

Date of Meeting: January 16, 2013

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**BOARD OF SUPERVISORS
ACTION ITEM**

SUBJECT: Finance/Government Services and Operations Committee Report: Courts
Complex Phase III Capital Project Review

ELECTION DISTRICT: Leesburg/Catoctin

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS: Melissa Poole, Design Manager, Dept. of Transportation and
Capital Infrastructure (DTCI)
Paul Brown, Assistant Director, DTCI
Rick Conner, Interim Director, DTCI

RECOMMENDATIONS:

COMMITTEE: At the January 8, 2013 Finance/Government Services and Operations Committee Meeting, the Committee voted 5-0 to recommend to the Board of Supervisors that the Courts Complex Phase III project proceed as originally planned in the FY 2013 Adopted Capital Improvement Program and direct staff to proceed with the solicitation of the professional Architectural/Engineering services. This recommendation reaffirms the Church Street location in Downtown Leesburg for the Courts Complex. The Committee further directed staff to prepare an item for the February 2013 Finance/Government Services and Operations Committee Meeting reporting on the option to design and construct the Phase IV 120,000 GSF and associated costs.

STAFF: Staff concurs with the Committee recommendation.

BACKGROUND: The Loudoun County Board of Supervisors, during its FY 2013 budget work sessions, directed County staff to prepare a Courts Complex Project Review item for the Finance/Government Services and Operations Committee review.

At the June 11, 2012 Finance/Government Services and Operations Committee meeting, five (5) options for the development of the Courts Complex Phase III project were presented based on planning studies that reviewed space needs for the planning years of 2015, 2020 and 2025. The options included siting new construction on the Church Street site in Downtown Leesburg as well as consideration of a site at the Government Support Center.

The Finance/Government Services and Operations Committee then directed staff to seek key stakeholder group feedback on the project, the site options under consideration and long-term

planning input. The key stakeholder groups included the Judiciary of all three Courts, the Clerk of Circuit Court, the Commonwealth Attorney, the Sheriff, the Town of Leesburg and the Bar Association. Input from the groups was provided at the October 22, 2012 Finance/Government Services and Operations Committee meeting as was a sixth cost model to move all three Courts to the Government Support Center site. The six options are included within Attachment 1b.

At the November 20, 2012 Finance/Government Services and Operations Committee meeting, the Committee discussion focused on project coordination requirements with the Town of Leesburg should the County develop the Phase III project at the downtown Leesburg location. In addition, the Committee Chairman announced the County had received a letter from the Peterson Companies offering to gift a potential site for the Courts project to the County. Staff was directed to work with the Town of Leesburg to further consider the project coordination requirements as they relate to the project remaining on the Church Street site in Leesburg and to evaluate the Peterson proposal. The Town of Leesburg coordination requirements are included in Attachment 1c.

The Department of Transportation and Capital Infrastructure (DTCI) staff provided a letter to the Town of Leesburg to further clarify the coordination requirements (Attachments 1 – 1c) for discussion. County and Town staff met in December to review each of the coordination topics in more detail and the Town of Leesburg has provided responses as Attachments 2 and 3.

Staff was also directed to evaluate the Peterson Companies site proposal. Prior to any Department of Transportation and Capital Infrastructure staff meeting with the Peterson Companies, their proposal was withdrawn. Attachment 4 includes the Peterson Companies' letter withdrawing their offer.

At the January 8, 2013 Finance/Government Services and Operations Committee meeting, information from the Town of Leesburg was provided to clarify coordination requirements for the project and land use processes and timelines.

ISSUES: The Adopted Capital Improvement Program includes funding to construct 85,000 GSF as the Phase III project. Phase IV construction would increase the complex by an additional 35,000 GSF, resulting in new construction of 120,000 GSF. It is the intent of the Department of Transportation and Capital Infrastructure to proceed with land use approvals for the eventual Phase IV construction regardless of the selected site so that the approvals are in place for the Phase IV construction.

At the January 8, 2013 Finance/Government Services and Operations Committee Meeting, the Committee also requested that Staff develop a cost model for the construction of the total 120,000 GSF to include full build-out of the 85,000 GSF Phase III and a shell only for the 35,000 GSF Phase IV. This cost model will be presented in an item for the February 2013 Finance/Government Services and Operations Committee Meeting.

Project Development Schedule

The next step in the overall process is to solicit proposals for the professional Architectural/Engineering services. Direction on the total square footage the Board desires to build and/or shell will be necessary to solicit the proposals for the A/E services. Once selected, that firm will begin the design phase with programming, traffic study and conceptual design exercises before land development applications can be submitted.

Design for the Church Street site is estimated to require 18 – 24 months to complete due to the nature of the land use processes and approvals with the Town of Leesburg and a phased construction document process. The Town of Leesburg processes include a Rezoning, a Concept Development Plan and Proffer Amendment, Board of Architectural Review and Site Plan(s) approval. Phased construction document packages are planned to stage construction of structured parking, new construction and renovation of the existing building to ensure continuity of Courts operations.

Based on timelines for all options, construction and furnishings funding currently scheduled for FY 2014 and FY 2015 will be shifted to FY 2015 and FY 2016. Upon final direction from the Board regarding the Phase III project, the impact on debt capacity will be reviewed with the FY 2014 CIP.

FISCAL IMPACT: The Adopted Capital Improvement Program includes funding to construct an 85,000 GSF Phase III project totaling \$53,675,000. Funding of \$7.3 million was appropriated for the Design Phase in FY 2011 and FY 2012, with the remainder of the funding occurring in FY 2014 and FY 2015 for construction and furnishings. The Proposed FY 2014 Capital Improvement Program will include an amendment to the project budget for the construction phase to address the project escalation costs due to the twelve month capital project review undertaken by the Finance/Government Services and Operations Committee. The details of the amended project budget will be presented to the Board of Supervisors as part of the County Administrator's Proposed FY 2014 Fiscal Plan.

DRAFT MOTION:

1. I move the recommendation of the Finance/Government Services and Operations Committee that the Board of Supervisors authorize the Courts Complex Phase III project proceed as originally planned in the FY 2013 Adopted Capital Improvement Program and direct staff to proceed with the solicitation of the professional Architectural/Engineering services. I further move this reaffirms the Church Street location in Downtown Leesburg for the Courts Complex.

Or

2. I move an alternate motion.

Attachments:

1. Letter to Town of Leesburg with Attachments:
 - a. November 20, 2012 FGSO Committee Item
 - b. Courts Phase III Development Options
 - c. Town of Leesburg Coordination Points
2. Letter from John Wells, Town of Leesburg
3. Letter from Mayor Kristen Umstattd, Town of Leesburg
4. Letter from Jon Peterson, Peterson Companies



Loudoun County, Virginia

www.loudoun.gov

Department of Construction & Waste Management
211 Gibson Street, N.W., Suite 123, Leesburg, VA 20176
Telephone (703) 777-0187 • Fax (703) 771-5523

Mr. John Wells
Town Manager
Town of Leesburg
25 West Market Street
Leesburg, VA 20176

November 28, 2012

Mr. Wells,

At their November 20, 2012 meeting, the Finance, Government Services and Operations Committee (FGSO Committee) directed the Department of Construction and Waste Management staff to meet with the Town of Leesburg staff and discuss the Town coordination items for the Courts Phase III project included as Attachment 2 to the FGSO item (attached, for reference). We look forward to these upcoming discussions with your staff.

In advance of the meeting, we offer the questions and issues below as a summary of the items included.

1. Will the Town approve a rezoning application of the Pennington Parking Lot parcel to GC in order for structured parking to be built on the parcel by-right?
2. Will the Town permit, at a minimum, the partial closure of Church Street during business hours?
3. Will the Town participate in and consider cooperative solutions or cost-sharing as it relates to transportation-related improvements including but not limited to new traffic signals, turn lanes, sidewalk improvements, street lighting improvements and similar pedestrian and vehicular improvements some of which mitigate existing traffic issues not linked to the development of the Courts project?
4. What specific documentation and process will be required by the Town for the demolition of the four houses on Edwards Ferry Road?
5. Will the Town accept waivers or other mitigation options for zoning-related requirements including but not limited to building setbacks, building heights, buffer and site lighting requirements?
6. What approval timeline can be expected from the Town for a project of this complexity involving multiple parcels and multiple applications? Can the Town provide recommendations as to the sequencing of the various applications to provide the most efficient review and approval process for the project?
7. Are there other significant issues or concerns that the Town has associated with the project?

Following our discussions and no later than December 19, 2012, we ask that the Town provide a written response to these items to include in our report back to the FGSO Committee in January 2013.

We look forward to meeting with the Town staff at your earliest convenience to discuss the Courts Phase III project and these key development issues.

Sincerely,


Melissa Poole
Design Manager

Cc: Scott Parker, Town of Leesburg
Paul Brown, Construction & Waste Management
Bob Chirles, Construction & Waste Management

Date of Meeting: November 20, 2012

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**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT SERVICES AND OPERATIONS COMMITTEE
ACTION ITEM**

SUBJECT: Courts Complex Phase III Capital Project Review

ELECTION DISTRICT: Leesburg/Catoctin

CRITICAL ACTION DATE: December 5, 2012

STAFF CONTACT(s): Paul Brown, Division Manager/DCWM
Melissa Poole, Design Manager/DCWM

RECOMMENDATION: STAFF: Staff recommends that the Finance/Government Services and Operations Committee recommend to the Board of Supervisors that the Courts Complex Phase III project proceed as originally planned in the FY 2013 Adopted Capital Improvement Program and direct staff to proceed with the solicitation of the professional Architectural/Engineering services. This recommendation reaffirms the Church Street location in Downtown Leesburg for the Courts Complex.

BACKGROUND: The Loudoun County Board of Supervisors, during its FY 2013 budget work sessions, directed County staff to prepare a Courts Complex Project Review item for the Finance/Government Services and Operations Committee review.

At the June 11, 2012 Finance/Government Services and Operations Committee meeting, five (5) options for the development of the Courts Complex Phase III project were presented based on planning studies that reviewed space needs for the planning years of 2015, 2020 and 2025. The options included siting new construction on the Church Street site in Downtown Leesburg as well as consideration of a site at the Government Support Center.

The Finance/Government Services and Operations Committee then directed staff to seek key stakeholder group feedback on the project, the site options under consideration and long-term planning input. The key stakeholder groups included the Judiciary of all three Courts, the Clerk of Circuit Court, the Commonwealth Attorney, the Sheriff, the Town of Leesburg and the Bar Association. Input from the groups was provided at the October 22, 2012 Finance/Government Services and Operations Committee meeting as was a sixth cost model to move all three Courts to the Government Support Center site. Attachment 1 provides a cost summary of the options under consideration.

ISSUES: The Adopted Capital Improvement Program includes funding to construct 85,000 GSF as the Phase III project. Phase IV construction would increase the complex to 120,000 GSF, an additional 35,000 GSF. It is the intent of the Department of Construction and Waste Management to proceed with land use approvals for the eventual Phase IV construction regardless of the selected site so that the approvals are in place for the Phase IV construction. However, should the Finance/Government Services and Operations Committee and the Board of Supervisors consider constructing the full 120,000 GSF with the 85,000 GSF Phase III and shelling the 35,000 GSF Phase IV, the Capital Improvement Program would require amendment in the FY 2014 budget process.

Regardless of location, the next step in the overall process is to solicit proposals for the professional Architectural/Engineering services. Direction on the total square footage the Board desires to build and/or shell will be necessary to solicit the proposals for the A/E services. Once selected, that firm will begin the design phase with programming, traffic study and conceptual design exercises before land development applications can be submitted.

Project Development Schedule

Design for the Church Street site is estimated to require 18 – 24 months to complete due to the nature of the land use processes with the Town of Leesburg. Design for the Government Support Center site is estimated to require approximately the same time-frame due to the Special Exception process for the Master Plan of the site.

Based on timelines for all options, construction and furnishings funding currently scheduled for FY 2014 and FY 2015 will be shifted to FY 2015 and FY 2016. Upon direction from the Board regarding the Phase III project, the impact on debt capacity will be reviewed with the FY 2014 CIP.

FISCAL IMPACT: The Adopted Capital Improvement Program includes funding to construct an 85,000 GSF third phase totaling \$53,675,000. \$7.3 million was appropriated for Professional Services (design) in FY 2011 and FY 2012. The FY 2014 Capital Improvement Program will be amended to include updated budgets for the construction phase to address the twelve month capital project review undertaken by the Finance/Government Services and Operations Committee. The amendment will program \$48,025,000 in FY 2015 (new construction and furnishings) and \$7,875,000 (renovation of existing building) in FY 2016.

DRAFT MOTION:

1. I move that the Finance/Government Services and Operations Committee recommend to the Board of Supervisors that the Courts Complex Phase III project proceed as originally planned in the FY 2013 Adopted Capital Improvement Program and direct staff to proceed with the solicitation of the professional Architectural/Engineering services. I further move this reaffirms the Church Street location in Downtown Leesburg for the Courts Complex.

Or

2. I move an alternate motion.

Attachments:

1. Courts Phase III Development Options
2. Town of Leesburg Coordination Points

COURTS PHASE III OPTIONS – Updated October 2012

	New Construction GSF	Estimated Project Cost	Annual Lease Savings or Cost¹	Considerations
Option 1 – Church Street Site w/ Surface Parking at the Pennington Lot	85,000	\$54.3 M	\$203,754 ² savings	<ul style="list-style-type: none"> All space vacated by departments moving into new construction will be backfilled by other departments needing expansion. \$53,675,000 currently programmed in FY 2013 – FY 2018 CIP.
Option 2 – Church Street Site w/ Structured Parking at the Pennington Lot	85,000	\$58.7 M	\$203,754 ² savings	<ul style="list-style-type: none"> All space vacated by departments moving into new construction will be backfilled by other departments needing expansion. \$5,025,000 in additional funding is required
Option 3 – Church Street Site w/ Leased Space in Courthouse Square	50,000	\$35.2 M	+/- \$900,000 cost	<ul style="list-style-type: none"> Lease of 30,000 SF; Est. annual cost of \$1.1 M (minus \$203,754 savings from current leases); All space vacated by departments moving into new construction or lease space will be backfilled by other departments needing expansion.
Option 4 – Gov't Support Center Site w/ General District Court	85,000	\$48.1 M	\$203,754 cost	<ul style="list-style-type: none"> All departments currently housed in lease space would have to remain in lease space. Edwards Ferry Road houses would remain occupied; occupying departments may change. Commonwealth Attorney requires space in existing building and new construction in order to support all three Courts.

	New Construction GSF	Estimated Project Cost	Annual Lease Savings or Cost¹	Considerations
Option 5 – Gov't Support Center Site w/ General District and J&DR Courts	122,000	\$70.5 M	\$203,754 ² savings	<ul style="list-style-type: none"> • All departments currently housed in lease space could be housed within the existing complex. • Commonwealth Attorney requires space in existing building and new construction in order to support all three Courts. • Long term options for expansion exist to allow for future Courts' space needs. • \$16,825,000 in additional funding is required.
Option 6 – Gov't Support Center Site w/ All 3 Courts	244,000	\$127.4 M	\$203,754	<ul style="list-style-type: none"> • All three Courts and support functions could be housed within the new construction. • All departments currently housed in lease space could be housed within the new construction. • Long term options for expansion exist to allow for future Courts' space needs. • \$73,725,000 in additional funding is required.

Notes:

¹ Annual lease savings or costs shown are based on current annual actual lease costs. General Services escalates lease costs at 3% per year.

² Based on preliminary space analysis, all departments currently housed in lease space could be consolidated into the existing building or new construction. This will be confirmed during the design phase final space programming

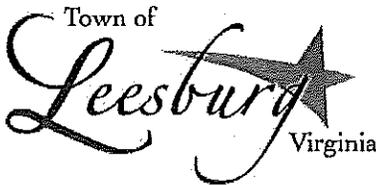
Courts Phase III

FGSO Committee – November 20, 2012

Town of Leesburg Coordination

The Courts Phase III project on the Church Street site has many challenges.

- The project will require several Town of Leesburg approvals:
 - A project larger than 60,000 GSF will require a Concept Development Plan and Proffer Amendment;
 - Board of Architectural Review will be required for new construction and for the likely demolition of the four (4) existing houses that front Edwards Ferry Road that are on the same Church Street parcel;
 - A Rezoning Application (to GC Zoning) or a Special Exception (SPEX) will be required for structured parking for the Courts on the existing Pennington Parking Lot site; and
 - Site Plan.
- Specific issues that will need discussion with the Town of Leesburg relative to the above approvals include the following:
 - Building set-backs;
 - Building heights;
 - Buffer requirements;
 - Site lighting requirements;
 - and other Planning or Zoning requirements such as lot coverage, open space, etc. to be determined as the concept design is established.
- The Wisniewski Blair & Associates planning report assumes that the new construction on the Church Street site can be physically connected with the existing building (via a tunnel, bridge, closure of Church Street, etc. to be determined). This will require discussion with the Town of Leesburg.
- Construction of up to 466 new parking spaces may be required. These are currently planned for the Pennington Parking Lot site and DCWM recommends proceeding with the construction of structured parking to house these spaces.
- Vehicular and pedestrian routes from parking to the buildings will need close attention and coordination with the Town of Leesburg. This will include considerations of sidewalk improvements, lighting improvements, etc.
- Transportation-related improvements may be required including traffic signals. This will require close coordination with the Town of Leesburg and careful consideration of the traffic study as it relates to improvements required by the Town of Leesburg for the development of this project only.

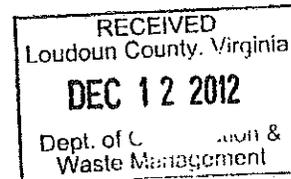


JOHN WELLS
Town Manager

25 West Market Street ■ 20176 ■ 703-771-2700 ■ Fax: 703-771-2727 ■ jwells@leesburgva.gov ■ www.leesburgva.gov

December 12, 2012

Ms. Melissa Poole
Design Manager
Department of Construction & Waste Management
Loudoun County Government
211 Gibson Street, N.W., Suite 123
Leesburg, VA 20176



RE: Loudoun County Courts Expansion project

Dear Ms. ~~Poole~~ ^{Melissa}:

We are in receipt of your letter dated November 28, 2012 (Attachment 1) regarding the Loudoun County Courts expansion project. In that letter you have requested answers to various development related questions as they relate to the November 20, 2012 meeting of the Finance, Government Services and Operations Committee (FGSOC), where discussions were held regarding the Committee's recommendation to the Board of Supervisors for the ultimate location of the Loudoun County Courts. We trust that the following correspondence adequately addresses the questions as you posed them.

First, we would like to reiterate our position as previously outlined within a letter from the Town of Leesburg to the FGSOC (Attachment 2), in which the Town stated that the Loudoun County Courts have been an integral part of the fabric of Leesburg since its inception. We firmly believe that the courts have been a vital centerpiece of the Town, and we wish to see it continued as such. Since it is our sincere desire to see the courts stay in downtown Leesburg, the Town of Leesburg is committed to working with Loudoun County to ensure the courts' place in the Town. This commitment to working with Loudoun County will be in accordance with our predictable process of approvals for development applications, with a keen understanding of the cooperation and flexibility necessary to accomplish a project of this magnitude. We have made great strides in the past few years to improve our development review process, approving a number of large scale projects in an expedited time frame that has been faster than the Town's typically prescribed time frames found in official documentation. We would certainly consider this a project of significant importance and would give it the attention it requires to be reviewed in a timely and efficient manner as expeditiously as possible.

As outlined below, a rezoning takes approximately seven months and a site plan approximately six to seven months, depending on the quality of submittals, time the application resides with the applicant, etc. With the Town Council's emphasis on the importance of this project, Town staff feels that with

timely and quality submittals, open communication, and some overlapping concurrent reviews, the rezoning and site plans' review time can be shortened by a matter of three to five months.

As part of providing an efficient and expedited process with a project of this importance, the Town cannot underestimate the importance of having a design team, including a design architect and engineering firm, on board as soon as possible in order to begin the process. This process would also include meeting and seeking input of neighbors and stakeholders of the project early on, as is common with all successful projects of this magnitude. We would sincerely request that the Board of Supervisors issue the RFP for these design professionals so we can get started.

Keeping the above in mind, the following are responses to the specific questions you have posed regarding the courts expansion project:

1. Will the Town approve a rezoning application of the Pennington Parking Lot parcel to GC in order for structured parking to be built on the parcel by-right?

The process by which this development will be approved must be in accordance with our established practice of all rezoning requests, whether they be public or private. A development application that contains items within our checklist submittal requirements must be submitted. Subsequent to acceptance of the application, Town staff will review and analyze the material and submit comments back to you. Upon conclusion of staff's review, the application will be forwarded to the Planning Commission for a Public Hearing, who in turn will forward a recommendation to the Town Council, who will also conduct a Public hearing. It is Town Council who ultimately has the final decision as to whether or not the application for a rezoning is approved.

It has been determined by Town staff that a requested zoning of GC (Government Center) could be deemed an appropriate district for this use. Staff has also determined that since this parcel is outside of the H-1 district, review by the Board of Architectural Review (BAR) will not be required for this specific parcel.

As you are aware, it is not appropriate for Town staff to pre-suppose a decision by the Town Council on a rezoning. However, Town staff can state that given the importance of the project and the awareness of adequate parking as a key element for success, the Town will be flexible and as creative as possible with any and all reasonable requests that can be deemed appropriate within the scope of our current land development regulations and processes.

We would like to reiterate that it is our intent, with the cooperation of Loudoun County, to review this project in an expedited manner that results in a more timely review than typically prescribed timelines.

2. Will the Town permit, at a minimum, the partial closure of Church Street during business hours?

As part of the development application process, the Town will review and analyze any proposal, including the partial closure of Church Street that may be appropriate for both the Town and the development. It should be noted however, that the results of a comprehensive traffic study and the

accompanying mitigation and analyzed effects of such a closure will be key to the decision. Aesthetics associated with the design of any portion of the facilities that may be required to implement the partial closure of Church Street will be important as well.

3. *Will the Town participate in and consider cooperative solutions or cost-sharing as it relates to transportation-related improvements including but not limited to new traffic signals, turn lanes, sidewalk improvements, street lighting improvements and similar pedestrian and vehicular improvements some of which mitigate existing traffic issues not linked to the development of the Courts project?*

Any of the above mentioned items that are linked directly as a mitigation measure and/or requirement of the impacts of the development typically fall under the Town's established process and is the responsibility of the applicant. Specifically, this responsibility comes in the form of addressing and mitigating the impact that any development may have on the Town's infrastructure.

Any of the items identified above that are not directly linked to this specific development would have to be added as a part of the Town's Capital Improvement Plan, and would need to be accommodated in future Town budgets, which requires the ultimate approval of the Town Council.

Once the parameters of the courts development plan are identified through a concept plan, parking study, traffic study, etc., the Town would be open to discuss these items in greater detail. It is premature, however, for the Town to commit to these things at this time without an indication as to the scope and scale of the project, and the impacts it will create.

4. *What specific documentation and process will be required by the Town for the demolition of the four houses on Edwards Ferry Road?*

The four buildings that the County seeks to remove are located within the H-1 Overlay District. Therefore, per TLZO Sec. 7.5.8 Demolition Applications, an applicant must apply to the Board of Architectural Review (BAR) for permission to demolish these buildings. The application will be processed concurrently with the rezoning application and will be acted upon by the BAR prior to the Planning Commission public hearing.

Regarding the necessary documentation, an applicant must demonstrate whether or not the buildings are contributing structures to the Old and Historic District. The Town's Preservation Planner can provide the specifics as to what is required, including relevant documentation that is in the possession of the Town. In addition, an applicant must show the BAR its post-demolition plans for the site during this review. The Town does have the ability to work-session these items with the BAR in advance of a formal application. In addition, the Town does have some flexibility regarding the amount of post development detail shown for demolition permits.

Please be advised that when the BAR approves the demolition of structures in the Historic District, they will typically put a condition on the demolition so that the buildings cannot be demolished until the site plan that shows the replacement buildings is approved.

5. Will the Town accept waivers or other mitigation options for zoning-related requirements including but not limited to building setbacks, building heights, buffer and site lighting requirements?

The following site issues will be reviewed by Town Council as part of the rezoning application. Please note that the GC District was intended to be flexible to allow Town Council some flexibility to vary standards to accommodate government uses in the downtown area. During the previous rezoning for the Courts expansion, the Town Council amended various setback and buffer requirements in order to accommodate specific needs of that project.

- **Building setbacks:** Setback requirements can be reduced to zero feet by the Town Council as part of the rezoning per TLZO Sec. 7.3.3 [1].
- **Building heights:** 45 feet maximum; the Town Council, however, has the flexibility to increase this height if they believe it is necessary to accommodate the specific needs of a proposed government building or facility. The Town Plan provides specific guidance on when this may be appropriate.
- **Buffer requirements:** These can be modified by the Director of Planning and Zoning during the rezoning process, depending on whether the property is inside or outside of the H-1 Overlay District as follows:
 - Existing Courts facilities are inside the GC District and the H-1 Overlay District, so they can be modified by the Director of P&Z per TLZO Sec. 12.8.5.A
 - The Pennington Tract is outside of the H-1 Overlay District so they can be modified by the Director of P&Z per TLZO Sec. 12.8.5.C Special Design.
- **Site Lighting:** Providing a preliminary design as to how a site will be lit for pedestrian safety is a required element of a rezoning application per TLZO Sec. 3.3.6.E.22. However, these requirements can sometimes be modified during discussion of the rezoning application.
- **Lot coverage, open space:** The GC District does not have maximum lot coverage or open space requirements. However, these elements are typically discussed as part of the rezoning proposal.
- **Parking:** The parking standard for courthouse uses is not specified in the Zoning Ordinance but based upon research done by staff and other information provided by the County. A standard of one parking space per 335 sf. of courthouse use was approved for the original rezoning. Based upon any additional updated parking standard information provided by the County, staff has the ability to consider said standards and apply them through the proffers.

It must be noted that no commitments on the above referenced items can be made until the entire context and scope of the project is known and analyzed, including what, if any, impacts such modifications or waivers may have on the project and the downtown.

6. What approval timeline can be expected from the Town for a project of this complexity involving multiple parcels and multiple applications? Can the Town provide recommendations as to the sequencing of the various applications to provide the most efficient review and approval process for the project?

As you have noted, this is a complex project. Below, you will find our mandated timelines for the applications. Depending on the quality of submissions and number of public meetings assigned to this project, the overall length of the process can vary.

1. **Rezoning.** A rezoning application typically takes approximately seven (7) months and requires two full submissions. The typical application follows this timeline once it has been accepted:
 - 45 days: 1st Submission review by Staff
 - 30 days: Resubmission by Applicant (2nd submission)
 - 45 days: 2nd Submission review by Staff
 - 30 days: Resubmission by Applicant (3rd submission)
 - 30 days: Staff final review plus preparation of staff report for Planning Commission public hearing; Public hearing scheduled
 - 14 days: Planning Commission post-public hearing review and action
 - 30 days: Staff final review plus preparation of staff report for Town Council public hearing; Public hearing scheduled and Council action

This is a typical application and time may vary based upon the number of submissions made by Applicant. Information regarding submittal requirements and timelines is readily available in the Town's website.

2. **Certificate of Appropriateness (Demolition).** The BAR must act on an application within 75 days after it first considers the matter at a public hearing per TLZO Sec. 3.10.5 Review of Plans in a Timely Manner, unless the applicant agrees to a time extension. In this case, the demolition COA would be acted upon during the rezoning review on the matter.
3. **Certificate of Appropriateness (New/Altered Buildings).** The COAs for the new buildings proposed as part of the rezoning are not applied for during the rezoning process. However, the BAR will be a referral agent in this process and will give feedback to the Applicant and Staff regarding the size, scale, location and massing of the buildings. Once the rezoning is approved the Applicant may apply for the COAs for the buildings and the BAR subject to TLZO Sec. 3.10.5 Review of Plans in a Timely Manner as mentioned above.
4. **Site Plan.** The "formal" site plan process begins after all legislative approvals have been granted. Below is our submittal review schedule for site plans:
 - 60 days for first submission and 45 days for each subsequent submission including signature sets.
 - Currently, we typically run 45-60 days on first submissions, 30-45 days for second submission, and 7-30 days on signature sets depending upon the quality of the submissions.
 - When submitted plans are of a high quality and an applicant follows the Town's review process, including applicant involvement with meetings before and after each submission, site plans are generally approved in three submissions including signature sets.
 - The above timeframes do not account for time the applicant and their consultants have the plans in their possession addressing comments.

Ms. Melissa Poole
December 12, 2012
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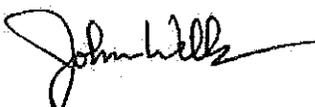
- Meeting with the Town between submissions and at key design decision making points, will assist in a much quicker and predictable review and approval timeframe.

For projects of importance such as this one, the Town can consider an informal "sketch plan" review process that can run concurrent with our legislative approval track. This review is an informal review of the site plan (which can and should be a full set of construction drawings) in advance of a formal Site Plan application, which can only be accepted after legislative approvals are granted. The sketch plan process does not vest any rights and is informal, but it may shorten the overall review time of an application by approximately four to six months, depending upon when in the process the sketch plan is submitted as well as the quality of submittals. For a project of this importance, the Town would consider this option.

We sincerely appreciate the opportunity to provide responses to your questions with the best information available to us at this time. The Town of Leesburg is enthusiastic about the prospect of working with the County on this project. But we would like to state unequivocally that we feel it is important that a design architect and civil engineer be brought into the process as soon as possible. As stated herein, the Town believes that the first step in any development process is to begin reviewing an actual design of the facility, as well as beginning neighborhood and stakeholder meetings. We would once again sincerely request that the Board of Supervisors issue the RFP for these design professionals so we can get started.

Again, the Town is committed to assisting the County in completing a successful Courthouse expansion project in downtown Leesburg. We look forward to working closely with you as the County moves forward with this project. Should you have any further questions, or if we can be of further assistance, please do not hesitate to contact us.

Sincerely,

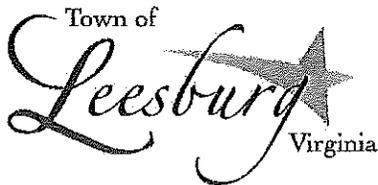


John Wells
Town Manager

cc: Leesburg Town Council
Scott Parker, TOL, Assistant Town Manager
Paul Brown, LC, Construction and Waste Management
Bob Chirles, LC, Construction and Waste Management

Attachments

1. Letter to town manager, November 28, 2012
2. Letter from Leesburg to FGSO



Kristen C. Umstatt
Mayor

Kevin D. Wright
Vice Mayor

Item #17d
Attachment #3
Council Members
David S. Butler
Katie Sheldon Hammler
Fernando "Marty" Martinez
Thomas S. Dunn, II
Kelly Burk

25 West Market Street, Leesburg, VA 20175 · (703) 771-2733 / (703) 771-2727 fax · council@leesburgva.gov · www.leesburgva.gov

December 12, 2012

Mr. Ralph Buona, Chairman
Finance, Government Services & Operations Committee
Loudoun County Government Center
1 Harrison Street SE
Leesburg, VA 20175

RE: Loudoun County Courts Expansion project

Dear Chairman Buona:

On behalf of the Town of Leesburg, I would like to thank you for the opportunity to provide information regarding the expansion of the existing courts system within downtown Leesburg. I know that the Committee, as well as the Board of Supervisors, has been concerned about the approval of such a complex project within downtown Leesburg.

What I would like to do through this correspondence is to re-emphasize the Town's sincere desire to have this important project remain downtown, and stress that we are committed to a smooth, predictable and efficient review. The Town has made great strides in the past few years to improve our development review and approval process, which has in turn led to a much more expedited review process than in years past. Some of the specific changes we have instituted include the use of a sketch plan review in advance of a site plan, consolidated comment letters for predictability, the addition of conceptual reviews by the Board of Architectural Review (BAR) during the rezoning process (which can run concurrent with Planning Commission review), and an appeal process of BAR decisions to the Town Council. Please find attached for your review, a brief outline of the process by which the development of the courts expansion could proceed (Attachment 1).

Since the implementation of our flexible and predictable review process, we have dealt with a number of large complex projects that have been approved in consistently shorter time frames than are typically prescribed in our official documentation. Examples of some of these projects include the movie theatre at the Village of Leesburg, the Loudoun Community Health building on Fort Evans Road, and Wolf Furniture.

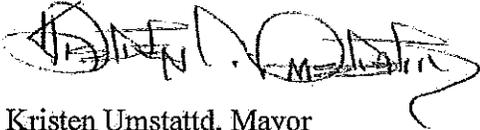
We have found that the key to successfully expediting a project such as this one relies heavily upon active participation and cooperation between the developer and their representatives. The Town of Leesburg is ready to commit to this project, and we will ensure the highest priority and attention will be given to the approval process.

Mr. Ralph Buona
December 12, 2012
Page 2 of 2

Again, we are looking forward to working with Loudoun County on this project. Please contact me if there are any questions.

Very sincerely yours,

THANK-YOU!



Kristen Umstattd, Mayor
Town of Leesburg

cc: Leesburg Town Council

Attachments:

1. Review process outline
2. Draft minutes of December 11, 2012 Town Council Meeting-Courts Expansion Community Input
3. Email from Mike Carroll regarding Courts Expansion Project



December 4, 2012

Ralph M. Buona, Chairman
Finance/Government Services and Operations Committee
Loudoun County Board of Supervisors
1 Harrison Street, S.E., Fifth Floor
Leesburg, Virginia 20177

Re: Expansion of the Loudoun County Courts Complex

Dear Chairman Buona:

I am writing to follow up on my letter to you of November 19, 2012 wherein I laid out a proposal to gift to Loudoun County land owned by The Peterson Cos. within the Town at its Crosstrail project. As I described in that letter, we believe that a relocation of the Loudoun County Courts Complex from its current location in Downtown Leesburg would serve both the County and Town well in many ways, including the potential to create a more efficient and cost effective expansion of the Courts Complex while simultaneously retaining Leesburg's status as the County Seat. As I further noted in my letter, there are many other arguments in favor of this relocation.

Since November 19th, I have had an opportunity to speak with numerous stakeholders on this issue. They have brought to bear arguments in favor and in opposition to our proposal, and I have appreciated hearing these points. Their comments further illuminated our understanding of the County's and Town's respective needs.

Based on those discussions, it is my conclusion that while a relocation of the Courts Complex to a Town site at Crosstrail has many merits, it has become obvious that capable representatives from both The Town of Leesburg and Loudoun County have extensively evaluated the circumstances surrounding this matter. In doing so, it appears that the two parties have mutually agreed upon a long term solution that will keep the location of The Loudoun Counties Courts Complex in its existing location in downtown Leesburg.

Given that fact, and given our desire to work with both The Town of Leesburg and Loudoun County to promote both the future economic development potential of Crosstrail and its premier employment opportunities, I must respectfully withdraw our proposal to gift land to Loudoun County for the relocation of the Courts Complex to Crosstrail

I thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jon Peterson'.

Jon Peterson
Senior Vice President

cc: Chairman Scott York, Loudoun County
Supervisor Suzanne Volpe, Loudoun County
Supervisor Janet Clarke, Loudoun County
Supervisor Shawn Williams, Loudoun County
Supervisor Geary Higgins, Loudoun County
Supervisor Matt Letourneau, Loudoun County
Supervisor Ken Reid, Loudoun County
Supervisor Eugene Delgaudio, Loudoun County
Paul Brown, Division Manager, Construction and Waste Management, Loudoun County
Melissa Poole, Design Manager, Construction and Waste Management, Loudoun County
Tim Hemstreet, County Administrator, Loudoun County
Kristen C. Umstattd, Mayor, Town of Leesburg
Kevin D. Wright, Vice Mayor, Town of Leesburg
John Wells, Town Manager, Town of Leesburg
Scott Parker, Assistant Town Manager, Town of Leesburg
Kelly Burk, Council Member, Town of Leesburg
David S. Butler, Council Member, Town of Leesburg
Thomas S. Dunn, II, Council Member, Town of Leesburg
Katie Sheldon Hammler, Council Member, Town of Leesburg
Jeanette Irby, Town Attorney, Town of Leesburg
Susan Berry Hill, Director Planning and Zoning, Town of Leesburg
Amy Wyks, Director of Utilities, Town of Leesburg