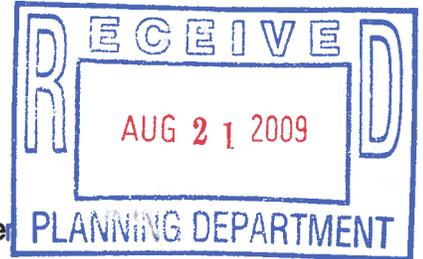




**COUNTY OF LOUDOUN  
PARKS, RECREATION AND COMMUNITY SERVICES  
REFERRAL MEMORANDUM**

**To:** Judi Birkitt, Project Manager, Planning Department (MSC #62)  
**From:**  Brian G. Fuller, Park Planner, Facilities Planning and Development (MSC #78)  
**Through:**  Mark A. Novak, Chief Park Planner, Facilities Planning and Development  
**CC:** Diane Ryburn, Director  
Steve Torpy, Assistant Director  
Su Webb, Chairman, PROS Board, Catoctin District  
Michael Capretti, PROS Board, Broad Run District  
Robert C. Wright, PROS Board, Open Space Member  
James E. O'Connor, PROS Board, Open Space Member  
**Date:** August 20, 2009



**Subject:** Kincora Village Center ZMAP 2008-0021 (2<sup>nd</sup> Submission)  
**Election District:** Broad Run **Sub Planning Area:** Ashburn  
**MCPI #** 041-29-8238, 042-29-6582, and 042-49-0209

**BACKGROUND:**

The Properties are bounded to the north by Route 7, to the east by Route 28 and Broad Run to the west. The site is located in the Suburban Policy Area within the Broad Run Election District and consists of approximately 336.64 acres. The Property is currently zoned PD-IP (Planned Development-Industrial Park) pursuant to the 1972 Zoning Ordinance. A portion of the site is located within the LDN-60 Airport Impact Overlay District. The Properties are also located within the Route 28 Highway Transportation Improvement District.

On November 14, 2007, the Board of Supervisors (BOS) denied the previous Kincora rezoning application (ZMAP 2006-0016), which requested to rezone 424 acres from PD-IP to PD-TC (Planned Development-Town Center) and PD-OP (Planned Development-Office Park). On December 18, 2007, the BOS created a PD-MUB (Planned Development-Mixed Use Business) zoning district to support high-quality mixed-use communities.

In this application, the Applicant proposes to develop a keynote employment Class A office park within a mixed-use business center. Kincora Village Center is to include retail, restaurants, hotel/conference center uses, and multi-family residential units focused around a proposed minor league baseball stadium, which was approved the Board of Supervisors in a separate Special Exception application (SPEX 2008-0052)

on July 21, 2009. This applicant proposes significant proffers toward the preservation of the Broad Run Great Blue Heron rookery, the creation of a Broad Run floodplain passive park, and vital connecting segments of Pacific Boulevard, Gloucester Parkway, and Russell Branch Parkway.

## **POLICY:**

The subject site is governed under the policies outlined in the Revised General Plan, Revised 1993 Zoning Ordinance the Revised Countywide Transportation Plan (CTP), and the Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan). The Properties are located within the Sterling Community Suburban Policy Area. The Plan Land Use Map designates the Property as Keynote Employment.

The Properties are located within the Route 28 Tax District. The Revised General Plan provides policy direction encouraging property owners within the Tax District to rezone to the approved zoning district regulations to provide consistent development patterns within the District. The Plan states "The County will look at incentives to encourage Route 28 Tax District landowners to opt into the Revised 1993 Zoning Ordinance (Revised General Plan, Policy 14, p. 4-10).

## **ANALYSIS:**

The Applicant proposes to develop a keynote employment Class A office park within a mixed-use business center. The uses include 2,604,349 square feet of Office Employment; 1,544,000 square feet of Residential (1400 multi-family units including 140 ADUs); 398,825 square feet of Retail/Commercial; 575,000 square foot Hotel/Conference Center (720 rooms); 269,851 square feet of Public/Civic/Institutional; and 168 acres of Parks and Open Space. To support this program, the applicant seeks to rezone the Property from PD-IP to the new PD-MUB in accordance with the provisions of the Revised 1993 Zoning Ordinance.

The Applicant contends that the proposal will generate the type of commercial tax base expansion envisioned for the Route 28 corridor. As part of the rezoning, the Applicant is committing to construct significant portions of Pacific Boulevard and Gloucester Parkway, including two crossings of Broad Run, as well as provide extensive pedestrian and bicycle trails located adjacent to Pacific Boulevard and Broad Run.

## **COMMENTS:**

The Department of Parks, Recreation and Community Services (PRCS) has reviewed the Applicant's responses dated April 30, 2009 to referral comments dated August 16, 2008, the revised proffer statement dated July 23, 2009, and the revised ZMAP Concept Development Plan dated October 2008. The following is the current issue status of the initial comments:

1. This project will potentially add 1400 multi-family units and offers no contribution to active public recreation. The Dulles Area is presently experiencing, and will continue to experience significant residential development. Additional development from new rezoning and by-right developments will place recreational facilities in further jeopardy from a capacity perspective. Developers of other subarea residential projects indicate in their applications that the area is supported by existing and planned public facilities. However, residents from both by-right and rezoned subdivisions add a significant demand on existing recreation facilities which make it difficult to keep pace with respective service demands. This application alone will have an immediate impact on existing and planned public recreational facilities in the area.

The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how the active recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in eastern Loudoun County.

*Applicant Response: The Proffer Statement will be revised to provide additional information regarding the installation of private recreational amenities to serve the future residents, employees and visitors of the Property.*

**Issue Status: Resolved. Staff notes that Proffer IV provides significant public passive recreation and historic preservation opportunities. More specific comments to the proposed proffers are discussed below.**

2. The Applicant is proposing to dedicate a 175-acre "natural park" within the Broad Run floodplain to the County for purposes of environmental protection and public passive recreation. Staff requests that all proffer and/or plan labels be revised to identify the proposed park as a "passive park." In order to fully-evaluate this potential addition to the County park system, PRCS requests that the proposed park be clearly delineated throughout the Concept Plan, or that the Applicant provide a separate exhibit.

In addition, Staff notes that in the Statement of Justification, the park is described as containing 175, 168, and 167 acres. The previous rezoning application offered a dedication of 187.45 acres. The current proffer statement does not commit to a specific acreage in Proffer IV.C. Please revise and/or explain this discrepancy.

Furthermore, public parking for the passive park and the heron rookery overlook is not shown on the Concept Plan. Please provide more information on how the public is to access the park and trail system. A trailhead with parking needs to be identified for point of entry.

**Applicant Response:** *The Concept Plan and Proffer Statement will be revised accordingly. The Applicant would like to confirm that it has flexibility to locate recreational fields in the vicinity of the corner of Gloucester Parkway and Pacific Boulevard. The Proffer Statement will be revised to provide the approximate size and dedication of the passive recreational park facility. The Proffer Statement will be revised to provide a requirement to reserve parking spaces within one-half mile of the public parking areas within close proximity to a trailhead to the passive recreational park facility.*

**Issue Status:** **Unresolved.** Staff notes that Proffer IV.C commits to a 160-acre dedication, Page 1 of the Statement of Justification references a 175-acre dedication. In addition, the limits of the proposed passive park are not clearly delineated and/or labeled on the Concept Plan. PRCS respectfully requests the ability to view the proposed dedication area in its totality on the Concept Plan and labeled *“Passive Park to be dedicated to Loudoun County.”*

Furthermore, Staff did not notice a proffered commitment to reserving parking spaces for a trailhead. Please revise or explain this discrepancy. Finally, Staff is interested in coordinating with the Applicant in the development of recreational fields near the corner of Gloucester Parkway and Pacific Boulevard for PRCS use. Staff requests that the Applicant revise the Concept Plan and Proffers to include this proposal.

Please also be advised that the proposed dedicated Floodplain Area does not meet any of the Loudoun County Capital Facilities Standards for parks. The Applicant would only be able to obtain Capital Facility Contribution credits for this dedication upon approval by the Board of Supervisors. However, the Board has previously-accepted and continues to accept smaller, passive park facilities and PRCS supports the dedication and creation of this unique passive/historical park.

3. Please revise Sheet 1 to include the following note: *“Written notice shall be provided to the Director of the Department of Parks, Recreation and Community Services prior to any clearing, grading, mining of topsoil or earth fill, soil stockpiling, staging of equipment or materials, disposal of soil or waste material, or dumping on land that is to be dedicated to the County for purposes of public parks, active recreation, or passive open space.”*

**Applicant Response:** *The Concept Plan will be revised accordingly to include such a note.*

**Issue Status:** **Resolved.**

4. Please revise Sheet 1 to include the following note: *“All design and construction of facilities for dedication to Loudoun County Parks, Recreation and Community Services must be in accordance with the Loudoun County Parks, Recreation and Community Services Design and Construction Standards.”*

PRCS requests that the Applicant revise Proffer IV.C, Sentence 1, on Page 26, to specify that the land dedication shall occur when requested by the County, but no later than at the time of the final record plat for the first residential phase associated with this application. It is the desire that PRCS receive the property at the earliest date possible. In addition, Staff requests that the Applicant revise the Proffer IV.C, Sentence 2, on Page 26, to state that all future trail locations within the passive park are to be coordinated with PRCS prior to trail construction, and will be constructed within 6 (six) months of the completion of the wetland banks and trailhead construction.

PRCS will support and assist with planning and siting of the proposed Heron Rookery Observation Platform, the proposed wetlands mitigation, and the proposed natural surface trails to be developed within the park, once it is under County ownership.

*Applicant Response: The Concept Plan will be revised accordingly. The Proffer Statement will be revised accordingly to provide clarification regarding the timing of the dedication and coordination with PRCS regarding trail construction.*

**Issue Status: Staff requests additional information on the time line and phasing of mitigation construction. PRCS also respectfully requests the opportunity to review all future administrative plans related to the wetland mitigation bank, trail development, and rookery overlook. Please refer to the Proffers for Loudoun Valley Estates II (ZCPA 2007-0005) for an example of mitigation submission and review requirements for PRCS and the Department of Building and Development.**

5. The proffers state that the proposed trails to be developed in the natural park will be of a natural, pervious surface. Sheets 15 and 16 of the Concept Plan delineate an “8’ Bike/Ped Trail” through the floodplain. All proffered facilities to be conveyed to the County for Parks are to be designed and constructed to PRCS standards. The proposed trails depicted within the proposed passive County park do not meet PRCS standards. The PRCS Design and Construction Standards Manual Detail TR-2.0 depicts a pervious trail to be a maximum of 5’ wide and constructed of crushed 21-A stone or bluestone. Furthermore, trails within the floodplain are intended to be for non-intrusive passive recreational use, typically hiking and walking. Other uses are to be determined and permitted through PRCS approval. Please revise plan labels on Sheets 15 and 16 to read “Natural Surface Trail.” Staff notes that bicycle accommodations are already proposed with the multi-use trail shown along Pacific Boulevard.

Applicant Response: *The Concept Plan and Proffer Statement will be revised accordingly.*

**Issue Status: Unresolved.** PRCS requests that the proposed trail be developed for pedestrian use only and be constructed to a *maximum* width of 5'. Please revise the Concept Plan (which shows an 8' trail) and Proffer IV.A.1 (which specifies a 6' trail) to consistently specify a 5' wide trail per PRCS standards.

Furthermore, Staff requests that Proffer II.D be revised to state that, "***Final trail alignments within the floodplain (future passive park) to be field located by PRCS Staff.***"

- Staff notes that Sheet 15 of the Concept Plan does not depict a trail along Gloucester Parkway and its crossing of Broad Run. Currently, there are very few existing stream crossings of Broad Run. The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4(A), Roadway Planning and Design Policy 1, states that "*Transportation facilities... will be planned, designed, constructed and maintained to accommodate shared use by motor vehicles, **bicycles and pedestrians.***" In addition, the Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 5(C), Table 5-1, #22, identifies Gloucester Parkway to "*[integrate] bike/ped improvements into various road improvement projects.*" Please revise the crossing to depict multi-use trail accommodations on the bridge like the one shown along Pacific Boulevard and discussed in the proffers.

PRCS is developing a system of interconnected trails (linear parks) along the County's Stream Valley Corridors. Currently, PRCS has assembled approximately 6 miles of stream valley corridor trails along Broad Run on both sides of the stream. Stream crossings of Broad Run at the Gloucester Parkway and Russell Branch Parkway bridges are vital to the trail system as it develops to help facilitate connectivity and smaller loop circuits.

Applicant Response: *The Concept Plan and Proffer Statement will be revised accordingly.*

**Issue Status: Resolved.**

- The Applicant should proffer connectivity to existing offsite pedestrian and/or multi-use trail facilities. Staff notes that the Applicant mentioned in their presentation to County Staff on March 30, 2009 that they intend to provide a connection from the trail in the passive park along the east side of Broad Run, under the Route 7 bridges, to the Potomac Heritage National Scenic Trail (PHNST) downstream in Bles Park, along the west side of the Broad Run.

Please provide Staff with more detailed information on the proposed connections to the PHNST.

Applicant Response: *The Applicant requests a meeting with PRCS Staff to discuss these details.*

**Issue Status: PRCS, Community Planning, and Historic Preservation will be meeting with the Applicant on August 31, 2009 to discuss this and other issues in greater detail.**

8. The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4(A), Roadway Planning and Design Policy, Bicycle Amenity Policy 1 states that, "*The County shall... ensure that adequate and appropriate bicycle parking is located at **places of employment, within shopping centers and districts**, at transit centers and park and ride lots, parks, at public buildings and at other appropriate public facilities.*" The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how bicycle parking accommodations are being met.

Applicant Response: *The Proffer Statement will be revised to provide information regarding the provision of secure bicycle storage and changing/shower facilities for office employees.*

**Issue Status: Resolved.**

9. Staff notes that on Sheet 11 of the Concept Plan, the proposed alignment of the Russell Branch Parkway crossing of Broad Run will significantly impact (destroy) the historic "toll house" and ruins of the historic turnpike bridge along Route 7, formerly the Old Vestal's Gap Road.

As the County-designated agency for the administration of publicly-owned historic properties, PRCS has identified the toll house as a unique opportunity to interpret historic western roadway expansion into Loudoun County, as well as the opportunity to provide a gateway and trailhead for the adjacent PHNST (located just north of the Route 7 bridges along the west side of Broad Run) and for the future Broad Run stream valley trail system to the south.

PRCS notes that the tollhouse was listed on the National Register of Historic Places in 1970, and was established as a County Historic District in 1972. PRCS is willing to work with the Applicant and other County Historic Preservation Staff to discuss viable options for the preservation and interpretation of this historic structure, including the re-routing of Pacific Boulevard and/or a relocation of the toll house to an appropriate public site.

*Applicant Response: The Broad Run Tollhouse and Bridge are not located on the Property. As shown on the Countywide Transportation Plan, the alignment of Pacific Boulevard may impact these resources. Should the alignment of this necessary regional road improvement remain as currently designed, the Applicant will coordinate with PRCS and the Department of Planning to address impacts of these resources, if any, in accordance with the requirements of the Revised 1993 Zoning Ordinance and the Heritage Preservation Plan. The Proffer Statement will be revised to outline such coordination regarding these historic resources.*

**Issue Status:** County Staff notes the addition of Proffer IV.D, Broad Run Toll House. Staff understands that pursuant to the approval of the rezoning application, the Applicant will own the toll house and Parcel 040-39-8734. Its current condition is shown in Figure #2. The Broad Run Toll House and Bridge Ruins are the only such combination existing in Virginia and as such were designated by the County as a local Historic Site District in 1972. The toll house and bridge ruins are also listed on the Virginia Landmarks Register and National Register of Historic Places. The Revised General Plan outlines the County's commitment to protecting structures and other features of particular historical significance in the context of their natural settings while working with landowners to convey the historic value of the resource to the community at large (Revised General Plan, Chapter 5, Historic and Archaeological Resources Policies, Policy 8).

Staff appreciates the Applicant's recognition of this valuable historic resource and their initial commitment to its preservation in Proffer IVD. Currently, Proffer IVD proposes that if the extension of Pacific Boulevard across the Broad Run connecting with Russell Branch Parkway adversely affects the preservation of the Broad Run Toll House in its current location the applicant will, if feasible relocate the toll house from its current location to a suitable location on the subject property. The County's first priority is to preserve the original use/use type of a historic structure in the context of its historic setting. While it may not always be feasible to preserve or promote the original use for which a historic structure was constructed, the County recognizes the value of the building itself as a historic resource and calls for its preservation through adaptive re-use (Heritage Preservation Plan, Chapter 9, Historic Standing Structures and their Settings Policy 1). Staff recommends the Applicant reference Chapter 10 of the Heritage Preservation Plan which provides "Guidelines for the Preservation of Historic Standing Structures."

County Staff concurs with the Virginia Department of Transportation (VDOT) in their recommendation (dated March 11, 2009) to adjust the alignment of Pacific Boulevard and Russell Branch Parkway to the west and/or south to avoid adversely affecting the toll house. Relocating the toll house will compromise its historic context adjacent to both the bridge

ruins and original Alexandria-Leesburg Turnpike (Route 7) alignment (see Figure #1). It may also jeopardize the structural integrity of the toll house. PRCS Staff is currently working on the Broad Run Trail Corridor Plan, in which preserving and rehabilitating the toll house for use as a trailhead will be a key planned component. Preserving the toll house also gives greater credibility to the planned Vestal's Gap Road Park and its future interpretation of westward expansion, currently proffered as a part of Dulles Town Center rezoning under review (ZMAP 2007-0001).

Regardless of whether the structure is preserved in place or relocated, County Staff requests that the Applicant commit to the completion of a Historic Structures Report (HSR). The HSR will provide the baseline data necessary to make decisions on how best to preserve the resource and to convey its history to the residents of the County. The HSR should include the existing condition and structural integrity of the resource to determine the potential for possible relocation. As stated above, County Staff recommends the realignment of Pacific Boulevard to preserve the toll house and bridge ruins in their historic context. PRCS recommends rehabilitation and adaptive reuse of the structure as a public trailhead for the future Broad Run Trail and Potomac Heritage National Scenic Trail. This shall include, but not be limited to, dedication of the structure and parcel to the County as a public historic park, the rehabilitation of the structure as recommended in the HSR, the inclusion of interpretive and information signage to be determined by PRCS, the inclusion of public restrooms, the inclusion of a small parking lot, *and construction of a historically appropriate pedestrian bridge crossing the Broad Run as part of the Potomac Heritage National Scenic Trail that includes reconstruction and/or stabilization of the existing abutments and incorporates them into the bridge design.* The rehabilitation and improvements shall be subject to applicable federal (NPS), state (DHR, DCR, DEQ), and local (PRCS and HDRC) standards, and they shall be completed and the property conveyed within 5 years of application approval. Please note that any alteration of the Broad Run Toll House and Bridge Ruins, including relocation or demolition will require review and approval by the County's Historic District Review Committee (HDRC) prior to commencement of any work.

Should extenuating engineering circumstances and support from the Planning Commission and Board of Supervisors preclude the realignment of Pacific Boulevard and Russell Branch Parkway, then County Staff prefers that the structure be relocated to an appropriate location on the west side of Broad Run that would provide the least amount of compromise to the historic context of the structure and bridge.

County Staff requests a meeting with the Applicant to discuss the aforementioned proposal in further detail.



Figure 1: Broad Run Toll House and Bridge (circa 1963)



Figure 2: Broad Run Toll House (August 27, 2008)

10. Staff notes that Proffer I.G discusses a 2-acre land reservation for a Center for Performing Arts/Civic Use Site to be donated to the County and/or a non-profit entity. Please be advised that the County has no capital facility standard for a Performing Arts Center or Civic Use Site; therefore, the reservation and dedication of the Performing Arts Center parcel is not eligible for a capital facility credit as a public use site without Board of Supervisors approval.

Staff questions whether or not a 2-acre site would be large enough to adequately construct the proposed 550-seat performing arts center. Staff notes that the Applicant mentioned in their presentation to County Staff on March 30, 2009 that they have letters of intent from several non-profit arts organizations. Therefore, Staff recommends that the Applicant revise Proffer I.G to remove all references of dedication to, or coordination with, the County.

*Applicant Response: The Applicant acknowledges that the Performing Arts Center will not be granted capital facilities credit. As designed, parking would be*

*contained within a surface or structured parking area that would be shared with adjacent uses. Since parking will not be a part of the 2-acre site, the Applicant believes that 2 acres is of sufficient size to permit construction of the proposed performing arts center. The County will be afforded the initial offer for dedication. Should the County desire not to accept the site for dedication, it will then be offered to a non-profit organization.*

**Issue Status:** As previously-mentioned, PRCS has no interest in a Performing Arts Center in this location at the present time. In the event the Applicant cannot find a non-profit group or agency to develop a Performing Arts Center at the proffered site, the Applicant may still offer to dedicate or convey the site to the County to be used for any permitted Public Use or Civic Use on the property. However, the County reserves the right to refuse the dedication of the Performing Arts/Civic Use Site.

As discussed in the Proffer Referral from Dan Csizmar, Staff requests that the Applicant consider removing the 15-year limit on the reservation of the 2-acre parcel in the event the County accepts the dedication of the parcel for any Public or Civic Use. Given the County's debt cap limitations, it is too difficult to guarantee that the project will be fully funded, designed and constructed by the County within the Applicant's imposed 15-year reservation period.

Furthermore, please clarify the approximate location of the alternate location for the Performing Arts Center/Civic Use Site in the event the Applicant chooses to move the Performing Center site to another location after the initial 10-year time frame is up. Please depict the approximate location of the alternate location of the Performing Arts Center on the CDP, and reference the CDP Sheet that depicts the alternate location within the proffer statement.

## **CONCLUSION:**

PRCS has identified above, outstanding issues (specifically Comments 2, 4, 5, 7, 9, and 10) that require additional information to complete the review of this application.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me personally via phone at 571-258-3251, or via e-mail at [brian.fuller@loudoun.gov](mailto:brian.fuller@loudoun.gov). You may also contact Mark Novak via phone at 703-737-8992, or via e-mail at [mark.novak@loudoun.gov](mailto:mark.novak@loudoun.gov). I look forward to attending any meetings or work sessions to offer PRCS support, or to be notified of any further information regarding this project.