

**TOWN OF LEESBURG
NOTICE OF TOWN COUNCIL PUBLIC HEARING
TO CONSIDER REZONING AND SPECIAL EXCEPTION APPLICATIONS
TLZM-2013-0002, TLSE-2013-0006, AND TLSE-2013-0013
JERRY'S FORD**

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, February 11, 2014 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider Rezoning Application TLZM-2013-0002 and Special Exception Applications TLSE-2013-0006 & TLSE-2013-0013, Jerry's Ford a request to permit redevelopment of an existing automobile dealership on East Market Street in Leesburg to include an expanded vehicle sales showroom, vehicle service facility, and possible future parking structure.

The subject property is located at 847 E. Market Street, Leesburg, Virginia 20176 on an existing 4.54 acre lot that is zoned I-1, Industrial/Research Park District. The property is further described as Loudoun County Parcel Identification Number (PIN) 189-28-9864 and Loudoun County Tax Map Number /48////////80F. The Town Plan designates this property as "Regional Office" on the Land Use Policy Map but states that auto dealerships and auto service may be appropriate if certain conditions are met.

Rezoning Application TLZM-2013-0002 is a request to rezone the property from I-1, Industrial/Research Park District to B-3 Community Retail/Commercial District. As part of this rezoning, the applicant is requesting modifications to buffer yard requirements as well as a modification to one use standard related to the number of wrecked or inoperable vehicles allowable on site and the amount of time such vehicles may remain. **Special Exception Application TLSE-2013-0006** is a request to allow vehicle sales and service subject to the standards of Sections 9.3.28 and 9.3.29 of the Zoning Ordinance. **Special Exception Application TLSE-2013-0013** is a request to allow a parking structure subject to the standards of Section 9.3.18 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 703-771-2343 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.

Run: 1/30 & 2/6/14



Date of Council Meeting: February 11, 2014

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

Subject: TLZM-2013-0002, TLSE-2013-0006 & TLSE-2013-0013, Jerry's Ford, a rezoning and two special exception applications to permit redevelopment of an existing automobile dealership on East Market Street in Leesburg.

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

Recommendation: Staff recommends **approval** of the proposed rezoning and **conditional approval** of the two special exceptions subject to the conditions contained in this report.

Issue: Should Town Council approve a Rezoning from I-1 to B-3 along with Special Exception applications for vehicle sales, vehicle service, and a parking structure to allow redevelopment of an existing car dealership at 847 E. Market St.?

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

Background: The Applicant is requesting approval of a Rezoning from I-1 to B-3 along with Special Exceptions for vehicle sales, vehicle service, and a parking structure to allow redevelopment of an existing car dealership at 847 E. Market St. Redevelopment of the auto dealership includes replacement of the existing 13,500 s.f. showroom/service building with a 40,300 s.f. facility and a possible future three-story parking structure approximately 23,000 s.f. in size.

Consistent with TLZO Sec. 3.4.14 & 12.8.5.f, as part of the special exception request the applicant is requesting modifications to buffer yard requirements as well as a modification to one use standard related to the number of wrecked or inoperable vehicles allowable on site and the amount of time such vehicles may remain. Staff finds the landscaping modification requests justified based on existing built conditions. Further, staff finds the use standard modifications justified as well. Staff recommends conditional approval of the modification requests finding them consistent with the Zoning Ordinance and Town Plan.

Planning Commission Public Hearing and Recommendation: The Planning Commission held a public hearing on January 16, 2014 and at the conclusion of the hearing passed a motion recommending approval of the rezoning application as well as conditional approval of the two special exception applications including three zoning ordinance modifications requested by the applicant. No members of the public spoke. The Commission expressed support for the redevelopment of the auto dealership. Further the Commission discussed the applicant's request for 24 hour a day operations and recommended approval of the request.

Staff Analysis: Staff finds the three zoning ordinance modifications requested by the applicant and the rezoning and special exception applications meet the approval criteria of the Zoning Ordinance including the following:

- Vehicle Sales Facilities Use Standards (TLZO Sec. 9.3.28)
- Vehicle Service Facility Use Standards (TLZO Sec. 9.3.29)
- Parking Structures Use Standards (TLZO Sec. 9.3.18)
- Approval criteria for rezonings (TLZO Sec. 3.3.15)
- General approval criteria for special exceptions (TLZO Sec. 3.4.12)

Recommendation and Conditions:

A. Staff recommends **approval** of rezoning TLZM-2013-0002, Jerry's Ford.

B. Staff recommends **conditional approval** of special exception TLSE-2013-0006, Jerry's Ford Vehicle Sales & Service subject to the following conditions:

1. **Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the Special Exception Plat prepared by Walter L. Phillips as revised through January 7, 2014.
2. **No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or the Land Development Official or as shown on the approved Special Exception Plat and supporting documents.
3. **Hours of operation:** Automobile sales and service shall be allowed 24 hours a day Monday through Sunday.
4. **Deliveries:** Delivery of all vehicles and supplies to the site shall be performed onsite in designated loading and delivery areas.
5. **Lighting:** Prior to the issuance of any occupancy permits, the Applicant must demonstrate that all outdoor lighting fixtures are full-cutoff. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.

And further recommend approval of the following zoning ordinance modifications as part of TLSE-2013-0006:

- A modification of TLZO Sec. 12.8.3 to allow a 10-foot wide S2 buffer yard instead of a 35-foot wide buffer yard adjacent to the property specifically identified as PIN #189-28-5794.
- A modification of TLZO Sec. 12.8.3 to allow a 5 to 10-foot wide S1 buffer yard instead of a 12.5-foot wide buffer yard adjacent to the property specifically identified as PIN #189-28-9815.
- A modification of TLZO Sec. 9.3.29 to allow a maximum of eight (8) inoperable vehicles to be located on the Subject Property (instead of four) and to allow up to two (2) weeks' time that an inoperable vehicle can be located onsite (instead of one week).

C. Staff recommends **conditional approval** of special exception TLSE-2013-0013, Jerry's Ford Private Parking Structure subject to the following conditions:

1. **Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the Special Exception Plat prepared by Walter L. Phillips as revised through January 7, 2014.
2. **No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or the Land Development Official or as shown on the approved Special Exception Plat and supporting documents.
3. **Parking Structure Use:** Storage of inoperable vehicles is prohibited in the parking structure.

Attachments

1. Planning Commission Staff Report dated January 16, 2014
2. TLZM-2013-0002 Ordinance
3. TLSE-2013-0006 Resolution
4. TLSE-2013-0013 Resolution



Date of Planning Commission Meeting: January 16, 2014

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLZM-2013-0002, TLSE-2013-0006 & TLSE-2013-0013, Jerry's Ford, a rezoning and two special exception applications to permit redevelopment of an existing automobile dealership on East Market Street in Leesburg (see Figure 1) to include an expanded vehicle sales showroom, vehicle service facility, and possible future parking structure.

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

Recommendation: Staff recommends **approval** of the proposed rezoning and conditional **approval** of the two special exceptions subject to the conditions contained in this report.

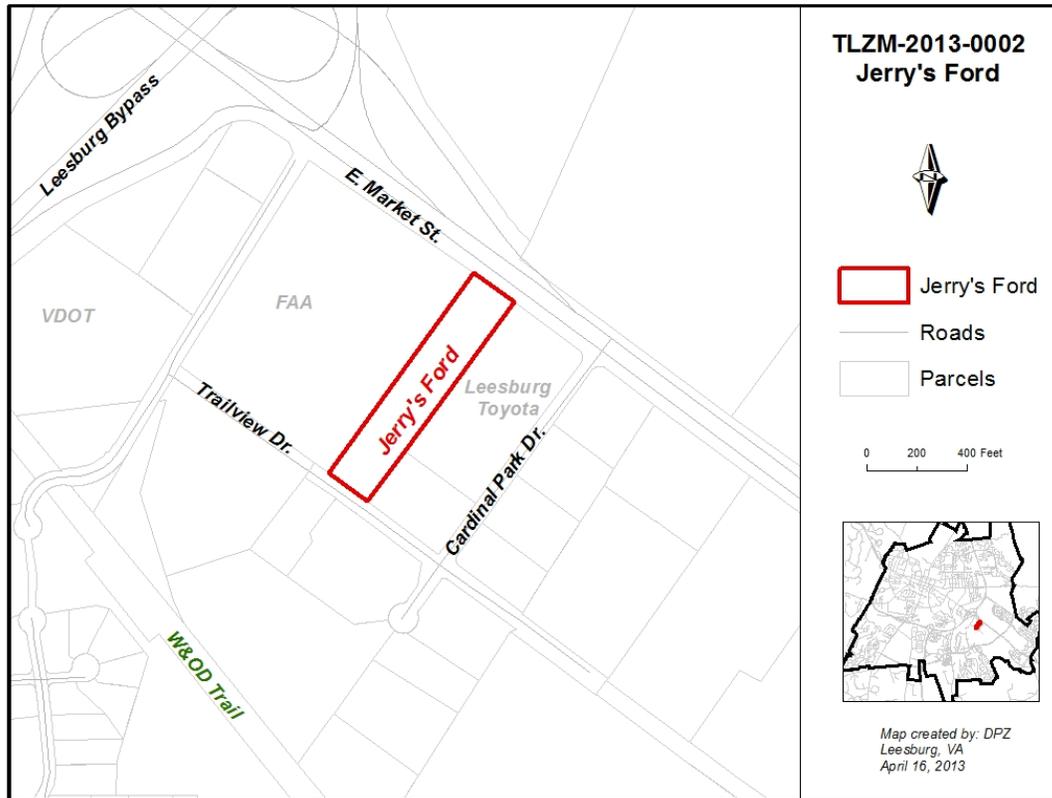


Figure 1. Application Property

I. **APPLICATION SUMMARY:** The Applicant is requesting approval of a Rezoning from I-1 to B-3 along with Special Exceptions for vehicle sales, vehicle service, and a parking structure to allow redevelopment of an existing car dealership at 847 E. Market St. (see Figure 2). A plat (Attachment 1), Statement of Justification (Attachment 2), and proffers (Attachment 3) have been submitted in support of the application. Redevelopment of the auto dealership includes replacement of the existing 13,500 s.f. showroom & service building with a 40,300 s.f. facility, and a possible future three-story parking structure approximately 23,000 s.f. in size.

Consistent with TLZO Sec. 3.4.14 & 12.8.5.f, as part of the special exception request the applicant is requesting modifications to buffer yard requirements as well as a modification to one use standard related to the number of wrecked or inoperable vehicles allowable on site and the amount of time such vehicles may remain. Staff finds the landscaping modification requests justified based on existing built conditions. Further, staff finds the use standard modifications justified as well. Staff recommends conditional approval finding the proposal consistent with the Zoning Ordinance and Town Plan.

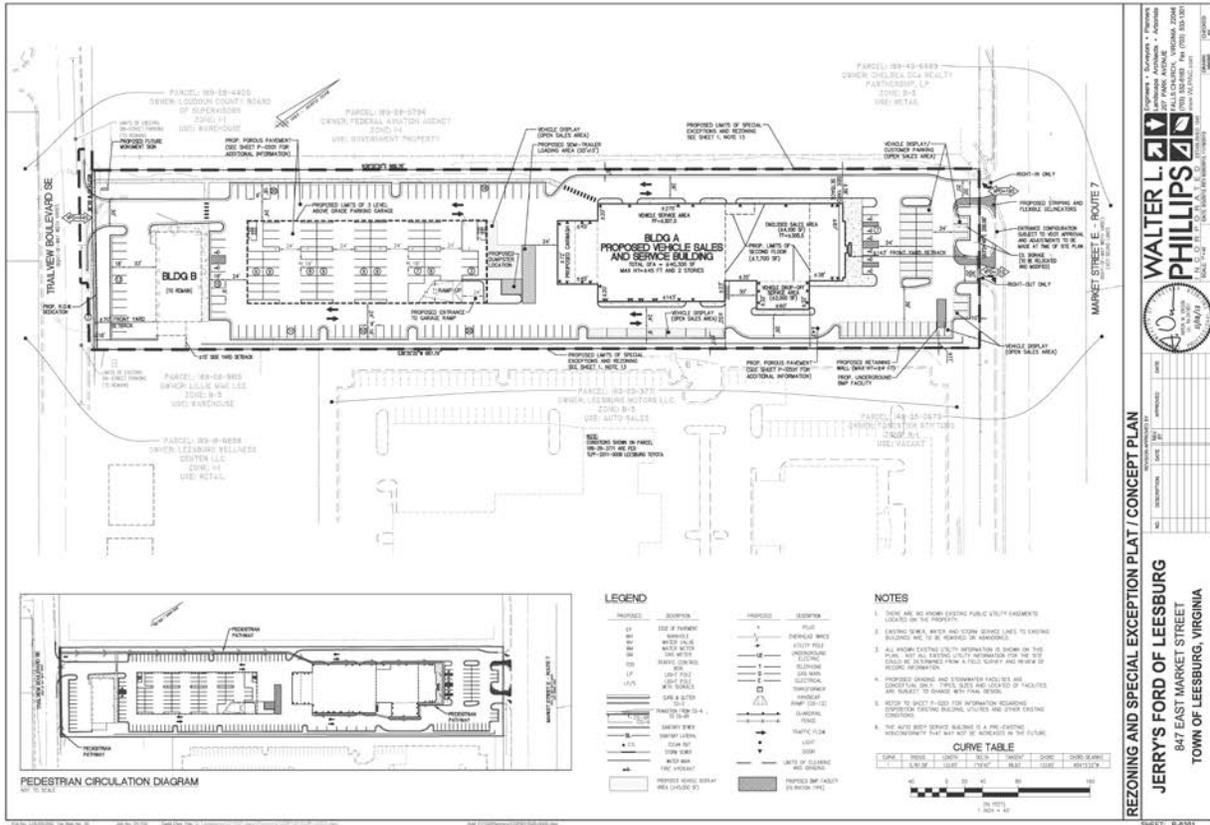


Figure 2. Concept Plan

II. CURRENT SITE CONDITIONS: The subject property is located at 847 E. Market Street, Leesburg, Virginia 20176 on an existing 4.54 acre lot that is zoned I-1, Industrial/Research Park District (see Figure 3). The property is further described as Loudoun County Parcel Identification Number (PIN) 189-28-9864 and Loudoun County Tax Map Number /48////////80F. The Town Plan designates this property as "Regional Office" on the Land Use Policy Map. The property has two businesses onsite: Jerry's Ford fronting on E. Market Street and Seneca Auto Body Shop at the rear of the site adjacent to Trailview Boulevard.

The dealership consists of 13,500 square feet of interior space housing a vehicle sales showroom, vehicle service facility, and carwash. The 5,000 square foot auto body shop has an area for temporary storage of vehicles awaiting repair. Except for an approximately 5 foot wide strip of lawn, shrubs, and trees along the east and west property lines the entire site is completely developed. Access to the site is provided through two separate two-way entrances on E. Market Street and one two-way entrance onto Trailview Boulevard.

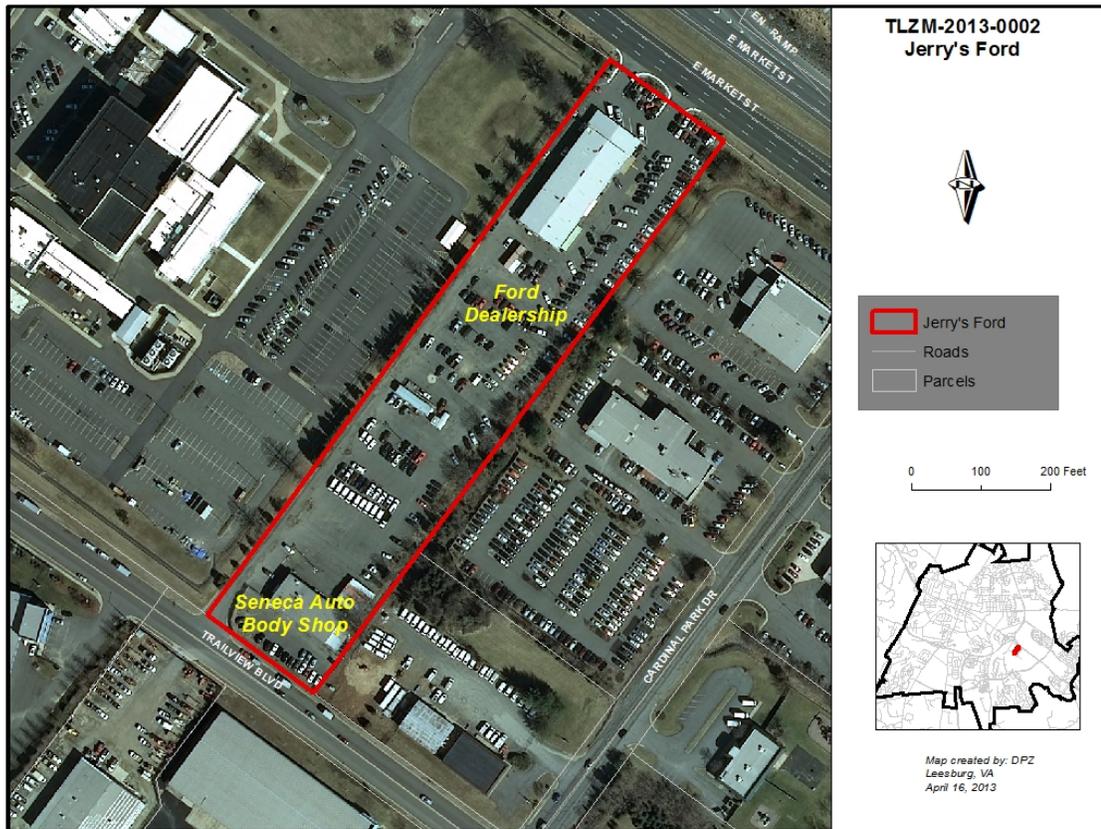


Figure3. Aerial

III. **ZONING HISTORY:** The property has existing I-1 (Industrial/Research Park District) zoning with no previous rezoning applications and subject to no proffers or special exception conditions. The existing automotive sales and service uses are considered legally non-conforming uses because they were established prior to adoption of current ordinance regulations that do not permit such uses in the I-1 District.

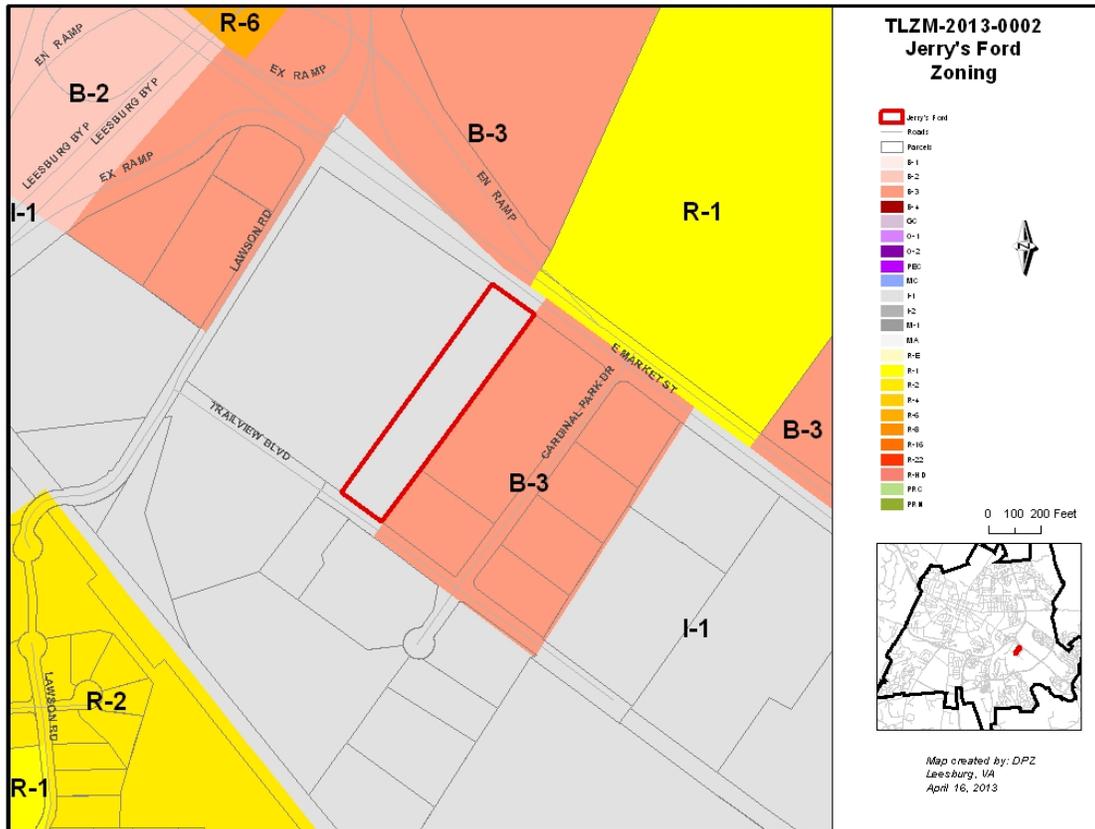


Figure 4. Zoning

IV. **USES ON ADJACENT PROPERTY:** Properties to the west and south are zoned I-1, Industrial/Research Park District. Properties to the north include Leesburg Corner Premium Outlets and vacant land. Property to the east is zoned B-3 and received special exception approval in 2011 for redevelopment of the Leesburg Toyota dealership.

Direction	Existing Zoning	Current Use	Town Plan Land Use Designation
North	B-3 & R-1	Outlet Mall & vacant	Community Commercial & Community Office
South	I-1	Mini-warehouse	Major Institutional
East	B-3	Auto Dealership	Regional Office
West	I-1	FAA	Major Institutional

V. **STAFF ANALYSIS**

A. **Town Plan Compliance:**

- i. **Land Use:** The Town of Leesburg Zoning Ordinance (TLZO) Section 3.4.12 requires an assessment of how the proposed special exception use will comply with applicable provisions of the *Town Plan*. The following elements of the *Town Plan* are applicable given the Applicant's proposal.

The property is located in the *Town Plan's* Southeast Policy area and is identified on the *Town Plan* Land Use Policy Map as "Regional Office" (see Figure 5).

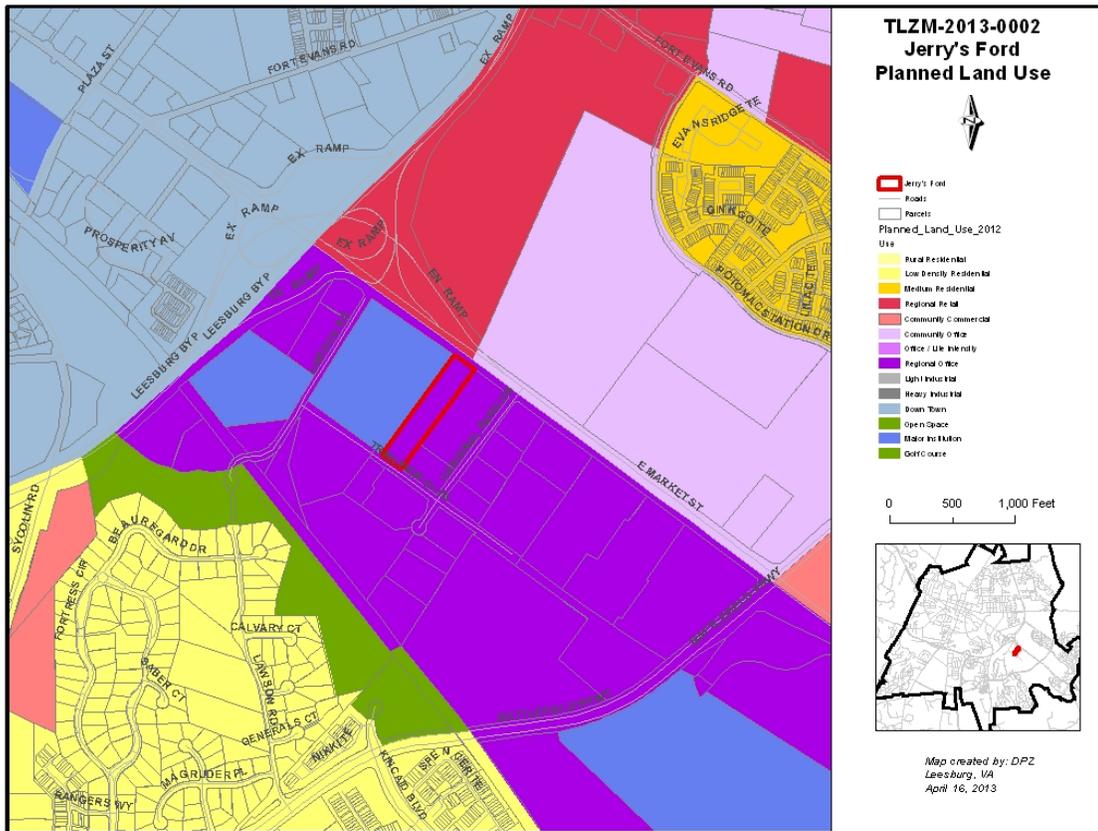


Figure 5. Town Plan Designated Land Use

Although the map designates this area for Regional Office, Southeast Land Use Objective 9 allows for continued use of the site as an auto dealership subject to three criteria. Specifically, the Policy states:

“The area south of Route 7 outside of the bypass, north of Tuscarora Creek, and west of the Village at Leesburg should be developed as

Regional Office. Alternatively, existing industrial, auto dealerships, auto service, and light industrial uses may be appropriate provided that:

- a. The property is currently zoned for light industrial use.**
- b. Design of development adjacent to Route 7 meets design guidelines.**
- c. A substantial buffer is provided to residential development south of Tuscarora Creek."**

The applicant's property is currently zoned I-1. The proposed design of the facility is subject to the H-2 Design Guidelines and the applicant will need to obtain approval of the design from the Board of Architectural Review at the time of site plan review. This property is well removed from Tuscarora Creek and residential property to the south. Staff finds that the proposal meets the land use policies of the Town Plan.

- ii. **Transportation:** The subject property fronts onto Route 7 (E. Market Street) with two separate entrances. The Town Plan Roadway Network Policy Map shows East Market Street outside of the bypass as a planned "Limited Access" highway. The Transportation Element Corridor Objectives for Limited Access Corridors, Objective #6 states, "*Encourage existing businesses fronting Route 7 to obtain primary access from parallel access roads and future developments will be required to obtain primary access from parallel access roads when those roads come into existence*" (Town Plan, p.9-12). In this case, the parallel access road is Trailview Boulevard, which exists and gives direct access to the property from the south.

Further Town Plan guidance (Limited Access Corridors Objective #1) for Route 7 states in part, "*The through traffic function of the Bypass will be protected by limiting the number of intersections and by grade-separating all permanent intersections when warranted by traffic.*" Objective #4 states, "*Limit the number of new at-grade intersections with Route 7 in accordance with the Route 7 Corridor Plan and Annexation Area Development Policies.*" Together, these policies indicate that at-grade intersections are not desirable and should be removed when practicable.

Currently, there are two separate two-way at-grade access points to Route 7. The applicant originally proposed neither to create new entrances nor to alter any existing access. Staff has worked with the applicant and VDOT to develop a strategy to meet the intent of the Town Plan policies and improve the safety of access to and from Route 7. The first part of the strategy limits each of the two access points to one-way: the westernmost one will be designated as right-in only while the easternmost driveway will become right-out only.

Then second part of the strategy has the applicant closing both entrances onto Route 7 in the future when Route 7 becomes limited access. The applicant has proffered to voluntarily close both driveways to Route 7 at the time of completion of the Route 7/Battlefield Parkway interchange. Staff finds that these two commitments meet the intent of the Town Plan guidance for controlling direct access on Route 7.

- B. Traffic Analysis:** Traffic counts are expected to change little by redeveloping the dealership because the existing use essentially does not change. Staff believes that the limiting of the Route 7 entrances during redevelopment of the site to one-way as described above will result in a significant safety improvement.

The applicant has proffered to contribute \$60,000 toward offsite road improvements with the caveat that the expenses the applicant incurs related to the eventual closure of the two entrances on route 7 be credited toward the proffered amount. Staff believes this is a reasonable use for a portion of the proffered funds.

- C. Utilities:** The site is served adequately by sewer and water.

- D. Modification Requests:** The applicant is requesting three modifications; two of buffer yard standards (consistent with TLZO Sec. 12.8.5F) and one of a use standard (consistent with TLZO Sec. 3.14.13).

- i. Modification #1: A request to adjust the required 35-foot wide S2 buffer yard to a 10-foot wide S2 buffer yard adjacent to the property specifically identified as PIN #189-28-5794. The existing conditions are less than the proposed 10-foot buffer and the proposed modification will enable the applicant to provide appropriate pedestrian walkways and drive aisle widths to improve pedestrian safety and vehicular circulation. Staff recommends approval.
- ii. Modification #2: A request to adjust the required 12.5-foot wide S1 buffer yard to a 5 to 10-foot wide S1 buffer yard adjacent to the property specifically identified as PIN #189-28-9815 in accordance with Section 12.8.5.F. of the Zoning Ordinance. The existing buffer yard is less than what is proposed. The modification will enable the existing building to remain in its current location while still providing an appropriate buffer yard abutting the adjacent property. Staff recommends approval.
- iii. Modification #3: A request to modify Section 9.3.29 of the Zoning Ordinance in accordance with Section 3.4.13 of the Zoning Ordinance to allow a maximum of eight (8) inoperable vehicles to be located on the Subject Property (instead of four) and to allow up to two weeks' time that an inoperable vehicle can be located onsite (instead of one). Justification is provided in that following occasional regional storm events there is a need to temporarily store more than four vehicles. Also, after such storm events the amount of time it takes insurance adjusters to evaluate damaged vehicles can be several days causing a delay. All vehicles that are brought

to the Subject Property for auto body repair work will be screened from adjacent properties and from public view with more densely planted evergreen trees and additional evergreen shrubs and deciduous canopy trees on the Subject Property. Staff recommends approval.

E. Proffers:

As a result of negotiations between staff and the applicant, the applicant has addressed issues related to transportation, traffic, and a contribution for fire and rescue services (see Attachment 3). Staff finds the proffers acceptable. The submitted proffers address the following items:

- CONCEPT PLAN – Commits the applicant to development in substantial conformity with the rezoning plans.
- ROUTE 7 ENTRANCE MODIFICATION – Commits the applicant to modify the two existing Route 7 entrances, at no cost to the Town of Leesburg, to one one-way in and one one-way out access.
- ROUTE 7 ENTRANCE CLOSURE – Commits the applicant to close the Property's two existing Route 7 entrances at no cost to the Town of Leesburg at such time as an interchange is constructed and open for use at Route 7 and Battlefield Parkway. Further commits the applicant to record a No Access Easement along the Property's Route 7 frontage within 180 days of the closure of its two Route 7 entrances.
- TRANSPORTATION CONTRIBUTION – Proffers a one-time cash contribution to the Town of Leesburg in the amount of \$60,000.00, to be used at the Town of Leesburg's discretion for road improvements in the Town of Leesburg, with the stipulation that this contribution shall first be applied toward the closure of the Property's two existing Route 7 entrances.
- FIRE AND RESCUE CONTRIBUTION – Proffers a one-time cash contribution to the Town of Leesburg for fire and rescue services, in the amount of \$0.10 per square foot.

F. Conditions and Safeguards:

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

VI. Approval Criteria:

The following criteria in the Zoning Ordinance are applicable to these applications and constitute the criteria for evaluation:

- Vehicle Sales Facilities Use Standards (TLZO Sec. 9.3.28)
- Vehicle Service Facility Use Standards (TLZO Sec. 9.3.29)
- Parking Structures Use Standards (TLZO Sec. 9.3.18)
- Approval criteria for rezonings (TLZO Sec. 3.3.15)
- General approval criteria for special exceptions (TLZO Sec. 3.4.12)

1. Specific Use Standards for Vehicle Sales: TLZO Section 9.3.28 provides five specific use standards for Vehicle Sales as discussed below:

- A. *Sales rooms, rental offices, or service facilities shall be located within an enclosed building.* – All sales and service is contained with the proposed auto dealership building.
- 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.* – Should these rezoning and special exception applications be approved a site plan will follow showing how these standards are met.
- C. *All outdoor areas used for parking, storage, loading display and driveways shall be constructed and maintained with an all-weather dustless surface.* – Only dustless surfaces will be used onsite.
- 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.* – All lighting fixtures will be full cutoff to avoid glare. A proposed special Exception Condition of Approval limits lighting appropriately.
- 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.* – A lighting plan was submitted with the rezoning application and has been found to be sufficient.

2. Specific Use Standards for Vehicle Service: TLZO Section 9.3.29 provides three specific use standard for vehicle Service as discussed below

- A. *Facilities shall not include an outdoor storage area for any more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than one week, subject to the limitation that there shall be no wrecking, or sale of said*

vehicles or part(s) thereof. The outdoor areas devoted to storage, loading and/or parking shall be limited to the area so designated on an approved site plan, and shall be screened from the adjacent properties and roads. – A modification request has been submitted for this standard to accommodate the existing Seneca Auto Body business at the rear of the property. While the applicant will meet the standard for screening from the road and adjacent properties, the business needs the flexibility to on occasion store more than four vehicles on site, some of which may need to be there for more than one week. The modification request would set the allowable number of inoperable vehicles to eight (8) and the maximum allowable time for any one vehicle to be onsite to two weeks.

Justification for the modification is that under certain unusual conditions (such as after a major storm event) there is not sufficient time to complete an estimate and repair due to the volume of vehicles and workload of insurance adjusters. This is a result of factors outside the control of the owner. Staff finds the modification request justifiable and recommends that it be granted.

- B. *All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare to the surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting. – All lighting fixtures are full cut-off fixtures reducing glare. Security lighting will be provided during non-business hours.*
 - C. *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 lighting plan submitted with the rezoning plans demonstrates that adjacent properties will not be impacted above the Zoning standard of 0.5 footcandles at the property line.*
3. **Specific Use Standards for Structured Parking:** TLZO Section 9.3.18 provides one specific use standard for Parking Structures as follows: “*Such parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with such a parking facility.*” The parking structure will be used to store inventory for the automobile dealership as well as to provide parking for employees. A condition of Special Exception approval prohibits storage of inoperable vehicles.
4. **Rezoning Approval Criteria**
- A. *Consistency with the Town Plan, including but not limited to the Land Use Compatibility policies. – As discussed in the Town Plan Compliance section of this report, staff finds the proposal consistent with the Town Plan.*

- B. *Consistency with any binding agreements with Loudoun County, as amended, or any regional planning issues, as applicable.* - This criterion is not applicable.
- C. *Mitigation of traffic impacts, including adequate accommodation of anticipated motor vehicle traffic volumes and emergency vehicle access.* – Subject to the proffers and conditions of approval staff finds that traffic impacts are appropriately mitigated.
- D. *Compatibility with surrounding neighborhood and uses.* - The proposed redevelopment will not have any significant impact on adjacent land uses. The use is compatible with the surrounding properties.
- E. *Provision of adequate public facilities.* - Adequate public facilities exist.

5. Special Exception General Approval Criteria

Zoning Ordinance Section 3.4.12 establishes the following criteria for the Planning Commission and Town Council to use, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a special exception application. Listed below are the specific criteria with staff response.

- A. *“The proposed use will not adversely affect the use of neighboring properties.”* - The proposal redevelops the site for the same auto dealership use. The Subject Property is located adjacent to a similar auto dealership in the Cardinal Industrial Park and is surrounded by land zoned B-3 and I-1.
- B. *“The use shall comply with applicable zoning district regulations and applicable provisions of the adopted Town Plan, including but not limited to the Plan’s Land Use Compatibility policies.”* – Subject to the proposed conditions of approval and proffers, the facility conforms to the B-3 Zoning District regulations, is compatible with the adjacent land uses, and meets the applicable policies 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 proposed vehicle sales and service building will be constructed similar to the buildings located on the adjacent properties. The Architectural Review Board will review and grant a Certificate of Appropriateness for design. Existing screening, buffering, and landscaping will be substantially augmented as part of redevelopment of this site.
- D. *“The proposed use will be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated*

traffic in the neighborhood and on the streets serving the site." – The auto dealership has been there for decades; only the site is redeveloping. This will generate little new traffic. Staff finds that the proposal will not inhibit safe and convenient pedestrian and vehicular travel.

VII. Recommendation and Conditions of Approval:

- A. Staff recommends **approval** of rezoning TLZM-2013-0002, Jerry's Ford.
- B. Staff recommends **conditional approval** of special exception TLSE-2013-0006, Jerry's Ford Vehicle Sales & Service subject to the following conditions:
 - 1. **Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the Special Exception Plat prepared by Walter L. Phillips as revised through January 7, 2014.
 - 2. **No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or the Land Development Official or as shown on the approved Special Exception Plat and supporting documents.
 - 3. **Hours of operation:** The sales portion of the automobile dealership operation shall be limited to between the hours of 7:30 am and 9:00 p.m., Monday through Sunday. The service portion of the automobile dealership operation shall be limited to between the hours of 7:00 a.m. and 2:00 a.m. Monday through Sunday.
 - 4. **Deliveries:** Delivery of all vehicles and supplies to the site shall be performed onsite in designated loading and delivery areas.
 - 5. **Lighting:** Prior to the issuance of any occupancy permits, the Applicant must demonstrate that all outdoor lighting fixtures are full-cutoff. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.
- C. Staff recommends **conditional approval** of special exception TLSE-2013-0013, Jerry's Ford Private Parking Structure subject to the following conditions:
 - 1. **Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the Special Exception Plat prepared by Walter L. Phillips as revised through January 7, 2014.

2. **No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or the Land Development Official or as shown on the approved Special Exception Plat and supporting documents.
3. **Parking Structure Use:** Storage of inoperable vehicles is prohibited in the parking structure.

VIII. Sample Planning Commission Draft Motion

TLZM-2013-002

Approval:

I move that zoning map amendment application TLZM 2013-0002, Jerry's Ford be forwarded to Town Council with a recommendation of approval on the basis that the approval criteria of Zoning Ordinance Section 3.3.15 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

Denial:

I move that zoning map amendment application TLZM 2013-0002, Jerry's Ford be forwarded to the Town Council with a recommendation of denial on the basis that the Approval Criteria of Zoning Ordinance Section 3.3.15, have not been satisfied as follows: (*list findings*)

TLSE-2013-0006

Approval:

I move that special exception application TLSE 2013-0006, Jerry's Ford be forwarded to Town Council with a recommendation of conditional approval, subject to the conditions of approval contained in the staff report dated January 16, 2014 on the basis that the approval criteria of Zoning Ordinance Sections 3.4.12, 9.3.17.1, 9.3.28, and 9.3.29 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice; and further recommend approval of the following modifications:

- A modification of TLZO Sec. 12.8.3 to allow a 10-foot wide S2 buffer yard instead of a 35-foot wide buffer yard adjacent to the property specifically identified as PIN #189-28-5794.
- A modification of TLZO Sec. 12.8.3 to allow a 5 to 10-foot wide S1 buffer yard instead of a 12.5-foot wide buffer yard adjacent to the property specifically identified as PIN #189-28-9815.

- A modification of TLZO Sec. 9.3.29 to allow a maximum of 8 inoperable vehicles to be located on the Subject Property (instead of four) and to allow up to two weeks' time that an inoperable vehicle can be located onsite (instead of one week).

Denial:

I move that special exception application TLSE-2013-0006, Jerry's Ford 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, 9.3.28, and 9.3.29 have not been satisfied as follows: (*list findings*)

TLSE-2013-0013

Approval:

I move that special exception application TLSE 2013-0013, Jerry's Ford be forwarded to Town Council with a recommendation of conditional approval, subject to the conditions of approval contained in the staff report dated January 16, 2014 on the basis that the approval criteria of Zoning Ordinance Sections 3.4.12 and 9.3.18 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-2013-0013, Jerry's Ford 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 and 9.3.18 have not been satisfied as follows: (*list findings*)

Attachments

1. Rezoning and Special Exception plat dated January 7, 2014
2. Statement of Justification dated November 19, 2013
3. Proffers dated January 7, 2014

Attachment 2: Statement of Justification

**STATEMENT OF JUSTIFICATION,
STATEMENT OF COMPLIANCE & WRITTEN STATEMENT**

**Jerry's Ford Redevelopment
Rezoning and Special Exception Applications**

**TLZM 2013-0002 – Rezoning from I-1 to B-3
TLSE 2013-0006 – Special Exception for Vehicle Sales and Service
TLSE 2013-0013 – Special Exception for Parking Structure**

PIN #189-28-9864; ±4.54 acres

November 19, 2013

I. Introduction

Leesburg Motors, Inc. of Leesburg, Virginia, as the Applicant and Owner (hereafter, the “Applicant”) of Loudoun County PIN #189-28-9864 (the “Subject Property”) is requesting rezoning and special exception approvals to redevelop the existing Jerry's Ford dealership and service building as an expanded vehicle sales showroom, vehicle service facility, administrative building, and a possible future parking structure. The expanded building will be constructed in phases to allow the existing building to remain in operation while the new building is constructed. The Subject Property is located in the Cardinal Industrial Park on the south side of East Market Street (Route 7) just west of its intersection with Cardinal Park Drive.

The Subject Property is approximately 4.54 acres in size, and is zoned to the Industrial/Research Park ("I-1") zoning district pursuant to § 6.7 of the Town of Leesburg Zoning Ordinance ("Zoning Ordinance"). In order to accommodate the expansion of the existing use, a rezoning to the Community Retail/Commercial ("B-3") zoning district under § 6.5 of the Zoning Ordinance is necessary. Under the B-3 district, the "vehicle sales and/or rental facility", "vehicle and/or equipment service facility" and "parking structure, private" uses are permitted by special exception. The Subject Property is planned for regional office uses under the Leesburg Town Plan (hereinafter, “Town Plan”).

II. Nature of the Request and Uses Proposed

Jerry's Ford presently operates a vehicle sales showroom and vehicle service facility on the Subject Property. Jerry's Ford has long served the Leesburg community and prides itself on providing customers with competitive prices, convenience, and

excellent customer service. Jerry's Ford offers many automotive products and services including new Ford vehicles, hybrid cars, electric vehicles, used cars, and vehicle repair.

The existing facilities on the Subject Property are substandard; they no longer provide customers with an optimal car buying and service experience that customers expect at Ford dealerships. Anecdotal evidence indicates that the condition of the existing facilities actually serves as a deterrent to potential car buyers due to their dated construction and appearance. To update Jerry's Ford to the level necessary to attract and retain customers and to revitalize a prominent gateway to the Town of Leesburg, redevelopment of the existing vehicles sales and service areas is necessary.

The Applicant proposes to redevelop and expand the existing Jerry's Ford dealership by redeveloping the existing vehicle service area by constructing a new showroom, service area, parking area, vehicle display areas and a possible parking structure. The existing auto body facility, operated by Seneca Auto Body, will remain in its current location on the Subject Property. To accommodate the proposed redevelopment and to bring the entirety of the Subject Property under the current zoning regulations, a rezoning, three special exceptions, and three zoning modifications are being requested.

As concerns the rezoning, the existing vehicle sales and vehicle service uses were established on the Subject Property prior to its current I-1 zoning. The current I-1 zoning district does not permit vehicle sales or vehicle service as permitted or special exception uses. However, the proposed B-3 zoning district permits both uses by special exception. Given the general character of surrounding properties and considering that adjacent properties are presently zoned to the B-3 zoning district, the Applicant feels that B-3 is the appropriate zoning district to accommodate its proposal.

Special exceptions for vehicle sales, vehicle service and the parking structure will be processed concurrently with the rezoning application. Zoning modifications of the required 35-foot buffer along the Subject Property's northern side yard and the required 12.5-foot setback along the Subject Property's southern side yard, as well as a modification of the maximum amount of inoperable vehicles permitted on the Subject Property and the amount of time an inoperable vehicle can be located on the Subject Property, are also being requested.

III. Relationship of the Proposal to the *Town Plan*

The Subject Property is located adjacent to East Market Street and east of the Route 15 Bypass in an area designated for regional office uses under the land use recommendations of the Town Plan. The Southeast Sector policies of the Town Plan, specifically Objective 9, state that existing auto dealerships and auto service uses may be appropriate if the property under consideration is presently zoned for light industrial use and the design of development adjacent to Route 7 meets design guidelines. The Subject Property is subject to the H-2 Corridor District requirements and the Town's landscaping

policies. These design requirements and landscaping policies will ensure that the development along the Route 7 frontage will be of a high visual quality.

The proposed redevelopment of Jerry's Ford will be compatible with the Town's character in terms of land use and design. By redeveloping the existing use, Jerry's Ford will be able to maintain its presence on East Market Street. The Town Plan recognizes the Cardinal Park Drive/Trailview Boulevard area as an area of light industrial and auto related uses which serves as one of the few viable remaining industrial areas within the Town's corporate limits. The enhanced architectural treatments and landscaping that will be included as part of the new building fronting onto East Market Street will provide a far improved visual experience for the gateway of the Town of Leesburg.

IV. Area Calculations for Each Use and Proposed Building FAR

The gross floor area of the proposed vehicle sales and service building is 40,300 square feet. The proposed building FAR is 0.20.

V. Hours of Operation

No change in the regular hours of operation is proposed for this application. At present, the hours of operation of the existing Jerry's Ford dealership are:

Monday – Friday	7:30 a.m. – 9:00 p.m.
Saturday	7:30 a.m. – 6:00 p.m.
Sunday	11:00 a.m. – 5:00 p.m.

The service facility will operate between 7:00 a.m. to 2:00 a.m. Monday through Saturday, with operating hours for customers between 7:30 a.m. and 6:00 p.m. Monday through Saturday. The hours of the auto body facility will remain the same, 8:00 a.m. to 6:00 p.m. Monday through Friday.

VI. Traffic Impacts

The traffic impact analysis that accompanies this application has been prepared by Wells + Associates, LLC. It provides a detailed analysis of the traffic impacts associated with the expansion of the existing land uses. As noted in the study, the proposed rezoning and special exception applications will enable the existing auto dealership to be redeveloped into an enlarged dealership.

The study notes that the Subject Property is served by existing and planned major roadways sufficient to support the traffic for the expansion of the existing commercial use on the Subject Property. The Subject Property is located west of the intersection of Route 7 and Cardinal Park Drive and this intersection is signalized. Trailview Boulevard,

a through collector road, serves as an alternative access to Cardinal Industrial Park and is planned to eventually connect to Battlefield Parkway to the east.

While the traffic generated by the expanded use will increase the current traffic generation, the Subject Property's traffic will remain a small percentage of the total trips on these major roadways and should not alter the levels of service currently on and projected for these roadways. Additionally, the study notes that existing entrances along the Subject Property's frontage have a *de minimus* impact on traffic movements along Route 7 and provide a critical "front door" to the Subject Property that will enable traffic to flow through the site.

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

The proposal will not have any significant impacts on adjacent land uses considering that the existing vehicle sales and service uses have been in continuous operation on the Subject Property since the 1960s. The redevelopment of the Subject Property will enhance the Subject Property's visual appearance and may possibly serve as an incentive for nearby industrial properties to upgrade the appearance of their properties.

The proposed Jerry's Ford vehicle sales building is located within the Town's H-2 Corridor District, which will require that this facility be designed to high architectural standards. In addition to landscaping and buffering requirements, the Town Plan calls for high quality gateway landscaping to be provided along Route 7; all other landscaping will adhere to the Town requirements appropriate for the Subject Property.

No noxious odors or fumes are anticipated to be generated by the use of the Subject Property, the servicing of vehicles, or by the products offered for sale. Any noise that may emanate from the Subject Property will not have a negative effect on land uses in the immediate vicinity. At times, the dealership may use an on-site public address system similar to the address system currently in operation, but such a system will meet the noise requirements contained in the Zoning Ordinance.

Any new or additional outdoor lighting will minimize light pollution while maintaining the primary purpose of lighting for public safety and visibility. Lighting will comply with the Zoning Ordinance and all other Town requirements and will be designed to reduce the amount of glare or light that may potentially be emitted from the proposed uses. Lighting will be directed downward toward the interior of the Subject Property and shall be fully shielded in order to prevent lighting from spilling over to adjoining properties.

VIII. Modifications

Modification #1: Modifying the required 35-foot wide S2 buffer yard to a 10-foot wide S2 buffer yard adjacent to the property specifically identified as PIN #189-28-5794 in accordance with Section 12.8.5.F. of the Zoning Ordinance.

Justification: The proposed modification will enable the Applicant to provide appropriate pedestrian walkways and drive aisle widths throughout the Subject Property that will improve pedestrian safety and vehicular circulation and not diminish the effectiveness of the buffer yard.

Modification #2: Modifying the required 12.5-foot wide S1 buffer yard to a 5 to 10-foot wide S1 buffer yard adjacent to the property specifically identified as PIN #189-28-9815 in accordance with Section 12.8.5.F. of the Zoning Ordinance.

Justification: The proposed modification will enable the existing building to remain in its current location while still providing an appropriate buffer yard abutting the adjacent property.

Modification #3: Modifying Section 9.3.29 of the Zoning Ordinance in accordance with Section 3.4.13 of the Zoning Ordinance to modify the maximum amount of inoperable vehicles that can be located on the Subject Property from four to eight vehicles and the amount of time an inoperable vehicle can be located on the Subject Property from one week to two weeks.

Justification: On occasion, the amount of time that an inoperable vehicle stays on the Subject Property is out of the Applicant's control. Insurance adjusters typically visit the Subject Property within a few days to evaluate damaged vehicles. There are some storm events that cause a peak in accidents that delay the time in which insurance adjusters can visit the Subject Property to evaluate vehicles. For these reasons, the Applicant is requesting a modification of the minimum amount of inoperable vehicles that can be stored on the Subject Property at any one time and the amount of time that those vehicles can be stored on the Subject Property. All vehicles that are brought to the Subject Property for auto body repair work will be screened from adjacent properties and from public view with more densely planted evergreen trees and additional evergreen shrubs and deciduous canopy trees on the Subject Property.

IX. Compliance with Section 3.3.15 Approval Criteria

Section 3.3.15 of the Zoning Ordinance contains application evaluation criteria for approval of zoning map amendment applications and, in considering rezoning applications, the Planning Commission and Town Council shall consider the following enumerated factors in making their decision regarding approval or disapproval of this proposal:

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

As previously stated, the Subject Property is located adjacent to East Market Street and east of the Route 15 Bypass in an area designated for regional office uses under the land use recommendations of the Town Plan. The Southeast Sector policies of the Town Plan, specifically Objective 9, state that existing auto dealerships and auto service uses may be appropriate if the property is currently zoned for light industrial use and the design of development adjacent to Route 7 meets design guidelines.

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

This criterion is not applicable.

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

Pedestrian and vehicular traffic is not anticipated to affect the existing levels of service on the surrounding roadways, which are classified as limited access and through collector roadways designed to accommodate this level of traffic.

D. Compatibility with surrounding neighborhood and uses.

The proposed redevelopment will not have any significant impact on adjacent land uses and is compatible with the surrounding properties. The Subject Property is located in the Cardinal Industrial Park and is surrounded by land zoned B-3 and I-1. Three properties located immediately to the east of the Subject Property contain an automobile dealership and service facility that is currently under construction.

E. Provision of adequate public facilities.

Adequate public facilities presently serve the Subject Property and are sufficient to serve the proposed uses.

X. 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 special exception applications, the Planning Commission and Town Council shall consider the following

enumerated factors in making their decision regarding approval or disapproval of this proposal:

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

The proposed redevelopment will not have any significant impact on adjacent land uses and is compatible with the surrounding properties. The Subject Property is located in the Cardinal Industrial Park and is surrounded by land zoned B-3 and I-1. Three properties located immediately to the east of the Subject Property contain an automobile dealership and service facility that is currently under construction.

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.

As previously stated, the Subject Property is located adjacent to East Market Street and east of the Route 15 Bypass in an area designated for regional office uses under the land use recommendations of the Town Plan. The Southeast Sector policies of the Town Plan, specifically Objective 9, state that existing auto dealerships and auto service uses may be appropriate if the property is currently zoned for light industrial use and the design of development adjacent to Route 7 meets design guidelines. The Subject Property is subject to the H-2 Corridor District requirements and the Town's landscaping policies. These design requirements and landscaping policies will ensure that the development along the Route 7 frontage will be of a high visual quality.

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 proposed vehicle sales and service building will be constructed to a scale similar to the buildings located on the adjacent properties. The Subject Property will be landscaped and screened in accordance with the requirements set forth by the Town. None of the uses will hinder or discourage appropriate development and use of adjacent or nearby properties as this is a functioning business park with two automobile dealerships currently operating adjacent to one another.

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 limited access and through collector roadways designed to accommodate this level of traffic.

XI. 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 proposed sales and service uses will be housed within an enclosed building.

- 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 Rezoning/Special Exception Plat conceptually shows the vehicle storage, loading, parking and display areas. These areas will be more specifically determined on the site plan. The outdoor display of vehicles will not include vehicles in an 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.**

These areas will provide the required 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.**

The site lighting will comply with these criteria.

- 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 required lighting plan is included on the Rezoning/Special Exception Plat.

XII. Compliance with Section 9.3.29 Vehicle and/or Equipment Service Facilities Criteria

- A. Facilities shall not include an outdoor storage area for any more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than one week, subject to the limitation that there shall be no wrecking, or sale of said vehicles or part(s) thereof. The outdoor areas devoted to storage, loading and/or parking shall be limited to the area so designated on an approved site plan, and shall be screened from the adjacent properties and roads.**

The outdoor areas will comply with these criteria when any inoperable vehicles are stored on the Subject Property. The vast majority of auto body repairs are the result of vehicles that are driven to the Subject Property with insurance estimates already written in which repairs begin the same day or the following day. A small percentage of vehicles are towed to the facility from the accident scene. With these vehicles, an insurance adjuster must write an estimate of repairs. Depending on variables such as the particular insurance company involved and their workload, this can take from one day to as many as five days. In the event of a total loss, the vehicle is sold by the insurance company to a salvage yard. In some instances, this process may take longer than five days. The turnover of the parking/storage area is crucial in any collision or mechanical repair operation. To allow for new business, it is critical to turn these spaces over as many times as possible to allow for new business. In the collision industry, however, this is not always under direct control of the Applicant. All vehicles that are stored outdoors on the Subject Property are enclosed within a fenced area which screens the vehicles from surrounding properties and roads.

- B. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare to the 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 lighting will comply with these criteria.

- C. 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 required lighting plan is included on the Rezoning/Special Exception Plat.

XIII. Conclusion

As residential and commercial development in the Leesburg area has increased substantially over the past decade, the need for increased automobile sales and service offerings has similarly increased. In order to remain competitive with newer dealerships located elsewhere in Loudoun County, as well as to meet the needs of Leesburg's residents to conveniently access Ford merchandise and services, this proposal addresses the changing conditions in the area.

The proposed applications will enable this dealership to operate in a manner compatible with Town standards and enable an existing successful business operating in the Town of Leesburg to continue to operate and expand its business and contribute to the Town's tax base. Approval of the proposed rezoning and special exception applications is essential for this business to continue at this location.

The proposed redevelopment and expansion of Jerry's Ford will also provide a much needed upgrade for the business and its visual appearance along Route 7. When the existing, outdated facilities are redeveloped, the new facilities will provide a first-class experience for customers.

DRAFT PROFFER STATEMENT

JERRY'S FORD

TLZM 2013-0002

January 7, 2014

Pursuant to Va. Code Ann. § 15.2-2303 and § 3.3.16 of the Zoning Ordinance of the Town of Leesburg ("Zoning Ordinance"), the undersigned, Leesburg Motors, Inc. (the "Owner"), the owner of approximately 4.54 acres of real property identified as Loudoun County Tax Map 48, Parcel 80F (PIN #189-28-9864) (the "Property"), hereby voluntarily proffers of itself and its successors and assigns, that if the Leesburg Town Council approves rezoning case number TLZM-2013-0002 to rezone the Property from the I-1, Industrial/Research Park District, to the B-3, Community Retail/Commercial District, the Property shall be developed and used consistent with the following terms and conditions ("Proffers") set forth below.

I. CONCEPT PLAN

The Property shall be developed in substantial conformity with Sheets P-0101, P-0301, P-303, and P-0401 of the Concept Plan entitled "Jerry's Ford of Leesburg Rezoning Concept Plan" prepared by Walter L. Phillips, Inc., dated May 3, 2013, revised through January 7, 2014 ("Concept Plan"). The 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 of Leesburg zoning, subdivision, and land development regulations.

II. ROUTE 7 ENTRANCE MODIFICATION

As depicted on the Concept Plan, the Owner shall modify the two existing Route 7 entrances, at no cost to the Town of Leesburg, such that the Property's existing western right-in/right-out entrance shall be converted into a right-in entrance and the Property's existing eastern right-in/right-out entrance shall be converted into a right-out exit. The modifications of these entrances shall be implemented through the use of striping and/or flexible delineators. These modifications shall be implemented prior to the issuance of the first occupancy permit for the new showroom.

III. ROUTE 7 ENTRANCE CLOSURE

The Owner shall agree to close the Property's two existing Route 7 entrances at no cost to the Town of Leesburg at such time as an interchange is constructed and

open for use at Route 7 and Battlefield Parkway and Trailview Boulevard is constructed and open for use from Cardinal Park Drive to Battlefield Parkway. If the Virginia Department of Transportation and the Town of Leesburg determine that the intersection of Cardinal Park Drive and Route 7 should remain permanently open as a right-in/right-out intersection, the requirement to extend Trailview Boulevard from Cardinal Park Drive to Battlefield Parkway shall no longer apply. The Owner shall record a No Access Easement along the Property's Route 7 frontage within 180 days of the closure of its two Route 7 entrances.

IV. TRANSPORTATION CONTRIBUTION

The Owner shall provide a one-time cash contribution to the Town of Leesburg in the amount of \$60,000.00, to be used at the Town of Leesburg's discretion for road improvements in the Town of Leesburg, with the stipulation that this contribution shall first be applied toward the closure of the Property's two existing Route 7 entrances as contemplated in Proffer III. This contribution shall be paid into an escrow account at the time of issuance of the first occupancy permit for the new showroom.

V. FIRE AND RESCUE CONTRIBUTION

The Owner shall provide a one-time cash contribution to the Town of Leesburg for fire and rescue services, in the amount of \$0.10 per square foot, to be paid at the time of issuance of the first occupancy permit for the new showroom.

VI. BINDING EFFECT

The undersigned hereby warrants that all entities with a legal interest in the Property have signed these Proffers, that no signature from any additional party is necessary for these Proffers to be binding and enforceable in accordance with their terms, that they have full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

[SIGNATURE PAGE FOLLOWS]

OWNER OF

Loudoun County PIN #189-28-9864

LEESBURG MOTORS, INC.

By: _____
(SEAL)
Name: _____
Title: _____

STATE OF _____)

) to-wit:

COUNTY/CITY OF _____

The foregoing Proffer Statement was acknowledged before me this ____ day of
_____, 2014, by _____, as

of _____.

Notary Public

My Commission Expires: _____

[SIGNATURES END]

PRESENTED: February 11, 2014

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: APPROVING TLZM 2013-0002 JERRY'S FORD, REZONING 4.54 ACRES OF LAND AT 847 EAST MARKET ST FROM I-1 TO B-3.

WHEREAS, a Rezoning Application has been filed by Leesburg Motor's Inc. to allow redevelopment of the existing Jerry's Ford auto dealership on land identified as Loudoun County Parcel Identification Number (PIN) 189-28-9864; and

WHEREAS, a duly advertised Planning Commission public hearing was held on January 16, 2014; 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 February 11, 2014; 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 2013-0002, for the property having the Loudoun County Parcel Identification Number (PIN) 189-28-9864, is hereby approved and the land rezoned to the B-3 zoning district, subject to the proffers dated January 7, 2014; and

AN ORDINANCE: APPROVING TLZM 2013-0002 JERRY'S FORD, REZONING 4.54 ACRES OF LAND AT 847 EAST MARKET ST.FROM I-1 TO B-3

SECTION 2. The properties shall be developed in substantial conformance with the concept plan and proffers prepared by Walter L. Phillips dated May 3, 2013 and last revised January 7, 2014; 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 February 2014.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

PRESENTED: February 11, 2014

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2013-0006 JERRY'S FORD, ALLOWING VEHICLE SALES AND SERVICE ON PROPERTY AT 847 EAST MARKET STREET IDENTIFIED AS LOUDOUN COUNTY PARCEL IDENTIFICATION NUMBER (PIN) 189-28-9864.

WHEREAS, a Special Exception Application has been filed by Leesburg Motor's Inc. to allow a vehicle sales and service at the Jerry's Ford auto dealership on property identified as Loudoun County Parcel Identification Number (PIN) 189-28-9864; and

WHEREAS, a duly advertised Planning Commission public hearing was held on January 16, 2014; 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 February 11, 2014; and

WHEREAS, Town Council has determined the proposed use meets the special exception standards for both vehicle sales and vehicle service as 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-2013-0006 Jerry's Ford is hereby approved to permit

A RESOLUTION: APPROVING TLSE-2013-0006 JERRY'S FORD, ALLOWING VEHICLE SALES AND SERVICE ON PROPERTY AT 847 EAST MARKET STREET IDENTIFIED AS LOUDOUN COUNTY PARCEL IDENTIFICATION NUMBER (PIN) 189-28-9864.

vehicle sales and vehicle service at 847 E. Market St. SE on the property identified as Loudoun County Parcel Identification (PIN) number 189-28-9864, subject to the following conditions:

1. **Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the Special Exception Plat prepared by Walter L. Phillips as revised through January 7, 2014.
2. **No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or the Land Development Official or as shown on the approved Special Exception Plat and supporting documents.
3. **Hours of operation:** Automobile sales and service shall be allowed 24 hours a day Monday through Sunday.
4. **Deliveries:** Delivery of all vehicles and supplies to the site shall be performed onsite in designated loading and delivery areas.
5. **Lighting:** Prior to the issuance of any occupancy permits, the Applicant must demonstrate that all outdoor lighting fixtures are full-cutoff. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.

PASSED this 11th day of February, 2014

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

PRESENTED: February 11, 2014

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2013-0013 JERRY'S FORD, ALLOWING A PARKING STRUCTURE ON PROPERTY AT 847 EAST MARKET STREET IDENTIFIED AS LOUDOUN COUNTY PARCEL IDENTIFICATION NUMBER (PIN) 189-28-9864.

WHEREAS, a Special Exception Application has been filed by Leesburg Motor's Inc. to allow a parking structure at the Jerry's Ford auto dealership on property identified as Loudoun County Parcel Identification Number (PIN) 189-28-9864; and

WHEREAS, a duly advertised Planning Commission public hearing was held on January 16, 2014; 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 February 11, 2014; and

WHEREAS, Town Council has determined the proposed use meets the special exception standards for a parking structure as 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.

A RESOLUTION: APPROVING TLSE-2013-0013 JERRY'S FORD, ALLOWING A PARKING STRUCTURE ON PROPERTY AT 847 EAST MARKET STREET IDENTIFIED AS LOUDOUN COUNTY PARCEL IDENTIFICATION NUMBER (PIN) 189-28-9864.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that Special Exception application TLSE-2013-0013, Jerry's Ford is hereby approved to permit a parking structure at 847 E. Market St. SE on the property identified as Loudoun County Parcel Identification (PIN) number 189-28-9864, subject to the following conditions:

1. **Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the Special Exception Plat prepared by Walter L. Phillips as revised through January 7, 2014.
2. **No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or the Land Development Official or as shown on the approved Special Exception Plat and supporting documents.
3. **Parking Structure Use:** Storage of inoperable vehicles is prohibited in the parking structure.

PASSED this 11th day of February, 2014

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council