



Date of Council Meeting: June 9, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Zoning Ordinance Text Amendment - Reclassifying the extension of Davis Avenue within the Crescent Design District (CDD).

Staff Contact: Brian Boucher, Deputy Director, Planning and Zoning

Council Action Requested: Approve an initiation of a Zoning Ordinance Text Amendment to consider the reclassification of the extension of Davis Avenue from an “Urban Boulevard” in the CDD.

Staff Recommendation: Staff supports the proposed initiation because it is desirable to allow the Planning Commission, the Town Council, and the public to consider all the legislative amendments necessitated by the applicant’s Crescent Parke proposal to be heard in conjunction with each other, and at the same time. Not only will this save time and effort, but more importantly it will ease understanding of the proposal.

If the amendment is initiated, specific language will be developed for the ordinance to define the use and establish specific performance criteria. Staff will have the text amendment track with the Crescent Parke Town Plan Amendment and rezoning.

Commission Recommendation: None at this time.

Fiscal Impact: None at this time.

Work Plan Impact: The impact will be minimal because staff is familiar with the issue and understands what would have to be amended. Processing this amendment so that it tracks with the Planning Commission and Town Council review will further minimize the time staff must devote to the amendment by concentrating public hearing appearances and preparation.

Executive Summary: At the Town Council meeting of May 26, 2015, Town Council requested an initiation resolution be prepared for the June 9, 2015 regular Town Council meeting to consider a Zoning Ordinance Text Amendment. The intended purpose of the initiation is to reclassify the extension of Davis Avenue from a four-lane “Urban Boulevard” to no specific classification in order to accommodate the timely processing of the proposed Town Plan Amendment (TPA) and rezoning known as Crescent Parke.

The Crescent Parke application under review proposes a smaller two-lane road for Davis Avenue extended from South King Street east to Gateway Drive. This is in line with

Crescent Parke’s request to rezone a portion of the area to residential uses which will generate less traffic than the current zoning of the property may generate. The Zoning Ordinance specifically designates the subject road as an Urban Boulevard, and only the Town Council or the Planning Commission may initiate a Zoning Ordinance Text Amendment.

Since the Crescent Parke application proposes two legislative applications (TPA and rezoning), the justification for initiating the amendment at this time is that processing the three items together will allow the Planning Commission and Town Council to consider all three aspects of the application at the same time (rezoning, TPA, and reclassified Davis Avenue) thereby increasing the understanding of the issues involved in the applicant’s proposal. This helps with the efficiency of processing the application as a whole by saving significant time and effort.

Background: At the Town Council meeting on May 26, 2015, Town Council requested an initiation of a Zoning Ordinance Text Amendment related to Town of Leesburg Zoning Ordinance Section (TLZO) 7.10.1.A.2 Street Types. This section designates the extension of Davis Avenue from South King Street east to Gateway Drive as an “Urban Boulevard” or a four-lane road in a 96-foot right-of-way.

Within rezoning application TLZM-2014-0001, Crescent Parke, Lansdowne Development Group, L.L.C. seeks to reduce this road from the proposed classification in order to build it as a two-lane road in a 70-foot right-of-way. This smaller road is classified as a “General Street” in TLZO Sec. 7.10.1.A.2.b. The basic justification for the change is that the applicant proposes this area for a lower traffic volume residential use instead of the mixed use (primarily commercial) envisioned by the Crescent District Master Plan and the current CD-MUO and CD-C zoning districts. The higher traffic counts generated by the anticipated mixed use development necessitate the larger road. Please note that the applicant’s proposed rezoning requires this Zoning Ordinance Text Amendment *before* it can be approved.

Town Council has two options to consider:

- 1) Initiate an amendment at this time; or
- 2) Wait until it has reviewed the TPA and rezoning applications to decide whether or not an initiation is necessary.

Option 1: Initiate Amendment on June 9, 2015. If Council initiates this text amendment, it would be heard by the Planning Commission while the TPA and rezoning are still before that body for consideration. This would enable the Planning Commission to make a recommendation on each of these three items and move them forward to Town Council as one complete legislative package for consideration. The advantages to this are twofold: First, both the Commission and the Council will be presented with the full picture of the changes proposed while considering the applications. Second, the Council can act on all three legislative items at the same time. This saves time and effort by staff,

the Planning Commission, Town Council and the applicant by creating efficiency in the processing of the entire application. *Note that an initiation of a Zoning Ordinance text amendment is not an endorsement of the amendment by Council and does not imply Council will approve the change.* Rather, an initiation simply means the proposed change will be discussed through the public process after which the Council is free to approve or deny the change based on its judgement of what that process has revealed.

Option 2: Do not initiate the Amendment until Council has heard the underlying Town Plan Amendment and Rezoning cases. If this option is elected, the TPA and the rezoning will proceed through the Planning Commission review, and on to the Council without the Zoning Ordinance Text Amendment. If the Council denies the TPA and the rezoning request, no initiation to the Zoning Ordinance is necessary because the denial of the underlying rezoning eliminates the need for the text amendment. This action may save time and effort by all parties because there would be no need to process the Zoning Ordinance Text Amendment. However, if the Council desires to *approve* the TPA and the rezoning, it cannot act until the Zoning Ordinance has been amended because approval of the rezoning creates a conflict between the two-lane road shown on the concept plan and the four-lane Urban Boulevard specified in TLZO Sec. 7.10.1.A.2 Street Types.

The result would be for the Town Council to hold its action on the rezoning in abeyance until the Zoning Ordinance Text Amendment to declassify Davis Avenue Extended from an “Urban Boulevard” is advertised and the Planning Commission has forwarded its recommendation to the Council. This could add several months to the processing time for Crescent Parke.

Attachment:

- 1) Initiating resolution

PRESENTED June 9, 2015

RESOLUTION NO. _____

ADOPTED June 9, 2015

A RESOLUTION: INITIATING AN AMENDMENT TO THE TOWN OF LEESBURG ZONING ORDINANCE RELATED TO THE EXTENSION OF DAVIS AVENUE IN THE CRESCENT DESIGN DISTRICT

WHEREAS, whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Town Council may amend, supplement, change or repeal the regulations in the Zoning Ordinance; and

WHEREAS, The Leesburg Zoning Ordinance Crescent Design District (CDD) regulations specify the extension of Davis Avenue as an “Urban Boulevard” with four lanes in a 96-foot right-of-way; and

WHEREAS, the rezoning application identified as TLZM-2013-0006 Crescent Parke proposes the extension of Davis Avenue as a two lane road in a 70-foot right-of-way which is a direct conflict with existing Zoning Ordinance regulations; and

WHEREAS, a Town Plan Amendment (TLTA-2014-0001) has been applied for by the Applicant for Crescent Parke to designate Davis Avenue as a “through collector” road which would permit a two lane road in a 70-foot right-of-way; and

WHEREAS, the Leesburg Zoning Ordinance would need to be amended to permit the extension of Davis Avenue to be constructed as a two-lane road in a 70-foot right-of-way; and

WHEREAS, in order to provide timely and coherent review of the Crescent Parke applications it may be reasonable to initiate this amendment so that it can be considered by the Town Council, the Planning Commission and the general public during review of the related Town Plan Amendment and Rezoning applications; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice

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require consideration of the proposed amendments.

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

SECTION 1. Amendments to the Zoning Ordinance are hereby initiated and referred to the Planning Commission to consider a reclassification of the extension of Davis Avenue in Town of Leesburg Zoning Ordinance Section 7.10.11.A.2 Street Types in order to provide timely and coherent review of the Crescent Parke rezoning application that gives rise for the need to consider this amendment.

SECTION 2. The Planning Commission shall hold a public hearing to consider these amendments to the Zoning Ordinance and report its recommendation to Town Council pursuant to Chapter 22, Title 15.2-2204 of the 1950 Code of Virginia, as amended.

PASSED this 9th day of June, 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council