



Date of Council Meeting: August 11, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: TLZM-2015-0001, Poet's Walk

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

Council Action Requested: Approve a revision to the approved Oaklawn Concept Plan and Proffers to permit development of a one-story, 38,000 square foot nursing home with 68 beds on vacant land fronting Oaklawn Drive.

Staff Recommendation: Staff recommends approval of the proposed rezoning including the attached proffers. Staff finds that the proposal is in general conformance with the policies of the Town Plan and meets the approval criteria for a planned development rezoning (TLZO Sec. 3.3.15 and TLZO Sec. 8.2.2.F). The proposed nursing home also meets the use standards criteria of TLZO Sec. 9.3.17.

Commission Recommendation: The Planning Commission held a public hearing on July 16, 2015. The public hearing was closed and the Commission voted 3-2-2 to recommend approval of the application to Town Council. Commissioner Barnes voted against the motion based on his perception that the additional square footage would affect the nearby residential communities. Commissioner Robinson voted against the motion after expressing interest in the building being designed with noise-attenuating windows.

One individual spoke on behalf of relatives who live in Stratford at 142 Burnell Place. The speaker expressed concern about the increase in square footage of commercial development that could result in Land Bay MUC2 from the rezoning. The Planning Commission discussed the application identifying concerns about the increase in commercial square footage, possible airport noise, nursing home resident security, and compatibility of the nursing home use. The applicant provided further information on resident security. Staff addressed the question of compatibility noting that the nursing home would provide an appropriate transition between the residential uses to the east and north and the Planned Employment uses to the west and south.

Fiscal Impact: Approval of this application will result in increased property values as compared to the property's current vacant state generating additional real estate tax revenue to the Town.

Work Plan Impact: As with all rezoning applications, the Town will need to review and approve additional site development applications prior to construction of the site. Such site development plan processing is anticipated in the Town's work plan.

Executive Summary: The Applicant Leesburg Senior Real Estate LLC ("Leesburg Senior Real Estate LLC") is requesting Rezoning approval to permit development of a one-story, 38,000 square foot nursing home with 68 beds on an 8.7 acre vacant parcel fronting Oaklawn Drive in the Oaklawn Development. The property is located in the PRC Zoning District. Rezoning Application TLZM-2015-0001 would allow the use on this site subject to the amended proffers.

Background: The current zoning including proffered permitted uses was originally established as part of the rezoning case #ZM-159 approved in 2003. The Applicant is seeking this rezoning to change the Concept Plan and proffers applicable to Oaklawn Land Bay MUC2 to allow the nursing home use which was excluded from the original proffered allowable use list. The approval would allow for 36,500 square feet of additional development in Land Bay MUC2.

Town Council held the public hearing on this application on July 28, 2015 and forwarded it to their August 11, 2015 meeting in order to allow time for the applicant to make revisions to improve the proposed landscaping. At the public hearing, Council also requested information on comparable traffic trips per day between the proposed use and 1,500 square feet of restaurant use. The January 12, 2015 Trip Generation Analysis prepared by Gorove-Slade for this project shows that the proposed 68-bed nursing home will produce 149 trips per day while 1,500 s.f. of restaurant use would have produced 191 trips per day resulting in a reduction of 42 trips per day (see attachment 5).

The applicant has provided additional information in a response letter (attachment 6) and revised proffers dated July 31, 2015 (attachment 3) as well as illustrative landscaping drawings (attachment 7). Staff has reviewed the revised proffers and finds them acceptable. An ordinance is attached should Council wish to approve this rezoning application.

- Attachments:
1. Rezoning plans by Puciulli, Simmons, and Associates dated January 23, 2015 and revised through June 5, 2015
 2. Statement of Justification dated February 2, 2015 and revised through April 12, 2015
 3. Proffers dated February 2, 2015 and revised through July 31, 2015
 4. Building Elevations dated April 24, 2015
 5. Trip Generation Analysis dated January 12, 2015
 6. July 31, 2015 letter from applicant
 7. July 31, 2015 landscape illustrative drawings
 8. Draft Approval Ordinance

**TLZM 2015-0001, POET'S WALK AT OAKLAWN MUC 2
APPLICATION FOR CONCEPT PLAN AND PROFFER AMENDMENT**

STATEMENT OF JUSTIFICATION

**JANUARY 23, 2015
REVISED FEBRUARY 12, 2015
REVISED APRIL 10, 2015**

Introduction

Leesburg Senior Real Estate, LLC has filed an amendment to the concept plan and proffer statement for the 8.7 acre Oaklawn land bay designated as MUC 2, a non-residential land bay of the Oaklawn mixed-use community. The land bay is located between Battlefield Parkway, Miller Drive, Oaklawn Drive and Brown Roan Drive. The land bay is zoned PRC/MUC, Planned Residential Community/Mixed Use Center and is subject to the proffers associated with TLZM-20014-0004. The land bays surrounding MUC 2 include the Oaklawn open space parcel to the north, the Oaklawn residential community to the east, the commercial land bay with the child care center to the southeast, the commercial land bay with the approved gas station special exception to the south and the office land bay for the possible future expansion of the K2M facility to the west.

The applicant is requesting a Concept Plan Amendment and Proffer Amendment to TLZM-2014-0004 for land bay MUC 2 to amend the uses permitted in MUC 2 to permit a nursing home facility along with the retail, restaurant and office uses currently permitted in MUC 2.

1. Nature of the Request and Proposed Uses

The MUC 2 land bay currently permits a maximum of 30,000 square feet of eating establishments and 30,000 square feet of neighborhood, community and specialty retail or office, which also can locate in land bays MUC 5 or B. The proposal adds a 38,000 square foot, 68 bed nursing home facility, reduces the eating establishment square footage to 28,500 square feet and maintains the 30,000 square feet of office and retail.

Poet's Walk Memory Care

Poet's Walk Memory Care specializes in caring for seniors with various memory impairments and a unique "Medical Model of Care". In addition to beautiful decor, the state-of-the-art community packs a powerful medical punch. The residents get the perfect balance of quality of care and quality of life, while their families enjoy peace of mind. Poet's Walk is designed and built exclusively for residents

with memory impairments such as Alzheimer's, Parkinson's, Lewy-Body and other related dementias. While other assisted living communities may offer a wing of memory care rooms, the Poet's Walk state-of-the-art community features 68 spacious, light-filled apartments all on one level, as well as finely appointed common areas and professionally landscaped outdoor courtyards with walking paths. Poet's Walk offers a full complement of senior memory care, assisted living services and amenities including dining, housekeeping and professional laundry services. Poet's Walk offers Memory Care, Respite Care, Coordinated Hospice Care and Rehabilitative Care services. The services provided include medical care along with a variety of life enrichment socialization activities.

2. Transportation

Oaklawn is served by an excellent road network already constructed by the developers of Oaklawn, which includes Battlefield Parkway through the property, Miller Drive, and the Dulles Greenway interchange. Nearly all of the transportation improvements proffered under ZM #159 have been constructed, with the exception of Hope Parkway. The transportation improvements already constructed under the existing proffers (ZM #159) have been included in the revised proffers as the Phase 1 transportation improvements, with associated levels of development included in Phase 1. The four lanes of Hope Parkway between Miller Drive and the existing terminus of Hope Parkway now constitute the Phase 2 improvements with associated levels of development included in Phase 2, including the new user in Land Bay B. Two lanes of Hope Parkway between Battlefield Parkway and Miller Drive constitute Phase 3 and the remaining two lanes of Hope Parkway between Battlefield Parkway and Miller Drive constituting Phase 4.

Development of land bay MUC 2 may proceed under the Phase 1 transportation improvements, which already have been constructed. The application is taking a neutral trip generation approach, which means the eating establishment use is being reduced to 28,500 square feet to keep the trip generation levels the same as was included in the 2002 traffic study.

3. Impacts on Adjacent Uses and Measures Proposed to Mitigate such Impacts

The proposed amendments retain essentially the same mix and level of uses in the land bays under the current concept plan for Oaklawn. The additional nursing home facility will locate in the portion of land bay MUC 2 across from the Oaklawn open space parcel and adjacent to the less traveled Oaklawn Drive and Brown Roan Drive roadways. The remaining commercial uses in land bay MUC 2 will front on the more heavily traveled Miller Drive and Battlefield Parkway roadways. As such, the proposed nursing home is not expected to have an

impact on adjacent uses. The current roadway improvements and proffered landscape plans are sufficient to buffer the proposed use from the adjacent uses. The service side of the nursing home will face the commercial parcels in MUC 2, which will provide compatibility within the MUC 2 land bay.

4. Area Calculations for Each Use

The proposed revised proffers increases the maximum square footage of nonresidential floor area in the PRC/MUC district to 145,500, including the addition of a 38,000 square foot nursing home facility. In Land Bay MUC 2, 28,500 square feet of eating establishments, 30,000 square feet of convenience retail and office and a 38,000 square foot nursing home are permitted.

5. Proposed Building Floor Area Ratio (FAR)

The application is maintaining the .4 maximum overall FAR and the .6 maximum FAR on an individual lot. The concept plan includes the site tabulation table, which contains the maximum possible floor area of each use in each land bay. The MUC 2 land bay will result in a maximum FAR of .25, while a maximum FAR of .4 is permitted.

6. Relationship of the Proposal to the Town Plan

The proposed amendment merely adds an additional use to the mixed-use center of Oaklawn and does not fundamentally alter Oaklawn's relationship to the Town Plan. General Objective 12 in Chapter 6, Land Use, specifically addresses the proposed use as follows:

Provide institutional uses...throughout the Town.

- a. Facilities should be compatible in scale and design with existing or planned development in the vicinity.*

The proposed nursing home will be compatible in scale and design with the development in the vicinity as evidenced by the building elevations submitted with the application. Furthermore, the facility is subject to BAR review according to the H-2 Guidelines, which is a proffered feature of Oaklawn.

- b. Facilities should not have a negative impact in terms of automobile traffic, noise, lighting, and visibility.*

The technical memorandum provided by the traffic consultant indicates that there will be no negative impact in terms of automobile traffic. The nursing

home use will have no noise or lighting impacts and will not affect visibility in Oaklawn.

- c. *Fiscal studies should be provided with land development applications to assess the potential loss in tax revenue where residential or institutional uses are proposed for land that is designated for non-residential use.*

The fiscal impact analysis submitted with the application indicates that there will be a slight fiscal benefit, since most of the approved commercial uses are being retained.

7. Justifications for the Required Approval Criteria

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

The Town Plan is addressed above.

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

There are no agreements with Loudoun County with respect to Oaklawn, and there are no regional planning issues affected by the proposed proffer and concept plan amendments.

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

The current Oaklawn proffers were designed to mitigate the traffic impacts by including a detailed road phasing plan with associated development levels accompanying each phase. Most of these roadways have been built. With the proposed nursing home in MUC 2 and the proposed reduction in approved in approved restaurant use by 1,500 square feet, there will be no net increase in trips from MUC 2. The nursing home will generate five fewer AM peak hour trips, similar PM peak hour trips and 42 fewer daily trips, which means that the proposed use will have no additional impact on the roadway network as compared to the approved use in MUC 2.

- D. *Compatibility with surrounding neighborhood and uses*

The proposed amendments retain essentially the same mix and level of uses in the land bays under the current concept plan for Oaklawn. The additional

nursing home facility will locate in the portion of land bay MUC 2 across from the Oaklawn open space parcel and adjacent to the less traveled Oaklawn Drive and Brown Roan Drive roadways. The remaining commercial uses in land bay MUC 2 will front on the more heavily traveled Miller Drive and Battlefield Parkway roadways. As such, the proposed nursing home is not expected to have an impact on adjacent uses. The current roadway improvements and proffered landscape plans are sufficient to buffer the proposed use from the adjacent uses. The service side of the nursing home will face the commercial parcels in MUC 2, which will provide compatibility within the MUC 2 land bay.

E. Provision of adequate public facilities

The provision of adequate public facilities was addressed during #ZM-159. The proposed amendment application does not alter the provision of adequate public facilities. The proposed amendment maintains adequate levels of service throughout the development of Oaklawn.

8. Any Proposed Variations or Modifications of Submittal Requirements

No such requests are included in the proposed amendment.

9. Traffic Impact Analysis

A Technical Memorandum prepared by Gorove/Slade Associates, Inc. dated January 12, 2015 is submitted as part of the application submission package. The memorandum concludes that with the proposed nursing home in MUC 2 and the proposed reduction in approved in approved restaurant use by 1,500 square feet, there will be no net increase in trips from MUC 2. The nursing home will generate five fewer AM peak hour trips, similar PM peak hour trips and 42 fewer daily trips, which means that the proposed use will have no additional impact on the roadway network as compared to the approved use in MUC 2.

10. Section 8.2.2.F. Approval Criteria:

1. No PD Rezoning Plan shall be considered unless the Town Council first approves the concept plan and finds the proposed planned development promotes the public health, safety and welfare. The applicant shall show and the Town Council shall find that a proposed planned development:

a. Is in conformity with the Town Plan.

Section 6, above, provides a complete discussion of consistency with the Town Plan.

b. Achieves the purposes of Section 1.5 and Section 8.1.1, as well or better than would development under other zoning district regulations.

The property already has been zoned to the PRC Mixed-Use Center zoning district. The proposed amendment does not change the zoning district category. The PRC/MUC district permits the nursing home, which needs to be added to the concept plan and proffers.

c. Could not be accomplished through other methods, such as variances or rezoning to a conventional zoning district.

The property already has been zoned to PRC Mixed-Use Center zoning district. The proposed amendment does not change the zoning district category. The PRC/MUC district permits the nursing home, which needs to be added to the concept plan and proffers.

d. Is compatible with the surrounding neighborhood.

The proposed amendments retain essentially the same mix and level of uses in the land bays under the current concept plan for Oaklawn. The additional nursing home facility will locate in the portion of land bay MUC 2 across from the Oaklawn open space parcel and adjacent to the less traveled Oaklawn Drive and Brown Roan Drive roadways. The remaining commercial uses in land bay MUC 2 will front on the more heavily traveled Miller Drive and Battlefield Parkway roadways. As such, the proposed nursing home is not expected to have an impact on adjacent uses. The current roadway improvements and proffered landscape plans are sufficient to buffer the proposed use from the adjacent uses. The service side of the nursing home will face the commercial parcels in MUC 2, which will provide compatibility within the MUC 2 land bay.

e. Mitigates conflicts of use with adverse impacts on existing and planned development.

The proposed nursing home will not have an adverse impact on adjacent uses.

f. Provides adequate public facilities and amenities.

The current zoning for the property provides for adequate public facilities and amenities, and these features are not being altered by the proposed amendment.

g. Adequately accommodates anticipated motor vehicle traffic volumes including emergency vehicle access.

The proffered road improvements from #ZM-159 have either been completed or are being continued under the proposed amended proffers. With the proposed nursing home in MUC 2 and the proposed reduction in approved in approved restaurant use by 1,500 square feet, there will be no net increase in trips from MUC 2. The nursing home will generate five fewer AM peak hour trips, similar PM peak hour trips and 42 fewer daily trips, which means that the proposed use will have no additional impact on the roadway network as compared to the approved use in MUC 2.

h. Preserves existing vegetation to the greatest extent possible.

The property already has been cleared and there is virtually no existing vegetation to be preserved. Street trees are being provided as part of the streetscape landscaping along all public streets as a landscape feature throughout Oaklawn.

i. Mitigates unfavorable topographic and geological conditions.

There are no unfavorable topographic or geological conditions on the land bay.

j. Includes appropriate noise attenuation measures.

Noise attenuation measures are not anticipated, and the noise standards contained in the zoning ordinance will be adhered to.

2. Planned Development Districts shall be characterized by superior architectural treatment and site planning as measured by the following criteria:

a. Architectural treatment should avoid massive, monolithic and repetitive building types, facades and setbacks.

Building elevations are provided with the zoning amendment application, demonstrating compliance with this criterion. Additionally, the land bay is subject to the H-2 Guidelines and review and approval by the BAR.

b. Landscaping should increase the visual quality of building design, open space, vehicular and pedestrian areas and screen areas of low visual interest (such as storage and delivery areas) from public view.

Oaklawn is implementing an attractive streetscape landscaping plan along the major public roadway frontages and already has installed such landscaping along

the roads that have been built. In Land Bay MUC 2, buffer-yards are provided along the Battlefield Parkway, Miller Drive, Brown Roan Drive and a portion of the Oaklawn Drive street frontages. No buffer yard is required along Oaklawn Drive where the nursing home is across from the park, but a ten-foot perimeter parking landscaping strip is being provided along this portion of the Oaklawn Drive frontage.

c. Street and parking systems should contribute to the aesthetic character of the development.

The proposed amendments do not alter the parking as shown on the approved concept plan.

d. Signs should be subject to uniform regulations, be compatible with the design and scale of development and contribute to the visual character of the development.

Signage will meet the requirements of the Zoning Ordinance and will be designed to complement the architecture. Additionally, signs are subject to the H-2 Guidelines and BAR approval.

e. Neighborhood retail commercial and office uses where provided should blend architecturally with surrounding residential uses or be appropriately separated by distance, screening or topography.

The nursing home use will blend architecturally as evidenced by the building elevations provided in the application and will be subject to the H-2 Guidelines and BAR review and approval.

f. Open space, recreation and other public facilities should be integrated with the organizational scheme of the neighborhood and town.

The proposed amendments do not alter the open space, recreation and other public facilities included in the approved concept plan.

g. Pedestrian and bicycle circulation systems should be included to assure safe and convenient access between properties and with the neighborhood.

The proposed amendments do not alter the pedestrian and bicycle circulation systems included in the approved concept plan.

h. Nonresidential uses should be located on arterial or collector streets without creating through traffic in residential areas.

The proposed amendments do not alter the location of the land bays where nonresidential uses may locate.

i. Site plan should be arranged to maximize the opportunity for privacy and security by residents.

The siting of the nursing home provides privacy and security of the nursing home residents as well as the existing Oaklawn and Stratford residents.

3. Applicant shall provide the following information prior to approval to determine if there are historic and/or archeological resources of local, state or national significance that are worthy of protection on the proposed site:

The property already has been cleared and graded and the proposed amendments do not alter the areas that may be developed under the approved concept plan.

11. Section 9.3.17 Nursing Homes Use Standard

A nursing home shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.

The proposed concept plan depicts driveway access for service vehicles to an entrance at the rear of the building.

12. Conclusion

The proposed amendments to the Oaklawn proffers and concept plan will enable in institutional uses to locate in a mixed-use setting, while maintaining most of the approved commercial uses in land bay MUC 2. The use will provide an increasingly needed service while not detracting from the roadways or the Town's fiscal impact. For these reasons, the applicant respectfully requests staff support and Planning Commission and Town Council approval for this worthy project.

TLZM-2015-0001 PROFFER STATEMENT
SUBMITTED BY
Leesburg Senior Real Estate, LLC
IN CONNECTION WITH APPROVAL BY THE TOWN OF LEESBURG OF A

CONCEPT PLAN AMENDMENT AND PROFFER CONDITION AMENDMENT

TO THE STRATFORD PRC AND PEC ZONING APPROVED IN
REZONING APPLICATION #ZM-159

February 2, 2015
Revised April 10, 2015
Revised June 12, 2015
Revised July 17, 2015
Revised July 31, 2015

Pursuant to Section 15.2-2303 et seq. of the Code of Virginia (1950), as amended, and Section 3.3.16 of the Zoning Ordinance of the Town of Leesburg (hereinafter referred to as the "Zoning Ordinance"), Leesburg Senior Real Estate, LLC and Oaklawn, LLC and their successors in interest (hereinafter referred to as the "Applicant"), who constitute the applicant herein and fee simple owner, respectively, of approximately 8.7 acres of land described as Loudoun County Tax Map Parcels PIN# 233-30-2511, 233-30-1486 and 233-30-4276 (collectively, the "Property") and who are seeking approval by the Town of Leesburg (hereinafter referred to as the "Town") of a proffer condition amendment and concept plan amendment to the PRC zoning applicable to the Property as approved by the Town in Rezoning Application #ZM-159 (the "Rezoning"), hereby submit the following voluntary proffers which are contingent upon Town approval of this above-referenced proffer condition amendment and concept plan amendment referenced herein as #TLZM-2015-0001.

I. Land Use

1. Relationship to Prior Stratford Proffers

The following parcels that were included in the original Stratford rezoning remain subject to #ZM-159 and TLZM-2005-0002: Loudoun County Parcel Identification Numbers (PIN ##) 233-29-7610, 233-20-7049, 233-20-7427, 233-20-0977, 233-20-3672, and 233-19-5156. Additionally, the following parcels remain subject to TLZM-2014-0004: PIN## 233-38-8942, 233-39-6464, 233-39-6106, 233-29-6350, 233-29-9822, 233-20-0550, 233-20-3806, 233-19-8457, 233-10-1658, 233-30-2941 and 233-29-0512. Further, these proffers and these amendments supersede all prior approved proffers that have previously governed the Property. The Stratford Proffers and Concept Plan previously accepted by the Town in Rezoning Application #ZM-95, as amended in Rezoning Application #ZM-116, Rezoning Application #ZM-130, Rezoning Application #ZM-138, Rezoning Application #ZM-161, Rezoning Application #ZM-2002-05, Rezoning Application #ZM 2005-0002 and Rezoning Application TLZM-2014-0004 are rescinded and superseded by the proffers and rezoning plans set forth in this Rezoning Application #TLZM-2015-0001 for the Property.

2. Concept Plan

Development of the Property shall be in substantial conformance with Sheets 1 through 9 of the Rezoning/Concept Plan, prepared by Paciulli, Simmons and Associates and dated January 23, 2015 and revised through June 5, 2015. The Rezoning/Concept Plan shall control the use, layout, and configuration of the Property, with reasonable allowances to be made for engineering and design alteration and to meet Town zoning, subdivision and land development regulations.

3. PRC Mixed-Use Center District

The Applicant proffers that the development in Land Bays MUC 1, 2 and 5 in the PRC Mixed-Use Center district of the Property (including the Oaklawn parcels not subject to this rezoning application) shall consist of a maximum of 145,500 square feet of nonresidential uses, which shall be broken down approximately as follows:

- 1.) Eating establishments (in land bay MUC 2) - up to a maximum of 28,500 square feet.
- 2.) Convenience retail and office uses (in Land Bays MUC 2 and/or MUC 5) shall not exceed a total of 30,000 square feet each. (These uses or any combination thereof also may locate as an alternative in Land Bay B located in the PEC District.)
- 3.) Service station with convenience food store and/or car wash (in Land Bay MUC 2) - up to a maximum of 5,000 square feet and eight fueling stations. (This use may locate as an alternative in Land Bay C located in the PEC District.)
- 4.) Park/open space – minimum 4.0 acres
- 5.) Nursing home – up to a maximum of 38,000 square feet.

II. Transportation

4. Timing of Proffered Transportation Improvements

Proffer 5 below sets forth a phasing plan that specifies the road improvements that will be made during each phase of the development of Oak Lawn and that also specifies the level of development, which may occur during that phase. In addition, each of the phases set forth in Proffer 5 below specifies the land bay, the type of use and the maximum permitted square footage for each use that may develop during that phase. The transportation improvements specified in the phases are sequential and cannot be developed out of order; however the transportation improvements may be constructed in advance of the development they are intended to serve (e.g., Phase 2 road improvements may be constructed once Phase 1 road improvements are made even though the maximum Phase 1 development potential has not been achieved). In addition, land bay development may take place for any of the phases, once the transportation improvements for that phase and any prior phases have been made regardless of whether prior land bay development has occurred (e.g., Phase 2 development may occur once Phase 1 and Phase 2 road improvements are made, even if no Phase 1 land bay development has occurred). Land bay development may proceed once the transportation improvements for that phase have been constructed or bonded for construction, except as provided for in the Agreement. All proffered road improvements specified for each phase shall be approved by the Town and bonded for construction by the Applicant prior to Town approval of the first development plan or subdivision for any of the uses that the phasing plan specifies may be constructed during that phase.

5. Phasing

The Applicant shall provide public street improvements in accordance with the following phasing plan, which is continued from the proffers for TLZM-2014-0004 . All of the permitted Land Bay MUC 2 development can occur with the Phase One improvements, which have been constructed.

A. Phase One

- 1) Phase 1. The road improvements listed in sub-paragraph a), below, have been completed as of the date of this proffer statement, which means that the all of the Phase I development listed in Paragraph 10.A.2 below may be constructed as of the date of this proffer statement.
 - a) The Phase 1 improvements shall include construction of:
 - (i) The northbound exit ramp of the Dulles Greenway/Battlefield Parkway interchange to Miller Drive/Hope Parkway.
 - (ii) The southbound entrance ramp of the Dulles Greenway/ Battlefield Parkway interchange accessed in the interim from Tolbert Lane until such time as the Battlefield Parkway interchange is constructed by the owners of the Dulles Greenway. This entrance shall include right and left turn lanes on Tolbert Lane.
 - (iii) Dedication of up to a maximum of 50 feet for a typical right-of- way section for Sycolin Road along the Oaklawn's frontage on Sycolin Road.
 - (iv) The northern two-lane section of the four-lane divided Battlefield Parkway between Sycolin Road and Tolbert Lane or Battlefield Parkway interchange, if constructed or bonded for construction. Battlefield Parkway will make a full transition in accordance with the DCSM. A four-lane approach to the intersection with Sycolin Road shall be constructed if Battlefield Parkway at Sycolin Road on the east side of Sycolin Road is constructed as a four-lane section.
 - (v) The traffic signal at Battlefield Parkway and Miller Drive.
 - (vi) A contribution of 15% of the cost of the traffic signal at Tolbert Lane and Evergreen Mills Road.
 - (vii) The traffic signal at Tolbert Lane and the Dulles Greenway southbound on-ramp.
 - (viii) The four-lane undivided section of Miller Drive between Hope Parkway and Battlefield Parkway
 - (ix) The four-lane undivided section of Miller Drive between Battlefield Parkway and Tolbert Lane
 - (x) The southern two lanes of the four-lane divided section of Battlefield Parkway between Sycolin Road and Tolbert Lane or the Dulles Greenway/Battlefield

Parkway interchange, if constructed by others.

b) Phase 1 improvements shall include construction of:

- (i) Land Bay C:
 - Up to 10,000 s.f. free-standing car wash
 - Up to 4,000 s.f. fast food eating establishment with drive-through window
 - Up to 10,000 s.f. eating establishment uses
 - Up to 4,000 s.f. bank with drive-through
 - One service station with convenience retail food store and/or car wash up to a maximum of 5,000 s.f. and up to eight fueling stations
 - Up to 15,000 s.f. retail pharmacy with drive-through window
 - Any of the other support uses listed in proffer 4.B, above

- ii) Land Bay D:
 - Up to 200,000 s.f. office and light intensity industrial uses
 - Up to 4,000 s.f. fast food eating establishment with drive-through window
 - One service station that may include a convenience retail food store and/or car wash up to a maximum of 5,000 s.f. and up to eight fueling stations but is not required to include these facilities
 - Up to 10,000 s.f. eating establishment uses
 - Any of the other support uses listed in proffer 4.B, above

- iii) Land Bay MUC 1: Park – minimum of 4.0 acres

- iv) Land Bay MUC 2:
 - Up to 28,500 s.f. eating establishment uses
 - Up to 30,000 s.f. neighborhood, community or specialty retail uses
 - Up to 30,000 s.f. office uses
 - Up to 38,000 s.f. nursing home use
 - (The retail and/or office uses also may locate in Land Bays MUC 5 or B or any combination thereof.)
 - Any of the other support uses listed in proffer 4.B, above

- (v) Land MUC 5: Up to 10,000 s.f. child care center

B. Phase Two

1) Phase 2

a) Phase 2 improvements shall include construction of:

- (i) The traffic signal at Hope Parkway/Miller Drive/Dulles Greenway ramp.

- (ii) The four-lane undivided section of Hope Parkway between the intersection of Miller Drive and the northern Property boundary connecting with the existing Hope Parkway section pursuant to the Agreement, also including the transition from Hope Parkway to Ramp A.
- b) The development that may occur once the Phase 2 roadway improvements are constructed or bonded for construction pursuant to the Agreement will include:
 - (i) All of the Phase 1 development listed in Proffer 10.A.1.b, above
 - (ii) Land Bay A: Up to 120,000 s.f. recreational facility (which also may locate alternatively in Land Bay B)
Up to 110,000 s.f. hotel/motel/conference center use (which also may locate alternatively in Land Bay B)
 - (iii) Land Bay B: Up to 300,000 s.f. office and light intensity industrial uses
Convenience retail and office uses not exceeding a total of 30,000 square feet each (to the extent not located in Land Bays MUC 2 and/or MUC 5).
 - (iv) Land Bay C: Up to 150,000 s.f. office and light intensity industrial uses

2) Interim Phase 2

- a) Notwithstanding the improvements listed in Proffer II.10.A.1.a, above, and only if the Town fails to perform its obligations under the Agreement, the Applicant may construct the eastern two-lane section of Hope Parkway between Miller Drive and the Land Bay B entrance in order to provide road access to a Land Bay B user of no greater than 185,000 square feet without completing all of the Phase 2 improvements listed in Proffer II.10.B.1.a, above.
- b) If interim Phase 2 is implemented, then development of more than 185,000 square feet in Land Bay B shall proceed in accordance with Phases 2, 3 and 4 as listed in Proffer II.10.B.1.a, above.

If the Applicant fails to perform its obligations under the Agreement, Interim Phase 2 shall be an option for the Applicant only if the Town also fails to perform its obligations as set forth in Proffer II.10.B.2.a, above; otherwise, development shall proceed in accordance with Phases 2, 3 and 4 as listed in Proffer II.10.B.1.A, above.

C. Phase Three

1) Phase 3

- a) Phase 3 improvements shall include construction of:

- (i) A two-lane section of the four-lane divided Hope Parkway from Miller Drive

to Battlefield Parkway.

(ii) The traffic signal at Battlefield Parkway and Hope Parkway.

b) The development that may occur once the Phase 3 roadway improvements are constructed or bonded for construction will include:

(i) All of the Phase 1 and Phase 2 development listed in Proffers 10.A.1.b and 10.B.1.b, above

(ii) Land Bay A: Up to 280,000 s.f. office use
 Up to 10,000 s.f. eating establishment uses

Land Bay C: Up to 86,000 s.f. office and light intensity industrial uses

D. Phase 4

- 1) Phase 4 road improvements shall include construction of the remaining two lanes of the four-lane divided roadway section of Hope Parkway between Miller Drive and Battlefield Parkway.
- 2) The development that may occur once the Phase 4 roadway improvements are constructed or bonded for construction will include up to 300,000 s.f. of office uses.

E. Cash Equivalent Contribution

If the road improvements specified under Phases 3 and 4, above, are completed by others, the Applicant shall provide the cash equivalent contribution for the cost of providing these improvements, upon reaching the development thresholds specified in Phases 3 and 4, above. More specifically, prior to approval of the zoning permit for any of the development permitted under proffer 10.C.1.b (i) and (ii), above, and the road improvements specified under proffer 10.C.1.a (i) and (ii) have been constructed by the Town, the Applicant shall contribute the cash equivalent of the cost to construct those improvements to the Town in the amount of the contribution to be determined as evidenced by paid receipts or invoices or similar documentation for the costs incurred to construct such improvements. In addition, prior to approval of the zoning permit for any of the development permitted under proffer 10.D.2, above, and the road improvements specified under proffer 10.D.1, above, has been constructed by others, the Applicant shall contribute the cash equivalent of the cost to construct those improvements to the Town of Leesburg, the amount of the contribution to be determined as evidenced by paid receipts or invoices or similar documentation for the costs incurred to construct such improvements and as escalated according to the Consumer Price Index. The payment of this cash equivalent contribution as escalated shall be paid in two equal installments at one-year intervals from the date of the first payment. This proffer also shall apply to Phase 2 in the event Hope Parkway is constructed by others, but not under the terms of the Agreement.

III. Community Facilities

6. Fire/Rescue Contribution

The Applicant agrees that prior to obtaining each zoning permit for individual commercial,

institutional and office buildings to be constructed on the Property, the Applicant shall pay the Town a one-time contribution in the sum of TEN CENTS (\$0.10) per gross square foot of commercial and office development construction on the Property as a nonrefundable cash donation for the benefit of fire and rescue facilities providing service to the Property, which monies will be provided by the Town to fund fire and rescue services. Notwithstanding the above, no payments under this paragraph shall be required for any buildings to be devoted to uses such as non-profit owned buildings, non-profit day care facilities, religious buildings, fire and rescue facilities, library, post office, non-profit health care, or governmental service facilities. The obligation to provide this contribution shall cease at such time as the provision of fire and rescue services is no longer provided by predominantly volunteer organizations or as such time as a tax payment for these services is adopted by either the Town of Leesburg or County of Loudoun that is levied on the Property. This contribution shall be adjusted from the date of approval of this rezoning application at a rate equal to any fluctuations in the Consumer Price Index.

7. Pedestrian Network

The Property shall be served by a pedestrian network as depicted on Sheet 4 of 9 of the Rezoning/Concept Plan. Each sidewalk segment will be constructed as part of the site plan for each portion of land bay MUC 2 with frontage on Battlefield Parkway, Miller Drive, Brown Roan Drive or Oaklawn Drive, as applicable.

IV. Other

8. Architectural Guidelines

In order to ensure that development of Oaklawn at Stratford is in conformance with the criteria set forth in Section 8.2.F.2 of the Zoning Ordinance, development of the Property shall adhere to the Town of Leesburg H-2 Corridor Design Guidelines dated March 1, 1990 with review and approval of all structures in these land bays by the Town's Board of Architectural Review and with the right to appeal that Board's decision to the Town Council. In addition to demonstrating architectural conformance with the H-2 Corridor Design Guidelines, all buildings shall screen rooftop mechanical equipment (i.e., HVAC units) from view from the public streets.

9. Setback Areas

The Rezoning/Concept Plan shows setback areas along public roads and Property boundaries on Sheet 4. These setback areas are intended to be primarily open space areas, and no building or parking areas shall be permitted within the setback area. Landscaping, as depicted on the Rezoning/Concept Plan, shall be the primary feature of the setback areas with sidewalks, trails, driveway crossings and utilities also permitted within the setback area.

10. Utilities

The Applicant shall pay for costs associated with the relocation of any existing Town utilities that are necessitated by the development of the Property. The Applicant shall

adhere to Town policies and regulations for on-site and off-site utility improvements required by the development of the Property.

11. Landscaping in Land Bay MUC 1

The Applicant shall install a minimum of fifteen large canopy trees in the vicinity of the existing pedestrian walkway leading from Oaklawn Drive to the lake within Land Bay MUC 1 and twenty shrubs along the Oaklawn Drive frontage of Land Bay MUC 1 at locations to be mutually agreed upon by the Town and the Owner to be determined during the review of the site plan for the nursing home facility. The Applicant shall submit a landscape plan showing the proposed planting plan for Land Bay MUC 1 concurrently with the submission of the first site plan application for the nursing home facility. The plants shall be installed in Land Bay MUC1 prior to the issuance of the first occupancy permit for the nursing home facility.

12. Other

Approval of this application TLZM-2015-0001 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, except as expressly approved in application TLZM-2015-0001, and all final plats, development plans, and construction plans shall remain subject to these applicable Town regulations.

The undersigned Owners of record of the Property, do hereby voluntarily proffer the conditions stated above, which conditions shall be binding on the Owner, its successors and assigns, and all owners of any portions of the Property and shall have the effect specified in Section 15.2-2297, et seq. of the Code of Virginia (1950), as amended.

(SIGNATURE PAGES TO FOLLOW)

Witness the following signatures and seals this 3rd day of August, 2015.

Oaklawn, LLC

A Virginia limited liability company

By: Keane Oaklawn Group, LLC,
Its Manager, a Virginia limited liability company

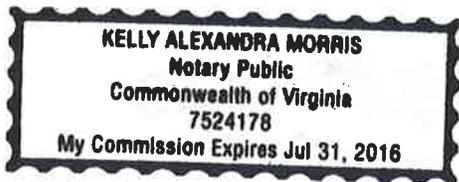
By: Keane Oaklawn Manager, LLC,
Its Manager, a Virginia limited liability company

By: [Signature]
Name: Brian J. Colten
Its: mgr

State of Virginia
City/County of Loudoun. To-wit:

I, Kelly Morris, a Notary Public in and for the State and County aforesaid, do hereby certify that Brian J. Colten as manager of Keane Oaklawn Manager, LLC, manager for Keane Oaklawn Group, LLC, manager for Oaklawn, LLC has signed the foregoing writing, which is dated July 31, 2015 and has this day acknowledged the same before me in the aforesaid State and County.

Given under my hand this 4 day of August, 2015.



[Signature]
Notary Public
My Commission Expires: 7/31/16

Leesburg Senior Real Estate, LLC
a Delaware limited liability company
By: Leesburg Senior Investors, LLC, its Manager
By: Silver Capital Advisors, Inc., its Manager

By: 
Name: Larry D. Silver
Its: CEO/President

State of Florida
County of Palm Beach. To-wit:

I, Patricia A. Costa, a Notary Public in and for the State and County aforesaid, do hereby certify that Larry D. Silver, CEO/President of Silver Capital Advisors, Inc. Manager of Leesburg Senior Investors, LLC, Manager of Leesburg Senior Real Estate, LLC has signed the foregoing writing, which is dated July 31, 2015 and has this day acknowledged the same before me in the aforesaid State and County.

Given under my hand this 3rd day of August, 2015.



Patricia A. Costa
Notary Public
My Commission Expires: 1/2/17



1. SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



2. NORTH ELEVATION

SCALE: 3/32" = 1'-0"

MANUFACTURED STONE VENEER, TYP
CENTURION STONE (OR APPROVED EQUAL)
FIELD: "ARIZONA" CUT FACE
TRIM / CHISELED EDGE ACCENTS:
"APPALACHIAN"
GROUT TECHNIQUE: DRY STACK
GROUT COLOR: TBD BY ARCHITECT

GAF LIFETIME TIMBERLINE NATURAL SHADOW
ASPHALT SHINGLES, TYP
(COLOR: CHARCOAL)

PREFINISHED METAL DOWNSPOUTS, TYP
(COLOR: SHERWIN WILLIAMS
"MARSHMALLOW 7001")

VTAC LOUVERS, TYP
(COLOR AT LAP SIDING: PAINT TO MATCH
COLOR AT STONE: SHERWIN WILLIAMS
"GAUNTLET GRAY" 7019)



CERTAINTED FIBER CEMENT BOARD & BATTEN, TYP
(BOARD COLOR: SHERWIN WILLIAMS
"ANTIQUÉ WHITE" 6119
BATTEN COLOR: SHERWIN WILLIAMS
"MARSHMALLOW" 7001)

PREFINISHED METAL GUTTERS, TYP
(COLOR: BLACK)

CERTAINTED FIBER CEMENT SIDING, TYP
(PAINT: SHERWIN WILLIAMS
"ANTIQUÉ WHITE" 6119)

LINE OF 7' HIGH VINYL FENCE IN FRONT, TYP
(COLOR: CREAM / TAN)

CERTAINTED FIBER CEMENT TRIM, TYP
(PAINT: SHERWIN WILLIAMS "MARSHMALLOW" 7001)

3. WEST ELEVATION (SOUTH ELEVATION SIM)

SCALE: 3/32" = 1'-0"

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SILVER PROPERTIES POET'S WALK IX MEMORY CARE - ELEVATIONS

LOCATION: OAKLAWN DRIVE, LEESBURG, VIRGINIA
OWNER: SILVER CAPITAL DEVELOPMENT COMPANY
DATE: APRIL 24, 2015
LRS PROJECT NUMBER: 215021
SCALE: 3/32" = 1' - 0" (WHEN PRINTED AT FULL SIZE 24"X36")

LRS
ARCHITECTS
www.lrsarchitects.com

720 NW Davis Street, Suite 300
Portland, Oregon 97209
P 503.221.1121 F 503.221.2077

TECHNICAL MEMORANDUM

To: Irish Grandfield
Calvin Grow, P.E.

CC: Christine Gleckner
Mark Ambach

From: Tushar Awar, P.E., PTOE
Pulkit Parikh

Date: January 12, 2015

Subject: Oaklawn Land Bay MUC2
Trip Generation Comparison

Town of Leesburg
Town of Leesburg
Walsh, Colucci, Lubely, Emerich, & Walsh, PC
Silver Companies



INTRODUCTION

The following memorandum presents the findings of a trip generation comparison for Oaklawn Land Bay MUC2, which is a part of the approved Oaklawn Development in the Town of Leesburg, Virginia. The site location map is presented in **Figure 1**.

SITE DESCRIPTION

The proposal requests an amendment to the approved concept plan and proffers for Oaklawn to allow a nursing home (memory care facility) on land bay MUC2. The secure facility specializes in memory care and would include approximately 68 individual units, a dining facility, and associated uses. The location of Land Bay MUC2 within the Oaklawn development is shown in **Figure 2**.

Figure 1: Site Location Map

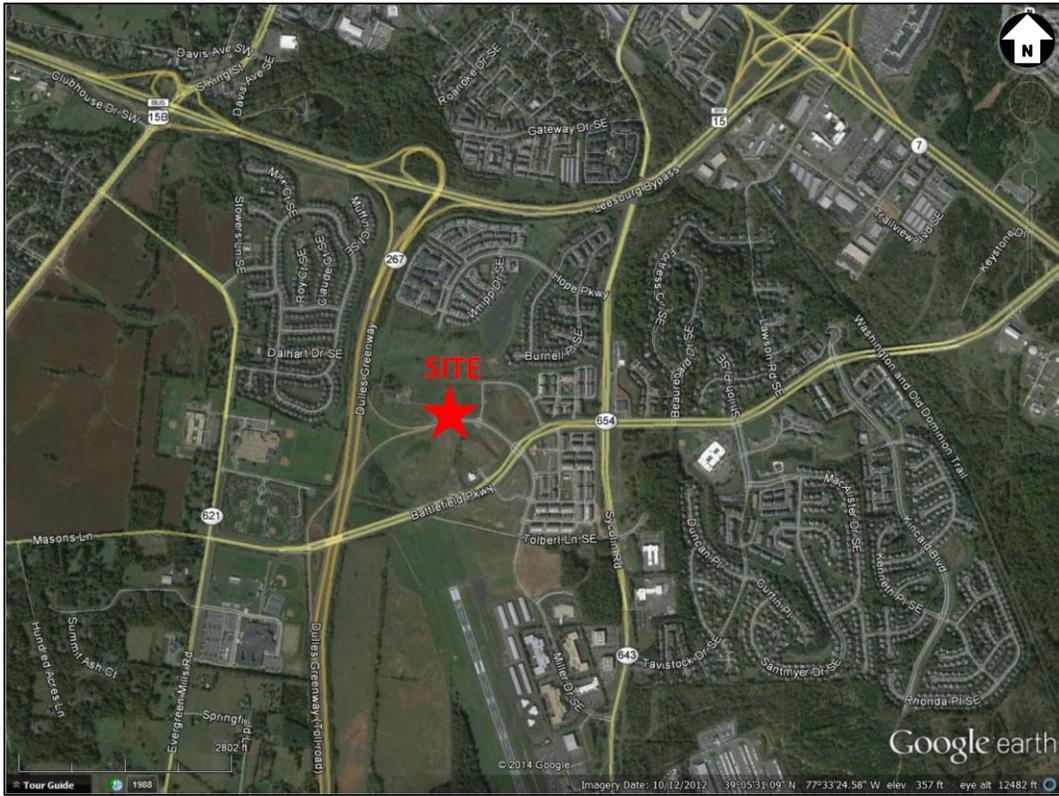


Figure 2: Location of Parcel 2 in Land Bay MUC2



TRIP GENERATION COMPARISON

Land Bay MUC 2 is currently approved for:

- **Restaurant Use – 30,000 SF**
- Specialty Retail/Office – 30,000 SF

With the introduction of the memory care facility, the proposed plan also calls for a reduction in the approved restaurant square footage. The proposal calls for a reduction in the approved restaurant square feet in proportion to the trips generated by the proposed memory care facility. Essentially, the reduced restaurant square feet will be trip equivalent to the proposed memory care facility.

Table 1 shows the results of the trip generation comparison.

Table 1: Trip Generation Comparison for Proposed and Approved Uses

Land Use	ITE Code	Size	Units	----- Week day -----						
				AM Peak Hour			PM Peak Hour			Weekday Total
				In	Out	Total	In	Out	Total	
Proposed Use										
Nursing Home (37.5 kSF)	620	68	Beds	6	6	12	5	10	15	149
Total Proposed				6	6	12	5	10	15	149
Approved Use (Reduction)										
Restaurant (Sit Down)	932	1.5	kSF	10	7	17	9	6	15	191
Total Approved Trips				10	7	17	9	6	15	191
Proposed - Approved				-4	-1	-5	-4	4	0	-42

It can be seen from **Table 1** that with the proposed introduction of the Memory Care Facility in Land Bay MUC 2 and the reduction in approved restaurant use, there will be no net increase in trips from Land Bay MUC2 (approved Oaklawn Land Use). Actually, as shown above, there will be a reduction in AM peak hour and daily trips.

CONCLUSIONS

The analysis presented in this memorandum supports the following conclusions:

- The proposal requests an amendment to the approved concept plan and proffers for Oaklawn to allow a nursing home (memory care facility) on land bay MUC2.
- The proposal calls for a reduction in the approved restaurant square feet by 1,500 SF in proportion to the trips generated by the proposed memory care facility.
- With the proposed introduction of the Memory Care Facility in Land Bay MUC 2 and the reduction in approved restaurant use by 1,500 SF, there will be no net increase in trips from Land Bay MUC2. The proposed use will generate 5 less AM peak hour trips, similar PM peak hour trips and 42 less daily trips. Hence, the proposed use will have no additional impact to the roadway network as compared to the approved use in Land Bay MUC 2.

APPENDIX

SCOPING E-MAIL CORRESPONDENCE

Scoping E-Mail Correspondence

From: Calvin Grow [mailto:CGrow@LEESBURGVA.GOV]
Sent: Tuesday, December 09, 2014 1:42 PM
To: Tushar Awar
Cc: Irish Grandfield; Gleckner, Christine E.
Subject: RE: Oaklawn/Poet's Walk - pre-application notes

Tushar,

Sounds OK to me

Thank you,

Calvin K. Grow, Transportation Engineer
Department of Public Works
Town of Leesburg, Virginia
25 West Market Street
Leesburg, VA 20176
Main Phone: (703) 777-2420
Direct Line: (703) 771-2791
Fax: (703) 737-7065
Email: cgrow@leesburgva.gov

From: Tushar Awar [mailto:tushar.awar@goroveslade.com]
Sent: Tuesday, December 09, 2014 1:40 PM
To: Calvin Grow
Cc: Irish Grandfield; Gleckner, Christine E.
Subject: RE: Oaklawn/Poet's Walk - pre-application notes

Calvin,

Sorry for playing phone tags with you, but here's what we are planning to prepare:

- A trip generation to outline the trips generated by the proposed memory care unit
- We will also outline the SF that will be reduced from the approved use in Land Bay MUC 2, so that the net approved trips generated from Land Bay MUC 2 will remain the same (trip equivalent)
- We will document this information in a memorandum format for submission with this application

If this seems reasonable per your voicemail, please let me know. Once we hear back from you, we will move forward with the trip generation analysis.

Thanks,
Tushar

Tushar A. Awar, P.E., PTOE
Project Manager
[Gorove/Slade Associates, Inc.](#)
3914 Centreville Road, Suite 330 | Chantilly, VA 20151
p: 703-787-9595 ext. 109 | f: 703-787-9905



WALSH COLUCCI
LUBELEY & WALSH PC

Christine Gleckner, AICP
Land Use Planner
(571) 209-5776
cgleckner@thelandlawyers.com

July 31, 2015

Via E-Mail Only

Irish Grandfield
Environmental Planner
Town of Leesburg

Re: TLZM-2015-0001, Poet's Walk at Oaklawn

Dear Irish:

I am writing in order to respond to the information the town council requested at the public hearing on July 28, 2015 as follows:

- You are providing the vehicle trips per day information that was included in the application submission materials.
- I have attached the revised proffers which incorporate the commitment for plantings in Land Bay MUC1 plus a few other clean-up revisions.
- The illustrative renderings of buffering and additional park plantings will be provided separately.
- In response to the Poet's Walk landscaping being compatible with K2M, the applicant's response is that these are different facilities with different requirements for landscaping and buffering. Poet's Walk is a single-story building housing an institutional use with architecture that is residential in character and scale. The front of the Poet's Walk building faces the residential areas of Oaklawn and Stratford with appropriate landscaping providing for the front yard of the building. Poet's Walk is proffering, however, to provide additional plantings in the Oaklawn open space parcel, primarily to enhance that parcel, but which provides additional landscaping between Poet's Walk and the residential neighborhood.

ATTORNEYS AT LAW

703 737 3633 ■ WWW.THELANDLAWYERS.COM
1 E. MARKET STREET ■ SUITE 300 ■ LEESBURG, VA 20176-3014
ARLINGTON 703 528 4700 ■ WOODBRIDGE 703 680 4664

K2M, on the other hand, is a multi-story office/light industrial building with truck traffic. The rear, service side of the light industrial building faces the Stratford residential community. Therefore, K2M appropriately provided extensive buffers and landscaping behind the rear and along the side of the service area of the light industrial building. Due to these differences, the landscaping and buffering requirements for the two uses are different.

Sincerely,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

A handwritten signature in black ink, appearing to read "Christine Gleckner", followed by a horizontal line extending to the right.

Christine Gleckner, AICP
Land Use Planner

cc: Mark Ambach, Silver Companies



north elevation

Memory Care Facility
Leesburg, Virginia





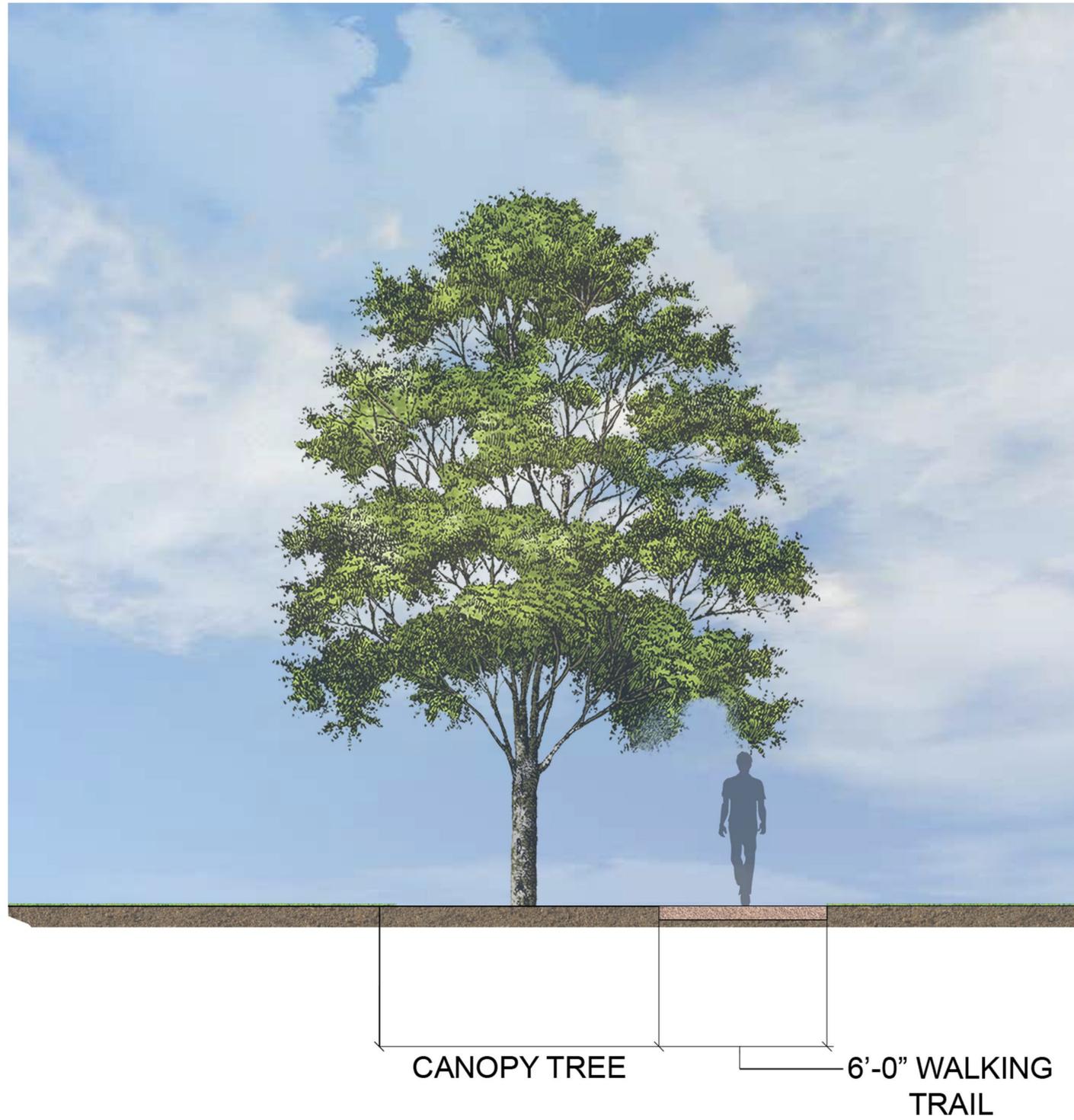
OAKLAWN DRIVE

10' LANDSCAPE
AREA

additional shrubs along oaklawn drive

Memory Care Facility
Leesburg, Virginia





additional canopy trees along trail

Memory Care Facility
Leesburg, Virginia



PRESENTED: August 11, 2015

ORDINANCE NO. _____

ADOPTED: August 11, 2015

AN ORDINANCE: APPROVING TLZM 2015-0001 POET'S WALK, A CONCEPT PLAN AMENDMENT AND PROFFER AMENDMENT TO ALLOW DEVELOPMENT OF A 38,000 SQUARE FOOT NURSING HOME IN OAKLAWN LAND BAY MUC2

WHEREAS, a Rezoning Application has been filed by Leesburg Senior Real Estate LLC to amend the concept plan and proffers of TLZM-2014-0004 to allow a 38,000 square foot nursing home in Oaklawn Land Bay MUC2 on land identified as Loudoun County Parcel Identification Numbers (PIN) 233-30-2511, 233-30-4276, and 233-30-1486; and

WHEREAS, a duly advertised Planning Commission public hearing was held on July 16, 2015; and

WHEREAS, at that meeting, the Planning Commission recommended approval of this application to the Town Council; and

WHEREAS, the Town Council held a duly advertised public hearing on this application on July 28, 2015; and

WHEREAS, staff recommended approval; and

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

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

SECTION 1. Rezoning Application TLZM 2015-0001, for the property having the Loudoun County Parcel Identification Numbers (PIN) 233-30-2511, 233-30-4276, and 233-30-1486, is hereby approved subject to the proffers dated July 31, 2015; and

AN ORDINANCE: APPROVING TLZM 2015-0001 POET'S WALK, A CONCEPT PLAN AMENDMENT AND PROFFER AMENDMENT TO ALLOW DEVELOPMENT OF A 38,000 SQUARE FOOT NURSING HOME IN OAKLAWN LAND BAY MUC2

SECTION 2. The property shall be developed in substantial conformance with the concept development plan prepared by Puciulli, Simmons, and Associates dated January 23, 2015 and revised through June 5, 2015; and

SECTION 3. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of this ordinance.

SECTION 4. This ordinance shall be in effect upon its passage.

PASSED this 11th day of August 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council