1. CALL TO ORDER

2. INVOCATION
   a. Mayor Burk

3. SALUTE TO THE FLAG
   a. Council Member Dunn

4. ROLL CALL

   MOTION
   I move to allow Vice Mayor Martinez and Council Member Dunn to electronically participate in the November 10, 2020, Town Council Meeting.

5. MINUTES
   a. Work Session Minutes of October 26, 2020
   b. Regular Session Minutes of October 27, 2020

6. ADOPTING THE MEETING AGENDA (AMENDMENTS AND DELETIONS)

7. CERTIFICATES OF RECOGNITION

8. PRESENTATION OF PROCLAMATIONS
   a. Veterans Day (Ray Delpesche)
   b. National Native American Heritage Month (Don Chapman)
   c. Friends of Loudoun Mental Health
   d. Domestic Violence Awareness Month
   e. Small Business Saturday

9. PRESENTATIONS
10. REGIONAL COMMISSION REPORTS

11. PETITIONERS

12. APPROVAL OF THE CONSENT AGENDA
   a. 2020 Tree City USA Application
      **RESOLUTION**
      Authorize the Mayor or Her Designee of the Town of Leesburg to Sign the 2020 Tree City USA Application for the Arbor Day Foundation

13. RESOLUTIONS / ORDINANCES / MOTIONS
   a. Appointment to Board of Zoning Appeals
      **RESOLUTION**
      Recommending Board of Zoning Appeals Appointee to the Circuit Court

14. PUBLIC HEARINGS
   a. TLSE-2019-0009 Loudoun County Public School Catoctin Elementary School Expansion
      **RESOLUTION**
      Approving Special Exception TLSE-2019-0009 Loudoun County Public Schools Catoctin Elementary School Expansion to Allow the Expansion of a School, Public Use in the R-4 Single-Family Residential Zoning District

15. UNFINISHED BUSINESS

16. NEW BUSINESS

17. COUNCIL DISCLOSURES AND COMMENTS / ADDITIONS TO FUTURE MEETINGS
   a. Tab A

18. MAYOR DISCLOSURES AND COMMENTS / ADDITIONS TO FUTURE MEETINGS

19. TOWN MANAGER COMMENTS

20. CLOSED SESSION

21. ADJOURNMENT

**ASSISTED LISTENING SYSTEM**

Is available at the meeting. If you require any type of reasonable accommodation, as a result of a physical, sensory, or mental disability, to participate in this meeting, please contact the Clerk of Council at 703-771-2733. Three-day notice requested. Thank you.
REGULARLY SCHEDULED COUNCIL MEETINGS
Citizens are invited to attend and participate in Town Council meetings. The petitioner’s portion of the meeting and scheduled public hearings offer the public two opportunities to present their views to the Council during its meeting.

Petitioners
The petitioners’ portion of the Council agenda is the first item taken up by the Council following proclamations and certificates of appreciation. This part of the meeting affords individuals the opportunity to address the Council on any matter not scheduled for a public hearing. Prior to the meeting, those citizens wishing to speak should sign the Clerk’s Register on the podium at the front of the Chambers. The Mayor will announce the availability of the sign-up sheet at the beginning of all regular meetings. Petitioners’ presentations should be limited to five minutes.

Public Hearings
Certain items of Town business can only be conducted after the Town Council conducts an advertised public hearing. Certain major issues affecting the town’s government can also be scheduled for public hearing at the option of the Council. Adoption of the town budget, rezonings, special exceptions and amendments to the Town’s subdivision and zoning ordinances all require a public hearing.

Decorum
A person addressing the Council as a petitioner, or during a public hearing, should advance to the podium when recognized by the Mayor and state his or her name and address. Persons should also indicate whether they are representing anyone other than themselves. After the presentation or comments, the Mayor or members of Council may have questions of the petitioner. Decorum will be maintained. Statements, which are demeaning or defamatory to members of the public, the staff or the Council, are inappropriate and out of order.

OTHER COUNCIL MEETINGS
Work Sessions/Committee of the Whole
Council may elect to place an item on the Tuesday night meeting agenda for action. Items will only be added to the agenda if agreed to by a majority of Council present.

Closed Sessions
Under certain circumstances, the Virginia Freedom of Information Act permits the Town Council to meet in a session where the public is excluded. This may be a discussion of personnel matters, legal matters, the acquisition or sale of property and other selected topics. The Council can only go into closed session from a public session and the notice must cite the specific statutory authority to go into closed session and also indicate the general topic to be discussed. Only those matters in the adopted motion to go into closed session can be discussed at that time.

TOWN COUNCIL AGENDA MATERIALS
Generally, all items on the regular Council agenda have been first considered at the Council Committee of the Whole. Individual council members, however, can request full Council action on an item considered, but not reported out of committee. Materials previously distributed to the Council on Wednesday are available to citizens on request from the Clerk’s Office. Citizens may also provide the Clerk of Council with an e-mail address or self-addressed, stamped envelopes and Council agendas will be provided to the citizens without further charge. For more information, call the Clerk’s Office at (703) 771-2733 during normal business hours or e-mail at clerk@leesburgva.gov. Meeting agenda packets are available for public inspection in the lobby of Town Hall on Wednesdays prior to the scheduled meeting. Council agendas can also be viewed on the town’s World Wide Web site at http://www.leesburgva.gov.
TOWN OF LEESBURG
TOWN COUNCIL MEETING

Subject: TLSE-2019-0009 Loudoun County Public School Catoctin Elementary School Expansion

Staff Contact: Christopher Murphy, AICP, Senior Planning Project Manager

Council Action Requested: A decision by Council to approve or deny the Special Exception application as sought by Loudoun County Public Schools.

Staff Recommendation: Staff recommends conditional approval of TLSE-2019-0009, Loudoun County Public Schools Catoctin Elementary School Expansion, subject to the conditions contained in the attached Resolution (Attachment 1), and per the analysis provided within the June 18, 2020 and October 15, 2020 Planning Commission Staff Reports which can be round at the following links:

June 18, 2020:

October 15, 2020:

Commission Recommendation: The Planning Commission held a duly advertised public hearing for special exception application TLSE-2019-0009 on June 18, 2020. Two neighbors from the adjoining Crestwood Hamlet neighborhood addressed the Commission, and expressed concerns regarding:

1. Long-standing stormwater drainage issues on their properties caused by run-off from the school property;
2. Old/overgrown pine trees on the school property shedding pine needles causing damage to roofs and gutters;
3. Remaining debris from a tree that had been partially cut down and left unfinished; and,
4. Traffic/pedestrian safety issues created by vehicle queues extending off the school property onto Catoctin Circle during morning and afternoon drop-off drop-off/pick-up times.

The Commission expressed the opinion that the application is approvable, but they wanted to see the matters raised by neighbors examined and addressed before taking a vote. The Commission moved to defer a vote to a later date in order to allow Loudoun County Public Schools (LCPS) to work with the neighbors and the Town to devise how to mitigate the issues raised, and to revise the Plat accordingly. Sara Howard-O'Brien, the representative for LCPS, established that LCPS was willing to work with the neighbors and the Town to resolve those issues raised at the hearing.

On October 15, 2020, the Planning Commission revisited this Application. Three neighbors from the adjoining Crestwood Hamlet neighborhood addressed the Commission. All three neighbors confirmed that LCPS has worked diligently with them to address their complaints raised at the public hearing. That
being said, the neighbors expressed concerns regarding the height, and maintenance of the proposed berm. A third neighbor also addressed the Commission and expressed concerns regarding trees on the LCPS property behind 505 and 507 Valley View Avenue that appear to be leaning more in the direction of their home than recalled seeing earlier.

The Commission followed up on the concerns expressed with questions relating to the storm water pipe capacity; the height and future maintenance of the proposed berm; and, the condition of the overgrown trees.

Staff explained that the berm design illustrated on the Special Exception Plat (Plat) is based on preliminary engineering. The final design will be determined by more detailed engineering analyses conducted through the site plan review process. Through Notes #5 and #15 on the Plat, the neighbors can be assured that the design will substantially conform to the approved Plat, and all applicable engineering standards of the Design and Construction Standards Manual (DCSM). Among those minimum standards is the provision that maximizes gradients to no steeper than 3:1. The 3:1 slope can be safely mowed with riding mowers typically used for lawn maintenance by LCPS.

In regard to the trees behind 507 and 505 Valley View Avenue, the Commission asked the Applicant to consider removing those right away as opposed to during the planned development. Ms. Howard-O’Brien agreed to try and satisfy this request, if the trees prove to be a hazard to the neighboring properties. LCPS had certified arborists from Arbor Artist, Inc. on the school property on October 21 to do an analysis of the trees to determine their health, stability, and potential hazard.

The report submitted by Peter Deahl, ISA Certified Arborist, (Attachment 2) makes the assessment that the tree behind 505 Valley View Avenue (aka #802) is not leaning and displays no indications of being in jeopardy of collapse. It is his position that this tree can stand until it is removed as part of the planned development on the LCPS property in the spring.

In the case of the tree behind 507 Valley View Avenue (#805), Mr. Deahl’s assessment finds that tree has been effected by the removal of storm-damaged trees adjacent to this tree, and this causes it to lean 8º - 10º from center. As a result, it is Mr. Deahl's position that this tree should be removed immediately. In the letter from Sara Howard-O’Brien dated October 29, 2020 (Attachment 3), LCPS has the removal of this tree scheduled for November 10, 2020.

**Fiscal Impact:** A Fiscal Impact Analysis is not required to be submitted as part of a Special Exception application.

**Work Plan Impact:** None. Processing special exception applications is part of the core function of the Department of Planning and Zoning.

**Executive Summary:** The Applicant, Loudoun County Public Schools (LCPS), proposes a 6,000 square-foot expansion to the existing 76,800 square-foot Catoctin Elementary School at 311 Catoctin Circle SW. The planned expansion is intended to accommodate three classrooms, a resource room, office space, and storage space. With this expansion, capacity at the school will increase from 697 to 743 students. That base capacity increase will serve future enrollment projections, as current enrollment is currently 658 students.
Background: Catoctin Elementary School was constructed in 1966. The Zoning Ordinance in effect at that time did not require special exception approval for a public school use. It was not until the adoption of the Zoning Ordinance revision in 2003 that public schools in residential zoning districts required special exception approval. The Commission will note that the establishment of the school prior to 2003 does not “grandfather” the property from requiring a special exception for the present application. Therefore, pursuant to Zoning Ordinance Sec. 16.2.2 Effect of Procedural Changes and Sec. 5.4.2 Use Regulations, special exception approval is required for the present application to construct an addition to the school.

As the school’s development happened along with, and/or prior to, the surrounding residential development, somehow along the way conditions arose that created stormwater to run-off from the school property across neighboring properties in Crestwood Hamlet to the east. Although this condition pre-existed, and is unrelated to the present application to expand the school, by delaying its vote on the application, the Planning Commission helped to facilitate the discussion between Loudoun County Public Schools (LCPS) and its neighbors on how to address the stormwater run-off issue. Preliminary engineering for those mitigation measures are illustrated on the associated Special Exception Plat along with notes committing to developing final engineering solutions prior to required site plan approval.

The Subject Property (Property) is located in the Leesburg Town Plan's Central Planning Policy Area, and the Planned Land Use Policy Map further designates the subject property for “Major Institutional” uses. There are no area objective policies for the specific Property. Major Institutional policies are discussed beginning on Page 6-32 of the Town Plan. The primary intent of the Major Institutional is to provide a variety of public-based community services on properties measuring at least 10 acres. The proposed use is a qualifying public-based community service (public school) on a lot measuring 17.53 acres in area. Staff finds the planned addition to be completely consistent with all applicable Town Plan policies.

The proposed design and building materials will be a continuation of the school’s existing one-story, flat-roofed, masonry construction architectural design. This design is consistent with the architectural style of the surrounding neighborhoods, as they grew up around the school beginning in the 1960's - 1970's. Staff finds no adverse impact on adjacent developments is anticipated as a result of the planned expansion's architectural design.

The traffic impact study filed with the application finds that all study intersections will continue to operate at an acceptable level of service in the future with the proposed development. As a result, no traffic improvements are recommended for the approximate 6,000 SF addition. The existing road network will accommodate the additional trips (17 trips in the a.m. school peak hour, 7 trips in the p.m. school peak hour and 38 daily trips). In response to the concern raised by neighbors relating to vehicle/pedestrian safety at drop-off/pick-up times, the Applicant devised new traffic patterns on the school property that will accommodate more capacity for vehicles on site, and lessen, if not eliminate vehicle queues extending off the property onto Catoctin Circle. See Attachment 3 of the October 18 post Public Hearing staff report.

In the summer of 2019, the Town of Leesburg approved signage to restrict left turns into the school from westbound Catoctin Circle at the main entrance during school arrival and dismissal times. The “no left turn” signage has been posted. The traffic study has taken this restriction into account for the analysis of site traffic. Access to the school will be via a right turn from Catoctin Circle during the peak arrival and dismissal times.
The Town Plan recognizes Institutional uses as services that are appropriately integrated into residential neighborhoods. Catoctin Elementary not only serves as an elementary school, but also serves recreation and community service uses outside of normal school activities.

The school is well setback from the surrounding residential neighborhoods. The main entrance and parking facility are situated on the northern side of the property and furthest away from any neighboring residences. The planned addition will sit approximately 355 to 400 feet away from the nearest dwellings.

Existing buffer yards and screening will be enhanced in those areas where open gaps have developed between the school property and adjacent residential developments.

**Proposed Legislation:**

**RESOLUTION**
Approving special exception TLSE-2019-0009 Loudoun County Public Schools Catoctin Elementary School expansion to allow the expansion of a school, public use in the R-4 Single-Family Residential Zoning District

**Draft Motions:**

**Approval:**
I move to approve Special Exception application TLSE 2019-0009, LCPS Catoctin Elementary School Expansion, subject to the conditions of approval enumerated in the draft Resolution of Approval attached to the November 10, 2020 staff report. This approval is based on the findings that the Approval Criteria of Zoning Ordinance Section 3.4.12 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

**Denial:**
I move to deny Special Exception application TLSE 2019-0009, LCPS Catoctin Elementary School Expansion, on the basis that the Approval Criteria of Zoning Ordinance Section 3.4.12 have not been satisfied due to the following reasons: _________________________________.

**OR**

**Alternate:**
I move to______________________________________________.

**Attachment:**
1. Draft Resolution of Approval
2. Arbor Artist, Inc. Tree Assessment
3. October 29, 2020 Letter from Sara Howard-O’Brien, LCPS Planning Services
A RESOLUTION APPROVING SPECIAL EXCEPTION TLSE-2019-0009
LOUDOUN COUNTY PUBLIC SCHOOLS CATOCTIN ELEMENTARY SCHOOL EXPANSION TO ALLOW THE EXPANSION OF A SCHOOL, PUBLIC USE IN THE R-4 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT

WHEREAS, an application has been filed by Loudoun County Public Schools requesting Special Exception approval for an expansion of a School, Public use in the R-4 Zoning District on property situated at 311 Catoctin Circle, SW: and

WHEREAS, the property is the site of the Catoctin Elementary School; and

WHEREAS, the existing school building will be expanded by the construction of a 6,000 square foot addition; and

WHEREAS, the property is zoned R-4 Single-Family Residential Zoning District; and

WHEREAS, the Planning Commission held a duly advertised Public Hearing for Special Exception TLSE-2019-0009 on June 18, 2020 and recommended approval subject to conditions; and

WHEREAS, staff recommends approval subject to conditions; and

WHEREAS, the Town Council held a duly advertised Public Hearing on November 10, 2020; and

WHEREAS, Town Council has determined that approval criteria of Zoning Ordinance Sections 3.4.12 have been satisfied; and

WHEREAS, Town Council has determined that the proposal will serve the public necessity, convenience, general welfare and good zoning practice.
A RESOLUTION: APPROVING SPECIAL EXCEPTION TLSE-2019-0009 LOUDOUN COUNTY PUBLIC SCHOOLS CATOCTIN ELEMENTARY SCHOOL EXPANSION TO ALLOW THE EXPANSION OF A SCHOOL, PUBLIC USE IN THE R-4 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia as follows:

Special Exception application TLSE-2019-0009, Loudoun County Public Schools Catoctin Elementary School Expansion is hereby approved to permit the construction of a 6,000 square foot addition, subject to the following:

1. **Substantial Conformance:** Development of this property shall be in substantial conformance with the plan set entitled *Catoctin Elementary School Special Exception TLSE-2019-0009 Classroom Addition*, dated August, 2019, revised through October 5, 2020, prepared by Bowman Consulting and the Catoctin Elementary Student Pick-Up & Drop-Off Procedures Traffic Flow Diagram, with reasonable allowances to be made for engineering and design alterations to meet Town Subdivision and Land Development Regulations, Zoning Ordinance and/or Design and Construction Standards Manual requirements.

2. **No Waivers Expressed or Implied:** Approval of this special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, and/or the Design and Construction Standards Manual, except as may have been approved as part of this application. Final plats, site plans, and construction drawings are subject to the applicable town regulations.

PASSED this ____ day of __________, 2020.

______________________________
Kelly Burk, Mayor
Town of Leesburg

ATTEST:

______________________________
Clerk of Council
October 21, 2020

Loudoun County Public Schools
Attention: David Heimburger, Ricky Pratt

RE: Catoctin Elementary School (311 Catoctin Circle, SW Leesburg, VA 20175)

Dear Gentlemen:

On 10/21/20, Ricky Pratt and I surveyed two white pine trees along the eastern boundary of Catoctin Elementary school. Both trees have been marked with identification tags #802 and #805. Both trees are approximately 24-inches in diameter and stand directly adjacent to the eastern property boundary.

The purpose of our survey was to determine if either of these white pine trees should be removed. Here are the results of our survey:

Tree #802: This white pine appears to be in good condition and has no lean in any direction. The tree has the normal amount of deadwood within its crown for its age. I saw no cavities along its trunk and larger parts. The trunk flare, (where the tree trunk meets the ground), appears to be in good condition and free of any exposed cavities or dead areas. My observations were visual only and made from the ground. I did not probe or drill into any parts of the tree. I do not believe tree #802 needs to be removed as of this date.

Tree #805: This white pine stands completely alone as an individual at the eastern property boundary. The County removed a storm damaged white pine tree of equal size earlier this year that stood directly adjacent to tree #805. Due to the proximity of these two trees there are no limbs or branches remaining on the NW side #805, putting all the tree’s limb weight on the private property side of the tree. The tree also has an approximate lean of 8-10 degrees off center towards the houses and private property. Tree #805 has grown its entire life as a “community” tree and has now become an “individual” tree since the loss of the adjacent storm damaged tree earlier this year. Tree
#805 is simply more vulnerable to catastrophic events due to the removal of the adjacent, storm-damaged white pine.

It is my opinion that the above mentioned factors have elevated the tree’s risk to a point that I am recommending its removal.

Please let me know if you have any further questions.

Respectfully submitted,

Peter Deahl, ISA Certified Arborist, #0074
Arbor Artist, INC.
Mr. Christopher Murphy, AICP  
Senior Planning Project Manager  
Department of Planning & Zoning  
Town of Leesburg  
25 West Market Street  
Leesburg, VA  20176

Re: Special Exception Application (TLSE 2019-0009)  
LCPS Catoctin Elementary School Expansion – Tree Evaluation

Dear Mr. Murphy:

At the October 15, 2020, Planning Commission Work Session, concerns were expressed by neighbors and Planning Commissioners regarding two specific trees located along the eastern property boundary of Catoctin Elementary School. The trees were identified as located to the rear of 505 and 507 Valley View Avenue in the adjacent Crestwood Hamlet neighborhood. More specifically, in the tree inventory previously conducted along this boundary, the two trees were tagged as #802 (behind 505 Valley View Avenue) and #805 (behind 507 Valley View Avenue). LCPS was requested to remove the two trees as soon as possible due to safety concerns.

Subsequent to the October 15th meeting, LCPS engaged an arborist to return to the site to conduct a follow-up assessment of these trees. Arbor Artist conducted an assessment on October 21, 2020 and provided the attached report.

Tree #802 was determined to be in good condition and the assessment finds that the tree does not need to be removed immediately. As you are aware, LCPS proposes to remove this tree, along with others along the eastern property boundary, as a part of the proposed stormwater mitigation measures to address identified drainage issues along this eastern property boundary. The storm drainage mitigation measures include the expansion, or filling in the gaps, of the existing berm located along the eastern property boundary. Prior to the berm expansion, trees, including #802, will be removed. It is projected that removal could occur as early as next spring/summer (2021), contingent on the Special Exception action, timing of site plan approval and bid award. The site plan has been prepared and is ready to be submitted as soon as the permitting process allows (after Special Exception action). As noted at the Planning Commission Work Session it is more cost effective to clear trees as a part of the project construction than to do so separately. The exception to this would be if a tree were considered a potential safety concern and should be removed sooner.

Tree #805 is recommended for removal. Earlier this year, Tree #804, adjacent to Tree #805, was cut down. The assessment notes that “due to the proximity of these two trees that are no limbs
or branches remaining on the NW side of #805, putting all of the tree’s limb weigh on the private property side of the tree. The tree also has an approximate lean of 8-10 degrees off center towards the houses and private property. Tree #805 has grown its entire life as a “community” tree and has now become an “individual” tree since the loss of the adjacent storm damaged tree earlier this year. Tree #805 is simply more vulnerable to catastrophic events due to the removal of the adjacent, storm damaged white pine.” The assessment recommends removal. Removal has been scheduled for November 10, 2020, weather contingent.

If you have any questions or need additional information, please let me know.

Sincerely,

Sara Howard-O’Brien, AICP
Land Management Supervisor

Enclosure: Arbor Artist October 21, 2020 Tree Assessment

C: Beverly I. Tate, Director, LCPS Division of Planning
Chris Charron, Interim Director LCPS Construction
Chris Glassmoyer, LCPS Construction
Mike Sell, Bowman Consulting
Mark Baker, Bowman Consulting