

**TOWN OF LEESBURG
NOTICE OF TOWN COUNCIL PUBLIC HEARING
TO CONSIDER A TOWN PLAN AMENDMENT APPLICATION
TLTA-2015-0003, BROWN'S CAR STORES**

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 Town Plan Amendment Application TLTA-2015-0003, Brown's Car Stores - a request by Browns Leesburg Property to:

- Amend *Town Plan* policy language for the Southeast Planning Area regarding new auto dealerships; and
- Revise the *Town Plan* Roadway Network Policy Map to remove the portion of Keystone Drive between Russell Branch Parkway and Tuscarora Creek

The Town Plan Amendment applies to a single 23.8 acre parcel with no address bounded by East Market St. to the north and Tuscarora Creek to the south between the Leesburg Pollution Control Facility and the Village at Leesburg. The property is described as Loudoun County Parcel Identification Number (PIN): 149-36-6547 and Tax Map Number /49/////////23A. The parcel is zoned I-1, "Industrial Research Park District." The *Town Plan* designates this property as "Regional Office" on the Land Use Policy Map. The Roadway Network Policy Map indicates a portion of planned Keystone Drive, a through collector road, on the property. A separate Rezoning Application (TLZM-2015-0007) has also been submitted by the applicant to allow development of two vehicle sales facilities.

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 Scott E. Parker, at 703-771-2771 or sparker@leesburgva.gov.

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

**Ad to run:
6/01/16
6/8/16**



Date of Council Meeting: June 14, 2016

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Town Plan Amendment TLTA-2015-0003, Brown's Car Stores Land Use and Transportation

Staff Contact: Scott E. Parker, AICP, Assistant Town Manager

Council Action Requested: Approval of TLTA-2015-0003, Town Plan Amendment for Brown's Car Stores, Land Use and Transportation.

Staff Recommendation: Approval of TLTA-2015-0003, Town Plan Amendment for Brown's Car Stores, Land Use and Transportation.

Commission Recommendation: On May 5, 2016, the Planning Commission voted to address the two aspects of this Town Plan Amendment separately resulting in the following recommendations to Town Council:

- Approval of TLTA-2015-0003 related to Land Use on a vote of 4-2-1.
- Denial of TLTA-2015-0003 related to Transportation (removal of a segment of Keystone Drive) on a vote of 4-2-1.

The Planning Commission in its motion for denial stated that the reason it recommended to retain the segment of Keystone Drive on the Roadway Network Policy Map is "the fact that there is a need for traffic dispersal in the Town of Leesburg".

Fiscal Impact: While approval of the Town Plan Amendment alone would not have a direct fiscal impact for the Town, approval of the Land Use part of the Town Plan Amendment would allow the rezoning and special exception applications to proceed without Town Plan land use guidance conflicts. Ultimate approval of the Rezoning and Special Exception would permit the development of two automobile dealerships. This would be a significant financial positive for the Town since there is no indication that by-right development would occur in the near future under current Southeast Planning Policy Area Objective 9 language as well as the existing I-1 Zoning.

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

Executive Summary: Town Plan Amendment application TLTA-2015-0003 consists of two proposals:

- Amend Town Plan Southeast Planning Policy Area Objective 9 to add language that would allow new auto dealerships south of Route 7 and east of the Lowe's property.

- Amend the Roadway Network Policy Map to eliminate a segment of Keystone Drive, a through collector road, from south of Russell Branch Parkway to Trailview Boulevard across Tuscarora Creek.

Both amendments are associated with a 23.84 acre parcel of land (18 acres within Town limits) located on the south side of East Market Street, east of Battlefield Parkway and west of the Village at Leesburg. There are related applications TLZM-2015-0001 to rezone the site from I-1 to B-3 and TLSE-2015-0013 to allow development of two automobile dealerships.

The rezoning and special exception applications will be discussed in a separate report at a future meeting which is in keeping with the new policy of reviewing Town Plan Amendments in advance of development proposals in order to establish the appropriateness/applicability of land use proposals before details of specific applications are discussed. This is the first application to formally review a Town Plan Amendment in advance of a Rezoning and/or Special Exception.

Background: The request involves a change to text affecting recommended land use in the Southeast Planning Policy Area, and the deletion of a segment of a through collector road shown on the Roadway Network Policy Map. The Zoning Ordinance requires an assessment of any Town Plan amendment in accordance with the five criteria of Town of Leesburg Zoning Ordinance (TLZO) Sec. 3.16.5.D.2, and an analysis of how the amendment complies with other elements of the Town Plan, a fiscal analysis, and a transportation analysis. The proposal was analyzed using these criteria in the attached Planning Commission Staff Report dated May 5, 2016 (Attachment 3). Each request is reviewed in the summary below.

LAND USE ELEMENT PROPOSAL: The Applicant's 23.84 acre property is located in the Southeast Policy Area and is currently designated "Regional Office" (see Figure 1, below). The Applicant proposes to amend Southeast Planning Policy Area Objective 9 in order to allow the potential for new automobile dealerships on the property. The proposed language will allow the dealerships while leaving the Regional Office designation intact. The proposed Town Plan policy language is underlined and highlighted in yellow with deleted language shown in red:

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; ~~and~~*
- c. A substantial buffer is provided to residential development south of Tuscarora Creek; ~~and~~*
- d. New auto dealership uses may be appropriate east of the Lowe's property identified as PIN #149460836 and the Town Wastewater Treatment Plant provided objectives a, b and c above are met.*

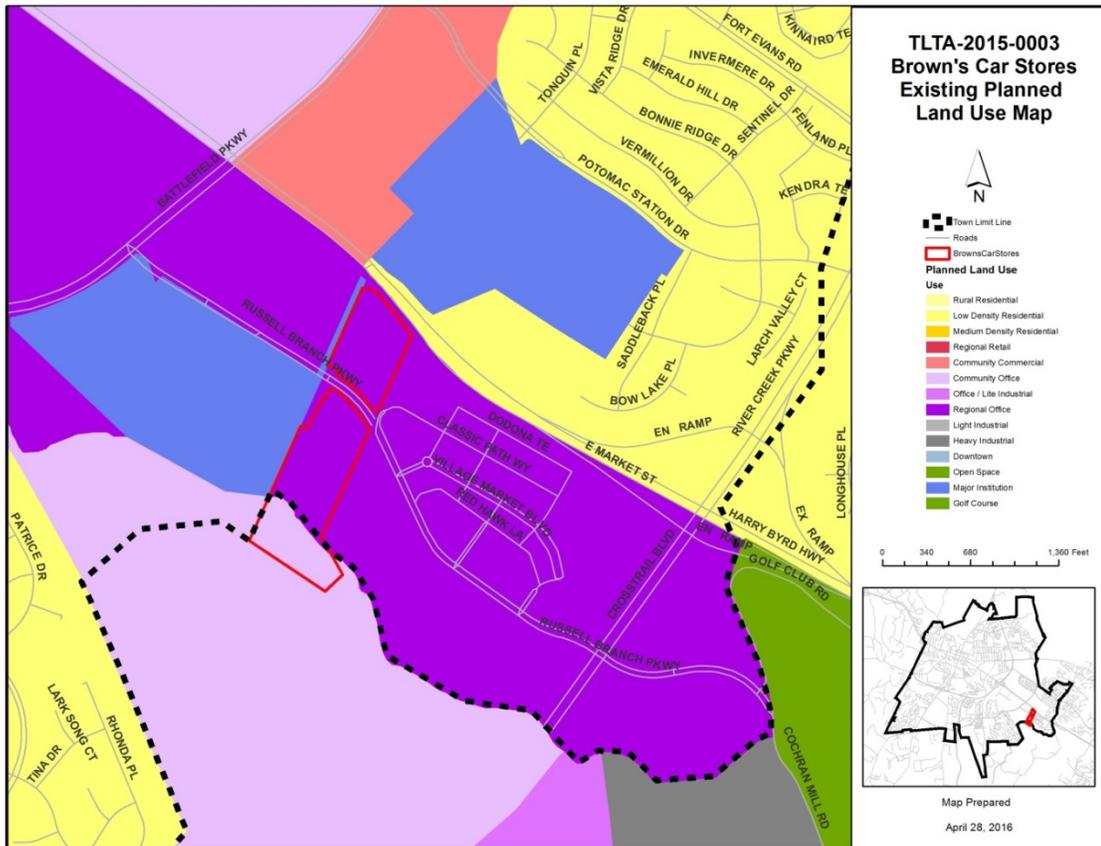


Figure 1. Existing Planned Land Use Policy Map showing the Subject Property

TLZO SECTION 3.16.5.D.2. Assessment of the request:

- a. How the amendment better realizes a Town Plan goal or objective (e.g., to provide a more compatible land use pattern; better transitions between land uses).

Analysis: The existing Town Plan designation “Regional Office” allows light industrial uses. “Light Industrial uses” in the Town Plan are uses “that will not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisances. Typical light industrial uses include . . . automobile related facilities, including dealerships . . .” (Town Plan, pp. 6-33). However, automobile dealerships in Regional Office are restricted by Southeast Planning Policy Area Objective 9 which limits auto dealerships in this area to existing facilities, such as Jerry’s Ford and Leesburg Toyota. New dealerships are prohibited on the subject property by this provision. Other Regional Office areas, such as adjacent to the JLMA or east of the subject property along Route 7 do not share this restriction.

One reason for the limitation is the perceived incompatibility of auto dealerships with office and office support uses which the provision itself indicates may be alleviated by buffers and design.

In this case, the Applicant contends that the proposed use is more appropriate with the surrounding adjacent uses and is a better transitional use. The Town's Wastewater Treatment Facility is adjacent to the west of the property, and is a use that has been cited on previous plan amendments as a detriment to obtaining high-end or dense office use. Also to the west is the Lowe's development where the rear of the building and loading docks face the property. To the east is the Village at Leesburg with a movie theater parking lot adjacent to the subject property. To the south is the Tuscarora Crossing development in Loudoun County which is a recently approved rezoning that is predominantly residential.

Overall, staff believes that Town Plan goals or objectives are better realized by this amendment as proposed. Staff acknowledges that if the Town Plan permitted auto dealerships on the property, they would be more likely to be constructed in the near term than offices, meaning a more immediate economic benefit. Town Plan goals speak to long term fiscal planning over short term expediency, but given the amount of land designated as Regional Office, conversion of 18 acres to an auto dealership use in this location may be prudent and practical in the current economic environment. Also, at the time of the 2012 Town Plan update there was an acknowledgement that development as envisioned in the Regional Office category was not realistic given changes in the office market and the nature of office use.

b. How the amendment may rectify conflicting Plan goals or objectives.

Analysis: Applicant believes an office land use for this site is better replaced with auto dealerships due to a lack of demand for office use at this time (Attachment 1, Statement of Justification, p. 3). Staff notes that the associated rezoning protects the entirety of the Tuscarora Creek floodplain and some areas outside of it. Natural Resources Element Objectives 3 and 4 seek to protect natural areas and preserve tree canopy.

d. How the amendment may provide more specific Plan guidance.

Analysis: The amendment proposes new language for Southeast Planning Area Objective 9 to permit new auto dealerships east of the Lowe's property. The amendment includes site specific policy language that would in effect allow the potential for new auto dealerships on the Applicant's property. This language would be used to guide rezoning requests affecting the site, such as the related rezoning application.

e. How the amendment might adjust the Plan as a necessary result of a significant change in circumstance unforeseen by the Plan at the time of adoption.

Analysis: Since 2015, the designation of land adjacent to the subject property on the east and west has remained Regional Office, but both have been the subject of either the "Regional Office Option" or an amendment. Village at Leesburg to the

east exercised the "Regional Office Option" which allowed a mix of uses, including residential and a significant amount of commercial uses which outnumber the floor area of office uses. To the west, a land use amendment to the Town Plan permitted another option with an even higher percentage of retail uses (no residential) and a home improvement store (Lowe's).

In both of these cases, major justifications were the downturn in the office market, the office glut to the east of Town, and current and future trends that make the office park campus-style an outmoded development model. To the south, an area planned for Community Office on the Joint Land Management Area (JLMA) was rezoned by Loudoun County to contain residential uses south of the subject property across Tuscarora Creek. These changes in land use were not anticipated by the Town Plan and were the result of a reaction to changed conditions in the office market. Those changing conditions were recognized by the Town in 2012 when a Small Area Plan was recommended for the Route 7 Corridor east of the Bypass to reassess the existing office-dominated Town Plan land use designations.

TLZO SECTION 3.16.5.D.3. COMPLIANCE WITH OTHER ELEMENTS OF THE TOWN PLAN: The Zoning Ordinance requires an analysis of how the proposed amendment and subsequent development will comply with elements of the Town Plan, as well as their associated goals and objectives.

Analysis: Applicant addresses this element in the Statement of Justification on pages 2-3. Specifically, the Applicant emphasized that the amendment will result in the protection of the Tuscarora Creek stream corridor by elimination of the Keystone Drive crossing of Tuscarora Creek and will meet community design objectives due to the presence of most of the property in the H-2, Historic Corridor Architectural Control District. Also of note is the Applicant's contention that the proposed auto service use is in demand, and will be constructed in the near future (assuming the associated rezoning is approved) which will further economic policies by providing revenue as opposed to vacant land.

TLZO SECTION 3.16.5.D.4. FISCAL ANALYSIS: The Zoning Ordinance requires a fiscal analysis that compares general fund revenues, costs of services and capital facilities improvements generated by development associated with the requested amendment.

Analysis: The Applicant submitted a fiscal impact analysis prepared by Robert Charles Lesser & Company that assumed a 0.20 floor area ratio (FAR) on the property for flex/industrial space under the current Regional Office designation. Over a 20-year period this produced revenue of approximately \$500,000 for the Town, whereas the study predicts that auto dealership uses may produce revenue of approximately \$2,000,000 over the same period.

Summary: This proposal would allow 18 acres in Town to be developed as new auto dealerships. Regional Office permits auto dealerships as a light industrial use in certain areas, even along Route 7, such as east of the Village of Leesburg in the I-1 zoned land east of Crosstrail Boulevard and south of Route 7. The reason is the industrial nature of

the land to the south including a quarry. The Applicant contends that the location of the subject property adjacent to the rear of a Lowe's retail store to the west, a movie theater parking lot to the east, the Town's wastewater treatment plant to the southwest, and the relatively long and narrow shape of the parcel makes this property suitable for auto sales. Staff agrees and believes keeping the Regional Office designation allows for a wide range of office and support uses if auto dealership use does not develop on the property.

TRANSPORTATION ELEMENT PROPOSAL: The Applicant proposes to amend the Roadway Network Policy Map (see Figure 2, below) to eliminate the connection of Keystone Drive from south of Russell Branch Parkway to Trailview Boulevard across Tuscarora Creek (see Figure 3, below).

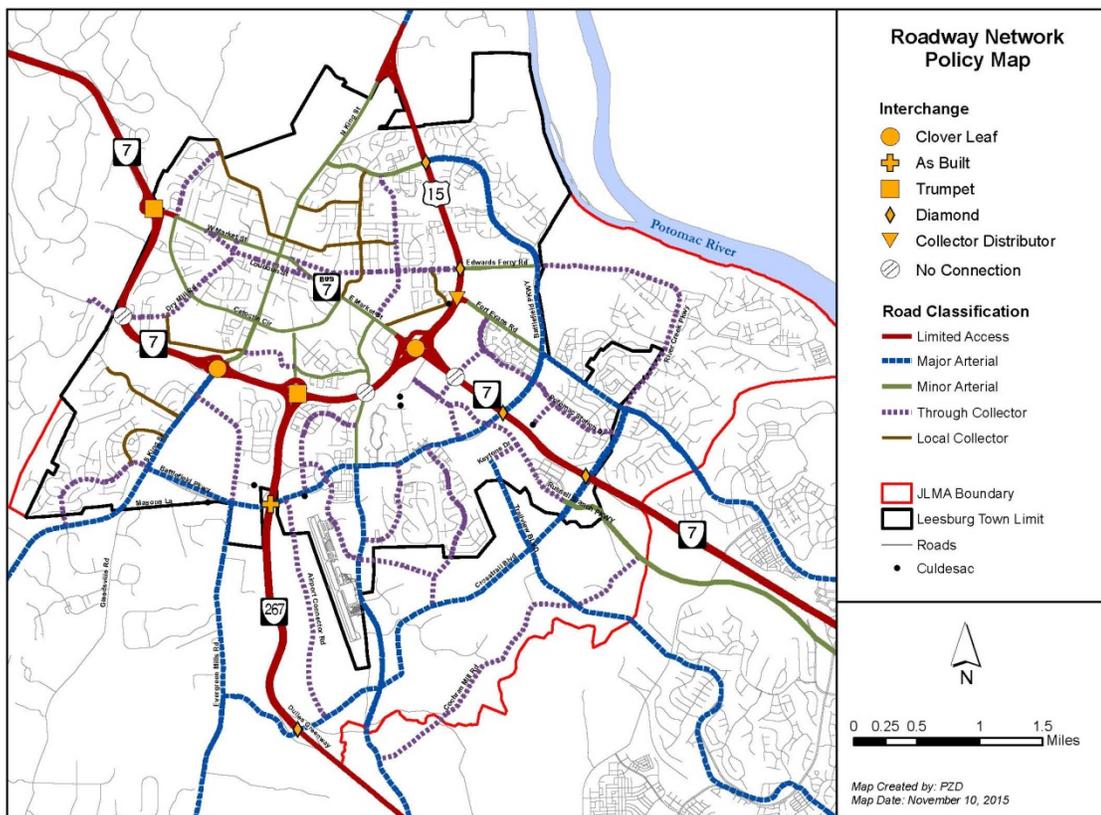


Figure 2. Existing Roadway Network Policy Map

The Roadway Network Policy Map indicates Keystone Drive as a “through collector” road linking Russell Branch Parkway with Trailview Boulevard to the south. The Transportation Element describes it as a four lane undivided road with a 90-foot right-of-way (Town Plan pp. 9-15). Other relevant Town Plan objectives include the following:

- Objective 2.b: *Work with officials from various transportation agencies to promote the inclusion of projects in their plans, programs, and development regulations that adequately provide future capacity (i.e., motorized and non-motorized) for moving people safely and efficiently through Leesburg.* (Town Plan pp. 9-5)

- Objective 2.c: *Coordinate with Loudoun County . . . to better coordinate land use and transportation planning towards implementing a more sustainable transportation system.* (Town Plan pp. 9-5)

TLZO SECTION 3.16.5.D.2. Assessment of the request:

- a. *How the amendment better realizes a Town Plan goal or objective.*

Analysis: The amendment does not affect the realization of *Plan* goals or objectives in that the subject Keystone Drive segment is no longer important to the overall planned road network though it does affect access to the two adjacent properties. A Traffic Impact Analysis (TIA) entitled “Town of Leesburg, Virginia, Comprehensive Plan Amendment” dated September 22, 2015 was prepared by Wells & Associates to analyze the impact of the removal of this portion of Keystone Drive using a comparison “before” and “after” approach.

The Virginia Department of Transportation (VDOT) found that the report showed “there were no significant overall impacts to the transportation network” (See Attachment 2, VDOT Comment letter dated January 13, 2016). The Town Transportation Engineer also had no objection to removal of the subject road segment in light of the TIA results.

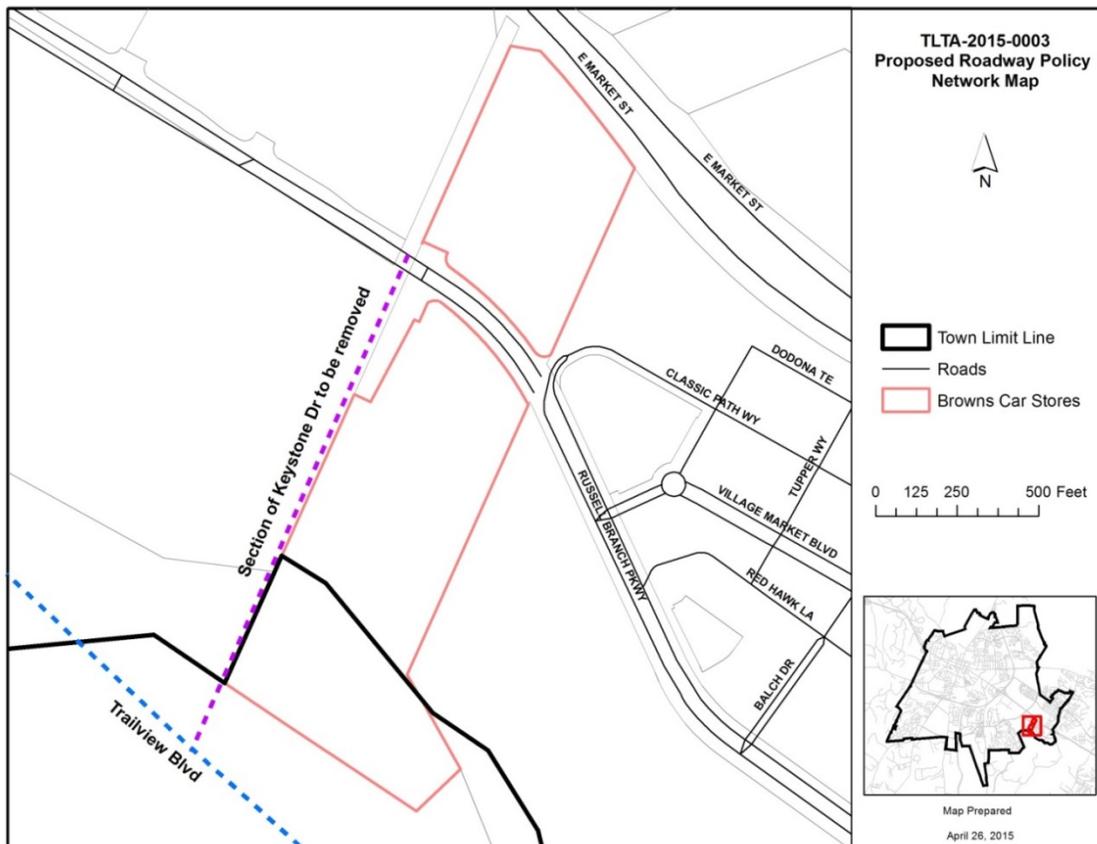


Figure 3. Proposed Segment to be removed

b. How the amendment may rectify conflicting Plan goals or objectives.

Analysis: A goal of the Town Plan is to provide adequate roads to move people safely and efficiently; what is not intended is the provision of major road improvements that must be constructed and maintained but do not increase the overall efficiency of the transportation network. The TIA indicates that this segment of Keystone Drive is not necessary because it does not provide the efficiency that was intended by its original inclusion on the Roadway Network Policy Map.

In 2005, Keystone Drive was envisioned as a major north-south road with a flyover across Route 7 and a bridge across Tuscarora Creek. On December 14, 2010 the Keystone Drive Overpass crossing Route 7 was removed from the Roadway Network Policy Map. On January 14, 2014 the portion of Keystone Drive between Russell Branch Parkway and Route 7 was also removed from the Roadway Network Policy Map. This was done in recognition of the diminished need for this through collector given other constructed or planned transportation improvements in the area. This need was further diminished by approval of the rezoning of Tuscarora Crossing in Loudoun County in February 2015 via ZMAP-2012-0011.

The Tuscarora Crossing rezoning allows residential uses instead of higher trip generating industrial/office uses previously planned for all of the property. In addition, the approved proffers do not require the developer to build the Keystone Drive connection to Trailview Boulevard on its property. A 90-foot wide right-of-way reservation is shown on the Concept Plan.

In this case, the segment of Keystone Drive must cross Tuscarora Creek and its adjacent floodplain. That requires a bridge which adds millions of dollars to the cost of construction of the segment. Tuscarora Creek is identified as a "Stream Corridor" on the Green Infrastructure Policy Map of the Town Plan. Natural Resources Element Objective 1.a states "*Preserve, protect, and restore stream corridors.*" (Town Plan pp. 2-7) Protection of this portion of the Tuscarora Creek stream corridor will contribute to other Natural Resources goals such as the preservation of tree canopy, natural flora and fauna and the ecological integrity of the stream. If Keystone Drive is removed as proposed, the conflict with the Natural Resources objectives and Transportation objectives will be resolved.

c. How the amendment may clarify the intent of a Plan goal or objective.

Analysis: The amendment does not clarify any goals or objectives although the removal of an unnecessary road segment does fit with Transportation goals to provide an efficient road system.

d. How the amendment may provide more specific Plan guidance.

Analysis: The amendment affects the specificity of Plan guidance by the proposed change eliminating a road from the Road Network Policy Map thereby indicating that it is not required as part of the road network. Staff notes that there is a segment of Keystone Drive located north of Route 7 that connects to Potomac Station Drive. This segment will remain and the language describing Keystone Drive on Town Plan pages 9-15 will continue to apply to that segment.

e. How the amendment might adjust the Plan as a necessary result of a significant change in circumstance unforeseen by the Plan at the time of adoption.

Analysis: Since 2015, land adjacent to the subject property on the east (Village at Leesburg) and west (Lowe's) has developed at densities below the expected "Regional Office" category. To the south, an area planned for Community Office within the Joint Land Management Area (JLMA) was rezoned by Loudoun County to contain significant residential uses south of the subject property across Tuscarora Creek (Tuscarora Crossing). Together these changes reduced the commercial traffic and overall traffic in the area to such an extent that VDOT and the Town Transportation Engineer concur with the applicant's TIA that this segment of Keystone Drive is no longer necessary. This change in land use and need was not anticipated by the Town Plan and is justification for the proposed amendment.

TLZO SECTION 3.16.5.D.3. COMPLIANCE WITH OTHER ELEMENTS OF THE TOWN PLAN: The proposed transportation amendment complies with the policies of the Natural Resources and Transportation elements as described above. The amendment is consistent with the policies to provide only necessary road infrastructure. In addition, the amendment is consistent with the policies that seek to protect natural resources including stream corridors and the tree canopy, vegetation, and wildlife found within them.

TLZO SECTION 3.16.5.D.4. FISCAL ANALYSIS: Deleting the planned segment of Keystone Drive would eliminate the future cost of construction and maintenance of the road segment. These costs would be considerable given the four lanes and the bridge spanning Tuscarora Creek. Because all land immediately adjacent is rezoned except the subject property, the majority of the cost of these improvements would come from public funding sources.

TLZO SECTION 3.16.5.D.5. TRANSPORTATION ANALYSIS: The submitted TIA demonstrates the road is not necessary as described above and neither VDOT nor the Town Transportation Engineer has any objections to the conclusion of the TIA.

SUMMARY: The Applicant has adequately addressed the justification as required in TLZO Sec 3.16.5.D for the removal of the subject segment of Keystone Drive from the Roadway Network Policy Map. Page 1 of the Statement of Justification states that in light of the recent Tuscarora Crossing rezoning that provides access for that parcel via

Trailview Boulevard and Crosstrail Boulevard and east west access via Russell Branch Parkway, there is no longer a need for this segment of Keystone Drive. The TIA demonstrates the link would not provide necessary access or traffic relief, and both VDOT and the Town Transportation Engineer agree with this conclusion. In addition, the costly crossing of Tuscarora Creek will not be made, thereby furthering the objectives of the Town Plan Natural Resources Element to protect designated stream corridors and preserving public funds for needed transportation improvements.

Attachments:

- (1) Applicant Statement of Justification
- (2) VDOT Referral Comment Letter
- (3) April 21, 2016 Planning Commission Staff Report
- (4) Resolution



Date of Meeting: May 5, 2016

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLTA-2015-0003, Brown's Car Stores Land Use and Transportation

Staff Contact: Scott E. Parker, AICP, Assistant Town Manager

Applicant: Brown's Leesburg Property, LLC
c/o Walsh Colucci Lubeley & Walsh, PC
One East Market Street, Suite 300
Leesburg, VA 20176-3014

Applicant's Representative: Christine Gleckner, Land Use Planner
Walsh Colucci Lubeley & Walsh, PC
One East Market Street, Suite 300
Leesburg, VA 20176-3014; cgleckner@thelandlawyers.com

Proposal: This application consists of the following two proposals:

- Amend *Town Plan* Southeast Planning Policy Area Objective 9 to add language to expand the area allowing new auto dealerships south of Route 7.
- Amend the Roadway Network Policy Map to eliminate a segment of Keystone Drive, a through collector road, from south of Russell Branch Parkway to Trailview Boulevard across Tuscarora Creek.

Both amendments are associated with a 23.84 acre parcel of land (18 acres located within Town limits) located on the south side of East Market Street, east of Battlefield Parkway and west of the Village at Leesburg (see Figure 2 Vicinity Map below). (*NOTE: There are related applications TLZM-2015-0001 to rezone the site from I-1 to B-3 and TLSE-2015-0013 to allow development of two automobile dealerships. The rezoning and special exception applications will be discussed in a separate report at a future meeting.*)

Planning Commission Critical Action Date: August 12, 2016

Recommendation: Staff recommends approval of TLTA-2015-0003 based on the findings contained in this report. [*Staff findings are contained in Section III.A.6 on p. 9 for Land Use and Section III.B.6 for Transportation on p. 13.*]

Acceptance Date: November 20, 2015

Web Link: A comprehensive listing of all application documents is found on the Town website: <http://www.leesburgva.gov/government/departments/planning-zoning/liam-interactive-applications-map>.

Figure 1. Property Information			
Address:	(none)	Zoning:	I-1
PIN #:	149-36-6547	Existing Planned Land Use:	Regional Office
Size:	23.84 acres	Proposed Planned Land Use:	Regional Office

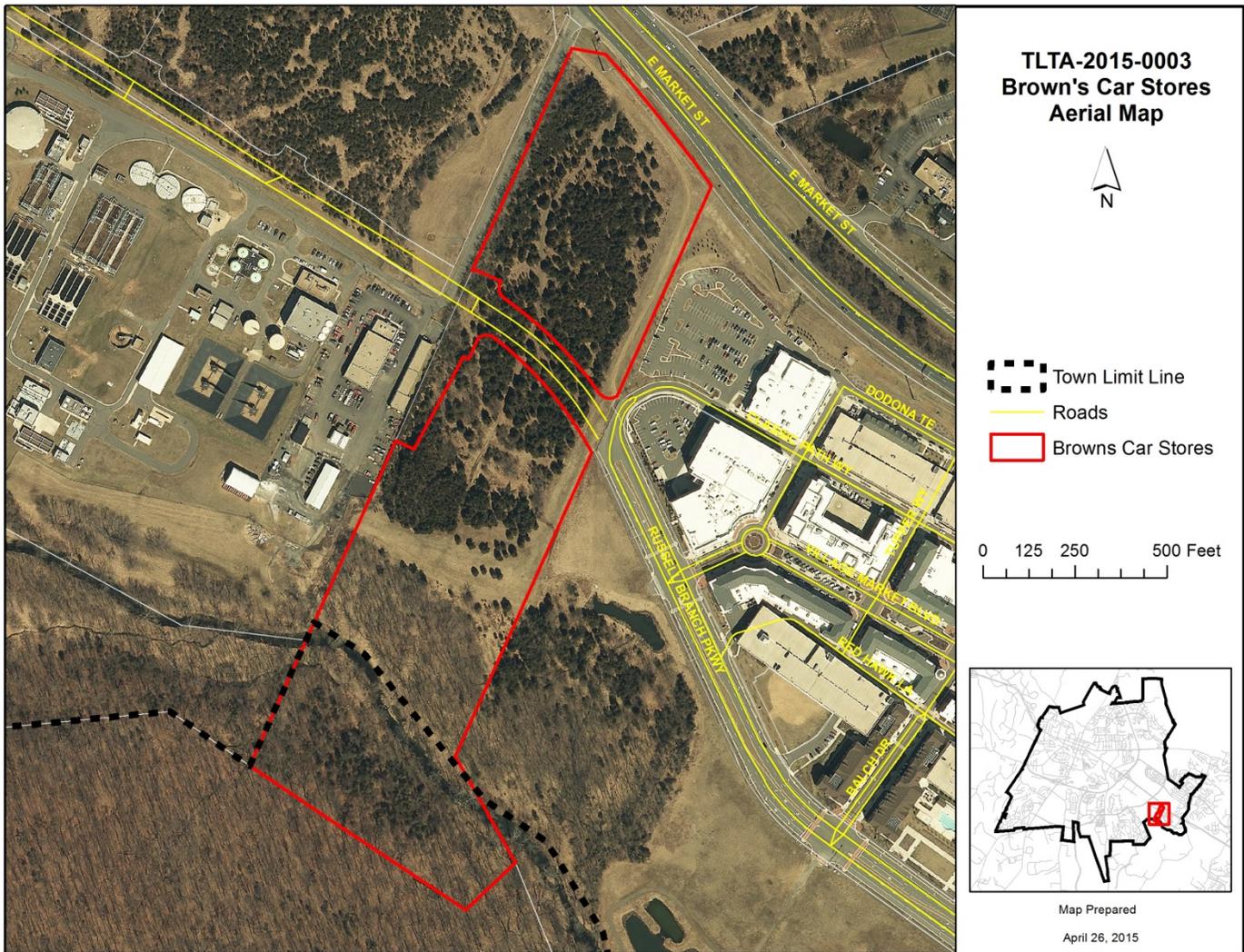


Figure 2. Vicinity Map

Suggested Motions:

Approval

I move that *Town Plan* Amendment TLTA-2015-0003 to (1) amend the *Town Plan* Southeast Planning Policy Area Objective 9 to add language related to allowing new auto dealerships, and (2) to amend the *Roadway Network* Policy Map to eliminate a segment of Keystone Drive, be

forwarded to the Town Council with a recommendation of approval on the basis that the amendment meets the Approval Criteria of TLZO Section 3.16 and will serve the public necessity, convenience, general welfare and good planning practice based on the findings as provided in the May 5, 2016 Planning Commission Staff Report.

- Or -

Denial

I move that *Town Plan* Amendment TLTA-2015-0001 to (1) amend the *Town Plan* Southeast Planning Policy Area Objective 9 to add language related to allowing new auto dealerships, and (2) to amend the Roadway Network Policy Map to eliminate a segment of Keystone Drive, be forwarded to the Town Council with a recommendation of denial on the basis that the amendment does not meet the Approval Criteria of TLZO Section 3.16 and will not serve the public necessity, convenience, general welfare and good planning practice based on the following findings: _____.

- Or -

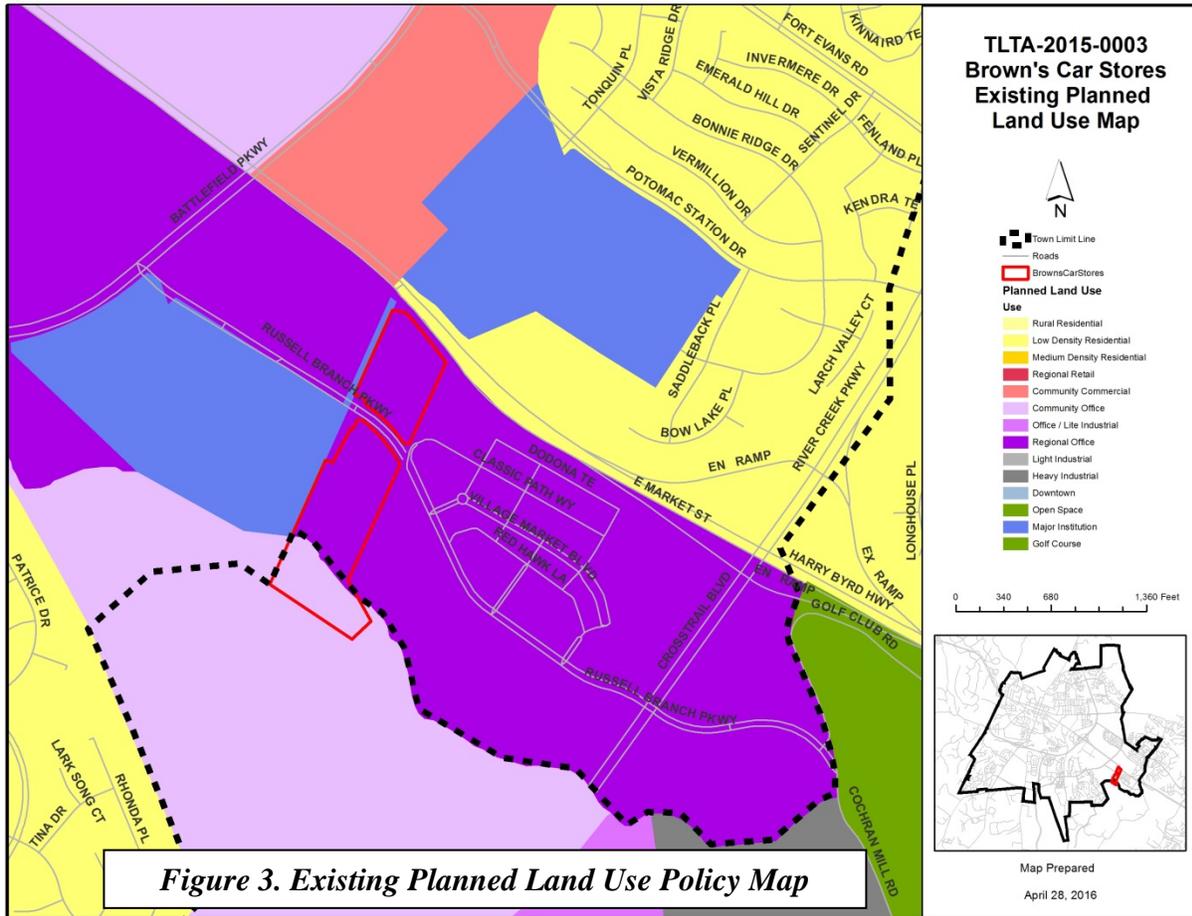
Alternate Motion

I move that _____.

-
- I. PROPOSAL:** This *Town Plan* amendment is one of three legislative applications necessary to potentially develop land located along Route 7 as new auto dealerships (See Figure 2 above). In 2015 the Town Council adopted a policy that requires Planning Commission action on a *Town Plan* amendment to occur *before* the rezoning application is advertised for a Planning Commission public hearing. Therefore, the associated applications will be discussed in a separate report at a future date. This report focuses on the *Town Plan* Amendment only.

The request involves a change to text affecting recommended land use in the Southeast Planning Policy Area and the deletion of a segment of a through collector road proposed on the Roadway Network Policy Map. Each of these two requests will be examined separately below.

Note that applicant's initial proposal was to change the land designation of the subject property from "Regional Office" to "Community Office/Light Industrial". As a result of staff comments that request has been replaced with the proposal described above. Applicant's original Statement of Justification dated October 15, 2015 (Attachment 1) has not been revised and is offered by applicant to provide justifications for the current proposal because the arguments for the auto dealership use remain equally applicable.



II. APPROVAL CRITERIA: A *Town Plan* amendment is a request to establish new policy guidance different from the existing policies of the *Town Plan*. Staff has evaluated the proposed amendment in light of the requirements stipulated by the *Town of Leesburg Zoning Ordinance* (TLZO) and the current *Town Plan* policies to assess whether the requested amendment is supported by those criteria and the submitted Statement of Justification. The proposed amendment is subject to the approval criteria specified in TLZO Sec. 3.16.12. Detailed criteria are specified as submission requirements in TLZO Sec. 3.16.5.D. Each of these criteria is addressed below.

III. STAFF ANALYSIS:

A. LAND USE ELEMENT PROPOSAL: The Applicant's 23.84 acre property is located in the Southeast Policy Area and is currently designated "Regional Office" (see Figure 3 above) The Applicant proposes to amend Southeast Planning Policy Area Objective 9 in order to allow the potential for new automobile dealerships on the property. This language will allow the dealerships while leaving the Regional Office designation intact. The proposed *Town Plan* policy language is underlined and highlighted in yellow with deleted language shown in red:

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; ~~and~~
- c. A substantial buffer is provided to residential development south of Tuscarora Creek; ~~and~~
- d. New auto dealership uses may be appropriate east of the Lowe's property identified as PIN #149460836 and the Town Wastewater Treatment Plant provided objectives a, b and c above are met.

1. TLZO SECTION 3.16.5.D.2. CRITERIA

- a. *How the amendment better realizes a Town Plan goal or objective (e.g., to provide a more compatible land use pattern; better transitions between land uses).* Applicant's Statement of Justification ("Statement") reads "*Given the configuration of the property and the proposed and existing adjacent land uses, the proposed planned land use provides a better transition between land uses and provides a more positive fiscal benefit to the Town.*" Applicant states that "*The property is bounded [by the] Village at Leesburg mixed-use community on the east and the Lowe's store and the Town's wastewater treatment plant on the west . . . the long, narrow shape of the parcel lends itself better to the proposed land use designation [of auto dealership]*" (Statement, p. 1-2)

Analysis: Staff notes that the existing *Plan* designation "Regional Office" does allow light industrial uses in Use Statement 3: "*Light industrial and high tech uses as appropriate provided that issues related to compatibility, emissions, outdoor storage and traffic are effectively addressed.*" That is, the potential for light industrial uses in the Regional Office designation already exists subject to conditions. "Light Industrial uses" as described in the *Town Plan* "*are characterized as those that will not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisances. Typical light industrial uses include . . . automobile related facilities, including dealerships . . .*" (TP., p. 6-33). However, there is a caveat: automobile dealerships in Regional Office are restricted by Southeast Planning Policy Area Objective 9 which limits auto dealerships in this area to *existing* facilities, such as Jerry's Ford and Leesburg Toyota. New dealerships are prohibited on the subject property by this provision. Other Regional Office areas, such as adjacent to the JLMA or east of the subject property along Route 7 do not share this restriction.

One reason for the limitation is the perceived incompatibility of auto dealerships with office and office support uses which the provision itself indicates may be alleviated by buffers and design. In the case of the subject property, applicant argues that the proposed use is more appropriate with the surrounding adjacent uses (Statement, pp. 1-2). Adjacent to the west of the property is the Town's Wastewater Treatment Facility, a use that has been cited on previous plan amendments as a detriment to obtaining high-end or dense office use. To the west is the Lowe's development, where the rear of the building and loading docks face the property. To the east is the Village at Leesburg, a mixed-use development with residential uses but a movie theater parking lot is the closest use to the property. The Lowe's development and the Village of Leesburg are designated as a "Regional Office Option" but a majority of the

uses are retail based as opposed to office, and in each case the option allowed a more commercial development. To the south is the Tuscarora Crossing development in Loudoun County, a recently approved residential rezoning. Applicant contends that an auto dealership use is more compatible with what exists than office and is a more appropriate transition use.

Staff notes that two decades ago a Lowe's stores once existed next to the Jerry's Ford and Toyota dealerships. Overall, staff is persuaded that Town Plan goals or objectives are better realized by this amendment as proposed. [Staff does acknowledge that if the *Town Plan* permitted auto dealerships on the property they are more likely to be constructed in the near term than offices, meaning a more immediate economic benefit. Applicant states that there is demand for the auto sales at this time and will provide business growth (Statement, p. 3) whereas office use is less likely given changes in the need for traditional office space.] *Town Plan* goals speak to long term fiscal planning over short term expediency, but given the amount of land designated as Regional Office, conversion of 18 acres to an auto dealership use in this location may be prudent and practical in the current economic environment. Also, and more relevant, at the time of the 2012 *Town Plan* update there was an acknowledgement that development as envisioned in the Regional Office category was not realistic given changes in the office market and the nature of office use. Therefore, development of a Small Area Plan was set as a goal to update the Regional Office category to make it more marketable for the Town by recognizing emerging technologies as well as other uses. This planning effort is currently underway.

b. How the amendment may rectify conflicting Plan goals or objectives.

Analysis: The proposal does not specifically identify any conflicting land use goals that are rectified by the proposal, although it is clear that applicant believes the office land use for this site is better replaced with auto dealerships due to a lack of demand for office use at this time (Statement, p. 3). Staff notes that the associated rezoning protects the entirety of the Tuscarora Creek floodplain and some areas outside of it. Natural Resources Element Objectives 3 and 4 seek to protect natural areas and preserve tree canopy. Perhaps the amendment could include language regarding the protection of the Tuscarora Creek floodplain for this property to better meet *Town Plan* goals.

c. How the amendment may clarify the intent of a Plan goal or objective.

Analysis: No claim is made by the applicant that the language of the existing plan is unclear.

d. How the amendment may provide more specific Plan guidance.

Analysis: The amendment proposes new language for Southeast Planning Area Objective 9 to permit new auto dealerships east of the Lowe's property, revising the language that currently prohibits new dealerships west of the Village at Leesburg. The amendment includes site specific policy language that would in effect allow the

potential for new auto dealerships on the Applicant's property. This language would be used to guide rezoning requests affecting the site, such as the related rezoning application.

- e. **How the amendment might adjust the Plan as a necessary result of a significant change in circumstance unforeseen by the Plan at the time of adoption.** The Statement makes the case that *"the development of the Lowe's store and related development was not anticipated at the time of adoption of the Town Plan. With that rezoning and resulting development, this segment of East Market Street is developing as a commercial corridor rather than an office corridor.* (Statement, p. 4) Applicant also contends that the auto dealership use is more compatible with the adjacent movie theater and the Lowe's store than office use would be.

Analysis: Since 2015, the designation of land adjacent to the subject property on the east and west has remained Regional Office, but both have been the subject of either the "Regional Office Option" or an amendment. Village at Leesburg to the east exercised the "Regional Office Option" which allowed a mix of uses, including residential and a significant amount of commercial uses which, percentage-wise, outnumber the floor area of office uses. A movie theater parking lot is directly adjacent to the subject property. To the west, a land use amendment to the *Town Plan* permitted another option with an even higher percentage of retail uses (no residential) and a home improvement store (Lowe's). In both of these cases, major justifications were the downturn in the office market, the office glut to the east of Town, and current and future trends that make the office park campus-style an outmoded development model. To the south, an area planned for Community Office on the Joint Land Management Area (JLMA) was rezoned by Loudoun County to contain residential uses south of the subject property across Tuscarora Creek. These changes in land use were not anticipated by the *Town Plan* and were the result of a reaction to changed conditions in the office market. Those changing conditions were recognized by the Town in 2012 when a Small Area Plan was recommended for the Route 7 Corridor east of the Bypass to reassess the existing office-dominated *Town Plan* land use designations.

- 2. TLZO SECTION 3.16.5.D.3. COMPLIANCE WITH OTHER ELEMENTS OF THE TOWN PLAN:** The Zoning Ordinance requires an analysis of how the proposed amendment and subsequent development comply with the goals and objectives of the *Town Plan* specifically:

How the requested amendment and associated development will comply with elements of the Town Plan, as well as their associated goals and objectives. These include, but may not be limited to, natural resources, parks and recreation, heritage resources, community design, land use, housing, economic development, transportation, and community facilities and services.

Analysis: Applicant addresses this element in the Statement on pages 2-3. Specifically, applicant emphasized that the amendment will result in the protection of the Tuscarora Creek stream corridor by elimination of the Keystone Drive crossing of Tuscarora Creek

and will meet community design objectives due to the presence of most of the property in the H-2, Historic Corridor Architectural Control District. Also of note is applicant's contention that the proposed auto service use is in demand and will be constructed in the near future (assuming the associated rezoning is approved) which will further economic policies by providing revenue as opposed to vacant land. Staff agrees that these elements could be furthered by the amendments. However, the amendment as proposed makes it more difficult to realize two important objectives of the *Town Plan*:

- As described above, the town desires major office developments on the Rt. 7 corridor in order to create high-wage employment opportunities; an increase in the proportion of general fund revenues provided by nonresidential uses, with offices being a major contributor;
- The Regional Office guideline for development at a floor-area ratio of between 0.35 and 1.0.

3. TLZO SECTION 3.16.5.D.4. FISCAL ANALYSIS: The Zoning Ordinance requires a fiscal analysis that compares general fund revenues, costs of services and capital facilities improvements generated by development associated with the requested amendment.

Analysis: Applicant submitted a fiscal impact analysis prepared by Robert Charles Lesser & Company (use this link to see the study: <http://www.leesburgva.gov/Home/ShowDocument?id=19863>). It assumed a 0.20 FAR (floor area ratio) on the property for flex/industrial space under the current Regional Office designation. Over a 20-year period this produced revenue of approximately \$500,000 for the Town, whereas the auto dealership use is predicted in the study to produce revenue of approximately \$2,000,000 over the same period. While the potential FAR on the property could exceed the estimated 0.20, even at a higher rate for flex industrial there is no indication that applicant's proposal would produce significantly less revenue.

4. TLZO SECTION 3.16.5.D.5. TRANSPORTATION ANALYSIS: The Zoning Ordinance requires a transportation analysis that shows how the amendment will address the objectives of the *Town Plan's* Transportation element.

Analysis: The Applicant submitted a Traffic Impact Analysis (TIA) with this amendment (use this link to see the study: <http://www.leesburgva.gov/Home/ShowDocument?id=20566>). It explains that there is no need for the Keystone Drive connection across the Tuscarora Creek through the south end of the property. That TIA is discussed below under analysis of the proposed Transportation Plan amendment.

5. SUMMARY: This proposal would allow 18 acres in Town that is designated Regional Office to be developed as new auto dealerships. Regional Office permits auto dealerships as a light industrial use in certain areas, even along Route 7, such as east of the Village of Leesburg in the I-1 zoned land east of Crosstrail Boulevard and south of Route 7. The reason is the industrial nature of the lands to the south, including a quarry. Applicant contends that the location of the subject property adjacent to the rear of a Lowe's retail store to the west, a movie theater parking lot to the east, the Town's wastewater treatment plant to the southwest, and the relatively long and narrow shape of the parcel makes this property

suitable for auto sales. Staff agrees and believes keeping the Regional Office designation allows for a wide range of office and support uses if auto dealership use does not develop on the property.

6. STAFF FINDINGS: Based on the discussion above, Staff is of the opinion that the interests of the Town and its citizens are best served by approval of the requested *Town Plan Land Use Amendment* based on the following findings:

- A. The Statement of Justification and submitted materials adequately address the Zoning Ordinance criteria to justify the *Town Plan Amendment* as proposed.
- B. The proposal furthers *Town Plan Land Use and Economic Development* policies by providing for additional economic opportunities appropriate given the location and circumstances applicable today to the subject property.
- C. Necessary policy guidance is provided by this Amendment to allow for the proposed Land Use at this location.

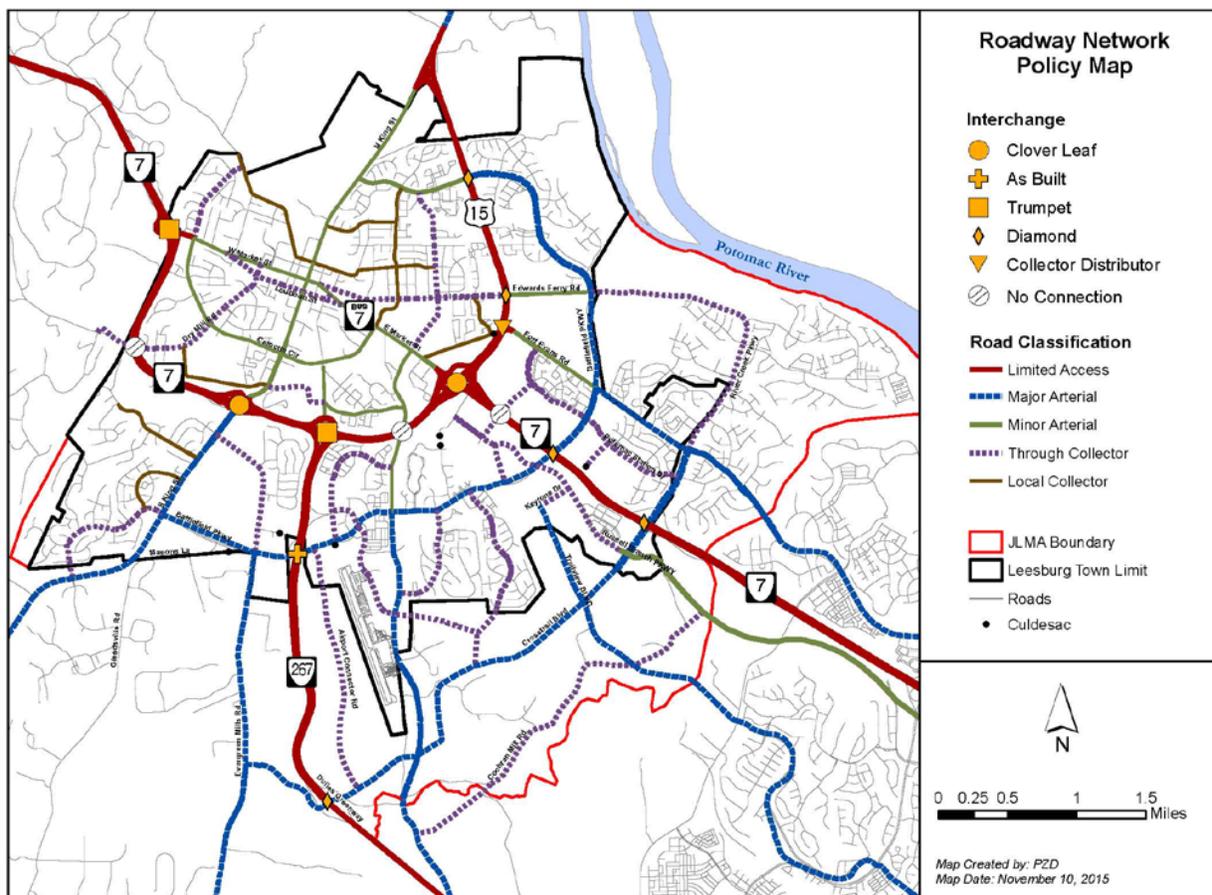


Figure 4. Existing Roadway Network Policy Map

B. TRANSPORTATION ELEMENT PROPOSAL: Applicant proposes to amend the Roadway Network Policy Map of the *Town Plan* to eliminate the connection of Keystone Drive from south of Russell Branch Parkway to Trailview Boulevard across Tuscarora Creek

(see Figure 5 below). Applicant provides its reasons supporting its proposal in the Statement of Justification dated October 15, 2105 on pages 1-5.

The *Town Plan* Roadway Network Policy Map indicates Keystone Drive as a “through collector” road linking Russell Branch Parkway with Trailview Boulevard to the south (see Figure 4 above). The Transportation Element describes it as a four lane undivided road with a 90-foot right-of-way (TP p. 9-15). Other relevant *Town Plan* objectives include the following:

- Objective 2.b: *Work with officials from various transportation agencies to promote the inclusion of projects in their plans, programs, and development regulations that adequately provide future capacity (i.e., motorized and non-motorized) for moving people safely and efficiently through Leesburg. (TP p. 9-5)*

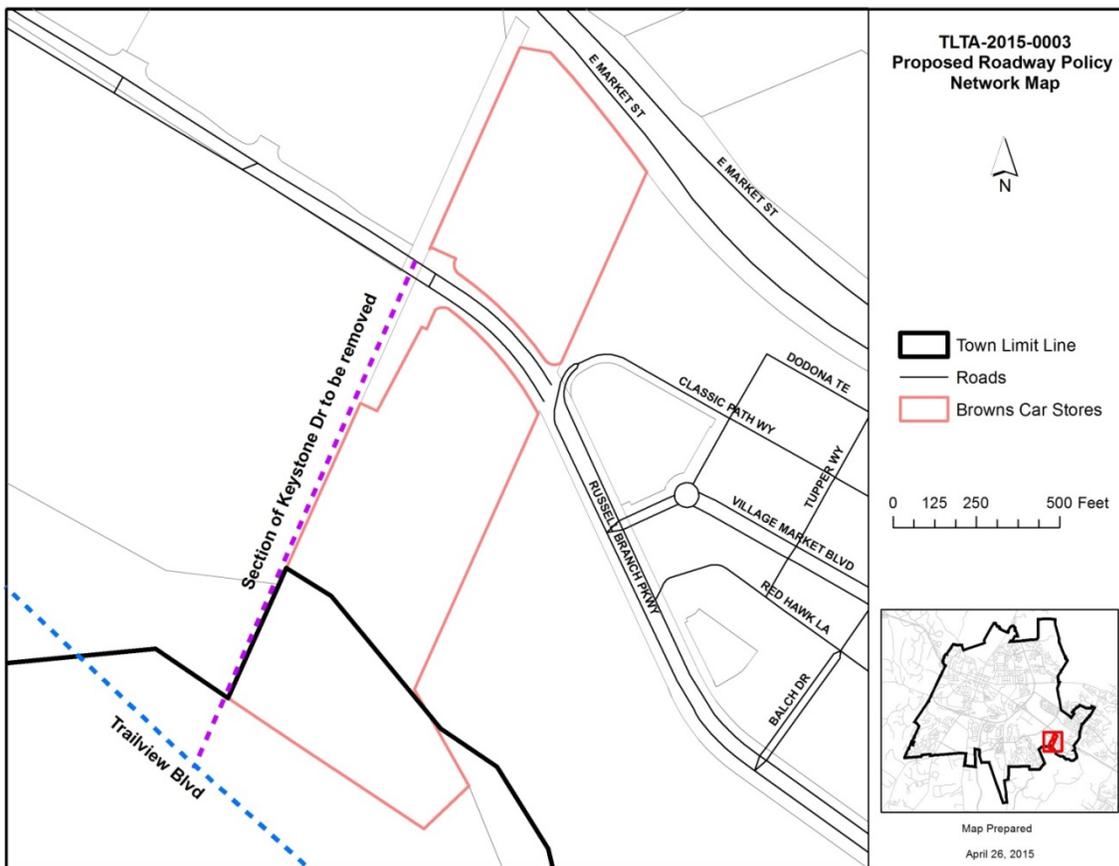


Figure 5. Proposed Roadway Network Policy Map

- Objective 2.c: *Coordinate with Loudoun County . . . to better coordinate land use and transportation planning towards implementing a more sustainable transportation system. (TP p. 9-5)*

1. TLZO SECTION 3.16.5.D.2. CRITERIA

- a. *How the amendment better realizes a Town Plan goal or objective (e.g., to provide a more compatible land use pattern; better transitions between land uses).*

Analysis: The amendment does not affect realization of *Plan* goals or objectives in that the subject Keystone Drive segment is no longer important to the overall planned road network, though it does affect access to the two adjacent properties. A traffic impact analysis (TIA) entitled "Town of Leesburg, Virginia, Comprehensive Plan Amendment" dated September 22, 2015 was prepared by Wells & Associates to analyze the impact of the removal of this portion of Keystone Drive using a comparison "before" and "after" approach. The Virginia Department of Transportation found that the report showed that "there were no significant overall impacts to the transportation network" (Comment letter dated January 13, 2016). The Town Transportation Engineer also had no objection to removal of the subject road segment in light of the TIA results. However, there are some minor technical issues with the TIA that need to be addressed per VDOT comments.

b. How the amendment may rectify conflicting Plan goals or objectives.

Analysis: A goal of the *Town Plan* is to provide adequate roads to move people safely and efficiently; what is not intended is the provision of major road improvements that must be constructed and maintained but which do not increase the overall efficiency of the transportation network. The TIA indicates that this segment of Keystone Drive is not necessary because it does not provide that efficiency that was intended by its original inclusion on the Roadway Network Policy Map. In 2005, Keystone Drive was envisioned as a major north-south road with a flyover across Route 7 and a bridge across Tuscarora Creek. On December 14, 2010 (Ordinance No. 2010-O-027) the Keystone Drive Overpass crossing Route 7 was removed from the Roadway Network Policy Map. On January 14, 2014 (Resolution No. 2014-010) the portion of Keystone Drive between Russell Branch Parkway and Route 7 was also removed from the Roadway Network Policy Map. This was done in recognition of the diminished need for this through collector given other constructed or planned transportation improvements in the area. This need was further diminished by approval of the rezoning ZMAP-2012-0011 Tuscarora Crossing in Loudoun County in February 2015. That rezoning allows residential uses as opposed to the higher trip generating industrial/office uses previously planned for all of the property. In addition, the proffers do not require the developer to build any portion of the Keystone Drive connection to Trailview Boulevard on its property. A 90-foot wide right-of-way reservation is shown on that Concept Plan connecting to a 70-foot right-of-way for Trailview Boulevard, meaning the 4-lane Keystone Drive would have to transition down to a 2-lane Trailview Boulevard.

In this case, the segment of Keystone Drive must cross Tuscarora Creek and its adjacent floodplain. That requires a bridge which adds millions of dollars to the cost of construction of the segment. Tuscarora Creek is identified as a "Stream Corridor" on the Green Infrastructure Policy Map. Natural Resources Element Objective 1.a states "*Preserve, protect, and restore stream corridors.*" (TP p. 2-7) Protection of this portion of the Tuscarora Creek stream corridor will contribute to other Natural Resources goals such as the preservation of tree canopy, natural flora and fauna and the ecological integrity of the stream. If Keystone Drive is removed as proposed, the

conflict with the Natural Resources objectives and Transportation objectives will be resolved.

c. How the amendment may clarify the intent of a Plan goal or objective.

Analysis: The amendment does not clarify any goals or objectives, although the removal of an unnecessary road segment does fit with Transportation goals to provide a road system that is efficient.

e. How the amendment may provide more specific Plan guidance.

Analysis: The amendment affects the specificity of *Plan* guidance in that the proposed change would eliminate a road from the Road Network Policy Map, thereby indicating that it is not required as part of the road network. Keystone Drive from *Town Plan* page 9-15. Staff notes that there is a segment of Keystone Drive located north of Route 7 that connects to Potomac Station Drive. This segment will remain for the time being and the language describing Keystone Drive on *Town Plan* page 9-15 will continue to apply to that segment.

e. How the amendment might adjust the Plan as a necessary result of a significant change in circumstance unforeseen by the Plan at the time of adoption.

Analysis: Since 2015, the designation of land adjacent to the subject property on the east and west has remained Regional Office, but both have been the subject of either the "Regional Office Option" or an amendment. Village at Leesburg to the east exercised the "Regional Office Option" which allowed a mix of uses, including residential and a significant amount of commercial uses which, percentage-wise, outnumber the floor area of office uses. A movie theater is directly adjacent to the subject property. To the west, a land use amendment to the *Town Plan* permitted another option with an even higher percentage of retail uses (no residential) and a home improvement store (Lowe's). To the south, an area planned for Community Office on the Joint Land Management Area (JLMA) was rezoned by Loudoun County to contain residential uses south of the subject property across Tuscarora Creek. This change reduced the commercial traffic and overall traffic in the area to such an extent that VDOT and the Town Transportation Engineer concur with the applicant's TIA in that this segment of Keystone Drive is no longer necessary. This change in land use and need was not anticipated by the *Town Plan* and is justification for the proposed amendment.

2. TLZO SECTION 3.16.5.D.3. COMPLIANCE WITH OTHER ELEMENTS OF THE

TOWN PLAN: The Zoning Ordinance requires an analysis of how the proposed amendment and subsequent development comply with the goals and objectives of the *Town Plan*.

Analysis: The proposed transportation amendment complies with the policies of the Natural Resources and Transportation elements as described above. The amendment is consistent with the policies to provide only necessary road infrastructure. In addition, the

amendment is consistent with the policies that seek to protect natural resources, including stream corridors and the tree canopy, vegetation and wildlife found within them.

- 3. TLZO SECTION 3.16.5.D.4. FISCAL ANALYSIS:** The Zoning Ordinance requires a fiscal analysis that compares general fund revenues, costs of services and capital facilities improvements generated by development associated with the requested amendment.

Analysis: Deleting the planned segment of Keystone Drive would eliminate the future cost of construction and maintenance of the road segment. These costs would be considerable given the four lanes and the bridge spanning Tuscarora Creek. Because all land immediately adjacent is rezoned except the subject property, the majority of the cost of these improvements would be borne by public funding sources.

- 4. TLZO SECTION 3.16.5.D.5. TRANSPORTATION ANALYSIS:** The Zoning Ordinance requires a transportation analysis that shows how the amendment will address the objectives of the *Town Plan's* Transportation element.

Analysis: The submitted TIA demonstrates the road is not necessary as described above and neither VDOT nor the Town Transportation Engineer has any objections to the conclusion of the TIA.

- 5. SUMMARY:** It is the opinion of staff that applicant has adequately addressed the justification as required in TLZO Sec 3.16.5.D for the removal of the subject segment of Keystone Drive from the Roadway Network Policy Map. Page 1 of the Statement of Justification states that in light of the recent Tuscarora Crossing rezoning that provides access for that parcel via Trailview Boulevard and Crosstrail Boulevard and east west access via Russell Branch Parkway, there is no longer a need for this segment of Keystone Drive. The TIA demonstrates the link would not provide necessary access or traffic relief, and both VDOT and the Town Transportation Engineer agree with this conclusion. In addition, the costly crossing of Tuscarora Creek will not be made, thereby furthering the objectives of the *Town Plan* Natural Resources Element to protect designated stream corridors and preserving public funds for needed transportation improvements.

- 6. STAFF FINDINGS:** Based on the discussion above, Staff is of the opinion that the interests of the Town and its citizens are best served by approval of the requested *Town Plan* Transportation Amendment based on the following findings:

- A. The Statement of Justification and submitted materials adequately address the Zoning Ordinance criteria to justify the *Town Plan* Amendment as proposed.
- B. The proposal furthers *Town Plan* Natural Resources policies by providing for greater protection and preservation of Tuscarora Creek, a designated "Stream Corridor".
- C. The proposal furthers Transportation Element policies that seek to provide an efficient transportation system that provides necessary road infrastructure and which avoids unnecessary improvements.

Attachments

1. Statement of Justification dated October 15, 2015.

**Town Plan Amendment
Statement of Justification
Brown's Car Stores
PIN # 149-36-6547
March 31, 2016**

I. Introduction

Brown's Leesburg Property I, LLC, the applicant, is proposing a Town Plan Amendment (TPA) for a parcel of land located on the south side of East Market Street, east of Battlefield Parkway, north of the proposed Tuscarora Crossing community and on the west side of the Village at Leesburg. The parcel contains approximately 23.84 acres and is the subject of accompanying rezoning and special exception applications filed with the Town concurrently with this TPA. The proposed TPA is to remove the portion of Keystone Drive between Trailview Boulevard and Russell Branch Parkway from the Road Network Policy Map and to revise Southeast Planning Sector Objective 9 to permit new auto dealerships to locate in this area as well as existing auto dealerships. In the accompanying rezoning application, the applicant is proposing to change the I-1 zoning district to the B-3 zoning district; and in the accompanying special exception application, the applicant is proposing to locate two vehicle sales facilities on the property.

II. Removal of Keystone Drive

The applicant is requesting to revise the Roadway Network Policy Map to eliminate the connection of Keystone Drive between Russell Branch Parkway and Trailview Boulevard. Accompanying this TPA is an analysis prepared by Wells and Associates which provides documentation supporting the removal of this segment of Keystone Drive. The recently approved Tuscarora Crossing zoning application in Loudoun County provides access for that community to Trailview Boulevard. With Crosstrail Boulevard providing north-south access to the east and Battlefield Parkway providing north-south access to the west, there is no longer a need for a north-south connection across Tuscarora Creek on the Brown's Car Stores property. Eliminating a road crossing of the flood plain provides environmental benefits as does removing roadways from an impermeable surface coverage perspective.

With the removal of the portion of Keystone Drive between Trailview Boulevard and Russell Branch Parkway from the Roadway Network Policy Map, the label "Keystone Drive" will need to be moved to the segment of Keystone Drive located on the north side of Route 7 as part of this amendment.

III. Revision of Southeast Planning Area Objective 9

Proposed Town Plan Language:

Objective 9. 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 the development adjacent to Route 7 meets design guidelines.*
- c. *A substantial buffer is provided to residential development south of Tuscarora Creek.*
- d. *New auto dealership uses may be appropriate east of the Lowe's property and the Town Wastewater Treatment Plan provided objectives a, b and c above are met.*

The applicant has purchased the property to locate two vehicle sales facilities – one on each side of Russell Branch Parkway, which will bisect the property once it is constructed. The property is bounded by the Village at Leesburg mixed-use community on the east and the Lowe's store and the Town's wastewater treatment plant on the west. The extensive flood plain associated with Tuscarora Creek on the south side of the property and the Route 7 four-lane, divided arterial roadway on the north side provide natural buffers for the existing and proposed uses to the north and to the south of the property.

Since the current Objective 9 allows for existing auto dealerships to continue provided the listed criteria are met, it is also appropriate that new auto dealerships should be permitted as well, provided they meet the same criteria. The property meets the criteria as follows: (i) the property currently is zoned I-1 (although rezoning and special exception applications are required for the proposed use pursuant to the zoning ordinance); (ii) the portion of the property adjacent to Route 7 is located within the H-2 overlay district, which requires development of the property to meet design guidelines established by the town; and (iii) a substantial buffer is provided on both sides of Tuscarora Creek due to the floodplain (more than 500-feet wide in total on the property).

Given the shape of the property, the surrounding land uses and the fact that the property can meet the Town Plan criteria for the proposed use, new auto dealerships are an appropriate use to be considered by the Town and amending the Southeast Planning Sector Objective 9 is appropriate.

An analysis of the proposed amendment in terms of the elements of the Town Plan is provided as follows:

I. Elements of the Town Plan Analysis

- A. Natural Resources: The concept plan submitted for the property protects the Tuscarora Creek floodplain which is greater than 500-feet wide within the property boundaries. The portion of the property located on the south side of Tuscarora Creek, including a band ranging from 25 feet to over 200 feet wide outside of the floodplain will remain as undisturbed open space. The amendment to the Road Policy Network Map, in particular, will address Natural Resources Policy Implementation Objective 2.e which states “[P]rohibit new construction except for unavoidable intrusions of public infrastructure within 100-year floodplains.” The traffic analysis accompanying this TPA demonstrates that the Keystone Drive crossing of the Tuscarora Creek floodplain is not a necessary component of the road network. The TPA and accompanying rezoning afford the Town the opportunity to seek measures to address the various Natural Resources policies including protecting the open space network and the integrity of streams preservation of tree canopy and outdoor lighting.

- B. Parks and Recreation: These policies are not applicable to the proposed Planned Land Use Policy Map and Roadway Network Policy Map amendments.
- C. Heritage Resources: There are no sites identified on the Heritage Resources Policy Map located on the property. The northern portion of the property is located in the H-2 Corridor Access district and will be subject to the requirements of that zoning overlay district and the H-2 Corridor Design Guidelines.
- D. Community Design: Adherence to the H-2 Corridor Overlay District and the H-2 Design Guidelines will be the mechanism to assure high quality design with the development of the property. Furthermore, as part of the rezoning application, the applicant is willing to adhere to the H-2 Design Guidelines for the entire property, and not only the portion included in the H-2 overlay district.
- E. Land Use: It is as reasonable for new auto dealerships to be permitted at this location as it is for existing auto dealerships, provided the criteria enumerated in the Town Plan can be adhered to. While the original objective was designed to limit auto dealerships to the existing auto dealerships, the land use circumstances surrounding the property have changed such that new auto dealerships also are appropriate in this area. Furthermore, the nature of the office market is changing, meaning there is less demand for office space along arterial roadway corridors than existed when the Town Plan was adopted. Given the characteristics of the uses surrounding the property, it is more unlikely for office use to develop at this location.
- F. Housing: These policies are not applicable to the proposed Planned Land Use Policy Map and Roadway Network Policy Map amendments.
- G. Economic Development: The proposed amendment will better promote economic development, a diversified economic base and business and employment growth by permitting new as well as existing auto dealerships, as there is more demand for these uses at this time. In fact, the applicant will begin development of this vacant property immediately upon receiving plan amendment and zoning approvals for the property. The fiscal impact of the proposed use approved under the proposed land use for the property will yield far greater revenues for the Town (see Fiscal Analysis discussion below).
- H. Transportation: The attached analysis prepared by Wells + Associates justifies the removal of Keystone Drive from the Town Plan “...while maintaining the adopted roadway level of service standards for all roadways within the Town.” (Town Plan objective Chapter 9, Objective 1)
- I. Community Facilities and Services: A couple of these objectives apply to the proposed land use including the following: (i) Objective 3 states: “**Ensure that development occurs only if adequate community facilities exist.**” Commercial uses primarily use transportation and water and sewer services, all of which are adequate to serve the proposed use; and (ii) Objective 8 states: “**Provide adequate stormwater management that meets state**

and federal criteria for water quality.” Federal, state and local requirements will assure that the proposed land use will fulfill this objective.

II. Fiscal Analysis

A fiscal impact analysis for the property prepared an analysis for both the TPA and for the rezoning/special exception applications. The analysis was prepared by Robert Charles Lesser & Co. (RCLCO). The TPA analysis assumed a 0.20 FAR (113,393 square feet) of flex/industrial space under the current planned land use designation. The fiscal impact over a twenty year period produced a positive impact of \$0.5 million for the flex-industrial use. Over the twenty-year forecast period for the proposed zoning scenario would result in a positive impact of \$2.0 million. Clearly, the proposed land use will result in more revenues to the Town with the accompanying proposed zoning approvals.

III. Transportation Analysis

A transportation analysis for the TPA prepared by Wells + Associates is included in the TPA application submission. This analysis concluded that “...*the impact of eliminating the connection of Keystone Drive to Trailview Boulevard on the local roadway network is minimal.*”

IV. Criteria for Plan Amendments

- *How the amendment better realizes a Plan goal or objective*

Given the configuration of the property and the proposed and existing adjacent land uses, the proposed planned land use provides a better transition between land uses and provides a more positive fiscal benefit to the Town. It furthers economic development goals by permitting a use for which there is current market demand.

- *How the amendment may rectify conflicting Plan goals or objectives*

The elimination of Keystone Drive from the Roadway Network Policy Map eliminates the conflict between the roadway network policies and the natural resources policies for protecting the Tuscarora Creek stream valley. Eliminating an unneeded road crossing of the floodplain promotes the natural resources policies.

- *How the amendment might adjust the Plan as a necessary result of a significant change in circumstance unforeseen by the Plan at the time of adoption.*

In terms of the proposed amendment to the Planned Land Use Policy Map, the development of the Lowe’s store and related development was not anticipated at the time of adoption of the Town Plan. With that rezoning and resulting development, this segment of East Market is developing as a commercial corridor rather than an office corridor. The proposed Planned Land Use designation of Community Office/Light Industrial will permit the auto dealership use which is more compatible with the adjacent movie theater and Lowe’s store uses than a Regional Office use would be.

In terms of the proposed amendment to the Roadway Network Policy Map, the County approval of Tuscarora Crossing rezoning and its associated proffered road network diminished the need for the Keystone Drive crossing of Tuscarora Creek.

V. Conclusion

In conclusion, the proposed revision to the Southeast Planning Sector Objective 9, along with the accompanying rezoning application, will result in a compatible land use which will provide a positive fiscal impact to the Town as would the uses permitted under the current Southeast Planning Sector policies. Additionally the removal of Keystone Drive between Trailview Boulevard and Russell Branch Parkway from the Roadway Network Policy Map will have minimal impact on the local roadway network and will eliminate negative impacts to the Tuscarora Creek stream valley that the planned road crossing would create.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, Va. 22030

CHARLES A. KILPATRICK, P.E.
COMMISSIONER

VDOT Comments on The Proposed Modification of the Town of Leesburg Roadway Network Policy Map and Comprehensive Plan Amendment to Eliminate the Connection of Keystone Drive, South of Russell Branch Parkway to Trailview Boulevard Across Tuscarora Creek in the Town of Leesburg

The comprehensive plan amendment prepared for Browns Automotive Group submitted by Wells & Associates is in conformance with §15.2-2222.1 of the Code of Virginia. The supporting documentation for The Town of Leesburg to modify the Roadway Network Policy Map with a Comprehensive Plan Amendment (CPA) to eliminate the connection of Keystone Drive, south of Russell Branch Parkway to Trailview Boulevard across the Tuscarora Creek in the Town of Leesburg was complete. The report provided a comparison of the roadway network "with" and "without" the Keystone Drive connection to Trailview Boulevard. The Loudoun County Transportation 2040 Model output was the base of this impact analysis, and showed no significant overall impacts to the transportation network; however the comments below should be noted.

Technical comments specific to the Traffic Report are as follows:

- For the intersection of Crosstrail Boulevard/Russell Branch Parkway (intersection #3), comparison of traffic volumes in Figure 4-1 versus Figure 5-1 shows considerable increase in northbound left-turn traffic volumes and Table 2-1 shows related LOS degradation to "E". Therefore, a dual northbound left-turn lane at intersection #3 should be considered.
- The comparison of traffic volumes in Figure 4-1 versus Figure 5-1 shows a considerable increase in the eastbound left and eastbound right-turn lane volumes, but a 700 plus vph decrease in the eastbound through traffic volumes at the intersection of Crosstrail Boulevard/Trailview Boulevard, intersection #4. The trip adjustment figures given in appendix B do not seem to clearly support this.
- It appears the following coding errors in synchro files should be corrected:
 1. Russell Branch Parkway between Keystone Drive and Battlefield Parkway is coded with 3-lanes in the westbound direction; it should have 2-lanes in one direction.
 2. Trail View Boulevard is coded with 3-lanes in the south-eastbound direction in synchro files for the scenario with Keystone Drive connection and stop control on Keystone Drive approaches at Russell Branch Parkway; it should have 2-lanes in one direction.

PRESENTED: June 14, 2016

RESOLUTION NO. _____

ADOPTED: June 14, 2016

A RESOLUTION: ADOPTING TOWN PLAN AMENDMENTS THROUGH TLTA-2015-0003, AMENDING TOWN PLAN POLICY LANGUAGE FOR THE SOUTHEAST PLANNING AREA REGARDING AUTO DEALERSHIPS, AND REVISING THE TOWN PLAN ROADWAY NETWORK POLICY MAP TO REMOVE THE PORTION OF KEYSTONE DRIVE BETWEEN RUSSELL BRANCH PARKWAY AND TUSCARORA CREEK.

WHEREAS, application has been filed by Brown's Leesburg Property to amend Town Plan Policy language for the Southeast Planning Area regarding auto dealerships, and to revise the Town Plan Roadway Network Policy Map to remove the portion of Keystone Drive between Russell Branch Parkway and Tuscarora Creek; and

WHEREAS, a duly advertised Planning Commission Public Hearing was held on May 5, 2016; and

WHEREAS, at their meeting of May 5, 2016, the Planning Commission recommended approval of the request to amend the Town Plan Policy Language for the Southeast Planning Area regarding land use related to auto dealerships to the Town Council; and

WHEREAS, at their meeting of May 5, 2016, the Planning Commission also recommended denial of the request to revise the Town Plan Roadway Network Policy Map to remove the portion of Keystone Drive between Russell Branch Parkway and Tuscarora Creek to the Town Council; and

WHEREAS, the Town Council held a duly advertised public hearing on this application on June 14, 2016; and

WHEREAS, staff recommends approval; and

WHEREAS, the Council has concluded that the approval of the application would be in the

A RESOLUTION: ADOPTING TOWN PLAN AMENDMENTS THROUGH TLTA-2015-0003, AMENDING TOWN PLAN POLICY LANGUAGE FOR THE SOUTHEAST PLANNING AREA REGARDING AUTO DEALERSHIPS, AND REVISING THE TOWN PLAN ROADWAY NETWORK POLICY MAP TO REMOVE THE PORTION OF KEYSTONE DRIVE BETWEEN RUSSELL BRANCH PARKWAY AND TUSCARORA CREEK.

public interest and in accordance with sound zoning and planning principles; and

WHEREAS, Town Council has determined that the approval criteria of Zoning Ordinance Section 3.16.12 have been satisfied; and

WHEREAS, Town Council has determined that approval of the amendments proposed by TLTA 2015-0003 provides a more compatible land use pattern that promotes the health, safety, convenience, prosperity and general welfare for Leesburg.

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia that TLTA-2015-0003, Brown's Leesburg Property is hereby approved as described:

1. The Town Plan's Southeast Planning Policy Area Objective 9 is amended to reflect the following change:

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; and*
- c. *A substantial buffer is provided to residential development south of Tuscarora Creek; and*
- d. *New auto dealership uses may be appropriate east of the Lowe's property identified as PIN #149460836 and the Town Wastewater Treatment Plant provided objectives a, b and c above are met.*

2. The Town Plan Roadway Network Policy Map is revised to remove the portion of Keystone Drive between Russell Branch Parkway and Tuscarora Creek per Exhibit "A" below.

A RESOLUTION: ADOPTING TOWN PLAN AMENDMENTS THROUGH TLTA-2015-0003, AMENDING TOWN PLAN POLICY LANGUAGE FOR THE SOUTHEAST PLANNING AREA REGARDING AUTO DEALERSHIPS, AND REVISING THE TOWN PLAN ROADWAY NETWORK POLICY MAP TO REMOVE THE PROTION OF KEYSTONE DRIVE BETWEEN RUSSELL BRANCH PARKWAY AND TUSCARORA CREEK.

PASSED this 14th day of June, 2016.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

A RESOLUTION: ADOPTING TOWN PLAN AMENDMENTS THROUGH TLTA-2015-0003, AMENDING TOWN PLAN POLICY LANGUAGE FOR THE SOUTHEAST PLANNING AREA REGARDING AUTO DEALERSHIPS, AND REVISING THE TOWN PLAN ROADWAY NETWORK POLICY MAP TO REMOVE THE PROTION OF KEYSTONE DRIVE BETWEEN RUSSELL BRANCH PARKWAY AND TUSCARORA CREEK.

Exhibit A.

