

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARINGS
TO CONSIDER REZONING APPLICATION TLZM-2015-0004
CRESCENT PLACE
CONCEPT PLAN & PROFFER AMENDMENTS**

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 Planning Commission** will hold a public hearing on **Thursday, March 19, 2015 at 7:00 p.m.**, and the **Leesburg Town Council** will hold a public hearing on **Tuesday, March 24, 2015 at 7:30 p.m.**, in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider Rezoning and Concept Plan Proffer Amendment Application TLZM-2015-0004, Crescent Place, a request by the Applicant Leesburg Acquisition Partners LLC, to amend the **TLZM 2012-0003 Crescent Place**, Concept Plan and Proffers as described below:

1. Revise the Development Tabulations and General Notes; and
2. Revise the setbacks depicted on the typical lot details; and
3. Revise proffers to reflect the revised concept plan due to the referenced changes.

The properties are identified by Loudoun County Property Identification Numbers (PIN) 231-19-3353, 231-19-6022, 231-19-6044, and 231-19-0744 which encompass 11.77 acres within the Town of Leesburg. The property is zoned PRN (Planned Residential Neighborhood). The properties are identified as Downtown on the *Town Plan's* Land Use Policy Map and are located within the Crescent District Master Plan. The Town Plan recommends medium to high residential densities. The proposed amendments do not change the previously approved residential or commercial density or uses on the property.

Copies and additional information regarding this application are available at the Department of Planning and Zoning located on the second floor of 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 contacting Michael Watkins, Senior Planner, at 703-737-7920.

At these hearings, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations at this Planning Commission meeting should contact the Clerk of Commission at (703) 771-2434 three days in advance of the meeting. 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.

**Ad to run:
3/5/15
3/12/15**



Date of Council Meeting: March 24, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: TLZM-2015-0004, Crescent Place Plan Amendment.

Staff Contact: Michael Watkins, Senior Planner, Department of Planning & Zoning.

Council Action Requested: Approval of the concept plan and proffer amendments and zoning modification.

Recommendation: Staff recommends **approval** of the proposed concept plan and proffer amendment and staff recommends **approval** of the zoning modification.

Commission Recommendation: The Planning Commission recommended **approval** of the concept plan and proffer amendment at their March 19, 2015 meeting.

Fiscal Impact: The changes proposed by this application are technical in nature and have no fiscal impacts.

Executive Summary: The Applicant is requesting elimination of certain building setbacks and a zoning modification in order to comply with proffered architectural standards. When the Crescent Place rezoning was approved, the residential builder was unknown. Now that the residential builders have been chosen and their product type identified, there are zoning constraints that prevent compliance with proffered architectural elements. Staff notes that the Planned Residential Neighborhood (PRN) zoning district development standards are defined as part of the rezoning approval and the requested setbacks and zoning modification could have been set at that time.

Background: The Crescent Place concept plan and proffers were approved in December of 2014. Crescent Place was approved under the PRN zoning district and included architectural guidelines to reinforce the urban character of the development. Staff discovered potential zoning issues, like encroachments into a required yard, during the review of the proffered architecture and site plans.

The requested amendment seeks to remove these zoning compliance issues. The amendments do not permit any increase in density, and still require buildings to be setback from lot lines. The zoning modification permits implementation of the desired architectural form intended with the proffered architectural design guidelines. The proposed amendment does not conflict with any applicable regulations or ordinances, or prior approvals. Staff finds that the rezoning application meets the approval criteria (TLZO Sec. 3.3.15) as discussed in the attached Planning Commission staff report.

The Planning Commission reviewed the application at their March 19, 2015 meeting. There were no members of the public who wished to provide public comment and the public hearing was closed. The Planning Commission asked clarifying questions regarding lot sizes, and emphasized that the zoning modification should only permit the architectural features identified in TLZO Sec. 10.4.5.C.4 be closer than five (5) feet to the property line. The Commission voted 6-0, with one commissioner absent, to recommend approval of the application and approval of the zoning modification in accordance with the following motion:

I move that Zoning Map Amendment TLZM 2015-0004, Crescent Place, be forwarded to the Town Council with a recommendation of approval for the reasons stated in this staff report, and that the zoning modification of TLZO Sec 10.4.5.C.4 only permit balconies, chimneys, bay windows, and steps and landings closer that five (5) to property lines, on the basis that the Approval Criteria of Zoning Ordinance Section 3.3.15 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

Attachments

1. Planning Commission Staff Report dated March 19, 2015
2. Crescent Place, Sheets 1-24, as Prepared by Bowman Consulting, revised February 19, 2015.
3. Applicant's Statement of Justification dated February 23, 2015.
4. Draft Proffer Statement dated February 23, 2015.
5. TLZM 2015-0004 Ordinance

NOTES:

1. CURRENT OWNER INFORMATION WAS TAKEN FROM THE LOUDOUN COUNTY REAL ESTATE TAX ASSESSMENT AND PARCEL DATABASE. THE PROJECT IS COMPOSED OF THE FOLLOWING PARCELS AMONG THE LAND RECORDS OF LOUDOUN COUNTY, VIRGINIA:

MCP#	TAX MAP#	PARCEL	DB & PG	OWNER	AREA
231-19-0774	48/11/11/107		201210250084145	LEESBURG ACQUISITION PARTNERS LLC	81,978 S.F. 1.88 AC
231-19-3353	48/K/2/11/1		201210110079755	LEESBURG ACQUISITION PARTNERS LLC	348,246 S.F. 7.99 AC
231-19-6044	48/K10/11/13		201210110079755	LEESBURG ACQUISITION PARTNERS LLC	24,789 S.F. 0.57 AC
231-19-6022	48/K10/11/12		201210110079755	LEESBURG ACQUISITION PARTNERS LLC	52,666 S.F. 1.21 AC

THE TOTAL SITE AREA IS 11.77 ACRES.

2. BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM AN ALTA/ACSM LAND TITLE SURVEY PREPARED BY BOWMAN CONSULTING GROUP ON 12/28/2011 AND REVISED 9/17/2012.

3. THIS PROPERTY IS CURRENTLY ZONED PRN WITH PORTIONS OF THE PROPERTY IN THE CREEK VALLEY BUFFER OVERLAY DISTRICT AND AIRPORT OVERLAY DISTRICT PER THE TOWN OF LEESBURG ZONING ORDINANCE.

4. A REDUCTION OF THE CREEK VALLEY BUFFER WILL BE REQUESTED FOR THE PROPOSED DEVELOPMENT AS PERMITTED BY SECTION 14.2.2.A OF THE TOWN OF LEESBURG ZONING ORDINANCE. THE DEVELOPMENT WILL PROVIDE STORMWATER BMP IN ACCORDANCE WITH DCMS REQUIREMENTS.

5. THE PROPOSED USE IS SINGLE FAMILY ATTACHED RESIDENTIAL, MULTI-FAMILY RESIDENTIAL AND COMMERCIAL. THE EXISTING ZONE IS PRN PER THE PROPOSED ZONING PLAN.

6. TOPOGRAPHIC INFORMATION WAS TAKEN FROM AN ALTA/ACSM LAND TITLE SURVEY PREPARED BY BOWMAN CONSULTING GROUP ON 12/28/2011 AND REVISED 9/17/2012. THE CONTOUR INTERVAL IS 1 FOOT. GRID COORDINATES SHOWN ARE BASED ON VIRGINIA STATE PLANE COORDINATE, NORTH ZONE NAD 1983. THERE ARE NO STEEP SLOPES (MODERATE OR VERY) LOCATED ON THE PROPERTY PER LOUDOUN COUNTY GIS DATA.

7. AREAS OF MINOR AND MAJOR FLOODPLAIN ARE LOCATED ON THE PROPERTY PER TFL 2010-0003 PREPARED BY THE ENGINEERING GROUPS AND APPROVED 09/09/2011. A FLOODPLAIN STUDY AND ALTERATION WILL BE REQUIRED PRIOR TO SITE PLAN APPROVAL TO PERMIT DEVELOPMENT OF THE SITE.

8. SOILS INFORMATION SHOWN IS FROM LOUDOUN COUNTY SOILS OVERLAY MAPS.

9. THIS PROJECT IS LOCATED WITHIN 1 MILE OF THE 60 LDM CONTOUR FOR LEESBURG EXECUTIVE AIRPORT. PORTIONS OF THE SITE ARE SUBJECT TO THE AIRPORT OVERLAY DISTRICT (A-1) REGULATIONS FOUND IN SECTION 7.7 OF THE TOWN OF LEESBURG ZONING ORDINANCE.

10. THE SITE WILL BE SUPPLIED WITH PUBLIC WATER AND SANITARY SEWER BY EXTENSION OF EXISTING SYSTEMS. PROPOSED UTILITY LOCATIONS ARE CONCEPTUAL AND SUBJECT TO FINAL ENGINEERING.

11. ALL UTILITY DISTRIBUTION LINES SHALL BE PLACED UNDERGROUND.

12. FIRE HYDRANT INSTALLATION/COVERAGE SHALL BE PROVIDED IN ACCORDANCE WITH THE TOWN OF LEESBURG DESIGN AND CONSTRUCTION STANDARDS MANUAL (DCSM).

13. BUFFER YARDS AND LANDSCAPING SHALL BE COMPLETED IN ACCORDANCE WITH ARTICLE 12 OF THE TOWN OF LEESBURG ZONING ORDINANCE OR AS OTHERWISE MODIFIED WITH THIS APPLICATION.

14. ALL STORMWATER RUNOFF CONTROLS WILL BE PROVIDED ON SITE PER APPLICABLE STATE AND LOCAL STANDARDS. SEE SHEETS 8 AND 9 FOR PRELIMINARY SWM AND BMP PLANS, RESPECTIVELY. PROPOSED STORM SEWER LOCATIONS ARE CONCEPTUAL AND SUBJECT TO FINAL ENGINEERING.

15. TREE PLANTING AND REPLACEMENT SHALL CONFORM TO THE STANDARDS OF ARTICLE 12 OF THE TOWN OF LEESBURG ZONING ORDINANCE AND ARTICLE 8 OF THE DCMS. SEE STREET TREE PLANTING DETAILS ON SHEET 6.

16. PROPOSED IMPROVEMENTS TO HARRISON STREET SHALL CONFORM TO THE CURRENT TOWN OF LEESBURG AND VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS.

17. ALL PROPOSED SUBDIVISION STREETS SHOWN HEREON SHALL BE PRIVATELY OWNED AND MAINTAINED.

18. ALL SUBDIVISION STREETS SHALL CONFORM TO THE REQUIREMENTS OF ARTICLE 7 OF THE DCMS OR AS OTHERWISE MODIFIED WITH THIS APPLICATION.

19. SITE LIGHTING WILL BE PROVIDED IN ACCORDANCE WITH TOWN OF LEESBURG ZONING ORDINANCE ARTICLE 12.11.

20. NO KNOWN EXISTING WELLS OR SEPTIC SYSTEMS ARE LOCATED ON THE SITE. ANY DISCOVERED THROUGH THE COURSE OF DEVELOPMENT WILL BE ABANDONED IN ACCORDANCE WITH THE HEALTH DEPARTMENT STANDARDS IN PLACE AT THE TIME OF ABANDONMENT.

21. ALL EXISTING STRUCTURES ON SITE WILL BE REMOVED UNLESS OTHERWISE NOTED.

22. NO FEDERAL OR STATE PERMITS OR CONDITIONS DIRECTLY LIMIT DEVELOPMENT OF THIS PROPERTY.

23. BASED ON AVAILABLE MAPS AND RECORDS THERE ARE NO KNOWN ENVIRONMENTAL OR HISTORIC FEATURES THAT WILL REQUIRE PROTECTION LOCATED ON THE SUBJECT PROPERTIES.

24. BASED ON AVAILABLE MAPS AND RECORDS, THERE ARE NO KNOWN BURIAL SITES ON THE SUBJECT PROPERTIES.

25. A TRAFFIC IMPACT ANALYSIS WAS PERFORMED BY BOWMAN CONSULTING, DATED 11/1/12.

26. DEVELOPMENT OF THE PROPERTY SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THIS CONCEPT PLAN WHICH SHALL CONTROL THE USE, LAYOUT AND CONFIGURATION OF THE PROPERTY, WITH REASONABLE ALLOWANCES TO BE MADE FOR ENGINEERING AND DESIGN ALTERATION TO MEET TOWN ZONING, SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

ZONING MODIFICATIONS:

SEC. 8.3.2	THE APPLICANT REQUESTS A MODIFICATION OF THE LOT AREA, LOT WIDTH, AND AVERAGE LOT SIZE AS SHOWN ON THE LOT SIZE TABLE FOR SINGLE-FAMILY ATTACHED (TOWNHOUSE). THE APPLICANT PROPOSES A MINIMUM LOT SIZE OF 800 SF, A MINIMUM LOT WIDTH OF 16 FEET AND A MINIMUM AVERAGE LOT SIZE OF 900 SF.
SEC. 8.4.8	THE APPLICANT REQUESTS A MODIFICATION OF THE MINIMUM PUBLIC AND COMMON OPEN SPACE REQUIREMENT FOR INFILL DEVELOPMENT. THE APPLICANT PROPOSES PUBLIC AND COMMON OPEN SPACE AS PER THE TABULATIONS ON SHEET 3 OF THIS PLAN SET.
SEC. 9.4.3.E.10	THE APPLICANT REQUESTS A MODIFICATION OF THE HOME OCCUPATION STANDARDS TO PERMIT A SINGLE FAMILY ATTACHED UNIT TO INSTALL A PROJECTING SIGN, WALL SIGN, OR A-FRAME/SANDWICH BOARD SIGN.
SEC. 11.3	THE APPLICANT REQUESTS A MODIFICATION OF THE PARKING STANDARDS TABLE. SINGLE FAMILY ATTACHED AND MULTI-FAMILY RESIDENTIAL PARKING WILL BE PROVIDED AT 2.5 SPACES PER UNIT TO INCLUDE FULL CREDIT FOR ALL GARAGE AND DRIVEWAY SPACES. COMMERCIAL PARKING WILL BE PROVIDED AT THE GENERAL RETAIL SALES (INC. EATING ESTABLISHMENTS) RATE.
SEC. 11.9	THE APPLICANT REQUESTS A MODIFICATION OF THE REQUIRED OFF-STREET LOADING SPACES. THE APPLICANT WILL PROVIDE ONE FULL SIZE LOADING SPACE TO SHARE BETWEEN FUTURE COMMERCIAL USES.
SEC. 12.3.1.E	THE APPLICANT REQUESTS A MODIFICATION OF THE 20-YEAR TREE CANOPY COVERAGE REQUIREMENTS. THE APPLICANT PROPOSES TO ELIMINATE THE 2.5% & 3,000 SF CANOPY COVERAGE REQUIREMENT FOR PLATTED LOTS PER SEC. 8.2.2.E.
SEC. 12.8.5.C & 12.8.6.D	THE APPLICANT REQUESTS A MODIFICATION OF THE SCREENING AND BUFFER YARD REQUIREMENTS. THE APPLICANT PROPOSES BUFFERS AS SHOWN ON THE CONCEPTUAL LANDSCAPE PLAN. PROPOSED SIDEWALKS AND RETAINING WALLS MAY BE LOCATED WITHIN BUFFERS AS WELL AS OTHER PERMITTED ENCROACHMENTS AS SHOWN ON THE LANDSCAPE PLAN.
SEC. 14.2.1.B	THE APPLICANT REQUESTS A MODIFICATION OF THE CREEK VALLEY BUFFER. THE APPLICANT PROPOSES TO REDUCE THE SETBACK FROM 150 FEET AS NECESSARY TO PROVIDE IMPROVEMENTS TO HARRISON STREET AND DEVELOP THE SITE AS SHOWN ON THE CONCEPT DEVELOPMENT PLAN.
SEC. 10.4.5.C.4&5	THE APPLICANT REQUESTS A MODIFICATION OF THE MINIMUM YARD REQUIREMENTS FOR EXTENSIONS PERMITTED INTO REQUIRED YARDS TO PERMIT FRONT STOOPS AND REAR DECKS MORE THAN 3- FEET ABOVE GRADE TO EXTEND TO THE PROPERTY LINE.
SEC. 11.6.2.C.	THE APPLICANT REQUESTS A MODIFICATION OF THE MINIMUM AISLE WIDTH REQUIREMENT. THE APPLICANT PROPOSES TO REDUCE THE AISLE WIDTH FOR THE RCP2 TRAVELWAY TO 20' AS DEPICTED ON THE CORRESPONDING TYPICAL SECTION ON SHEET 5.

DCSM MODIFICATIONS:

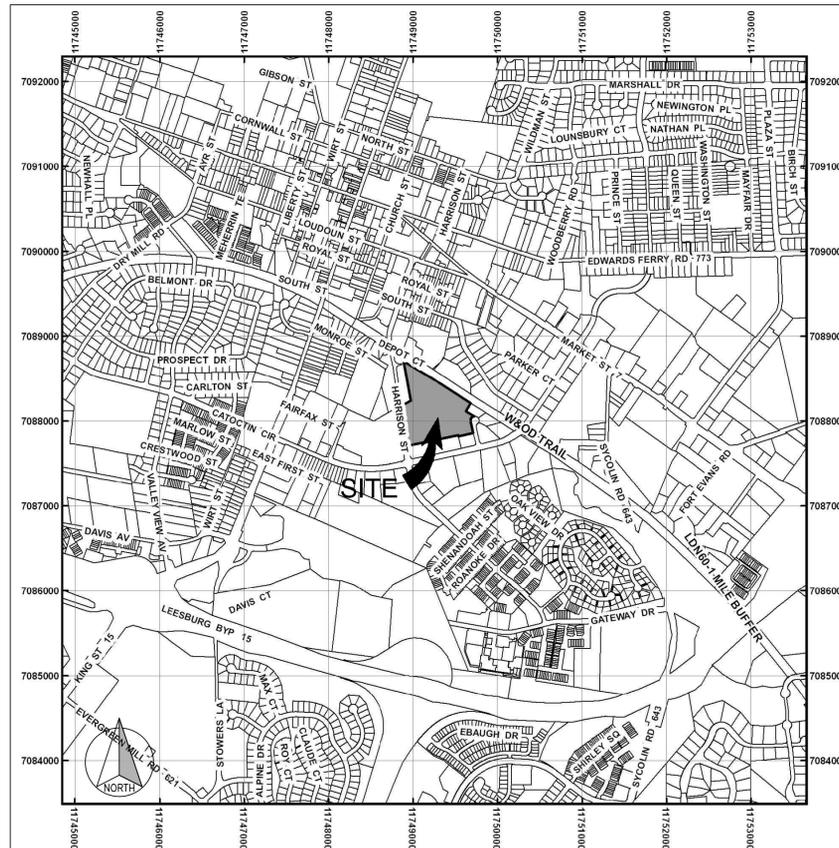
SEC. 7-361.3	THE APPLICANT REQUESTS A MODIFICATION OF THE SPACING OF ENTRANCES ON THE PUBLIC RIGHT OF WAY TO PERMIT TWO ENTRANCES ONTO INDUSTRIAL COURT WITH A SEPARATION OF 104.5 FEET.
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CRESCENT PLACE

TLZM 2015-0000

ZONING CONCEPT PLAN AMENDMENT AND PROFFER AMENDMENT

TOWN OF LEESBURG LOUDOUN COUNTY, VIRGINIA



VICINITY MAP

1" = 1000'

OWNER

LEESBURG ACQUISITION PARTNERS LLC
2553 DULLES VIEW DRIVE, SUITE 400
HERNDON, VA 20171
ATT: MR. LEONARD S. "HOBIE" MITCHEL

SIGNATURE _____ DATE _____

APPLICANT

LEESBURG ACQUISITION PARTNERS LLC
2553 DULLES VIEW DRIVE, SUITE 400
HERNDON, VA 20171
ATT: MR. LEONARD S. "HOBIE" MITCHEL

SIGNATURE _____ DATE _____

ZONING ORDINANCE STANDARDS

PRN - PLANNED RESIDENTIAL NEIGHBORHOOD

(AS PROPOSED WITH THIS APPLICATION PER ZO. SEC. 8.4.6)

	UTILITY (A1&T)	MIXED USE (LIVE/WORK)	MULTI-FAMILY (2/2) AND MULTI-FAMILY (2/2)/COMMERCIAL	SINGLE FAMILY ATTACHED
MINIMUM LOT AREA:	N/A	10,000 SF	10,000 SF	800 SF (MODIFICATION REQUESTED)
AVERAGE LOT SIZE:	N/A	N/A	N/A	900 SF MIN. (MODIFICATION REQUESTED)
MINIMUM LOT WIDTH:	N/A	75 FEET	75 FEET	16 FEET (MODIFICATION REQUESTED)
MAX. FLOOR AREA RATIO:	NONE	NONE	N/A	N/A
MAX. BUILDING HEIGHT:	40 FEET	56 FEET	56 FEET	50 FEET
MIN. YARDS/SETBACKS (MEASURED TO LOT LINE, ROW, OR VEHICULAR ACCESS EASEMENT):	FRONT: 20 FEET SIDE: 4 FEET, 0 FEET COMMON WALLS REAR: 5 FEET	0 FEET 0 FEET COMMON WALLS 0 FEET	0 FEET 0 FEET COMMON WALLS 0 FEET MIN. 18 FEET MAX.	0 FEET 0 FEET COMMON WALLS 0 FEET WHEN ADJACENT TO SIDEWALK 0 FEET COMMON WALLS

SHEET INDEX

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- 2 EXISTING CONDITIONS PLAN
- 3 CONCEPT PLAN
- 4 LANDSCAPE PLAN
- 5 TYPICAL SECTIONS AND DETAILS
- 6 TYPICAL SECTIONS AND DETAILS
- 7 GRADING PLAN
- 8 UTILITY PLAN
- 9 PRELIMINARY SWM PLAN
- 10 PRELIMINARY BMP PLAN
- 11 LIGHTING PLAN
- 12 LIGHTING DETAILS
- 13 PHASING PLAN
- 14 ILLUSTRATIVE PLAN
- 15 PLAN OVERLAY EXHIBIT
- 16 AUTO-TURN EXHIBIT
- 17 OPEN SPACE PLAN
- 18 OPEN SPACE AMENITIES PLAN
- 19 FENCE DESIGN ILLUSTRATIVE EXHIBIT
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DATE	DESCRIPTION
11/20/12	PER CHECKLIST COMMENTS
3/28/13	PER 1ST SUB. COMMENTS
6/14/13	PER 2ND SUB. COMMENTS
8/14/13	PER PC COMMENTS
9/18/13	PER PC COMMENTS
10/07/13	PER PC COMMENTS
10/18/13	PER PC COMMENTS
11/01/13	PER TC COMMENTS
12/02/13	PER TC COMMENTS
2/19/15	THIRD LINE CONCEPT PLAN & PROFFER AMENDMENT

DATE	DESCRIPTION
NOVEMBER 5, 2012	

FILE No. 5371-DP-001

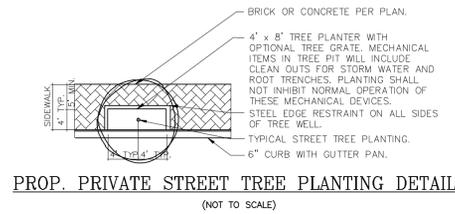
SHEET 1 of 24

Bowman Consulting Group, Ltd.
101 South Street, S. E.
Leesburg, Virginia 20175
Phone: (703) 443-2400
Fax: (703) 443-2425
www.bowmanconsulting.com

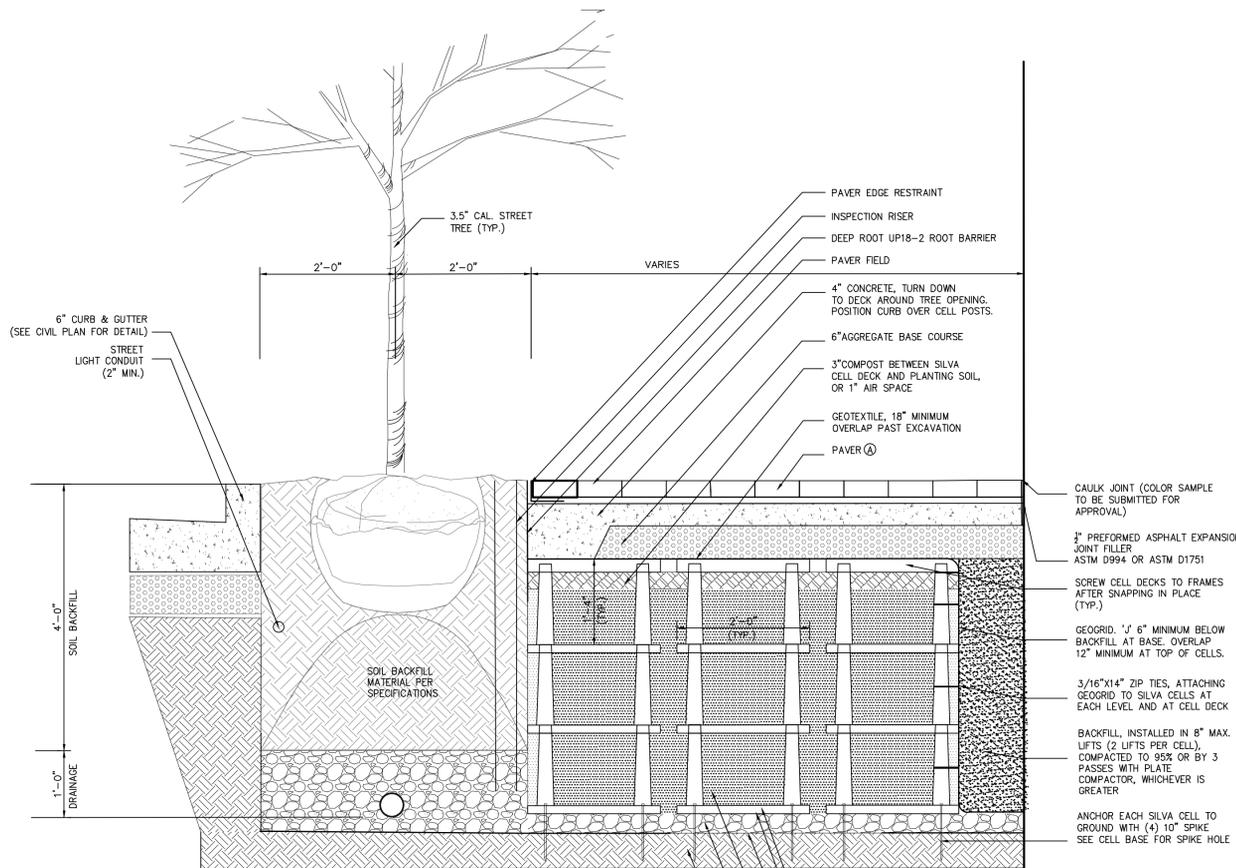
COVER SHEET
CRESCENT PLACE
ZONING CONCEPT PLAN & PROFFER AMENDMENT
TLZM-2015-0000
TOWN OF LEESBURG
LOUDOUN COUNTY, VIRGINIA

PLAN STATUS

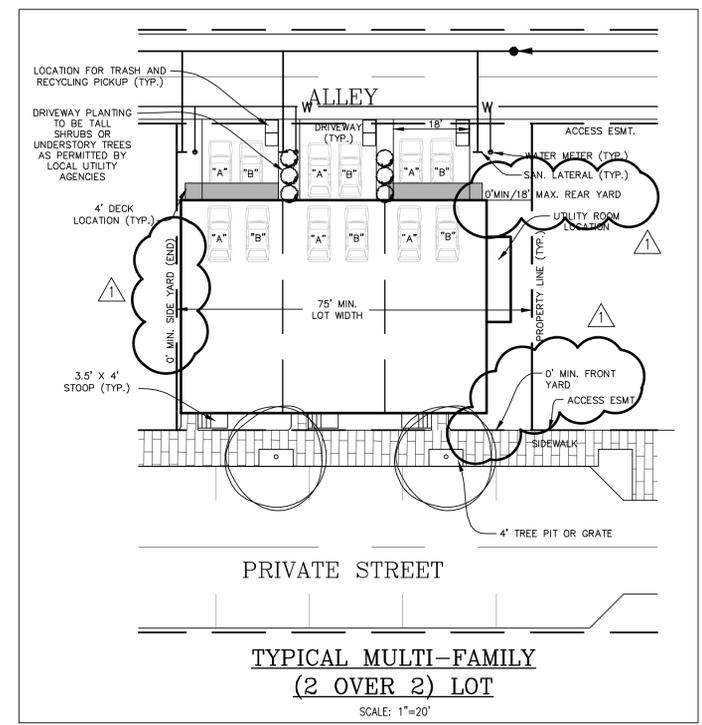
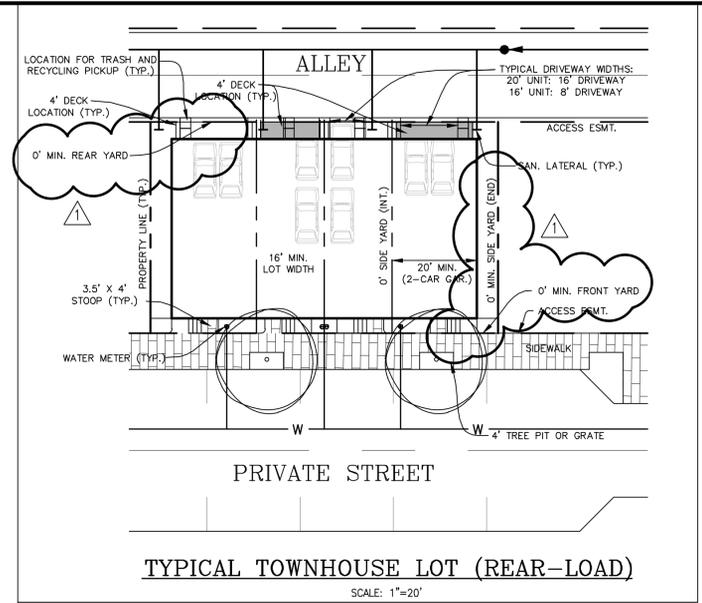
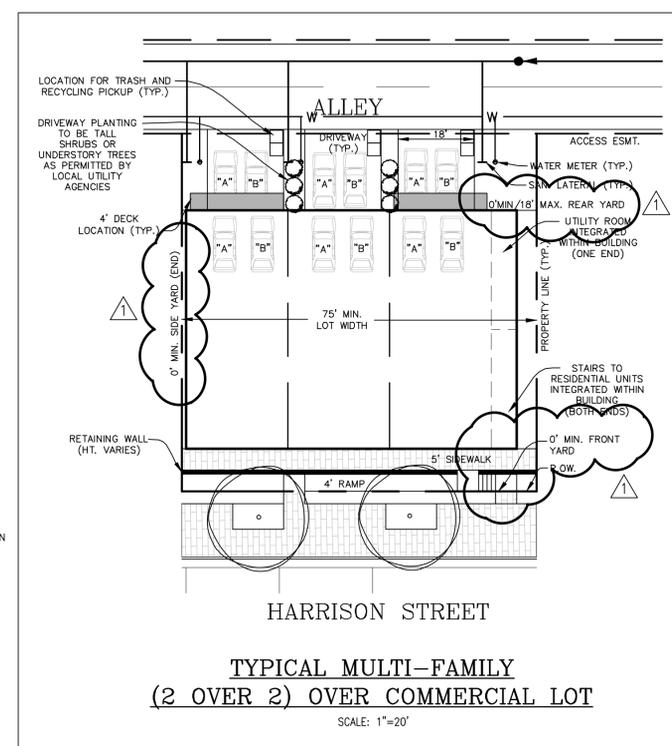
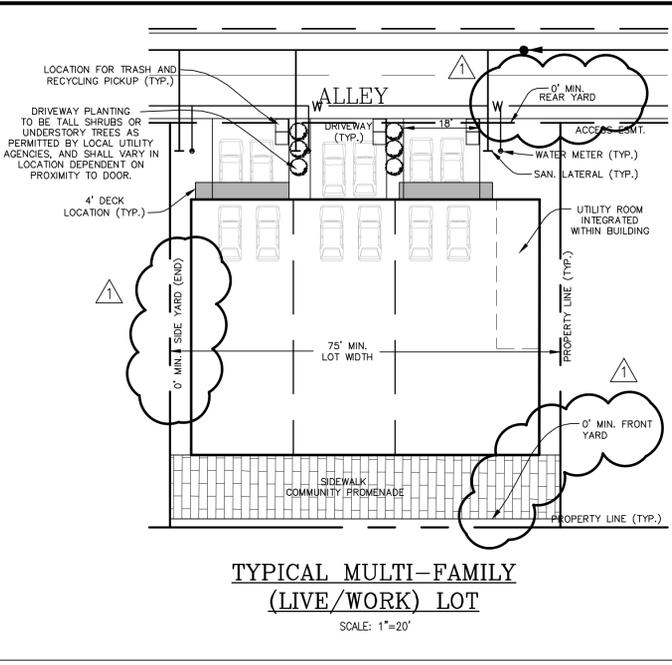
Conf file name: P:\5371 - Catcath Circle Industrial Subdivision, ZOPA Parcel B Lots 2 & Cover.dwg



NOTE: CONSTRUCTION METHODS TO ENSURE VIABLE SOIL CONDITIONS FOR PRIVATE STREET TREES WILL BE SPECIFIED WITH FINAL ENGINEERING DESIGN.



**TYPICAL SILVA CELL DETAIL
(PUBLIC STREET TREE PLANTING)**
(NOT TO SCALE)



TYPICAL UNIT NOTES:
 1. TRASH AND RECYCLING RECEPTACLES SHALL BE STORED WITHIN THE GARAGE AND SHALL BE ENFORCED VIA PROFFERED HOA RESTRICTIONS.
 2. GARAGES SHALL BE MAINTAINED TO PROVIDE THE PARKING OF VEHICLES AT ALL TIMES AND SHALL BE ENFORCED VIA PROFFERED HOA RESTRICTIONS.
 3. SIDEWALKS WILL BE DESIGNED IN CONFORMANCE WITH DCMS DETAILS TS-12A AND TS-12B.

PLAN STATUS		
11/20/12	PER CHECKLIST COMMENTS	
3/28/13	PER 1ST SUB. COMMENTS	
6/14/13	PER 2ND SUB. COMMENTS	
8/14/13	PER PC COMMENTS	
9/18/13	PER PC COMMENTS	
10/07/13	PER PC COMMENTS	
10/18/13	PER PC COMMENTS	
11/01/13	PER TC COMMENTS	
12/02/13	PER TC COMMENTS	
2/19/15	YARD LINE CONCEPT PLAN & PROFFER AMENDMENT	
DATE	DESCRIPTION	
BBR	JAE	CMM
DESIGN	DRAWN	CHKD
SCALE	H: AS SHOWN	V:
JOB No.	5371-01-003	
DATE	NOVEMBER 5, 2012	
FILE No.	5371-D-ZP-001	
SHEET	6 of 24	

Code file name: PA\5371 - Crescent Place Ind. Sub-Parcel & Reas\5371-01-003 (PLAN) - Crescent Circle Industrial Subdivision, ZOPA Parcel B Lots 2 & Typical Sections and Details.dwg

TLZM 2015-0000

STATEMENT OF JUSTIFICATION

CRESCENT PLACE

**Rezoning Concept Plan and Proffer Amendment Application
PIN #s 231-19-0774, 231-19-3353, 231-19-6044, 231-6022
(TLZM 2012-0003)**

February 23, 2015

I. Introduction and Justification

Leesburg Acquisition Partners LLC (the “Applicant”) is the applicant for the Rezoning Concept Plan and Proffer Amendment of Crescent Place, TLZM 2012-0003, for the Crescent Place mixed-use community. Crescent Place is approved for 32,000 SF of commercial space and 224 dwelling units. Crescent Place is comprised of four parcels (MCPI Numbers 231-19-0774, 231-19-3353, 231-19-6022 and 231-19-6044), totaling approximately 11.65 acres (the “Property”).

The community is neo-traditional with urban characteristics in a compact neighborhood design that provides grid street patterns and a central neighborhood green. The community is designed to relate to an enhanced Harrison Street and to blend with the historic center of Leesburg located to the north on Harrison Street. Crescent Place is well situated across from Raflo Park located along Town Branch as well as being adjacent to the W&OD Trail. The community design takes advantage of these adjacent open space amenities.

The proposed amendment to the existing concept plan and proffers for Crescent Place is to revise the setbacks for the buildings to better reflect the urban character of the community. Under the PRN zoning, the setbacks are established on the concept plan and proposed by the applicant rather than being determined under the Zoning Ordinance. The reason for this is that PRN zoning is designed for the applicant to propose a community

design rather than the district requirements dictating a certain community design. In order to better implement the urban character of Crescent Place, the applicant now is proposing 0' setbacks for the buildings on the property rather than the currently proposed and approved setbacks ranging from 35', 15' 4' for front setbacks, 5' and 1' for side setbacks (other than common walls) and 4', 5' and 18' rear setbacks.

The applicant is now finalizing both the engineering and architecture and is finding circumstances where setbacks are creating problems due to the architectural features such as bay windows and other projections encroaching into setbacks. These features are critical to providing the character of architectural design sought for Crescent Place and are required under the design guidelines approved for Crescent Place. The applicant has determined that the setbacks provide no real function, since the building and road lay-out are conforming to the approved concept plan. While in most instance the buildings and/or architectural features do not fall at the property line with a 0' setback, out of prudence, the applicant is requesting 0' setbacks to preclude this situation arising once again.

Other than the revision to the setbacks on the concept plan and revising the proffers to reference the revised concept plan, no other changes to the Crescent Place concept plan or proffers are associated with the proposed amendments.

II. Zoning Amendment Approval Criteria

Justifications for the Required Approval Criteria – Section 3.3.15

A. Consistency with the Town Plan, including but not limited to the Land Use Compatibility policies

According to the Land Use Policy Map and the Land Use Element of the Town Plan, the Property is located in the Downtown land use category. Additionally, the Property is located in the Crescent District special district, and is designated for multi-family ground-floor retail mixed use, multi-family residential and residential townhomes on the Crescent District Land Use Policy Map. These policies serve as a guide for the design of Crescent

Place. Harrison Street terminates at the visually prominent County Government Center building to the north of the Property. Other, compatible recent developments along Harrison Street include the new office/retail buildings between Loudoun and Royal Streets, Market Station, Morningside House, the office building on Depot Court, and the Harrison Street townhouse community. Crescent Place is a continuation of the character established by these projects. To complement these other projects along Harrison Street, Crescent Place reflects a neo-traditional design with an urban style of development including live/work units with first floor commercial uses and upper floors containing residential uses facing Harrison Street behind the town-owned parcel (parking lot), multi-family two-over-two style buildings and townhouse dwelling units. Key to this design is the fact that buildings are placed close to the streets with wide sidewalks along Harrison Street and the internal private streets to create an urban streetscape. The central linear green, connecting the W&OD Trail and Raflo Park across Harrison Street serve as the focal point for the community. This community, located within walking distance of the Old and Historic District, provides a population base that will contribute to Leesburg's downtown vitality and to its businesses.

B. Consistency with any binding agreements with Loudoun County, as amended, or any regional planning issues, as applicable

There are no agreements with Loudoun County with respect to Crescent Place and there are no regional planning issues affected by the proposed proffer and concept plan amendment.

C. Mitigation of traffic impacts, including adequate accommodation of anticipated motor vehicle traffic volumes and emergency vehicle access

The proposed concept plan and proffer amendments to modify the building setbacks have no impact on traffic.

D. Compatibility with surrounding neighborhood and uses

The proposed concept plan and proffer amendments to modify the building setbacks have no impact on the surrounding neighborhood and uses. The proposed amendments affect only the building setbacks within Crescent Place.

E. Provision of adequate public facilities

The provision of adequate public facilities was addressed during TLZM-2012-0003. The proposed concept plan and proffer amendments have no impact on the provision of adequate public facilities.

Justification for the Required Approval Criteria: Section 8.2.2. F. PD Rezoning Plan Approval Criteria:

1. No PD Rezoning Plan shall be considered unless the Town Council first approves the concept plan and finds the proposed planned development promotes the public health, safety and welfare. The applicant shall show and the Town Council shall find that a proposed planned development:

a. Is in conformity with the Town Plan.

Crescent Place is in conformance with the Town Plan Crescent District special district, Land Use Policy Map which designates the Property for multi-family ground-floor retail mixed use, multi-family residential and residential townhomes. Crescent Place will extend the character of the original Old and Historic District with a fine-grained mix of multi-story buildings in a pedestrian-friendly environment. The proposed housing options including residential townhomes and multi-family residential uses with first floor retail and commercial uses fronting on Harrison Street will implement the goal of the Crescent District special district by creating a new approach for the redevelopment of the Property. Crescent Place is designed to connect the open spaces in Raflo Park to the W&OD Trail with a landscaped boulevard and open space plaza to create and implement the goals of the Crescent District special district with the proposed Crescent Place mixed-use live/work/play development.

b. Achieves the purposes of Section 1.5 and Section 8.1.1, as well or better than would development under other zoning district regulations.

TLZM -2012-0003 addressed these purposes, and the proposed amendments are in keeping with these purposes.

c. Could not be accomplished through other methods, such as variances or rezoning to a conventional zoning district.

The Planned Residential Neighborhood (PRN) district allows modifications of the suburban type zoning ordinance requirements to permit the development of a neo-traditional mixed use community with some urban characteristics that would not otherwise be achievable with a conventional zoning district. Additionally, the PRN district establishes the setback requirements with the adoption of the zoning and accompanying concept plan and proffers in order for each community to establish its own design characteristics. The neo-traditional design character of Crescent Place is consistent with the revised building setback requested in this amendment application.

d. Is compatible with the surrounding neighborhood.

Crescent Place is compatible and complimentary with the surrounding neighborhood of the existing homes, institutional, retail and commercial uses along Harrison Street and Catoctin Circle. The proposed concept plan and proffer amendments to revise the building setbacks have no impact on the surrounding neighborhood and uses. The proposed amendments affect only the building setbacks within Crescent Place.

e. Mitigates conflicts of use with adverse impacts on existing and planned development.

TLZM -2012-0003 addressed these impacts. Landscaping and buffering will be provided along the W&OD Trail and the adjacent to the retail and commercial uses along Catoctin Circle and the industrial uses on Industrial Court. Harrison Street will be enhanced along the Property's frontage to include street trees and a sidewalk that will provide a pedestrian link between the W&OD Trail and Catoctin Circle. On-street parallel parking along Harrison Street will aid in traffic calming and create a more vibrant streetscape. The proposed concept plan and proffer amendments to revise the building setbacks have no impact on the surrounding neighborhood and uses. The proposed amendments affect only the building setbacks within Crescent Place.

f. Provides adequate public facilities and amenities.

TLZM-2012-0003 addressed these facilities and amenities. The proffers contain cash contributions for public school capital costs and Ida Lee Park. Additional cash contributions are provided in the proffers for fire and rescue services. The proffers include a provision to construct a trail within Raflo Park and improve Harrison Street along the Property's frontage with street trees, sidewalks, curb and gutter and accommodations for parallel parking along with improvements to the Harrison Street frontage along the Raflo Park side of the street. Additionally, the proffers call for expanding and improving the Town-owned parking lot that is located just south of the W&OD Trail adjacent to the Crescent Place live/work type units. The proposed concept plan and proffer amendments to revise the building setbacks have no impact on the provision of these public facilities and amenities. The proposed amendments affect only the building setbacks within Crescent Place.

g. Adequately accommodates anticipated motor vehicle traffic volumes including emergency vehicle access.

TLZM-2012-0003 addressed handling traffic volumes and emergency vehicle access. The proposed amendments affect only the building setbacks within Crescent Place.

h. Preserves existing vegetation to the greatest extent possible.

The property is mostly devoid of existing vegetation. The proposed concept plan and proffer amendments to modify the building setbacks have no impact on the preservation of existing vegetation. The proposed amendments affect only the building setbacks within Crescent Place.

i. Mitigates unfavorable topographic and geological conditions.

There are no unfavorable topographic or geological conditions on the property.

j. Includes appropriate noise attenuation measures.

TLZM-2012-0003 addressed appropriate noise attenuation measures. The proposed concept plan and proffer amendments to modify the building setbacks have no impact on these noise attenuation measures. The proposed amendments affect only the building setbacks within Crescent Place.

2. *Planned Development Districts shall be characterized by superior architectural treatment and site planning as measured by the following criteria:*

a. Architectural treatment should avoid massive, monolithic and repetitive building types, facades and setbacks.

Architectural guidelines have been approved for Crescent Place, which includes architectural features as a treatment to avoid massive, monolithic and repetitive building types, facades and setbacks. In fact, it is this criterion that is creating the need for the proposed amendment for 0' setbacks to allow for the architectural features.

b. Landscaping should increase the visual quality of building design, open space, vehicular and pedestrian areas and screen areas of low visual interest (such as storage and delivery areas) from public view.

The landscaping plan is not affected by the proposed amendments.

c. Street and parking systems should contribute to the aesthetic character of the development.

The street and parking systems are not affected by the proposed amendments.

d. Signs should be subject to uniform regulations, be compatible with the design and scale of development and contribute to the visual character of the development.

Signage is not affected by the proposed amendments.

- e. Neighborhood retail commercial and office uses where provided should blend architecturally with surrounding residential uses or be appropriately separated by distance, screening or topography.***

The proposed amendments will apply to both the commercial/mixed-use buildings as well as the residential buildings.

- f. Open space, recreation and other public facilities should be integrated with the organizational scheme of the neighborhood and town.***

The proposed amendments will not affect the open space areas.

- g. Pedestrian and bicycle circulation systems should be included to assure safe and convenient access between properties and with the neighborhood.***

The proposed amendments will not affect the pedestrian and bicycle circulation systems.

- h. Nonresidential uses should be located on arterial or collector streets without creating through traffic in residential areas.***

The proposed amendments will not affect the location of the use in the Crescent Place plan.

- i. Site plan should be arranged to maximize the opportunity for privacy and security by residents.***

The proposed amendments will not affect the site plan lay-out for Crescent Place.

III. Conclusion

Crescent Place is a significant infill development that will provide a mixture of housing types, including townhouses, multi-family and live-work units to create a mixed use development on land that was previously used for industrial uses and will have the scale and size for revitalizing this portion of the Crescent District. Pedestrians will be accommodated by the internal sidewalks and connections to the W&OD Trail, as well as along Harrison Street with crosswalks to Raflo Park. The Applicant will provide a trail in Raflo Park to create more pedestrian connections. Bicycle parking racks will also be

provided by the Applicant to encourage Crescent Place residents to use their bicycles and take advantage of the proximity of the W&OD Trail.

Efficient use of open space is planned with the a central boulevard street that terminates near the W&OD Trail in a green plaza, visually tying the W&OD Trail to Raflo Park. Crescent Place is compatible and complimentary to the existing uses along Harrison Street.

Crescent Place provides opportunities for commercial services and housing, with nearby access to ample recreational spaces. Crescent Place exemplifies the design envisioned by the Crescent District Master Plan. The proposed uses in a compact mixed community adjacent to the center of Leesburg conform to the policies of the Town Plan. The project creates a community located near downtown Leesburg as well as the commercial services along Catocin Circle. It exemplifies infill development as envisioned in the Crescent District Master Plan. The PRN zoning district will implement the policies set forth in the Town Plan. In particular, the PRN zoning district will enable Crescent Place to include a mix of commercial and residential uses at a neighborhood scale and to incorporate urban-style design elements, with minimal traffic impacts. The proposed project will enhance the Harrison Street corridor that is developing in an attractive fashion and is of a size and scale that will be a major force for implementing the revitalization for the Crescent District plan. This project is worthy of approval to continue that trend.

The proposed amendments to the concept plan and proffer do not alter these aspects of the Crescent Place project and serve to enhance the urban character of the community and the architectural character required to create the urban design and character.

PROFFER STATEMENT

Leesburg Acquisition Partners LLC

TLZM 2015-0000, CRESCENT PLACE

February 23, 2015

Pursuant to Va. Code Ann. § 15.2-2303 and § 3.3.16 of the Zoning Ordinance of the Town of Leesburg ("Zoning Ordinance"), and subject to the Leesburg Town Council approving an amendment to the proffer statement (the "Crescent Place Proffers") accepted in conjunction with the approval of TLZM-2012-0003 on the property identified as Loudoun County PIN ##231-19-3353, 231-19-6022, 231-19-6044 and 231-19-0774 (the "Subject Property"), Leesburg Acquisition Partners LLC (the "Owner"), for itself, and its successors and assigns, hereby proffers to the following conditions ("Proffers"). The Subject Property shall be developed in substantial accord with the Crescent Place Proffers and the Concept Plan prepared by Bowman Consulting Group, Ltd. dated November 5, 2012, as revised through December 2, 2013 (the "Concept Plan), previously accepted by the Leesburg Town Council, except as modified herein.

Sections 1.1.1 and 15 of the Crescent Place Proffers is hereby replaced by the following:

1. LAND USE

1.1 Concept Plan

- 1.1.1 LAP Property. Development of the LAP Property shall be in substantial conformance with Sheets 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 19 and 24 of the Concept Plan, prepared by Bowman Consulting, dated November 5, 2012 (hereafter referred to as the "CP") and revised through February 19, 2015, which is attached to these proffers as Exhibit A and which shall control the use, layout, and configuration of the Property, with reasonable allowances to be made for engineering and design alteration and to meet Town zoning, subdivision and land development regulations.

15. BINDING EFFECT

The undersigned owner of record of the Subject Property does hereby voluntarily proffer the conditions stated above, which conditions shall be binding on the Applicant, its successors and assigns shall have the effect specified in Section 15.2-2303, et seq. of the Code of Virginia (1950), as amended.

[SIGNATURES ON FOLLOWING PAGES]

Witness the following signatures and seals this day of _____, 2015.

Leesburg Acquisition Partners LLC
a Virginia limited Liability Company

By: _____

Name: Leonard S. Mitchel
Its: Managing Partner

State of _____
City/County of _____, to-wit:

I, Notary Public in and for the state and city/county aforesaid, do hereby certify that _____, whose name is signed to the foregoing instrument, personally appeared before me and has this day acknowledged that he executed the foregoing proffers with the full power and authority to do so.

Given under my hand this _____ day of _____, 2015

Notary Public

My Commission Expires:

Date

EXHIBIT A

Crescent Place Rezoning Concept Plan and Proffer Amendment

Prepared by Bowman Consulting Group, Ltd.

Dated November 5, 2012 and Revised through February 19, 2015



Date of Meeting: March 19, 2015

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLZM 2015-0004 Crescent Place

Staff Contact: Michael Watkins, Senior Planner

Applicant: Leesburg Acquisition Partners LLC, Richard Lanham
2553 Dulles View Drive, Herndon, VA 20171
(703) 995-1849; rlanham@lansdownedevgroup.com

Applicant's Representative: Christine Gleckner, AICP, Walsh Colucci Lubeley & Walsh PC
1 East Market Street, Suite 300, Leesburg, VA 20176
(703) 737-3633; cgleckner@thelandlawyers.com

Proposal: The application is an amendment to the TLZM 2012-0003 Concept Plan and Proffers for Crescent Place to reduce building setbacks in order to implement better architectural design. A modification of TLZO Section 10.4.5.C.4 regarding porches and bay windows is also requested.

Planning Commission Critical Action Date: June 26, 2015

Recommendation: Staff recommends approval of the concept plan and proffer amendments.

Application Acceptance Date: February 25, 2015

Web Link: A comprehensive listing of all application documents is found here:
<http://www.leesburgva.gov/government/departments/planning-zoning/active-land-use-applications/crescent-parke-rezoning-town-plan-amendment>

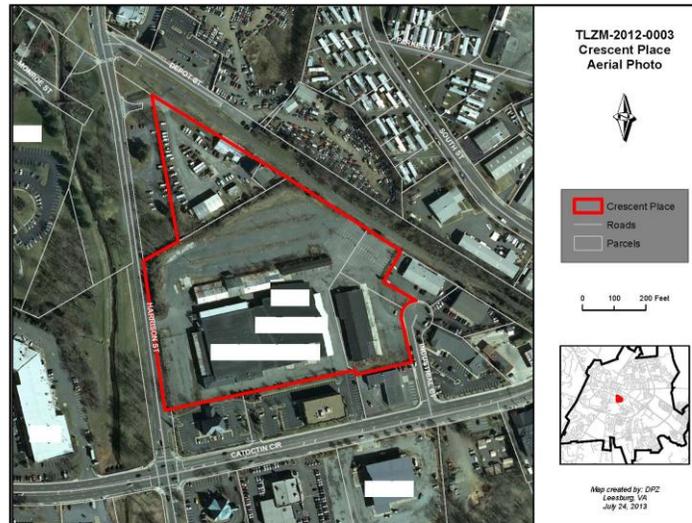


Figure 1, Location

Suggested Motions:

Approval

I move that Concept Plan and Proffer Amendment Application 2015-0004 Crescent Place, be forwarded to the Town Council with a recommendation of approval for the reasons stated in this staff report, and on the basis that the Approval Criteria of Zoning Ordinance Sections 3.3.15 and 3.4.12 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

-OR -

Denial

I move that Concept Plan and Proffer Amendment Application 2015-0004, Crescent Place, be forwarded to the Town Council with a recommendation of denial on the basis that the Approval Criteria of Zoning Ordinance Section 3.3.15 have not been satisfied due to the following reasons _____.

I. Application Summary: This application proposes an amendment to TLZM 2012-0003 Crescent Place. The nature of the amendment does not change the approved uses, density or the general layout. At the time the original rezoning was approved, the Applicant proffered architectural design guidelines. The PRN District allows the applicant to specify the setbacks for a custom development plan. The Applicant selected front setbacks of 35, 15, and four (4) feet, side setbacks of five (5) and one (1) feet, and rear setbacks of 18, five (5) and four (4) feet. However at that time, the residential builder had not been selected. Since the approval of the rezoning, the Applicant has contracted construction of the residential units with two builders, The Knutson Companies and Ryan Homes. During the development of architectural elevations and the site plan review process, it was discovered that proffered building elements, which enhance the architectural appeal of the buildings, could not meet proffered setbacks. Specifically, front porches and bump-outs on both the side and rear elevations would encroach into required yards. The amendment is technical in nature to respond the Applicant’s building types.

This application only applies to the residential and mixed-use areas of the TLZM 2012-0003 approval. Excluded is the AT&T parcel identified in Figure 2 to the right due to specific setbacks depicted on the concept plan for the future AT&T building expansion.

The only proposed change to the proffers revises language to reflect the revised concept plan notes and typical details.

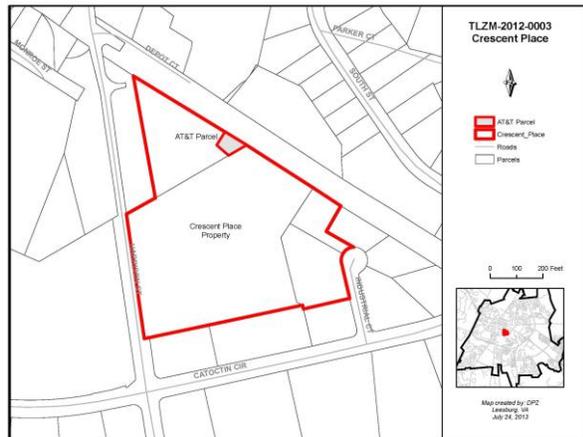


Figure 2, Property

Table 1. Property Information			
Address:	Harrison Street, SE	Zoning:	PRC
PIN #	231-19-0774, 231-19-3353 231-19-6022, 231-19-6044	Planned Density:	0.35 to 1.0 FAR
Size:	11.77 acres	Planned Land Use:	Downtown

II. Current Site Conditions: The property is currently being developed. In execution of proffered obligations, the Applicant has removed all of the existing structures on the property. Areas of the property have received site plan approval to install underground utilities. The AT&T building and the area immediately adjacent to it remain unchanged.

III. Uses on Adjacent Properties nearest the Amended Areas:

Table 4. Adjacent Uses			
Direction	Existing Zoning	Current Use	<i>Town Plan Land Use Designation</i>
North	CD-OS, CD-RM, CD-RH	W&OD Trail/Office	Crescent District
South	CD-CC	Bank/Office/Retail	Crescent District
East	CD-CC, CD-RH	W&OD Trail/Auto Salvage/Auto-related	Crescent District
West	B-1, CD-OS, CD-CC	Raflo Park	Crescent District

IV. Zoning History: The zoning history of the property is described below:

- April 24, 1990 - The subject properties were rezoned from M-1, Industrial District to B-2, Established Corridor Commercial Zoning District by the Town as part of a comprehensive zoning map revision. The Barber and Ross milling operation became a legally nonconforming use at that time.
- February 28, 2006 - Town Council approved TLZM-2005-0003 Harrison Park which rezoned the property from B-1 and B-2 to PRN (Planned Residential Neighborhood) subject to a concept plan and proffers.
- February 28, 2006 - The Town included the subject property in the H-1 (Old and Historic) Overlay District.
- January 8, 2013 (effective date March 1, 2013) - The subject property was rezoned to the Crescent Design District, CD-MUR, Mixed Use Residential, CD-Commercial Corridor, and CD-HR, High Residential Density sub-districts. This action by Council also removed the subject properties from the H-1 (Old and Historic) Overlay District.
- December 10, 2013 – TLZM 2012-0003 Crescent Place approved, rezoning the property to a different concept plan with proffers under the PRN district. The

concept plan and proffers were amended to reflect a change in use, density and design.

V. Staff Analysis

1. **Review Summary:** The potential encroachments were discovered during the review of architectural elevations and site plans. The application was forwarded directly to the Planning Commission for consideration due to the status of on-site construction, the various plan reviews and the relatively benign effect of the amendment. The revised details have been reviewed by Planning and Zoning and Plan Review departments and the revisions to the concept plan’s notes and details are in an acceptable form.

2. **Town Plan Compliance:** TLZO Section 3.3.8 requires an assessment of whether or not the proposed rezoning is consistent with the applicable provisions of the *Town Plan* and states that *“inconsistency with the Town Plan may be one reason for denial of an application.”* Further, TLZO Section 3.3.15 includes five approval criteria, the first of which states that a rezoning application must be consistent with the *Town Plan*. The nature of this minor amendment has no effect on *Town Plan’s* goals or policies.

3. **PRN Zoning Compliance:** The Planned Development zoning district permits the Applicant to create development standards that address site specific conditions. Crescent Place is zoned PRN. The standards created by the Applicant provided a more urban form where buildings frame the pedestrian environment with locations close to the street and highly detailed building architecture. Again, the Applicant selects the applicable setbacks for their project in a planned development district.

However, there are additional zoning standards contained in TLZO Section 10.4.5.C.4 and 5 which were modified with the initial approval. Staff notes that TLZO Section 10.4.5.C.4 requires that:

Balconies, chimneys, porches, bay windows, and steps and landings which comprise less than one-third of the length of the wall may project up to three feet into a required yard, but no closer than five feet to any lot line.

TLZO Section 10.4.5.C.5 requires that:

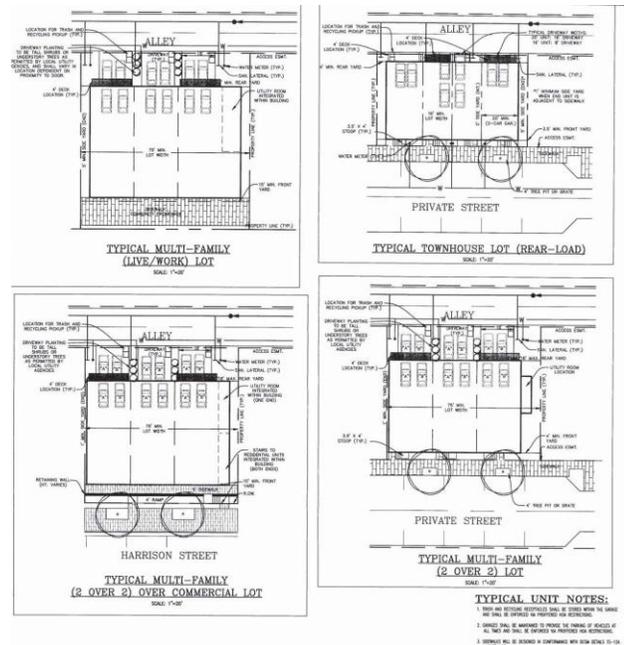


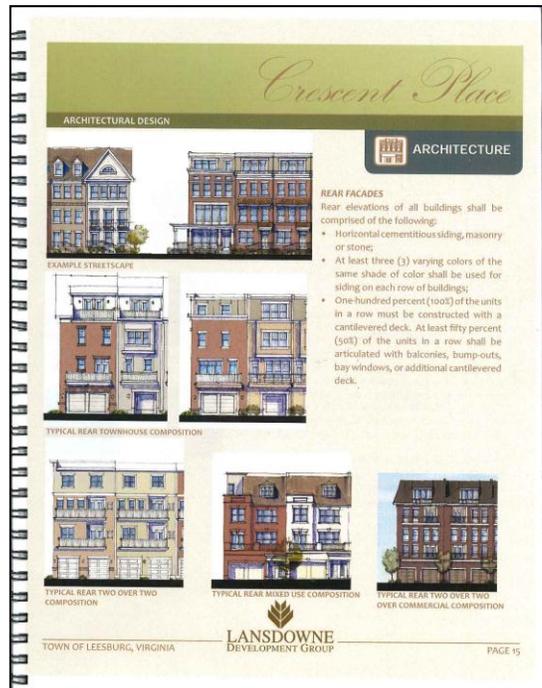
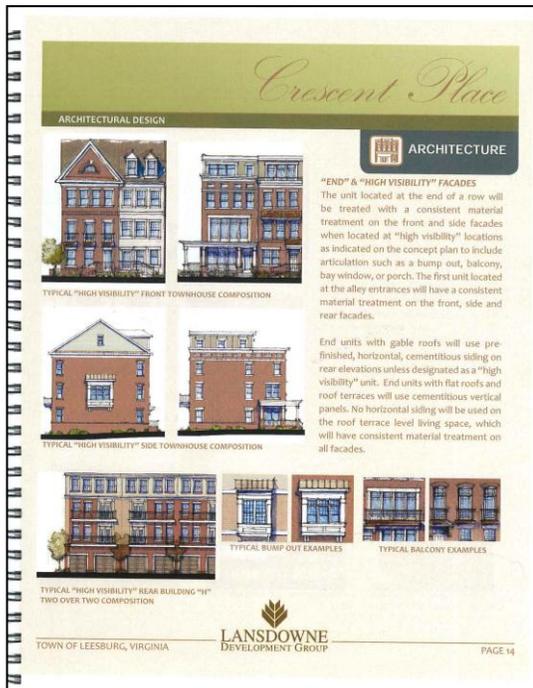
Figure 3, Typical Lot Detail

Uncovered decks which are attached to the principle structure and are more than three (3) feet above grade on the lot. May extend into a required rear yard to within ten (10) feet of the property line, however, side yard requirements shall apply.

The TLZM 2012-0003 application was granted two modifications which only addressed stoops and uncovered decks. The modifications allowed stoops to encroach into the front yard all the way to the property line, three and a half (3.5) feet. The other modification allowed uncovered decks to encroach into the rear yard all the way to the property line, four (4) feet.

ZONING ORDINANCE STANDARDS				
PRN – PLANNED RESIDENTIAL NEIGHBORHOOD				
(AS PROPOSED WITH THIS APPLICATION PER ZO. SEC. 8.4.6)				
	UTILITY (AT&T)	MIXED USE (LIVE/WORK)	MULTI-FAMILY (2/2) AND MULTI-FAMILY (2/2)/COMMERCIAL	SINGLE FAMILY ATTACHED
MINIMUM LOT AREA:	N/A	10,000 SF	10,000 SF	800 SF (MODIFICATION REQUESTED)
AVERAGE LOT SIZE:	N/A	N/A	N/A	900 SF MIN. (MODIFICATION REQUESTED)
MINIMUM LOT WIDTH:	N/A	75 FEET	75 FEET	16 FEET (MODIFICATION REQUESTED)
MAX. FLOOR AREA RATIO:	NONE	NONE	N/A	N/A
MAX. BUILDING HEIGHT:	40 FEET	56 FEET	56 FEET	50 FEET
MIN. YARDS/SETBACKS (MEASURED TO LOT LINE, ROW, OR VEHICULAR ACCESS EASEMENT.)	FRONT: 20 FEET	15 FEET	4 FEET	3.5 FEET (MODIFICATION REQUESTED)
	SIDE: 4 FEET, 0 FEET COMMON WALLS	5 FEET, 0 FEET COMMON WALLS	1 FOOT MIN. 0 FEET COMMON WALLS	5 FEET, 0 FEET COMMON WALLS 1 FOOT WHEN ADJACENT TO SIDEWALK
	REAR: 5 FEET	18 FEET	5 FEET MIN. 18 FEET MAX.	4 FEET 0 FEET COMMON WALLS

Figure 4, Approved Zoning Standards



During review of the conceptual building elevations, staff was also reviewing the detailed site plan. The exact building architecture was still under development at the time the rezoning application was being reviewed. Therefore the Crescent Place application was approved with a proffered set of comprehensive architectural guidelines prior to finalization of architectural plans and an engineered final site plan. Figures 3 and 4 illustrate the required detailed façade articulation on all building facades. Architectural and /or structural elements which extend beyond the primary building façade, are required to achieve a well-articulated appearance. As proposed, the proffered articulation features are not able to meet the setbacks established by the rezoning.

The buildings themselves meet the setback requirements; however, it is the features required to articulate the building facades that do not meet the setback requirements. To eliminate this zoning issue, a modification to allow the proffered articulation features to encroach to the property line is required. To further eliminate the potential for future possible zoning determinations, the Applicant is also requesting elimination of the building setback requirements. The effective changes are reflected in the diagrams below:

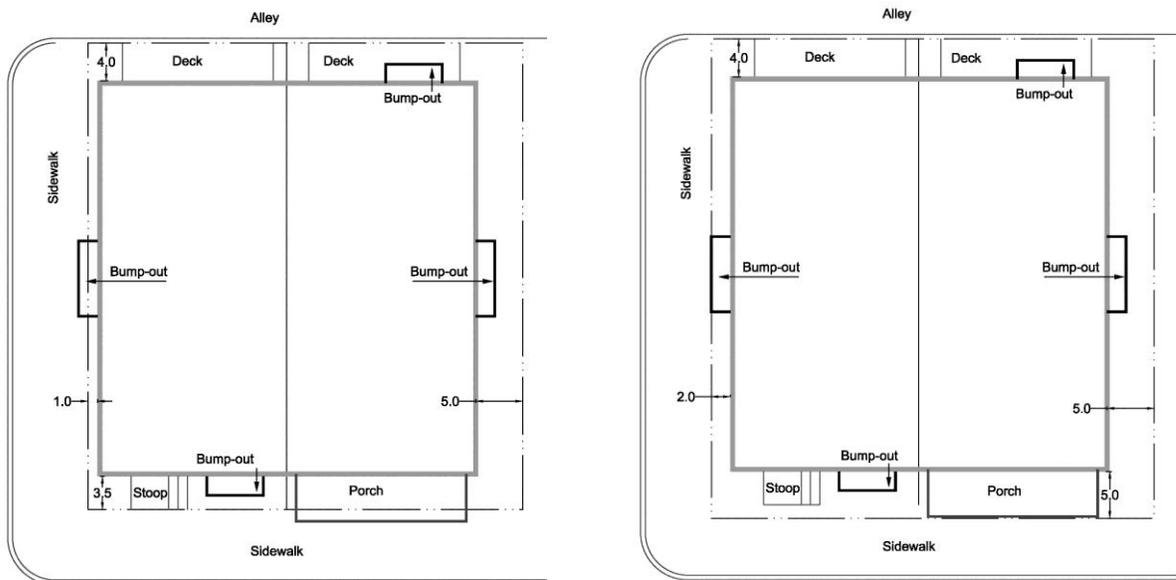


Figure 5 Typical Lot Comparisons

There is no effect to the placement of the building on the lot. The result is that the architectural features, bump-outs and porches, are as represented on the guidelines and the zoning conflicts are eliminated. That is, the required bump-outs such as stoops, porches and bay windows will still be entirely located on the residential lot as anticipated, but there will be no conflict with setback regulations.

VI. Proffers: The only proposed change to the proffers includes language that reflects the revised concept plan. Staff finds the proffers in an acceptable form.

VII. Rezoning Approval Criteria: Zoning Ordinance Section 3.3.15 establishes the following criteria for the Planning Commission and Town Council to use, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a zoning map amendment application. Listed below are the specific criteria.

- a. *“Consistency with the Town Plan, including but not limited to the Land Use Compatibility policies”*
- b. *“Consistency with any binding agreements with Loudoun County, as amended, or any regional planning issues, as applicable”*
- c. *“Mitigation of traffic impacts, including adequate accommodation of anticipated motor vehicle traffic volumes and emergency access”*
- d. *“Compatibility with surrounding neighborhood and uses; and”*
- e. *“Provision of adequate public facilities.”*

Staff finds that the minor amendment does not affect the prior findings of the previous approval and that the application meets the approval criteria.

VIII. Attachments

1. Crescent Place, Sheets 1-24, as Prepared by Bowman Consulting, revised February 19, 2015.
2. Applicant’s Statement of Justification dated February 23, 2015.
3. Draft Proffer Statement dated February 23, 2015.
4. TLZM 2012-0003 Proffers
5. Figure 3, Approved typical lot
6. Figure 4, Approved zoning standards
7. Figure 5, Typical Lot Comparison
8. Requested typical lot
9. Requested zoning standards

PRESENTED: March 24, 2015

ORDINANCE NO. _____

ADOPTED: March 24, 2015

AN ORDINANCE: APPROVING TLZM 2015-0004 CRESCENT PLACE, REDUCE CERTAIN BUILDING SETBACKS AND MODIFY THE REQUIREMENTS OF TLZO SEC. 10.4.5.C.4 REGARDING BALCONIES, CHIMNEYS, BAY WINDOWS AND STEPS AND LANDINGS.

WHEREAS, a concept plan and proffer amendment application has been filed by Leesburg Acquisition Partners LLC to reduce certain building setbacks for residential buildings and modify the requirements of TLZO Sec. 10.4.5.C.4, as identified on the TLZM 2015-0004 Crescent Place Concept Plan; and

WHEREAS, a duly advertised Planning Commission public hearing was held on March 19, 2015; and

WHEREAS, at the March 19, 2015 meeting, the Planning Commission recommended approval of this application and the zoning modification to the Town Council; and

WHEREAS, the Town Council held a duly advertised public hearing on this application on March 24, 2015; and

WHEREAS, staff recommended approval; and

WHEREAS, the Council has concluded that the approval of the application would be in the public interest and in accordance with sound zoning and planning principles.

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia:

SECTION 1. The concept plan and proffer amendment, TLZM 2015-0004 Crescent Place, for the property having the Loudoun County Parcel Identification Numbers (PIN) 231-19-

AN ORDINANCE: APPROVING TLZM 2015-0004 CRESCENT PLACE, REDUCE CERTAIN BUILDING SETBACKS AND MODIFY THE REQUIREMENTS OF TLZO SEC. 10.4.5.C.4 REGARDING BALCONIES, CHIMNEYS, BAY WINDOWS AND STEPS AND LANDINGS..

0774, 231-19-3353, 231-19-6022 and 231-19-6044, is hereby approved subject to the proffers dated February 23, 2015; and,

SECTION 2. A modification of TLZO Sec. 10.4.5.C.4 is hereby granted which permits balconies, chimneys, bay windows and steps and landings closer than five (5) feet to the property line; and,

SECTION 3. The property shall be developed in substantial conformance with the concept development plan prepared by Bowman Consulting Urban last revised February 19, 2015; and

SECTION 4. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of this ordinance.

SECTION 5. This ordinance shall be in effect upon its passage.

PASSED this 24th day of March 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council