Date of Planning Commission Meeting: September 5, 2019

TOWN OF LEESBURG
PLANNING COMMISSION MEETING

SUBJECT: TLSV-2019-0001, North Star School at C.S. Monroe Property. Variation to the Town of Leesburg Subdivision and Land Development Regulations (the “SLDR”) Section 4.02(g) along the Childrens Center Road SW street frontage of a parcel of land identified in the Loudoun County Land Records as PIN#s 271-39-2180.

STAFF CONTACTS:  
William R. Ackman, Jr., P.E., Director of Plan Review  
Eric S. Meske, P.E., Senior Project Manager/Section Chief

APPLICANT:  
Loudoun County School Board – Sara Howard-O’Brien  
21000 Education Court, Suite 210  
Ashburn, VA 20148  
571-252-1156, Sara.howardobrien@lcps.org

APPLICANT’S REPRESENTATIVE:  
J2 Engineers, Inc. – Gustavo Bravo  
602 South King Street, Suite 100  
Leesburg, VA 20175  
571-291-9167, gbravo@j2engineers.com

PROPOSAL:  
Loudoun County Public Schools (the “Applicant”) is requesting a variation of Subdivision and Land Development Regulations (SLDR):

Section 4.02(g): “Developments that adjoin or include existing streets shall provide such improvements as are necessary to bring said streets up to the standards specified in this Article within or adjacent to the new development.”

DECISION DEADLINE:  
SLDR Sec. 6.03(g) states that, “Upon the initial public meeting to consider a variation application, the Planning Commission shall determine whether the potential impacts of the requested variation warrant a public hearing. If it is determined that a public hearing is warranted, such hearing shall be scheduled within thirty (30) days of said determination. The Planning Commission shall take action to approve, or deny the variation within thirty (30) days of the initial public meeting if no public hearing is held, or within sixty (60) days of the initial meeting if a public hearing is held.” At the initial public meeting to consider the variation application, the Planning Commission determined that the potential impacts of the requested variation warranted a public hearing. The public hearing was advertised and set to be heard by the Planning Commission at its September 5th regular meeting.
RECOMMENDATION: Staff recommends approval of the SLDR Variation request (OPTION B) of the sidewalk and frontage improvements contained in this report with the conditions stated herein.

RECOMMENDED MOTION:

Approval that *Includes* On-Street Parking Along Childrens Center Road – OPTION “B”  
(Staff’s recommended option)

I move to approve TLSV-2019-0001, a variation request of SLDR Section 4.02(g) which states: “Developments that adjoin or include existing streets shall provide such improvements as are necessary to bring said streets up to the standards specified in this Article within or adjacent to the new development” along the Childrens Center Road SW frontage for a parcel of land identified in the Loudoun County Land Records as PIN: 271-39-2180 subject to the “Option B” Conditions of Approval contained in this report because the evaluation criteria of SLDR Sec. 6.03 have been satisfied.

ALTERNATE MOTION #1:

Approval that *Excludes* All On-Street Parking Along Childrens Center Road – OPTION “A”

I move to approve TLSV-2019-0001, a variation request of SLDR Section 4.02(g) which states “Developments that adjoin or include existing streets shall provide such improvements as are necessary to bring said streets up to the standards specified in this Article within or adjacent to the new development” along the Childrens Center Road SW frontage for a parcel of land identified in the Loudoun County Land Records as PIN: 271-39-2180 subject to the “Option A” Conditions of Approval contained in this report because the evaluation criteria of SLDR Sec. 6.03 have been satisfied.

ALTERNATE MOTION #2:

OPTION C – Denial motion which in turn requires full frontage improvements (curb, gutter, sidewalk, and road widening) along the entire length of the site’s street frontage.

I move to deny TLSV-2019-0001 variation request of SLDR Section 4.02(g) requirement which states “Developments that adjoin or include existing streets shall provide such improvements as are necessary to bring said streets up to the standards specified in this Article within or adjacent to the new development” along the Childrens Center Road SW frontage for a parcel of land identified in the Loudoun County Land Records as PIN: 271-39-2180.
I. **APPLICATION SUMMARY:**

A. **Loudoun County Public Schools (the Applicant), is requesting:**

A variation of SLDR Section 4.02(g) - the requirement states, "Developments that adjoin or include existing streets shall provide such improvements as are necessary to bring said streets up to the standards specified in this Article within or adjacent to the new development."

This variation is associated with the proposed North Star School Special Exception application (TLSE-2018-0008) to develop a 2-story school for middle and high school alternative programs and adult education programs within the R-4 zoning district.
Childrens Center Road Frontage

The Property has approximately 0.14 miles (±720 feet) of frontage along the south side of Childrens Center Road, SW. As part of the North Star School (TLSE-2018-0008) Special Exception application, the Applicant has requested a variation of the above-listed SLDR requirement. Instead of providing the required street frontage improvements, the Applicant is proposing two alternatives for the Planning Commission to consider:

Option A does not include any sidewalk or on-street parking improvements along the school’s street frontage (does not include the ultimate required road widening for Childrens Center Road);

Option B includes sidewalk and full on-street parking improvements (which includes the ultimate pavement widening) along the school’s street frontage except for a segment of the road near the overpass bridge where there is a transition in the road width to narrow it down to tie into the existing bridge width.

Both Option A and Option B include an alternative sidewalk variation east of the proposed school entrance.

Both Option A and Option B exclude formalized crosswalks across Childrens Center Road.
PHOTOS OF EXISTING CONDITIONS

Childrens Center Road frontage near the Route 7 Bypass bridge abutment

Childrens Center Road frontage between the school entrance and Foxridge Park
II. **EVALUATION CRITERIA TO BE USED BY THE PLANNING COMMISSION:**

The information provided below is contained in the SLDR and is specified as the criteria the Planning Commission shall use when determining whether or not a particular variation request should be granted or denied:

**Sec. 6.03 Variation**

(a) Upon application by an applicant, the Commission may authorize a variation in the substantive regulations contained in Division 4 and 5 of this Article when it finds that a variation is warranted due to an unusual situation or when strict adherence to the general regulations would result in substantial injustice or hardship.

(b) In making application for a variation, the applicant must demonstrate in writing that:

1. The requested variation is in keeping with the purpose and intent of the Subdivision and Land Development Regulations;
2. The granting of said variation would not be of substantial detriment to adjacent property;
3. The granting of said variation would not be contrary to the public health, safety and general welfare;
4. The situation is not of a general or recurring nature for similarly situated properties within the Town.

(c) In deciding an application for variation, the Planning Commission shall be guided by its findings with regard to the preceding test, together with the following items and any other such pertinent information as is necessary for the Commission to make its findings:

1. The construction drawing reflecting the requested variation is approved by the Director;
2. Any variation in street requirements is reasonable in relation to ultimate projected traffic generation and will not result in street sections that do not satisfy minimum Virginia Department of Transportation standards;
3. Any variation in sidewalk standards is compensated through an adequate alternative provision for pedestrian traffic.

(d) No variation granted pursuant to this section shall relieve the obligation of the applicant to comply with any other applicable local or state regulations.

(e) In authorizing a variation the Commission may impose such conditions regarding location, character and other features of the proposed subdivision or development as it may deem necessary in the public interest, and may require a guarantee or bond to insure compliance with the conditions imposed.
Applications for variation may be made by any applicant. Once the application has been determined to be complete by the Director, the application and accompanying maps, plans or other information shall be transmitted promptly to the Commission for consideration and action. The Director shall also transmit a copy of the application to the Town Council.

Upon the initial public meeting to consider a variation application, the Planning Commission shall determine whether the potential public impacts of the request warrant a public hearing. If it is determined that a public hearing is warranted, such hearing shall be scheduled within thirty (30) days of said determination. Notice of public hearing shall satisfy all Code of Virginia requirements for such hearings. The Planning Commission shall take action to approve, or deny the application within thirty (30) days of the initial public meeting if no public hearing is held or within sixty (60) days of the initial public meeting if a public hearing is held.

III. APPLYING THE EVALUATION CRITERIA FOR THIS CASE:

Evaluation Criteria: The Staff analysis below is according to the information provided in SLDR Sec. 6.03 Variation and is also the specified evaluation criteria the Planning Commission shall use when determining whether or not a particular variation request should be granted or denied:

Analysis:

1. Unusual situation.
   a) This is a proposed school site where some students will drive to the facility.
   b) This site’s street frontage has unusual site conditions at each end:
      1) To the west, a highway overpass bridge over the Route 7 by-pass
         ➢ This bridge has a narrow deck and contains no pedestrian walkways.
         ➢ The slopes adjacent to the bridge consist of steep slopes leading down to the Route 7 by-pass); and
      2) To the east, Town owned parkland
         ➢ That includes an asphalt trail constructed outside of the Town’s street right-of-way in order to avoid conflicts with a storm drainage channel, underground dry utility vaults and a large tree adjacent to the Town’s park property.
2. **When strict adherence to the general regulations would result in a substantial injustice or hardship.**

   a) **With regard to Option “B”**
      
      1) Staff can only justify a sidewalk along the portion of the frontage that provides safe pedestrian access for the on-street parking along the site frontage. Staff cannot justify requiring the applicant to provide a sidewalk from the western most on-street parking space to the narrow bridge deck located to the west of the applicant’s site. Construction of this additional sidewalk would present unsafe conditions for pedestrians as the sidewalk would lead to a narrow bridge deck over the Route 7 by-pass that does not provide for any pedestrian walkways. Also, as widening of this bridge is not in the CIP nor are any developers required to widen the bridge at this time, constructing a sidewalk to this location would be an injustice to the applicant as well as to pedestrians who may use this sidewalk to nowhere.

      2) Staff cannot justify requiring the applicant to construct a full road section beyond the proposed parallel on street parking when a taper back to the bridge section presents a much safer and practical option.

      3) Staff cannot justify requiring the applicant to provide a parallel sidewalk within the street right-of-way on the east side of the proposed school entrance when an alternative alignment through a Town public park would serve the same purpose. To construct the parallel sidewalk within the Children’s Center right-of-way would also be a hardship given the potential conflicts to underground utilities, off-site drainage ditches and an existing large tree located in front of the Town Park.

   b) **With regard to Option “A”**

      1) If parking is not to be permitted along the frontage of Childrens Center Road, Staff cannot justify requiring the applicant to provide a sidewalk west of the applicant’s proposed site entrance. Construction of this sidewalk would present unsafe conditions for pedestrians as the sidewalk would not serve any specific purpose and would lead only to a narrow bridge deck over the Route 7 by-pass that does not provide for any pedestrian walkways. Also, as widening of this bridge is not in the CIP nor are any developers required to widen the bridge at this time, constructing a sidewalk to this location would be an injustice to the applicant as well as to pedestrians who may use this sidewalk to nowhere.

      2) If the adjacent residents and the Planning Commission do not desire parking along the proposed school’s property frontage along Childrens Center Road, requiring the applicant to construct a full road section beyond the proposed site entrance does not appear practical at this time. (A 28 foot face of curb to face of curb road section would meet minimum VDOT standards for roads with no on-street parking and this street section would also tie into the existing bridge without the
need for tapers.) Staff has not recommended this option as it seems very plausible that if students don’t have parking available to them along the frontage of the school site, they will try to find parking along public roads within adjacent subdivisions; which is undesirable.

3) Staff cannot justify requiring the applicant to provide a parallel sidewalk within the street right-of-way on the east side of the proposed school entrance when an alternative alignment through a Town public park would serve the same purpose. To construct the parallel sidewalk within the Children’s Center right-of-way would also be a hardship given the potential conflicts to underground utilities, off-site drainage ditches and an existing large tree located in front of the Town Park.

3. The requested Variation is in keeping with the purpose and intent of the Subdivision and Land Development Regulations: SLDR Section 2.01 states, “it is the intent of these Subdivision and Land Development Regulations to encourage the development of safe and attractive Public Improvements, residential neighborhoods and nonresidential developments.” The approval of the requested variation (for both Option A and Option B) will result in a safe pedestrian connection to Catoctin Circle. It will also deter pedestrian traffic from attempting to cross over the narrow bridge deck that spans over the Leesburg Bypass or navigate their way down steep slopes to access the actual Route 7 by-pass.

4. The granting of said Variation would not be of substantial detriment to adjacent property: If the Planning Commission were to “conditionally” grant this variation based upon the conditions of approval noted herein (for both Option A and Option B respectively), Staff has not identified any substantial detriments to any adjacent properties other than parking sprawl noted as a possibility with Option A.

5. The granting of said Variation would not be contrary to the public health, safety and general welfare: The alternative sidewalk layouts planned for both Option A and Option B respectively along the Childrens Center Road provides sufficient safe passage for pedestrians and therefore both variation options would not be contrary to the public health, safety, and general welfare.

6. The situation is not of a general or recurring nature for similarly situated properties within the Town:

a) This is a proposed school site where some students will drive to the facility.

b) The property in question is of a unique nature since the Property is located between:
   ➢ A narrow bridge deck which spans over the Leesburg Bypass on one side (which is not conducive to extending a pedestrian sidewalk to); and
A Town public park that already provides a pedestrian path that does not abut the public street (to avoid conflicts with an existing drainage swale, underground utilities and a large tree that abuts the street frontage in that location).

7. **The Construction Drawing reflecting the requested variation is approved by the Director:** As the proposed variation is conditioned upon approval of the Special Exception by the Town Council, all final construction plans and profiles would be submitted at the site plan stage of development. Staff has considered pedestrian circulation and storm drainage improvements of the requested variation and, if the Planning Commission approves the variation noted herein, the Director will have no objection to approving the plans once any construction drawing items have been adequately addressed.

8. **Any variation in street requirements is reasonable in relation to the ultimate projected traffic generation and will not result in street sections that do not satisfy minimum VDOT standards:** The proposed street improvements are reasonable in relation to the ultimate projected traffic generation as stated in the applicant’s traffic study. The proposed street improvements in either Option A or B will meet VDOT standards.

9. **Any variation in sidewalk standards is compensated through an adequate alternative provision for pedestrian traffic:**
   
a) For both Options A and B, an adequate pedestrian connection is proposed to the asphalt trail in Foxridge Park to serve pedestrians walking to the school from the east (from Catoctin Circle).

b) For Option B, a sidewalk is also provided along Childrens Center Road to the western most on-street parking space in Option B. No sidewalk is proposed from the western most parking space to the bridge as pedestrian access in that area is discouraged due to the safety aspects noted above. However, the applicant has agreed to provide a cash contribution to the Town for all required ultimate frontage improvements not proposed with this development.

c) For Option A, no sidewalk is proposed west of the proposed school entrance as it would serve no purpose. However, the applicant has agreed to provide a cash contribution to the Town for all required ultimate frontage improvements not proposed with this development.
IV. RECOMMENDED CONDITIONS OF APPROVAL:

Option “B” Conditions of Approval:

Staff recommends approval of the Applicant’s variation request of the requirements to provide sidewalk, curb and gutter, and other improvements along the Property’s Childrens Center Road SW frontage with the following conditions:

1. The applicant shall provide curb and gutter improvements along the frontage of Childrens Center Road set at a minimum distance of 38 feet from the existing face of curb on the north side of the road to the proposed curb and gutter along the site frontage as shown in the exhibit prepared by J2 Engineers titled “Frontage Improvements Option B” dated August 2019. Exact road alignment and transitions to be determined at time of final site plan;

2. The applicant shall provide a cash in lieu for all required frontage improvements not being constructed by the applicant at this time:
   a) For the portion of sidewalk improvements from the western most parallel parking space to the east end of the bridge abutment (reference exhibit labeled Option B);
   b) For a future pedestrian crosswalk across Childrens Center Road.
   c) For the portion of full width road widening improvements, currently shown as a taper, from the western most parallel parking space to the east end of the bridge abutment (reference exhibit labeled Option B);

3. The applicant shall provide an alternative public sidewalk alignment as shown on the Option B exhibit in lieu of constructing a sidewalk completely within the Childrens Center Road right-of-way between the east end of the street frontage and the east edge of the site’s proposed entrance.

4. Prior to Site Plan approval for the North Star School, the applicant shall prepare an engineered plan exhibit of all required ultimate full frontage improvement requirements. This plan shall be used as the basis for determining the applicant’s cash in lieu contribution.

5. All cash in lieu contributions shall be paid to the Town prior to Site Plan approval for the North Star School.

6. Cash in Lieu contributions shall be used by the Town for future improvements or widening of Childrens Center Road or other future capital improvement projects to improve public facility needs in this area.
7. **Approval of this Variation is subject to the Planning Commission taking action and ultimate approval of the associated North Star School special exception application by the Town Council.**

*Option “A” Conditions of Approval:*

Staff recommends approval of the Applicant’s variation request of the requirements to provide sidewalk, curb and gutter, and other improvements along the Property’s Childrens Center Road SW frontage with the following conditions:

1. The applicant shall provide curb and gutter improvements along the frontage of Childrens Center Road set at a minimum distance of 28 feet from the existing face of curb on the north side of the road to the proposed curb and gutter along the site frontage as shown in the exhibit prepared by J2 Engineers titled Frontage Improvements Option A dated August 2019. Exact road alignment and transitions to be determined at time of final site plan;

2. No Parking signs shall be installed on both sides of Childrens Center Road as generally shown on the exhibit prepared by J2 Engineers titled Frontage Improvements Option A.

3. The applicant shall provide a cash in lieu for all required frontage improvements *not* being constructed by the applicant at this time:
   a) For all required sidewalk construction along the entire project frontage (reference exhibit labeled Option A);
   b) For a future pedestrian crosswalk across Childrens Center Road;
   c) For the full 38 foot road section for Childrens Center Road, the required road widening improvements beyond the currently proposed 28 feet face of curb to face of curb road section along the entire project frontage (reference exhibit labeled Option A).

4. The applicant shall prepare an engineered plan exhibit of all required ultimate full frontage improvement requirements. The plan shall be used as the base for determining the applicant’s cash in lieu contribution.

5. All cash in lieu contributions shall be paid to the Town prior to Site Plan approval for the North Star School.

6. Cash in Lieu contributions shall be used by the Town for future improvements or widening of Childrens Center Road or other future capital improvement projects to improve public facility needs in this area.
7. All utilities (if any) that are required to be relocated as part of this project construction shall be relocated to accommodate the future widening of Childrens Center Road.

8. Approval of this Variation is subject to the Planning Commission taking action and ultimate approval of the associated North Star School special exception application by the Town Council.

ATTACHMENTS:

1. Applicant's SLDR Variation Request
2. Variation Request Frontage Improvements Exhibits – Option A and B
July 24, 2019

Town of Leesburg
Department of Plan Review
25 West Market Street
Leesburg, VA 20176

Attention: Mr. William R. Ackman, Jr., P.E., Director

Re: The North Star School at CS Monroe Property (TLSE-2018-0008)
Variation Request to SLDR Section 4.02(g)

Dear Mr. Ackman:

Please consider this variation request to Section 4.02(g) of the Town of Leesburg Subdivision and Land Development Regulations (SLDR), which states in part:

“4.02(g) ...Subdivisions and developments that adjoin or include existing streets shall provide such improvements as are necessary to bring said streets up to the standards specified in this Article within or adjacent to the new subdivision or development”.

The Applicant seeks a variation of the required frontage improvements along certain portions of Childrens Center Road.

The Existing Conditions / Constraints include:

1. There is an existing bridge located to the west of the C.S. Monroe Property on Childrens Center Road that goes over the Route 7 Bypass and which abuts the western property line. The bridge does not have pedestrian accommodations. This constraint makes it undesirable to divert pedestrians into the road at the existing bridge. This variation request seeks to construct the improvements to the point where the existing bridge would prohibit continuation. (Reference enclosed pictures).

2. There is an existing storm ditch channel located to the east of the C.S. Monroe site entrance which is 10 feet away from the existing Childrens Center Road curb line. In addition, there is a large tree and other above & underground utilities along Childrens Center Road in the area immediately adjacent to the existing ditch. This variation request seeks to waive the frontage improvement east of the site entrance and to construct the sidewalk improvement improvements in an alternate location. (Reference enclosed pictures).

This variation request is based on the following:

1. The Applicant proposes frontage improvements which include increased ultimate pavement width (8 feet) as well as curb and gutter, sidewalk, and storm drainage along the frontage of the site, up to a point where the existing bridge would prohibit continuation of these improvements. The curb and gutter improvements will extend across the frontage of Childrens Center Road set a distance of 38' from the existing face of curb on the north side of the road except for a distance of 125' from the bridge abutment where the curb and gutter will include a 50' transition to a road section that matches the width of the bridge deck. The sidewalk improvements will be provided except for approximately 230' east of the bridge abutment. Sidewalk improvements will also be provided on the east end of the of the street frontage as shown on the plans and as noted below.

2. A 5 foot concrete sidewalk has been proposed along the property frontage and extending up to the western side of the
Wild Turkey Way entrance located on the north side of Childrens Center Road.

3. A new handicap ramp is being proposed on the western side of the Wild Turkey Way intersection to promote pedestrian traffic at the tangent point of the curve to provide additional pedestrian safety and accessibility.

4. A crosswalk that connects the two sidewalks and handicap ramps is being proposed at the Wild Turkey Way entrance.

5. A 5 foot concrete sidewalk is also being proposed approximately 50’ back from the street along the eastern portion of the site frontage that connects to the existing 8 foot asphalt trail at Foxridge Park. This trail connects to the existing crosswalk at the intersection of Childrens Center Road and Catoctin Circle and provides safe access to the proposed school and adjacent community. In addition, an alternative on-site sidewalk alignment will be provided between the east end of the street frontage and the east edge of the site’s proposed entrance in coordination with Town of Leesburg staff.

We respectfully offer that this variation request to SLDR Section 4.02 is justified for the following reasons:

- The proposed frontage improvements are in keeping with the purpose and intent of the Subdivision and Land Development Regulations. The SLDR sets forth the procedures and regulations for land development and recognizes there will be situations where conditions warrant an alternate improvement.
- The improvements will be constructed to maximize the widening along the site frontage to the extent practicable and without being detrimental to adjacent properties or adversely impacting the health safety and welfare of the public;
- The proposed frontage improvements will comply with the Town of Leesburg street section construction standards.
- The existing physical constraints are unusual and not of a recurring nature for similarly situated properties within the Town;
- The Traffic Impact Study conducted for the proposed school found that all study intersections operate at acceptable levels of service in the future (2021 and 2040 (Planning Scenario) conditions) and the surrounding transportation network will accommodate the proposed project; and
- The proposed sidewalk improvements will provide appropriate connections providing continuous linkage in the pedestrian network.

The Applicant respectfully requests your favorable consideration. Should you have any questions or need additional information regarding this request, please feel free to contact me at (703) 361-1550 ext. 210.

Sincerely,
J2 Engineers, Inc.

[Signature]

Gustavo Bravo
Senior Associate

Attachments

cc: Sara Howard O’Brien, LCPS
    Chris Glassmoyer, LCPS