

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS
TO ZONING ORDINANCE ARTICLES 6 AND 9 RELATED TO COMMUTER
PARKING LOTS**

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, JUNE 14, 2016 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider the following amendments to the Zoning Ordinance:

- 1. Sec. 6.5.4 B-3 Use Regulations: Change the existing “Commuter Parking Lot” use from “permitted” to “special exception” to ensure that commuter parking lots are only located in the Community Retail/Commercial District after Council consideration of the specific circumstances of the proposal.**
- 2. Sec. 6.7.2 I-1 Use Regulations: add “Commuter Parking Lot” as a permitted or special exception use in the I-1 district depending on whether the proposal meets all use standards.**
- 3. Sec. 9.2.1 Use Table: add “Commuter Parking Lot” as a permitted or special exception use in the I-1 Zoning District (subject to meeting use standards).**
- 4. Sec. 9.3.5.1 Use Standards: Create a new section with performance regulations establishing appropriate parameters for commuter parking lots.**

Copies and additional information regarding each of this proposed Zoning Ordinance amendments is 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 calling 703-771-2765 and asking for Irish Grandfield, Senior Planner. This zoning ordinance amendment application is identified as case number TLOA-2016-0002.

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

Ad to run 6/1/16 and 6/8/16



Date of Meeting: June 14, 2016

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING**

Subject: TLOA-2016-0002, Commuter Parking Lots in the I-1 Zoning District

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

Council Action Requested: Approval of TLOA-2016-0002 to amend the Zoning Ordinance to establish use standards for a Commuter Parking Lot, and to update where the use is permitted.

Staff Recommendation: Approval of TLOA-2016-0002 to amend the Zoning Ordinance to establish use standards for a Commuter Parking Lot, and to update where the use is permitted. In response to the Planning Commission's recommendation below that additional landscaping and screening be required, staff has added performance standard #8 as follows:

8. In order to provide enhanced screening adjacent to public roads the perimeter parking lot landscaping area as well as the number of shrubs required by TLZO Sec. 12.5 shall be increased by 50% except where otherwise prohibited by existing easements on the site. In addition, at least half of the shrubs shall be evergreen. All shrubs shall be a minimum of 24-inches in height at the time of planting. The screening may have openings between the landscaping groupings at random intervals to provide opportunity for surveillance."

Commission Recommendation: The Planning Commission held a public hearing on May 5, 2016. No members of the public spoke on the amendments. The Commission requested that the amendments include requirements for additional landscaping and screening of Commuter Parking Lots. After discussion, the Commission voted 6-0-1 to adopt the following motion:

That Zoning Ordinance Amendment TLOA-2016-0002, Commuter Parking Lots in the I-1, "be forwarded to the Town Council with a recommendation of approval on the basis that the amendments further the objectives of the Town Plan and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice subject to also recommending that Council initiate changes to the landscaping provisions of the Zoning Ordinance to provide for enhanced landscaping for commuter parking lots built in accordance with this Zoning Ordinance Amendment."

Fiscal Impact: There is no fiscal impact to the Town associated with this Zoning Ordinance Amendment.

Work Plan Impact: None. Processing amendments is part of the core function of the Department of Planning and Zoning.

Executive Summary: The proposed amendments allow a Commuter Parking Lot in the I-1 District by-right subject to meeting eight performance standards. If any one of the performance standards is not met, the use may be permitted by special exception.

Background: Loudoun County and the Town share a common transportation objective to provide mass transit opportunities for residents including facilities that permit commuters to park and ride and to use bus service to employment destinations outside the Town limits. Loudoun County staff has recently expressed a desire to locate a facility along the Route 7 Corridor east of the by-pass which is an objective the Town Plan supports.

At the request of the Village of Leesburg landowner in the Route 7 corridor, Town Council adopted Resolution No. 2016-026 (Attachment 1) on February 23, 2016 initiating amendments to Zoning Ordinance Sections 6 and 9 and other sections as necessary to allow a Commuter Parking Lot in the I-1 zoning district, and to develop appropriate use standards for such lots.

The proposed use standards provide an incentive to locate a Commuter Parking Lot on lands that are less competitive in the market (those with restrictions related to having major utility transmission lines crossing the property) by allowing the use by-right only on those lots encumbered by multiple major utility easements which restrict the ability to erect buildings on the site.

The proposed amendments also update the Commuter Parking Lot use in the B-3 district by requiring a special exception for such use rather than allowing the use by-right. This is appropriate given the intent of the B-3 zoning district to accommodate retail and service land uses that are essential to the Town's tax base.

Further detailed information regarding this ordinance amendment can be found in the attached Planning Commission staff report dated May 5, 2016 (Attachment 2).

Attachments:

1. Draft Ordinance
2. Planning Commission Public Hearing Staff Report



Date of Meeting: April 21, 2016

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLOA-2016-0002, Commuter Parking Lots in the I-1

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

Proposal: Amendments to the Town of Leesburg *Zoning Ordinance* (TLZO) to update the appropriate zoning districts and use standards for a Commuter Parking Lot.

Recommendation: Staff recommends approval of the *Zoning Ordinance* Amendment on the basis of the findings as presented in this report.

- I. BACKGROUND:** At the request of an owner of land zoned I-1 Industrial/Research Park in the Route 7 corridor Town Council adopted Resolution No. 2016-026 on February 23, 2016 initiating amendments to *Zoning Ordinance* Sections 6 and 9 and other sections as necessary to allow a Commuter Parking Lot in the I-1 zoning district and to develop appropriate use standards for such lots. Loudoun County and the Town share a common transportation objective to provide mass transit opportunities for residents, including facilities that permit commuters to park and ride bus rapid transit to employment destinations outside the Town limits. Loudoun County staff has recently expressed a desire to locate a facility along the Route 7 Corridor east of the by-pass, an objective the *Town Plan* supports.
- II. EXISTING REGULATIONS:** “Commuter Parking Lot” is defined in TLZO Sec. 18.1.32 as “An off-street area surfaced and improved for the parking, on a daily basis but not for the storage of vehicles for twenty-four (24) hours or longer, established in conjunction with mass transit arrangements and carpooling programs.” Currently, a “Commuter Parking Lot” is allowed in only one zoning district: B-3 (Community Retail/Commercial District). In the B-3 zoning district the use is permitted by-right and is not subject to any Use Standards. A second designation for “Temporary Commuter Parking Lot” is allowable in the B-2 zoning district (“Established Corridor Commercial District”) by special exception only for up to two years duration subject to the Use Standards of TLZO Sec.9.3.27.
- III. EFFECT OF EXISTING REGULATIONS:** The existing regulations prohibit a Commuter Parking Lot in the I-1 (Industrial/Research Park District) zoning district limiting abilities to accommodate a park and ride facility in the Route 7 corridor.
- IV. PROPOSED LANGUAGE:** The *Zoning Ordinance* amendment language is provided below for the Planning Commission’s review and consideration. Note that:

- Text highlighted in yellow and underlined is proposed new language.
- Text in ~~red with strikethrough~~ is existing text proposed to be eliminated.

Overview

1. Sec. 6.5.4 B-3 Use Regulations: Change the existing “Commuter Parking Lot” use from “permitted” to “special exception” to ensure that a Commuter Parking Lot is only located in the Community Retail/Commercial District after Council consideration of the specific circumstances of the proposal.
2. Sec. 6.7.2 I-1 Use Regulations: Add “Commuter Parking Lot” as a permitted or special exception use in the I-1 district depending on whether the proposal meets all use standards.
3. Sec. 9.2.1 Use Table: Add “Commuter Parking Lot” as a permitted or special exception use in the I-1 Zoning District (subject to meeting use standards).
4. Sec. 9.3.5.1 Use Standards: Create a new section with performance regulations establishing appropriate parameters for a Commuter Parking Lot.

Proposed Zoning Ordinance Text

6.7.2 Use Regulations

B-3 Uses			
Use		Use Standards	Definition
Institutional and Community Service Uses			
Commuter Parking Lot	P S		Sec. 18.1.32

6.5.2 Use Regulations

I-1 Uses			
Use		Use Standards	Definition
Institutional and Community Service Uses			
<u>Commuter Parking Lot</u>	P/S	<u>Sec. 9.3.5.1</u>	<u>Sec. 18.1.32</u>

9.2.1 Use Table

B-3 Uses			
Use		Use Standards	Definition
Institutional and Community Service Uses			
Commuter Parking Lot	P/S		Sec. 18.1.32

I-1 Uses			
Use		Use Standards	Definition
Institutional and Community Service Uses			
Commuter Parking Lot	P/S	Sec. 9.3.5.1	Sec. 18.1.32

9.3.5.1 Commuter Parking Lot

A. A Commuter Parking Lot shall be permitted by right in the I-1 zoning district and by special exception in the B-3 zoning district in accordance with the use standards provided below.

- 1. The location is consistent with the policies of the Town Plan.**
- 2. The site has direct access to a road with a classification of Minor Arterial or Through Collector and is located within one-half mile of a road classified as a Major Arterial or Limited Access Highway.**
- 3. Parking spaces shall not exceed 500 in number.**
- 4. The site must be encumbered by multiple utility easements for major utility transmission lines (such as electric, natural gas, and raw water).**
- 5. Bus shelters and designated bus pick-up and drop-off areas sufficient for the number of parking spaces and bus services available shall be provided onsite.**
- 6. The parking of commercial vehicles shall be prohibited. This provision shall not be interpreted to prohibit the parking of vehicles actively engaged in providing emergency service or commercial vehicles that may be otherwise permissible during permitted special events.**
- 7. 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.**

B. Special Exception in I-1 Zoning District: A Commuter Parking Lot shall require special exception approval in the I-1 zoning district if the proposed use fails to comply with any applicable standard for by-right use as set forth Sec. 9.3.5.1.A. above.

- V. **IMPACT OF PROPOSED AMENDMENTS:** These amendments will restrict the use of B-3 zoned land for a Commuter Parking Lot by requiring a special exception for such use. This is appropriate given the intent of the B-3 zoning district to accommodate retail and service land uses that are essential to the Town's tax base.

The amendments will also provide an opportunity to locate a Commuter Parking Lot in the I-1 District. The provisions provide an incentive to locate a Commuter Parking Lot on lands that are less competitive in the market (those with restrictions related to having major utility transmission lines crossing the property) by allowing the use by-right only on those lots encumbered by multiple major utility easements which restrict the ability to erect buildings on the site.

VI. **ANALYSIS**

Town Plan Compliance

The Transportation policies in the *Town Plan* call for the Town to “work with the County to identify potential park and ride facilities along the Dulles Greenway and Route 7 corridors...” (*Town Plan*, Objective 4a p. 9-7). The County is interested in establishing a commuter parking lot in the Route 7 corridor but has been unable to find land suitably zoned. By allowing the use in the I-1 zoning district, this *Zoning Ordinance* amendment facilitates the *Town Plan* objective to work with the County to establish a park and ride facility at a suitable location in the Route 7 corridor.

The *Town Plan* recognizes the importance of commercially zoned lands as a source of tax revenue. Commuter Parking Lots are not tax generators and thus not considered the “highest and best use” for most commercial land. Proposed Use Standards in this *Zoning Ordinance* amendment that allow a Commuter Parking Lot by-right on lands with multiple major utility lines provides an incentive for such lots to be located primarily on sites that are less attractive to revenue generating uses.

I-1 Commuter Parking Lot Use

One of the main purposes of this *Zoning Ordinance* Amendment is to make a Commuter Parking Lot a permissible use in the I-1 zoning district. The proposed changes will allow a Commuter Parking Lot in the I-1 zoning district as a by-right use subject to meeting all use (or “performance”) standards. Alternatively, the use may be permitted by special exception in the I-1 zoning district when a proposal fails to meet any one of the performance standards of TLZO Sec. 9.3.5.1.A.

B-3 By-Right Commuter Parking Lot Use

In 2003 a Commuter Parking Lot was added as a by-right use to the B-3 District in order to accommodate a request at that time from Loudoun County to allow commuter parking on an underutilized shopping center parking lot in the northeast corner of the Leesburg Bypass and Edwards Ferry Road. Additional development has occurred at that particular parking lot using the excess parking spaces and Loudoun County no longer envisions its use for commuter parking. The purpose of the B-3 zoning district is to accommodate revenue

producing retail and service uses. Allowing a non-revenue generating Commuter Parking Lot as a by-right use is inconsistent with the purpose of the district. The proposed amendments update the *Zoning Ordinance* to only allow a Commuter Parking Lot by special exception in the B-3 zoning district.

Proposed Use Standards

Another major objective of this *Zoning Ordinance* Amendment is to establish performance standards for the Commuter Parking Lot land use. For most sites a Commuter Parking Lot will require a Special Exception giving the Town the power to either deny the use or craft conditions of special exception approval to offset any negative impacts. The draft objectives do allow for a Commuter Parking Lot by-right subject to meeting Use Standards that by definition are very limited geographically. The use standards recognize that lands encumbered by multiple major utility lines (such as overhead electric transmission lines and regional or national natural gas lines) are less competitive for attracting revenue generating commercial uses (see Map 1 of major utility lines). Thus, any possibility of a by-right Commuter Parking Lot is limited to these sites that have these major encumbrances. In total, there are two sites in the Town of Leesburg that have multiple major utility easements that could possibly meet the use-standards for a by-right Commuter Parking Lot. They are located at the northeast and southeast corners of Crosstrail Boulevard and Russel Branch Parkway east of the Wegman's grocery store (see Map 2 of potential by-right areas below).

VII. RECOMMENDATION AND DRAFT MOTION

Following sufficient Planning Commission review, staff recommends the Commission forward these amendments to Town Council with a recommendation of approval.

Motion for Approval

I move that *Zoning Ordinance* Amendment TLOA 2016-0002, Commuter Parking Lots in the I-1 be forwarded to the Town Council with a recommendation of approval, on the basis that the amendments further the objectives of the *Town Plan* and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

- Or -

Motion for Approval with Changes

I move that *Zoning Ordinance* Amendment TLOA 2016-0002, Commuter Parking Lots in the I-1 be forwarded to the Town Council with a recommendation of approval, on the basis that the amendments further the objectives of the *Town Plan* and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice, subject to the following changes to the language proposed in the May 5, 2016 staff report:

_____.

- Or -

I move an alternate motion.



**Map 2. Areas of Potential
Commuter Parking Lot by-right**

PRESENTED: June 14, 2016

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: AMENDING ZONING ORDINANCE ARTICLES 6 AND 9 TO ALLOW A COMMUTER PARKING LOT IN THE I-1 ZONING DISTRICT AND TO ESTABLISH STANDARDS FOR THE USE

WHEREAS, the Town Council initiated zoning text amendment TLOA-2016-0002 on February 23, 2016 to consider allowing a Commuter Parking Lot in the I-1 Zoning District; and

WHEREAS, a duly advertised Planning Commission public hearing was held on May 5, 2016; and

WHEREAS, at the May 5, 2016 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 June 14, 2016; 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.

The Council of the Town of Leesburg, Virginia hereby ORDAINS:

SECTION I. The zoning text amendment application TLOA 2016-0002 Commuter Parking Lots in the I-1 Zoning District is hereby approved; and

SECTION II. That the following sections of the Zoning Ordinance of the Town of Leesburg, Virginia, 2003, as amended, be and the same are hereby amended to read as follows:

AN ORDINANCE: AMENDING ZONING ORDINANCE ARTICLES 6 AND 9 TO ALLOW A COMMUTER PARKING LOT IN THE I-1 ZONING DISTRICT AND TO ESTABLISH STANDARDS FOR THE USE

6.5.2 Use Regulations

B-3 Uses			
Use		Use Standards	Definition
Institutional and Community Service Uses			
Commuter Parking Lot	P S		Sec. 18.1.32

6.7.2 Use Regulations

I-1 Uses			
Use		Use Standards	Definition
Institutional and Community Service Uses			
Commuter Parking Lot	P/S	Sec. 9.3.5.1	Sec. 18.1.32

9.2 Use Table

B-3 Uses			
Use		Use Standards	Definition
Institutional and Community Service Uses			
Commuter Parking Lot	P S		Sec. 18.1.32

I-1 Uses			
Use		Use Standards	Definition
Institutional and Community Service Uses			
Commuter Parking Lot	P/S	Sec. 9.3.5.1	Sec. 18.1.32

9.3.5.1 Commuter Parking Lot

A. A Commuter Parking Lot shall be permitted by right in the I-1 zoning district and by special exception in the B-3 zoning district in accordance with the use standards provided below.

- 1. The location is consistent with the policies of the Town Plan.**
- 2. The site has direct access to a road with a classification of Minor Arterial or Through Collector and is located within one-half mile of a road classified as a Major Arterial or Limited Access Highway.**
- 3. Parking spaces shall not exceed 500 in number.**

AN ORDINANCE: AMENDING ZONING ORDINANCE ARTICLES 6 AND 9 TO ALLOW A COMMUTER PARKING LOT IN THE I-1 ZONING DISTRICT AND TO ESTABLISH STANDARDS FOR THE USE

4. The site must be encumbered by multiple utility easements for major utility transmission lines (such as electric, natural gas, and raw water).
 5. Bus shelters and designated bus pick-up and drop-off areas sufficient for the number of parking spaces and bus services available shall be provided onsite.
 6. The parking of commercial vehicles shall be prohibited. This provision shall not be interpreted to prohibit the parking of vehicles actively engaged in providing emergency service, commercial vehicles that may be otherwise permissible during permitted special events, or the commercial vehicle of a commuter.
 7. 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.
 8. In order to provide enhanced screening adjacent to public roads the perimeter parking lot landscaping area as well as the number of shrubs required by TLZO Sec. 12.5 shall be increased by 50% except where otherwise prohibited by existing easements on the site. In addition, at least half of the shrubs shall be evergreen. All shrubs shall be a minimum of 24-inches in height at the time of planting. The screening may have openings between the landscaping groupings at random intervals to provide opportunity for surveillance.
- B. Special Exception in I-1 Zoning District: A Commuter Parking Lot shall require special exception approval in the I-1 zoning district if the proposed use fails to comply with any applicable standard for by-right use as set forth Sec. 9.3.5.1.A. above.**

SECTION III. All prior ordinances in conflict herewith are hereby repealed.

SECTION IV. 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.

AN ORDINANCE: AMENDING ZONING ORDINANCE ARTICLES 6 AND 9 TO ALLOW A COMMUTER PARKING LOT IN THE I-1 ZONING DISTRICT AND TO ESTABLISH STANDARDS FOR THE USE

SECTION V. This ordinance shall be in effect upon its adoption.

PASSED this 14th day of June, 2016.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council