

County of Loudoun
Department of Planning
MEMORANDUM

DATE: May 22, 2014

TO: Marchant Schneider, Project Manager
Land Use Review

FROM: Kelly Williams, Planner III
Community Planning

**SUBJECT: ZMAP 2012-0007, Elklick Preserve (formerly Braddock Assemblage)
Third Referral**

EXECUTIVE SUMMARY

The EPH Group, LLC is requesting a zoning map amendment for 63.71 acres from TR-1 and TR-3 (Transitional Residential) to TR-1 for the development of 83 single-family detached dwellings. The overall density of the proposed development is approximately 1.3 dwelling units per acre (du/a). The subject property is located south of Braddock Road and adjacent to the Fairfax County border. The subject site is located within the Lower Foley Subarea of the Transition Policy Area.

The application has been revised to reduce the density of the project from 2.4 du/ac to 1.3 du/ac (152 to 83 units), and to change the dwelling unit type from single-family attached and detached to all detached units. County policies envision development in single-family detached Residential Clusters at densities of one dwelling unit per three acres and one dwelling unit per acre as established in the current zoning patterns. Applying County policies to the proposed development area would result in a maximum of 29 dwelling units within Residential Clusters of 5 to 25 units of predominantly single-family detached dwellings.

While the application has been revised to reduce the number of units, the proposed 83 dwelling units continue to exceed the densities specified by County policies. The proposal represents an extension of suburban land use patterns into the Transition Policy Area, an increase in density inconsistent with County land use policies, a lack of consideration for the surrounding uses, and a lack of conformance with Transition Policy Area design guidelines.

The applicant has responded to second referral comments dated, May 30, 2013. Outstanding issues regarding land use, environmental protection, and unmet housing

needs remain and are discussed below. These comments supplement comments raised in the first and second referrals.

While the application has been revised to reduce the density and change the unit types, the fundamental land use conflict and other unresolved issues remain. Therefore, Staff continues to recommend **denial** of the application.

OUTSTANDING ISSUES

Land Use

As stated in the first referral and reiterated in this referral, Plan policies are clear that higher densities in the Lower Foley Subarea are only envisioned in Countryside Villages which include a very specific mix of uses that foster a self-sustaining community. In the absence of the full complement of uses envisioned in a Countryside Village the only other development option envisioned by the Plan for the subject property is Residential Cluster which can be achieved under the existing zoning on the property.

Applying the density policies for Residential Clusters within the Lower Foley Subarea of one dwelling unit per three acres and one dwelling unit per acre as established in the current zoning patterns results in a maximum yield of 29 dwellings. The proposed 83 dwelling units continue to exceed the level envisioned under County policies.

Further, the proposal does not provide a cluster development pattern of 5 to 25 single-family detached dwellings as envisioned by the Plan, but rather a suburban-style development of 83 units with limited open space. The majority of the required open space is located within the floodplain areas of Elklick Run and minimal open space has been provided within the neighborhood. The proposed road pattern is comprised of three cul-de-sac's, which exhibit a similar design to the Suburban Policy Area on the north side of Braddock Road.

The proposal represents an extension of suburban land use patterns into the Transition Policy Area and an increase in density inconsistent with County land use policies. The proposal does not provide the unique transition in land development intensity between the Suburban Policy Area and Rural Policy Areas.

The application is not in conformance with County land use policies and Staff continues to recommend denial.

FURTHER CONSIDERATIONS

Should the application be considered further, Staff recommends the following be addressed:

Stormwater Management/Low Impact Development

As stated in the second referral, the Revised General Plan calls for the protection of surface water resources from contamination and pollution and preventing the degradation of water quality in the watersheds (Revised General Plan, Chapter 5,

Surface and Groundwater Resources, text). First referral comments recommend that low impact development (LID) techniques, which integrate hydrologically functional designs with methods for preventing pollution be incorporated into the proposed project (*Revised General Plan, Chapter 5, Surface Water Policy 2*). LID approaches seek to control runoff discharge, volume, frequency, and quality in order to mimic predevelopment runoff conditions through a variety of small-scale site design techniques. These facilities should be located as close as possible to impervious areas and use the landscape and soils to naturally move, store, and filter run-off.

Analysis

In response to Staff's first referral comments recommending protection of water quality in Occoquan Reservoir, a major source of drinking water for Northern Virginia, the applicant has proffered to LID and Best Management Practices (BMPs) and providing a water quality analysis for review by the county at the time of submission of the first set of construction plans. Rather than providing this plan and undertaking analysis, Staff continues to recommend that the applicant simply commit to a measurable threshold of additional treatment or that specific LID measures be listed in the proffer.

Staff notes that Proffer III (G) allows for stormwater management and BMP facilities to be constructed in the Major Floodplain. The zoning ordinance does not permit such facilities in the Major Floodplain. Staff further notes that this proffer, along with Proffer IV (B) references multi-purpose trails within the floodplain. These proffers should be revised to include a commitment that the construction of the trail within the floodplain be of pervious materials consistent with the trail proffer language in Proffer V (B) (2).

Wetlands

The County supports the federal goal of no net loss to wetlands (*Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies, Policy 23*). Wetlands perform several functions: they trap sediment, reduce nutrient loads, provide wildlife habitat, replenish groundwater, and attenuate flood waters. Plan policies call for the County to work with the US Army Corps of Engineers regional office to regulate wetlands outside of river and stream corridors (*Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies, Policy 13*). In the event of an impact, compensatory mitigation (restoration, creation, enhancement, and preservation) could replace the loss of wetland functions in the watershed to meet the County's goal of no net loss to the existing acreage and functions of wetlands.

In previous referrals, Staff recommended that the applicant commit to complete avoidance of the wetland areas or quantify impacts to wetlands and provide commitments to appropriate mitigation measures. The application includes a proffer to address wetland impacts however, Staff has concerns pertaining to specific language of the proffers and ensuring that they provide necessary protection and have measurable outcomes. Staff requests that the applicant

consider utilizing the specific proffer language pertaining to Wetlands attached to this referral.

Forest Resources

First and second referral comments noted that the County seeks to conserve and protect wildlife habitat through the preservation of a broad range of natural resources such as indigenous vegetation, forest cover, woodlands, floodplains, streams and stream corridors, wetlands, and undeveloped areas associated with steep slopes (Revised General Plan, Chapter 5, Plant and Wildlife Habitats Policy 4). The County encourages the protection and management of forest resources for their economic and environmental benefits (Revised General Plan, Chapter 5, Forests, Trees, and Vegetation Policy 1).

Analysis

The applicant has submitted draft proffers that pertain to tree preservation and reforestation but Staff continues to have numerous concerns pertaining to specific language of the proffers and ensuring that they provide necessary protection and have measurable outcomes. Due the nature and location of the forest resources on the site, Staff requests that the applicant consider utilizing the specific proffer language pertaining to Tree Conservation and Reforestation attached to this referral.

Unmet Housing Needs

The County requires that land development applications proposing more than 50 dwelling units with a density greater than one dwelling unit per acre provide a certain percentage of affordable units (ADUs) (Revised General Plan, Chapter 2, Housing Affordability, Legislation Policies, Policy 1). As stated above, the proposed density is not consistent with the goals and policies of the Revised General Plan. Staff notes Article 7 of the Zoning Ordinance does not require ADUs for land zoned TR-1 (Revised 1993 Zoning Ordinance, 7-102(D)(7)). Even though the applicant is not required to provide ADUs with the proposed rezoning, the applicant has included 2 ADUs with the proposal. However, Staff notes the applicant is also requesting a 20% density increase per Section 7-103(A) of the Zoning Ordinance.

As outlined in previous referrals, in order to address the full spectrum of housing needs, Staff recommends that the applicant consider proffering cash contributions to an affordable housing fund in order to better address the housing needs for those with incomes below 30 percent of the Washington Metropolitan Area Median Income (AMI), which is of particular need, and/or providing additional “for sale” dwelling units for households with incomes up to 100 percent of AMI.

Staff has re-calculated the cash contributions for unmet housing needs under the applicant’s proposal and in accordance with Plan policy.

81 market rate units X 6.25% = 5.06 (rounded to 6)
6 X \$30,000 = \$180,000
\$180,000 ÷ 81 = \$2,222.22 per unit

Staff recommends that the applicant consider proffering cash contributions for affordable housing or providing additional dwelling units that addresses the full spectrum of unmet housing needs to serve 0-100% AMI households, recognizing that the largest segment of unmet housing needs is housing for incomes below 30% of the AMI. For the above referenced project specifically, a cash contribution of \$2222.22 per market rate unit is deemed appropriate.

Analysis

The current proffer proposed by the applicant provides \$1875.00 per market rate unit. Staff recommends the application provide a contribution of \$2,222.22 per market rate unit towards unmet housing needs per Plan policy. Further, providing 2 ADU's does not appear to be adequate to justify the 20% density bonus in an area of the County where the proposed density will exceed what is envisioned in the Transition Policy Area

SUMMARY RECOMMENDATION

Staff does not support the application, as it is not consistent with the land use policies of the Revised General Plan. The proposed 83 dwelling units continues to exceed the 29 dwellings specified in County policies. Outstanding issues associated with the project include land use, design, environmental protection, affordable dwelling units and unmet housing needs. Given the fundamental land use conflict and other unresolved issues, Staff continues to recommend **denial** of the application.

Attachment 1: Sample Tree Conservation, Reforestation, Wetlands Proffer Language

cc: Julie Pastor, FAICP, Planning Director
Cindy Keegan, AICP, Community Planning, Program Manager (via email)