



**Date of Council Meeting: March 23, 2015**

**TOWN OF LEESBURG  
TOWN COUNCIL INFORMATION**

**Subject:** TLOA-2014-0007 Amendment to Town of Leesburg Zoning Ordinance (TLZO) Section 11.4.4.D Demolition and Redevelopment to revise regulations pertaining to the redevelopment of property occupied by noncontributing structures to allow parking credit requirements in the B-1 (Downtown) District portion of the H-1 Overlay, Old and Historic District.

**Staff Contact:** Brian Boucher, Deputy Director, Department of Planning and Zoning

**Council Action Requested:** None. Information item only.

**Staff Recommendation:** No recommendation at this time. Staff has placed this item in the Council Action Calendar – Tab A “To be scheduled” list.

**Commission Recommendation:** On February 15, 2015, the Planning Commission recommended that the Council consider tabling Zoning Ordinance Amendment TLOA-2014-0007 until such time that a comprehensive parking plan has been created; and that at that time this amendment be remanded to the Planning Commission for further consideration.

**Fiscal Impact:** The fiscal impact cannot be stated with precision at this time, but the proposed amendments may foster redevelopment in the downtown area by making it less expensive for developers to redevelop sites with noncontributing structures.

**Executive Summary:** In the downtown area, existing zoning regulations impact the cost of redeveloping sites occupied by noncontributing (i.e., non-historic) structures by requiring a developer to provide all parking required for the new building whenever any contributing or noncontributing structure is demolished. The amendment would make a distinction and give a parking credit when a noncontributing structure is demolished to encourage redevelopment of the property in the downtown area. However, the Town would collect less money under the payment in-lieu option as a result.

During its review, the Planning Commission found that the amendment was too difficult to decide upon judiciously without more information regarding the strategic vision for parking downtown. The Commission decided not to deny the amendment outright, but rather to recommend that the Council should table the matter until after a comprehensive parking plan was created. After that, Council could remand the amendment to the Commission for further consideration in light of the new parking plan so all parties could better understand the actual impact of the amendment.

**Background:** The H-1 Overlay District encompasses several zoning districts including the B-1, Community (Downtown) Business District. The H-1 Overlay District has unique parking regulations that apply to the B-1 District portion. On October 14, 2014, the Town Council initiated Resolution No. 2014-104 to consider a reduction in the number of parking spaces required when non-contributing structures are demolished and replaced with new structures in the B-1 District.

On December 4, 2014, the Planning Commission held a public hearing on the proposed ordinance amendment parking regulations applicable to demolition of noncontributing (i.e., non-historic) structures in the B-1 District area of the H-1 Overlay District. The Commission was aware that Council was considering other items related to parking in the downtown area including a potential increase in various fees, the payment in-lieu fee, and a possible comprehensive parking plan were anticipated.

The Commission expressed concern that a better appraisal of where it fits into the overall parking goals of the Town would be clear after the discussion on the comprehensive parking plan takes place. Staff was instructed to come back when more information on comprehensive parking was known.

Staff returned to the Commission on February 19, 2015 and reported on the actions taken regarding parking in the downtown area since the December public hearing. The following items were mentioned:

- The January 21, 2015 public input session on comprehensive parking in the downtown area
- The January 27, 2015 Council action to increase the payment in-lieu fee from \$3,000 to \$6,270.
- The February 10, 2015 Council passage of a resolution to establish a Downtown Parking Task Force
- The February 23, 2015 Council meeting to discuss the possible task force and parking fee increases

In light of these events, the Planning Commission believed that the Zoning Ordinance amendment should be tabled at the Council level, and then remanded back to the Commission once efforts to create a comprehensive parking plan for the downtown area had come to fruition. The motion for this recommendation passed 6-0 with one absent.

**Council Options:**

1. **Table action on the amendment until the comprehensive parking plan is completed.** Because this Zoning Ordinance amendment was initiated by Council, the Code of Virginia does not impose any time frame on the Council to act on the amendment. Therefore, Council may table action on an amendment and take it up again at another time, and may remand it back to the Planning Commission for

further consideration at that time. In this case, the Commission thought the amendment may have merit but it was unclear without further information regarding the ultimate plan for parking in the downtown area. Tabling it would dispense with re-initiating a denied amendment, and streamline the time necessary to take it up after a comprehensive parking plan is created.

- 2. Instruct Staff to bring forward the amendment and hold a public hearing before Council.** This step is normally done without input from the Council and is the next step after the Planning Commission has rendered its recommended.