

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
REFERRAL MEMORANDUM

DATE: April 8, 2009

TO: Judi Birkitt, Project Manager

THROUGH: Michael Seigfried, Assistant Director 

FROM: Michael Baggett, Planner, B&D Planning Division 

CASE NUMBER AND NAME: ZMAP-2008-0021 Kincora Village Center

LCTM (MCPI):

Tax Map	/80///1////3/	MCPI (041-29-8238)
Tax Map	/80//27////1/	MCPI (042-29-6582)
Tax Map	/80//27////2/	MCPI (042-49-0209)

PLAN SUBMISSION NUMBER: 1st Submission

The proposal is to rezone approximately 336.64 acres (a portion of the total parcel acreage) from PD-IP under the 1972 Zoning Ordinance to PD-MUB, Planned Development-Mixed Use Business District. The property is also subject to the Airport Impact Overlay District (AI) and Floodplain Overlay District (FOD) as administered by the Revised 1993 Zoning Ordinance. The applicant proposes to develop the Property as a mixed use Business Community to allow a mixture of employment, commercial, civic, and residential development and increase the FAR of the PD-MUB from 0.5 to 1.0 Floor Area Ratio (FAR).

1. In accordance with Section 4-1355(I)(3) of the Revised 1993 Zoning Ordinance the Concept Development Plan (CDP) requires that a phasing plan be included to exhibit the proposed mix of uses to be provided throughout each phase of the development. Section III. "Transportation" of the submitted proffers identifies proposed phases (1A, 1B, 2A, 2B and 3); however the CDP does not exhibit the location or the limits of the intended phases. Revise the CDP and all other supporting documentation for the application to illustrate how the applicant intends to phase the development and what uses are contained in each phase.
2. A portion of Tax Parcel # /80//27////2/ (PIN # 042-49-0209) within this proposed development is encumbered with a Deed of Open Space Easement (DB 2314, Pg 1589) granted to the County, as established with the creation of this parcel per the preliminary record plat application SBPR 2006-0010, approved on 10/29/2002. The submitted CDP indicates that portions of proposed public roads Gloucester Parkway and Pacific Boulevard cross the deeded areas of the Open Space that may be considered a use contrary to permitted uses identified in the recorded deed under the Open Space Land Act. The applicant may be required to submit a land development application to vacate portions of the open space and dedicate new areas of open space as a substitute. Such an application would be referred to the Office of the County Attorney for review and require the approval of the Board of Supervisors.

3. The areas of major floodplain (FOD) shown on the CDP do not march up with the known limits of the floodplain as illustrated in the County's geographic mapping system. Specifically the area west northwest of the proposed interchange at Route 28 & Nokes Boulevard as well as proposed Land Bays M & N. Staff understands that the applicant has submitted construction plans and profiles, CPAP 2008-0118 and site plan STPL 2008-0042 that include the construction of a road segment for Pacific Boulevard, however these plans and or any associated Floodplain Alteration have not been approved to redefine the location of the major floodplain. Revise the CDP to show the limits of the current floodplain in accordance with Sections 6-1508; 6-1505; 6-403 and 6-1200 of the Revised 1993 Zoning Ordinance.
4. Revisit and revise Plat Note # 7 of the CDP regarding the abandonment of existing wells and septic systems to be consistent with Proffer # VIII.A. and Health Department regulations.
5. Revisit and revise all appropriate sheets of the CDP to correctly identify the adjoining property owner information and parcel information for Tax Parcels (PIN # 042-29-5923 and # 042-20-0913).
6. There appears to be a discrepancy in the acreage between what is shown on sheets # 13 & 14 of the CDP with what is currently identified in County records (see attached LMIS parcel data). The CDP lists a total acreage of 396.91 acres contained within the three tax parcels that make up the site, but County records indicate a total of 394.13 acres. Please provide an explanation and or revise the CDP, Proffers, and Statement of Justification accordingly.
7. Revisit and revise the referenced Facilities Standards Manual (FSM) Section 4.320(B)(2) requested for modification as shown on sheet # 14 of the CDP; Page 2 of Exhibit B of the Proffers; and Page 12 of the Statement of Justification; to correctly identify the section as **4.330(B)(2)** for Private Roadway Standards. It appears that this was a typo show through out the documentation provided.
8. Revisit and revise the header for "Incentives Program" as shown on sheet # 14 of the CDP to correct a typo. The header should correctly identify the referenced zoning section as "**4-1359(C) and (D)**" and not (4-1359 COND D) as shown. Additionally staff would ask that you provide a Plus "+" symbol to the left of the "Additional Incentives 4-1359(D)(2)" to indicate your intention to achieve this incentive with this rezoning.
9. Revisit and revise sheet # 15 of the CDP to provide appropriate symbols to indicate that a bicycle trail is included on the north side of the proposed Gloucester Parkway west of Pacific Boulevard in accordance with Proffers II.C.1 and II.D.6.b.
10. After reading the introduction of the applicant's Statement of Justification and Proffer Statements it is staff's belief that the applicant has not clearly stated that the proposed rezoning for Kincora Village Center is for only a portion of the total acreage of the site. It is recommended that the introduction paragraph of each document be revised to clearly state that the rezoning is only for a portion of the property (336.64 acres) and that the remaining acreage (60.27 acres) retains the PD-IP zoning under the 1972 Zoning Ordinance.

11. A review of the Statement of Justification revealed some typographic errors in text taken from the Revised 1993 Zoning Ordinance. Please revisit and revise the following to correctly identify County ordinance requirements:
 - Revise the PD-MUB Incentives Justification (2.) on sheet # 10 to delete the word “in” on the 4th line and to correctly insert the word “if” in it’s place (...floor area ratio may be granted if 100% of the off-street parking is provided...).
 - Correct the Revised 1993 Loudoun County Zoning Ordinance Modification (1.), on sheet # 11, for Section 4-1356(C) Building Height, to identify the maximum building height of 75’ instead of 175’ as shown.
12. In the review of the Proffer Statement for Kincora, it was noted that Proffer # I.(F)(1) and I.(F)(2) establish a linkage and sets thresholds between the construction of Non-Residential uses and the ability of the applicant to obtain zoning permits for residential units. Staff has concerns that the language used as a trigger for this linkage, as shown in the first sentence of each proffer (“...**shall be under construction**...”) is rather vague and does not establish a completed amount of square footage for Non-Residential uses prior to additional residential units being built. The applicant should consider a different trigger with a defined minimum square footage of Non-Residential uses that could be clearly determined for proffer satisfaction that Zoning Administration staff could verify.
13. Staff wishes to note that Proffer # VIII.B. regarding the submission of a Type I Soils Survey does not absolve the applicant from meeting the requirements of providing a Preliminary Soils Review with the submission of the preliminary plat in accordance with Section 8.102.B.5 of the FSM.
14. The applicant is requesting a waiver of Sections 4.310(C); 4.310(G); 4.330.(B).(2) and 4.330.(B)(3) of the Facilities Standards Manual (FSM) as shown in Exhibit B of the Proffer Statement. We note that typically FSM waivers are requested from the Director of the Department of Building and Development (through the standard FSM Waiver process) at time of site plan or subdivision. As to the specifics of the requested modifications, we would not be in favor of granting the wavers that alter design standards for private roads unless the proposed modifications were reviewed and approved by Building and Development – Engineering; as well as the Department of Fire and Rescue. It is staff’s opinion that several of the FSM modifications may have negative impact on road design, affecting the ability of large Fire and Rescue vehicles to safely access the site.
15. The applicant is requesting a modification of Section 1245.01(2) of the Land Subdivision and Development Ordinance (LSDO) to permit the use of private roads in lieu of public roads, to access lots within Kincora Village Center (PD-MUB) in accordance with Section 4-1359(D)(2) of the zoning ordinance. The intention to predominately use private roads within the Village Center has not been clearly identified on the CDP or the Proffer Statement other than in requested modifications shown on page 3 of Exhibit B. Please revise the CDP to include a plat note to clearly state that lots within the Village Center will be accessed via private roads with the exception of lots that directly access Pacific Boulevard.

16. Revisit and revise the referenced zoning ordinance in item B. “Section 4-1358(B)(2)—Parking Lot Landscaping” of the Zoning Ordinance Modifications, on page 1 of Exhibit B of the Proffer Statement to also include reference to Section 5-1413(C)(1)(a) of the Zoning Ordinance that defines the landscape requirements for parking lots that abut adjoining property lines.
17. Revisit and revise the text of Zoning Ordinance Section 4-1359(C)(2) used in “PD-MUB District Incentives” of Exhibit E to correct a typo by deleting the word “in” on the 4th line and correctly inserting the word “**if**” in it’s place (...floor area ratio may be granted **if** 100% of the off-street parking is provided...).

Thank you for the opportunity to review and comment on this application. Please feel free to contact me (703) 771-5043 or e-mail Michael.Baggett@loudoun.gov if you have any questions.

Attached: Copy of SBPR 2006-0010
Weblogis Map of FOD
Parcel Acreage LMIS Sheet