

LEESBURG BOARD OF ARCHITECTURAL REVIEW
BUSINESS MEETING MINUTES

Monday, 9 April 2012
Town Hall, 25 West Market Street
Council Chamber

MEMBERS PRESENT: Richard Koochagian, Chairman; Jim Sisley, Vice Chairman; Dieter Meyer; Teresa Minchew; Tracy Coffing; Paul Reimers, Edward Kiley

MEMBERS ABSENT: Marty Martinez, Town Council Representative; Mary Harper, Planning Commission Representative

STAFF: Christopher Murphy, Zoning Administrator; Brian Boucher Deputy Director, Planning and Zoning; Barbara Notar, Deputy Town Attorney

Call to Order and Roll Call

Mr. Koochagian called the meeting to order at 7:00pm, noted attendance and determined that a quorum was present.

On a motion by Mr. Sisley and seconded by Mr. Kiley the meeting agenda was approved as submitted. The motion carried 7-0.

BAR Member Disclosure

Ms. Minchew recused herself from participation in Item 2a, TLHP 2012-0000 because her husband is a member of the firm representing the applicant. Mr. Sisley recused himself from TLHP 2011-0013 because of conflict of interest. Mr. Reimers recused himself from TLHP 2011-0013 because he is the applicant and Mr. Meyer also recused himself.

Public Hearing

TLHP 2012-0000, 3 Cardinal Park Drive, Toyota. Brian Boucher gave the staff presentation stating that the Town Council sent this application back to the BAR for reconsideration based on new information presented by the Appellant. He explained that the BAR could refuse to rescind their previous decision which would mean that the decision stands, or the BAR may rescind the previous decision and consider the new information and either approve the application or deny it. Mr. Boucher explained the original elevations that were submitted and were approved in September and then the amended elevations that were denied in November. The second set of elevations included the metal panels, translucent glass and stucco design. This set does not meet the design criteria for the H-2 corridor which specifically states "extensive use of reflective or tinted glass, enameled or reflective metal wall panels, or other similar non-traditional wall materials should be avoided". The applicant has now submitted a third design which eliminates the illumination of the translucent glass, added gray stucco in the south and west elevations, and the metal panels now have a matte finish. Mr. Boucher cited the designs for Star Buick and the Subaru dealership as corporate designs that did conform to the design standards, but the BAR required changes in some materials to those acceptable within the H-2 district.

Miguel Yelos San Martin of YSM Design Group, architects for the applicant, came forward to answer any questions.

Ms. Coffing asked why the initial design approved by the BAR was rejected by Toyota? Mr. San Martin said corporations are branding their buildings today and have certain elements they would like to see incorporated nationwide.

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Mr. Meyer asked for the slide that listed four main points. He asked the applicant to rebut the points where the guidelines are not being met. Mr. San Martin said their trademark is there – it is designed to imbed the design into the minds of the public so that it becomes synonymous with the product being sold. The metal panels are becoming standard among the car dealerships as part of their trademark. It is also easily maintained. The Translucent glass is another feature to set the entranceway apart from other dealerships. Mr. Meyer explained that he hoped the response would contain reasons why the applicant feels that this design does meet the basic guidelines and conforms with design. Mr. SanMartin said that those dealers that do not comply with the corporate design standards run the risk of losing business, which would not be good for either party. He said they really need to find common ground that will meet everyone's expectations.

Mr. Sisley said he understands that the information they are entertaining at the moment is to help the Board make the decision whether or not they would rescind the previous decision and consider new information.

Mr. Kiley asked why Toyota has a problem with the design approved in September and the design denied in November. Mr. SanMartin said the design does not incorporate the clean design and look that they want. By adding all the elements the Town wants, you are giving the building a different expression. Rather than a modern look, it looks more traditional.

Mr. Koochagian asked what type of latitude Toyota would give their dealers? Mr. SanMartin said that would be on a case by case basis, but one thing they can do is go to a tile square in lieu of the glass panels. Can you bring some of the stucco on to the front? Mr. SanMartin said he is not certain, but can take it back to the corporate designers.

Mike Nicholas, General Manager at Toyota and a resident of Leesburg, said they have tried to conform to the design through the cornice work, brick, etc. The current Toyota building design is rectangular, all flat, metal panels on front and sides. We want to keep the brick work at the bottom, and remove the lighting from the translucent panels. Toyota does not want the brick – they want flat. They are under pressure to get this moving and even if Toyota approves something, if they don't really like it they can still withhold from the dealership.

The public hearing was closed at this time.

Mr. Meyer moved to rescind the BAR decision on Case TLHP 2011-0051. The motion was seconded by Mr. Sisley.

Mr. Reimers said he feels that what they originally approved is the best design. He has seen many communities where national brands have altered their designs to conform to local regulations. He feels that they offered them a lot in the design they approved and what they came back with doesn't cut it.

Mr. Sisley said he respects the amount of money put into their branding and the expression is important, but there are lessons to learn and even Google changes their logo and everyone still knows it's Google. He also agrees that the first design approved offered latitude and believes the brand should bow to the community, especially one as old as Leesburg.

Mr. Meyer said he didn't vote for approval the first time around is disappointed that the applicant has not made the argument on why this should be approved. He said there are metal panels in the H-2 district now, Hyundai for one. The TD Bank has translucent panels, and China King has vitrulite panels that won a design award for their restoration. The simulated stucco is a potential alternative that could be acceptable. The guidelines say there is no architectural style that is required. Once you introduce a cornice, then you are establishing a style that needs to be

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followed. The mitigating factor of the location also weighs in on my decision. The location of this building is no where near the historic district. It is on the fringe of the H-2, outside the By-pass and therefore is not nearly as critical as something closer in.

Ms. Coffing reiterated Mr. Sisley's comments and agrees with the staff recommendation.

Mr. Koochagian says he is halfway between the location of the building and the guidelines. The original design had a lot of give and take. He does have an issue with the materials on this design. He hoped that the matte finish would be more matte than what is being shown. The materials along the primary façade have not changed enough. He asked if the decision lies with the design or the materials.

Mr. Sisley has procedural issues and material issues. He has a problem feeling that the H-2 district fades as it goes away from the H-1. He feels they are mandated to follow the H-2 guidelines.

Mr. Reimers added that he feels this will look too bright and shiny when it is done. The stucco will dull it down somewhat

Mr. Kiley felt that the design approved in September was a good design, compatible with the H-2 guidelines and it works for Leesburg and Toyota should live with it.

Ms. Coffing said her primary concerns are the materials. She agrees that the initial design was well done yet it was clearly a Toyota dealership. She does not understand the issue the corporation had with that. She also feels that the location is important since it is in a Gateway district. To go with the amended design would set a dangerous precedent.

Mr. Meyers then said in the H-1 district they use location as a mitigating factor all the time. Putting that aside because of the precedent that already exists, the use of metal panels, translucent glass, and going to stucco is a negative use of material. It will not be a better building in our gateway.

Mr. Koochagian asked if they could discuss the materials with the applicant? Mr. Sisley said the motion on the table is to rescind and it has been seconded. We either have to withdraw the motion or vote on it.

The applicant asked them to consider looking at the buildings that are in the area now. They are dilapidated. They will continue to operate in these buildings until they can get some kind of agreement from Toyota. The longer the delays, the more pressure on the dealership. The more pressure on the dealership the more likely they will look for another building to sell Toyota's out of. The current tax revenue is around \$100K annually, if we can't reach an agreement, then we might leave the town. This could leave you two vacant lots and a loss of tax revenue. Much of this is in the guideline language, e.g. "use of extensive. . ." What is considered extensive?

Mr. Meyer said they cannot take whether Toyota will leave or not into consideration for their decision. The decision must be based on whether it meets the guidelines or not.

Mr. Sisley said the most expeditious thing would be for the BAR to not rescind its denial and allow the applicant to go back to Council so that they can consider potentially approving or disapproving. Secondly, doesn't this become a new application for which the 70-day clock starts?

Barbara Notar reminded the Board that they had a motion on the table. If that is denied then their decision to stick with the original decision would go back to the Council and the public hearing is

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still open. Either way, the decision will go to Council tomorrow night. Would new information extend the clock? Not necessarily, it could be extended by agreement of the parties.

Mr. Meyer said technically they haven't rescinded yet and they weren't supposed to hear new information before they rescinded, isn't that how it should have gone procedurally?

Ms. Notar said they received new information on top of new information as a result of the application.

Mr. Kiley asked what if they voted to rescind their earlier decision and then moved to defer this application to its next work session to give Toyota the opportunity to get closer to a compromise? Ms. Notar said they could move to defer and the applicant would have to agree to pull the clock since the public hearing at the Council level would remain open. If we rescind the earlier decision, then the clock would not restart? Ms. Notar said if they rescind, then the Council would continue the public hearing to allow the BAR to schedule another hearing.

Mr. Boucher said the applicant would be willing to consider additional changes to the application that have not yet been presented. That would be at the May 7 work session. We would ask the applicant for a time extension to schedule the Council hearing after that work session, The question was asked whether they would have to withdraw their appeal.

Mr. Kiley moved to table the motion to rescind, this would take precedence over all other motions. A second to this motion, along with passage, will put the motion to rescind into "suspended animation" The motion was seconded by Mr. Meyer. The motion carried 6-0-1

Chris Gleckner, of Walsh Collucci, agreed to an extension until May 15th which will take them past the May 7th meeting and on to the Town Council meeting.

Mr. Kiley asked if there was any guarantee that this would move on to approval by Toyota, or will this be a never ending process. The applicant felt there was a good chance they could reach agreement.

There was a break at this time.

The Board reconvened with deferred case TLHP 2012-0013, 104 West Loudoun St., PR Construction. This case was deferred with several questions including a door on Loudoun Street, massing of the building, windows and shutters, etc. The applicant has now come back with some changes, specifically the door is shown on Loudoun Street. Mr. Murphy pointed out some specifics about the door. There was also concern about the lack of a raised foundation. In the new design there has been a raised foundation added. There is a brick foundation shown, however the style and color of the brick are not detailed. Next it was suggested that the same style of shutters be installed as on the front façade. Some elements are still unclear such as the driveway and the single parking space. The recession of the primary entrance to accommodate the parking space. Either way this will have issues since this is the only parking in the front on the block. The ADA accessibility requirements are also challenged by this parking space. The massing was also of concern and the new plans have added features that have mitigated this.

Paul Reimers of 217 Cornwall St came forward as the applicant and stated that he was going to take the elements in reverse order. He started with the massing of the building and took it in content with the rest of the block and surrounding buildings. He doesn't have an issue with taking the parking away. He thought this would be used as more of an unloading area or temporary parking. He said they added shutters on the windows and added the brick foundation and is open to suggestions.

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Discussion

Ms. Minchew said the door on the front makes a big difference with regard to the drive. She is mostly concerned with the height of the building.

Mr. Kiley asked if the ADA access was on Loudoun or the side? Mr. Reimers said it was in the recessed section near the garage.

Ms. Coffing said the front elevation doorway is a good idea, she feels that they should use wood rather than wrought iron on the balconies.

Mr. Koochagian said the front doorway should be centered to differentiate it from the recessed door. He has a question on the transition from the brick foundation to the stucco. How will that be handled, by trimboard? Mr. Reimers said the stucco will terminate at the brick.

Mr. Koochagian said the buildings across the street are larger so he does not have an issue with the scaling, and at street level you won't see the roof peak. If a curb cut is put in and then no driveway, what happens to the curb cut? Will it be replaced or what? There were also some questions regarding the ADA access.

Ms. Coffing asked where condensing units and trash would be placed. Mr. Reimers said it would be in the back of the house.

Mr. Meyer asked what the Board thought of the scale of the window over the recessed door. He feels that it is too small. Most comments came out in favor of the current size.

Ms. Coffing asked that the Board should include some reference that the scale and massing of the buildings on the block is variable and she can approve based on that.

Other Business

JARB Nominations, 429 S. King Street and 211 Cornwall Street. Mr. Meyer said these were the two properties that were suggested to him for this award. On 429 there was very little description of what was actually done. Visually we can see that the stucco was removed and either the original siding redone or replaced. The Board seemed to think that it was restored. Since there is so much information missing on what the project entailed, it was decided to pull this off the table for now and possibly reconsider it next year.

Next 211 Cornwall Street was discussed with Ms. Minchew saying that it was an amazing restoration and a sympathetic addition. Ms. Coffing said the design was very sensitive to the existing part of the building.

Mr. Meyer asked if Ms. Coffing could talk to the restoration portion. She said there was some repointing and it is currently ongoing. There was a window removed and a salvaged window reinstalled. There was also a smaller, contemporary addition removed.

There was consensus that the 211 Cornwall Street project should be the project that is brought forward for the JARB Award consideration.

Adjournment

The motion was made and seconded to adjourn at 8:51pm.

Richard Koochagian, Chairman

Christopher Murphy, Zoning Administrator

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