

Date of Meeting: June 20, 2019

# 9f

**BOARD OF SUPERVISORS  
FINANCE/GOVERNMENT OPERATIONS AND  
ECONOMIC DEVELOPMENT COMMITTEE  
ACTION ITEM**

**SUBJECT:** **FINANCE/GOVERNMENT OPERATIONS AND  
ECONOMIC DEVELOPMENT COMMITTEE REPORT:  
Metro Parking Garages – Interim Use**

**ELECTION DISTRICT:** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Board

**STAFF CONTACTS:** Ernest Brown, General Services  
Joe Kroboth, III, Transportation and Capital Infrastructure  
Janet Romanchyk, Finance and Procurement  
Erin McLellan, Management and Budget

**PURPOSE:** To seek direction from the Finance/Government Operations and Economic Development Committee (FGOEDC) regarding the potential uses for the metro parking garages during the period of time between Metrorail Parking Garage(s) construction completion and the Revenue Service Date (RSD) for the Phase 2 Silver Line Extension.

**RECOMMENDATIONS:**

**Finance/Government Operations and Economic Development Committee (FGOEDC):** The FGOEDC is anticipated to make a recommendation at the June 17, 2019 meeting.

**Staff:** Staff recommends the Board of Supervisors (Board) that staff be directed to implement the process leading to the closing of the Dulles North Transit Center (DNTPC) and the Broadlands Park and Ride for Commuter Bus customers and reassign the transit customer parking using the park and ride facilities into the Ashburn South and Loudoun Gateway Metrorail Parking Garages and surface lot upon construction completion of the garages and obtaining the necessary Use and Occupancy Permits.

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**BACKGROUND:** On February 12, 2019, the Departments of Transportation and Capital Infrastructure (DTCI), Management and Budget (DMB), General Services (DGS) and Finance and Procurement (DFP) presented an item to the FGOEDC relating to Metro Parking Garages – Utilization and Operations. As part of that item staff initiated a discussion with the Committee regarding interim uses for the Metrorail Parking Garages during the period between construction

completion and the RSD for the Phase 2 Silver Line Extension in the Dulles Corridor. The FGOEDC directed staff to review other potential uses for the Parking Garages and report back to the Committee.

In total, the three Metro Parking Garages provide 4,939 commuter parking spaces. The number of spaces by garage location is summarized in table 1 below:

| Table 1 – Parking Spaces by Commuter Parking Garage Location |                          |
|--|--------------------------|
| Parking Garage Location                                      | Number of Parking Spaces |
| Ashburn North  | 1,434                    |
| Ashburn South  | 1,540                    |
| Loudoun Gateway  | 1,965                    |
| <b>Total</b>   | <b>4,939</b>             |

For reference and background information, Table 2 below provides links to staff reports previously presented to the Board relating to the Metro Parking Garages.

| Table 2 – Summary of Prior Items/Presentations to the Board and/or Standing Committees relating to the Metro Parking Garages |  |
|--|--|
| Date   | Item Subject   |
| 07/03/2012   | <a href="#">Board vote to opt-in to the Phase 2 Dulles Corridor Metrorail Project</a>                |
| 04/02/2014   | <a href="#">Capital Budget Adoption, including \$130M for Metro Parking Garages</a>                  |
| 12/09/2015   | <a href="#">Comprehensive Agreement and Land Leases – Ashburn North Metro Parking Garage</a>         |
| 12/09/2015   | <a href="#">Ashburn South Commuter Parking Garage SPEX Approval</a>                                  |
| 05/19/2016   | <a href="#">Board direction terminate PPTA solicitation/staff to construct Metro Parking Garages</a> |
| 07/19/2018   | <a href="#">Metro Parking Garages Annual Operations and Maintenance Plan</a>                         |
| 06/25/2018   | <a href="#">2018 Transit Summit - Dulles North Transit Center</a>                                    |
| 02/12/2019   | <a href="#">Metro Parking Garages – Utilization and Operations</a>                                   |

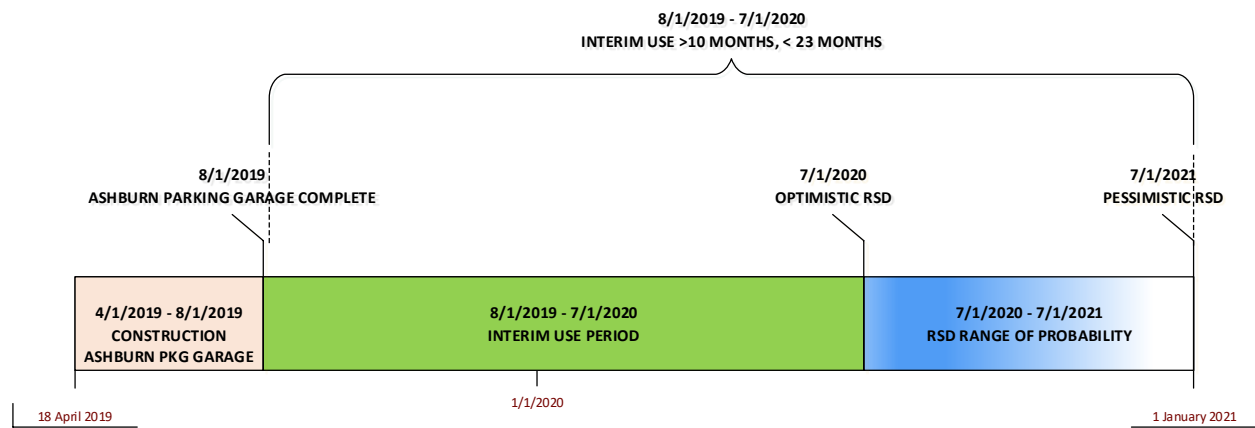
Current Status of the three Metro Parking Garages:

*Ashburn North (Comstock) Commuter Parking Garage:* The Ashburn North parking garage is located at the intersection of Metro Center Drive and Gramercy Park Drive. The nine-level structure will provide a minimum of 1,434 structured parking spaces. The structure is complete with pending punch-list items to be addressed prior to the opening of parking for Metrorail service. Comstock Properties has been using the garage for flex-parking since February 2018 while they construct other parking structures for their occupancies. The work remaining that must be addressed prior to the revenue start date for Metrorail includes, but is not limited to, completion of the fare collection system, wayfinding signs and markings in the garage, etc.

*Ashburn South Metro Parking Garage:* The Ashburn South parking garage site is located within the Moorefield Station Development. The parking garage project area is located south of the Dulles

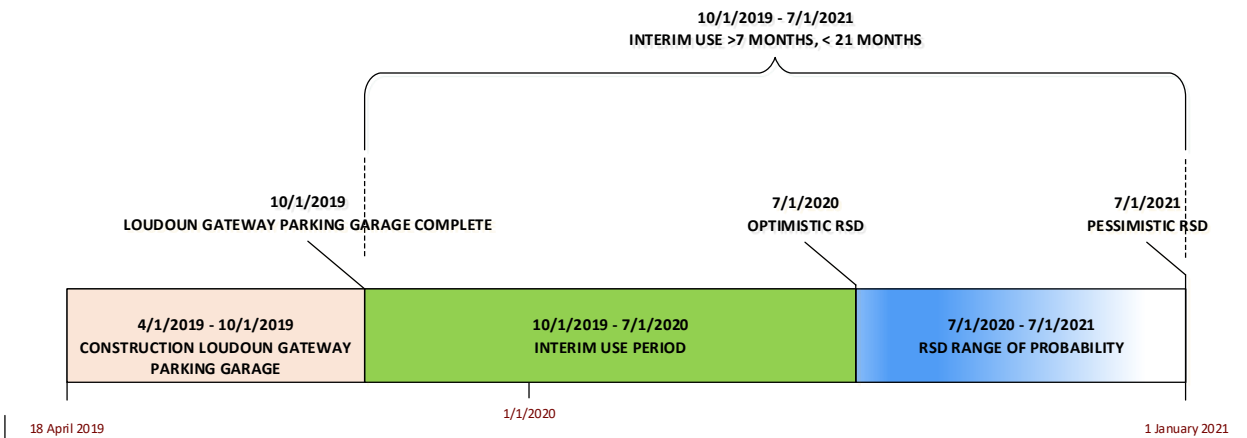
Greenway, north west of the Ashburn South Metrorail Station kiss-n-ride and bus bay elements. The six-level parking garage will provide 1,540 structured parking spaces and has vehicular and pedestrian access to Silver Train Street (to the west, street level), and Croson Lane (to the east, street level). The design is complete. Construction is summarized as follows: building erection was completed in October 2018, fine grading on the site is in operation pending conducive weather conditions, interior building components (room finishes) are being completed, telecommunication, mechanical, electrical and plumbing systems are being installed. The current substantial completion date for the project is July 26, 2019. For planning purposes staff anticipates completion of the Ashburn South Parking Garage will occur on or before August 1, 2019. Figure 1 below graphically compares the Ashburn South Metrorail Parking Garage completion with the projected Phase 2 Silver Line Extension RSD.

Figure 1 - Schedule for Period of Interim Use of the Ashburn South Parking Garage



*Loudoun Gateway Metro Parking Garage:* The Loudoun Gateway Metrorail Parking Garage site is located on a portion of Dulles International Airport (Federal) property, land that has been leased to the County from the MWAA with all necessary property rights for the construction and operation of the Metrorail parking garage. This six-level parking garage will provide 1,965 structured parking spaces and have vehicular access to Lockridge Road, Route 789 (to the east, to/from the second level) and the Station Access Road (to the north, at ground level). The design plans are complete. Construction is summarized as follows: building erection was completed in October 2018, fine grading on the site is in operation pending conducive weather conditions, pedestrian bridge connection between the garage and pavilion building has been erected and the finishes are being completed, utility connections remain to be completed, interior building components (room finishes) are being completed, telecommunication, mechanical, electrical and plumbing systems are being installed. The current substantial completion date for the project is September 28, 2019. For planning purposes staff anticipates completion of the Loudoun Gateway Parking Garage on or before October 1, 2019. Figure 2 below graphically compares the Loudoun Gateway Metrorail Parking Garage completion with the projected Phase 2 Silver Line Extension RSD.

Figure 2 – Schedule for Period of Interim Use of the Loudoun Gateway Parking Garage



*Parking Garage Operations Planning:* The Board at its July 19, 2018, Business Meeting authorized staff to proceed with the Metro Garage and Operations Plan, Option 2 as outlined in the March 30, 2018, Kimley-Horn report and utilize this option as a basis for the development of request for proposals for these services. Option 2 proposed professional services, or a hybrid method, which is a combination of self-operation by the county government through its DGS and a third-party management contract. The County would have limited county staff and use a third-party contractor (operator) to provide operational and routine maintenance personnel. This option has the County still responsible for the capital asset preservation expenditures and major repairs.

Subsequent to this action, a multi-department working group has been established to prepare a Request for Proposal (RFP) to hire a parking garage operator for the Ashburn South and Loudoun Gateway Station garages. The RFP is being prepared to provide operations oversight during the interim use period and their activities will ramp-up as the garages transition to full Metrorail operations. The RFP is anticipated to be advertised in July 2019 with a target date to recommend a contract award to the Board in February 2020. Based on these dates, the operations contract is expected to commence on April 1, 2020. During the period of time between the construction completion of the parking garages and the contract award for the operator, DGS intends to utilize a variety existing contracts to perform the necessary maintenance and security activities.

*Silver Line Phase 2 Extension Project:* On May 14, 2013, the Metropolitan Washington Airports Authority (MWAA) awarded a Design-Build contract to Capital Rail Constructors (CRC), consisting of Clark Construction Group and Kiewit Infrastructure South Company, to construct

the Phase 2 Silver Line Extension in the Dulles Corridor. The project notice to proceed was issued on July 8, 2013.

The revised baseline schedule for the Phase 2 Silver Line Extension project was accepted on May 12, 2015 by the MWAA. This revised baseline schedule remains in effect at this time. MWAA requires an updated schedule be submitted with each of CRC’s monthly payment invoices. CRC’s February 2019 monthly schedule update was “Not Accepted” by MWAA. CRC’s March 2019 monthly Schedule Update was received by MWAA on April 4, 2019 and is currently under review<sup>1</sup>. The forecasted milestone dates are shown in Table 3 below:

| Table 3 – Phase 2 Silver Line Extension Schedule Milestones (March 2019 Data): |                                  |                                      |
|--|----------------------------------|--------------------------------------|
| Milestones   | Revised Baseline Schedule Update | CRC’s Unapproved March 2019 Schedule |
| Complete Design  | December 2015                    | June 2019 <sup>2</sup>               |
| Complete Elevated Guideway Construction  | April 2017                       | November 2018 (A)                    |
| Complete At-Grade Guideway Construction  | August 2017                      | July 2018 (A)                        |
| Complete Trackway  | April 2018                       | April 2019                           |
| Complete Station Build-out   | November 2018                    | January 2020                         |
| Complete System Installation   | September 2018                   | October 2019                         |
| Substantial Completion   | August 2019                      | March 2020                           |
| Operational Readiness Date   | October 2019                     | May 2020                             |

(A) Demotes actuals

CRC’s current forecasted Substantial Completion Date is March 29, 2020, a delay of 235 calendar days from the contract Substantial Completion Date of August 7, 2019. This forecast represents a loss of 50 calendar days since the February 2019 Schedule Update submitted by CRC, a schedule adjustment which MWAA also did not accept; indicating the project continues to fall behind the planned project schedule. Discussions continue among the MWAA and CRC, its vendors and sub-contractors to mitigate the delays. Multiple issues continue to arise as the project progresses. These issues and their uncertainty until resolved prevents the staff from identifying a highly-confident RSD. As such, based on the information available to staff at this time, it is the opinion of county staff to report the RSD as a range of potential dates using optimistic and pessimistic viewpoints. Staff believes an optimistic date for RSD is July 1, 2020; and the pessimistic date to be July 1, 2021. RSD occurs following successful testing of all systems, facilities and train operations. Once all of these tests yield successful results it is the WMATA Board that establishes the RSD.

*Dulles North Transit Center:* The DNTC provides 750 free parking spaces for use by Loudoun County Transit bus riders and individual rideshare users. The primary access to the lot is through the intersection of Moran Road and Lockridge Road. There is a secondary access drive from Lockridge Road at the northwest corner of the lot. There are four restricted-access covered bus bays and several auxiliary uncovered bays in the northeast portion of the lot.

<sup>1</sup> Reference MWAA March 2019 Monthly Progress Report, dated April 30, 2019

<sup>2</sup> Includes change orders

Loudoun County Transit and Commuter Services (TCS) operates commuter buses from the DNTC with 19 weekday morning departures to Crystal City, Rosslyn, the Pentagon, and multiple destinations in Washington, D.C. Historically, use of the DNTC includes an average of approximately 670 riders per weekday parking on the lot and boarding TCS buses based on data collected since January 2016. However, in the more recent months, DTCI staff is experiencing regular daily over-capacity parking with the vehicle parking extending onto Lockridge Road on practically every weekday.

On June 25, 2018, the DTCI presented a study on the Dulles North Transit Center (DNTC) as part of the 2018 Transit Summit. The purpose of the study was to identify solutions to discourage rail customers from parking at the DNTC and walking to the Loudoun Gateway Station to board the rail to avoid the daily fee for parking in the parking garage. Following the presentation, the Board directed staff to explore options that would relocate the commuter parking at the DNTC and ultimately close the DNTC and return the property to the MWAA for their desired use.

**ISSUES:** There are several key discussions and decision points that staff will be bringing to the Committee in the coming months. These future discussions are described below along with the expected timing of when these decisions would potentially be needed.

Zoning Regulations:

*Ashburn Station North Garage:* The property is zoned PD-TRC (Planned Development-Transit Related Center) under the Revised 1993 Zoning Ordinance and is within the “Inner Core” subarea. Permitted (by-right) uses are listed in Section 4-1104(A) and Special Exception uses are listed in Section 4-1105(A). Section 4-1100 of the Revised 1993 Zoning Ordinance is shown as Attachment 1. The designated use of the property on the approved Concept development plan (CDP) is “Commuter parking facility/Retail.” Other uses would not be consistent with the approved CDP.

*Ashburn Station South Garage:* The property is zoned PD-TRC (Planned Development-Transit Related Center) under the Revised 1993 Zoning Ordinance and is within the “Outer Core” subarea. Permitted uses include all those permitted uses in the Inner Core and the additional uses listed in Section 4-1104(B). Special Exception uses include all those uses allowed by Special Exception in the Inner Core and the additional uses listed in Section 4-1105(B). Section 4-1100 of the Revised 1993 Zoning Ordinance is shown as Attachment 1. The designated use of the property on the CDP is “Transit Station/Commuter Parking.” Other uses would not be consistent with the approved CDP.

Regarding the PD-TRC zone, an evaluation regarding the storage of an automobile dealer’s inventory in a parking garage within the PD-TRC District was completed and determined to be non-compliant with the Zoning Ordinance.

*Loudoun Gateway Station Garage:* The property is zoned R-2 (Residential-2) under the Revised 1993 Zoning Ordinance. Permitted uses are listed in Section 3-202 and Special Exception uses are listed in Section 3-203. Section 3-200 of the Revised 1993 Zoning Ordinance is shown as

Attachment 2. While located within the Airport property that is leased from the federal government, the property is zoned R-2 and subject to County ordinances unless the proposed use is exempted as one of MWAA’s authorized powers to operate an airport per the Code of VA. This is more fully explained in Zoning Correspondence ZCOR-2017-0084 (Attachment 3), which provided the rationale for allowing an exempt automobile service station on the Airport property. Any interim use for this metro garage would have to be evaluated to see if it met an exemption qualifying it to be exempt from the Zoning Ordinance. Otherwise, the R-2 district use lists would apply.

Temporary/interim commercial uses within the Metrorail Parking Garages would not likely qualify under the Zoning Ordinance allowances for temporary uses. Rather, this would be establishment of a commercial use and subject to requirements for a site plan and zoning permit.

*Building Code Use:* The Metro Parking Garage(s) building code use and occupancy classification is Low-Hazard Storage, Group S-2. This Group includes among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings. Such products are permitted to have a negligible amount of plastic trim, such as knobs, handles or film wrapping. Group S-2 storage uses shall include, but not be limited to, storage of the types listed in Table 4 below.

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Table 4 – ICC Building Code Allowable Uses for Group S-2 Classification:<sup>3</sup>

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- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Asbestos</li> <li>• Cement in bags</li> <li>• Dairy products in non-waxed coated paper</li> <li>• Electric coils</li> <li>• Empty cans</li> <li>• Food in noncombustible containers</li> <li>• Glass</li> <li>• Gypsum board</li> <li>• Ivory</li> <li>• Mirrors</li> <li>• Parking garages, open or enclosed</li> <li>• Stoves</li> <li>• Washers and dryers</li> </ul> | <ul style="list-style-type: none"> <li>• Beverages up to and including 16% alcohol</li> <li>• Chalk and crayons</li> <li>• Dry cell batteries</li> <li>• Electric motors</li> <li>• Food products</li> <li>• Frozen foods</li> <li>• Glass bottles</li> <li>• Inert pigments</li> <li>• Meats</li> <li>• Oil-filled distribution transformers</li> <li>• Porcelain and pottery</li> <li>• Talc and soapstone</li> </ul> |
|---|---|
- 

The building construction type designation is Type I, Non-Combustible. The Building Code prohibits wood framed walls and partitions within the structure. This constraint along with the lack of water and sewerage service, no electrical outlets available for use and no public accessible restrooms significantly reduces the potential uses without significant modifications to the Parking Garage(s).

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<sup>3</sup> Reference 2012 International Code Council Building Code, Page 50 Section 311.3

*Loudoun Gateway Metrorail Parking Garage Leased Property:* As indicated in the Background Section of this staff report, the Loudoun Gateway Metrorail Parking Garage site is located on a portion of Dulles International Airport (Federal) property; land that has been leased to the County from the MWAA with all necessary property rights for the construction and operation of the Metrorail Parking Garage. Section 5.1 of the Lease Agreement stipulates the following:

*The Premises and Improvements shall be used solely for the Parking Facility and the Transit Facilities, and related pedestrian and vehicular access to serve Metrorail patrons, together with any ancillary or complementary uses approved in advance in writing by the Authority. Loudoun shall not permit any use of the Premises except as described in the preceding sentence, and shall not suffer any act to be done or any condition to exist on the Premises or Improvements, or any article to be brought thereon, which may be dangerous unless safeguarded as required under Legal Requirements, which may in law constitute a public or private nuisance, or which may make void or voidable any insurance then in force with respect thereto or may make it impossible to obtain insurance required to be furnished hereunder.*

Based on this restrictive statement, any potential uses permitted under the zoning regulations are become ineligible by the Lease Agreement. As such, only transit and commuter services may be operated from this parking garage without prior authorization from the MWAA. Staff is unable to predict the time duration necessary to propose a new use, obtain MWAA approval and revise the lease agreement to memorialize the alternative use.

*Metrorail Station Construction Progress:* A significant condition that may impact the ability to use the Parking Garage is the progression of infrastructure completion of the station areas by CRC under their contract with MWAA. As of the writing of this staff report, the Ashburn South Station area is sufficiently complete such that transit and commuter services could begin operations to coincide with the completion of the Ashburn South Parking Garage (August 1, 2019). Coordination with MWAA and CRC will be necessary to provide barricades and separate continuing construction activity from the passageways for the commuter customers. At this same time, the Loudoun Gateway station area remains under construction and is anticipated to be sufficiently complete by the fall of 2019. Depending on weather conditions throughout the summer months and CRC's production rates, the timing of the station area should coincide with the completion of the Loudoun Gateway Parking Garage. Staff will continually monitor this situation and adjust the schedules accordingly.

*Parking Utilization and Demand:* Estimating the future utilization of the Metrorail Parking Garages subsequent to the RSD has been a challenging and less than precise process. The original Federal Environmental Impact Statement (FEIS) Document suggested ridership at the two stations in the year 2025 would be 11,400 (rounded) boarding's with 60% of those boarding at the Ashburn (both North and South areas) and 40% boarding at Loudoun Gateway.

Since the publication of the 2004 FEIS Document, the Metropolitan Washington Council of Governments (MWCOG) has performed two separate multi-modal travel demand model runs



(2011 and 2016) of the greater Washington DC area. These model runs included estimates on the number of travelers who might use Metrorail as a travel choice. The MWCOG staff has acknowledged the model runs were not calibrated to accurately predict rail boarding's at specific stations; yet, these two runs are the only analyses providing an updated prediction for the number of boarding's.

In 2018, the County retained the services of DESMAN Consulting to update the prediction model for Metrorail Boarding's in Loudoun County, excluding the DIA Station. . The results of the updated Desman Study was presented to the FGOEDC on February 12, 2019. DESMAN utilized the 2016 MWCOG estimate of year 2025 ridership for the two stations (i.e., 6,900) in deriving updated estimates of parking utilization. However, DESMAN noted that while the 2016 model error summary compiled by MWCOG showed that their model overstated actual 2016 system-wide ridership by only 7 percent, it overstated Silver Line Phase I ridership by 34 percent and 41 percent in 2015 and 2016, respectively. Consequently, DESMAN adjusted the MWCOG ridership estimate of 6,900 down by 41 percent to 4,070 in their analysis to compensate for this apparent model bias with respect to the Silver Line. DESMAN adopted the MWCOG model allocation of riders (88 percent Ashburn, 12 percent Gateway) and parking ratios for their analysis. Their analysis then assumes that riders wishing to park at Ashburn will choose between Comstock's North and the County's South garages (and on-street parking adjacent to the South garage) based on proximity to the Metrorail station platform. DESMAN assumed that 70 percent of Ashburn Station users will prefer the South Parking Garage (County-owned) by virtue of its shorter walking distance to the station. Once the South garage and on-street parking is filled to capacity, the overflow parking goes first to the Ashburn North garage and then to the Loudoun Gateway garage.

The DESMAN model implicitly addresses the MWCOG model's inability to accurately estimate ridership for specific stations by allowing riders wishing to park to substitute Loudoun Gateway for Ashburn; and the close proximity of the two stations makes such substitutability plausible. However, by retaining the MWCOG model's 88/12 split of riders between the two stations, the DESMAN result leaves the utilization rate at the Loudoun Gateway garage at an implausibly low level when compared to other parking garages operated by WMATA near the terminus of a rail line. Consequently, Staff made several adjustments to the DESMAN model assumptions that are expected to yield a more realistic result for the garage operations. First, Staff increased the assumed 2025 ridership for the stations to 4,554, which is 34 percent below the MWCOG model estimate and corrects only for the apparent model bias of 2015. It is probable that the 41 percent model bias of 2016 cited by DESMAN was partly due to service disruptions from Metro's Safe Track program which occurred during the period of data collection. This possibility is suggested by the 2018 ridership data which shows an approximate 8 percent increase in Silver Line ridership over 2016 and 2017 levels<sup>4</sup>. Secondly, Staff altered the initial distribution of ridership between the two stations so that Ashburn receives 75 percent and Gateway 25 percent. This represents an average of the station distributions yielded by the MWCOG model and the model used for the FEIS. The latter model was reportedly calibrated so as to capture travel patterns for smaller geographic areas.

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<sup>4</sup> The 2017 and 2018 Metrorail ridership data was apparently posted in September 2018 but only the data through 2016 was available when DESMAN began their analysis.

Finally, subsequent to completion of the Prentice Drive and Shellhorn Road extensions in 2025, the ridership distribution is adjusted up to 30 percent for Loudoun Gateway since Prentice Drive and Shellhorn Road will provide quick and easy automobile access to the Loudoun Gateway station. These alternative assumptions regarding station and garage preferences cannot be directly tested against any actual data, but they result in utilization rates for all the garages that are within the range of values exhibited by other garages operated by WMATA, and they appear to be reasonable relative to one another. (The utilization rate of the Ashburn South garage is the highest of the three by virtue of its proximity to the station entrance and the higher ridership estimate for that Metro station.) The resulting parking demand volumes generated by the DESMAN model as adjusted by staff were utilized in deriving the revenue estimates contained in the pro forma financial analysis. Table 5 below summarizes the estimates for Metrorail boarding's over time from the various estimates.

| Source Document                              | Total Metrorail Boarding's | Ashburn Station | Loudoun Gateway Station |
|--|----------------------------|-----------------|-------------------------|
| FEIS (2004)                                  | 11,446                     | 6,961 (60%)     | 4,485 (40%)             |
| DESMAN (2012)                                | 11,205                     | 6,814 (60%)     | 4,391 (40%)             |
| MWCOG (2011)                                 | 7,183                      | 5,821 (80%)     | 1,362 (20%)             |
| MWCOG (2016)                                 | 6,900                      | 6,072 (88%)     | 828 (12%)               |
| DESMAN (2018)                                | 4,071                      | 3,599 (88%)     | 472 (12%)               |
| DESMAN (1 <sup>st</sup> adjustment by staff) | 4,554                      | 4,007 (88%)     | 547 (12%)               |
| DESMAN (2 <sup>nd</sup> adjustment by staff) | 4,554                      | 3,415 (75%)     | 1,139 (25%)             |

From the boarding's, parking demand was determined by evaluating the arrival modal split for arrivals to the station. DESMAN's 2018 study utilized the parking ratios in the 2016 MWCOG study which assumed that 74 percent of arrivals at the Ashburn Station would utilize the parking garages and 50 percent at the Loudoun Gateway would parking in the garage.

| Source Document                              | Total Vehicles Parked | Ashburn South Garage | Loudoun Gateway Garage |
|--|-----------------------|----------------------|------------------------|
| FEIS (2004)                                  | N/A                   | N/A                  | N/A                    |
| DESMAN (2012)                                | 3,428                 | 1,540                | 1,888                  |
| MWCOG (2011)                                 | 1,990                 | 1,540                | 450                    |
| MWCOG (2016)                                 | 1,940                 | 1,540                | 400                    |
| DESMAN (2018)                                | 1,776                 | 1,540                | 236                    |
| DESMAN (1 <sup>st</sup> adjustment by staff) | 1,947                 | 1,540                | 407                    |
| DESMAN (2 <sup>nd</sup> adjustment by staff) | 2,348                 | 1,540                | 808                    |

<sup>5</sup> Excludes parking at the Ashburn North Metrorail Parking Garage

Based on these utilization projections, sufficient excess capacity is expected at the Loudoun Gateway Parking Garage to accept the addition of existing park and ride customers. If the volume and/or distribution of Metrorail riders after the RSD differs from those currently assumed, there could be some available spaces at the Ashburn South Parking Garage to accommodate bus commuter customers. Even if the Ashburn South Parking Garage is filled to capacity, as expected, there are likely to be spaces available at the Ashburn North Parking Garage. Either way, upon reaching the RSD, the Broadlands Park and Ride Facility proffer obligation expires and the park and ride lot must be closed.

**DISCUSSION:** The concept of proposing an interim use is a complicated process for several reasons. As shown in Figures 1 and 2, the time period available for an interim use, depending on the optimistic or pessimistic viewpoint for the Metrorail RSD is 10 to 23 months for the Ashburn South Metrorail Parking Garage and 7 to 21 months for the Loudoun Gateway Metrorail Parking Garage. Given the time to plan (solicit proposals) for an alternative use, ramp up operation, implement the use, demobilize the use and make adjustments to the building to prepare for Metrorail Operations; do not seem to make sense. Numerous administrative and possibly legislative issues will impact the time period to ramp up an interim use. These include:

- Site plan amendment(s) (SPAM) development, submission and approval. A SPAM could take 6 to 9 months to obtain approval.
- Special Exception (SPEX) approvals for certain potential uses. A SPEX could take between 9-15 months to obtain approval.
- Zoning compliance and authorizations.
- MWAA property lease restrictions and limitations, including authorizations necessary from the MWAA for uses other than a commuter parking garage.
- Review and concurrence from the Building Official for a proposed interim use based on the Building Use and Occupancy Classification as defined by the International Code Council Building Code. The Ashburn South Metro Parking Garage is under the domain of the Building Official within the Loudoun County Department of Building and Development. The Loudoun Gateway Metro Parking Garage is under the domain of the Building Official for the MWAA.

The parking garage operations contract is anticipated to be in full implementation by April 1, 2020. Until the operations contract is in-place, the DGS intends to use existing contracts and staffing to operate and maintain the parking garages.

If the Board were to approve the staff recommended interim use of the Metrorail Parking Garages for commuter bus customer parking; staff would also recommend the DNTC should be closed and the bus, carpool and vanpool customer parking at the DNTC be reassigned to the Loudoun Gateway Parking Garage and surface lot; and the Broadlands Park and Ride Commuter Bus customer parking be reassigned to the Ashburn South Parking Garage. The DNTC is operating in excess of capacity (750 spaces) on a daily basis with actual use estimated at 750 to 800 vehicles per day. Of these daily parking customers at the DNTC, it is assumed 100 to 150 vehicles are carpool and van pool users. The carpool and vanpool customers could be relocated to the new

surface lot constructed as part of the rail project at the Loudoun Gateway Station. The Broadlands Park and Ride Facility has a capacity of 160 spaces. Of these, an estimated 15 – 25 are believed to be carpool and/or vanpool customers. The remaining 135 to 145 vehicles are metro-connection customers and could be relocated into the Ashburn South Parking Garage.

At the Transit Summit held on June 25, 2018, the Board directed staff to coordinate with the MWAA to lease a parking area located at the southern end of Pacific Blvd, to relocate the DNTC commuter park and ride customers to. Implementing the staff recommendation would result in a savings to the County by avoiding the monthly or annual lease value for the MWAA parking area.

A review of the allowable uses under the Zoning Ordinance, Building Code and MWAA Lease Agreement yield only a few allowable uses for the Parking Garages. Table 7 below summarizes those potential alternative uses.

| Table 7 – Potential Uses for Metro Parking Garages During the Interim Use Period:  |   |
|--|---|
| Ashburn South Parking Garage   | Loudoun Gateway Parking Garage:   |
| <ul style="list-style-type: none"> <li>• Transit/Commuter bus customer parking</li> <li>• Transit/Heliport or helistop</li> <li>• Transit/Dulles Toll Road Extended (DTRE) Facilities</li> </ul> | <ul style="list-style-type: none"> <li>• Commuter bus customer parking<sup>6</sup></li> </ul> |

The revised estimates for parking utilization in the Ashburn South and Loudoun Gateway Parking Garages reveal a significant amount of available capacity to incorporate the DNTC and Broadlands Parking and Ride customers without negatively impacting Metrorail Service after the RSD.

Staff believes there are long-term benefits to moving existing commuter customers into the respective parking garages for the following reasons:

1. Placing commuter parking in the garages will ease the transition from the current commuter choices to include rail. Commuter customers who will choose to migrate to the rail will already be accustomed to parking in the garage(s).
2. Given the utilization projections provided in the DESMAN Study, the parking garages will be significantly underutilized.
3. The Comprehensive Agreement with Comstock stipulates certain existing park and ride lots are to be closed once rail revenue service date is reached. Moving existing commuter customers into the parking garages would allow for a longer transition period for the closing of the park and ride lots.

**FISCAL IMPACT:** The operating and maintenance costs for the Metrorail Parking Garages were reported to the Board in a prior Board item. Regardless of alternatives selected by the Board, the fiscal impact remains unchanged.

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<sup>6</sup> As mentioned in the Issues Section of this staff report, the MWAA lease restricts the use to commuter customer parking.

**ALTERNATIVES:**

1. Blocking public access to the parking garages throughout the interim period and providing only the minimal level of security and management oversight necessary to protect the structure.
2. Move the transit and commuter services bus customer parking from the Broadlands Park and Ride lot into the Ashburn South Parking Garage. This action would move between 135 and 145 vehicles into the Ashburn South Garage.
3. Move the transit and commuter services bus customer parking from the DNTC into the Loudoun Gateway Parking Garage. This alternative would move between 750 and 850 vehicles into the Loudoun Gateway Parking Garage.
4. Solicit proposals for an alternative use (listed in Table 6) in the Ashburn South Parking Garage for the interim period.

**DRAFT MOTION(S):**

1. I move the Board of Supervisors direct staff to proceed with the process to modify service or close the Dulles North Transit Center and the Broadlands Park and Ride Facilities and reassign the commuter bus service parking into the Ashburn South and Loudoun Gateway Metrorail Parking Garages and Loudoun Gateway Metrorail Station surface lot upon completion of the construction of the Metrorail Parking Garages.

OR

2. I move an alternate motion.

**ATTACHMENTS:**

1. Revised 1993 Zoning Ordinance, Section 4-1100 – PD-TRC-Transit Related Center, including Section 4-1104 Permitted Uses and Section 4-1105 Special Exception Uses.
2. Revised 1993 Zoning Ordinance, Section 3-200 – R-2-Single Family Residential, including Section 3-202 Permitted Uses and Section 3-203 Special Exception Uses.
3. Zoning Correspondence ZCOR-2017-0084

## Section 4-1100

### PD-TRC-Transit Related Center

#### 4-1101

**Purpose.** This district is established to provide for a compatible mixture of commercial, cultural, institutional, governmental, recreational, and high density housing uses in compact, pedestrian oriented, transit oriented developments and transit-designed supportive areas serving as focal points for nearby related activity centers and residential areas. Planned rail and bus facilities are integral to this mixed-use concept and the County will consider density increases as roads, bus and rail service are available to the district. These higher intensity, mixed-use development projects will serve to promote linkage of employment and residential uses. Specific objectives of such districts include:

- (A) Provide a pedestrian-scale development containing residential, commercial, public, and employment uses;
- (B) Provide the opportunity for a town center at an intensity of development that can be supported by multi-modal transportation and other services;
- (C) Provide for pedestrian and bicycle facilities and for pedestrian and bicycle connections among land uses in the district and for connections with land uses in adjacent areas through links with bicycle and pedestrian systems in those other areas;
- (D) Provide for the use of mass transit to reduce the number of peak hour vehicle trips;
- (E) Encourage high-quality design; and
- (F) Encourage the development of well-configured plazas, squares, greens, landscaped streets, and parks woven into the pattern of the transit oriented development and dedicated to collective social activity, recreation, and visual enjoyment.

#### 4-1102

#### **Location, Size and Components.**

- (A) **Location.** Land zoned PD-TRC shall be divided into three parts or subareas as described in Section 4-1102(C) below. Neither the Inner Core subarea nor the Outer Core subarea shall extend further north than Shellhorn Road (Route 643).
- (B) **Size.** The initial application to this district shall be a minimum of 40 acres. Subsequent applications shall be adjacent to or across the road from previously mapped PD-TRC districts and shall be a minimum of 25 acres. Notwithstanding the provisions of Section 6-1217, the only provision in this paragraph that may be modified is that regarding subsequent district size.
- (C) **District Subareas.** The Transit Related District shall be divided into three (3) parts or subareas. The boundaries of the subareas will vary to correspond with physical and natural barriers that limit compact development, pedestrian and bicycle connections and movement, and

access to the transit station. Limiting factors will include topography and major arterials so that the subareas may not be a full radius, but will be influenced in form by natural and man-made barriers:

- (1) *Inner Core* - shall mean the total gross land area located generally within a one-quarter (1/4) mile from the outer edge of the planned rail transit station platform, as shown on the approved Concept Development Plan. The highest land-use intensities will be located close to the planned transit stop. The primary focal point of the development will be located in this subarea. Retail, office, service commercial, and high density residential uses are located in this subarea, with a vertical mix of uses, public gathering places, and a predominance of pedestrian oriented uses (uses located at street level that are visible and accessible from the street);
- (2) *Outer Core* - shall mean the total gross land area located outside the Inner Core subarea, but generally within one-half (1/2) mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. Densities are high, yet decrease in intensity as they increase in distance from the transit stop. Major retail, office, service commercial, and high density residential uses are located in this subarea, with a vertical mix of uses and a predominance of pedestrian-oriented uses (uses located at street level that are visible and accessible from the street); and
- (3) *Transit-Designed Supportive Area* - shall mean the total gross land area located outside the Outer Core subarea, but generally within one mile from the outer edge of the planned rail station platform, as shown on the approved Concept Development Plan. This subarea is meant to provide a transitional and complementary area between the high-density core and the surrounding development pattern. The Transit-Designed Supportive Area should provide a mix of land uses that complement and support the uses of the Inner and Outer Core subareas. This subarea is adjacent to and an extension of development in the Inner and Outer Core subareas and includes design features that complement the Inner and Outer Core subareas such as flexible lot design and pedestrian and bicycle connections. Commercial uses within the TDSA should complement retail, office, and service commercial uses in the Inner and Outer Core subareas.

#### 4-1103

#### **Rezoning & Development Process Requirements.**

- (A) **CDP with Rezoning Applications.** Rezoning to, and subsequent development under, this district will be permitted only in accordance with a Concept Development Plan approved according to Section 6-1200 of this Ordinance. Flexibility in design options will be allowed.

(B) **Preparation of CDP.** All Concept Development Plans required by this section shall be prepared according to Section 6-1200 of this Ordinance, and in addition shall include and graphically show the following items:

- (1) The type and scale of proposed uses including residential unit type and quantity;
- (2) The proposed intensity of development including the maximum proposed non-residential square footage and maximum number of dwelling units per subarea;
- (3) Site and building designs to include the integration of the built and open space environment, pedestrian streetscape design, pedestrian, bicycle and motor vehicle connections between the uses and planned or existing transit stops and transit parking;
- (4) The physical and functional integration of the proposed mix of land uses, including but not limited to pedestrian, bicycle, and vehicle connections between the uses and planned or existing transit stops and transit parking;
- (5) The location and design of focal points within the district;
- (6) Delineated limits of subareas pursuant to Section 4-1102(C); and
- (7) The relationship between development in the Transit-Designed Supportive Area and the Inner and Outer Core subareas.

(C) **Final Development Plan.**

(1) **FDP Required.** Prior to the commencement of development of a parcel, the Planning Commission shall review and approve a Final Development Plan. Approval of the FDP shall serve as meeting the non-engineered requirements of a site plan. The Planning Commission shall approve a Final Development Plan if it conforms to approved proffers and the approved Concept Development Plan and contains the information enumerated in Section (C)(2) below:

(2) **FDP Submission Requirements.**

- (a) The Final Development Plan shall be prepared in accordance with the approved Concept Development Plan and proffers and shall contain the following information:
  - (i) A vicinity map at a scale of not less than one inch equals two thousand feet (1" – 2000').
  - (ii) Bearings and distances of the perimeter property lines.



- (iii) Total area of property presented in square feet or acres.
- (iv) Scale and north arrow, with north, to the extent feasible oriented to the top of all drawings.
- (v) Names and route numbers of boundary streets and the width of existing right(s)-of-way. Any proposed amendments to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right(s)-of-way.
- (vi) The location and arrangement of all proposed uses, including a preliminary subdivision layout, if subdivision is proposed.
- (vii) The maximum height in feet, to include penthouses, of all buildings, and the number of floors both above and below or partially below finished grade.
- (viii) Proposed building footprints and elevations.
- (ix) The traffic circulation system and the pedestrian and bicycle circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, pedestrian walkways, and bicycle paths.
- (x) Location of bus and rail stops.
- (xi) Landscaping plan indicating the location and type of all plantings, and any trees to be conserved.
- (xii) A plan or statement showing how public utilities are, or will be provided.
- (xiii) Approximate location and estimated size of all proposed stormwater management facilities.
- (xiv) When the development is to be constructed in sections, a final sequence of development schedule showing the order of construction of such sections, and an approximate completion date for the construction of each section.
- (xv) Location of accessory uses.

- (xvi) Location and size of open space areas, specifying the proposed treatment or improvement of all such areas.
  - (xvii) Cross section of proposed buildings to evaluate streetscape and skyline with relation to adjacent parcels.
  - (xviii) Location and quantity of required number of off-street parking and loading spaces provided.
  - (xix) Architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs.
  - (xx) A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards.
- (b) A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
- (i) Total number of dwelling units by type.
  - (ii) Total residential units and units per acre by subarea.
  - (iii) Total floor area for each type of use and total floor area ratio in each subarea or landbay, except residential uses.
  - (iv) Total area in open space including recreational open space provided and the amount required.
  - (v) Total number of off-street parking and loading spaces provided and the number required.

**4-1104 Permitted Uses.**

- (A) The following uses are permitted within the Inner Core subarea:
- (1) Art gallery.
  - (2) Auction House, pursuant to Section 4-1111(A).
  - (3) Automobile car sharing agency.
  - (4) Automobile rental agency, with on site automobile storage not to exceed 10 cars.
  - (5) Bank or financial institution, excluding drive-through facilities.

- (6) Business service establishment.
- (7) Child care facilities, pursuant to Section 5-609, or adult day care center.
- (8) Church, synagogue, and temple.
- (9) Civic, social and fraternal association meeting place.
- (10) College, university, less than 50,000 sq. ft. (exclusive of on-site student, faculty, and/or employee housing facilities).
- (11) Community center.
- (12) Community Garden, not to exceed 20,000 square feet.
- (13) Conference and training center.
- (14) Congregate housing facility.
- (15) Convenience Food Store.
- (16) Convention or exhibition facility.
- (17) Cultural amenities, e.g. fountains, ice rinks, reflecting pools.
- (18) Dormitory, fraternity/sorority house, rooming/boarding house or other residence hall.
- (19) Dwelling, above first floor commercial uses.
- (20) Dwelling, multi-family (minimum of 4 stories in height). A multi-family structure may be less than 4 stories in height if it is constructed between a parking structure and a street and effectively screens the parking structure from public view.
- (21) Educational Institution, less than 50,000 sq. ft.
- (22) Establishment for general research, scientific research, development and/or training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training.
- (23) Facility for lessons in dance, gymnastics, judo and sports training (less than 5,000 square feet).
- (24) Fire, police and/or rescue station.
- (25) Health and fitness center.
- (26) Home service establishment.

- (27) Hotel/Motel, pursuant to Section 4-1111(B).
- (28) Library.
- (29) Off-street parking facility, freestanding (serving two or more lots).
- (30) Public transit facilities to include bus shelters and bicycle parking facilities.
- (31) Medical care facility, outpatient only.
- (32) Museum, cultural center, arboretum.
- (33) Offices, administrative, business, and professional.
- (34) Park, playground or plaza (public or private).
- (35) Performing arts center (10,000 sq. ft. or less).
- (36) Personal service establishment.
- (37) Post office, drop-off and pick-up only.
- (38) Private club or lodge, less than 10,000 sq. ft.
- (39) Radio and television recording studio.
- (40) Recreation establishment, indoor, pursuant to Section 4-1111(D).
- (41) Repair service establishment.
- (42) Restaurant (dine-in and carryout only).
- (43) Restaurant, dinner theatre.
- (44) Restaurant, fast-food without drive-through facilities.
- (45) Retail/Food and Beverage Sales – Ambulatory Vendors and Mobile Vending Carts, pursuant to Section 4-1111(E).
- (46) Retail sales establishment.
- (47) Sewer pumping station.
- (48) Studio space – artist, craftsperson, writer, etc.
- (49) Telecommunications antenna, pursuant to Section 5-618(A).
- (50) Theater, indoor.
- (51) Water pumping station.
- (52) Food Store.

- (53) Craft Beverage Manufacturing, pursuant to Section 5-668.
- (B) The following uses are permitted in the Outer Core subarea:
  - (1) All uses permitted in the Inner Core subarea.
  - (2) Dwelling, Single Family Attached.
  - (3) Dwelling, Single Family Detached, pursuant to Section 4-1111(G).
- (C) The following uses are permitted in the Transit-Designed Supportive Area unless otherwise excluded through an approved Concept Development Plan:
  - (1) All uses permitted in the Outer Core Subareas.
  - (2) Animal Hospital.
  - (3) Dwelling, multifamily (4 stories or less in height).
  - (4) Recycling drop-off collection center, pursuant to Section 5-607.
  - (5) Food store (10,000 sq. ft. or greater).
  - (6) A single retail use may not exceed 10,000 sq. ft. in gross floor area.

**4-1105**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) The following uses are permitted by Special Exception in the Inner Core subarea:
  - (1) College, university, greater than 50,000 sq. ft.
  - (2) Educational Institution, greater than 50,000 sq. ft.
  - (3) Funeral home or mortuary.
  - (4) Medical care facility, including hospital.
  - (5) Performing arts center (greater than 10,000 sq. ft.).
  - (6) Private club or lodge (greater than 10,000 sq. ft.).
  - (7) Public School (elementary, middle or high) by minor special exception.
  - (8) Private School (Elementary, Middle, or High) for fifteen (15) or fewer pupils, pursuant to Section 5-655, by Minor Special Exception.

- (9) School, private, accessory to a church.
  - (10) Telecommunications monopole, pursuant to Section 5-618(B)(2).
  - (11) Transportation or transit facilities, limited to:
    - (a) Heliport or helistop.
    - (b) DTRE facilities.
  - (12) Urban deck.
  - (13) Utility substation, dedicated.
  - (14) Recreation Establishment, Indoor, which does not meet criteria in Section 4-1111(D).
  - (15) Commuter parking facilities.
  - (16) Private School (Elementary, Middle, or High) for more than fifteen (15) pupils, by Minor Special Exception.
- (B) The following uses are permitted by Special Exception in the Outer Core subarea subject to the requirements and limitations of these regulations:
- (1) All uses permitted by Special Exception in the Inner Core subarea.
  - (2) Convention or exhibition facility.
  - (3) Dog Park.
  - (4) Stadiums and Arenas.
  - (5) Storage, mini-warehouse, pursuant to Section 4-1111(F).
- (C) The following uses are permitted by Special Exception in the Transit-Designed Supportive Area, unless otherwise excluded through an approved Concept Development Plan, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300:
- (1) All uses permitted by Special Exception in the Outer Core subarea, except:
    - (a) Retail/Food and Beverage Sales – Ambulatory Vendors and Mobile Vending Carts.
    - (b) Urban Deck.
  - (2) Automobile service station.
  - (3) Bank or financial institution, with drive-through facilities.

- (4) Commuter parking facilities, structured or surface.
- (5) Convenience retail establishment with accessory gas pumps and/or car wash.
- (6) Pharmacy, with drive-through facilities.
- (7) Any one retail use in excess of 10,000 sq. ft.

**4-1106 Lot Requirements.**

- (A) **Size.** No minimum, except 2,400 square feet for single-family detached and 1,600 square feet for single family attached dwellings.
- (B) **Width.** No minimum.
- (C) **Depth.** No minimum.
- (D) **Yards.**
  - (1) Front. No minimum.
  - (2) Side. No requirement.
  - (3) Rear. No requirement.
- (E) **Other yard requirements.**
  - (1) **Adjacent to roads.** Notwithstanding the provisions of Section 5-900 (A)(2) and (C), no building shall be permitted closer than one hundred (100) feet to the right-of-way of any arterial road unless a component of an “urban deck” as defined in Article 8. No parking shall be located within fifty (50) feet of the right-of-way of any arterial road.

**4-1107 Building Requirements.**

- (A) **Lot Coverage.** No requirement.
- (B) **Building Height.**
  - (1) **Maximum Height.** Unless a lower height restriction is recommended by the Washington/Dulles International Airport Authorities: Inner Core: 175 feet; Outer Core: 125 feet; Transit-Designed Supportive Area: 100 feet. Unoccupied space such as rooftop mechanical structures, penthouses and architectural features shall not be measured in determining maximum height.
  - (2) **Minimum Height.** Inner Core: 35 feet of occupied space, 25 feet of occupied space if constructed between a parking structure and a

street and effectively screens the parking structure from public view. Outer Core: 25 feet of occupied space. Transit-Designed Supportive Area: no minimum height.

(C) **Floor Area Ratio.**

(1) The maximum permitted Floor Area Ratio is as follows:

(a) **Inner and Outer Core Subareas:** The availability of transportation alternatives will determine the maximum Floor Area Ratio of non-residential land use in three phases (a) prior to the establishment of bus services, (b) when bus services and facilities are planned, scheduled, designed, and fully funded, and (c) when rail transit services and facilities are planned, scheduled, designed, and fully funded as follows:

|              | <u>Maximum FAR in<br/>Inner/Outer Core Subareas</u> |
|--------------|---|
| Prior to Bus | .60   |
| Bus          | 1.0   |
| Rail         | 2.0   |

(b) To concentrate intensity of land use within the Inner Core subarea, as part of the approval of the Concept Development Plan, the Board of Supervisors may approve a maximum non-residential square footage amount for the Inner Core calculated using the following Floor Area Ratios: [Note that the maximum total floor area permitted must not exceed the permitted floor area for the combined Inner and Outer Core subareas as determined by the ratios in Section 4-1107(C)(1)(a).]

|              | <u>Inner Core</u> |
|--------------|-------------------|
| Prior to Bus | 1.20 max          |
| Bus          | 2.0 max           |
| Rail         | 3.0 max           |

(c) **Transit-Designed Supportive Subarea:** Total floor area permissible on an individual lot within the Transit-Designed Supportive Area shall not exceed .40. However the Board of Supervisors may permit an individual lot within the TDSA to achieve an FAR of 1.0 as part of approval of the Concept Development Plan, concurrent with the PD-TRC amendment, or by amendment of an existing Concept Development Plan upon recommendation of the Planning Commission at any time after the original



PD-TRC amendment provided the following criteria are met:

- (i) The overall Floor Area Ratio for the TDSA subarea does not exceed .40.
  - (ii) The applicant submits a plan with evidence of unified control and identifying proposed land uses, their location, and Floor Area Ratios requested for specific landbays within the TDSA and their land area acreages.
  - (iii) The applicant provides a traffic analysis that shown no deleterious effects to the local or regional road network as a result of the increased concentration of development, unless such deleterious effects are mitigated.
  - (iv) For any lot with a Floor Area Ratio other than .40, the Floor Area Ratio shall be shown on the approved record plan, site plan, and Final Development plan for the lot.
  - (v) In the event the Concept Development Plan for the TDSA subarea does not provide the information set forth in Section 6-1215, the applicant may limit the development on an individual lot to an FAR of less than .40. Such a limitation shall be placed on the approved record plat, site plan and Final Development Plan for the lot. The Board shall consider this limitation for future transfer to another portion of the TDSA subarea as part of a Concept Development Plan amendment.
  - (vi) A revised Concept Development Plan shall be submitted with the site plan and Final Development Plan to illustrate the Floor Area Ratio for the entire subarea if individual lots are allowed to increase FAR following adoption of the rezoning.
- (2) The Concept Development Plan shall specify the maximum developable floor area for each of the three subareas, including the phasing of density based on the availability of bus and rail.
  - (3) Each development application (including site plans and subdivisions) shall include a tabulation of approved total floor area for the appropriate subarea, the proposed floor area for the application, and the remaining square footage for the subarea including density increases tied to the availability of bus and rail.

- (4) The Final Development Plan will specify the maximum developable floor area approved for the subarea(s), the amount proposed, and the remaining square footage for the subarea(s).
- (5) In mixed use buildings containing dwellings, floor area ratio, which shall include residential floor area, shall determine the bulk of the building above finished grade. The Concept Development Plan and site plan shall identify how dwelling units per acre requirements, as identified in Section 4-1108, are achieved.

**4-1108 Number of Dwelling Units Per Acre.**

**(A) Inner and Outer Core Subareas:**

- (1) The availability of transportation alternatives will determine the maximum dwelling units per acre in three phases (a) prior to the establishment of bus services, (b) when bus services and facilities are planned, scheduled, designed, and fully funded, and (c) when rail transit services and facilities are planned, scheduled, designed, and fully funded as follows:

|              | Maximum Dwelling Units Per Acre<br><u>Inner/Outer Core Subareas</u> |
|--------------|---|
| Prior to Bus | 16  |
| Bus          | 32  |
| Rail         | 50  |

- (2) The proposed dwelling units per acre shall only be permitted upon the demonstration that an adequate transportation network of Roads, Bus, and/or Rail is available to achieve the proposed densities in the applicable transportation category as specified in (A)(1) above.
  - (3) The Concept Development Plan shall specify the maximum number of dwelling units for each subarea including the phasing of density based on the availability of bus and rail.
- (B) Transit Designed Supportive Subarea.** The Concept Development Plan shall specify the maximum number of dwelling units per acre for the subarea.
- (C)** Each development application (including Final Development Plans, site plans and subdivisions) shall include a tabulation of approved total number of dwelling units for the appropriate subarea, the proposed number of dwelling units for the application, and the remaining number of dwelling units for the subarea including density increases tied to the availability of bus and rail.

**4-1109 Mix of Uses.**

- (A) **Inner and Outer Core Subareas.** The land use mix to be achieved within the combined Inner and Outer Core subareas shall meet the minimum as found in the table below. Such mix, and the phasing thereof, shall be identified on the Concept Development plan. Gross land area devoted to principal land uses shall be balanced in the following ratios:

| <u>Land-Use Category</u>       | <u>Minimum.</u> |
|--------------------------------|-----------------|
| Residential                    | 20%             |
| Office                         | 20%             |
| Commercial Retail and Services | 10%             |
| Parks, Civic & Open Space      | 20%             |

*\* At least one publicly-accessible plaza shall be located in the Inner Core subarea to represent the urban focal point as shown on the Concept Development Plan. In addition, publicly-accessible greens, publicly-accessible active recreation space, and publicly-accessible mini-parks shall be appropriately distributed within walking distance from uses and generally depicted as to a street block location on the Concept Development Plan. Such publicly-accessible greens, active recreation space, and mini-park locations implementing the Concept Development Plan shall be shown on the Final Development Plan. These publicly-accessible features shall be considered for each incremental addition proposed to the district to maintain open space within a reasonable actual walking distance.*

- (B) **Transit-Designed Supportive Subarea.** The land use mix to be achieved within the Transit-Designed Supportive subarea, and the phasing thereof, shall be shown on the Concept Development Plan.
- (C) In order to exceed the minimum percentage in any one category, the minimum percentage in all categories must be achieved as evidenced by an approved Final Development Plan. After the minimum percentages have been achieved, in addition to the requirements of Section 6-1000, a zoning permit for change in tenant occupancy shall include a tabulation indicating that the minimum percentages continue to be met.
- (D) A vertical mix of uses is encouraged in multi-story buildings in the Inner and Outer Core subareas, such as ground floor retail with upper story residences or offices. When multiple use types are located within a single building, the land use mix requirements for Residential, Office and Commercial Retail Services, identified in Section 4-1109(A), may be modified by 10% by the Planning Commission during review of a Final Development Plan to achieve integration of uses.

**4-1110 Land Use Arrangement and Use Limitations.**

- (A) Bus stops shall be located throughout the PD-TRC District, as determined by the County, the Washington Metro Area Transit Authority (WMATA) or similar authority.
- (B) Land uses shall be adjoining or located in close proximity to one another to ensure a compact development pattern and a continuous urban streetscape.

- (C) The Transit Related Center shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks while maintaining respect for the natural landscape and floodplain.
- (D) Average block length (measured at the right-of-way) within the total development area that is the subject of a Final Development Plan shall not exceed 400 feet. Blocks designed to include a mid-block through-alley, that permits secondary vehicle access to land uses on the block, may be a maximum of 800 feet in length, half of which shall be used in the calculation of average block length.
- (E) All new utility distribution lines located on PD-TRC designated land shall be placed underground.
- (F) The Transit-Designed Supportive Area street network should complement and support the Inner and Outer Core subarea street network by providing multiple and direct vehicular, bicycle, and pedestrian connections to the transit station.
- (G) Awnings, canopies, trellises, and similar architectural features may cantilever over the pedestrian walkway. Eaves may cantilever over the pedestrian walkway no more than 3 feet.
- (H) Pedestrian walkways shall be located on all four sides of a block.

**4-1111**

**In addition to the requirements contained in Article 5, the following uses shall have limitations as specified below:**

- (A) **Auction Houses** are subject to the following conditions: the use (1) must be located within a building that houses two or more distinct principle uses that do not share the same physical space; and (2) use shall contain no more than 10,000 square feet.
- (B) **Hotel/Motel.** Hotels/Motels are subject to the following additional conditions: (1) Individual guest rooms in the hotel/motel shall be accessed only from an interior lobby in the building and shall not be directly accessible from the exterior of the building; and (2) All stairwells, corridors and circulation components of the building shall be completely enclosed within the building envelope.
- (C) **Off-street parking facility, freestanding.** If the parking structure is not effectively shielded from the street by a building, the first floor of the parking structure shall be enclosed.
- (D) **Recreation establishment, indoor** other than those owned by the public, are subject to the following conditions: (1) facility must be located within a building that is a minimum of three stories in height, (2) the building must house two or more distinct principle uses that do not share the same physical space, and (3) the use shall contain no more than 10,000 square feet.

- (E) **Retail/Food and Beverage Sales – Ambulatory Vendors and Mobile Vending Carts.** General retail sales or provision of food and beverage services by ambulatory vendors or through the use of mobile vending carts are permitted only in the Inner and Outer Core subareas of the PD-TRC district, subject to the following conditions: (1) The number of vendors and carts shall be limited to the number shown on the approved Concept Development Plan; (2) Vendors and carts operating in public places shall comply with any applicable County permit or licensing requirements; (3) Vendors and carts on private property are restricted to one vendor or cart per property, unless otherwise allowed by the County in the terms of an approved Concept Development Plan or subsequent site development plan; and (4) Mobile vending carts shall be moveable by one person, shall be non-motorized, and may not exceed six feet in length, not including a trailer-hitch.
- (F) **Storage, mini-warehouse.** Individual units must only be accessed by an interior corridor.
- (G) **Dwellings, single family detached** shall not comprise more than two and one half (2 ½) percent of the total dwellings proposed in the District.

**4-1112 Building Orientation.** Buildings and their principal entrances in the PD-TRC District shall be oriented toward adjacent neighborhood and/or collector streets or adjacent plazas, greens, or parks; any of which may be publicly or privately owned.

**4-1113 Pedestrian-Oriented Building Placement & Uses.**

- (A) To achieve a uniform streetscape:
  - (1) Within the Inner Core subarea, a minimum of 70% of any lot width, and within the Outer Core subarea a minimum of 50% of any lot width that is adjacent to a public right-of-way or a plaza, shall be occupied by a building wall built to the setback line. The building wall may be part of a principal building or accessory building.
  - (2) The remaining lot frontage in the Inner Core and Outer Core subareas may be occupied by any combination of the following: building wall (within or behind the setback line), decorative solid wall, fence or hedge no higher than 4 feet, decorative wall or fence that allows visibility through it, such as wrought iron or split rail fences, no higher than 6 feet, landscaped entryway signage or features, pedestrian amenities such as a public plaza or park, or breaks for necessary pedestrian or vehicle access ways.
- (B) Within the Inner Core subarea, at least 70% of the first floor building frontage, and within the Outer Core subarea at least 30% of the first floor building frontage, as required in subsection 4-1113 (A)(1) above, shall contain pedestrian-oriented development, preferably commercial retail

and service uses, on the first floor. In multi-family buildings, these percentages may be accomplished with residential accessory uses, lobbies, mailboxes, meeting rooms, and indoor recreational uses. This section shall not apply to single-family dwellings.

- (C) Each Final Development Plan shall indicate how the remainder of the development may be completed.

**4-1114 Pedestrian and Bicycle Connections & Amenities.**

**(A) Pedestrian and Bicycle Connections.**

- (1) Within the PD-TRC, each development shall provide and contribute to an on-site system of pedestrian walkways and bicycle paths and lanes designed to provide direct access and connections to and between the following:
  - (a) The primary entrance or entrances to each principal building;
  - (b) Pedestrian walkways or bicycle paths and lanes on adjacent properties that extend to the boundaries shared with the district;
  - (c) Any public sidewalk system or bicycle path or lane along the perimeter streets adjacent to the district;
  - (d) Existing or planned bus or rail transit stops and commuter park and ride locations; and
  - (e) On-site amenities, as provided according to Section 4-1115 below.
- (2) In addition to the connections required in 4-1114 (A)(1) above, on-site pedestrian walkways and bicycle paths and lanes shall be provided and be designed for direct access and connections between buildings, sidewalks, existing or planned bus or rail transit stops, commuter park and ride locations, on-site amenities sidewalks or walkways on adjacent properties, public parks and civic uses and parking areas or structures.
- (3) Most Direct Route Required. All pedestrian connections shall be designed and sited to ensure the shortest, most direct route possible from point to point. Mid-block pedestrian walkways are encouraged wherever possible to assure a more direct connection between adjacent uses. Pedestrians shall be able to make each of the connections identified in Section 4-1114 (A)(2) above without walking across grass or landscaped areas.

(B) **Sidewalks and Other On-Site Pedestrian Walkways.**

- (1) Sidewalks shall be provided parallel to all streets.
- (2) All sidewalks and on-site pedestrian walkways shall be at least eight (8) feet wide within the Inner Core subarea and at least five (5) feet wide within the Outer Core and Transit-Designed Supportive Area subareas.
- (3) All sidewalks and on-site pedestrian walkways shall have and maintain a minimum unobstructed pathway at least five (5) feet wide.
- (4) All sidewalks and on-site pedestrian walkways shall be aligned and connected with those on adjacent properties and public rights-of-way.
- (5) Each point at which the system of sidewalks or pedestrian walkways crosses a parking area, street, or driveway to make a required connection shall be clearly marked through the use of change in paving materials, height, or distinctive colors.

(C) **Bicycle Paths and Lanes.**

- (1) All bicycle paths shall be at least 5 feet wide, 8 feet wide if a multi-use path.
- (2) The PD-TRC district shall provide for bicycle lanes or paths throughout the PD-TRC district.

(D) **Pedestrian/Bicyclist Underpasses or Tunnels.** Where underpasses or tunnels are used for pedestrian or bicyclist pathways, they shall be generally straight and without recesses so that the far end of the underpass or tunnel is visible to the pedestrian or bicyclist.

**4-1115 On-Site Amenities.**

(A) **General Requirement.** All buildings in the Inner and Outer Core subareas containing 50,000 or more square feet of gross floor area shall incorporate at least two (2) of the on-site amenities or features listed in (A)(1)-(8) below that are accessible to all uses within the building.

- (1) Patio or plaza with seating areas provided such patio or plaza has a minimum depth and width of 10 feet and a minimum total area of 300 square feet.
- (2) Landscaped mini-parks, squares or greens, including rooftop areas, provided such park or green has a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.

- (3) On-site transportation amenities, including bus stops or customer pick-up/drop-off stations.
  - (4) Protected customer walkways; arcades; or easily identifiable building pass-throughs containing window displays and intended for general public access.
  - (5) Water feature, such as a lake, pond, or fountain, provided the feature is easily accessed by pedestrians and includes or integrates seating areas for pedestrians.
  - (6) Street-level public restrooms immediately accessible from building pass-throughs, public plazas or other public open spaces, or enclosed plazas/atriums.
  - (7) Swimming pools (indoor or outdoor, including rooftop).
  - (8) Athletic facilities such as lockers, showers, and changing rooms.
- (B) On-site amenities may be used to satisfy the minimum parks, civic and open space requirements of the Inner and Outer Core subareas as required in Section 4-1109(A).

**4-1116 Landscaped Open Space.**

- (A) The minimum landscaped open space requirement per development is as follows:

|            |            |
|------------|------------|
| Inner Core | No Minimum |
| Outer Core | 10%        |
| TDSA       | 15%        |

- (B) Landscaped open space may be used to satisfy the minimum parks, civic and open space requirements of the Inner and Outer Core subareas as specified in Section 4-1109(A).

**4-1117 Parking Requirements.**

- (A) Generally, on-street parking shall be provided throughout the District and shall not encompass more than 70% of the block frontage. Such on-street parking may be angled and shall be inset into the block with street trees, plantings and/or street furniture incorporated between groups of parking spaces. Such on-street parking shall be designed to avoid impeding pedestrian movement among buildings and spaces in the area.
- (B) All off-street parking lots other than very short-term drop-off/delivery parking shall be landscaped and shall not interfere with the reasonable continuity of building facades and pedestrian activity. In the Inner and Outer Core subareas, no parking lot shall be located between the principal



entrance of a building and the street. The Concept Development Plan shall indicate how the quantity of required parking spaces shall be met within the Inner and Outer Core subareas.

- (C) Off-street parking facilities shall have access from streets or, if no street access is available, from alleys with adequate security measures.
- (D) All above-grade parking structures shall be designed in a manner that is compatible with nearby building architecture to minimize visual impact.
- (E) Each application for a Final Development Plan shall include a transportation study to be reviewed and approved by the Office of Transportation Services indicating the number of parking spaces required. Such transportation study shall take into account reductions in the requirements of Section 5-1100 of up to 20% based on the availability of bus service and up to 50% based on the availability of rail service.
- (F) Notwithstanding the requirements of Section 5-1103(A), all parking shall be located on the lot being served, or on a separate lot or parcel within ¼ mile of the principle pedestrian entrance of the building that it serves.
- (G) Credit for On-Street parking. In coordination with the Office of Transportation Services and the Virginia Department of Transportation, the Zoning Administrator may allow on-street parking spaces, located within 400 feet of the subject principal use to be credited to meet up to 30% of the off-street parking spaces for a particular development or building required by Section 4-1115(E) above. Such credit for on-street parking shall be included on the Final Development Plan so as to identify the particular development receiving the credit.
- (H) A parking facility may be shared by two or more uses if the sum of the parking space requirements of all of the uses is provided.
- (I) After rail service is available, structured parking shall be required to meet 70% of the parking requirements for the construction of new buildings in the Inner and Outer Core subareas.

**4-1118 Landscaping, Buffering and Screening.**

- (A) Landscaping, buffering, and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets and residential uses.
- (B) For individual lots within the PD-TRC district that are developed in accordance with a proffered Concept Development Plan, the buffer and screening requirements of Section 5-1400 shall not be applicable between uses on adjacent lots developed within the center or between uses within the PD-TRC district and differently zoned properties.

**4-1119 Street Trees.** Trees shall be planted at a density of no less than one tree per twenty-five (25) linear feet along all areas dedicated for use for vehicular access.

Such trees shall have a minimum caliper of 1 (one) inch and a height at maturity of 15 (fifteen) feet or more. If in the opinion of the Planning Commission at time of review of the Final Development Plan, upon the advice of the County Urban Forester/Arborist, that street trees will not survive in a given location, substitute plantings or substitute locations may be provided.

**4-1120 Tree Canopy.** Tree canopy requirements of Section 5-1303 shall not apply to the Inner Core subarea.

**4-1121 Development Setback and Access from Major Roads.** The requirements of Section 5-900 shall be observed.

(A) In the Inner Core, buildings shall be located a maximum of 10 feet from the front property line; however, if the building fronts on a plaza or courtyard open to the public, the maximum setback shall be 25 feet.

(B) **Private Streets.** Roads, serving single family attached, townhouse, and multifamily uses only, may be constructed to private street standards set forth in the Facilities Standards Manual, provided the following conditions are met:

(1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road.

(2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads.

(3) Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads.

**4-1122 Accessory Structures and Uses.** Accessory structures and uses shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures. Surface parking lots are permitted as an accessory use for single-family attached and multi-family dwellings.

**4-1123 Signs.** The requirements of Section 5-1200 shall be followed for PD-TRC development. Residential signs within the PD-TRC district shall follow the requirements of the PD-H signs as enumerated in the Sign Requirements Matrix, Section 5-1204(D).

**4-1124 Ownership, Operation, and Management of Common Open Space and Common Facilities.**

- (A) All common open space shall be preserved for its intended purpose as expressed in the Concept Development Plan. The developer shall choose prior to approval of the first record plat or final site plan, one (1) or a combination of the following methods of administering common open space:
- (1) Public dedication to the County of the common open space, subject to acceptance by the Board of Supervisors.
  - (2) Establishment of a non-profit association, corporation, trust, or foundation of all owners of residential property within the planned development. Such organization shall conform to the following requirements:
    - (a) The organization must be established prior to approval of the first record plat or final site plan in the proposed development. The documents establishing such organization shall be reviewed and approved by the County.
    - (b) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate in its members or shareholders.
    - (c) The organization shall management, maintain, administer and operate all open space and improvements and other land not publicly or privately owned, and shall secure adequate liability insurance on the land and such improvements.
    - (d) Sales brochures or other literature and documents provided by the seller of all lots within a PD-TRC district shall include information regarding membership requirements and responsibilities of such organizations.
  - (3) Retention of ownership, control, and maintenance of common open space and improvements by the developer.
- (B) All common open space not dedicated to the County shall be subject to restrictive covenants running with the land restricting its use to that specified in the approved Concept Development Plan. Such restrictions shall be for the benefit of, and enforceable by, all present or future residential property owners and the Board of Supervisors of Loudoun County.
- (C) All common open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

**Section 3-200**

**R-2 Single Family Residential.**

**3-201**

**Purpose.** The R-2 Single Family Residential district is established to provide for low-to-moderate density single family detached residences on lots of 20,000 square feet or more in locations consistent with the Comprehensive Plan and served by public water and sewer but unsuitable for higher densities.

**3-202**

**Permitted Uses.** The following uses are permitted in this district:

- (A) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (B) Bed and Breakfast Homestay (in County designated historic districts), pursuant to Section 5-601(A).
- (C) Child care home, pursuant to Section 5-609.
- (D) Cluster development reducing lot size up to 20% of minimum, pursuant to Sections 3-206, 3-209 and 6-1400.
- (E) Cluster development reducing lot sizes from 20-50% of minimum, pursuant to Sections 3-207, 3-210 and 6-1400.
- (F) Public or private playground or neighborhood park.
- (G) Recycling drop-off collection center, small, pursuant to Section 5-607 (A).
- (H) Dwelling, single family detached.
- (I) Commuter parking lot, with less than 50 spaces.
- (J) Utility substation, dedicated.
- (K) Private School (Elementary, Middle, or High) for fifteen (15) or fewer pupils, pursuant to Section 5-655.
- (L) Agriculture, horticulture, forestry and fishery, excluding the keeping of livestock.
- (M) Bus shelter.
- (N) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas and game preserve.
- (O) Sewer pumping station.
- (P) Water pumping station.

- (Q) Public School (elementary, middle or high), pursuant to Section 5-666.
- (R) Telecommunications antenna, pursuant to Section 5-618(A).
- (S) Telecommunications monopole, pursuant to Section 5-618(B)(1).

**3-203**

**Special Exception Uses.** The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

- (A) Camp, day and boarding.
- (B) Cemetery, mausoleum or memorial park.
- (C) Church, synagogue and temple.
- (D) Community center.
- (E) Congregate housing facility.
- (F) Country club.
- (G) Fire and/or rescue station.
- (H) Library.
- (I) Playing fields and courts, lighted.
- (J) Private club or lodge.
- (K) Continuing care facility.
- (L) Private School (Elementary, Middle, or High) for more than fifteen (15) pupils, by Minor Special Exception.
- (M) Utility substation, transmission, pursuant to 5-616.
- (N) Utility transmission lines, overhead.
- (O) Water treatment plant.
- (P) Removed pursuant to ZOAM 1995-0002.
- (Q) Public or private community or regional park.
- (R) Bed and Breakfast Inn, pursuant to Section 5-601(B), by Minor Special Exception.

- (S) Child or adult day care center, pursuant to Section 5-609.
- (T) Commuter parking lot, with greater than 50 spaces.
- (U) Golf course.
- (V) Structure or use for federal, state, county, or local government purposes, not otherwise listed.
- (W) Radio and/or television tower.
- (X) Orphanage or similar institution.
- (Y) Sewage treatment plant.
- (Z) Water storage tank.
- (AA) Utility substation, distribution, pursuant to Section 5-616.
- (BB) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (CC) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (DD) Police Station.

**3-204**

**Lot Requirements for Suburban Design Option.**

- (A) **Size.** 20,000 square feet minimum.
- (B) **Width.** 100 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** Minimum of twelve (12) feet on one side and nine (9) feet on the other side.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 5:1 maximum.

**3-205**

**Lot Requirements for Traditional Design Option.**

- (A) **Size.** 10,000 square feet minimum.
- (B) **Width.** 75 feet minimum.

- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 15 feet minimum.
  - (2) **Side.** 9 feet minimum.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio.** 5:1 maximum.
- (E) **Lot Design Requirements.**
  - (1) Street trees planted pursuant to Section 5-1300 shall be regularly spaced.
  - (2) Garages shall be set back at least 20 feet behind the front line of buildings.
- (F) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 20,000 square feet is maintained, calculated based on the overall. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (G) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a traditional development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 20,000 square feet or greater. Such buffer area may be included in open space calculations.
- (H) **Other Requirements.**
  - (1) Blocks shall generally be in a grid pattern with interconnecting streets and alleys.
  - (2) Parallel parking may be provided on streets in front of residential lots, except for lots fronting on collector or arterial roads.

3-206

**Lot Requirements for Cluster Development reducing lot sizes up to 20%.**

- (A) **Size.** 16,000 square feet minimum.
- (B) **Width.** 80 feet minimum.

- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** 9 feet minimum.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio:** 5:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 20,000 square feet is maintained, calculated based on the overall parcel. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.
- (F) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 20,000 square feet or greater. Such buffer area may be included in open space calculations.

3-207

**Lot Requirements for Cluster Development Reducing Lot Sizes From 20% to 50% Pursuant to Section 6-1400.**

- (A) **Size.** 10,000 square feet minimum.
- (B) **Width.** 80 feet minimum.
- (C) **Yards.** Each lot shall provide the following yards:
  - (1) **Front.** 25 feet minimum.
  - (2) **Side.** 9 feet minimum.
  - (3) **Rear.** 25 feet minimum.
- (D) **Length/Width Ratio:** 5:1 maximum.
- (E) **Minimum Open Space Area.** Open space shall be provided in a sufficient amount such that a gross density of one lot per 20,000 square feet is maintained, calculated based on the overall. Open space shall be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.



- (F) **Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a cluster development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 20,000 square feet or greater. Such buffer area may be included in open space calculations.

**3-208 Building Requirements for Suburban Design Options.**

- (A) **Lot Coverage.** 25 percent maximum.
- (B) **Building Height.** 40 feet maximum.

**3-209 Building Requirements for Cluster Development Reducing Lot Sizes Up to 20%.**

- (A) **Lot Coverage.** 25 percent maximum.
- (B) **Building Height.** 40 feet maximum.

**3-210 Building Requirements for Traditional Design Option or Cluster Development Reducing Lot Sizes From 20% to 50% Pursuant to Section 6-1400.**

- (A) **Lot Coverage.** 35 percent maximum.
- (B) **Building Height.** 40 feet maximum.

**3-211 Utility Requirements.** All utility distribution lines in the R-2 district shall be placed underground.

**3-212 Development Setback and Access From Major Roads.** In designing residential development, the requirements of Section 5-900 shall be observed.



## Loudoun County, Virginia

www.loudoun.gov

### Department of Planning and Zoning

1 Harrison Street, S.E., 3<sup>rd</sup> Floor, P.O. Box 7000, Leesburg, VA 20177-7000  
703/777-0246 • Fax 703/777-0441

August 21, 2017

Chris Lariviere  
Millman Planning & Zoning  
30650 Pinetree Road – Suite 14  
Pepper Pike, OH 44124

**RE: ZCOR-2017-0084      Zoning Verification for Parcel:**  
**PIN#: 067-37-9924-350      Tax Map: /94///2///350/**

Dear Mr. Lariviere,

This letter is in response to your correspondence dated May 1, 2017, wherein you requested a zoning verification for the above referenced property (Property). Based on County records, I offer the following:

The Property is located within the Dulles International Airport (“Airport”) property leased from the federal government for operation of the Airport. According to Virginia Code § 5.1-156 B, the Metropolitan Washington Airports Authority (MWAA) is established solely to operate and improve both metropolitan Washington airports as primary airports serving the metropolitan Washington area and shall be independent of the Commonwealth and its local political subdivisions, the District of Columbia and the federal government in the performance and exercise of the airport-related duties and powers. Therefore, MWAA is not an entity exempt from the Loudoun County Zoning Ordinance.

The Property is zoned Residential-2 (R-2) and is within the LDN 60 noise contour of the County’s Airport Impact Overlay District. MWAA is subject to the County ordinances unless the proposed use is exempted as one of MWAA’s authorized powers to operate an airport identified in Virginia Code § 5.1-156 A. For uses on MWAA property leased from the federal government for operation of an airport, the County will presume that such uses are for the purpose of the Airport, unless it is clearly a private use. While an automobile service station can be considered a private use, it is also a commercial use “consistent with the purposes of this act upon the airport property on terms established by the Authority.” Virginia Code § 5.1-156 B (12). Furthermore, it is also a use consistent with MWAA’s purpose of “furnishing services to the traveling public and airport users” as set forth in Virginia Code § 5.1-156 B (13). Therefore, the automobile service station that exists on the Property is exempt from the Loudoun County Zoning Ordinance.

The Zoning Enforcement Division of the Department of Planning and Zoning inspects sites for zoning violations upon receipt of a complaint. According to County records, there are no pending complaints or outstanding violations on the Property. It is important to note that Staff did not conduct a site visit to the Property.

Plans for future road construction are not evaluated with a property verification. If you require additional information regarding planned roadways please contact the Department of Transportation and Capital Infrastructure at (703) 737-8624.

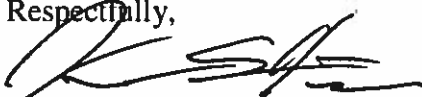
PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the text of the Zoning Ordinance and Virginia Code as of the date of this letter and such text is subject to change.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator, or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the Zoning Ordinance may appeal said decision within thirty (30) days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Zoning Appeals may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of each completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 with each application within 30 days from the date of this letter.

I trust this letter adequately addresses your request regarding the Property. If I can be of further assistance, please contact me at (703) 777-0652 or email at [Josh.Elkins@loudoun.gov](mailto:Josh.Elkins@loudoun.gov).

Respectfully,



Josh Elkins, PLA  
Planner

Copy: Ricky Barker, Planning and Zoning Director  
Mark Stultz, Zoning Administrator  
Michelle Lohr, Deputy Zoning Administrator

Property Owner/s: Metropolitan Washington Airports Authority  
1 Aviation Circle  
Washington, DC 20001-6000

Leasee: MACS Retail LLC, DBA Sunoco  
1011 Boulder Springs Drive, Suite 100  
North Chesterfield, VA 23225-4950