

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: December 15, 2009

TO: Sophia Fisher, Project Manager, Department of Planning

FROM: Theresa M. Stein, Planner, Zoning Administration

CASE NUMBER AND NAME: SPEX 2009-0032, SPMI 2009-0010, CMPT 2009-0011, Arcola Utility Substation (distribution)

TAX/MAP PARCEL NUMBER: 105/////////4/ and 105/////////4A (“Properties”)

MCPI: 208-27-0686 (portion) and 251-47-5326

The special exception is to allow a utility substation, distribution, on a 3.88 acre portion of a 389.5 property and the entirety of another parcel, which already has a utility substation on it. The Properties are zoned Transitional Residential-3 (Upper Broad Run Upper Foley and Lower Foley) (TR-3UBF and TR-3LF), governed under the *Revised 1993 Loudoun County Zoning Ordinance* (“Ordinance”). The Properties are within the major and minor Floodplain Overlay District, and contain moderate and very steep slope; however, no steep slope or floodplain are within the area of the special exception. A utility substation, distribution, is a special exception in the zoning district and is subject to the additional regulations found in Sections 5-616 and 5-621 of the Ordinance. The applicant also seeks to modify Section 5-616(D) and 5-621(B) to alter the required planting and fence height required with a Type 4 buffer yard. Staff reviewed the Extended Project Justification (Statement of Justification or “SOJ”) and the Special Exception Plat, dated November 20, 2009, and has the following comments:

I. CRITICAL ISSUES: none.

II. CONFORMANCE WITH TR-3 ZONING REGULATIONS (§2-1500):

1. Per 2-1503(B), no building shall be located within 25’ of any property line or 35’ from any other road right-of-way or private access easement. A required yard is located along the perimeter of the lot and the dimensions are as established by the district regulation. As these are two separate lots, the required yards are required along the perimeter of both lots. Show the minimum required yards on parcel 4A and the required 25’ yard between both parcels to demonstrate the building area limitations. The substation structures are not subject to the minimum building yard as they do not meet the definition of a building. Note that there is no minimum yards along the northern boundary of the special exception area as it does not constitute a property line, therefore, remove the “25’ building setback” shown.

2. Clearly show the property line of both parcels and use a different marking to show the limits of the SPEX use as the marking used is commonly the same for property line.
3. Correct the term "25' building setback" with "25' building yard" as a yard and a setback are not the same and are regulated by different requirements (§2-1503(B)).
4. Show the location of the private access easement that accesses the Property to demonstrate that no building encroaches into the 35' minimum required yard. (§2-1503(B)).

III. CONFORMANCE WITH SPECIFIC USE REGULATIONS (§5-600):

5. Provisions within Section 5-600 may be modified in accordance with Section 6-1300 upon a finding that the modification achieves an innovative design, improves upon the existing regulation, preserves the County's historic or archeological heritage, or otherwise exceeds the public purpose of the existing regulation. The applicant has provided no information with which to evaluate the request for a modification. Without such information, the landscape modification request cannot be evaluated. Provide a justification for all modifications.
6. A utility distribution substation shall have a minimum Type 4 buffer yard around the perimeter of the site. The applicant has requested a modification to the required buffer to allow additional evergreens to replace the canopy and to allow an 8' instead of 6' fence. The fence shall provide 95% opacity unless otherwise modified. The applicant has not proposed an alternative planting schedule, although one needs to be approved as part of this applicant. Staff recommends that instead of 2 canopy trees per 100 linear feet for a side yard, 2 evergreens per 100 linear feet be planted. All other landscaping values will remain the same. (§5-618(D)).
7. Parcel 4A is included in this application as an expanded SPEX use; therefore, all requirements of the Ordinance must be fulfilled unless modified. A Type 4 front Buffer Yard is required adjacent to Lightridge Farm Road. If the required Type 4 front buffer cannot be provided, the applicant must seek a modification (see below)
8. Add a note to sheet 1 of the SPEX plat stating that, except for the requested landscaping modification, all other landscaping will be provided in accordance with the Ordinance.
9. Revise the note on the bottom left side of all SPEX plat sheets that Section 5-621(B), in addition to 5-618(D), requires a Type 4 Buffer Yard. A modification to 5-621(B) must also be requested.
10. Show the access point to the substation to demonstrate that it is being accessed by a private access easement. (§5-621(D)).

V. CONFORMANCE WITH BUFFERING AND SCREENING REGULATIONS (§5-1400):

11. Buffer yards shall be located along the perimeter of a lot. Parcel 4 is required to have a Type 4 Buffer Yard along the northern parcel line, not along the limits of the special exception. If an alternate landscaping area is proposed, a modification must be requested as part of this special exception application. Revise the location of the northern buffer yard or request an additional modification. (§§5-1403(C) and 5-1407(A)).
12. A Type 4 front Buffer Yard is required along Lightridge Farm Road. If the required landscaping cannot be provided, the applicant may seek a modification or propose an alternative buffer to be part of this SPEX application pursuant to 5-1403(C).

VI. CONFORMANCE WITH SPECIAL EXCEPTION REGULATIONS (§6-1300):

13. An applicant shall address all of the Issues for Consideration found in Section 6-1310 unless not applicable. Each issue should be addressed individually. The applicant has only provided a general statement as to the Issues for Consideration and stated what does not apply. Address each issue in the Statement of Justification (Extended Project Justification).

VII OTHER:

14. Revise Note 2 on sheet 1 of the SPEX plat to read “The property is zoned TR3 (-LF, -UBF, and LBR), subject to the Revised 1993 Loudoun County Zoning Ordinance. The area subject to this SPEX is zoned TR-3 (-LF and -UBF).
15. Revise note 14 as FEMA insurance rate maps do not show limits of “any floodplain overlay district”. The Floodplain Overlay District is contained within the Ordinance.
16. Revise Note 27 to read “Loudoun County Map” not “Mapper”.
17. Add a note that there are moderate and very steep slopes on the Property, but not within the area subject to the special exception.