



Date of Council Meeting: December 10, 2012

**TOWN OF LEESBURG
TOWN COUNCIL WORK SESSION**

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 that Town Council consider the information contained in this memo to provide direction to staff at the work session on December 10, 2012 regarding potential revisions to the Crescent Design District.

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?

Background: On November 26, 2012 the Town Council held a work session on the draft Crescent Design District. At that meeting Council considered potential revisions to the CD District and received additional information regarding aspects of the proposed zoning. Council comments regarding the alternatives presented and other comments are summarized below.

Council Discussion: Council members noted the following questions, comments or concerns with the information presented:

- 1. By-Right vs. Rezoning.** The proposed CD District divides development into by-right and rezoning scenarios, with by-right densities and heights calculated to meet Town Plan minimum objectives and densities while not taking any height-related rights away from existing properties. Council discussed two alternatives presented by staff. One all by-right alternative received no support from Council and is therefore not included below. The remaining alternative is accompanied by three *new* alternatives, including one presented by Councilman Butler.

Corridor Alternative 1: Five Stories By-Right (discussed at 11/16/12 Work Session).

This alternative would allow five stories by-right along portions of Catoctin Circle and E. Market Street subject to these specific limitations (see Figure 1 below):

- Five (5) stories should be permitted by right 300 feet from the right-of-way line on either side of Catoctin Circle from its intersection with S. King Street north to its intersection with E. Market Street.
- Five (5) stories should be permitted by right 300 feet from the right-of-way line on either side of E. Market Street from its intersection with Catoctin Circle east to its intersection with the Route 7/15 Bypass.
- In the case of any building built in these locations, the ground floor *must* be occupied by nonresidential uses.

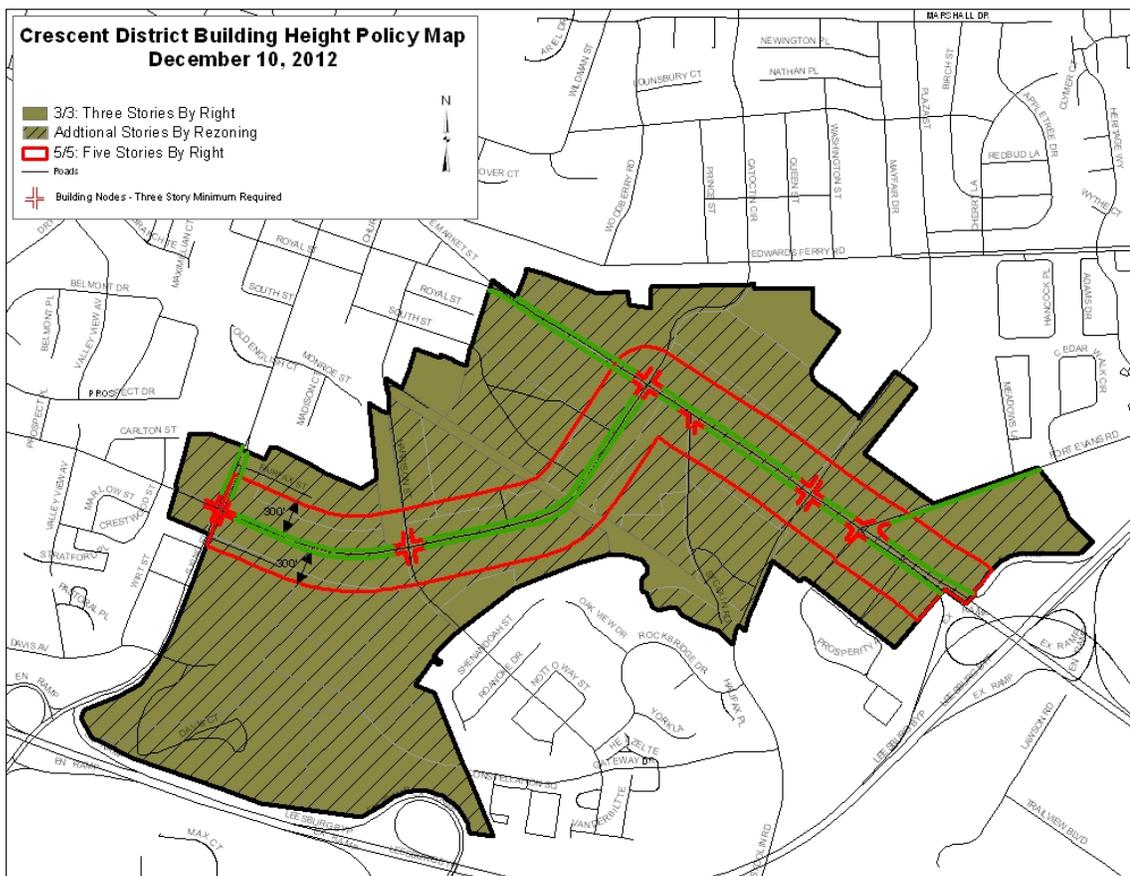


Figure 1 – Town Plan Building Height Map showing 5-Story Height Corridor

Council expressed mixed support for this alternative. Some stated it is a good compromise to extend the traditional pattern of downtown Leesburg while increasing economic investment and property values to revitalize the area while still leaving the possibility for proffered rezonings in most of the CD District. Others expressed concern that although the downtown area needs more residents, this alternative could make it more of a residential district than a commercial one. Specifically, the impact on infrastructure such as transportation, stormwater management, wastewater treatment capacity and school capital facilities were mentioned. Some stated that five stories by right is too generous and that other communities such as Fairfax City have seen revitalization with three stories.

Corridor Alternative 2: Five Stories By-Right with Stepback: This alternative is the same as the Alternative 1 Five Stories By-Right explained above (commercial required on 1st floor; Multi-Family (MF) use allowed on upper stories by-right), *except* that there is one additional limitation:

The fifth story must be stepped back from the front of the building by a minimum distance of twenty (20) feet.

See Figure 2 below. The purpose of this setback is to limit the visual impact of the top story.



Figure 2 – Fifth Story Setback

Alternative 3: Four Stories By-Right. This alternative is the same as the Alternative 1 (commercial required on 1st floor; MF use allowed on upper stories by-right), except that the number of by-right stories is limited to *four* (see Figure 3 below). The effect of this is to decrease the potential number of by-right residential units in this corridor by 25% while allowing a taller by-right height (58 feet) that provides extra incentive to developers. Staff noted that originally as planned in the Town Plan and in the CD District, this core area had less residential potential and was mostly commercial in nature. This alternative is closer to that goal of providing

a balance between commercial and residential uses. Note that in this corridor five stories are still possible through a rezoning application. Four story pure commercial buildings would also be by-right.



Figure 3 – Four Stories By-Right

Alternative 4: Five Stories By-Right with Stepback; Commercial Uses Only. This option is proposed by Councilman Butler. It would allow by-right commercial use only on all 5 stories with a mandatory 20-foot stepback for the top story. In addition, an applicant can ask for MF residential uses through a rezoning for up to 5 floors

The following chart summarizes the alternatives discussed above.

No.	Alternative	Description
1	Five Stories By-Right	Commercial required on 1 st floor; MF allowed on 4 upper stories by-right
2	Five Stories By-Right with Stepback	Commercial required on 1 st floor; MF allowed on upper stories by-right; Fifth story must be stepped back 20 feet from the front of the building.
3	Four Stories By-Right	Commercial required on 1 st floor; MF allowed on 3 upper stories by-right
4	Five Stories By-Right with Stepback; Commercial Uses Only	Commercial required on all floors; Fifth story must be stepped back 20 feet from the front of the building; can rezone to permit residential uses on up to all 5 floors

Area Option Outside of Corridor. Councilman Butler proposes a revision to this area that designates most of the area south of the E. Market Street/Catoctin Circle Corridor as a primarily commercial by-right district but with the possibility to rezone to obtain additional height and/or increase residential use. This is accomplished by amending the proposed CD-C (Commercial) Sub-District as described below:

Councilman Butler and staff: Outside of Corridor, one base zoning district (CDD-MXD) that is *by-right* with the following criteria (see Figure 4):

- i. Three (3) stories maximum height;
- ii. First (ground) floor must be commercial; the two upper floors can be residential or commercial;
- iii. Option to rezone to a district called CDD-MAX to get additional height as shown per the Building Height Map plus option to do all residential, all commercial, or integrate the uses.
- iv. Maintain the Medium Density Residential, High Density Residential and Residential Mixed Use sub-districts north of the Corridor to honor the Crescent District Master Plan.
- v. Add performance criteria to CDD-MAX to require a commercial to residential ratio to guarantee a mix of uses throughout the district with an option for Council to vary the ratio during the rezoning process. There is a need to develop ratios and performance criteria to avoid unintended consequences, such as all residential rezoning requests that fail to achieve a mixed of uses.

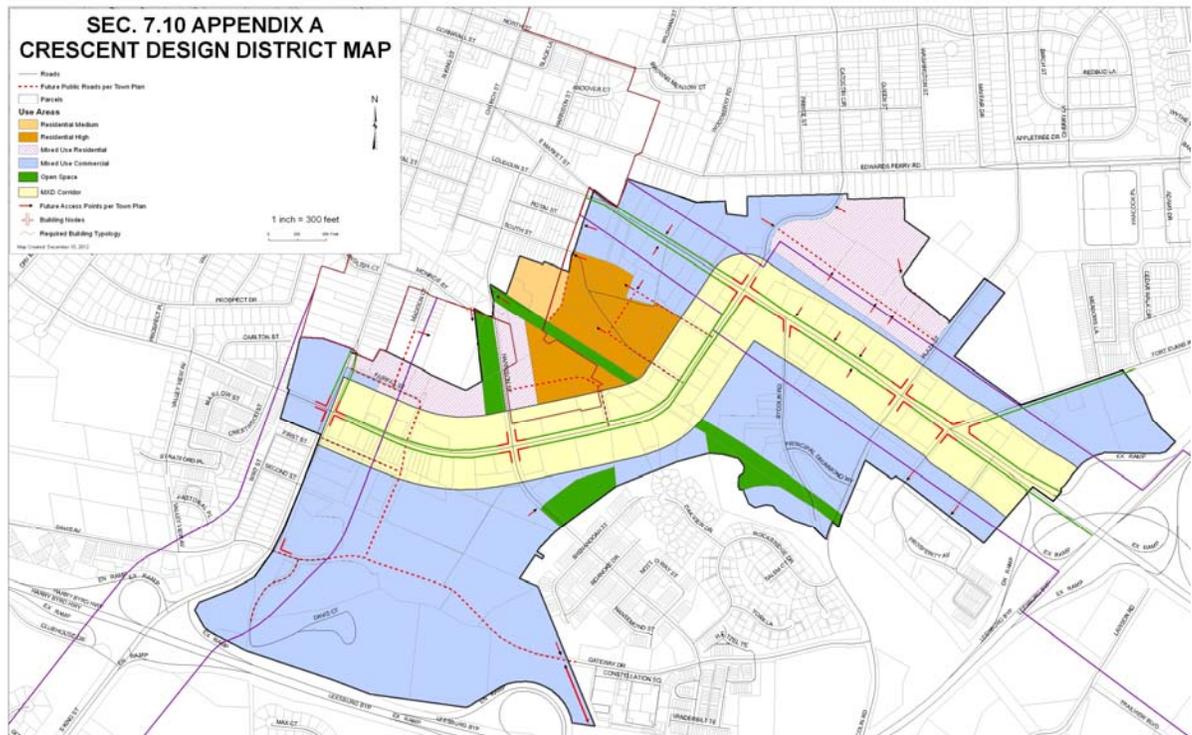


Figure 4 – CD District Map showing Corridor and Area Option

This sub-district allows one to achieve the maximum number of floors allowed under the Building Height Map (4 or 5 stories). In addition, an applicant can seek increased residential use

as part of the rezoning subject to performance criteria to guarantee a mix of uses throughout the district with an option for council to vary the commercial/residential mix ratio during the rezoning process. Applicants would have the option of proposing purely residential buildings in some locations so long as they meet a commercial/residential ratio or provide Council with justification to vary the ratio through the rezoning process.

This proposal simplifies the CD District map by eliminating three sub-districts (Mixed Use Optional, Institutional and Open Space/MUC Option) and revising the CD-C (Commercial) sub-district as described above (see Figure 4). The intent is to ensure a commercial-based streetscape in the CD-C Sub-District along existing and proposed roads shown on the Crescent Design District Future Streets Policy Map. More residential use is possible but only through a rezoning action which affords Council the authority to receive mitigation through proffers. A commercial to residential ratio would guarantee a mix of uses in the district so that residential uses do not dominate the CD-C area.

- 2. District Size.** The proposed district size is substantially larger than the original Crescent Form-Based District and somewhat larger than the district recommended for study by Council in July 2012. Council questioned the inclusion of certain properties on Fort Evans Road and Prosperity Avenue but made no definitive direction to staff to delete any properties. However, due to the unique function of the public safety center and the fact that expansion plans have been made and phased construction of these plans is underway, staff recommends that this property be deleted from the Crescent Design District Map. Figure 4 above shows what this revision would look like.
- 3. Transitions to Residential Areas.** During consideration of the CD District staff has been cognizant about the need for appropriate transitions from existing residential areas to the new district. One idea discussed was to use the method employed in TLZO Sec. 10.4.5.F Increased Setback Adjacent to residential Use for Certain Districts. That section states the “front, side and rear yard minimum setback shall be increased to be equal to the height of the building where the building height exceeds the required minimum yard setback adjacent to residential districts” In the case of the CD District, this means that if a building is 58 feet tall, it must be set back a minimum of 58 feet from property line adjacent to a residential district. Staff has amended CD District Sec. 7.10.8 Height Zones to require this transition in all cases around the perimeter of the district.
- 4. Fiscal impact on Utilities Plant Capacity.** Staff noted that water and sewer treatment plant capacity may not require any increases in plant size even with ultimate build out of the CD District but it ultimately depends on final density. Council asked how much plant capacity would be left over after all of the other commitments had been met and the estimated figure is 500,000 gallons (based on other planned development obligations, if all of this capacity were used it would cause the wastewater treatment plant to operate at 7 million gallons a day whereas its full capacity is 7.5 million gallons a day). This 500,000 gallons represents about 6.7% of capacity, which means that the plant would be operating at 93.3% capacity if 7 million gallons were processed daily. Council asked if State Law would require the Town to start our next plant expansion when we reach 80% capacity (6 million gallons), noting that in the past this had been the case. According to Deputy Director of Utilities Aref Etemadi, in the past that was correct, but the regulatory thinking has changed. State agencies now look at “loading” more than the flow capacity. Facility permits are issued based on 3 criteria: (1) design flow capacity; (2) Nitrogen (N) loading; and (3) Phosphorous (P) loading. As long as one does not violate these two loadings (N,P) allowed per year then an expansion will not be required. So what does that mean for the

Town? Based on current estimates the flows will not exceed our plant capacity of 7.5 mgd for the service area. Based on this knowledge the Town should not need another expansion unless our service area changes drastically and the flows cannot be met. However, the Town may need an upgrade if we are not able to meet the loading limits (an upgrade does increase capacity just treatment techniques).

- 5. Streamlining Development Review process for CD District.** One of the directives given to staff through the resolutions approved by Council in June and July was to streamline the review process for applications in the Crescent Design District. At the public hearing, staff noted that process improvements to application review procedures over the past four years have afforded time savings to the applicant. However, Staff offered one additional change: For legislative applications, the checklist review time could be reduced from the current allowance of ten days to one day. Under this change, the applicant would make an appointment with staff to go through the checklist together. Council instructed staff to continue to monitor the process to look for new ways to streamline the review process.
- 6. Grandfathering.** The term “grandfathering” refers to how applications that are already in the Town review process but which have not been approved yet are treated when zoning regulations are amended. Based on at least one applicant working to submit before enactment of the CD District, Council had no issues with a March 1, 2013 effective date for the ordinance.

Goals Summary. Council has been considering alternatives to the density, height and use provisions of the CD District before taking action. As part of its consideration, it may be useful to consult the stated purpose and goals of the District as contained in Section 7.10.1. A final analysis of the proposed district should consider how well these stated goals and objectives are met by the proposed ordinance. In staff’s opinion the CD District will achieve a mixed use redevelopment of the area with a pedestrian friendly street pattern and aesthetic concern reminiscent of, but more modern than, the traditional downtown area in line with the goals stated below.

7.10.1 Description

- A. Purpose.** The purpose of the Crescent Design District is to implement the Town Plan and the Crescent District Master Plan by doing the following:
 1. Set the stage for the long-term redevelopment of the District in an urban pattern and form.
 2. Provide community stakeholders a reasonable expectation of how the District will look and function in the future.
 3. Create a District that respects the character of Leesburg’s historic downtown while providing a transition to more automobile-oriented parts of the community.
 4. Develop a setting for a true mixture of uses that recognizes Leesburg’s role as a center of retail, office, and residential uses for Loudoun County.
- B. Goals.** The Crescent Design District provides specific standards to achieve the following:
 1. Develop a fully integrated, mixed-use, pedestrian-oriented environment with buildings that contain commercial, residential and office uses.

2. Create a synergy of uses within the Crescent Design District to support economic development and redevelopment in accordance with the recommendations of the Town Plan and the Crescent District Master Plan.
3. Minimize traffic congestion, inefficient surface parking lots, infrastructure costs and environmental impacts by promoting a compact, mixed-use, pedestrian-friendly district.
4. Regulate building height and placement to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.
5. Establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets, neighborhoods and public spaces, all of which contribute to creating a safe, comfortable and livable environment.

Staff Recommendation: Staff recommends that the Town Council determine the following:

1. Which Corridor Alternative they find acceptable;
2. Whether to confirm the approach as proposed in this staff report for the area outside of the Corridor;
3. Discuss and give staff direction regarding other possible changes or concerns; and
4. Based on the above, give staff direction to prepare ordinances for action either at the December 11, 2012 or January 8, 2012 regular meeting.