The Leesburg Planning Commission met on Thursday, May 19, 2005 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, Christopher Murphy, Randy Greehan, Charles Mumaw and Linda DeFranco

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Vaughan.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan
Commissioner Bangert
Commissioner Barnes
Commissioner Hoovler
Commissioner Jones
Commissioner Kalriess
Commissioner Wright
Mayor Umstattd

NOTE: Commissioner Jones arrived at the meeting at approximately 7:20pm

ADOPTION OF AGENDA

Commissioner Bangert moved to adopt the agenda.

Motion: Bangert
Second: Barnes
Carried: 6-0

Commissioner Jones was absent from this vote.

APPROVAL OF MINUTES

Commissioner Wright moved to adopt the minutes of the April 4, 2005 meeting as submitted.

Motion: Wright
Second: Kalriess
Carried: 4-0-2
Abstain: Commissioners Barnes and Hoovler
Commissioner Jones was absent from this vote.

Commissioner Kalriess moved to adopt the minutes of the April 14, 2005 meeting as submitted.

Motion: Kalriess
Second: Hoovler
Carried: 5-0-1
Abstain: Chairman Vaughan
Commissioner Jones was absent from this vote.

Commissioner Bangert moved to adopt the minutes of the April 21, 2005 meeting as submitted.

Motion: Bangert
Second: Hoovler
Carried: 5-0-1
Abstain: Chairman Vaughan
Commissioner Jones was absent from this vote.

Commissioner Kalriess moved to adopt the minutes of the April 28, 2005 meeting as submitted.

Motion: Kalriess
Second: Barnes
Carried: 6-0
Commissioner Jones was absent from this vote.

CHAIRMAN'S STATEMENT

Chairman Vaughan noted that there is a public hearing this evening. Each speaker will be given 5 minutes to address the Commission. Also, there is a Petitioner Session which will also have a 5 minute timeframe for comment.

PETITIONERS

None

PUBLIC HEARING

Chairman Vaughan asked the Commission if they wanted to take the Village of Leesburg zoning map amendment, town plan amendment and special exceptions individually or collectively. It was decided that they would be addressed collectively.

Mike Banzhaf, representative for the applicant, came forward to give a general introduction on what the project entails. He described how this application conforms to the Town Plan. They have increased the office numbers, readdressed the interchange

design and have added residential, therefore qualifying this for mixed use. While this is currently zoned B-1, they are applying for a rezoning to B-2 which allows for the residential addition. The transportation improvements will be in place prior to construction. The diamond interchange is a major design change but will allow for more fluid traffic flow. This design is to encourage an activity center that allows for residents to work, live and shop in the same area.

Leonard Bograd of Robert Charles Lester & Company came forward to speak about the fiscal impact of this application. As it is proposed, the project will generate over $23.7 million over twenty years. If this is developed as By Right that fiscal impact is reduced to $400 thousand over the same time period. This is a result of the marketability of mixed use center. If this is merely commercial/retail/office it becomes a quasi active area. With the addition of residential, it becomes an activity center with restaurants, entertainment, shopping, etc. for the residents.

Eddie Byrne of KSI Services went through what is being proposed on the site. He explained that they have to build around the utility corridor in the area, resulting in 2/3 of the development being on the west and the remaining third on the east side of this corridor. The project includes a 242 room hotel, along with 5,000 square feet of meeting space, 300,000 s.f. of office space with structured parking, an active adult community of 300 units, a Village Center, mixed use area with housing available above the retail office space. There will also be a large anchor store, currently projected to be a Wegmans.

First they will construct the River Creek Parkway/Route 7 Interchange. They are looking at incorporating a special concrete for the bridge pilings and will add landscaping. Plans are to put the town seal on the main center piling. They are working on various forms of noise abatement.

Terry Shook of Shook, Kelly, Inc. spoke about convenience of a mixed use center. He showed a video on Birkdale Village in Charlotte, NC. He stressed the new expectations of the workplace. Ideally the younger up and coming worker prefers to work close to home and also wants to shop and have other sources of service close at hand. The Leesburg application will be similar to Birkdale, but will include more office space, better retail and a more attractive streetscape.

Following the applicant's presentation, Christopher Murphy, Sr. Planner, came forward to give the staff report on the application. Mr. Murphy briefly described each of the applications under consideration and asked David Fuller, Chief of Comprehensive Planning to come forward and address the application for Town Plan amendment. Charles Mumaw, Sr. Engineer, addressed issues with the proposed transportation plan. Brian Boucher, Zoning Administrator, addressed the proffer terminology and explained how much of proffer language was not in writing.

Staff recommends denial of TLZM2004-0005 and TLTA2004-0002. Areas of critical failure were the application provides vague and conflicting conformance standards for the Concept Plan; the proffers to not provide adequate phasing of roadway improvements,

nor do they ensure that the actual development will be in conformance with the proffered Concept Plan; the PRC District fails to provide the minimum area required by the ordinance; the plan fails to provide the minimum required landscaping along Russell Branch Parkway and Crosstrail Boulevard; the plan fails to adhere to the land use mix standards in the B-4 District; fails to comply with the recommended land use mix in the Business 2 Mixed Business category of the Town Plan; fails to comply with ZO Section 6.6.3, *Density/Intensity and Dimensional Standards* in the B-4 district; the plan does not comply with the Annexation Area Development Policies (AADP); the Route 7 frontage development is contrary to the H-2 Corridor Design Guidelines, and the plan fails to meet design policy direction dictating pedestrian oriented development.

TLSE2004-0019 was recommended for denial based on lack of specific information on submitted plats. Information missing included boundaries of the entire property; total area of the property is square feet and acres; location of all proposed structures; location and distance of off-site structures within 50 feet of the property; required minimum yards and distances of all existing and proposed structures to lot lines; public rights of way, indicating names, route numbers and width; proposed ingress and egress to the property from a public street; parking spaces, existing and/or proposed, indicating minimum distances from the nearest property lines; useable outdoor recreation area, emergency access, landscaping and screening, lighting, and required improvements to public rights of way; and existing zoning designation and use of subject and adjacent properties.

TLSE2004-0020, TLSE2004-0021, TLSE2004-022, TLSE2004-0023 and TLSE2004-0025, all for parking structures, were recommended for denial based on the lack of specificity. Landscaping, lighting, architectural design, parking requirements and stormwater management were inadequately addressed on the plats, along with detail mentioned in the previous paragraph.

TLSE2004-0024, Bank with Drive Through, was also recommended for denial based on the lack of specificity. Again, information was not provided regarding site design, landscaping and buffering, parking, lighting and the miscellaneous details.

TLSE2004-0026 was recommended for denial for the failure to provide minimum required information in accordance with Zoning Ordinance Section 3.4.6.E.

At this point the public comment began. Chairman Vaughan reminded everyone about the five minute clock on commentary.

Chris Crane, General Manager of the Holiday Inn, 1500 E. Market Street, was the first speaker. Mr. Crane addressed the design of the access ramp proposed in the vicinity of his hotel. The current design will provide an unsafe and inappropriate access to the hotel because vehicles will be accelerating to merge on the ramp in the same area that vehicles will be decelerating to enter his property. He asked that KSI meet with representatives of the hotel to work on this potential problem. He is not against the development, but is concerned about this transportation design.

David Tocki of the Potomac Station HOA, 802 Sydney Terrace, NE. He said they are not in opposition to the development, but have concerns about some of the proffer ambiguities. He mentioned that KSI has been working with the HOA, but have left some things unanswered. They too have problems with the potential impact of the interchange as it is currently designed, and have requested a noise impact study of the area. As proposed, the interchange will come close to existing houses. They are also concerned about the appearance of this interchange in the "gateway" to the town.

Deborah Welsh, 120 Edwards Ferry Rd. NE, came forward as a representative for Mark Montgomery of Rivercreek Parkway. While he is not opposed to the application, he has concerns about transportation, mainly Crosstrail Boulevard. As it is currently designed, Crosstrail Boulevard is scheduled to end at Russell Branch Parkway. It should continue to the southern part of the development. Mr. Montgomery supports staff recommendation of this continuation. In 1999, Mr. Montgomery posted money to the Town for the relocation of Rt. 653. Some of these funds should still be available to defray the cost of extending Crosstrail Boulevard.

Debbie Heimburger of the Loudoun County Parks and Recreation Department, 215 Depot Circle spoke on behalf of two properties that will be affected by the interchange. One is the property that holds the small stone house just east of Carradock Hall. This interchange will landlock this property. The Parks and Recreation Department have expended funds for renovations that will make this property a tourist center which will have informational kiosks. The other property is the Keep Loudoun Beautiful Bridge/Park. The interchange will landlock this parcel. The County is working on a bicycle and pedestrian trail system, and the interchange will nullify the plans in progress.

Matthew Hamblet, 3351 Mar Le Ridge Road, Jefferson, MD, owner of the parcel which holds the stone house expressed concern that the interchange will totally landlock his property and asked that other designs be considered.

Eric Snider, 18801 Birdwood Court, and a member of the Potomac Station HOA, emphasized he was encouraged that KSI came to the HOA and spoke to them about the interchange proposed. They will be preparing a submission via letter so that their issues are put on the record.

Rich Stallard, 825 Sandpoint Court, lives on the west side of River Creek Parkway and will be adjacent to the interchange. He supports the conceptual plan of the project, and supports a diamond interchange for this area. This would allow the best pedestrian and bike access. The negative impacts include the 500,000s.f. of retail and office will generate 40,000 to 80,000 daily trips. This does not even take into consideration the other developments in the CPAMs. He also asked that a noise study be done to determine the best method of sound attenuation.

Chairman Vaughan closed the public input session and explained that the public hearing would remain open for the next ten days. He then asked Mr. Banzhaf if he would like to comment at this time. Mr. Banzhaf said the proffers indicate that there is now 50%

office. He said that the roadway construction has been committed to up front. The fact that the H-2 corridor guidelines are not addressed will be taken care of during BAR review. Many of the details can be provided.

Commissioner Jones referred to Birkdale Village and the design. He asked that the design conform to something that would be compatible to Leesburg. He feels that part of the application does provide texture and design and he wants to make sure that the applicant knows what the expectations are. He has some concern that the staff feels this application lacks important details. He also feels that the proper uses need to be put in the right areas. He thanked the applicant for providing the office space requested, along with the mix of retail and residential.

Commissioner Kalriess started with some questions. He asked Mr. Fuller about the sidewalks not being adequately sized and the site not being pedestrian friendly. Mr. Fuller replied that the pedestrian environment depends on good, clean design within the site. Mr. Kalriess pointed out that the age restricted community is over 1,000 feet to the nearest corner of Wegmans. The current design is not conducive to promoting walking. Susan Swift added that the pedestrian access from the hotel to the mixed use center and/or office area is not good. Mr. Kalriess went on to ask if there was a clarification on the definition of commercial vs. office vs. non residential. What is the 1997 Town Plan definition? Is there a lack of specificity? Ms. Swift said it is clear in the plan and the zoning district sets it out even further. Mr. Kalriess asked what they agreed to in the draft plan regarding residential retail and primary office mix. Mr. Fuller said it would be addressed on a case by case basis. Mr. Kalriess then asked the applicant why the educational study was omitted, there are estimates of 67 school age children. Mr. Bograd replied that they have the information. Mr. Banzhaf added that they will abide by the county facility charges by unit charges for school age children. Mr. Kalriess then told Mr. Banzhaf that he has concerns regarding the mass parking along Rt. 7, the long walks that are created on the sites, traversing through narrow roadways. Mr. Banzhaf said that in the worksession they can address and explain what appears on the plans. He said there is ample parking in the center of the site. Mr. Kalriess has concerns about the access – there is only one access and only one diamond. He suggested some alternatives and asked they be considered. He thanked KSI and said it was nice to hear so many positive things. As a gateway to town, he would like to make sure that they pay attention to materials used for bridges, he would like to see view sheds preserved, the Wegmans store is not a moderate size, it is a big box. There should be a better use for the corner than a big box. The special exception uses need detail and the application needs to give consideration of the southern boundary and Crosstrails Boulevard. The proffers regarding the transportation need to have specific clarity.

Commissioner Hoovler is disappointed that by this time, after having worked on this for around a year, that the detail required is still not available. Mr. Hoovler asked why the buffer yards were as narrow as ten feet while the standards are very clear. The response was that this was to protect wetlands, what wetlands? Eddie Byrne responded that yes, they did not present this well. When the special exception sheets were submitted, they felt the concept plan provided the detail. The new packet has more detail.

Mr. Hoovler asked about the connectivity to Cochran Mill and the Keep Loudoun Beautiful Park. With respect to the garage placement and screening, he agreed with Commissioner Kalriess' comments. The walk to the village center and the adult community is long. What is the concept of the pedestrian right of ways in the vicinity of the village center. Some residents will be up in years and having them cross a busy highway doesn't seem feasible. Mr. Byrne said there will be lights for pedestrians to cross. Mr. Hoovler asked about terms of phasing, what is the percentage of office that will be on the second floor and above. Mr. Byrne responded that it was approximately 200,000 s.f. How many residential units will be in the Village Center? Mr. Byrne– there will be 85 units.

Mr. Hoovler also had concerns about the parking garages that will be fronting Route 7, How many stories will they be? Mr. Byrne said some will be partially below grade and others will be more stories and he apologized for not providing more detail. Mr. Hoovler asked if they had considered additional berming to further buffer the structures? He also asked if they had elevation drawings and said they are really needed to help make some decisions. Concept drawings were displayed electronically and Mr. Byrne went on to describe how they plan to design the site of the parking garages. Mr. Hoovler asked that copies be provided to the Commission.

Mr. Hoovler had further question on the southwest quadrant, which is one of the last to be developed. What is the applicant doing about the wetland area there? Mr. Byrne said they hope to put a trail through the area since not much development can go there. Mr. Hoovler again emphasized that they need detail in order to be able to see what is planned. Why are Land Bay D buildings excepted from fire sprinklers? Mr. Kalriess said this was because of building heights. Mr. Hoovler asked what the zoning ordinance said about phasing. Brian Boucher responded that the ordinance does not go into a great amount of detail but does provide the basic guidelines.

Mayor Umstattd thanked the citizens that came to the hearing. She went on to thank staff for the comprehensive report and asked the applicant to take seriously the staff concerns about the detail in the application. She feels that this is a good application but is also concerned that the clarity on proffers and the detail were omitted. The Mayor had some concerns about the homes being used as noise barriers and alluding to the fact that front yards are not considered recreation areas. There was another statement about replacing windows in the future to absorb more noise, should this become necessary. Who would pay for this. There is no noise study to base this on. The Mayor feels that this application will generate significant traffic and did not see any traffic impact study. There is no proffer regarding the design of the bridge, even though the applicant verbally stated that the bridge would be attractive. Additionally, she did not notice any provision for day care in the application. How would residents in Lansdowne going to get to the Wegmans? School age children will cost more than what's being offered, also the estimate seems to be low for this community. Is the entire active adult community all older residents, or is there a portion that allows families? Crosstrails should be completed to the southern end of the property. The Mayor asked the applicant to have the many questions resolved prior to this application getting to the Council level.

Commissioner Wright also thanked the public for their interest and the staff for the report. He emphasized that this is the third submission and the pictures and text don't seem to mesh. Why is it taking the applicant so long to provide the detail required for the Commission to do an educated review? The special exceptions, submitted as they were, would have been rejected had they been single applications, so why are they even before the Commission this evening? The noise report seems to be wrong – the houses don't even face the road so the noise would have to travel through the house to get to the front. The traffic moving into this area, as it appears on the application today, will move into a dead end space. Mr. Wright would like to see some assurances that this will be addressed. The primary use should remain office, as set out in the town plan. In closing, Mr. Wright commended the applicant for working with the community.

Commissioner Bangert agreed with all prior comments and added that there was some disagreement between the town, county and applicant on the AADPs. They are in effect until 2009 and would need amending to accommodate this application. She asked for clarification on the capital facility contributions for the non age restricted portion of the application. Is this the full amount, or a partial amount? How much for the age restricted community? Ms. Bangert said there seems to be a lot of talk about worksessions, are they ready to come back with the proper detail and modifications, or will the concept plan remain as it is? Mr. Byrne said they heard many things for the first time tonight and hoped to have a worksession to discuss ideas. Between now and the worksession they would go back and readdress some of the suggestions made and explain either why they can change it or why it wouldn't be feasible to change. Ms. Bangert asked if they would grant an open extension on the rezonings. Mr. Byrne responded that they were not planning to do so. They have a timing window, if the interchange can be started this summer, then it can open in November 06. The longer this is delayed, the later the interchange will open.
Susan Swift said there were only two weeks leeway on this application. If this is not moved forward at the next meeting, the council would have just enough time to agree. Ms. Bangert said that the interchange would be totally completed prior to beginning construction, however, the proffer states that this would be done prior to the first application for an occupancy permit. This is contradictory to what was presented. If there is language to the effect of and/or, she is hesitant to consider this since it leaves too much open to interpretation. Mr. Byrne said that while the interchange is under construction, there will be site improvements taking place simultaneously. There also needs to be some discussion on the phasing and how this will take place.

Ms. Bangert asked about the trail near the adult community and why the town should take on this trail. Shouldn't this fall under an HOA as it is in other parts of town. The town should not be responsible for a mulched trail in a floodplain that will require constant replacement. She feels that there are some major issues, especially why ask for a B-4 rezoning when it's not required. She feels that this could take multiple worksessions to come to a consensus. However, she would not like to see this application pushed through.

Commissioner Barnes asked Mr. Shook if they were going to be the architects on this project and whether he personally would be involved. Mr. Shook said that yes, most likely he will be very involved. Mr. Barnes said that the product shown in the video was very attractive, and wanted to know if the same type product will be brought to Leesburg. Mr. Shook said that they planned to bring an even better product to Leesburg. Mr. Barnes then asked if the AADPs are still in effect or not. Attorney Randy Greehan said that he will look into this and come up with an answer. Mr. Barnes said this can make a $2 million dollar difference to the town.

Chairman Vaughan commented that he does not want to see a Wegman's as a gateway to Leesburg. The steeple effect should not be something at Leesburg's gateway. Another location further back could work better. He feels that the application has potential, but is not walkable. He didn't find the Birkdale project necessarily attractive. He felt it was an effort to replicate something historic in the wrong spot. This project lacks fine grain, human scale, walkability. It is conducive to promoting traffic. He asked why the staff was not provided with the information they have been requesting. He does not want to see worksessions if they are fruitless and don't permit the time to properly review this application. He then asked the planning commission if they were interested in pursuing worksessions.

Commissioner Wright said he needed clarity on the timeframe involved. Susan Swift said that she thinks the deadline is July 26. There really is no time at this point to fit in a worksession. Commissioner Bangert said this would be hard to do in even one or two worksessions. Commissioner Kalriess said perhaps they should address the land use issue first, and then move on to the site layout. First determine the right mixes of the site. Commissioner Bangert agreed and said the AADPs need to be taken care of first.

Michael Banzhaf said the only issue seems to be whether the town will have to pay the county money. He said they have clear intent on how to take care of this, through county residence fees. Chairman Vaughan asked if they felt they could rectify the outstanding issues in order to keep this application on track. Mr. Byrne responded that they will do what they can to work with the Commission, have as many worksessions as are reasonable and try to work within the timing issues. He just doesn't want to see a lot of discrepancies going back and forth. They would like to go to Council with a recommendation of approval.

Commissioner Kalriess asked if one critical component was the approval of the bridge design. Cindi Rasinski of KSI came forward and explained that the 95% plans were submitted in March and that they will be ready to submit the final bridge plans in the next month or two. Mr. Kalriess said he understood that they didn't want to proceed with final plans until they had gotten a nod from the Town. Mr. Byrne said that yes, they were trying to get some plans reviewed early to get some other plans going. The decision to make the diamond an acceptable alternative to the cloverleaf had impact on this.

Commissioner Jones asked whether the chairman or the Commission would consider a work group of the PC to work with KSI and staff on the side and then report back to the

full commission. This is an important project and the timing is critical. He feels there is a need to truncate and expedite.

Chairman Vaughan stated that he wants the Commission to deal with this as a whole. Typically subcommittees come back as advocates of an application and this leaves other members of the Commission out of the loop. Mr. Jones said the instructions would come from the full commission and he feels this would speed the process up.

Commissioner Barnes said this application should remain under consideration as a unit, and at regularly scheduled meetings. Mr. Jones said there is too much work to do it that way. Mr. Vaughan said this will become too complicated, trying to schedule times when everyone is available. Mr. Swift said this should be kept at the regularly scheduled meetings. Mr. Wright said he would not support subcommittees. This could waste valuable time and the group, as a whole, must be kept informed. He then asked what the schedule was for possible worksessions. If they want to have a worksession in conjunction with their June 2 meeting, that can work. The applicant needs to review their notes and come back to the Commission with the detail they need to review this. If a vote does not occur on Thursday night, an extension will be required.

Commissioner Kalriess said this is the second large application with much work and expense invested in it. He feels that doing this at regularly scheduled worksessions is not enough time. The Commission should give the applicant all the information required in a worksession outside the regular schedule and ask that they come back with the finished project. Susan Swift said this cannot be done as proposed because there are not enough nights available to pick for a work session. In between Council meetings and other Commissions' meetings, there is not much time available to review the proffers, etc. There are many people involved in the review process so a one week turnaround is not possible.

Commissioner Wright asked the applicant that since they have gone around the dias and everyone has commented, at the next work session he expects to see their reaction to the comments. The amount of work involved, the earliest they could bring it back would be June 2. Mr. Banzhaf said there are meetings on the 2 and 16th of June. This month seems to have a fifth Thursday that can be used, July offers enough time to review and make decisions and the final one can be made in August. Susan Swift responded that if they were presented tonight, then the information needs to be sent out on Friday, May 27, which is only one week for review. She said they cannot respond by the 2nd of June. There will only be a review of the proffers as they were presented. You have had nine months to one year to submit three versions of the application. Mr. Banzhaf said when would they have a worksession to sit down and review this. Ms. Swift responded that this would occur on the 2nd of June.

Commissioner Hoovler said he was surprised at the lack of detail, even though the applicant said the detail is included, it has not been shared with staff. They need to have this tonight if you have it. Chairman Vaughan once again reiterated what the schedule would be and any further decisions will be made on June 2.

COUNCILMANIC REPORT

Mayor Umstattd said they went to Richmond to attend a hearing on the undergrounding of the power lines vs. overhead lines. Citizens support undergrounding and requests were made for more information from Dominion. They are not currently required to provide costs to the general public, so a request was made to the SEC to require cost data.

STAFF AND COMMITTEE REPORTS

Commissioner Hoovler said there had been an Economic Development Commission meeting the previous evening which he did not have a chance to attend. Agenda items were condemnation as a government tool, buydown of commercial lease space and annexation as a tool to preserve southern Leesburg. He will get further information.

Commissioner Jones reported on the Environmental Advisory Commission and said he was startled at the elements of the Town Plan stating there is no reference to the Environment in the Plan. He has encouraged EAC members to attend the next meeting with some statement concerning this. He feels strongly that the Plan is too generic at this time and wants to see a strong environmental statement incorporated into the Plan.

Susan Swift handed out a copy of a memo regarding the overview of the Crosstrails referral from the County. It sets out the schedule, the county's process and where we fit in. Secondly, the noise ordinance has been changed in the Zoning Ordinance that incorporates what is already in place in the Town Code.

ADJOURNMENT

The motion was made and seconded at 11:24pm to adjourn the meeting.

Prepared By: **Approved by:**

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Linda DeFranco, Commission Clerk **Clifton Vaughan, Chairman**