

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE: April 15, 2009
TO: Stephen Gardner, Project Manager, Department of Planning
FROM: Val Thomas, Planner, Zoning Administration *HT*
THROUGH: Mark Stultz, Assistant Zoning Administrator



CASE NUMBER AND NAME: ZMAP 2006-0011 & ZCPA 2006-0003; Stone Ridge Commercial; 2 nd Referral

TAX/MAP PARCEL NUMBERS/PROPERTY INFORMATION:

<i>Owner</i>	<i>Tax Map</i>	<i>Pin Reference</i>	<i>Acreage</i>	<i>Current Zoning</i>	<i>Proposed Zoning</i>
<i>Stone Ridge Community Dev. LLC</i>	<i>100/37 (part)</i>	<i>205-36-2224</i>	<i>96.92</i>	<i>PD-H4, PD-OP R-24 & CLI, A-I, FOD</i>	<i>PD-OP, CLI, R-24, PD-H4, A-I, FOD</i>
<i>Stone Ridge Community Dev. LLC</i>	<i>100/51</i>	<i>204-35-8501</i>	<i>24.74</i>	<i>PD-IP/A-I/FOD</i>	<i>PD-IP, R-16 & PD-H4, A-I, FOD</i>
<i>Stone Ridge Community Dev. LLC</i>	<i>100/54A (ZCPA only)</i>	<i>247-28-4151</i>	<i>94.15</i>	<i>TRI-UBF, FOD, A-I</i>	<i>TRI-UBF, FOD, A-I</i>
<i>Stone Ridge Community Dev. LLC</i>	<i>100((7))/S23 (ZCPA only)</i>	<i>204-26-3927</i>	<i>15.63</i>	<i>R-16, A-I, FOD</i>	<i>R-16, A-I, FOD</i>
<i>Stone Ridge Community Dev. LLC</i>	<i>100/61A</i>	<i>204-46-2760 (part)</i>	<i>35.82</i>	<i>PD-IP, R-16, PDCC-SC, FOD, A-I</i>	<i>PD-IP, PD-H4, R-16, FOD, A-I</i>
<i>Stone Ridge Community Dev. LLC</i>	<i>100/A</i>	<i>247-20-9549</i>	<i>27.39</i>	<i>PD-H4, PD-IP, A-I, FOD</i>	<i>PD-H4, PD-IP, FOD, AI</i>
<i>Stone Ridge Community Dev. LLC</i>	<i>100/50</i>	<i>204-47-0343 (part)</i>	<i>8.69</i>	<i>PD-IP, A-I, FOD</i>	<i>CLI, PD-IP, FOD, A-I</i>

I. APPLICATION SUMMARY:

Building and Development Zoning Staff has reviewed the above referenced rezoning (ZMAP) and zoning concept plan amendment (ZCPA) application for conformance with the applicable requirements of the *Revised 1993 Loudoun County Zoning Ordinance* (“the Ordinance”). The applicant, Stone Ridge Community LLC (“the Applicant”) seeks approval to rezone and replan approximately 77 acres of land from various zoning districts to other zoning districts as noted in the above table. The proposal for this application is to; 1) rezone approximately 50 acres from PD-H4, R-24, and PD-IP zoning districts to PD-H4, R-16, PD-OP, PD-IP and CLI zoning districts; 2) relocate and consolidate previously approved residential and non-residential uses; and 3) to accommodate the realignment and extension of South Point Drive (formerly Canary Grass Drive) to Gum Spring Road (Route 659). In conjunction with the proposed rezoning, the applicant proposes to amend certain elements of the previously approved proffers and concept plan to reflect the proposed zoning district changes, to relocate previously approved recreational amenities, and to realign certain internal streets. The zoning concept plan amendment includes the alteration of the alignment of Millstream Drive and South Point Drive (South Point Drive is now proposed to extend to Gum Spring Road), the relocation of previously approved community centers to Land Bay FF1A and Land Bay 5R, revision of the proffers to allow for permitted uses other than residential in the TR-1 zoning district, and a date certain of June 30, 2011 for the delivery of the 40,000 square foot library in Land Bay FF2A. Although the residential units approved for Stone Ridge is not proposed to increase, the Applicant is proposing an additional 2,400 square feet of non-residential floor area.

The property is generally located on the south side of Route 50, west of Gum Spring Road (Route 659) and north of Tall Cedars Parkway.

The materials submitted for review of the application consist of: (1) Information Sheet; (2) Stone Ridge Zoning Map Amendment Plan (“the plan”) consisting of the Cover Sheet (Sheet 1), Certified Plat (Sheets 2 & 3), Concept Development Plan (Sheets 4 & 5), Existing Conditions (Sheets 6 & 7), Soils Map (Sheet 8 & 9), Illustrative/Traffic & Pedestrian Circulation Plan (Sheets 10 & 11), Land Use Map (Sheets 12 & 13), Tree Cover Narrative (Sheet 14), and Miscellaneous Details (Sheet 15) dated April 7, 2006 revised through January 27, 2009; (3) Statement of Justification revised January 27, 2009; (4) Response Letter dated January 27, 2009; and (5) Draft Proffers dated January 27, 2009.

Based upon a review of the application, Zoning Staff offers the following comments:

II. CONFORMANCE WITH §6-1211 ZONING MAP AMENDMENTS

This section of the Ordinance requires the Planning Commission to give consideration to certain criteria, for which Zoning has the following comments. Unless the factor is specifically addressed below, Zoning defers to the appropriate County or State Agency for comment:

1. SECTION 6-1211(E)1 - *Whether the Proposed Zoning District Classification is consistent with the Comprehensive Plan* – Zoning defers to Community Planning for comments but note that the Applicant is proposing an increase in non-residential for 2,400 square feet. The cumulative impact of the existing and proposed developments in the surrounding area must be taken into consideration, especially with regard to the impact on the Route 50 corridor and surrounding road network.
2. SECTION 6-1211(E)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* - Staff defers to Community Planning and OTS (Office of Transportation) for comment on this. Further, Staff defers to other referral agencies such as Loudoun County School Board, Library Services, Parks and Recreation to comment on the adequacy of schools and other facilities for the development.
3. Section 6-1211(E)(6) - *The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.* According to County Records, hydric soils (types 66A and 69A) are present in the rezoning area and the applicant has identified wetland areas. Hydric soils have a very poor potential for general development of central water and sewer. Development of the site should consider these areas with respect to grading and the construction of buildings and infrastructure.
4. SECTION 6-1211(E)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* – It is noted that increasing the density through the rezoning process to allow an additional 2,400 square feet non-residential to be built on the property will increase the volume of traffic in the vicinity. Based on a review of the Traffic and Pedestrian Circulation Plan (Sheets 10 and 11) it appears that most of the construction traffic will utilize Stone Springs Boulevard, Millstream Drive and South Point Drive to access the property. Staff would therefore recommend more specific measures to mitigate the impact of construction traffic on the surrounding area. Limiting the hours during which construction traffic may enter and exit the site is one measure. The applicant should also address how construction traffic will enter and exit the property during construction.

Zoning Staff further defers to OTS and VDOT for comments on the impact of the rezoning proposal on the volume of vehicular and pedestrian traffic and traffic safety in the vicinity.

5. SECTION 6-1211(E)9 - *The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.* The site contains areas of major and minor floodplain and wetlands. Where floodplain areas are impacted, the Applicant will be required to meet the standards

of § 4-1500 of the Zoning Ordinance. The requirements of the U.S. Army Corps of Engineers will also need to be met with regard to wetlands. Zoning encourages the preservation of all existing wetlands and riparian corridors whenever possible. The property also has areas of existing tree cover on the site that includes mixed hardwood and staff encourages utilization of existing vegetation when providing any required planting. Staff recommends that the Applicant identify areas of existing vegetation that will be preserved, and show such areas on a proffered plan. See the attached ERT (Environmental Review Team) referral for comment on the impact to the environment or natural features, wildlife habitat, vegetation, water quality and air quality.

III. CONFORMANCE WITH PD-H4 ZONING DISTRICT (4-100)

The rezoning plan set should state in the Notes section, that Land Bay 5R and portion of Land Bay ZZ will be rezoned from PD-IP to PD-H4 and will be developed in accord with all regulations for the PD-H4 Zoning Districts of the *Revised 1993 Loudoun County Zoning Ordinance*. Staff notes that Land Bay 5R is proposed to be administered as R-8 (ADU). All subsequent Subdivision Plans or Site Plans must show how the PD-H4 zoning district requirements are met.

1. Please note that Tall Cedars is a public road and has no zoning designation. As such, please remove the proposed zoning for Tall Cedars.
2. The minimum amount of land required to rezone to a PD-H4 district is 25 acres. The Applicant is proposing to rezone approximately 15.7 acres to PD-H4 district. However, there are adjacent parcels that are zoned PD-H4 and therefore the proposal may be approved as a logical extension of the existing PD-H4 district and pursuant to Section 6-1500 of the Ordinance. Staff however asks that the Applicant address the requirement of Section 4-103 of the Ordinance, *Timing of Development*.
3. Pursuant to Section 4-110(I), there is a requirement of either, single family dwellings on minimum lots of 20,000 square feet or greater, OR, a permanent open space buffer of 50 feet, with a Type 2 Buffer Yard, along the perimeter of the proposed PD-H4 with adjacent residential land bays or districts. Please demonstrate conformance with this requirement. If providing the 50-foot permanent open space with a Type 2 Buffer Yard, depict this on the CDP adjacent to the R-16 district on the east and north.
4. On the CDP, note the minimum requirement of 30% open space for the PDH district (Section 4-111(A)). Also depict the proposed open space for the same.
5. As no detailed layout is provided at this time, the requirement of Section 4-110, *Site Planning - Internal Relationship*, cannot be evaluated at this time. The Applicant should demonstrate conformance with this section of the Ordinance at the time of site plan.

6. Include proposed Land Bay ZZ (MCPI # 204-46-2780) in the Density Exchange Table on Sheet 5. Staff recommends separating Land Bay ZZ to the south and north of Millstream Drive. Do not include the road in the calculation of open space.

IV. CONFORMANCE WITH R-8 DISTRICT (§3-500) & (§7-800)

The rezoning plan set should state in the Notes section, that Land Bay 5R and portion of Land Bay ZZ will be developed in accord with all regulations for the R-8 Zoning Districts of the *Revised 1993 Loudoun County Zoning Ordinance*. All subsequent Subdivision Plans or Site Plans must show how the R-8 zoning district requirements are met.

1. On Sheet 5, the Applicant has depicted the lot requirements for the R-8 district pursuant to Section 7-800. Section 3-500 should also be added, as there are requirements of this section that apply.
2. On the CDP, depict the Lot and Building requirements of the R-8 ADU Section 7-803, such as lot size, lot width, yards and lot coverage.
3. On the CDP, correct the minimum required amount of active recreation space to 14,000 square feet. Also denote the proposed amount of active recreation space for this district and depict the location and type of such active recreation space. Demonstrate that such active recreation space is accessible to all residents by means of internal pedestrian walkways (7-803(E)).
4. On the CDP, depict the building requirements of the R-8 district pursuant to Section 3-508.
5. On Sheet 5, depict the maximum length/width ratio as required by Section 3-506(D).
6. Clarify that Land Bay EE2 to the east and Land Bay 6 to the north are not proposed for minimum allowable lot size of 6,000 square feet or greater. Otherwise a permanent common open space buffer of 50 feet in depth with a Category 2 Buffer Yard must be provided (Section 3-509(C)) adjacent to those land bays.

V. CONFORMANCE WITH R-16 DISTRICT (§3-600) & (§7-900)

The rezoning plan set should state in the Notes section, that Land Bay 6 and a portion of Land Bay ZZ will be developed in accord with all regulations for the R-16 Zoning Districts of the *Revised 1993 Loudoun County Zoning Ordinance*. All subsequent Subdivision Plans or Site Plans must show how the R-16 zoning district requirements are met.

1. On Sheet 5, the Applicant has depicted the lot requirements for the R-16 district pursuant to Section 7-900. Section 3-600 should also be added, as there are requirements of this section that apply.
2. On the CDP, depict the Lot and Building requirements of the R-16 ADU, Section 7-

903, such as lot size, lot width, yards and lot coverage.

3. On the CDP, denote the proposed amount of active recreation space for this district. Demonstrate that such active recreation space is accessible to all residents by means of internal pedestrian walkways (7-903(E)). Pursuant to Article 8, definitions, "active recreation space" includes tennis courts, swimming pools, tot-lots, outdoor games and sports activities etc. Designate on the CDP, the location and types of active recreation uses and include this in the Proffer Statement. Staff supports the proffering of any additional amount of active recreation beyond what is required by the Ordinance.
4. On the CDP, depict the building requirements of the R-16 district pursuant to Section 3-607.
5. Pursuant to Section 3-602, the district shall be located with pedestrian linkages to nearby established or planned employment centers, shopping or other community support services. Demonstrate conformance with this section of the Ordinance. In addition, this Section also requires that the district is served or planned to be served by public transit or designated for public transit in the Comprehensive Plan.
6. On Sheet 5, note the maximum permitted density of 19.2 dwelling units per acre in the R-16 zoning district (§ 7-901).
7. On Sheet 5, depict the maximum length/width ratio as required by Section 3-606(D).
8. With regard to Section 3-608 (B), as no detailed layout is provided with this application, Staff cannot evaluate conformance with this section of the Ordinance at this time. Staff asks that either detail drawings be submitted with this application, or provide a note that this requirement will be evaluated at the time of site plan.
9. Include a note on the CDP that residences to be served by private roads shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road. Further, the record plat and protective covenants for such development shall expressly state that the County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of private roads, and finally, sales brochures or other literature and documents provided by the seller of lots served by such private roads shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private roads (Section 3-610(C)).

VI. CONFORMANCE WITH R-24 DISTRICT (§3-700) & (§7-1000)

1. On Sheet 5, the Applicant has depicted the lot requirements for the R-24 district pursuant to Section 7-1000. Section 3-700 should also be added, as there are requirements of this section that apply.
2. On the CDP, Exhibit A (Sheet 5), in the *Minimum Lot Requirement for R-24*, the minimum lot width is repeated twice. Correct this.

VII. CONFORMANCE WITH THE PD-IP, PLANNED DEVELOPMENT-INDUSTRIAL PARK DISTRICT (§4-500)

The rezoning plan set should state in the Notes section (Sheet 4) that Land Bays 7R and 8 will be developed in accord with all regulations for the PD-IP Zoning District of the *Revised 1993 Loudoun County Zoning Ordinance*. All subsequent Subdivision Plans or Site Plans must show how the requirements of this zoning district are met.

1. Land Bay 8 is proposed as a public use site. Staff believes the proposed use is for a fire and rescue station. This particular use is permissible by special exception in the PD-IP zoning district (4-504(S)). Therefore, a special exception application is required in conjunction with this application to locate a fire and rescue station use in this land bay. Further, please label the fire and rescue use on the CDP.
2. The purpose of the PD-IP district (Section 4-501) is to provide for light and medium industrial uses, office uses and necessary supporting accessory uses and facilities, designed with a park like atmosphere to compliment surrounding land uses by means of appropriate sitings of buildings and service areas, attractive architecture, and effective landscape buffering. Demonstrate conformance with this section of the ordinance.
3. Pursuant to Section 4-502, the PD-IP district must be consistent in location as identified in the Comprehensive Plan for industrial use. Zoning defers to Comprehensive Planning to conformance with this requirement. In addition, this section requires that incremental additions to an existing PD-IP district must demonstrate their relationship and compatibility with the previously approved district to which it is being added.
4. A minimum yard of 75 feet is required adjacent to the PD-H4 zoning district pursuant to Section 4-505(B)(2). Depict this requirement adjacent to the PD-H4 zoning district to the west, or, request a modification of this section.
5. Depict the minimum required yard of 15 feet adjacent to the CLI district on the north (Section 4-505(B)(3)).
6. In the *Density Exchange Table* on Sheet 5, Staff questions if it is the Applicant's

intent to limit the maximum floor area ration (FAR) for the public use site (fire/rescue station) to 0.3 and the square footage to 44,060 square feet.

7. Staff cannot evaluate compliance with Sections 4-505 (B)(4) and 4-507 as no detailed plan or illustrative is submitted for this application. Staff asks that the Applicant provide a detailed illustrative of the proposed design of the PD-IP district and demonstrate how such design conforms to the requirements of the ordinance.
8. On Sheet 4, note the maximum lot coverage and building height as required by Ordinance as well as maximums proposed by the Applicant for the PD-IP district (§ 4-506(A) & § 4-506(B)).
9. On Sheet 4, include a note stating that the minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot (§ 4-507(B)).

VIII. CONFORMANCE WITH THE PD-OP, PLANNED DEVELOPMENT-OFFICE PARK DISTRICT (§4-300)

The rezoning plan set should state in the Notes section (Sheet 4) that Land Bay FF2B will be developed in accord with all regulations for the PD-OP Zoning District of the *Revised 1993 Loudoun County Zoning Ordinance*. All subsequent Subdivision Plans or Site Plans must show how the requirements of this zoning district are met.

1. Pursuant to Section 4-302, the PD-OP zoning district when mapped shall be no less than 5 acres minimum. However, incremental and contiguous additions of a minimum of one acre to an existing PD-OP zoning district shall be allowed. This application proposes a rezoning of 0.90 acres of R-24 zoning district to PD-OP zoning district. Revise the application to include a minimum of one acre for the rezoning to PD-OP zoning district.
2. A minimum yard of 15 feet is required adjacent to the CLI zoning district pursuant to Section 4-305(B)(3). Depict this requirement adjacent to the CLI zoning district to the east.
3. Staff cannot evaluate compliance with Sections 4-307 as no detailed plan or illustrative is submitted for this application. Staff asks that the Applicant provide a detailed illustrative of the proposed design of the PD-OP district and demonstrate how such design conforms to the requirements of the ordinance.
4. On Sheet 5, note the maximum lot coverage and building height as required by Ordinance as well as maximums proposed by the Applicant for the PD-OP district (§ 4-306(A) & § 4-306(B)).
5. On Sheet 5, include a note stating that the minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot (§ 4-507(B)). Please note that such open space shall be landscaped and maintained in

accord with Section 5-1400.

IX. CONFORMANCE WITH THE CLI (COMMERCIAL LIGHT INDUSTRIAL) DISTRICT (§3-900)

The rezoning plan set should state in the Notes section that Land Bays 9 and 10 will be developed in accord with all regulations for the CLI Zoning District of the *Revised 1993 Loudoun County Zoning Ordinance*. All subsequent Subdivision Plans or Site Plans must show how the requirements of this zoning district are met.

1. The CDP on Sheet 4 indicates that Land Bay 9 and a portion of Land Bay FF2B are proposed to be rezoned to CLI while on Sheet 5 Land Bay 10 is proposed to be rezoned to CLI. Please correct/clarify this discrepancy.
2. Sheet 2 depicts a proposed rezoning of 4.53 acres from PD-IP to CLI zoning district, while Sheet 5 (*Density Exchange Table*) depicts a proposed rezoning of 4.23 acres from PD-IP to CLI zoning district for the same parcel. Please correct this inconsistency.
3. Pursuant to Section 3-902, the CLI district is mapped only along the eastern end of Route 50 as depicted on the Zoning Map. The rezoning of land to CLI in other areas not already shown on the Zoning Map shall not be permitted. Therefore, staff is not reviewing the proposal rezoning to the CLI district.

X. CONFORMANCE WITH ZONING OVERLAY DISTRICT REGULATIONS

A. SECTION 4-1400, AIRPORT IMPACT (AI) OVRELAY DISTRICT

- a) The subject Property lies within the Airport Impact (AI) Overlay District, between the Ldn 60 and 65 aircraft noise contours and within one mile beyond the Ldn 60 noise contour.
- b) For all residential units to be constructed between the Ldn 60-65 aircraft noise contour, the Applicant shall 1) disclose in writing to all prospective purchasers that they are located within an area that will be impacted by aircraft overflights and aircraft noise; 2) incorporate acoustical treatment into all dwelling units to insure that interior noise levels within living spaces (not including garages, sunrooms, or porches) do not exceed an average sound level of 45 db(A) Ldn; and 3) prior to the approval of a Record Plat creating residential lots, dedicate an avigation easement to the Metropolitan Washington Airports Authority, indicating the right of flight to pass over the property, as a means to securing the long-term economic viability of Washington Dulles International Airport.
- c) Finally, the Applicant should note that Section 4-1405 Disclosure states: "A disclosure statement shall be placed on all subdivision plats, site plans, and deeds to

any parcel or development within the AI district, clearly identifying any lot which is located within the AI district and identifying the component of the AI District in which the lot is located". Add the Disclosure Statement on the Note Sheet of the plan in the note section.

B. SECTION 4-1500, FLOODPLAIN (FOD) OVERLAY DISTRICT

The subject Property lies within the floodplain Overlay District (FOD). The property contains areas of major and minor floodplains and the Plan appears to be sensitive to the existing floodplain areas. See attached ERT referral for additional comments.

XI. CONFORMANCE WITH § 6-1500, PD DISTRICT

1. **Section 6-1505, Concept Development Plan/Submission Requirements:**

Pursuant to Section 6-1505(A) the CDP must be sufficiently detailed to judge the superiority of the proposal versus other forms of development. The proposed CDP does not provide any detail with regard to layout, design, phasing etc. for the proposed PD-H4, PD-OP and PD-IP zoning district, and Staff asks that the Applicant address this.

2. **Section 6-1504, Zoning Modifications:**

Proposed Modification - The Applicant has requested a modifications of Section 4-305(B)(2) *Lot Requirements*, to permit buildings in the PD-OP Land Bay FF2B to be located as close as 60 feet to the adjacent R-24 zoning district, the northern boundary of which is defined by the centerline of South Point Drive. Where the reduced yard is utilized, the yard area adjacent to South Point Drive will include the plantings of a Type 2 front yard buffer.

Applicant's Justification – The Applicant states that the adjacent PD-OP and R-16 districts are part of the same unified project and subject to the same Concept Development Plan. The reduction of this yard requirement will allow greater design flexibility to create a more urban streetscape, promote pedestrian access and connectivity, and enhance the landscaping along South Point Drive. Further, the Applicant notes that the requested reduction corresponds with the building and parking setbacks required under Section 4-305(B)(1).

Staff comment –The Zoning Ordinance requires that buildings are located 100 feet from any residential district or land bay allowing residential use. It is not clear if the Applicant is requesting a modification to reduce the 100 feet to 60 feet, or if the 60 feet includes the width of South Point Drive. Further, it is not clear how the proposed modification will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. An application for modification shall include materials demonstrating how the

modification will be used in the design of the project. Staff cannot support the modification request at this time.

XII. CONFORMANCE WITH ADDITIONAL REGULATIONS & STANDARDS

A. SECTION 5-1100, OFF-STREET PARKING & LOADING REQUIREMENTS

The Applicant has not shown the amount of required parking spaces for the proposed development. In order to evaluate impacts and assure that the required number of parking and loading spaces can be provided, and to avoid the possibility of nonconformance issue with the Plat at the time of Site Plan, staff recommends that the **required** and **proposed** parking and loading spaces for all uses be provided at this time, otherwise, a note should be provided on the plat stating that parking will be provided at the time of site plan, and will conform to the requirements of the Zoning Ordinance. It should also be noted that with regard to residential districts, garages and driveway count towards parking spaces, and that if proposed parking is provided, the application should include the number of bedrooms for all multi-family units, since parking tabulations are calculated based on bedroom count (§ 5-1102(E)).

B. SECTION 5-1300, TREE PLANTING AND REPLACEMENT

At Final Site Plan, the planting and replacement of trees on-site to the extent that, at maturity of ten (10) years, minimum tree canopy shall be: 1) ten (10) percent tree canopy for sites zoned business, commercial or industrial in the PD-IP and PD-OP Districts; 2) Fifteen (15) percent tree canopy for sites zoned R-16 for multi-family units with densities of eleven (11) to nineteen (19) units per acre; and 4) Every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract.

Since this site has existing vegetation, the applicant should ensure and proffer that existing viable stands of trees will be preserved to the greatest extent possible and depict this on the CDP.

C. SECTION 5-1400, BUFFERING AND SCREENING -

1. Buffer yards shall be located along the perimeter of a lot of parcel. The presentation and approval of a landscape plan is addressed at site plan. However comments on the utilization of existing vegetation to meet buffer planting requirements should be placed in the Notes.
2. The Applicant will have the option of requesting a modification or waiver of the required buffer yard by the Zoning Administrator at the time of site plan, pursuant to Section 5-1409 of the Ordinance, unless a specific condition of

approval is added prohibiting such a request.

D SECTION 5-900, SETBACKS-

Please note that pursuant to Section 5-900(C) new access points (public or private) to major collector roads (Tall Cedars) shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.

E SECTION 5-1000, SCENIC CREEK VALLEY BUFFER-

On the Existing Condition Map (Sheet 6), clearly label and depict the 150-foot Scenic Creek Buffer on either side of South Fork Broad Run measured along the slope of the ground from the channel scar line of the stream. As shown, it is not clearly defined.

XIII. PROFFER STATEMENT

1. With regard to *Proffer I.C.1*, the Applicant notes that Land Bay EE2A may be consolidated with Land Bay EE2B as shown on Sheet 5 for development purposes. In reviewing Sheet 5, there is no Land Bay EE2B. It appears that the correct reference should be Land Bay EE2.
2. With regard to *Proffer I.C.2*, the Applicant notes that it will construct a clubhouse and swimming pool within Land Bay FF1A prior to the issuance of the 80th residential zoning permit in Land Bay FF1A. It should be noted that this is the same recreational facility that was approved to be due either prior to the issuance of the 80th residential zoning permit in Land Bay EE2A or prior to the issuance of the 250th residential zoning permit in combined Land Bays EE2 and EE2A, whichever is first in time. Please demonstrate that there is not a need for this facility from the community if Land Bay EE2 and EE2A are constructed first, and the 250th permit is reached prior to construction in Land Bay FF1A.
3. With regard to *Proffer 1.E.1.b.*, the Applicant notes that Land Bay 8 shall be developed with up to 44,063 square feet of floor area for any permitted PD-IP uses, while on the CDP, *Density Exchange Table* (Sheet 5), a total of 44,060 square feet of total floor area is depicted. Correct/clarify this inconsistency.
4. With regard to *Proffer 1.E.1.a.*, the Applicant notes that Land Bay 7R shall be developed with up to 309,881 square feet of floor area for any permitted PD-IP uses, while on the CDP, *Density Exchange Table* (Sheet 5), a total of 309,880 square feet of total floor area is depicted. Correct/clarify this inconsistency.
5. With regard to *Proffer III.C.*, staff questions if the office condominium association for the building containing the library site will include the County.

6. With regard to Proffer III.C., staff notes that the approved proffer states that the Applicant shall diligently pursue completion of all construction documents and shall obtain permits and approvals required to commence construction prior to the issuance of the 1601 residential zoning permit within the development. It appears that approximately 1530 residential permits have been issued to date. Staff recommends that in addition to the date certain of completion of June 30, 2011, the above language for obtaining approvals prior to issuance of the 1601 permit be included to the proffer language as an option, for whichever comes first.
7. With regard to Proffer I.A., it appears that the Applicant has removed the language that provides for the reservation of an LCSA water storage pumping facility, identified on the CDP as "Proffered Water Tank Site" on Sheet 4. Explain.
8. With regard to Proffer I.B., the Applicant reference PD-H4 residential development in Land Bays 2, 3, 4 and 5R shown on Sheets 4 and 5. Land Bay 2 is not labeled on those sheets. Please depict this on Sheet 4. Further, clearly depict the land bay lines for Land Bays 2, 3 and 4 on Sheet 4.
9. With regard to Proffer I.B., the Applicant states that the PD-H4 district shall include a maximum of 289 residential units, while in the approved Proffer Statement, the Applicant notes a maximum of 505 total residential units. Staff asks that the Applicant provide a Development Summary Table to clarify the distribution of residential units and non-residential square footage between the different land bays for clarification. Please include the affordable dwelling units.
10. With regard to Proffer I.B., of the approved proffers, clarify that the club house and swimming pool is fulfilled.
11. With regard to Proffer I.G., the proposed amount of office and light industrial square footage is more than that shown on the Proffer Statement approved with ZMAP 2002-013/ZCPA 2002-0004. Clarify.
12. With regard to Proffer III.F., in the last line, the Applicant reference paragraph "VII.A. below". Please revise this so as not to create confusion, since paragraph VII.A is part of the previous approved proffers, and not the proposed Proffer Statement.
13. Please provide a comparison of existing road proffers and proposed road proffers. In addition, provide a redline copy of the proffers to clarify the proposed changes of proffer language approved versus proposed.

XIV. OTHER ISSUES/COMMENTS:

1. On the Certified Plat (Sheet 3), for the two portions of parcel with MCPI # 205-36-

2224 adjacent to Route 50, the Applicant has noted the incorrect tax map number of 101 instead of 100. Please correct this.

2. Public rights of way do not have a zoning designation. Please remove the proposed rezoning of Tall Cedars, Relocated 659 and existing Millstream Drive and recalculate the total areas of parcels subject to the rezoning/concept plan amendment.
3. It appears that in the County Mapping System (WebLogis), the parcel with MCPI #204-46-2760 is shown as zoned PD-IP, PDCC-SC, R-16, AI and FOD. The LMIS system also indicates that this parcel is zoned CLI. Sheet 3 of the application depicts this parcel to be zoned PD-IP only. Please clarify/correct this inconsistency.
4. It appears that the County LMIS system indicates that a portion of this parcel (MCPI # 247-20-9549) is zoned CLI. Sheet 3 of the application depicts this parcel to be zoned PD-IP and PD-H4 only. Please clarify/correct this inconsistency.
5. It appears that the County LMIS system indicates that a portion of this parcel (MCPI #204-47-0343) is zoned CLI. Sheet 3 of the application depicts this parcel to be zoned PD-IP only. Please clarify/correct this inconsistency.
6. Staff asked that the Applicant provide an illustrative depicting land bays for the proposed application in order for staff to evaluate buffers required between land bays. As depicted on the CDP, it appears that there are areas between land bays that are not part of any land bay. Please provide a legend for the land bay lines.
7. In the *Density Exchange Table* on Sheet 5, the difference between the current maximum floor area and the proposed floor area is 44, 452 square feet for Land Bay FF2. The total proposed floor area is 157,498 square feet while in the Proffer Statement (Proffer I.E.2) it is noted as 157,509 square feet. Correct this inconsistency. Staff asks that the Applicant provide a tabulation of permitted and proposed non-residential use square footage for the land bays affected with this application.
8. In the Statement of Justification (Page 7) in the Zoning Modification Justification, correct the reference to R-16, as Staff believes the correct zoning district is R-24.
9. Specify on the CDP that Land Bay 8 will be a fire and rescue station.
10. In the Statement of Justification (“SOJ”), Land Use Mix (page 1), the Applicant notes that the minimum amount of public and civic space required is 10% , while that being proposed is only 8%. Explain.
11. On Sheet 4, the land bay number is missing below Land Bay 3. Please complete it.
12. The application must clearly distinguish and label the public and private streets in

the development.

13. Provide an Open Space Exhibit and depict the calculation of open space for the R-24, R-16, PD-H4, PD-OP and PD-IP zoning districts. Clarify, depict, label and describe the character of the open space and any proposed active recreation on the site.
14. Revise the Statement of Justification to explain the proposal with regard to the ZCPA for the TR-1 zoned Land Bay 1.