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DEPARTMENT OF PLANNING
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: January 11, 2010
ZCPA 2009-0005 and ZMOD 2009-0001; GREENE MILL PRESERVE
DECISION DEADLINE: May 22, 2010
ELECTION DISTRICT: Dulles **PLANNER: Jane McCarter**

EXECUTIVE SUMMARY

Woodlands Neighborhoods LLC of Reston, Virginia has submitted an application to amend the concept plan and proffers approved with ZMAP 1997-0001, Woodland Rural Village, in order to reduce the minimum perimeter depth of the Village Conservancy Subdistrict at selected points along the perimeter of the Village Center Subdistrict from 800 feet to 740 feet with no resulting change in density in the PD-RV (Planned Development - Rural Village) zoning district.

This application is subject to the Revised 1993 Zoning Ordinance. Modification of zoning regulations applicable to the locational requirements of the PD-RV zoning district is authorized by Section 4-1218, and modification of zoning regulations applicable to an approved concept development plan is authorized by 6-1511(C), pursuant to which the applicant is also requesting modification of Section 4-1206(A)(4) to reduce the minimum perimeter depth of the Village Conservancy Subdistrict at all points along the perimeter of the Village Center Subdistrict from 800 feet to 740 feet.

The subject property is approximately 424.83 acres in size and is located on the south side of Evergreen Mills Road (Route 621), on the east side of Watson Road (Route 860), and on the north side and northwestward of Red Hill Road (Route 617) - see *Attachment 1* for parcel information.

The area is governed by the policies of the Revised General Plan (Rural Policy Area) which designate this area for rural economy uses and limited residential development and which recommend residential development at densities up to 1 dwelling unit per 50 acres within the Village Conservancy Subdistrict, and up to 2.7 dwelling units per acre within the Village Center Subdistrict, for an overall density of up to 0.54 dwelling units per acre.

RECOMMENDATION

Planning Commission
On November 19, 2009 the Planning Commission recommended approval of the application by a vote of 8-0-1 (Ruedisueli absent) with the Findings outlined in the staff report and subject to the Draft Proffer Statement.

Staff

The application is consistent with the comprehensive plan policies and Staff concurs with the Planning Commission recommendation. The Draft Proffer Statement provides for an exchange of open space easements within the community that is more centrally located and clearly available to all residents within the community. The Draft Proffer Statement has been approved as to legal form by the County Attorney's Office.

SUGGESTED MOTIONS

1. I move that the Board of Supervisors forward ZCPA 2009-0005 and ZMOD 2009-0001, Greene Mill Preserve, to the February 2, 2010 Business Meeting for action.

Or

2a. I move the Board of Supervisors suspend the rules.

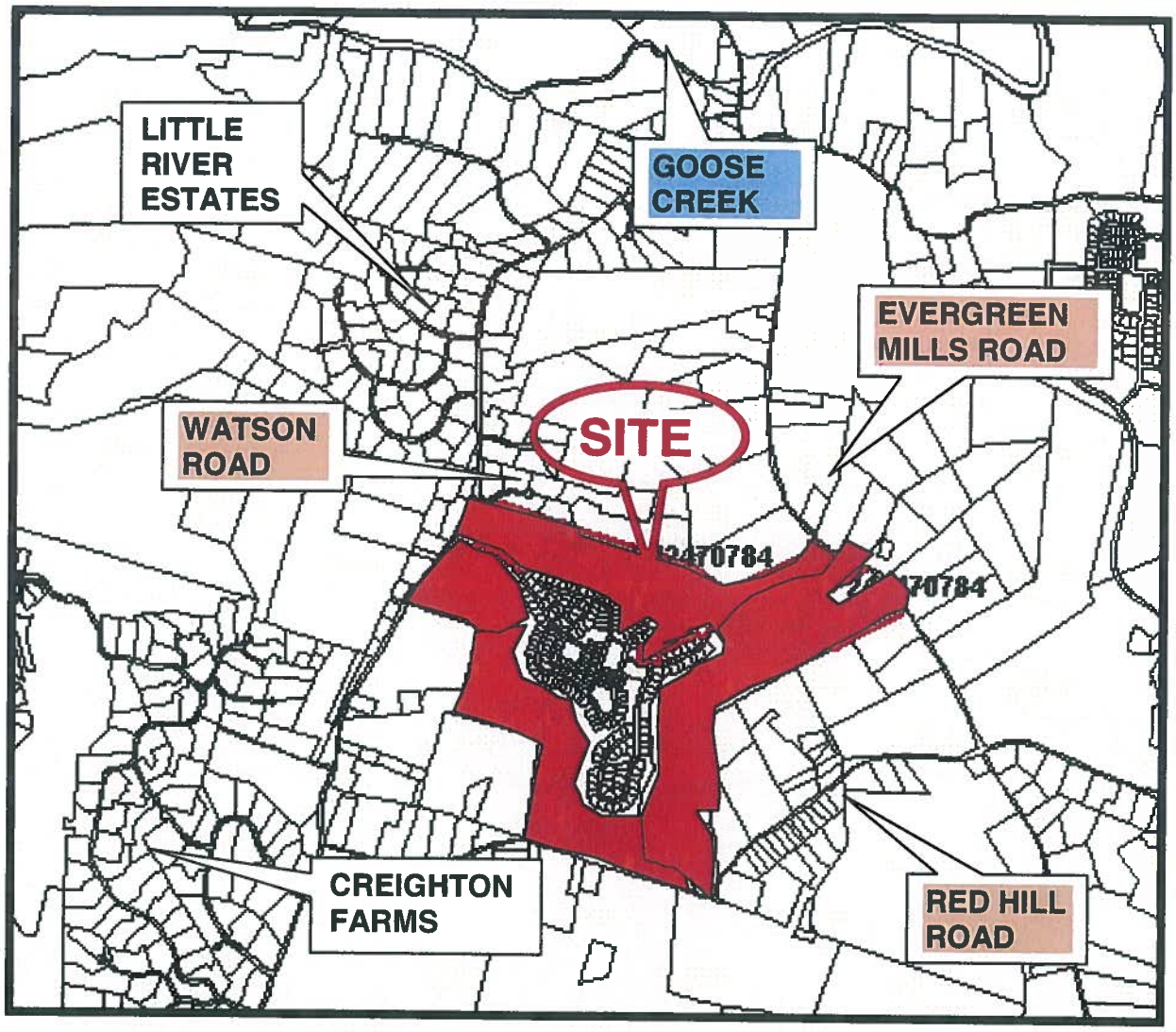
And,

2b. I move that the Board of Supervisors approve ZCPA 2009-0005 and ZMOD 2009-0001, Greene Mill Preserve, subject to the Proffer Statement dated December 17, 2009 and with the Findings in the January 11, 2010 Staff Report.

Or

3. I move an alternate motion.

VICINITY MAP



Directions: From Leesburg go south on Route 15 (James Monroe Highway) 1.25 miles to the intersection with Route 621 (Evergreen Mills Road). Turn south on Route 621 and proceed approximately 7.3 miles to Black Branch Parkway on the right. Turn right onto Black Branch Parkway and proceed approximately one half mile to Greene Mill Preserve. The properties are located along the periphery of the community adjacent to the encircling Rural Village open space.

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I. APPLICATION INFORMATION

APPLICANT	Woodlands Neighborhoods LLC Mr. David W. Duggar, Vice President 11111 Sunset Hills Road, Suite 200 Reston, VA 20190
REPRESENTATIVE	Walsh Colucci Lubeley Emrich & Walsh PC Ms. Christine Gleckner, AICP One east Market Street, 3rd Floor Leesburg, VA 20176
PROPOSAL	Zoning modification to revise the minimum perimeter buffer for the Village Conservancy Subdistrict in the Greene Mill Preserve Rural Village and a request for a zoning concept plan amendment to be revised accordingly.
LOCATION	West side of Route 621 (Evergreen Mills Road) at Black Branch Parkway. The properties are located along the periphery of the community adjacent to the encircling Rural Village open space.
TAX MAP/PARCELS	See Attachment 1
ZONING	Proposed and Existing Zoning is PD-RV
PROPOSED RESIDENTIAL UNITS	No change to existing density or configuration of the approved rezoning.

SURROUNDING ZONING/ LAND USES:

	Zoning	Present Land Uses
North	AR-1	Rural Residential
South	TR3-UBF	Residential/Vacant
East	A-3	Rural Residential
West	AR-1	Rural Residential

II. SUMMARY OF DISCUSSION

TOPIC	ISSUES EXAMINED AND STATUS
Comprehensive Plan	• Reduction in the minimum perimeter depth of the Village Conservancy Subdistrict boundary from 800 feet to 740 feet to allow the relocation of the open space easement on individual village lots to the rear of the individual village lots that border the conservancy lots. Status: No issue as the rural village will continue to provide the required 80% open space and ensure the transition between the public and private realm is more effectively defined by location of that open space within HOA lands and or large conservancy lots.
Transportation	• There are no proposed changes to the road design, circulation patterns, or vehicle trips per day with this application. Status: Resolved - No issues.
Zoning	• Revisions to the open space area location to permit movement of open space off individual village lots and relocation of open space area to the Villlage Center parks. Status: No issue as the rural village will replace the required permanent open space with open space of equal or greater value and size. • Revision to the minimum perimeter depth of the Village Conservancy Subdistrict. Status: No issue as the site will continue to provide the required 80% open space within the Village Conservancy Subdistrict.
County Attorney	• Draft Proffer Statement has been approved as to legal form by the County Attorney's Office.
PROFFERS	
Zoning Modifications	• Revision to the minimum perimeter depth of the Village Conservancy Subdistrict and replacement of open space land on the periphery of the Village Center Subdistrict with open space land in the park areas of the Village Center Subdistrict.

III. PLANNING COMMISSION REVIEW AND FINDINGS

The Planning Commission considered this application at its public hearing on November 19, 2009. There were five members of the public to speak in favor of the proposal at the hearing. The Commission requested the proffers specifically designate the larger park areas as the priority choices for the open space easement exchange. The Commission discussed the larger park areas are those designated as P1A, P2A, P3 and P4. If

additional open space is needed to meet the exchange criteria of increased quantity as well as being of equal or higher quality, then the additional park parcels of P5, P7, P8 and P10 may be added to the proffer statement to meet these criteria. To address the comments of the Commission, the Applicant has provided a revised proffer statement that provides for an exchange of 4.17 acres of open space easement located at the rear of private lots for up to 5.1 acres of open space easement to be located on park parcels P1A, P2A, P3, P4, P5, P7, P8 and P10 . The draft proffer statement is currently under review with the County Attorney's Office and has not been approved as to legal form. Staff will update the Board of Supervisors at the Public Hearing.

The Planning Commission forwarded ZCPA 2009-0005 and ZMOD 2009-0001, Greene Mill Preserve, to the Board of Supervisors with a recommendation of approval, subject to the Proffer Statement dated December 17, 2009, and the Rezoning Plat dated February 2009 and revised through November 4, 2009 by a vote of 8-0-1 with Ruedisueli absent for the vote.

PLANNING COMMISSION FINDINGS

1. The proposed rezoning is compatible with the Revised General Plan's vision for the provision of open space on the periphery of rural villages. Further the ZCPA and ZMOD requests will not significantly alter the function or design of Greene Mill Preserve.

2. The ZMOD requested that removes easements for open space off of the rear of individual lots and relocated the open space easements within public areas more central to the community is justified in exceeding the public purpose and the application conforms to the Revised 1993 Zoning Ordinance.

IV. PROJECT REVIEW

A. CONTEXT

The Loudoun County Board of Supervisors approved Greene Mill Preserve, formerly known as Woodland Rural Village (ZMAP 1997-0001) in 1998 for the development of 229 single-family detached and single-family attached homes. The rural village is surrounded by a 330-acre conservancy area and adopts a neo-traditional design with interconnected streets and homes clustered around community greens. The rural village design of a compact pedestrian-friendly community with numerous trails, greens, and ponds encourages community interaction.

Greene Mill Preserve is located east of Watson Road (Route 860), west of Evergreen Mills Road (Route 621) and north of Red Hill Road (Route 617). The development is accessed from both Watson Road and Evergreen Mills Road.

Woodland Neighborhoods, LLC has requested a Zoning Concept Plan Amendment (ZCPA) and Zoning Modification (ZMOD) to reduce the minimum perimeter depth for

selected locations of the Village Conservancy Subdistrict boundary for Greene Mill Preserve from 800 feet to 740 feet to eliminate a portion of an open space easement which exists on the rear of the village lots that border the conservancy lots. The proposed modification will result in a loss of 4.17 acres of perimeter open space and will roughly realign the boundaries of the open space easement with the existing village lot property boundaries. This realignment will permit more flexibility in the use of the individual lot area. The property owners of the affected lots could then pursue a deck addition without a legislative approval from the County and would be permitted to place accessory structures such as pools and storage sheds on their lots in the areas previously encumbered by easements.

The Applicant proposes substituting up to 7.47 acres of internal park areas into open space easements of the Village Center Subdistrict replacing the 4.17 acres of open space and comply with the Virginia Land Act Open Space requiring substitution of land of equal or greater value *(see Attachment 8).*

The property is surrounded by the conventional rural subdivisions of Barclay Ridge, the Estates at Creighton Farms, Red Hill Manor, and Evergreen Village. These subdivisions are generally 3-10 acre lots in a grid pattern.

B. SUMMARY OF OUTSTANDING ISSUES

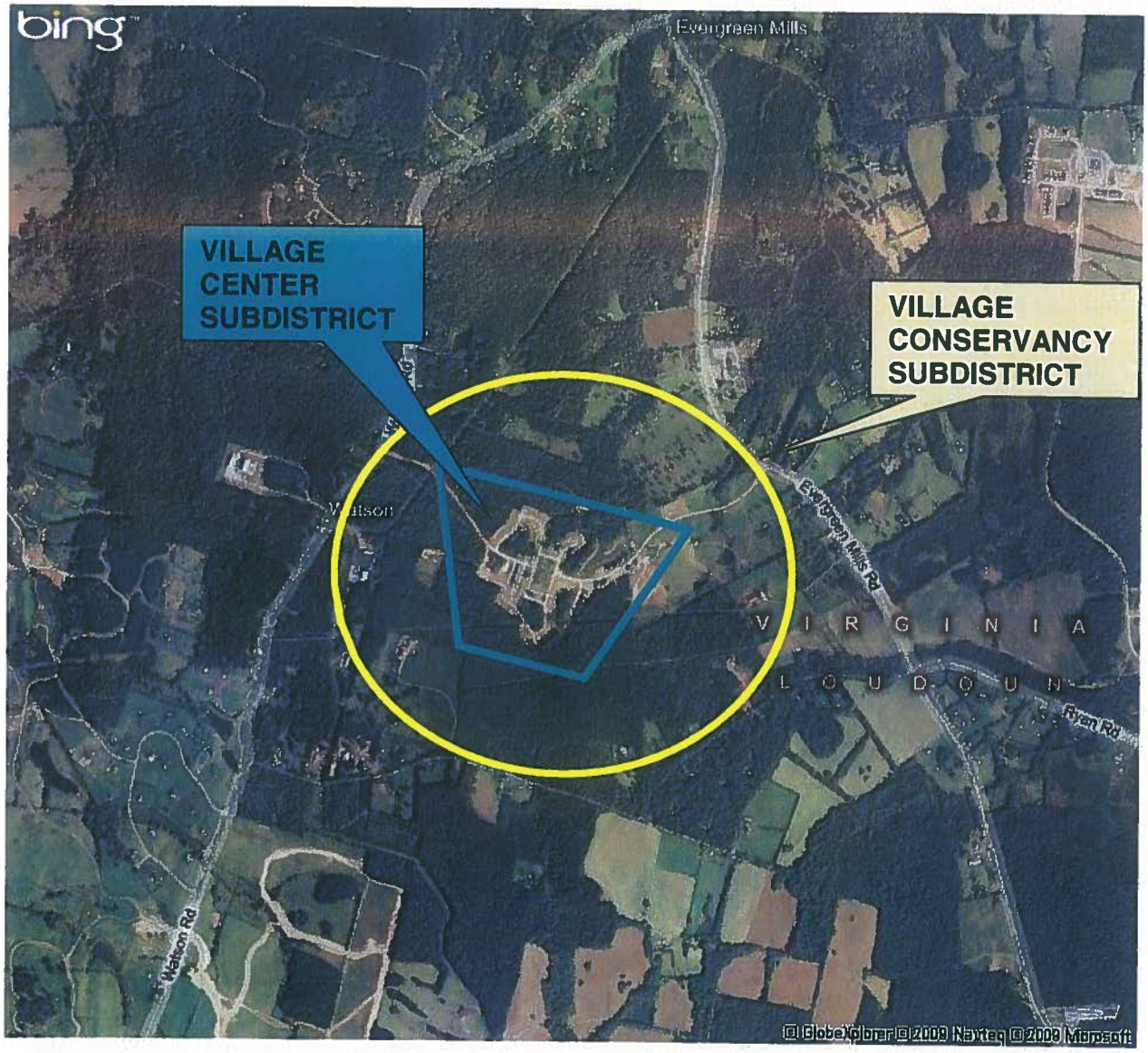
There remain no outstanding staff issues with this application as proposed.

C. OVERALL ANALYSIS

The Applicant proposes reducing the minimum perimeter depth of the Village Conservancy Subdistrict by moving the open space easement to the rear property line of the easement encumbered village lots that border the conservancy lots as shown on *Attachment 8.* This will result in a number of changes that affect both the Village Conservancy Subdistrict and Village Center Subdistrict. This change will reflect the current physical boundary between the village lots and the conservancy lots. It will also enable individual property owners to fully utilize their property. Finally the alternative location of open space within the internal village HOA lands and not on individual lots may provide for a more harmonious environment as the community more easily observes the visual separation between the public and private realms.

The Revised General Plan envisions Rural Villages as self-sustaining communities, consisting of a variety of housing types (single-family detached, townhouses, etc.) complemented by business, commercial and civic uses within a compact pedestrian-friendly development centered around a village core, with the majority of the surrounding rural landscape being preserved as open space (*Revised General Plan, Chapter 8, Community Design Policies, Policies 19 & 24*). The open space that is associated with new Rural Villages should be designed to integrate the development with the existing natural landscape and serve as a transition between the private and public realm. A minimum of 50 percent of the total development area should be

designated as open space, with the majority of the open space being located on the periphery of the development to establish a network of green spaces consistent with the Countywide Green Infrastructure objectives (*Revised General Plan, Chapter 11, Transition Policy Area Design Guidelines, Villages, Policy 2e*).



As illustrated in the aerial photo above the community is surrounded by a depth of wooded area providing a significant buffer between the Village Center Subdistrict and Village Conservancy Subdistricts. Elimination of the open space easement from the Village Center Subdistrict lots to correspond with the shared boundary between the Village Center Subdistrict lots and the Village Conservancy Subdistrict lots would have minimal impact upon the buffering offered by the open space around the village core. Tree Save Areas remain intact with this proposed amendment.

The proposed Zoning Concept Plan Amendment (ZCPA) and Zoning Modification (ZMOD) to reduce the minimum perimeter depth of the Village Conservancy Subdistrict

boundary for Greene Mill Preserve from 800 feet to 740 feet will eliminate a portion of an open space easement which exists on the rear of the village lots that border the conservancy lots. The new proposed boundary of the open space easement will not significantly impact the open space provided in the development or the overall function and design of the rural village as envisioned by the Plan. The proposed modification will result in the loss of 4.17 acres of perimeter open space, but does not affect the development's overall ability to comply with Plan policy or the Planned Development-Rural Village (PD-RV) zoning district regulations which require 80% open space.

Staff supports the concept plan amendment and zoning modification.

TRANSPORTATION

The proposed amendment offers no change to the amount of traffic on the regional road network, therefore a traffic study was not required for this application. Staff has no issue with the proposal.

ZONING

The Applicant is seeking a modification to reduce the minimum perimeter depth of the Village Conservancy Subdistrict at various points along the perimeter of the Village Center Subdistrict from 800 feet or greater to 740 feet or greater. Staff supports the modification as improving upon the existing regulation as discussed in Section D of this report.

PROFFER SUMMARY AND REVIEW

The most recent draft proffer statement, December 17, 2009, is included as *Attachment 5*. The Applicant has provided a revised proffer statement that provides for an exchange of 4.17 acres of open space easement located at the rear of private lots for up to 5.1 acres of open space easement to be located on park parcels P1A, P2A, P3, P4, P5, P7, P8 and P10 .

The proffers specifically designate the larger park areas as the priority choices for the open space easement exchange. These park areas are designated as P1A, P2A, P3 and P4. If additional open space is needed to meet the exchange criteria of increased quantity as well as being of equal or higher quality then the additional park parcels of P5, P7, P8 and P10 may be added to the proffer statement to meet these criteria.

To achieve this change the open space easements would need to be vacated, and the new open space easements recorded. The proffer statement provides for submission of the easement and vacation documents within 60 days of the approval of the ZMOD and ZCPA applications. The proffer statement provides for recordation of these documents within 30 days of receiving the signed document from the County.

The Draft Proffer Statement has been approved as to legal form by the County Attorney's Office. The Executed Proffer Statement shall be provided prior to the public hearing.

D. ZONING MODIFICATION REVIEW

Section 6-1504 of the Revised 1993 Zoning Ordinance states "The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density or floor area ratio of the district. No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project."

The Applicant requests a modification to Section 4-1206 of the Revised 1993 Zoning Ordinance for the PD-RV zoning district. Specifically the Applicant is seeking a modification to permit the minimum depth of 800' of the Village Conservancy Subdistrict to range from 740 feet to 800 feet along the perimeter of the Village Center Subdistrict.

APPLICANT JUSTIFICATION

Greene Mill Preserve rural village was platted with all of the lots created, pursuant to ZMAP 1997-0001, and with the 800 foot perimeter open space buffer encroaching onto the rear of many of the lots within the Village Center Subdistrict. This resulted in residential lots having a recorded open space easement on the rear portions of the lots. While the easement does not affect the ability to construct the primary dwellings on each parcel, it does restrict the homeowner's use of their entire property. According to the Applicant, the easement being placed on individual village parcels has the potential to create an administrative burden for the County, which is the entity holding the open space easement. This burden includes either making rulings on each homeowner request for a determination whether a particular activity is consistent with the easement, or involves enforcing the easement provisions after the fact, if a homeowner were to establish a use on the property that was inconsistent with the terms of the easement.

The proposed modification moves the Village Conservancy Subdistrict boundary to the rear property line of each of the village lots that borders the conservancy lots. This boundary will enable homeowners to enjoy their property and does not reduce the conservancy lot area, either. Rather, it reflects the current boundary between the village lots and the conservancy lots.

To achieve this change the open space easements would need to be vacated, and the new open space easements recorded. The proffer statement provides for submission of the easement and vacation documents within 60 days of the approval of the ZMOD and ZCPA applications. The proffer statement provides for recordation of these documents within 30 days of receiving the signed document from the County.

The proposed modification does not reduce the open space calculations for the village, since the eased area on the village lots was never included in the open space calculations for the rural village. The only real effect of the proposed modification is that the current area included in the open space easement will be reduced by 4.17 acres.

STAFF REVIEW AND RECOMMENDATION

The purpose and intent of the Village Conservancy Subdistrict is to surround the Village Center Subdistrict with open land affording rural views, to provide significant buffering of neighboring properties and to provide a land base for agriculture, forestal and open space.

The buffer reduction ranges between 0 and 60 feet with only a small area reduced to the proposed minimum width of 740 feet. The proposed modification does not reduce the open space calculations for the village, since the eased area on the village lots was never included in the open space calculations for the rural village.

However, the proposed modification does reduce the area of the permanent open space easement by moving the boundary of the Village Conservancy Subdistrict outside of individual lots. The Village Conservancy Subdistrict size of 326 acres exceeds the minimum requirement of 300 acres. The proposed modification does not alter or remove any tree save easements.

The Applicant has offered 7.47 acres of parklands internal to the Village Center Subdistrict as replacement of the open space easements lost by removing the 4.17 acres in the area that separates the Village Center Subdistrict and Village Conservancy Subdistrict. As the intent of the perimeter is to create a visual and physical distinction between the settlement and the existing countryside the block of wooded areas surrounding the Village Center Subdistrict achieves this separation with the reduction to 740 feet. Three exceptions to this physical separation with the wooded area are Lots 1, 2, and 13. These three lots are currently separated from the nearest adjacent properties by 745 feet or more of open established fields. Rural villages were intended to mimic the historic pattern of clustered villages with farmland surrounding the villages and these three lots provide that same opportunity. The physical separation and the visual distance are still conveyed in these three instances with the open field separation.

Staff supports the modification request as it improves upon the existing regulation by providing both a continuing effective conservancy separation while offering the full use of their property to individual lot owners.

E. <u>ZONING ORDINANCE CRITERIA FOR APPROVAL</u>

Section 6-1211(E) of the <u>Revised 1993 Loudoun County Zoning Ordinance</u> states " ... (i)f the application is for reclassification of property to a different zoning district classification on the Zoning Map ..., the Planning Commission shall give reasonable consideration to the following matters ...":

(1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.

The zoning district will remain unchanged as PD-RV. The proposal remains in conformance with the Revised General Plan with regard to land use and density.

(2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.

There have been no changes in the area that would alter the planned land use pattern and policies. A rural village continues to be an appropriate use of this property.

(3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

The zoning district will remain unchanged as PD-RV.

(4) Whether adequate utility, sewer, and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

The zoning district will remain unchanged with no additional units requested..

(5) The effect of the proposed rezoning on the county's ground water supply.

The existing development is currently served by water and sewer.

(6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.

The concept plan amendment and modification request address design, easements, and open space criteria and does not require physical change to the existing rural village.

(7) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

The zoning district will remain unchanged as PD-RV and no new units or construction are proposed. The concept plan amendment and modification addresses design, easements, and open space criteria and does not require physical change to the existing rural village

(8) Whether a reasonably viable economic use of the subject property exists under the current zoning.

Plan guidance supports both the existing rural village and the revisions to the design, easements, and open space criteria proposed with this concept plan amendment and modification.

(9) The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.

The concept plan amendment and modification request addresses design, easements, and open space criteria and does not require physical change to the existing rural village

(10) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.

The concept plan amendment and modification request provides for no employment or enlarges the tax base.

(11) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.

The concept plan amendment and modification request would not affect the potential for agriculture on conservancy lots as envisioned in the plan guidance for rural villages.

(12) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.

The concept plan amendment and modification request addresses design, easements, and open space criteria and does not require physical change to the existing rural village.

(13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.

The concept plan amendment and modification request will allow for greater use of the property by individual lot owners in the village center.

(14) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county.

No new housing is proposed with this rezoning application.

(15) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.

No new housing is proposed with this rezoning application.

(16) The effect of the rezoning on the natural, scenic, archeological, or historic features of significant importance.

The concept plan amendment and modification request addresses design, easements, and open space criteria and does not require physical change to the existing rural village

V. ATTACHMENTS		**PAGE NUMBER**
1. Review Agency Comments		
a. Community Planning	Referral: 6/16/09	A-1
b. Zoning Administration	Referral: 6/17/09	A-4
c. Office of Transportation Services	Referral: 6/18/09	A-8
d. VDOT	Referral: 6/22/09	A-9
2. Disclosure of Real Parties in Interest		A-10
3. Applicant's Statement of Justification	9/04/09	A-25
4. Applicant's Responses to Referral Agency Comments	9/04/09	A-31
5. Draft Proffer Statement December 17, 2009		A-39
6 Parcels/ Tax Map/ Address/ PIN numbers		A-43
7 Exhibit A – PD-RV Open Space		A-49
8. Exhibit B – Virginia Land Act Open Space		A-50
9. Plat		Following Attachments