



**Date of Council Meeting: January 27, 2014**

**TOWN OF LEESBURG  
TOWN COUNCIL WORK SESSION STAFF REPORT**

**SUBJECT:** TLZM 2010-0002, TLTA 2010-0003, TLZM 2010-0002, TLSE 2010-0008, TLSE 2012-0006 Lowe's Town Plan, Rezoning and Special Exception applications.

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

**RECOMMENDATION:** Staff notes that the Town Plan Amendment is in an approvable form and recommends approval of the rezoning application and special exception applications if the Town Plan Amendment is approved. .

**ISSUE:** Should the proposed Town Plan Amendments regarding optional development with the Regional Office land use and the removal of a portion of Keystone Drive be adopted; should an amendment to the Leesburg Autopark concept plan and proffers (ZM-129) be approved; should the rezoning of the Parkway Offices parcel from I-1 to B-3 be approved; and should the lumber and/or building material sales with outdoor storage and vehicle rental special exception uses be approved.

**UPDATE:** On January 14, 2014 the Town Council held a duly advertised public hearing for the referenced applications. Presentations were made by both Applicant and Staff, and no public comments were received. Council offered comments regarding the applications, with some members requesting additional time to review the application materials. Questions raised during the meeting centered on the amount and quality of office uses proposed, types of jobs that would result from the proposed development, comparison of this project and Village of Leesburg regarding potential revenues, and general building design requirements for the Residual Parcel. Staff notes that at the time this memo was being prepared, the Applicant notified Staff that additional responses regarding fiscal impacts and building design was being prepared. Staff will forward the additional information upon receipt from the Applicant. Staff notes the following responses to Council's questions:

- **Class A Office Space Comparison:** It is the opinion of Staff that the proposed office uses, in the initial development of the property, may not be considered Class A office space. According to the Building Owners and Managers Association International (BOMA), Class A office space is characterized by "buildings which have high quality standard finishes, state of the art systems, exceptional accessibility and a definite market presence." While Class A office space opportunities do exist with this rezoning application, the Applicant has demonstrated with the

proposed mix of uses and the lack of a specific layout, that there are no firm commitments to Class A office space. The absence of specific building elevations, building footprints and location, make it difficult to confirm that the proposed office space would meet the characteristics of Class A office space.

- **Revenues:** Similarities and comparisons to the Village at Leesburg were made regarding revenues. This information is not readily available and Staff is in the process of compiling this information for the work session on January 27<sup>th</sup>.
- **Building Design:** A question was raised regarding the lack of building design in the Town Plan Amendment. Staff notes that the Amendment inserts criterion #21 for the Optional Uses and Design already in the Town Plan. Developments utilizing optional uses and design are evaluated on all the criteria, which would include criterion #21. The Amendment language requires the use of design guidelines. The guidelines would permit applicants and Staff flexibility to create specific architectural requirement to meet specific use and site opportunities and constraints. In the referenced rezoning application, design guidelines, modeled to some degree after the Crescent Design District, have been proffered.

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 14<sup>th</sup> day of January 2014.

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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.

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Clerk of Council

PRESENTED: January 14, 2014

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

ADOPTED: \_\_\_\_\_

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

WHEREAS, Lowe's Home Centers Inc. has requested that the Town Plan Land Use Element, more specifically the Optional uses and Design of the Regional Office land use category, be amended to reflect the unique site circumstances of two parcels at the southeast quadrant of the intersection of Battlefield Parkway and Route 7 adjacent to the Town's wastewater treatment plant; and

WHEREAS, the adopted Town Plan designates the Applicant's property as Regional Office, with office uses as the predominate land use; and

WHEREAS, the proposed development option emphasizes form and design, and permits predominantly retail uses while retaining office uses within the amendment area; 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 amendments 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 2010-0002; and

WHEREAS, staff recommends adoption of the requested Town Plan Amendment, TLTA 2010-0002; and

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

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 14<sup>th</sup> day of January, 2014.

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council

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 14<sup>th</sup> day of January, 2014.

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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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 14<sup>th</sup> day of January, 2014

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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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 14<sup>th</sup> day of January, 2014

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council