



**Date of Council Meeting:** March 7, 2016

**TOWN OF LEESBURG  
TOWN COUNCIL WORK SESSION**

**Subject:** Department of Planning and Zoning Work Plan Items

**Staff Contact:** Susan Berry Hill, Director

**Council Action Requested:** Work session discussion on the work plan for Planning and Zoning as a follow up to the February 22, 2016 Council meeting.

**Staff Recommendation:** I recommend that the current work plan be retained as scheduled for the Department of Planning and Zoning. Staff does not recommend the elimination of the H-2 District and Guidelines. In addition, staff does not advise any action to initiate work on the development of a Capital Intensity Factor (CIF) or Appendix B until the Town has more information on the status of Virginia Senate Bill 529.

**Commission Recommendation:** The Planning Commission supports the work plan provided in the attachments.

**Fiscal Impact:** None at this time.

**Work Plan Impact:** Attachment 1 identifies the work plan for the Department of Planning and Zoning. This plan represents the timeframes for each project. This memorandum includes three additional work items that were raised during Council discussion at the February 22, 2016 Work Session.

**Executive Summary:** Town Council requested a work session discussion on the work plan for Planning and Zoning which was held on February 22, 2016. At this meeting, three additional work items were raised for further discussion as follows:

- 1) H-2: A suggestion was made to repeal the H-2 Overlay and Guidelines.
- 2) Capital Intensity Factor (CIF): Council members expressed interest in undertaking the development of a CIF for Leesburg as a proffer guideline to be used for future legislative land development applications.
- 3) Appendix B: Interest was expressed in updating Appendix B which is a proffer guideline in the Town Plan that quantifies a developer's fair share of off-site transportation improvements based on impacts that would result from the proposed land development plan.

**Background:** The current work plan for Planning and Zoning is identified in Attachment 1. The three additional items discussed by Council at the February 22, 2016 work session are provided below in detail.

The H-2 Historic Corridor Architectural Control Overlay District (H-2 Overlay) was adopted in 1990 for the four gateway entries to the Town of Leesburg: north and south King Street and east and west Market Street. The H-2 Corridor Design Guidelines (H-2 Guidelines) were adopted in that same timeframe to provide site and building design guidance for non-residential development. The purpose of establishing the H-2 Overlay and H-2 Guidelines was to guide the architecture of buildings in these gateway areas to be complementary to the historic character of Leesburg.

In recognition that the H-2 Guidelines needed to be updated, a Steering Committee was established in 2009 to provide recommendations on the H-2 Overlay District and Guidelines. Upon receiving the report from the Committee, Council did not direct further work on the recommendations at that time.

The recommendations are briefly summarized below.

Location and depth of H-2 corridors. The location and depth of the H-2 District should be maintained with some modifications.

- Regulations. To achieve and maintain an effective H-2 Corridor Program, guidelines and regulations (Zoning Ordinance, DCSM) should both be employed.
- Revisions to Guidelines. The H-2 Guidelines should be revised to clearly state the vision for the corridor; better reflect the character for each of the four corridor areas; address best practices of good site design as well as building design; and address streetscaping.
- Review Process. The Committee recommended that administrative reviews be used as much as possible. Also, for legislative applications (rezonings and special exceptions), referrals should be provided from the BAR to the project planner regarding compliance with H-2 guidelines. These referrals would address ‘big picture’ design issues like scale and massing. Architectural details would be handled through the normal H-2 review process through an application for a Certificate of Appropriateness reviewed by the BAR. (Staff notes that procedural process improvements were subsequently implemented pertaining to #4 above to better integrate review of legislative land development projects that are situated within the H-2 corridor. These process improvements have yielded a more coordinated review process for applicants, BAR, Planning Commission and Council alike.)

In 2013, through discussion of the Town Plan Action Program priorities, the Planning Commission made a recommendation to pursue work on the H-2 Guidelines. This recommendation was accepted through a motion by Council in September 2013. The DPZ Work Plan has included work on the H-2 Overlay District and Guidelines by splitting the project into two parts. Part 1 focuses on the segment of the H-2 Overlay District that exists on East Market Street outside of the Bypass. This project is coupled with the development of a small area land use plan for East Market and the project was begun in February of this year. It will continue through 2016 with the conclusion of the project resulting in either recommendations to replace the Overlay District and Guidelines with some other form of design guidance or recommendations for updating the existing Guidelines.

Part 2 of the H-2 review is slated to begin in January 2017. It will focus on the three remaining segments of the H-2 Corridor. Depending on whether the recommendation is to simply repeal the H-2 in these areas or to update the District and Guidelines, the project could take between three and nine months.

The question asked by Council on February 22, 2016 is whether the H-2 Overlay and Guidelines may simply be repealed without further study to replace or update the Guidelines. If the direction of Council is to proceed with repealing the H-2 Overlay and Guidelines, staff would advertise the repeal of the H-2; a public hearing would be scheduled before the Planning Commission and a public hearing would follow at the Town Council. Staff would recommend that the Board of Architectural Review (BAR) be consulted as a referral to provide input to the Planning Commission. To meet legal advertising and public hearing requirements, this process would likely take approximately three months from the date of initiation by Council.

Capital Intensity Factor (CIF). Information about the development of a CIF was provided to Council on July 13, August 10-11, and October 13, 2015. At that time, it was explained that a CIF is a factor that is developed to assess the impact of residential growth on capital facilities. A CIF is a proffer guideline that is applied to residential rezonings to assess growth impacts on facilities. It represents estimated costs per unit and by unit type that are required to offset the impact of residential growth on a jurisdiction's capital facilities.

Last fall, Council requested information about how a CIF would be developed. Staff explained the basic steps in developing a CIF and recommended that a consultant specializing fiscal analysis be employed to develop one. The estimate for this work was \$80,000 (inclusive of updates to Appendix B) and it was estimated to take approximately 8-9 months. Key departments that would work on this project would include Finance and Administrative Services and other departments that would contribute to the development of inputs used to develop the CIF would include: Public Works & Capital Projects, Parks and Recreation, Leesburg Airport, and Leesburg Police, Plan Review, and Planning and Zoning.

On August 11, 2015 Council discussed and voted on a resolution to initiate work on a CIF with assistance from a consultant. This resolution failed. An information memo was then requested for the October 13, 2015 Council meeting regarding use of a management intern to develop a CIF. Staff reported that if Council wished to employ a management intern the timeframe for this request would be in the spring when Loudoun County typically solicits applications for management interns. The Town could submit a request to the County to receive assistance from a management intern to work on this project. There was no follow up action taken by Council on this information memo and thus no direction was provided to proceed with this project using a management intern.

Staff notes an important recent action that relates to the topic of Capital Intensity Factors (and Appendix B) occurred during the General Assembly session this year that resulted in approval of Senate Bill 549. This bill will have an impact on how all jurisdictions approach proffer discussions with applicants. The bill states that a proffer is unreasonable “*unless it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use*”.

This bill largely affects northern Virginia jurisdictions that use proffers to mitigate impacts resulting from growth. Leesburg, Loudoun, and most jurisdictions are now attempting to understand the implications of this bill. For now, it appears that this legislation will result in the need for every jurisdiction to have a high degree of certainty that their proffer guidelines are based on logical and updated analysis. Further, it will be even more important than in the past to establish a clear and strong ‘nexus’ between the proffers and the mitigation of impacts to specific capital facilities and the bill will have a chilling effect on the residential rezoning process. The Governor has until March 8 to veto this bill.

Appendix B is a proffer guideline, or factor, to estimate the per unit cost of impacts imposed on the Town’s regional transportation network resulting from new development. This guideline is applied to legislative applications. Applicants can respond accordingly given their overall proffer package, and the Council can ultimately choose to accept the transportation proffers that are proposed with an application or discuss alternative proffers with the applicant at the time of the Council’s public review of the application.

Last fall at Council’s request, staff provided information on this project along with information on developing a CIF. At that time, staff recommended that a transportation consultant be hired to assist staff with this update or that this work be combined into contractual work to develop a CIF).

The estimated to cost for work on the Appendix B alone is approximately \$30,000. The key departments that would be required for this project include Public Works and Capital Projects (particularly the Traffic Engineer) and Planning and Zoning. This project was discussed by Council on August 11, 2015 along with the CIF project. A resolution to initiate work on both the CIF and Appendix B using a consultant to do the work was not approved by

Council. No further direction was given to staff at that time to pursue an update to Appendix B.

**Attachments:**

- 1) DPZ Work Plan for Text Amendments, and Town Plan Action Program Projects updated March 4, 2016.
- 2) DPZ Work Plan for Land Development Cases. Updated March 4, 2016.

**DPZ – Work Plan for Text Amendments and Town Plan Action Program Projects (3/4/16)**

<b>Ordinance Amendments Initiated</b>	<b>Date Initiated by Town Council</b>	<b>Status of Staff Work</b>	<b>Status of Planning Commission Review</b>	<b>Status of Town Council Review</b>	<b>Staff Assigned</b>
<b>Active Amendments</b>					
<b>Floodplain</b> (Reso 2013-133 and Motion 9-2013)	9/2013	On hold – restart in Spring/2016	Summer 2016	Fall 2016	Irish, Eric, Brandon
<b>POD's</b> (Reso2015-144)	12/8/15	In progress	4/7	4/26	Brandon
<b>Convenience Store/Dining</b> (Reso2015-149)	12/8/15	In progress	4/7	5/10	Scott
<b>Sign Ordinance</b> (Reso2015-141)	11/23/15	In progress	4/21	5/10	Chris, Brandon, Barbara
<b>Telecom/Small Cell</b> (Reso2016-009)	1/12/16	In progress	4/21	5/24	Chris
<b>Flex Industrial</b> (Reso 2016-027)	2/23/16	In progress	May/2016	June-July/2016	Brandon
<b>Commuter Parking in I-1</b> (Reso 2016-026)	2/23/16	In progress	4/21	5/24	Susan
<b>PRC</b> (Reso 2016-028)	2/23/16	Start date summer	Fall	Fall	Chris
<b>Prospective Amendments</b>					
<b>Annual Batch</b>		Start in July	Fall	Winter	Chris, Brandon
<b>Amendments on Hold</b>					
<b>Tents</b> (Reso2013-119)		Complete	Complete	On hold per TC	Chris
<b>Parking Credit in H-1</b> (Reso2014-104)		Complete	Complete	On hold per TC	Brian
<b>Mobile Home</b> (Reso2015-066)	6/2015	Complete	On hold per applicant	-----	Scott
<b>Projects</b>					
<b>East Market Area Plan/H-2 aka Envision East Market</b>	9/2013	Started 2/1/16	Early Fall	Late Fall-Winter	Mike, Tom, Debi, Scott, Susan
<b>H-2 (remainder)</b>	9/2013	Start at completion of EEM project	2017	2017	Tom
<b>Low Impact Development (LID)</b> (Reso2013-072)	9/013	Start at completion of Floodplain Ord.	2017	2017	Irish

## DPZ – Work Plan for Land Development Cases (03/04/16)

Ordinance Amendments Proposed		Status of Staff Work	Planning Commission	Town Council	Assigned To
Rescue Squad/Skatepark	TBD				Chris
<b>Application Caseload</b>			<b>PC</b>	<b>TC</b>	<b>Staff</b>
<b>Crescent Parke</b>		In progress at PC	2/18, 3/3	TBD	Mike
<b>Airpark</b>		Complete	2/18	3/8	Scott
<b>Daycare</b>		In progress	3/17	4/12	Scott
<b>Costco</b>		In progress	4/21	5/10	Delane
<b>Monopole</b>		In progress	5/5	6/14	Scott
<b>Montfair</b>		In progress	5/19	6/28	Irish
<b>Leesburg South</b>		In progress	Spring	Summer	Irish
<b>Leesburg Plaza</b>		In progress	Summer	Fall	Mike
<b>S. King Multi-Family</b>		In progress	Spring	Summer	Brian
<b>River Creek</b>		In progress	Fall	Winter	Irish
<b>Browns Auto</b>		In progress	Spring (Plan Amend) Fall (Rezoning)	Spring Fall	Delane
<b>Big T</b>		In progress	Fall	Fall	Mike
<b>Brickyard</b>		? Waiting on Ap.			Mike
<b>Leegate</b>		Complete	Complete	On hold per Applicant	Mike
<b>Pre-aps &amp; Proposals</b>					
Gudelsky					Brandon
V@L Self Storage					
Assisted Living – Morven Park Road					
V@L Park and Ride					
V@L Bldg X					
Starbucks					
7. Lutheran Church – Woodlea/15					