Date of Council Meeting: October 24, 2016

TOWN OF LEESBURG
TOWN COUNCIL WORK SESSION

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

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

Council Action Requested: A discussion of changes to the concept plan and proffers associated with rezoning application TLZM-2013-0006, Crescent Parke.

Staff Recommendation: Staff recommends continued discussion of the application in preparation of the November 29th public hearing.

Commission Recommendation: The Planning Commission did not recommend approval of this rezoning application.

Fiscal Impact: Staff notes previously discussed deficiencies with the fiscal impact analysis prepared by the applicant.

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

Executive Summary: On September 27, 2016 the Town Council rescinded their July 26, 2016 action regarding Crescent Parke. On October 3, 2016, staff received a revised rezoning concept plan and draft proffers. The Applicant has made changes to the concept plan and proffers which are outlined in this staff memo.

Background: Staff notes that this memo was prepared with the intent of describing the general nature of the changes to the rezoning concept plan and proffers. Additional detailed comments may be provided in the November 29th public hearing staff report.

The October 3, 2016 revised rezoning concept plan and proffers includes the following changes:

A. <u>Limits of the application</u>: The Applicant has eliminated the 2.3 acre portion of the Olde Izaak Walton Park Property (OIWP). Figure 1 illustrates the July 26, 2016 on the left and the October 3, 2016 on the right. The revised October layout depicts the removal of 14 town houses and 18 stacked town houses, or a total of 32 dwelling units.

Staff has no comment regarding this change to the rezoning concept plan.

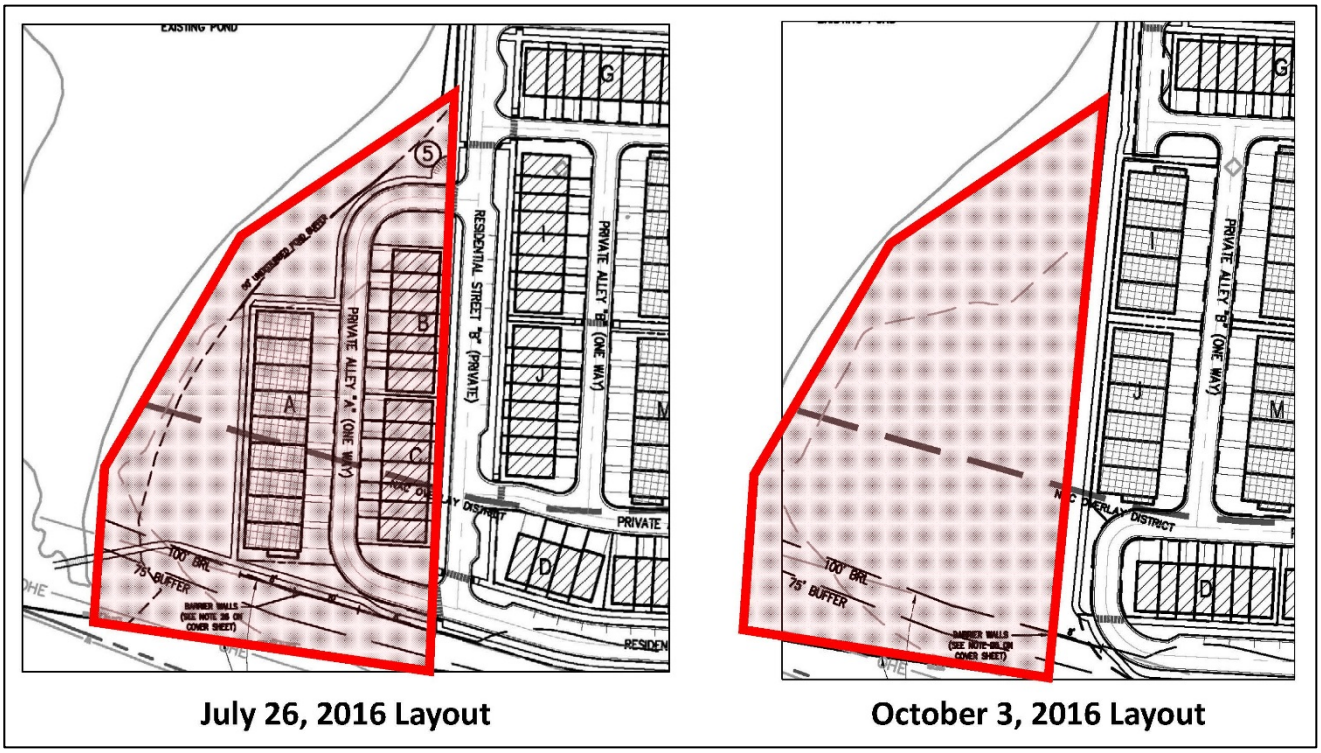

Figure 1, Olde Izaak Walton Park Improvements

B. <u>Concept Plan Changes</u>: The changes incorporated in the October 3, 2016 rezoning concept plan submission were made without direction from staff. Changes made to the rezoning concept plan are as described and illustrated below:

1. **Frontage Note**: The rezoning concept plan includes a note on several sheets that states lot lines are subject to change with final engineering. Zoning regulations in the Crescent District require commercial buildings to occupy no less than 66% of a property's frontage to a street, public or private. This can be modified to no less than 50%. As justification for the modification, the layout must provide useable amenity area in lieu of the building. The computation of this requirement is based on lot lines. The justification for the reduction, is based on Council's interpretation that the amenity area provided, again in lieu of building, is appropriate. It is staff's opinion that

the note makes future determinations of consistency with the rezoning concept plan, at the time of site plan review, problematic. As depicted, the Applicant has not satisfied the minimum building frontage requirement, as modified.

Staff recommends that the note be removed from the rezoning concept plan.

2. **Commercial Buildings C-2 thru C-4**: The applicant has revised the building configuration to eliminate integrated parking under the buildings and added additional surface parking. See Figures 2 and 3.

   Figure 2 illustrates the rezoning concept prior to the October revisions. Buildings C-2 and C-3 were initially designed to accommodate integrated ground level parking in the rear of the building. The orange line represents a drive aisle that provides access to the parking through the buildings. The green outline represents an outdoor amenity area.

   The change with the October 3, 2016 submission eliminates the integrated parking below the buildings as represented by the red line in Figure 3. With the elimination of the integrated parking, additional surface parking has been added and is depicted as a purple area in Figure 3.

   The relocated parking spaces create an issue where the applicant cannot satisfy certain zoning requirements: the required number of spaces and location of the required parking.

   In order to accommodate the relocated parking, the amenity area has been decrease, but more importantly an additional surface parking facility has been located to the west of Building C-2. Staff has previously highlighted that this parking facility conflicts with the Crescent District zoning standards and cannot be approved as submitted.

   Single-use parking facilities are not a permitted use in the Crescent District. Buildings are required to occupy the 'frontage zone' or the area directly adjacent to a street. Parking is permitted on the sides of buildings after applying a parking setback, but only if the frontage requirement is met.

   The Applicant has the option of the following remedies:
   - *Revert to the previous design of Buildings C-2 and C-3 with integrated parking.*
   - *Decrease the amount of building square footage to provide the required amount of parking*
   - *Increase the amount of building frontage to meet zoning requirements.*

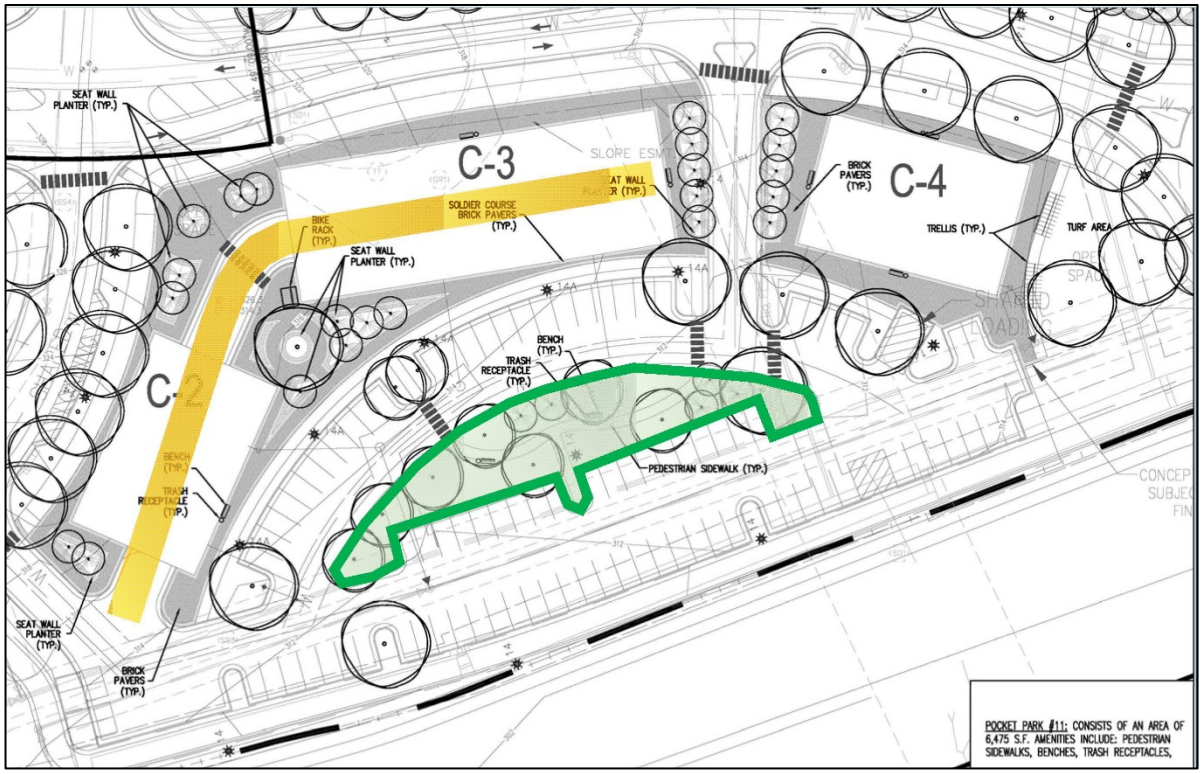

Figure 2, Building C2-C4 July Layout

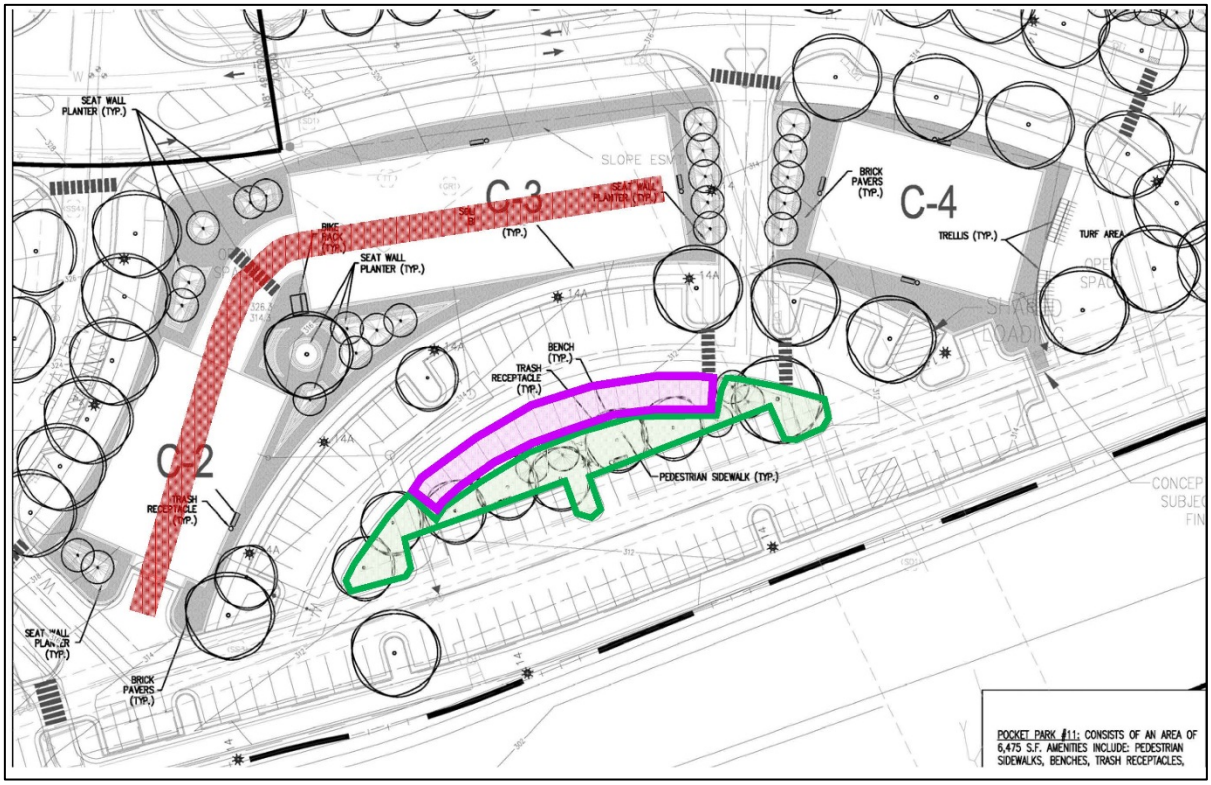

Figure 3, Building C2-C4 October Layout

As proposed the layout is in conflict with Crescent District zoning requirements and cannot be approved.

3. **Building Elevations C-1 thru C-4:** The Crescent District requires that conceptual building elevations be provided with rezoning applications. Staff has previously noted that proffers for Building C-1 include an option which allows Building C-1 as a two story building. The applicant has not provided conceptual elevations for the two story option for Building C-2. The integrated parking below Buildings C-2 and C-3 has been removed. The result is that the lower portions of these buildings will act as a platform for the uses above with no active uses below. Revised elevations have not been provided for Buildings C-2 and C-3.

   Staff recommends the following options to resolve this issue:
   - *Council could request that conceptual building elevations be provided.*

     Or

   - *Council could grant a waiver of the submission requirements of TLZO Section 3.3.6.E.17.*

4. **Introduction of an Alternate layout**: The Applicant introduced an alternate layout which includes two new buildings behind Buildings MU-1 thru MU-4. The alternate layout is illustrated in Figure 4.

   The introduction of the alternate layout is due to a change in unit style: The proffers were previously revised to permit the MU buildings as either a condominium (horizontal units or 'flats') or town house (vertically separated units) over commercial. Substantial conformance would still be required with the layout and associated zoning regulations, such as parking. The alternate layout would permit a dwelling unit style that the Applicant believes to be more marketable while preserving residential density.

   As depicted, the alternate layout is in conformance with applicable CD-MUO development standards. With the inclusion of this alternate layout, the Applicant eliminates the need for additional legislative review if they elect to use either dwelling unit type.

   Staff does not have any comments at this time.

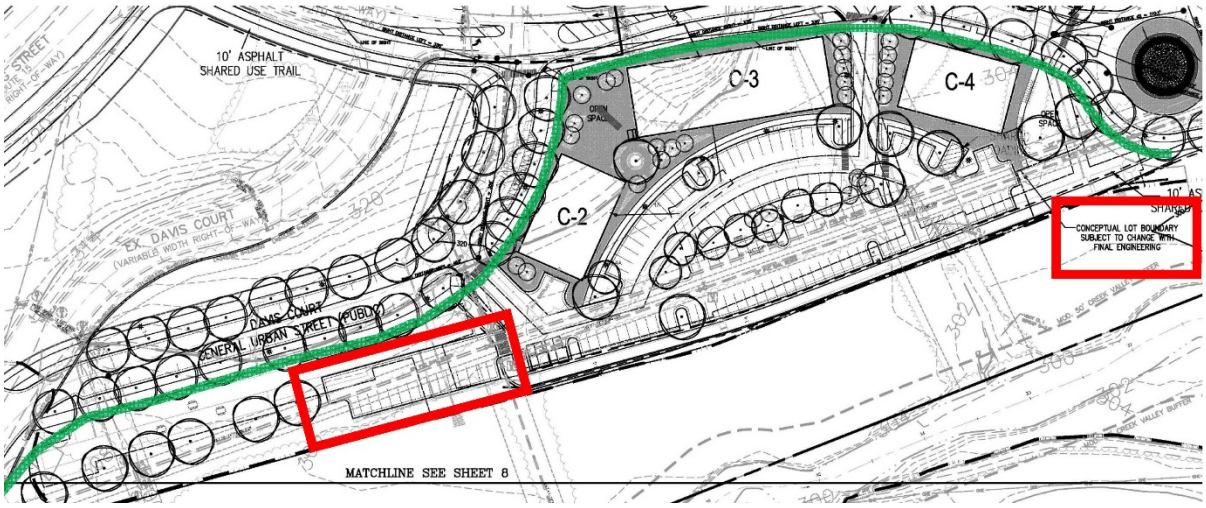

Figure 4, Buildings C2 thru C-3 Frontage Issues

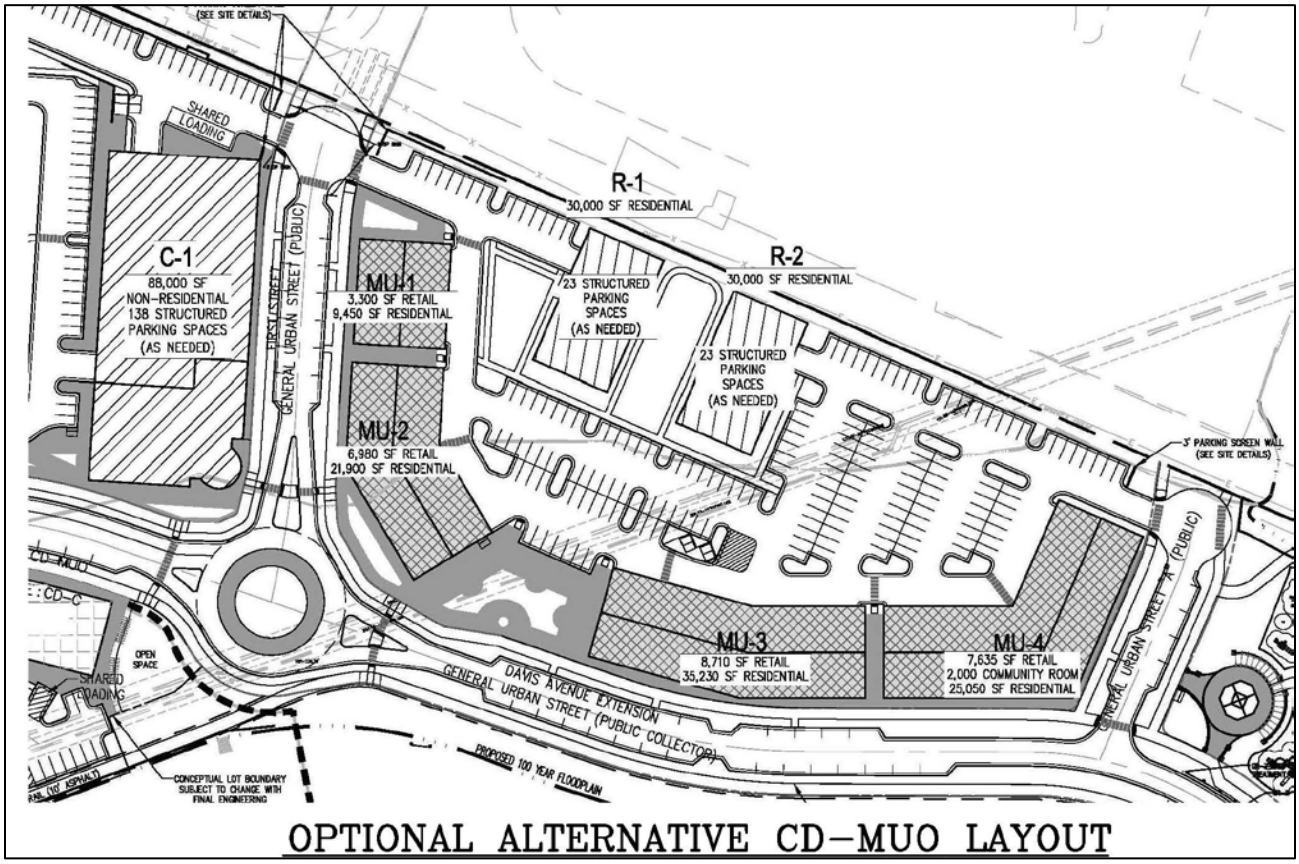

Figure 5, MU Building Alternate Layout

5. **Revised Residential Layout**: Figure 6 depicts the revised October 3, 2016 layout without the residential dwellings in the OIWP property.

   The differences in the layout have pros and cons:

   Pros: Reduced residential density
   Reduced off-site land disturbance with less forest removal
   Increased on-site open space

   Cons: Circuitous access to the stacked town houses
   Conflicts with required Fire Marshall access requirements

   Staff and the application will be examining potential solutions prior to the scheduled public hearing.

   Staff recommends that the previous layout be retained, excluding the units within the OIWP property. This would reduce the number of conflicts associated with required fire and rescue access requirements.

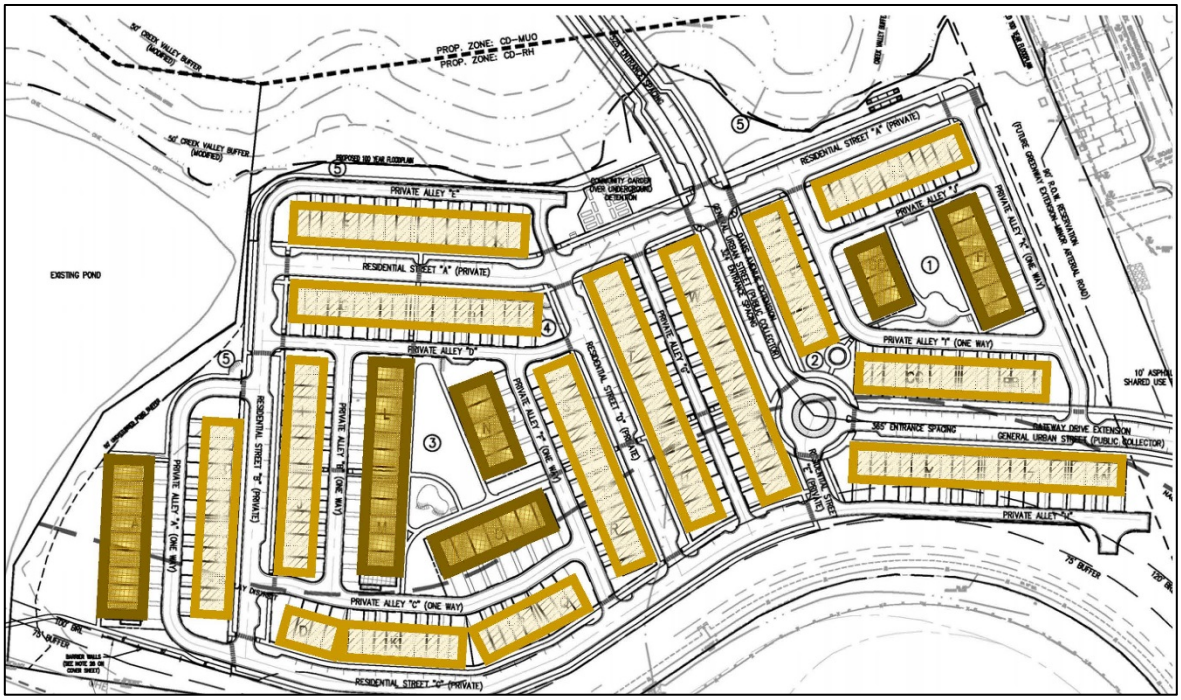

Figure 6, July CD-RH Layout

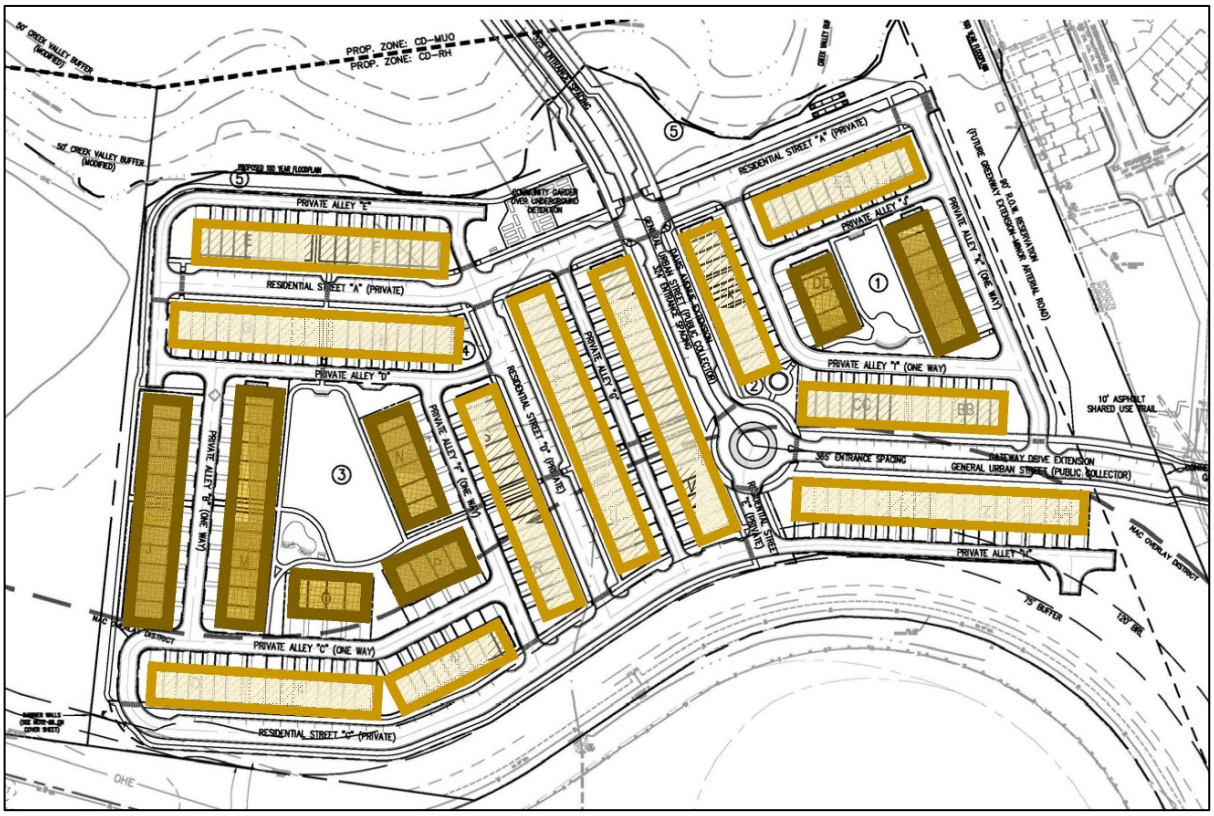

Figure 7, October CD-RH Layout

C. **Proffer Changes:** The tables below are intended to assist in describing the history of changes to the draft proffers. The tables include information from the Planning Commission draft Dated March 4, 2016, the last Council Remand draft dated July 26, 2016, and the current revised draft dated October 3, 2016.

Table C.1, Residential Density

	PC Remand Public Hearing March 4	TC Remand Public Hearing July 26	Revised & Submitted Oct 3	Revised Density
Multi-family	96	96	70 Age restricted	**-26**
Townhouse	196	196	178	**-18**
2 Over 2	88	88	96	**+8**
Total Res Units	380	380	344	**-36**

Overall density was decreased by 36 units

Table C.2; Commercial Density

No change in commercial density, 161,725 square feet proposed.

Table C.3, Unit Type

	PC Remand Public Hearing March 4	TC Remand Public Hearing July 26	Revised & Submitted Oct 3
Multi-family	96 market rate	96 market rate	70 Age restricted

Decreased CD-MUO residential density by 26 units and made them age-restricted units.

Table C.4, Phasing

	PC Remand Public Hearing March 4	TC Remand Public Hearing July 26	Revised & Submitted Oct 3
Commercial Square footage	None	7,500 sf @ 214 ROCP or 56% build-out	20,000 sf @173 ROCP or 50% build-out

ROCP = Residential Occupancy Permit

Increased commercial phasing requirement and decreased the percentage to construct

Table C.5 Greenway Traffic Study

	PC Remand Public Hearing March 4	TC Remand Public Hearing July 26	Revised & Submitted Oct 3
Contribution for Greenway Traffic Study	None	2 installments of $37,500	2 installments of $37,500

No significant changes made at Council Level

Table C.6, Off-site Transportation Contribution

	PC Remand Public Hearing March 4	TC Remand Public Hearing July 26 ***(without park)***	TC Remand Public Hearing July 26 ***(With Park)***	Revised & Submitted Oct 3 (***without park***)	Revised & Submitted Oct 3 (***with park***)
Multi-family	$1,797	$1,797	$1,797	$1,797	$1,797
Attached Units	$2,097	$2,097	$2,097	$2,097	$2,097
Additional Contribution				$1,050,000	none
Bypass Traffic Signal		$200,000	None	Absorbed in the contribution above	none
Pond Embankment Contribution				$480,000	
Capital Facilities Contribution				$357,000 (min.)	
Total Contribution	$768,060	$968,060	$768,060	$2,587,368	$700,368

New proffers add $1,050,000 contribution for off-site transportation improvements <u>if park dedication is not accepted</u>.

Table C.7, Olde Izaak Walton Park Dedication - Area

	PC Remand Public Hearing March 4	TC Remand Public Hearing July 26	Revised & Submitted Oct 3
Area of Dedication	18.65 acres	18.65 acres	20.99 acres

Area of dedication increased to 20.99 acres, rezoning of the OIWP open space was removed

Table C.8, Olde Izaak Walton Park Dedication – Lease Payments

	PC Remand Public Hearing March 4	TC Remand Public Hearing July 26 (***without park***)	TC Remand Public Hearing July 26 (***with park***)	Revised & Submitted Oct 3 (***without park***)	Revised & Submitted Oct 3 (***with park***)
Compensation for Lease and Tax Payments	none	Lease and tax payments provided by applicant & $1,000 / DU recreation contribution	Lease and tax payments provided by applicant	Lease and tax payments provided by applicant & $1,000 / DU recreation contribution	Lease and tax payments provided by applicant

The proffer was changed to clarify that if the OIWP property still owned by the current owner, lease payments and taxes would be reimbursed to the Town. If Council accepts the park dedication, the Applicant MAY, forego the lease payment. Although the proffer language includes taxes as well, the Applicant does not control the requirement to pay property taxes to the County.

Table C.9 – Pond Improvements

	PC Remand Public Hearing March 4	TC Remand Public Hearing July 26	Revised & Submitted Oct 3 (***without park***)	Revised & Submitted Oct 3 (***with park***)
Pond improvements or contribution	none	none	Contribution of off-site transportation improvements (see Table C.6)	Permitting, dredging, aeration, trail, embankment repair, and 2-yr maintenance

A new proffer was inserted in the instance the OIWP property was accepted by the Town. This only applies of the park property dedication is accepted by the Town. If the park property is not accepted by the Town, an off-site transportation contribution is made.

Table C.10 Capital Facilities Contribution

	PC Remand Public Hearing March 4	TC Remand Public Hearing July 26	Revised & Submitted Oct 3 (***without park***)	Revised & Submitted Oct 3 (***with park***)
Capital Facilities Contribution	$3,421,880	$3,421,880	$2,769,964 + Off-site Transportation Contribution (See Table C.6)	$2,769,964 + $357,000 for park improvements

These amounts are subject to the number and type of age-restricted dwelling units in the MU Buildings.