Date of Planning Commission Meeting: August 1, 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) for two segments (230 feet and 80 feet) of frontage along Childrens Center Road SW 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
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Ashburn, VA 20148
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APPLICANT’S REPRESENTATIVE: J2 Engineers, Inc. – Gustavo Bravo
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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.”
RECOMMENDATION: Based upon the relationship of this variation to the North Star Special Exception Application and considering the recommended conditions, Staff recommends that a public hearing not be required specifically for this frontage improvement variation request (separate from the public hearing on the associated special exception for the public school).

The aspect of the variation request that would be of primary public concern is the need for sidewalk improvements along the site’s street frontage. If the Planning Commission acts to approve the requested variation subject to the conditions of approval listed in the draft motion, sidewalk improvements will be provided for safe access to the school and across the site’s street frontage. Staff recommends approval of the SLDR Variation request of the sidewalk and frontage improvements contained in this report with the conditions stated herein.

SUGGESTED MOTION:

Vary Section 4.02(g): Childrens Center Road SW construction of street improvements, pavement, curb and gutter, and sidewalk on the Applicant’s portion of the existing street.

A. I move to approve TLSV-2019-0001 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 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, with the exception of a transition of the road alignment (with new curb and gutter) near the bridge abutment to the parallel parking proposed along the site’s frontage as generally depicted in exhibit one. Exact road alignment and transitions to be determined at time of final site plan;

2. The Applicant shall provide a crosswalk on Childrens Center Road on the west side of the Wild Turkey Way intersection as generally depicted in exhibit one;

3. The applicant shall be relieved of any sidewalk improvements from the proposed crosswalk to the east end of the bridge abutment as depicted in exhibit one;

4. The applicant shall provide an alternative public sidewalk alignment as shown on exhibit two 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.
5. 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.

ALTERNATE MOTION:

B. 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.

Figure 1, Location Map
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 variation of the above-listed SLDR requirement. Instead of providing the required street frontage improvements, the Applicant is proposing (1.) an alternative sidewalk alignment between Foxridge Park and the school’s entrance, (2.) a gravel shoulder for a distance of 125 feet from the bridge abutment in lieu of curb and gutter, and (3.) no sidewalk for a distance of 230 feet from the bridge abutment.
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:

Section 4.02(g): A variation to the requirement that 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.”

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. This site’s street frontage has unusual site conditions at each end:
   a) 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
   b) 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) Staff cannot justify requiring the applicant to provide a sidewalk from the pedestrian crossing at Wild Turkey Way to the narrow bridge deck located to the west of the applicant’s site. Construction of this sidewalk would present unsafe conditions for pedestrians as the sidewalk would lead to a narrow bridge deck over the Route 7 bypass that does not provide for any pedestrian walkways. 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.
   
   b) Staff also cannot justify requiring the applicant to provide a parallel sidewalk within the street right-of-way on the east end 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 will result in a safe pedestrian connection to Catoctin Circle and the neighboring Park View Estates subdivision. 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 bypass.

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, Staff has not identified any substantial detriments to any adjacent properties.

5. **The granting of said Variation would not be contrary to the public health, safety and general welfare:** The alternative sidewalk layout planned along the Childrens Center Road provides sufficient safe passage for pedestrians and therefore the variation 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:** The property in question is of a unique nature since the Property is located between:
   a) A narrow bridge deck which spans over the Leesburg Bypass on one side (which is not conducive to extending a pedestrian sidewalk to); and
b) 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 will meet VDOT standards.

9. Any variation in sidewalk standards is compensated through an adequate alternative provision for pedestrian traffic: An adequate pedestrian connection is proposed to the asphalt trail in Foxridge Park, and a sidewalk is also provided along Childrens Center Road to the west side of the Wild Turkey Way intersection along with a crosswalk to link with the Park View Estates subdivision. No sidewalk is proposed from the crosswalk to the bridge as pedestrian access in that area is discouraged due to the safety aspects noted above.

IV. RECOMMENDED 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, with the exception of a transition of the road alignment (with new curb and gutter) near the bridge abutment to the parallel parking proposed along the site’s frontage as generally depicted in exhibit one. Exact road alignment and transitions to be determined at time of final site plan;
2. The Applicant shall provide a crosswalk on Childrens Center Road on the west side of the Wild Turkey Way intersection as generally depicted in exhibit one;
3. The applicant shall be relieved of any sidewalk improvements from the proposed crosswalk to the east end of the bridge abutment as depicted in exhibit one;
4. The applicant shall provide an alternative public sidewalk alignment as shown on exhibit two 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.
5. 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 1 and 2