



Date of Council Meeting: January 13, 2015

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING MEETING**

Subject: TLSE-2014-0004, Uniwest Mini-Warehouse

Staff Contact: Irish Grandfield, AICP, Senior Planner, DPZ

Council Action Requested: Conditional approval.

Staff Recommendation: Staff recommends Council approve TLSE 2014-0004, Uniwest Mini-Warehouse subject to the conditions of approval listed in the attached resolution.

Planning Commission Public Hearing and Recommendation: The Planning Commission held a public hearing on December 18, 2014 and at the conclusion of the hearing passed a motion recommending approval of the special exception application on a 6-0-1 vote. One member of the public, a representative for the neighboring property owned by Cattail Farm Inc., spoke at the public hearing and offered support for the application. The Commission requested two additional conditions of approval and the applicant agreed to the request. The first was to exclude the future possibility of a caretaker or night watchman's residence onsite (added as condition #14 in the attached resolution). The second requested condition was to screen not only roof mounted mechanical equipment but also ground based mechanical equipment as well (addressed in revisions to condition #11).

Fiscal Impact: The land value of the site is currently assessed at \$754,500 with no structural improvements. The proposed mini-warehouse structure will increase the assessed value of the property resulting in increased real estate tax revenue. The Town will also benefit from income generated by this business through the BPOL tax.

Executive Summary: Uniwest is requesting special exception approval to permit a three-story, 74,593 square foot indoor storage facility on vacant land zoned B-3 fronting on Battlefield Parkway. The Planning Commission and staff recommend approval.

Background: Special Exception Application TLSE-2014-0004 is a request to allow a three-story, 74,593 square foot indoor mini-warehouse in the B-3 Zoning District subject to the standards of Section 9.3.14 of the Zoning Ordinance. The 4.89 acre property is one remaining undeveloped parcel of the 42.7 acre Fort Evans Plaza II shopping center site.

Special Exception application TLSE-2004-0013 was approved April 26, 2005 allowing a variety of uses for Fort Evans Plaza II shopping center including a 75,000 s.f. office building on the lot now proposed for the mini-warehouse. The landowner has been unable to market the property for office use and is requesting approval for the indoor storage facility instead. The Town Plan designates this property as "Community Office" on the Land Use Policy Map.

This site lies between a large retail center and I-1 zoned land. The proposed mini-warehouse provides an appropriate transitional use between the I-1 land and the shopping center. The facility's appearance and function would be consistent with Community Office uses that the Town Plan anticipates to develop to the east in the future. There are no residential neighborhoods nearby and the property has direct access to Battlefield Parkway. Topographically the site is located lower than surrounding lands making it possible to limit visual impacts of the proposed development. Other potential compatibility issues have been addressed through the site design and the proposed conditions of approval. Staff recommends conditional approval finding the proposal consistent with the Zoning Ordinance and Town Plan.

Attachments: (1) Planning Commission staff report dated December 18, 2014
 (2) Resolution



Date of Meeting: December 18, 2014

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLSE-2014-0004, Uniwest Mini-Warehouse

Staff Contact: Irish Grandfield, AICP, Senior Planner, DPZ

Applicant: Michael Collier, Uniwest
8191 Strawberry Lane, Suite 3, Falls Church, VA 22042
(703) 698-4040; mcollier@uniwestco.com

Applicant's Representative: Michael Banzhaf, Reed Smith LLP
3110 Fairview Park Dr. Suite 1400, Falls Church, VA 22042
(703) 641-4319; mbanzhaf@reedsmith.com

Proposal: An request to allow a three-story, 74,593 square foot indoor storage facility on vacant land fronting Battlefield Parkway behind the Fort Evans II shopping center.

Planning Commission Critical Action Date: March 28, 2015

Recommendation: Staff recommends approval of the application

Acceptance Date: July 10, 2014

Web Link: A comprehensive listing of all application documents is found here:
<http://www.leesburgva.gov/government/departments/planning-zoning/active-land-use-applications/uniwest-self-storage-special-exemption>

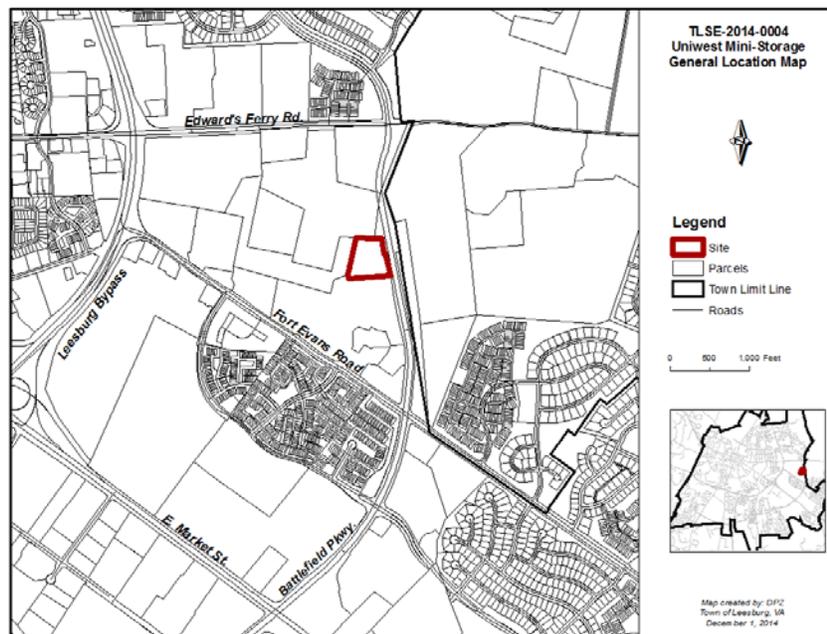


Figure 1. Location

Suggested Motions:

Approval

I move that Special Exception Application TLSE 2014-0004, Uniwest Mini-Warehouse, be forwarded to the Town Council with a recommendation of conditional approval, subject to the conditions of approval contained in the staff report dated December 18, 2014 on the basis that the approval criteria of Zoning Ordinance Sections 3.4.12 and 9.3.14 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

- Or -

Alternate Motion

I move that _____.

I. APPLICATION SUMMARY

The Applicant Uniwest Commercial Realty (“Uniwest”) is requesting Special Exception approval to permit development of a three-story, 74,593 square foot indoor mini-warehouse facility on vacant land fronting Battlefield Parkway (see Attachment 1). The property is located in the B-3 Zoning District. Special Exception Application TLSE-2014-0004 would conditionally allow the use on this site subject to the conditions of approval contained in this report. The Town Plan designates this property as “Community Office” on the Land Use Policy Map. Staff recommends conditional approval finding the proposal consistent with the Zoning Ordinance and Town Plan.

The overall site was originally approved for a variety of uses including a 75,000 s.f. office building on the lot proposed for the mini-warehouse as part of the special exception for Ft. Evans Plaza II Shopping Center (TLSE-2004-0013). Except for the one vacant parcel that is the subject of this current special exception application, the 42.7 acre shopping center site has developed consistent with the approved special exception including approximately 190,000 s.f. of retail use, 30,000 s.f. of restaurant use, 9,000 s.f. of banking uses, and 42,000 s.f. of office. This current request would amend the previously approved special exception by replacing the office designation on the single 4.89 acre parcel with a designated land use of mini-warehouse (see special exception plat Figure 2).

Table 1. Property Information

Address:	None (<i>West side of Battlefield Pkwy. North of Ft. Evans Plaza II</i>)	Zoning:	B-3
PIN #	147-17-1241	Planned Density:	0.35 FAR
Size:	4.89 ac.	Planned Land Use:	Community Office

II. CURRENT SITE CONDITIONS: The subject property has no assigned address and is located on Battlefield Parkway behind the Fort Evans II Plaza shopping center in northeast Leesburg (see Figure 3, Aerial View). The 4.89 acre parcel subject to this special exception request is currently vacant. The remainder of the Fort Evans II Plaza shopping center site is developed.

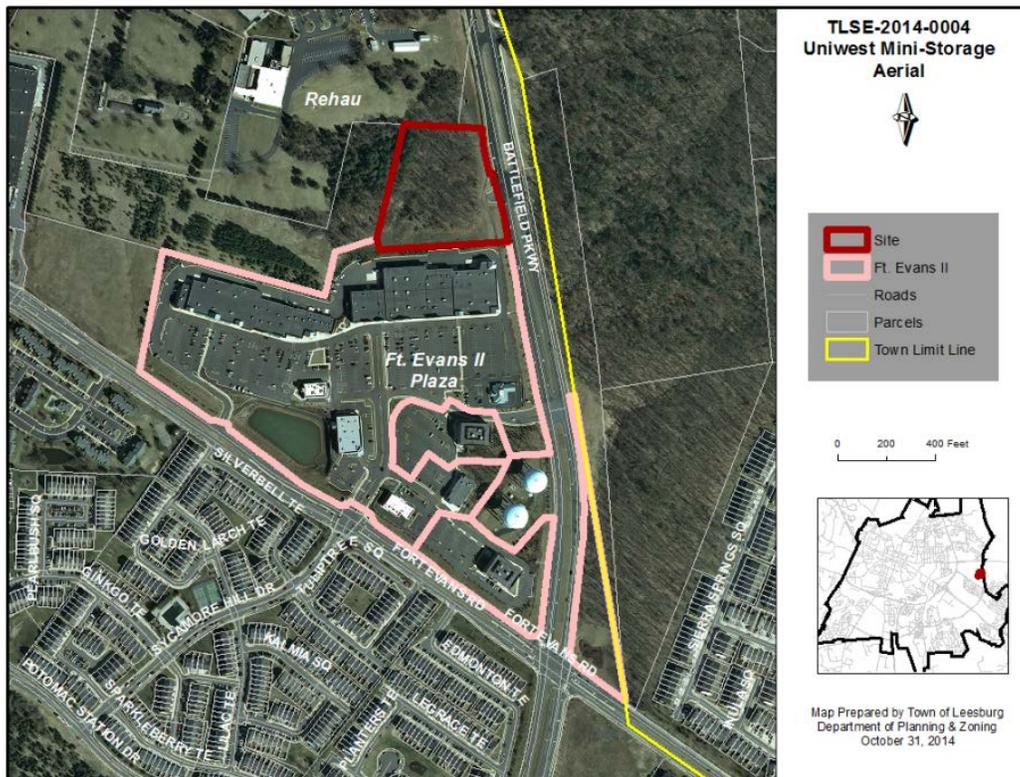


Figure 3. Aerial

III. ZONING HISTORY: The property is zoned B-3 Community Retail Commercial District and is not subject to any proffers (see Figure 4). The current zoning was established when the property was annexed from Loudoun County into the Town in 1984. The Applicant is seeking this special exception to allow the indoor mini-warehouse facility subject to the standards of Section 9.3.14 of the Zoning Ordinance. A previous special exception (TLSE-2004-0013) to allow the retail center was conditionally approved on May 11, 2005. That application included 21 conditions of approval. Subsequently on July 27, 2010, Condition #20 regarding the percentage of retail allowable in office locations of the shopping center was modified with approval of TLSE-2010-0002 (see Attachment 4). Additional modifications of the conditions of approval are proposed as part of this special exception request.

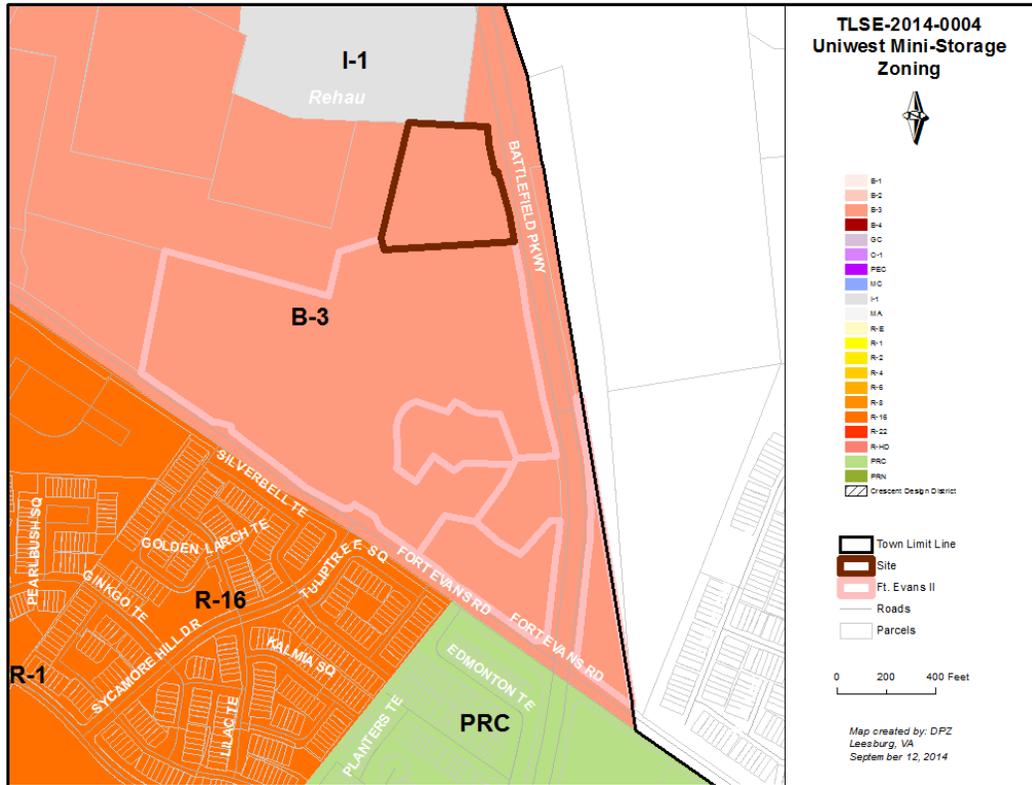


Figure 4. Zoning

IV. USES ON ADJACENT PROPERTY:

Direction	Existing Zoning	Current Use	Town Plan Land Use Designation
North	I-1	ReHau (office and research & development)	Community Office
South	B-3	Shopping Center	Regional Retail
West	B-3	Residential	Regional Retail
East	County JLMA3	Vacant	None (County)

V. STAFF ANALYSIS

A. Review Summary:

1. **Resolved Review Items:** Two full reviews of the application were made and items discussed and resolved during the review included:

- a. Plat deficiencies
- b. Site design
- c. Building design

- d. Fire and Rescue access
- e. Fire suppression system
- f. Buffering, screening, landscaping
- g. Fencing and walls
- h. Landscaping
- i. Site access
- j. Site security
- k. Truck turning movements
- l. Dumpster enclosure
- m. Site lighting
- n. Stormwater management
- o. Future of the existing Ingress/Egress easement

2. ***Unresolved Review Items/Outstanding Issues:*** None.

B. ***Town Plan Compliance:*** TLZO Section 3.4.12 requires an assessment of how the proposed special exception use will comply with applicable provisions of the *Town Plan*. The following elements of the *Town Plan* are applicable.

1. ***Land Use:*** The site is located in the Northeast Planning Area and is designated as “Community Office” on the Planned Land Use Map (see Figure 5). There are no specific area objective policies for this parcel but all of the general Community Office policies apply. The proposed mini-warehouse special exception use is not listed in the Town Plan among Community Office uses. However, the following factors contribute to staff’s conclusion that the proposed self-storage is not inconsistent with Town Plan Land Use goals:
 - The location of this site between a “Regional Retail” shopping center and I-1 zoned land makes it less attractive for “class A” office space.
 - Topographically the site is located lower than surrounding lands making it possible to limit visual impacts of the proposed development.
 - The proposed use would require less disturbance of the property than would the approved office use due in part to lower parking needs. Greater portions of the existing mature forest on the site could be preserved. The proposed use may function as a service use that supports the business developments of Community Office.
 - The facility’s appearance is largely consistent with Community Office uses (see building elevations in Attachment 1).
 - There are no residential neighborhoods nearby and the property has direct access to Battlefield Parkway.
 - A portion of the office development elsewhere on the Uniwest site remains unleased suggesting that there is little market demand for the additional 75,000 s.f. of office use for which this site was originally approved. In addition, based on office vacancy rates in Leesburg and Loudoun County,

staff questions the need for significant areas of stand-alone office development for the near term.

2. Natural Resources: Natural Resources Objective 4 of the Town Plan calls for preserving, protecting, and restoring the tree canopy in Leesburg. The applicant will preserve approximately 1.4 acres of trees on the property along the northern and western property lines. The proposal furthers the Town Plan objective for tree preservation.
3. Community Design: Town Plan Community Design Objective 1 calls for high quality design of new development to enrich the character of Leesburg. The applicant has submitted building elevations showing a predominately brick and glass building that is consistent with the Town Plan objective.

In summary, staff finds that the Applicant's proposal is not inconsistent with the goals and objectives of the *Town Plan*.

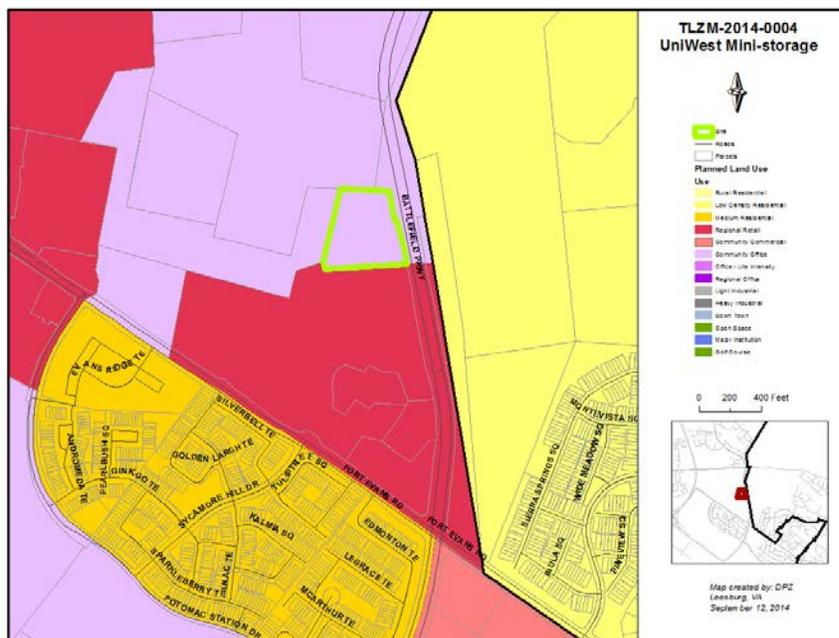


Figure 5. Planned Land Use

- B. Transportation Analysis:** The applicant was granted a traffic impact analysis waiver based on the fact that the proposed use generates less traffic than the currently allowable use of office. The applicant has already constructed substantial road improvements (including a four lane divided road section fronting this site) in development of the Fort Evans Plaza II Shopping Center. The existing roads are sufficient to handle the limited amount of traffic generated by the proposed mini-warehouse use.
- C. Parking:** TLZO Sec. 11.3 sets the parking standards for this mini-warehouse use as four parking spaces per each 1,000 square feet of office plus one per employee and two for any residential manager's quarters. A total of 1,500 square feet of office is proposed requiring six spaces. The facility will have two employees but no resident manager. The total number of parking spaces required is eight and the Special Exception plat shows how the required parking spaces are provided. In addition to the designated parking areas, loading and unloading areas are provided on the building's western and northern faces. The proposed parking meets the required standard.
- D. Site Design:** The building is appropriately situated onsite nearest to the rear of the adjacent shopping center. Access from Battlefield Parkway meets safety criteria. Onsite vehicle circulation is sufficient and adequate pedestrian access is provided. The dumpster location is located at the rear of the site and will be screened. Approximately 1.4 acres of trees will be preserved along the northern and western property lines. The site design should function well and help minimize impacts on adjacent uses.
- E. Building Design:** The property is not located in the H-2 Overlay District however the site is currently subject to the H-2 District Design Guidelines and Zoning Administrator review per condition # 17 of TLSE-2010-0002. Building elevations are included as part of this special exception plat. Condition #1 of approval requires substantial conformance with these elevations. The building elevations are well modulated and the fenestration is balanced. The base of the building is designated by a water table. The lower level of the building is set off from the upper floors with awnings and variation in appearance. Brickwork along the front and sides helps break up a monolithic appearance. Windows are provided on the front and sides of the building to give the appearance more of an office than a warehouse. The rear of the building is screened by mature landscaping on the shopping center site. Staff finds that the building design is appropriate, consistent with the character of Leesburg, and compatible in an area planned for Community Office use.
- F. Fiscal Impact:** The Zoning Ordinance does not require submission of a Fiscal Impact Study with special exception applications. The land has been vacant for a significant period of time and based on market trends may not be developed for the approved office use for many years if ever. Development of the proposed mini-warehouse would increase property values resulting in additional tax revenue to the Town compared to its existing condition. However, an office building of the same size would have a higher assessed value than the proposed mini-warehouse. If one assumes the office building would be built in the near term then comparatively the positive fiscal impact to the Town of the office building would be greater than that of the mini-warehouse facility.

G. Utilities: The site is served adequately by sewer and water.

H. Specific Use Standards for a Mini-Warehouse: TLZO Section 9.3.14 lists six specific use standards for a mini-warehouse facility. Staff provides an analysis of how the proposal meets those standards below:

- A. *“Storage units shall be provided for long-term storage only, and all storage shall be within completely enclosed buildings.”* – Special Exception condition #7 ensures compliance with this standard.
- B. *“Loading docks shall not be permitted.”* - None are proposed and condition #8 prohibits loading docks.
- C. *“Except for the purposes of loading and unloading, there shall be no incidental parking or storage of trucks and/or moving vans.”*- Special Exception condition #9 ensures compliance with this standard.
- D. *“No office, retail or wholesale use of the storage units shall be permitted.”* - None is proposed and condition #10 of special exception approval prohibits such uses.
- E. *“One accessory residential unit may be permitted solely for the use of a caretaker or watchman.”* - None is proposed.
- F. *“The outdoor storage area, loading or parking shall be limited to areas designated on an approved site plan, and adequately screened from adjacent properties and roadways. Such areas shall not be used for the storage or display of inoperable vehicles as defined in Section 32-147 of the Town Code.”* – A site plan will be submitted following approval of the special exception. No outdoor storage or loading dock is proposed. Parking and other areas are effectively screened. Special Exception condition #9 ensures that no inoperable vehicles will be stored onsite.

I. General Approval Criteria

Zoning Ordinance Section 3.4.12 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 special exception application. Listed below are the specific criteria with staff response.

- A. *“The proposed use will not adversely affect the use of neighboring properties.”* - This site lies between a “Regional Retail” shopping center and I-1 zoned land. The proposed mini-warehouse provides an appropriate transitional use between the I-1 land and the shopping center. The facility’s appearance and function would be consistent with Community Office uses that the Town Plan anticipates to develop to the east in the future. There are no residential neighborhoods nearby and the property has direct access to Battlefield Parkway. Topographically the site is located lower than surrounding lands making it possible to limit visual impacts of the proposed development. Other potential compatibility issues have been addressed through the site design and the proposed conditions of approval.

- B. *“The use shall comply with applicable zoning district regulations and applicable provisions of the adopted Town Plan, including but not limited to the Plan’s Land Use Compatibility policies.”* – Subject to the proposed conditions of approval, the facility conforms to the B-3 Zoning District regulations and is compatible with the adjacent land uses.
- C. *“The location, size, and, height of buildings, structures, walls, and fences, and the nature and extent of screening, buffering, and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings.”* – Appropriate landscaping, buffering, and screening are addressed in this rezoning. In addition, approximately 1.4 acres of tree preservation along the eastern and northern boundaries provides effective separation and screening. The building will be designed to appear as an office structure consistent with future planned Community Office uses. Together, these measures ensure compatibility with development of adjacent and nearby lands.
- D. *“The proposed use will be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.”* – The mini-warehouse use will generate limited traffic and considerably less than the anticipated office use. Battlefield Parkway is sufficient to handle the expected traffic. The site will include a sidewalk connection to the existing multi-use trail along Battlefield Parkway fronting this property to provide safe pedestrian access. Staff finds that the proposal will not inhibit safe and convenient pedestrian and vehicular travel.

J. Modifications

The applicant has requested a modification of Zoning Ordinance Section 12.8.3: Buffers and Screening pursuant to the provisions of Section 12.8.5.C Special Design. The modification would allow an existing buffer on the Ft. Evans Plaza II Shopping Center site to suffice for the required 25-foot wide buffer with S1 screening between a property to be used for ministorage (Loudoun County Parcel Identification Number (PIN): 147-17-1241) and an adjacent property that is used for general retail (Fort Evans Plaza II Shopping Center). Both properties are owned by Uniwest.

Under TLZO Sec. 12.8.5.C buffer yard requirements may be waived or modified by the Land Development Official where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize the adverse impact through a combination of architectural and landscaping techniques.

In this case, the Land Development Official has granted the modification to use an existing mature eighteen-foot wide Type S3 buffer planted on the Shopping Center site in lieu of the 25-foot wide S-3 screen based on the following findings:

1. The property boundary where the modification is requested is the rear of both lots which have little activity or visibility from either site.
2. The existing mature buffer on the shopping center site combined with the topographic difference in elevation of the two sites results in an effective visual buffer.
3. Provision of the required 25 foot buffer would not serve to provide any further needed screening.

K. Conditions and Safeguards

Zoning Ordinance Section 3.4.14 grants Town Council the authority to impose conditions and safeguards deemed necessary for the protection of general welfare and individual property rights. Such conditions may relate to topics including hours of operation, noise, and odor containment. Staff is recommending a set of conditions of approval that are included in Section VII of this report.

VI. Findings for Approval

- A. The proposal is in general conformance with the policies of the Town Plan; and
- B. The approval criteria of TLZO Sec. 3.4.12 have been satisfied for TLSE 2014-0004; and
- C. The application meets the use standards criteria of TLZO Sec. 9.3.14; and
- D. The proposal would serve the public necessity, convenience, general welfare and good zoning practice.

VII. Recommendation and Conditions of Approval:

Staff recommends **conditional approval** of TLSE-2014-0004, Uniwest Mini-Warehouse subject to the conditions listed below. (*Note that of the original 21 conditions of approval established in TLSE-2004-0013 five have been modified below as highlighted in order to accommodate the mini-warehouse request*).

1. **Substantial Conformance.** **Except for the property identified as PIN# 147-17-1241,** development of ~~this property~~ **the property subject to TLSE-2004-0012** shall be in substantial conformance with the special exception plan entitled “Special Exception Plat for International Pavilion LTD Partnership”, Sheets 1-9, dated April 20, 2005 by Dewberry & Davis, LLC (“the Special Exception Plat”) with reasonable allowances to be made for engineering and design alteration to meet Town Subdivision and Land Development Regulations, Zoning Ordinance or Design and Construction Standards Manual requirements. Building locations may shift up to ten percent (10%) from the location indicated on the Special Exception Plat. **The property identified as PIN #147-17-1241 (Special Exception TLSE-2014-0004) shall be developed in substantial conformance with the special exception plat entitled “Fort Evans Plaza II” prepared by Dewberry, Sheets 1-4, dated July 11, 2014 and revised through November 21, 2014.**
2. **No Modifications Granted or Implied.** Approval of this 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. Final plats, development plans, and construction drawings are subject to the applicable town regulations.

3. **Interparcel Access.** Interparcel access to the adjacent commercially zoned properties to the west and north of the subject property **the property identified as PIN# 148-46-5270** shall be provided in the approximate locations noted on the Special Exception Plat **for TLSE-2004-0013**.
4. **Landscape Plan.** **Except for the property identified as PIN# #147-17-1241**, the landscaping provided by the applicant shall be in substantial conformance with the proposed landscape layout shown on the Special Exception Plat **for TLSE-2004-0013**, and a final landscaping plan subject to review and approval by the Town prior to Final Development Plan approval.
5. **Architecture.** The applicant has agreed to follow the H-2 district design guidelines **for all real property subject to TLSE 2004-0013, with the exception of PIN # 147-17-1241. With the exception of PIN # 147-17-1241**, the design of the buildings shall be subject to the H-2 Design Guidelines with review and approval by the Zoning Administrator. Prior to Final Development Plan submission, the applicant shall submit architectural elevation drawings that are consistent with the H-2 Corridor Guidelines showing the architectural design, materials, and colors of the proposed buildings **on all areas subject to TLSE 2004-0013, with the exception of PIN # 147-17-1241**.
6. **10% Retail in Office Locations.** The applicant has committed to and shall develop at least ~~135,000~~ **60,000** square feet of office uses in the approximate location shown on the Special Exception Plat **TLSE-2004-0013 as amended**. Freestanding retail uses will not be developed in the locations illustrated on the Special Exception plat and described as "Office" locations. The foregoing restriction of uses on the Property will not preclude the applicant from co-locating up to 10% of the office space in each building for accessory retail uses in each office building. Each office building development area illustrated on the Special Exception Plat shall include at least the amount of office uses stated in the office location on the Special Exception Plat. The foregoing restriction of uses on the property will not preclude the applicant from co-locating up to 20,000 square feet of the total 60,000 square feet of the two office buildings constructed in the locations illustrated on the special exception plat and further identified as Building 3 and Building 5, with office supportive uses, which shall be limited to the following: a bank, without a drive-in facility; a child care facility; an eating establishment, without a drive-in facility; an emergency care facility; mailing services; a recreation facility; a special instruction school; barber shop; beauty parlor; laundering, cleaning and other garment servicing establishment; tailor; dressmaking shop; shoe cleaning or repair shop; office supply store; newspaper stand; U.S. Postal Service facility. A total of up to 10,000 square feet of any of the above-listed uses, except an eating establishment without a drive-in facility, shall be permitted to be developed in Buildings 3 and 5 as identified on the special exception plat for TLSE 2010-0002 with the understanding that all such uses shall terminate in

Buildings 3 and 5 by December 31, 2020. The above-described use restriction shall not apply to up to 10,000 square feet of eating establishments without a drive-in facility or the 6,000 square feet of total retail sales that may be developed and leased in Buildings 3 and 5 without the above-described ten year sunset provision.

7. **Long Term Use.** Storage units shall be provided for long-term storage only, and all storage shall be within completely enclosed buildings on property identified as PIN #147-17-1241.
8. **Loading docks.** Loading docks shall not be permitted with development of the mini-warehouse facility on property identified as PIN #147-17-1241.
9. **No Vehicle Storage.** Except for the purposes of loading and unloading and with the exception of vehicles stored inside a structure constructed on PIN # 147-17-1241, there shall be no incidental parking or storage of trucks, moving vans, or other vehicles on property identified as PIN #147-17-1241.
10. **Storage Unit Use.** No office, retail or wholesale use of the storage units is permitted on property identified as PIN #147-17-1241. Notwithstanding such restriction, retail sales of packing boxes, tape and related moving and storage supplies and similar goods may be conducted from the office portion of the structure constructed on property identified as PIN #147-17-1241.
11. **Mechanical Equipment.** All mechanical equipment, including roof-top equipment, shall be screened from public view from Battlefield Parkway by appropriate architectural elements on property identified as PIN #147-17-1241.
12. **Sprinkler System.** The mini-warehouse building on parcel #147-17-1241 shall comply with NFPA # 13 requirements, including fire suppression systems required for a mini-warehouse. All fire suppression systems required for compliance with NFPA # 13 standards for the structure constructed on property identified as PIN #147-17-1241 shall be in place prior to the issuance of any occupancy permit.
13. **Lighting.** Prior to the issuance of any occupancy permit on property identified as PIN #147-17-1241, the Applicant must demonstrate that all outdoor lighting fixtures are full-cutoff. The mini-warehouse facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.

Attachments

1. Special Exception Plat dated May 30, 2014 and revised through November 21, 2014
2. Statement of Compliance dated September 26, 2014
3. Resolution 2010-099

PRESENTED: January 13, 2015

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2014-0004, UNIWEST MINI-STORAGE, AN INDOOR MINI-WAREHOUSE FACILITY LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 147-17-1241.

WHEREAS, Uniwest Commercial Realty (“Uniwest”) has requested Special Exception approval to permit development of a three-story, 74,593 square foot indoor mini-warehouse facility on vacant land fronting Battlefield Parkway in the B-3 zoning district on property identified as Loudoun County Parcel Identification (PIN) number 147-17-1241; and

WHEREAS, the property is zoned B-3 Community Retail Commercial District; and

WHEREAS, the Planning Commission held a duly advertised Public Hearing on December 18, 2014 and recommended conditional approval; and

WHEREAS, staff recommends conditional approval subject to the conditions dated January 13, 2015; and

WHEREAS, the Town Council held a duly advertised Public Hearing on January 13, 2015; and

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

WHEREAS, Town Council has determined that the Use Standards of Zoning Ordinance Section 9.3.14 and 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.

A RESOLUTION: APPROVING TLSE-2014-0004, UNIWEST MINI-STORAGE, AN INDOOR MINI-WAREHOUSE FACILITY LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 147-17-1241.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that Special Exception application TLSE-2014-0004, Uniwest Mini-Warehouse is hereby approved to permit an indoor mini-warehouse on the property identified as Loudoun County Parcel Identification (PIN) number 147-17-1241, subject to the following conditions (*Note that of the original 21 conditions of approval established in TLSE-2004-0013 five have been modified below as highlighted in order to accommodate the mini-warehouse request*):

- 1. Substantial Conformance.** Except for the property identified as PIN# 147-17-1241, development of ~~this property~~ the property subject to TLSE-2004-0012 shall be in substantial conformance with the special exception plan entitled “Special Exception Plat for International Pavilion LTD Partnership”, Sheets 1-9, dated April 20, 2005 by Dewberry & Davis, LLC (“the Special Exception Plat”) with reasonable allowances to be made for engineering and design alteration to meet Town Subdivision and Land Development Regulations, Zoning Ordinance or Design and Construction Standards Manual requirements. Building locations may shift up to ten percent (10%) from the location indicated on the Special Exception Plat. The property identified as PIN #147-17-1241 (Special Exception TLSE-2014-0004) shall be developed in substantial conformance with the special exception plat entitled “Fort Evans Plaza II” prepared by Dewberry, Sheets 1-4, dated May 30, 2014 and revised through November 21, 2014.
- 2. No Modifications Granted or Implied.** Approval of this 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. Final plats, development plans, and construction drawings are subject to the applicable town regulations.
- 3. Interparcel Access.** Interparcel access to the adjacent commercially zoned properties to the west ~~and north~~ of the ~~subject property~~ the property identified as PIN# 148-46-5270 shall be provided in the approximate locations ~~noted~~ noted on the Special Exception Plat for TLSE-2004-0013.

A RESOLUTION: APPROVING TLSE-2014-0004, UNIWEST MINI-STORAGE, AN INDOOR MINI-WAREHOUSE FACILITY LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 147-17-1241.

4. **Landscape Plan.** **Except for the property identified as PIN# #147-17-1241,** the landscaping provided by the applicant shall be in substantial conformance with the proposed landscape layout shown on the Special Exception Plat **for TLSE-2004-0013,** and a final landscaping plan subject to review and approval by the Town prior to Final Development Plan approval.
5. **Architecture.** The applicant has agreed to follow the H-2 district design guidelines **for all real property subject to TLSE 2004-0013, with the exception of PIN # 147-17-1241. With the exception of PIN # 147-17-1241,** the design of the buildings shall be subject to the H-2 Design Guidelines with review and approval by the Zoning Administrator. Prior to Final Development Plan submission, the applicant shall submit architectural elevation drawings that are consistent with the H-2 Corridor Guidelines showing the architectural design, materials, and colors of the proposed buildings **on all areas subject to TLSE 2004-0013, with the exception of PIN # 147-17-1241.**
6. **10% Retail in Office Locations.** The applicant has committed to and shall develop at least ~~135,000~~ **60,000** square feet of office uses in the approximate location shown on the Special Exception Plat **TLSE-2004-0013 as amended.** Freestanding retail uses will not be developed in the locations illustrated on the Special Exception plat and described as “Office” locations. The foregoing restriction of uses on the Property will not preclude the applicant from co-locating up to 10% of the office space in each building for accessory retail uses in each office building. Each office building development area illustrated on the Special Exception Plat shall include at least the amount of office uses stated in the office location on the Special Exception Plat. The foregoing restriction of uses on the property will not preclude the applicant from co-locating up to 20,000 square feet of the total 60,000 square feet of the two office buildings constructed in the locations illustrated on the special exception plat and further identified as Building 3 and Building 5, with office supportive uses, which shall be limited to the following: a bank, without a drive-in facility; a child care facility; an eating establishment, without a drive-in facility; an emergency care facility; mailing services; a recreation facility; a special instruction school; barber shop; beauty parlor; laundering, cleaning and other garment servicing establishment; tailor; dressmaking shop; shoe cleaning or repair shop; office supply store; newspaper stand; U.S. Postal Service facility. A total of up to 10,000 square feet of any of the above-listed uses, except an eating establishment without a drive-in facility, shall

A RESOLUTION: APPROVING TLSE-2014-0004, UNIWEST MINI-STORAGE, AN INDOOR MINI-WAREHOUSE FACILITY LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 147-17-1241.

be permitted to be developed in Buildings 3 and 5 as identified on the special exception plat for TLSE 2010-0002 with the understanding that all such uses shall terminate in Buildings 3 and 5 by December 31, 2020. The above-described use restriction shall not apply to up to 10,000 square feet of eating establishments without a drive-in facility or the 6,000 square feet of total retail sales that may be developed and leased in Buildings 3 and 5 without the above-described ten year sunset provision.

- 7. Long Term Use.** Storage units shall be provided for long-term storage only, and all storage shall be within completely enclosed buildings on property identified as PIN #147-17-1241.
- 8. Loading docks.** Loading docks shall not be permitted with development of the mini-warehouse facility on property identified as PIN #147-17-1241.
- 9. No Vehicle Storage.** Except for the purposes of loading and unloading and with the exception of vehicles stored inside a structure constructed on PIN # 147-17-1241, there shall be no incidental parking or storage of trucks, moving vans, or other vehicles on property identified as PIN #147-17-1241.
- 10. Storage Unit Use.** No office, retail or wholesale use of the storage units is permitted on property identified as PIN #147-17-1241. Notwithstanding such restriction, retail sales of packing boxes, tape and related moving and storage supplies and similar goods may be conducted from the office portion of the structure constructed on property identified as PIN #147-17-1241.
- 11. Mechanical Equipment.** All mechanical equipment, including roof-top equipment, shall be screened from view from adjoining properties and roads by appropriate architectural and/or landscaping elements on property identified as PIN #147-17-1241.
- 12. Sprinkler System.** The mini-warehouse building on parcel #147-17-1241 shall comply with NFPA # 13 requirements, including fire suppression systems required for a mini-warehouse. All fire suppression systems required for compliance with NFPA # 13

A RESOLUTION: APPROVING TLSE-2014-0004, UNIWEST MINI-STORAGE, AN INDOOR MINI-WAREHOUSE FACILITY LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 147-17-1241.

standards for the structure constructed on property identified as PIN #147-17-1241 shall be in place prior to the issuance of any occupancy permit.

13. Lighting. Prior to the issuance of any occupancy permit on property identified as PIN #147-17-1241, the Applicant must demonstrate that all outdoor lighting fixtures are full-cutoff. The mini-warehouse facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.

14. Accessory Residence. No accessory caretaker or watchman's residence shall be permitted onsite.

PASSED this 13th day of January 2015

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council