



Date of Council Meeting: July 8, 2013

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** Morven Park Boundary Line Adjustment

**Staff Contact:** Scott E. Parker, AICP, Assistant Town Manager *SEP*

**Issue:** Should the Town consider a Boundary Line Adjustment (BLA) to incorporate Morven Park into the corporate limits of Leesburg?

**Recommendation:** Provide guidance to Town staff as to whether it is the desire of the Council to pursue the BLA

**Background:** Morven Park is located on approximately 990 acres of land adjacent to the northern corporate limits of Leesburg. Morven Park is currently administered by the Board of Trustees of the Westmoreland Davis Foundation, and they are a nonprofit organization. Currently, Morven Park is open to the public as a museum, cultural attraction and equestrian center.

In January of 2010, the Board of Trustees adopted a five-year Strategic Plan, which encourages Morven Park as being a hub for historical, educational and income-generating activities in both Leesburg and Loudoun County. The plan will serve as a guide to the development of the grounds, identify best use and conceptual configurations of current facilities, identify locations and conceptual configurations of new facilities, buildings and programs, and address solutions for site access and circulation.

As part of this mission, Morven Park has determined that their existing uses and special events, as well as program elements within the master plan, were not compatible with Loudoun County's Zoning Ordinance. In addition, it was related to Town staff that the County's Karst Lime Overlay District would prove to be a significant hindrance to the development of Master Plan elements for Morven Park.

In December of 2012, the Board of Trustees voted unanimously, after talks with both Loudoun County and the Town of Leesburg, to pursue a BLA in order to be incorporated into the Town. The Board of Supervisors made a public statement at their meeting of May 1, 2013 that a BLA is acceptable, and that there is no objection to Morven Park being incorporated into the Town through the BLA process. Through a resolution, they directed their legal staff to work with the Town on the legal BLA procedure.

It should be noted that since beginning the discussions with Morven Park on the possibility of becoming part of the Town, the trustees have sold a 67-acre portion of Morven Park to a private entity. The sale was finalized in late March, 2013. The "Belgrove" site as it is called, is in conservation easement, and is a parcel adjacent to Old Waterford Road. It will not be included in the BLA. Town staff was not informed that the property was for sale or had been sold, and became aware of it when reviewing survey

boundary documents. This reduces the total area of Morven Park that becomes part of the Town to approximately 990 acres. Morven Park has sent a letter to the Town regarding the sale (attachment 2), stating that the reason was that the site did not have any strategic value to Morven Park, and the sale has provided income that is being directed to projects within their Plan's vision.

In addition, through the ongoing discussions, it was determined that Morven Park was part of a Loudoun County Agricultural and Forestal District, which could have been a potential issue for the Town, as we have no such program. However, per ordinance, Morven Park has requested to be withdrawn from the district (attachment 3), which will in effect alleviate this issue for the Town.

During the Council meeting of March 11, 2013, staff introduced a variety of topics that we have been discussing with Morven Park. These topics are as follows:

#### Incorporation of VDOT maintained roads into the Town

With the incorporation of Morven Park into the Town, the Town foresees having to also acquire the frontage of Route 15 that is adjacent to Morven Park. This acquisition would be from the current Town boundary at Tuscarora High School to Tutt Lane. Since Morven Park's current main access is from Route 15, for the purpose of law enforcement serving the property, and traffic control of the road itself, this portion of the road needs to be part of the Town, as well.

By bringing this portion of the road into Town jurisdiction, a part of the "mixing bowl" north of Town will now be in Town jurisdiction. Staff has analyzed this and feels that this would potentially make the Town obligated to participate in any future improvements to the area. It should be noted that it has been determined that ongoing and routine road maintenance of any part of Route 15 incorporated into the Town should not be an issue, as the cost would be offset by funds provided by VDOT for said maintenance. Plowing of snow would become the responsibility of the Town, however.

It should be noted that in previous discussions, Town staff felt that Tutt Lane may need to be incorporated into the request. Further analysis indicates that this is not the case, in that this road would require a significant amount of improvements to bring it up to minimum Town standards. Also, there are County residents served from this road, and it is felt that for the purpose of law enforcement and services, this road should stay in Loudoun County jurisdiction. This road is anticipated to continue to provide secondary access for Morven Park.

#### Properties left within County jurisdiction adjacent to Morven Park post-BLA

If Morven Park were to become part of the Town, the Scott Equine Center and a parcel owned by the O'Connor family would essentially be County jurisdiction properties surrounded by the Town Boundary. In the case of O'Connor, the property would become surrounded by the incorporation of Route 15 into the Town as stated above.

### Water and sewer

Representatives from Morven Park have stated that they do not intend to ask the Town of Leesburg to provide water and sewer service to the property. Currently, the property does not lie within the Town of Leesburg utility service area, and it is anticipated that this would not change. The 990 acres that comprise Morven Park will be a large area coming into the Town, and would be problematic for provision of water and sewer.

The extension of sewer service to this site may not be as challenging as extension of the water system. However, extension of the sanitary sewer will most likely require construction and operation of a private sewage pump station due to the topography of the land.

The extension of water service to Morven Park will be challenging as the parcel would become the furthest point of the Town's water system and maintaining acceptable water quality standards per the Town's operation permit requirements issued by the Virginia Department of Health (VDH) could be difficult. The extension of the water system to this parcel may result in violation of the water quality standards and require the Town to change the method of water treatment and convert to chloramines. The Town would need to further expand the current significant effort of flushing water mains in order to maintain acceptable water quality. There is also concern for adequate fire flow based on the proposed Morven Park master plan and the corresponding fire flow requirements.

According to Loudoun Water there is no master plan to provide water and sewer service to Morven Park, as the parcel is located within the transition area. In the event growth and development of Morven Park is beyond the capacity of the existing wells and septic, Loudoun Water's Village Concept would be required for the parcel similar to the package plant systems at Raspberry Falls.

Although the utility service area does not change with a BLA, if Morven Park becomes part of the Town, we could be obliged to serve the parcel if their water or sewer system fails. It is anticipated that if so asked, staff would recommend providing water and sanitary sewer service to the property line. Morven Park would then be responsible for servicing their property internally. As previously stated, Morven Park has not asked for water and sewer service, but staff can think of no agreement that would be binding that would allow us not to serve them as part of the Town as a customer should the need arise.

### Access and transportation

One of the prime areas of concern for Town staff is that of access management for Morven Park. Currently, event access is primarily from Route 15 through a gate that is not to a standard that can easily handle the amount of traffic to and from such events. In addition, given the configuration of Route 15 in this vicinity, police control of this entrance is needed, and the need to stop traffic in a location that otherwise does not have to stop routinely causes severe back-ups in both directions. Some events have caused back-ups on Route 15 that extend for miles.

In addition to the Route 15 entrance, Morven Park utilizes Tutt Lane for access on occasion and to a lesser extent, Old Waterford Road on the western side of the property, which serves as the main entrance for the historic home on the site.

If Morven Park were to become part of the Town, Route 15 would be a part of the request, as mentioned earlier in the report. The traffic control of the events would become the responsibility of the Leesburg Police Department (LPD).

Morven Park has stated through their documentation that they are working on an access plan that would utilize the secondary entrance at Tuscarora High School. This entrance was put in at the behest of the Town. And though Town staff had requested a full functioning entrance and access road, the school decided to construct it as a secondary entrance that handles overflow traffic from sporting events, and it is not open to the public. Morven Park has been speaking with Loudoun County Public Schools (LCPS) about using this entrance, and continuing the road into the Morven Park property. While initial conversations have been positive, no firm commitment has been made at this time from LCPS.

While signalized, the entrance and the road would need considerable upgrades, and an extension would need to be constructed to function as a primary entrance to Morven Park for events. Staff believes that this access would be an immense improvement and desirable condition for the Town, County, and Morven Park, given the analysis of traffic patterns for events and access management. Town staff highly encourages the utilization of this signalized intersection for access to Morven Park.

However, no timetable for construction of this entrance has been committed to, and funding of the improvements, including a bridge crossing into Morven Park, has not been proposed or finalized.

#### Enforcement of events and traffic on and off-site

Currently, police presence at large events, as well as traffic enforcement, is handled by the Loudoun County Sheriff's Office (LCSO). Upon becoming part of the Town, this responsibility would fall upon LPD. Staff believes that, depending on the number and size of events, as well as their timing with Leesburg events, a significant strain could potentially be placed on the resources of LPD, given their relatively small size in comparison to LCSO.

With respect to large events staff is currently analyzing the mechanics of a broad based Special Events Ordinance that would formalize the management and support of large special events not only at Morven Park, but other sites and facilities within the Town.

#### Zoning text amendment

When Morven Park is brought into the Town, it will need an appropriate zoning district, since none exists in the Town. Currently, the Town has received and is reviewing a draft Zoning Text Amendment that will create a zoning classification that would be commensurate with Morven Park's uses and functions. If the Council decides to pursue

the BLA, Staff will ask Council to initiate a Zoning Ordinance Text Amendment to begin the process of formally creating the zoning district. Once approved, Morven Park, per Ordinance, would be able to BLA into this new zoning district. The Zoning Text Amendment for the new zoning district will go through established process, which includes a public hearing at the Planning Commission and Town Council.

### Town Plan Policy

An issue that has not been brought up to Council yet, but should be mentioned, is that of the Town Plan. This property is not located in the Joint Land Management Area (JLMA) which is an area outside of the town corporate limits, within the County's jurisdiction, that is anticipated by both the Town and the County for future incorporation by the Town. Town Plan Objective, page 6-8 states that:

“The Leesburg Joint Land Management Area will serve as an area for town growth and it will gradually and ultimately be annexed into the corporate limits. As property owners request central utility service, and the Town agrees to extend central utilities to such properties in the JLMA, the Town will anticipated that these properties will be incorporated into the Town.”

The Revised General Plan (the comprehensive plan for the county) also recognizes the JLMA as the growth area for Leesburg. It also recognizes that public facilities that are situated adjacent to the corporate limits of towns but outside of JLMAs often need central utilities from the towns. The Town Plan and Revised General Plan policies are intended to provide guidance for decisions about growth to be made in conjunction with planning and management of public infrastructure and services.

Staff notes that the Town has, through mutual agreement with the County, incorporated other properties which were situated adjacent to the corporate limits but were not located in the JLMA, such as Heritage High School and Balls Bluff Regional Park. The incorporation of these properties has been accomplished via the BLA process. Typically these properties are public facilities for which central utilities are needed. In the case of the park, no utilities are needed. As previously noted, Morven Park is a private facility with a public purpose. The Town Plan does not provide specific policy guidance regarding incorporation of such properties. The Town Plan generally encourages preservation of heritage and cultural resources and specifically notes west of Route 15 and north of Ida lee Park (Objective 8, page 6-13), where it references approving development (or it could be inferred, incorporation of property) for which adequate infrastructure exists or is provided; and development which is compatible with the historic character of the Town.

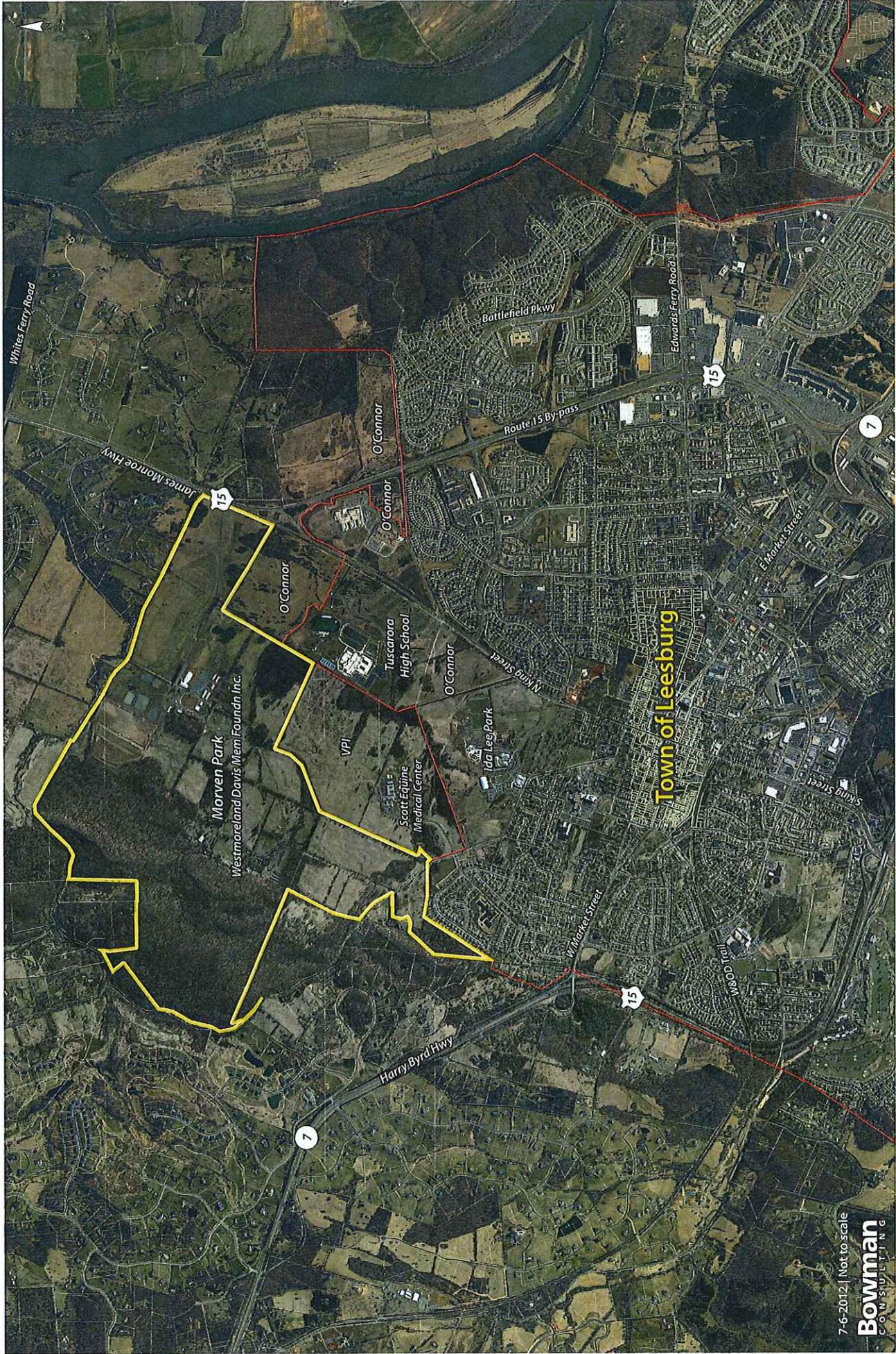
### Timetable/Next steps

The following is a chronology as it relates to formalizing a BLA with Morven Park to incorporate it into the Town of Leesburg.

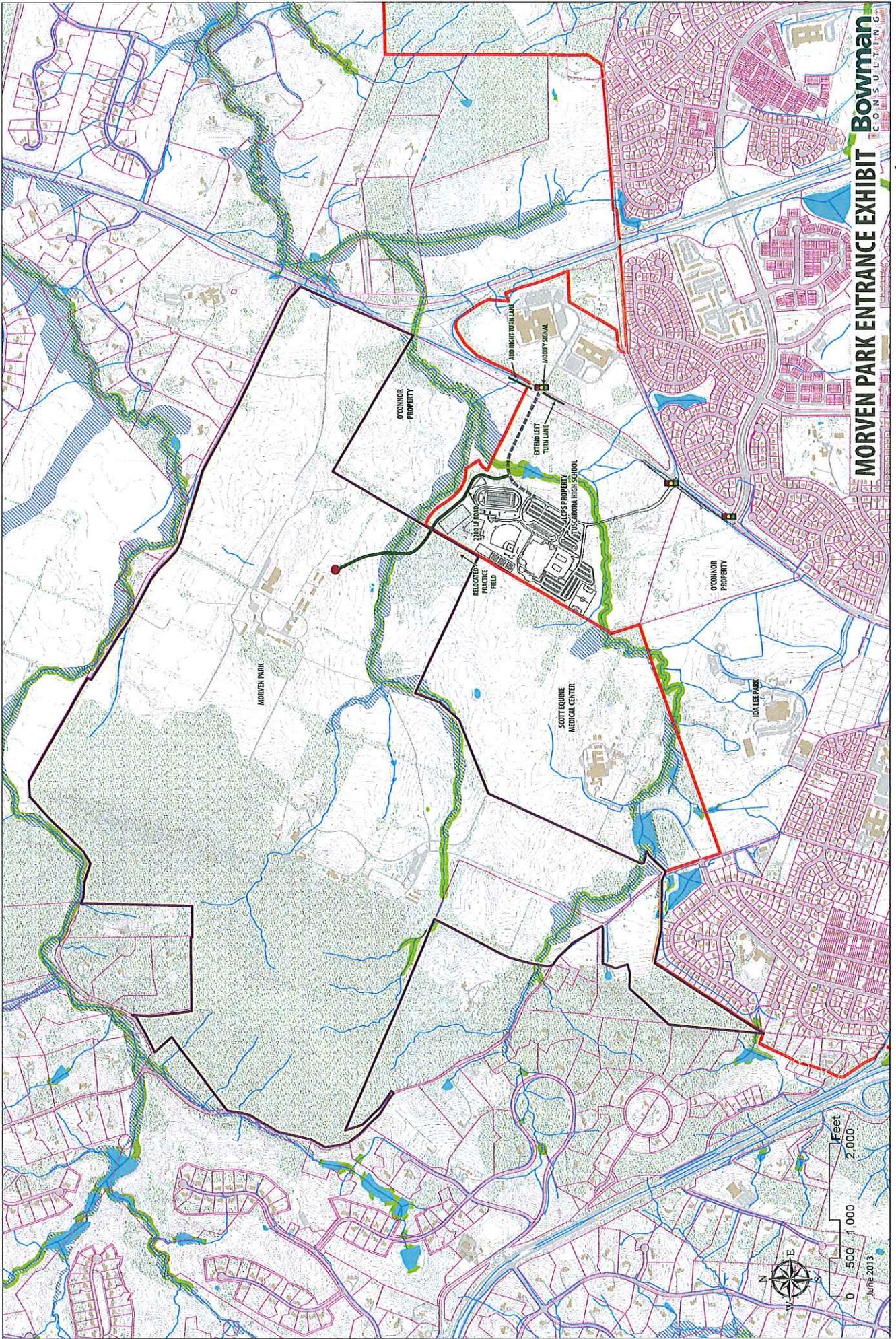
1. Council work session (July 8) to discuss items associated with Morven Park. Including, but not limited to, access management, properties not included (Equine, O'Connor), provision of water and sewer, events management.
2. Council resolution (July 9) to direct Town staff to work with the County on legal requirements of BLA
3. Text amendment initiation for MP zoning district (potentially July 9)
4. Town boundary survey completed by M Park
5. Boundary Line Agreement is prepared pursuant to VA Code section 15.2-3106.
6. The BLA Agreement is advertised once a week for 2 successive weeks. The Town and County can jointly publish if they so desire. The publication may be done as a Joint Resolution of Intent to Adopt a BLA Agreement by the County and the Town.
7. Public Hearing for MP zoning district text amendment at Planning Commission  
The Town and the County must then each hold at least one public hearing on the BLA Agreement. (The language and the format of the agreement must be agreed upon prior to the advertisement and the public hearing).
8. Public Hearing for MP zoning district text amendment at Town Council
9. Approval of MP zoning district text amendment
10. After the public hearings, both the County and the Town must adopt a Resolution adopting the BLA Agreement.
11. Approval of MP zoning district text amendment
12. A joint Petition of the Town and the County is filed in Court and subsequently an Order is entered granting the BLA; the BLA is not effective until the order has been entered by the Court.
13. Morven Park comes into the Town under created Zoning category.

Attachments:

1. Morven Park area exhibits
2. Morven Park letter regarding Belgrove sale
3. Morven Park letter related to withdrawal from Ag and Forestal District



ATTACHMENT 1



Post Office Box 6228  
Leesburg, Virginia 20178

(703) 777-2414 *p*  
(703) 777-3282 *f*

morvenpark.org

MORVEN  
*Park*

June 27, 2013

Scott E. Parker  
Assistant Town Manager  
25 West Market Street  
Leesburg, VA 20176

Dear Scott:

In response to your inquiry regarding the Westmoreland Davis Memorial Foundation's unanimous decision to sell its 67-acre Belgrove property, the Board's action rested primarily on the fact that our recently adopted Master Plan identified no historical significance relating to Morven Park, nor any strategic value related to furthering the goals and priorities in our Strategic Plan. Furthermore, the Belgrove sale has provided the Board with income that is being directed those projects that are central to our strategic vision, including the restoration of our historic buildings, preservation and restoration of historic landscapes including our woodlands, meadows and gardens, and the introduction of new education programs including our signature CivicsNow! program.

Sincerely,



Frank Milligan  
Executive Director  
Morven Park  
and  
Secretary/ Treasurer  
The Westmoreland Davis Memorial Foundation

Post Office Box 6228  
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morvenpark.org

MORVEN  
*Park*

June 20, 2013

Ms. Kellie S. Boles  
Loudoun County Department of  
Economic Development  
ATTN: AFD Renewal Program  
1 Harrison Street, SE MCS #63  
P.O. Box 7000  
Leesburg, Virginia 20177-7000

RE: Notice of Withdrawal from New Morven Park Agricultural and Forestal District

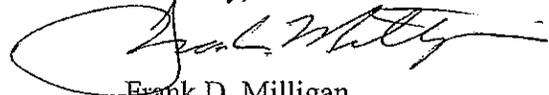
Dear Ms. Boles:

I am writing you on behalf of the Westmorland Davis Memorial Foundation, Inc., the owner of property historically known as "Morven Park" and which our records show that a portion of Morven Park identified as MCPI #228-17-9141 and 229-25-1376 is currently enrolled in the New Morven Park Agricultural and Forestal District (the "AFD Property").

We are in receipt of your departments notice regarding the Board of Supervisors proposed review and potential renewal of the New Morven Park Agricultural and Forestal District pursuant to Section 15.2-4311 of the Code of Virginia (1950) and Chapter 1226 of the Codified Ordinance of Loudoun County. During this review period, it is our understanding that property owners may unilaterally withdraw their properties from the New Morven Park Agricultural and Forestal District by filing a notice with your office.

Based on the foregoing and on behalf of owners of Morven Park, we hereby request withdrawal of the AFD Property described hereinabove from the New Morven Park Agricultural and Forestal District. I trust this letter will be sufficient for the purposes intended but feel free to contact me at 703-777-2414 should you have any questions or require more complete information.

Sincerely,



Frank D. Milligan  
Executive Director  
Morven Park

PRESENTED July 9, 2013

RESOLUTION NO.: \_\_\_\_\_

ADOPTED \_\_\_\_\_

A RESOLUTION: INITIATING AMENDMENTS TO NECESSARY ARTICLES AND SECTIONS OF THE LEESBURG ZONING ORDINANCE INCLUDING ARTICLE 7, OVERLAY AND SPECIAL PURPOSE DISTRICTS, AND ARTICLE 18, DEFINITIONS, TO ADD A NEW DISTRICT AND DISTRICT REGULATIONS FOR MORVEN PARK

WHEREAS, Morven Park is a historical property currently located within the County of Loudoun; and

WHEREAS, the Town Council and the Loudoun County Board of Supervisors have indicated interest at the request of the Board of Directors of Morven Park to move the jurisdictional boundary to include Morven Park within the corporate limits of the Town of Leesburg; and

WHEREAS, there is no zoning district currently within the Town of Leesburg that could accommodate the Morven Park property and the Town of Leesburg would need to amend the town Zoning Ordinance to create such district; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice require the proposed amendments.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. Amendments to the Zoning Ordinance including Article 7 and Article 18 are hereby initiated and referred to the Planning Commission to create a new zoning district for Morven Park.

INITIATING AMENDMENTS TO NECESSARY ARTICLES AND SECTIONS OF THE LEESBURG ZONING ORDINANCE INCLUDING ARTICLE 7, OVERLAY AND SPECIAL PURPOSE DISTRICTS, AND ARTICLE 18, DEFINITIONS, TO ADD A NEW DISTRICT AND DISTRICT REGULATIONS FOR MORVEN PARK

SECTION II. The Planning Commission shall hold a public hearing to consider these amendments to the Zoning Ordinance, and report its recommendation to the Town Council pursuant to Chapter 22, Title 15.2-2204 of the 1950 Code of Virginia, as amended.

PASSED this 9<sup>th</sup> day of July, 2013.

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council