

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

ZONING ADMINISTRATION REFERRAL

DATE: December 11, 2009
TO: Marchant Schneider, Project Manager, Department of Planning
FROM: Amy Lohr, Planner, Zoning Administration *AL*
CC: Marilee L. Seigfried, Deputy Zoning Administrator



CASE NUMBER & NAME: SPEX 2009-0020/CMPT 2009-0006, 2nd Referral
SPEX 2009-0033/SPMI 2009-0009, 1st Referral
Loudoun Water – Water Storage Facility

TAX MAP/PARCEL NUMBER (PIN): Portion of 61/29 (114-25-6156)

Staff has reviewed the referenced **special exception (SPEX), commission permit (CMPT), and minor special exception (SPMI)** applications to include the materials identified on the transmittal sheet dated October 22, 2009. The subject property is zoned Mineral Resource-Heavy Industry (MR-HI) under the Revised 1993 Loudoun County Zoning Ordinance. The applicant seeks special exception/commission permit approval for a water storage tank per Sections 3-1004(CC) and 6-1101(A), special exception approval for a use in the floodplain (use required for the operation of a public utility) per Section 4-1506(D), and minor special exception approval to modify the requirements of Section 5-621(B). The following issues have been identified.

A. **CRITICAL ISSUES**

1. **Section 6-1310(J)** - *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.* Staff reiterates the need to revise the limits of special exception to include the access road from Belmont Ridge Road to the water storage facility. (Prior comment B.4.) Staff does not agree with the October 20, 2009 response letter (p. 8), which states that the access road should not be included in the special exception area because it may be used by others for access. By-right users can continue to use the road even though it is part of the special exception area. Additionally, per Article 8, the access road shown is a "driveway," not a "private access easement." Staff is agreeable to a condition and/or note on the plat which allows for relocation of the access road to address the applicant's concern regarding the relocation of Jackpit Lane. It is recommended that any such relocation occur outside of the floodplain, otherwise a floodplain alteration will be required.

B. OTHER ISSUES

1. **Section 4-1507, Standards For A Special Exception.** In considering applications for a special exception in the floodplain, the Board of Supervisors must be satisfied that the standards of Section 4-1507 have been met. To that end, staff concurs with the Environmental Review Team (ERT) recommendation for a condition of approval requiring a floodplain study of Goose Creek proximate to the location of the quarry and a study of the tributary within the subject property that drains into Goose Creek and contains minor floodplain and major floodplain. Staff recommends the floodplain study be completed prior to site plan approval for the water storage facility.
2. **Section 6-1310(F) - *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*** Staff acknowledges that mature vegetation currently surrounds portions of the special exception area, screening the proposed use. However, staff reiterates that the proposed time frame is 2017 to 2020 and continues to question the long-term viability of the current vegetation. Staff again recommends coordination with the County Urban Forester to develop a condition of approval ensuring that the existing vegetation will continue to thrive and provide for adequate screening in the future. (Prior comment B.2.)
3. **Section 5-621, Public Utilities.** Section 5-621(B) requires public utilities to have a minimum type 4 buffer yard. The applicant seeks approval of a minor special exception to modify this requirement, requesting that existing vegetation be permitted in lieu of a standard type 4 buffer. The response letter (p. 8) indicates that the statement of justification has been revised to include a justification for the modified buffer yard. However, the statement has not been revised to include such justification. Please incorporate the justification provided in the response letter into the statement of justification. Further, as noted above, staff is supportive of the use of existing vegetation. However, the existing tree line is difficult to see on the special exception plat and no specific areas of tree save are noted. Staff suggests these matters be clarified. Staff reiterates that a condition of approval is needed to ensure that the existing landscaping will continue to meet or exceed type 4 buffer yard standards when the use is established in 8 to 11 years. (Prior comment B.10.)
4. **Conditions of Approval.** Staff requests the opportunity to review draft conditions of approval for these applications. Per the response letter (p. 4), the applicant has agreed to a condition requiring downward directed lighting. A condition should also address the period of validity for the special exceptions, as a period of 15 years has been requested.
5. The Loudoun County Mapping System indicates the presence of an open space easement on the subject parcel. However, staff has been unable to locate a recorded easement in the County Land Records. Staff requests that the presence of an open space easement be confirmed, and that any such easement be submitted to ensure its consistency with the proposed use.

6. The statement of justification (multiple references) and general note 3 (sheet 1) specify different time frames for the quarry operations. The statement of justification states 2017-2020, while the plat note states 2015-2020. Please reconcile these differences. (Prior comment B.13.)
7. The statement of justification (p. 9) includes a “floodplain study waiver request.” Please be advised that such request cannot be approved with the subject applications. This request should be submitted to the Department of Building and Development prior to or concurrent with the submission of a site plan.
8. The statement of justification (p. 9) indicates that no crossings or encroachments in the floodplain are proposed. However, the proposed parking area appears to encroach slightly into minor floodplain. Staff recommends that the parking area be relocated wholly outside the limits of minor floodplain.
9. On sheet 3, in the title, please change “1993 Loudoun County Zoning Ordinance, As Revised” to “Revised 1993 Loudoun County Zoning Ordinance” to be consistent with sheet 1.
10. On sheet 3, under the required column for Section 5-621(C), revise the word “shall” to “may.” Section 5-621(C) states “Such utilities may be accessed by private access easement.”
11. On sheet 3, under the required column for Section 5-900, revise letter “(A)” to “(A)(9).” This will clarify that the setbacks listed are for Route 659, which is an “Other Arterial Road” per Section 5-900(A)(9).
12. Revise sheet 1 to add the following application numbers: SPEX 2009-0033 and SPMI 2009-0009.
13. Staff recommends the plat sheets be numbered 1 through 6 (as opposed to adding sheets 2A and 4A). Revise the sheet index on sheet 1 accordingly.