



Loudoun County, Virginia

Board of Supervisors

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**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
AGENDA SUMMARY**

Dulles Room, First Floor, Government Center

Tuesday, July 16, 2019

6:00 p.m.

Committee Members:

Geary Higgins, Committee Chair

Phyllis Randall, BOS Chair – Ron Meyer – Kristen Umstattd – Suzanne Volpe

6:00 p.m. Call to Order – Transportation and Land Use Committee

I. Call to Order – Supervisor Higgins, Committee Chair

II. Adoption of Consent Agenda (Proposed on Consent*)**

III. Action Items

1. *Fee Waiver Request: Loudoun Soccer (Catoctin)

The purpose of this item is to consider a fee waiver request from Loudoun Soccer in the amount of \$27,720 for a non-residential Zoning Map Amendment (ZMAP). Loudoun Soccer seeks to rezone an 11.14-acre parcel from Joint Land Management Area-20 (JLMA-20) to Planned Development-Industrial Park (PD-IP) to allow for the development of an indoor recreation facility connected to public water and sewer. Connection to public water and sewer and indoor recreational facilities are not permitted in the JLMA-20 zoning district but are permitted in the PD-IP zoning district.

The subject property is the existing Loudoun Soccer site located between Sycolin Road and the future Crosstrail Boulevard near the Leesburg Executive Airport in the Catoctin Election District.

Staff supports approval of the fee waiver request as Loudoun Soccer is a registered 501(c)(3) nonprofit recreational association, an organization eligible to request fee waivers under the Loudoun County Land Development Application Fee Waiver Policy.

Staff Contacts: Hilary Richardson & Alaina Ray, Planning and Zoning

2. Fee Waiver Request: Little Learners Academy (Algonkian)

The purpose of this item is to consider a fee waiver request from Little Learners Academy in the amount of \$5,955 for a Special Exception (SPEX) application to expand the child care center's capacity from 90 children to 120 children. The subject property is located within the Point at River Ridge Apartment Complex, north of

George Washington Boulevard, and east of Bles Park Drive at 45134 Waterpointe Terrace.

Little Learners Academy is a child care center approved pursuant to Site Plan Amendment SPAM-1991-0019, University Heights Parcel M. That approval allowed the child care center to care for 90 children. The existing use was processed via site plan under a previous zoning ordinance. The applicant is seeking to expand child care center capacity from 90 children to 120 children. The property is located within the Townhouse/Multifamily Residential – 16 (R-16) zoning district under the Revised 1993 Loudoun County Zoning Ordinance, within which a child care center requires SPEX approval. Expanding capacity from 90 children to 120 children therefore requires SPEX approval and the associated SPEX land development application fee of \$5,955.

The applicant is requesting a waiver for the full \$5,955 application fee. The applicant's justification for the fee waiver is that the business owner was not aware of the need for SPEX approval and the fee is a hardship for the small business. Staff does not recommend approval of the fee waiver request because Little Learners Academy is not eligible for a fee waiver under the Loudoun County Land Development Application Fee Waiver Policy.

Staff Contacts: Hilary Richardson & Alaina Ray, Planning and Zoning

3. ZCPA-2018-0003, ZMOD-2018-0009, SPMI-2018-0004 & SPMI-2018-0016, Loudoun West (Catoctin)

The purpose of this item is to consider a request to amend the Concept Development Plan (CDP) and Proffer Statement (Proffers) associated with ZMAP-2008-0017, Stonewall Secure Business Park, including two proposed Zoning Modifications (ZMODs) and two proposed Minor Special Exceptions (SPMIs). The applications seek to increase Floor Area Ratio (FAR) from 0.48 to 0.60, eliminate locational commitments for building, parking, and open space areas, remove phasing commitments, and revise Tree Conservation Areas (TCAs) and transportation commitments.

The site is located along the east side of Sycolin Road (Route 625) between 0.15 and 0.50 miles north of the Dulles Greenway in the Catoctin Election District. The area is governed by the policies of the Loudoun County 2019 General Plan (Transition Policy Area (Transition Light Industrial Place Type)), which designate this area for low-traffic industrial and employment uses at densities up to 0.60 FAR.

The Planning Commission (Commission) held a public hearing on February 26, 2019, and Work Session on April 11, 2019. During Commission review, the applicants made or agreed to changes pertaining to screening and open space commitments, and to reincorporate protective commitments from the original rezoning, which benefit the adjacent residential properties to the west. The Commission forwarded the applications

(6-1-1-1: Barnes opposed; Blackburn absent; and Sisley recused) to the Board of Supervisors (Board) with a recommendation to approve, subject to revisions.

At the Board Public Hearing on June 12, 2019, the Board forwarded (6-0-3: Higgins, Letourneau, and Randall absent) the applications to the June 18, 2019, Transportation and Land Use Committee (TLUC) for further discussion. At the TLUC meeting on June 18, 2019, TLUC expressed concern over the adequacy of screening around the perimeter and a preference for the “Conditional Tree Conservation Area” shown on the CDP along the western property boundary to remain as 75 feet of vegetated buffer in perpetuity. The Committee also expressed a preference for improved building design commitments and incorporating existing wetlands/drains into the site’s design.

The adoption of the Loudoun County 2019 Comprehensive Plan (Plan), along with revisions to the proposal, serve to mitigate and or eliminate previous policy conflicts, as described herein. Whereas, the proposal was previously at odds with policies of the Revised General Plan, most significantly with provision of open space and proposed density, the standards by which those commitments are evaluated have changed with the adoption of the new Plan. The applicant has also revised the proposal to respond to Board comments that were made at the June 18, 2019, TLUC meeting. In consideration thereof, staff supports Board approval of the applications, subject to final legal review and approval of the Proffers by the County Attorney.

The applicant’s revised Proffers in response to TLUC recommendations made at the June 18, 2019 TLUC meeting and staff recommended Conditions are under review by the Office of the County Attorney and not yet approved as to legal form. The applications are not ready for action. The critical action date is September 3, 2019. Staff will provide an update on the status of the Proffers and Conditions at the July 16, 2019 TLUC meeting.

Staff Contacts: Josh Peters & Alaina Ray, Planning and Zoning

4. Rural Uses and Performance Standards Phase 2 and Phase 3 Zoning Ordinance Amendment (ZOAM) Update (Countywide)

The purpose of this item is to consider forwarding recommendations to the Board of Supervisors (Board) in regard to the following: 1) to separate amendments involving the proposed new use type “Sport Shooting Range, Outdoor” from ZOAM-2017-0004, Rural Uses and Performance Standards Phase 2 (Phase 2 ZOAM), and determine whether to process as part of the comprehensive Zoning Ordinance Overhaul or as a separate ZOAM; and 2) adopt a Resolution of Intent to Amend (ROIA) to initiate the Rural Uses and Performance Standards Phase 3 ZOAM (Phase 3 ZOAM).

The Board’s action on ZOAM-2015-0006 included direction to prepare future amendments to the following ZOAM-2015-0006 carry-over items: “Eco-Tourism,” “Farm Based Tourism,” and “Restaurant” uses in open space, and allowing “Recreation Establishment, Indoor” and “Virginia Farm Winery” uses in certain rural zoning

districts. The 2017 ZOAM Work Program for the Rural Uses and Performance Standards Phase 2 ZOAM intended to address ZOAG's carry-over recommendations from ZOAM-2015-0006 as well as "sports fields and rural recreation, outdoor shooting ranges, farm worker housing, use(s) of existing buildings/structures, as well as more general refinement of permitted use lists, definitions of uses, and related performance standards, to include allowable timeframes for outdoor music and similar sounds associated with permitted rural uses." The topics included in this description originated from multiple sources, to include feedback received from Board members during consideration of other ZOAM initiatives, the Zoning Ordinance Action Group (ZOAG) and advisory groups such as the Rural Economic Development Council (REDC).

At the Transportation Land Use Committee (TLUC) meeting on February 26, 2018, TLUC recommended (2-1-2: Umstadd opposed; Meyer and Randall absent) to the Board that staff proceed with a reduced scope of the Rural Uses and Performance Standards Phase 2 ZOAM. At its April 19, 2018, Business Meeting, the Board adopted (9-0) the Resolution of Intent to Amend (ROIA) the Zoning Ordinance as recommended by TLUC and as further amended for Rural Uses and Performance Standards Phase 2 ZOAM to include: allowing "Eco-Tourism," "Farm Based Tourism," and "Restaurant" uses in open space; allowing "Recreation Establishment, Indoor," "Virginia Farm Winery," and "outdoor shooting range" uses in certain rural zoning districts; and deleting "Wetland Mitigation" as a use. Furthermore, the Board moved that the remainder of the amendments presented to Board (Rural Uses and Performance Standards Phase 3 ZOAM) related to Farm Restaurant; Limited Distillery; Recreation Establishment, Outdoor; Agritourism; Agritainment; Agricultural Operation; Tenant Dwelling; Farm Worker Housing; Noise Standards; Bed and Breakfast Homestay and Inn, and Country Inn; Boarding Camp, Day Camp, and Campgrounds; and Craft Beverage Manufacturing be sent to ZOAG, REDC, and Visit Loudoun for recommendations to be provided to TLUC for review and discussion.

Staff and ZOAG's Rural Subcommittee conducted multiple meetings over the course of 2018 and 2019 to work on draft text for the Rural Uses and Performance Standards Phase 2 ZOAM. Staff conducted multiple meetings over the course of 2019 with ZOAG's Rural Subcommittee, REDC, and Visit Loudoun to obtain preliminary input and recommendations for the Rural Uses and Performance Standards Phase 3 ZOAM. In addition to providing an update, staff is seeking TLUC's recommendation to the Board on next steps for Phase 2 and Phase 3. Notably, for Phase 2 whether to proceed with outreach concerning outdoor shooting ranges or process outdoor shooting ranges as separate ZOAM and, for Phase 3, whether to move forward to the Board with a Resolution of Intent to Amend the Zoning Ordinance.

Staff Contacts: Mark Depo, Mark Stultz & Alaina Ray Planning and Zoning

IV. Adjourn

If you require a reasonable accommodation for any type of disability in order to participate in this meeting, please contact the Office of the County Administrator at (703) 777-0200/TTY-711. At least one business day of advance notice is requested; some accommodations may require more than one day of notice.

FM Assistive Listening System is available at the meeting. Agenda – 7-16-19

Land Development Application Definitions	
CMPT	Commission Permit
DOAM	Development Ordinance Amendment
SIDP	Sign Development Plan
SPEX	Special Exception
SPMI	Minor Special Exception
ZCPA	Zoning Concept Plan Amendment
ZMAP	Zoning Map Amendment
ZMOD	Zoning Ordinance Modification
ZRTD	Zoning Conversion Route 28 Tax District
ZOAM	Zoning Ordinance Amendment
Land Development Application Types and Definitions subject to the State Proffer Bill	
ZRES	Zoning Residential Non-Exempt
ZRMD	Zoning Residential Non-Exempt Modification
ZRAM	Zoning Residential Non-Exempt Amendment