

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
REFERRAL MEMORANDUM

DATE: September 18, 2009

TO: Judi Birkitt, Project Manager

THROUGH: Michael Seigfried, Assistant Director *MS*

FROM: Michael Baggett, Planner, B&D Planning Division *(MB)*

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: 2nd Submission

The proposal is to rezone approximately 336.60 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).

The numbering of the following comments are from the prior referral comments dated April 8, 2009 that have not been fully addressed.

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.

(Additional Comment) Staff appreciates the inclusion of the "Land Bays Development Phasing" table as shown on sheet # 13 of the revised CDP. The table identifies the proposed land bays and the amount square footage for each use and breaks out the square footage proposed for each use in Phases 1, 2, and 3. The "Sheet Index" on sheet # 1 of the CDP identifies a Phasing Plan on sheet # 14A, but sheet # 14A was not included in the plan set. Please revise the CDP to include sheet # 14A to show the proposed limits of each phase of the development of Kincora Village Center.

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.

(Additional Comment) Please note that Proffer # VIII.A. does not reference the removal of springs. Revise the text of Plat Note # 7 to state the following: **“The Owner shall abandon all existing wells and septic systems located on the property in accordance with applicable laws 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).

(Additional Comment) Revisit and revise sheets # 4, 9, 22, 24 and 26 to correctly label the PIN number (PIN # 042-20-0913) for the adjoining tax parcel. Additionally provide the correct current property owner name “1306 Squire Court LLC” for the adjoining tax parcel (PIN # 042-29-5923) on the same sheets.

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.

(Additional Comments) Staff appreciates the inclusion of the certified plat with the 2nd submission that clearly illustrates the limits of the area contained in the rezoning and identifies the amount of acreage. The tables on sheets # 13 and 14 of the CDP now reflect the certified amount of acreage (396.87 ac. for the total site) and (336.60 acres to be rezoned). However, sheet #1 of the Statement of Justification identifies the total acreage of the site as 396.91; and sheet # 1 of the Proffers identifies the acreage to be rezoned as 336.64 acres. Please revise both the Statement of Justification as well as the Proffers to reflect the acreage identified on the certified plat and the total acreage and the rezoned acreage shown on the CDP to be consistent.

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 (336.60 acres) and that the remaining acreage (60.27 acres) retains the PD-IP zoning under the 1972 Zoning Ordinance.

(Additional Comment) Staff appreciates the revisions to the Statement of Justification to clearly indicate that the rezoning is for only a portion (336.60 acres) of the total acreage of the site. However, no revisions have been made to sheet # 1 of the Proffer Statement to reflect this important information. Please revise sheet # 1 of the Proffer Statement accordingly.

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.

(Additional Comment) Revise the text in Proffer # VIII.B. to include “preliminary plat” to bring the proffer into conformance with 8.102.B.5 of the FSM. The proffer should read as follows: **“The Owner shall prepare and submit a Preliminary Soils Review of the entire property prior to submission to the County of the first preliminary plat, construction plans and profiles or site plan; whichever is first in time, for any section of the property.”**

The following is a new comment as a result of revisions to the CDP identified in the 2nd submission of the application ZMAP- 2008-0021.

18. The revision of the CDP in the 2nd submission removed the labels for land bays located outside of the limits being rezoned; this included land bays M, L & K. This would be an issue with the exception that the revised Proffer III.D.3.a still makes reference to a section of Pacific Boulevard located between portions of land bays M4 and K as part of Phase 1B. Staff requests that the language to define Pacific Boulevard in Proffer III.D.3.a be revised to reflect the current revised CDP.
19. Proffer # VI.A of the Proffer Statement requires the Owner to dedicate and convey a “Public Use Site” within Land Bay N as shown on sheet # 29 of the CDP “Within sixty (60) days” of the date of the final approval of the rezoning ZMAP 2008-0021. Staff is unclear how the Owner could complete this process, given that the future Land Bay N does not currently have public road frontage, or public utility services that would be required to subdivide a parcel. Please provide an explanation how the Owner can accommodate this proffer within some reasonable expatiation to meet the proffer timeline.
20. Revisit and revise sheet # 29 of the CDP to label the proffered “Public Use Site” in accordance with Proffer # VI.A. to be consistent with the language of the proffer.

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.