

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARINGS
TO CONSIDER APPLICATIONS
TLTA 2010-0002, TLTA 2010-0003, TLZM-2010-0002,
TLSE 2010-0006, TLSE 2010-0007,
TLSE 2010-0008, TLSE 2012-0006**

**LOWES HOME IMPROVEMENT CENTER
TOWN PLAN AMENDMENTS, CONCEPT PLAN & PROFFER AMENDMENT,
BANK WITH DRIVE-THRU, RESTAURANT WITH DRIVE-THRU, LUMBER
AND/OR BUILDING MATERIALS WITH OUTDOOR STORAGE, AND
VEHICLE RENTAL SPECIAL EXEPTIONS**

Pursuant to Sections 15.2-1427, 15.2-2204, 15.2-2205 and 15.2-2285 of the Code of Virginia, 1950, as amended, the **Town Council** will hold a public hearing on **Tuesday, November 26, 2013 at 7:30 p.m.**, in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider requests by Lowe's Home Centers, Inc. to: amend the Town Plan's Regional Office land use designation (TLTA 2010-0002) and the Roadway Network Policy Map (TLTA 2010-0003); to replace the ZM-129 Leegate Auto Park Concept Plan and Proffers with the plans and proffers associated with TLZM-2010-0002; to allow a bank with drive-thru (TLSE 2010-0006), restaurant with drive-thru (TLSE 2010-0007), lumber and/or building material sales with outdoor storage (TLSE 2010-0008), and vehicle rental (TLSE 2012-0006) as described below:

Town Plan Amendments

1. Remove a portion of Keystone Drive from Route 7/E Market Street to Russell Branch Parkway; and
2. Insert language to provide an optional method of development for Regional Office land uses west of Crosstrail Boulevard, south of Route 7/E Market Street, and east of Battlefield Parkway

Concept Plan and Proffer Amendment:

1. Permit all B-3 uses permitted by-right and special exception except: inn, funeral home, conference center, freestanding convenience food store, vehicle and/or equipment service facility, vehicle sales, mini-warehouse facility; and
2. Create two parcels identified as the Lowes Parcel and the Residual Parcel; and
3. Permit up to 96,000 square feet of retail and at least 24,000 square feet of office on the Residual Parcel; and permit a 120,600 Lowes store on the Lowes Parcel; and
4. Replace the ZM 129 Concept Plan layout with Sheets 1-20 of the Concept Plan labeled Rezoning and Special Exception Plans for Lowes of Leesburg as prepared by Freeland and Kauffman Inc. last revised August 16, 2013; and
5. Allow the Concept Plan Land Use Calculations, Parking Tabulations, Development Tabulations, and General Notes as shown on the above-referenced Concept Plan; and
6. Create Design Guidelines for urban site design elements and architectural treatments to buildings; and
7. Revise proffers to reflect the requested uses and density, related design elements, public improvements, and proffer guidelines.

Special Exception Uses:

1. Bank with drive-thru in conformance with the Concept Plan, Design Guidelines, and any conditions of approval; and
2. Restaurant with drive-thru in conformance with the Concept Plan, Design Guidelines, and any conditions of approval; and
3. Lumber and/or building material sales with outdoor storage in conformance with the Concept Plan and any conditions of approval; and
4. Vehicle rental in conformance with the Concept Plan and any conditions of approval.

The properties are identified by Loudoun County Property Identification Numbers (PIN) 149-45-7383 and 149-46-0836, which encompass 27.61 acres within the Town of Leesburg (the "Property"). The Property is split zoned B-3 Community Retail/Commercial District and I-1 Industrial/Research Park District, with the B-3 portion subject to ZM 129. A portion of the Property is located within the H-2 Overlay District. The Property is identified as Regional Office on the *Town Plan's* Planned Land Use Policy Map. The Town Plan recommends floor area ratios (FAR) of 0.35 to 1.0. The proposed application reflects an overall FAR of 0.21 after dedication of rights-of-way.

Copies and additional information regarding these applications are available at the Department of Planning and Zoning located on the second floor of Town Hall, 25 West Market Street, Leesburg, Virginia, 20176 during normal business hours (Monday – Friday, 8:30 a.m. to 5:00 p.m.) or by contacting Michael Watkins, Senior Planner, at 703-737-7920.

At these hearings, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations at this Town Council meeting should contact the Clerk of Council at (703) 771-2727 three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

Ad to run:

10/14/13

10/21/13



Date of Council Meeting: January 14, 2014

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING STAFF REPORT**

SUBJECT: Lowe's Home Improvement Center, a proffer and concept plan amendment to TLZM-129 Leesburg Auto Park, a rezoning of land zoned I-1 Industrial/Research Park to B-3 Community/Retail Commercial, and two special exception use applications to permit the construction of a 152,000 square foot Lowe's home improvement store and development of a retail center of 84,000 square feet of commercial uses and a minimum of 36,000 square feet of office uses with a total floor area ratio (FAR) of 0.21 after dedication of rights-of-way.

The subject applications consist of the following:

1. **TLZM-2010-0002 Lowe's Home Improvement Center** - A rezoning to convert approximately 6.93 acres of I-1 zoned land to the B-3 District, and to amend the Concept Plan and Proffers of TLZM-129 Leesburg Auto Park.
2. **TLSE-2012-0006 Lowe's Vehicle Rental** to permit rental of up to four large flatbed pickup trucks.
3. **TLSE-2012-0008 Lowe's Lumber & Outdoor Storage** to permit a 152,000 square foot facility with outdoor storage.

STAFF CONTACT: Mike Watkins, Senior Planner, Department of Planning and Zoning

RECOMMENDATION: Staff recommends approval of the proposed rezoning and concept plan and proffer amendment, and two special exceptions subject to the concerns noted in this staff report.

ISSUE: Should an amendment of the Leesburg Auto Park rezoning concept plan and proffers (TLZM-129) and rezoning of land zoned I-1 to B-3 and three special exception uses be approved?

FISCAL ANALYSIS: Approval of this application will generate revenue to the Town through additional Business, Professional and Occupational Licenses (BPOL) and commercial and real estate taxes from the 272,000 square feet of proposed commercial and office uses.

BACKGROUND: Lowe's Home Centers Inc. is the owner of two parcels of land (PIN 149-46-0836 and 149-45-7383) located in the southeast quadrant of the intersections of E Market Street (Route 7) and Battlefield Boulevard, and north of the Town's waste water treatment facility (see Figure 1).

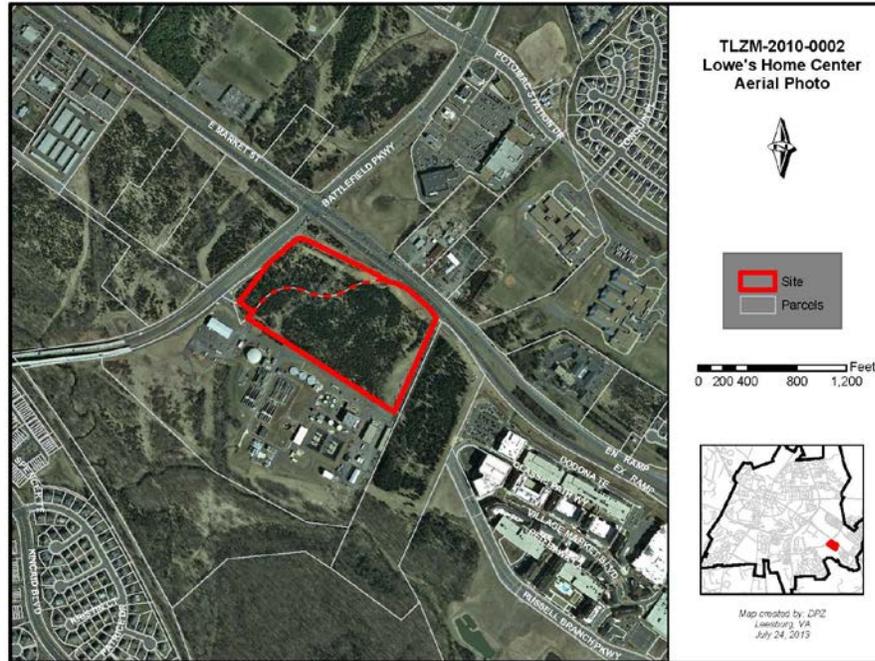


Figure 1, Location & Existing Conditions

Lowe's Home Centers Inc. proposes to amend the concept plan and proffers for ZM-129 and rezone adjacent I-1 property to the B-3 District. The rezoning, concept plan and proffer amendment, and special exceptions would create two distinct development parcels: the **Lowe's Parcel** and the **Residual Parcel**. The Lowe's Parcel would permit construction of a 152,000 square foot lumber and building materials sales facility with limited truck rentals and outdoor storage areas. The Residual Parcel would permit construction of up to 84,000 square feet of retail uses and construct a minimum of 36,000 square feet of office.

APPLICATION REVIEW TIMEFRAME: The following is a table that outlines the review of the application.

Pre-Application Meeting	July 7, 2009
Application Submission	July 6, 2010
Application Acceptance	September 10, 2010
1 st Review Comment Letter	November 5, 2010
Application Resubmission	April 18, 2011
2 nd Review Comment Letter	October 17, 2011
Application Resubmission	July 6, 2012
3 rd Review Comment Letter	September 28, 2012
Application Resubmission	April 19, 2013
4 th Review Comment Letter	July 12, 2013
Final Submission	August 16, 2013
Planning Commission Hearing	October 17, 2013

Planning Commission Hearing and Work Session	November 7, 2013
Planning Commission Hearing and Work Session	November 21, 2013
Planning Commission Hearing and work session	December 5, 2013
Planning Commission Hearing	December 19, 2013

PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION: The Planning Commission held several meetings on the applications:

- October 17, 2013 – The initial Planning Commission meeting and public hearing. At that hearing, no member of the public provided comments regarding the proposals. Commissioner concerns not related to Town Plan issues included access to the site, status of the Battlefield Parkway/Route 7 interchange and the effectiveness of design guidelines in lieu of a specific site layout. The public hearing was continued to November 7, 2013.
- November 7, 2013 - The Planning Commission continued discussion of the proposed Lowe's application but comment was generally about the Town Plan land use Amendment. Members did express concern regarding how the Residual Parcel would look when developed and asked Applicant to better illustrate potential scenario so the Commission could determine if the site would meet the Town vision for design, interconnectivity and pedestrian streetscape. A design approach as opposed to a use-based approach was noted by some Commissioners as appropriate in this case. Form and not the uses should be the focus, and design guidelines should be concentrated on. The public hearing was held open to the next meeting.
- November 21, 2013 – The Planning Commission continued its discussion regarding the Town Plan land use Amendment, with the focus being incorporation of required design elements. Discussion included appropriate amounts of office uses, phased development of the property with an office component required in each phase, placemaking opportunities with the creation of a central feature, size and massing of buildings, and streetscaping. The next meeting was designated for final discussion of the Town Plan land use Amendment and then the rezoning application with design guidelines.
- December 5, 2013 – The Planning Commission concluded its discussion regarding the land use amendment. A version of the proposed amendment, a new design option within the Regional Office land use with 12 objectives, was presented and generally accepted by the Commission. The remainder of the discussion centered on the proposed design guidelines, including: definition of the central feature, size and massing of buildings, architectural features (primary and secondary facades), and building height and usable second building stories. The meeting concluded by establishing the next meeting's agenda with finalizing the design guidelines and a vote on the applications.
- December 19, 2013 – The Planning Commission received revised guidelines with just two discussion points. Upon resolution of building height requirements and building massing along streets, the public hearing was closed without any public comments. The Town Plan

land use Amendment, Rezoning, and three Special Exception Applications were all recommended for approval by a vote of 5-0-2, two commissioners were absent.

Zoning History: The subject properties have different zoning histories as described below.

- 20.677 acres subject to TLZM-129 Leesburg Auto Park, a rezoning, with proffers to the B-3 District and TLSE 2006-0008, Leesburg Auto Park, special exceptions for vehicle sales and rental and TLSE 2006-0011 Leesburg Auto Park, special exception for structured parking (PIN 149-46-0836).
- 6.93 acres zoned I-1 Industrial/Research Park District currently subject to no proffers or special exception conditions but is subject to a settlement agreement dated May 9, 2006 (PIN 149-45-7383).

Staff Analysis: Staff analysis primarily consists of the review of the implementation of Town Plan goals and objectives and compliance with zoning ordinance requirements.

- A. **Town Plan Compliance:** Applicant has requested two Town Plan amendments, TLTA-2010-0002 regarding the Regional Office land use designation and TLTA-2010-0003 regarding removal of a portion of Keystone Drive from the Roadway Network Policy Map. The proposed uses and densities do not conform to the planned use for the Property. The Applicant's requested amendment to the Town Plan Land Use element inserts language in the description of Regional Office uses to allow an option for predominantly retail uses. Each of these is discussed in the accompanying Town Plan Amendment staff report. *Note that the proposed amendments to the Town Plan must be approved before the rezoning and special exceptions applications are acted upon.*
- B. **Site Design:** This section highlights key issues which impact the layout of the Property and compliance with Town ordinances and regulations. Note that in this rezoning the Applicant has provided a traditional detailed conceptual layout for the Lowe's Parcel but for the Residual Parcel certain aspects of the layout are shown on the Concept Plan but building layouts are not. Instead, Applicant has proposed design guidelines that shall be used to direct the location and height of buildings while giving flexibility to the Applicant because ultimate users of the Residual Parcel are not known at this time. Highlighting this Staff analysis is the difficulty of assessing the potential development schemes on the Residual Property. With the absence of a conceptual layout the necessary elements to be included in the design guidelines is problematic. Due to the differences noted above, the two development parcels will be discussed separately.

1. Building Location:

- a. **Lowe's Parcel Store:** Town Plan policies (which Applicant seeks to amend) call for buildings to be located close to Route 7 with parking behind or interior to make a visual statement. The Applicant has stated that the orientation of the Lowe's store was decided based on topographical constraints. The resulting orientation has the sides of the store facing Route 7 and Russell Branch, with the front of the store facing a large

surface parking lot. The required surface parking creates a significant void from the location of the store to the adjacent Land Bays in the Residual Parcel. The Applicant's stores contain garden centers, with this store's garden center located on the building façade facing Russell Branch. Outdoor display and sales areas are confined to areas identified on the special exception plat. These areas are located along the front and sides of the store. Staging and loading are generally located in the rear of the store and incorporate architectural detailing and screening walls.

- b. Residual Parcel Buildings:** The Applicant has stated that they are not a commercial center builder so they are uncertain how they will develop the Residual Parcel, and therefore want to maintain flexibility in development options. The Residual Parcel contains four land bays. No buildings are shown within any of the land bays on the concept plan. Pursuant to TLZO Section 3.3.6.E.10, locations of proposed structures must be shown on the concept plan. The application was accepted for review on the basis that the Applicant took the risk in not showing conceptual building locations and utilizing design guidelines which may adequately justify not showing building locations.

To compensate for the lack of a traditional conceptual layout, the Applicant has prepared design guidelines which attempt to address site design normally evaluated with a conceptual layout. The guidelines address general streetscape requirements, lighting, building placement and architectural design, building height, parking location and visibility, and characteristics of the central feature.

During the review of the application Staff's consolidated comment letters expressed concerns with the adequacy of the design guidelines to incorporate those site development requirements normally exhibited with a layout. Staff agrees that design guidelines can be an adequate and reasonable supplement to conceptual layouts, like the Village at Leesburg. Staff is not adverse to the use of guidelines; however, Staff remains concerned with the general application of design guidelines in lieu of the traditional conceptual layouts provided with rezoning applications. Design concepts included with the proposed design guidelines provide a foundation for sound urban design principles, but may not address all possible development scenarios that may arise in the absence of a conceptual layout.

2. Landscaping:

- a. Lowe's:** For a big-box styled building, the proposed on-site landscaping is adequate. Along Route 7 and Russell Branch the Applicant must deal with significant constraints. Along Route 7, the overhead transmission lines limit certain tree types and location of the plantings. As a result, the Applicant is continuing the landscaping approach taken by the Village at Leesburg. A mix of shrubs, ornamental grasses, understory trees, and limited canopy trees will be provided. Along Russell Branch Parkway the Applicant must comply with DEQ screening requirements for the waste water treatment plant. As illustrated on Sheet 15, a double-row of evergreen trees is

required. The Applicant has supplemented the DEQ buffer with additional plantings to meet buffer-yard and screening requirements.

On-site landscaping, outside of required buffer-yards, is minimal. To minimize the scale of the parking lot, the Applicant is providing two understory trees per landscape isle. Other than the double plantings in the landscape isle, the landscaping is typical of big-box development, large building and parking with landscaping that meets minimum ordinance requirements.

- b. Residual Parcel:** Along Route 7 and Russell Branch Parkway, the same landscaping scheme as for the Lowe's Parcel will be followed. For interior landscaping, street trees will be planted along the private streets but other than this nothing is shown on the Concept Plan. The proffers state that required on-site landscaping will be provided with future site plans. The only required landscaping would be interior parking lot landscaping.
- 3. Lighting:** The design guidelines state that all lighting fixtures will be coordinated with those chosen for the Lowe's store. Multiple types are permissible and they include: parking lot lighting, pedestrian scaled lighting for streetscaping, and accent lighting for landscape and buildings. The style of fixtures is represented on Sheet 14 and is appropriate for this development.

Staff notes that Applicant is providing a higher level of lighting at the entrance to the store and the site entrance for security and safety reasons and Staff agrees with this approach.

- 4. Pedestrian Environment:** While the Lowe's store is not a heavy pedestrian generator and the location is some distance from existing residential uses, pedestrian connectivity should not be ignored. The Residual Parcel is the primary focus of pedestrian traffic and the proposed street sections and design guidelines address this issue. In addition, a central feature provides a focal point for internal vehicular traffic while enhancing place-making opportunities for pedestrians.
- 5. Building Architecture:**

 - a. Lowe's Store:** Staff notes that the Applicant has made modifications to the building elevations for the Lowe's store to avoid a "corporate" architectural appearance. Lowe's has taken this approach with many of its stores. Staff noted the style of the Carey North Carolina store as an example that could be modeled after Leesburg. Due to the proximity and visibility to Route 7 the northern building façade has been designed to represent an assembly of multiple building components to breakdown the building's scale. The general use of color, material and building form articulate the building facades and adequately screen the outdoor storage and assembly areas.



Figure XI, Lowe's perspective



Figure XI, Lowe's Building Elevations

Due to the property's location within the H-2 Architectural Control Overlay District, the BAR was consulted as a referral agency during the review of the application. At its October 3, 2011 work session, the BAR's opinion was that the building successfully incorporated the architectural requirements of the H-2 and presented attractive elevations that successfully diminished corporate architecture.

C. Modifications: The Applicant is requesting a modification of TLZO Section 11.9 regarding the number of required loading spaces. Five loading spaces are required and the Applicant accommodates three loading bays with the design of the building. Due to the sufficiency of the space provided in the loading area depicted on the concept plan, the reduction is appropriate as requested.

D. Proffers: The existing proffers for ZM-129 will be replaced by this concept plan and proffer amendment. Staff makes the following comments:

- 1. Proffer 1.A, Concept Development Plan:** The proposed development will be in substantial conformance with the concept plan. This is a typical proffer and a required element of any proffered rezoning.
- 2. Proffer 1.B, Uses:** Any B-3 by-right and special exception use may be developed on the Property, except: inn, funeral home, conference center, freestanding convenience food store, vehicle and/or equipment service facility, vehicle sales, and mini-warehouse. Staff finds the restricted uses acceptable.
- 3. Proffers 1.C and D, Phasing:** Phase 1 permits the initial construction of the Lowes Store, with special exception uses. Phase 2, development within Land Bays B-E after the Lowe's Store, permits up to 84,000 square feet of retail and requires a minimum of 36,000 square feet of office. The proffer establishes tiers where both office and retail uses

- must be built. This guarantees a true mix of uses throughout the development of the Property. Staff finds this proffer acceptable.
4. Proffer II.A.1-3, Russell Branch Parkway: This proffer and subsections provide for the dedication and construction of Russell Branch Parkway. Staff finds this proffer acceptable.
 5. Proffer II.B.1-2, Traffic Signals: This proffer provides the design and installation of traffic signals at Battlefield Parkway and Russell Branch Parkway and Russell Branch Parkway and the site entrance. Staff finds this proffer acceptable.
 6. Proffer II.C.1-5, Internal Roads: As contained in this proffer, Road 1, Northern Drive Aisle, Access Points shall be constructed prior to the occupancy of the Lowe's store. Staff finds the language acceptable.
 7. Proffer II.D – Off-site Transportation Contribution: The Applicant is requesting that credits be applied for off-site improvements, and that the requested credits would then satisfy the proffer guideline amount for the Off-site Transportation Contribution. The credits requested include frontage improvements, construction of traffic signals, and off-site improvements. Frontage improvements (road, sidewalk, street trees, and stormdrainage) along the subject property's frontage to a street are required improvements. Frontage improvements are normally not credited to the Off-site Transportation Contribution proffer guideline. Off-site signalization, traffic signals which are provided beyond the limits of the property, can sometimes be credited to the off-site transportation proffer. In this instance, the Applicant is making improvements to both sides of Russell Branch Parkway and is providing signalization at Battlefield and Russell Branch. In addition, the applicant is adding an extended right turn-lane to eastbound Route 7 from Battlefield Parkway and is constructing the full section of Russell Branch (a 4 lane divided road) off-site across the adjacent Hunter Trust Property. The Applicant's traffic engineering analysis has provided sufficient justification that the construction of frontage improvements beyond the Applicant's frontage serves more than just the subject property. Additionally, the Applicant has prepared a preliminary cost estimate for the above referenced improvements. Staff agrees that sufficient justification has been provided to credit these improvements towards the Off-site Transportation Contribution, and therefore has satisfied the transportation proffer guideline. The proffered construction of Russell Branch Parkway will complete the link from the current terminus of the Parkway to Battlefield Parkway prior to issuance of the Occupancy Permit for the Lowe's store.
 8. Proffer II.E.1-5 - Public Work's Access: This proffer maintains an off-site proffer from TLZM-129 where short-term and long-term access is provided to the Public Work's Facility. After and during construction of Russell Branch Parkway, access to the facility from Route 7 will no longer be provided. A portion of Keystone Drive, south of Russell

- Branch Parkway will be constructed with access provided to the Public Work's Facility. Staff finds the proffer language acceptable.
9. Proffer II.F – Interchange Reservation: This is a proffer from TLZM-129 where the reservation of land for the Route 7 and Battlefield Parkway interchange will be maintained for at least another 21 years by extending the reservation from May, 2027 to January 1, 2034. The Applicant will provide the necessary dedication of land, at no cost to the Town, for construction of the interchange.
 10. Proffer III.A.1-3, Streetscape: This proffer describes the required elements of the interior streetscape and the timing of construction. Typical streetscaping includes the more decorative elements of the street section: sidewalk, street lighting and street trees. The Applicant's proffer postpones the installation of streetscape along Roads 1b and Road 2b until development of the adjacent land bays. Initial development of the property with the Lowe's Store will provide a portion of the streetscape along Roads 1a and Road 2a.
 11. Proffer III.B – Urban Design and Architectural Guidelines: This proffer creates design guidelines which apply to development within Land Bays B-E. Staff has concerns regarding the absence of a detailed layout to accompany the design guidelines but the guidelines do provide a foundation for the proposed urban design of the development that was found to be acceptable by the Planning Commission.
 12. Proffer III.C, Land Bay A (the Lowe's Parcel): Should the Lowe's store cease operation, the proffers require the design guidelines applied to the Residual Parcel to then be applied to Land Bay A for any subsequent redevelopment or with any subsequent legislative application on Land Bay A. Staff finds the proffer language acceptable.
 13. Proffer III.D, Height: This proffer basically reiterates required conformance with TLZO Section 10.4.6 and established that one-third of the building footprints shall be multistory. Staff finds the proffer language acceptable.
 14. Proffer III.E, Development Minimums and Maximums: This proffer requires at least one building in each land bay and that no single tenant space may exceed 60,000 square feet or a footprint larger than 30,000 square feet. Staff finds the proffer language acceptable.
 15. Proffer IV.A, SWM: This proffer states the applicant will meet applicable Town of Leesburg and Commonwealth of Virginia standards. Staff finds the proffer language acceptable.
 16. Proffer IV.B, Recycling: This proffer states that solid waste and recycling will be handled in the store, trailers, and enclosures.
 17. Proffer IV. C, Freestanding Lighting: This proffer states restricted heights for pedestrian and parking lot fixtures, permits a higher lighting level for security purposes, and defers

installation of a portion of the lighting fixtures on Road 1, and Road 2. Installation of the lights along 2B will occur with the development of the adjacent land bays.

18. Proffer IV.D – Other Lighting: This proffer states the Applicant will use automatic controls to reduce lighting for security purposes after operating hours. Staff finds the proffer language acceptable
19. Proffer IV E – Interior Parking Lot Landscaping: This proffer states the Lowe's store shall meet TLZO requirements and that the Residual Parcel will be planted concurrently with construction. **Staff recommends that this proffer be eliminated as this is a required standard of the TLZO and adds nothing extra or different.**
20. Proffer IV F- Perimeter Landscaping: This proffer states perimeter landscaping will be provided as proffered on the Landscaping Sheets 15 and 16. Staff finds the proposed language acceptable.
21. Proffer V. A, Fire and Rescue Contribution: A \$0.10 cents per gross square foot of building area shall be provided for rescue companies serving the Town Of Leesburg prior to the issuance of an occupancy permit for each new building. An escalator clause is included. Staff finds the proposed language acceptable.
22. Proffer V.B, Bike Racks: This proffer requires a bike rack on the Lowe's property and at least two on the Residual Parcel. Staff finds the proposed language acceptable.

Approval Criteria: Zoning Ordinance Section 3.3.15 establishes the following criteria for the Town Council to use, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a zoning map amendment application. Listed below are the specific criteria.

- A. *“Consistency with the Town Plan, including but not limited to the Land Use Compatibility policies; and”*

If the Town Plan land use Amendment is approved by Town Council, the development proposed by the Applicant would be consistent with Town Plan goals and objectives. If the amendments are not approved, then this application would be inconsistent with the Town Plan for reasons discussed in the Town Plan Amendments staff report.

- B. *“Consistency with any binding agreements with Loudoun County, as amended, or any regional planning issues, as applicable; and”*

County referral comments state that the proposed land use conflicts with the identified land use (Planned Employment Commercial) in the Annexation Area Development Policies (AADP). It is the Town's opinion that the AADPs are no longer applicable. Otherwise, there are no applicable binding agreements or inconsistent regional planning issues.

- C. *“Mitigation of traffic impacts, including adequate accommodation of anticipated motor vehicle traffic volumes and emergency access; and”*

The applicant is making a significant improvement to the surrounding road network with the connection of Russell Branch Parkway to Route 7. Additional improvements include a right turn-lane onto eastbound Route 7 and traffic signalization at Russell Branch Parkway and the site's entrance onto Russell Branch. Safe and adequate access is provided to the site via connections from Russell Branch Parkway.

- D. *“Compatibility with surrounding neighborhood and uses; and*

The adjacent properties will not experience a negative impact. Necessary public improvements have been identified and are reflected on the Concept Plan and in the Proffers. The proposed development will meet required landscaping and storm water requirements to mitigate any potential adverse impacts. With the review of conceptual grading plans, there are no unusual means necessary to develop this property. The development of the property will not hinder or discourage the appropriate development and use of adjacent or nearby land or buildings.

- E. *“Provision of adequate public facilities.”*

No new public infrastructure is required to serve the site. Water, sewer, and stormwater management facilities will be addressed during site plan review and will be adequate to serve the site.

Recommendation and conditions of Approval: Staff recommends approval of the rezoning application and modifications, noting concerns regarding the use of design guidelines absent a detailed concept plan. Staff recommends approval of the special exception applications, subject to the following conditions:

- A. **TLSE 2010-0008, Lumber and/or Building Material Sales with Outdoor Storage:** Staff recommends approval of this special exception use, subject to the following condition:
1. Substantial conformance with the Rezoning/Special Exception Plans last revised August 16, 2013 as prepared by Freeland & Kauffman, Inc.
- B. **TLSE 2012-0006, Vehicle Rental:** Staff recommends approval of this special exception use, subject to the following conditions of approval:
1. Substantial conformance with the Rezoning/Special Exception Plans last revised August 16, 2013 as prepared by Freeland & Kauffman, Inc.

2. Limitation of 4 flat-bed rental trucks. These rental vehicles shall be parking in the respective assigned spaces on the property and as depicted on Sheet 6, Labeled special exception plat.

Attachments

1. Planning Commission Staff Report dated December 19, 2013
2. Applicant's Written Statement of Justification August 19, 2013
3. Applicant's draft proffers last revised December 12, 2013
4. Applicant's Concept Plan last revised August 16, prepared by Freeland & Associates Inc.
5. Applicant's Design Guidelines
6. Draft Ordinance



Date of Planning Commission Meeting: December 19, 2013

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING
SUPPLEMENTAL STAFF REPORT**

Subject: Lowe's Home Improvement Center, rezoning and special exception applications proposing the construction of a 121,000 square foot Lowe's home improvement store with garden center and storage/staging and development of a retail center of 120,000 square feet of commercial uses inclusive of a minimum 36,000 square feet of office uses. Although the request is a concept plan and proffer amendment to ZM-129, the Applicant's specific proposal is as briefly described below:

Town Plan Amendment (TLTA 2010-0002)

1. Insert an optional method of development for Regional Office.

Town Plan Amendment (TLTA 2010-0003)

1. Remove a portion of Keystone Road from Russell Branch Parkway north to Route 7/East Market Street.

Concept Plan and Proffer Amendment (TLZM 2010-0002)

1. Revise permitted uses to include all B-3 uses permitted by-right and special exception except: inn, funeral home, conference center, freestanding convenience food store, vehicle and/or equipment service facility, vehicle sales, mini-warehouse facility; and
2. Create two parcels identified as the Eastern Parcel (Lowe's) and the Western Parcel (or the "Residual Parcel"); and
3. Revise densities to allow 120,000 square feet of commercial uses inclusive of a minimum 36,000 square feet of office on the Western Parcel; and permit a 121,000 square foot Lowe's store with garden center and storage/staging on the Eastern Parcel; and
4. Revise the concept plan layout as shown on Sheets 1-20 of the Concept Plan labeled Rezoning and Special Exception Plans for Lowes of Leesburg as prepared by Freeland and Kauffman Inc. last revised August 16, 2013; and
5. Revise the Land Use Calculations, Parking Tabulations, Development Tabulations, and General Notes; and
6. Create Design Guidelines for urban site design elements and architectural treatments to buildings; and
7. Revise proffers to reflect the changes in permissible uses and density, related design elements, public improvements, and proffer guidelines.

Special Exception Uses:

1. **TLSE 2010-0008:** Lumber and/or building material sales with outdoor storage in conformance with the Concept Plan and any conditions of approval; and
2. **TLSE 2012-0006:** Vehicle rental in conformance with the Concept Plan and any conditions of approval.

The bank and eating establishment with drive-thru special exception applications have been withdrawn.

The Application includes the following zoning modification:

1. Reduce the number of required loading spaces for the Lowe's parcel.

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

Recommendations:	TLZM 2010-0002	recommend approval
	TLSE 2010-0008	recommend approval
	TLSE 2012-0006	recommend approval

I. SUMMARY: Lowe's Home Centers Inc. is the owner of two parcels of land located in the southeast quadrant of the intersections of E Market Street (Route 7) and Battlefield Boulevard, and north of the Town's waste water treatment facility.

Lowe's Home Centers Inc. proposes to construct a Lowe's home improvement store, with vehicle rentals, and develop the remainder of the property as a retail center. In order to achieve their development proposal a Town Plan Amendment and Rezoning must be approved.

The Town Plan Amendments insert language into the Town Plan as an optional development for Regional Retail and removed a portion of Keystone drive.

The rezoning application amends the concept plan and proffers for ZM-129 and rezone the subject property of TLSE 2006-0012 to the B-3 District. The rezoning and concept plan amendment would create two development parcels: the Lowe's Parcel and the Residual Parcel.

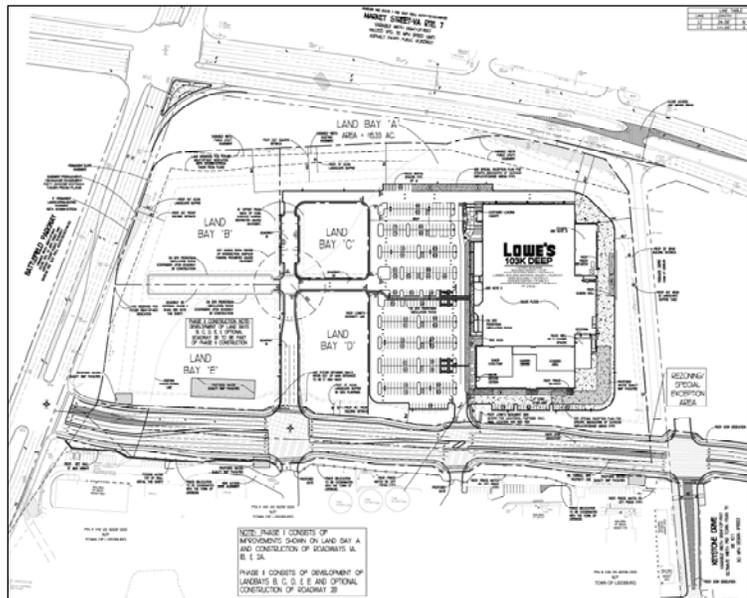


Figure 2, Concept Plan

Development on the Eastern Parcel would include a Lowe's store (lumber and/or building material sales with outdoor storage) with a special exception for the use of vehicle rentals.

The Residual Parcel would permit the construction of up to 120,000 square feet of commercial uses inclusive of a minimum 36,000 square feet of office.

II. Developments since the November 21st Meeting: The Town Plan Amendment language was found to be in an approvable state. Discussion of Staff's description of the rezoning application and design guidelines resulted in following items needing to be addressed:

- Frontage Requirements, Road 2a: Road 2a is the segment of interior street located between Land Bays C and D. Staff had suggested that a greater percentage of street frontage be occupied by building to reinforce the linkage between the "central feature" and the Lowe's store. Applicant's initial proposal was a frontage requirement of 30%.

The design guidelines have been revised to provide a frontage requirement of 40%.

Staff finds the increased frontage requirement acceptable given the Applicant's desire to retain some flexibility in the provision of vehicular access to the adjacent land bays and provide a continuation of buildings fronting the street beyond the central feature.

- Building Height: The Applicant originally proposed that 1/3 of building footprints would have a second story. Staff's initial concern was how this requirement would be measured throughout development of the property and the ability to meet this requirement in just one land bay. Planning Commission discussion suggested that this requirement balance urban design objectives and ensure the opportunity for appropriate densities. Reinforcement of the "central feature" was suggested as a means to balance these goals.

The design guidelines have been revised to address treatment of the "central feature". For land bays B and C, a functional second story is required within the "central feature." For Land bays C and D, building heights that maintain compatibility with building heights in land bays B/E shall be required to provide a minimum wall height of 24 feet.

**** Discussion for this meeting is a dimensional requirement for building height**

Staff finds that the revised building height requirement is an appropriate compromise. The building heights will reinforce the intended character of the

retail center as more than a suburban strip center while ensuring opportunities to integrate vertical development of the property.

- **Secondary Building Façades:** Staff presented a concern regarding the architectural treatment of secondary building facades. Secondary building facades would be any building façade not facing an interior street. The facades facing Route 7 and the interior parking lots would be secondary facades. The guidelines would require that 30% of the secondary façade be composed of windows. The Planning Commission generally agreed with this percentage, but stressed concerns regarding the overall appeal of the secondary building façade.

The design guidelines have been revised to address this comment by reinforcing the intended design with language that specifies the use of doors and canopies to articulate the secondary building façade, and has also been revised to provide illustrative examples.

The addition of the illustrative examples satisfies Staff's concerns. The inclusion of the examples provides appropriate guidance while maintaining flexibility in design.

- **Signage:** Planning Commission requested the inclusion of a prohibition of moveable electronic signage. The Applicant does intend to submit a comprehensive sign application with future the site plans.

The design guidelines have been revised to include a prohibition of moveable electronic signs.

III. Staff Analysis:

A. Town Plan Amendments:

1. **Keystone Drive:** Previous Town Plan Amendments removed Keystone Drive crossing over Route 7. If constructed, the portion of Keystone Drive from Russell Branch to Route 7 would serve as local access. Because access to adjacent properties can be adequately provided from Russell Branch, a Town Plan Amendment to remove Keystone north of Russell Branch has been requested.

Staff finds that removing this segment of Keystone Drive would not have a negative impact and supports the Applicant's request.

2. **Regional Office Land Use Amendment:** The proposed uses and densities do not conform to the existing planned use for the Property. As such, the Applicant has requested an amendment to the Town Plan Land Use element that inserts language in the description of Regional Office uses to allow Regional Retail uses.

The proposed Amendment is a significant deviation from the existing Town Plan goals and objectives and planned land use for the property. Staff has been concerned about the future implications for the East Market Street Corridor. That is, Staff has had concerns that allowing regional retail will open the potential for further regional retail in the corridor. However, Staff notes the following critical elements:

- **Uniqueness:** The amendment is qualified by the location of the subject properties. The impact of the adjacent wastewater treatment plant and the overhead electric transmission lines negatively impact opportunities to develop the property as envisioned with the current planned land use as regional office.
- **Limited Area:** This amendment only applies to the Lowe's property.
- **Design:** Design Guidelines specific for the Lowe's residual parcel have been prepared to further extend the urban design principles in the Town Plan and the H-2 Architectural Control Overlay.
- **Retention of Office Use:** While recognizing current economic conditions regarding regional office development, the amendment ensures a proportional amount of office to be constructed on the property and phased with the development of the property.
- **Intensity Overtime:** The amendment includes elements that provide for future intensification that would support a vertically integrated development suitable for additional office uses.

Pursuant to the approval criteria included in TLZO Sec. 3.16.5.D.2 based on the above mentioned critical rationale, Staff finds that enough justification has been provided to warrant the favorable consideration of the proposed Town Plan Amendment.

- B. Site Design:** Highlighting this Staff analysis is the difficulty of assessing the potential development schemes on the Western Parcel with the absence of a conceptual layout. The Applicant has prepared design guidelines which assist in preventing a development pattern resembling a strip center or single tenant buildings in each land bay, but there are no absolute guarantees. Although a detailed layout would eliminate the unknowns not accounted for in the design guidelines, sufficient effort and attention to detail has been included to implement the design goals included in the proposed Regional Office development option.
- C. Building Architecture: Lowe's Store:** Staff notes that the Applicant has made modifications to the building elevations for the Lowe's store to minimize a "corporate" architectural appearance. Lowe's has taken this approach with many if its stores. The general use of color, material and building form articulate the building facades and adequately screen the outdoor storage and assembly areas.

Due to the property's location within the H-2 Architectural Control Overlay District, the BAR was consulted as a referral agency during the review of the application. At its October 3, 2011 work session, the BAR's opinion was that the

building successfully incorporated the architectural requirements of the H-2 and presented attractive elevations that successfully diminished corporate architecture.

IV. Modifications: The Applicant is requesting a modification of TLZO Section 11.9 regarding the number of required loading spaces. Five loading spaces are required and the Applicant accommodates three loading bays with the design of the building. Due to the sufficiency of the space provided in the loading area depicted on the concept plan, the reduction is appropriate as requested.

V. Proffers: The existing proffers for ZM-129 will be replaced by this concept plan and proffer amendment. The proffers are attached to this report and Staff has no comments at this time.

VI. Approval Criteria:

Zoning Ordinance Section 3.3.15 establishes the following criteria for the Planning Commission and Town Council to use, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a zoning map amendment application. Listed below are the specific criteria.

a. "Consistency with the Town Plan, including but not limited to the Land Use Compatibility policies; and"

See discussion in Section III.A.2 of this report.

b. "Consistency with any binding agreements with Loudoun County, as amended, or any regional planning issues, as applicable; and"

County referral comments state that the proposed land use conflicts with the identified land use (Planned Employment Commercial) in the Annexation Area Development Policies (AADP). It is the Town's opinion that the AADPs are no longer applicable. Otherwise, there are no applicable binding agreements or inconsistent regional planning issues.

c. "Mitigation of traffic impacts, including adequate accommodation of anticipated motor vehicle traffic volumes and emergency access; and"

The applicant is making a significant improvement to the surrounding road network with the connection of Russell Branch Parkway to Route 7. Additional improvements include a right turn-lane onto eastbound Route 7 and traffic signalization at Russell Branch Parkway and the site's entrance onto Russell Branch. Safe and adequate access is provided to the site via connections from Russell Branch Parkway.

d. "Compatibility with surrounding neighborhood and uses; and"

The adjacent properties will not experience a negative impact. Necessary public improvements have been identified and are reflected on the Concept Plan and in the Proffers. The proposed development will meet required landscaping and storm water requirements to mitigate any potential adverse impacts. With the review of conceptual grading plans, there are no unusual means necessary to develop this property. The development of the property will not hinder or discourage the appropriate development and use of adjacent or nearby land or buildings.

e. "Provision of adequate public facilities."

No new public infrastructure is required to serve the site. Water, sewer, and stormwater management facilities will be addressed during site plan review and will be adequate to serve the site.

VII. Special Exception Conditions of Approval

A. TLSE 2010-0008, Lumber and/or Building Material Sales with Outdoor Storage: Staff recommends approval with the following condition:

1. Substantial conformance with the Rezoning/Special Exception Plans last revised August 16, 2013 as prepared by Freeland & Kauffman, Inc.

B. TLSE 2012-0006, Vehicle Rental: Staff recommends approval with the following conditions:

1. Substantial conformance with the Rezoning/Special Exception Plans last revised August 16, 2013 as prepared by Freeland & Kauffman, Inc.
2. Limitation of 4 flat-bed rental trucks. These rental vehicles shall be parking in the respective assigned spaces on the property and as depicted on Sheet 6, Labeled special exception plat.

VIII. Sample Planning Commission Draft Motions

A. Town Plan Amendments

Approval

I move that Town Plan Amendments TLTA 2010-0002 and TLTA 2010-0003 Bay C, be forwarded to the Town Council with a recommendation of approval on the basis that the Approval Criteria of Zoning Ordinance Section 3.16.5.D.2 have been sufficiently satisfied and that the proposal would serve the public necessity, convenience, and general welfare.

Approval, with amendments

I move that Town Plan Amendments TLTA 2010-0002 and TLTA 2010-0003 Bay C, subject to the revisions discussed by the Planning Commission on December 19, 2013, be forwarded to the Town Council with a recommendation of

approval on the basis that the Approval Criteria of Zoning Ordinance Section 3.16.5.D.2 have been sufficiently satisfied and that the proposal would serve the public necessity, convenience, and general welfare.

B. Rezoning Application

Approval

I move that Rezoning Application TLZM 2010-0002 Lowe's Home Improvement Center, be forwarded to the Town Council with a recommendation of approval on the basis that the Approval Criteria of Zoning Ordinance Section 3.3.15 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice.

Approval

I move that Rezoning Application TLZM 2010-0002 Lowe's Home Improvement Center, subject to the revisions discussed by the Planning Commission on December 19, 2013, be forwarded to the Town Council with a recommendation of approval on the basis that the Approval Criteria of Zoning Ordinance Section 3.3.15 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice.

C. Special Exceptions

Approval

I move that Special Exception Applications TLSE 2010-0008 and TLSE 2012-0006 Lowe's Home Improvement Center, be forwarded to the Town Council with a recommendation of approval on the basis that the Approval Criteria of Zoning Ordinance Section 3.4.12 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice.

Approval

I move that Special Exception Applications TLSE 2010-0008 and TLSE 2012-0006, subject to the revisions discussed by the Planning Commission on December 19, 2013, be forwarded to the Town Council with a recommendation of approval on the basis that the Approval Criteria of Zoning Ordinance Section 3.4.12 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice.

IX. Attachments

- a. Design Guidelines received December 13, 2013.
- b. Owner's Proffer Statement dated April 15, 2011 and last revised December 12, 2013.

**Rezoning and Special Exception Applications
Statement of Justification
Lowe's Home Centers, Inc.
Revised April 19, 2013**



Lowe's Home Centers, Inc. (the "Applicant") is the owner of two parcels of land in the Town of Leesburg located on the south side of Route 7, east of the intersection with Battlefield Parkway. The parcels are identified as PIN 149-46-0836 and PIN 149-45-7383, containing a total of 27.64 acres (collectively, the "Property"). The Property is bordered by the Town Sewage Treatment Plant on the south, undeveloped land to the east and west and Route 7 to the north. Potomac Station is located on the other side of Route 7. The Property is currently unimproved.

These applications seek to rezone the Property to a newly proffered B-3 zoning district to allow development of Lowe's store as well as a variety of other commercial uses, including a minimum required amount of office space, as well the possibility of a hotel and additional retail offerings. The Applicant is also requesting five special exceptions for the Property, as well as a Town Plan Amendment to change the land use designation in the Leesburg Town Plan.

Property Background

PIN 149-46-0836 ("Parcel A") contains 20.67 acres and is zoned B-3 pursuant to ZM-129 approved by the Town Council on October 9, 1991. The property is also located in the H-2 Overlay District. The Town Plan Map was amended at that time to reflect Corridor Commercial as the planned use for the property. The proffers associated with the rezoning approval limit the use on the property solely to vehicle sales and/or rental facilities and further indicate that a proffer condition amendment would be necessary to allow any other use on the property. A concurrent special exception application was also approved, SE 90-08, to permit a vehicle sales and rental facility. On January 8, 2008, the special exception was amended (TLSE 2007-0008) to change the layout of the proposed autopark and a second special exception was approved (TLSE 2006-0011) for a parking structure on the property.

PIN 149-45-7383 ("Parcel B") contains 6.93 acres and is zoned I-1 and H-2. This property was not included in the 1991 rezoning/special exception for the autopark use. On January 8, 2008, the Town Council approved TLSE-2006-0012 for a private parking structure on the property.

Rezoning Application Overview

The Applicant requests that the Property be rezoned to the B-3 District to allow development as shown on the Concept Development Plan ("CDP").

Nature of Request and Uses Proposed

The Applicant's proposes to construct a Lowe's store on Land Bay A (approximately 15.4 acres) as shown on the CDP, and future commercial uses, to include office uses, on Land Bays B through E (approximately 10.1 acres) in later phases (the "Proposed Development"). This combined rezoning application for the entire Property will facilitate the creation of a cohesive development across all land bays at the significant intersection of Route 7 and Battlefield Parkway.

The proposed 152,236 square foot Lowe's Store will be located in Land Bay A in the easternmost portion of the Property. The proposed floor area ratio (FAR) for Land Bay A is 0.23. Land Bays B through E may develop according to the B-3 zoning district regulations in any order following the construction of the Lowe's store in phase 1. The Applicant has proffered to a minimum amount of office space within these land bays to ensure that these uses exist in the important Route 7 corridor.

The future Russell Branch Parkway will provide two entrances to the Property, one at the Lowe's store and the other between Land Bays D and E. The Applicant has committed to significant transportation improvements, as detailed in the proffer statement. These improvements include:

- Dedication of right-of-way and construction of Russell Branch Parkway along the site's frontage.
- Additional construction of Russell Branch Parkway southeast of the Property to connect to the existing Russell Branch Parkway adjacent to the Village at Leesburg. Note that the Applicant will secure the off-site right-of-way to facilitate this construction.
- Installation of two traffic signals: one at the site entrance on Russell Branch Parkway and one at the intersection of Russell Branch Parkway and Battlefield Parkway.
- Construction of new driveway entrance to the Public Works facility.
- Ultimate closure of the intersection of Keystone Drive and Market Street and extension of the median in Market Street across from that intersection.

The traffic impact analysis discussed below supports the development of Land Bay A as well as a trip generation "worse case scenario" for Land Bays B through E. This level of transportation improvement exceeds that which would be necessary to mitigate the traffic impacts of just Land Bay A development.

Traffic Impact Analysis

A traffic impact analysis was conducted for possible uses in all the land bays and has been submitted as a separate document. In summary, the Proposed Development results in an increase in trip generation in the peak hours over that which was anticipated with the approved development on the property. It is noted, however, that

with the road improvements proposed, acceptable levels of service for the roadways and intersections studied can be achieved. Please see the Traffic Impact Analysis submitted with this application for details.

Impacts on adjacent uses and measures for mitigation

In terms of visual impact, it is the intent of the Applicant that the Proposed Development be of a high architectural quality that respects and complements Leesburg's historic building patterns, especially along the crucial Route 7 corridor and gateway into the Town. To that end, the Applicant has developed a set of Design Guidelines for the future development of Land Bays B through E. The Applicant has demonstrated a commitment to site design, streetscape, architectural features, and several other elements that will make an attractive and successful project.

The Property is bordered by the Town Sewage Treatment facility on the southwest side and also the new Dominion Power poles and transmission lines on the northeast side along Route 7. The presence of these two elements hinders the desirability of this property for buildings or uses with much of a vertical element. Screening is provided along the property lines with the intent of screening the proposed uses on the subject property from those elements.

Relationship to Town Plan

The concurrently filed Town Plan Amendment requests the inclusion of an additional development option for the Property. If the Town Plan amendment is approved, this application will be in harmony with the Plan's objectives for this property. The completion of Russell Branch Parkway, a commitment of the Applicant in this application, satisfies a critical element of the Town Plan Roadway Network.

Approval Criteria for Rezoning

A. Consistency with Town plan

As stated above, with the adoption of the proposed Town Plan Amendment allowing mixed use, retail, or office use on the property, this rezoning application will be consistent with the recommendations in the Town Plan.

B. Consistency with binding agreements

There are proffers which govern Parcel A which will be superseded by the proffers offered with this rezoning application.

C. Mitigation of traffic impacts

As presented in the Traffic Analysis, with the proposed road improvements and those included in the Transportation Element of the Town Plan, all roads and intersections within the scoped study area will operate at an

acceptable level of service. In fact, the Applicant is making a significant commitment with the off-site improvement of the completion of Russell Branch Parkway through to the Village of Leesburg. This is a critical link in the transportation network in the area.

D. Compatibility with surrounding neighborhood and uses

The Lowe's Store and the additional possible uses on Land Bays B through E subject to the design guidelines will be compatible with the surrounding uses. Design criteria have been developed to provide site and building design guidance for the development of Land Bays B through E.

E. Provision of adequate public facilities

Public utilities are available for the development and the road improvements proposed will provide the necessary transportation infrastructure to mitigate any traffic impacts.

Special Exception Application Overview

This application includes requests for five special exception uses:

- TLSE 2010-0006, Bank with drive-in facility
- TLSE 2010-0007, Eating establishment with drive-in facility
- TLSE 2010-0008, Lumber and/or building material sales with outdoor storage
- TLSE 2012-0006, Vehicle sales and/or rental facility
- TLSE 2012-0007, Retail centers over 100,000 square feet

1. Type of Operation(s)

Bank with drive-in facility. Approval is requested for a drive-in bank in Land Bays B through E.

Eating establishment with drive-in facility. Approval is requested for a fast food restaurant in Land Bays B through E with a drive-through window.

Lumber and/or building material sales with outdoor storage. The addition of outdoor storage/display makes this use a special exception use in the B-3 District.

Vehicle sales and/or rental facility. Lowe's typically has vehicles available for hourly or daily rental by its customers. This application includes 4 spaces for rental vehicles, as shown on the CDP.

Retail centers over 100,000 square feet. This is required for the operation of the Lowe's store.

While a drug store/pharmacy is not specifically listed separately from the general retail category in the B-3 use list, the Applicant is requesting approval of a special exception to allow a drive-through pharmacy in Land Bays B through E.

2. Hours of Operation – not to exceed

Lowe's Store – generally 6:00 am to 10:00 pm. There are Lowe's Stores which operate 24 hours and the Applicant would like to reserve the right to respond to market demand with flexibility in the operating hours.

Other retail/office uses: To Be Determined.

3. Traffic Impact Analysis

The traffic impact analysis which was conducted for this application analyzed development in all land bays. Hence, since the traffic mitigation measures/road improvements proposed are at a sufficient level to mitigate all of the development, the measures proposed more than mitigate the impact of the special exception uses alone.

4. Impacts on adjacent uses and measure proposed to mitigate such impacts

Please refer to the previous section for the Applicant's commitment to a high level of design. The Design Guidelines submitted with this application include requirements for screening, specifically for drive-through uses. The Proposed Development and Special Exception uses will not adversely affect the surrounding properties, including Town facilities to the south.

The proposed Lowes store in Land Bay A will be one story in height, no more than 35 feet to the top of the parapet wall; certain architectural elements will extend beyond the 35 feet. Given the considerable drop in topography from the Route 7 roadway, approximately half of this building will be visible from Route 7. The preservation of existing vegetation plus the supplementation of landscaping along this frontage will enhance and screen the visual appearance of the building.

Any future special exception uses in Land Bays B through E will meet the B-3 regulations with regard to height.

3.4.12 Approval Criteria for Special Exception

- A. As stated above, the proposed uses will not adversely affect the use of neighboring properties.
- B. The proposed special exception uses will comply with the applicable Zoning Ordinance regulations and the applicable provisions of the Town Plan.

- C. Adequate buffering and screening has been provided to ensure that the proposed buildings do not hinder or discourage the appropriate development and use of adjacent properties.
- D. As presented in the traffic analysis, road improvements are proposed which will mitigate the traffic anticipated from these special exception uses.

9.3.12 Use Standards, Lumber and/or building materials sales facility

These regulations require that outdoor storage/display be adequately screened from adjacent land uses and public rights-of-way. A buffer and screening yard is provided along Russell Branch Parkway between the proposed use and the sewage treatment plant. Additionally, because of the grade difference and the screening proposed along Route 7 and Battlefield Parkway, there will be no adverse visual impact from the outdoor storage areas proposed.

Town Plan Amendment Application Overview

Current Plan Designation

The Property is currently planned for Regional Office, a designation assigned to it during the 2005 Town Plan revisions. At the time, the Town hoped it, along with its neighboring parcels along Route 7, would develop into corporate headquarters and large-scale office parks, similar to the Verizon campus in Ashburn or the AOL headquarters off of Route 28 and Waxpool Road.

The Regional Office designation calls for development between 0.35 and 1.0 FAR of primarily office, hotel, conference centers and higher educational facilities. Retail and service uses may occupy up to 20 percent of the total development, provided they serve the primary tenants. A site may be developed with up to 50 percent of non-office uses, provided that residential does not exceed 25 percent and retail uses do not exceed 35 percent of the overall site.

Changing Economy Necessitates a Change in Designation

Eight years following the designation of the Property for Regional Office, the land remains undeveloped. Further, no such Regional Office development has been built or proposed in Leesburg, as office workers are more and more desirous of mixed-use communities that integrate a variety of retail, civic, restaurant and residential uses. In reality, the previously envisioned Regional Office developments are not coming to fruition, something Leesburg planning staff, the Planning Commission and Town Council have recognized with the recent adoption of the Town Plan Amendment to develop Small Area Plans for the Route 7 corridor that would eventually replace the Regional Office designation.

The Village at Leesburg, immediately to the east of the Property, is successfully developing as a mixed-use center, with the retail and residential spaces leasing up. A

ATTACHMENT 2

first-class movie theater and high-quality fitness center anchor one end of the development, with the ever-popular Wegman's grocery store anchoring the other side. The Property is a logical extension of that successful development.

Proposed Plan Text Revisions

The Property is located in the Southeast Sector and has 11 planning objectives assigned to it. As part of this Plan Amendment, the Applicant requests to amend the eighth objective to read:

Objective 8: The area south of Route 7 outside of the bypass, north of Tuscarora Creek, and west of the Village at Leesburg should be developed as Regional Office. ***As a further option, properties or assemblages of properties that are part of a consolidated development plan that (1) are located between Crosstrail Boulevard and Battlefield Parkway and (2) have frontage along both Route 7 and Battlefield Parkway or both Route 7 and Crosstrail Boulevard, may develop as Regional Retail.*** Alternatively, existing industrial, auto dealerships, auto service, and light industrial uses may be appropriate provided that ...

The proposed additional text is inserted in bold italics.

Consistency with Town Plan Goals and Objectives

The proposed revision affords the Property additional development opportunities, while maintaining the original Regional Office designation and limiting any regional retail uses to areas with strong transportation connections on the outskirts of Town. Further, this proposed revision allows the Town to meet its transportation goal of extending Russell Branch Parkway from its existing terminus at the Village at Leesburg's western edge to Battlefield Parkway, all at no cost to the Town, and close an existing entrance off of Route 7 that serves the Town's Water and Sewage Treatment Facility, furthering the Town's goal of making Route 7 a limited access roadway.

The proposed amendment and related rezoning further fulfill the ever increasing need for additional retail offerings in the Town, as identified in the 2011 Leesburg Retail Analysis (the "Retail Study"). The Property, located outside the Bypass on the south side of Route 7 is within the 20-minute drive time from downtown. The Retail Study, commissioned by the Town of Leesburg and presented at a May 2, 2012, EDA meeting, identified that there is an additional \$6.8 million of demand for lumber and building materials, another \$11 million of demand for hardware, tools, plumbing and electrical products and a further \$15 million of demand for lawn, garden and farm equipment and supplies than is supplied within a 20-minute drive from downtown. Appliances, paints, blinds, flooring and other products Lowe's sells also experience a demand greater than supply within a similar drive time.

The introduction of the Lowe's store and related additional retail offerings on the residual parcel, help fulfill this demand and will increase the Town's coffers by both

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keeping its own residents' retail dollars within the Town and attracting those dollars from unincorporated parts of Loudoun County and beyond.

The addition of retail along this section of Route 7 will positively impact the Town's General Fund and will not require an outlay of capital facilities. The Applicant is not proposing any residential uses on the Property and is encouraging complementary retail, hotel and office development on the portion of the Property closest to Battlefield Parkway.

The Applicant is proffering to construct not only the portion of Russell Branch Parkway along its frontage, but also the missing off-site link across the EV Hunter parcel to the east. Collectively, those two portions of Russell Branch will complete this important roadway from Battlefield Parkway to Crosstrail Boulevard and provide both parallel road relief to Route 7 and additional access to the Village at Leesburg development.

Importantly, the Applicant has proffered a minimum of 12,000 square feet of office development in Land Bays B through E. These land bays have critical frontage along Route 7 and are situated at the corner of Route 7 and Battlefield Parkway, a highly desirable location for office. Further, office is one of the uses identified in the Regional Retail designation and is a permitted use in the B-3 district, so there would be nothing to prevent increased future office uses if the market improves.

Summary

The Applicant is proposing a Lowe's Home Improvement store and associated commercial development on 25 acres it owns on the south side of Route 7, all as part of TLZM-2010-0002. Concurrently, the Applicant is requesting to revise one of the objectives of the Southeast Planning Area to offer an alternative for properties with both Route 7 and either Battlefield Parkway or Crosstrail Boulevard frontage to develop according to the Regional Retail land use categories.

These concurrent applications will afford the Property a greater development potential, preclude the existing by-right auto park designation from occurring and establish another high-quality development along Route 7 to continue the architecturally superior and well landscaped development pattern established with the adjacent Village at Leesburg development.

PROFFER STATEMENT
REZONING # TLZM-2010-0002
LOWE'S HOME CENTERS, INC.April 15, 2011
Revised April 19, 2013
Revised August 16, 2013
Revised December 12, 2013**DRAFT**

Lowe's Home Centers, Inc., owner and applicant, (hereinafter, the "Applicant") of certain property described as Loudoun County Tax Map Parcel 49-25-5 (PIN# 149-45-7383) and Loudoun County Tax Map Parcel 49-5-A (PIN# 149-46-0836) (collectively the "Subject Property"), hereby voluntarily proffers, pursuant to Section 15.2-2297 of the Code of Virginia (1950), as amended, and Section 3.3.16 of the Zoning Ordinance of the Town of Leesburg, (hereinafter, the "Zoning Ordinance"), that in the event the Subject Property is rezoned by the Leesburg Town Council to the B-3 Zoning District and as shown on the CDP (defined below), the development of the Subject Property will be in substantial conformance with the following proffered terms and conditions. Said proffered terms and conditions supersede the proffers of ZMAP-269 and ZM-129. The Applicant, for themselves, their successors and assigns, agrees that these proffers shall be binding on the future development of the Subject Property unless modified, waived or rescinded in the future by the Town Council of Leesburg, Virginia, in accordance with applicable Town and State statutory procedures. In the event that this Application (defined below) is denied, these Proffers shall be immediately null and void and of no further force and effect, and the proffers accepted by the Town Council with ZMAP-269 and ZM-129 will remain in effect.

I. SITE LAYOUT, USES AND PHASING

- A. Concept Development Plan. The development of the Subject Property shall be in substantial conformance with the Concept Development Plan (included by reference as Exhibit A) hereby defined and identified as the "Rezoning/Special Exception Plan Documents TLZM-2010-0002, TLSE-2010-0008, and TLSE-2012-0006 for Lowe's", dated August 16, 2013, prepared by Freeland and Kauffman, Inc. and containing 20 sheets (the "CDP"). Development of the Subject Property shall be in substantial conformance with the CDP, which shall control the use, layout, and configuration of the Subject Property, with reasonable allowances to be made for engineering and design alterations to meet Town Subdivision and Land Development Regulations, Town Zoning Ordinance Regulations, and the Town Design and Construction Standards Manual ("DCSM") requirements (collectively, the "Town Development Regulations").
- B. Uses. The Subject Property may be developed with any uses permitted by right or by special exception in the B-3 zoning district per the Zoning Ordinance, except:
1. Inn

2. Funeral Home
 3. Conference Center
 4. Freestanding Convenience Food Store
 5. Vehicle and/or Equipment Service Facility
 6. Vehicle Sales
 7. Mini-Warehouse Facility
- C. Layout. The Subject Property is divided into two parcels. Land Bay A (the “Eastern Parcel”) contains the Lowe’s building (the “Store”), as shown on Sheet 5. The remaining property is made up of four land bays: Land Bays B, C, D and E (the “Western Parcel”).
- D. Phasing.
1. Phase I. The Eastern Parcel will be developed in the first phase.
 2. Phase II. The land bays comprising the Western Parcel may be developed in any order after Phase I with a total of 120,000 square feet of non-residential development, of which at least 36,000 square feet shall be office.
 - a. Phase II (A): Prior to the approval of zoning permits for more than 42,000 square feet of retail or non-office uses in the Western Parcel, the Applicant shall have received zoning permits for 12,000 square feet of office.
 - b. Phase II (B): Prior to the approval of zoning permits for more than a cumulative 63,000 square feet of retail or non-office uses in the Western Parcel, the Applicant shall have constructed at least 12,000 square feet of office uses and received zoning permits for at least 24,000 square feet of office, which number shall include that which is already built.
 - c. Phase II (C): Prior to the approval of zoning permits for the remaining retail or non-office uses in the Western Parcel, the Applicant shall have constructed at least 24,000 square feet of office uses and received zoning permits for at least 36,000 square feet of office uses, which number shall include that which is already built.

II. TRANSPORTATION IMPROVEMENTS**A. Russell Branch Parkway**

1. On Site Dedication. The Applicant shall dedicate, at no cost to the Town of Leesburg (the “Town”), right of way along the Subject Property (“On-Site Right of Way”) for a four-lane median divided section of Russell Branch Parkway in the general location as shown on Sheet 5 of the CDP and shaded as “Lowe’s Property R.O.W. Dedication.”
2. Off Site Dedication. The Applicant shall coordinate dedication, at no cost to the Town, right of way along Parcel 149-36-6547 (“Hunter Trust Right of Way”) to accommodate a four-lane median divided section of Russell Branch Parkway in the general location depicted on Sheet 5 of the CDP and shaded as “Hunter Lee Center Property R.O.W. Dedication.”
3. Construction. Subject to VDOT and Town approval and the Town’s dedication of land shown on Sheet 5 and labeled as “Town Property R.O.W. Dedication,” the Applicant shall construct a four-lane, median divided section of Russell Branch Parkway from the existing terminus of Russell Branch Parkway east of Parcel 149-36-6547 to its planned intersection with Battlefield Parkway, as shown on Sheet 5 (“Russell Branch Parkway Extended”). The Applicant shall bond construction of Russell Branch Parkway Extended prior to the issuance of the first zoning permit for the Store and complete construction of Russell Branch Parkway Extended (meaning the roadway is open to traffic but not necessarily accepted for maintenance by the Town) prior to issuance of the first occupancy permit for the Store.

B. Traffic Signals

1. Russell Branch Parkway and Battlefield Parkway. The Applicant shall design and bond the signal prior to the issuance of the first zoning permit on the Subject Property and shall construct and install the signal prior to the issuance of the first occupancy permit for the Store.

2. Russell Branch Parkway and Road 1. The Applicant shall design and bond the signal prior to the issuance of the first zoning permit on the Subject Property and shall construct and install the signal prior to the issuance of the first occupancy permit for the Store.
- C. Internal Private Roads. The Applicant shall establish a grid network of streets through the Western Parcel by constructing Roads 1A, 1B, and 2A prior to issuance of the first occupancy permit for the Store.
1. Road 1. The Applicant shall construct the full section of Road 1 (inclusive of Road 1A and Road 1B), as further described in Proffer III.A.1 below. Vehicular connections to individual land bays is prohibited along Road 1.
 2. Road 2. The Applicant shall construct Roads 2A and 2B, as shown on Sheet 7 of the CDP, and further described in Proffer III.A.2 and III.A.3 below.
 3. Northern Drive Aisle. The Applicant shall complete construction of the northern drive aisle, parallel to Route 7 as shown on Sheet 5 of the CDP, prior to the issuance of the first occupancy permit for the Store.
 4. Access Points. The Applicant shall limit access to the Subject Property to the two access points from Russell Branch Parkway, all as shown on the CDP. The Applicant shall complete construction of both access points prior to the issuance of the first occupancy permit for the Store.
 5. Meaning of Construct. For purposes of Proffer II.C, the term “complete construction of” shall mean the road is open to traffic.
- D. Off-Site Transportation Contribution. Due to the significant off-site transportation improvements the Applicant is making, a value that exceeds the off-site transportation contribution otherwise required, the Applicant has satisfied its Off-Site Transportation contribution.
- E. Town of Leesburg’s Public Works Facility
1. Off Site Dedication. The Applicant shall coordinate dedication, at no cost to the Town, right of way along Parcel 149-36-6547 (“Hunter Trust Right of Way”) to

accommodate a section of Keystone Drive with an ultimate width of 90 feet for the first 100 feet south of Russell Branch Parkway then tapering along the curb line in the general location depicted on Sheet 5 of the CDP and shaded as “Hunter Lee Center Property R.O.W. Dedication.”

2. Keystone Drive Public Works Entrance. Prior to the issuance of the first occupancy permit for the Store, the Applicant shall construct an entrance to the Town of Leesburg’s Public Works Facility (“Public Works Facility”) on Parcel 149-35-8258, from Keystone Drive as shown on Sheet 5 of the CDP.
 3. Route 7/Keystone Intersection. Concurrent with the completion of Proffer II.E.1 above, the Applicant shall close the existing entrance to Keystone Drive off of Route 7 (the “Existing Entrance”) and construct curb and gutter for the Existing Entrance. Further, the Applicant shall extend the existing Route 7 median to close that former intersection at the same time, all as shown on the Sheet 5 of the CDP.
 4. Russell Branch Parkway Public Works Entrances. Concurrently with the construction of Russell Branch Parkway, as described in Proffer II.A above, the Applicant shall reconstruct the two entrances to the Public Works Facility along Russell Branch Parkway, as shown on Sheet 8 of the CDP, which shall include replacement of fencing, lighting or landscaping removed as part of the Russell Branch Parkway construction.
 5. Access Management. Access to the Town’s Public Works and Wastewater Treatment facilities will be maintained at all times during construction of Russell Branch Parkway. Applicant with work with the Town during site plan review to ensure access is not interrupted.
- F. Interchange Reservation. Prior to the issuance of the first occupancy permit on the Subject Property, the Applicant shall amend the existing Deed of Reservation (Inst #20081211-0072064) relative to the reservation of land for future right-of-way (1.2919 acres) along Route 7 and Battlefield Parkway as shown on the CDP to extend the current expiration date of May 9, 2027 to January 1, 2034.

III. ARCHITECTURE & DESIGN

- A. Streetscape.
1. Road 1. Prior to issuance of the first occupancy permit for the Store, the Applicant shall construct Road 1 including curb, gutter, street trees and lighting, as described below in Proffer IV.C, all as shown on Sheet 15 of the CDP. Sidewalks, shown on Sheet 7 of the CDP, shall be installed prior to the issuance of the first occupancy permit in the adjacent land bay.
 2. Road 2A. Prior to issuance of the first occupancy permit for the Store, the Applicant shall construct Road 2A including curb, gutter, street trees and lighting, as described below in Proffer IV.C, all as shown on Sheet 15 of the CDP. Sidewalks, shown on Sheet 7 of the CDP, shall be installed prior to the issuance of the first occupancy permit in the adjacent land bay.
 3. Road 2B. Prior to issuance of the first occupancy permit in Land Bay B or E, the Applicant shall construct Road 2B including curb, gutter, street trees and sidewalks, all as shown on Sheet 7 of the CDP. Street lights shall be installed according to Proffer IV.C below.
- B. Urban Design and Architectural Guidelines. Development on Land Bays B through E shall be in substantial conformance with the “Lowe’s Home Center Inc.: Design Guidelines for Phase II: Land Bays B through E” urban design and architectural guidelines, dated August 16, 2013 and revised through December 12, 2013, (the “Guidelines”). It is noted that the images contained within the Guidelines are illustrative and the development of the Subject Property may not be in conformance with the exact location of buildings, parking and other development elements shown on the examples.
- C. Eastern Parcel. In the future, should the Lowe’s Store cease to operate at the Subject Property and redevelopment occur on the Eastern Parcel, the Guidelines, referenced in Proffer III.B above shall be amended to include and pertain to the Eastern Parcel prior to or concurrent with any future legislative action necessary for development on the Eastern Parcel.
- D. Building Heights. Development on the Subject Property shall comply with Section 10.4.6 of the Zoning Ordinance. Notwithstanding the above, at least one-third of the building footprints within the Western Parcel shall be multistory.

- E. Development Minimums and Maximums. Every land bay within the Western Parcel shall contain a minimum of one building. No individual retail tenant in the Western Parcel shall be larger than 60,000 square feet, with a maximum footprint of 30,000 square feet.

IV. ENVIRONMENT

- A. Stormwater Management. The Applicant shall install stormwater management facilities meeting the Town of Leesburg and Commonwealth of Virginia's standards.
- B. Recycling. The Applicant shall recycle items such as cardboard boxes, wood pallets, batteries and appliances. Recycling areas will be located inside the Store, stored in trailers located and screened according to the CDP, or collocated with trash enclosures, where the enclosures are appropriately sized to handle the variety of material collected. Details on the enclosures for the Western Parcel are provided in the Design Guidelines.
- C. Freestanding Lighting. The Applicant shall install the lighting as shown on Sheet 14 in the locations shown on Sheet 13 of the CDP prior to issuance of the first occupancy permit for the Store. All freestanding parking lot lighting on the Subject Property shall have a maximum height of twenty-five feet (25') and shall have fixtures which direct light downward and inward. All streetscape light poles shall be a maximum of fifteen feet (15') in height and shall have fixtures which direct light downward and inward. All lighting as described in this proffer, except for those lights located at the Russell Branch Parkway entrance closest to the Store, will meet the lighting requirements of Section 12.11 of the Zoning Ordinance. The lights at the Russell Branch Parkway entrance closest to the Store may reach levels of 0.7fc to ensure the entrance is safely lit. Parking lot lights for the Western Parcel shall be provided concurrently with the creation of the parking lots they are meant to light. Street lights along both sides of Road 2B shall be provided concurrently with development in the adjacent land bay.
- D. Other Lighting. The Applicant shall utilize automatic controls which reduce lighting levels to only that which is necessary for security purposes after operating hours. Operating hours, for the purposes of this Proffer, are one hour before opening and two hours after closing of the Store.

- E. Interior Parking Lot Landscaping. The Applicant shall provide interior parking lot landscaping for the Eastern Parcel as shown on Sheet 15 of the CDP prior to the issuance of the first occupancy permit for the Store. Interior landscaping for the Western Parcel shall be provided concurrently with the creation of the parking lots in which they will be planted.
- F. Peripheral Landscaping. Landscaping around the perimeter of the Subject Property and along the south side of Russell Branch Parkway, all as shown on Sheets 15 and 16 of the CDP, shall be provided prior to the issuance of the first occupancy permit for the Store.
- G. Building Design. The following energy saving elements shall be incorporated into the design of the Lowe's Store: white roof membrane, concrete paving adjacent to the Garden Center and at the rear of the Store to reduce heat effect, low water usage urinals and water closets to reduce water usage, automatic cut off lavatories to reduce water usage, cistern to capture rain water from the garden center shade structure roofing, smart irrigation system, LED perimeter lighting, fluorescent interior lighting, building commissioning of the energy systems to ensure they are operating at optimum levels, integrated lighting and HVAC systems to promote efficient energy usage, and occupant sensors in offices with automatic cut offs.

V. MISCELLANEOUS

- A. Fire and Rescue Contribution. Prior to the issuance of each zoning permit in each Land Bay, the Applicant shall make a contribution of ten cents (\$0.10) per gross square foot of building area of that zoning permit in that Land Bay payable to the Town of Leesburg for distribution to the fire and rescue companies providing service to the Subject Property. The contribution(s) shall be divided equally between the primary servicing fire and rescue companies. Such contribution shall escalate on an annual basis with a base year of 2014, in accord with the CPI.
- B. Bike Racks. A minimum of two (2) bike racks shall be provided throughout the Western Parcel and a minimum of one (1) bike rack shall be provided in the Eastern Parcel. The design of the bike racks shall be in accordance with the Design Guidelines and shall be provided at locations to be determined by the Applicant at the time of the first site plan approved in each Land Bay.

SUCCESSORS AND ASSIGNS AND SIGNATORY AUTHORITY

The undersigned parties hereby warrant that all of the owners of a legal interest in the Property have signed this Proffer Statement, that they possess full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

[Signatures to follow on next page]

ATTACHMENT 3

TLZM 2010-0002
PROFFERS
Page 10 of 10

Lowe's Home Centers, Inc.
Owner of GPIN 149-45-7383 and GPIN 149-46-0836

By: _____
Name: _____
Title: _____

STATE OF _____

COUNTY OF _____, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that _____, as _____ of Lowe's Home Centers, Inc., whose name is signed to the foregoing, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this _____ day of _____, 2014.

My Commission Expires:

Notary Public

I. INTRODUCTION AND PURPOSE

These Design Guidelines (the “Guidelines”) provide site design and architectural parameters to guide and influence the development of approximately 12.07 acres of land (the “Property”) located in the southeast quadrant of the intersection of Route 7 and Battlefield Parkway in the Town of Leesburg. The Property consists of portions of GPIN 149-45-7383 and GPIN 149-46-0836.

The Property, together with an additional 13.42 acres, (collectively the “Total Development”) is the subject of a zoning application, TLZM-2010-0002, to rezone the Total Development from the I-1 and proffered B-3 Districts to the B-3 Zoning District. In Phase I, Lowe’s Homes Centers, Inc. (the “Applicant”) is proposing to develop a Lowe’s store in Land Bay A, the 13.42-acre portion of the site (the “Eastern Parcel”). The remaining 12.07 acres, comprised of Land Bays B through E, are to be developed in Phase II (the “Western Parcel”). A detailed site layout and specific building architecture were included with the rezoning application for the development of Phase I (“Lowe’s Store”), so the design details and criteria contained herein do not apply to the Eastern Parcel. Rather, these Design Guidelines provide the design framework for future development of the Western Parcel with specific site design criteria so the 25.5-acre Total Development will develop in a coordinated manner. These Guidelines shall apply to the Eastern Parcel upon future redevelopment of the Lowe’s Store.

These Guidelines establish urban design and architectural parameters to achieve a coordinated approach and create a sense of place at the Property. The images contained herein are illustrative in nature and provide conceptual representations of how the Property may develop.

II. REVIEW PROCESS

A. Application Submission and Review

These Guidelines were ~~approved~~ adopted by the Town Council on _____. In accordance with the TLZM 2010-0002 Proffers (as amended), applications for Certificates of Appropriateness (“COA”) for development on the Property shall be submitted for administrative review by staff in the Department of Planning and Zoning (“DPZ”). Staff shall review applications for compliance with these Guidelines in lieu of the design guidelines in the H-2 Architectural Control Overlay District.

The Applicant shall submit materials, as detailed below, to DPZ for administrative review. Staff shall review the material within ten (10) business days of receipt to determine if all the required materials and information have been submitted and, if so, formally accept the application. Upon acceptance of the application, staff shall have thirty (30) calendar days to complete its review. Staff shall distribute comments regarding deficiencies on or before the thirty (30) day review period has expired. Upon a determination that the application has met the requirements of the Guidelines, staff shall issue a COA.

B. Materials Required for Administrative Review

For new construction, the Applicant must submit the following:

- A Land Development Application.

- Two (2) scaled drawings on minimum 24"x36" sheets and two (2) 11x17 reduced copies of scaled site plan drawings depicting the location and footprint of the proposed structure(s).
- Two (2) scaled drawings on minimum 24"x36" sheets and two (2) 11x17 reduced copies of scaled elevations depicting all façades of the proposed structure(s). Elevations must indicate the building's dimensions as well as the dimensions of all known windows and doors, building materials and other information deemed necessary by staff.
- Color samples for paint or any pre-finished materials such as fiber cement.
- Material samples for the walls and roof.
- Any additional information deemed necessary by DPZ.

C. Amendments to Approved Projects

The Applicant may need to make changes to approved projects. All changes shall be reviewed by DPZ staff and if staff determines it to be a substantive change, a revised or new application shall be submitted and processed under the administrative procedures outlined above.

D. Site plans

A COA in site planning shall be required. During the review of site plans, DPZ staff shall be a referral and shall concurrently review the site plan application for conformance with these Guidelines. Comments regarding conformance with these Guidelines shall be incorporated in site plan review comment letters. A COA in site planning shall be required prior to the approval of any site plan for the Property.

E. Appeals

In the event DPZ determines a project is not in compliance with the Guidelines, the Applicant may appeal that decision to the BAR. Appeals must be filed within thirty (30) calendar days of the date DPZ sent its denial letter to the Applicant. The appeal must be submitted to DPZ and reviewed by the BAR at a subsequently scheduled meeting within thirty (30) calendar days from the date the appeal is filed. The Applicant may further appeal the BAR's decision to the Town Council for final review. That appeal shall be filed within thirty (30) calendar days of the BAR's ruling. The appeal of the BAR's decision will be scheduled for review by the Town Council at a subsequently scheduled meeting.

III. USES

Uses on the Property shall comply with the Concept Plan and Proffers for TLZM 2010-0002. Phase II shall be developed with non-residential uses, including office. Office uses may be vertically integrated and/or develop as a stand-alone building. Additional non-residential uses may develop as stand-alone buildings or inline stores (see Figure 1). Single tenant retail spaces shall not exceed 60,000 square feet with a footprint of no more than 30,000 square feet. Buildings at the Property shall comply with the height limitations of the B-3 zoning district and uses shall either be permitted by-right or by special exception per the B-3 zoning district regulations.

IV. STREETScape

A. Site Circulation, Layout, and Access

- 1) The Total Development shall be accessed from two (2) points along Russell Branch Parkway, all as shown on the Concept Development Plan, along with the main vehicular circulation patterns throughout the Property. These two entrances lead to internal, secondary roads that will provide access to the individual buildings and uses within the Total Development.
- 2) At final build out, each land bay shall contain at least one building.
- 3) No curb cuts are permitted along Roads 1A and 1B. Where necessary, driveways within and between the land bays shall facilitate safe and convenient crossings where they intersect sidewalks and other pedestrian circulation systems. Contrasting colors and materials, as well as signage, contribute to safer crossings (see Figure 4).
- 4) Clear pedestrian paths shall be established to safely lead pedestrians between and among the buildings throughout the Property. Paths shall be constructed with a hard even surface, with a combination of materials such as brick or concrete. A variety of widths and visual interest, through the use of pattern, color, and texture, will create a hierarchy of pedestrian routes and destinations (see Figure 5).

B. Along Roads 1 and 2

- 1) Buildings shall be oriented toward Roads 1 and 2, with pedestrian-activated façades and entrances facing these roads to create an urban street edge with activated frontages to engage the street.
- 2) Buildings shall occupy at least sixty-five percent (65%) of the developable frontage length along Roads 1 and 2B and forty percent (40%) of the developable frontage length along Road 2A.
- 3) ~~2)~~ Bump-outs along the sidewalks to denote on-street parking, contain street trees, and/or slow vehicular traffic are encouraged along Roads 1B, 2A, and 2B to identify and emphasize the pedestrian environment and activity, provided they can meet the Town's zoning regulations and ordinances (see Figure 11).
- 4) ~~3)~~ Buildings shall align Roads 1 and 2 to create activated streetscapes. Buildings shall align the adjacent sidewalks and be directly accessible from said sidewalks. Buildings shall sit no closer than ten (10) and no farther than thirty (30) feet from the back of curb. Outdoor seating and dining areas are encouraged between the building and sidewalk (see Figure 6).
- 5) ~~4)~~ Sidewalks along Roads 1 and 2 shall be a minimum of ten feet (10') in width with an unobstructed pedestrian zone six feet (6') wide. Tree grates may be used and therefore the street trees may be contained within the ten foot (10') wide sidewalk. Where tree boxes are used, they shall not be placed in the pedestrian zone and sidewalks shall be a minimum of twelve feet (12') in width.

- 6) ~~5)~~ The use of landscaping and street trees is encouraged to break up building mass and establish a pleasurable pedestrian experience. Street trees shall have a minimum caliper of three inches (3") at the time of installation and shall be planted at approximately thirty-five feet (35') on center. All landscaping shall be selected from locally native or naturalized species (see Figure 7).
- 7) ~~6)~~ When seasonally appropriate, the Applicant or Assignee shall provide flowers in planters and/or hanging baskets along Roads 1 and 2 at regular intervals. A minimum of 10 flowering baskets and/or planters will be provided throughout the Property. Flowers will be provided contemporaneously with the adjacent building's construction. The total number of planters and baskets shall be provided once development has been completed in each of the land bays.
- 8) ~~7)~~ Street furniture such as benches, planter pots, knee walls, trash receptacles, trellises, landscaping, and lighting shall be coordinated and provided by the Applicant or Assignee throughout the Property and integrated along Roads 1 and 2 to provide a unifying element for the space, encourage pedestrian activity, and emphasize a sense of place. The furniture shall be made of high-quality durable materials, such as concrete, metal, or weather-resistant wood, that is appropriate for outdoor use (see Figure 8). The Applicant or Assignee shall provide the following:
- a. One bench or sitting area at each corner of the Central Feature and at a minimum of every 100 feet along Roads 1 and 2.
 - b. A minimum of one trash and one recycling receptacle near each sitting area at the Central Feature and along Roads 1 and 2.
 - c. At least one bike rack in each land bay in the Western Parcel suitable to handle at least four (4) bicycles. Locations shall be easily identifiable, accessible for bicyclists, and located near a prominent building entrance. Bike racks shall not interrupt the pedestrian experience.

C. Central Feature Area

- 1) The intersection of Roads 1 and 2 represents the location of the Central Feature and shall serve as a main pedestrian focal area for the Property, with appropriately placed street furniture of the same design as along Roads 1 and 2 to encourage pedestrians to congregate. Central Feature design elements shall extend a minimum of one hundred feet (100') from the center of the intersection of Roads 1 and 2.
- 2) Well-articulated buildings should frame the Central Feature with entrances oriented toward and design elements that activate the Central Feature. Sidewalks shall widen to at least fifteen feet (15') to further enhance the experience.
- 3) The portion of buildings within ___ feet of the Central Feature, shall be constructed with wall heights of at least 24 feet (See Figure ___).
- 4) ~~3)~~ Pedestrian gathering areas defined by a combination of features such as seating walls, benches, planters, and landscaping (to provide shade and shadow, exclusive

of street trees) shall be provided. These areas shall also be defined with changes in material, color, and/or pattern. Each quadrant of the intersection shall include design elements that relate to one another and to the size, scale, and massing of the adjacent buildings (see Figure 9).

- 5) ~~4)~~ Stamped concrete or asphalt shall be used for crosswalks through the intersection of Roads 1 and 2, clearly leading pedestrians from one land bay to the next (see Figure 10).

V. PARKING

- 1) Parking shall be conveniently located and grouped to provide safe and convenient access for shoppers and visitors to the Property.
- 2) Parking shall be provided in rows of no more than 16 adjacent spaces. Rows may be double stacked. Parking bays shall be framed by landscape islands containing an understory tree(s) or larger.
- 3) Parking adjacent to Russell Branch and Battlefield parkways shall be screened with landscaping, walls, fences, buildings, berms, or other comparable methods that are approved by the Director of Planning and Zoning or designee.
- 4) Surface parking along Roads 1 and 2 within the Property shall be screened with buildings, three-foot (3') high landscaping, semi-opaque fencing, or a three-foot (3') tall masonry wall, with landscaping to complement the screening device. No more than fifteen percent (15%) of the total linear frontage excluding driveway width of Roads 1 or 2 within the Property shall contain unscreened surface parking. This limitation does not apply to on-street parallel parking (see Figure 12).
- 5) On-street parking shall not be located on Road 1A. On-street parking is required along Roads 1B and 2B and is encouraged on Road 2A. Surface parking other than on-street spaces is prohibited within a 100 foot radius of the center of the intersection of Roads 1 and 2.
- 6) Surface parking lots shall be provided at the side and rear of buildings in such a manner that maintains and encourages a walkable street frontage.
- 7) Pedestrian pathways shall be clearly defined in Land Bays B and E using a variety of types and textures of paving materials, raised areas, landscaping, walls or other techniques, including signage, to facilitate the flow of both vehicular and pedestrian traffic throughout the parking area (see Figure 13).

VI. LIGHTING

- 1) Exterior lighting is critical in creating a vibrant community as it assists with vehicular and pedestrian circulation, establishes a sense of security and safety for pedestrians by extending the use of the Property into the evening, and provides focus on the uses contained within. Lighting elements throughout the Property shall be compatible with each other, while also being complementary and supportive of the

buildings and the landscaping (see Figure 14). The following types of lighting are appropriate at the Property:

- a. Parking lot lighting in the Eastern and Western parcels shall utilize the same or similar pole and fixture design.
- b. Street lights at the Property shall utilize a consistent pole and fixture style. Street lights shall be located no closer than ten (10) feet from any tree and be mounted no higher than fifteen (15) feet from the ground elevation.
- c. Exterior fixtures in the development are to be finished in black or dark bronze. Modern or traditional styling is acceptable provided it is consistent with the representative images in the CDP and to the extent that all exterior light fixtures shall be designed and installed as “full cutoff” fixtures to avoid light spill.
- d. Light fixtures shall be placed to provide maximum effective illumination and avoid conflict with expected growth of trees and shrubs.
- e. Lighting shall be strategically located to illuminate pedestrian pathways and building entrances. Pedestrian level lighting shall use bollard-style lighting fixture that directs light downward. Ground, flush-mounted lighting is permitted using low voltage fixtures.
- f. Recessed can lights hidden in exterior canopies which comply with the “full cutoff” design rule are allowed. Exterior signage which is internally illuminated is permitted to the extent allowed by the Town’s sign regulations or a comprehensive sign plan. Signage front-lit by non-full cutoff lights is prohibited.
- g. Landscape lighting may include the use of spotlights or floodlights provided those lights are aimed away from public rights-of-way and directed toward the plantings or objects being illuminated. These fixtures shall be low voltage.
- h. Building mounted lighting shall be cast in a downward direction and shall not be used to cast light over the entire building façade. The fixture shall complement the architectural style of the building on which it is located.

VII. ARCHITECTURAL

A. Design Objectives

The site design and building architecture for the Property shall respect and complement Leesburg’s traditional development patterns. Buildings shall relate to each other in form and design and be arranged logically within the site. Consideration shall be given to the development’s overall physical and architectural context and compatibility with neighboring buildings in terms of siting, form, massing, and scale. The following objectives establish a foundation for the specific requirements that follow:

- 1) Form: Buildings shall have an identifiable base, middle, and top. The building's base shall be clearly delineated and extend twenty-four inches (24") above finished grade. The building's middle shall be physically defined at its lower edge by the base and at its top by a cornice or eave projection. The building's top shall be a clearly defined visual element, including the cornice, eaves, eave brackets, and/or visible roof elements. Building forms shall express the building's function and be complementary to adjacent and nearby buildings (see Figure 15).
- 2) Massing: The perception of building mass shall be mitigated by modulating building form, dividing large volumes into smaller components, interrupting rooflines with architectural features, varying surface planes and materials, and creating bay divisions along façades. The shape and relative size of building sections shall relate to the building as a whole.
- 3) Scale: Buildings shall promote a human-scaled and pedestrian-oriented environment with cohesive building patterns. Building forms that distort this scale, such as monolithic or monumental structures, should be avoided.
- 4) Transitions: The site shall be designed to ensure sensitive transitions between areas with differing built forms and character. This includes attention to changes in building heights, massing, materials, or uses between areas to ensure a cohesive and compatible development (See Figure 16).
- 5) Character and Interest: Building façades shall feature articulations that create visual interest and variety among building elements to provide a sense of identity and character throughout the Property.
- 6) Trademark Buildings: Buildings which otherwise would have a distinctive exterior appearance readily identified with a franchise or chain business should reflect the traditional building character of Leesburg.

B. Building Materials

- 1) For the purposes of these Guidelines, a Primary Façade is a façade along Road 1 or Road 2 that contains a building's primary entrance. A Secondary Façade is any façade that is not designated as a Primary Façade (see Figure 17).
- 2) The use of high quality, long-lasting materials that relate to the surrounding context is encouraged. At least three (3) materials shall be used per Primary Façade to ensure variation. At least two (2) materials shall be used per Secondary Façade to ensure variation. While variety in materials can add interest to a façade, the choice of materials should contribute to an overall harmonious appearance.
- 3) Primary materials shall compose at least seventy-five percent (75%) of a Primary Façade and fifty percent (50%) of a Secondary Façade. Secondary materials are appropriate for the remaining portions of either façade. Primary, Secondary, and Trim materials are listed in the table below:

Building Material	Primary	Secondary	Trim
Glass	X	X	X
Brick or tile masonry (modular)	X	X	X
Native stone (or synthetic equivalent)	X	X	X
Wood lap siding	X	X	X
Fiber cement siding (such as Hardie-Plank™ or equivalent – no faux wood grain)	X	X	X
Stucco (cementitious finish)	X	X	X
Pre-cast masonry (for trim and cornice elements only)		X	X
Split-faced block (only for piers, foundation walls and chimneys)		X	X
Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only)			X
Exterior insulation and finish system (EIFS- for trim elements only)			X
Textured concrete masonry units		X	X
Metal (for beams, lintels, trim elements and ornamentation only)			X
Molded polyurethane trim (such as Fypon)			X

- 4) Vinyl and glass block are prohibited as building materials in any form:
- 5) The Applicant may request approval from the Director of Planning and Zoning, or designee, for an alternate material not previously contemplated.
- 6) Fences shall be fabricated of tube steel frames with steel or wrought iron pickets or decorative panels painted black. Fences shall include masonry piers at regular intervals. Black security fabric or other theft deterrent material may be applied to the inside face of the tube steel fence (see Figure 18).
- 7) Decorative supports such as piers, columns and pilasters shall be masonry or another natural material. Solid wood columns may be used to support sidewalk canopies.

C. Colors

- 1) Building colors shall be warm earth tones (see Figure 19). Garish or fluorescent colors are prohibited. Accent colors, up to 10% of a façade, are encouraged to complement the building color and to personalize stores for individual tenants.

- 2) Bright white shall not be used anywhere on buildings except as part of a logo, corporate identity icon, or signage. Warm white, light tan, and other subdued shades are encouraged.
- 3) Metal roof colors may be natural colors or variations of brown. Blue is prohibited for the color of the roof.
- 4) There shall be no use of orange on any building within the Total Development.

D. Façade Articulation

- 1) Off-sets should be used to provide dimensional variation between surface planes. Projections and recesses, such as display windows and cantilevered portions, shall be a minimum of twelve inches (12").
- 2) Continuous and inviting ~~façades~~Primary Façades with storefronts, display windows, entrances, or other forms of architectural relief are encouraged along sidewalk frontages (see Figure 21).
- 3) Façades shall exhibit changes in color and material to visually break up vertical surfaces and add detail. Architectural elements, for example pilasters and window sills, shall project a minimum of four inches (4").
- 4) Solid walls without entrances or windows shall not exceed ten feet (10') in width for Primary Façades and twenty feet (20') in width for Secondary Façades, provided no more than 50% of the width of any single façade shall be a solid wall (see Figure 22). Solid walls in excess of ten feet (10') shall contain changes in material, color, or pattern to provide visual ornamentation and articulation. Painting alone does not meet ~~the~~is requirement.

E. Entrances

- 1) Primary building entrances shall be located along street frontages and oriented toward the sidewalk and public space.
- 2) ~~Entrances~~Pedestrian entrances shall be prominent and easily recognizable with major entry features accentuated. Entrances shall relate to the overall façade in style, scale, and design (see Figure 23).
- 3) ~~Entrances~~Pedestrian entrances to individual tenant spaces and/or buildings are encouraged to provide unique storefront designs and differentiate between units (see Figure 24).
- 4) For retail buildings and retail tenant spaces greater than sixty feet (60') in width, two (2) entrances along a Primary Façade shall be provided, only one of which is required for the daily ingress and egress to the building.

5) Secondary Facades shall be articulated with doors and canopies to provide building articulation and ornamentation. The doors along Secondary Facades need not provide daily ingress and egress.

F. Windows / Fenestration

1) Windows shall occupy 60% of Primary Façades and ~~30~~35% of Secondary Façades between two (2) and ten (10) feet above the outside sidewalk grade (see Figure 25).

2) Windows shall occupy between 50% and 70% of upper stories on both Primary and Secondary Facades.

3) ~~2~~-The buildings' ground-floor windows shall introduce natural light to the interior stores. Only lightly tinted windows not containing a metallic material which allows greater than seventy percent (70%) visible light transmission shall be permitted. Reflective tinting is prohibited.

4) ~~3~~-Non-operable windows that do not open are permitted on all façades.

5) ~~4~~-Windows shall be individual, recognizable units that relate appropriately to the overall building and promote a sense of its scale. Overly-large or small windows that lack or distort sense of scale should be avoided.

6) ~~5~~-Windows shall be set to recede or protrude a minimum of two inches (2") from the face of the façade and shall not be flush mounted.

7) ~~6~~-Ground floor window sills shall be raised a minimum of twenty-four inches (24") above grade. Windows not wider than 18 inches that frame exterior doors may continue to finished floor level (see Figure 26).

G. Structural Canopies, Awnings, and Overhangs

1) Structural canopies, awnings, and overhangs are encouraged to align façades, particularly at ~~main~~ entrances and exits.

2) Structural canopies, awnings, and overhangs shall be proportional to the feature over which they are placed and shall be architecturally integrated into the design and constructed of durable materials to match or complement those of the main part of the building (see Figure 27).

3) Canvas awnings shall not be internally lit.

4) All canopies shall be designed to maintain a clear height of ten feet (10') above finished grade (see Figure 28).

5) All canopies, awnings, and overhangs shall be designed to project a minimum of two feet (2').

- 6) Awnings and their structural support shall not conflict with elements of the streetscape such as lighting or trees.

H. Roof Design

- 1) Roofs shall be designed with interruptions and changes to roof lines to provide visual variety. The use of cornices, eaves, and parapets that are proportional to the building design and composed of compatible materials is encouraged. Eaves which overhang the Primary Façade must be a minimum of eighteen inches (18"). Open eaves and simple traditional soffits and fascia are allowed. Absent an eave, a horizontal cornice projecting at least 6" beyond the building wall shall be provided.
- 2) A flat roof shall be articulated with a proportional cornice or parapet at the building perimeter.
- 3) Multiple roof types, such as gabled, hipped, pitched, and flat, are appropriate throughout the Property.
- 4) Materials on exposed roofs shall be metal, asphalt shingles, or glass or glazed roofs to provide light.
- 5) Rooftop mechanical units and all other equipment mounted on the roof shall not be visible from a point five feet (5') above grade and sixty feet (60') distant from and perpendicular to the building. Parapet walls and/or mansard roofs may be used to screen the equipment (see Figure 29).

I. Screening Mechanisms

- 1) Dumpsters, recycling containers, exterior trash compactors, and on-grade mounted mechanical equipment shall be screened from view on three sides by a masonry wall, or material that is compatible with adjacent buildings, at least six feet (6') in height. A solid gate at least five feet (5') in height shall compose the fourth side. All sides shall be designed to complement the development. Secondary access gates, similar to the main gate of the enclosure, are permitted (see Figure 30). [These containers shall not interfere with the pedestrian streetscape.](#)
- 2) Any mechanical equipment mounted on the ground shall be screened from pedestrian areas and the right of way by the use of parapet walls or opaque screening with material that is compatible with the building.

VIII. MISCELLANEOUS

- 1) Telecommunications facilities such as antennas located in the development shall be camouflaged.
- 2) Signs shall comply with Article 15 of the Leesburg Zoning Ordinance, unless modified through a Comprehensive Sign Plan. [Electronic or moving signs shall not be permitted at the Property.](#)

Document comparison by Workshare Compare on Friday, December 13, 2013
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Rendering set	Cooley

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Date of Council Meeting: January 14, 2014

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING STAFF REPORT**

Subjects: TLTA-2010-0002, *Town Plan* Land Use amendment to allow an option to develop certain property designated as Regional Office as Regional Retail.

Staff Contact: Mike Watkins, Senior Planner, Department of Planning & Zoning.

Issue: Should the *Town Plan* be amended to allow an option in the Regional Office Land Use category that permits certain properties to be developed with predominantly retail uses due to unique site conditions?

Recommendation: Staff recommends approval of TLTA-2010-0002 Land Use Amendment for the reasons presented in this report.

Background: In 2010, a Town Plan Amendment was submitted to provide an option to the Regional Office land use designation for two properties at the southeast quadrant of Battlefield Parkway and Route 7 to allow predominantly retail use on those properties. This amendment language was revised over time, first in response to Staff comments and then as the result of public meetings before the Planning Commission, after each of which the Applicant made changes addressing concerns of the Planning Commission and Staff. The language presented and analyzed below is the final language proposed by Applicant.

Planning Commission Public Hearing and Action: The Planning Commission discussed this amendment at a series of meetings, each of which is discussed below.

- October 17, 2013 – The initial Planning Commission meeting and public hearing. At that hearing, no member of the public provided comments regarding the proposals. Commissioner concerns to Town Plan issues included the percentage of office space proposed, the tension between the long term vision of the Town Plan and short term market needs, design controls, and the potential impact of this amendment on other properties along Route 7. The public hearing was continued to November 7, 2013.
- November 7, 2013 - The Planning Commission continued discussion of the proposed Lowe's application but comment was generally about the Town Plan land use amendment. Members expressed concern regarding how the Western Portion (Residual Parcel) would look when developed and asked Applicant to better illustrate potential scenarios so the Commission could determine if the proposed policies would meet the Town vision for design, interconnectivity and pedestrian streetscape. A design approach as opposed to a use-based approach was noted by some Commissioners as appropriate in this case. Form and not the uses should be the focus, and design guidelines should be concentrated on. The

- long term probability for regional office may not be as realistic here as originally expected, and that the form of the development should be more urban than suburban. With that, the potential for higher density for office development should be maintained to some degree. The public hearing was held open to the next meeting.
- November 21, 2013 – The Planning Commission continued its discussion regarding the Town Plan land use Amendment, with the focus being incorporation of required design elements. Discussion included appropriate amounts of office uses by percentage, phased development of the property with an office component required in each phase, place-making opportunities with the creation of a central feature, size and massing of buildings, need for multi-story buildings, the streetscape, the percentage of buildings that must front directly on the adjacent private street, and the long-term use of the property after the Lowe’s store. The next meeting was designated for final discussion of the Town Plan land use Amendment and then the rezoning application with design guidelines.
 - December 5, 2013 – The Planning Commission concluded its discussion regarding the land use amendment. Applicant submitted a heavily revised version of the proposed amendment consisting of a new design option within the Regional Office land use with 12 objectives, including illustrations. The revisions were made to address Commission comments made in earlier meetings. The Commission was generally satisfied with these changes and the remainder of the discussion centered on the proposed design guidelines. The meeting concluded by establishing the next meeting’s agenda with finalizing the design guidelines and a vote on the applications.
 - December 19, 2013 – The Planning Commission received revised design guidelines with just two discussion points. Upon resolution of building height requirements and building massing along streets, the public hearing was closed without any public comments. The Town Plan land use Amendment and the transportation amendment were recommended for approval by a vote of 5-0-2.

Basis of Analysis: A *Town Plan* amendment is by definition a request to deviate from the existing policies of the *Town Plan*. Staff has evaluated the proposed amendment in light of the requirement stipulated by the Town of Leesburg Zoning Ordinance (TLZO) and the current *Town Plan* policies to assess whether the extent of the amendment is supported by those criteria and Applicant’s Statement of Justification.

I. LAND USE ELEMENT AMENDMENT ANALYSIS

1. **The Proposed Amendment.** Applicant seeks to amend the Regional Office Optional Uses and Design policies (p. 6-26) by addition of language that is specifically applicable to their two parcels only, identified in the proposed text as the “Eastern Portion” and the “Western Portion”. These parcels are roughly equivalent to the Lowe’s Parcel (Eastern Portion) and the Residual Parcel (Western Portion) discussed in the rezoning staff report. This language is a supplement to existing Regional Office policies, meaning that all Regional Office policies will continue to apply to the

site *except* as specifically modified in the proposed language. The proposed text is as follows:

21. A further option to permit a higher ratio of retail use due to unique site circumstances (proximity to the Town of Leesburg Waste Water Treatment Facility) is applied to two parcels designated as PIN 149-46-0836 and PIN 149-45-7383, "The Retail Optional Use Area." This option shall meet the requirements for Regional Office and the Regional Office Option except as modified below:

- a. The Retail Optional Use Area is further defined, for the purposes of phasing, as having a Western Portion and an Eastern portion. See Illustration 1.
- b. The initial development of the Property should include a minimum floor area ratio (FAR) of 0.2. A higher FAR is expected as redevelopment of the property occurs.
- c. Office uses are encouraged on the Property. The initial development of the Western Portion should include a minimum of 30% office uses. Initial development of the Eastern Portion is not required to have office uses. Upon redevelopment of the Eastern Portion, the Property shall include no less than 30% office and a maximum retail FAR of 0.5. Proffers shall establish the phased development of office uses on the Property. Figures 1-4 illustrate potential redevelopment of the Property.[see Attachment 2]
- d. If structured parking is provided, office use square footage may be reduced (credited) up to a maximum of 50%.
- e. Individual retail tenant sizes should not exceed 60,000 square feet, with a footprint of no more than 30,000 square feet. Initial development of the Eastern Portion is limited to one individual tenant with a footprint no greater than 175,000.
- f. The use of design guidelines is required.
- g. Special consideration should be given to landscape and building design along the Route 7 frontage. Landscape buffering above minimum standards and high-quality architecture and façade treatments should be used to minimize the visual impact of the development and enhance the appearance of the Route 7 corridor.
- h. To achieve urban densities and intended FAR, Buildings should include multiple stories, with allowances for architectural features to compensate for perceived building height. With the initial development of the Western Portion, no less than one-third (1/3) of building footprints should be multiple stories. This multistory requirement does not apply to the initial development of the Eastern Portion. Upon redevelopment of the Eastern Portion, all buildings should include multiple stories. The design guidelines with the rezoning concept development plan should specify the building height requirement.
- i. Buildings should align and be built close to internal streets to create an urban street edge.

- j. Buildings should constitute a predominant percentage of the street frontage along internal streets
- k. Buildings should be located at the street edge and include multiple entrances to engage the street.

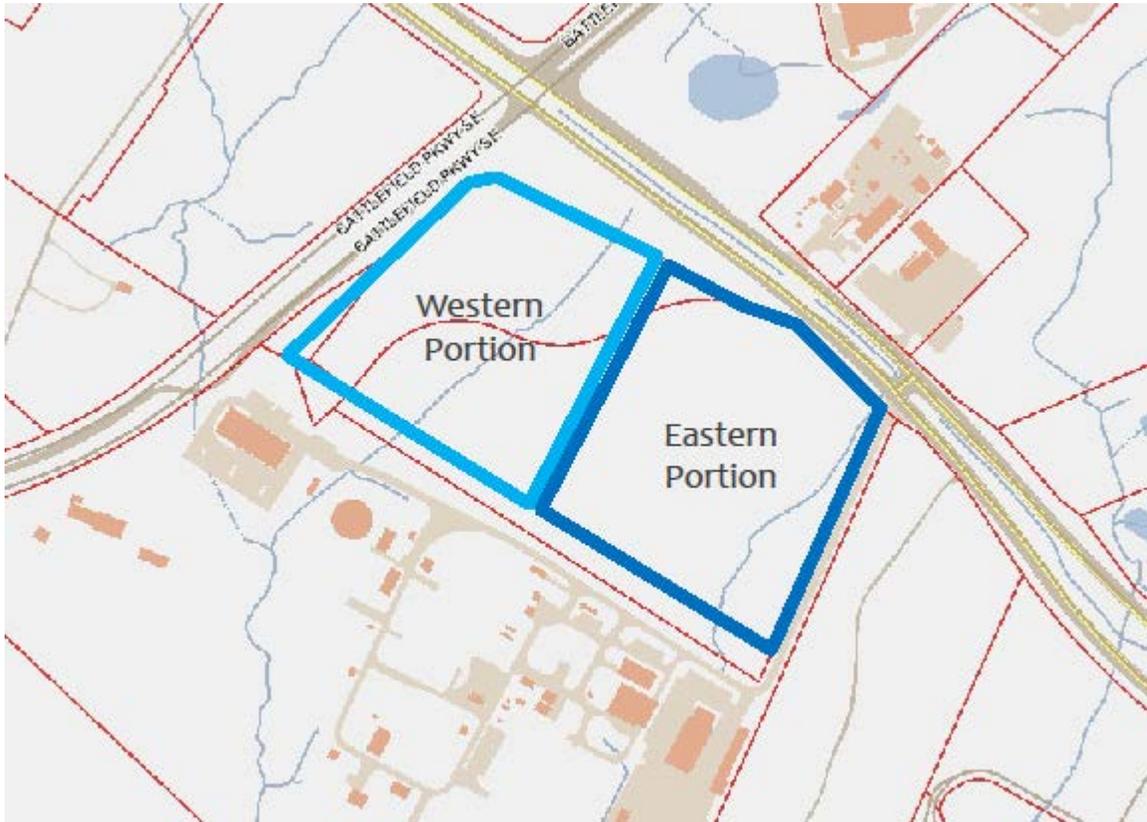


Illustration 1

2. **Existing Town Plan Policies: Regional Office.** The site is part of the Regional Office area on the south side of Rt. 7 (Figure 1). That area comprises most of the land in town that is classified as Regional Office, as shown on the Planned Land Use Policy Map. The site is also in the Southeast Planning Area which includes specific language for development in the area under Objective 9 which states:

The area south of Route 7 outside of the bypass, north of Tuscarora Creek, and west of the Village at Leesburg should be developed as Regional Office. Alternatively, existing industrial, auto dealership, auto service, and light industrial uses may be appropriate . . .” (p. 6-20).

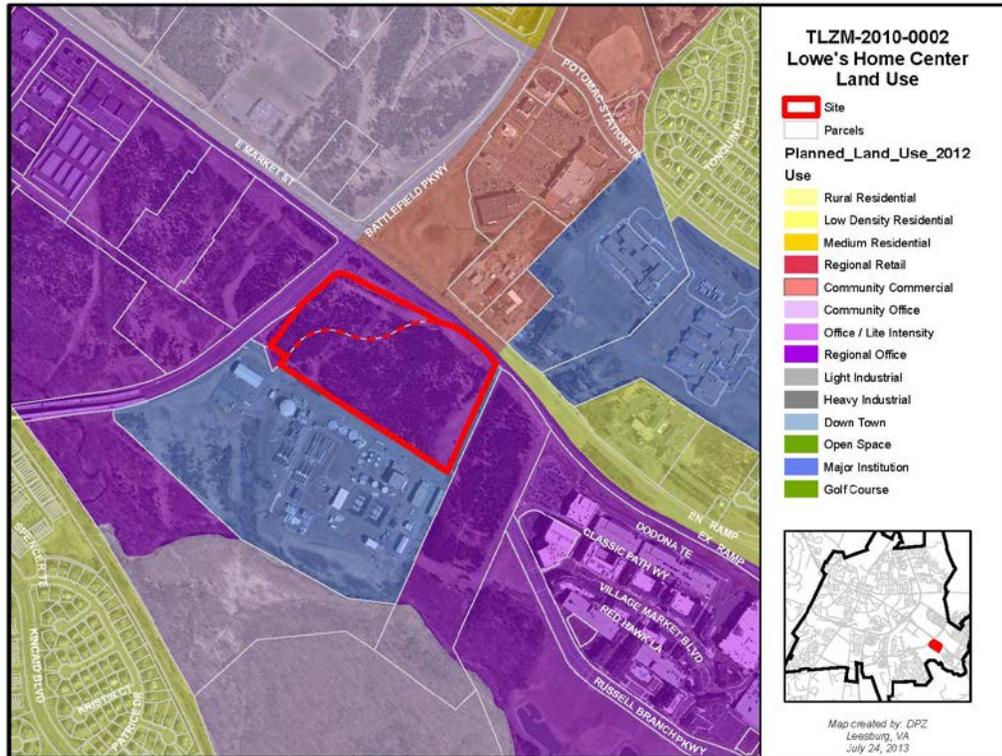


Figure 1. Planned use Policy Map showing Site

The goal expressed in the current Town Plan is to develop the area primarily as office with retail support uses, including the potential for light industrial and some limited residential uses. The following are three statements of intent for Regional Office (p. 6-24) illustrating what is currently intended for the site:

Intent Statement 1. *To help meet the need for a broad spectrum of local and regional employment that offers high paying jobs and supports a balanced tax base. These were two of the predominant ideas guiding the preparation of the 2005 Town Plan and the 2012 Town Plan.*

- The importance of high-wage jobs is emphasized in the discussion about the objectives in the Land Use Chapter of the *Town Plan*, which identifies a set of major land use themes (p.6-5). One of the themes is “Maintain supply of land for high wage employment.” This idea is echoed in Objectives 2.a and 2.b of the Economic Development Chapter: support economic development that creates jobs that match the occupational needs of the Town’s residents; and give priority to emerging technologies, corporate offices, and research and development (p. 8-3).
- The concern for a balanced tax base is the basis for Objective 3.c of the Economic Development Chapter (increase business and employment so that at least 55 percent of general fund revenues are generated from nonresidential

sources). Regional Office was expected to be a major source of nonresidential tax revenues (p. 8-4).

Applicant states that they understand the Town Plan objectives under the Regional Office designation, but that they do not see those objectives “coming to fruition in the near term, leaving the Property in its vacant, underutilized state. Rather than forgo any economic development on the Property, or convert it to residential, as so many adjacent properties desire, the Applicant favors a commercial use that will meet the Town’s objective of securing 55% of its general fund revenues from non-residential uses” (TLTA Response Letter, p. 3). Staff acknowledges that any commercial development of this property will contribute towards the Economic Development Objective 3.c, but the proposal fails to address Economic Development Objectives 2.a and 2.b. and offers only the minimal amount of office in the project as a whole – approximately 13.2%

Intent Statement 5. *“To encourage development along the major gateway corridors into Town that is compatible with adjacent uses and Leesburg’s character.”* This statement is reinforced with Southeast Planning Area Objective #3: *“Develop and implement effective design guidelines and/or ordinance requirements along E. Market Street to create a desirable entrance corridor into the Town”* (p. 6-19). The objective is given more specificity with the Site Design and Location guidelines for Regional Office (p. 6-25) which includes:

1. The site should be designed architecturally and functionally as a well-integrated unit.
2. In order to make a visual statement in the gateways to the Town, office buildings should be located close to the highway with parking behind, or underneath and/or located in the interior of the development.
3. Retail and service uses should be located within office buildings or oriented to the interior of the site and should be within walking distance of the office buildings that they serve.
4. Pad sites are not appropriate.
5. Structured parking is strongly encouraged.
6. Site and building design should conform to H-2 district design guidelines.
7. Provide pedestrian and bicycle access. Site design should provide accessibility and internal circulation for automobiles, public transportation, bicycles and pedestrians.
8. Gateway landscaping (enhanced landscaping with a unified design that creates an entrance feature) should be provided in addition to landscaping and buffer ordinance requirements.

Staff believes that Applicant’s proposed language has generally met these guidelines for regional office except with regard to the amount of office uses and design changes to meet actual site conditions. The orientation of buildings along the highway with parking on the interior raises practical difficulties due to the topography, which once excavated for development, will place buildings well

below the level of Route 7. Instead, Applicant has proposed buildings be oriented along internal streets to create a pedestrian streetscape.

Intent Statement 4. “*To provide a high degree of regional and local transportation accessibility, including automobile, bus, pedestrian, and bicycle modes of transportation.*” This is the reason that Regional Office is located along Rt. 7 and Dulles Greenway. The Regional Office area on Rt. 7 comprises approximately 480 acres. Slightly more than half (52%) of that area is developed but contains only 192,800 square feet of office buildings (mostly at the Village at Leesburg). Of the 230 acres that are undeveloped, the Lowe’s properties account for 27 acres, or 12% of the vacant land. Initially, Staff was concerned that approval of the proposed *Town Plan* Amendment could serve as a precedent for requests to develop all or a portion of the remaining vacant land in the Rt. 7 Regional Office area with non-office uses *unless* the rationale for the amendment can cite reasons unique to the site. That rationale has been supplied and is discussed later in this report.

Finally, it is important to remember that the Regional Office classification (and all land use classification) is a policy of a long-term plan. The discussion of the general land use objectives (p. 6-5) states:

The land use objectives are designed to resolve the dynamic tension between current market forces and the overall vision for the Town. For example, the current demand for new housing and retail must be balanced with the community’s desire to have land available when there is a market and where it is appropriate to build offices....

Under the objective “Maintain Land Supply for Employment” (p. 6-6) is this: “*If Leesburg wants office, emerging technologies, or other high-wage employers, it must be willing to preserve the designated land until the market is ready.*”

The Applicant’s Response Letter (p. 4) states that an important missing link of Russell Branch Parkway will be provided by this application. Staff agrees with that assessment. Applicant also states that because regional office developments have not been previously constructed in Leesburg, and because the model of development may be outmoded, and given the proximity of these particular parcels adjacent to the Town’s sewage treatment facility, a Regional Office option that requires a minimum 30% office component on the Western Portion, or about 13.2% of the entire amendment area, is reasonable. Staff notes that while even Regional Retail policies permit office use to make up as much as 30% of the total square footage, this site presents a unique constraint that is not shared by other Regional Office properties along Route 7. Given the prime location of the property, and the possibility that office may be more marketable in the future than it is at present, the proposed amendment allows a

predominantly retail use to be developed on site subject to urban design standards and other limitations, while letting a higher percentage of office to be built should the use become more achievable.

3. **Existing Town Plan Policies: Regional Retail.** Applicant's proposal would allow a predominantly retail use on the property, something the Town Plan currently rejects for this property. *Town Plan* General Objective 8 of the Land Use Chapter states unequivocally, "*Do not increase the land designated Regional Retail*" (p. 6-8). That guidance is repeated in Economic Development Chapter Objective 2.f on p. 8-3 ("*Do not increase the land designated on the Land Use Policy Map for Regional Retail use*") and Northeast Planning Area Objective 1 on p. 6-15 ("*Do not increase land designated for Regional Retail*") where the only Regional Retail exists. Thus, current *Town Plan* policy repeatedly and strongly rejects new Regional Retail development. That policy is based in land use (including community design) and economic development objectives.

1. ***Design and Architecture.*** Related issues concern site and building design in keeping with the town's character, a policy expressed throughout the Land Use and Community Design Chapters. By its nature, Regional Retail development is characterized by one-story buildings with large footprints and huge surface parking lots in front of the buildings; it is very difficult to make such development achieve the appearance desired by the *Town Plan*. Brick siding and complex rooflines attempt to reflect the architectural character of the Town, but such features fail to overcome other uncharacteristic aspects of the typical design of regional retail development. Regional retail buildings are by definition over 100,000 square feet (152,000 square feet, or 3.5 acres in the case of Lowe's) on one story, surrounded by surface parking occupying at least that much area. It is extremely challenging to design a site with those site features to be in keeping with the Town's character (building with architectural details of a human scale, building directly addressing the street, parking behind the building).

In addition, Regional Retail is largely comprised of national chains, which rely on corporate design of buildings to serve as advertising. The H-2 guidelines also call for trademark buildings to be adapted to the Town's character, at pp. 24-25.

Applicant's amendment now distinguishes itself from Regional Retail, not in the nature of the predominant use but in the way those uses are arranged. Specifically, no pad sits are allowed, at least 1/3 of the buildings on the Western Portion must be two or more stories, and buildings must be built close to internal streets to create an "urban street edge". None of this is required for Regional Retail. Further, minimum office use is *required* as part of development of the Western Portion, whereas Regional Retail policies do not actually require any office and

put a cap on its use. The one area where the design goals are not achieved is on the Eastern Portion (Lowe's Parcel) where the design is initially a "big box", but the amendment calls for later development to be urban in nature similar to the Western Portion (see Sec. 21.c on p. 3 of this report).

- 2. Revenue Generation.** In terms of economic development, regional retail does not provide the tax revenue generated by office use. Regional Retail is usually built at a low density, and the tax revenues are usually less per acre than for Regional Office (the floor-area ratio of the two phases of the Lowe's project is 0.26 and 0.12; the *Town Plan* calls for FARs between 0.35 and 1.0 in Regional Office areas). Similarly, infrastructure costs are usually less per square foot of Regional Office development because the intensity of development is greater than that of Regional Retail.

Applicant states that the "proposal will immediately add to the Town's coffers both with increased property taxes and significant sales tax" (Response Letter, p. 6). Property taxes will increase, but the level of sales tax depends on when the Applicant builds both the Lowe's store and the Residual Parcel. With regard to the FAR, Staff notes that Applicant is correct in that an overall FAR of 0.21 does fall within the existing/proposed B-3 District range, but it is far below the minimum 0.35 FAR desired in the Regional Office Policy area at this time.

- 3. Job Creation.** Regional Retail does not provide the high-wage jobs that offices do. Lower-paid retail workers have difficulty affording housing in Leesburg and this adds pressure to develop more affordable housing and increase public transportation options. Conversely, more lower-wage workers commuting from other areas with more affordable housing contributes to traffic congestion. This idea is driven home by Economic Development objectives 2.a and 2.f (p. 8-3): The former calls for economic development that creates jobs that match the occupational needs of the Town's residents, while the latter limits Regional Retail to the area designated on the Land Use Policy Map.

Applicant's response is that "Future office space in the Residual Parcel will be able to support the desired higher wage jobs, while the retail uses will support other employment needs" (Response Letter, p. 6) Also, Applicant has stated that development of at least the Lowe's Store (Eastern Portion) is expected in the near future, providing revenue where currently there is none. Applicant also contends that off-site impacts on the property (that is, the wastewater treatment plant) should reduce expectations for office employment on this site.

II. ANALYSIS UNDER TLZO SECTION 3.16.D.2 CRITERIA. TLZO Section 3.16 establishes criteria for applying for and evaluating proposed amendments to the *Town*

Plan. In particular, Sections 3.16.5.D.2.a through *e* require analysis based on five criteria to justify the amendment:

- How the amendment better realizes a *Town Plan* goal or objective
- How the amendment may rectify conflicting *Plan* goals or objectives.
- How the amendment may clarify the intent of a *Plan* goal or objective.
- How the amendment may provide more specific *Plan* guidance.
- How the amendment might adjust the *Plan* as a necessary result of a significant change in circumstance unforeseen by the *Plan* at the time of adoption.

Section 3.16.5.D.3 requires an analysis of how the proposed amendment and subsequent development comply with the goals and objectives of the *Town Plan*; Section 3.16.5.D.4 requires a fiscal analysis that compares general fund revenues, costs of services and capital facilities improvements generated by development associated with the requested amendment; and Section 3.16.5.D.5 requires a transportation analysis that shows how the amendment will address the objectives of the *Town Plan's* Transportation element. The following comments address the proposed land use amendment using these criteria.

- a. **How the amendment better realizes a *Town Plan* goal or objective.** (e.g., to provide a more compatible land use pattern; better transitions between land uses). The amendment as proposed does not better realize these *Town Plan* goals or objectives. The Applicant states that “*In reality, the previously envisioned Regional Office developments are not coming to fruition . . .*” (Statement, p. 1) and that “*The proposed amendment . . . further fulfill[s] the ever increasing need for additional retail offerings in the Town, as identified in the 2011 Leesburg Retail Analysis . . .*” (Statement, p. 2). Applicant further states that the “*introduction of the Lowe’s store and related additional retail offerings on the residual parcel, help fulfill this demand and will increase the Town’s coffers by both keeping its own residents’ retail dollars within the Town and attracting those dollars from unincorporated parts of Loudoun County and beyond*” (Statement, p. 2).

The Applicant does not relate the amendment to a specific *Town* objective or Goal but Staff believes the proposed uses are an acceptable transition from the wastewater treatment plant south of the proposed amendment area, in that office uses are less likely to locate overlooking this facility when other land is available. The revenue increase can be said to help meet Objective 3.c of the Economic Development Chapter (increase business and employment so that at least 55 percent of general fund revenues are generated from nonresidential sources). However, this increase due to retail runs directly counter to Objectives 2.a and 2.b of the Economic Development Chapter: support economic development that creates jobs that match the occupational needs of the *Town's* residents; and give priority to emerging technologies, corporate offices, and research and development (p. 8-3). Applicant has not demonstrated that the proposed retail use achieves these objectives. It also runs counter to the main goal of “*Maintain*

supply of land for high wage employment” and Economic Development Objective 2.f: “Do not increase land designated on the Land Use Policy Map for Regional Retail Use.”

In the short run the amendment does make it more difficult to realize three important current objectives of the *Town Plan*:

- As described above, the town desires major office developments on the Rt. 7 corridor in order to create high-wage employment opportunities; an increase in the proportion of general fund revenues provided by nonresidential uses, with offices being a major contributor;
- Development along the major gateway corridors that is compatible with adjacent uses and Leesburg’s character. The proposed design guideline language achieves that goal for the Western Portion but it can be questioned whether or not the Lowe’s store building meets the intent.
- The Regional Office guideline for development at a floor-area ratio of between 0.35 and 1.0. The proposed amendment language proposes a minimum 0.20 FAR for initial development of the area. Such a low FAR reduces the number of employees and property tax revenues, but may be practical given current market trends.

Staff Analysis: While there is a change in circumstances in land development in today’s economic environment, the long term vision regarding physical development and land use should not be ignored. The Applicant’s amendment contains conditions that apply to development of the property in both the long and short term, permitting a single “big box” store on the site initially but with the provision that should the store be no longer in use, a more urban form of development with at least 30% office use shall then apply to the Eastern Portion.

- b. How the amendment may rectify conflicting *Plan* goals or objectives.** The amendment does not on its face appear to rectify conflicting *Plan* goals or objectives. By effectively expanding the area for predominantly retail uses, the amendment does conflict with the prohibition of such expansion in General Objective 8 and Northeast Planning Area Objective 1 and Economic Development Chapter Objective 2.f.

Staff Analysis: There is a consideration that the Regional Office policies by themselves conflict with the reality of recent past and likely future use trends for the area, particularly given the proximity of the wastewater treatment plant. Applicant contends that development under the *Town Plan* land use classification is not possible under the current economy which makes it difficult to retain many of the *Town Plan* land use policies. The Applicant’s claim can be made for some land in the Town in almost any economy. However, when coupled with the particular point regarding the unique location of the amendment area by the treatment plant, the proposed amendment may help solve an inherent conflict in plan goals for the two parcels under consideration. Whether the site would be

appropriate for concentrated office use, even in a growing economy, is open to question. This may also impact the conflict in *Town Plan* policy of maintaining a fiscally sound Town government in an economic downturn when current land use policies may prevent any form of revenue producing income from this highly visible site for years to come. Applicant states that it is preferable to have a “realizable development in the short term that generates both property and sales tax to support the Town’s fiscal objectives, rather than allow a prime sit to remain fallow” (TLTA Response Letter, p. 8). Staff acknowledges the short term gain, but again notes that the Town Plan is a long term vision and that many existing sites, even along Battlefield Parkway, permit retail use today but have not been developed.

- c. **How the amendment may clarify the intent of a Plan goal or objective.** The amendment does not specifically clarify the intent of any goals or objectives. Rather, it proposes a new land use designation in light of unique site conditions and current economic conditions. It does, however, contain specific criteria to guide future development of the site regarding appearance, layout and uses.

Staff Analysis: Applicant states that “Therefore, the amendment will not reduce the opportunity for office use on the site” (Response Letter, p. 9). Technically speaking, this is true, because the amendment only includes an office use minimum and the entire site could still be developed as office. But as a guide, it would permit a rezoning with a minimum of office use (36,000 s.f. or 13.2% is proposed). To get long term densities for office as contemplated in the Town Plan would currently require another rezoning of this property.

- d. **How the amendment may provide more specific Plan guidance.** There are eleven proposed guidelines in the amendment that seek to alter the existing guidelines for Regional Office to allow a new predominantly retail designation with specific site development requirements.

Staff Analysis: The amendment is more specific with regard to the amendment area than the guidelines currently found in the *Town Plan* for the Regional Office land use classification. The proposed language is generally consistent with other land use and design policies for regional office except for the allowance of “big box” architecture. The requirement for office use on the Western Portion at least will place office uses in this highly visible area of the site at the intersection of Battlefield Parkway and Route 7. Applicant’s response (Response Letter, p. 9) indicates three reasons as to how the amendment provides more specific guidance: (1) language regarding the area covered is more specific; (2) Design guidelines are site specific; and (3) a minimum 36,000 s.f. of office is proffered.

- e. **How the amendment might adjust the Plan as a necessary result of a significant change in circumstance unforeseen by the Plan at the time of adoption.** There has been a significant and unforeseen change in circumstances since the *Plan* was adopted in 2005 that has continued into 2013.

Staff Analysis: The economic situation when this application was originally made has been described as the worst since the Great Depression 80 years ago. Forecasts were that this situation could last several more years. Coupled with the overbuilding of office in the region, particularly to the east of Leesburg, attracting high revenue office use may be difficult for the foreseeable future. One can argue that an economic downturn of this magnitude qualifies as “*a significant change in circumstances unforeseen by the Plan at the time of adoption.*” That means some alternative to the Regional Office designation may be appropriate in these circumstances on this site, so long as it is not of such a nature that it abandons the previous *Town Plan* land use designation and design goals, and sets a precedent for other short term changes to the *Town Plan*. In this case, the site may be distinguished from others designated Regional Office because 75 % of the site is already zoned B-3 with proffers, and the close proximity of the Town sewage treatment facility may render a portion of the site, particularly the current B-3 zoned area, less attractive for high-end office users. The I-1 zoned portion at the northwest corner of the site is not impacted to the same degree as the B-3 zoned area, and remains appropriate for office uses, and is an especially attractive location given its high visibility at the intersection of two major roads.

The *Town Plan* policies are in support of the long-term vision of the Town and not market conditions at any particular in time. As quoted above, the *Town Plan* states, “*the current demand for new housing and retail must be balanced with the community’s desire to have land available when there is a market and where it is appropriate to build offices (p. 6-5) If Leesburg wants office, emerging technologies, or other high-wage employers, it must be willing to preserve the land until the market is ready*” (p. 6-6). That being said, the *Plan* anticipates normal fluctuation in the economic health of the country, but not major downturns of indeterminate length. In that case, amending a portion of the *Town Plan* at such times to capture economic development in a down period meets the goal of the *Plan* to promote the economic vitality of the Town to maintain the Town government in a fiscally sound condition.

The Dominion power line in its present alignment is an unanticipated change. By itself it does not seem to rise to the level of significantly affecting the Regional Office classification of the site. Close by examples of office development in Herndon and along Sunset Hills Road in Reston (with power lines running along the W&OD trail) attest to the possibility of developing and filling offices with transmission power lines next to them. However, coupled with the economic forecast, existing vacant office buildings in the region and the proximity of the treatment plant, the power lines further make this site an unlikely place for major office use in the foreseeable future.

III. TLZO SECTION 3.16.D.3. The Zoning Ordinance requires an analysis of how the proposed amendment and subsequent development comply with the goals and objectives of the *Town Plan*:

- a. **Non-Compliance with Town Plan:** Understanding that this amendment seeks to alter existing Town Plan policies, Staff notes the following elements of the *Town Plan*:
- *Community design.* The amendment as proposed would weaken guidance on community design for the Rt. 7 corridor through allowance of a “big box” store, as discussed above.
 - *Land use.* The amendment as proposed would in the short term reduce land available for Regional Office use, a land classification that is important to the town for fiscal, economic, housing, and design reasons, as discussed above.
 - *Economic development.* The amendment would reduce the long-term economic opportunities for the town, substituting low-wage, low-general-fund-revenue land use for high-wage, high-general-fund-revenue land use, as discussed above. However, in a shorter term view it would provide economic development which otherwise might not occur for a long time given the current *Town Plan* land use designation, the existing zoning and the economic climate.

IV. TLZO SECTION 3.16.D.4. FISCAL ANALYSIS. The Zoning Ordinance requires a fiscal analysis that compares general fund revenues, costs of services and capital facilities improvements generated by development associated with the requested amendment. Although the applicant has provided a fiscal impact statement with the rezoning, the application is lacking an analysis that compares Regional Office development under the current *Town Plan* policies for the site with development that could result from the proposed amendment. It would be beneficial in this case, where retail use is proposed in place of office use, to include a comparison of expected employees and wages.

Applicant states that the “Proposed Development will have a long-term fiscal benefit to the Town relative to the Property’s current zoning and ability to attract office users” (Response Letter, p. 12). However, an analysis to better inform all parties regarding the true impact of the amendment (retail vs. office expected employees and wages) has not been provided.

V. SUMMARY. The proposed amendment fails to meet the current clear and unequivocal policy for the Rt. 7 corridor: land use (intensive office or optional mixed use, primarily office), economic development (high-wage, high-tax-revenue uses; no expansion of primarily retail uses), and, to some extent, community design (creating a gateway into the town with attractive buildings in scale with Rt. 7). ***This constitutes a major policy change for the amendment are in the Route 7 Corridor, permitting it to be developed as primarily retail uses on these properties with no more than 13.2% office uses.***

Staff is keenly aware of the severity of economic recession, the effects of which began over five years ago, and which are only now beginning to slowly ameliorate. In light of these conditions, Town officials should be and are very concerned about bolstering tax revenues and providing opportunities for employment. Therefore, the

Town may find the need to consider a proposal that would provide relief under current conditions without limiting the possibility of moving toward the Town Plan's ultimate vision for the Rt. 7 Corridor in the future. The current application generally does this in that it provides for a minimum 13.2% office use in initial development of the site and for a minimum 30% office in the future should the Eastern Portion (Lowe's Store) redevelop. Also, the amendment states that this site is unique due to location of the wastewater treatment plant and should therefore not be used as a precedent for others seeking predominantly retail uses along Route 7. Adoption of the proposed amendment should not set a precedent to abandon the long term vision for the East Market Street Corridor.

The key question entertained by the Planning Commission was should the use designation (office vs. retail) or the form of development on the site (urban vs. suburban) decide their recommendation on the amendment? Central to that discussion was the ability of the Town to realize as much as possible of its long-range vision for the Rt. 7 corridor as found in the current land use, economic development, and community design policies while taking a practical approach to the unique constraints of the proposed amendment area. The maintenance of the possibility of office use at the intersection of Battlefield and Russell Branch Parkways is particularly important given the high visibility of this portion of the site. The location of a purely retail use (Lowe's) on one portion of this site could be justifiable if the remainder of the property was also not devoted to retail uses, and if the proposed option had better site design and location guidelines to give better assurance regarding how the site would look when developed. After full and due consideration, the Planning Commission determined that the Town Plan amendment as now proposed is an acceptable mix of good site design and proposed uses given the totality of the circumstances applicable to this particular site.

VI. STAFF RECOMMENDATION: Based on the proposed amendment language and the discussion above, Staff is of the opinion that the interests of the Town and its citizens are best served by approval of the requested Land Use amendment because:

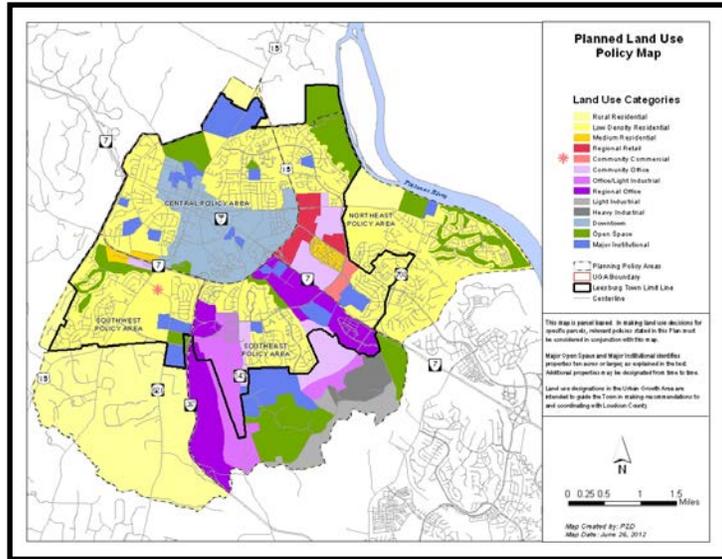
- The Statement of Justification and submitted materials adequately address the Zoning Ordinance criteria to justify the *Town Plan* Amendment as proposed.
- The amendment does adequately address the potential for some office use on the site.
- The proposed guidelines are more specific than the guidelines currently found in the *Town Plan* for the Regional Office land use classification.

If approved as proposed, retail could become the predominant use on the amendment area but a precedent is not set for other undeveloped land designated Regional Office in the area south of Route 7 between Battlefield Parkway and the Village at Leesburg due to the unique conditions of the subject property.

VIII. ATTACHMENTS:

1. Proposed Town Plan Amendment Text
2. Figures 1-4 (Amendment Illustrations)
3. Draft Resolution

Chapter 6 Land Use



*See “Land Use Policy Map”
in Section “D” of Town Plan*

Goal

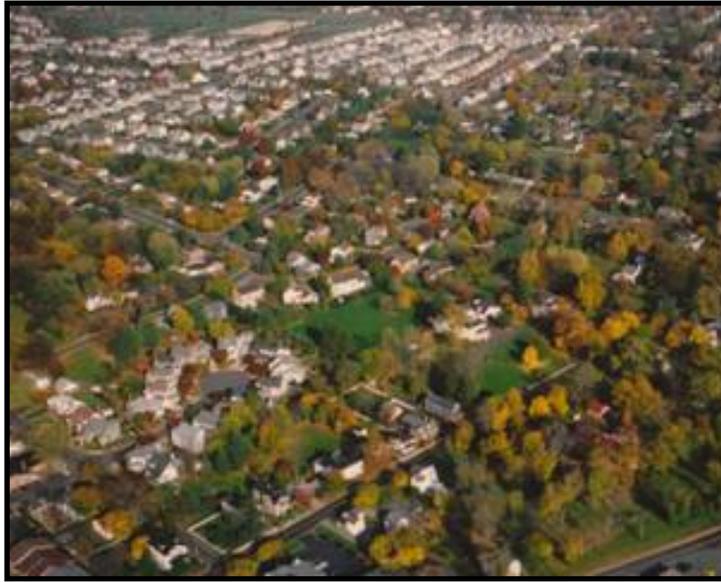
Leesburg will offer a variety of land uses that are appropriately located and compatible to adjacent uses, that allow for diverse housing, employment, and retail/service opportunities, sufficient for the needs of the present and future while preserving the Town’s green infrastructure and complementing its historic character.

For 250 years, the Town of Leesburg has evolved from a rural hamlet to the commercial center of western Loudoun County, one of the fastest growing counties in the nation. The pressures for growth in the Town are strong, nurtured by the robust regional economy that will continue to draw more businesses, government jobs and residents. Leesburg’s challenge and vision is to accommodate its share of that growth while retaining and enhancing the town’s character and quality of life.

The character of the Town is of paramount importance to Leesburg. In particular, the original Old and Historic District is the basis of Leesburg’s identity. It is a compact, energizing mix of land uses; its blocks and buildings are pleasingly and conveniently human scaled; its streets, glimpses of landmarks, and intimate views of architectural details, invite walking; its civic squares and rustic W & OD trail offer counterpoints of nature within a richly human environment.

The original Old and Historic District is cherished and its character and value should be further protected as downtown is expanded with major redevelopment and infill within the Bypass and along all major road corridors. In addition, much of Northern Virginia’s tourist attraction is its Civil War sites. Leesburg’s development policies

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Low density residential development, without supporting nonresidential uses nearby, generates more and longer automobile trips. One way to minimize this traffic impact is to locate retail, service, and office uses near residential areas; and to locate these retail and service uses next to employment areas. Better integration of land uses will also improve pedestrian and bicycle mobility.

Many of the objectives and land use categories of this Plan are intended to integrate and mix land uses in appropriate locations to reduce traffic problems.

To date, growth in the Town has been primarily the result of new development on vacant land with some redevelopment of existing uses or properties. Only 19% of the Town's total 7,983 acres remain available for development. As the supply of developable vacant land dwindles, redevelopment will play a greater role and will present new opportunities to integrate the goals and objectives of all elements of the Town Plan.

According to the Loudoun County Department of Management and Financial Services Round 8.1 forecasts and the Town's Research and Communications Manager, the following ranges are forecast for Leesburg by 2030, the horizon year for this Plan:

- 45,445 – 48,446 population
- 16,689 - 17,559 units
- 34,027 – 39,027 employees

The challenge for Leesburg will be to accommodate the projected increases in resident population, employees, businesses and housing while retaining and enhancing its character, services and quality of life.

Advancements in technology continue to blur the distinction between home and workplace. The mix of residential and business uses both within single buildings as well as within individual developments are increasingly important to the next generation of millennials and to business industries alike. This is particularly true for knowledge/technology-based businesses. Businesses today emphasize maximum flexibility for managing work space. This includes the flexibility to reduce work space per employee through use of teleworking programs but also to increase shared work space within office buildings for collaborative, creative employee interaction.

Other important considerations affecting land use decisions are an increasing desire for businesses and residents to be proximate to transit and multi-modal options. Walkability between business, residence, and entertainment options is even more important than it was when this Plan was initially adopted. Energy efficiency in land development site and building design is also an important factor for residents and businesses. The Town encourages commercial buildings to incorporate high bandwidth and cyber secure networks to attract businesses.

The land use element of this Plan builds upon and integrates all of the guiding principles outlined previously in other elements of this plan and applies them to future policy decisions of the Town Council, future administrative actions and future development applications.

These principles have helped mold the goals and objectives of the land use element. The primary guiding principles of those goals and objectives are summarized below.

- Identify, protect, and restore a green infrastructure system
- Minimize adverse environmental impacts, such as air and water pollution, tree canopy loss, and noise
- Identify, protect and restore historic and archeological resources
- Address the quantity, quality and affordability of the housing supply
- Diversify the economy and build upon strengths of the region and the Town
- Approve development based upon attractive and functional community design standards
- Provide for a comprehensive park system
- Provide for community facilities that are cost-effective, equitable, and environmentally sensitive as well as sustainable and maintainable
- Provide for a safe, convenient, efficient, transportation system

Such are the goals this Plan and these land use objectives seek to implement and apply in order to achieve well-designed, desirable land uses necessary to accommodate growth and maintain Leesburg's quality of life.

Objectives

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The land use objectives are presented in two sets. The first is a set of objectives that address land use from a town-wide perspective. The other is a set of objectives presented geographically, based on the four Planning Areas (see the “Planning Area Objectives” and “Land Use Policy Map” sections of this element) that include land both in the Town and the Joint Land Management Area (JLMA). The land use element concludes with a discussion of the Airport Area Land Use Policy Map.

For planning purposes, the Town has been divided into four Planning Areas - Central, Northeast, Southeast and Southwest. They are delineated by the major arterial roads that accommodate regional traffic which result in physical divisions within the Town. The land use element utilizes the Planning Areas as sub-areas of the Town in which to try to balance housing, shopping and employment.

Land use objectives, the Land Use Policy Map, and the Airport Area Land Use Policy Map also address design and use of lands within the JLMA. It is understood that these properties are within the jurisdiction of Loudoun County and the contents of this Plan are intended as a starting point for a joint planning effort.



The Plan calls for accommodating future office growth

General Objectives

The means to achieve the goal of the land use element and the goals of the other eight elements of the Plan can be focused into these major land use themes:

- Protect resources
- Protect residential areas
- Preserve and expand town character in terms of uses and pattern
- Protect the airport
- Maintain supply of land for high wage employment
- Phase timing of development with adequate facilities
- Accommodate future growth

General land use objectives 1-16, below, are general land use objectives that represent a synthesis of the major objectives of the other elements of this Plan as they apply directly to land use. The land use objectives are designed to resolve the dynamic tension between current market forces and the overall vision for the Town. For example, the current demand for new housing and retail must be balanced with the community's desire to have land available when there is a market and where it is appropriate to build offices.

Protect Resources

Protection of natural and heritage resources is paramount to achieving the Town's vision of preserving its quality of life. These two protections are essential first steps in determining the remaining land suitable for development or redevelopment.

Protect Residential Areas

Residential areas should be protected from incompatible uses and buildings as well as aircraft and traffic noise. Efforts should be made to maintain the quality of the housing stock as it ages, and additional housing should be available to accommodate future growth and a diverse workforce.

Preserve and Expand Town Character

The Town's many historic resources, as well as the compactness, mixed uses, pedestrian friendly streets of the historic district, define Leesburg's identity and should serve as the model for future development. There is a desire to expand elements of the historic character outside the Bypass by encouraging new and infill development to use more efficient site planning principles and architectural features that reflect Leesburg.

Protect the Airport

The Leesburg Executive Airport is viewed as an economic engine for the Town. Land use decisions around the airport should prohibit residential intrusions and promote employment-generating uses that will support the airport.

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Maintain Land Supply for Employment

The Town has a strong residential market and stock but desires additional local jobs to balance its economic base beyond the predominant retail/service and government jobs. Pressure to convert valuable non-residential land to residential has been constant. If Leesburg wants office, emerging technologies, or other high-wage employers, it must be willing to preserve the land until the market is ready.

Apply Mixed Use Concept

Having a mix of land uses in one location helps improve transportation in a number of ways. When uses are close enough such that people can walk among them it tends to reduce the number and length of automobile trips. In addition, increased densities in mixed use areas could improve bus transit by providing higher demand in a concentrated area. Mixed use areas should be considered in appropriate locations within the Town.

Phase Development

If uses are mixed and timed appropriately, the impact on existing facilities can be minimized. The community services and facilities element and Objective 4 encourage the timing of development so that it is phased so that public facilities are available.

Accommodate Growth

All projections lead to the conclusion that Leesburg and Loudoun County will continue to grow at a rapid pace. The challenge for the Town is to maintain its small-town character and quality while adding jobs and residents. The goals and objectives discussed previously culminate in the following land use objectives and the Land Use Policy Map in order to meet that challenge.



Leesburg will preserve heritage resources while growing

General Objectives

- Objective 1. Preserve natural and heritage resources and design development so that these resources are incorporated as amenities.**
- Objective 2. Development and redevelopment should be compatible with the Town's character in terms of land use and design.**
- Objective 3. Create a Town-wide land use pattern that accommodates desired levels of population and employment growth.**
- a. Provide a variety of land uses that maintains the Town's jobs/housing balance so that for every household there are between 1.4 and 1.7 jobs available.
 - b. Provide land uses for a diversity of housing types so that affordable housing is available for those employed within the Town.
 - c. Provide a mixture of types of development so that no more than 45% of general fund revenues are generated from residential sources.
 - d. Produce periodic development reports as part of the Plan monitoring process that indicates the status of the jobs/housing ratio.
- Objective 4. Strive to approve development only if adequate community facilities exist or are provided through development applications.**
- a. Phase future development with capital facilities improvement programming.
 - b. Obtain a fair share contribution for community facilities—such as schools, transportation, parks and recreation facilities, fire and rescue emergency services, public safety, and libraries—in the development review process.
 - c. Prepare proffer guidelines for residential development that provide for uniform and equitable contribution for capital facilities costs related to development. Some of the community facilities, such as schools and fire and rescue, are provided by the County. Coordinate with the County to estimate capital facility costs on a per unit basis so that a capital intensity factor (CIF) can be established.
 - d. New development and redevelopment applications should provide for the construction of public facilities and infrastructure improvements, according to applicable standards for these facilities. These facilities and infrastructure should be provided as they are needed during the construction of the development.
- Objective 5. Ensure that development complies with the transportation objectives in the transportation element of the Plan.**

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Objective 6. Use the mixed use concept as designated in the Planning Areas and in some land use categories to increase walkability and help reduce traffic. This type of development is not appropriate in established residential areas.

Objective 7. Allow uses that build upon regional and local economic assets.

- a. Protect the original Old and Historic District, including its function as a tourism and government center.
- b. Protect the river corridors and other green infrastructure of the Town, according to the objectives in the natural resources element.
- c. Encourage land uses that capitalize on existing and emerging business in the Route 7 corridor including information technology, higher education, and life sciences.
- d. Encourage land uses that capitalize on the transportation and economic development assets of the Dulles Greenway corridor.
- e. Protect the Leesburg Executive Airport from residential intrusions and encourage high wage employment and airport-related uses adjacent to and near the airport.

Objective 8. Do not increase land designated Regional Retail.

Objective 9. Locations for light industrial uses will be designated in Town as well as in the JLMA. Low impact industrial uses may be acceptable inside the bypass depending on how their impacts are mitigated through setbacks, landscape buffering and site planning. Those light industrial uses that have greater impacts will be more suitable for outside the bypass or in the JLMA.

Objective 10. 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 anticipate that these properties will be incorporated into the Town.

Objective 11. Encourage infill development that is compatible with the character of existing or planned development in the vicinity.

- a. Mitigate potential negative impacts through site design, including location of facilities and access, building height, scale, and massing; and buffers between different uses.

Objective 12. Provide institutional uses, such as schools, libraries, and government facilities, throughout the Town.

- a. Facilities should be compatible in scale and design with existing or planned development in the vicinity.
- b. Facilities should not have a negative impact in terms of automobile traffic, noise, lighting, and visibility.
- c. Fiscal studies should be provided with land development applications to assess the potential loss in tax revenue where residential or institutional uses are proposed for land that is designated for non-residential use.



Objective 13. Land use or intensity/density transitions should be provided between non-residential uses and residential areas.

Objective 14. Design King Street (Route 15) with consideration given to its being a gateway to the Town, an essential segment of the Journey Through Hallowed Ground corridor, and a multi-modal route bordering residential and commercial areas. Heavy landscaping and appropriate traffic calming should be used so that King Street functions as a Town street.

Objective 15. Encourage home fruit and vegetable gardens and urban agriculture for community health and well-being.

- a. Ensure Town regulations facilitate local food production and access to fresh, healthful foods.
- b. Promote backyard gardens, community gardens, rooftop gardens, and small scale greenhouses to transform unproductive spaces into sources of fresh vegetables, fruit, and herbs.

Objective 16. Residentially designated land use may include uses such as schools, places of worship, and community centers.

Planning Area Objectives

For planning purposes, the Town is divided into four Planning Areas bounded by the major arterial roads that provide the major access to and around the Town:

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Route 7, the Route 7/Route 15 Bypass, and the Dulles Greenway (see the Land Use Policy Map). These are identified as the:

- Central Planning Area (area inside the Bypass)
- Northeast Planning Area (the area outside the Bypass and north of Route 7)
- Southeast Planning Area (the area between the By-pass, Route 7, and the Greenway)
- Southwest Planning Area (the area outside the Bypass and west of the Greenway)

Each Planning Area includes any portion of the JLMA that is associated with that Planning Area.

The four Planning Areas have their own particular character and that character should be protected and enhanced with the advent of new development or redevelopment. The Planning Area format is designed to provide specific land use objectives and development guidance to realize the optimal land use configuration for that Planning Area. The Southeast Planning Area contains the airport, which drives much of the policy direction for this area. The land use objectives for each Planning Area are designed to provide locations for those uses lacking within that Planning Area so that automobile trips can be reduced, historic and natural resources can be preserved and public infrastructure funds can be used more efficiently.

If a general land use objective and a more specific Planning Area objective conflict, the Planning Area objective should take precedence.

Central Planning Area

The Central Planning Area contains the original Old and Historic District, which is the major determinant of the Town's character as well as that of the Central Planning Area. Opportunities for new development and redevelopment will help to extend that character into an enlarged downtown east and south of the current downtown. This will ensure that as the heart of Leesburg expands it maintains its scale and continues to serve as the County government seat, as a major regional tourist destination, and as a vital activity center for Town residents.

The Central Planning Area is the area located within the Route 7/Route 15 Bypass, which is a physical and psychological divider. It is 83% developed and primarily defined by the character of the original Old and Historic district, in which many of the original buildings, the grid street network, and the fine-grain, mixed land use pattern still exist. Fine-grained is generally defined as a land use pattern that has several of the following characteristics:

- There are a variety of uses within a short distances promoting pedestrian use instead of automobile use

- Entrances to the uses are provided every 25 to 50 feet along the length of the block
- Buildings and their entrances are at the edge of the street rights-of-way
- Buildings have a mixture of uses, such as retail on the ground floor and residential and office on upper floors
- Buildings should have a mixture of scale and massing consistent with that of buildings in the original Old and Historic District
- Blocks are short and walkable, typically not more than 400 feet long
- Architecture and public spaces are human scaled, rather than massive as found in regional retail shopping centers

Beyond the original Old and Historic District, the Central Planning Area is a mixture of stable residential areas and commercial uses along the major road corridors.

Most of the portion of the Central Planning Area outside of the original Old and Historic District comprises older, stable residential areas dating to the post-World-War-II era. These residential areas will remain intact, enhanced with compatible infill and improvements to community facilities. Significant but inefficiently designed commercial uses are located in the southeastern quadrant of Catoctin Circle and on East Market Street. Light industrial uses are also located on Catoctin Circle. Those areas are expected to redevelop in the near future, providing opportunities to expand the character of the original Old and Historic District, although at a higher, transitional density.

Only two significant parcels in the Planning Area are undeveloped. The Rogers Farm on Dry Mill road at Lee Drive and the O'Connor tract on North King Street (which is partially in the Town and partially in the JLMA); and an older mobile home park south of East Market Street that is suitable for redevelopment.

The following objectives are designed to provide specific land use and development guidance for the Central Planning Area.

Central Planning Area Objectives

Objective 1. Ensure development reinforces the desired character of the Central Planning Area.

- a. In the area designated as Downtown on the Land Use Policy Map use the development pattern of original Old and Historic District as a guide for new development. Encourage pedestrian oriented mixed use at a human scale incorporating public spaces, view of prominent and historic buildings, and unified streetscape character.
- b. Integrate compatible land uses that strengthen the existing suburban residential character of other Central Planning Area areas outside of the Downtown area.

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Objective 1: Reinforce the desired character

- Objective 2.** Encourage retail, personal and professional services uses for the daily and weekly needs of residents of the Central Planning Area in locations where they are lacking. Such uses are not appropriate in established residential areas.
- Objective 3.** Pad sites should not have direct access to abutting major streets and should be located within 300 feet of the primary buildings, with sidewalks and landscaping to encourage walking.
- Objective 4.** New industrial, auto dealership, auto-related, and auto service uses are not appropriate in the Central Planning Area although existing uses can be expanded or updated if the land area is not increased. Small scale, clean, high product value industrial uses such as microbreweries, coffee roasters, and printers that do not have significant noise, emissions, lighting, or outdoor storage areas that will generate low truck traffic may be allowed. When located adjacent to residential areas, these uses must be appropriately mitigated through setbacks, vegetative buffering or site design. These uses should be integrated into an urban scale mixed use community.
- Objective 5.** Take advantage of redevelopment opportunities outside of residential areas to create pedestrian oriented mixed use development connected to existing development.
- a. Encourage a fine-grained variety of retail, service, office, and residential uses.

- b. Provide architecture, streetscaping, public spaces, pedestrian linkages and height of buildings reflecting a Main Street character. Buildings should be of a human scale on streets that are pedestrian-friendly.
- c. Encourage floor area ratios (FARs) above 1.0, reflecting the development character of the original Old and Historic District.
- d. Encourage affordable housing.
- e. Redevelop the Crescent District in accordance with the relevant goals and objectives of Chapter D “Crescent District” in this Town Plan.
- f. Develop a neighborhood plan for the area northeast of the Crescent District generally bounded by Catocin Circle, Edwards Ferry Road, the Leesburg Bypass, and E. Market Street to take advantage of opportunities to encourage development that strengthens community character through coordinated development patterns, common streetscaping and design guidelines, an effective pedestrian network linking neighborhoods and retail uses, provision of public gathering places, and improved recreational and park opportunities.

Objective 6. Ensure that development of the Loudoun Healthcare’s Cornwall Facility and adjacent properties is sensitive to the historic building on the site and the surrounding residential area as the facility continues to serve the changing medical needs of the Town and the County.

Objective 7. Building heights should generally not exceed 45 feet in the Old and Historic District. Heights to 65 feet may be appropriate in some areas where topography helps mitigate the visual impact of the building height. Building setbacks should generally be consistent to provide a harmonious streetscape but should be increased as building heights increase. Increased height should not negatively impact historically significant structures in the Old and Historic District.

Objective 8. Preserve the rural character of the land on the west side of Route 15 north of Ida Lee Park and adjacent to Morven Park.

- a. Seek to add land to Ida Lee Park as needed. Encourage rural residential elsewhere for the land shown on the Land Use Policy Map for rural residential.
- b. If community facilities are considered for the site, they should be developed at a scale commensurate with the rural residential use planned for this property and designed in a way to protect sensitive environmental features of the property.
- c. Minimize visibility of development from North King Street by taking advantage of existing topography and vegetation.

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- d. Use creative site design, including significant, well located landscaping, to help retain the rural character of the site when viewed from North King Street.
- e. Design North King Street (Route 15) and adjacent development considering North King Streets multiple functions as a gateway to the Town, an essential segment of the Journey Through Hallowed Ground corridor, and a multi-modal route. Heavy landscaping and appropriate traffic calming should be used so that this portion of North King Street functions as a Town street.

Objective 9. Preserve the forested area on the Rogers Farm property if development occurs on the site.

Objective 10. Look for ways to improve the appearance of Town Branch and make it more of a public amenity where it is contained in an artificial channel. Along other streams, seek to preserve, restore, and establish vegetated stream corridors consistent with natural resource policies while taking into account any impacts to the flood control function of the stream.

Objective 11. Undertake all new development and redevelopment only in a manner that protects heritage resources according to the objectives in the heritage resources element of the Plan and the Heritage Resources Policy Map.

Objective 12. Preserve and protect the integrity of historic and archaeological resources.

Objective 13. Work with developers and Loudoun County to provide replacement housing for residents displaced by redevelopment.

Objective 14. Business and tourism-related opportunities should be encouraged and promoted in the original Old and Historic District. The intensity and architectural treatment of these uses should reflect the character of the district.

Objective 15. Continue to ensure sufficient parking in the original Old and Historic District as additional development occurs. Minimize the impacts of parking on the pedestrian experience and character of the district.

- a. Parking lots and parking structures should generally not front on streets.
- b. Parking lots and parking structures should be designed to provide retail, office or residential use on the primary street frontage.
- c. Plant shade trees in parking lots to reduce summer temperatures.

- d. Conduct periodic parking studies to assure that parking supply keeps pace with demand and consider developing a comprehensive parking strategy for development and funding of future parking facilities.

Objective 16. Outside of the low density residential areas, roadways should be designed to preserve and continue the character of the original Old and Historic District and the more compact, walkable pattern inside the Bypass.

Northeast Planning Area

The Northeast Planning Area is located outside the Route 15 Bypass and north of Route 7. It is 83% developed. Regional retail uses are located on the eastern frontage of the Bypass, with access via Edwards Ferry Road and Fort Evans Road and include the Premium Outlet Mall, Kohl's, Costco, Target, and Home Depot and the Battlefield Shopping Center. The newly constructed Potomac Station Shopping Center is located in this Planning Area and serves as a community level retail center.

There is low density residential development in the northern portion of the Planning Area. The low density Potomac Station and Lansdowne subdivisions are located in the eastern portion of this Planning Area, both in the Town and in the JLMA, respectively. There is open space along much of the Potomac River frontage, including public park land and land with conservation easements that preclude additional development.

The Northeast Planning Area has two large areas that are not developed, which constitutes much of the developable land remaining in the Town. One area is located between the Outlet Mall, Route 7, and Battlefield Parkway. The other is land adjacent to the Rehau development and includes land in the northwest quadrant of the intersection of Fort Evans Road and Battlefield Parkway. A small area of land on the northern side of Route 7 between the Harper Park Middle School and Bow Lake Place remains undeveloped. The development of this site may be challenging due to the variety of adjacent land uses and limited opportunities to access the site. With the planned future road improvements, direct access to E. Market Street will be prohibited making access to the site difficult.

The following objectives are designed to provide specific land use and development guidance for the Northeast Planning Area:

Northeast Planning Area Objectives

Objective 1. Do not increase land designated for Regional Retail. Existing uses can be expanded or updated if the land area is not increased.

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- a. Design updated and expanded retail use to incorporate integrated open space, landscaping, and pedestrian access and circulation as essential elements of the project.

Objective 2. Develop a small area plan for the E. Market Street Corridor outside of the bypass including parcels between the north side of E. Market St. south of Potomac Station Drive to provide more detailed guidance for coordinating land use and design and providing appropriate economic development opportunities. The plan will cover both the north and south sides of E. Market Street; additional guidance regarding the small area plan is provided in the Southeast Planning Area Objectives.

Objective 3. The land east of Costco is designated for Community Office with a floor area ratio (FAR) at the low end of the range.

- a. Provide a minimum 50-foot buffer between the use on this site and the existing attached single-family residential development.
- b. Design the project to blend with the residential architecture and to protect the steep slopes.
- c. Flexibility in the amount and kind of retail may be considered to enhance the availability of retail services.

Objective 4. The land area adjacent to Battlefield Parkway generally located between Fort Evans Road and Route 7, the majority of which is within the Potomac Station planned unit development, is appropriate for Community Commercial use.

- a. The maximum building floor area should be 250,000 square feet for non-residential buildings.
- b. An anchor grocery store should continue to be a focal point of the commercial center.
- c. Other retail space should not exceed 10,000 square feet per tenant.
- d. Offices should not exceed 30% of the non-residential building area.
- e. The maximum residential building area should be one dwelling per 600 square feet of the non-residential building square footage.
- f. Until such time as the E. Market Street Corridor Small Area Plan is completed, land fronting on northern side of Route 7 between Tolbert Middle School and Potomac Station Shopping Center is appropriate for development consistent with the Community Commercial land use category, as shown on the Land Use Policy Map [see also the Land Use Policy p. 6-22]. As an option, use consistent with the Community Office land use category may be considered if no access is provided to Route 7. Under this option, development at an intensity above .35 FAR can be achieved if

pedestrian and vehicular connections are provided to the non-residential portion of Potomac Station.

- Objective 5.** Any development along the Edwards Ferry Road corridor east of Battlefield Parkway should preserve the abundant significant natural and historic resources (such as the Cattail Run stream corridor, mature tree canopy, historic homes, and remnant Civil War features) in that corridor.
- Objective 6.** Preserve and protect the integrity of historic and archaeological resources.
- Objective 7.** Design development on the higher elevations on the north side of Fort Evans Road to prevent negative visual impacts related to the immediate vicinity and views from a distance. No negative visual impact should result regarding any design element or combination of elements, including height of buildings, location of open space, scale and mass of structures, color and type of materials, parking lot design and location, signs, and outdoor lighting.
- Objective 8.** Consideration should be given in the E. Market Street Corridor Small Area Plan to designating the properties fronting Route 7 between Harper Park Middle School and residential uses on Bow Lake Place for Community Office or additional hotel use provided that the primary access is not through the low density residential subdivision, and a 50 foot vegetative buffer area is provided adjacent to residential development. If instead, the site will be accessed through the residential subdivision, consideration should be given to designating the use as low density residential.

Southeast Planning Area

This Planning Area is located between the Route 7, the Route 7/15 Bypass, Dulles Greenway, and Sycolin Creek, which is the southern boundary of the JLMA. The JLMA comprises about one-half the area of the Planning Area, which is 38% developed and has 1,530 vacant acres, more available land than any other Planning Area. There are four distinct areas within this Planning Area—the residential areas south of the Bypass, Leesburg Executive Airport area, the Route 7 corridor, and the industrial areas around Cochran Mill Road.

Residential development consists of the Oaklawn, Tavistock, and Kincaid subdivisions located south of the Bypass. There are no retail areas within this Planning Area.

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The Leesburg Executive Airport is the prominent feature of this Planning Area and a major economic resource for the Town and County. Undeveloped land near the airport can provide opportunities for land uses that either support the airport functions or take advantage of the unique accessibility that the airport provides.

The major gateways of Route 7 and Dulles Greenway offer opportunities for intensive development of emerging technologies, higher education facilities, corporate offices, research and development, hotels, and conference centers. These sites are appropriate for the Town's highest intensities because of their regional access.

The Cardinal Park Drive/Trailview Boulevard area includes a variety of light industrial and auto-related uses. This is one of the few viable remaining industrial areas within the Town limits.

Loudoun County owns a large tract of land southeast of the airport and Sycolin Road. Philip A. Bolen Park, a 400-acre regional facility, has been approved for a portion of the site. There is also an 89-acre site opposite the airport that contains vehicle storage and maintenance facilities, a fire training facility, offices, and land for future facilities.

Within the JLMA, there is an existing industrial area on Cochran Mill Road near Route 7. Stone quarries, concrete and asphalt mixing plants, and other manufacturing businesses are located east of the W & OD Trail. There is land available for future industrial development on either side of Cochran Mill Road. No public water and sewer service is yet available in this portion of the Planning Area.

Major road improvements are needed to serve proposed development. Crosstrail Boulevard is a 4-lane road identified in the County's transportation plan that extends from River Creek Parkway to the Greenway south of the airport. Russell Branch Parkway is a 4-lane road planned to extend from Battlefield Parkway to Crosstrail Boulevard, south of and parallel to Route 7. A regional commuter park and ride facility is also identified in the County's transportation plan for a location near the Greenway and the Town boundary.

The following objectives are designed to provide specific land use and development guidance for the Southeast Planning Area.

Southeast Planning Area Objectives

Objective 1. Encourage Regional Office use, which includes corporate headquarters, emerging technologies facilities, hotels, conference centers, and higher educational facilities, along the Route 7 corridor and between the Leesburg Executive Airport and Dulles Greenway.

- Objective 2.** The Town seeks to conduct more detailed planning in the near future to address land use, transportation, site planning, community development, and market trends for the East Market Street corridor outside the Bypass.
- Objective 3.** Develop and implement effective design guidelines and/or ordinance requirements along E. Market Street to create a desirable entrance corridor into the Town.
- Objective 4.** Building heights and uses in the vicinity of the Leesburg Executive Airport should be compliant with Federal Aviation Administration requirements.
- Objective 5.** Continue to seek development and expansion at the Leesburg Executive Airport, as depicted and defined within the adopted master plan of the Leesburg Executive Airport.
- Objective 6.** Protect the Leesburg Executive Airport from incompatible land uses.
- a. Encourage Regional Office use, which includes corporate headquarters, emerging technologies facilities, hotels, conference centers, and higher education facilities, between the Leesburg Executive Airport and Dulles Greenway.
 - b. Implement land use categories depicted on the Airport Area Land Use Policy Map and accompanying text in order to limit the development of noise-sensitive uses, such as residences, hospitals, and convalescent homes, in areas close to the airport and subject to typical flight patterns generated by the airport.
 - c. Require the disclosure at the time of purchase of property in areas subject to typical over flight that the property may be subject to noise from airport traffic.
 - d. Develop a program to notify the public within the area subject to over flight, as indicated by the typical flight patterns on the Airport Area Land Use Policy Map that the area may be subject to over flight air traffic noise.
- Objective 7.** Locate commercial aeronautical support services, such as fixed base operators and specialized aeronautical service operators, as defined by the Federal Aviation Administration, which provide aeronautical support services to the flying public, on the Leesburg Executive Airport property.
- Objective 8.** Preserve and protect the integrity of historic and archaeological resources.

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Objective 9. The area south of Route 7 outside of the bypass, north of Tuscarora Creek, and west of the Village at Leesburg should be developed as **Regional Office**. Alternatively, existing industrial, auto dealerships, auto service, and light industrial uses may be appropriate provided that:

- a. The property is currently zoned for light industrial use.
- b. Design of development adjacent to Route 7 meets design guidelines.
- c. A substantial buffer is provided to residential development south of Tuscarora Creek.

Objective 10. Philip Bolen Park should continue to function as a regional park with adequate road access from Sycolin Road and Crosstrail Boulevard.

Objective 11. Land fronting on the eastern side of Sycolin Road between the Route 15 Bypass and the neighborhood commercial center at the corner of Sycolin Road and Battlefield Parkway is appropriate for development consistent with the Community Office land use category, as shown on the Land Use Policy Map [see the Land Use Policy section, p. 6-22] provided that (a) an appropriate buffer is provided for adjacent residential development; (b) substantial consolidation of the parcels is achieved and development is coordinated with existing uses; and (c) access is aligned with Hope Parkway and coordinated with other access points on Sycolin Road.

Objective 12. The land designated for the **Regional Office** category along the eastern side of the Dulles Greenway north of Tolbert Lane is appropriate for this type of development if the following conditions are met:

- a. A 50 foot baseline setback from residential property lines should be provided. For every foot of building height, two feet of additional setback (beyond the 50 foot baseline setback) should be provided.
- b. A maximum of 10% of the total building square feet may be used for daily retail and services.
- c. A planted S-3 buffer, at least 50 feet wide, should be provided on any boundary abutting residential uses or zoning districts. No development should occur within this buffer area except for pedestrian or bicycle walks or trails.
- d. All other criteria contained in the definition of the Regional Office land use category that are not superseded by the above conditions should be satisfactorily addressed.

Southwest Planning Area

The Southwest Planning Area is located south of the Route 7 Bypass and west of Dulles Greenway. The Southwest Planning Area is 48% developed primarily with residential uses. Residential use in the Town portion of the Planning Area is low density while in the JLMA it is rural density. Three schools and Freedom Park are located in the Planning Area. There are no retail uses within this Planning Area and residents must travel to other parts of the Town to do daily shopping and services.

There is an undeveloped tract of about 300 acres in the middle of the Planning Area. A portion of the Woodlea Subdivision is situated outside the incorporated town limits and is designated JLMA. With respect to utilities, these lots are served by Town wastewater systems but have individual wells for water.

The following objectives are designed to provide specific land use and development guidance for the Southwest Planning Area:

Southwest Planning Area Objectives

Objective 1. A Community Commercial use is planned for either the southeast or northeast quadrant of Evergreen Mill Road and South King St. The quadrant not used for Community Commercial Use is designated for Low Density Residential use at a compatible density to adjacent residential development.

- a. If developed with retail uses only, the total area of commercial buildings should not exceed 150,000 square feet.
- b. An anchor grocery store of no more than 70,000 square feet should be provided.
- c. With the exception of a secondary anchor that could be up to 14,000 square feet in size, other commercial space should not exceed 10,000 square feet per tenant.
- d. A 50 foot planted or natural vegetative buffer area should be provided adjacent to offsite residential development.
- e. Alternatively, if the site is developed for integrated mixed use with between 15 to 30% office use and zero to 20% residential use, the total area of buildings may be up to 250,000 square feet. Under this option, up to 4% of restaurant uses may count toward the office component.

Objective 2. Except for the Community Commercial use specified in Objective 1, the remainder of the 275 acre site bounded by Rt. 15, Evergreen Mill Road, and Masons Lane should be developed at a residential density of one (1) dwelling unit per acre.

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Objective 3. Preserve and protect the integrity of historic and archaeological resources.

Objective 4. Design South King Street (Route 15) with consideration given to its being an entrance corridor to the Town, an essential segment of the Journey Through Hallowed Ground corridor, and a multi-modal route bordering residential and commercial areas. Heavy landscaping and appropriate traffic calming should be used so that that portion of South King Street functions as a Town street.

Objective 5. Protect the Leesburg Executive Airport from incompatible land uses.

- a. Implement land use categories depicted on the Airport Area Land Use Policy Map and accompanying text in order to limit the development of noise-sensitive uses, such as residences, hospitals, and convalescent homes, in areas close to the airport and subject to typical flight patterns generated by the airport.
- b. Require the disclosure at the time of purchase of property in areas subject to typical over flight that the property may be subject to noise from airport traffic.
- c. Develop a program to notify the public within the area subject to over flight, as indicated by the typical flight patterns on the Airport Area Land Use Policy Map, that the area may be subject to over flight air traffic noise.

Objective 6. The undeveloped parcels on the west side of South King Street, commonly known as the Greenway Farm neighborhood commercial center, may develop in accordance with their approved zoning. Despite the designated land use of low density residential, these properties may seek to make modifications to the approved zoning and make application for special exception uses, so long as the overall density does not exceed 100,000 square feet.

Land Use Policy Map

The Land Use Policy Map will be utilized in conjunction with the goals, objectives and text of this Plan to direct new development, redevelopment and public facilities decisions. In making such land use and infrastructure decisions for specific projects, relevant goals and objectives stated throughout all elements of this Plan must be considered in conjunction with the map's assigned category for that parcel.

Land use designations in the JLMA are recommendations, to be used as the basis for a joint planning effort with Loudoun County, upon adoption of the Town's Plan.

Upon agreement on the appropriate land uses and the boundaries of the JLMA, the Town and County will amend their Plan maps accordingly. It is understood that the County retains regulatory authority over parcels within the JLMA. These recommended land uses are based upon the Town's concerns for growth adjacent to its borders and the significant impacts on the Town's residents, businesses, facilities and fiscal health.

The Land Use Policy Map is intended to provide site-specific direction of the general land use desired, with additional detailed direction provided by:

- Goals of all Plan elements
- General objectives of all Plan elements
- Planning Area objectives of the land use element
- Text of the Plan

The Land Use Policy Map has been developed with those goals and objectives in mind and is implemented as a series of land use categories. The following describes each land use category.

Residential

Table 1 shows the different residential categories, their density ranges, and the types of buildings that are generally developed within those density ranges. Each of the categories is designated separately on the Land Use Policy Map.

When the Town Plan states a range of densities for a residential land use category, it is the Town Council's position that the low end of the stated range provides the most appropriate use of the property. Clear justification is needed before development at a higher density is warranted or appropriate.

Consideration of a density above the low end of the range should be based on an application's conformance with ordinance requirements under the proposed zoning and the extent to which applicable objectives in the Town Plan are fulfilled or exceeded, but exceeded in a manner that justifies special consideration. Included in such objectives are, but not limited to, the following:

1. Protection of natural resources, including green infrastructure and tree save areas.
2. Protection of heritage resources.
3. Provision of community facilities, including transportation.
4. Offset of community facilities costs, such as related to schools, fire and rescue facilities.
5. Provision of park and recreation facilities.
6. Inclusion of design amenities, including landscaping, streetscaping, setbacks or berming along major roads.
7. Addressing affordable housing goals and objectives.

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8. Compatibility with the surrounding area.
9. Commitment to provide appropriately phased development.

Table 1: Residential

Category	Density Range	Building Type
Rural	1 dwelling unit/20 acres	Single-family detached
Low	1-4 dwelling units/acre	Single-family detached, single-family attached (if part of a cluster)
Medium	5-12 dwelling units/acre	Single-family detached, single-family attached and multifamily

Downtown

The Downtown land use category covers much of the Central Planning Area. The heart of the Downtown, and of Leesburg itself, is the historic crossroads of King and Market streets. Town and County government offices, businesses, and residences are situated around this intersection that form the original Old and Historic District. Those uses form a fine-grained mix that is surrounded by historic residential areas. This mixed use core is surrounded by established residential areas some of which are also historic. These areas are planned to remain as they are, with compatible residential infill.

Outside of these residential areas, many properties along South King Street, East Market Street, and the southeastern quadrant of Catoctin Circle (the Crescent District) are occupied by mid-20th century retail and industrial land uses. These areas offer opportunities for rehabilitation, significant redevelopment, and infill. Such development should extend the character of the original Old and Historic District, with a fine-grained mix of multi-story buildings in a pedestrian-friendly environment.

Regional Office

Intent

1. To help meet the need for a broad spectrum of local and regional employment that offers high paying jobs and supports a balanced tax base.
2. To provide some of the daily retail and service needs of people associated with the primary office use in a convenient manner that reduces automobile use.
3. To provide these service and retail uses within walking distance of the primary office uses.
4. To provide a high degree of regional and local transportation accessibility, including automobile, bus, pedestrian, and bicycle modes of transportation.
5. To encourage development along the major gateway corridors into Town that is compatible with adjacent uses and Leesburg's character.

6. To provide an option, additional retail and service uses and residential uses, where the Town determines that it promotes compatibility with residential areas, reduces automobile traffic, and/or provides a multi-activity environment. (See the “Optional Uses and Design” subsection, below.)
7. To provide flexibility in uses so that light industrial and high tech uses may be permitted where compatible with other Regional Office uses.

Uses

1. Office uses, include including corporate headquarters, emerging technologies facilities, other public and private sector office uses, hotels, conference centers, and higher education facilities and other major office users.
2. Retail and services for daily needs of workers, customers, and businesses in the development, including such uses as personal services (e.g., dry cleaners, hair dressers), business services (e.g., office supplies, copying centers), bank facilities, restaurants, health clubs, and day care facilities.
3. Light industrial and high tech uses as appropriate provided that issues related to compatibility, emissions, outdoor storage and traffic are effectively addressed.

Intensity

1. The floor area ratio (FAR) should be between .35 and 1.0.
2. Up to 20% of total building square feet for retail and services.
3. At least 5% of the site’s land area, excluding any open space for natural resource protection (such as creek valley or tree preservation land) or required landscaping, should be provided for well-integrated outdoor use and amenity.

Site Design and Location

1. The site should be designed architecturally and functionally as a well-integrated unit.
2. In order to make a visual statement in the gateways to the Town, office buildings should be located close to the highway with parking behind, or underneath and/or located in the interior of the development.
3. Retail and service uses should be located within office buildings or oriented to the interior of the site and should be within walking distance of the office buildings that they serve.
4. Pad sites are not appropriate.
5. Structured parking is strongly encouraged.
6. Site design should conform to H-2 district design guidelines.
7. Provide pedestrian and bicycle access. Site design should provide accessibility and internal circulation for automobiles, public transportation, bicycles, and pedestrians.
8. Gateway landscaping (enhanced landscaping with a unified design that creates an entrance feature) should be provided in addition to landscaping and buffer ordinance requirements.

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Building Design

1. Strongly encourage the incorporation of retail and services into office buildings; or they should be designed as a unified group of buildings located within 600 feet of the primary use.
2. Building design should conform to H-2 district design guidelines.
3. Architecture should be compatible with and reflective of character, materials, and features of Leesburg.

Optional Uses and Design

As an option, individual projects may develop as mixed use with retail and residential components to compliment the Regional Office use. The following criteria should be used to evaluate proposals with mixed use characteristics:

1. Any retail and service uses may be considered that provide for daily and weekly needs of people associated with the project, and for comparison and entertainment shopping for a larger market area.
2. Individual retail tenant building size should not exceed 60,000 square feet, with a footprint of no more than 30,000 square feet.
3. The office component of a project should be the predominant use as construction occurs.
4. Regional office projects that include a retail and/or residential component must be approved under a single integrated plan of development and designed as a well-integrated unit.
5. Land use or intensity/density transitions should be provided between nonresidential uses and existing residential areas.
6. Such a project should offer the benefits of convenience, accessibility, and social and economic vitality.
7. Such a project should combine uses vertically or horizontally to achieve convenience and walkability.
8. Such a project should have a Main Street character with a fine-grained land use pattern at a human scale. Blocks are typically not more than 400 foot long.
9. Buildings should be located at the edge of the street right-of-way and have entrances every 25 to 50 feet along the right-of-way.
10. Design elements should be integrated with wide sidewalks, street trees, benches, and entrances to buildings at the edge of street rights-of-way, bicycle facilities, structured parking, and usable public spaces.
11. Buildings should be at least two stories.
12. All facades of buildings should be designed with architectural detail consistent with that of the front elevation of the building.
13. Pedestrian circulation should be designed as an integral part of the development.
14. Vehicular and pedestrian links should extend into the surrounding development.
15. Streets should be designed for the comfort and convenience of pedestrians, including wide sidewalks, street trees, and benches and other amenities.

Street design should calm automobile traffic and provide appropriate accommodations for public transportation and bicycles.

16. Such a project should provide 10% of the gross land area for outdoor amenity and use, preferably to include a connective character between or among various uses.
17. Parks and streets should be designed to support adjacent uses.
18. Landscaping should exceed ordinance requirements and should be part of the streetscape, parks, and open spaces.
19. Such a project should be designed to encourage pedestrian use and discourage automobile use.
20. Such a project should provide accessibility and internal circulation for automobiles, public transportation, bicycles, and pedestrians.
21. A further option to permit a higher ratio of retail use due to unique site circumstances (proximity to the Town of Leesburg Waste Water Treatment Facility) is applied to two parcels designated as PIN 149-46-0836 and PIN 149-45-7383, "The Retail Optional Use Area." This option shall meet the requirements for Regional Office and the Regional Office Option except as modified below:
 - a. The Retail Optional Use Area is further defined, for the purposes of phasing, as having a Western Portion and an Eastern portion. See Illustration 1.
 - b. The initial development of the Property should include a minimum floor area ratio (FAR) of 0.2. A higher FAR is expected as redevelopment of the property occurs.
 - c. Office uses are encouraged on the Property. The initial development of the Western Portion should include a minimum of 30% office uses. Initial development of the Eastern Portion is not required to have office uses. Upon redevelopment of the Eastern Portion, the Property shall include no less than 30% office and a maximum retail FAR of 0.5. Proffers shall establish the phased development of office uses on the Property. Figures 1-4 illustrate potential redevelopment of the Property.
 - d. If structured parking is provided, office use square footage may be reduced (credited) up to a maximum of 50%.
 - e. Individual retail tenant sizes should not exceed 60,000 square feet, with a footprint of no more than 30,000 square feet. Initial development of the Eastern Portion is limited to one individual tenant with a footprint no greater than 175,000.
 - f. The use of design guidelines is required.
 - g. Special consideration should be given to landscape and building design along the Route 7 frontage. Landscape buffering above minimum standards and high-quality architecture and façade treatments should be used to minimize the visual impact of the development and enhance the appearance of the Route 7 corridor.
 - h. To achieve urban densities and intended FAR, Buildings should include multiple stories, with allowances for architectural features to

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compensate for perceived building height. With the initial development of the Western Portion, no less than one-third (1/3) of building footprints should be multiple stories. This multistory requirement does not apply to the initial development of the Eastern Portion. Upon redevelopment of the Eastern Portion, all buildings should include multiple stories. The design guidelines with the rezoning concept development plan should specify the building height requirement.

- i. Buildings should align and be built close to internal streets to create an urban street edge.
- j. Buildings should constitute a predominant percentage of the street frontage along internal streets
- k. Buildings should be located at the street edge and include multiple entrances to engage the street.

Implementation

1. The site should be developed and approved under a single development plan.
2. The project should be subject to phasing related to the provision of adequate community facilities.

Community Office

Intent

1. To help provide for the diverse employment needs of the Town.
2. To provide some of the retail and personal services needs of the employees and customers of the primary use for daily needs.

Uses

1. Office uses, including corporate headquarters, emerging technologies facilities, hotels, conference centers, and higher educational facilities
2. Retail and services for daily needs of workers, customers, and businesses in the development, including such uses as personal services (e.g., dry cleaners, hair dressers), business services (e.g., office supplies, copying centers), bank facilities, restaurants, health clubs, and day care facilities.

Intensity

1. The maximum floor area ratio (FAR) should be .60.
2. Up to 20% of total building square feet for retail and services.
3. At least 5% of the site's land area, outside excluding any open space for natural resource protection (such as creek valley or tree preservation land) or required landscaping, should be provided for well-integrated outdoor use and amenity.

Site Design and Location

1. The site should be designed architecturally and functionally as a well-integrated unit.

2. Retail and service uses should be located within office buildings or oriented to the interior of the site and should be within walking distance of the office buildings that they serve.
3. Pad sites are not appropriate.
4. Provide pedestrian and bicycle access. Site design should provide accessibility and internal circulation for automobiles, public transportation, bicycles, and pedestrians.
5. Landscaping should be provided in addition to landscaping and buffer ordinance requirements.

Building Design

1. Strongly encourage the incorporation of retail and services into office buildings; or they should be designed as a unified group of buildings located within 600 feet of the primary use.
2. Architecture should be compatible with and reflective of character, materials, and features of Leesburg.

Implementation

1. The site should be developed and approved under a single development plan.
2. The project should be subject to phasing related to the provision of adequate community facilities.

Regional Retail

Intent

1. To meet the needs for comparative shopping and entertainment or recreation shopping needs for a market area of 15 or more miles.
2. Market area up to 15 or more miles for a population of 150,000 or more.

Uses

1. Retail and service uses including department stores, clothing and other specialty stores, restaurants, theaters, service stations, and health clubs.
2. Office uses and hotels.

Intensity

1. The maximum floor area ratio (FAR) should be .35.
2. Individual retail tenant size should not exceed 150,000 square feet.

Site Design and Location

1. The site should be designed architecturally and functionally as a well integrated unit.
2. Pad sites should not have direct access to abutting major streets and should be located within 300 feet of the primary buildings, with sidewalks and landscaping to encourage walking.
3. Automobile access from abutting major streets should be consolidated, while at the same time providing adequate access and internal circulation.
4. Site design should provide accessibility and internal circulation for automobiles, public transportation, bicycles, and pedestrians.

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5. Promote structured parking as a means to help consolidate regional retail use so that it is more walkable.
6. Internal parking lot landscaping should be incorporated or augmented and exceed ordinance requirements.
7. Pedestrian circulation should be designed as an integral part of the development.

Building Design

1. Building height should not exceed 45 feet.
2. Architecture should be compatible with and reflective of character, materials, and features of Leesburg.

Implementation

Land designated as Regional Retail on the Land Use Policy Map should be not increased.

Community Commercial

Intent

1. To meet the Planning Area needs for daily and weekly shopping and personal services.
2. Market area up to 4 miles for up to 3,000 households.

Uses

1. A grocery store should be the single anchor store.
2. Retail and personal services, including such uses as dry cleaners, nail parlors, hair dressers, office supplies, restaurants, pharmacies, bookstores, service stations, and day care facilities.
3. Offices, such as but not limited to medical, legal, real estate, and travel.
4. Residential use can be considered.

Intensity

1. The maximum building floor area for Community Commercial areas should be 250,000 square feet.
2. Office uses should not exceed 30% of the total non-residential square footage.
3. Single large format buildings should not exceed 70,000 s.f.

Site Design and Location

1. Community Commercial projects should have a Main Street character with a fine-grained land use pattern at a human scale. Blocks are typically not more than 400 foot long.
2. Buildings should be located at the edge of the street right-of-way and have entrances every 25 to 50 feet along the right-of-way.
3. Design elements should be integrated with wide sidewalks, street trees, benches, and entrances to buildings at the edge of street rights-of-way, bicycle facilities, structured parking, and usable public spaces.

4. Such a project should combine uses vertically or horizontally to achieve convenience and walkability.
5. Such a project should offer the benefits of convenience, accessibility, and social and economic vitality.
6. Such a project should provide 10% of the gross land area for outdoor amenity and use, preferably to include a connective character between or among various uses.
7. Pad sites should not have direct access to abutting major streets and should be located within 300 feet of the primary buildings, with sidewalks and landscaping to encourage walking.
8. Land use or intensity/density transitions should be provided between non-residential uses and existing residential areas.
9. Design guidelines of the H-2 design corridor overlay district apply in addition to the others in these guidelines.
10. Streets should be designed for the comfort and convenience of pedestrians, including wide sidewalks, street trees, and benches and other amenities. Street design should calm automobile traffic and provide appropriate accommodations for public transportation and bicycles.
11. Parks and streets should be designed to support adjacent uses.
12. Vehicular and pedestrian links should extend into the surrounding development.
13. Landscaping should exceed ordinance requirements and should be part of the streetscape and open spaces.

Building Design

1. Buildings should be at least two stories, and building height should not exceed 45 feet.
2. All facades of buildings should be designed with architectural detail consistent with that of the front elevation of the building.
3. Architectural treatment, materials, and colors should be compatible with adjacent residential architecture.
4. Facades of large-format buildings (40,000 – 70,000 s.f.) should be broken up to appear as several buildings so as to mitigate the effect of the scale and mass of the building.

Implementation

1. The site should be developed and approved under a single development plan.
2. The project should be subject to phasing related to the provision of adequate community facilities.

Community Office/Light Industrial

Where land is designated Community Office/Light Industrial on the Land Use Policy Map, development following guidelines for Community Office and Light Industrial land use categories is appropriate.

Chapter 6

Light Industrial

Light industrial uses include a wide range of uses that can involve any one or combination of the following: manufacturing, processing, assembling, fabrication, treatment, packaging, storage, sales, research and development, and distribution of materials. Light industrial businesses that involve manufacturing typically involve processing from previously prepared materials as opposed to processing from raw materials. In addition, light industrial businesses do not produce, sell, or distribute products in bulk which is another differentiation between light and heavy industrial uses. Light industrial uses are characterized as those that will not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisances. Typical light industrial uses include flex industrial facilities, light manufacturing and assembly, automobile related facilities, including dealerships and body shops, swimming pool outlets and home improvement wholesalers. Depending on the light industrial activity, many light industrial uses can locate in traditional office buildings while others that are more intensive in activity, are better suited to locate in buildings and areas that will accommodate more intensive land use activities that are physically separated from residential areas.

Heavy Industrial

Heavy industrial use contains uses such as quarry extraction and related manufacturing uses, solid waste facilities, construction firms, large vehicle storage, and regional distribution warehousing. Industrial uses should have little or no visibility from major roads and residential areas. This category applies to the JLMA only.

Major Open Space

The Major Open Space category includes several large parks, private golf courses, and major tracts along the Potomac River that are protected by conservation easements. Two regional multi-use paths are also shown on the map. Parks and other open space land smaller than ten acres are not shown on the Land Use Policy Map. Additional open space may be established from time to time.

The Green Infrastructure Policy Map identifies the major parks, as well as other areas to be preserved. These open space and green infrastructure lands provide buffers between land uses, places for passive and active recreation, land for wildlife habitat, and locations for bicycle and pedestrian paths, as well as air and water quality benefits. The parks, open space, and green infrastructure areas are depicted on the Green Infrastructure Policy Map, and its administration is outlined in the natural resources element of this Plan. Additional such spaces may be established from time to time.

Major Institutional

The Major Institutional category, as shown on the Land Use Policy Map, includes a variety of facilities that provide services for the community and that are developed on at least 10 acres. Some major institutional facilities are owned and operated by Town, County, state, and federal governments. Some are owned and operated as private facilities. Major institutional facilities include Town and County government offices and facilities, the Town's water supply and wastewater treatment plants, Loudoun County public schools, the Loudoun County Government Office Park on Sycolin Road, the Federal Aviation Administration facilities, and the Virginia Department of Transportation residency office for Loudoun. Loudoun Hospital at Cornwall is a private institutional facility. Institutional facilities developed on smaller than ten acres are not shown on the Land Use Policy Map. Additional institutional uses may be developed throughout the Town on appropriate sites when the need dictates.

Airport Area Land Use Policy Map

The Airport Area Land Use Policy Map shows the location of the airport, the extent of the runways and the anticipated extension on the southern end of the runway. Also identified on the policy map are the runway protection zones as established under Federal Aviation Administration regulations, air traffic flight patterns, and an area of influence as drawn by the Leesburg Airport Commission. The runway protection zone establishes an area within which building heights that might interfere with landings and take-offs are limited. The traffic flight pattern covers an area that is subject to overflights from aircraft using the airport. People should expect to hear aircraft routinely within this area. A line circumscribing the land area within 7,500 feet from the centerline of the runway identifies the airport's area of influence. Residents within this area may hear aircraft overflights also, but less frequently than people located within the traffic flight pattern.

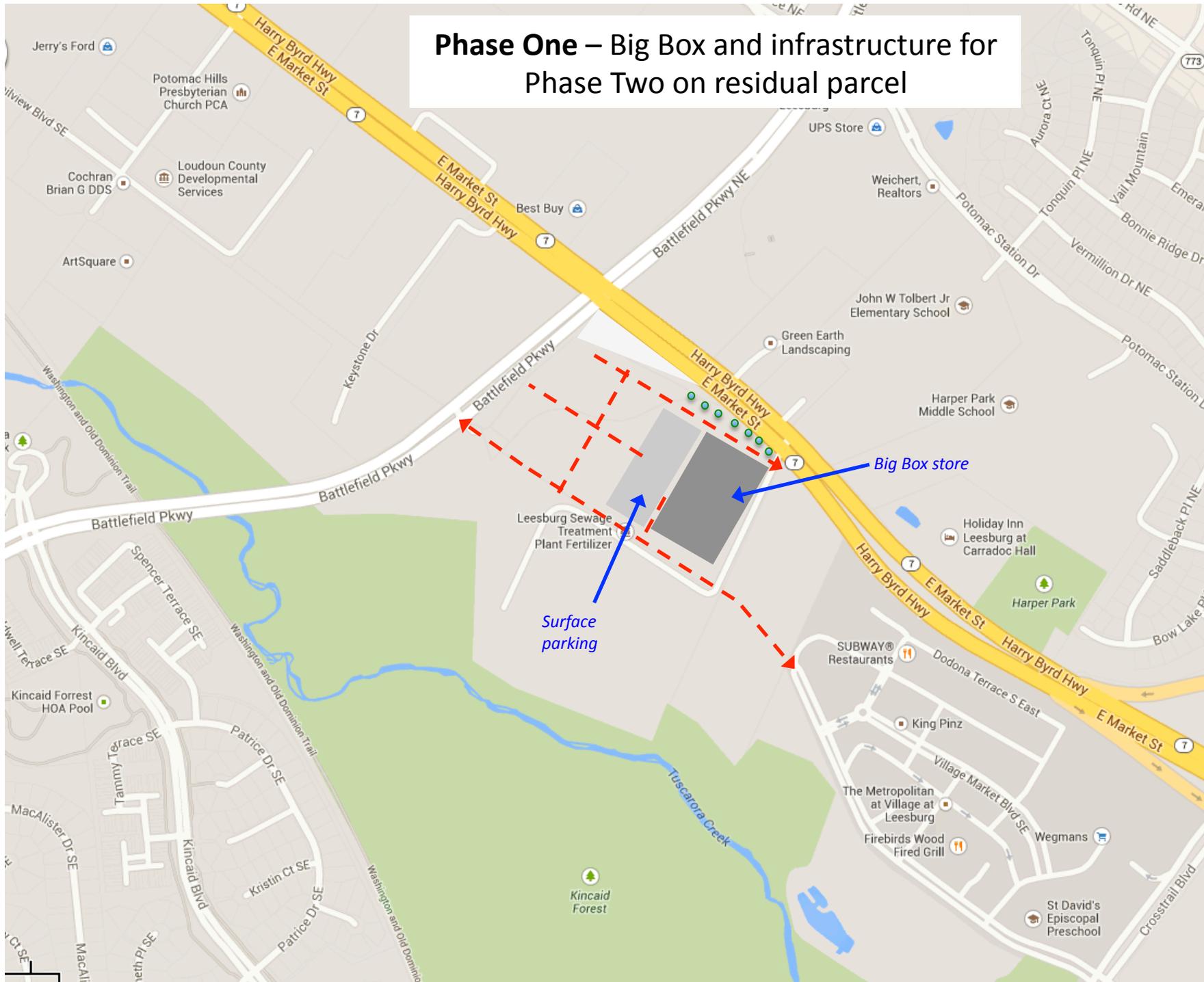
In addition, the area west of the airport is planned consistent with the future plans for airport expansion identified in the Leesburg Airport Master Plan.

Various land uses for areas around the airport have been identified and addressed on the Land Use Policy Map and in the Southeast Planning Area and Southwest Planning Area objectives. Generally, Regional Office, Community Office, Community Office/Light Industrial, and Major Institutional land use categories are designated from Dulles Greenway eastward to Tuscarora Creek. Those categories call for land uses that are compatible with the airport and its operations. Parks, such as the proposed Bolen Park across Sycolin Road from the airport, are another compatible use planned near the airport. No residential land uses should be developed where these categories are designated.

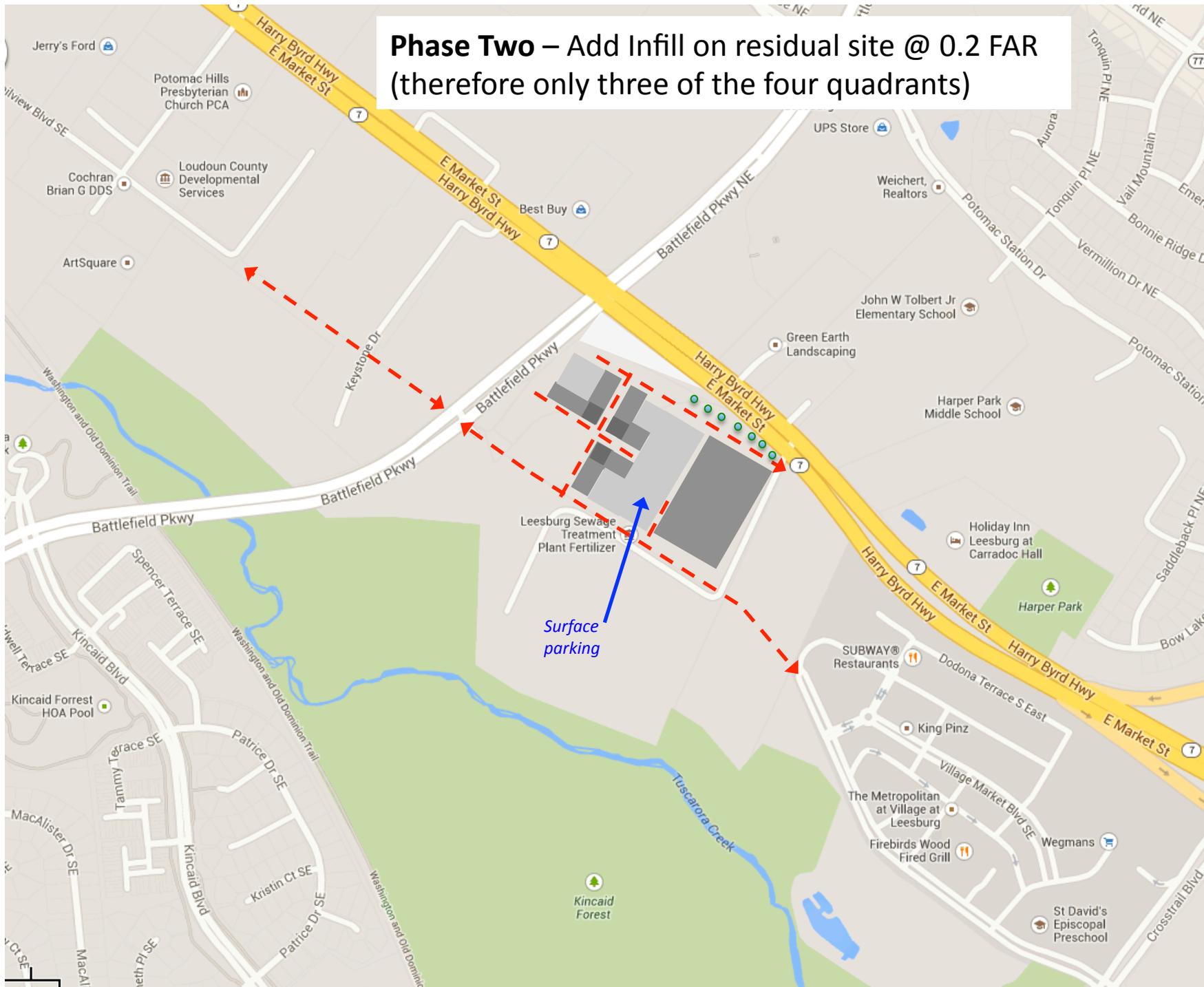
Rural Residential and Low Density Residential land uses are planned west of the Dulles Greenway. They are compatible with the existing land use pattern, which is supported by schools and recreation facilities on Evergreen Mill Road. Similarly, the Low Density Residential designation in the Southeast Planning Area is compatible with existing land use patterns and community facilities.

Chapter 6

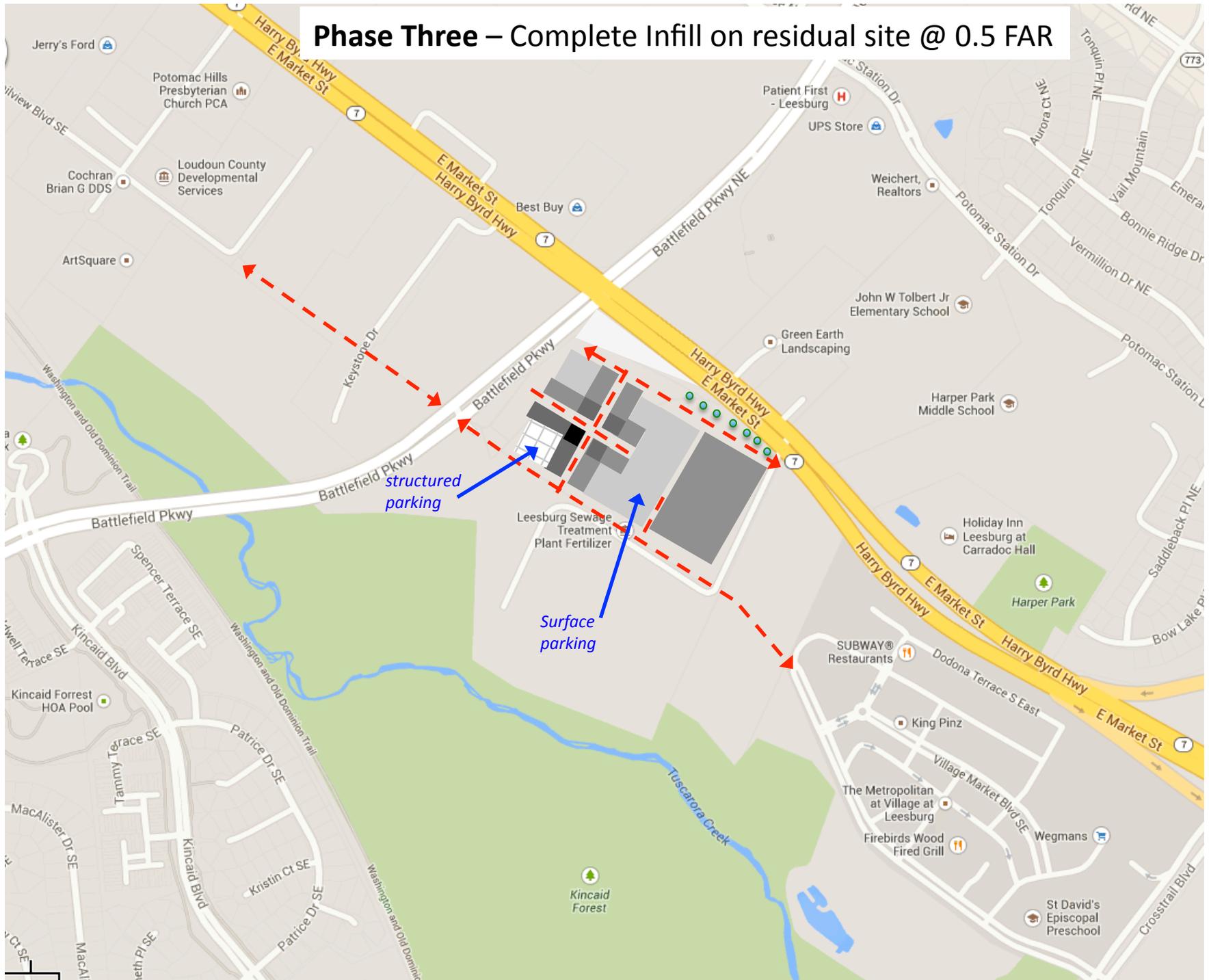
Phase One – Big Box and infrastructure for Phase Two on residual parcel



**Phase Two – Add Infill on residual site @ 0.2 FAR
(therefore only three of the four quadrants)**



Phase Three – Complete Infill on residual site @ 0.5 FAR



Phase Four – Big Box is redeveloped and site is connected to the east



A RESOLUTION: ADOPTING TOWN PLAN AMENDMENT TLTA-2010-0002, ADDING CRITERION #21 TO REGIONAL OFFICE OPTIONAL USES AND DESIGN

WHEREAS, Town Council has determined that the approval criteria of Zoning Ordinance Section 3.16.12 have been satisfied; and

WHEREAS, Town Council has determined that Town Plan Amendment TLTA 2010-0002 provides guidance for development of the property adjacent to the Town's wastewater treatment plant in a manner that promotes the health, safety, convenience, prosperity and general welfare for Leesburg.

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia that TLTA-2010-0002 is hereby approved and that the Regional Office category is hereby amended as described below:

21. A further option to permit a higher ratio of retail use due to unique site circumstances (proximity to the Town of Leesburg Waste Water Treatment Facility) is applied to two parcels designated as PIN 149-46-0836 and PIN 149-45-7383, "The Retail Optional Use Area." This option shall meet the requirements for Regional Office and the Regional Office Option except as modified below:
 - a. The Retail Optional Use Area is further defined, for the purposes of phasing, as having a Western Portion and an Eastern portion. See Figure 1.
 - b. The initial development of the Property should include a minimum floor area ratio (FAR) of 0.2. A higher FAR is expected as redevelopment of the property occurs.
 - c. Office uses are encouraged on the Property. The initial development of the Western Portion should include a minimum of 30% office uses. Initial development of the Eastern Portion is not required to have office uses. Upon redevelopment of the Eastern Portion, the Property shall include no less than 30% office and a maximum retail FAR of 0.5. Proffers shall establish the phased development of office uses on the Property. Figures 1-4 illustrate potential redevelopment of the Property.
 - d. If structured parking is provided, office use square footage may be reduced (credited) up to a maximum of 50%.
 - e. Individual retail tenant sizes should not exceed 60,000 square feet, with a footprint of no more than 30,000 square feet. Initial development of the Eastern Portion is limited to one individual tenant with a footprint no greater than 175,000.
 - f. The use of design guidelines is required.

A RESOLUTION: ADOPTING TOWN PLAN AMENDMENT TLTA-2010-0002, ADDING
CRITERION #21 TO REGIONAL OFFICE OPTIONAL USES AND
DESIGN

- g. Special consideration should be given to landscape and building design along the Route 7 frontage. Landscape buffering above minimum standards and high-quality architecture and façade treatments should be used to minimize the visual impact of the development and enhance the appearance of the Route 7 corridor.
- h. To achieve urban densities and intended FAR, Buildings should include multiple stories, with allowances for architectural features to compensate for perceived building height. With the initial development of the Western Portion, no less than one-third (1/3) of building footprints should be multiple stories. This multistory requirement does not apply to the initial development of the Eastern Portion. Upon redevelopment of the Eastern Portion, all buildings should include multiple stories. The design guidelines with the rezoning concept development plan should specify the building height requirement.
- i. Buildings should align and be built close to internal streets to create an urban street edge.
- j. Buildings should constitute a predominant percentage of the street frontage along internal streets
- k. Buildings should be located at the street edge and include multiple entrances to engage the street.

PASSED this 14th day of January, 2014.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council



Date of Council Meeting: January 14, 2014

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING STAFF REPORT**

Subjects: TLTA-2010-0003, *Town Plan* Transportation amendment to remove Keystone Drive between Russell Branch Parkway and E. Market Street (Route 7).

Staff Contact: Mike Watkins, Senior Planner, Department of Planning & Zoning.

Issue: Should the *Town Plan* be amended to remove Keystone Drive between Russell Branch Parkway and E. Market Street (Route 7)?

Recommendation: Staff recommends **approval** of TLTA-2010-0003 Transportation Amendment for the reasons presented in this report.

Background: In 2010, a Town Plan Amendment was submitted to delete a portion of Keystone Drive between Route 7 and Russell Branch Parkway from the Road Network Policy Map.

Planning Commission Public Hearing and Action: The Planning Commission discussed this amendment at a public hearing but did not act upon it until discussion of a second and related Town Plan amendment regarding land use, and the associated rezoning and special exceptions was complete.

- October 17, 2013 – The initial Planning Commission meeting and public hearing. At that hearing, no member of the public provided comments regarding the proposals. Commissioners discussed whether there was continued need for this portion of Keystone Drive and the impacts of its removal from the Town Plan. The public hearing was continued to November 7, 2013.
- November 7, 2013 - The Planning Commission continued discussion of the proposed Lowe's application but comment was generally about the Town Plan land use amendment. The public hearing was held open to the next meeting.
- November 21, 2013 – The Planning Commission continued its discussion regarding the Town Plan land use Amendment.
- December 5, 2013 – The Planning Commission concluded its discussion regarding the land use amendment. The meeting concluded by establishing the next meeting's agenda with finalizing the design guidelines and a vote on the applications.
- December 19, 2013 – The Planning Commission closed the public hearing. The Town Plan land use Amendment and the transportation amendment were recommended for approval by a vote of 5-0-2.

Basis of Analysis: A *Town Plan* amendment is by definition a request to deviate from the existing policies of the *Town Plan*. Staff has evaluated the proposed amendment in

light of the requirements stipulated by the Town of Leesburg Zoning Ordinance (TLZO) and the current *Town Plan* policies to assess whether the amendment is supported by those criteria and Applicant's Statement of Justification.

I. TRANSPORTATION AMENDMENT ANALYSIS

- 1. The Proposed Amendment.** Applicant seeks to amend the *Town Plan* Roadway Network Policy Map by removing the approximately 750-foot segment of Keystone Drive between E. Market Street (Route 7) and Russell Branch Parkway. Keystone Drive is included in the Transportation Element text on p. 9-15, but this amendment does not require a change to that text. The specific request by Applicant is to:

Roadway Network Policy - Deletion [of] the portion of Keystone Drive between Route 7 and Russell Branch Parkway.

- 2. Existing Town Plan Policies:** The Transportation Element text describes Keystone drive as a four-lane, undivided "through collector" road with a 90-foot right-of-way (p. 9-15), which stretches from Route 7 south to Trailview Boulevard as shown on the Roadway Network Policy Map. The Applicant owns property subject to TLZM-129 Leesburg Auto Park. Proffer #7 obligates the developer to construct the four-lane section of Keystone Drive that is sought to be removed by this amendment.

Another Leesburg Auto Park proffer required the developer to build an at-grade intersection for Keystone Drive at Route 7, but subsequent VDOT improvements to Route 7 rendered this proffer legally impossible to fulfill because VDOT would no longer permit the intersection in its right-of-way. Also, in 2011 the Town Plan Roadway Network Policy Map was amended to eliminate the planned Keystone Drive flyover. As a result, the importance of the segment of Keystone Drive that is the subject of this amendment has been greatly diminished. This segment would no longer serve its originally intended function as a through public road, nor is it needed to provide access for the adjacent E. V. Hunter Trust property, which has access to Russell Branch Parkway.

- II. ANALYSIS UNDER TLZO SECTION 3.16.D.2 CRITERIA.** TLZO Section 3.16 establishes criteria for applying for and evaluating proposed amendments to the *Town Plan*. In particular, Sections 3.16.5.D.2.a through e require analysis based on five criteria to justify the amendment:

- How the amendment better realizes a *Town Plan* goal or objective
- How the amendment may rectify conflicting *Plan* goals or objectives.
- How the amendment may clarify the intent of a *Plan* goal or objective.
- How the amendment may provide more specific *Plan* guidance.
- How the amendment might adjust the *Plan* as a necessary result of a significant change in circumstance unforeseen by the *Plan* at the time of adoption.

Section 3.16.5.D.3 requires an analysis of how the proposed amendment and subsequent development comply with the goals and objectives of the *Town Plan*; Section 3.16.5.D.4 requires a fiscal analysis that compares general fund revenues, costs of services and capital facilities improvements generated by development associated with the requested amendment; and Section 3.16.5.D.5 requires a transportation analysis that shows how the amendment will address the objectives of the *Town Plan's* Transportation element. The following comments address the proposed land use amendment using these criteria.

- a. **How the amendment better realizes a *Town Plan* goal or objective.** The amendment does not affect realization of Plan goals or objectives in that the subject Keystone Drive segment is not important to the overall planned road network, though it could provide access to the two adjacent properties.
- b. **How the amendment may rectify conflicting *Plan* goals or objectives.** The retention of a four-lane road segment that could not actually intersect with Route 7 or connect with a flyover above Route 7 is unnecessary. The stance of VDOT and the removal of the flyover from the policy map in 2011 create a conflict with the original purpose intended for this leg of Keystone Drive.
- c. **How the amendment may clarify the intent of a *Plan* goal or objective.** The amendment would clarify that the need for a four-lane road in this location is no longer the intent of the Town Plan as demonstrated through the 2011 Town-sponsored removal of the Keystone flyover.
- d. **How the amendment may provide more specific *Plan* guidance.** Rather than leave this segment on the Roadway Network policy Map, the amendment would specify that a public road is not required between Route 7 and Russell Branch Parkway in this location.
- e. **How the amendment might adjust the *Plan* as a necessary result of a significant change in circumstance unforeseen by the Plan at the time of adoption.** The Town-sponsored amendment in 2011 coupled with the realization that VDOT will not permit an at-grade intersection for Keystone Drive and Route 7 constitute significant changes that have affected the importance of the subject road segment. When originally planned and proffered, the intersection of Keystone Drive and Route 7 was anticipated by both the Town Plan and VDOT. The change in circumstances over time demonstrates this is no longer the case.

III. TLZO SECTION 3.16.D.3. The Zoning Ordinance requires an analysis of how the proposed amendment and subsequent development comply with the goals and objectives of the *Town Plan*:

- a. **Compliance with Town Plan:** The proposed transportation amendment complies with the policies of the natural resources, parks and recreation, heritage resources, community design, land use, housing, economic development, and community facilities and services elements of the Town Plan.

IV. TLZO SECTION 3.16.D.4. FISCAL ANALYSIS. The Zoning Ordinance requires a fiscal analysis that compares general fund revenues, costs of services and capital facilities improvements generated by development associated with the requested amendment.

Deletion of the planned segment of Keystone Drive would eliminate the future cost of construction and maintenance of the road segment for the owner of the Leesburg Auto Park property. Construction and maintenance costs for any type of private access road to be built in its place would be borne by developers.

V. SUMMARY. Applicant proposes to amend the Road Network Policy Map to show that Keystone Drive is eliminated between Russell Branch Parkway and Rt. 7. Applicant is currently required to build all four lanes of this portion of the through collector road per Proffer #7 of TLZM-129, Leesburg Auto Park. However, in 2011 the Town Plan Road Network Policy Map was amended to remove the Keystone Flyover above Route 7. Applicant has submitted a letter from the adjacent property owner (E.V. Hunter Trust) that states they have no objection to the deletion of this segment of the roadway because they will obtain access from Russell Branch Parkway. Staff has no objection to removal of this segment of Keystone Drive north of Russell Branch Parkway to Route 7 from the Roadway Network Policy Map due to the elimination of the need for this segment as a public road through actions of both VDOT and the Town, and adequate access for the E.V. Hunter Trust property as described above.

VI. STAFF RECOMMENDATION: Staff recommends approval of this amendment to remove Keystone Drive between Russell Branch Parkway and Route 7 because it has been adequately demonstrated that that section of Keystone is not necessary as a through road or for access to the adjacent properties once Russell Branch is completed.

VIII. ATTACHMENTS:

1. Draft Resolution

PRESENTED: January 14, 2014

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TOWN PLAN AMENDMENT TLTA-2010-0003,
REMOVING A PORTION OF KEYSTONE DRIVE FROM THE
ROADWAY NETWORK POLICY MAP

WHEREAS, Lowe's Home Centers Inc. has requested that the Town Plan Transportation Element be amended to remove that portion of Keystone Drive shown on the Roadway Network Policy Map from Route 7 south to Russell Branch Parkway; and

WHEREAS, the Planning Commission opened a duly advertised Public Hearing on October 17, 2013 and after a complete and thorough review of the proposed amendment closed the public hearing on December 19, 2013; and

WHEREAS, at their December 19, 2013 meeting, the Planning Commission recommended adoption of the requested Town Plan Amendment TLTA 2010-0003; and

WHEREAS, staff recommends approval; and

WHEREAS, Town Council held a duly advertised Public Hearing on January 14, 2014; and

WHEREAS, Town Council has determined that the approval criteria of Zoning Ordinance Section 3.16.12 have been satisfied; and

WHEREAS, Town Council has determined that Town Plan Amendment TLTA 2010-0003 is based on sound planning principles and promotes the health, safety, convenience, prosperity and general welfare for Leesburg.

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia that TLTA-2010-0003 is hereby approved and that the Roadway Network Policy Map is hereby

A RESOLUTION: APPROVING TOWN PLAN AMENDMENT TLTA-2010-0003,
REMOVING A PORTION OF KEYSTONE DRIVE FROM THE
ROADWAY NETWORK POLICY MAP

amended to delete that portion of Keystone Drive from Route 7 south to Russell Branch
Parkway.

PASSED this 14th day of January, 2014.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

PRESENTED: January 14, 2014

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: APPROVING CONCEPT PLAN AND PROFFER AMENDMENT TLZM 2010-0002, LOWE'S HOME IMPROVEMENT CENTER, AMENDING ZM-129 LEESBURG AUTOPARK, AND REZONING 6.93 ACRES OF LAND FROM I-1 TO B-3, THE PROPERTIES BEING LOCATED NEAR THE INTERSECTION OF EAST MARKET STREET (VA ROUTE 7) AND BATTLEFIELD PARKWAY.

WHEREAS, a Rezoning Application has been filed by Lowe's Home Centers Inc. for a concept plan and proffer amendment to TLZM-129 Leesburg Autopark and to rezone 6.93 acres zoned I-1, Research/Industrial Park to permit a 152,000 lumber and/or building materials store with outdoor storage, 96,000 square feet of additional retail uses and a minimum of 36,000 square feet of office uses. The subject properties are identified as County of Loudoun parcel identification numbers 149-45-7383 and 149-46-0836; and

WHEREAS, a duly advertised Planning Commission public hearing was opened on October 17, 2013, and closed on December 19, 2013; and

WHEREAS, at their regular meeting on December 19, 2013, the Planning Commission recommended approval of this application to the Town Council; and

WHEREAS, the Town Council held a duly advertised public hearing on this application on January 14, 2014; and

WHEREAS, staff recommends approval; and

WHEREAS, the Council has concluded that the approval of the application would be in the public interest and in accordance with sound zoning and planning principles.

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia:

AN ORDINANCE: APPROVING CONCEPT PLAN AND PROFFER AMENDMENT TLZM 2010-0002, LOWE'S HOME IMPROVEMENT CENTER, AMENDING ZM-129 LEESBURG AUTOPARK, AND REZONING 6.93 ACRES OF LAND FROM 1-1 TO B-3, THE PROPERTIES BEING LOCATED NEAR THE INTERSECTION OF EAST MARKET STREET (VA ROUTE 7) AND BATTLEFIELD PARKWAY.

SECTION 1. Rezoning Application TLZM 2010-0002, is hereby approved to amend the Concept Plan and Proffers for TLZM-129 and to rezone 6.93 acres to the B-3 district, subject to the proffers last dated January 14, 2014; and

SECTION 2. The properties shall be developed in substantial conformance with the concept plan prepared by Freeland & Associates Inc. last revised August 16, 2013; and

SECTION 3. The properties shall be subject to proffered design guidelines dated January 2014.

SECTION 4. The following modification of the Town of Leesburg Zoning Ordinance (TLZO) is hereby granted with the approval of Rezoning Application TLZM 2010-0002

1. Loading spaces are hereby reduced from five (5) to three (3) in accordance with TLZO Sec. 11.9.

SECTION 5. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of this ordinance.

SECTION 5. This ordinance shall be in effect upon its passage.

PASSED this 14th day of January 2014.

Kristen C. Umstatt, Mayor
Town of Leesburg

ATTEST:

AN ORDINANCE: APPROVING CONCEPT PLAN AND PROFFER AMENDMENT TLZM 2010-0002, LOWE'S HOME IMPROVEMENT CENTER, AMENDING ZM-129 LEESBURG AUTOPARK, AND REZONING 6.93 ACRES OF LAND FROM 1-1 TO B-3, THE PROPERTIES BEING LOCATED NEAR THE INTERSECTION OF EAST MARKET STREET (VA ROUTE 7) AND BATTLEFIELD PARKWAY.

Clerk of Council

PRESENTED: January 14, 2014

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2010-0008, LOWE'S LUMBER AND/OR BUILDING MATERIAL SALES WITH OUTDOOR STORAGE, LOCATED ON PROPERTY NEAR THE INTERSECTION OF EAST MARKET STREET (VA ROUTE 7) AND BATTLEFIELD PARKWAY.

WHEREAS, Lowe's Home Centers Inc. has requested special exception approval to permit a 152,000 lumber and/or building material sales facility with outdoor storage and associated garden center in the B-3 zoning district on properties identified as Loudoun County Parcel Identification (PIN) numbers 149-45-7383 and 149-46-0836; and

WHEREAS, the property was rezoned to B-3, Community Retail, with rezoning application TLZM 2010-0002; and

WHEREAS, the Planning Commission opened a duly advertised Public Hearing on October 17, 2013 and closed the public hearing on December 19, 2013; and

WHEREAS, at the December 19, 2013 the Planning Commission recommended conditional approval of the special exception to the Town Council; and

WHEREAS, staff recommends conditional approval subject to the conditions dated January 14, 2014; and

WHEREAS, the Town Council held a duly advertised Public Hearing on January 14, 2014; and

WHEREAS, Town Council has determined the proposed use meets the special exception standards for a lumber and/or building materials sales facility with outdoor storage as set forth in the Zoning Ordinance; and

A RESOLUTION: APPROVING TLSE-2010-0006, LOWE'S LUMBER AND/OR BUILDING MATERIAL SALES WITH OUTDOOR STORAGE, LOCATED ON PROPERTY NEAR THE INTERSECTION OF EAST MARKET STREET (VA ROUTE 7) AND BATTLEFIELD PARKWAY.

WHEREAS, Town Council has determined that the Approval Criteria of Zoning Ordinance Section 3.4.12 have been satisfied; and

WHEREAS, Town Council has determined that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that Special Exception application TLSE-2010-0008, Lowe's lumber and/or building material sales with outdoor storage, is hereby approved to permit a 152,000 lumber and/or building materials store with outdoor storage and associated garden center on the properties identified as Loudoun County Parcel Identification (PIN) numbers 149-45-7383 and 149-46-0836, subject to the following conditions of approval:

- 1. Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the special exception plat entitled "Special Exception Plat, Lowe's of Leesburg", prepared by Freeland & Kauffman, Inc. dated August 16, 2013.
- 2. No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or as shown as approved by Town Council on the Special Exception Plat and supporting documents.

PASSED this 14th day of January, 2014

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

PRESENTED: January 14, 2014

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2012-0006, LOWE'S VEHICLE RENTAL, LOCATED ON PROPERTY NEAR THE INTERSECTION OF EAST MARKET STREET (VA ROUTE 7) AND BATTLEFIELD PARKWAY

WHEREAS, Lowe's Home Centers Inc. has requested special exception approval to permit four (4) vehicle rental spaces in the B-3 zoning district on the properties identified as Loudoun County Parcel Identification (PIN) numbers 149-45-7383 and 149-46-0836; and

WHEREAS, the property was rezoned to B-3, Community Retail, with rezoning application TLZM 2010-0002; and

WHEREAS, the Planning Commission opened a duly advertised Public Hearing on October 17, 2013 and closed the public hearing on December 19, 2013; and

WHEREAS, at their December 19, 2013 meeting, the Planning Commission recommended conditional approval of the special exception to the Town Council; and

WHEREAS, staff recommends conditional approval subject to the conditions dated January 14, 2014; and

WHEREAS, the Town Council held a duly advertised Public Hearing on January 14, 2014; and

WHEREAS, Town Council has determined the proposed use meets the special exception standards for a vehicle rental as set forth in the Zoning Ordinance; and

WHEREAS, Town Council has determined that the Approval Criteria of Zoning Ordinance Section 3.4.12 have been satisfied; and

A RESOLUTION: APPROVING TLSE-2012-0006, LOWE'S VEHILCE RENTAL,
LOCATED ON PROPERTY NEAR THE INTERSECTION OF EAST
MARKET STREET (VA ROUTE 7) AND BATTLEFIELD PARKWAY

WHEREAS, Town Council has determined that the proposal would serve the public
necessity, convenience, general welfare and good zoning practice.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that
Special Exception application TLSE-2012-0006, Lowe's Vehicle Rental, is hereby approved to
permit four (4) vehicle rental spaces on the properties identified as Loudoun County Parcel
Identification (PIN) numbers 149-45-7383 and 149-46-0836, subject to the following conditions
of approval:

1. **Substantial Conformance:** Development of this special exception use shall be in
substantial conformance with the special exception plat entitled "Special Exception Plat,
Lowe's of Leesburg", prepared by Freeland & Kauffman, Inc. dated August 16, 2013.
2. **Limitation:** The number of vehicle rental spaces is limited to four (4) flat-bed rental
trucks. These rental vehicles shall be parking in the respective assigned spaces on the
property and as depicted on the Special Exception Plat referenced above.
3. **No Expressed or Implied Waivers:** Approval of the special exception does not express
or imply any waiver or modification of the requirements set forth in the Subdivision and
Land Development Regulations, the Zoning Ordinance, or the Design and Construction
Standards Manual (DCSM) except as specifically approved by Town Council or as
shown as approved by Town Council on the Special Exception Plat and supporting
documents.

PASSED this 14th day of January, 2014

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council