

MEMORANDUM

TO: Mike Elabarger, Department of Planning (#62)

FROM: Larr Kelly, Zoning Division, Department of Building and Development (#60)

DATE: December 1, 2009

RE: ZCPA 2009-0007: Belmont Glen Village

As requested, I have reviewed the draft proffers, dated November 6, 2009, for the above referenced Zoning Concept Plan Amendment application. Pursuant to this review, using the redline version of the proffers, I offer the following comments:

1. In regard to the header, it is not clear what the application's number is. As written, it is "ZCPA 2009-000". I believe the correct number is ZCPA 2009-0007. I suggest that the correct number be identified.
2. In regard to the preamble, in the seventh line thereof, I suggest that a parenthetical, "(ZCPA 2009-0007)" be inserted after the word "Amendment".
3. In further regard to the preamble, in the thirteenth line thereof, I suggest that the correct application number be referenced instead of "ZCPA 2009-000".
4. In regard to proffer 2., in the second line thereof, there is a reference to "Belmont Glen Drive". However, this road is not labeled on the CDP. I suggest that this road be identified on the CDP.
5. In further regard to proffer 2., in the thirteenth line thereof, I note that the proffer uses the word "Adjacent" while the CDP uses the abbreviation "Adj". I suggest that a consistent term be used.
6. In regard to proffer 6., concerning the fire and rescue contributions, I note that the contributions are listed as being in 2004 dollars. I further note that the County's adopted policies requests that fire and rescue contributions use a base year of 1988.
7. In regard to proffer 12., I note that the applicant has indicated the intent to dedicate 61.33 acres of land along the Goose Creek "as shown on the CDP". The applicant further refers to "the park dedication area" and the "park dedication". However, there is nothing on the CDP which clearly identifies the land to be dedicated. I suggest that the CDP be changed to show the area to be dedicated in a cross-hatch and that a term of art for the dedication area be created, in order to avoid any confusion. I also suggest that the access to the park be more clearly identified.

8. In regard to proffer 13, in the first line thereof, I suggest that it be clarified as to whom the “open space/conservation easement” is to be dedicated. If it is to the County, then I suggest that the phrase “to the County” be inserted following the word “dedicated”.
9. In further regard to proffer 13., I note that the applicant refers to the open space land located between the “park dedication line” and the “300-foot Goose Creek Reservoir Protection Buffer and Scenic Easement”. I presume that the “park dedication line” is the same as the “Future Public Passive Park Open Space Dedication Line” shown on the CDP, but I suggest that this be clarified. I also presume that the “300-foot Reservoir Protection Buffer and Scenic Easement” shown on the CDP is what the applicant intended to reference, but I suggest that the inconsistency between the two phrases be eliminated.
10. In further regard to proffer 13., in comparing it to proffer 18., I am uncertain as to the intended difference between the “Open Space/Conservation Easement” provided in proffer 13, and the “Scenic Easement” provided in proffer 18. Both easements apply to the same portion of the Property and it appears that both are to be dedicated to the County. I am not certain what is intended by the two different easements and I suggest that this be clarified.
11. In regard to proffer 16., in the fifth line thereof, there is a reference to “proffer 12”. Given the change in proffer numbers, I believe that this reference should now be to “proffer 11”. I suggest that this be so changed.
12. In further regard to proffer 16., in the third line of the second paragraph, I suggest that the phrase “issuance o the” be changed to “issuance of the”.
13. In regard to proffer 17., in the first line thereof, I suggest that the phrase “as ‘Revised Archeology Site (per 10/08 Addendum by Thunderbird)’” be inserted following the phrase “shown on the CDP”.
14. In further regard to proffer 17., in the second line thereof, I note that the applicant has referenced the “open space dedication area established under proffer 13 above”. However, it is not clear if the intent was to reference the park area to be dedicated to the County pursuant to proffer 12, or to reference the open space/conservation easement area referenced in proffer 13. I suggest that this be clarified.
15. In further regard to proffer 17., I note that the proposed storm water management pond is very close to the archeology site. I suggest that a minimum non-disturbance distance be established between the pond and the limits of the archeology site.
16. In regard to proffer 18., I again question the difference between the scenic easement proposed by this proffer and the open space/conservation easement proposed in proffer 13. However, if this proffer remains, then I suggest, in the second line

- thereof, that the phrase “as identified on the CDP” be changed to “identified on the CDP as ‘300’ Reservoir Protection Buffer and Scenic Easement”.
17. In regard to proffer 19., in the first line thereof, I suggest that the phrase “portions of the” be inserted prior to the phrase “HOA-owned open space areas”.
 18. In further regard to proffer 19., in the last line thereof, there is a reference to “proffer 16 above”. I suggest that this be changed to refer to proffer 15.
 19. In regard to proffer 27., in the fourth line thereof, there is a reference to cash contributions being “calculated in terms of current dollars”. I suggest that this be changed to refer to 2004 as the base year.
 20. In regard to proffer 28., in the last line thereof, I note that the applicant is proffering conformance with Sheet 7, which is not a proffered sheet. I suggest that this sheet be proffered, and noted amongst the sheets mentioned in proffer 1.
 21. In regard to proffer 31., in the second line thereof, the applicant refers to the “Goose Creek open space buffer area”. In proffer 13, the applicant referenced an “open space/conservation easement” and in proffer 18 the applicant referenced a “Reservoir Protection Buffer and Scenic Easement”, but heretofore has not referred to an “open space buffer”. I suggest that the applicant’s intent be clarified. In addition, in the next to last line of the proffer, I suggest that the phrase “any of” be inserted prior to the phrase “Lots 174-184”.
 22. In regard to proffer 32., in the first line thereof, the applicant now references “the HOA-owned open space area along Goose Creek”. It is not clear whether this is intended to be the same as the “Goose Creek open space buffer area” referenced in proffer 31. I suggest that the referenced area be clarified. Additionally, in the thirteenth lines thereof, I suggest that phrase “any of” be inserted prior to the phrase “lots 168 through 170”.
 23. In regard to proffer 35., in the last line thereof, I suggest that the word “elsewhere” be inserted prior to the phrase “within Loudoun County”.
 24. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.