



BOARD OF SUPERVISORS TRANSPORTATION AND LAND USE COMMITTEE

Committee Members:

Suzanne Volpe, Chair ~ Scott York ~ Janet Clarke ~ Geary Higgins ~ Ken Reid

MEETING SUMMARY

July 12, 2013

(Approved by the Board on 09-18-13)

Members Present:

Suzanne Volpe, Chair

Scott York

Janet Clarke

Geary Higgins

Ken Reid

Non-Members Present:

Eugene Delgaudio

1. Request for Fee Refund: Niraj Bhandari, Mangi Bhandari Property (Action)

John Merrithew, Department of Planning, stated that Mr. and Mrs. Bhandari were seeking a refund of a \$350 application fee for a Zoning Concept Plan Amendment (ZCPA) to allow their deck and four other decks in their community to extend into a modified building setback in the Goose Creek Village South Development. He explained that the Bhandaris were not a nonprofit nor were they serving a public purpose and therefore the request did not qualify under the Board's policy for fee waivers. He further explained that the Bhandaris had experienced a financial hardship in that they were issued a permit to construct a deck and subsequently determined that the deck could not be built because it would encroach into the modified setback. He stated that staff acknowledged the financial hardship incurred by the Bhandaris; however, did not recommend approval based on the Board's fee waiver policy.

Supervisor Clarke stated that this item was the result of a change of the position of how the townhomes ended up being built and was not of the fault of the homeowners. She further stated that she could not support the request based on the Board's policy.

Supervisor Clarke moved that the Transportation and Land Use Committee deny the request to refund the \$350 fee for the Bhandari Zoning Concept Plan Amendment request. Seconded by Supervisor Higgins.

Supervisor Clarke requested that staff come back to the Committee to report the resolution of the setback issue for the entire set of townhomes. Mr. Merrithew explained that the Department of Planning was underway with the review of the ZCPA application, and it was his

recommendation to solicit the other 16 property owners to participate in the application which would resolve the issue. He stated that the application would be going before the Board in September 2013.

Supervisor Clarke asked staff to explain the situation. Mr. Merrithew stated that there were nine decks approved along the townhouses originally facing Sycolin Road. He explained that at the time of the re-zoning, the townhouses faced Sycolin Road, but the orientation was later reversed. He further explained that six of the nine decks were correctly permitted and constructed because they came in with the townhouse permits. He further explained that with townhouse permits, staff conducts a more thorough review of proffers, concept plans, etc. to ensure accuracy; however, when a deck comes in after the fact, staff approves (or denies) on the spot based on the homeowner's documents.

Supervisor York stated that he did not support the motion because the issue was ultimately the County and the Developer's fault.

Supervisor Clarke withdrew the original motion and moved that the Transportation and Land Use Committee approve the request to refund the \$350 fee for the Bhandari Zoning Concept Plan Amendment request. Seconded by Supervisor York. The motion passed 4-0-1 (Supervisor Reid absent for the vote).

Election District: Blue Ridge

Staff Contacts: John Merrithew & Julie Pastor, Department of Planning

2. ZMAP-2012-0003, SPEX-2012-0005, SPEX-2012-0006, SPEX-2012-0007 Waltonwood Ashburn (Action)

Ginny Rowen, Department of Planning, stated that the Board of Supervisors (Board) had reviewed this application at the May 8, 2013 Board Public Hearing and there was one outstanding issue related to the adequacy of the capital facilities contribution. She explained that in addition to deducting school impacts, the applicant had proposed to deduct contributions for parks, libraries, and senior centers under the premise that these services would be provided on-site. She stated that staff recommended using the same approach with Waltonwood as with Ashby Ponds, which would be for the applicant to provide a contribution for the independent living units, deducting school costs, and to provide no contribution for assisted living or nursing units. She further stated that before the May 8 Public Hearing, the applicant committed to providing a regional road contribution in the amount of \$565,000 to be used at the Board's discretion. She explained that if the Board decided to apply those funds to the overall capital facilities, there would still be a \$212,000 shortfall.

The Committee questioned traffic impacts and age restrictions for children living with adults in the facility.

Packie Crown, Bowman Consulting, stated that the Waltonwood Facility would function as a business under the Board's Continuing Care Retirement Communities policy, employing a minimum of 100 employees for 24-hour care with a projected positive fiscal impact of \$10M over 20 years. She further stated that there were no impacts to traffic and the Board could use the \$565K for regional road improvements for other capital facilities improvements.

Ron Brown, County Attorney's Office, explained the proffer agreement stated that under age restrictions, no permanent resident under the age of 18 would be allowed.

Supervisor York moved that the Transportation Land Use Committee forward ZMAP 2012-0003, SPEX-2012-0005, SPEX 2012-0006, SPEX 2012-0007, Waltonwood Ashburn, to the July 17, 2013 Board of Supervisors Business Meeting with a recommendation of approval, subject to the Proffer Statement dated June 6, 2013, and based upon the Findings for Approval included in Attachment 1 of the July 12, 2013 staff report. Seconded by Supervisor Clarke. The motion passed 4-0-1 (Supervisor Reid absent for the vote).

Election District: Broad Run

Staff Contacts: Ginny Rowen & Julie Pastor, Department of Planning

3. Unmet Housing Needs (Information)

Richard Klusek, Department of Planning, explained that the purpose of this item was to inform the Committee on County policies relating to Unmet Housing Needs in response to a Board of Supervisors request at the June 12, 2013 Public Hearing in conjunction with review of the Stone Ridge East rezoning (ZMAP 2012-0012). He further explained that as new residential rezoning cases had come forward, unmet housing needs had become a topic of discussion at recent Planning Commission and Board of Supervisors hearings. Mr. Klusek made a [presentation](#) to the Board which covered issues relating to unmet housing needs, how unmet housing needs were being addressed during the review of legislative cases, and how unmet housing needs proffers were being used.

Planning Commission Chairman, Robert Klancher, explained that the Planning Commission needed some guidance on how to apply modifications when dealing with larger applications and how to manage disbursement of units under 30 percent AMI. Commissioner Klancher discussed the need to speed up the application process by matching buyers with homes in a quicker timeframe.

The Committee discussed the need for establishing better guidelines and standards for helping staff in implementing programs; the option of garnering cash for affordable dwelling units and offering low or no interest loans instead; and the option of establishing an employer program.

The Committee directed the Planning Commission to take a look at developing a long-term policy to address unmet housing needs. Commissioner Klancher stated that a stakeholders group would be developed to include members of the Board of Supervisors, Planning Commissioners, public and staff.

Election District: Countywide

Staff Contacts: Richard Klusek & Julie Pastor, Department of Planning

4. Proposed Amendments to Chapter 808, Dog Kennels and Section 5-606 of the Revised 1993 Loudoun County Zoning Ordinance, Kennels/Indoor Kennels (Information)

Tom Koenig, Director of Animal Services, stated that consistent with the Board of Supervisors' Strategic Plan to review ordinances regarding kennels, staff was in the process of preparing proposals to amend Chapter 808, Dog Kennels, of the Codified Ordinance and Section 5-606 of the Revised 1993 Loudoun County Zoning Ordinance (ZO), Kennels/Indoor Kennels. He explained that staff was working on bringing Chapter 808 and the ZO in line with State Code, further looking at abolishing Chapter 808 and creating an administrative process to allow for permitting at the department level and special exceptions to be handled through the ZO approval process.

The Committee discussed its concern regarding approval of five or more outdoor dogs through an administrative approval process, stating that the public should be given the opportunity to weigh in through the legislative process instead.

The Committee requested that a followup item be brought back to the Committee to discuss commercial versus residential zoned areas and to discuss the difference in definitions between Chapter 808 of the Codified Ordinance and Section 5-606 of the ZO.

Election District: Countywide

Staff Contacts: Tom Koenig, Animal Services & Nicole Dozier, Zoning Administration

5. Zoning Ordinance Amendment – Adding Definition of Value-Added Agricultural Processing (Action)

Michelle Lohr, Zoning Administration, stated that this Board Member Initiated item originated at the February 6, 2013 business meeting, proposing an amendment to the definition of agricultural processing to reflect its true nature and to add as a permitted use in all of the AR, TR, and JLMA zoning districts. She explained that should the Board direct staff to address the value-added agricultural processing amendments, staff proposed incorporating the amendments into the strategic plan item covering breweries, scheduled for Planning Commission Public Hearing in the first quarter of 2014. In doing so, she stated that staff proposed that the current definition of agricultural processing, with performance standards, be

amended to allow more manufacturing of agricultural products and that 51 percent of raw products be produced on-site.

Supervisor Reid moved that the Transportation and Land Use Committee recommend that the Board of Supervisors direct staff: (1) to amend the definition of Agricultural Processing in the Revised 1993 Loudoun County Zoning Ordinance, to include the manufacture of products derived from agricultural products produced on site; (2) to consider amending the districts in which Agricultural processing should be permitted by right; (3) to review and amend the performance standards for Agricultural processing; and (4) to incorporate such amendment in conjunction with the Brewery Zoning Ordinance Amendment scheduled to begin upon the conclusion of the Bed and Breakfast Zoning Ordinance Amendments. Seconded by Supervisor Higgins.

Supervisor Reid accepted Chairman Volpe's friendly amendment to include not having this definition be a by-right or special exception use in the suburban policy area and the discussion of the JLMAs.

The motion passed 3-1-1 (York voted no, Supervisor Clarke absent for the vote.)

Election District: Countywide

Staff Contacts: Michelle Lohr & Nicole Dozier, Zoning Administration

6. Review and Renewal, Modification or Termination of the Chrysalis Vineyards/Locksley Estate Agricultural and Forestal District (Action)

Buddy Rizer, Department of Economic Development, gave an overview of the Chrysalis Vineyards/Locksley Estate Agricultural Forestal District.

Supervisor Higgins moved that the Transportation and Land Use Committee recommend that the Board of Supervisors renew the Chrysalis Vineyards/Locksley Estate Agricultural and Forestal District to include only those parcels listed as numbers 1 through 4 in Attachment 3, entitled "Chrysalis Vineyards/Locksley Estates AFD – Proposed TLUC Recommendations," to the Item for the July 12, 2013, Transportation and Land Use Committee Meeting; with the same period before the next review of the District of four (4) years; and continue to require any subdivisions or adjustments to parcels enrolled in the District to meet the current Zoning Ordinance requirements or a minimum of forty (40) acres, whichever is greater, and prohibit subdivision through clustering.

Supervisor Higgins further moved that the Transportation and Land Use Committee's recommendation be based on the finding that all parcels recommended for renewal within the Chrysalis Vineyards/Locksley Estate Agricultural and Forestal District were found by ADAC to

contain agriculturally and forestally significant land. Seconded by Supervisor Reid. The motion passed 4-0-1 (Supervisor Clarke absent for the vote).

Election District: Blue Ridge

Staff Contacts: Kellie Boles & Tom Flynn, Department of Economic Development

7. Status Update-Water & Wastewater Needs Assessment Implementation Work Plan (Information)

Alan Brewer, General Services, provided the Committee with a [status update](#) of work completed as part of the Evaluation Phase of the Work Plan.

Chairman Volpe thanked staff for their work on the Work Plan and asked that future reports include applications that have needed assistance with either water or wastewater needs.

Election District: Countywide

Staff Contacts: Gwen Kennedy, Alan Brewer & Richard Pezullo, General Services

8. Status/Endorsement of Route 50/Route 606 Interchange Concept (Information)

Joe Kroboth, Director of Transportation and Capital Infrastructure (DTCI), stated that in 2006 Loudoun County entered into a contract with Wilbur Smith Associates, Inc. to develop a conceptual plan for the Route 50/Route 606 Interchange Project. He explained that since that time, there had been a significant amount of change to that area as well as several other traffic studies and more current information available.

Chris Glassmoyer, DTCI, stated the plan for the project in 2006 was to meet with property owners to present the concept plan, which was accomplished through a series of meetings held in late 2012, after which letters of objection from the property owners were received. He explained that through the process, two developments along Route 50 and Elk Lick Road were discovered to have been approved and constructed precluding access to eight (8) properties in the southeast quadrant of the proposed interchange footprint; creating considerable cost implications of acquiring right-of-way. He further explained that Toll Commercial (located in the southwest quadrant) would experience access issues, putting them in conflict with their lease for their tenants. For these reasons and other developments regarding Route 606 and potential future air cargo access road projects, Mr. Glassmoyer stated staff's recommendation for reconsideration of the original conceptual footprint. He further stated staff's support of the interchange on the Countywide Transportation Plan, but suggested that the County should consider looking at alternative designs that could potentially lower the cost of the project and have less of an impact on affected properties when project funding becomes available.

Election District: Dulles

Staff Contacts: Chris Glassmoyer & Joe Kroboth, Transportation & Capital Infrastructure

9. Reston Bible Church, Proposed Park & Ride Facility (Action)

Joe Kroboth, Director of the Department of Transportation and Capital Infrastructure, stated that through further communication with the Virginia Department of Transportation (VDOT), it was VDOT's position that there were insufficient traffic volumes at the location, with no technical reason to further warrant a study.

Supervisor York questioned how much the County was contributing to the church for the 200 spaces. Nancy Gourley, Transportation and Capital Infrastructure, stated the County had made a verbal agreement with the church to make a \$10,000 annual donation to their parking lot maintenance fund, which would come out of the gas tax fund.

The Committee expressed concern about the lack of buses/seats currently able to serve the park and ride lot and therefore requested that the written agreement be based on actual need.

Supervisor York moved that the Transportation and Land Use Committee recommend to the full Board of Supervisors to direct staff to proceed with entering into a license agreement to operate a Park and Ride Facility at the Reston Bible Church location and move forward with the development of a temporary park and ride lot at the Reston Bible Church. Seconded by Supervisor Reid. The motion passed 4-0-1 (Supervisor Clarke absent for the vote).

Election District: Sterling

Staff Contacts: Lou Mosurak, Bill King, & Joe Kroboth, Transportation & Capital Infrastructure

Forwarded from the July 10, 2013 Public Hearing

ZMAP 2012-0010, University Center Parcel P-1

Marchant Schneider, Department of Planning, presented an update to the July 12, 2013 Public Hearing (PH) Item.

Supervisor York questioned the realistic possibility for commercial occupancy. Mr. Schneider commented on behalf of the Department of Economic Development (DED) that it was the opinion of DED (based on discussion with the Planning Commission) that commercial land was of great value to the County and conversion to residential would diminish the amount of commercial property available to market and remain competitive. Supervisor York further questioned if the applicant had done everything that the County would require of any other rezoning application. Mr. Schneider stated that the only outstanding issue was that of the open space contribution, discussed in the PH staff report.

Supervisor Reid asked if there was a new transportation proffer for Riverside Parkway. The applicant explained that the cash proffers were in the amount of \$3.65 million and that \$3.5 million could be used toward transportation, at the County's discretion. The applicant further stated that, in addition, a \$250,000 contribution would be made up front with the first zoning permit for the Riverside Parkway Trust Fund.

Supervisor York questioned if the HOA was in favor of the re-zoning. Teresa Whitmore stated that the Board of Directors of the University Center Residential Owner's Association, the 374 townhouse property adjacent to the P-1 parcel, was in favor of annexing the property.

The Committee discussed the potential process for crediting Capital Facilities contributions toward Transportation.

Chairman Volpe moved that the Transportation and Land Use Committee forward ZMAP 2012-0010, University Center Parcel P-1 to the September 4, 2013 Board of Supervisors Business Meeting with a recommendation of approval, with the stipulation of an addition to the proffer package a \$250,000 up front contribution for regional roads. Seconded by Supervisor York. The motion passed 4-0-1, Supervisor Clarke absent for the vote.

Election District: Algonkian

Staff Contact: Marchant Schneider & Julie Pastor, Department of Planning