

**TOWN OF LEESBURG
NOTICE OF TOWN COUNCIL PUBLIC HEARING
TO CONSIDER SPECIAL EXCEPTION APPLICATION
TLSE-2012-0003
HOME DEPOT**

Pursuant to Sections 15.2-1427, 15.2-2204, 15.2-2205 and 15.2-2285 of the Code of Virginia, 1950, as amended, the **Leesburg Town Council** will hold a public hearing on **Tuesday, April 9, 2013 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider Special Exception Application TLSE-2012-0003, Home Depot.

The subject property is currently used for lumber and building materials sales and is located at 280 Fort Evans Road, Leesburg Virginia 20176. The site is zoned B-3, Community Retail/Commercial District. The property is further described as Loudoun County Parcel Identification Number (PIN) 147-15-0298 and Loudoun County Tax Map Number /49//26////2/. The *Town Plan* designates this property as “Regional Retail” on the Land Use Policy Map.

Special Exception Application TLSE 2012-0003 is a request to allow (1) Outdoor Sales accessory to retail sales subject to the standards of Section 9.3.17.1 and (2) Vehicle Rental subject to the standards of Section 9.3.28 of the Zoning Ordinance.

Additional information and copies of this application are available at the Department of Planning and Zoning located on the second floor of the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia 20176 during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by contacting Irish Grandfield, Senior Planner, at 703-771-2766 or igrandfield@leesburgva.gov.

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

**Ad to run:
03/27/2013
04/03/2013**



Date of Council Meeting: April 9, 2013

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

Subject: TLSE-2012-0003, Home Depot, a special exception application for outdoor storage and vehicle rental in the B-3 zoning district.

Staff Contact: Irish Grandfield, AICP, Senior Planner, Dept. of Planning & Zoning.

Recommendation: Staff recommends **conditional approval** of the proposed special exception subject to the conditions at the end of this report.

Issue: Should a special exception be granted to allow for vehicle rental and outdoor storage of items for display, sales, and staging at the existing Home Depot located at 280 Fort Evans Road?

Fiscal Analysis: Approval of this application will generate additional business tax revenue to the Town.

Background: The subject property is currently used for lumber and building materials sales and is located at 280 Fort Evans Road, Leesburg Virginia 20176. The site is zoned B-3, Community Retail/Commercial District. The property is further described as Loudoun County Parcel Identification Number (PIN) 147-15-0298 and Loudoun County Tax Map Number /49//26/////2/. The *Town Plan* designates this property as “Regional Retail” on the Land Use Policy Map.

Special Exception Application TLSE 2012-0003 is a request to allow (1) Outdoor Sales accessory to retail sales subject to the standards of Section 9.3.17.1 and (2) Vehicle Rental subject to the standards of Section 9.3.28 of the Zoning Ordinance.

Planning Commission Public Hearing and Recommendation: On February 21, 2013 the Planning Commission held a public hearing on the proposal and recommended approval by a vote of 7-0. No members of the public spoke at the public hearing. The Commission discussed the proposed conditions of approval, the nature of the special exception request relative to Town Zoning regulations, possible alternative areas onsite for the outdoor storage, and the proposed screening wall for the rear storage area.

Staff explained that the 14 conditions of approval were proposed to ensure that the applicant would be limited to specific types of storage materials in well defined areas. Staff further described the need for the two special exception requests. The Zoning Ordinance only allows outdoor storage greater than 25% of the size of the building or 200 square feet (whichever is less) by special exception. Vehicle rental is allowable only by special exception.

The Commission questioned the applicant on why they needed to have outdoor storage in the parking lot when there appeared to be an area adjacent to the Garden Center that could serve the purpose. The applicant indicated that the option was considered but not thought appropriate due to difficulties it created with truck turning movements onsite.

With regards to a proposed rear screening wall for outdoor storage, the Commission questioned whether it would provide cover for potential illegal activity. The applicant responded that they have security cameras for the area. Staff further explained the wall's function in screening views of the outdoor storage area. The Commission asked for evaluation of the wall by the police department. In a memo dated March 26, 2013 the Police Department has indicated that they do not object to the screening wall (see attachment 4).

Staff Analysis: Staff notes the following findings:

- A. Compliance with TLZO Sec. 3.4.12:** The proposed use complies with the approval criteria of TLZO Section 3.4.12. There is no adverse impact on the use of neighboring properties as this site is already developed. Traffic impacts have been sufficiently addressed.
- B. Special Use Criteria:** TLZO Section 9.3.17.1 provides three specific use standards for outdoor sales. Staff finds the proposed special exception use meets these use standards as outlined in page 5 of the Planning Commission staff report (Attachment 1). There are five specific uses standards for vehicle rental listed in TLZO Section 9.3.28. Staff finds that these criteria have been met as well (see pages 5-6 of attached Planning Commission staff report).

Recommendation and Conditions: Staff recommends **approval** of TLSE-2012-0003 Home Depot, a special exception use for outdoor storage and vehicle rental, subject to the following conditions:

1. **Substantial Conformance.** The use shall be in substantial conformance with the approved special exception plat entitled "Home Depot at Fort Evans Plaza," dated June 4, 2012 and revised through December 6, 2012 and prepared by William H. Gordan Associates.
2. **No Waivers Expressed or Implied.** Approval of this special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual, except as may have been approved as part of this application. Final plats, site plans, and construction drawings are subject to applicable town regulations.
3. **Area 1 Use.** Area 1 shall be used solely for the staging of bulk building materials, landscaping, and garden items on a temporary basis (no more than 72 hours). Such materials will be stored next to the rear building wall in designated locations and will not exceed 12 feet in depth and 10 feet in height. All materials placed in Area 1 will be packaged, palletized, and/or shrink wrapped to ensure that such materials remain confined to their respective packaging. Any loose materials or errant packaging shall be immediately collected and/or retrieved by Home Depot personnel.

4. Area 1 Pavement Marking. Area 1 shall include pavement marking along the rear of the store to clearly demarcate the extent of Area 1 and the rear travel aisle consistent with the approved special exception plat.
5. Area 1 Screening. The Applicant shall construct a 12'-long, eight-foot high masonry wall at the southeastern corner of the store to visually shield Area 1 merchandise, transformers, and bollards from adjacent properties.
6. Area 2 Use. Area 2 shall be used for storage, display and sale of merchandise consistent with the approved special exception plat.
7. Area 2 Marking. The spaces in Area 2 allowable for storage, display and sale shall be clearly marked on the pavement.
8. Area 3 Use. Area 3 shall be used solely for the storage and retail sales of seasonal live plants and other associated garden materials. Between March 15th and June 15th annually, Area 3 is proposed to comprise approximately 10,112 square feet; between June 15th and September 15th, Area 3 will be reduced in size to 6,912 square feet as depicted on the approved special exception plat.
9. Area 3 Fencing. Area 3 fencing shall be consistent with the diagrams shown on the special exception plat and shall be kept in good repair with no corrosion or damaged panels. No signage shall be permitted on the fence except for what is otherwise allowable by Town regulations.
10. Area 4 Use. Area 4 shall be used solely for rental truck parking during the dates specified on the special exception plat. All vehicles must be contained completely within the truck rental parking area as depicted on the approved special exception plat with a maximum of eight rental vehicles at any given time.
11. Area 4 Pavement marking. The Applicant shall install signs on the median adjacent to Area 4 and will paint "Truck Rental Parking Only" markings on all Area 4 parking spaces.
12. Inoperable Vehicles. There shall be no storage or display of vehicles in inoperable condition.
13. Vehicle Sales Prohibited. There shall be no sales of vehicles from the site.
14. Landscaping. At time of site plan review, the Applicant will demonstrate that all buffers are in accord with the previously-approved site plan and, if necessary, Home Depot will agree to replant any missing, dead, or decaying landscaping.

A Resolution is also included as attachment 5.

Attachments

1. Planning Commission Staff Report dated February 21, 2013
2. Written Statement of Justification
3. Special Exception Plat
4. Police referral
5. Resolution



Date of Planning Commission Meeting: February 21, 2013

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLSE-2012-0003, Home Depot Outdoor Storage, a special exception application for outdoor storage and vehicle rental.

Staff Contact: Irish Grandfield, AICP, Senior Planner, Dept. of Planning & Zoning.

Recommendation: Staff recommends conditional **approval** of the proposed special exception subject to the conditions contained in this report.

I. APPLICATION SUMMARY

The applicant, Home Depot U.S.A. Inc. is requesting Special Exception approval for a vehicle rental and outdoor storage of items for display, sales, and staging in the B-3 Zoning District on property located at 280 Fort Evans Road (PIN #147-15-0298) (see figure 1). A plat (attachment 1) and Statement of Justification (attachment 2), have been submitted in support of the application. Staff recommends approval finding the proposal consistent with the Zoning Ordinance and Town Plan.

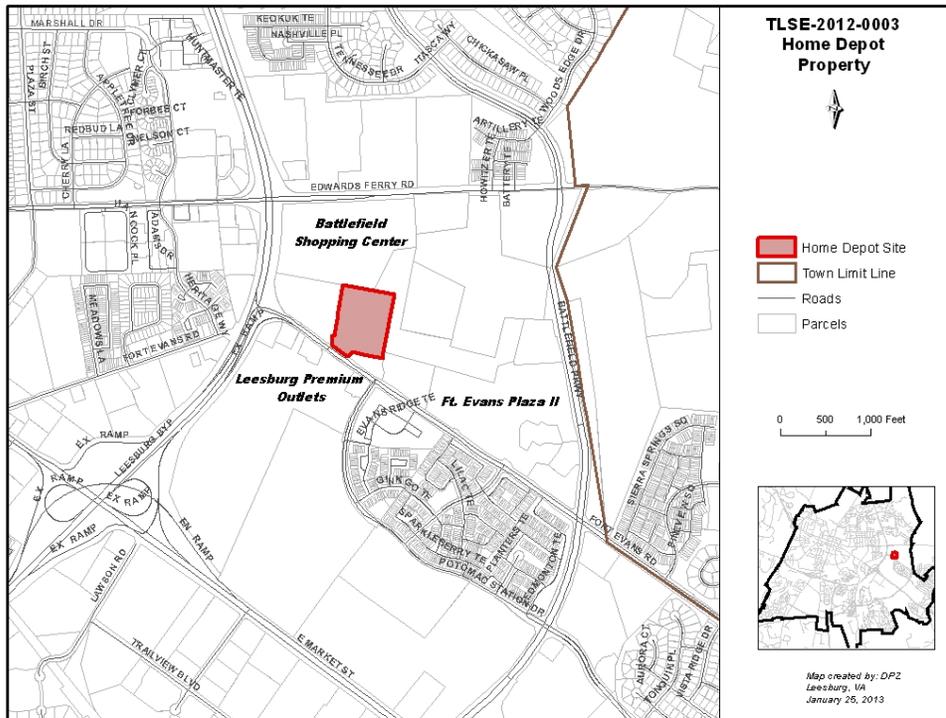


Figure 1. Site

II. CURRENT SITE CONDITIONS

The subject property is an existing home improvement store operating from this site at 280 Fort Evans Road since January 2000. The store is located on a 9.52 acre lot (PIN #147-15-0298) in the Fort Evans Commercial Center (see figure 2). The site is completely built out on land that slopes gently from east to west. The existing 116,094 s.f. store faces west with a garden center and parking located in front. A wide travel aisle and outdoor storage is located behind the building.

The Battlefield Shopping Center is located to the north of the site. Topographically, the Battlefield Center is 12 -15 feet below the Home Depot lot. As a result, it is largely not visible from the Home Depot site. East of the site, behind the Home Depot building is 15 acres of undeveloped land owned by NA Properties. This vacant parcel is elevated 18-20 feet above the Home Depot lot. To the southeast of the site is a 1.4 acre retail building. To the southwest is Fort Evans Road. To the west is the remainder of the Fort Evans Commercial Center.

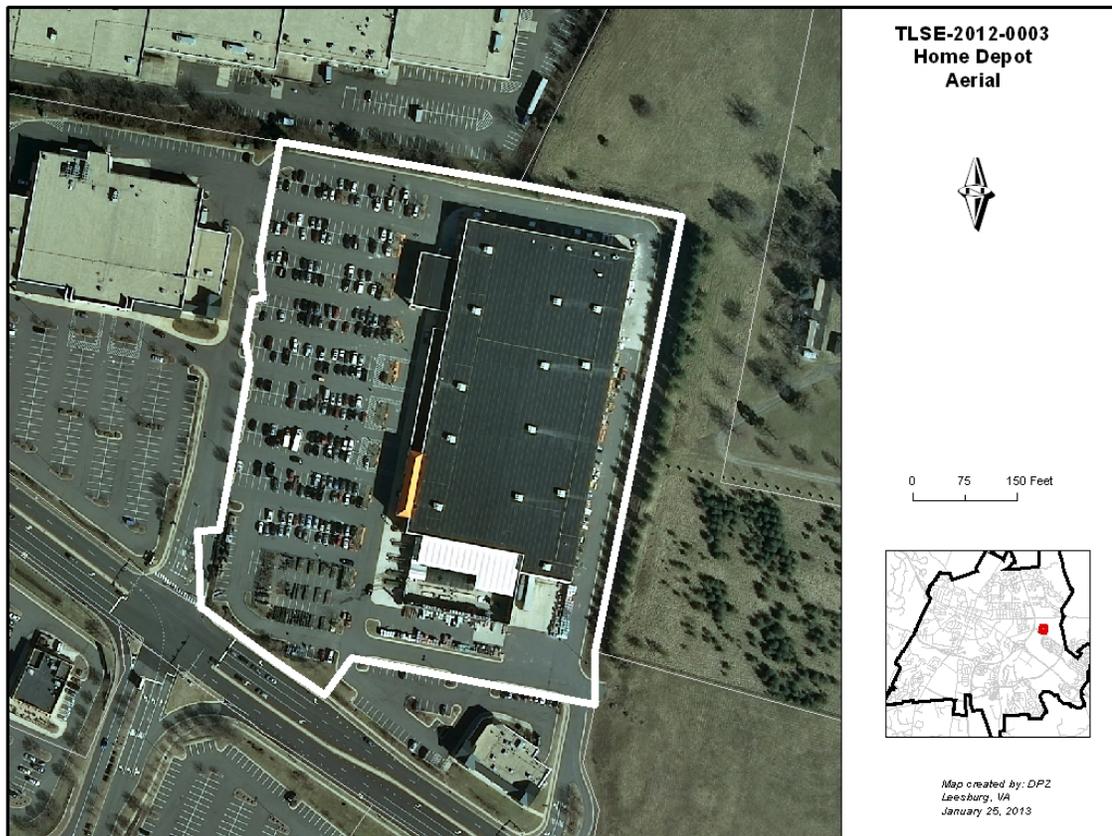


Figure 2. Aerial

III. ZONING HISTORY

The Town established the site's zoning as B-3, Community Retail/Commercial District so there are no proffers associated with the site (see figure 3). The property is subject to the conditions of approval for TLSE-1998-0001, Fort Evans Plaza – Uniwest Retail Center which allows for the existing lumber and building materials facility

On May 9, 2012 Home Depot was cited with a Zoning Violation Notice and Correction Order (TLVN-2012-0024) for:

- Operation of a truck rental facility onsite
- Outdoor storage of materials.

This special exception application was submitted in order to correct the violation and obtain zoning approval for these uses.

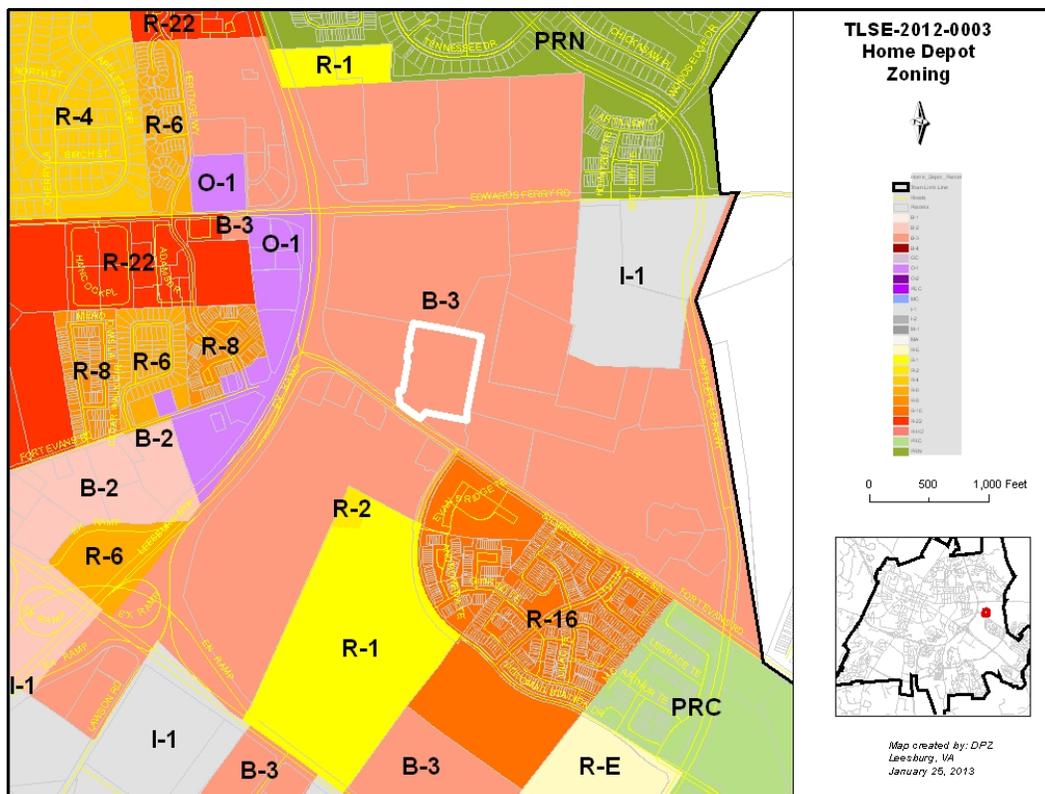


Figure 3. Zoning

- B. Use/Compatibility with Adjacent Properties:** The site is located in an area of the Town with many other retail uses and no directly adjacent residential areas (see table below). There are no incompatibility issues.

Direction	Existing Zoning	Current Use
North	B-3	Shopping Center
South	B-3	Shopping Center
East	B-3	Vacant
West	B-3	Shopping Center

- C. Transportation:** Access to the site is via Fort Evans Road. An adequate road network exists to handle the vehicle trips generated by the use. The Transportation Division of the Department of Public Works has no concerns.
- D. Utilities:** The site is adequately served by all utilities. The Department of Utilities has no concerns related to the application.
- E. Specific Use Standards per Zoning Ordinance:** The Zoning Ordinance (TLZO) provides separate, specific use standards for “Outdoor Storage” as well as for “Vehicle Sales or Rental” in Articles 9 and 18. An analysis of compliance with those use standards is provided below.

Section 9.3.17.1 Outdoor Sales (Accessory to Retail Sales Use)

- A.** Within the H-1 Overlay District and within the public right-of-way shall comply with the requirements of Town Code Chapter 30 Streets, Sidewalks and Other Public Places. - *This site is not located within the H-1 Overlay District.*
- B.** Outside of the H-1 Overlay District the Outdoor Sales Area (Accessory to Retail Sales Uses) shall not be located within a public right-of-way, within required parking spaces, landscaping or travel aisles. – *All proposed outdoor sales areas are located outside of right-of-way, required parking spaces, and landscape/travel aisles..*
- C.** The area of the Outdoor Sales Area (Accessory to Retail Sales Uses) shall not exceed 25% of the gross floor area of the sales area of the principal retail sales use or 200 square feet whichever is less and shall not extend beyond the extent of the building, or part of the building, that houses the principal retail sales use unless otherwise approved by special exception. – *This special exception request addresses this issue.*

Section 9.3.28 Vehicle Sales or Rental Facilities

- A.** Sales rooms, rental offices, or service facilities shall be located within an enclosed building. – *All rental transactions take place from within the existing building. No sales or service are proposed.*

- B.** The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles in inoperable condition as defined in Section 32-147 of the Town Code. – *Following approval of this special exception request, the applicant will submit a site plan consistent with this use standard. No inoperable vehicles will be allowed.*
- C.** All outdoor areas used for parking, storage, loading display and driveways shall be constructed and maintained with an all-weather dustless surface. – *The application proposes use of an existing asphalt surface.*
- D.** All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare in surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting. - *The site is adequately lit and no new lighting is proposed.*
- E.** A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site, and will not impact adjacent properties or roadways. - *The Town approved the existing lighting on site. The application is not proposing any new lighting.*

Section 18.1.127 Outdoor Storage Areas

“All outdoor storage shall be enclosed by fence, wall, landscaped berm or other suitable and appropriate method.” - *Staff finds that the intent of the enclosure requirement is met as discussed below:*

Outdoor Storage Area 1 (behind the store building):

- *Beyond the travel aisle at the rear of the storage area is a 20 foot upward slope at the top of which is a fifteen foot wide landscaped buffer with mature vegetation. This effectively screens the outdoor storage.*
- *Storage will consist solely of palletized, shrink-wrapped material in an area clearly demarcated on the pavement.*
- *The applicant shall construct a 12'-long, eight-foot high masonry wall at the southeastern corner of the store to visually shield Area 1 from views to the south.*

Outdoor Storage Area 2 (along front wall of the store building):

- *Customers need routine access to this area to view and/or acquire product. Storage in this area will be directly adjacent to the outside store wall on an existing concrete surface. The wall acts as enclosure to the rear of the storage area; marking on the concrete will serve as enclosure for the other sides of the area.*

Outdoor Storage Area 3 (in the parking lot in front of the garden center):

- *Enclosure will be provided by a sturdy, weather resistant, decorative fence. Fence details are depicted on page 2 of the plat.*

Outdoor Storage Area 4 (in the northwest corner of the parking lot):

- *This area to be used solely for rental trucks. Enclosure is provided by existing curbs of landscaped islands supplemented by pavement markings clearly marking this area for rental truck storage.*

V. Site Design:

- A. Parking.** The applicant continues to meet parking requirements even with the proposed outdoor storage and truck rental areas. Parking tabulations shown on the special exception plan demonstrate the sufficiency of parking in each of the three proposed outdoor storage phases.
- C. Landscaping/Buffering.** Staff walked the perimeter of the site to evaluate the existing landscaped buffer. Mature landscaping as required by the Zoning Ordinance is largely intact. Areas deficient of required plantings will be supplemented as part of site plan approval.
- D. Storm Water Management.** Additional Storm Water Management and Best Management Practices for storm water quality will be needed for the proposed uses. These stormwater management issues will be addressed at the time of site plan.
- E. Signs.** No new signage is proposed. Staff has recommended a condition of approval limiting use of fenced enclosures for any signage.
- F. Pedestrian/Vehicular Accessibility.** The applicant proposes a new marked pedestrian crosswalk from the Garden Center to outdoor sales area 3. Sufficient walkways and vehicular access has been provided elsewhere on site when the store was developed in 2000. Staff has determined that accessibility will not be compromised by the proposed special exception uses.

VI. Findings and Recommendation:

Staff finds the proposal is consistent with the Town Plan and meets the requirements of the Zoning Ordinance. Staff recommends **approval** of Special Exception TLSE-2012-0003 with the following minimum conditions:

1. Substantial Conformance. The use shall be in substantial conformance with the approved special exception plat entitled "Home Depot at Fort Evans Plaza," dated June 4, 2012 and revised through December 6, 2012 and prepared by William H. Gordan Associates.

2. No Waivers Expressed or Implied. Approval of this special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual, except as may have been approved as part of this application. Final plats, site plans, and construction drawings are subject to applicable town regulations.
3. Area 1 Use. Area 1 shall be used solely for the staging of bulk building materials, landscaping, and garden items on a temporary basis (no more than 72 hours). Such materials will be stored next to the rear building wall in designated locations and will not exceed 12 feet in depth nor 10 feet in height. All materials placed in Area 1 will be packaged, palletized, and/or shrink wrapped to ensure that such materials remain confined to their respective packaging. Any loose materials or errant packaging shall be immediately collected and/or retrieved by Home Depot personnel.
4. Area 1 Pavement marking. Area 1 shall include pavement marking along the rear of the store to clearly demarcate the extent of Area 1 and the rear travel aisle consistent with the approved special exception plat.
5. Area 1 Screening. The Applicant shall construct a 12'-long, eight-foot high masonry wall at the southeastern corner of the store to visually shield Area 1 merchandise, transformers, and bollards from adjacent properties.
6. Area 2 Use. Area 2 shall be used for storage, display and sale of merchandise consistent with the approved special exception plat.
7. Area 2 Marking. The spaces in Area 2 allowable for storage, display and sale shall be clearly marked on the pavement.
8. Area 3 Use. Area 3 shall be used solely for the storage and retail sales of seasonal live plants and other associated garden materials. Between March 15th and June 15th annually, Area 3 is proposed to comprise approximately 10,112 square feet; between June 15th and September 15th, Area 3 will be reduced in size to 6,912 square feet as depicted on the approved special exception plat.
9. Area 3 Fencing. Area 3 fencing shall be consistent with the diagrams shown on the special exception plat and shall be kept in good repair with no corrosion or damaged panels. No signage shall be permitted on the fence except for what is otherwise allowable by Town regulations.
10. Area 4 Use. Area 4 shall be used solely for rental truck parking during the dates specified on the special exception plat. All vehicles must be contained completely within the truck rental parking area as depicted on the approved special exception plat with a maximum of eight rental vehicles at any given time.

11. Area 4 Pavement marking. The Applicant shall install signs on the median adjacent to Area 4 and will paint "Truck Rental Parking Only" markings on all Area 4 parking spaces.
12. Inoperable Vehicles. There shall be no storage or display of vehicles in inoperable condition.
13. Vehicle Sales Prohibited. There shall be no sales of vehicles from the site.
14. Landscaping. At time of site plan, the Applicant will demonstrate that all buffers are in accord with the previously-approved site plan and, if necessary, Home Depot will agree to replant any missing, dead, or decaying landscaping.

VII. Sample Planning Commission Draft Motions

Approval

I move that Special Exception Use Application TLSE-2012-0003, Home Depot, be forwarded to the Town Council with a recommendation of approval subject to the conditions of approval contained in the Staff Report dated February 21, 2013 on the basis that the Approval Criteria of Zoning Ordinance Section 3.4.12 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

Denial

I move that special exception application TLSE-2012-0003, Home Depot be forwarded to the Town Council with a recommendation of denial on the basis that the Approval Criteria of Zoning Ordinance Sections 3.4.12, 9.3.17.1, or 9.3.28 (*choose appropriate section*) have not been satisfied as follows:

(list findings)

Attachments

1. Page 1 Special Exception Plat
2. Written Statement of Justification
3. Department of Plan Review dated January 13, 2013
4. DPZ Zoning referral memo dated January 7, 2013
5. Department of Public Works email dated December 12, 2012
6. Utilities memo dated June 28, 2012

WRITTEN STATEMENT & STATEMENT OF COMPLIANCE

Home Depot U.S.A., Inc.

TLSE 2012-0003

Special Exception for Vehicle Sales and/or Rental Facility and Outdoor Storage

Loudoun County Tax Map Parcel #49-26-2 (PIN #147-15-0298)

February 4, 2013

I. Introduction

Home Depot U.S.A. Inc. (hereinafter, "Applicant"), the lessee of Loudoun County Tax Map #49-26-2 (PIN #147-15-0298) which comprises 9.52 acres of land (hereinafter, the "Subject Property"), is interested in pursuing special exception approval to accommodate both the rental of vehicles and open storage of seasonal sales items for display, sales, and staging pursuant to the table located in § 6.5.2 of the Zoning Ordinance of the Town of Leesburg ("Zoning Ordinance").

The Subject Property includes an 114,789-square foot building material sales store and a 16,014-square foot garden center. The Subject Property comprises a portion of the Fort Evans Plaza shopping center, and is located along the north side of Fort Evans Road (Route 773) and east of the Route 15 bypass in the Town of Leesburg. The Owner of the Subject Property is Fort Evans Plaza Limited Partnership.

The Subject Property is zoned to the B-3 (Community Retail/Commercial) zoning district and is governed by the policies of the 2005 Leesburg Town Plan, which designates this area for "Regional Retail" uses. The Subject Property is subject to two previous approvals, including a special exception, SE-98-01 ("Uniwest"), approved by the Town Council in 1998 for the construction of a lumber and/or building material sales facility; as well as final development plan (DPR 98-120-2F-3.0), approved in 1999. The Home Depot building was constructed in 1999. The Subject Property is surrounded by the Leesburg Premium Outlets to the south (zoned B-3), vacant land and Fort Evans Plaza II to the east (zoned B-3), the Battlefield Shopping Center to the north (zoned B-3), and Fort Evans Plaza Lot 1 to the west (zoned B-3).

II. Description of Proposal

Home Depot has long served the Town of Leesburg and surrounding communities and prides itself on providing customers with quality customer service, competitive prices, and convenience. As residential and commercial development in the town has increased

substantially over the past decade, the need for area retailers to make outdoor goods (i.e., lawn and garden products for homeowners and landscapers, Christmas trees, etc.) and moving vehicles available to consumers has similarly increased.

In order to remain competitive with other retailers, as well as to meet the needs of the Town's residents to procure outdoor products and transport those products, the Applicant is requesting a special exception for these two uses. A brief description of each requested special exception use is included below:

- 1) "Vehicle Sales and/or Rental Facility" Use: The proposed vehicle rental operation would be located on a maximum of 16 existing parking spaces on the Subject Property and depicted as "Area 4" on the Special Exception Plat. No more than eight rental vehicles or a maximum of five SU30 vehicles will be located in Area 4 at any given time. To reflect anticipated times of heavy and lighter usage, Area 4 will consist of 16 parking spaces (comprising 2,736 square feet) between June 15th and September 15th annually, and 12 parking spaces (comprising 2052 square feet) between September 15th and June 15th annually.

The Applicant will install signs on the median adjacent to Area 4 and will paint "Truck Rental Parking Only" markings on all Area 4 parking spaces. Vehicle rentals will occur only during the Home Depot store's regular business hours, with most drop-offs occurring during off-peak hours. All rentals will occur through the customer service counter within the existing Home Depot store.

- 2) "Outdoor Storage" Use: As depicted in Areas "1" through "3" on the Special Exception Plat, the Applicant proposes outdoor storage areas, comprising a maximum of 17,944 square feet in aggregate, for the display of merchandise and temporary assembly and inventory of goods, including display sheds and seasonal sales items. The activities of each area is further described as follows:

- a. Area 1: Staging Areas: The Applicant proposes use of approximately 3,580 square feet in "Area 1," located along the rear of the existing store, which will allow sufficient space throughout the year for the continual storage and staging of recently unloaded items on a temporary basis for the assembly and inventory of goods and seasonal sales items.

Such items are routinely delivered by trucks and brought into the store within a 24- to 72-hour period and will be packaged, palletized, and/or shrink wrapped to ensure that such materials remain confined to their respective packaging. Said materials will be stored next to the rear building wall in designated locations and will not exceed 12 feet in depth nor 10 feet in height. No sales or public display of merchandise will be permitted in any of the Staging Areas.

- b. Area 2: Outdoor Display Areas: The Applicant proposes use of approximately 4,252 square feet in "Area 2" along the front of the existing store for the storage, display, and sale of merchandise on a continual basis. These areas will be located outside of any fire lanes and open to the public, with sales occurring within the existing store or garden center.

- c. Area 3: Seasonal Sales Area: Area 3 will be used solely for the storage and retail sales of seasonal products including, but not limited to live plants and other associated garden materials. Reflective of periods of higher and lower seasonal sales volumes, Area 3 is proposed to comprise approximately 10,112 square feet (52 parking spaces) between March 15th and June 15th annually. Between June 15th and September 15th, Area 3 will be reduced in size to 6,912 square feet (40 parking spaces). No parking spaces will be encumbered the balance of the year. Sales will occur either within Area 3 or within the existing store or garden center.

Area 3 will be fenced with an anchoring system that Applicant has successfully utilized at stores in areas of the country with extreme cold and warm temperatures and severe weather. The proposed fencing system will protect against rotting, corrosion, or abnormal weathering, and includes smooth surfaces and an absence of sharp edges to ensure that the fence will not chip, fade, rot, rust, peel, or require staining. The proposed fence and anchoring system is also designed to prevent pavement cracking and for high wind load resistance to withstand severe weather.

III. Hours of Operation

The proposed special exception uses will be operational only during Home Depot's regular business hours. No change in the regular hours of operation is proposed for this application. At present, the hours of operation of the existing Home Depot store are:

Monday – Saturday	6:00 a.m. – 10:00 p.m.
Sunday	8:00 a.m. – 8:00 p.m.

IV. Impacts on Adjacent Uses & Measures Proposed to Mitigate Such Impacts

The impact of the Applicant's proposed uses on adjacent properties will be minimal. The Property is surrounded on all four sides by similarly-zoned and planned properties and the Subject Property's Town Plan designation contemplates the Applicant's proposed uses. No other physical alterations to the existing Home Depot store are proposed. The vehicle rental and outdoor storage areas will be located in a low traffic area of the Subject Property in order to minimize pedestrian and automobile conflicts.

The proposed special exception uses will adequately provide for safety from fire hazards and have effective measures of fire control. Noise emanating from the site will not have a negative effect on land uses in the immediate vicinity as very little noise will be generated by the proposed uses. The proposed uses will adequately be served by public facilities. Adequate services are available to support the proposed uses on the site. Water and sewer are available and road capacity exists on the adjacent roadways.

The Applicant is unaware of any adverse traffic impacts that will be generated by the proposal. Any additional outdoor lighting will comply with Town requirements and will be designed to reduce the amount of glare or light that may potentially be emitted from the proposed special exception uses.

Because the Applicant's proposed uses are located entirely interior to the Subject Property, no changes to the existing landscaping for Fort Evans Plaza are contemplated and all landscaping will continue to adhere to Town requirements appropriate to the respective uses on each of these parcels. The outdoor storage area proposed in Area 3 will be enclosed with a fence in substantial conformity to that shown on the Special Exception Plat.

V. Traffic Impacts

As noted in the trip generation memorandum prepared by Vanesse Hangen Brustlin, Inc., the Applicant's proposed use will increase morning and afternoon peak trips between 18 and 34 trips (12 and 13 percent, respectively). Likewise, daily trips are expected to increase approximately nine percent (306 trips). Because the existing Home Depot store is part of the larger Fort Evans Plaza, the expected trip increase associated with the proposed use is minimal compared to the overall shopping center traffic.

VI. Parking

As shown on the Special Exception Plat, 457 parking spaces are presently provided on the Subject Property. Of these spaces, 12 are currently reserved for the property immediately adjacent to the south of the Subject Property (PIN #147-15-0954) and an additional 328 spaces are required to serve the existing Home Depot store and garden center. With these deductions, the Subject Property is "over-parked" by 117 spaces under existing conditions.

The proposed 23,636-square feet of outdoor storage uses will generate the need for 48 parking spaces, while the 2,052-square foot vehicle rental use will generate the need for one parking space. Additionally, the uses proposed in Areas 3 and 4 will encumber 64 parking spaces. Accordingly, the Subject Property will continue to be "over-parked" by four spaces under the Applicant's proposal.

VII. Compliance with Section 3.4.12 Approval Criteria

Section 3.4.12 of the Zoning Ordinance contains application evaluation criteria for approval of special exception applications, and in considering a special exception application, the Planning Commission and Town Council shall consider the following enumerated factors, in addition to other reasonable considerations, in making their decisions regarding approval or disapproval of a special exception application. The Applicant is confident that this special exception application meets the applicable criteria as explained below.

A. The proposed use will not adversely affect the use of neighboring properties.

The proposed special exception will not have any significant impact on adjacent land uses, since the proposed uses will be located on the same parcel as the existing Home Depot store, and no permanent changes are contemplated. The Subject Property is surrounded by similarly-zoned commercial uses and the Subject Property is an existing, already-built site. The Applicant will make use of the existing parking lot and no additional impervious area will be created.

Most, if not all, of the customers using the proposed truck rental and outdoor storage areas are existing Home Depot customers and would not otherwise be attracted to the site specifically for these services and supplies. Because the Subject Property will continue to offer sufficient parking spaces in accordance with Zoning Ordinance requirements, no overflow parking impacts to adjacent properties are anticipated. No changes to the Subject Property's lighting plan are contemplated.

Because the Applicant's proposed uses are located entirely interior to the Subject Property, no changes to the existing landscaping for Fort Evans Plaza are contemplated and all landscaping will continue to adhere to Town requirements appropriate to the respective uses on each of these parcels. The Applicant's four proposed areas will be designed to minimize pedestrian and automobile conflicts and none of the Applicant's proposed areas will block any required ingress or egress to the Home Depot store. The Applicant is unaware of any adverse traffic impacts or additional trips that will be generated by the proposal (see Section V, above). The Subject Property, inclusive of the Applicant's special exception request, meets all parking requirements.

B. The use shall comply with applicable zoning district regulations and applicable provisions of the adopted Town Plan including, but not limited to, the Plan's Land Use Compatibility Policies.

The Subject Property is zoned to the B-3 (Community Retail/Commercial) zoning district, which permits the requested special exception uses. The Subject Property is located adjacent to Fort Evans Road and east of the Route 15 Bypass in northeastern Leesburg in an area that the Town has designated for "Regional Retail" uses under the land use recommendations of the Town Plan.

C. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings.

The Subject Property, and all uses contained, or proposed to be contained, therein are adequately landscaped, screened, and buffered appropriately according to the

requirements set forth by the Town. None of the uses on the Subject Property will hinder or discourage appropriate development and use of adjacent or nearby properties, as the Subject Property forms a portion of an existing retail center.

- D. The proposed use will be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.**

Pedestrian and vehicular traffic is not anticipated to affect the existing levels of service on the surrounding roadways, which are classified as through collector roadways and limited access roadway and are streets designed to accommodate this level of commercial traffic. Pedestrian traffic within the Subject Property will be adequately served and protected.

VIII. Compliance with Section 9.3.28 Vehicle Sales or Rental Facilities Criteria

- A. Sales rooms, rental offices, or service facilities shall be located within an enclosed building.**

The rental office for the proposed vehicle rental facility will be located within the existing Home Depot store. No vehicle sales or service is contemplated within this application.

- B. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles in inoperable condition as defined in Section 32-147 of the Town Code.**

The special exception plat shows the vehicle rental parking area. The Applicant is not in the business of storing nor displaying vehicles in inoperable condition.

- C. All outdoor areas used for parking, storage, loading, display and driveways shall be constructed and maintained with an all-weather, dustless surface.**

The proposed vehicle rental parking area will be located on the Subject Property's existing parking lot and, therefore, will be located on an all-weather, dustless surface.

- D. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare in surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.**

No additional outdoor lighting is contemplated by this application. Lighting on the Subject Property will continue to comply with Town requirements.

- E. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site and will not impact adjacent properties or roadways.**

Given that the proposed vehicle rental use is located in an existing retail facility with lighting that meets Town requirements, and that no additional lighting is proposed, the Applicant has requested a waiver of the requirement for a lighting plan/study.

IX. Summary

Home Depot prides itself on providing Town customers with competitive prices, convenience, and excellent customer service. The Applicant's request will contribute to the welfare and convenience of the public by offering outdoor lawn and garden products to the Applicant's customers and allowing Home Depot to efficiently display, store, and stage its products in a safe manner. Not only does this proposal seek to provide a greater variety of goods sold to consumers at the existing Home Depot store, but by increasing the diversity of the store's merchandise offerings, Home Depot will continue to assist in improving the Town's tax base. The proposal will allow the Leesburg Home Depot to better meet the changing needs of Town residents.



The Town of Leesburg
INTEROFFICE MEMORANDUM
DEPARTMENT OF PLAN REVIEW

TO: IRISH GRANDFIELD, AICP DATE: January 10, 2013
DEPT. OF PLANNING AND
ZONING

FROM: DENNIS B. DARNES, P.E. RE: TLSE-2012-0003
SENIOR PROJECT MANAGER/
SECTION CHIEF HOME DEPOT
DEPT. OF PLAN REVIEW SECOND SUBMISSION
COMMENTS

Recommendation:

The Department of Plan Review (DPR) recommends that the Special Exception Plat be revised to address the following review comments prior to any action on the application.

Information received by DPR on December 11, 2012:

- | | |
|----------------------------|------------|
| 1. Referral Memorandum | 12-10-2012 |
| 2. Special Exception Plat | 12-11-2012 |
| 3. Comment Response Letter | 12-07-2012 |

Analysis and Conclusions:

The Department of Plan Review has completed a review of the Special Exception application submitted. The following comments are offered for your consideration.

Special Exception Plat Issues:

Storm Drainage:

- 1.(1) As mentioned in Note 7, the uses listed in this Special Exception require upgrade of the drainage system from a water quality (BMP) perspective. These areas are designated as "Hot Spot" uses per the DCSM. The applicant shall submit construction drawings for the installation of BMP facilities onsite to meet "Hot Spot" design criteria as follows: (Sht. 1) DCSM 5-640. *Construction drawings to install the necessary BMP facilities, etc. are still required, as acknowledged by the Applicant.*
 - A. Note that the designated parking area for fleet storage of the rental trucks does not appear to be large enough to accommodate larger vehicles. Update the plat to delineate a BMP Area reflective of a fleet parking area large enough to accommodate eight (8) - 30' trucks and re-calculate the BMP square footage and parking space requirements as appropriate. *BMP "Hot Spot" design criteria shall*

be utilized for the larger rental fleet parking area (Area 4) and other areas delineated on the Special Exception Plat.

- B. Delineate the BMP area reflective of the attached markup. *Outdoor Sales associated with the Garden Center which include fertilizers, chemicals, etc. shall also be included in the BMP area in addition to the rental fleet storage area (largest Area 4) and the outdoor sales area (largest Area 3) as was shown on the previous markup. Also update Note 7 on the Special Exception Plat to reflect that BMP measures will be provided to meet “Hot Spot” design criteria for the areas listed above.*
- C. Area is subject to change once more detail is provided with the final construction plans. *This comment is repeated.*

Dennis B. Darnes, P.E.
Senior Project Manager/Section Chief

(#) Indicates comment number outstanding from the DPR comment letter dated July 17, 2012. Updated comment information from second submission is shown in *italics*.

(N) Indicates new comment based on either new, or revised information provided with this submission.

DCSM = Design and Construction Standards Manual
SLDR = Subdivision and Land Development Regulations
Z.O. = Zoning Ordinance

Cc: William R. Ackman, Jr., P.E., Director of Plan Review

J:\Documents\TLSE\TLSE-2012\TLSE-2012-0003 Home Depot\Second Sub\TLSE-2012-0003.2final.dbd.doc



The Town of Leesburg
DEPARTMENT OF PLANNING AND ZONING

TO: Irish Grandfield
Project Manager

DATE: January 7, 2013

FROM: Kevin Lawlor
Sr. Planner – Zoning

RE: TLSE-2012-0003
2nd Submission

I have reviewed the proposed Home Depot Special Exception plat, engineer revision date 12/6/12, received date none, prepared by Gordon & Associates. The applicant proposes to provide designated areas for the proposed use of vehicle rental and outdoor display/storage of merchandise.

I provide the following information in review of the request.

1. Sheet 1: Middle (2nd) Parking Tabulation. Change Required Parking for Area 1-3 to reflect 14,744 s.f. @ 1 space per 500 s.f. of sales area or 29 spaces required. Area 4 change the required parking to reflect 2,736 s.f. @ 1 space per 2500 s.f. of open sales area or 1 space required. These changes will reduce the total of 371 required parking spaces to 369.
2. The area 3 fence diagram illustrations on sheet 2 should include the time periods each fence configuration proposed to be used as stated in the December 7, 2012 response letter #3.
3. The response letter provides dates for uses of the various configurations of the fenced in Area 3. The dates provided leave out the period from Sept. 15 to March 15. Is this to be understood to mean that Area 3 will only be used from March 15 thru Sept. 15 and not from Sept. 15 thru March 15th? If this is the intent, a note needs to be included on the plat indicating so. If the area will be used (and fenced) from Sept. – March the fence diagram should include those dates as well.
4. The applicant response to #11 regarding rental truck parking states that Sheet 2 of the plat has been revised to reflect spaces that are suitable

for an SU 30 type vehicle in Area 4. Nowhere on Sheet 2 is shown the minimum SU 30 minimum space dimensions of 15' x 30'. The lettering painting diagram shows the "Truck Rental Spaces" stencil in a space measuring 9' x 19'. Area 4 on Sheet 1 still shows 9' x 19' spaces depicted under the shading. Instead, Area 4 needs to be depicted showing the required five SU type 15' x 30' spaces and the eight non-SU type spaces 9' x 19'.

Kevin P. Lawlor

Attachment 5. DPW Email

e-mail 12/12/2012:

Irish,

The Transportation Division has no comments on TLZM-2012-0003 (Home Depot).

Thanks,

Michael P. Armstrong, EIT, LSIT
Engineer
Town of Leesburg - Department of Public Works
703-771-2759
marmstrong@leesburgva.gov



The Town of Leesburg
INTEROFFICE MEMORANDUM
DEPARTMENT OF UTILITIES

To: James P. ("Irish") Grandfield, AICP, Senior Planner

From: *AE* Aref Etemadi, Deputy Director of Utilities

Date: June 28, 2012

Subject: Home Depot SE Vehicle Rental
TLSE – 2012-0003
1st Submission

The department of utility has no comment to offer relating to the utility issues. However, as a resident of Loudoun County and a frequent visitor to their sterling location observing their operation in that store, I encourage the staff to visit that site and observe their operation first hand.

In that location they are not parking the vehicles in a designated area. They park the vehicles all over their parking lot and between spaces used by patrons taking two spaces at time. It is a very unsightly situation and not safe.

WRITTEN STATEMENT & STATEMENT OF COMPLIANCE

Home Depot U.S.A., Inc.

TLSE 2012-0003

Special Exception for Vehicle Sales and/or Rental Facility and Outdoor Storage

Loudoun County Tax Map Parcel #49-26-2 (PIN #147-15-0298)

February 4, 2013

I. Introduction

Home Depot U.S.A. Inc. (hereinafter, "Applicant"), the lessee of Loudoun County Tax Map #49-26-2 (PIN #147-15-0298) which comprises 9.52 acres of land (hereinafter, the "Subject Property"), is interested in pursuing special exception approval to accommodate both the rental of vehicles and open storage of seasonal sales items for display, sales, and staging pursuant to the table located in § 6.5.2 of the Zoning Ordinance of the Town of Leesburg ("Zoning Ordinance").

The Subject Property includes a 114,789-square foot building material sales store and a 16,014-square foot garden center. The Subject Property comprises a portion of the Fort Evans Plaza shopping center, and is located along the north side of Fort Evans Road (Route 773) and east of the Route 15 bypass in the Town of Leesburg. The Owner of the Subject Property is Fort Evans Plaza Limited Partnership.

The Subject Property is zoned to the B-3 (Community Retail/Commercial) zoning district and is governed by the policies of the 2005 Leesburg Town Plan, which designates this area for "Regional Retail" uses. The Subject Property is subject to two previous approvals, including a special exception, SE-98-01 ("Uniwest"), approved by the Town Council in 1998 for the construction of a lumber and/or building material sales facility; as well as final development plan (DPR 98-120-2F-3.0), approved in 1999. The Home Depot building was constructed in 1999. The Subject Property is surrounded by the Leesburg Premium Outlets to the south (zoned B-3), vacant land and Fort Evans Plaza II to the east (zoned B-3), the Battlefield Shopping Center to the north (zoned B-3), and Fort Evans Plaza Lot 1 to the west (zoned B-3).

II. Description of Proposal

Home Depot has long served the Town of Leesburg and surrounding communities and prides itself on providing customers with quality customer service, competitive prices, and convenience. As residential and commercial development in the town has increased substantially over the past decade, the need for area retailers to make outdoor goods (i.e., lawn and garden products for homeowners and landscapers, Christmas trees, etc.) and moving vehicles available to consumers has similarly increased.

In order to remain competitive with other retailers, as well as to meet the needs of the Town's residents to procure outdoor products and transport those products, the Applicant is requesting a special exception for these two uses. A brief description of each requested special exception use is included below:

- 1) "Vehicle Sales and/or Rental Facility" Use: The proposed vehicle rental operation would be located on a maximum of 16 existing parking spaces on the Subject Property and depicted as "Area 4" on the Special Exception Plat. No more than eight rental vehicles or a maximum of five SU30 vehicles will be located in Area 4 at any given time. To reflect anticipated times of heavy and lighter usage, Area 4 will consist of 16 parking spaces (comprising 2,736 square feet) between June 15th and September 15th annually, and 12 parking spaces (comprising 2052 square feet) between September 15th and June 15th annually.

The Applicant will install signs on the median adjacent to Area 4 and will paint "Truck Rental Parking Only" markings on all Area 4 parking spaces. Vehicle rentals will occur only during the Home Depot store's regular business hours, with most drop-offs occurring during off-peak hours. All rentals will occur through the customer service counter within the existing Home Depot store.

- 2) "Outdoor Storage" Use: As depicted in Areas "1" through "3" on the Special Exception Plat, the Applicant proposes outdoor storage areas, comprising a maximum of 17,944 square feet in aggregate, for the display of merchandise and temporary assembly and inventory of goods, including display sheds and seasonal sales items. The activities of each area is further described as follows:

- a. Area 1: Staging Areas: The Applicant proposes use of approximately 3,580 square feet in "Area 1," located along the rear of the existing store, which will allow sufficient space throughout the year for the continual storage and staging of recently unloaded items on a temporary basis for the assembly and inventory of goods and seasonal sales items.

Such items are routinely delivered by trucks and brought into the store within a 24- to 72-hour period and will be packaged, palletized, and/or shrink wrapped to ensure that such materials remain confined to their respective packaging. Said materials will be stored next to the rear building wall in designated locations and will not exceed 12 feet in depth nor 10 feet in height. No sales or public display of merchandise will be permitted in any of the Staging Areas.

- b. Area 2: Outdoor Display Areas: The Applicant proposes use of approximately 4,252 square feet in "Area 2" along the front of the existing store for the storage, display, and sale of merchandise on a continual basis. These areas will be located outside of any fire lanes and open to the public, with sales occurring within the existing store or garden center.
- c. Area 3: Seasonal Sales Area: Area 3 will be used solely for the storage and retail sales of seasonal products including, but not limited to live plants and other

associated garden materials. Reflective of periods of higher and lower seasonal sales volumes, Area 3 is proposed to comprise approximately 10,112 square feet (52 parking spaces) between March 15th and June 15th annually. Between June 15th and September 15th, Area 3 will be reduced in size to 6,912 square feet (40 parking spaces). No parking spaces will be encumbered the balance of the year. Sales will occur either within Area 3 or within the existing store or garden center.

Area 3 will be fenced with an anchoring system that Applicant has successfully utilized at stores in areas of the country with extreme cold and warm temperatures and severe weather. The proposed fencing system will protect against rotting, corrosion, or abnormal weathering, and includes smooth surfaces and an absence of sharp edges to ensure that the fence will not chip, fade, rot, rust, peel, or require staining. The proposed fence and anchoring system is also designed to prevent pavement cracking and for high wind load resistance to withstand severe weather.

III. Hours of Operation

The proposed special exception uses will be operational only during Home Depot's regular business hours. No change in the regular hours of operation is proposed for this application. At present, the hours of operation of the existing Home Depot store are:

Monday – Saturday	6:00 a.m. – 10:00 p.m.
Sunday	8:00 a.m. – 8:00 p.m.

IV. Impacts on Adjacent Uses & Measures Proposed to Mitigate Such Impacts

The impact of the Applicant's proposed uses on adjacent properties will be minimal. The Property is surrounded on all four sides by similarly-zoned and planned properties and the Subject Property's Town Plan designation contemplates the Applicant's proposed uses. No other physical alterations to the existing Home Depot store are proposed. The vehicle rental and outdoor storage areas will be located in a low traffic area of the Subject Property in order to minimize pedestrian and automobile conflicts.

The proposed special exception uses will adequately provide for safety from fire hazards and have effective measures of fire control. Noise emanating from the site will not have a negative effect on land uses in the immediate vicinity as very little noise will be generated by the proposed uses. The proposed uses will adequately be served by public facilities. Adequate services are available to support the proposed uses on the site. Water and sewer are available and road capacity exists on the adjacent roadways.

The Applicant is unaware of any adverse traffic impacts that will be generated by the proposal. Any additional outdoor lighting will comply with Town requirements and will be designed to

reduce the amount of glare or light that may potentially be emitted from the proposed special exception uses.

Because the Applicant's proposed uses are located entirely interior to the Subject Property, no changes to the existing landscaping for Fort Evans Plaza are contemplated and all landscaping will continue to adhere to Town requirements appropriate to the respective uses on each of these parcels. The outdoor storage area proposed in Area 3 will be enclosed with a fence in substantial conformity to that shown on the Special Exception Plat.

V. Traffic Impacts

As noted in the trip generation memorandum prepared by Vanesse Hangen Brustlin, Inc., the Applicant's proposed use will increase morning and afternoon peak trips between 18 and 34 trips (12 and 13 percent, respectively). Likewise, daily trips are expected to increase approximately nine percent (306 trips). Because the existing Home Depot store is part of the larger Fort Evans Plaza, the expected trip increase associated with the proposed use is minimal compared to the overall shopping center traffic.

VI. Parking

As shown on the Special Exception Plat, 457 parking spaces are presently provided on the Subject Property. Of these spaces, 12 are currently reserved for the property immediately adjacent to the south of the Subject Property (PIN #147-15-0954) and an additional 328 spaces are required to serve the existing Home Depot store and garden center. With these deductions, the Subject Property is "over-parked" by 117 spaces under existing conditions.

The proposed 23,636-square feet of outdoor storage uses will generate the need for 48 parking spaces, while the 2,052-square foot vehicle rental use will generate the need for one parking space. Additionally, the uses proposed in Areas 3 and 4 will encumber 64 parking spaces. Accordingly, the Subject Property will continue to be "over-parked" by four spaces under the Applicant's proposal.

VII. Compliance with Section 3.4.12 Approval Criteria

Section 3.4.12 of the Zoning Ordinance contains application evaluation criteria for approval of special exception applications, and in considering a special exception application, the Planning Commission and Town Council shall consider the following enumerated factors, in addition to other reasonable considerations, in making their decisions regarding approval or disapproval of a special exception application. The Applicant is confident that this special exception application meets the applicable criteria as explained below.

A. The proposed use will not adversely affect the use of neighboring properties.

The proposed special exception will not have any significant impact on adjacent land uses, since the proposed uses will be located on the same parcel as the existing Home Depot store, and no permanent changes are contemplated. The Subject Property is surrounded by similarly-zoned commercial uses and the Subject Property is an existing, already-built site. The Applicant will make use of the existing parking lot and no additional impervious area will be created.

Most, if not all, of the customers using the proposed truck rental and outdoor storage areas are existing Home Depot customers and would not otherwise be attracted to the site specifically for these services and supplies. Because the Subject Property will continue to offer sufficient parking spaces in accordance with Zoning Ordinance requirements, no overflow parking impacts to adjacent properties are anticipated. No changes to the Subject Property's lighting plan are contemplated.

Because the Applicant's proposed uses are located entirely interior to the Subject Property, no changes to the existing landscaping for Fort Evans Plaza are contemplated and all landscaping will continue to adhere to Town requirements appropriate to the respective uses on each of these parcels. The Applicant's four proposed areas will be designed to minimize pedestrian and automobile conflicts and none of the Applicant's proposed areas will block any required ingress or egress to the Home Depot store. The Applicant is unaware of any adverse traffic impacts or additional trips that will be generated by the proposal (see Section V, above). The Subject Property, inclusive of the Applicant's special exception request, meets all parking requirements.

B. The use shall comply with applicable zoning district regulations and applicable provisions of the adopted Town Plan including, but not limited to, the Plan's Land Use Compatibility Policies.

The Subject Property is zoned to the B-3 (Community Retail/Commercial) zoning district, which permits the requested special exception uses. The Subject Property is located adjacent to Fort Evans Road and east of the Route 15 Bypass in northeastern Leesburg in an area that the Town has designated for "Regional Retail" uses under the land use recommendations of the Town Plan.

C. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings.

The Subject Property, and all uses contained, or proposed to be contained, therein are adequately landscaped, screened, and buffered appropriately according to the requirements set forth by the Town. None of the uses on the Subject Property will hinder or discourage appropriate development and use of adjacent or nearby properties, as the Subject Property forms a portion of an existing retail center.

- D. The proposed use will be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.**

Pedestrian and vehicular traffic is not anticipated to affect the existing levels of service on the surrounding roadways, which are classified as through collector roadways and limited access roadway and are streets designed to accommodate this level of commercial traffic. Pedestrian traffic within the Subject Property will be adequately served and protected.

VIII. Compliance with Section 9.3.28 Vehicle Sales or Rental Facilities Criteria

- A. Sales rooms, rental offices, or service facilities shall be located within an enclosed building.**

The rental office for the proposed vehicle rental facility will be located within the existing Home Depot store. No vehicle sales or service is contemplated within this application.

- B. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles in inoperable condition as defined in Section 32-147 of the Town Code.**

The special exception plat shows the vehicle rental parking area. The Applicant is not in the business of storing nor displaying vehicles in inoperable condition.

- C. All outdoor areas used for parking, storage, loading, display and driveways shall be constructed and maintained with an all-weather, dustless surface.**

The proposed vehicle rental parking area will be located on the Subject Property's existing parking lot and, therefore, will be located on an all-weather, dustless surface.

- D. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare in surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.**

No additional outdoor lighting is contemplated by this application. Lighting on the Subject Property will continue to comply with Town requirements.

- E. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site and will not impact adjacent properties or roadways.**

Given that the proposed vehicle rental use is located in an existing retail facility with lighting that meets Town requirements, and that no additional lighting is proposed, the Applicant has requested a waiver of the requirement for a lighting plan/study.

IX. Summary

Home Depot prides itself on providing Town customers with competitive prices, convenience, and excellent customer service. The Applicant's request will contribute to the welfare and convenience of the public by offering outdoor lawn and garden products to the Applicant's customers and allowing Home Depot to efficiently display, store, and stage its products in a safe manner. Not only does this proposal seek to provide a greater variety of goods sold to consumers at the existing Home Depot store, but by increasing the diversity of the store's merchandise offerings, Home Depot will continue to assist in improving the Town's tax base. The proposal will allow the Leesburg Home Depot to better meet the changing needs of Town residents.



Leesburg Police Department
Community Services Section
Master Police Officer C.F. Tidmore, CPS
Crime Prevention Specialist

TO: Irish Grandfield, AICP Senior Planner
FROM: Master Police Officer C.F. Tidmore, CPS, LPD
DATE: 3-26-2013
RE: TLSE-2012-003
SUBJECT: Input - Proposed 12 ft. Screening Wall

Recommendation:

I have no objection to the proposed 12 foot screening wall as requested by the Planning Division.

Evaluation:

The primary application of the "screen" requested by the town is to act as a screen for an outdoor storage area used by Home Depot. While the recommended materials are masonry, the length of the wall should not reduce the application of natural surveillance. The wall will screen anyone looking directly at the wall from the parking lot or even some areas of the roadway to the south. But police officers on patrol and even employees of the Home Depot can easily see the area of the east wall where products are temporarily stored. As you get closer or change the angle of your line of sight the area can be observed. This does depend on how far you are from the area.

The use of a mix of materials could be used to deter unwanted activities behind the screen. A combination of masonry and metal fencing could be considered. The metal fenced portions, if a tight pattern was used, would still act as a visual buffer from a distance. Motion and lights could still be seen through the fence portions. This would be beneficial during the hours the retail store was closed and not occupied by employees. (Example picture posted below)

I would recommend that the Home Depot consider using cameras as a crime deterrent. A single camera would not provide any decent images for such a large area. I would recommend at least three PTZ equipped cameras. Placing one on each corner of the east wall so their views slightly overlap and a third in the middle of the building to be used as needed. (Direct at a doorway, a specific item or actively by a loss prevention team member).

*Example of a mix of masonry and metal fencing. The use of metal fencing with a “tighter” pattern would make more of a screen effect. This style of fencing would not give much “screening”.



Disclaimer:

The attached recommendations are based on industry practices and accepted CPTED principles. While they are intended to deter criminal activity, the implementation of these recommendations cannot guarantee the total absence of criminal activity.

PRESENTED: April 9, 2013

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2012-0003, HOME DEPOT, A SPECIAL EXCEPTION TO ALLOW VEHICLE RENTAL AND OUTDOOR STORAGE AT 280 FORT EVANS ROAD IDENTIFIED AS LOUDOUN COUNTY PARCEL IDENTIFICATION NUMBER (PIN) 147-15-0298

WHEREAS, Home Depot LLC is requesting Special Exception approval to allow (1) Outdoor Sales accessory to retail sales and (2) Vehicle Rental in the B-3, Community Retail/Commercial District zoning district at their existing store located at 280 Fort Evans Road on property identified as Loudoun County Parcel Identification (PIN) number 147-15-0298; and

WHEREAS, the Planning Commission held a duly advertised Public Hearing on February 21, 2013; and

WHEREAS, the Town Council held a duly advertised Public Hearing on April 9, 2013; and

WHEREAS, Town Council has determined the proposed use meets the special exception use standards for outdoor storage and vehicle rental set forth in the Zoning Ordinance; and

WHEREAS, Town Council has determined that the Approval Criteria of Zoning Ordinance Section 3.4.12 have been satisfied; and

WHEREAS, Town Council has determined that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that Special Exception application TLSE-2012-0003, Home Depot, is hereby approved to permit outdoor storage and vehicle rental subject to the following conditions:

A RESOLUTION: APPROVING TLSE-2012-0003, HOME DEPOT, A SPECIAL EXCEPTION TO ALLOW VEHICLE RENTAL AND OUTDOOR STORAGE AT 280 FORT EVANS ROAD IDENTIFIED AS LOUDOUN COUNTY PARCEL IDENTIFICATION NUMBER (PIN) 147-15-0298

1. Substantial Conformance. The use shall be in substantial conformance with the approved special exception plat entitled "Home Depot at Fort Evans Plaza," dated June 4, 2012 and revised through December 6, 2012 and prepared by William H. Gordan Associates.
2. No Waivers Expressed or Implied. Approval of this special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual, except as may have been approved as part of this application. Final plats, site plans, and construction drawings are subject to applicable town regulations.
3. Area 1 Use. Area 1 shall be used solely for the staging of bulk building materials, landscaping, and garden items on a temporary basis (no more than 72 hours). Such materials will be stored next to the rear building wall in designated locations and will not exceed 12 feet in depth and 10 feet in height. All materials placed in Area 1 will be packaged, palletized, and/or shrink wrapped to ensure that such materials remain confined to their respective packaging. Any loose materials or errant packaging shall be immediately collected and/or retrieved by Home Depot personnel.
4. Area 1 Pavement marking. Area 1 shall include pavement marking along the rear of the store to clearly demarcate the extent of Area 1 and the rear travel aisle consistent with the approved special exception plat.
5. Area 1 Screening. The Applicant shall construct a 12'-long, eight-foot high masonry wall at the southeastern corner of the store to visually shield Area 1 merchandise, transformers, and bollards from adjacent properties.
6. Area 2 Use. Area 2 shall be used for storage, display and sale of merchandise consistent with the approved special exception plat.
7. Area 2 Marking. The spaces in Area 2 allowable for storage, display and sale shall be clearly marked on the pavement.
8. Area 3 Use. Area 3 shall be used solely for the storage and retail sales of seasonal live plants and other associated garden materials. Between March 15th and June 15th annually, Area 3 is proposed to comprise approximately 10,112 square feet; between June 15th and September 15th, Area 3 will be reduced in size to 6,912 square feet as depicted on the approved special exception plat.

A RESOLUTION: APPROVING TLSE-2012-0003, HOME DEPOT, A SPECIAL EXCEPTION TO ALLOW VEHICLE RENTAL AND OUTDOOR STORAGE AT 280 FORT EVANS ROAD IDENTIFIED AS LOUDOUN COUNTY PARCEL IDENTIFICATION NUMBER (PIN) 147-15-0298

9. Area 3 Fencing. Area 3 fencing shall be consistent with the diagrams shown on the special exception plat and shall be kept in good repair with no corrosion or damaged panels. No signage shall be permitted on the fence except for what is otherwise allowable by Town regulations.
10. Area 4 Use. Area 4 shall be used solely for rental truck parking during the dates specified on the special exception plat. All vehicles must be contained completely within the truck rental parking area as depicted on the approved special exception plat with a maximum of eight rental vehicles at any given time.
11. Area 4 Pavement marking. The Applicant shall install signs on the median adjacent to Area 4 and will paint "Truck Rental Parking Only" markings on all Area 4 parking spaces.
12. Inoperable Vehicles. There shall be no storage or display of vehicles in inoperable condition.
13. Vehicle Sales Prohibited. There shall be no sales of vehicles from the site.
14. Landscaping. At time of site plan review, the Applicant will demonstrate that all buffers are in accord with the previously-approved site plan and, if necessary, Home Depot will agree to replant any missing, dead, or decaying landscaping.

PASSED this 9th day of April, 2013

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council