

**STATEMENT OF JUSTIFICATION
WEST END MOTORS
Annexation Application
September 12, 2019**

REQUEST:

Wheeler & Wheeler, Inc. requests that the Town of Lovettsville amend its corporate limits to annex their 1.4715-acre parcel (#371-49-5463) on the southeast corner of the Berlin Turnpike (Route 287) and Lutheran Church Road (Route 676).

LOCATION:

The subject property lies just outside the corporate limits of the Town of Lovettsville on the southeast corner of the Berlin Turnpike and Lutheran Church Road. The property sits opposite the Villas of Lovettsville senior housing complex on the northwest corner, and immediately across the Berlin Turnpike from the Lovettsville Volunteer Fire & Rescue Company, Station 12 on the southwest corner. The fire station property was annexed less than a year ago – November 29, 2018 (Instrument #20181129-0044598). Including portions of the Berlin Turnpike, the annexed area would total 2.0153 acres.

WEST END MOTORS:

West End Motors is a business providing comprehensive automotive services to the greater Lovettsville community. These services include fueling, inspections, repairs, sales and rentals of cars and trucks. The business also includes retail sales in the form of a convenience store. These businesses have operated on this site in some form for over 70 years. Wheeler & Wheeler, Inc. purchased the site and has operated the businesses since 2001.

2011 TOWN OF LOVETTSVILLE COMPREHENSIVE PLAN:

Annexation of West End Motors is consistent with and would help realize the goals and objectives of the Town of Lovettsville’s Comprehensive Plan as amended May 31, 2018. In fact, this annexation was specifically identified and recommended in the Plan, and is depicted as “Potential Extraterritorial Develop Areas – Area 2” on Map 4: Land Use Plan.

1. LONG-RANGE VISION FOR THE TOWN:

Annexation of West End Motors would help expand businesses, services and public infrastructure and promoting economic development” as identified in the Long-Range Vision for the Town (page 4). “The Town desires to support local businesses that can best thrive by marketing to the local and larger community as well as pass-through traffic, including bed and breakfast inns, restaurants, retail stores, professional offices, personal services establishments, and agricultural-based businesses.” (page 5).

Goal 3 (page 5) is to “Accommodate small businesses within the Town, including those that sell locally-sourced products and services.” West End Motors is a small community-oriented business, owned by a local family with a locally based workforce providing services to the local and larger community as well as pass-through traffic. This business plays a key role in goal 7, “Create a balanced transportation network providing facilities

for vehicles....” (page 6). Having been established for over 70 years, it could even be argued that it will promote goal 2 “Preserve and promote the historic resources and unique cultural heritage of the Town.”

2. HISTORIC RESOURCES:

West End Motors and this proposed annexation will have no impact on historic resources, unless it is to maintain a 70+ year old, small town gas and service station.

3. ENVIRONMENT:

West End Motors and this proposed annexation will have no significant impact on the environment. The applicant agrees to provide containment/treatment for gas spills in the fueling area around the gas pumps as part of any future site plan.

4. PUBLIC FACILITIES AND UTILITIES:

West End Motors agrees to connect to Town of Lovettsville public water and sewer systems. This represents a significant expense to the applicant, both in terms of availability and connection fees, and quarterly service charges that he does not experience with the current private well and septic system. The applicant also faces significant expense in extending these public utilities from opposite Harpers Mill Way, the entrance to the Villas at Lovettsville senior community, and across the Berlin Turnpike (consistent with policy 3 on page 27).

The Town and applicant are working on a water and sewer agreement to establish terms for the required improvements and services. The Town has sufficient capacity to provide these services. The availability fee will help fund improvements in the utility system, and the quarterly fees will help keep the systems sustainable and fiscally sound.

West End Motors will have little effect on other public facilities, other than helping fund these services through real estate, property, sales and gas taxes.

5. ECONOMIC DEVELOPMENT:

It is with respect to economic development that annexation of West End Motors would do most to achieve the goals and objectives of the Lovettsville Comprehensive Plan. The opening sentence of this section (page 29) reads:

“Developing the economic base of Lovettsville, which is defined as the local businesses and industries which produce and distribute goods and services for export outside the local region, is essential to planning for the Town’s future.”

That paragraph goes on to endorse “Expanding the Town’s economic base, diversifying the businesses located in Lovettsville....” West End Motors is a very diverse, locally owned business providing necessary services to local residents, and jobs for local employees. The annexation will expand the Town’s current 13 acres of commercial uses by more than 10%.

The annexation of West End Motors is consistent with the first goal for economic development:

1. “Promote the establishment of a variety of commercial and light industrial businesses of various sizes, which serve Town and area residents and provide job opportunities, in planned commercial and industrial areas as depicted on the land use plan map.” (page 38)

It is also consistent with policies #2 and especially #24:

2. “Promote a mixture of commercial and/or light industrial uses on sites where indicated on the land use plan map at a scale consistent with that of surrounding areas and neighborhoods.” (page 38)
24. “Seek opportunities to annex properties to allow for further commercial, light industrial, and office developments in support of economic growth and revenue expansion.” (page 41)

6. LAND USE:

According to Table 5 (page 48) in the Comprehensive Plan, there are only 11 vacant commercial/industrial tracts of land in Lovettsville. One of these is the Engle tract, for which a rezoning to largely residential uses is being considered. Consequently, an issue and future need has been identified to study whether sufficient land remains in the Town limits to support growth and enable economic development including new retail businesses, in Lovettsville; or whether the Town should consider annexing property located outside the Town limits (#1, page 50). Consequently, the Town adopted land use policy #18:

18. “Coordinate with Loudoun County to adjust the Town boundary in order to bring entirely into the Town or County certain parcels and/or developments that presently straddle the Town and County if the proposed boundary adjustment is consistent in all respects with the adopted Town annexation policy.” (page 54)

and included a recommendation to consider annexing Area 2; shown as General Commercial, on Map 4: Land Use Plan.

7. TRANSPORTATION:

West End Motors is located on the Berlin Turnpike, the principal road through Lovettsville with about 7,800 average daily trips; at Lutheran Church Road. There currently is one entrance on Berlin Turnpike, two entrances on Lutheran Church Road, and another entrance at the intersection of these roads. The applicant proposes to close the entrance at the intersection, and move one entrance on Lutheran Church Road to provide better access to the gas pumps. Both roads are anticipated to retain rural sections, with shoulders and ditches rather than curb and gutter and storm sewer. Parking on-site is adequate – there is no on-street or off-site parking associated with West End Motors.

LOUDOUN COUNTY ZONING & GENERAL PLAN:

West End Motors currently operates as a legal non-conforming use in Loudoun County’s AR-1 Agricultural-Residential zoning district. From 1972 to 2006, the site was zoned A-3 Agricultural,

and the uses were then also legal non-conforming uses, in as the uses predated zoning in Loudoun County.

The new Loudoun County 2019 General Plan shows the subject tract is in the Rural North division of the Rural Policy Area. No environmental, historic or cultural resources are identified on or near the tract. There is no “joint land management area” designated around the Town of Lovettsville as there is around Purcellville and Round Hill. The General Plan notes that “The Town has identified several limited areas outside of its corporate limits that may be candidates for annexation for the purposes of support existing and developing future civic, commercial, or employment uses, and achieving the Town’s economic development goals.” West End Motors is one of the areas identified.

Per the General Plan, Loudoun County pledges to “Support the Town of Lovettsville in efforts to consolidate the development within its boundaries” (Chapter 2-125). The annexation of the West End Motors site would be consistent with strategic action F “Cooperate with the Town of Lovettsville pursuant to County/Town Annexation Agreement/Corporate Boundary Line Adjustment Guidelines on boundary-line adjustments to resolve jurisdictional questions, to serve public and civic uses, and to support the Town of Lovettsville’s economic goals and priorities” (Chapter 2-125&126). This strategic action is also identified in Town Implementation Strategies 1.2.0. (Chapter 7-15) “Support annexations by the Towns when water and sewer extend into a JLMA in accordance with the annexation guidelines in this section and to resolve jurisdictional questions for property owners,” and 1.7.F “Cooperate with the Town of Lovettsville pursuant to County/Town Annexation Agreement/Corporate Boundary Line Adjustment Guidelines on boundary-line adjustments to resolve jurisdictional questions, to serve public and civic uses, and to support the Town of Lovettsville’s economic goals and priorities.”

2011 TOWN OF LOVETTSVILLE COMPREHENSIVE PLAN:

Annexation of West End Motors is consistent with and would help realize the goals and objectives of the Town of Lovettsville’s Comprehensive Plan as amended May 31, 2018. In fact, this annexation was specifically identified and recommended in the Plan, and is depicted as “Potential Extraterritorial Develop Areas – Area 2” on Map 4: Land Use Plan.

8. LONG-RANGE VISION FOR THE TOWN:

Annexation of West End Motors would help expand businesses, services and public infrastructure and promoting economic development” as identified in the Long-Range Vision for the Town (page 4). “The Town desires to support local businesses that can best thrive by marketing to the local and larger community as well as pass-through traffic, including bed and breakfast inns, restaurants, retail stores, professional offices, personal services establishments, and agricultural-based businesses.” (page 5).

Goal 3 (page 5) is to “Accommodate small businesses within the Town, including those that sell locally-sourced products and services.” West End Motors is a small community-oriented business, owned by a local family with a locally based workforce providing services to the local and larger community as well as pass-through traffic. This business

plays a key role in goal 7, “Create a balanced transportation network providing facilities for vehicles...” (page 6). Having been established for over 70 years, it could even be argued that it will promote goal 2 “Preserve and promote the historic resources and unique cultural heritage of the Town.”

9. HISTORIC RESOURCES:

West End Motors and this proposed annexation will have no impact on historic resources, unless it is to maintain a 70+ year old, small town gas and service station.

10. ENVIRONMENT:

West End Motors and this proposed annexation will have no significant impact on the environment. The applicant agrees to provide containment/treatment for gas spills in the fueling area around the gas pumps as part of any future site plan.

11. PUBLIC FACILITIES AND UTILITIES:

West End Motors agrees to connect to Town of Lovettsville public water and sewer systems. This represents a significant expense to the applicant, both in terms of availability and connection fees, and quarterly service charges that he does not experience with the current private well and septic system. The applicant also faces significant expense in extending these public utilities from opposite Harpers Mill Way, the entrance to the Villas at Lovettsville senior community, and across the Berlin Turnpike (consistent with policy 3 on page 27).

The Town and applicant are working on a water and sewer agreement to establish terms for the required improvements and services. The Town has sufficient capacity to provide these services. The availability fee will help fund improvements in the utility system, and the quarterly fees will help keep the systems sustainable and fiscally sound.

West End Motors will have little effect on other public facilities, other than helping fund these services through real estate, property, sales and gas taxes.

12. ECONOMIC DEVELOPMENT:

It is with respect to economic development that annexation of West End Motors would do most to achieve the goals and objectives of the Lovettsville Comprehensive Plan. The opening sentence of this section (page 29) reads:

“Developing the economic base of Lovettsville, which is defined as the local businesses and industries which produce and distribute goods and services for export outside the local region, is essential to planning for the Town’s future.”

That paragraph goes on to endorse “Expanding the Town’s economic base, diversifying the businesses located in Lovettsville...” West End Motors is a very diverse, locally owned business providing necessary services to local residents, and jobs for local employees. The annexation will expand the Town’s current 13 acres of commercial uses by more than 10%.

The annexation of West End Motors is consistent with the first goal for economic development:

3. “Promote the establishment of a variety of commercial and light industrial businesses of various sizes, which serve Town and area residents and provide job opportunities, in planned commercial and industrial areas as depicted on the land use plan map.” (page 38)

It is also consistent with policies #2 and especially #24:

4. “Promote a mixture of commercial and/or light industrial uses on sites where indicated on the land use plan map at a scale consistent with that of surrounding areas and neighborhoods.” (page 38)
25. “Seek opportunities to annex properties to allow for further commercial, light industrial, and office developments in support of economic growth and revenue expansion.” (page 41)

13. LAND USE:

According to Table 5 (page 48) in the Comprehensive Plan, there are only 11 vacant commercial/industrial tracts of land in Lovettsville. One of these is the Engle tract, for which a rezoning to largely residential uses is being considered. Consequently, an issue and future need has been identified to study whether sufficient land remains in the Town limits to support growth and enable economic development including new retail businesses, in Lovettsville; or whether the Town should consider annexing property located outside the Town limits (#1, page 50). Consequently, the Town adopted land use policy #18:

19. “Coordinate with Loudoun County to adjust the Town boundary in order to bring entirely into the Town or County certain parcels and/or developments that presently straddle the Town and County if the proposed boundary adjustment is consistent in all respects with the adopted Town annexation policy.” (page 54)

and included a recommendation to consider annexing Area 2; shown as General Commercial, on Map 4: Land Use Plan.

14. TRANSPORTATION:

West End Motors is located on the Berlin Turnpike, the principal road through Lovettsville with about 7,800 average daily trips; at Lutheran Church Road. There currently is one entrance on Berlin Turnpike, two entrances on Lutheran Church Road, and another entrance at the intersection of these roads. The applicant proposes to close the entrance at the intersection, and move one entrance on Lutheran Church Road to provide better access to the gas pumps. Both roads are anticipated to retain rural sections, with shoulders and ditches rather than curb and gutter and storm sewer. Parking on-site is adequate – there is no on-street or off-site parking associated with West End Motors.

ZONING:

The West End Motors property is currently zoned AR-1 Agricultural-Rural 1 by Loudoun County. Virtually none of the current uses of the property are permitted in this zoning district. Instead, they are considered as vested, legal non-conforming uses by virtue of their long-standing use, pre-dating zoning in Loudoun County.

When annexed by the Town of Lovettsville, the property will be zoned in accordance with the Town's CRA-1 Commercial and Residential Annexation District. Most of the uses will still not conform with the uses permitted in that district They will retain their vested, legal non-conforming classification.

The Wheeler's would like to be re-zoned to the C-2 Mixed Use Business District, which would better reflect past and current uses as follows:

- (b) Permitted uses.
 - (1) Auto parts
 - (31) Retail sales establishment, including the following:
 - d. Auto parts
 - i. Delicatessen
 - l. Food store
 - n. Gift shop and jewelry store
 - aa. Convenience store without fuel sales
- (c) Conditionally permitted uses.
 - (2) Convenience stores with fuel sales
 - (4) Auto repair shops
 - (5) Retail sales and/or service with outdoor storage and/or display

These last uses also require a conditional use permit.

LOVETTSVILLE TOWN SERVICES:

1. WATER & SANITARY SEWER:

West End Motors will have little effect on the capacity of Lovettsville's public water and sewer systems. Projected use will be about the same as one or two single-family detached residence(s). The characteristics and strength of the waste should also be similar to that of residential wastes. Maintaining normal business hours, the use should not have significant peaks, such as the morning and evening peak hours experienced with residential uses.

West End Motors will construct and pay for all necessary utility extensions. They will pay the standard and appropriate connection, availability and user fees. They will thus pay their way and help fund maintenance and improvements to these municipal utilities.

2. STORM WATER:

No significant changes are projected in stormwater flows and characteristics. The site is fully developed and the extent of impervious area should not change significantly. The entrance at the corner of Berlin Turnpike and Lutheran Church Road will be relocated to

the east or on Lutheran Church road; and the easterly entrance on Methodist Church Road will be narrowed.

The water quality of runoff will be enhanced through the addition of an oil-water separator for the fueling areas when next the fuel pumps are upgraded. The existing stream along the southeast side of the property adjoining One Family Brewing will not be disturbed.

3. EMERGENCY SERVICES:

West End Motors will incur no unusual demands upon emergency services. The Lovettsville Volunteer Fire & Rescue Company #12 will be located just across Berlin Turnpike.

4. RECREATIONAL FACILITIES:

West End Motors will not generate any new demand for recreational facilities.

5. TAX REVENUES:

West end Motors, when annexed, will pay Lovettsville real estate, property and business taxes. The Town will also collect a share of sales and gas taxes.

6. SCHOOLS:

West End Motors will not generate any new demand for public schools.

7. TRANSPORTATION INFRASTRUCTURE:

West End Motors may generate slightly more traffic in coming years as Lovettsville grows, but the site is fully built-out and no significant expansion is envisioned. Traffic flows should remain about the same.

Traffic patterns will be improved when the existing entrance at the intersection, a generally undesirable condition, of Berlin Turnpike and Lutheran Church Road is relocated east on Lutheran Church Road.

8. POPULATION GROWTH IMPACT:

West End Motors would have only secondary, and even then minimal, impact on population growth.

9. TRASH COLLECTION & SNOW REMOVAL:

The Town of Lovettsville would incur no added costs for snow removal. VDOT handles Berlin Turnpike, and West End Motors is responsible for their own site.

West End Motors contracts for commercial trash and waste collection services, and so would not benefit from this municipal service.

UNDERGROUND PETROLEUM STORAGE TANKS:

Underground petroleum storage tanks in Virginia are regulated by the State Water Control Board in accordance with Title 9 Agency 25 chapter 580 of the Virginia Administrative Code. These regulations cover:

- Installation
- Performance standards
- Spill & Overflow Control
- Inspections
- Repairs
- Operator Training
- Cleanup of Spills & Overfills
- Permitting & Inspection
- Notification Requirements
- Periodic Testing
- Corrosion Protection
- Reporting & Recordkeeping
- Release Detection & Recordkeeping
- Closures

These comprehensive regulations are updated frequently, the most recent becoming effective August 1, 2019. The Virginia Petroleum Program has greatly reduced the number of spills and leaks since the original program was created in the early 1980s.

The most prominent features of the Petroleum Program are requirements that there be secondary containment, typically through the provision of double-walled non-metallic tanks. Multiple leak detection methods are employed, including automatic leak detectors and extensive record keeping of fuel deliveries and sales. More recent efforts have focused on spill prevention through providing automatic shut-offs for fueling nozzles.

West End Motors has 4 underground fuel storage tanks. They (and the related fueling systems) were fully in compliance with state regulations as of December 2015. A new set of regulations is expected to go into effect in 2021 that will require new tests for the system, which will then likely require upgrading and replacement of some components. The proposed collection of stormwater runoff from fuel delivery and fuel sales areas, with treatment by an oil-water separator, will exceed State and Federal requirements, and will help reduce potential pollution from spillage.

FISCAL IMPACT ANALYSIS:

Once annexed, West End Motors will pay substantial taxes to the Town of Lovettsville, while requiring minimal services. Commercial enterprises such as West End Motors typically place higher demands on police and fire services than residents, but use less of other services, most notably not generating any children for the schools. The Town of Lovettsville will benefit from West End Motors payments of real estate taxes; business, professional and occupational (BPOL); license taxes; meals tax; cigarette tax; and automobile license fees amounting to about \$43,000 per year, increasing Town tax revenues by almost 3.6%, and total revenues by almost 1.6%.

SUMMARY:

West End Motors is a member of the Lovettsville community. They are a locally owned small family business employing a local workforce. They and their predecessors have

provided a diverse range of automotive services to the greater Lovettsville community for over 70 years.

Annexation will be good for both West End Motors and the Town of Lovettsville. Being officially part of the Town will allow West End Motors to grow closer to the community. Annexation will help develop the Town's economic base and generate taxes to help offset the costs of residential services. West End Motors will connect to Town water and sewer services, helping generate funding for necessary improvements.

Annexation is also consistent with the Town of Lovettsville 2011 Comprehensive Plan, as amended in May of 2018. Annexation of this commercial property was specifically identified on Map 4: Land Use Plan, therein.

WEST END MOTORS
TOWN OF LOVETTSVILLE
FISCAL IMPACTS
Estimated Annual Town Taxes & Fees

	RATE	UNITS	QUANTITY	TAXES
TOWN GENERAL FUND REVENUES				
3100 GENERAL PROPERTY TAXES				
Commercial & Industrial Real Estate Taxes	19/100	100 Value	\$ 555,330	\$ 1,055.13
3200 OTHER LOCAL TAXES				
Sales Tax - Rebate from State	0.065	Pass-Thru	\$ 90,000	None/Unkown
State Auto Rental Tax		Pass-Thru		None/Unkown
Business, Professional and Occupational Licenses (BPOL)	17/100	Gross Receipts	\$ 4,170,000	\$ 7,089.00
Auto Decal Fees	\$ 25.00	Vehicle	1	\$ 25.00
Meals Tax	3%	Gross Receipts	\$ 360,000	\$ 10,800.00
CigaretteTax	\$ 0.40	Packs Sold	60,000	\$ 24,000.00
TOTAL - NON-UTILITY				\$ 42,969.13
3800 UTILITY REVENUE				
Water Services	\$ 8.96	1000 Gallons	146	\$ 1,309.06
Sewer Services	\$ 14.23	1000 Gallons	146	\$ 2,079.00
TOTAL - UTILITY				\$ 3,388.06
GRAND TOTAL - ALL REVENUES				\$ 46,357.19