



***LEESBURG BOARD OF ARCHITECTURAL REVIEW
BUSINESS MEETING MINUTES***

Monday, 18 April 2011
Town Hall, 25 West Market Street
Council Chamber

MEMBERS PRESENT: Dieter Meyer, Chair; Jim Sisley, Vice-Chair; Richard Koochagian, Parliamentarian; Tracy Coffing; Edward Kiley; Mary Harper, Planning Commission Representative; Marty Martinez, Town Council Representative

MEMBERS ABSENT: Teresa Minchew, Paul Reimers

STAFF: Susan Berry Hill, Director of Planning & Zoning; Wade Burkholder, Deputy Zoning Administrator

Call to Order and Roll Call

Mr. Meyer called the meeting to order at 7:03pm, noted attendance and determined that a quorum was present.

Approval of Minutes

Tracy Coffing moved to approve the 6 December, 2010; 23 February 2011; and 21 March 2011 meeting minutes; Jim Sisley seconded the motion, and it passed 5-0-2 with Minchew and Reimers absent

BAR Member Disclosure

None

Consent Agenda

On a motion by Jim Sisley, seconded by Tracy Coffing, TLHP-2011-0013 (1352 East Market Street), an application requesting approval for alterations to an existing metal building, including replacement of the siding, windows and doors, was placed on the Consent Agenda with a staff recommendation of approval as submitted. The motion carried 5-0-2.

Public Hearing Agenda

With the placement of TLHP-2011-0013 on the Consent Agenda, no items remained on the Public Hearing agenda.

Administrative Agenda

a. Formal comments on the B-1 Height Amendment

Wade Burkholder, Deputy Zoning Administrator, gave a presentation on TLOA-2011-0001, an amendment to Articles 6 and 10 of the Zoning Ordinance with regard to height restrictions in the B-1 District. Through visuals he pointed out the areas that would be affected, explained that the existing 45-foot height maximum would remain in place for a depth of 45 feet, and that a 1-to-1 ratio would extend beyond that to a maximum permitted height of 65 feet. He also explained that the ordinance language permits the roof-mounted equipment to cover no more than 25 feet of the floor area below and that screening meet other additional requirements. In 2008 there were some areas identified that already allow the 65-foot heights if they qualify through the criteria set out. He also explained the setback provisions that fall within this district. This applies to roughly 6 acres that would be subject to

this proposed height.

The language shall read "the maximum height may be increased up to 65' in the specified areas, due to its low mean elevation above sea level and low topographical relationship to the rest of the B-1 District, if an applicant can demonstrate that all the following criteria have been met: a) The property must front on designated areas of Market, Loudoun, Harrison South or Church Streets not otherwise covered by 6 the area approved in 2008; and b) Height elevations adjacent to the street shall not exceed 45 feet for a depth of at least 45 feet from the right of way line except on Church Street between Market and Loudoun; c) Beyond the 45-foot buffer, a one-to-one height-to-setback ratio may be permitted up to 65 feet in maximum height subject to BAR approval and in accordance with the Old and Historic District Guidelines; d) Height shall be measured based upon the average mean elevation above sea level prior to site disturbance and/or issuance of a grading permit, and e) all other applicable B-1 set backs shall be met.

Mr. Burkholder explained that there has previously been discussion regarding rooftop-mounted HVAC units and introduced the new language that is proposed with this ordinance amendment. The equipment may not cover more than 25% of the area of the floor below and that the screening is below a 45 degree line drawn from the bottom of the parapet. This would put the mechanicals toward the middle and back of the property and have it angled so it would not be visible from neighboring properties.

At this point Mr. Burkholder asked for input from the BAR to bring forward to the Planning Commission on Thursday evening. He offered a staff recommendation of approval, along with an alternate recommendation of approval that can add a list of conditions and then a recommendation of denial and the reason for it for the BAR to discuss.

Chairman Meyer asked if there were any questions.

Mr. Kiley inquired as to the height of the Loudoun County Government Center. Mr. Burkholder responded that it was about 80 feet tall. Mr. Kiley then asked about the heights of the Leesburg Central building and the County Garage.

Mr. Burkholder responded that Leesburg Central is at 45 feet and the corners of the garage are about 52 feet in height. Mr. Kiley asked about the height of the structure south of Harrison Street. Mr. Burkholder said that was part of Market Station and is around 53' high. Mr. Kiley confirmed that the increased height, as proposed, is limited to the delineated area on the map. Mr. Burkholder responded in the affirmative. Mr. Kiley inquired about the height of the Waterford Development project on South Street, to which Mr. Burkholder responded that it is 45 feet tall.

Mr. Sisley had no questions.

Mr. Koochagian asked about the height measurement based upon the average mean elevation above sea level prior to site disturbance and inquired how the Town defines the word "site." He asked if it is the site in the application and expressed concern about the significant difference in grade elevations on the Loudoun Times-Mirror site. He inquired about the height of the building at the lowest elevation, since the height is measured from the average grade. Mr. Burkholder said that it would be 65 feet, to which Mr. Koochagian replied that it would not be 65 feet. Mr. Meyer added that he had the same question. He stated that typically, when one measures the height of the building, one considers the grade around the entire perimeter of the building and whatever that averages out to be, that's the number you use as the base and then go to the midpoint of the sloped roof or the top of a flat roof. He said that he interpreted it would be the same in this case, except that one would substitute the existing grade for the proposed grade. Mr. Burkholder said they are trying to get away from measuring the height from an elevated pad.

Mr. Meyer reiterated Mr. Koochagian's earlier point that, because the measurement is from the average grade, there are areas where the building will actually be taller than 65 feet. Mr. Burkholder responded by saying that the height would be measured from the average grade. Mr. Koochagian said that there are significant site changes, particularly as it rises toward Market Street. He said that the maximum height could change considerably depending on how one defines the word "site."

Mr. Burkholder asked if they were proposing language that would state you "shall not exceed an elevation of 390 anywhere on your site?" Mr. Koochagian replied that he's trying to understand the intent behind the ordinance and what is the potential risk with the change. He said that, with the Loudoun Times-Mirror site, one could stand to gain 5 to 10 feet, depending on the difference between the highest and lowest parts of the site.

Mr. Sisley said that this is the case with any parcel, regardless of the size. He referred to the pink building at the corner of King and Royal streets. He said that it sits on a significant slope, but that it is measured the same way. He added that the Loudoun Times-Mirror site doesn't slope as much. Mr. Burkholder said there is some potential that, depending on the difference in grade, there may be areas where it is higher than 65 feet. Since this is using existing grade rather than finished grade, there should be a lower average.

Ms. Coffing had no questions.

Planning Commissioner Mary Harper suggested that an illustrative comparing the heights to the County building, which is 80 feet with an additional parapet on top, would be helpful.

Councilman Martinez had no questions.

Mr. Kiley had no comment on the proposal. He said that he wasn't sure it was his role as a BAR member to comment on an ordinance that would raise the height limit in the B-1 Zoning District. He stated that he wants to look at projects as proposed, but doesn't have a comment one way or the other on the actual proposal to change the ordinance. Mr. Meyer replied that the BAR will have a chance to look at the project, but that the current request was whether the BAR has a position on the amendment. Mr. Kiley stated that he doesn't have a position on it.

Mr. Sisley commented that there had been several projects, even in the recent past, where height has become a topic of rather robust conversation. He said it's a great opportunity for the town to achieve some of the goals in the draft recommendation and that he is in support of the amendment.

Mr. Koochagian had no comment.

Ms. Coffing supports the amendment as written.

Chairman Meyer supports the amendment as written. He said it's well designed and well thought-out. He said that everything will come back to the BAR on a project-by-project basis. He then called for a motion.

Mr. Sisley moved to approve the Zoning Ordinance Text Amendment TLOA 2011-0001, amendments to Articles 6 and 10 be forwarded to the Planning Commission with a recommendation of approval as proposed on the basis that the amendment will serve the public necessity, convenience, general welfare and good zoning practice. Mr. Koochagian seconded the motion and it passed on a vote of 4-1-2 (Sisley, Coffing, Koochagian, Meyer – aye; Kiley –abstain; Reimers, Minchew – absent)

Mr. Burkholder said there would be some more height testing done on Wednesday on areas outside the Loudoun Times Mirror project and invited the BAR members to attend.

Councilmember Martinez added that, barring any concerns from the BAR or the Planning Commission, he plans to support the amendment.

- b. **JARB follow up.** Mr. Meyer attended the last meeting and the Birkby House did receive approval for contention for an award, however the building on the church site did not move forward. Further discussion was deferred to the next meeting.
- c. Staff Approvals were deferred until the next meeting.

ADJOURNMENT: The meeting adjourned at 7:20pm

NEXT REGULAR BUSINESS MEETING:
Monday, 16 May 2011 at 7pm
Town Hall Council Chamber
25 West Market Street
Leesburg, VA

Dieter Meyer, Chair

Annie McDonald, Preservation Planner