

Council Chambers, 25 West Market Street, 7:00 p.m. Mayor Umstattd presiding.

**Council Members Present:** David Butler, Katie Sheldon Hammler, Fernando “Marty” Martinez, Kevin Wright and Mayor Umstattd.

**Council Members Absent:** Thomas Dunn, II.

**Staff Present:** Town Manager John Wells, Deputy Town Attorney Barbara Notar, Director of Planning and Zoning Susan Berry Hill, Zoning Administrator Chris Murphy and Clerk of Council Lee Ann Green

AGENDA ITEMS

**1. CALL TO ORDER**

**2. ROLL CALL:** Showing Council Member Dunn arriving after 7 p.m.

**3. RESOLUTIONS AND MOTIONS**

*On a motion by Council Member Butler, seconded by Council Member Martinez, the following was proposed:*

***RESOLUTION 2012-120***

*Authorizing and Approving the “Declaration of Local Emergency”*

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Hammler, Martinez, Wright and Mayor Umstattd*

*Nay: None*

*Vote: 6-0-1 (Dunn absent)*

**4. PUBLIC HEARINGS**

**a. Amending Article 15 (Signs) of the Zoning Ordinance**

The public hearing was opened by Planning Commission Chair Mary Harper. Zoning Administrator Chris Murphy gave a brief presentation on the proposed amendments.

Summary:

- Designed to provide additional signage for vehicle sales dealerships to meet manufacturer’s standards
- Allows for one sign per manufacturer/maker
- Manufacturer/maker signs with a maximum of 30 square feet
- Incidental signs for service bays of 6 square feet each
- Commercial messages/logos excluded from incidental signage

Ray Martin Glembot, Star Pontiac, 326 East Market Street, spoke in favor of the amendments. He stated current sign ordinance restrictions make it impossible to comply with manufacturer requirements.

Hamid Saghafi, Dulles Motor Cars, 107-109 Catoctin Circle, SE, noted his dealership will incorporate Jeep, Chrysler, Ram and Dodge vehicles. He asked the Commission and Council for positive consideration of the proposed amendments.

There was Planning Commission discussion of the proposed amendments. A motion to recommend denial resulted in a tied 3-3-1 (Mayr absent) vote. No recommendation was given to Council.

Town Council questions/comments:

- Language does not specify that 30 square foot signs are wall signs
- Square footage of wall signs should be linked to size of existing wall space to preserve proportionality
- Amendments apply only to franchise dealerships, not used car lots

*On a motion by Vice Mayor Wright, seconded by Council Member Dunn, the following was proposed:*

**ORDINANCE 2012-O-019**

*Amending Article 15 Signs*

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Hammler, Martinez, Wright and Mayor Umstattd*

*Nay: None*

*Vote: 7-0*

**ADJOURNMENT**

The meeting was adjourned at 9:14 p.m.

---

Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

---

Clerk of Council

2012\_tcm1104

Council Chambers, 25 West Market Street, 7:30 p.m. Mayor Umstattd presiding.

**Council Members Present:** Kelly Burk, David Butler, Thomas S. Dunn, Katie Sheldon Hammler, Marty Martinez, Kevin Wright and Mayor Umstattd.

**Council Members Absent:** None.

**Staff Present:** Town Manager John Wells, Town Attorney Jeanette Irby, Director of Planning and Zoning Susan Berry Hill, Director of Public Works Tom Mason, Director of Plan Review Bill Ackman, Deputy Director of Planning and Zoning Brian Boucher, Assistant Town Manager Scott Parker, Zoning Administrator Chris Murphy, Land Acquisition Manager Keith Wilson, Senior Planner Mike Watkins and Clerk of Council Lee Ann Green

AGENDA ITEMS

---

**1. CALL TO ORDER**

**2. INVOCATION:** Council Member Butler

**3. SALUTE TO THE FLAG:** Council Member Dunn

**4. ROLL CALL:** Showing Council Members present.

**5. MINUTES**

a. Work Session Minutes of October 22, 2012

*On a motion by Council Member Butler, seconded by Council Member Burk, the minutes of the Work Session meeting of October 22, 2012 were approved by a vote of 7-0.*

b. Regular Session Minutes of October 23, 2012

*On a motion by Council Member Butler, seconded by Mayor Umstattd, the minutes of the Regular Session meeting of October 23, 2012 were approved by a vote of 7-0.*

**6. ADOPTING THE MEETING AGENDA**

*On the motion of Council Member Martinez, seconded by Council Member Butler, the meeting agenda was approved after moving Item 14c after the Consent Agenda and deleting the First Night Leesburg Verbal Follow-up by the following vote:*

*Aye: Burk, Butler, Dunn, Hammler, Martinez, Wright and Mayor Umstattd*

*Nay: None*

*Vote: 7-0*

**7. PRESENTATIONS**

a. Technology and Communication Commission – Automated Survey Results.

JB Anderson, Chair, and Kevin Sheldon presented the results of the Technology and Communication Commission's automated survey on the

technology needs of town residents. They concluded some changes need to be made to the website to make information easier to access. Further, they noted that residents would like to see additional services available through the website, such as bill payment and water use monitoring.

## 8. PETITIONERS

The Petitioner's Section was opened at 8:13 p.m.

Jim Sisley congratulated the newly re-elected Council Members on their re-winning their Council seats. He stated he was speaking as the manager of the properties owned by George C. Marshall Foundation including the Mom's Apple Pie location. He stated the two curb returns should be removed. He stated at the time the easement documents were considered, the George C. Marshall Foundation raised concerns about possible restriction of traffic flow in the parking lot.

Avis Renshaw, 220 Loudoun Street, SE, stated she is the owner of Mom's Apple Pie, Co. She stated she located at this site because of the parking. She noted that larger SUVs have a difficult time maneuvering in and out of the parking lot and the curbs make it even more difficult. She stated the size of the structure is much larger than it appeared on the drawings. She stated her feeling that it is dangerous to encourage people to walk to the triangle.

The Petitioner's Section was closed at 8:24 p.m.

## 9. APPROVAL OF THE CONSENT AGENDA

*On a motion by Council Member Martinez, seconded by Vice Mayor Wright, the following items were moved for approval as the Consent Agenda:*

- a. *Airport Hanger D Repair Contract Award and Supplemental Appropriation from Settlement Funds*

### **RESOLUTION 2012-122**

*Awarding the Construction Contract for the Airport Hangar D Repair and A Supplemental Appropriation from Settlement Proceeds*

- b. *Amending the FY 2013 General Fund Budget and Making a Supplemental Appropriation for Repair to Town Vehicles*

### **RESOLUTION 2012-123**

*Amending the FY 2013 General Fund Budget and Making a Supplemental Appropriation in the Amount of \$21,251 Resulting from the Receipt of Insurance Payments from VML for Repair to Town Vehicles*

- c. *Renewal of the Lease and Operation Agreement*

### **RESOLUTION 2012-124**

*Lease Renewal for the Leesburg Hangar Condominium Association, Inc.*

*The Consent Agenda was approved by the following vote:*

*Aye: Burk, Butler, Dunn, Hammler, Martinez, Wright and Mayor Umstatted*

*Nay: None*

*Vote: 7-0*

**0. PUBLIC HEARINGS**

a. Authorizing Acquisition of Easements for Edwards Ferry Road Right Turn Lane Improvements Project

The public hearing was opened at 9:42 p.m.

Keith Wilson presented a brief summary on the subject of the public hearing:

- Fully funded capital project for street improvements to construct dual right turn lanes for vehicles turning from east bound Edwards Ferry Road to southbound Rt. 15
- Project will help mitigate traffic congestion at the intersection of Edwards Ferry Road and the Rt. 15 bypass
- Land rights were needed from four landowners for the project
- Necessary land rights have been acquired from three of the four landowners via voluntary conveyance
- Request for authorization for use of condemnation for land rights needed across the remaining unimproved lot

No members of the public wished to address Council regarding this public hearing.

The public hearing was closed at 9:45 p.m.

*On a motion by Vice Mayor Wright, seconded by Council Member Butler, the following was proposed:*

**RESOLUTION 2012-125**

*Declaring that a Public Necessity and Use Exists, Authorizing an Offer to Acquire Fee Simple Right of Way and Easements from PIN 188-39-8114-000 for the Edwards Ferry Road at Route 15 Bypass Right Turn Lane Improvement Project and Authorizing Condemnation if the Offer is not Accepted*

Council Comments:

- The same right of way will probably be needed for future improvements to the intersection
- Project is not necessary and has jumped ahead of improvement of the intersection
- How does the eminent domain issue affect this issue?

Staff answer: Because of the constitutional amendment, as of January 1, the town will be prohibited from acquiring anything more than necessary

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Hammler, Martinez, Wright and Mayor Umstatt*

*Nay: Dunn*

*Vote: 6-1*

b. Crescent Design District Code Amendments

The public hearings were opened at 9:48 p.m.

Susan Berry Hill presented the necessary Code amendments to effect the Crescent Design District:

- Zoning ordinance text will need to be amended to accommodate the Crescent Design District
- Zoning Map will need to be amended to rezone 215 parcels from B-1, B-2, B-3, RH-D, R-6, R-8, and PRN to the new Crescent Design District
- Crescent Design District is a way to implement form based zoning over time but does not over-commit the town fiscally
- Implements key provisions of form based zoning, particularly with building design, architecture, and materials and site design
- Enhances development potential for property owners
- Improves site design standards
- Supplies a more detailed road map for development
- Is not completely by-right
- Threshold was debated – 10% provision remains the same
- By right provision is three stories in height
- Additional stories available through rezoning
- Locations for public streets shown in a general sense – Town Plan offers guidance for where street connections should be made
- Design elements have been enhanced from the Crescent Form Based District provisions
- Requirements have been made more specific to give applicants the ability to determine what is required
- Deletion of references to signs – Article 15 of the Zoning Ordinance applies
- Added a modification of the building frontage requirement that the Zoning Administrator can review to add flexibility for applicants
- Added a requirement for a traffic impact analysis
- Deleted some parking provisions that were overly generous including the payment in lieu option
- Geographic area expands to the south to include some greenfield area
- Retail tenant space limited to 50,000 gross square feet per single building
- Clarification of grandfathering for applications accepted prior to January 1
- DCSM amendments address design of stormwater inlets and sidewalk standards
- SLDR changes address some administrative requirements for extensions and pro rata share contributions for utilities

- Town Plan amendments increase language with regard to road connections
- Further discussion to be held at the November 26 work session
- Projected action on December 11

Council Member Comments/Questions:

- Are 2/2 dwellings classified as townhouses or apartments?  
Staff answer: Townhouses
- Is there any aspect that deals with green infrastructure/stormwater requirements?  
Staff answer: Any proposal would have to comply with DCSM requirements, even as they evolve and change due to state and federal regulations

Rodion Iwanczuk, 361 Bridle Crest Square, stated he is speaking as a town resident and not as a county employee. He stated he is in favor of the proposed changes for the Crescent Design District and these changes are improvements over the Crescent Form Based District. He stated that staff has been very responsive to concerns.

Bob Patel, 80 Prosperity Avenue, SE, stated his property is the last in the corridor. He questioned whether he can be excluded since his property is not visible from any main thoroughfares. Further, he noted he may not be able to get his application in before the January 1 deadline.

Council requested that staff address these issues with Mr. Patel.

Milt Herd (*read by Dieter Meyer*), 303 Riding Trail Court, “Thanks again to you and your staff for sticking with this project. Second, I continue to urge you to approve the revised version of the code except for a couple of recommendations for important improvements in order for the code to be successful in helping Leesburg to compete for economic development against Loudoun County and other jurisdictions in the region. By right uses: In order to promote economic development, land uses in the form based code need to be by right residential uses as well as commercial. One of the biggest barriers to development is the cost and uncertainty of having to go through a legislative approval process like rezoning or special exception. They worry about the fiscal impacts of residential developments in this district because of the type of residential that will occur here will not generate many school children and this is a very small area relative to the whole town and the whole county. Building heights: it is critical from the standpoint of market demand and urban design that buildings up to five stories be allowed on major streets within the district. Maximum building heights should also be allowed by right for the same reasons I cited for the land uses. Thank you again, for your hard work on behalf of the town”.

Dieter Meyer stated he concurred with Mr. Herd's statement. He agreed that the type of residential in this district will be geared towards young adults and retirees because of the more urban setting. He stated making this type of development by right helps make development here competitive against the new neo-traditional communities in greenfield developments like One Loudoun, Kincora, etc.

Jennifer Boyd, 601 South King Street, stated she is very concerned about the height of buildings along King Street. She stated the area is already very congested and taller buildings would make it more congested.

The public hearing was closed at 10:31 p.m.

Council Comments/Questions:

- Would like to have more discussion about by right uses/heights
- Concern over heights next to existing residential uses
- Would like input on buffer zones/transitional areas
- Discussion of utility capacity

## 11. RESOLUTIONS AND MOTIONS

- a. Route 15 (South King Street) Widening, Phase II – Easement Acquisition Authorization

*On a motion by Vice Mayor Wright, seconded by Council Member Martinez, the following was proposed:*

### **RESOLUTION 2012-121**

*Declaring that a Public Necessity and Use Exists and Authorizing an Offer to Acquire Permanent and Temporary Easements for the Route 15 (South King Street) Widening Phase II Project*

*The motion was approved by the following vote:*

*Aye: Burk, Butler, Hammler, Martinez, Wright and Mayor Umstadd*

*Nay: Dunn*

*Vote: 6-1*

## 12. ORDINANCES

- a. None.

## 13. UNFINISHED BUSINESS

- a. None.

## 14. NEW BUSINESS

- a. Additions to Future Council Meetings  
There were no Council additions.

b. Amendment of East End Triangle Approved Downtown Improvements Phase I

*On a motion by Council Member Burk, seconded by Council Member Martinez, the following was proposed:*

**MOTION 2012-027(2)**

*I move to direct staff to alter Project D of the Phase I Downtown Improvement Projects, as approved by Town Council on September 14, 2010 in order to eliminate the concrete curbing extending from the triangle area along the Market Street frontage*

Council Comments/Questions:

- Why does one leg have to remain for ADA compliance?  
Staff answer: Interpretation of staff engineering is that if there is a memorial/monument, you have to provide ADA access. Given pitch of the road, the only way to accommodate an acceptable slope is to add the curb leg.
- Accommodating this business shows the town to be business friendly
- Remove legs temporarily, if possible.
- During busy periods, customers normally have to walk to the store
- Viewed as an improvement to the lot; gives three additional parking spaces
- Could legs be shortened and still meet ADA requirements?  
Staff answer: Market Street, yes; Loudoun Street, no.
- Can memorial plaque be moved?  
Mayor answer: Placement of memorial plaque was negotiated by the Council and organizers of the King March.
- It is important that the triangle be ready for placement of the King Plaque prior to the march in February
- Removal of one leg will help Avis' parking situation

*The motion was approved by the following vote:*

*Aye: Burk, Dunn, Martinez, and Mayor Umstatt*

*Nay: Butler and Wright*

*Vote: 4-2-1 (Hammler abstaining)*

*Council Member Butler, seconded by Council Member Hammler, proposed to remove both legs temporarily, move the memorial temporarily, and conduct another design session to come up with a better design.*

Council Comments/Questions:

- Removal of one leg has not been studied for safety or traffic movement
- Will the project be completed prior to the Martin Luther King day march?  
Staff answer: Substantial completion of structural elements will be done in January. Plantings will be determined based on the weather.
- In two weeks, could staff come back with other options for consideration?

Staff answer: Cannot say with certainty that other options will be possible.

- Is this a good long term design for this site? This motion will give staff time to examine this issue
- Taking away one leg is a reaction by Council without thought

*The motion failed by the following vote:*

*Aye: Butler, Hammler and Wright*

*Nay: Burk, Dunn, Martinez, and Mayor Umstatt*

*Vote: 3-4*

It was confirmed that the motion could be rescinded through request of a member of the prevailing side.

## 15. COUNCIL COMMENTS

Vice Mayor Wright thanked all Veterans and thanked staff for their work preparing for and responding to superstorm Sandy. He expressed his gratitude that the impact to the town was not great. He extended his congratulations to the winners of the election and noted that he was pleased to see that participation did not drop off as much as he had feared for the town elections. He expressed a need for community education about town issues. He stated he did not feel that partisanship affected the outcome of the election. He asked the town manager to look at signal timing around the outlet mall. He stated he is looking forward to the tree lighting and holiday parade.

Council Member Burk stated she had the opportunity to participate in the Aviation expo that ProJet put on. She stated they invited high school students to the airport to hear wonderful speakers and visit vendors. She congratulated the winners of the election. She stated Aviation Adventures celebrated their winning of a national award and it is wonderful to see a successful business at the airport. Further, she stated that businesses like Aviation Adventures have ensured the growth and prosperity of the airport. She stated she participated in the Veteran's Day event at Dodona Manor, but expressed disappointment that the history awards were at the same time.

Council Member Martinez congratulated the winners of the election and expressed his gratitude that he was wrong about the level of partisanship that would be experienced by moving the election to November.

Council Member Hammler stated she attended the Loudoun History Awards. She thanked all the Balch Commissioners for their work putting on the wonderful award program. She noted that Kenneth Fleming received an award for his many contributions to research and preservation; James Hanna received an award for his many contributions to advocacy of preservation and photographic documentation and promotion of Loudoun County history; Louis Jett for his contributions to research and preservation of the memory of African-Americans in Loudoun County history and James Lucier, Sr. for his many contributions to the preservation of historical research and writing. She stated she made a few opening comments at the event in honor of how important the contributions of Veterans have been throughout history. She noted she

was able to attend her daughter's last softball game of the season where she hit a home run. She congratulated the winners of the election and commended all the candidates for their efforts. She stated she is humbled by the trust the citizens have placed in her to represent them. She thanked the local reporters for their work covering the candidates and the election. She wished everyone a happy Thanksgiving.

Council Member Butler agreed that the local papers did a wonderful job of covering the local elections as one of his fears was that the local election would get lost in comparison with the presidential election. He also congratulated the winners of the election. He speculated that the Mayor may have received more votes in Leesburg than anyone in any Leesburg election. He requested a report from staff on provision of utilities to Crosstrail. He wished everyone a happy Thanksgiving.

**16. MAYOR'S COMMENTS**

Mayor Umstattd congratulated everyone on their election wins. She thanked Linda Shotton for being a gracious opponent. She stated how wonderful ProJet and Aviation Adventures have been at promoting the airport. She stated she appreciates everything the veterans have done to keep the community safe. She wished everyone a very happy and relaxing Thanksgiving.

**17. MANAGER'S COMMENTS**

Mr. Wells congratulated all the winning candidates. He stated the swearing in ceremony has been scheduled for January 3 at Ida Lee Recreation Center with a 6 p.m. start time. He noted that the green areas on Loudoun Street are being outfitted with pavers. He stated the town has sufficient benches in stock and coordination with the Tree Commission to select the plantings will be forthcoming.

**18. CLOSED SESSION**

- a. None.

**19. ADJOURNMENT**

*On a motion by Vice Mayor Wright, seconded by Council Member Butler, the meeting was adjourned at 9:56 p.m.*

---

Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

---

Clerk of Council  
2012\_tcm1113