



Date of Council Meeting: October 13, 2015

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING**

Subject: Rezoning Application TLZM-2013-0006, Crescent Parke

Staff Contact: Michael Watkins, Senior Planner, DPZ

Council Action Requested: The following actions are requested for rezoning application TLZM-2013-0006, Crescent Parke:

- Remand this application back to the Planning Commission with specific guidance on unresolved issues; or
- Conduct a Council work session to discuss this application in detail; or
- Deny approval of this application.

Staff Recommendation: Town staff has significant concerns with the amount of unresolved technical issues with this rezoning application. As a result, staff recommends the following next steps:

- Remand the application back to the Planning Commission; or
- Conduct a Council work session to discuss the application in detail; or
- Deny approval of this application.

In the event Town Council decides to remand the rezoning application back to the Planning Commission, staff recommends that Town Council provide specific guidance on:

- Use,
- Density,
- Unit type, and
- Integration of recreation amenities.

Commission Recommendation: The Planning Commission held its public hearing on June 4, 2015. A resident on Shields Terrace made remarks in opposition to the application stating that the proposed development was not characteristic of the Crescent District. At the June 4, 2015 Planning Commission Public Hearing, the applicant stated that they were committed to the land use and layout as proposed within their rezoning application. The Planning Commission recommended denial of the *Town Plan* Amendment based on the Applicant's justification not satisfying Zoning Ordinance approval criteria.

Subsequent Planning Commission work sessions were held to discuss potential improvements to the rezoning concept plan. Officers of the Virginia Knolls Community Association spoke in support of the land use change (commercial mixed-use to residential), and the change in the number of lanes for Davis Avenue-Gateway Drive from four lanes to two. The work sessions were intended to discuss staff recommendations and potential revisions to the concept plan layout.

A majority of Planning Commissioners were not supportive of the application as the proposed layout was not characteristic of the Crescent District's vision and intent as a mixed-use development. A minority opinion of the Planning Commission generally supported the zoning change to residential based on the Applicant's justification that residential use is more compatible with the Virginia Knolls subdivision, and concerns regarding economic viability of commercial uses south of the Tuscarora Creek.

The Applicant did not make any significant changes to the layout and at their August 20, 2015 meeting the Planning Commission voted (5-1-1) to deny the rezoning application. However, the Planning Commission decided to include a list of recommendations for Town Council to consider and discuss as they evaluate the Crescent Parke applications. The following are recommendations made by a majority of the Planning Commissioners:

- Davis Avenue-Gateway Drive should consist of a four lane boulevard.
- The Applicant should conduct or proffer an engineering plan to rehabilitate the Izaak Walton Park pond.
- Land disturbance should be limited to retain the existing trees along the pond and maintain the existing rustic environment.
- The School Capital Facilities proffer guideline should be maintained and that the associated monetary contributions are used for school capital facility improvements. No school capital facility contributions should be used to purchase the Izaak Walton Park.
- The rezoning of the two acres of open space should be denied and the two acres should continue as open space.
- Two-over-twos are generally acceptable, but the two-over-two density should be reduced.
- Attached dwelling units should be developed with enough room at the rear and side of the units for exterior household appurtenances such as utilities or refuse containers so as not to result in a 'cluttered' appearance.
- The proposed townhouses should include a varied unit width for each grouping of units within a building and not be uniform in unit width.
- Additional fiscal analysis should be provided that demonstrates a need for more residential dwellings and less commercially zoned land.
- The Concept Plan should be revised to include appropriate buffers outside the Dulles Greenway Extension reservation area.

- The Applicant should include a proffer that requires a disclosure statement for potential buyers identifying the Dulles Greenway Reservation area as a potential future right-of-way.
- The Applicant should proffer a phasing program.
- To promote the mix of uses envisioned within the Crescent District, ground floor non-residential uses with residential uses above should be located south of Tuscarora Creek; however, a location was not specified.
- Request that the Applicant commit to tree save/preservation areas and note these areas on the Concept Plan.
- Decrease residential density south of Tuscarora Creek to accommodate more useable open space.
- Revise the Concept Plan to provide a minimum of 100' separation of overhead transmission lines to any residential units.
- Residential parking modifications which would reduce available parking for residents and visitors should not be granted.

Fiscal Impact: The Application's Fiscal Impact Analysis does not provide an economic comparison of development with the current zoning, *and* the zoning district proposed by the Applicant. The property is currently zoned commercial mixed-use (CD-C and CD-MUO), and the proposed rezoning replaces a significant portion of the property as a residential district (CD-RH). Without the comparison analysis, the potential business tax revenue that could be generated by nonresidential uses on the subject property is not fully understood.

Staff does not believe that sufficient analysis has been provided to address Economic Development elements as noted in the Leesburg *Town Plan* in particular promoting business and employment growth that enhances the quality of life and maintains the character of the Town. In addition, the application does not address or evaluate the goals of the Economic Development Element to encourage redevelopment and infill in order to link to the existing fabric of the Downtown area.

Work Plan Impact: This application is part of the core function of Planning and Zoning and fits within the work plan. The Town will need to review and approve additional site development applications prior to construction of the site. Such site development plan processing is anticipated in the Town's work plan as well

Executive Summary: The Applicant's request is to remap the existing Crescent District commercial zoning districts on the Crescent Parke property, and introduce a residential zoning district on the property south of Tuscarora Creek. The application also includes several zoning modifications regarding site and architectural design as follows:

- Reduce the building frontage requirement to 50% for buildings that face open space.
- Credits for the number of parking spaces for single-family attached units.
- Allowance for an alternate building roof form – use of cross gables.

- A decrease in the canopy coverage requirements for amenity spaces – allowance for 33% shaded instead of 50%.
- Permit the relocation of street trees due to sight distance constraints.
- Reduce required planting material in the buffer-yard closest to the Route 15 Bypass.
- Permit disturbance within a buffer-yard for an asphalt trail.

The effect of the rezoning reduces commercial zoning districts and adds a residential zoning district where previously excluded. The following table illustrates the changes in zoning district areas.

Table 1. Zoning District Changes			
Existing District	Existing Acreage	Proposed Acreage	Difference
CD-C	20.04	7.53	(12.51)
CD-MUO	30.96	16.82	(14.14)
CD-OS	2.34	0.00	(2.34)
CD-RH	-	28.98	

<http://www.leesburgva.gov/government/departments/planning-zoning/active-land-use-applications/crescent-parke-rezoning-town-plan-amendment>

The Applicant’s Town Council submission was received on August 28, 2015. This submission includes a new concept plan layout for the residential land bay south of Tuscarora creek which has not been reviewed by the Planning Commission, and has had limited staff review. Other than the proximity of townhouse units closest to the overhead transmission lines, few Planning Commission comments were addressed. Staff continues to discover inadequacies with the revised concept plan and proffers in addition to the unresolved comments from the previously submitted plans. Staff notes the following significant deficiencies:

- Zoning compliance with Crescent District standards.
- Overall design including the functional layout of units including safe and adequate access.
- Insufficient amount and lack of integrated recreation areas.
- Storm Water Management/Best Management Practices strategies that do not meet applicable regulations.
- Insufficient information to understand the impacts of the future Greenway Extension upon the existing residences to the east and the proposed layout on the subject property.
- Concerns regarding proffer adequacy, including but not limited to, monetary contributions and the status of the Olde Izaak Walton Park lease agreement.

A more detailed outline of unresolved issues is included as Attachment 2.

Pertinent policy issues should precede resolution of technical issues. As a result, key questions are identified below for Town Council discussion and consideration of this application:

Land Use:

- Does the Town Council agree with the Applicant's change from mixed-use commercial to high density residential south of Tuscarora Creek?

Proffers

- Does the Town Council agree with the Applicant's proposal to use Capital Facility Contribution funds to purchase the Olde Izaak Walton Park and dedicate it to the Town?
- Does the Town Council wish to utilize other proffer contributions to address maintenance issues for the park?

NOTE:

- The proffers do not include a specific contribution in accordance with the Schools Capital Facilities Contribution proffer guidelines.
- Ownership of the Olde Izaak Walton Park includes the property "as is".

Residential Layout:

- Is Town Council satisfied with the proposed unit types and density?
- Is Town Council satisfied that the proposed layout adequately buffers existing and proposed residential dwellings from the future Dulles Greenway Expansion?
- Is Town Council satisfied with the programmed recreational amenities, location, and layout?

Background: The Planning Commission's June 4th Public Hearing Staff Report contains a more detailed explanation of the Applicant's request and staff's analysis. (Attachment 3).

The Applicant's proposal includes two distinct land bays:

- A commercial mixed-use land bay north of Tuscarora Creek, and
- A suburban-styled residential land bay south of Tuscarora Creek.

The commercial land bay north of Tuscarora Creek generally satisfies the Crescent District zoning requirements. There are zoning issues, but the Applicant should be able to resolve them prior to Town Council's vote on the application. The commercial land bay north of Tuscarora Creek includes three development areas.

- Development Area #1: The development area south of Davis Avenue includes a grouping of three mixed-use buildings of approximately 45,100 square feet containing ground-floor retail with office. The buildings have a two story

appearance from the front, with a three story appearance from the rear due to topography of the site. The three individual buildings that the Applicant has proposed do not meet zoning frontage requirements. A zoning modification must be granted to develop this area as proposed.

- Development Area #2: This area is located north of Davis Avenue directly behind Food Lion and includes 88,000 square feet of office/retail or hotel. The hotel use would require a special exception in the future. The proposed building incorporates internal parking not visible from a public street. Due to the shapes of the road alignment and proposed building footprint, a modification of the zoning frontage requirement is necessary here too.
- Development Area #3: This area is located to the east of the Development Area #2 and south of the TW Perry property. Staff believes that this development area is the most successful in implementing the mix of uses in the Crescent District. There are four mixed-use buildings that include ground-floor retail with multifamily units above. Development Area #3 includes 26,625 square feet of retail and 96 multifamily units.

The development area south of Tuscarora Creek is the focus of the requested land use change. This area is currently planned and zoned primarily for commercial uses, with the ability to request high density residential buildings through a rezoning. The rezoning application changes the zoning of the property from a commercial mixed-use district to a higher density residential district consisting of townhouses and “two over two” style units. The resulting layout does not include a mix of uses south of Tuscarora Creek and is more suburban in its overall appearance.

The proffered contributions by the Applicant for Crescent Park include:

- A contribution for capital facilities within the Town of Leesburg of \$5,341,650. The amount has been reduced to \$2,315,000 to accommodate the purchase price of the Olde Izaak Walton Property.
- An Off-site Transportation contribution of \$789,000.
- A \$1,000 per unit contribution toward recreation facilities in the Town of Leesburg in the total amount of \$390,000.
- A contribution of \$100 per dwelling unit and \$0.10 per gross square feet of commercial buildings for fire and rescue for a total of \$55,173.
- A contribution towards traffic signal improvements at the South King Street and the Route 15 Bypass interchange in the amount of \$200,000.

Table 2. Applicant's Proffer Package	
Proffer	Contribution Amount
Capital Facilities (5,341,650-2,315,000)	\$3,026,650
Off-Site Transportation	\$789,030
Recreation Facilities	\$390,000
Interchange Traffic Signal	\$200,000
Usable by the Town	\$4,405,680
Fire and Rescue	\$55,173

Although the Applicant's total proffer contribution totals \$4,405,000 (plus \$55,173 for Fire and Rescue) after deduction of the purchase price of Olde Izaak Walton Park, the proffer language does not include a specific contribution for the schools Capital Intensity Factor.

The Applicant intends to purchase the Olde Izaak Walton Property and dedicate it to the Town. The Town currently uses the property through a lease agreement that expires in 2030. The Town currently incurs an annual cost of approximately \$150,000 (rent plus taxes) with an approximate cost to the Town of \$2.5 million for the remainder of the lease term. It should be noted that the applicant has proposed to keep 2.3 acres of the Olde Izaak Walton property depicted on the Rezoning Plat for residential development purposes. The price of this property was not included in the purchase price in the proffers of \$2,315,000. Under the current terms of the lease agreement, the Town has approval authority over the sale of this land.

If the Olde Izaak Walton property is dedicated to the Town "as is" there are certain improvements that must be made to this property if it becomes public property under Town stewardship and maintenance as follows:

- Pond and Dam rehabilitation
- Bridge Replacement with ADA accessibility
- ADA accessible route
- Building renovation and/or replacement

Table 3 includes very preliminary cost estimates associated with the identified improvements necessary to the Olde Izaak Walton Park.

Table 3. Park Improvements	
Improvement	Rough Cost Estimate
Pond and Dam Rehabilitation	\$1,000,000
Bridge Replacement, with ADA accessibility	\$725,000
ADA accessible route	\$200,000
Building Replacement	\$1,500,000
Total Costs	\$3,425,000

Other proffer comments are contained in Attachment 2 of this memo.

Attachments:

1. Planning Commission basis for denial and specific recommendations.
2. Staff outline of deficiencies – To be provided
3. Staff Proffer and Izaak Walton Park Improvement Analysis – To be provided
4. June 4, 2015 Planning Commission Staff Report
5. July 16, 2015 Planning Commission Work Session Memo
6. August 20, 2015 Planning Commission Work Session Memo
7. Applicant's Statement of Justification dated August 28, 2015
8. Applicant's Concept Plan dated August 28, 2015
9. Applicant's Draft Proffer Statement dated August 28, 2015.

The following motion was made to deny the Crescent Parke rezoning application TLZM 2013-0006:

I move that Zoning Map Amendment TLZM 2013-0006, Crescent Parke, be forwarded to the Town Council with a recommendation of denial on the basis that the Approval Criteria of Zoning Ordinance Sections 3.3.15 have not been satisfied, and that the amendment will not serve the public necessity, convenience, general welfare and good zoning practice due to the following general reasons:

- The proposal is contrary to current Town Plan land use policies which call for mixed uses or open space on the 29 acres subject to rezoning to high density residential use.
- Compliance with Crescent District zoning standards has not been adequately addressed and may significantly impact the proposed Concept Plan layout.
- Transportation issues regarding Davis Drive Extension and the Greenway Extension have not been adequately addressed.

Further, the Planning Commission requests that the Town Council consider the following recommendations discussed at the Planning Commission's August 20, 2015 Work Session meeting:

- Davis Avenue should consist of a four lane boulevard from existing Gateway Drive to South King Street.
- An engineering plan for the pond; the view shed be retained regarding trees along the pond; and no school money be used to purchase Olde Izaak Walton Park.
- Maintain the two acres of open space
- Two-over-twos are generally an acceptable unit type; however it was felt that there are too many proposed. It was further recommended that they should be developed with enough room at the rear and side of the units for exterior household appurtenances such as utilities or refuse containers so as not to result in a 'cluttered' appearance.
- Varied unit widths for the townhouses are recommended.
- Request for additional fiscal analysis be provided that demonstrates a need for more residential dwellings and less commercially zoned land.
- Specified Buffer widths outside the Greenway Extension reservation area and a disclosure for potential buyers identifying the area as a potential future right-of-way.
- Request that the Applicant proffer a phasing program.
- Extension of ground floor non-residential uses south of Tuscarora Creek, however, the location was not specified
- Request that the Applicant commit to tree save/preservation areas and note these areas on the Concept Plan.
- Decrease residential density south of Tuscarora Creek to accommodate more useable open space.
- Revise the Concept Plan to provide a minimum of 100' separation of overhead transmission lines to any residential units.
- Did not support the requested residential parking modifications which would reduce available parking for residents and visitors.



Date of Meeting: June 4, 2015

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLZM-2013-0001, Crescent Parke

Staff Contact: Michael Watkins, Senior Planner

Applicant: Hobie Mitchel, Lansdowne Development Group, LLC
2553 Dulles View Drive, Suite #400, Herndon VA 20171
(703) 995-1849; hmitchel@lansdownedevgroup.com

Applicant's Representative: Christine Gleckner, AICP, Walsh Colucci Lubeley & Walsh
1 East Market Street, Suite #300, Leesburg, VA 20171
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Proposal: **Rezoning Application:** An application to rezone approximately 29 acres from the CD-C (Crescent District-Commercial) and the CD-MUO (Crescent District-Mixed-Use Option) to the CD-RH (Crescent District-Residential High Density); and to rezone approximately two (2) acres from CD-OS (Crescent District-Open Space) to CD-RH. Within the CD-C and CD-MUO districts, the application includes up to 163,625 square feet of nonresidential uses to include: a maximum of 112,500 square feet of office uses, a maximum of 141,125 square feet of retail uses, inclusive of a hotel use subject to a future special exception application and 96 multifamily dwelling units. Within the CD-RH, the application includes 96 stacked townhouses (two-over-two) and 209 conventional townhouses. The application includes several zoning modifications which affect building architecture and site design.

There is a related Town Plan Amendment, TLTA 2015-0001, to convert 29 acres from Open Space (2 acres) and Commercial/Mixed Use (27 acres) to a Residential classification. That application is discussed in a separate staff report.

Planning Commission Critical Action Date: **September 12, 2015**

Recommendation: Staff recommends denial of the related Town Plan Amendment (TPA) because it provides inadequate justification regarding why the Town should amend the Crescent District Master Plan. Staff is unable to make a recommendation on the rezoning at this time based on the following factors:

- The proposal is contrary to current Town Plan land use policies which call for mixed uses or open space on the 29 acres subject to rezoning to high density residential use.
- Compliance with Crescent District zoning standards has not been adequately addressed.
- Information regarding stormwater management impacts is not sufficient.

- Transportation issues regarding Davis Drive Extension and the Greenway Extension have not been adequately addressed.

Application Acceptance Date: April 7, 2014

Web Link: A comprehensive listing of all application documents is found here:
<http://www.leesburgva.gov/government/departments/planning-zoning/liam-interactive-applications-map>

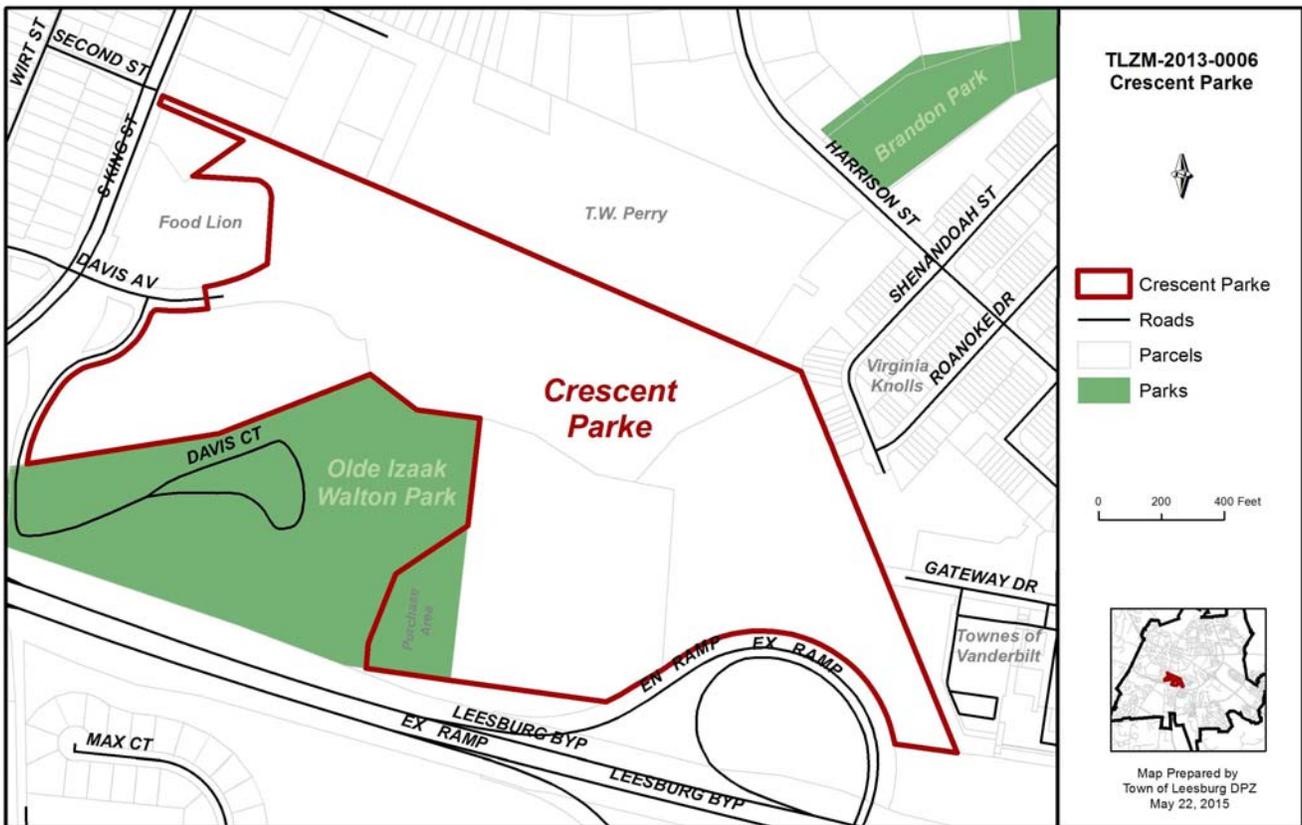


Figure 1, Location

Table 1. Property Information			
Address:	Adjacent to Rt.15 By-Pass and east of S. King Street	Zoning:	CD-C, CD-MUO, CD-OS
PIN #	232-37-7166, 232-37-5627, 232-38-9290, 232-28-3893, 232-37-3721	Planned Density:	No max. FAR; Residential density set at rezoning
Size:	53.33 acres	Planned Land Use:	Mixed-Use / Commercial

Suggested Motions:

Denial

I move that Zoning Map Amendment TLZM 2013-0006, Crescent Parke, 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 _____.

A recommendation of denial should include reasons as to why the application should be denied. The following reasons could justify denial of the application:

- The proposal is contrary to current Town Plan land use policies which call for mixed uses or open space on the 29 acres subject to rezoning to high density residential use. Staff does not support the related Town Plan Amendment request.
- Compliance with Crescent District zoning standards has not been adequately addressed.
- Information regarding stormwater management impacts is not sufficient.
- Transportation issues regarding Davis Drive Extension and the Greenway Extension have not been adequately addressed.

- OR -

Approval

I move that Zoning Map Amendment TLZM 2013-0006, Crescent Parke, 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 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

-OR -

Work Session

I move that Town Plan Amendment TLTA 2015-0001, Crescent District Uses (Crescent Parke) and Zoning Map Amendment TLZM 2013-0006, Crescent Parke, be discussed at a Planning Commission Work Session on _____ to consider outstanding issues contained in the staff report dated June 4, 2015.

I. **Application Summary:** The Applicant is requesting to rezone areas of the property currently zoned CD-C (Commercial) and CD-MUO (Mixed-Use Option) to the CD-RH (Residential High Density). Figure 3 depicts the location of the proposed districts and Table 3 lists the proposed acreage for each zoning district. The property is generally located north of the Route 7/15 By-Pass and east of South King Street, behind the Food Lion grocery store. The property is comprised of two land bays, one north and the other south of the Tuscarora Creek, as illustrated on Figure 2 below.

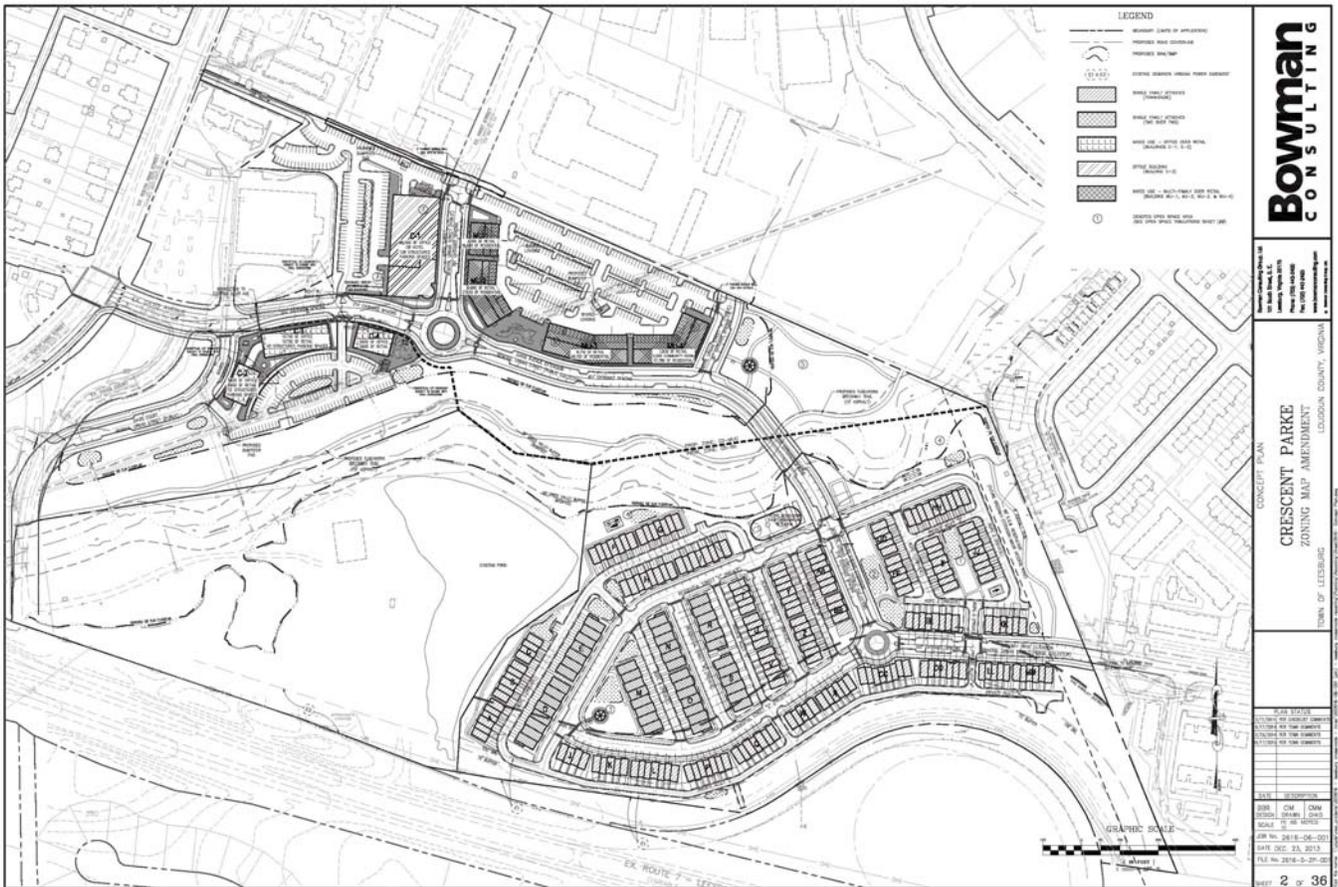


Figure 2, Concept Plan

The land bay north of the Tuscarora Creek includes the CD-C and CD-MUO districts. The CD-C portion of this land bay includes three buildings totaling 45,100 sf. of office and retail uses. The CD-MUO portion of the land bay includes a building of 88,000 sf. which can be office or hotel, and four mixed-use buildings containing 96 multi-family dwelling units and 26,625 sf. of retail.

The land bay south of the Tuscarora Creek is proposed as CD-RH. Contrary to the Crescent District Master Plan and the intent of the current zoning district this land

Table 3. Zoning Area			
District	Area in Acres	Area in Square feet	Color Code
CD-C	7.53	328,185	Blue
CD-MUO	16.82	732,655	Red
CD-RH	28.98	1,262,488	Orange

II. **Current Site Conditions:** The property is currently vacant. Access to the property is provided via a temporary turnaround at the existing terminus of Davis Avenue, to the west; and, to the east, Gateway Drive terminates at the property boundary. The property is mainly forested, with the Tuscarora Creek bisecting the property. Figure 4 illustrates the existing conditions.

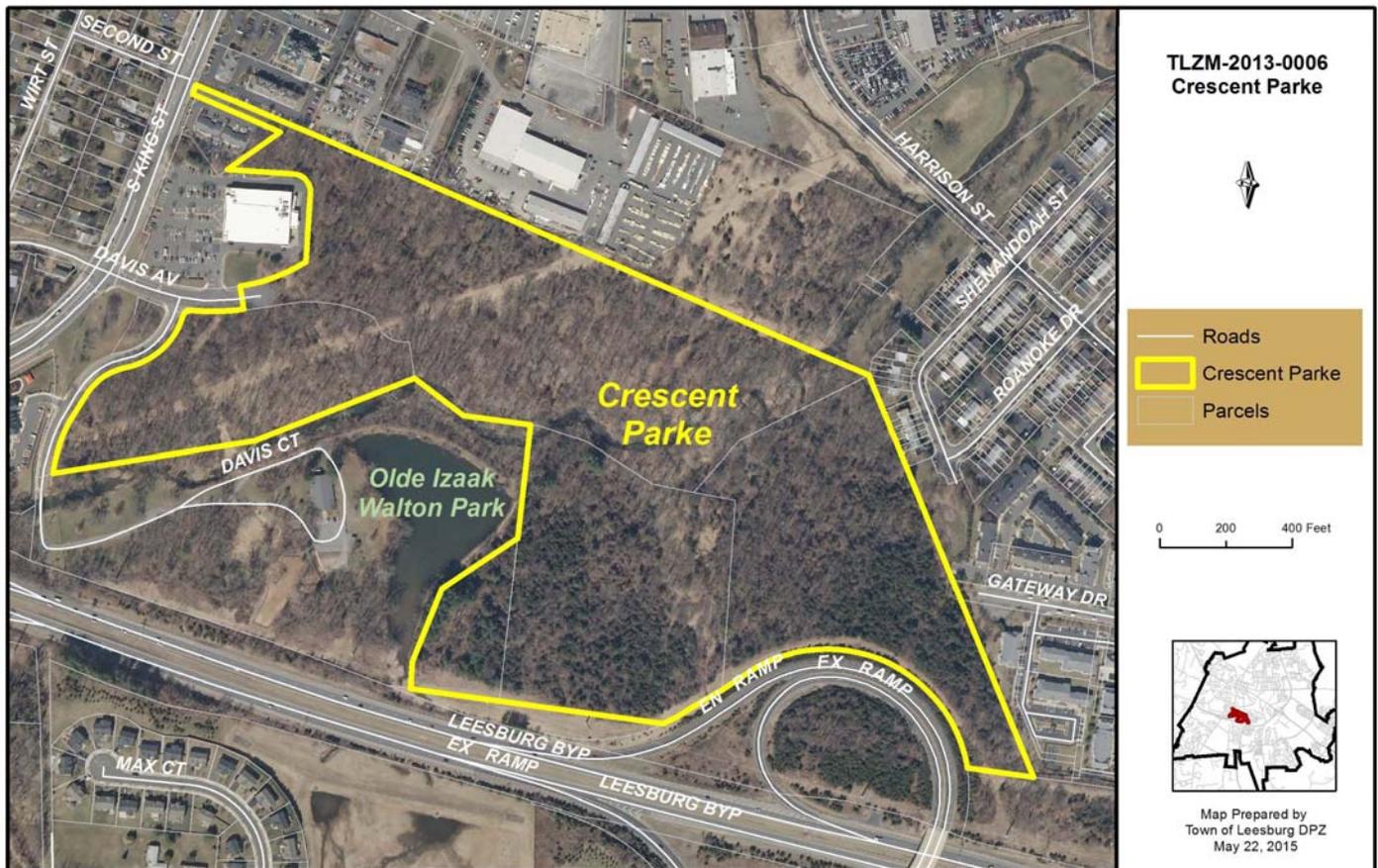


Figure 4, Existing Conditions

III. Uses on Adjacent Properties nearest the Amended Areas:

Table 4. Adjacent Uses			
Direction	Existing Zoning	Current Use	Town Plan Land Use Designation
North	CD-C, CD-MUO	Lumber and Building Material Sales, Office, car wash, auto sales	Crescent Design District Commercial/Mixed-Use
South	PRC	Park/Residential Neighborhood	Low Density Residential
East	R-8, R-22, B-2	Multifamily Dwellings & Townhouses	Downtown
West	B-2, R-6	Office, Retail, Single Family Detached	Downtown

IV. Zoning History: The Crescent Design District zoning was established in 2013. To implement the amended Crescent Design District, the subject property was comprehensively rezoned and portions of the property were included in the commercial, mixed-use option and open space sub-districts.

Development plans were previously submitted and reviewed for development on portions of property prior to the comprehensive rezoning to the Crescent District. TLPF-2010-0004 is a site plan that proposes a 60,900 square foot building located behind the existing Food Lion grocery store. TLPS-2008-0004 is a preliminary subdivision plan that proposes 35 residential duplexes located along the Route 15 By-Pass and Gateway Drive. If the Town Plan Amendment and Rezoning are not approved, the Applicant could address minor Staff comments and provide the required bonding and securities. This would permit construction of the office building and residential duplexes. Illustrations of the pending application are included as an attachment.

V. Staff Analysis

- 1. Review Summary:** Three submissions of the rezoning application were reviewed by Staff. Multiple meetings were held to discuss the Town Plan Amendment and rezoning applications. Although there are many unresolved zoning comments (see below), the Applicant has elected to initiate formal discussion of the application with the Planning Commission.
- 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*. See TLTA 2015-0001 for analysis of the proposed amendment. Until such time as the Town Council renders a decision on whether the proposed amendment is acceptable, staff cannot make a recommendation on the rezoning regarding whether it is consistent with the Town Plan.

3. **Proposed Uses, Office:** Building C-1 is proposed as a 88,000 square foot office building. Alternatively, Building C-1 could be a hotel. This single building represents 56% of the total commercial area proposed in the entire 53-acre site (88,000 of 159,725sf.). In order to support the proposed office density the Applicant must integrate structured parking in addition to a surface parking facility. The Applicant has stated that their design intent concentrates nonresidential uses north of the Tuscarora Creek. Staff notes that a “concentration” of uses was not intended in the CDD. Staff is concerned that this development concept is unlikely to come to fruition any time in the future based on the following reasons:

- **Office Market:** as testified to by numerous applicants on recent legislative applications, the Leesburg office market is extremely weak, particularly for this amount and style of office. In another zoning amendment case an applicant is looking to eliminate something very similar - a 110,000 sf. stand-alone office building with a proposed 3-story parking garage because of inability to attract a user.
- **Location:** The office building will be located off of South King Street and behind a grocery store. Although Davis Avenue is classified as a through-collector, and will function as a key component of the town’s roadway network, it is Staff’s opinion the site will not have the necessary visibility to market a stand-alone office building of this size, particularly given the lack of other similar uses around it.
- **Timing:** The claim is made that additional rooftops are necessary to spur this type of commercial development, but staff notes that property is predominately surrounded by residential uses and that the additional density does not appear to provide the critical mass necessary to support the proposed commercial density.
- **Cost:** Without a specific tenant, the integrated parking structure necessary to support the proposed density of office uses will likely be a burden preventing construction of the structure. The Applicant should consider other design alternatives with a lesser density and a greater mix of uses which minimize the need for structured parking.

4. **Impacts to the Olde Izaak Walton Park:** This application proposes to rezone two acres of land zoned CD-OS (Crescent District-Open Space) and designated as open space in the Crescent District Master Plan. The two acres is part of the Olde Izaak Walton Park, which is property owned by Failmezgar Investments, LLC, and leased by the Town of Leesburg. Rezoning the property to CD-RH will permit single-family attached townhouses. Staff notes the following potential issues:

- **Conflicts Planned Land Use:** The rezoning is inconsistent with the planned land use by converting open space to residential.
- **Park Setting:** Staff is concerned with the location of residential dwellings in close proximity to the existing pond and the disturbance to existing vegetation which negatively affects the existing park-like setting.

5. Site Design: This section highlights key issues which impact the layout of the Property and compliance with Town ordinances and regulations.

- A. Building Placement:** TLZO Section 7.10.4 requires a certain percentage of the street frontage to be occupied by buildings. Sheet 2B depicts the calculation of building frontage and Staff notes that a modification is necessary. TLZO Section 7.10.4.E permits the frontage requirement to be reduced up to 50% if certain criteria are met. It appears that amenity features are proposed as compensating features to permit the reduced building frontage. Staff does not generally object; however, Staff recommends that each building's frontage calculation and compensating amenity feature be reviewed for compliance with the intent of the ordinance requirement by the Planning Commission.
- B. Dulles Greenway Extension:** The extension of the Dulles Greenway was endorsed by the Town Council via Resolution 89-257 on December 12, 1989. The conceptual alignment depicts an extension of the Dulles Greenway ramps to connect with Harrison Street. The extension was discussed during the Town Plan amendment for the Crescent District Master Plan. The TIA accompanying the Town Amendment was reviewed by VDOT and was retained in the Town Plan. The extension is still planned as long-range capital improvement, and has not been identified on any Capital Improvement Project priority list for funding.

The Concept Plan depicts a 90-foot wide reservation area and the proffers provide for the recordation of a 21-year reservation easement. Staff notes the following concerns:

- i. Buffering:** Buffering of single-family attached townhouses from a minor arterial road was not contemplated at the time the district requirements were approved because townhouses are not permitted under the current CD-C District zoning. As proposed, there are areas barely 10 feet wide to support adequate buffering and screening of the future Greenway extension from the adjacent townhouses.
- ii. Proximity of Dwelling Units:** As proposed, single-family attached townhouse units are less than 50 feet to the reservation area. The impact of the road on the quality of life of residents could be substantial.

iii. Grading: Due to the proximity of the dwelling units to the reservation area, Staff has requested that a preliminary grading analysis be provided to justify the proposed residential design. Staff notes that the approved Preliminary Plat TLPS-2008-0001-Crossroads at Leesburg (under then R-6 zoning) was designed such that Bon Air Drive would serve as a half section of the ultimate roadway with an at-grade intersection with a Future Greenway extension connection. Retaining walls or an elevated roadway will have an adverse impact on the adjacent dwelling units. If the impact of the potential Greenway extension designs is not coordinated with the rezoning, which controls the layout of the property, there is the potential for significant engineering constraints and unknown impacts upon the residential units.

C. Davis Avenue/Gateway Drive: The Applicant has designed the connection/extension of Davis Avenue and Gateway drive as a two-lane General Street in a 70-foot right-of-way. A planned roadway connection is depicted on the Crescent District Future Streets Policy Map. TLZO Section 7.10.11 specifically designates these roads as an “Urban Boulevard” which is a four-lane road in a 96-foot right-of-way. Staff notes that a zoning text amendment is necessary to approve a reclassification of these roads. Staff does not support a reclassification of Davis Avenue and Gateway Drive for the following reasons:

- The proposed traffic counts of approximately 4,000 VPD is double the threshold for a Through Collector as defined in DCSM 7-220.1.C.
- Section 7-220 Street Classification: The Traffic Impact Analysis (TIA) fails to provide the Vehicles Per Day (VPD) to determine the roadway classification as defined in the DCSM.
- Section 7-300.1.D(7) Street Design Requirements: This section references TLZO Sec. 7.10 regarding typical street sections and states that “*in no instance shall a reduction in right-of-way width be granted for properties located in the Crescent Design District*”.
- DCSM Section 7-300.2 states that ‘*Each street should have a continuity of design throughout. Therefore, multiple or “step down” typical designs will not be acceptable where major traffic generator such as an intersection with a collector street would delineate a clear line of demarcation.*’

Staff continues its recommendation that the current Concept Plan layout be revised to accommodate the required street section as an Urban Boulevard.

D. Tuscarora Bridge Design: The Zoning Ordinance and Design and Construction Standards Manual do not include specific architectural requirements for the Tuscarora Creek Bridge. Staff notes that conceptual

architectural elements for the Rivercreek/Crosstrail Bridge over Route 7 were included in the Village at Leesburg rezoning application. Staff recommends that the same approach be taken with this application.

- E. Intersection Spacing Criteria:** The Applicant has designed Davis Avenue/Gateway Drive as a General Street. As noted, this roadway is designed as an Urban Boulevard and has a minor arterial functional classification. Due to this issue, the intersection separation requirements are not met. The Applicant has previously responded to Staff comments by stating that the spacing criteria has been provided for a major collector roadway classification. However, this is not consistent with the classification of this minor arterial (Urban boulevard) per applicable regulations, policies and design criteria. The road layout depicted on the Concept Plan must be revised to satisfy applicable separation requirements for a minor arterial road as defined by the DCSM.
- F. SWM/BMP Impacts:** Preliminary analysis of SWM/BMP is required at the rezoning level to determine that the layout depicted on the Concept Plan can be constructed as proposed without significant alteration. Staff notes a number of technical deficiencies in the proposed strategies for SWM and BMP and are included as an attachment to this report. Staff expects to address these issues during a future work session.
- G. Four-Way Stops:** The Concept Plan was revised to add two four-way stops on Davis Avenue/Gateway Drive. These proposed four-way stop conditions were not part of the traffic impact analysis (TIA). Staff notes that studies have determined that all-way stop signs can actually exacerbate problems after extended use. A revised TIA must be provided to support the use of four-way intersection for the minor arterial road.
- H. Transmission Lines:** This project is proposing townhouse units as close as 84 feet from the overhead transmission lines running along the bypass. Recently, as part of the PMW Farms rezoning, a minimum 120' yard setback from the easement and a minimum separation of 160' between the overhead lines and the nearest residential unit was provided. Townhouse units A, J, K, L,P and half of D are proposed within 120 feet of the transmission lines. If the recommended setback is not considered, a tall berm should be provided from the base of the transmission line poles to the edge of the rear alley that fronts the bypass. The berm should include trees and shrubs within the transmission line easement as was approved along the Route 7 transmission line easement for the Village at Leesburg development. The latest Applicant response indicates that they are investigating opportunities to address the comment.
- I. First Street Connection:** Based on the Concept Plan layout and rough grading plan, the Applicant is not facilitating a through connection from the property north onto existing First Street. A major principle of the Crescent District is the concept of replicating the Downtown through the

establishment of a grid of streets. If the Applicant is unable to provide the through connection, the Concept Plan must be revised to provide a temporary cul-de-sac per DCSM regulations. Staff recommends that the Applicant provide suitable off-site improvements to facilitate a through connection on First Street.

J. Off-Site Street Connections: Staff is concerned that the proposed connection with the adjacent TW Perry property has not been fully vetted. The proposed connection does not provide an optimal geometric roadway configuration through the TW Perry property to Catoctin Circle and creates a very small development envelope east of the future connection and west of the flood plain. Staff's recommendation is to move the connection 200 feet to the west in order to facilitate a more practical street pattern.

K. Amenity Areas in the CD-RH: TLZO Sec. 7.10.5.G qualifies the features of amenity areas like greens, plazas, pocket parks so that amenity areas and open spaces are integrated into the design and not just a spattering of small left-over open spaces. These spaces are intended to give character to the community and be a unifying element. The CDD does permit the developer to justify other similar features not included in the ordinance. The required open space minimum of 10% of the site is technically satisfied with the on-site flood plain, which is permitted by ordinance. However, the CD-RH was meant to be a very urban high-density sub-zoning district limited to a "residential core" located in close proximity to the Downtown. Large suburban styled neighborhoods were not envisioned for the CDD. The volume of needed recreation area based on the unit type and density cannot be satisfied with the limited amenity features prescribed in TLZO Sec. 7.10.5.G and chosen by the Applicant. Again, suburban neighborhoods were not planned for the CDD or for this property. Staff believes the proposed amenity areas are significantly inadequate in that they do not achieve the intended design for the CDD and do not provide sufficient active recreation for the proposed unit type and density.

Staff notes the changes made with this revised submission continue to erode active recreation areas. To cite an example, the mews or pocket parks located in close proximity to residential units have been diminished with the expansion of bio retention facilities. See figures 5 and 6.

L. Noise Analysis: Although Staff disagrees with the manner in which the analysis was prepared, the noise study submitted on January 12, 2015, indicates exterior noise levels above the maximum permitted exterior noise level of 70 dBA in the rear yard areas of townhouse units adjacent to the Route 7/15 By-Pass. Noise mitigation measures such as earth mounds or sound walls must be provided to decrease the exterior noise levels to 70 dBA or less.



Figure 5, Third Submission

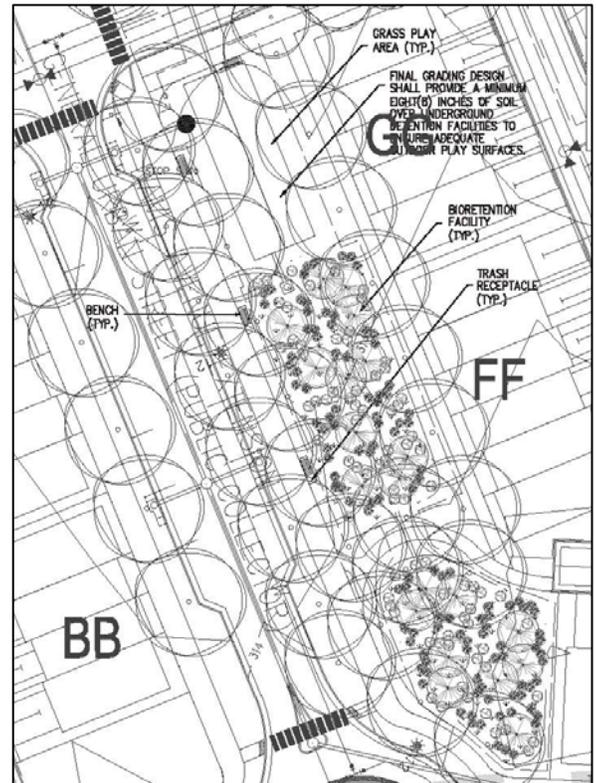


Figure 6, Fourth Submission

M. Tuscarora Greenway Trail: The application was modified to propose the trail on the north side of the Tuscarora Creek to avoid the need to cross the emergency spillway of the existing pond. The revised alignment crosses the alternate channel in an area that will be frequently inundated from backwater of Tuscarora Creek, traverses 3:1 slopes and crosses the reduced 50' Creek Valley buffer. The proposed alignment presents many more challenges and issues than the alignment to the south of the creek. The alignment should be revised such that the proposed trail does not need to traverse 3:1 slopes, traverse the alternate channel nor is located within the Creek Valley Buffer.

N. Parking Tabulations, Outdoor Seating: Parking Tabulations, Outdoor Seating: The proposed mixed-use design includes outdoor patio areas which could be used as outdoor seating. Staff recommends that the parking tabulations include outdoor seating to proactively address a potential future zoning issue regarding parking.

O. Visitor Parking: Some dwelling units are served by visitor parking spaces that are over 300 feet away, which exceeds the standard set in TLZO Sec. 11.4.1.A.2. In other cases, blocks of units are served by few close visitor parking spaces (such as Buildings A, B and C on the Concept Plan. The visitor parking should be reconsidered to better distribute the provided spaces.

P. Development Phasing, Generally: Staff notes that the application does not include a phasing program based on commercial or residential thresholds; rather, phasing is based on transportation improvements. Development of commercial uses north of Tuscarora Creek is contingent upon intersection improvements to South King Street and Davis Avenue, and frontage improvements for Davis Avenue as development occurs. Development of the residential dwellings south of Tuscarora Creek is contingent upon an approved site plan for the construction of the Tuscarora Creek bridge crossing. The phasing does not adequately address the timing of the relocation of Davis Court (see proffer comments below). Other than these issues, Staff does not object to the proposed phasing of this development..

VI. Proffers: The Applicant has submitted draft proffers revised through April 17, 2015. Staff provides a brief summary of each proffer with Staff's comments below.

1.1 Substantial Conformance: This proffer establishes that only certain sheets of the Concept Plan are proffered.

Staff notes that previously approved rezoning applications with concept plan and proffers have included proffers that require substantial conformance to all concept plan sheets

1.2 Development Program: This proffer establishes limitations of commercial and residential density. The CD-C sub-district is limited to 45,100 sf. of retail; the CD-MUO sub-district is limited to 96 multi-family residential dwellings and 26,625 sf. of retail and 88,000 sf. of office or hotel; and the CD-RH is limited to 96 multi-family residential dwellings and 207 single-family attached townhouses.

Staff has no comment

1.3 Development Phasing: This proffer establishes the timing of development and associated triggers for required improvements as describe below:

Staff notes that this rezoning establishes a limitation on non-residential square footage, whereas a by-right application could yield density above the Applicant's limitation of 159,725. The Crescent District purposely excluded FAR limitations to permit a mix of uses in an urban setting. This rezoning proposes a FAR of 0.07 throughout the site. Transportation infrastructure must be in place to support commercial and residential development; however, no commercial square footage is required to be in place before all the townhouses and 2-over-2's are constructed. The reasons for this

concern are dealt with in discussions regarding the land use. Aside from that, Staff has no additional comment on this proffer.

- 1.3.1 Transportation: The initial phase of construction requires the construction of Davis Avenue and Gateway Drive, the relocation of Davis Court and improvements to the intersection of South King Street and Davis Avenue.

Staff has no comment

(Proffer numbers 1.3.2 and 1.3.3 were skipped by Applicant)

- 1.3.4 Land Disturbance: This proffer permits the Applicant to begin development on the entire property.

Staff has no comments.

- 1.3.4 Triggers: (number was repeated) The triggers described below must be satisfied to advance through the proffered phasing.

- 1.3.4.1 Occupancy Permits: This proffer limits issuance of occupancy permits until such time as the South King Street intersection improvements are completed and frontage improvements are made to Davis Avenue

Staff notes that occupancy permits would apply to both residential and commercial buildings. Staff also notes the following issues

- Davis Avenue Frontage Improvements: *There is not enough detail in the language to define what portions of Davis Avenue would need to be completed; and*
- Traffic Analysis: *The TIA did not include a scenario where only portions of Davis Avenue/Gateway Drive were partially constructed.*
- Davis Court: *The proffer, as written, would permit issuance of occupancy permits for the commercial buildings south of Davis Avenue so long as access was provided from Davis Avenue, without the benefit of Davis Court being relocated.*
- First Street: *The proffer, as written, would permit issuance of occupancy permits for the buildings north of Davis Avenue; however, access would have to be provided from First Street or General Street A.*

Staff recommends that the proffer be revised to address the necessary detail regarding Davis Avenue and Davis Court improvements. The proffer should include language that requires the following:

- *construction of Davis Avenue to the proposed roundabout, and*
- *construction of First Street to the proposed roundabout, and*
- *relocation of Davis Court*

All improvements should be made prior to the issuance of any occupancy permit. The recommended proffer changes ensure that necessary improvements are made to provide adequate ingress/egress to all of the developable areas north of the Tuscarora Creek bridge.

- 1.3.4.2 Residential Zoning Permits: This proffer requires that a site plan be approved which permits construction of the Tuscarora Creek bridge crossing prior to the issuance of any residential zoning permits south of Tuscarora Creek.

Staff has no comments.

- 1.3.4.3 Residential Occupancy Permits: This proffer requires the construction of the Tuscarora Bridge crossing prior to the issuance of any occupancy permits for the residential units south of the Tuscarora Creek.

Staff has no comments.

- 1.4 Parking: This proffer requires that parking be provided in accordance with the tabulations depicted on Sheet 2 of the Concept Plan which incorporates a requested zoning modification.

Staff has no comments.

- 2.1 Sidewalks: This proffer states that sidewalks will be provided in accordance with the locations depicted on Sheets 2 and 4 of the Concept Plan. The proffer includes a requirement for enhanced planting media for street trees and maintenance by a property owners association (POA).

Staff has recommended the use of Silva Cells in the area north of Tuscarora Creek based on its urban nature; extensive impervious surfaces and potential pedestrian impediments adjacent to on street parking spaces.

- 2.2.1 Davis Avenue and Gateway Drive: This proffer requires a 70-foot wide right-of-way, necessary turn lanes, and roundabout as depicted on Sheets 2 and 4 of the Concept Plan.

Staff notes that a zoning text amendment is necessary to construct these streets as proposed. As of the time this report was written, a zoning text amendment has not been initiated by Town Council. As

proposed, the proposed street design, number of lanes, does not meet the required street sections in TLZO Section 7.10.11.

- 2.2.2 General Urban Streets: This proffer requires a 70-foot wide right-of-way and that the streets will be constructed as depicted on Sheets 2 and 4 of the Concept Plan.

Staff has no comments.

- 2.2.2.1 Davis Court Relocated: This proffer requires that Davis Court be dedicated and bonded for construction.

In addition to the comments regarding timing of construction noted above, Staff notes that the proffer does not specify the right-of-way width or substantial conformance with the design depicted on Sheets 2 and 4 of the Concept Plan. Staff recommends that the proffer be revised to specify the required right-of-way width and substantial compliance with Sheets 2 and 4 of the Concept Plan.

- 2.2.2.2 First Street: This proffer requires that First Street be dedicated and bonded for construction prior to the first zoning permit for Buildings C-1 or MU-1 through M-4. The proffer also restricts occupancy permits for Buildings C-1 and MU-1 through MU-4 until First Street is constructed.

For consistency purposes, Staff recommends that this proffer be combined with Proffer 1.3.4 Triggers. In addition, Staff recommends that Proffer 2.2.2.2 be revised to specify the required right-of-way width for First Street and substantial compliance with Sheets 2 and 4 of the Concept Plan.

- 2.2.2.3 General Street A: This proffer requires that General Street A be dedicated and bonded for construction prior to the first zoning permit for Building M-4. The proffer also restricts occupancy permits for Building MU-4 until General Street A is constructed.

For consistency purposes, Staff recommends that this proffer be combined with Proffer 1.3.4 Triggers. In addition, Staff recommends that Proffer 2.2.2.3 be revised to specify the required right-of-way width for General Street A and substantial compliance with Sheets 2 and 4 of the Concept Plan.

- 2.2.3 Davis Avenue Bridge: This proffer requires that Davis Avenue Bridge be dedicated and bonded for construction as shown on Sheet 4 of the Concept Plan prior to the issuance of the first occupancy permit for the property.

Staff notes that the road section for the Davis Avenue Bridge is not consistent with the requirements of TLZO Section 7.10.11. A zoning text amendment is necessary to construct the bridge as

proposed. Staff notes that a zoning text amendment has not been initiated by Town Council. For consistency purposes, Staff recommends that this proffer be combined with Proffer 1.3.4 Triggers and that Proffer 2.2.3 be revised to include the required right-of-way width in addition to the substantial compliance requirement with Sheets 2 and 4 of the Concept Plan.

- 2.2.4 Dulles Greenway Extension: This proffer requires a 90-foot wide reservation of land along the eastern property boundary, as shown on Sheet 2 of the Concept Plan, for the future extension of the Dulles Greenway, and signs that advertise the potential future connection, and use of the reservation are for recreational purposes.

For consistency purposes, Staff recommends that the trigger portion of this proffer be combined with Proffer 1.3.4 Triggers. Staff recommends that the triggers be revised to

- specify the beginning date of the reservation and its duration, and*
- require that the reservation be included with the first record plat for any portion of the property south of Tuscarora Creek.*

Staff objects to the “interim” use provision of the proffer. All too often recreational amenities included with a residential development are expected through the life of the community. In anticipation of complaints from future residents regarding the removal of recreational amenities after the development is substantially completed, Staff advises against the provision to utilize the reservation area on an interim basis.

Staff recommends that Proffer 2.2.4 be revised to describe the location and width of the reservation area.

- 2.2.2.4 Dulles Greenway Dedication: This proffer requires the Applicant to dedicate the 90-foot wide right-of-way for the Dulles Greenway Dedication if requested 21 years from the date of the approval of the rezoning application.

Staff has no comments.

- 2.2.5.1 South King Street Turn Lanes: This proffer requires the Applicant to construct one northbound right turn-lane at the intersection of South King Street and Davis Avenue.

Staff has no comments.

- 2.2.5.2 South King Street Turn Lanes: This proffer requires the Applicant to construct one westbound left turn-lane at the intersection of South King Street and Davis Avenue creating dual left-turn lanes. The proffer also includes restriping to create through-right turn-lane.

Staff has no comments.

- 2.2.5.3 South King Street Intersection Traffic Signal: This proffer requires the Applicant to make *any* alterations to the traffic signal if requested by VDOT or the Town of Leesburg. In addition, the Applicant is required to install pedestrian count-down signals and pavement crosswalk striping.

Staff notes that the proffers do not specify when the pedestrian signals and crosswalk striping must be completed. Staff recommends that Proffer 1.3.4 Triggers be revised to specify that required improvements stated on Proffer 2.2.5.3 be completed concurrently with the South King Street Intersection improvements.

- 2.2.5.4 Traffic Signal and Pedestrian Improvements: This proffer requires equivalent cash contributions in the event the traffic signal and pedestrian improvement are completed by others.

Staff recommends that Proffers 2.2.5.3 and Proffer 2.2.5.4 be combined.

- 2.2.6 South King Street/By-Pass Traffic Signal: This proffer requires the preparation of a warrant analysis for the intersection of South King Street and the eastbound Route 15 By-Pass access ramp. The proffer requires the signal warrant analysis and a \$200,000 contribution towards the traffic signal installation prior to the 100th residential zoning permit in the CD-RH sub-district, or prior to the issuance of zoning permits for up to 22,000 sf. of retail, or a zoning permit for Building C-1.

For consistency purposes, Staff recommends that the trigger portion of this proffer be combined with Proffer 1.3.4 Triggers. Staff notes that as written, the proffer permits up to 196 dwellings (50% of the total residential) and zoning permits for up to 22,000 sf. of retail (roughly 50% of the commercial in the CD-C subdistrict) or a zoning permit for Building C-1, which is 88,000 sf.

- 2.2.7 Off-Site Transportation Contribution: This proffer requires a cash contribution to be paid at occupancy permit approval for each residential unit to total \$800,050.

Based on the Appendix B of the Town Plan, (with an inflation factor of 35%) and consistent with the application of established proffer

guidelines, Staff calculates an Off-Site Transportation contribution of \$807,903.

Table 5. Appendix B Off-Site Transportation Contribution Calculation				
Land Use	Total Area (sf)	Development Unit	Cost per Unit*	Cost
General Office	110,550	1,000	\$4,281	By-right use in CD
Retail	49,175	1,000	\$24,550	By-right use in CD
Hotel		room	\$3,144	By-right use in CD
Townhouse		207 units	\$2,097	\$434,079
2/2		96 units	\$2,097	\$201,312
Multi-family		96 units	\$1,797	\$172,512
			Total	\$807,903
*the amounts represent a 35% inflation factor applied to the 2005 Appendix B amount				

- 3.1.1 **Open Space/Amenity Areas:** This proffer requires construction of open space and amenity areas in conformance with Sheets 24 through 29 of the Concept Plan and associated triggers contained within the proffer.

Staff notes its objection to recreational amenities within the Dulles Greenway Extension. Staff recommends that the Proffers be revised to permit inclusion of recreation amenities after the expiration of the 21-year right-of-way reservation. The Applicant can place in escrow an amount equal to the construction of a pedestrian trail within the expired reservation area. Other comments regarding timing and amenity area details will be discussed at a future work session.

- 3.1.2 **Pocket Parks:** This proffer requires that the construction of pocket parks will in substantial conformance with locations and details depicted on Sheets 24 and 25 of the Concept Plan.

Staff comments regarding pocket park details will be discussed at a future work session.

- 3.1.3 **Bicycle Facilities:** This proffer requires installation of bicycle racks as identified on the Concept Plan.

Staff has no comments.

- 3.1.4 **Community Room:** This proffer establishes a 2,000 sf. meeting room located in Building MU-4.

Staff notes that the proffer limits the use of the room as a meeting room only.

- 3.2 Park Contribution: This proffer provides a contribution of \$1,000 for each residential dwelling unit to be used for capital improvements to Department of Parks and Recreation facilities.

Staff has no comments.

- 4.2 Energy Savings Design: This proffer provides an ENERGY STAR or Home Energy Rating System Rating (HERS) for each dwelling unit.

Staff has no comments.

- 4.3 Dumpster Pads: This proffer describes elements for dumpster locations for the MU buildings.

Staff has does not object to the proffer, but notes sufficient detail is already provided in the typical detail on Sheet 4 of the Concept Plan.

- 4.4 Filtera Devices: This proffer requires alternative street tree placement if Filtera Devices conflict with proposed street tree locations.

Staff has no comments.

- 5.1 Fire and Rescue Contribution, Residential Uses: This proffer requires a contribution of \$100 per dwelling toward fire and rescue companies providing primary service to the property.

Staff has no comments.

- 5.2 Fire and Rescue Contribution, Commercial Uses: This proffer requires a contribution of \$0.10 per square feet of non-residential building toward fire and rescue companies providing primary service to the property.

Staff has no comments.

- 5.3 Fire and Rescue Contribution, Cessation: In the event all servicing fire and rescue facilities cease to operate by primarily volunteer organizations prior to build-out of the development, the Applicant shall no longer be required to make contribution specified in Proffers 5.1 and 5.2.

Staff has no comments.

- 5.4 Emergency Access: This proffer requires proper access of emergency vehicles to buildings no later than the framing stage of construction.

Staff has no comments.

- 6.1 POA, Required: This proffer requires the establishment of a property owners association.

Staff notes that several proffered elements are included as POA responsibilities and that proffered elements cannot be made unless approved by the Town. Staff notes that the only mechanism for changing proffers is a legislative process which includes preparation of application documents a \$10,000 review fee. Staff advises caution accepting this proffer.

- 6.2 POA, Documents: This proffer requires the submission of the POA documents and creation of the POA prior to the approval of the first site plan for the property.

Staff has no comments.

- 6.3 POA Duties: This proffer describes the duties of the POA.

Staff has no comments.

- 6.4 Garage Conversions: This proffer requires the use of the garage a vehicular storage place and prohibits the conversion of garage spaces to habitable spaces.

Staff has no comments.

- 6.5 Private Parking Courts: This proffer states that the POA documents will include a statement regarding POA maintenance of private parking courts.

Staff recommends that "statement" be replace by "disclosure".

- 6.6 Private Yard Maintenance: This proffer states that the POA will provide maintenance of yards and landscaping and ensure light fixtures on the rears of dwelling units are on during evening hours and that light bulbs are replaced.

Staff notes that policing of light fixtures on every dwelling unit presents practical difficulties. Staff objects to this portion of the proffer and suggests that strategically placed light poles in alleys be provided for safety lighting.

- 6.7 Street Tree Maintenance: This proffer requires the POA to maintain street trees within the public right-of-way.

Staff notes that policing the POA to maintain street trees is problematic. The proffer does not specify what "maintenance" includes or the penalties of failure to provide proper maintenance.

- 7.0 Noise Attenuation: This proffer describes the noise mitigation measures to be included for the dwelling units closest to the Route 15 By-Pass. The mitigation measures include installation of 32 STC rated doors and windows, a sealed engineer's report certifying the interior noise level, and a disclosure statement identifying the home's location within the Noise Abatement Overlay District prior to issuance of occupancy for each unit affected by the proffer.

Staff has no comment.

- 8.0 Capital Facility Contribution: This proffer provides the monetary contribution for residential dwellings as identified in Resolution 2005-111 for Loudoun County Public Schools' capital costs.

Staff notes that the proffer permits the Town Council to give the contribution to Loudoun County Public Schools or retain the contribution for use of any capital project in the Town of Leesburg. This would require a decision by Town Council once contributions are collected regarding where the funds would go.

- 9.0 Construction Traffic: This proffer prohibits construction traffic from Davis Court.

Staff has no comment.

- 10.0 Waiver and Modifications: This proffer notes a typical standard applied to all legislative applications where unless specifically modified or waived all requirements of the Zoning Ordinance, Design and Construction Standards Manual, and Subdivision and Land Development Regulations must be satisfied.

Staff has no comment.

- 11.0 Escalator Clause: This proffer provides an inflation factor for all monetary contributions in the proffers.

Staff has no comment.

- 12.0 Binding Effect: This proffer states the Applicant binds themselves to the proffers.

Staff has no comment.

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 with staff response.

- a. *“Consistency with the Town Plan, including but not limited to the Land Use Compatibility policies”*

The proposed rezoning is not consistent with the Crescent District Master Plan. In addition, Staff recommends denial of the related Town Plan Amendment (TPA) because it provides inadequate justification regarding why the Town should amend the Crescent District Master Plan. (See the Town Plan Amendment Staff report). Should the Council see fit to approve the proposed TPA Staff’s opinion in this regard could change.

- b. *“Consistency with any binding agreements with Loudoun County, as amended, or any regional planning issues, as applicable”*

This criterion is satisfied. Staff is unaware of any conflicts regarding binding agreements with The County of Loudoun or any regional planning issues.

- c. *“Mitigation of traffic impacts, including adequate accommodation of anticipated motor vehicle traffic volumes and emergency access”*

Unresolved issues regarding street sections prevent Staff from making any final conclusions or recommendations regarding mitigation of traffic impacts at this time.

- d. *“Compatibility with surrounding neighborhood and uses; and”*

Staff has identified unresolved issues regarding the compatibility of proposed land uses, such as the proximity of high tension lines and the Greenway Extension to residential uses that must be addressed before this criterion can be satisfied.

- e. *“Provision of adequate public facilities.”*

This criterion can be satisfied. Although unresolved issues regarding transportation remain unaddressed, adequate public facilities can be provided by the Applicant.

VIII.4th Submission Comments: Staff has additional comments on this fourth submission concerning various elements of the proposed rezoning which have not been adequately resolved. Together they substantially affect the achievability of the rezoning proposal layout and need to be addressed further. An outline of Concept Plan deficiencies is provided below. Staff anticipates more detailed discussion and analysis during future Planning Commission Work Sessions. The outline includes, but is not limited to the following items:

Zoning

1. Frontage requirements

Notes and tabulations

2. Existing conditions plan

Typical details

3. Build to line dimension
4. Commercial lot rear yard setbacks
5. Mixed-use lot rear yard setbacks
6. Utility corridor
7. Truck turning movements, dumpsters loading spaces

General design

8. Pedestrian connections
9. Sight distance lines
10. RCPC and alley separation requirements
11. Driveway locations in curb-returns

Proffer comments

12. Recommendation to detain the 100-yr storm event.
13. Recommendation to add dam breach analysis

Amenity areas & landscaping

14. Tot lots
15. Grill locations
16. Buffering and screening of residential units to Olde Izaak Walton Park.
17. Interior parking lot landscaping, consistency
18. Mass grading plan and canopy coverage
19. Streetscape and tree location
20. Tree notes, specie types
21. Bioretention planting scheme

This outline may be expanded as issues are discussed by the Planning Commission at future work sessions.

IX. MODIFICATIONS: TLZO Sec. 8.2.2.E Zoning Modifications permits applicants the opportunity to request modifications to zoning requirements *with justification*. Note that the applicant's justification is in their Statement of Justification, attachment 2. The modification approval criteria states that no modification shall be approved unless the Town Council finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. Staff has the following comments regarding the requested modification.

- A. Parking Spaces:** TLZO Sec. 11.3 requires 2.5 spaces per dwelling unit, but limits credit of tandem parking spaces (one inside, one outside) for one-car

garages to one space. The Applicant has requested a modification to allow credit for both (inside and outside the garage, resulting in two provided spaces.

Staff Response - Approval: Due to the availability of on-street parking for visitors, a proffered restriction of garage conversions to habitable space, and recent approvals for other planned development approvals which included stacked townhouses, Staff does not object to the requested modification.

The Crescent Design District (CDD) permits zoning modifications as contained in TLZO Section 7.10.12, and limited modifications by the Zoning Administer in certain sections of the CDD. The Applicant has requested the following CDD modifications:

- B. On-Street Parking:** TLZO Sec. 7.10.11 specifies the extension of Davis Avenue as an Urban Boulevard. Per the street section contained in TLZO Section 7.10.11, urban boulevards do not include on-street parking. The Applicant is requesting to modify the Davis Avenue extension road classification of an Urban Boulevard to a General Street. Reclassification would permit on-street parking.

Staff Response - Objection: Reclassification of a roadway is not permitted under TLZO Section 7.10.11.A.4 Adjustments to Street Cross Sections. TLZO Section 7.10.11.A.4.a does permit modifications to transition between streets contained within the CDD and those streets which lie outside of the Crescent District. To facilitate this request, Staff has advised the Applicant to seek a zoning text amendment to reclassify the extension of Davis Avenue.

- C. Architectural Modifications:** TLZO Section 7.10.6 contains architectural specifications for buildings in the Crescent Design District. The Applicant has requested modifications of the specifications to promote uniqueness in architectural design.

Staff Response - Approval: The requested modifications will be specifically addressed at a work session focused on architectural design. As illustrated in the attachments to this report, the proposed architecture respects traditional Leesburg vernacular, but provides an identity for Crescent Parke. Staff generally supports the conceptual building elevations as designed.

- D. Additional Modifications:** Staff notes that additional modifications may be necessary as the details of the zoning requirements are discussed at the work sessions. Additional modifications could include:
- Building Frontage Requirement, TLZO Section 7.10.4

X. Staff Recommendation and Findings: Staff has identified significant unresolved issues with this application in the staff report. As a result, Staff is unable to make a recommendation on this rezoning at this time based on the following key **Findings** with respect to the Crescent Parke rezoning:

- Town Plan Compliance. The proposal is contrary to current Town Plan land use policies which call for mixed uses or open space on the 29 acres subject to rezoning to high density residential use. In addition, Staff is recommending denial of TLTA-2015-0001 Crescent Parke Land Use and Transportation Amendments.
- Compliance with Crescent District Zoning Standards. Sections V and XIII of this report address miscellaneous Zoning Ordinance and proffer issues that should be addressed before approval of this application can be considered.
- Stormwater Management Concerns. Section V of this report addresses issues related to stormwater management impacts that should be addressed before approval of this application can be considered.
- Transportation issues regarding Davis Drive Extension and the Greenway Extension. The proposed Davis Drive Extension and the Greenway Extension have unresolved issues that should be addressed before approval of this application can be considered.
- Zoning Text Amendment Required. One requested modification is not possible because it seeks to reclassify Davis Avenue from an “Urban Boulevard” to a “General Urban Street”. This requires a Zoning Ordinance text amendment and the rezoning as proposed cannot be approved without the amendment.
- Rezoning Criteria. The rezoning approval criteria of TLZO Sec. 3.3.15 have not been satisfied for TLZM 2013-0001.

Next Steps: Rather than action on December 18, 2014, Staff recommends that the Planning Commission schedule a work session(s) to facilitate discussion of the comments contained in this report as a possible means of addressing the issues. Specifically, Staff recommends that the work session(s) consider the Town Plan issues first before proceeding to address the details of the rezoning (Concept Plan, proffers).

XI. Attachments

1. Crescent Parke Concept, Sheets 1-36, as prepared by Bowman, last revised April 17, 2015
2. Applicant’s Statement of Justification dated December 23, 2014
3. Applicant’s Request for Modifications dated April 17, 2015
4. Draft Proffer Statement dated April 17, 2015

5. 3rd Submission Comment Response Letter dated April 17, 2015
6. Noise Analysis dated April 9, 2014
7. Conceptual Commercial Building Elevations
8. Conceptual Mixed-Use Building Elevations
9. Conceptual Townhouse Building Elevations
10. Conceptual 2 over 2 Building Elevations
11. Architectural Narrative
12. TLPF 2010-0004 Layout
13. TLPS 2008-0001 Layout
14. Department of Plan Review SWM/BMP Comments



Date of Meeting: July 16, 2015

**TOWN OF LEESBURG
PLANNING COMMISSION SUPPLEMENTAL STAFF REPORT**

Subject: TLZM-2013-0006, Crescent Parke

Staff Contact: Michael Watkins, Senior Planner

Applicant: Hobie Mitchel, Lansdowne Development Group, LLC
2553 Dulles View Drive, Suite #400, Herndon VA 20171
(703) 995-1849; hmitchel@lansdownedevgroup.com

Applicant's Representative: Christine Gleckner, AICP, Walsh Colucci Lubeley & Walsh
1 East Market Street, Suite #300, Leesburg, VA 20171
(571) 209-5776; cgleckner@ldn.thelandlawyers.com

Proposal: **Rezoning Application:** An application to rezone approximately 29 acres from the CD-C (Crescent District-Commercial) and the CD-MUO (Crescent District-Mixed-Use Option) to the CD-RH (Crescent District-Residential High Density); and to rezone approximately two (2) acres from CD-OS (Crescent District-Open Space) to CD-RH. Within the CD-C and CD-MUO districts, the application includes up to 163,625 square feet of nonresidential uses to include: a maximum of 112,500 square feet of office uses, a maximum of 141,125 square feet of retail uses, inclusive of a hotel use subject to a future special exception application and 96 multifamily dwelling units. Within the CD-RH, the application includes 96 stacked townhouses (two-over-two) and 209 conventional townhouses. The application includes several zoning modifications which affect building architecture and site design.

Planning Commission Critical Action Date: **September 12, 2015**

Recommendation: Staff is unable to make a recommendation on the rezoning at this time based on unresolved Town Plan and zoning issues.

Application Acceptance Date: **April 7, 2014**

Web Link: A comprehensive listing of all application documents is found here:
<http://www.leesburgva.gov/government/departments/planning-zoning/liam-interactive-applications-map>

This supplemental staff report has been prepared to assist the Planning Commission as they discuss comments and concerns raised in the June 4th Planning Commission Staff Report.

4th Submission Comments: As noted in the June 4th Planning Commission Public Hearing Staff Report, Staff has additional comments on the fourth submission of the application concerning various elements of the proposed rezoning which have not been adequately resolved. Together they substantially affect the achievability of the rezoning proposal layout and need to be addressed further. A general outline of Concept Plan deficiencies is provided below.

Zoning

1. Frontage requirements

Notes and tabulations

2. Existing conditions plan

Typical details

3. Build to line dimension
4. Commercial lot rear yard setbacks
5. Mixed-use lot rear yard setbacks
6. Utility corridor
7. Truck turning movements, dumpsters loading spaces

General design

8. Pedestrian connections
9. Sight distance lines
10. RCPC and alley separation requirements
11. Driveway locations in curb-returns

Proffer comments

12. Recommendation to detain the 100-yr storm event.
13. Recommendation to add dam breach analysis

Amenity areas & landscaping

14. Tot lots
15. Grill locations
16. Buffering and screening of residential units to Olde Izaak Walton Park.
17. Interior parking lot landscaping, consistency
18. Mass grading plan and canopy coverage
19. Streetscape and tree location
20. Tree notes, specie types
21. Bioretention planting scheme

At least two work sessions are proposed. The July 16th work session will discuss the topics in the outline below. At that meeting Staff will present each topic in a presentation for discussion by Planning Commission, Staff and the Applicant.

Topics for Discussion:

1. **Phasing:** The Crescent Design zoning district does not include a codified phasing requirement. However, the mix of uses proposed does not meet the planned mixed-use of the property. Should the application include a more detailed phasing program?
2. **Impacts to Izaak Walton Park:** The Town is the current lessee of the property owned by the Felz family trust until 2030 when the current agreement expires. Development adjacent to this temporary recreational amenity will be impacted. Does the proposed development significantly affect the public use and enjoyment of the property during the remainder of the term of the agreement?
3. **Tuscarora Greenway Trail:** The location and alignment of this planned shared-use trail may have significant impacts on various improvements, including but not limited to flood alterations, on-site amenities, existing ponds, and connections through off-site properties. Have the impacts been fully vetted?
4. **Davis Avenue Alignment:** Has the alignment been designed to provide the highest and best public benefit?
5. **Davis Avenue Constraints:** Design constraints such as intersection spacing and sight distance diminish the intended streetscape envisioned in the Crescent Design District. Are there other options to achieve the intended design?
6. **First Street Connection:** Staff will provide a summary of existing conditions, however the Applicant's proposed improvements may not provide the intended interconnectivity desired in the Crescent District. Can the connection be better facilitated?
7. **Other Planned Connections, TW Perry:** Staff will provide a summary of the planned street network desired in the Crescent District. The Concept Plan depicts an off-site connection that may not be in the most beneficial location. Additional discussion is necessary.
8. **Greenway Extension:** A brief history of the resolution adopted by Council regarding the Greenway Extension as well as analysis completed in preparation of the Crescent Design District will be provided by Staff. Impacts of the proposed alignment such as timing, constructability, grading, buffering and separation of uses will also be presented for discussion.
9. **Mixed-Use Design, North of Davis Avenue:** Staff will describe the Applicant's implementation of the Crescent District zoning requirements and associated modifications that deal with site requirements that are not architecture related.



Date of Meeting: August 20, 2015

**TOWN OF LEESBURG PLANNING COMMISSION
SUPPLEMENTAL STAFF REPORT**

Subject: TLZM-2013-0006, Crescent Parke
TLOA-2015-0002, Davis Avenue

Staff Contact: Michael Watkins, Senior Planner

Applicant: Hobie Mitchel, Lansdowne Development Group, LLC
2553 Dulles View Drive, Suite #400, Herndon VA 20171
(703) 995-1849; hmitchel@lansdownedevgroup.com

Applicant's Representative: Christine Gleckner, AICP, Walsh Colucci Lubeley & Walsh
1 East Market Street, Suite #300, Leesburg, VA 20171
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Proposal: **Rezoning Application:** An application to rezone approximately 29 acres from the CD-C (Crescent District-Commercial) and the CD-MUO (Crescent District-Mixed-Use Option) to the CD-RH (Crescent District-Residential High Density); and to rezone approximately two (2) acres from CD-OS (Crescent District-Open Space) to CD-RH. Within the CD-C and CD-MUO districts, the application includes up to 163,625 square feet of nonresidential uses to include: a maximum of 112,500 square feet of office uses, a maximum of 141,125 square feet of retail uses, inclusive of a hotel use subject to a future special exception application and 96 multifamily dwelling units. Within the CD-RH, the application includes 96 stacked townhouses (two-over-two) and 209 conventional townhouses. The application includes several zoning modifications which affect building architecture and site design.

Zoning Text Amendment: A text amendment to Section 7.10.11.2.a of the Zoning Ordinance to remove Davis Avenue from the list of Urban Boulevards in the Crescent Design District.

Planning Commission Critical Action Date: **September 12, 2015**

Recommendations: Staff recommends denial of the proposed text amendment and rezoning applications.

Application Acceptance Date: **April 7, 2014**

Web Link: A comprehensive listing of all application documents is found here:
<http://www.leesburgva.gov/government/departments/planning-zoning/liam-interactive-applications-map>

- I. Planning Commission Review Summary:** The Planning Commission held its public hearing on the Town Plan Amendment application TLTA-2014-0001 and the rezoning application TLZM 2013-0006 on June 4, 2015. The Planning Commission recommended denial of the Town Plan Amendment and continued its discussion of the rezoning application to the July 16, 2015 meeting. A summary of the motion to deny the Town Plan Amendment application is attached, see Attachment #1.

The public hearing for the zoning text Amendment TLOA-2015-0002 was held on July 16, 2015. Victoria Yergin testified on behalf of the Virginia Knolls Community Association and expressed concerns regarding a four-lane boulevard through a residential development. The public hearing was closed and the Planning Commission deferred action on the text amendment application to permit more detailed discussion of the rezoning application before making a decision on the text amendment.

Following the presentation of the zoning text amendment at the July 16th meeting, Staff initiated discussion of the rezoning application by presenting a series topics. The Planning Commission discussion items included: phasing, unit type, character of mixed-use, the Greenway extension, and Olde Izaak Walton Park. The Planning Commission's focus was on the area south of the Tuscarora Creek. The Applicant's representative stated that they were not prepared to discuss the residential area based on the outline provided in the Planning Commission July 16th Work Session Supplemental Staff Report.

The Planning Commission asked the Applicant whether additional changes were made to the concept plan and/or whether the Applicant expected to make additional changes. The Applicant and his representative answered that no additional changes had been prepared since the public hearing and that additional feedback was expected from the Planning Commission before additional changes were made. A qualification to the revisions was made by the Applicant, and that no significant changes were anticipated; that technical zoning and engineering deficiencies highlighted by Staff would be incorporated in a future resubmission. The Work Session concluded by the Applicant stating that they would meet with Staff regarding changes to the Concept Plan.

- II. Action since the July 16, 2015 Planning Commission Public Hearing:** The Applicant and Staff met on July 29th to discuss the Supplemental Staff Report and items raised by the Planning Commission. The meeting was focused on technical elements regarding zoning compliance and engineering related issues. There was a discussion regarding a potential alternative development scenario. The meeting concluded by identifying the timeframes in which additional information was to be provided to Staff. The Applicant indicated that responses to layout issues identified by Staff would not be incorporated in a future submission.

Seeing no significant changes in response to issues raised in the June 4th Public Hearing Staff Report or the July 16th Supplemental Staff Report, Staff suggested one-

on-one meetings with Planning Commissioners to assemble recommendations to better advise the Applicant and Town Council in the event that no further revisions were made to the Concept Plan layout. The Planning Commission recommendations are included in Section IV of this report.

As of the writing of this report, no additional information was provided to Staff.

II. Staff Analysis: Due to the fact that no additional information was submitted to Staff, the issues identified in previous Staff reports remain unaddressed. Staff has no additional information to provide to the Planning Commission.

Staff does not anticipate reviewing issues raised in the previous staff reports. If there are specific items Planning Commissioners would like to ask, Staff will be prepared to facilitate a dialog between the Planning Commission and the Applicant.

III. Planning Commissioners' Recommendation: Through a series of one-on-one meetings with Planning Commissioners, Staff has compiled a list of recommendations. The recommendations are intended to advise the Applicant of suggested revisions to the Concept Plan layout that would better implement Crescent Design District's goals and objectives. The opinions of the Commissioners varied and there are some issues that need consensus. Therefore, the format of this section outlines the responses received by Staff, followed by questions to reach a consensus. The intent is to formulate a list of recommendations that the Planning Commission can transmit to Town Council with its recommendation.

Davis Avenue

- Davis Avenue should be a boulevard (4-lanes) through the development as planned. This will not promote cut-through traffic into Virginia Knolls as some have contended, but rather the road will collect and channel traffic through this area of Leesburg like it was planned to do. It will serve as an important link in the Town's street grid.
- The width of the road should not be 4-lanes because this does not make for a good connection to Gateway Drive which is 2-lanes with parking on each side. A 4-lane facility is not needed.
- The width of Davis Avenue north of the creek, within the non-residential portion of the development should be 4-lanes. The road should be 2-lanes south of the creek extending to the Greenway Extension.
- Can bike lanes be incorporate into Davis Avenue?
- There should be no on-street parking.
- The bridge across the Tuscarora Creek should be 4-lanes.
- No on-street parking from roundabout to the Greenway Extension.

A. The Planning Commission recommends that Davis Avenue should consist of:

- i. A four-lane boulevard from existing Gateway Drive to South King Street? or

- ii. A two-lane general urban road from existing Gateway Drive to South King Street? or
- iii. A two-lane general urban road from existing Gateway Drive to south of the Tuscarora Creek bridge crossing and transition to a four-lane boulevard to South King Street?

B. The Planning Commission recommends that bike lanes be incorporated into the Davis Avenue street section and that the typical street section be expanded to incorporate the necessary width for bike lanes required by VDOT?

C. The Planning Commission recommends that on-street parking be excluded if a two-lane road is acceptable to Town Council?

Izaak Walton pond

- Improve the condition of the pond so that if Izaak Walton Pond is proffered to the Town, Town tax money is not spent improving the pond. It could be a nice amenity to the residential area but not in its current state.
- If two acres of the Izaak Walton property situated on the east side of the pond is sold to the applicant for purposes of building residential units for Crescent Parke, the Town should consider terminating the lease for use of the remainder of the Izaak Walton property.
- The Town should not give up two acres of open space on the east side of the pond for the proposed residential development.

D. The Planning Commission recommends that in the event the Applicant proffers to convey the Olde Izaak Walton Park, a condition should be included where the Applicant shall make all necessary improvements to the existing pond prior to conveyance to the Town of Leesburg.

E. The Planning Commission does not agree that the terms of the lease agreement with the Failmezger Property be modified to facilitate residential development.

F. In the event Town Council agrees to a change in the terms of the lease agreement to permit residential uses within the Failmezger Property, the lease agreement should be terminated.

Unit types

- The 2/2 unit types are ok. The applicant could consider moving the location of these units closer to the non-residential; however, this is not a key issue.
- The 2/2 units are not a preferred unit type because they are often not planned well resulting in having a poor appearance and functionality. For example, driveway lengths do not accommodate full car lengths or larger vehicles; lot sizes are small and do not afford space to conceal private utilities (e.g. electrical boxes, pedestal boxes for communication, or heating/air conditioning units). Garbage cans

- further clutter driveway spaces. These factors combined make for a cluttered, crowded appearance for two over two neighborhoods.
- There are a lot of 16- foot townhouses in this proposal. These units combined with two-over-two units makes for a very dense development. This could be improved by adding more open space amenity areas. Further, amenity areas need to be *incorporated* into the residential portion of the proposed development south of the creek. There is very little in the way of community-focused amenities – no community meeting rooms/clubhouses, pools, parks. The applicant should focus on making this residential area more livable by adding usable recreation and amenity areas.
 - There should be more 22 and 24’ townhouses and fewer 16’ townhouses.

G. The Planning Commission does not agree that stacked townhouses are an appropriate unit type because the lot sizes too small to accommodate parking, utility screening and an appropriate landscaping.

H. The Planning Commission recommends that stacked townhouses are more appropriately located closer to non-residential uses.

I. The Planning Commission does not support the use of 16-foot wide townhouses due to an overall lack of integrated recreational amenity areas.

J. The Planning Commission recommends that 16-foot wide townhouses should be reduced to a smaller proportion of townhouse units.

K. The Planning Commission recommends that the townhouse widths be revised to 22 and 24 feet wide.

Conversion of Non-Residential to Residential

- A substantial amount of residential use is proposed with Crescent Parke where the Town had planned for non-residential uses. Has the applicant done fiscal and market studies to show the need for replacing non- residential with residential use and that that is something the Town should do? There should be a good reason for the Town to depart from planned land use that is in place to achieve economic development goals. It does not appear that a case has been made for this largely residential plan.

L. The Planning Commission requests that additional fiscal analysis be provided that demonstrate a need for additional residential dwellings and that the analysis quantifies the consequence of removing commercially zoned land.

Buffer area next to Greenway Extension

- At this point in time, it is uncertain whether the Greenway Extension will ever get built. The applicant has proffered a right of way reservation so as to not preclude its alignment in the future. However, townhomes are planned directly adjacent to

- the planned right of way reservation. More buffer width should be shown to separate the Greenway Extension right of way from the residential units. Also more extensive buffer planting materials should be considered. Since the design of the facility has not been done which would tell us the vertical and horizontal alignments of the facility, it is difficult to know whether walls that support this transportation facility would directly abut property lines of Crescent Parke and Virginia Knowles. Since we do not know the design of the facility, a significant buffer area (width and planting) should be shown.
- Because houses are planned so close to the anticipated right of way for the Greenway Extension, there is a likelihood that homes would need to be condemned and removed if/when the road is built. Even though it is difficult to know at this point in time how much right of way will be necessary, we have the opportunity now to assure that homes are not too close to this planned facility by pulling them further away. This will minimize future public expense and community disruption associated with road construction.

M. The Planning Commission recommends that the Greenway Extension Reservation area be widened to ___ feet to ensure the adequate buffering of existing and proposed residential development adjacent to the future extension of the Dulles Greenway.

N. The Planning Commission recommends that the Applicant provide sufficient preliminary engineering to justify the proposed Concept plan layout and buffering, which demonstrates no adverse impacts of the future extension of the Dulles Greenway to existing and proposed residential development.

O. The Planning Commission recommends that the Applicant provide sufficient analysis that demonstrates that condemnation is not required outside the proposed Greenway reservation area.

P. The Planning Commission recommends that buffer-yards at least ___ feet wide be provided outside the Greenway reservation area to adequately mitigate potential adverse impacts of the future Greenway extension.

Phasing

- The Crescent Design District was developed to get mixed use development. As such, phasing of development in the Crescent District was not deemed necessary because it was anticipated that non-residential uses would be built in concert with residential uses in any given development. The Crescent Parke proposal has mixed use development north of Tuscarora Creek, but the area south of the creek is solely residential. The proposed phasing plan does not require non-residential development to be phased with the construction of the residential component. The phasing plan should be changed to assure that the mixed use development north of the creek is phased with the residential uses south of the creek.
- A phasing plan does not have to be 1:1, non-residential to residential mix. It could be a lesser mix (i.e. more residential to non-residential mix). However,

there needs to be a recognition that this property is in the Crescent District and a mixed use development should be assured.

Q. The Planning Commission recommends that a Phasing Program be proffered which requires the Applicant to provide commercial development concurrent with the residential development of the property.

Or

R. The Planning Commission recommends that residential development is limited by a certain amount of residential units until such time as an appropriate amount of commercial development has been constructed.

Or

S. The Planning Commission recommends that a Phasing Program be proffered where a specific ratio of commercial square footage to residential is applied.

Commercial South of Creek

- Consider extension of non-residential land uses south of the creek into what is now proposed solely for residential use. This commercial could line the east side of Davis or both sides, and/or expand into the area west of Davis and north of Gateway Drive extension.
- No commercial should be considered south of the creek because it will not be economically viable.

T. The Planning Commission recommends extending ground-floor non-residential uses south of Tuscarora Creek to better implement the planned land use as commercial mixed-use.

Or

U. The Planning Commission supports the proposed residential zoning without commercial uses south of Tuscarora Creek.

Trees

- The applicant should identify existing tree stand areas and commit to tree save/preservation areas. Site planning should not assume deforestation but rather, work around tree areas as much as possible to save these resources.

V. The Planning Commission recommends that the Applicant commit to tree save/preservation areas. Site planning should not assume deforestation but rather, work around tree areas as much as possible to save these resources

Open Space/Density

- Much of the open space in the residential section is only small, unusable pieces of property.
- This proposal is too dense with residential development and the applicant should consider redesigning it to open the site up by including more common, usable open space.
- Consider reducing the number of units.

W. The Planning Commission recommends that amenity areas be better integrated within the proposed design to promote accessibility to recreation areas and improve upon the overall design.

X. The Planning Commission recommends decreasing the residential density south of Tuscarora Creek to accommodate more common, useable open space.

Recreational uses

- More multi-purpose recreational uses should be incorporated into Crescent Parke.
- If the site planning is not changed to add more recreational uses for the Crescent Parke community, and particularly if two acres of Izaak Walton Park is purchased/used for developing residential units, then the Town should consider a much higher proffer amount per unit for recreation than the benchmark rate of \$1000/unit.
- Amenity area #5 should be a multi-use field and the applicant should proffer to build it.
- All the amenity sheets to the plan set should be proffered.

Y. The Planning Commission recommends that additional multi-purpose recreational facilities be included based on the unmet recreational demands of the residents for this development.

Z. In the event the two acres of planned open space are converted to residential uses, The Planning Commission recommends that the typical recreation contribution of \$1,000 per unit be increased.

AA. The Planning Commission Recommends that Amenity Area #5 be designed and constructed as a multi-use field.

BB. The Planning Commission recommends that all amenity area sheets be proffered Concept Plan sheets.

Noise Mitigation

- Noise mitigation should be addressed for townhouses that line the Bypass.

Staff notes that Proffer #.# includes noise attenuation for the units that are adjacent to the Bypass.

Overhead Lines

- There should be at least a 100' separation between the power lines along the Bypass and the proposed residential units.
- The applicant should get written verification from Dominion Virginia Power regarding how close construction can be to the transmission lines.

CC. The Planning Commission recommends that the Concept Plan be revised to provide a minimum 100-foot separation of the overhead transmission lines to any residential units.

DD. The Planning Commission recommends that the Applicant provide written communication from Dominion Virginia Power which verifies the minimum separation distance of structures to their overhead transmission lines.

Visitor Parking

- The modification request to ask for a reduction in visitor parking is not acceptable.
- EE.** The Planning Commission does not support the requested residential parking modifications which would reduce available parking for residents and their visitors.

IV. Next Steps: The Planning Commission has two items that must be addressed, Zoning Text Amendment TLOA-2015-0001, and rezoning application TLZM 2013-0006.

A. Zoning Text Amendment TLOA 2015-0001, Davis Avenue: Staff recommends one of the following courses of action:

- The Planning Commission can defer action until the September 3, 2015 Planning Commission meeting to review the text amendment or to receive addition information, or
- The Planning Commission can make a recommendation of approval or denial to the Town Council.

B. Rezoning Application TLZM 2013-0006, Crescent Parke: Staff recommends one of the following courses of action:

- The Planning Commission can defer action until the September 3, 2015 Planning Commission meeting to receive revised documents and make a recommendation based on those revised documents.

- The Planning Commission can forward the list of recommendations contained in this Staff Report, as revised during the work session, with a recommendation of approval or denial to the Town Council.

V. Suggested Draft Motions

A. TLOA 2015-0001, Davis Avenue:

1.

B.

Attachments:

1. The Planning Commission's findings of denial for TLTA 2014-0001, Crescent District Uses

STATEMENT OF JUSTIFICATION

TLZM 2013-0006, CRESCENT PARKE

**Rezoning Application from CD-C and CD-MUO to CD-C, CD-RH and CD-MUO Districts
PIN #s 232-37-7166, 232-37-5627, 232-38-9290, 232-28-3893 and part of 232-37-3721**

August 28, 2015

I. Introduction

MREC LD Leesburg Crossing LLC is the applicant for the rezoning of the proposed Crescent Parke mixed-use community. Crescent Parke is comprised of five parcels totaling approximately 53.3 acres. The applicant proposes to create a unified, mixed-use community pursuant to the Crescent Design District standards.

Crescent Parke is planned to contain 390 dwelling units consisting of 294 townhouses, including 96 two-over-two style townhouses, and 96 multiple-family units over first floor commercial. The commercial component consists of 51,125 square feet of first floor retail uses, 22,500 square feet of office over first floor retail and 90,000 square feet of stand-alone office for a total of 163,625 square feet of commercial uses. The Crescent Parke zoning proposes three Crescent Design District sub-districts: a 7.35-acre CD-C Commercial sub-district, an 16.82-acre CD-MUO Mixed-Use Optional sub-district, and a 29-acre CD-RH Residential High Density sub-district.

II. Crescent Parke Proposal

The Crescent Parke plan proposes to rezone a portion of the property from the mapped Crescent Design sub-district to an alternative sub-district, as well as to remap the building height map in certain instances.

Parcel "D-1" as designated on the zoning plat will retain the CD-C sub-district with a two-story building with first floor retail and second floor office use totaling 45,000 square feet.

Parcel “E-1” as designated on the zoning plat proposes the CD-MUO sub-district for the majority of the parcel, which is consistent with the current zoning mapped for this parcel. A portion of the parcel will be re-mapped to the RH sub-district. Four levels of multi-family units over first floor retail are proposed for buildings MU-1, MU-2, MU-3 and MU-4, which means this zoning application is seeking approval for residential use (96 multifamily dwelling units) and for five-story buildings in the CD-MUO sub-district pursuant to Table 7.10.9.E.2.E – CD-MUO District Standards of the zoning ordinance and for the proposed residential use pursuant to Table 7.10.9.E.1 – CD-MUO Uses of the zoning ordinance.

Parcel “F-1.” p/o of “E-1”, Mooney and p/o Failmezger as designated on the zoning plat proposes the CD-RH sub-district. This parcel currently is zoned a combination of CD-C, CD-MUO and CD-OS. In addition, four-story buildings for the stacked townhouse units are proposed for this parcel, which means this zoning application is seeking approval for the four-story buildings in the CD-RH sub-district pursuant to Table 7.10.9. B.2.E – CD-RH District Standards of the zoning ordinance. Also, the proposed single-family-attached, two-over-two style dwelling units require approval via a rezoning application pursuant to Table 7.10.9.B.1 – CD-RH Uses of the zoning ordinance.

The rezoning application also includes several modification requests pursuant to the Crescent Design District specifications that are included in a separate document submitted with this application.

III. **Crescent Parke Plan**

Since the Crescent Parke community is bisected by the Tuscarora Creek stream valley, the community has been designed around that significant natural feature, which has resulted in two distinct neighborhoods. The neighborhood on the north side of Tuscarora Creek features the mixed-use commercial with accessory residential areas. Building C-1 is proposed as a three-story office building and buildings C-2, C-3 and C-4 feature first floor retail with second story offices. Four mixed-use buildings with first floor retail and four levels of multi-family dwelling units above are arrayed along Davis Avenue, First

Street and General Urban Street "A."

On the south side of Tuscarora Creek is a residential neighborhood which contains both townhouse units and two-over-two units. This compact neighborhood is walkable to the mixed use businesses within Crescent Parke as well as the businesses nearby to Crescent Parke, including a grocery store. The roundabout for Davis Avenue and Gateway Drive is located at the heart of the community. Several other open green spaces embellish the neighborhood, which also sits astride the pond in Olde Isaak Walton Park as well as the stream valley park with proffered trail along Tuscarora Creek. The neighborhood backs up to the Dulles Greenway terminus ramp, but the landscape plan shows a vegetated buffer adjacent to the ramp. An area also is being reserved along the eastern property boundary for the future extension of the Greenway as envisioned in the Town Plan. Until such time as the road is extended, this reservation area provides a generous green space buffer between Crescent Parke and the adjacent communities to the east. A trail connecting Gateway Drive to the Tuscarora Creek trail also is proposed in the right-of-way reservation area.

Building elevations are being provided with this application. The architectural design intent, however, is to follow the design review process and standards in the Crescent Design District ordinance for all of the buildings in Crescent Parke.

IV. Town Plan

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. The Crescent District Master Plan adopted in 2006 does not include these parcels, even though they subsequently were included in the Crescent Design District adopted in 2013. The Downtown land use category for the areas outside of the Old and Historic District states that "...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." The advantage of the property having been zoned to the Crescent Design District is that the standards set forth in this district are designed to accomplish the style of development envisioned in the Town Plan. The plan for Crescent Parke follows the Crescent Design District standards, which will result in a community pattern conforming to the Town Plan vision. The Crescent Design District also sets forth the design standards desired for these areas, as well as a design review process; therefore, an independent set of design guidelines for Crescent Parke is not required to ensure the project will adhere to the design standards set forth in the Town Plan and the Crescent Design District.

A Town Plan Amendment application accompanies this rezoning application since the land use designation for the proposed residential neighborhood south of Tuscarora Creek (proposed for the RH sub-district) does not conform to the residential neighborhood zoning.

V. Open Space

The dominant on-site open space feature for Crescent Parke is the Tuscarora Creek stream valley, which also is the primary focal point for the community, as well as a regional open space amenity. The community also is benefitted by the 18+-acre Olde Isaak Walton Park being located adjacent to Crescent Parke. This park is leased by the Town of Leesburg for use as a town-wide park. It contains a three-acre pond, an activities building and a one-half acre dog park. The applicant is providing an eight-foot asphalt trail along the Tuscarora Creek stream valley connecting through the park to South King Street (subject to town approval) and the properties to the east, which will provide a major pedestrian and recreation amenity for the town. A trail also is proposed in the Dulles Greenway right-of-way reservation area that will provide a connection from the Tuscarora Creek trail to Gateway Drive.

The residential areas of Crescent Parke also contain neighborhood greens, pocket parks and neighborhood parks at strategic locations throughout the neighborhood to provide residential-scale green space. The mixed-use commercial areas also include amenity areas to provide amenity space for these uses.

The Crescent Parke plan provides ample amenity areas, natural and buffer space areas, and overall open space in both the mixed-use and residential neighborhoods of Crescent Parke.

VI. Transportation

A traffic impact analysis prepared by Bowman Consulting, conforming to the standards set forth in the DCSM accompanies this application. The property is located in the northeast quadrant of the South King Street/Leesburg Bypass interchange and is bounded by South King Street to the west, Catoctin Circle to the north, Leesburg Bypass to the south and Harrison Street to the east. Access to the site is proposed via an extension of Davis Avenue, an extension of Gateway Drive and a proposed connection to East First Street. The traffic analysis indicates that the traffic conditions with the build-out of Crescent Parke would be adequately accommodated with the implementation of several improvements:

- Construct one northbound right-turn lane at the intersection of South King Street/Davis Avenue;
- Construct one westbound left turn lane at the intersection of South King Street/Davis Avenue, creating dual westbound left-turn lanes and re-stripe the existing through left-turn lane to a through right-turn lane; and
- Traffic signal modifications to accommodate these improvements.

The traffic study indicates that the levels of traffic generated by and through the site are not sufficient to warrant the four-lane urban boulevard that is called for in the Crescent Design District regulations and the Town Plan. As a result, the applicant has filed a town plan amendment and zoning ordinance amendment to designate the street as a collector street in the town plan and as a General Urban Street in the zoning ordinance to provide the two-lane roadway through the site. This road section matches the existing Gateway Drive section to which it connects, as well as reduces the costs to construct the bridge

over Tuscarora Creek , which is an expensive facility proffered by the applicant with this rezoning application.

VII. Approval Criteria Pursuant to Section 3.3.15 of the Zoning Ordinance

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. The Crescent District Master Plan adopted in 2006 does not include these parcels, even though they subsequently were included in the Crescent Design District adopted in 2013. The Downtown land use category for the areas outside of the Old and Historic District states that "...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." The advantage of the property having been zoned to the Crescent Design District is that the standards set forth in this district are designed to accomplish the style of development envisioned in the Town Plan. The plan for Crescent Parke follows the Crescent Design District standards, which will result in a community pattern conforming to the Town Plan vision. A Town Plan Amendment application accompanies this rezoning application to change the land use designation for the property proposed to be zoned to the RH sub-district of the Crescent Design District.

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

The applicant is not aware of any binding agreements with Loudoun County or regional planning issues as they pertain to the Crescent Parke application.

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

The traffic impact analysis recommends several improvements to the local street network to be able to accommodate the site's traffic, which the applicant anticipates addressing during the rezoning application process. The on-site street design will be done according to town standards which will accommodate emergency vehicle access. The rezoning of

the property south of Tuscarora Creek for a residential neighborhood provides the opportunity for the applicant to construct the Davis Avenue extension bridge over Tuscarora Creek, enabling this major transportation link for the town to be completed. If the property south of Tuscarora Creek were to be developed under the current zoning by right, there would be no proffer to construct this bridge.

D. Compatibility with surrounding neighborhood and uses.

The applicant is proposing a mixed-use community that is laid out specifically for compatibility with the surrounding uses. The neighborhood containing the office and retail uses is located near King Street commercial uses and behind the commercial uses located along Catoclin Circle. The residential neighborhood is located adjacent to residential communities to the east and the Olde Isaak Walton Park. The proposed uses blend seamlessly with the existing surrounding uses.

E. Provision of adequate public facilities.

The applicant is providing connections to the existing road network that currently are not connected and will provide recommended improvements to the existing network to accommodate the site traffic. The applicant also is providing public access to the Tuscarora Creek regional open space amenity. The applicant will provide the anticipated contributions to public school and public recreation facilities.

VIII. Conclusion

Crescent Parke will become a desired implementation of the Crescent Design District vision providing a mix of retail, office, and multiple-family, two-over-two and townhouse residential units. The proposed street network will connect Gateway Drive and King Street, providing additional connections for the street grid planned in the Crescent District. In addition to the transportation network improvements, the community has access to regional open space amenities with the adjacent Olde Isaak Walton Park and the Tuscarora Creek stream valley traversing the property. The residents and workers within

TLZM 2013-0006, Crescent Parke
Statement of Justification
September 18, 2014

Crescent Parke will be able to walk to the businesses in the King Street/Catoctin Circle area as well as the businesses within Crescent Parke. The applicant looks forward to working with the town to review, approve and implement this signature project in the Crescent Design District.

PROFFER STATEMENT

TLZM 2013-0006, CRESCENT PARKE

September 18, 2014
December 23, 2014
April 17, 2015
Updated April 23, 2015
August 28, 2015

MREC LD Leesburg Crossing, LLC, as the owner of approximately 39.71 acres of land, more particularly described as Loudoun County parcel identification numbers (hereinafter, "PIN") 232-37-7166, 232-37-5627 and 232-38-9290, Edward R. Mooney Jr. et al Trustees, the owner of approximately 11.28 acres of land, more particularly described as Loudoun County PIN 232-28-3893, and Failmezger Investments, as the owner of an approximately 2.34 acre portion of a 20.99 acre parcel of land, more particularly described as Loudoun County PIN 232-37-3721 (hereinafter all three owners shall be referred to collectively as the "owner and all parcels collectively referred to as the "Property") hereby voluntarily proffer, pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and Section 3.3.16 of the Town of Leesburg Zoning Ordinance, as amended, that the development of the Property shall be in substantial conformance with the proffers as set forth below. All exhibits referred to in this proffer statement are attached and incorporated into this proffer statement.

All proffers made herein are contingent upon the approval of the rezoning concept plan and proffer amendment request in the pending application and upon approval of the zoning modification requests. These proffered conditions are the only conditions offered on this rezoning application. These proffers shall become effective only upon approval by the Town Council of Leesburg, Virginia, of the Zoning Amendment application TLZM 2013-0006.

1. **LAND USE**

1.1 Concept Plan

Development of the Property shall be in substantial conformance with Sheets 1 - 36 of the Zoning Map Amendment Concept Plan, prepared by Bowman Consulting, dated December 23, 2013 (hereinafter referred to as the "CP") and revised through August 28, 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.

1.2 Development Program

The Property shall be developed with a mix of uses as follows:

1.2.1 In the Crescent Design District Commercial (CD-C) zoning district. A maximum of 45,000 square feet of office and retail and other commercial uses.

1.2.2 In the Crescent Design District Mixed-Use Optional (CD-MUO) zoning district. A maximum of 96 multi-family dwellings, 28,625 square feet of retail and 90,000 square feet of office or hotel uses.

1.2.3 In the Crescent Design District Residential High Density (CD-RH) zoning district. A maximum of 198 single family attached dwelling units and 96 single family attached dwelling units in the “stacked townhouse” configuration.

1.3 Development Phasing:

1.3.1 Transportation Improvements. The transportation improvements shall be constructed according to the timing as described in Proffer 2.

1.3.2 Land Disturbance. The initial phase of development shall not limit land disturbance on any portion of the Property.

1.4 Parking

Parking is being provided as shown on Sheet 2 of the CP, as provided in the parking tabulations shown on Sheet 4 of the CP, and pursuant to the modification of Zoning Ordinance Section 11.3.

2. **TRANSPORTATION IMPROVEMENTS**

2.1 Sidewalks.

Sidewalks shall be constructed as shown on Sheets 2 and 4 of the CP. Planting areas for internal street trees shall be comprised of enhanced/amended planting media suitable for urban settings and which will be maintained by the Property Owners’ Association (POA) established in proffer 6.7.

2.2 Public Street Improvements and Phasing of Improvements

2.2.1 Davis Avenue and Gateway Drive Extensions. The Owner shall dedicate a minimum 70-foot wide right-of-way plus any additional right-of-way needed to accommodate turn lanes or the roundabout from the existing terminus of Davis Avenue to the existing terminus of Gateway Drive in substantial conformance with Sheet 2 of the CP, including the construction of the bridge over Tuscarora Creek. The dedication of the right-of-way shall be conveyed in fee simple, free and clear of any and all liens to the Town by a Deed of Dedication. The Owner shall bond for construction of the General Urban Street section in substantial conformance with Sheet 4 of the CP, subject to Town approval. Approval of zoning permits for the construction of any buildings on the Property shall be contingent upon the bonding for the construction of Davis Avenue and Gateway Drive from the existing terminus of Gateway Drive to the existing terminus Davis Avenue. No occupancy permits shall be approved

until the construction of Davis Avenue and Gateway Drive from the existing terminus of Gateway Drive to the existing terminus of Davis Avenue is completed and roadway is open for traffic. Approval of any occupancy permits, however, shall not be contingent upon acceptance of this roadway into the public street system or release of the performance bonds for roadway construction.

2.2.2 Other General Urban Streets. The Owner shall dedicate a minimum 70-foot wide right-of-way plus any additional right-of-way needed to accommodate turn lanes for and construct the General Urban Streets listed in proffers 2.2.2.1, 2.2.2.2 and 2.2.2.3 and in substantial conformance with Sheets 2 and 4 of the CP. The dedication of the right-of-way shall be conveyed in fee simple, free and clear of any and all liens to the Town by a deed of dedication.

2.2.2.1 Davis Court Relocated. The right of way shall be dedicated and be bonded for construction concurrent with Davis Avenue pursuant to proffer 2.2.1. No occupancy permits shall be approved for buildings C-2, C-3 or C-4 as shown on Sheets 2 and 4 of the CP until the construction of Davis Court is completed and the roadway is open for traffic. Approval of any occupancy permits, however, shall not be contingent upon acceptance of this roadway into the public street system or release of the performance bonds for roadway construction.

2.2.2.2 First Street. The right of way from the Property boundary to the roundabout on Davis Avenue extended shall be dedicated and bonded for construction prior to the issuance of the first zoning permit for building C-1 or buildings MU-1 through MU-4 and shall be constructed prior to the issuance of the first occupancy permit for building C-1 or for buildings MU-1 through MU-4. Approval of any occupancy permits, however, shall not be contingent upon acceptance of this roadway into the public street system or release of the performance bonds for roadway construction.

2.2.2.3 General Urban Street A. The right of way from the Property boundary to the intersection with Davis Avenue extended shall be dedicated and bonded for construction prior to the issuance of the first zoning permit for buildings MU-1 through MU-4 and shall be constructed prior to the issuance of the first occupancy permit for buildings MU-1 through MU4. Approval of any occupancy permits, however, shall not be contingent upon acceptance of this roadway into the public street system or release of the performance bonds for roadway construction.

2.2.3 Dulles Greenway Extension

2.2.3.1 Right-of-way Reservation. The Owner shall reserve a 90-foot wide strip of land along the eastern Property boundary in substantial conformance with Sheet 2 of the CP for the construction of the Dulles Greenway Extension as provided in the Town Plan. The right-of-way reservation shall be shown on the first record plat or site plan, whichever occurs first, which contains any portion of the Property south of Tuscarora Creek. Subject to approval of any required sign permits, the Owner shall install two signs within the right-of-way reservation area facing Gateway Drive and Davis Avenue Extended informing the future residents of Crescent Parke of the eventual planned use of the reservation area. These signs shall be installed prior to issuance of the first occupancy permit within the CD-RH zoned portion of the Property. Until such time as the reservation area is dedicated for public street purposes pursuant to proffer 2.2.4.2, the reservation area may be used for open space purposes, including the construction of the multi-use trail as shown on Sheet 2 of the Concept Plan. The Owner shall remove any asphalt trails, constructed within the reservation area upon dedication of the right-of-way at no cost to the Town or VDOT.

2.2.3.2 Right-of-way Dedication. The Owner shall dedicate any land located within the 90-foot wide reservation area as shown on Sheet 2 of the CP that is needed for right-of-way for the Dulles Greenway Extension at no cost to the Town or VDOT upon approval of the construction plans for the roadway extended to Harrison Street or Catoctin Circle to be prepared by others, upon full funding or bonding of the improvements to be constructed by others, and upon written request of the Town. The Owner shall sign the required record plat and accompanying documents such as the deed for the right-of-way dedication prepared by others within thirty days of receipt of the Town's written request. The dedication of the right-of-way shall be conveyed in fee simple, free and clear of any and all liens to the Town by a Deed of Dedication. The Owner's obligation to dedicate this land and remove any improvements constructed within the dedication area specified in proffer 2.2.9.1 shall terminate if the construction plans are not approved and bonded or funded by others within twenty-one years of the date of approval of TLZM-2013-0006.

2.2.4 South King Street Turn Lanes

2.2.4.1. The Owner shall construct one northbound right-turn lane at the intersection of South King Street and Davis Avenue. This

improvement shall be bonded and constructed concurrent with the improvements in proffer 2.2.1.

2.2.4.2. The Owner shall construct one westbound left-turn lane at the intersection of South King Street and Davis Avenue, creating dual left-turn lanes. The Owner also shall re-stripe the existing through left-turn to a through right-lane. This improvement shall be bonded and constructed concurrent with the improvement in proffer 2.2.1.

2.2.4.3 The Owner shall make any necessary alterations, if required by the Town or VDOT, to the existing traffic signal at this intersection as a result of the alterations to the intersection specified in this proffer 2.2.4. The Owner also shall install a pedestrian light on this traffic signal and install crosswalks where needed at this intersection if approved by VDOT or the Town. These improvements shall be provided concurrently with the improvements specified in proffers 2.2.4.1 and 2.2.4.2. The Owner shall provide a cash equivalent contribution to the Town for the improvements specified under proffer 2.2.4, in the event these improvements are constructed by others. The cash equivalent contribution shall be provided upon written request of the Town with the invoices of the construction costs provided to the Owner.

2.2.5 South King Street Traffic Signal

The Owner shall prepare and submit a warrant study for a traffic signal at the intersection of South King Street and the eastbound interchange ramp of the Route 15 Bypass and shall contribute \$200,000 towards the installation of the signal prior to the issuance of the zoning permit for the 100th residential dwelling unit on the CD-RH zoned portion of the Property, or the issuance of zoning permits for 22,000 square feet of retail uses on the Property, or the issuance of a zoning permit for Building C-1. If the traffic signal is not warranted, the Owner shall contribute the \$200,000 to the Town to be used toward other transportation improvements in the Town.

2.2.6 Cash Contribution for Off-site Transportation Improvements

The Owner shall provide a cash contribution totaling \$789,030 for off-site transportation improvements. This cash contribution shall be paid at the time of issuance of the occupancy permit for each residential unit in the amount of \$1,797 for each multi-family unit located in the CD-MUO district and \$2,097 for each single-family attached dwelling unit located

in the CD-RH district. The funds the Town receives from this cash contribution may be used for transportation improvements in the vicinity of the Crescent Parke property including but not limited to the following: i. Reconstruction of the bridge on Davis Court to access the Olde Izaak Walton Park property; ii. Construction of improvements to First Street off-site of the Crescent Parke property; iii. Revisions to Gateway Drive to restrict left-turn movements onto Harrison Street; or iv. Installation of a traffic signal at Gateway Drive and Sycolin Road. Use of these funds is at the discretion of the Town of Leesburg.

3. OPEN SPACE AND RECREATION

3.1 Internal Open Space and Recreation

3.1.1 Open Space Amenity Areas

The Owner shall provide internal open space areas as shown on Sheet 24 of the CP and the amenities within these open space areas as shown on Sheets 25 through 29 of the CP. These areas include the following amenities: (i) the plaza located between buildings MU2 and MU3 including the details shown on Sheet 28 of the CP; (ii) the “Developer’s Option” amenity with details as shown on Sheet 27 of the CP and which shall be constructed prior to the approval of 133rd residential zoning permit for the Property; (iii) the linear park labeled #4 on Sheet 24 of the CP with the amenities as shown on Sheet 26 of the CP; (iv) the interim minimum eight-foot asphalt trail within the Dulles Greenway right-of-way reservation area as shown on Sheet 27 of the CP; and (v) the Tuscarora Greenway Trail located on the Property as a minimum ten-foot wide asphalt multi-purpose trail as shown on Sheet 24 of the CP and which shall be constructed prior to the issuance of the 245th residential occupancy permit.

3.1.2 Pocket Parks

The Owner shall construct the amenity areas identified as pocket parks #1, #2 and #3 on Sheet 24 of the CP with the amenities as shown on Sheet 25 of the CP prior to the approval of occupancy permit for the dwelling unit closest to that pocket park.

3.1.2 Bicycle Facilities

The Owner shall install a minimum of six bicycle parking racks to be interspersed throughout the Property to be located in the vicinity of each of the commercial buildings: C-1, C-2, MU-1, MU-2, MU-3 and MU-4.

3.1.3 Community Facility

The Owner shall provide a minimum of 2,000 square feet of the ground floor commercial space in Building MU-4 for use as community meeting space, party room, facility for classes or other uses by the POA or residents of Crescent Parke deemed suitable by the Property Owners' Association established pursuant to proffer 6. The use of this space by the POA may cease only upon the POA gaining control of the association and upon a vote of the majority of the residential property owners to terminate the use of the community meeting room.

3.2 Public Park Cash Contribution

The Owner shall contribute \$1,000 per residential unit, at the time of issuance of the occupancy permit for each residential unit, to the Town of Leesburg which may be used for capital improvements to Town of Leesburg recreation facilities operated by the Department of Parks and Recreation.

3.3 Olde Izaak Walton Park Property Dedication

The Owner has contracted to purchase the approximately 21 acre property owned by Failmezger Investments, which is currently leased by the Town of Leesburg for use as Olde Izaak Walton Park (Loudoun County PIN 232-37-3721, the "Park Property"). The Owner has agreed to pay Failmezger Investments a contract purchase price of approximately \$2,315,000 for approximately 18.65 acres of the property. The Owner shall dedicate the approximately 18.65 acre Park Property to the Town of Leesburg for public park purposes (i) after a deed of boundary line adjustment and plat to adjust an approximately 2.34 acre portion of the parcel that is being rezoned to the CD-RH district into Loudoun County PIN 232-28-3893 is approved by the Town of Leesburg and recorded within the land records of Loudoun County, and also, (ii) after the first site plan and record plat for the CD-RH zoned portion of Crescent Parke is approved by the Town and ready for construction. The deed of boundary line adjustment and plat shall be submitted to the Town no later than concurrent with the first site plan and record plat for the property rezoned to the CD-RH district.

The full amount of the purchase price of the Park Property shall be deemed as an in-kind contribution towards the cash contribution for capital facilities specified in proffer 8, and the cash contribution provided in proffer 8 deducts the \$2,315,000 purchase price from the total cash contribution. In order to assure continuous use of the Park Property as a public park during this period of transfer of ownership, the lease the Town of Leesburg currently holds on the Park Property shall continue with the transfer of the Park Property ownership to the Owner, including payments on the lease of the land and any property taxes, until such time as the dedication of the Park Property is recorded in the land records of Loudoun County, at which time the lease shall be terminated.

4. **SITE DESIGN**

4.2 Energy Saving Design

All dwellings on the Property shall be designed and constructed as ENERGY STAR 2.0 ® or Home Energy Rating System (HERS) qualified homes. With the submission of a zoning permit for each building, the Applicant shall provide certification that the construction documents have been reviewed by a qualified Home Energy Rater, and that the building meets ENERGY STAR 2.0 ® or HERS standards. Prior to the issuance of an occupancy permit, a "wet" ENERGY STAR 2.0 ® or HERS label must be verified at each dwelling unit's electrical panel and a copy of the Home Energy Rating report shall be provided by the Home Energy Rater. The Home Energy Rating report shall include the unit address, builder's name, Rater's name and date of verification.

4.3 Dumpster Pad

The dumpsters use for the mixed-use buildings MU-1, MU-2, MU-3 and MU-4 shall be designed to compact the refuse and minimize odors emanating from the dumpster. The dumpster enclosures shall include a sign limiting the hours trash and recycling pick-up may occur.

4.4 Filtrerra Devices

If Filterra devices are used to satisfy BMP requirements and conflict with proposed street tree locations, alternate spacing of street trees to accommodate the Filterra device shall be provided prior to any determination that the required street trees cannot be provided. Understory trees, subject to the approval of the Zoning Administrator, shall be installed as the vegetative material with Filterra devices

5. **FIRE AND RESCUE SERVICES**

5.1 Residential Uses

Upon issuance of the Zoning Permit for each residential unit on the Property, the Owner shall provide the Town with a one-time cash contribution of \$100.00 per residential unit for distribution to the fire and rescue companies providing primary service to the Property. This contribution shall be divided equally between those fire and rescue companies that primarily serve the Property.

5.2 Non-residential Uses

Upon issuance of each Zoning Permit for each non-residential use, the Owner shall provide the Town with a one-time cash contribution of TEN CENTS (\$.10) per gross square foot of commercial use on the Property for distribution to the fire

and rescue companies providing primary service to the Property. This contribution shall be divided equally between the primary servicing fire and rescue companies.

5.3 Cessation of Contribution

The obligation to provide this contribution shall cease at such time as the provision of fire and rescue services is no longer provided by predominantly volunteer organizations or at such time as either the Town of Leesburg or the County of Loudoun levies a tax payment on the Property for these services.

5.4 Emergency Vehicle Access during Construction

The Owner shall provide, no later than the framing stage of construction, all-weather, gravel-compacted access for emergency vehicles, acceptable to the Fire Marshal, to all portions of the Property under construction.

6. PROPERTY OWNERS ASSOCIATION

6.1 Town Review

Documents to establish a Property Owners' Association (POA) for the Property, in which all property owners (both residential and non-residential) will be required to be a member, will be submitted to the Town for review and approval as to form and consistency with these proffers. The POA documents shall state that no provisions shall be amended by the POA which address any matters that are proffered or are otherwise required by this rezoning approval without prior approval by the Town.

6.2 Timing

The POA will be established prior to approval of the first Site Plan for the Property.

6.3 Duties

The POA shall have, among its duties, snow removal, trash removal and the maintenance of all commonly owned facilities on the Property including the underground stormwater management facility, private roads and private access easements, private parking areas, private storm drainage, private common areas, including the POA-owned open space, trails, greens, recreational facilities, bicycle parking facilities and play areas. The POA also shall be responsible for enforcing the covenants on the property, including the covenant that garage space is not permitted to be converted to habitable space.

6.4 Garage Conversions

The POA documents shall include a provision that will prohibit any garage space from being converted to any type of habitable and/or living space or be used principally for other than the storage of vehicles.

6.5 Private Parking Courts

The POA documents shall include a disclosure that the private parking courts cannot be accepted as public roads by the Town of Leesburg and will be the responsibility of the POA.

6.6 Private Yard Maintenance

The POA documents shall include a provision making the POA responsible for maintaining the yards and landscaping of all of the lots within the Property, including the individually owned lots for the single family attached dwelling units. The POA shall monitor the building-mounted light fixtures on the rear of the dwelling units, which provide safety lighting for residential common parking court travel ways (alley ways), to ensure these light fixtures remain lit during nighttime hours and to ensure light bulbs are replaced in a timely fashion.

6.7 Street Tree Maintenance

The POA documents shall include a provision making the POA responsible for maintaining the street trees within the public street right-of-way.

7. NOISE ATTENUATION

The Owner shall install windows and doors with a minimum 32 Sound Transmission Class (“STC”) rating on the south, east and west sides of the following buildings as shown on Sheet 2 of the CP: the four units of building A closest to the Route 15 Bypass, the three units of building D closest to the Route 15 Bypass, K, P, Q, U, the two two-over-two buildings of building V, X, Y, Z and AA. A Commonwealth of Virginia licensed acoustical engineer shall submit a report with the engineer’s seal prior to issuance of the occupancy permit for any of the units in the buildings as listed in this proffer certifying the following information: the STC rating of the installed windows and the interior noise level. Furthermore, the Owner shall include a disclosure statement to the buyers of the units in the buildings as listed in this proffer, which indicates that the home is located with the Noise Abatement Corridor Overlay District (NAC). The Owner also shall provide copies of the report provided to the Town of Leesburg pursuant to this proffer.

8. CAPITAL FACILITIES CONTRIBUTION

The Owner shall provide, upon issuance of each occupancy permit for a dwelling unit, a one-time cash contribution in the amount of \$4,433 per each multi-family dwelling unit and \$8,848 for each single-family-attached dwelling unit, which may be used for schools or capital projects in the Town of Leesburg. These amounts have been determined after deducting the \$2,315,000 in kind contribution for the 18.65 acre portion of the Park Property dedication provided in proffer 3.3 from the typical per unit amount requested by the Town of Leesburg as a capital facility contribution.

9. CONSTRUCTION TRAFFIC

The Owner shall prohibit construction traffic from using Davis Court to access the Property. Instead, construction traffic shall use Davis Avenue Extension for access or a temporary construction access drive in the Davis Avenue Extension right-of-way until the permanent roadway is constructed.

10. WAIVERS AND MODIFICATIONS

Approval of this application #TLZM-2013-0006 does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual, except as expressly approved in application #TLZM-2013-00036 and all final plats, development plans, and construction plans shall remain subject to these applicable Town regulations.

11. ESCALATION CLAUSE

All monetary contribution proffers shall escalate on a yearly basis beginning one year from the date of approval of the first site plan containing residential buildings and/or mixed use buildings or the first record plat containing such buildings, whichever occurs first in time, and which shall change effective each January 1 thereafter, based on the Consumer Price Index (CPI) for the Washington SMSA.

12. BINDING EFFECT

The undersigned owners of record of the Property do hereby voluntarily proffer the conditions stated above, which conditions shall be binding on the Owner, 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.

MREC LD Leesburg Crossing, 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

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

Edward R. Mooney, Jr., Trustee

By: _____

Name: _____

Its: _____

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

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

Stephen J. Panouras, Trustee

By: _____

Name _____

Its: _____

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

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

Failmezger Investments, LLC
A Virginia Limited Liability Corporation

By: _____

Name: George R. Failmezger
Its: Managing Member

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 Parke Zoning Map Amendment

Prepared by Bowman Consulting

Dated December 23, 2013 and Revised through August 28, 2015

**TLZM 2013-0006, CRESCENT PARKE
 REZONING APPLICATION
 REQUEST FOR MODIFICATIONS
 April 17, 2015
 Revised August 28, 2015**

In order to achieve the design depicted on the concept plan, the following modifications to the Zoning Ordinance are necessary and appropriate.

I. Zoning Ordinance Section to be Modified

Section 11.3 Number of Parking Spaces Required

Parking Standards Table

<i>Type of Use</i>	<i>Minimum Number of Spaces Required</i>
<i>Single-Family Attached</i>	<i>2.0 per dwelling if access to the lot is onto a public street; 2.5 per dwelling if access to the lot is from a private accessway. For townhouses with a single-car garage, the garage shall not be counted as a parking space. For townhouses with a two-car garage, the two-car garage shall count as a single (one) parking space.</i>

Requested Modification

Type of Use	Minimum Number of Spaces Required
Single-Family Attached	2.5 spaces per dwelling unit, including all garage and driveway spaces.*

Justification for Modification

The applicant is requesting a modification of the residential parking requirement to permit garage spaces to count towards meeting the parking requirement. The provided parking is 763 residential spaces with 763 spaces required for the proposed 305 single family attached units. Of the total provided, 610 spaces will be located on the lots in garages and driveways, 147 spaces on-street, and 6 spaces will be off-street visitor parking spaces. All of the townhome units will have a garage, which by covenant will be required to be maintained for parking purpose only. Additionally, the applicant will proffer that the HOA will be responsible for outside grounds maintenance, which eliminates the need for residents to store yard maintenance equipment and tools in the garage. The HOA also will be responsible for monitoring and implementing this requirement, as is done in other communities.

II. Zoning Ordinance Section to be Modified

Section 7.10.11. Streetscape Requirements

- A. *Streets. Streets, including associated streetscape improvements, in the CD District shall be provided according to the following requirements.*
 2. *Street Types. The street shall be in accordance with the applicable street cross sections shown in the accompanying drawings....Cross sections are provided for the following streets:*
 - a. *Urban Boulevards. This designation includes the extension of Davis Avenue...*

Requested Modification

The street designation for the Davis Avenue Extension between the existing terminus of Davis Avenue and the roundabout intersecting with the Gateway Drive Extension shall be a General Urban Street with parking on both sides pursuant to Section 7.10.11.A.2.b.

Justification for Modification

This modification request accompanies the Town Plan Amendment filed to designate Davis Avenue Extension as a Through Collector roadway, which is implemented as a General Urban Street under the Crescent Design District standards. The applicant's traffic study indicates that the projected traffic volumes for this road connection of 3,690 VTD can be adequately handled with a two-lane roadway. The General Urban Street section, therefore, is more appropriate for the Davis Avenue Extension than is the current designation of the Urban Boulevard.

Section 7.10.11.A.4.b of the Crescent Design District includes criteria to adjust street cross sections, which are addressed as follows:

- i. The General Urban Street section will facilitate vehicular turning movements, since two-lane streets are easier to navigate than four-lane streets. The on-street parking lane can be used as a turning lane near the approach to intersections. Additionally, two roundabouts are proposed for the Davis Avenue Extension, which also will facilitate vehicular turning movements. Two-lane roundabouts also are easier to navigate than four-lane roundabouts.
- ii. The General Urban Street section will facilitate superior building design, since low-rise buildings, such as the three- and four-story buildings proposed along the Davis Avenue Extension are better able to frame two-lane roadway than a four-lane boulevard. Four-lane boulevards are better framed by mid-rise buildings of at least six or more stories.
- iii. The General Urban Street section enhances the pedestrian environment by encouraging lower speeds on the roadway and by providing a narrower

street section for pedestrians to cross.

- iv. The General Urban Street section alleviates a significant engineering constraint for the bridge crossing Tuscarora Creek. The two-lane road section requires less support structure and less disruption to the flood plain. Resources are wasted when roadways are over-designed and over-built for the traffic conditions. Reduced areas devoted to impermeable surfaces also improve the environment and the community character.

III. Zoning Ordinance Section to be Modified

Section 7.10.6, Building Type Specifications

E. Building Elements

7. Roof Form

c. Dormer Windows. Any grouping of single family attached buildings shall include dormer windows for a minimum of 50 percent (50%) of the buildings in each grouping of buildings.

Requested Modification

For one of the single family attached elevations proposed for Crescent Parke, permit roof lines that use cross gables on the front elevation rather than dormer windows.

For the two-over-two style single family attached elevations, use a shed roof (sloping from front to back) behind a parapet that appears as a flat roof on the front elevation.

Justification for Modification

For one of the single family attached elevations proposed for Crescent Parke, cross gables are proposed to be used on the front elevation. The cross gable serves a similar function as a dormer in terms of the effect on the roof line by breaking up the roof line and providing a richness of light and shadow on the front elevation. The cross gables will be embellished with stick-style trim which will provide additional architectural interest.

For the two-over-two style single family attached elevations, a shed roof sloping from front to back will be used in conformance with Section 7.10.6.E.7.b, which permits pitched, flat or shed roofs. The dormer windows specified in Section 7.10.6.7.c is most appropriate when used with pitched roofs. Crescent Parke is proposing a parapet wall to provide architectural interest to the front elevation, which will appear as a flat roof style from that elevation.

IV. Zoning Ordinance Section to be Modified

Section 7.10.5, Site Requirements

G. Useable Open Space/Amenity Area.

6. Design Requirements.

f. Amenity Areas shall be designed to provide at least fifty percent (50%) of the area in a “shaded” condition. This can be accomplished with landscaping or structures such as a pergola.

Requested Modification

For amenity area #7, the applicant is requesting to provide at least 33 percent of the amenity area in a shaded condition.

Justification for Modification

Amenity Area #7 is the plaza located between buildings MU-2 and MU-3. This area was designed as the plaza due to existing utility infrastructure and related easements located here. These features do not permit trees or structures requiring footings (i.e., a pergola) to be located overtop of the utility lines, which are the elements needed to provide the 50 percent shaded condition. The plaza, however, is located between two five-story buildings, which should provide additional shaded areas to the plaza amenity area depending on the time of year and time of day.

V. Zoning Ordinance Section to be Modified

Section 7.10.11, Streetscape Requirements

D. Street Trees. *One medium or large canopy street tree shall be provided for every forth feet (40’), or one understory tree shall be provided for every fifteen feet (15’) where conditions do not favor a canopy tree, of lot frontage in the tree zone between the sidewalk and street curb. The tree zone, as shown on the street cross sections (see also the DCSM) may be grass or sidewalks with planting beds or grates over continuous tree-root trenches as determined acceptable by the Zoning Administrator. Street trees shall comply with the sight distance standards of the Design and Construction Standards Manual except that locations may be modified by the Zoning Administrator due to engineering and sight distance constraints.*

Requested Modification

The applicant requests modifying the General Street cross section to eliminate street trees where necessary to resolve engineering constraints due to sight distance requirements at intersections pursuant to Section 7.10.11.A.4.b.vi.

Justification for Modification

Section 7.10.11.A.4.b.vi permits modification of cross sections of streets within the CD district in order to alleviate a significant engineering constraints, which is the case with the street trees along the west side of Davis Avenue Extended between Tuscarora Creek and Residential Street “A” and along the east side of Davis Avenue between Residential Street “A” and the roundabout (See attached drawing.) The thirteen trees shaded red are located within the sight distance lines along Davis Avenue Extended, which prevents the street trees from being planted. Pocket Park #2, which fronts on Davis Avenue Extended between

Residential Street “A” and the roundabout will be planted with trees, and therefore will provide the desired landscaped effect in lieu of the street trees along this block.

VI. Zoning Ordinance Section to be Modified

Section 12.8.2, Buffer Yards

G. Buffer-Yards Adjacent to Certain Public Streets.

2. The width of the buffer and the screening materials required to be planted within the buffer yard shall be as follows:

C. Limited Access Highway. *A minimum of 75 feet wide with following plant material per 100 linear feet of right-of-way:*

Table 12.8.2.C

<i>Canopy Trees</i>	<i>8</i>
<i>Evergreen Trees</i>	<i>20</i>
<i>Shrubs</i>	<i>48</i>

Requested Modification

The applicant requests a reduction in the number of plantings along the Route 15 Bypass/ the Dulles Greenway frontage (Buffer E-F on Sheet X of the Concept Plan) to be as shown in the Buffer Yard and Screening Table for Buffer E-F on Sheet 8 of the Concept Plan.

Justification for Modification

Buffer yard E-F is located along the ramp from the Dulles Greenway onto the Route 15 Bypass. As such, the yard area contains sloping topography which limits the amount of plant material that can be planted within this area. Even with the reduction, 78 medium-canopy trees, 190 evergreen trees and 428 shrubs will be planted within this buffer-yard, assuring that it will be well-landscaped. While it seems counter-intuitive to reduce plantings along a limited access highway, the ramp embankment creates a situation whereby the dwelling units are located approximately twenty-five feet below the roadway. This grade differential will provide the additional screening and separation between the roadway and residential uses.

VII. Zoning Ordinance Section to be Modified

Section 12.8.3, Buffer-Yard Matrix

The buffer-yard matrix describes the requirements for screening and buffer between adjoining land uses.

Rb (Proposed Land Use) adjacent to Rc (Existing Land Use):

25-foot minimum buffer width

S3 required screen type

Requested Modification

For Buffer Yard D-E as shown on Sheet 7 of the Concept Plan, the applicant requests to retain the existing vegetation with the exception of grading along the western edge to accommodate a ten-foot wide asphalt trail with vegetation to be planted according to the Buffer Yard and Screening Table on Sheet 8 of the Concept Plan. This buffer yard and screening will be provided until such time as the Dulles Greenway extension occurs within buffer yard D-E.

Justification for Modification

Buffer Yard D-E is located within the 90-foot wide Dulles Greenway right-of-way reservation along the eastern property boundary adjacent to the Brookmeade condominium community and the Virginia Knolls community. This 90-foot strip is currently heavily vegetated with naturally occurring vegetation, and the residents requested that the natural vegetation remain to the extent possible. The proposed buffer yard and screening retains the natural vegetation with the exception of the western edge of the reservation area where the applicant will be grading to install a ten-foot wide asphalt trail. Sixteen medium canopy trees and 159 shrubs will be planted within the graded area to supplement the existing vegetation.