

**TOWN OF LEESBURG**  
**NOTICE OF PLANNING COMMISSION AND TOWN COUNCIL PUBLIC HEARINGS**  
**FOR THE CONSIDERATION OF SPECIAL EXCEPTION APPLICATION**  
**TLSE 2015-0001**  
**LEESBURG VETERINARY HOSPITAL**

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 **Leesburg Planning Commission** will hold a public hearing on **Thursday June 18, 2015 at 7:00 p.m.**, and the **Leesburg Town Council** will hold a public hearing on **Tuesday, June 23, 2015 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider Special Exception Application 2015-0001, Leesburg Veterinary Hospital, a request by Carlyle/Cypress Leesburg I LLC, to permit the establishment of a 2,400 square foot veterinary hospital.

The subject property is situated at 1614 Village Market Boulevard, Suite Q-105, (within existing Building Q of Landbay B in the Village at Leesburg) and adjacent to Orvis in Building Q. The property is further described as Loudoun County Parcel Identification Number (PIN) 149-28-0023 and is zoned PRC, Planned Residential Community, Mixed Use Center. The *Town Plan* designates this property as “Regional Office” on the Land Use Policy Map, and promotes maximum development densities of up to 1.0 Floor Area Ratio (FAR). This application proposes an FAR of 0.17 which is for the PRC zone as a whole as approved with Village at Leesburg Building Q (TLPF-2012-0005).

**Special Exception Application TLSE 2015-0001** is a request by Carlyle/Cypress Leesburg I LLC for a veterinary hospital in existing Building Q of Landbay B in the Village at Leesburg subject to the standards of Section 9.3.30. of the Zoning Ordinance.

Additional information and copies of this application 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 Delane Parks, Senior Planner, at 703-771-2769, or [dparks@leesburgva.gov](mailto:dparks@leesburgva.gov).

At these hearings, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations at the Planning Commission meeting should contact the Clerk of Commission at (703) 771-2434 three days in advance of the meeting. Persons requiring special accommodations at the Town Council meeting should contact the Clerk of Council at (703) 771-2733 three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

**Ad to run:**  
**6/4/2015**  
**6/11/2015**



**Date of Council Meeting: June 23, 2015**

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

**Subject:** TLSE-2015-0001, Special Exception application – To allow a veterinary hospital use at the Village at Leesburg.

**Staff Contact:** Delane D. Parks, Senior Planner

**Council Action Requested:** To approve the application with conditions.

**Recommendation:** Staff recommends Council approve TLSE-2015-0001, Village at Leesburg Veterinary Hospital subject to the conditions of approval listed in the attached resolution that address noise and odor control, waste elimination, and a limitation on outdoor activity.

**Planning Commission Public Hearing and Recommendation:** On June 18, 2015, the Planning Commission voted (5-0-2) to approve application TLSE-2015-0001 to allow a veterinary hospital in the Village at Leesburg, Building Q, Suite Q105, as a special exception use with conditions as provided in the staff report. At the public hearing, the applicant and supporting representatives were the only individuals to speak on the application. The Planning Commission motion for conditional approval is attached which includes the basis for its decision.

**Fiscal Analysis:** Approval of this application should generate positive commercial revenue to the Town. The specific suite in Building Q has been unoccupied since construction of the building.

**Work Plan Impact:** Land development applications are a non-discretionary work function of the Department of Planning and Zoning. This application has been processed according to the procedures and within the timelines as prescribed by the Town of Leesburg Zoning Ordinance and Code of Virginia.

**Executive Summary:** Rappaport Companies is requesting Special Exception approval to allow the establishment of a veterinary hospital in an existing suite within Building Q (Suite-Q105) of Land Bay B of the Village at Leesburg situated next to the Orvis retail store. The site fronts on Crosstrail Boulevard, and is part of the Village at Leesburg Mixed Use Center which is zoned PRC (Planned Residential Community).

**Background:** The applicant, Rappaport Companies, is requesting Special Exception approval to allow the establishment of a veterinary hospital in an existing space within Building Q (Suite-Q105) of Land Bay B of the Village at Leesburg. The use is proposed to be open to the public from 7:00 a.m. to 7:00 p.m., seven days a week. Staff may be present outside of those hours to take care of hospitalized patients. No outdoor activity is proposed but a pet waste station will be provided outside the veterinary hospital. All animal waste will be properly disposed of in

accordance with applicable federal, state and local requirements. Additional soundproofing is proposed to mitigate noise impact on adjacent businesses. No new building square footage is proposed with this application.

A Special Exception Plat and Statement of Compliance have been submitted in support of this application (see Attachment 1).

Existing Building Q totals 13,600 square feet of retail/office space with one current occupant (an Orvis retail store). Building Q is bounded by a surface parking lot to the west, a structured parking garage to the north, Crosstrail Boulevard to the east and Russell Branch Parkway to the south. There are no residential uses nearby, and compatibility issues have been addressed through the proposed conditions of approval regarding noise, odor, waste elimination, and a limitation on outdoor activity. Note that due to its location adjacent to commercial uses and the distance from any residential uses, staff is not recommending a condition to limit hours of operation for the facility to provide flexibility to the Applicant.

Staff recommends conditional approval on the basis that the proposal is in general conformance with the policies of the Town Plan; the approval criteria of TLZO Sec. 3.4.12 have been satisfied for TLSE 2015-0001; and the application meets the use standards criteria of TLZO Sec. 9.3.30. A resolution setting forth the recommended conditions of approval may be found in Attachment 2.

**Attachments:**

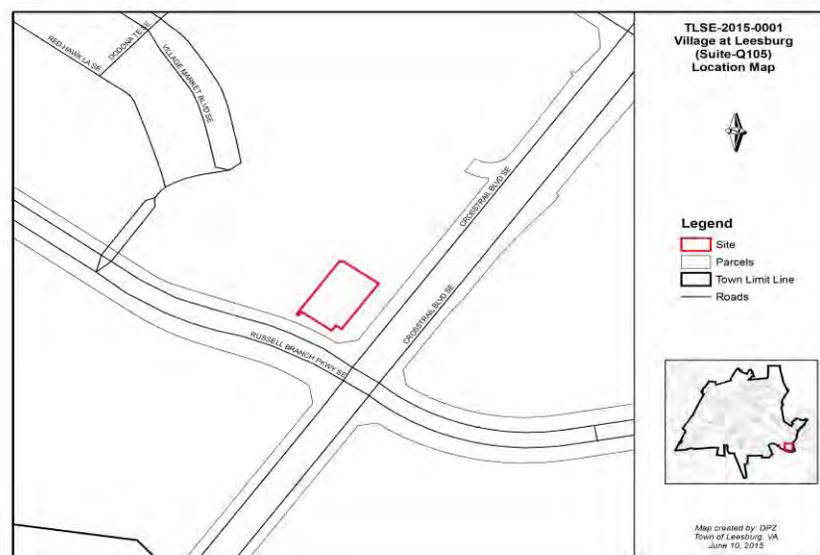
1. Planning Commission Staff Report dated June 18, 2015 with attachments.
2. Resolution



Date of Meeting: June 18, 2015

**TOWN OF LEESBURG  
PLANNING COMMISSION PUBLIC HEARING**

- Subject:** TLSE 2015-0001 Village at Leesburg, Veterinary Hospital
- Staff Contact:** Delane D. Parks, Senior Planner
- Applicant:** Robert Lucas, Rappaport Companies  
8405 Greensboro Drive, 8<sup>th</sup> Floor, McLean, VA 22102-5121  
(571) 382-1238; [rlucas@rappaportco.com](mailto:rlucas@rappaportco.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](mailto:mbanzhaf@reedsmith.com)
- Proposal:** A request to allow a veterinary hospital in a 2,398 square foot space in existing Building Q (Suite-Q105) of Land Bay B of the Village of Leesburg situated next to the Orvis retail store in the northwest quadrant of the intersection of Russell Branch Parkway and Crosstrail Boulevard.
- Planning Commission Critical Action Date:** **September 26, 2015**
- Recommendation:** Staff recommends conditional approval of the application.
- Acceptance Date:** **March 16, 2015**
- Web Link:** A comprehensive listing of all application documents is found here: <http://www.leesburgva.gov/government/departments/planning-zoning/liam-interactive-applications-map>



*Figure 1. Location Map*

**Suggested Motions**

**Approval**

I move that the Special Exception Application TLSE 2015-0001 Village at Leesburg, Veterinary Hospital, be forwarded to the Town Council with a recommendation of approval, subject to the conditions of approval contained in the staff report dated June 18, 2015 on the basis that the approval criteria of TLZO Sec. 3.4.12 and the use standards of TLZO Sec. 9.3.30 are satisfied and that the proposal will serve the public necessity, convenience, general welfare and good zoning practice.

- Or -

**Alternate Motion**

I move that \_\_\_\_\_

**I. Application Summary**

The applicant, Rappaport Companies, is requesting Special Exception approval to allow the establishment of a veterinary hospital in a 2,398 square foot space within existing Building Q (Suite-Q105) of Land Bay B of the Village at Leesburg situated next to the Orvis retail store. The use is proposed to be open to the public from 7:00 a.m. to 7:00 p.m., seven days a week. Staff may be present outside of those hours to take care of hospitalized patients. No outdoor activity is proposed but a pet waste station will be provided outdoors for pets coming to the veterinary hospital. All animal waste will be properly disposed of in accordance with applicable federal, state and local requirements. Additional soundproofing is proposed to mitigate noise impact on adjacent businesses. No new building square footage is proposed with this application.

A Special Exception Plat and Statement of Compliance have been submitted in support of this application (see Attachment 1, Special Exception Plat and Attachment 2, Statement of Compliance).

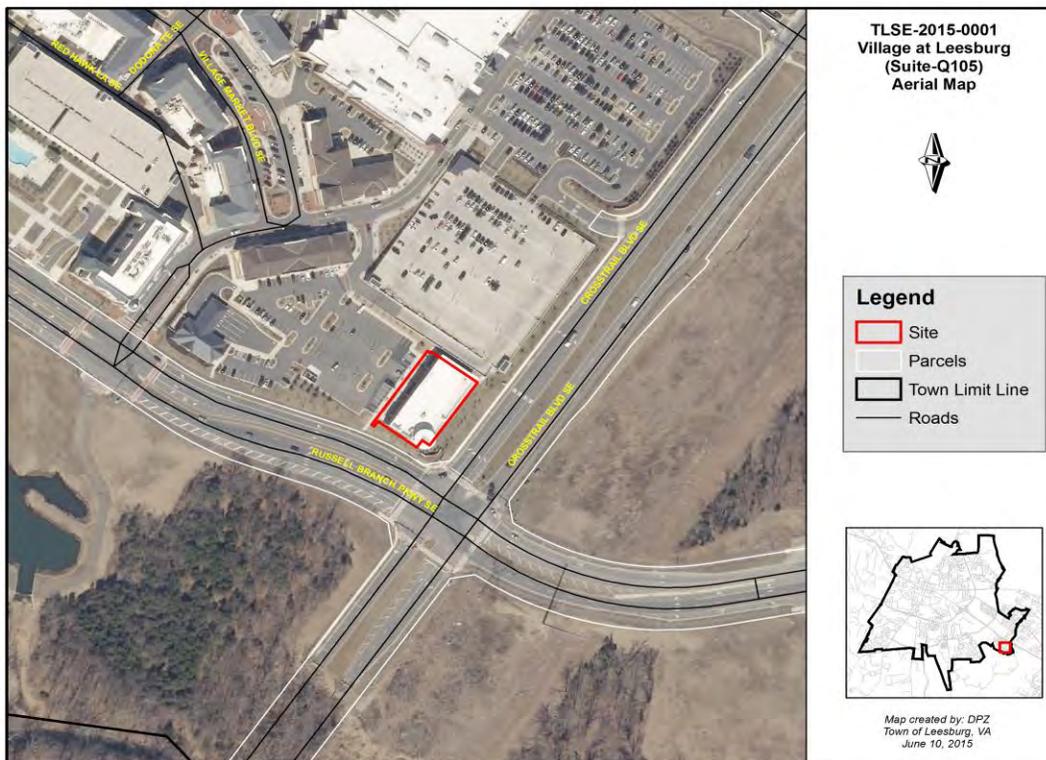
<b>Table 1. Property Information</b>			
<b>Address:</b>	1614 Village Market Boulevard, Suite Q-105 (NE quadrant of Russell Branch Parkway and Crosstrail Boulevard)	<b>Zoning:</b>	PRC
<b>PIN #</b>	149-28-0023	<b>Planned Density:</b>	0.17 FAR
<b>Size:</b>	3.5 acres (lot)	<b>Planned Land Use:</b>	Regional Office

Existing Building Q totals 13,600 square feet of retail/office space with one current occupant (an Orvis retail store) and a proposed occupant consisting of an emergency care facility. Building Q is bounded by a surface parking lot to the west, a structured parking garage to the north, Crosstrail Boulevard to the east and Russell Branch Parkway to the south.

The subject property is zoned PRC, Planned Residential Community, and permits a Mixed Use Center by-right. TLZO Sec. 8.5.2.A. defines a Mixed Use Center as a “cluster of residential, commercial, employment and community facility uses designed to serve as a focus of major residential communities” and that these uses are “supportive of and compatible with surrounding residential uses”. A veterinary hospital is permitted by special exception consistent with TLZO Sec. 8.5.3. in the PRC, Planned Residential Community District.

## II. Current Site Conditions

The subject area of this application is located within existing Building Q at 1614 Village Market Boulevard, Suite-Q105 (see Figure 2. Aerial View). The site is entirely developed. Some additional photograph perspectives have been provided (see Figure 3. Front View of Building Q and Figure 4. View of Building Q on Crosstrail Boulevard) on the following page.



*Figure 2. Aerial View of Building Q*



*Figure 3. Front View of Building Q*



*Figure 4. View of Building Q on Crosstrail Boulevard*

### III. Zoning History

The Village at Leesburg property was rezoned from I-1 (Industrial/Research Park District) to PRC (Planned Residential Community District) and B-4 (Mixed-Use Business District) on November 8, 2005 as part of rezoning application TLZM 2004-0005. Figure 5 below depicts the existing zoning of the property.

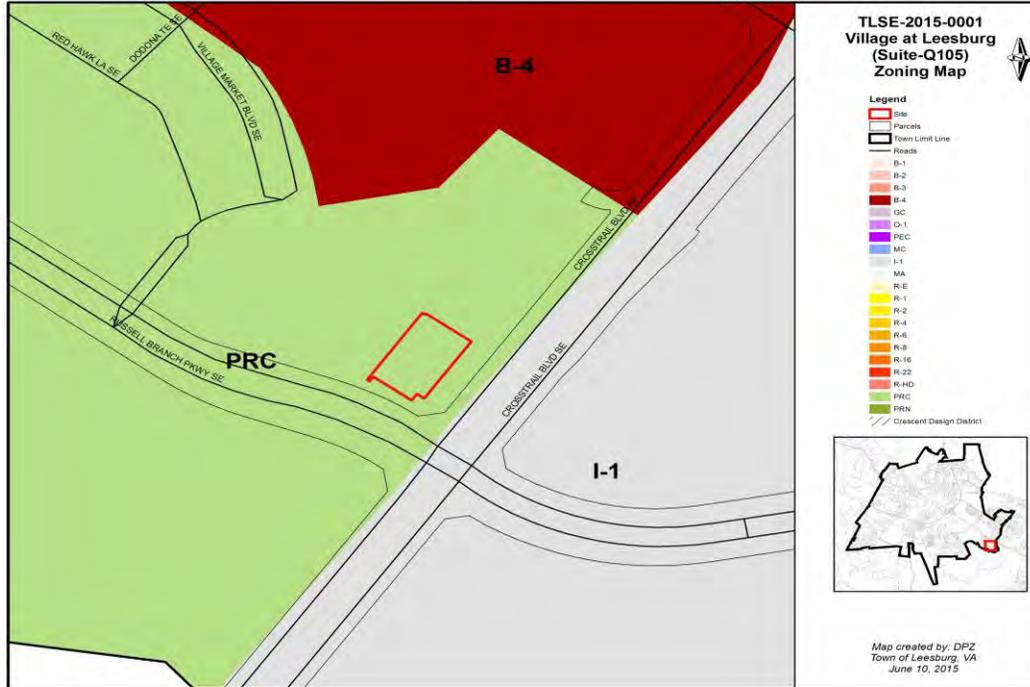


Figure 5. Existing Zoning

The total area of the original rezoning application referenced above was 150.05 acres and included 38.84 acres of the property which was rezoned to B-4 Mixed-Use Business District and 64.17 acres of the property which was rezoned to PRC, Planned Residential Community District. The remaining 47.11 acres of the property remained zoned I-1, Industrial Research Park and was proffered to be developed consistent with the Rezoning Concept Plan.

The Village at Leesburg has been subject to six rezoning amendments since its original approval. However, the area of the PRC that contains Building Q remains inside the mixed use center. The current Village at Leesburg Approved Land Use Map is shown in Figure 6.

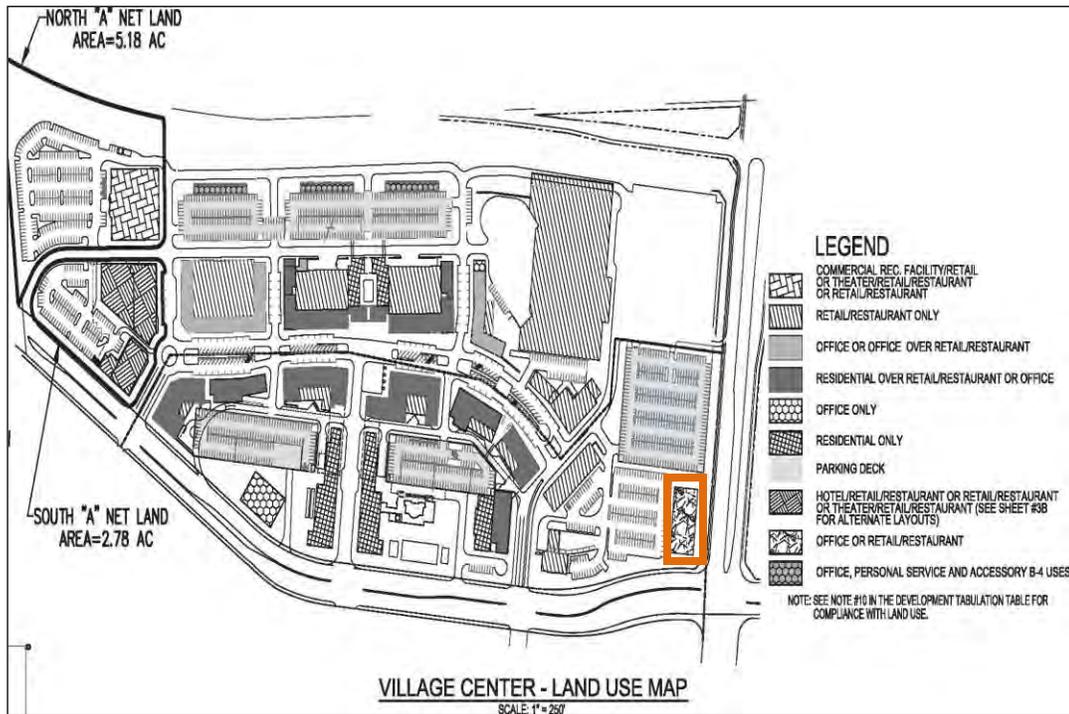


Figure 6. Approved Land Use Map (per TLZM-2014-0006)

**IV. Uses on Adjacent Properties**

<b>Table 2. Adjacent Land Uses</b>			
<b>Direction</b>	<b>Existing Zoning</b>	<b>Current Use</b>	<b>Town Plan Land Use Designation</b>
North	B-4, and PRC	Structured Parking Garage and Wegmans	Regional Office
South	PRC	Russell Branch Parkway and Land Bay C, approved for age restricted residential dwellings	Regional Office
East	I-1	Crosstrail Boulevard and Land Bays D&E	Regional Office
West	PRC	Surface parking lot and Wells Fargo Bank	Regional Office

**V. Staff Analysis**

There are two sets of criteria in the Zoning Ordinance that are applicable to this application. The first is the use standards for a veterinary hospital as listed in TLZO Sec. 9.3.30. The second is the four general approval criteria for special exceptions per TLZO Sec. 3.4.12. These standards are discussed below.

**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. Statement of Compliance Deficiencies
  - c. Use description
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.

- a. **Land Use:** The site is located in the Southeast Planning Area and is designated as “Regional Office” on the Planned Land Use Map (see Figure 7). There are no specific area objective policies for this parcel but all of the general Regional Office policies apply. The proposed veterinary hospital is considered an office use which is listed in the Town Plan among Regional Office uses. Therefore, it is staff’s conclusion that the proposed veterinary hospital is not inconsistent with Town Plan Land Use goals.
- b. **Community Design:** Town Plan Community Design Objective 1 calls for high quality design of new development to enrich the character of Leesburg. The existing building is made of predominately brick and glass and 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 7. Planned Land Use**

**C. Transportation Analysis**

The applicant was granted a traffic impact analysis waiver based on the fact that the proposed veterinary hospital use generates less traffic than the currently allowable retail and restaurant uses which were factored into the previously provided Traffic Impact Analysis. The applicant has already constructed substantial road improvements (including a four lane divided road section fronting this site for both Crosstrail Boulevard and Russell Branch Parkway) in development of the Village at Leesburg. The Transportation Engineer has determined that the existing roads are sufficient to handle the limited amount of traffic generated by the proposed veterinary hospital use.

**D. Parking**

TLZO Sec. 11.3 sets the parking standards for this veterinary hospital use as one parking space per 300 square feet of gross floor area. A total of 2,398 square feet of office is proposed requiring eight spaces 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 in the surface parking area in front of Building Q per the approved site plan for Building Q. The proposed parking meets the required standards.

**E. Site Design**

Building Q is existing and appropriately situated per the approved rezoning concept plan. Site access from Russell Branch Parkway meets safety criteria. Onsite vehicle circulation is sufficient and adequate pedestrian access is provided. The site design should function adequately and help minimize impacts on adjacent uses. The Village at Leesburg management company, Rappaport, in an effort to minimize traffic congestion during holiday shopping months and certain other peak traffic times, has contracted with off-duty TOL police to manage heavy traffic. Rappaport has also developed private transportation systems (i.e. alternative routes from the Wegmans site) to further reduce congestion during heavy traffic days.

**F. Building Design**

The existing Building Q was constructed in accordance with the Village at Leesburg Design Guidelines approved by the BAR. Here, no exterior changes are proposed.

**G. Fiscal Impact**

The Zoning Ordinance does not require submission of a Fiscal Impact Study with special exception applications. The specific Suite has been unoccupied since construction of the building and this use will result in additional tax revenue to the Town compared to its existing condition.

**H. Utilities**

The site is served adequately by sewer and water.

**I. Specific Use Standards for a Veterinary Hospital**

TLZO Sec. 9.3.30 provides three specific use standards for veterinary hospitals as discussed below:

A. *“All such facilities shall be within a completely enclosed building.”* –  
The applicant has indicated in their Statement of Compliance that the veterinary facility will have no outdoor activities and will be completely within the existing 2,398 square foot space in Building Q. While this is true of the facility itself, the applicant has proposed an outdoor pet waste station to serve pets, (particularly dogs) brought to the facility, per landlord approval, for the service of clients and the public in general. The pet waste station will be provided by the veterinary hospital in the form of a pet waste receptacle with waste bags more commonly used in urban areas and will be maintained by the veterinary staff. Special Exception Conditions #1, #3 and #5 ensure compliance with this standard.

B. *“The building shall be adequately soundproofed with no noise emission detrimental to other properties in the area.”* –

The applicant has indicated in their Statement of Compliance that noise attenuation will comply with the following standards in order to meet the zoning ordinance requirements:

- The hospital will be constructed with sound deadening in mind (e.g. double wall construction with sound mitigating installation.)
- The following wall assembly will be provided in addition to the wall demising provided by the landlord:
  - 1 layer of 5/8” acoustical wall board USG sound break,
  - 3-5/8” metal studs all the way to the top of the underside of the existing structure,
  - Unfaced 3.5” Batt insulation (R-15) full height within the stud wall cavity,
  - 1” of air space between the sound wall and demising wall (All penetrations of the demising wall to be sealed).

The applicant is proposing these additional noise mitigation measures to eliminate the potential for noise that could disrupt adjacent uses. Special Exception Condition #4 and #5 ensures compliance with this standard.

C. *“There will be no odor emission detrimental to other properties in the area.”* –

The applicant has indicated in the Statement of Compliance that the ventilation in the veterinary facility will comply with the following standard:

All kennels will be maintained in a clean and sanitary condition at all times. If a pet needs extra space to urinate or defecate, the pet may be transferred temporarily to a run [located within the existing facility] and the run will be sanitized prior to another pet entering it. Any urine or feces will be cleaned and the surface disinfected immediately.

Special Exception conditions #5, #6 and #7 ensures compliance with this standard.

**J. Special Exception Approval Criteria**

TLZO Sec. 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.”* - The veterinary hospital use is entirely indoors. Other potential compatibility issues have been addressed through the conditions of approval and the Statement of Compliance. Special Exception conditions #4, #5, #6, #7 and #8 ensure compliance with this standard by dealing with potential noise, odor, waste elimination, and a limitation on outdoor activity. Note that due to its location adjacent to commercial uses and distance from any residential uses, staff is not recommending a condition to limit hours of operation for the facility to provide flexibility to the Applicant.
- 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 PRC 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.”* – The existing Building Q will not be enlarged and no new development is proposed. Screening, buffering, landscaping, and site design issues were all addressed at the time of development of Building Q (TLPF-2012-0005). Nearby lands in Land Bay B are already developed and the proposed use is indoors.
- 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 veterinary hospital use generates limited traffic. Existing Crosstrail Boulevard, Russell Branch Parkway, Village Market Boulevard and the existing surface parking lot adjacent to the proposed use are sufficient to handle the expected traffic. Staff finds that the proposal will not inhibit safe and convenient pedestrian and vehicular travel.

**K. Conditions and Safeguards**

TLZO Sec. 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 below.

#### **VI. Findings for Approval**

1. The proposal is in general conformance with the policies of the Town Plan; and
2. The approval criteria of TLZO Sec. 3.4.12 have been satisfied for TLSE 2015-0001; and
3. The application meets the use standards criteria of TLZO Sec. 9.3.30; and
4. The proposal would serve the public necessity, convenience, general welfare and good zoning practice.

#### **VII. Recommendation and Conditions of Approval**

Staff recommends **approval** of TLSE-2015-0001 Village at Leesburg, Veterinary Hospital subject to the following conditions:

1. **Substantial Conformance:** This special exception use is granted for Building Q of Village at Leesburg located at 1614 Village Market Boulevard, Suite-Q105. Development of this special exception use shall be in substantial conformance with the special exception plat entitled "Village at Leesburg Suite-Q105" prepared by Urban and revised through May 18, 2015.
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.
3. **Location and Area:** The veterinary hospital may be located in Suite Q-105 in Building Q at 1614 Village Market Boulevard. The use of the veterinary hospital is limited to approximately 2,400 square feet of the existing building as depicted on the special exception plat.
4. **Soundproofing:** To ensure compatibility with the adjacent tenant spaces of the building, and to comply with TLZO Section 9.3.30, the Applicant must demonstrate, at the time of building permit, the application of acoustical material to any wall used to enclose the animal hospital. An inspection at the time of occupancy permit will be required to verify the installation of acoustical material. Suite-Q105 at 1614 Village Market Boulevard shall be soundproofed in accordance with the following standards:
  - The hospital will be constructed with sound deadening in mind (e.g. double wall construction with sound mitigating installation.)
  - The following wall assembly will be provided in addition to the wall demising provided by the landlord:
    - 1 layer of 5/8" acoustical wall board USG sound break,
    - 3-5/8" metal studs all the way to the top of the underside of the existing structure,

- Unfaced 3.5” Batt insulation (R-15) full height within the stud wall cavity,
- 1” of air space between the sound wall and demising wall (All penetrations of the demising wall to be sealed).

5. **Limitation on Outdoor Activity:** The Applicant is prohibited from conducting any outdoor activities involving patients under their care except for the pet waste station.
6. **Odor Emissions:** Odors shall be properly contained and/or treated before release in accordance with the following standards:
  - a. All indoor kennels will be maintained in a clean and sanitary condition at all times. Any urine or feces will be cleaned and the surface disinfected immediately.
7. **Pet Waste Station:** A designated pet waste station (waste station receptacle) shall be provided outside and inspected daily during operating hours to ensure solid waste is removed from the site.
8. **Waste Disposal:** All pharmaceuticals, vaccines and antibiotics will be packaged and labeled by manufactures as required by the FDA. All medical wastes, pharmaceuticals, vaccines and antibiotics shall be disposed of according to FDA standards. All animal waste shall be disposed of according to federal, state, or local requirements.

**VIII. Attachments**

1. Village at Leesburg, Suite-Q105 Special Exception Plat (Veterinary Hospital) Sheets 1-4, as prepared by Urban Ltd, dated February 2015, and revised May 18, 2015.
2. Statement of Compliance (TLSE-2015-0001) dated May 18, 2015

**VILLAGE AT LEESBURG**  
**TLZM 2004-0005, AS AMENDED**  
**STATEMENT OF COMPLIANCE**

*May 18, 2015*

**Overview**

After the November 8, 2005, approval of Town Resolution 2004-0005 permitting development of the Village at Leesburg (the "Project") the owners of Project land areas north of Russell Branch Parkway and west of Crosstrail Boulevard and Town of Leesburg representatives worked together to fine-tune the Project implementing changes that are consistent with the mixed use vision of the Project. The Project has developed into a mixed use employment center, with office and service uses in close proximity to retail, restaurant and high density residential uses on 57.20 acres of real property collectively described as "Land Bays A and B". As shown on Sheet 3 of the Concept Plan ("Sheet 3") offices in a variety of configurations, including stand-alone buildings in Buildings CC, DD and EE, and office over retail in Buildings B and E, have been constructed in Land Bay A of the Project. Up to 210,440 square feet of office uses may be constructed and leased in Land Bays A and B of the Project. To date 155,000 square feet of the Project office space in Land Bay A has been constructed, but only 60% of such space has been occupied. Approximately 21% of the Project retail space is currently not leased. The applicant, Rappaport Companies, on behalf of the owners of the PRC zoned portion of Land Bay B has been helping lease unoccupied retail space in Land Bay B, including Building Q shown on Sheet 3. A tenant proposes to lease approximately 2,398 square feet of Building Q to operate a veterinary hospital, a use well-suited to Building Q due to its location between Russell Branch Parkway and the parking garage, removed from residential uses. Other uses in Building Q include Orvis and a proposed emergency care facility. The proposed veterinary hospital is

forecast to generate fewer trips than the office, retail or restaurant uses permitted to be developed in Building Q. Noise attenuation measures will be installed prior to issuance of an occupancy permit to insure compatibility of the proposed veterinary hospital with other uses in Building Q.

The Project Owners appreciate the cooperation and support of the Project provided to date by Town Council, the Town Planning Commission and Town Staff. Three Hundred Thirty-Five multifamily dwellings have been interspersed in Land Bays A and B to complement the mixed use vision of the Project. Application TLZM 2011-0002, designed to integrate Land Bay C into the mixed use activities of Land Bays A and B to increase the absorption rate of offices in the Project while supporting Project retail and recreation uses, was approved. The owner of Land Bay C plans to start construction in 2015 of 168 market rate dwelling units on Land Bay C to be occupied by residents who could easily walk to work, shops, services and recreational facilities in Land Bays A and B. On January 10, 2012, Town Council approved TLZM 2010-0003 that shifted and slightly increased retail and office uses within Buildings X and Q in Land Bay B of the Project and allowed accessory B-4 uses to be developed in Buildings CC, DD and EE. On October 28, 2014 Town Council approved TLZM 2014-0006 that removed the cap on restaurant uses in Land Bay A allowing several new restaurants to open in 2015.

The Applicant proposes to continue to energize the mixed use core of the Project by permitting a veterinary hospital to occupy the last vacant space in Building Q. Additional foot traffic in Land Bay B will help other uses in the Project prosper. With the exception of the permission to develop a veterinary use in Building Q, no other changes to the Project are proposed by this application. The proposed veterinary hospital includes the following program information:

- The use will be open seven days a week from 7:00 AM to 7:00 PM.

- The facility is a preventative care practice that does not typically include overnight boarding except in emergency pet situations.
- Animal waste will be picked up by the veterinary staff. A pet waste station will be provided and maintained by the veterinary operator.
- The veterinary is not a generator of hazardous waste and any waste will be disposed of in compliance with all federal and state requirements.
- Medical waste disposal will comply with the following standard:
  - Biomedical waste consists of needles of various sizes, scalpel blades, and microscope slides that are broken or chipped. Biomedical waste also includes infectious medical waste, pathological waste, and cultures and stocks. Sharps and other biomedical waste will be placed into sharps containers or red bags at the point of origin. Filled containers will be sealed at the point of origin. Containers and outer containers when sealed will not be reopened in this facility. Ruptured or leaking packages of biomedical waste will be placed into a larger container without disturbing the original seal.
  - The facility will utilize the Sharps Recovery System® which contracts with the United States Postal Service to transport biomedical waste.
 

Company name: Sharps Compliance; United States Postal Service  
Address of Sharps Compliance: 9220 Kirby Drive  
Houston, Texas 77054

Phone: 713.432.0300
  - Unless a pet is suspected of zoonotic disease, animal waste is disposed of as solid waste.
- Noise attenuation will comply with the following standard:
  - The hospital will be constructed with sound deadening in mind (e.g. double wall construction with sound mitigating insulation).
  - The following wall assembly will be provided in addition to the demising wall provided by the landlord.
    - 1 layer of 5/8" acoustical wall board USG sound break.
    - 3-5/8" metal studs all the way to the top of the underside of existing structure.
    - Unfaced 3.5" Batt insulation (R-15) full height within the stud wall cavity.
    - 1" of air space between the sound wall and demising wall. (All penetrations of the demising wall to be sealed).
- Ventilation/odor in the veterinary facility will comply with the following standard:

- All kennels will be maintained in a clean and sanitary condition at all times. If a pet needs extra space to urinate or defecate, the pet may be transferred temporarily to a run and the run will be sanitized prior to another pet entering it. Any urine or feces will be cleaned and the surface disinfected immediately.
- The veterinary facility will supply and maintain a pet waste station on the exterior per landlord approval for the service of clients and public in general.
- The veterinary facility does not have outdoor activities.
- The veterinary facility does not groom animals and does not typically generate quantities of hair sufficient to warrant a hair trap.
- The veterinary facility will obtain and maintain all required licenses.

### **Submittal Requirements**

Section 3.4.2 of the Town Zoning Ordinance permits a property owner to initiate an application for approval of a special exception. No Town Plan amendment is required to approve a special exception for a veterinary hospital in Building Q.

Due to the limited scope of the proposed application, waiver of several submission materials is appropriate as noted below and in the waiver request letter that accompanies this application.

The Applicant has submitted items required by Zoning Ordinance Section 3.4.6 as follows:

- A. An application for approval of a special exception;
- B. The fee for the special exception application;
- C. A disclosure statement;
- D. Twenty copies of the special exception plat; and
- E. This Statement of Compliance.

A traffic impact study has not been included due to the limited scope of the application and forecast reduction in trips generated by the veterinary hospital. A grading plan is not included because Land Bays A and B are fully developed. Building elevations are not included because the structure to be used for the veterinary hospital has been constructed. A lighting plan is not submitted because a lighting plan for the Project was previously approved.

### **The Proposal is Consistent with Policies in the Town Plan**

The Town Plan classifies the 150 acre Village at Leesburg Project as “Regional Office”.

Town Plan policies for Regional Office include the following:

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 [as] 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.)

Town Plan Regional Office Optional Uses and Design policies include the following criteria to evaluate mixed use proposals:

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 percent 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.

At the time of Project approval, Town Council acknowledged the Project application met the following Regional Office criteria:

1. Helps meet the need for a broad spectrum of local and regional employment that offers high paying jobs and supports a balanced tax base;
2. Provides a high degree of local and regional transportation accessibility, including automobile, bus, pedestrian, bicycle modes of transportation;
3. Provides a multi-activity environment; and
4. Retail and service uses are located within office buildings and oriented to the interior of the site and are within walking distance of the office buildings that they serve.

The Town Plan encourages mixed-use developments such as the Village at Leesburg because they promote walkable communities that are not dependent on vehicles for internal trips. The application will have a negligible impact upon adjacent road networks, due, in no small part, to the walkable character of the proposed use in a mixed-use project and the grade-separated

interchange, Crosstrail Boulevard and Russell Branch Parkway improvements constructed as part of the Village at Leesburg.

The Project has been developed consistent with Town Plan Optional Uses and Design policies described above. Consistent with Town Plan goals, Land Bays A and B of the Project have been developed with 155,000 square feet of offices, a 45,000 square foot commercial recreation facility, a 62,000 square foot theater, and substantial retail and restaurant uses, including a 140,000 square foot Wegmans. As developed the Village at Leesburg is a good example of a project that includes the mixed use characteristics described on pages 51-52 of the Town Plan.

Since the November 8, 2005 approval of the Project, the owners of the Village at Leesburg have made every effort to lease the remaining office and retail space constructed in the Village at Leesburg. Despite such efforts approximately 60% of the office space in the project has been leased reducing the tax revenues that could be generated from such office space as well as from retail space that could be leased if sufficient foot traffic were on the street to patronize such establishments.

The Applicant thanks Town Council, the Town Planning Commission and Town Staff for supporting the Village at Leesburg. It is hoped TLSE 2015-0001 will be approved to enable the Applicant to continue development of the Village at Leesburg consistent with the purpose and intent of the Town Zoning Ordinance and the goals and policies of the Town Plan.

PRESENTED: June 23, 2015

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

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

A RESOLUTION: APPROVING TLSE-2015-0001, VILLAGE AT LEESBURG, VETERINARY HOSPITAL, SUITE Q105, LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 149-28-0023.

WHEREAS, Rappaport Companies has requested Special Exception approval to permit a veterinary hospital use in existing Building Q in Land Bay B of the Village of Leesburg in the PRC zoning district on property identified as Loudoun County Parcel Identification (PIN) number 149-28-0023; and

WHEREAS, the property is zoned PRC, Planned Residential Community District; and

WHEREAS, the Planning Commission held a duly advertised Public Hearing on June 18, 2015 and recommended conditional approval; and

WHEREAS, staff recommends conditional approval subject to the conditions in this resolution; and

WHEREAS, the Town Council held a duly advertised Public Hearing on June 23, 2015; and

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

WHEREAS, Town Council has determined that the Use Standards of Zoning Ordinance Section 9.3.30 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-2015-0001, VILLAGE AT LEESBURG, VETERINARY HOSPITAL, SUITE Q105, LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 149-28-0023.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that Special Exception application TLSE-2015-0001, Village at Leesburg, Veterinary Hospital, is hereby approved to permit a veterinary hospital on the property identified as Loudoun County Parcel Identification (PIN) number 149-28-0023, subject to the following conditions:

1. **Substantial Conformance:** This special exception use is granted for Building Q of Village at Leesburg located at 1614 Village Market Boulevard, Suite-Q105. Development of this special exception use shall be in substantial conformance with the special exception plat entitled "Village at Leesburg Suite-Q105" prepared by Urban and revised through May 18, 2015.
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.
3. **Location and Area:** The veterinary hospital may be located in Suite Q-105 in Building Q at 1614 Village Market Boulevard. The use of the veterinary hospital is limited to approximately 2,400 square feet of the existing building as depicted on the special exception plat.
4. **Soundproofing:** To ensure compatibility with the adjacent tenant spaces of the building, and to comply with TLZO Section 9.3.30, the Applicant must demonstrate, at the time of building permit, the application of acoustical material to any wall used to enclose the animal hospital. An inspection at the time of occupancy permit will be required to verify the installation of acoustical material. Suite-Q105 at 1614 Village Market Boulevard shall be soundproofed in accordance with the following standards:
  - The hospital will be constructed with sound deadening in mind (e.g. double wall construction with sound mitigating installation.)
  - The following wall assembly will be provided in addition to the wall demising provided by the landlord:
    - 1 layer of 5/8" acoustical wall board USG sound break,
    - 3-5/8" metal studs all the way to the top of the underside of the existing structure,
    - Unfaced 3.5" Batt insulation (R-15) full height within the stud wall cavity,

A RESOLUTION: APPROVING TLSE-2015-0001, VILLAGE AT LEESBURG, VETERINARY HOSPITAL, SUITE Q105, LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 149-28-0023.

- 1” of air space between the sound wall and demising wall (All penetrations of the demising wall to be sealed).

5. **Limitation on Outdoor Activity:** The Applicant is prohibited from conducting any outdoor activities involving patients under their care except for the pet waste station.
6. **Odor Emissions:** Odors shall be properly contained and/or treated before release in accordance with the following standards:
  - a. All indoor kennels will be maintained in a clean and sanitary condition at all times. Any urine or feces will be cleaned and the surface disinfected immediately.
7. **Pet Waste Station:** A designated pet waste station (waste station receptacle) shall be provided outside and inspected daily during operating hours to ensure solid waste is removed from the site.
8. **Waste Disposal:** All pharmaceuticals, vaccines and antibiotics will be packaged and labeled by manufactures as required by the FDA. All medical wastes, pharmaceuticals, vaccines and antibiotics shall be disposed of according to FDA standards. All animal waste shall be disposed of according to federal, state, or local requirements.

PASSED this 23<sup>rd</sup> day of June 2015

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council