provided (see Figure 4 below). Most of these items have been discussed above.

Crescent Form-Based Code vs. Proposed Crescent Design District COMPARISON TABLE		
ELEMENT	ADOPTED CFBD	PROPOSED CRESCENT DESIGN DISTRICT
Architectural Control	Yes	Yes
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')
Building built to Street	Yes	Yes
Parking behind Building	Yes	Yes
Building	Yes	Yes
Design/Materials		
Density Increase	Yes – up to 100%	Yes - approx. 25% for by right but higher increases require rezoning*
Extension of Street Grid	Yes - Required by Regulating Map	Yes - Per Town Plan
Streetscape - Pedestrian Oriented	Yes	Yes
Streetscape – Consistent and Attractive	Yes	Yes
Medians on Catoctin and E. Market Streets	Yes	Optional where practical
Threshold Trigger	Yes – 10%	Yes – 10%
Mixed uses Guaranteed	No	Yes
Open Space Required	No	Yes
Pay-in-Lieu Option available	Yes	No
Residential Permitted	By Right: SFD, TH & MF	By Right: either 8 or 12 DUs/acre but higher density requires rezoning
Traffic Study	No	Yes but with limited scope in by right cases**

* For similar permitted uses.

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

Figure 4 – Comparison Table

8. Other Zoning Ordinance Amendments. To fully implement the Crescent Design District, amendments to eight other sections of the Zoning Ordinance (other than Sec. 7.10 Crescent Form-Based District) are necessary. These changes include the following:

- Sec. 7.5.3 Historic District Created, Established to delete the Barber and Ross and the Perry Properties from the H-1 District.
- Sec. 7.6.2 District Created to amend the text to delete H-2 Overlay areas included in the Crescent Design District.

- Sec. 9.3.21 Recreation Facilities standards to accommodate the Crescent Design District.
- Sec. 11.4.2 Shared Parking (Joint Use) to authorize the Land Development Official to allow parking reductions based on criteria found in the ordinance.
- Sec. 11.4.5 Shared Parking (Mixed Use) to authorize the Land Development Official to allow parking reductions based on criteria found in the ordinance.
- Article 18 Definitions to add a definition for “2 over 2” dwellings.

For the complete text of these proposed amendments please see Attachment 4, Related Zoning Ordinance Amendments.

B. TLZM-2012-0004 Official Zoning Map Amendments: The Official Zoning Map of the Town of Leesburg must be amended to establish the Crescent Design District as a fully operating zoning district. The area subject to these proposed zoning regulations has been described above and is shown in *Figure 1 Proposed Crescent Design District Map*. Note that the H-1 (Overlay, Old and Historic District) and the H-2 (Historic Corridor Architectural Control Overlay District) will be removed from the area subject to the Crescent Design District. To make comprehension of zoning lines easier to understand, the Official Zoning Map will show the Crescent Design District with an inset map to illustrate the sub-districts.

C. TLOA-2012-0002 Design and Construction Standards Manual Amendments (DCSM):

To maintain consistency with the Crescent Design District, certain sections of the DCSM must be amended. These include the following:

1. Amend Article 5 Storm Drainage, Sec. 5-245 Gate Inlets and Yard Inlets to permit Standard VDOT DI-2 inlets within the parallel parking lanes in the Crescent Design District.
2. Amend Article 7 Transportation as follows:
 - Sec. 7-111 Preparation of Traffic Studies to provide for specific technical requirements for traffic studies and when such studies are required in the Crescent Design District.
 - Sec. 7-210.2 to include a description of the road types in the Crescent Design District and specify the applicable design criteria based on road type.
 - Amend Sec. 7-300 Street Design Requirements to include requirements for streets in the Crescent Design District.
 - Amend Sec. 7-310 General Criteria to include a reference to the Zoning Ordinance.
3. Amend Appendix A Construction Standards to:
 - Provide revised sidewalks standards to accommodate the Crescent Design District.
 - Add a street tree detail regarding planting standards.

For the complete text of these proposed amendments please see Attachment 5, DCSM Amendments.

D. TLOA-2012-0003 Subdivision and land Development Regulations (SLDR) Amendments:

To maintain consistency with the proposed Crescent Design District, amendments to the SLDR are not required, but the following sections are proposed to be amended to make the document more clear and user friendly. These include the following:

1. Amend Division 2 Subdivision, Sec. 2.03 Inactive Applications to increase the required period of inactivity from six months to one year and reduce the number of extension requests from five to four requests.

2. Amend Division 3 Development, Sec. 3.02 Inactive Applications to increase the required period of inactivity from six months to one year and reduce the number of extension requests from five to four requests.
3. Amend Division 5 Required Installation of Public Improvements, Sec. 5.10 Off-Site Improvements to specify when pro rata share contributions for waterline, sewerage and drainage facilities shall be paid.

For the complete text of these proposed amendments please see Attachment 6, SLDR Amendments.

E. TLTA-2012-0001 Town Plan Amendments:

1. **Existing Town Plan.** The Town Plan currently designates the area north and west of the Leesburg Bypass as the Central Policy Area. Within this policy area is a land use category designated as Downtown on the Planned Land Use Policy Map. The Downtown category states in part that (Town Plan, page 6-24),

. . . many properties along South King Street, East Market Street, and the southeastern quadrant of Catoctin Circle (the Crescent District) are occupied by mid-20th century retail and industrial land uses. These areas offer opportunities for rehabilitation, significant redevelopment, and infill. Such development should extend the character of the original Old and Historic District, with a fine-grained mix of multi-story buildings in a pedestrian-friendly environment.

Chapter 11 of the Town Plan concerns the Crescent District which is a sub-category of the Downtown and stretches from west of South King Street, north beyond E. Market Street, south of Catoctin Circle and east to Plaza Street. The Crescent District seeks to extend the traditional development patterns of the Old and Historic District with its mix of uses and grid street pattern to an area of the Downtown that has developed previously along suburban commercial lines. The existing Crescent District described in the Town Plan has a specific Land Use Policy Map, Building Height Policy Map and Future Streets Policy Map.

2. **Proposed Crescent Design District.** The proposed Crescent Design District is intended as a practical revision to this policy area taking into account information that has been learned through review of the CFBD to achieve a larger district Downtown that follows through with the intent of the original Crescent District. To that end, amendments to the “Town Plan” are proposed to establish a new planned land use category to be known as the “Crescent Design District” within the Central Planning Area and comprising a portion of the area currently designated as “Downtown” on the Planned Land Use Policy Map. The Crescent Design District is intended to be a planning district that respects the character of Leesburg's historic downtown while providing a transition to more automobile-oriented parts of the community and which permits a mix of uses that recognizes Leesburg's role as a center of retail, office and residential uses for Loudoun County. To maintain consistency between the Town Plan and the proposed Crescent Design District, the following amendments to the Town Plan are recommended:

- i. In Chapter 6 Land Use (p. 6-24) a “Crescent Design District” policy area description has been added after the “Downtown” category. The new policy reads as follows:

Crescent District

Within the Downtown portion of the Central Planning Area is the Crescent District. This area is adjacent to the H-1 Old and Historic District and makes up a good portion of the southeast quadrant of the Central Planning Area. The goal of the Crescent District is to extend the general development pattern, prominent in the Old and Historic District, into areas east of the downtown and to encourage redevelopment that will be compatible and complement the development patterns in the downtown. More discussion about this district is contained in Chapter 11 along with more specific policy guidance.

- ii. In Chapter 11 Crescent District various amendments are proposed, including the following:
1. Amend the “Architecture” section on p.11-8 to reference the Crescent Design District instead of the Crescent District.
 2. Amend the “Building Heights” section on p. 11-9 to reference the Crescent Design District and heights of a maximum of 70 feet instead of the current 75 feet.
 3. Amend Land Use beginning on page 11-11 to delete Objectives 1-9 of the Crescent District. These objectives are captured within the proposed Crescent Design District ordinance.
 4. Amend the “Housing” section on p. 11-14 to delete Objective 2 regarding the percentage of affordable housing because current agreements with Loudoun County do not permit additional affordable housing in this area.
 5. Amend the “Transportation” section on p. 11-15 to describe the proposed street system and how it should be implemented.
 6. Replace the “Crescent District Future Streets Policy Map” with a new street layout shown on a “Crescent Design District Future Streets Policy Map” (**Figure 5** below). The map shall be added to Appendix D. Policy Maps.

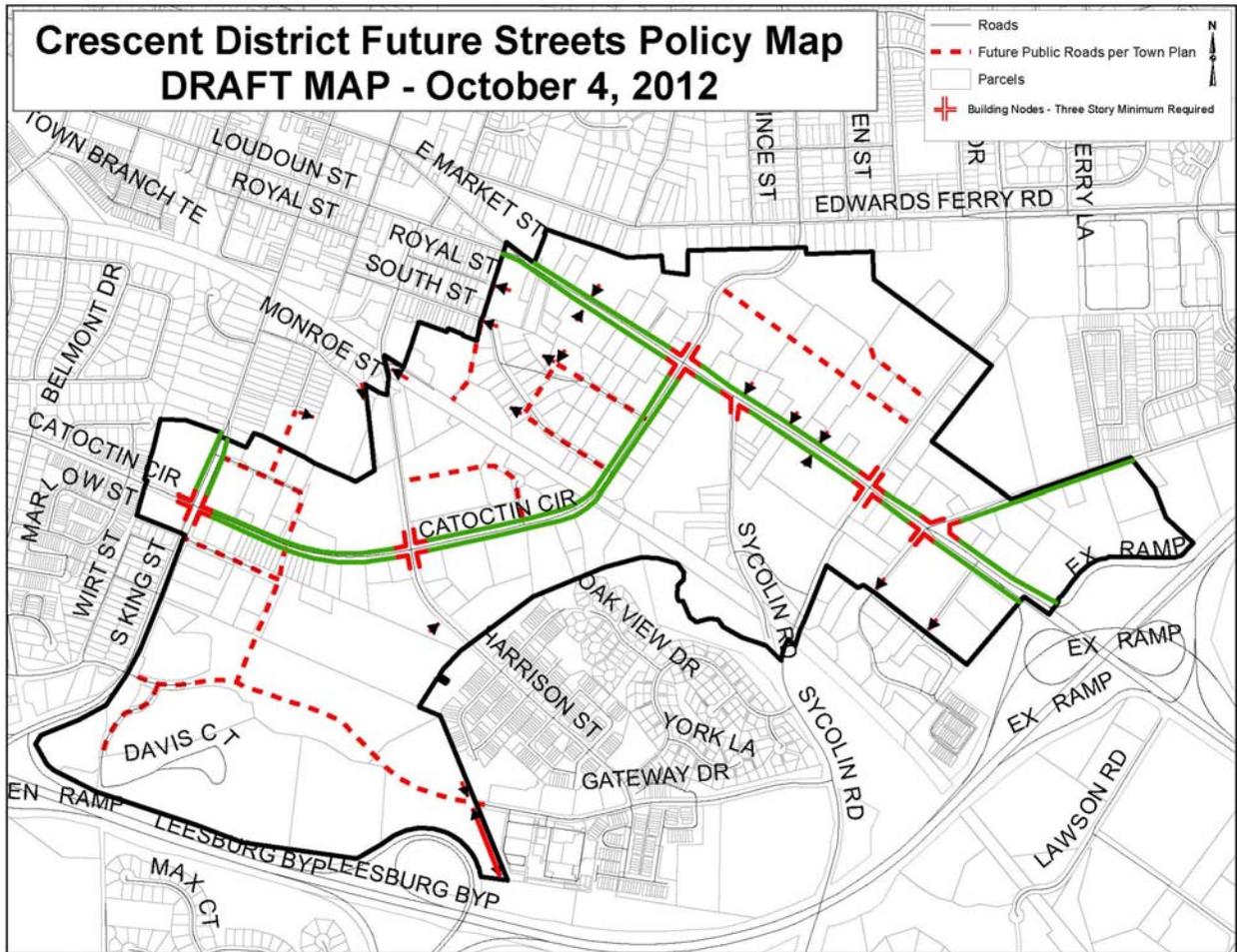


Figure 5 – Crescent District Future Streets Policy Map

7. Replace the Crescent District Land Use Policy Map with a new map showing general areas for three use categories: residential, commercial and mixed use (see **Figure 6** below).

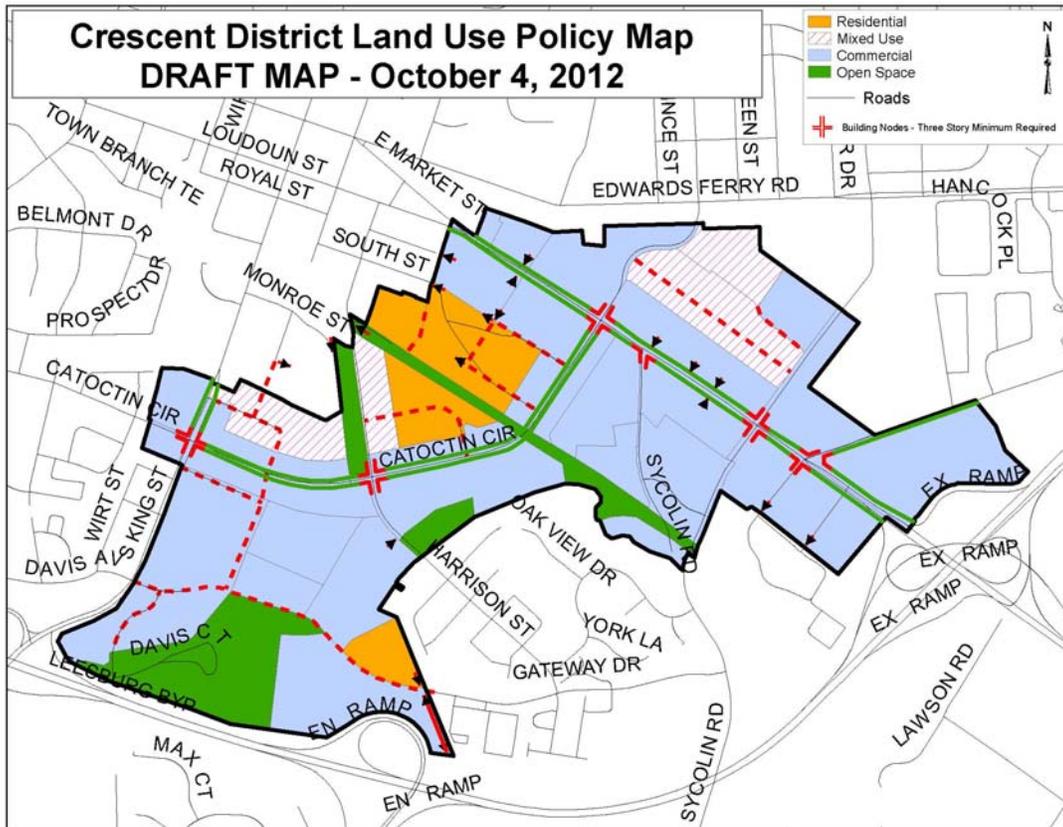


Figure 6 – Crescent District Land Use Policy Map

- iii. In Chapter 9 “Transportation” amend the “Transportation Corridor Objectives” beginning on p. 9-12 to add a Crescent Design District road network which shall reference the “Crescent Design District Future Streets Policy Map” mentioned above.

3. Town Plan Summary. Taken together, the amendments to the Town Plan will be consistent with the proposed Crescent Design District and will facilitate the grid street network. Most importantly, the amendments remove some of the planned specificity regarding uses and streets in the original Crescent District Master Plan that would be difficult to achieve through zoning and a pure form-based code. For the complete text of these proposed amendments please see **Attachment 7, Town Plan Amendments**

IV. Public Input Sessions: A public input session was held on Tuesday, September 18, 2012. Approximately 12 citizens other than original Crescent District Steering Committee members or Town officials/appointees attended the session. The major concern was whether or not the proposed Crescent Design District provides enough incentive for owners to redevelop in the area. Specifically, the limitation of three (3) stories by-right raised concerns that the design costs coupled with brownfield redevelopment costs in the district may be too great to convince developers to build in the district. The limitation of by-right residential uses to the third floor only in the large Mixed Use Commercial Use Area also raised concerns that the option is too restrictive and will not achieve mixed use buildings. Suggestions were made to raise by-right building height to four stories in some Use Areas and to require non-residential

uses on the ground floor only in the Mixed Use Commercial Use Area. A meeting with the Development Advisory Group (DAG) was held on October 17, 2012 which was attended by members of the private sector familiar with land development generally and Leesburg specifically. Their comments are incorporated below.

V. Planning Commission Public Hearing and Discussion: The issues raised by the Commission and the public during the hearing and input sessions are listed below with Staff's response:

- **Medians should be Retained.** The Commission and citizens stated that the medians for E. Market Street and Catocin Circle included as part of the Crescent Form-Based District should be added back to the Crescent Design District. The reasons cited included to act as traffic calming to slow down car speeds and for protection of pedestrians crossing these major streets. **Response:** *Staff revised Sec. 7.10.11.2 Street Types to amend the street section for Catocin Circle and E. Market Street to permit medians as an option subject to special conditions, including sufficient demonstration of adequate ingress and egress and compliance with Town and VDOT traffic engineering standards. In light of the adoption of the amendment to the State Constitution regarding eminent domain, the installation of medians may be less feasible.*
- **Decrease Use Areas.** Several members of the public recommended that the CD District zoning use areas be simplified in order to encourage assemblage of parcels and redevelopment. **Response:** *Staff eliminated the Employment (CD-E) commercial district. In the two places it exists on the map it will be replaced by the Optional Mixed Use Commercial (CD-OMUC) Use Area. The CD-E was intended to capture places where residential is unlikely to occur or where light industrial style uses could be built. Staff believes the CD-OMUC Use Area is an appropriate replacement because it retains the flexibility for residential use while allowing a wide range of nonresidential uses. To make it more possible for light industrial uses to occur, "Manufacturing and assembly" and "warehouse, accessory" have been added as special exception uses to the CD-OMUC Use Area.*
- **Simplify Classifications.** DAG members suggested that the mixed use district classifications could be consolidated to encourage assemblage of parcels and redevelopment. Uses not deemed appropriate for some areas of Town could be designated as Special Exception uses which would permit additional review for location, intensity, impact. **Response:** *Staff believes the Use Tables as proposed are consistent with the intent of the Crescent District Master Plan which assigned specific uses to particular areas and minimizes special exception uses which, in any case, cannot require proffers.*
- **Flexibility of Use Area Lines.** Members of the public asked if the district use areas shown on the map are codified, is there a mechanism for flexibility if the property owner/developer chooses the "by-right" option? As currently written, is this advantageous to the property owner? **Response:** *Staff believes the Town Plan language allows this flexibility as part of a rezoning request. The proposed Use Areas now follow existing property lines so an owner knows what is permitted on a particular property. If a developer assembles areas of land that are zoned mixed use but he wants to build purely residential there, that request can be made as part of a rezoning and should not be allowed by right.*
- **Increase By-Right Height.** One DAG member requested that limits should be reviewed to make sure all forms of construction can be accommodated according to current building practices.

Recommend increasing 48' to 60' in order to accommodate alternative roof structures and rooftop mechanical structures. **Response:** *Staff believes the current proposed by-right height of 46 feet is adequate to permit three stories even under modern building requirements.*

- **Clarify Grandfathering for Applications in process.** Commissioners and citizens asked what will happen to applications that have been accepted for processing under the old ordinance if this is adopted? **Response:** *Staff recommends that applications in process be grandfathered under existing zoning rules so long as an application has been submitted and officially accepted for processing prior to adoption of the CD District.*
- **Remove Roads from Crescent Design District Map.** One DAG member stated that transportation elements should be relocated to the Town Plan and not shown as features on the CD District Map. It appears inclusion on the District Map will eliminate flexibility to change road alignments and access points without a rezoning action. **Response:** *Language in the CD District ordinance explains that the roads on the map have no force and instructs users to look to the Crescent District Future Streets Policy Map for potential road locations. Keeping the roads on the CD District Map helps users to interpret the map vis-à-vis the Town Plan.*
- **Retail Tenant Size.** The Planning Commission expressed concerns that “big box retail” could still build in the CD District despite the design and architectural requirements. **Response:** *Staff added language under Sec. 7.10.6 Building Type Specifications, to read as follows:*

Subsection 7.10.6.G.2.C. Retail Tenant Size Limitation. No single retail tenant shall occupy more than 50,000 gross square feet of space in a single building.

- **Lack of By-Right Residential Uses – Rezoning Requirement.** All citizen speakers expressed the opinion that the requirement for a rezoning to obtain high density residential uses would act as a disincentive to redevelop the area because of the time, expense and primarily the uncertainty regarding the results – what density would be obtained and at what price in proffers. The opinion was the district should concentrate more on form and less on density or else it risks not being attractive enough for developers. Planning Commissioners also expressed concern about the limited nature of the by-right residential uses and the potential disincentive caused by the proposed densities. Staff was asked if there were better ways to approach by-right residential density.

Staff notes that the CD District sets specific residential density limits in order to guarantee a reasonable transition from existing single-family residential neighborhoods bordering the district, to honor the Crescent District Master Plan’s goal for certain areas to be entirely residential, to allow the possibility for mixed use in most places in the district, and to allow the Town Council, Planning Commission and the public to weigh in when high density residential uses and taller buildings are proposed. Alternatives discussed included the following:

- **Make All Uses By-Right.** One proposal is to return to the original idea of the form-based code: dictate the form of development but not the uses. This would permit all uses by-right at whatever density an owner can achieve so long as the design criteria in the ordinance are followed. This would dispense entirely with a rezoning requirement for higher density. The pros and cons depend on ones position in the development chain. The pros from a developer standpoint are no rezoning application fees/costs, a quicker and simplified development process and no responsibility for off-site capital

improvements generated by the development, such as transportation or school facility costs. The cons are the locality is on the hook for any and all off-site capital infrastructure improvements generated by redevelopment, the costs of which are variable and difficult to predict, and there is no guarantee of mixed uses. Recently, market conditions have favored only residential development. Staff does not recommend this alternative.

- Set a Maximum Number of Residential Units for the CD District. Another alternative is to set a specific number of residential units that may be constructed in the CD District by-right and then let the market decide when and where they get constructed. For example, if the chosen limit is 1200 units, up to that number could be developed after which no more residential could be built in the CD District. The pros are all property owners know that there are a finite number of residential units available, the Town knows the total residential density of the district which can be set to eliminate school capital facility concerns, and nonresidential use is guaranteed in the district. The cons are that this could start a land rush to build residential projects because developers know it will run out, the residential uses may not be built where the master plans call for it, developers may build only purely residential land bays with no mixing of uses anywhere within the CD District, and the types of uses may be all or mostly one kind such as townhouses. Staff is also concerned that there may be legal issues because property zoned for residential uses may not be able to be used for residential purposes if other developers have pre-empted future residential development. Staff does not recommend this alternative.
- By-Right Residential within a Certain Area. A third idea is to designate a portion of the CD District as a by-right residential area and to require a rezoning for increased residential density only outside of this area. The most likely place for this by-right sector is the original Crescent District Master Plan (CDMP) core bounded by Harrison Street, Catoctin Circle and E. Market Street which called for residential uses. The pros are this area develops as residential which was the original intent of the CDMP but the major cons are the Town has no control over density and would be liable for off-site capital facilities costs with no possibility of proffers. Staff does not recommend this alternative.
- By-Right Height of 4 Stories with 3 Floors Residential Use. Another idea is to permit by-right a height of four (4) stories in most of the district with nonresidential on the ground floor and residential uses on the three upper stories. The pros are that this is a type of unit that has been built previously including in Loudoun County (e.g., Lansdowne) and may capture the current market that favors strong residential growth to spur redevelopment. The cons are the Town has no control over the total amount of residential use developed in the CD District and would be liable for off-site capital facilities costs with no possibility of proffers. Staff does not recommend this alternative.
- Keep Rezoning Requirement but add Flexibility. The Crescent Design District Map sets rigid zoning lines for the various use areas. One suggestion was to allow a developer to move beyond these rigid lines to include other use areas as part of a residential density increase rezoning request. The pros are that it gives developers additional flexibility to design a logical community while giving the Town the opportunity to negotiate for proffers to off-set capital facilities costs. Staff believes the Town Plan accommodates this possibility for reasonable increases. Too large a deviation may require a Town Plan Amendment as is currently the case.

2. **Rezoning Requirement for Increased Height.** Several members of the public were concerned that the requirement for a rezoning to increase height beyond three stories would be a disincentive to redevelop the area generally for the reasons cited above. The CD District sets specific maximum by-right height limits that generally follow the current maximum heights permitted in the existing B-2, B-3 and other zoning districts, but with the possibility to increase building height to four or five stories depending on location in the CD District. The maximum heights are generally based on the CDMP Building Height Policy Map which called for taller buildings away from the Old and Historic District. The possibility of allowing a full four (4) stories by-right was discussed above. The following is another alternative:
- **4 Stories By-Right with Step-Back.** To provide incentive to redevelopment one citizen suggested allowing four (4) stories by-right but with a step-back provision similar to those that exist in the B-1 District to move the upper stories further back from the public roads to reduce the impact of taller buildings. Besides its use in the H-1 District, this has also been used in Lansdowne in Loudoun County to mitigate four story buildings. The pros are a developer gets greater height by-right and greater density, but the additional height would not have the same visual impact. The cons the Town has no control over greater residential density and would be liable for off-site capital facilities costs with no possibility of proffers. Staff does not recommend this alternative. However, since the overall goal of the CDMP was to spur redevelopment of the area, including nonresidential uses, and taller building heights were included, Staff proposes the following alternative: For *nonresidential uses only*, allow four (4) stories by-right but the fourth story must be stepped back 45 degrees from the front and at least 10 feet from the back. Appropriate language could be added to Sec. 7.10.8 Height Zones to accommodate this alternative.
 - **Planning Commission Alternative:** The Planning Commission asks Council to consider one further option: allowing four (4) stories by right for *any* use so long as the top story is stepped back as described above. The Commission believes this would give appropriate incentive to redevelopment in the CD District without leading to drastic residential density increases because of the area lost due to the step back. In addition, the appearance of the buildings will be rendered less massive by the setback.

Below is a chart that summarizes the information set forth above. The pros and cons in some cases depend upon one's perspective, whether one is an owner or developer, or the Town.

Rezoning/By-Right Alternatives Summary Chart			
Proposal	Pros	Cons	Staff Recommendation
Make All Uses By-Right	<ul style="list-style-type: none"> • Certainty • Quick and simplified development process 	<ul style="list-style-type: none"> • No proffers • No guarantee of mixed uses • Residential density uncertain 	Not recommended.
Set a Maximum Number of Residential Units for the CD District.	<ul style="list-style-type: none"> • Town knows residential density • Nonresidential uses guaranteed • Quick and simplified development process 	<ul style="list-style-type: none"> • Land rush to build residential till run out • May be no mix of uses on property • Residential may not be built where Town Plan desires it • Legal concerns 	Not recommended.
By-Right Residential within a Certain Area.	<ul style="list-style-type: none"> • Ensure CDMP core residential area 	<ul style="list-style-type: none"> • Residential density uncertain • No proffers 	Not recommended.
By-Right Height of 4 Stories with 3 Floors Residential Use.	<ul style="list-style-type: none"> • Development incentive • Quick and simplified development process • Unit type built in Lansdowne 	<ul style="list-style-type: none"> • Residential density uncertain • No proffers 	Not recommended.
4 Stories By-Right with Step-Back.	<ul style="list-style-type: none"> • Increased density • Less visual impact 	<ul style="list-style-type: none"> • Residential density uncertain • No proffers 	Not recommended.
4 Stories By-Right with Step-Back for Nonresidential Use only.	<ul style="list-style-type: none"> • Increased density • Less visual impact • Incentive for nonresidential use 	<ul style="list-style-type: none"> • No proffers 	Consider
4 Stories By-Right with Step-Back for all Uses.	<ul style="list-style-type: none"> • Increased density • Less visual impact • Incentive for redevelopment 	<ul style="list-style-type: none"> • No proffers 	Suggested for consideration by the Planning Commission

VI. Staff Recommendations: Staff recommends that the amendments to the Town Plan, Zoning Ordinance, Design and Construction Standards Manual, Subdivision and Land Development Regulations, and the Official Zoning Map be approved to establish the Crescent Design District as proposed in the staff report dated November 13, 2012. Draft ordinances are included for the related application below.

Attachments

1. Draft Crescent Design District Zoning Text (Clean Version)
2. Draft Crescent Design District Map
3. Draft Building Height Map
4. Related Zoning Ordinance Amendments
5. DCSM Amendments
6. SLDR Amendments
7. Town Plan Amendments
8. Brief History of the Crescent Design District
9. Draft Crescent Design District Ordinance
10. Draft Official Zoning Map Ordinance
11. Draft DCSM Ordinance
12. Draft SLDR Ordinance
13. Draft Town Plan Amendments Ordinance