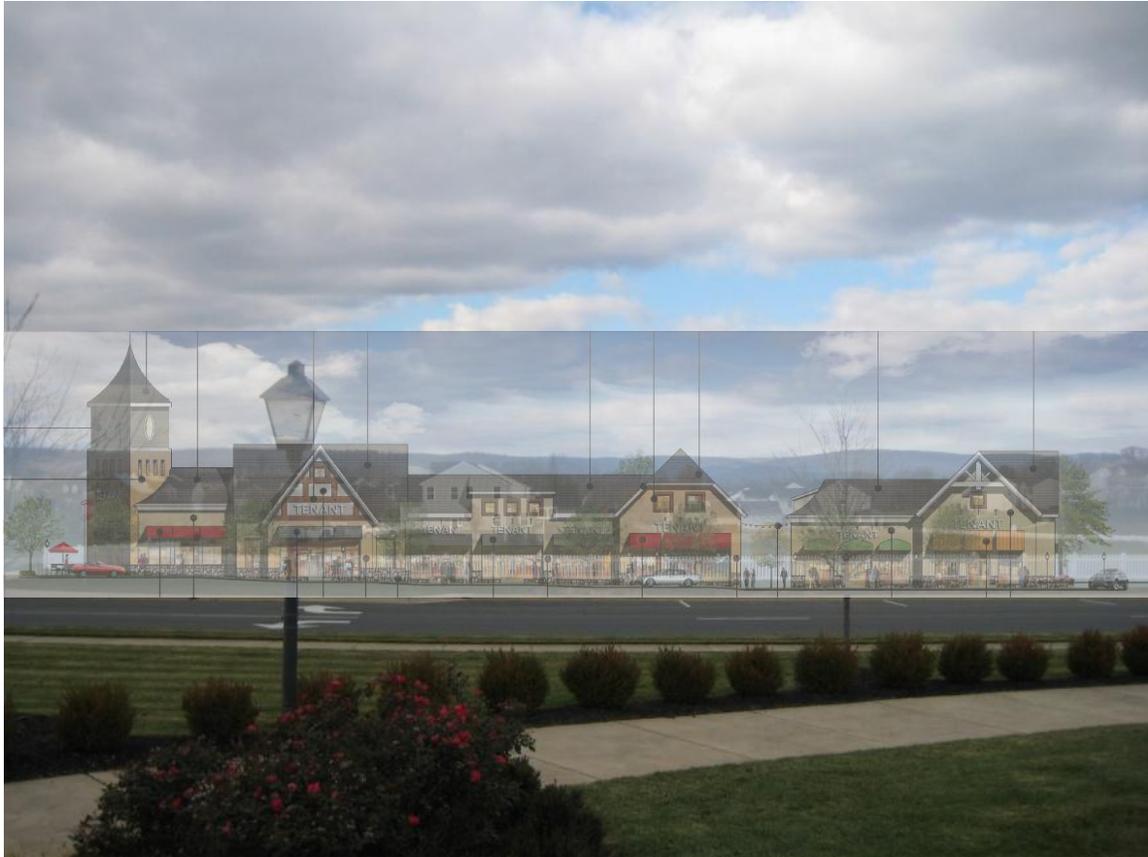


STAFF REPORT



Case No. LVRZ 2014-0001
Lovettsville Square Proffer and Concept Plan Amendment
November 14, 2014

TOWN OF LOVETTSVILLE



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Planner/Zoning Administrator

Summary:

The Town of Lovettsville received an application from Lovettsville Square, LLC dated May 12, 2014 to amend the approved proffered conditions, concept plan and commercial core area designation for a section of the Lovettsville Town Center (T-C) Planned Development District located adjacent to the Town Square and bounded by West Broad Way, South Berlin Pike and Town Center Drive. The section that is the subject of the request (Phase 5 of the overall Town Center project) currently consists of three (3) lots designated Town Center Core, which permits six categories of commercial uses according to Section 42-238 (i) of the Town Code. The requested amendment involves the following changes to the approved proffered conditions and concept plan for the commercial area of the Town Center development:

1. Concept Plan:

- a. On the Concept Plan, the applicant proposes a reduction in the area currently designated Town Center Core from 7.73 acres to 6.23 acres to support the creation of five (5) new residential parcels (proposed lots 208-212) and change to the Concept Plan designation of one (1) existing lot (PIN 369202773000, Proposed Lot 207), all of which would become part of the Town Center Residential Area for the purpose of building six (6) new single-family residential dwelling units.
- b. The requested reduction to the commercial area corresponds to a proposed elimination of two previously-planned commercial buildings oriented parallel to West Broad Way, as shown on the Illustrative Plan submitted to the Town for consideration in 2008-2009 (Sheet 6 of 6). Reference to the Illustrative Plan sheet was specifically omitted from the final proffers approved on January 22, 2009; thus, construction of these two buildings included on the previously-approved plans was not mandatory on the part of the developer.
- c. The applicant has changed the architectural elevations prepared in 2007 by Rounds VanDuzer Architects which shows two-story mixed-use buildings with second-floor residential/office uses located above first-floor retail establishments. The previous architectural elevations were never proffered and were not considered mandatory.

2. Proffered Conditions:

- a. *Proffer #1:* The proposed amendment changes the reference to the most recent version of the concept plan submitted by the applicant. The Town Center Core Area that is the subject of the request will now be developed in substantial conformance with Sheets 1 and 3 through 7 (of 7) of the plan updated through July 29, 2014 (all sheets except the Existing Conditions Plan). This proffer has been updated to include plan sheets and illustrations that were not included in the previously-approved proffers. Specifically, the Illustrative Plan and Concept Grading Plan were not proffered in 2009.

- b. *Proffer #9*: This proffer was previously identified as Proffer #10 in the proffers approved in 2009. The proposed amendment adds language so that the commercial building (Building B) proposed in the 6.23-acre commercial area must be developed in substantial conformance with the new building elevations prepared by Rounds VanDuzer Architects. The applicant has proffered the use of specific building materials and design details in the construction of the building as well as streetlights to be used on the site (the same street lights used on the East Broad Way Streetscape Improvements Project). The proffer further states that the applicant shall file a site plan for construction of the building within 3 months of approval of the proffer amendment, and shall begin construction of the building within 180 days of approval of the site plan, except during the months of November through February.
- c. *Proffer #10*: This proffer was previously identified as Proffer #9 in the proffers approved in 2009. The proffer has been revised to include additional features of the development that are subject to review by the Zoning Administrator and by adding timeframes for approval of these features by the Town. In addition, the Applicant proposes to construct a clock tower to accommodate (up to) a three-faced clock designed and constructed to support a glockenspiel mechanism, which the Town has proposed to install at a later date.
- d. *Proffer #17*: This new proffer states that no Zoning Permits shall be issued for the six (6) new residential lots (Lots 207 through 212) until such time as the first Occupancy Permit has been issued for the proposed commercial building (Building B). Thus, the commercial building must be constructed before the Town will authorize construction of the single-family homes on Lots 207 through 212.

Review Process:

The procedure for reviewing a request by a property owner to amend proffered conditions approved as part of previous rezoning application is essentially the same as the process for considering a new rezoning request as set forth in Section 42-34 of the Town Code:

1. The owner submits a rezoning application on a standard form provided by the Town. A proffer amendment is filed on the same form as a rezoning request.
2. The owner submits proposed proffered conditions or amended proffered conditions, including any attachments, in writing in advance of the public hearing before the Town Council. The proffers currently before the Town have been revised several times by the applicant based on discussions that have taken place between the owner/applicant and the Town.
3. Upon receipt of the application for proffer amendment, the Zoning Administrator reviews the application and required documents for completeness.
4. Once the application is determined to be complete, the Zoning Administrator sets the time and place for the public hearing before the Planning Commission and prepares the advertisement in the local newspaper to notify the public of the date, time, subject and location of the hearing.

5. The Planning Commission and Town Council hold separate public hearings or a joint public hearing on the owner's request to amend the proffered conditions.
6. The Planning Commission forwards to Town Council its recommendation and a statement stating the reasons for the recommendation.
7. The Town Council may approve or deny the application as submitted.

In addition, a request to amend the approved proffers and/or concept plan for the Town Center Planned Development District must adhere to the following additional requirements:

1. An applicant in the Town Center (T-C) District must prepare a concept plan as part of the rezoning application that governs the general layout, mix intensity, architectural design, timing and nature of permitted uses. The concept plan also shows the location of the sub-districts within the T-C District, that is, the Town Center Core and Town Center Residential areas. Modifications to proffers involving changes to the concept plan must be accompanied by a revised plan. Adoption of the concept plan is included in the ordinance zoning the land as T-C.

To date, the process for reviewing the current application has included two rounds of staff comments and staff presentation to the Planning Commission and Town Council at a joint work session held on September 2nd. Staff has also reviewed the concept plan to ensure that it contains all information required under Sec. 42-238 (d) of the Town Code. In response to Town review, the applicant has made three revisions to the proffer statement and two revisions to the concept plan originally submitted in May.

Existing Conditions:

The specific properties that are the subject of the application currently consist of three (3) vacant parcels totaling 3.05 acres located within the Town Center Core Area of the Town Center District (identified as Map IDs "A", "B" and "C" on Sheet 2 of the Concept Plan). The parcels are bounded by:

- South Berlin Turnpike and the Town Square to the east;
- West Broad Way and residential uses zoned R-1 to the north;
- Town Center Drive, vacant land within the T-C District and the Town Park to the west; and
- Single-family residential uses located within the T-C District to the north.

The topography of the site is generally flat but slopes slightly from south to north such that the rear of the property is lower in elevation than the portion that



Figure 1: View of adjacent residential uses looking northeast from the subject property.



Figure 2: View of future commercial land and existing homes looking southwest from the subject property.

fronts on Berlin Pike. Stormwater from the site currently drains to stormwater management ponds located to the northeast near the intersection of West Broad Way and Cooper Run Street via a system of drop inlets and pipes located along these two streets. Town water and sewer lines are located in the vicinity of the property along Town Center Drive and West Broad Way. The sanitary sewer main along West Broad Way terminates at a manhole located near the northeast corner of Lot 13.

A water main also runs along Kestrel Alley to the end of the alley. In addition, a white vinyl fence is located along the front of the property adjacent to Berlin

Pike to buffer the view of the currently-vacant parcel.

Proposed Conditions:

The major characteristics of the proposed development, based on the plans and exhibits prepared and submitted by the applicant, are discussed and analyzed below.

Lots and Uses:

The three (3) existing parcels (3.05 acres) that are the subject of the proposed proffer/concept plan amendment application would be adjusted to create six (6) single-family lots totaling 1.5 acres and one (1) commercial parcel reduced in area from 2.03 to 1.55 acres. One of the proposed single-family residential lots (PIN 369202773000, Proposed Lot 207) already exists as Town Center Core Area (i.e. commercially-designated) property; the other five (5) proposed residential lots would be created as part of a future re-subdivision of the existing commercial land. Proposed Lot 207 (0.2 acres) is wider (approximately 80 feet) but less deep than proposed lots 208 through 212, which are 60 feet in width and average 0.26 acres in area. All six residential lots appear to meet the minimum lot size and width requirements of the zoning ordinance and are subject to future review and approval as part of the subdivision process.

The proposed use of the six (6) residential lots is single-family detached housing, which is permitted within the Town Center Residential Area under Section 42-238 (i)(2). Five of the single-family dwellings will front on West Broad Way and one will front on Town Center Drive. Each of the lots will have secondary, rear access by way of Kestrel Alley, which will be extended from its current terminus at Lot 13 so as to connect to the proposed parking lot serving the commercial area.

The proposed use of the commercial parcel is typically considered a *shopping complex* or *shopping center*, neither of which are listed as a defined use in Section 42-2 (b) or permitted use within the Town Center District in Section 42-238 (i)(1). Due to this omission, the individual tenants within the shopping center will be evaluated prior to occupancy in order to ensure that they are permitted by-right or as conditional uses. By-right uses will be permitted through issuance of a zoning permit for the proposed use, whereas conditional uses will only be permitted through issuance of a Conditional Use Permit (CUP) approved by the Town Council.

Buildings:

The applicant proposes to construct a one-story building containing approximately 17,500 square feet of leasable commercial space. According to the Concept Grading Plan, the commercial building is actually comprised of two buildings, one larger and one smaller, physically separated by an uncovered pedestrian walkway or “breezeway” approximately thirteen (13) feet in width. The Concept Grading Plan illustrates one potential configuration of the commercial space within the building. The plan shows the interior divided into seven (7) individual commercial spaces of varying sizes. The actual configuration of the buildings’ interior space will depend on the needs of prospective tenants and the market demand for office, personal service and retail space within the Town.

The applicant’s Statement of Justification states that the building was designed to incorporate a Germanic architectural theme in order to reflect the Town’s German heritage as well as to be compatible with the design of the Walker Pavilion. The one-story building differs in appearance from the one shown on the building elevations submitted previously in 2007. Although never specifically proffered, those elevations show a two-story building with second-story office and residential uses located above first-floor retail and personal service uses consistent with New Urbanism and Traditional Neighborhood Development planning principles. The architectural design, however, is more conventional than the current proposal. New Urbanism seeks to encourage proximity between the places where people live, work and shop in order to reverse suburban sprawl and reliance on automobile use to travel between these everyday destinations. With the elimination of the second floor, the proximity between residential and commercial uses is increased, although the need to design on-site parking to accommodate both residential and commercial uses within the same site is eliminated, thereby reducing the need for on-site parking. Residents of dwellings located nearby, whether located inside or outside of the Town Center development, will still be able to walk to the commercial area, although residents may have to walk farther on average than if the building had retained the vertical mixed-use characteristics as previously proposed.

Comment: The proffering of the architectural theme in exchange for elimination of the second-story (not originally proffered) represents a reasonable trade-off that will produce a unique and attractive commercial building in the center of Lovettsville.

Parking:

Off-Street Parking: The applicant proposes to construct an off-street parking lot behind Building B containing sixty-six (66) parking spaces. The proposed parking lot, which is shown on the

Concept Grading Plan, is arranged into two double-loaded parking bays on the side of the parking lot closest to West Broad Way, and one double-loaded and one single-loaded bay on the side closest to Town Center Drive. The eight (8) parallel, on-street parking spaces shown on South Berlin Turnpike adjacent to the development have already been constructed. Off-street parking areas, including drive aisles and parking spaces, are required to meet the following requirements of the Zoning Ordinance:



Figure 3: The eight (8) existing on-street parking spaces on South Berlin Pike.

- Number of spaces:* The proposed use is typically considered a *shopping complex* or *shopping center*. Since neither use is listed in subsection (a), the parking requirement “shall be the same as for a listed use of similar characteristics of parking demand generation” in accordance with subsection (b)(1) of Section 42-286. However, a shopping center typically supports a variety of the commercial uses listed in subsection (a), each potentially having a different off-street parking requirement. Therefore, because no single listed use generates similar parking demand, the proposed use must adhere to the general parking formula of one (1) space for each 200 square feet of business floor space in the building (Sec. 42-286 (b)(2)). Since the proposed building will have 17,500 square feet of floor space, the minimum number of off-street parking spaces required by the ordinance is eighty-eight (88) spaces ($17,500 \div 200 \approx 88$). The sixty-six (66) spaces proposed by the applicant is 22 spaces less than what the ordinance requires, although the eight (8) existing on-street spaces located on Berlin Pike could be applied to the shopping center and substituted for eight (8) required off-street spaces. This would yield seventy-four (74) parking spaces, or 12 spaces less than the ordinance requires.
- Size of spaces:* The minimum required size of standard (perpendicular) parking stalls is 9 feet by 18 feet (72 square feet total). The parking spaces shown on the plan comply with this standard, with the exception of the handicapped spaces, which must comply with International Building Code (IBC) standards.
- Drive aisles:* The minimum required width of drive aisles serving perpendicular parking spaces is 22 feet. All of the drive aisles appear to comply with this standard except for the aisle serving the single-loaded parking bay (21 feet). Compliance with the minimum width requirement could be achieved by eliminating the narrow concrete median separating this bay from the adjacent parking bay, and will be enforced through the site plan review and approval process.
- Location of parking areas:* In the Town Center District, parking areas for nonresidential uses must be located a minimum of 25 feet from the front property line. The proposed parking lot is located behind the commercial building and meets this requirement.

On-street parking: Typically, either or both of the side streets could be used for additional or overflow on-street parking to accommodate the proposed commercial development along the portion of the street that abuts the commercial property. Unfortunately, the design of these streets present constraints as described below:

- West Broad Way is a 28-foot wide, two-way street with yellow lines dividing opposing traffic into two travel lanes. The westbound lane is approximately 13 feet in width and the eastbound lane is approximately 14 feet in width. Any parking on the street would block the travel way(s) and impede traffic.

- Town Center Drive is also a 28-foot wide, two-way street; however, it only has double yellow lines for the first 100 feet (or so) as measured from the intersection with Berlin Pike. The westbound lane is approximately 14 feet in width and eastbound lane is approximately 13 feet in width. The yellow lines designating the travel lanes extend from the stop bar at the intersection to almost half the depth of the commercial property, which is approximately 200 feet. Any on-



Figure 4: Double yellow lines on Town Center Drive looking northwest.

street parking on the section of the street having the double yellow lines would block the travel way(s) and impede traffic flow. Any parking farther down the street in front of existing or proposed residences by customers and patrons of the commercial area will conflict with residential parking and should be prohibited. For the remaining section of the street (approximately 100 feet in length) adjacent to the commercial area, the eastern side of the street will be occupied primarily by the proposed commercial entrance, leaving insufficient space for on-street parking. The opposite side of the street adjacent to the easternmost of the four residential lots abutting the Town Green could potentially provide up to 100 feet of space for on-street parking (enough for four parallel parking spaces), although a designated parking space 9 feet in width would reduce the total width of the travel lanes to approximately 16 feet through this area (excluding the gutter pans).

Parking Generally: Staff analyzed the parking requirement associated with the proposed shopping center by addressing several fundamental questions:

- How much parking is likely to be generated by the shopping center during times of peak usage?
- Are the Town's zoning requirements consistent with those in similar communities and with good zoning practices generally?

- Is the proposed parking likely to satisfy the parking demand or is additional parking needed?

In general, determining whether the proposed parking is sufficient to accommodate the proposed uses in the shopping center depends on the nature of the uses, specifically, the percentage of restaurant and entertainment uses within the center. Staff consulted a study prepared by the Urban Land Institute and International Council of Shopping Centers in 1999 entitled “Parking Requirements for Shopping Centers” (2nd Edition). The study analyzed shopping centers of various sizes but was only able to collect a limited amount of data on smaller “neighborhood” shopping centers like the one proposed in this application (i.e. less than 100,000 square feet of gross leasable area or GLA). It also identified the appropriate hour for determining parking requirements as the 20th highest hour (of demand) of the year. The study found that “for neighborhood and community centers, the recommended ratio may be as low as 3.7 spaces per 1,000 square feet of GLA provided that additional spaces are available for restaurants, entertainment, and/or cinema use.”¹ However, due to limited data collected for such smaller centers, the study recommends that the ratio of 4 spaces per 1,000 square feet of GLA should still be used. When restaurants and entertainment uses combine to equal 11 to 20 percent of total GLA, a linear increase of 0.03 spaces per 1,000 square feet of GLA should be applied.

Therefore, if the parking ratio recommended in the study were applied to the proposed project, the 17,500 square-foot building would need to provide 70 parking spaces if no restaurant and/or entertainment uses occupy the building, and 75 spaces if restaurant and/or entertainment uses occupy 20% of the GLA of the building.

Comment: Staff concludes that the Concept Grading Plan does not provide adequate off-street or on-street parking to satisfy the requirements of Section 42-286, although the Town Council could reduce the off-street parking requirement by exercising its rights under Proffer #12 in order to “enhance pedestrian movements through the subject property and reduce impervious area.” In addition, the plan may not provide adequate parking to satisfy the parking demand if more than 17% of the GLA of Building B is occupied by restaurant and entertainment uses. These observations are reflected and further addressed in staff’s recommendation below.

Landscaping, Buffering and Screening:

Landscaping, buffering and screening within the proposed development must meet the requirements of the zoning ordinance listed below.

- The off-street parking lot must be adequately landscaped in accordance with Section 42-363. This section requires that parking lots adjacent to public streets provide a continuous landscape area of not less than ten (10) feet in width between the parking lot and property line, and that parking lots adjacent to other properties provide a continuous landscape area five (5) feet in width between the parking lot and property line. The

¹ Urban Land Institute and the International Council of Shopping Centers. *Parking Requirements for Shopping Centers: Summary Recommendations and Research Study Report, 2nd Edition*. Washington, D.C.: ULI – The Urban Land Institute, 1999.

proposed landscaped areas located between the parking lot and the adjoining single-family lots, as well as the landscaped areas proposed between the parking lot and public streets, meet the requirements. The other requirements of this section pertaining to the number and density of required plantings will be enforced at the time the landscaping plan is reviewed.

- Outdoor storage, refuse collection, loading, and parking areas must be screened from adjacent streets and residential areas. The Concept Grading Plan does not show the proposed screening method for the refuse area (i.e. dumpster pad). Enforcement of this provision will be ensured at the time the site plan is reviewed.
- Adequate buffer areas shall be provided to buffer the proposed commercial use from adjacent residential uses. The required width of a landscaped buffer between commercial uses and an adjacent single-family residential use is 35 feet, although the required buffer yard can be reduced in width by one-third if the applicant constructs a six-foot tall opaque fence or architectural block wall. The applicant has proposed to construct such a fence along the rear of the parking lot where it abuts the proposed residential lots. The minimum required buffer yard, therefore, is 23 feet. The width of the applicant's proposed buffer yard is 10 feet adjacent to proposed Lot 212 and 6 feet adjacent to proposed Lot 207, which does not meet the minimum buffer requirement.
- Street trees must be planted at the rate of one understory or canopy tree for every forty (40) feet of street frontage. The proposed street trees meet this requirement.
- The required tree canopy cover for the commercial area is 10%. The proposed street and parking lot trees appear to meet this requirement.
- All proposed plantings must meet the minimum specifications for plant materials and requirements of the plant selection guide found in sections 42-366 and 42-367, respectively. Compliance with these standards will be enforced through review of the landscaping plan.

Comment: The proposed landscaping depicted on the Concept Grading Plan meets all requirements except for the minimum buffer yard requirement. In accordance with Section 42-369, an applicant may propose and the Planning Commission may approve of an alternative landscaping plan that deviates from landscaping requirements whenever the Commission finds that the alternative proposal meets or exceeds the standards of the ordinance. In addition, the Planning Commission may choose to relax the requirements for landscaping required by the ordinance where such conditions are deemed to warrant such a change. The applicant in this case will need to prepare and the Planning Commission will have to approve such an alternative plan in order to relax the landscaping requirements by reducing the buffer area to ten (10) feet and six (6) feet as currently proposed.

Transportation:

Commercial Entrances: West Broad Way is classified by VDOT as an urban collector street and Town Center Drive is classified as a local (i.e. subdivision) street. The applicant is proposing to construct a 25-foot (in width) commercial entrance to West Broad Way and 30-foot entrance to Town Center Drive. No direct access is proposed to South Berlin Pike, which is classified as an urban minor arterial. Staff is unclear as to why the proposed entrance to the collector street

(Broad Way) is narrower than the entrance to the local street (Town Center Drive). All such entrances are subject to review and approval by VDOT at the time of site plan submission.

Alleyway: The applicant proposes to extend Kestrel Alley from its existing terminus behind Lot 13 to the proposed commercial parking lot. The alley would provide secondary (i.e. rear) access to Lots 207-212 and the commercial area. The developer has proffered to install signage to restrict commercial traffic from using the alley (see Proffer #10.B.). This proffer was tendered by the applicant to address concerns that commercial vehicles or patrons visiting the commercial area could use the alley as a cut-through.

Sidewalks: Sidewalks in the Town Center District are required to meet the following requirements of the zoning and subdivision ordinances:

- Sidewalks must be provided adjacent to all streets. Sidewalks shall be a minimum of six feet in width in the Town Center Core Area and a minimum of five feet in width in the Town Center Residential Area.
- Pedestrian linkages shall be established within and between blocks in the Town Center and between the Town Center and surrounding neighborhoods.
- Sidewalks shall be built on both sides of each street and composed of concrete or brick in accordance with VDOT standards.



Figure 5: Existing five-foot sidewalk on Town Center Drive.

The sidewalks proposed within the commercial area and residential areas meet the minimum width requirement except that the sidewalk along Town Center Drive adjacent to the commercial area must be widened as depicted on the Concept Grading Plan. That section is located within the Town Center Core Area; thus, the existing five (5) foot sidewalk must be widened to six (6) feet.

Comment: The proposed signage to restrict access to the alleyway is insufficient for purposes of restricting its use as a potential cut-through. Staff

advises that the applicant install removable bollards as a physical barrier preventing all but emergency vehicles from accessing the commercial area by travelling through the residential alleyway (and vice versa).

Public Utilities:

Water: The Town Center is served by the existing well located behind the Walker Pavilion. The public well and water distribution system within the development were constructed by the developer and later turned over to the Town for operation and maintenance. At the time, the

Town agreed to waive the water availability fees within the project area in exchange for construction of the system by the developer. The \$1,000 water connection fee still applies to residences and commercial businesses wishing to connect to the system. The number of proposed water connections and meter sizes are unknown at this time.

The water lines nearest the proposed development are located under Town Center Drive and along West Broad Way. Another water line is located in Kestrel Alley and terminates at an existing valve and hydrant located at the end of the alley. The closest hydrant to the proposed commercial development is located across Town Center Drive near the southeast corner of the Town Green. The configuration of the public water system in the vicinity of the property provides several possible points of connection for the proposed commercial and residential parcels. The proposed water lines and infrastructure will be evaluated upon review of the site plan for adequacy and compliance with applicable requirements.

Sewer: The Town Center is served by the Town's wastewater treatment plant. Each connection to the Town's sanitary sewer system is charged an availability fee based on the size of the water meter serving the proposed use as well as an additional \$1,000 connection charge. The number of proposed sanitary sewer connections is unknown at this time.

Sanitary sewer lines are located under Town Center Drive and along West Broad Way, although the latter only extends as far as the manhole located near the northeast corner of Lot 13. This sanitary sewer line would likely have to be extended uphill along West Broad Way in order to serve the single-family homes proposed on Lots 208-212. Lot 207 and the commercial area could be served by the line running under Town Center Drive; an existing manhole is located in the center of the street immediately adjacent to the proposed commercial building. All proposed sanitary sewer lines and infrastructure will be evaluated upon review of the site plan for adequacy and compliance with applicable requirements.

Stormwater: According to the project engineer with Bowman Consulting, the stormwater ponds and infrastructure were designed to accommodate the larger commercial development originally proposed. The proposal to scale back the commercial development in favor of residential dwellings will have the effect of reducing stormwater runoff to the existing ponds since the single-family dwelling lots will likely have less impervious area than the commercial site. The stormwater calculations for water quality and quantity control, capacity of the existing stormwater management ponds, and adequacy of the proposed and existing stormwater infrastructure will be evaluated at the time of site plan review.

Streetlights:

The applicant has proffered the use of the same model streetlight used by the Town on the East Broad Way Streetscape Improvements Project. The proposed streetlight consists of the Spring City™ Exton LED Luminaire on Meterie Cross Arm, with Madison Ductile/Steel Posts (Exhibit B-1). The locations of these streetlights are shown on the Concept Grading Plan. In accordance with Sec. 30-156 of the Subdivision Ordinance, proposed streetlights shall be installed according to the standards and specifications of VDOT and Dominion Virginia Power, and must

be approved by the Planning Commission. This provision will be enforced at the time of site plan review and approval.

Comprehensive Plan: The proposed proffer and concept plan amendment meets the following policies of the 2011 Comprehensive Plan:

- Promote the concept of the Town Center and adjacent areas being a focal point for community life not only a concentration of economic development uses.
- Encourage non-residential development to provide pedestrian circulation on-site and pedestrian access to all types of uses on adjacent properties.
- Support the general Main Street design concept for all types of development so that buildings are located close to streets and sidewalks and parking is generally located behind buildings.
- Locate commercial retail and personal services development in the Town Center commercial core, the area adjacent to the Town Center core extending toward New Town meadows, and along the western portion of E. Broad Way from S. Locust Street to Berlin Pike.
- Promote and encourage an architectural scale and character for future development and redevelopment that is compatible with the low intensity character of the existing community.
- Encourage landscaping and beautification within existing and new development.
- Encourage well-designed employment uses in order to be compatible with the village character of the Town and to help attract other such uses.
- Ensure adequate sidewalks for existing neighborhoods and new developments.

Recommendation:

Staff recommends that the Planning Commission recommend approval of, and the Town Council approve, Case No. LVRZ 2014-0001 provided changes are made to the proffered conditions as submitted. The changes described below are intended to serve as a basis of discussion and negotiation between the applicant and the Planning Commission/Town Council, and are not intended to recommend specific proffer language, provided any such change to the proffers accomplishes the following:

1. Removable bollards shall be installed at the end of Kestrel Alley where the alleyway ties into the parking lot for the proposed commercial development in order to prevent all but emergency and authorized maintenance vehicles from accessing the commercial development via the residential alleyway.
2. The landscaped buffer area between the proposed parking lot serving the commercial area and the residential parcels adjacent to the parking lot shall be no less than ten (10) feet in width and shall include a six-foot opaque fence with masonry columns as depicted on the Concept Grading Plan.
3. Proposed Lot 207 would remain in Town Center Core designation unless and until:

- (a) The applicant completes a parking study and plan to identify (1) the estimated demand for parking generated by the commercial uses anticipated on the site based on alternative scenarios for occupancy of the individual commercial spaces in Building B by a variety of personal service and retail sales/service facilities, including not less than two restaurant/food service establishments having indoor seating; and (2) the proposed locations of all on-street and off-street parking spaces used to accommodate the estimated parking demand; and
- (b) The parking study and plan demonstrate, to the satisfaction of the Town Council, that the numbers and locations of on-street and off-street parking spaces proposed are adequate to satisfy the estimated demand for parking. If the Council finds that the proposed numbers and locations of on- and off-street parking spaces are sufficient, and if the estimated demand for parking is less than the number of parking spaces required by Sec. 42-286 of the Town Code, the Council would move to reduce the number of off-street parking spaces required in accordance with Proffer #12, and approve the applicant's request to change the designation of Lot 207 from Town Center Core to Town Center Residential. However, if the Council finds that the proposed numbers and locations of on- and off-street parking spaces are insufficient relative to the requirements of Sec. 42-286 of the Town Code and/or projected parking demand, or otherwise create conflict with existing or proposed uses, parking, or vehicular traffic circulation within the Town Center District, the applicant would be required to provide additional parking spaces to satisfy the requirements of Sec. 42-286 of the Town Code, such compliance to be verified by submission of the site development plan for review and approval by the Town Council. The additional on-street and/or off-street parking spaces must be located:
- i. On Lot 207, provided that the lot remains in the Town Center Core area designation;
 - ii. On Town Center Drive on the opposite (west) side of the street from where the street abuts the proposed Town Center Core Area adjacent to PIN 369102159000, provided that the spaces are designated as on-street parking spaces using striping and/or signage, and provided further that signage is installed to prohibit on-street parking beyond the northeast corner of PIN 369102159000 (on either side of the street) except for residents of the Town Center development.
 - iii. On the property currently designated Town Center Core, and further identified as PIN 369102939000, located on the opposite (west) side of Town Center Drive across from the subject property, provided that the parking spaces remain designated for use by patrons and/or employees of Building B whenever PIN 369102939000 is sold or developed; or
 - iv. On any combination of the locations described in (i), (ii) or (iii) above, provided that, if the additional spaces are proposed only in the locations described in (ii) and (iii) above, the Council will, upon finding that the proposed numbers and locations of the additional spaces are adequate to satisfy the parking demand, change the designation of Lot 207 from Town Center Core to Town Center Residential.