PLANNING COMMISSION
PUBLIC HEARING
STAFF REPORT


ELECTION DISTRICT: Algonkian

CRITICAL ACTION DATE: May 1, 2020

STAFF CONTACTS: Richard W. Hancock, AICP, Project Manager, Planning and Zoning
James David, Deputy Director, Planning and Zoning

APPLICANT: Brian Cullen and Andrew Brown, Sterling Meadow LLC

PURPOSE: To consider the request to rezone approximately ten acres of a commercial center to residential in order to permit the development of 166 stacked multi-family residences in place of the existing Regal Countryside movie theater. Also included are requests to modify front and rear yard requirements, allow parking between buildings and streets without berming and screening, and allow access by private street to existing commercial neighbors.

RECOMMENDATION: Staff recommends the Planning Commission (Commission) stay action on this item until and unless the applicant meets all seven criteria for utilization of the Suburban Compact Neighborhood Land Use option outlined in the Loudoun County 2019 General Plan (2019 GP) Suburban Policy Area Action 2.1.I.; specifically, provision of unmet housing units above ordinance requirements and building design. Furthermore, full capital facilities contributions are necessary to fully mitigate the capital impact of the project consistent with County policy. Minor transportation issues also need to be addressed. Staff recognizes that reinvestment is an important County goal, and can support the proposal should the required 2019 GP criteria and infrastructure policies be met. Further explanation and analysis is provided below.
APPLICATION INFORMATION:

<table>
<thead>
<tr>
<th>PARCELS/ACREAGE:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>PIN</td>
<td>Acreage</td>
</tr>
<tr>
<td>029-40-8452</td>
<td>0.844</td>
</tr>
<tr>
<td>029-40-8502 (portion)</td>
<td>9.141</td>
</tr>
<tr>
<td>Total Acreage</td>
<td>9.985</td>
</tr>
</tbody>
</table>

ACCEPTANCE DATE: April 17, 2019

LOCATION: South side of Tripleseven Road, south of Westwick Court, at 4590 Regal Plaza, Sterling

EXISTING ZONING: PD-CC (SC)

POLICY AREA: Suburban

PLACE TYPE: Suburban Mixed Use

CONTEXT:

Location/Site Access – The subject site is located on the south side of Tripleseven Road (Route 777), south of Westwick Court (Route 1660), at 4590 Regal Plaza, Sterling. Access is provided from two driveways onto Tripleseven Road and at three points to the commercial center to the northwest.

Existing Conditions – The site is currently developed as the Regal Countryside movie theater with associated parking.

Surrounding Properties – Retail commercial uses are located to the west and south. To the north and east across Tripleseven Road is a church. Multifamily condominiums are located to the northwest.

Directions – From central Leesburg, travel east on East Market Street/Route 7 for approximately 9.6 miles. Turn left onto Countryside Boulevard (Route 1570) then right again after about 0.1 miles onto Pidgeon Hill Drive. In less than 500 feet turn right again to stay heading east on Pidgeon Hill Drive. Continue for about 0.2 miles, turning left onto Regal Plaza. The subject site is in 100 feet at the end of Regal Plaza.
Figure 1. Vicinity Map

Figure 2. Conceptual Development Plan

**PROPOSAL:** In order to develop 166 stacked multifamily residences in place of the existing Regal Countryside movie theater, the following applications are requested:

**ZMAP** – A Zoning Map Amendment (ZMAP) request to change the zoning designation of 9.985 acres from Planned Development – Commercial Center (Small Regional Center) PD-CC (SC) zoning district to the Townhouse/Multifamily Residential (R-16) zoning district.

**SPEX** – A Special Exception (SPEX) request to modify Section 7-903(C)(2)(a) and (c) to reduce the front and rear yard requirements for multifamily structures from 25 feet to 14 feet.

**ZMOD** – Zoning Modification (ZMOD) requests to modify:
1. Section 3-608(B) in order to allow off street parking for multifamily residences between buildings and street without berming or screening to the street; and

2. Section 3-610(A) in order to allow existing neighboring commercial uses to be accessed from the project’s private streets.

BACKGROUND: Parc City Center/Triangle Center (ZMAP-1994-0004) was approved by the Board on July 6, 1994, to rezone 33.5 acres from PD-CH, PD-OP, and A-3 to the PD-CC (SC) zoning district to allow the development of a commercial center with a movie theater. Another three-acre portion of the subject site was added when Regal Cinemas Parc City Center (ZMAP-1996-0005) was approved by the Board July 3, 1996. This three-acre portion expanded the parking area at the northern end of the subject site. Since that time additional movie theaters in the general area at Dulles Town Center and One Loudoun have limited the activity at this location.

The applicant has held three community meetings, July 25, September 4, and October 8, 2019. Staff has received four unique comments on the Loudoun Online Land Applications System (LOLA), three in opposition to and one in support of the request. The comments included concerns about road and school capacities and keeping the area commercial. The staff reports and associated attachments can be viewed online at www.loudoun.gov/lola; search “ZMAP-2019-0007.”

OUTSTANDING ISSUES: Staff has identified three outstanding issue areas for the Commission’s consideration:

1. **Place Type** – The site is designated Suburban Mixed Use Place Type. Limited areas within the Suburban Mixed Use Place Type may be allowed to develop as the Suburban Compact Neighborhood Place Type if they meet all seven criteria of Suburban Policy Area Action 2.1.I. The proposal does not meet two of the seven criteria relative to provision of unmet housing needs units and building design.

2. **Capital Facilities Contributions** – This proposal includes no capital facilities contributions. Instead the applicant proposes to donate approximately 40 percent (40%) of the anticipated capital facilities contributions to private groups for the purpose of facility improvements at Countryside Elementary School and Potomac View High School. None of these improvements have previously been identified through the County’s capital improvement program. The County would have no oversight to assure their completion.

3. **Transportation** – The request fails to mitigate Regional Road and Regional Transit impacts consistent with County practice. Also, some triggers for proposed transportation improvements will need to be clarified in the Proffers. Transportation is discussed in the Transportation analysis section below.
POLICY ANALYSIS:

Zoning Map Amendment Petition (ZMAP) Criteria for Approval - Zoning Ordinance Section 6-1210(E) of the Revised 1993 Loudoun County Zoning Ordinance states that if an application is for a reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give reasonable consideration to six (6) factors or criteria for approval. These criteria for approval are organized below by category, followed by staff’s analysis.

Special Exception (SPEX) Criteria for Approval - Zoning Ordinance Section 6-1309 of the Revised 1993 Loudoun County Zoning Ordinance states that in considering a minor special exception or special exception application, six (6) factors shall be given reasonable consideration. These criteria for approval are organized below by category, followed by staff’s analysis.

A. Land Use:
ZO §6-1210(E)(1) Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality. ZO §6-1309(1) Whether the proposed minor special exception or special exception is consistent with the Comprehensive Plan. (5) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.

Analysis – With the adoption of the 2019 GP, anticipated land uses for this site have changed. The subject site is now located within the Suburban Mixed Use Place Type. The existing PD-CC (SC) zoning district is generally not consistent with the mix of uses of the Suburban Mixed Use Place Type. Limited areas within the Suburban Mixed Use Place Type may be allowed to develop under the standards of the Suburban Compact Neighborhood Place Type if they meet all seven performance-based criteria of Suburban Policy Area Action 2.1.I. Without meeting these seven criteria, the change to the R-16 zoning district is not consistent with the 2019 GP. The seven criteria and whether the application meets each is provided below in Table 1.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Application Component</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. The proposal includes housing units that address unmet housing needs that exceed the applicable regulatory requirements.</td>
<td><strong>Criterion not met.</strong> The applicant has not committed to providing unmet housing needs units beyond the Affordable Dwelling Units (ADU) required per the requested zone change. Commitments to provide cash to the Housing Trust Fund and to provide at least three of the ADUs as the larger upper units do not address this criterion. See unmet housing discussion after this chart.</td>
</tr>
</tbody>
</table>

Table 1. Suburban Policy Area Action 2.1.I
### Criteria Met

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>ii.</strong> The site is located at the periphery of a mixed use development or along a major transportation corridor.</td>
<td>Criterion met. The site is located along the Route 7 corridor at the periphery of an area planned for the Suburban Mixed Use Place Type.</td>
</tr>
<tr>
<td><strong>iii.</strong> Transit options are available within the direct vicinity.</td>
<td>Criterion met. The site is located along the Local Sterling Bus Route 81 Countryside Collector. A local bus stop is located at Pidgeon Hill Drive and Davenport Drive about 150 feet from the project entrance.</td>
</tr>
<tr>
<td><strong>iv.</strong> The site is proximate to employment options and a complementary mix of uses (e.g., neighborhood serving retail and services).</td>
<td>Criterion met. The site is adjacent to commercial centers providing employment opportunities in addition to a mix of neighborhood-serving retail and service.</td>
</tr>
<tr>
<td><strong>v.</strong> The site is proximate to public facilities with existing or planned capacity to serve the proposed development.</td>
<td>Criterion met. Loudoun Water provides sewer and water service to the site. The local transportation network has capacity to serve the proposed use. The proposal does not trigger the need for any whole new public facilities. However, staff notes that the current iteration of the proposal does not fully mitigate capital facilities impacts. See discussion in the Capital Facilities analysis below.</td>
</tr>
<tr>
<td><strong>vi.</strong> The proposal conforms to the transition techniques and guidelines of the originally designated Place Type and any adjacent Place Types.</td>
<td>Criterion met. Medium density residential uses generally provide an appropriate transition, both in terms of intensity and visual impact, between the planned Suburban Mixed Use areas to the south and the Suburban Neighborhood Place Type to the north. The proposal utilizes small block sizes and similar building heights to transition to surrounding developments.</td>
</tr>
<tr>
<td><strong>vii.</strong> The proposal demonstrates innovation in design, including techniques that result in a perceived density that complements the scale of the surrounding built environment.</td>
<td><strong>Criterion not met.</strong> There are no commitments to building design. See discussion in the Compatibility analysis section below. The proposed site design, however, is consistent with the building sizes of the neighboring commercial and multifamily developments. Site design also provides additional parking and active recreation beyond zoning minimums.</td>
</tr>
</tbody>
</table>

### Unmet Housing

**Unmet Housing** – Exceeding the standard regulations for unmet housing needs units—housing units that are affordable to households earning up to 100 percent of the Area Median Income (AMI)—would include providing additional ADUs, Affordable Housing Units (AHU), or Affordable Market-rate Purchase Units (AMPU) with the proposed development. Although substantial, the
$1,000,000 proffered cash contribution to the Housing Trust Fund does not fulfill this policy. A main focus of the 2019 GP performance-based criteria that allows a departure from the Suburban Mixed Use Place Type is facilitating construction of physical housing units that meet unmet housing needs and are located in areas that would be near major transportation corridors, transit, employment options, and adequate public facilities. Proper transition and design to complement to surrounding uses are also crucial. Since the application does not provide additional unmet housing units at this location, it does not comply with the 2019 GP criteria for utilization of the Suburban Compact Neighborhood Place Type on the subject site. The application should include a commitment that provides additional ADUs, AHUs, or AMPUs within the development if the project scope remains 100 percent residential.

B. Compatibility:
ZO §6-1210(E)(2) The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values. ZO §6-1309(2) Whether the level and impact of any noise, light, glare, odor or other emissions generated by the proposed use will negatively impact surrounding uses. (3) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and on adjacent parcels.

Analysis – Staff has identified one outstanding issue with this application related to compatibility. As previously mentioned in Table 1 above, there are no commitments for building design. Only the type of residential buildings (“multi-family, rear-loaded, stacked dwelling units”) and the general orientation (“front” or “back”) have been specified. Providing commitments to building design is needed to ensure consistency with 2019 GP policies. Building design commitments should include building forms, materials, and fenestration to create visually interesting and compatible neighborhoods. The design elements shall be consistent with the Suburban Policy Area Design Guidelines in the 2019 GP Appendix, page 6.

Six-foot-tall masonry walls are provided to help screen the existing loading dock for commercial properties. Staff recommends evergreen trees in addition to the code-required Type 1 Buffering to help reduce potential impacts from introducing residential adjacent to existing commercial development.

C. Environmental and Heritage Resources:
ZO §6-1210(E)(5) Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts. ZO §6-1309(4) Whether the proposed special exception or minor special exception adequately protects and mitigates impacts on the environmental or natural features including, but not limited to, wildlife habitat, vegetation, wetlands, water quality (including groundwater), air quality, topographic, scenic, archaeological or historic features, and agricultural and forestal lands.
Analysis – The proposal consists of redeveloping an existing commercial site. The application adequately addresses potential impacts to the environment, including floodplain management, water quality, and urban forestry. There are no outstanding environmental or heritage resource issues.

D. Transportation:
ZO §6-1210(E)(3) Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district [emphasis added]. ZO §6-1309(6) Whether the proposed special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services and, in rural areas, by adequate on-site utilities [emphasis added].

Analysis – There are two outstanding transportation issues: 1) transportation contributions, and 2) clarifying some of the triggers for proffered transportation improvements.

Regional Road Contributions and Regional Transit Contributions of $5,000 and $625 respectively, are less than the recommended amounts of $6,000 and $1,000. These values are a guide and are not specified by the Loudoun County 2019 Countywide Transportation Plan (2019 CTP). The proposed development is consistent with 2019 CTP policies for new development. The 166 stacked multifamily residences are anticipated to generate fewer vehicular trips than expected from the movie theater use existing on site. See Table 2 below.

Trip Generation – The applicant’s Transportation Impact Study indicates that the application would generate fewer trips than anticipated with the movie theater use currently developed, as detailed in Table 3 below:

<table>
<thead>
<tr>
<th>Table 2. Existing and Permitted Trip Generation Comparisons</th>
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<tbody>
<tr>
<td><strong>Land Use</strong></td>
</tr>
<tr>
<td>Total Movie Theater Trips</td>
</tr>
<tr>
<td>Total Proposed Trips with these Applications</td>
</tr>
<tr>
<td>Difference (Proposed minus Existing)</td>
</tr>
</tbody>
</table>

Transportation Improvements – The application improves upon existing transportation infrastructure by providing the following improvements:

<table>
<thead>
<tr>
<th>Table 3. Proffered Transportation Improvements</th>
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</thead>
<tbody>
<tr>
<td><strong>Location/Facility</strong></td>
</tr>
<tr>
<td>Tripleseven Road (Westwick Court to Pidgeon Hill Drive)</td>
</tr>
<tr>
<td>Location</td>
</tr>
<tr>
<td>--------------------------------</td>
</tr>
<tr>
<td>Tripleseven Road</td>
</tr>
<tr>
<td>Intersection of Tripleseven Road / Palisade Parkway</td>
</tr>
<tr>
<td>Intersection of Cromwell Road / Tripleseven Road</td>
</tr>
<tr>
<td>Tripleseven Road</td>
</tr>
<tr>
<td>Tripleseven Trail (project frontage)</td>
</tr>
<tr>
<td>Tripleseven Trail (Heather Glen to Cromwell Road)</td>
</tr>
</tbody>
</table>

The cost of the proffered off-site Tripleseven Trail, Tripleseven Road/Palisade Parkway and Cromwell Road/Tripleseven Road intersection improvements would be included as a part of the Regional Road Contributions. Likewise the cost of the proffered bus shelter would come from the Regional Transit Contributions. The applicant should update the Proffers to the recommended amounts. Also, the timing of all these improvements needs to be clearly specified in the Proffers.

**E. Fiscal Impacts:**

**ZO §6-1210(E)(4) The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services.**

**Analysis** – The applicant has not mitigated the capital facilities impacts of the proposed project in accordance with County public facilities policies. Plan policy is to provide capital facilities contributions in cash, or in-kind assistance to mitigate capital facilities costs associated with that development, at the full calculated amount. Appropriate capital facilities contributions to serve the proposed 166 multifamily stacked units are calculated as $3,877,567.¹ Capital facilities impacts are independent of ongoing operational expenses for public facilities. They are also calculated based on the capital needs and costs for capital facilities planning areas of the County. They are then allocated based on the six-year Capital Improvements Program (CIP) as provided in the annual budget. Generally, before items are considered for the CIP they are identified in the ten-year Capital Needs Assessment (CNA).

¹The anticipated capital facilities contribution of proposed developments is based on the number of market rate units multiplied by the capital intensity factor (CIF) of the housing type for the specific CIF region of the County. Sterling Meadow includes 155 market rate, multifamily stacked residences in the Eastern Region. Therefore the anticipated Capital Facilities Contribution is 155 × $25,015.56 = $3,877,566.80.
The applicant has proffered to provide cash to the Countryside Elementary School Parent Teacher Association (Countryside PTA) and Potomac Falls High School Parent Teacher Student Organization (Potomac Falls PTSO), as provided in Table 4 below, which is inconsistent with the County’s process for addressing capital facility impacts associated with the proposed project. The money would then be used to improve specific community facilities. The total value of the improvements at $1,540,000 is approximately 40 percent (40%) of the anticipated capital facilities contribution for this development.

<table>
<thead>
<tr>
<th>Community Facility</th>
<th>Improvement</th>
<th>Timing</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Countryside Elementary Playground</td>
<td>Contribute $75,000 to the Countryside PTA for a rubberized surface for the play area and new play equipment.</td>
<td>Within 30 days of project approval</td>
<td>$75,000</td>
</tr>
<tr>
<td>Countryside Elementary Walking Path</td>
<td>Contribute $250,000 to the Countryside PTA to improve the field and construct a walking track/path at the school.</td>
<td>Prior to approval of 84th zoning permit</td>
<td>$250,000</td>
</tr>
<tr>
<td>Potomac Falls High Weight Room</td>
<td>Contribute $125,000 to the Potomac Falls PTSO to improve its weight room—purchase and installation of weight and exercise equipment, HVAC/ventilation improvements, and new flooring.</td>
<td>Within 30 days of project approval</td>
<td>$125,000</td>
</tr>
<tr>
<td>Potomac Falls High Stadium</td>
<td>Contribute $1,000,000 to the Potomac Falls PTSO to purchase or construct bleachers and press boxes, or to further enhance the weight room.</td>
<td>Prior to approval of 84th zoning permit</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

These funds are provided to nongovernmental groups with no County oversight. Additionally, although unforeseen, there is no guarantee that the students from the proposed development will attend these schools. Since these improvements are not anticipated by the County’s capital improvement program, this money would not go to facilities identified by the Board as a priority for funding. Staff recommends the application provide the full capital facilities contributions and that the allocation of these funds remain as determined by County policy. The application should not receive credit for these proffered improvements. If the Board chooses to credit the value of any or all of the proffered community facility improvements toward the project’s overall anticipated capital facilities contributions, then additional discussion will be needed to assure that the proffered improvements are completed.

F. Public Utilities/Public Safety:
ZO §6-1210(E)(3) Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district.
(6) The protection of life and property from impounding structure failures. ZO §6-1309(6) Whether the proposed special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services and, in rural areas, by adequate on-site utilities.

Analysis – There are no outstanding public utility or public safety issues. The following table summarizes how this application addresses public utilities, fire and rescue services, fire and rescue contributions, and public safety.

<table>
<thead>
<tr>
<th>Table 5. Public Utilities and Public Safety</th>
</tr>
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<tbody>
<tr>
<td><strong>Water and Sewer</strong> – Loudoun Water has reviewed the applications. Service is contingent upon compliance with Loudoun Water policy, rules, and design requirements. Due to the increase in sanitary sewer needs for the proposed development, a sewer capacity analysis of the existing system will be required. Likewise, a hydraulic water model analysis will be required to determine main sizing an interconnection. Any resulting improvements and easements will be the responsibility of the applicant.</td>
</tr>
<tr>
<td><strong>Fire &amp; Rescue Service</strong> – The Cascades Station 18/25 Fire and Rescue Station would serve the subject property with an approximate response time of five minutes.</td>
</tr>
<tr>
<td><strong>Fire &amp; Rescue Contribution</strong> – The applicant has agreed to provide an annually adjusted one-time contribution of $120 per each market-rate dwelling unit for volunteer fire and rescue services.</td>
</tr>
</tbody>
</table>

ZONING ANALYSIS: The application includes a SPEX application to modify Section 7-903(C)(2)(a) and (c) to reduce front and rear yards for buildings from 25 feet to 14 feet in six locations shown on the SPEX plat. Staff is supportive of this request due to the overall design of the site as discussed in the Compatibility analysis section above. Of particular note is that the application includes more open space than required and has appropriate passive and active recreational areas throughout the site.

Although the request includes a modification to allow neighboring commercial businesses to be accessed by private residential roads, the applicant has proffered to provide the required public access easement on the private streets since commercial uses of the PD-CC (SC) zoning district are not permitted in the R-16 zoning district.

The CDP provides a loading space to remain in the PD-CC (SC) zoning district to serve the adjacent commercial uses along Pidgeon Hill Drive. The loading area will be screened from the proposed residential buildings with a masonry wall and Type 1 Buffer.

ZONING MODIFICATIONS: The applicant proposes the zoning modification(s) summarized in the table below. The Revised 1993 Loudoun County Zoning Ordinance authorizes the Board to approve modifications to Suburban District regulations provided that the proposal meets the criteria of Section 6-1217(B): 1) No such modifications shall be approved which affect uses, density, or floor area ratio of the district; 2) No modifications to the Affordable Dwelling Unit Developments regulations of Article 7 shall be permitted except in accord with Section 7-108; 3)
No such modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation; 4) No such modification shall be approved for the primary purpose of achieving the maximum density on a site; 5) No such modification shall be approved unless the Board of Supervisors finds that it is applicable to an entire development or to a defined portion of a development that is proposed to contain multiple lots.

### Table 6. Zoning Modifications

<table>
<thead>
<tr>
<th>Zoning Ordinance Section</th>
<th>Proposed Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>§3-608(B), R-16 Townhouse/Multifamily Residential, Additional Development Standards, Off Street Parking.</td>
<td>Permit off street parking for multifamily residences between buildings and street without berming or screening to the street.</td>
</tr>
</tbody>
</table>

Inconsistency of the overall proposal with Place Type notwithstanding, Staff supports the requested zoning modification to allow the placement of parking in this multifamily development without screening or berming from the streets. The modification would allow the parking to be conveniently placed.

| §3-610(A), R-16 Townhouse/Multifamily Residential, Development Setback and Access From Major Roads, Private Streets. | Permit access to commercial uses from private streets. |

Inconsistency of the overall proposal with Place Type notwithstanding, Staff supports the requested zoning modification to permit access to the existing commercial businesses with a condition that the Type 1 Buffer be enhanced to include evergreen trees where adjacent to residents. This request reduces the impacts upon existing businesses without increasing density and improving upon the minimum buffering requirements.

### DRAFT MOTIONS:

1. I move that the Planning Commission forward ZMAP-2019-0007, SPEX-2019-0014, & ZMOD-2019-0013, Sterling Meadow, to a Planning Commission Work Session for further discussion, and direct the applicant to meet all seven of the 2019 GP criteria for utilization of the Suburban Compact Neighborhood Place Type.

OR

2. I move an alternate motion.

### ATTACHMENTS:

1. Proffer Statement (November 4, 2019)
2. Concept Development Plan (November 4, 2019)
3. Statement of Justification
4. Review Agency Comments
5. Response to Referral Comments
STERLING MEADOW
ZMAP-2019-0007
PROFFER STATEMENT

July 11, 2019
Revised September 13, 2019
Revised November 4, 2019

PREAMBLE

Sterling Meadow, LLC, the owner (the “Owner”) of property described as Loudoun County Tax Map 81 Parcels 3A and 2 (PINs: 029-40-8502 and 029-40-8452), on behalf of itself and its successors in interest, hereby voluntarily proffers, pursuant to Section 15.2-2303, Code of Virginia (1950), as amended, and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance (the “Zoning Ordinance”), that in the event all of PIN 029-40-8452 and the approximately 9.141-acre portion of PIN 029-40-8502 (collectively the “Property”) is rezoned by the Board of Supervisors of Loudoun County, Virginia (hereinafter referred to as the “County”), to the R-16 (Residential-16 Townhouse) Affordable Dwelling Unit (Section 7-800 of the Zoning Ordinance, herein referenced as the “R-16 ADU zoning district”), under the Zoning Ordinance as may be amended from time to time, in accordance with the Concept Development Plan, as defined below, the development of the Property shall be in substantial conformance with the proffers as set forth below (the “Proffers”).

All proffers made herein are contingent upon approval of this ZMAP-2019-0007 (the “Application”), and the Concept Development Plan, as defined below. If approved, this rezoning and these Proffers shall supersede and fully replace all previous proffers applicable to the Property.

All references in these Proffers to subdivision, subdivision plat, or record plat shall be deemed to include condominium or condominium plat or any other document or mechanism that legally divides the Property into separately transferable units of ownership. Any obligation imposed herein that must be performed prior to, in conjunction with, or concurrently with first or other subdivision or record plat approval shall be deemed to be required to be performed prior to the recordation of any such condominium declaration or plat or other similar document that would have the legal effect of dividing the Property into separately transferable units of ownership.
When any plan submission, signal warrant analysis submission, noise or other impact study submission, bonding, dedication, conveyance, construction, completion of construction, opening of a facility or infrastructure to traffic or use, payment of cash, or any other act or activity required in these proffers is required to be performed, submitted, recorded, paid, and/or completed prior to the issuance of any occupancy permit or the approval of a plan or zoning permit, the said plan and/or permit shall not be issued and/or approved until the Owner has provided written documentation from County Building and Development or Zoning Administration staff that the said payment, act, or activity has been made or completed, or provided documentation from Zoning Administration staff that the said payment, act, or activity is no longer a prerequisite for issuance or approval of said permits or plans.

The Zoning Administrator may grant an extension to a date certain or for a specific period, secured by adequate bond if required by the Zoning Administrator, with respect to any dates or events provided in these Proffers by which time a commitment must be fulfilled if the Zoning Administrator determines that an extraordinary, unforeseeable event or circumstance beyond the control of the Owner has prevented the timely fulfillment of its obligations under these Proffers.

I. CONCEPT DEVELOPMENT PLAN

The Property shall be developed in substantial conformance with the Concept Development Plan defined as Sheets 1, 2, 5, 5A, 5B and 8 of 8 (the “CDP”) of the rezoning plan set entitled “Sterling Meadow Zoning Map Amendment, Special Exception, and Zoning Modifications (ZMAP-2019-0007, SPEX-2019-0014, ZMOD-2019-0013 and ZMOD-2019-0014)” dated April 2, 2019, and revised through November 4, 2019, prepared by Urban (the “Plans”), incorporated herein by reference as Exhibit A, and the Zoning Ordinance Modifications, approved pursuant to Section 6-1217 of the Zoning Ordinance, as described in Exhibit B attached hereto and incorporated herein by reference (“Zoning Ordinance Modifications”). Minor adjustments to the locations of the proposed roads and improvements shown on the CDP shall be permitted as reasonably necessary, in accordance with Zoning Ordinance Section 6-1209, to address grading, drainage, environmental, cultural and natural features, development ordinance requirements, and other final engineering considerations, and to accommodate the recommendations of archaeological studies, if any. Special exception applications for special exception uses may be filed and considered by
the County provided that any special exception use shall receive the requisite County approval prior to establishment of such use.

II. DEVELOPMENT SCOPE

Up to 166 multi-family, rear-loaded, stacked dwelling units shall be permitted on the Property. The Owner shall construct a minimum of eleven (11) of the 166 multi-family stacked dwelling units as affordable dwelling units on the Property that will comply with Article 7 of the Zoning Ordinance and Chapter 1450 of the Codified Ordinances of Loudoun County. Provision of such affordable dwelling units (the “ADUs”) shall be phased, with at least six (6) ADUs constructed with Notices of Availability of such units provided to the County prior to the issuance of the occupancy permit for the 77th non-ADU dwelling unit, and the remaining ADUs constructed with Notices of Availability of such units provided to the County prior to the issuance of the occupancy permit for the 116th non-ADU dwelling unit. At least three (3) of the required ADUs will be upper-story units. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer X.C below.

III. PROPERTY OWNERS ASSOCIATION

The owners of all property will be subject to one Property Owners Association (the “POA”). The POA shall be responsible for the maintenance and repair of recreation facilities, common areas and private streets and street lighting; the landscaping of common areas; the maintenance and replacement of trails and sidewalks located outside of public rights-of-way; snow removal from private streets and parking areas; maintenance of all storm drainage easements and stormwater management/BMP facilities; and trash removal and recycling services for the Property. The POA for the Property will be established and POA documents recorded in the land records, subject to County review and approval, prior to or in conjunction with the approval of the first record plat or site plan for the Property, whichever is first in time.

IV. TRANSPORTATION

A. Tripleseven Road

1. Bicycle Lane. The Owner shall, within the existing right of way, restripe Tripleseven Road as shown on Sheet 8 of the CDP to accommodate an on-street,
southbound bike lane with a minimum width of five (5) feet. The bike lane shall begin at Westwick Court and continue along the Property’s frontage before transitioning to the existing trail prior to or at Pidgeon Hill Drive, depending upon available right of way. The Owner shall show this on-street bike lane on a striping plan submitted directly to VDOT prior to the approval of the 1st zoning permit at the Property and construct the improvement prior to the approval of the 50th occupancy permit at the Property. The final striping of the bike lane is subject to review and approval by VDOT and may change based upon that review. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer IX.C below.

2. **Palisade Parkway Intersection.** Subject to VDOT and the Loudoun County Department of Transportation and Capital Infrastructure (“DTCI”) approval, the Owner shall, within the existing right of way, restripe Tripleseven Road as shown on Sheet 8 of the CDP to add a dedicated left turn lane, such that there are three eastbound lanes (dedicated right lane, shared thru, left lane and dedicated left turn) (the “Palisade Parkway Intersection Improvement”). The Owner shall show this restriping on a separate striping plan submitted directly to VDOT prior to the approval of the 1st zoning permit at the Property with the final striping subject to review and approval by VDOT and may change based upon that review. Provided the Owner has bonded this improvement prior to the approval of the first zoning permit at the Property, the Owner shall receive a credit against its Regional Transportation Contribution defined in Proffer IV.C below in the amount of $______, the cost of the Palisade Parkway Intersection Improvement. The Owner shall construct the Palisade Parkway Intersection Improvement prior to the approval of the 50th occupancy permit at the Property. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer IX.C below.

B. **Cromwell Road**

1. Subject to VDOT and DTCI approval, the Owner shall, within the existing right of way, restripe Cromwell Road as shown on Sheet 9 of the CDP to add an additional right turn lane onto Tripleseven Road, such that there will be two eastbound lanes and one westbound lane on Cromwell Road (the “Cromwell Intersection Improvement”). The Owner shall show this restriping on a separate striping plan submitted directly to VDOT prior to the approval of the zoning permit at the Property with the final striping subject to review and approval by VDOT and may change based upon that review. Provided the Owner has bonded the Cromwell
Intersection Improvement prior to the approval of the ___ zoning permit at the Property, the Owner shall receive a credit against its Regional Transportation Contribution defined in Proffer IV.C below in the amount of $______, the cost of the Cromwell Intersection Improvement. The Owner shall construct the improvement prior to the approval of the ___ occupancy permit at the Property. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer IX.C below.

C.   **Internal Street Design**

The Owner shall submit street layouts as part of the preliminary final record plat, site plan, or construction plans and profiles submission, whichever comes first, with such layouts consistent with the section shown on Sheet 5B of the CDP and showing appropriate roadway design speeds and function designed to discourage speeding and cut-through traffic. At least two crosswalks will be striped, both as shown as dashed arrows on Sheet 5 of the CDP. The Owner shall locate the internal streets, not alleys, at the Property within a Public Access Easement.

D.   **Regional Transportation Contribution**

The Owner shall make a transportation contribution to the County valued at $5,000.00 per market rate unit developed at the Property. This contribution may be reduced by $________ which is the cost of the Palisade Parkway Intersection improvements in Proffer IV.A.2, by _____ which is the cost of the Cromwell Intersection Improvements in Proffer IV.B.1 above and by $90,000, which is the cost of the Off-site Tripleseven Trail in Proffer VII.A below, bringing the total anticipated regional transportation contribution to $________ (155 market rate units at $5,000 less the $_____ cost of the Palisade Parkway Intersection Improvement, the $_____ cost of the Cromwell Intersection Improvement and the $_____ cost of the Off-site Tripleseven Trail). The amount of the said regional transportation contribution payable for each dwelling unit, adjusted pursuant to Proffer IX.B. below, shall be calculated at the time of the approval of the zoning permit for each said dwelling unit and shall be payable prior to the issuance of the occupancy permit for such dwelling unit. If the regional transportation contribution is not reduced per Proffer IV.A.2 and IV.B.1 above and Proffer VII.A below, the Applicant shall make a per-unit regional transit contribution of $4,668.70 for each of the residential units developed at the Property.

E.   **Regional Transit Contribution**
The Owner shall make a transit contribution to the County valued at $625 per market rate unit developed at the Property. Per Proffer IV.E below, this contribution may be reduced by $30,000 which is the cost of the offsite bus shelter, bringing the total anticipated regional transit contribution to $66,875 (155 market rate units at $625 less the $30,000 cost of the bus shelter). The amount of the said transit contribution payable for each dwelling unit, adjusted pursuant to Proffer IX.B. below, shall be calculated at the time of the approval of the zoning permit for each said dwelling unit and shall be payable prior to the issuance of the occupancy permit for such dwelling unit. Said contribution shall be deposited in a Transit/Rideshare County trust fund or otherwise used by the County in the Potomac subarea to support transit services as described in the Loudoun County 2019 Countywide Transportation Plan (the “2019 CTP”). If the regional transit contribution is not reduced by $30,000 per Proffer IV.E below, the Applicant shall make a per-unit regional transit contribution of $583.50 for each of the residential units.

**F. Bus Shelter**

The Owner shall construct a bus shelter along Tripleseven Road that shall be enclosed on three (3) sides, have a roof and shall meet the County’s minimum bus shelter design standards. The Owner shall work with the Department of Capital Infrastructure during the first site plan approval process for the Property to coordinate the location of the bus shelter and shall install the bus shelter prior to the issuance of the 70th occupancy permit at the Property. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer IX.C below. Provided the Owner has bonded the bus shelter prior to the approval of the first (1st) zoning permit at the Property, the Owner shall receive a credit against its Regional Transit Contribution in the amount of $30,000, the cost of the Bus Shelter, as set forth in Proffer IV.D above.

**V. PEDESTRIAN NETWORK**

**A. Internal Sidewalks**

The Owner shall construct sidewalks of a minimum width of five feet (5’) along the private street segments fronting the dwelling units within the Property in accordance with applicable FSM standards and as shown on Sheet 5 of the CDP. The sidewalks shall be constructed concurrently with the dwelling units which they serve.

**B. Tripleseven Road Trail**
The Owner shall construct and/or replace existing trail segments to ensure a trail of a minimum width of six feet (6’) along the Property’s Tripleseven Road frontage as shown on Sheet 5 of the CDP. The curb ramps at both of the Property’s entrances from Tripleseven Road shall be upgraded or replaced to meet current ADA standards, including providing a detectable warning surface. The trail will be located either wholly within the right of way or wholly within the Property. If located within the Property, the trail shall be within a 10-foot wide public access easement granted to the County at no public cost and will be maintained by the POA. The trail shall be constructed and open for use prior to the issuance of the 50th occupancy permit at the Property. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer IX.C below.

VI. **SITE DESIGN**

The Owner shall construct and install recreational and passive spaces throughout the Property to include the amenities described below.

A. **Active Recreation Space**

The Owner shall provide four areas of active recreation spaces at the Property, of the general size and in the general location as Active Recreation Spaces 1, 2, 3 and 4, depicted on Sheet 5 of the CDP. Collectively, the active recreation spaces shall be a minimum of 35,200 square feet.

1. **Active Recreation Space 1 and 2.** Within Active Recreation Space 1 and/or 2, the Owner shall install at least one tot lot, a sport court and a grassed open play area, with such amenities reflected on the first approved site plan for the Property. Additionally, Active Recreation Space 1 and 2 shall be adorned with seating, landscaping and hardscaping to encourage gathering. Active Recreation Space 1 shall be established, completed, and open for use prior to the issuance of the occupancy permit for the 30th dwelling unit surrounding the activated space. Active Recreation Space 2 shall be established, completed, and open for use prior to the issuance of the occupancy permit for the 40th dwelling unit surrounding the activated space. The issuance of the said occupancy permits shall be subject to compliance with the provisions of Proffer IX.C below.
2. **Active Recreation Space 3 and 4.** Within Active Recreation Space 3 and/or 4, the Owner shall install at least one area for dogs and a fitness cluster with at least three pieces of exercise equipment, with such amenities reflected on the first approved site plan for the Property. Additionally, Active Recreation Space 3 and 4 shall be adorned with seating, landscaping and hardscaping to encourage gathering. Active Recreation Space 3 shall be established, completed, and open for use prior to the issuance of the occupancy permit for the unit immediately adjacent. Active Recreation Space 4 shall be established, completed, and open for use prior to the issuance of the 150th occupancy permit at the Property. The issuance of the said occupancy permits shall be subject to compliance with the provisions of Proffer IX.C. below.

**B. Passive Open Space**

The Owner shall establish at least 145,800 square feet at the Property as open space, which will include the following amenities.

1. **Pocket Park.** The Owner shall establish at least one pocket park of a minimum size of 2,500 square feet as shown on Sheet 5 of the CDP. The Pocket Park shall have seating for a minimum of four people and be landscaped with shrubs and bushes. The Pocket Park shall be shown on the first site plan at the Property and constructed and open to pedestrians prior to the issuance of the first occupancy permit of the adjacent units. The issuance of the said occupancy permits shall be subject to compliance with the provisions of Proffer IX.C below.

**C. Access**

The recreational amenities defined above in this Proffer VI.A and VI.B shall be managed and maintained by the POA and access to such amenities shall be provided to all homeowners within the Property.

**D. Perimeter Buffers**

1. Prior to the issuance of the 50th occupancy permit at the Property, the Owner shall install the Type 2 Front buffer along Tripleseven Road as shown on Sheet 5B of the CDP. This timing correlates with the construction of the Tripleseven Road Trail. The issuance of the said occupancy permits shall be subject to compliance with the provisions of Proffer IX.C. below.
2. The Applicant shall install the Type 1 Side/Rear buffers, as shown on Sheet 5B of the CDP, concurrently with the adjacent dwelling units to the specific buffers.

E. Bicycle Racks

The Owner shall provide at least one bicycle rack to accommodate a minimum of five bicycles at the Property. The location of the bicycle rack shall be shown on the first site plan and shall be installed prior to the issuance of the 30th occupancy permit at the Property. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer IX.C below.

F. Lighting

All lighting fixtures used in parking areas and on building exteriors shall be full cutoff, fully shielded, directed downward, and designed and installed to prevent glare onto adjacent properties and streets. The lighting details shall be depicted on the first site plan approved for the Property.

VII. COMMUNITY BENEFITS

Owing to the completion of the capital facilities and amenities in the Algonkian District and in the immediate vicinity of the Property, the Applicant has identified and is hereafter proffering to complete or fund the following capital improvements, instead of making a capital facilities contribution, many of the improvements which are identified as necessary or desirable within the School Board’s Capital Asset Preservation Program, the County’s Capital Improvement Program, the 2019 CTP and/or are policy priorities established by the Board of Supervisors.

A. Off-site Tripleseven Trail

The Owner shall contribute $90,000 to Loudoun County to construct 2,000 linear feet of trail along Tripleseven Road between Heather Glen and Cromwell Road. This contribution shall be made prior to the issuance of the first occupancy permit at the Property and shall be credited against the Applicant’s Regional Transportation Contribution in Proffer IV.C above.

B. Countryside Elementary School
1. **Playground Improvements.** The Owner shall contribute $75,000 to the Countryside Elementary School PTA (the “Countryside PTA”) to improve the kindergarten playground. The money shall be used for the purchasing and installation of a rubberized surface for the play area and new play equipment, both needs the school has identified. This contribution shall be made no later than 30 days following the expiration of any appeal periods following approval of this zoning case by the Loudoun County Board of Supervisors. In the event these improvements have been constructed or funded by the time this proffer payment was to be made, this money shall be redirected toward other capital facility needs as identified and agreed to by the Owner and the Algonkian School Board representative.

2. **Walking Track/Field.** The Owner shall contribute $250,000 to the Countryside PTA to improve the field and construct a walking track/path at the school, a need the school has identified. This contribution shall be made prior to the approval of the 84th zoning permit at the Property. In the event these improvements have been constructed or funded by the time this proffer payment was to be made, this money shall be redirected toward other capital facility needs as identified and agreed to by the Owner and the Algonkian School Board representative. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer IX.C below.

C. **Potomac Falls High School**

1. **Weight Room Improvements.** The Owner shall contribute $125,000 to the Potomac Falls High School Parent-Teacher-Student Organization (the “Potomac Falls PTSO”) to improve its weight room. The money shall be used for the purchasing and installation of weight and exercise equipment, HVAC/ventilation improvements and/or new flooring, all needs the school has identified. This contribution shall be made no later than 30 days following the expiration of any appeal periods following approval of this zoning case by the Loudoun County Board of Supervisors. In the event these improvements have been constructed or funded by the time this proffer payment was to be made, this money shall be redirected toward other capital facility needs as identified and agreed to by the Owner and the Algonkian School Board representative.
2. Stadium Improvements. The Owner shall contribute $1,000,000 to the Potomac Falls PTSO to purchase or construct bleachers and press boxes, both needs the school has identified, or to further enhance the weight room. This contribution shall be made prior to the approval of the 84th zoning permit at the Property. In the event these improvements have been constructed or funded by the time this proffer payment was to be made, this money shall be redirected toward other capital facility needs as identified and agreed to by the Owner and the Algonkian School Board representative. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer IX.C below.

D. Unmet Housing Needs

The Owner shall contribute $1,000,000 to the County of Loudoun Housing Trust, with such funds to be used for purposes as, without limitation, facilitating the creation of rental housing units or providing purchasing assistance for qualified applicants in Loudoun County with a household income of between 0% and 100% of the Washington Metropolitan Statistical Area Median Income (“AMI”) as published by the U.S. Department of Housing and Urban Development from time to time. This contribution shall be paid in two installments with $500,000 paid prior to the issuance of the 50th occupancy permit and the remaining $500,000 paid prior to the issuance of the 110th occupancy permit. The amount of the said contribution, adjusted pursuant to Proffer IX.B. below, shall be calculated at the time of the approval of the 50th zoning permit at the Property and again prior to the approval of the 110th zoning permit at the Property. Said contributions shall be placed by the County in an account for affordable housing to serve households with incomes between 0% and 100% of the AMI at the discretion of the Board of Supervisors. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer IX.C below.

VIII. EMERGENCY SERVICES

A. Fire and Rescue Contribution

The Owner shall make a one-time contribution of $120.00 per dwelling unit for each dwelling unit on the Property payable to the County for distribution by the County to the volunteer fire and rescue companies providing service to the Property. The amount of such contribution payable for each dwelling unit, adjusted pursuant to the provisions set forth below in this Proffer IX.A, shall be calculated at the time of the approval of the zoning permit for each said dwelling unit and shall
be payable prior to the issuance of the occupancy permit for such dwelling unit. The amount of the
collection shall be adjusted on a yearly basis from the base year of 1988 and change effective
each January 1 thereafter, in accordance with changes to the Consumer Price Index for all urban
consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), as published by the Bureau of
Consolidated Metropolitan Statistical Area (the “CPI”). Contributions pursuant to this paragraph
shall be divided equally between the servicing fire and rescue companies providing service to the
Property. Notwithstanding the foregoing, if at the time of the application for any such zoning
permit, the primary servicing fire and rescue company does not utilize, to any significant extent,
either volunteer staff or apparatus owned by a volunteer organization, then the Owner may elect
to make no contribution. The intent of this provision is to support volunteer fire and rescue staffing
and operations so long as any significant element of the primary provider of fire and rescue services
to the Property is volunteer-owned or operated. If only one of these services has ceased to utilize
volunteer staff and apparatus, then the contribution may be halved and shall be provided to the
remaining company.

IX. MISCELLANEOUS

A. Severability

Any portion of the Property may be the subject of a Zoning Concept Plan/Proffer Amendment,
Rezoning, Special Exception, Commission Permit, Zoning Modification, Variance or other zoning
application without the joinder and/or consent of the owners of other land areas within the
Property, provided (1) that such application is compatible with these Proffers, (2) that the approval
of such application would have no material, adverse impact upon any other land within the
Property or the performance of any of these Proffers by the owners of the other land within the
Property, (3) that such application complies with the relevant Zoning Ordinance and Virginia Code
provisions, (4) that such application includes a proffer audit outlining the status of each
commitment in these Proffers, and (5) that such application shall not be approved by the Board of
Supervisors unless the application has been presented and considered at such public meetings or
hearings as required by law. Previously approved proffered conditions or development conditions
applicable to a particular portion of the Property which are not the subject of such an application shall remain in full force and effect.

**B. Annual Adjustment**

All cash contributions enumerated in these Proffers, other than the fire and rescue contributions of Proffer IX.A above which are subject to a separate adjustment provision, shall be subject to an annual adjustment based on the CPI with a base year of 2019. The first such adjustment shall occur on January 1, 2020 and change effective each January 1 thereafter.

**C. Occupancy Permit Trigger**

When any plat or plan submission, signal warrant analysis submission, noise or other impact study submission, bonding, dedication, conveyance, construction, completion of construction, opening of a facility or infrastructure to traffic or use, payment of cash, or any other act or activity required in these Proffers is required to be performed, submitted, recorded, paid, or completed prior to the issuance of an occupancy permit, the said occupancy permit shall not be issued until the Owner has provided (i) written documentation from County Building and Development or Zoning Administration staff that the said payment, action, or other act or activity has been made, performed, or completed, or (ii) written documentation from Zoning Administration staff that the said payment, action, or other act or activity is no longer a prerequisite for issuance of such occupancy permit, or (iii) such other documentation or evidence of either of the foregoing which may hereafter be established by the County as suitable confirmation of same.

--- Signature Page Follows ---
The undersigned hereby warrants that all owners with any legal interest in the Property have signed this Proffer Statement, that no signature from any additional party is necessary for these Proffers to be binding and enforceable in accordance with their terms, that it, together with any others signing this document, has full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

OWNER
By: _________________________,

________________________________

STATE OF ________________________
_________________________________

COUNTY/CITY OF ____________________

The foregoing Proffer Statement was acknowledged before me this ______ day of __________, 2019, by ___________________________, as ___________________ of ____________________.  

________________________________
Notary Public

My Commission Expires: ____________________
EXHIBIT A

CONCEPT DEVELOPMENT PLAN
EXHIBIT B

ZONING ORDINANCE MODIFICATION

The Owner is requesting the following modifications for the Property:

1) A modification of Section 3-608(B) to allow parking for the stacked multi-family dwellings to be located between the buildings and streets without adding berming or screening.

2) A modification of 3-610(A) to allow the private streets that serve the multifamily uses to also be accessed by commercial vehicles.
STERLING MEADOW
ZONING MAP AMENDMENT, SPECIAL EXCEPTION, AND ZONING MODIFICATIONS
ALGNOKIAN DISTRICT
LOUDOUN COUNTY, VIRGINIA

ATTORNEY
COOLEY LLP
1199 FREEDOM DRIVE
RESTON, VA 20190
703-456-0000

APPLICANT
STERLING MEADOW LLC
CO KEANE ENTERPRISES
44051 PIPELINE PLAZA
SUITE 100
ASHBURN, VA 20147
571-223-0001

TRANSPORTATION CONSULTANT
GROVESLADE ASSOCIATES
3964 CENTREVIEW ROAD
SUITE 30
CHANTILLY, VA 20151
703-757-0965

ENGINEERING
URBAN, LTD
711 LITTLE HERRIOTT DR
ANNANDALE, VIRGINIA 22003
703-642-8800

FORWARD TO 1199 freedom drive, RESTON, VA 20190
703-456-0000

1. COVER SHEET
2. SOILS MAP
3. EXISTING CONDITIONS PLAN
4. ZONING PLAN
5. CONCEPT DEVELOPMENT PLAN
6. SPECIAL EXCEPTION PLAN
7. LANDSCAPE PLAN
8. ILLUSTRATIVE PLAN
9. ACTIVE RECREATION
10. PRELIMINARY STERLING PLAN

Attachment 2
1. The subject properties delineated on this plan are identified as Loudoun County Pin# 029-40-8502 & 029-40-8452, currently zoned PD-CC-SC.

2. Property information is based on a boundary survey of the property of Sterling Meadow LLC produced by MKA Associates LLC and dated July 8, 2018; and Loudoun County Mapping System.

Area Tabulation Per Pin Numbers

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TOPOGRAPHIC INFORMATION BASED ON LOUDOUN COUNTY GIS. CONTOUR INTERVAL: 4'.

PHYSICAL FEATURES ARE BASED ON AN ALTA/ACSM SURVEY OF THE PROPERTIES OF STERLING MEADOW LLC PREPARED BY MKA ASSOCIATES, DATED JULY 8, 2018; AND LOUDOUN COUNTY GIS AND MAPPING SYSTEMS.

THE SUBJECT PROPERTY IS COMPOSED PRIMARILY OF EXISTING PARKING LOT AND BUILDINGS.

SOIL INFORMATION IS IDENTIFIED ON SHEET 4.

PER LOUDOUN COUNTY GIS THERE ARE TWO EXISTING WELLS ONSITE. ALL WELLS WILL BE PROPERLY ABANDONED AT TIME OF CONSTRUCTION IN ACCORDANCE WITH THE LOUDOUN COUNTY HEALTH DEPARTMENT.

TREE COVER ON THE SITE CONSISTS OF LANDSCAPE PLANTINGS INCLUDING A VARIETY OF CANOPY AND UNDERSTORY TREES AND SHRUBS. TREES RANGE IN SIZE FROM THREE TO TWELVE (3 - 12) INCHES IN CALIPER AND INCLUDE RED MAPLE (ACER RUBRUM), WILLOW OAK (QUERCUS PHELLOS), SWEET GUM (LIQUIDAMBAR STYRACIFLUA), JAPANESE ZELKOVA (ZELKOVA SERRATA), KOUSA DOGWOOD (CORNUS KOUSA), REDBUD (CERCIS CANADENSIS), NORWAY SPRUCE (PICEA ABIES), WHITE PINE (PINUS STROBUS), AND SOUTHERN MAGNOLIA (MAGNOLIA GRANDIFLORA). SHRUBS INCLUDE BURNING BUSH (EUONYMUS ALATA). THERE ARE NO TREES WITH A DBH OF THIRTY (30) INCHES OR MORE. THIS DESCRIPTION IS BASED UPON FIELD OBSERVATIONS CONDUCTED ON MARCH 28, 2019 BY KEVIN J. TANKERSLEY, ISA CERTIFIED ARBORIST #MA-5871A.

EXISTING CONDITIONS GENERAL NOTES:
1. TOPOGRAPHIC INFORMATION BASED ON LOUDOUN COUNTY GIS. CONTOUR INTERVAL: 4'.
2. PHYSICAL FEATURES ARE BASED ON AN ALTA/ACSM SURVEY OF THE PROPERTIES OF STERLING MEADOW LLC PREPARED BY MKA ASSOCIATES, DATED JULY 8, 2018; AND LOUDOUN COUNTY GIS AND MAPPING SYSTEMS.
3. THE SUBJECT PROPERTY IS COMPOSED OF EXISTING PARKING LOT AND BUILDINGS.
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EXISTING 6' ASPHALT TRAIL

PROPOSED 6' TRAIL SEGMENT

ACTIVE RECREATION SPACE 4: ±3,000 S.F.
ACTIVE RECREATION SPACE 3: ±2,000 S.F.
ACTIVE RECREATION SPACE 2: ±21,000 S.F.
ACTIVE RECREATION SPACE 1: ±9,200 S.F.

NOT INCLUDED IN THE APPLICATION

LEGEND
- APPROXIMATE LOCATION OF PROPOSED 5' PEDESTRIAN SIDEWALKS
- APPROXIMATE LOCATION OF PROPOSED MULTIFAMILY RESIDENTIAL BUILDING ENVELOPE
- APPROXIMATE LOCATION OF PROPOSED ACTIVE RECREATION SITE PROP. LINE
- APPROXIMATE LOCATION OF PROPOSED VEHICULAR ACCESS
- APPROXIMATE LOCATION OF PROPOSED PASSIVE OPEN SPACE
- APPROXIMATE LOCATION OF PROPOSED POCKET PARK
- APPROXIMATE LOCATION OF PROPOSED ALLY
- PROPOSED CROSSWALK
- APPROXIMATE LOCATION OF PROPOSED SPECIAL EXCEPTION
- PRIVATE ROAD

TYPICAL YARDS

1. MODIFICATION OF SECTION 7-903(C)(2)(a) TO REDUCE THE 25' MINIMUM FRONT YARD REQUIREMENT TO A 14' MINIMUM FRONT YARD REQUIREMENT.
2. MODIFICATION OF SECTION 7-903(C)(2)(c) TO REDUCE THE 25' MINIMUM REAR YARD REQUIREMENT TO A 14' MINIMUM REAR YARD REQUIREMENT.
THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY!
This sheet is for illustrative purposes only!
Sterling Meadow

Statement of Justification


April 16, 2019
Revised July 11, 2019
Revised September 13, 2019

Introduction

Sterling Meadow, LLC (the “Applicant”) is the owner of approximately 11.27 acres of land located between Harry Byrd Highway (“Route 7”) and Tripleseven Road (Route 777) in Sterling, identified as Loudoun County Tax Map 029-40-8502 and 029-40-8452. The Applicant seeks a zoning map amendment on a portion of PIN 029-40-8502 and all of PIN 029-40-8452 to change the existing zoning from the Planned Development – Commercial Center – Small Regional Center (the “PD-CC-SC”) district to R-16 Townhouse/Multifamily Residential ADU (“R-16 ADU”), to permit the construction of an infill stacked multi-family residential community. The rezoning will encompass 9.985 acres (the “Property”).

Description of the Site

The Property, located at 45980 Regal Plaza, is developed with a multi-screen movie theater that is past its prime, having been constructed a generation ago. It contains the physical movie theater, its associated surface parking, and significant frontage along Tripleseven Road, with two existing entrances, and frontage along the internal Pigeon Hill Drive. The movie theater is one of the many anchors of the larger commercial shopping center that extends from Palisades Parkway to the east to Countryside Boulevard to the west. This application only involves the Property; no other commercial properties are included.

The Property was developed according to ZMAP-1994-0004, which rezoned 33.5 acres to the PD-CC-SC zoning district to allow a variety of commercial uses including a hotel, bank, restaurant, shopping center and movie theater. The Countryside Regal Cinema was ultimately constructed on the Property in 1996. At the time, it was a state-of-the art theater, created as a secondary anchor to a grocery-anchored shopping center, as was typical of suburban movie theaters 25 years ago. Since then, times have greatly changed and theaters are now mainstays in shopping malls and mixed-use activity hubs, where they can both support and be supported by the other retail and restaurant offerings. As a result, theaters of that generation are being repurposed or demolished to support the changing environment, much like the Potomac Yards Regal theater and this proposed project. The age of the theater and its subpar location, coupled with the opening in the past six years of a theater at Dulles Town Center (also a Regal flag theater) and one within One Loudoun, the Countryside Regal theater now shows second-tier movies, finding it difficult to remain competitive with the newer theaters in more desirable commercial centers. As located, the site originally worked as a theater because the theater was a destination unto itself; however, it is a challenge for more traditional retail uses as it lacks frontage along a major road and is disjointed from the other retail stores. Rather than maintain an outdated facility with a use that is well-represented elsewhere along this section of the Route 7 corridor, the Applicant looks to redevelop the Property and create a new housing option to diversify the residential that exists immediately adjacent along Tripleseven Road, and support the remaining retail adjacent to the Property.

Rezoning Request

The Applicant seeks to rezone the Property from the PD-CC-SC to the R-16 ADU zoning district to develop a stacked multi-family residential community. Providing additional residential units in this well-established, yet aging, portion of Sterling will bolster the amount of people who can walk to support the proximate commercial uses, while taking a small portion of the underutilized commercial space and the associated sea of parking offline. Additionally, the stacked multi-family will bring a diversity in housing opportunities
that will complement the character of the adjacent established communities and serve as a transition between the existing single-family homes and the more intense commercial uses.

The R-16 ADU district allows up to 17.6 dwelling units per acre (the “DU/AC”) inclusive of the ADU’s and the 10% in bonus density. The Applicant’s proposal stays under the maximum density permitted at 16.63 DU/AC inclusive of the ADU’s and the 10% bonus density provisions.

The proposal envisions 166 stacked multi-family units, each unit supported by a garage parking space and additional driveway and street parking. The units would be arranged largely rectilinearly, and all load from the rear, such that the pedestrian experience occurs along the open spaces and uninterrupted sidewalks. This creates a more urban layout and encourages pedestrian interaction. Two significant areas for public recreation are centerpieces of the project, each with 15+ units fronting on them. The Property will be primarily accessed from Tripleseven Road, yet remain integrated with the adjacent shopping center as the three points of access to the other retail uses will be maintained. This permeability through the project to both public roads and proximate commercial amenities further urbanizes the project.

This rezoning signifies an important opportunity to address the dearth of housing diversity options, especially at lower price points, while simultaneously generating meaningful tax revenue in a portion of Loudoun County that is largely established and continuing to age.

Modifications

The Applicant is requesting two zoning modifications, both of which recognize the existing, adjacent shopping center’s access rights through the Property, despite the streets being private. Each is articulated in detail below.

Special Exception

Section 7-903(C)(2)(a) and (c) require 25-foot front and rear yards for multifamily structures. The Applicant’s project is more urban in nature where the stacked multifamily units closely relate to each other and the integrated open space. As such, there are four areas of the project that need relief from the front yard setbacks and two areas that need relief from the rear yard setback, all as shown on Sheet 5A of the CDP. In all instances, the modified setbacks would be reduced to no less than 14 feet. Five of the six areas being modified are adjacent to open space, be it active or passive, such that the individual yards may appear more expansive. The final area seeks a rear-yard reduction when adjacent to an existing drive aisle.

Affordable Dwelling Units

The Commissioner of the Revenue, Robert S. Wertz Jr., provided in the 2019 Loudoun County Real Property Update that at the conclusion of 2019 Loudoun County’s Affordable Dwelling Unit Program will have a total of 2,056 units. However, the 2,056 units within the program are not equitably divided among the election districts, rather a significant disparity exists among them. For example, the Algonkian election district, in which the Property is located, has only forty-six (46) ADU’s within the program compared with other election districts such as Dulles with 833 and Blue Ridge with 656 units. Within Loudoun County, ADU units are created by way of meaningful rezoning applications. Therefore, the only mechanism available to replenish the dwindling supply in the County and the Algonkian District in particular, is through rezoning applications. The Applicant recognizes the importance of affordable housing within Loudoun County and has committed to providing 6.25% of the total number of units within the development as ADU’s thereby generating 11 ADU units. The Applicant has also proffered to a sizeable contribution to the County’s workforce housing/unmet housing needs programs.

Transportation

The proposed development is anticipated to generate 2,766 fewer daily trips than a successful movie theater. Additionally, all intersections serving the Property, at full build out will operate at acceptable levels of service. Within the Property, the Applicant will develop a network of rectilinear streets with sidewalks to
provide access and to serve the residents of Sterling Meadow. The pedestrian paths will connect to a multiuse trail along Tripleseven Road which will allow walkers a direct path to the existing bus stop, which is served by the Countryside Connector, Route 81. The Applicant has proffered to install a bus shelter to serve Route 81. To improve the traffic flow along Tripleseven, the Applicant is proposing to restripe the lanes to integrate an on-street bike lane along the Property’s frontage and to convert the through/left lane into a through/left/right lane, to add additional left-turning capacity at the Palisades/Tripleseven intersection. The proposed development is anticipated to generate 54 trips during the AM peak hour, 65 trips during the PM peak hour, and 768 trips during an entire weekday, which is significantly less trips than would be generated by the movie theater on a daily basis.

Compliance with the Loudoun County 2019 Comprehensive Plan

The Property is designated a Suburban Mixed Use Place Type by the Loudoun County 2019 Comprehensive Plan (the “2019 Plan”) and further targeted for infill redevelopment, which ascribes the Suburban Compact Neighborhood Place Type designation to it as well. When considering the Applicant’s proposal against the Suburban Mixed Use Place Type, it would introduce the desired residential component to that place type, so, when looked at holistically, the land originally subject to ZMAP-1994-0004 and ZMAP-1996-0005 would be more in compliance with the Suburban Mixed Use Place Type. This proposed suburban compact neighborhood will provide an effective transition between the existing single family attached and detached homes to the West and the commercial development to the East and South. As a targeted redevelopment site, the 2019 Plan calls for the Property to be developed under the Suburban Compact Neighborhood plan guidance, which allows 8-24 DU/AC. The proposed project has approximately 17 units per acre.

Summary

The proposed infill project is consistent with the objectives of both the Suburban Mixed Use and Suburban Compact Neighborhood place types as it provides additional housing diversity within a convenient and safe distance from existing shopping, dining, and employment opportunities. The introduction of this new housing type to Tripleseven Road will serve as a transition of uses, bridging the more suburban, lower-density residential units to the west with the higher-density commercial uses to the east and south, exactly as is called for in the 2019 Plan. The rezoning converts underutilized PD-CC-SC land and allows it to be developed in a complementary manner to the existing residential uses in this part of Sterling. The Applicant respectfully requests the County’s support of this stacked multi-family residential project that promises to help alleviate the dearth of housing diversity opportunities available in Loudoun County.
Issues for Consideration for the Rezoning to the R-16 ADU Zoning Districts (Section 6-1210 (E))

1. Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality.

The Property is consistent with the objectives of both the Suburban Mixed Use and Suburban Compact Neighborhood place types as it provides additional housing in an area designated for residential uses. The application proposes to redevelop a 22-year-old movie theatre, along with its associated surface parking, with stacked multi-family residential units that will bring vibrancy, walkability, and a mix of uses to an existing commercial center within an established community. The 2019 Plan calls for between 8 and 22 homes per acre. The Applicant’s request for 17 DU/AC is consistent with this recommendation.

2. The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values.

Nestled within the Countryside Commercial and Professional Center development, the Property is within walking distance of a grocer, fast-food, quick-service food, and retail and commercial uses. This proposal will bring stacked multi-family residential units, creating a balance of mixed uses that are complementary and compatible with one another in such a way that creates a symbiotic relationship between the different uses. This proposal looks to complement the existing character of the community with high-quality architectural stacked multi-family units.

3. Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district.

As noted above, the proposal will develop a network of rectilinear streets within the Property to provide access and to serve the residents of Sterling Meadow. The proposed development is anticipated to generate 54 trips during the AM peak hour, 65 trips during the PM peak hour, and 768 trips during an entire weekday, which is significantly less trips than are currently generated by the existing movie theater on a daily basis. The proposed development is anticipated to generate 2,766 fewer daily trips. Additionally, at full build out, all intersections serving the Property will continue to operate at acceptable levels of service.

The proposed development will provide multi-family units, which according to Loudoun County Public Schools, generates the least number of students per household at 0.28 students per household. The Property is currently served by Countryside Elementary, River Bend Middle, and Potomac Falls High School. According to the Loudoun County Public School Board Adopted FY 2020 - FY 2025 Capital Improvement Program Capital Asset Preservation Program, all three aforementioned schools are expected to experience a decline in student capacity over the course of the next six academic years. Therefore, we anticipate a negligible impact on the existing school system. The Applicant will ensure the appropriate connections to public infrastructure.

4. The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services.

The development will provide almost an acre of programmed active recreational uses for the residents to enjoy. A total of 41 percent of the site will be open space.

The proposed development will not generate an impact on the airports, school, park, playground, recreational areas and/or other public services. Rather, the proposed development will provide
the County with a tremendous opportunity to enhance the dearth of housing diversity available to County residents within a well-established mix of walkable commercial and retail uses while bolstering the tax base.

5. **Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts.**

The Property is fully developed and does not contain any environmental or natural features thereby eliminating any potential impacts.

6. **The protection of life and property from impounding structure failures.**

The proposed development will meet all required County and State standards.

**Issues for Consideration for the Special Exception to Modify Section 7-903(C)(2)(a) and (b):**

1. **Whether the proposed minor special exception or special exception is consist with the Comprehensive Plan.**

   The Property is consistent with the objectives of both the Suburban Mixed Use and Suburban Compact Neighborhood place types as it provides additional housing in an area designated for residential uses. The application proposes to redevelop a 22-year-old movie theatre, along with its associated surface parking, with stacked multi-family residential units that will bring vibrancy, walkability, and a mix of uses to an existing commercial center within an established community. The 2019 Plan calls for between 8 and 22 homes per acre. The Applicant's request for 17 DU/AC is consistent with this recommendation.

2. **Whether the level and impact of any noise, light, glare, odor or other emissions generated by the proposed use will negatively impact surrounding uses.**

   The proposed development will not generate an impact on the noise, light, glare, odor or other emissions. Redeveloping the 22-year-old movie theatre, along with its associated surface parking, with stacked multi-family residential dwelling units will bring vibrancy, walkability, and a mix of uses to an existing commercial center within the established community.

3. **Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and on adjacent parcels.**

   Nestled within the Countryside Commercial and Professional Center development, the Property is within walking distance of a grocer, fast-food, quick-service food, and retail and commercial uses. This proposal will bring stacked multi-family residential units, creating a balance of mixed uses that are complementary and compatible with one another in such a way that creates a symbiotic relationship between the different uses. This proposal looks to complement the existing character of the community with high-quality architectural stacked multi-family units.

4. **Whether the proposed special exception or minor special exception adequately protects and mitigates impacts on the environmental or natural features including, but not limited to, wildlife habitat, vegetation, wetlands, water quality (including groundwater), air quality, topographic, scenic, archaeological or historic features, and agricultural and forestal lands.**

   The Property is fully developed and does not contain any environmental or natural features thereby eliminating any potential impacts.
5. Whether the proposed special exception at the specified location will continue to or promote the welfare or convenience of the public.

The proposed development will not generate an impact on the airports, park, playground, recreational areas and/or other public services. Rather, the proposed development will provide the County with a tremendous opportunity to enhance the dearth of housing diversity available to County residents within a well-established mix of walkable commercial and retail uses while bolstering the tax base.

The proposed development will provide multi-family units, which according to Loudoun County Public Schools, generates the least number of students per household at 0.28 students per household. The Property is currently served by Countryside Elementary, River Bend Middle, and Potomac Falls High School. According to the Loudoun County Public School Board Adopted FY 2020 - FY 2025 Capital Improvement Program Capital Asset Preservation Program, all three aforementioned schools are expected to experience a decline in student capacity over the course of the next six academic years. Therefore, we anticipate a negligible impact on the existing school system. The Applicant will ensure the appropriate connections to public infrastructure.

6. Whether the proposed special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services and, in rural areas, by adequate on-site utilities.

The special exception request seeks to modify setbacks; there is no impact to public utilities or services as a result.

Requested Modifications

The Applicant is seeking the approval of two modifications of the Zoning Ordinance, as noted below.

1) Modification of Section 3-608(B): Additional Development Standards. (B) Off Street Parking. No off street parking for multifamily dwellings shall be permitted in areas between buildings and streets, unless such parking areas are sufficiently bermed and screened so that the parking areas are not visible from the street.

Modification. The Applicant seeks to provide parking for stacked multi-family dwellings between the buildings and streets without adding berming or screening. All of this parking will be on-street, either parallel spaces or head-in spaces.

Justification. To create a vibrant, safe, walkable mixed use community, as envisioned in the 2019 Plan, it is imperative to provide unobstructed lines of sight to all parking spaces. The Applicant’s proposal is more urban in nature, where parking adjacent to the buildings, without landscaping, is appropriate. There are no surface parking lots at the project, rather several small parking areas to accommodate six or so spaces, strategically located on the private streets and alleys. Therefore, these spaces are technically not considered “off street”, which this section of the Ordinance governs. These parking areas are all located on private streets and will not be visible from perimeter, public streets. Additionally, these spaces will have landscaping at either end of each parking row.

2) Modification of 3-610(A): Private Streets. Roads serving townhouse and multifamily uses only, may be designed and constructed to private street standards set forth in the FSM … Roads serving other uses shall be designed and constructed to VDOT standards for inclusion in the state highway system.

Modification. Given the proximity to the adjacent commercial and the recorded easements allowing those uses access through the Property, the Applicant recognizes vehicles accessing the commercial center may traverse the private streets throughout the rezoned property. To recognize...
this existing cross-access, we seek a modification to allow commercial uses to be accessed via private streets.

**Justification.** As a Suburban Mixed Use Place Type, the nature of the development is integrated and visitors to the commercial may traverse the private streets of the residential area. The County’s designation of this land as mixed use justifies this requested modification.

**Requested Special Exceptions**

1) Modification of Section 7-903(C)(2)(a) and (b):

*Lot and Building Requirements. Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option in the R-16 district. (C) Yards. (2) Multi-family structures. (a) Front. 25 feet minimum. (b) Rear. 25 feet minimum.*

**Modification.** The Applicant proposes to reduce front and rear yards, in certain spots, to 14 feet.

**Justification.** To provide the maximum available space for formal and informal events and gatherings within the proposed development, the Applicant seeks to reduce the front yard in four locations by eleven (11) feet to increase the available common area throughout the development. At 14 feet, the setbacks are still ample, as they are immediately adjacent to a minimum 10-foot side yard for the adjacent unit, giving a separation of at least 24 feet. Additionally, the units affected all front on active recreation spaces, which give the sense of a much larger front yard for those units, even if the yard is public space, not private. There are two areas that need similar relief from the 25-foot rear yard setback. Those locations are proximate to drive aisles. As these units are rear-loaded, this rear-yard deduction does not impact the yards or open spaces associated with the units.
DATE: August 12, 2019

TO: Rick Hancock, AICP, Project Manager, Land Use Review

FROM: Randall Farren, AICP, Senior Planner, Community Planning

Sterling Meadow

SUMMARY
Sterling Meadow, LLC (the applicant) requests to rezone approximately 10.26 acres from PD-CC-SC (Planned Development – Commercial Center – Small Regional Center) to R-16. The applicant’s second submission reduces the proposed development from 184 to 172 multifamily stacked dwelling units and reduces the site area 11.27 to 10.26 acres.

The applicant’s second submission materials include an applicant response letter dated July 11, 2019; a Concept Development Plan (CDP) revised July 10, 2019; a Statement of Justification (SOJ) revised July 11, 2019; and a draft proffer statement dated July 11, 2019.

COMPLIANCE WITH THE COMPREHENSIVE PLAN
Since the first Community Planning review of this application, the Board of Supervisors (Board) adopted a new countywide comprehensive plan. The policies of the Loudoun County 2019 General Plan (2019 GP or “the Plan”) and the Loudoun County 2019 Countywide Transportation Plan (2019 CTP) now apply to this application. Community Planning Staff has reviewed the second submission materials per the new 2019 GP and noted in this referral memo where the applicable policies have changed.

The 2019 GP designates the subject property as suitable for the Suburban Mixed Use Place Type, which anticipates a mix of residential, commercial, entertainment, cultural, and recreational uses at a floor area ratio (FAR) of up to 1.0, with a maximum residential component of 70 percent and a minimum of 5 percent dedicated to public and civic uses. Although this 100 percent residential proposal does not meet this use mix, the 2019 GP includes a provision that the standards of the Suburban Compact Neighborhood Place Type may be applied to infill parcels designated as Suburban Mixed Use on the Place Type map, subject to certain criteria (2019 GP, Chapter 2, Suburban Policy Area, Action 2.1.I.). The second submission materials indicate that the applicant intends to develop this site as a Suburban Compact Neighborhood; therefore, this referral memo reviews the application for conformance with the standards of Suburban Compact Neighborhood Place Type and the criteria of Suburban Policy Area Action 2.1.I (see Land Use discussion below).
ANALYSIS

Land Use

Previous Staff Comment: Although the proposed residential development exceeds the residential density anticipated in this area under the RGP, it may be appropriate in this area as an infill project considering similar residential densities in adjacent developments. Community Planning Staff notes that detailed analysis of the proposal’s conformance with the draft Plan is premature considering the ongoing review process and pending Plan adoption.

Applicant Response: With the adoption of the Loudoun County 2019 Comprehensive Plan, the Applicant looks forward to staff's analysis of its proposal as an infill project within the Suburban Mixed Use place type. First and foremost, the Suburban Mixed Use place types calls for a mix of residential, commercial and office uses. When looked at holistically with other properties within this place type along the north side of Route 7, the Applicant’s proposal to add residential to an established commercial corridor achieves this goal of mixed use. Furthermore, the project is identified in the newly adopted comprehensive plan as a targeted area of redevelopment and meets the criteria identified in Strategy 2.1 A. I. that allows properties designated as Suburban Mixed Use to develop according to the Suburban Compact Neighborhood place type standards. As such, density is targeted at 8-24 dwelling units per acre. The Applicant’s proposal is for just shy of 17 units per acre.

Comment Status: No longer applicable. As the applicant notes, areas designated as Suburban Mixed Use on the 2019 GP place type map may develop as the Suburban Compact Neighborhoods if certain locational and project criteria are met. Suburban Compact Neighborhoods are preferred to develop with 90 percent residential uses at 8 to 24 dwelling units per acre, with the balance of the project comprising complementary commercial and civic uses (2019 GP, Chapter 2, Suburban Policy Area, Suburban Compact Neighborhood Place Type, Preferred Mix of Uses). The residential density proposed aligns with this place type designation. Further, although the proposed use mix does not align with the preferred mix, the 2019 GP does contemplate projects with up to 100 percent residential uses in Suburban Compact Neighborhoods when adequate neighborhood-serving non-residential uses already exist nearby. Considering the existing retail and service commercial uses in the direct vicinity of the project site, Community Planning Staff can support a solely residential project in this area if other applicable Plan policies and provisions are met.

New Staff Comment: In order to apply the standards of the Suburban Compact Neighborhood Place Type in an area otherwise designated Suburban Mixed Use, a project must meet the criteria identified in Chapter 2, Suburban Policy Area, Action 2.1.I. These criteria are listed below, with staff’s analysis provided for each:

A. The provision of unmet housing needs units exceeding the applicable regulatory requirements.

Analysis: The applicant has not committed to providing unmet housing needs units beyond the Affordable Dwelling Units (ADU) required under the requested zoning district (see Unmet Housing Needs Discussion below).
B. The location of the site at the periphery of a mixed-use development or along a major transportation corridor.

Analysis: Criterion met. The site is located along the Route 7 corridor at the periphery of an area planned for the Suburban Mixed Use Place Type.

C. Transit options are available within the direct vicinity.

Analysis: Criterion met. As indicated in the application materials, the site has direct access to Loudoun County Transit service via an existing bus stop on Tripleseven Road.

D. Proximity to employment options and a complementary mix of uses (e.g., neighborhood serving retail and services).

Analysis: Criterion met. Proximate commercial centers include a mix of neighborhood serving retail and services and a variety of employment options.

E. Proximity to public facilities with existing or planned capacity to serve the proposed development.

Analysis: Criterion met. Loudoun Water provides sewer and water service to the site. The local transportation network has capacity to serve the proposed use. The proposal does not trigger the need for any whole new public facilities. However, staff notes that the current iteration of the proposal does not mitigate capital facilities impacts (see Capital Facilities discussion below).

F. Conformance with the transition techniques and guidelines of the originally designated place type and any adjacent place types.

Analysis: The application materials do not include a specific discussion of the transitional approaches expected of the Suburban Compact Neighborhood and Suburban Mixed Use place types. Medium density residential uses would generally provide an appropriate transition, both in terms of intensity and visual impact, between the planned Suburban Mixed Use areas to the south and west of the site and the multifamily and single family neighborhoods to the north.

G. Demonstration of innovation in design, including techniques that result in a perceived density that complements the scale of the surrounding built environment.

Analysis: The application materials do not demonstrate how the proposal constitutes an innovative design. The CDP depicts a relatively conventional neighborhood featuring only stacked multifamily units. The CDP and draft proffer statement lack specific design commitments (see Site Design discussion below).

Community Planning Staff can support the application of the standards of the Suburban Compact Neighborhood Place Type in this area if other applicable Plan policies and provisions are met. The applicant has not demonstrated how this proposal meets
several of the criteria of Chapter 2, Suburban Policy Area, Action 2.1.I. Community Planning staff requests that the applicant provide additional information and/or commitments related to housing and design as elaborated below.

Site Design

New Staff Comment: The General Plan includes numerous policies and provisions applicable to this proposal intended to achieve quality design at all levels of development, including the countywide Quality Development policies in Chapter 2; the Suburban Policy Area Design Guidelines in Appendix A (see Attachment 1); and the standards of the applicable place type provided in Chapter 2. In the Suburban Policy Area, where infill and redevelopment projects are most likely to develop, major considerations include multimodal connectivity; complementarity or compatibility with existing surrounding development patterns; height, scale, bulk, setbacks, and other manifestations of the built environment; transitions among uses; and protection and integration of natural, environmental, and heritage resources (2019 GP, Appendix A, Suburban Policy Area Design Guidelines, Development Criteria).

The 2019 GP specifies several design characteristics for Suburban Compact Neighborhoods (2019 GP, Chapter 2 Suburban Policy Area, Suburban Compact Neighborhood, Design Characteristics). This place type envisions a rectilinear street grid with short blocks and shallow building setbacks, which this proposal generally achieves. Parking in Suburban Compact Neighborhoods should be predominantly on-street or alley-oriented in order to encourage pedestrian activity. The illustrative plan on sheet 6 of the CDP, which is not committed to in the proffer statement, depicts a site plan that largely conforms to this standard. The units face internal green spaces or primary streets with on-street parking and parking appears to be primarily alley-oriented, featuring rear-loading driveways. However, the proffer statement does not include commitments to this configuration.

Community Planning Staff recommends that the applicant revise the CDP and/or proffer statement to distinguish among primary travelways and alleyways, and include commitments to on-street parallel parking and alley-oriented, rear-loading driveways/garages, as depicted in the illustrative plan (sheet 6) in the CDP.

Suburban Compact Neighborhoods are also expected to provide a number of amenities to achieve the desired sense of place such as sidewalks, street and shade trees, lighting, street furniture, bike racks, and crosswalks (2019 GP, Chapter 2 Suburban Policy Area, Suburban Compact Neighborhood, Design Characteristics, Design Amenities). Of these, the proposal only includes commitments to provide sidewalks and pocket parks with limited seating.

Community Planning Staff recommends that the application materials be revised to demonstrate the provision of the expected design amenities as follows:

- Street and shade trees. Although depicted on the illustrative plan, there is no commitment to internal landscaping. The applicant should include a landscaping plan and/or proffered commitment to provide an appropriate number of street and shade trees along primary travelways, sidewalks, and multi-use trails, and within internal open space areas.
• **Lighting.** The application materials should be revised to depict the intended approach to street lighting, which should comply with Chapter 3; Natural, Environmental, and Heritage Resources; Strategy 7.3, Action A of the 2019 GP.

• **Bike racks.** Bike racks or equivalent bike parking should be provided to serve the residents of the neighborhood.

• **Street furniture.** The application should be revised to include commitments to additional seating in common areas, including at the periphery of active recreation areas.

• **Crosswalks.** The draft proffer pertaining to internal street design should include information on safe pedestrian movement across internal vehicular travelways, especially in areas made accessible to retail and commercial uses per the requested ZMOD.

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**Parks/Open Space & Public/Civic**

**Previous Staff Comment:** Community Planning Staff recommends reconfiguring the layout of the site to ensure that a minimum area of 3.38 acres of open space is provided to comply with current Plan policy. Staff also requests additional details regarding the intended function or use of identified open space areas, recognizing that 2.54 acres should be interior space consisting of active, passive, and/or natural areas.

**Applicant Response:** The recently adopted Loudoun County 2019 Comprehensive Plan calls for 15 percent of a project to be open space, this includes all passive and recreational spaces, community, natural, environmental and heritage. The Applicant is providing nearly an acre of active recreation space as illustrated on the plan set and detailed in this letter and the proffers, and an additional 148,000 square feet of open space, such that approximately 40 percent of the site's total 10.25 acres is in open space, far exceeding this plan policy. The standards referenced above are from the Revised General Plan, which no longer guides development on the property. In keeping with the guidance of the Suburban Compact Neighborhood, the Applicant is establishing a 100 percent residential project, that will support the adjacent commercial uses, and is supported by the integrated open space.

**Comment Status:** No longer applicable. The pertinent plan policies have changed, as discussed below.

**New Staff Comment:** As noted in the applicant’s response, the 2019 GP anticipates that sites developed as Suburban Compact Neighborhoods will dedicate 15 percent of the area of the site to recreational, passive, or natural open space uses. The application currently commits four areas totaling 35,200 SF, or approximately 7.9% of the site area, to “active recreation” uses. The draft proffer statement commits to providing a tot lot and a playing field on Active Recreation Areas 1 and 2. However, no uses are specified for Active Recreation Areas 3 and 4; therefore, Community Planning Staff cannot determine if these areas qualify as open space per the policies of the Plan.

The CDP depicts two passive recreation areas described as pocket parks in the draft proffer statement, but does not commit to a specific land area for either. While the CDP includes a tabulation showing 183,200 SF of total open space comprising approximately 41% of the site,
this appears to include both qualifying open space areas, such as the multiuse trail and pocket parks, and areas that would not qualify, such as internal yards and landscaping strips/mow strip.

**Community Planning Staff** requests additional information clarifying how the proposal meets the place type standard that 15 percent of the site (1.54 acres) be dedicated to qualifying open space uses. This may include tabulations of passive recreation space and trail areas.

**Community Planning Staff** requests that the proffer statement be revised to specify the intended uses or range of potential uses of Active Recreation Areas 3 and 4.

**Community Planning Staff** requests that the applicant quantify the area dedicated to passive recreation space on the CDP and/or the proffer statement.

**Previous Staff Comment:** Community Planning Staff recommends showing at least 1.13 acres of public and civic space on the CDP.

**Applicant Response:** As noted above, the newly adopted Loudoun County 2019 Comprehensive Plan envisions Suburban Compact Neighborhoods as 100 percent residential projects, with no more than 15 percent non-residential uses, as an option. No public or civic space is required in this place type. The above comment is referring back to the Revised General Plan, which is no longer the governing document.

**Comment Status:** No longer applicable. As noted in the applicant’s response, there is no minimum expectation for public and/or civic uses in the Suburban Compact Neighborhood Place Type; however, applicants are still encouraged to provide such spaces where possible.

### Unmet Housing Needs

**Previous Staff Comment:** Community Planning Staff recommends the applicant include additional dwelling units beyond the required ADUs to address Plan policy regarding unmet housing needs. Staff also encourages the Applicant to consider incorporating housing for special needs populations as well as universal design principles into the project.

**Applicant Response:** The Applicant met with DFS and will continue to engage with the department to try and integrate creative solutions to address their goals of providing a diversity of housing within the County.

**Comment Status:** Not yet addressed. As with the first submission, the only unmet housing needs units proposed are those required by the zoning ordinance. The application does not include a variety of housing types, nor does it incorporate housing that accommodates diverse needs. Community Planning Staff appreciates the applicant’s coordination with the Department of Family Services (DFS) and looks forward to their continued collaboration with County staff to address this issue.

**New Staff Comment:** Per the 2019 GP, projects located in areas planned for Suburban Mixed
Use that seek to develop as Suburban Compact Neighborhoods are expected to provide housing units that help address the County’s unmet housing needs above and beyond those required per the zoning ordinance (2019 GP, Chapter 2, Suburban Policy Area, Action 2.1.I.i). Unmet housing needs are defined as the lack of housing options for households earning up to 100 percent of the Washington Metropolitan Area Median Income (AMI). Although the draft proffers do include a cash contribution to help address the County’s unmet housing needs, the applicant has not committed to providing unmet housing needs units beyond the ADUs required under the requested R-16 zoning district. The 2019 GP also calls for the provision of a continuum of housing types in infill and redevelopment projects (2019 GP, Chapter 4 Housing, Strategy 1.7). The proposal currently consists of only multifamily stacked units.

**According to 2019 GP policies, additional units that help address the County’s unmet housing needs—beyond required ADUs—should be provided in order for the project to qualify to develop as a Suburban Compact Neighborhood in an area designated as Suburban Mixed Use on the place type map.** Community Planning Staff continues to recommend that the applicant commit to these additional unmet housing needs units, such as additional ADUs and/or Affordable Market-rate Purchase Units (AMPU). Staff further recommends that the applicant continue to coordinate with the DFS to help determine the mix and type of units that will best address the County’s housing needs.

**Capital Facilities**

**Previous Staff Comment:** The anticipated capital facility impacts of the proposed development should be mitigated according to Plan policy as calculated in the worksheet provided as Attachment 1.

**Applicant Response:** In its referral, the County's Office of Management and Budget determined sufficient capital facilities exist to serve the project such that no capital facility contributions are needed from the Applicant. The County assesses capital facility fees to fund the cost of providing infrastructure, such as schools and libraries, not to pay for ongoing operational expenses. Given the infrastructure is already in place for the proposed units, mitigation, through a cash proffer, is unnecessary, unwarranted nor supportable.

**Comment Status:** Not addressed. Although the above-referenced comments from the Department of Management and Budget (DMB) indicates that the proposed development would not trigger a need for any whole new facilities, this proposal is still subject to the County’s longstanding policy that applicants mitigate the proportionate public capital facility impacts of rezoning requests that increase allowable residential density (2019 GP, Chapter 6, Fiscal Management, Action 8.2.G and Action 8.3.F). This mitigation relates only to capital facilities needs, not ongoing operational expenses. Community Planning Staff defers to DMB staff for further clarification of the above-referenced comments.

**New Staff Comment:** Community Planning Staff has revised the Capital Facilities worksheet to account for minor changes to the applicant’s proposal. Assuming development of 172 units, including 11 ADUs, the total capital facility impact of this project is estimated at $4,302,848 (See Attachment 1). Capital facilities impacts should be mitigated in the amount of $4,027,666.
Per the policies of the 2019 GP, Community Planning Staff continues to recommend that the applicant mitigate the full proportionate impact of proposed market rate units on the County’s capital facilities needs.

Open Space Preservation Program
Previous Staff Comment: Staff recommends the applicant contribute land or provide an open space easement contribution consistent with Plan policy, recognizing that the current market values to purchase open space within the Potomac Community may exceed the range of previous contributions.

Applicant Response: The recently adopted Loudoun County 2019 Comprehensive Plan has revised this policy and, in the Suburban Policy Area, now only links low-density projects to the Open Space Preservation Program. Projects with densities greater than 4 units per acre, such as Sterling Meadow, are no longer guided by this plan policy. No open space easement contribution is anticipated under the current Plan policy.

Comment Status: Addressed. As noted in the applicant’s response, per the revised policies of the 2019 GP, the Open Space Preservation Program policies no longer apply to this proposal.

Environmental/Existing Conditions
Stormwater
Previous Staff Comment: Community Planning Staff recommends the applicant provide additional information regarding stormwater management on the site. Staff further recommends that the applicant commit to the use of LID techniques to minimize adverse effects associated with stormwater.

Applicant Response: Notes 30 and 31 have been added to Sheet 1 of the plan set to address stormwater management.

Comment Status: Partially addressed. The applicant has provided the requested information on the intended stormwater management approach but has not committed to the use of LID techniques.

New Staff Comment: In order to protect the County’s River and Stream Corridor Resources (RSCR), the 2019 GP encourages stormwater management and water quality mitigation to occur on-site or as close to the area being treated as possible (2019 GP; Chapter 3 Natural, Environmental, and Heritage Resources; RSCR Action 2.3.B). The Plan also encourages the protection and enhancement of impaired streams through the use of enhanced pollutant control measures, including onsite BMPs (2019 GP; Chapter 3 Natural, Environmental, and Heritage Resources; RSCR Action 2.4.1). Note 30 on Sheet 1 of the applicant’s revised CDP states that “phosphorous removal will be achieved through the purchase of offsite nutrient credits, manufactured devices, bioretention facilities, reduction of impervious areas, or some combination of those.” Community Planning Staff notes that the purchase of offsite nutrient credits does not fulfill 2019 GP policies encouraging water quality mitigation onsite.

Community Planning Staff continues to recommend that the applicant commit to the use
of at least one LID technique (e.g., water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, and/or permeable pavement) and memorialize this commitment in the proffer statement.

Forests, Trees, and Vegetation
Previous Staff Comment: Community Planning Staff requests additional information regarding the vegetation intended to be retained per ZMOD request 4 on Sheet 5 of the Concept Development Plan, as revised April 15, 2019.

Applicant Response: The vegetation to be preserved was along Pidgeon Hill Drive in front of the existing retail. This southern leg of the property is no longer part of the application and the modification is no longer needed.

Comment Status: No longer applicable. No further action required.

Zoning Modifications
The applicant has requested several ZMODs and SPEX to modify the applicable site access, parking, buffering, landscaping, and yard requirements.

The buffering and yard modifications may help achieve the compact development patterns anticipated in the Suburban Compact Neighborhood place type. Community Planning Staff can support this request if the application materials are revised to include commitments to the orientation of the units as depicted on Sheet 6 of the revised CDP, such that no residential units face the commercial loading/service areas and enhanced landscaping is provided between the residential and commercial uses.

The request to allow commercial and retail uses to access residential streets may encourage interaction and transitions among land uses; however, Community Planning Staff cannot support this request without commitments to the aforementioned crosswalk/pedestrian safety improvements on affected streets.

The request to modify the parking standards to allow surface parking between buildings and streets without berming or screening may accommodate a more compact, urban development pattern; however, Community Planning Staff cannot support this request without requested design commitments related to streetscaping and traffic calming.

RECOMMENDATIONS
Although the request does not meet the use mix and intensity standards of the Suburban Mixed Use Place Type, it generally conforms to the use mix and development patterns envisioned for the Suburban Compact Neighborhood Place Type. This memo identifies several other issues to be addressed in subsequent submission materials related to site design, housing, capital facilities, and environmental resources. Community Planning Staff is available to meet with the applicant to discuss the issues identified in this memo.
ATTACHMENTS

Attachment 1: Revised Capital Facilities Impact Analysis

cc: Alaina Ray, AICP, Director, Planning and Zoning-via e-mail
    Dan Galindo, AICP, Division Manager, Community Planning-via e-mail
TOTAL PROJECTED CAPITAL FACILITIES IMPACT

The total projected capital facilities impact of the proposed development is calculated using the approved capital intensity factors for the proposed unit mix. Revised Capital Intensity Factors (CIFs) were adopted by the Board of Supervisors on March 14, 2018.

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Total Number of Units</th>
<th>Capital Intensity Factors</th>
<th>Projected Capital Facilities Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Detached (SFD)</td>
<td>0</td>
<td>$47,554.27</td>
<td>$0.00</td>
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<tr>
<td>Single-Family Attached (SFA)</td>
<td>0</td>
<td>$33,733.40</td>
<td>$0.00</td>
</tr>
<tr>
<td>Multi-Family (MF)</td>
<td>0</td>
<td>$15,664.11</td>
<td>$0.00</td>
</tr>
<tr>
<td>Multi-Family Stacked (MF Stacked)</td>
<td>172</td>
<td>$25,016.56</td>
<td>$4,302,848.32</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>172</strong></td>
<td></td>
<td><strong>$4,302,848.32</strong></td>
</tr>
</tbody>
</table>

172 Total Units  $4,302,848 Total Projected Capital Facilities Impact

ANTICIPATED CAPITAL FACILITIES CONTRIBUTION

The anticipated capital facilities contribution of the proposed development takes into account Affordable Dwelling Units (ADUs) and the number of units permitted by the base density.

1. Number of Market Rate Units Subject to Capital Facilities Proffer Guidelines

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<th>Number of Proposed ADUs</th>
<th>Number of Market Rate Units</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Multi-Family Stacked (MF Stacked)</td>
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<td><strong>TOTAL</strong></td>
<td><strong>172</strong></td>
<td><strong>11</strong></td>
<td><strong>161</strong></td>
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2. Capital Facilities Calculations for Market Rate Units

<table>
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<tr>
<th>Housing Type</th>
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<th>Capital Intensity Factors</th>
<th>Capital Facilities Calculations for Market Rate Units</th>
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3. Capital Facility Credit for Base Density Units assuming Single Family Detached Dwellings

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Acres</th>
<th>Density Permitted By-right (du/acre)</th>
<th>Base Density Units*</th>
<th>Capital Intensity Factor</th>
<th>Capital Facility Credit for Base Density Units</th>
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<td></td>
<td>$0.00</td>
</tr>
</tbody>
</table>

* Base density units shall not exceed 1 du/acre pursuant to the 2019 Loudoun County General Plan, Chapter 6

4. Anticipated Capital Facilities Contribution

$4,027,666.16 - $0.00 = $4,027,666.16

$4,027,666 Anticipated Capital Facilities Contribution

Created on August 5, 2019
DATE: June 11, 2019

TO: Rick Hancock, AICP, Project Manager, Land Use Review

FROM: Randall Farren, AICP, Senior Planner, Community Planning


BACKGROUND
Sterling Meadow, LLC (the applicant) requests to rezone approximately 11.27 acres from PD-CC-SC (Planned Development – Commercial Center – Small Regional Center) to R-16 to develop 184 multifamily stacked dwelling units. The property is located on the north side of Pidgeon Hill Drive, on the south side of Tripleseven Road (Route 777), west of Loudoun Tech Drive (Route 1795), and north of Route 7. The site is a portion of the Regal Center commercial center and surrounding uses include commercial uses to the south, townhouses and commercial uses to the west (Countryside), and Calvary Temple Church to the north and east across Route 777.

The property is a portion of a site developed pursuant to an earlier rezoning (ZMAP-1994-0004) and is the current site of the Countryside Regal Cinema Theater and associated parking, which was developed in 1996.
COMPLIANCE WITH THE COMPREHENSIVE PLAN
The subject site is governed by the policies of the Revised General Plan (RGP) and the 2010 Countywide Transportation Plan (CTP). The property is located within the Potomac Community of the Suburban Policy Area and is designated as appropriate for Residential uses.

Loudoun County 2019 Comprehensive Plan
The County is currently in the process of developing a new comprehensive plan to guide future land use and development. The March 13, 2019 version of the draft Loudoun County 2019 Comprehensive Plan (“draft Plan”) designates the subject property as suitable for the Suburban Mixed Use Place Type, which anticipates a mix of residential, commercial, entertainment, cultural, and recreational uses FAR of up to 1.0, with a maximum residential component of 70 percent and a minimum of 5 percent dedicated to public and civic uses. More information regarding the compliance of this application with the provisions of the draft Plan is provided in the Analysis section below. Community Planning Staff notes the place type designation, core and complementary uses listed, and preferred use mix are subject to change as the draft Plan moves through the review and approval process.

ANALYSIS

Land Use
The RGP anticipates residential uses on the subject site at densities up to 4 dwelling units per acre (RGP, Chapter 6, Suburban Policy Area Planned Land Use Map). The applicant is proposing to develop 184 two-over-two (multifamily stacked) dwelling units, resulting in a gross residential density of 16.4 dwelling units per acre, exceeding the planned residential density for Residential Neighborhood uses. Community Planning Staff notes, however, that the RGP includes policies that allow for additional flexibility for residential infill and redevelopment projects, and stipulates that such projects should be analyzed according to existing conditions and surrounding land use patterns, including surrounding residential densities (RGP; Suburban Policy Area; Infill, Revitalization, and Redevelopment Policy 1). The adjacent Villas at Countryside condominiums are developed at a density of approximately 14.35 dwelling units per acre, which generally aligns with the density of the proposed project.

Although the draft Plan designates the subject property as suitable for the Suburban Mixed Use Place Type, it includes a provision that states that “the Suburban Compact Neighborhood Place Type may be appropriate for infill parcels designated as Suburban Mixed Use on the Place Type map.” The subject site likely would qualify as an infill project and thus this provision could be applied to the proposal. Under the draft Plan, the Suburban Compact Neighborhood Place Type envisions medium density, walkable neighborhoods providing opportunities for a mix of housing types, including “small-lot patio homes, townhomes, duplexes, and multifamily residences” at 8 to 24 dwelling units per acre. Overall the proposal falls within the anticipated density range for this Place Type but does not include a mix of housing types that helps fulfill the County’s continuum of housing needs (see Housing discussion below).

Community Planning Staff notes that the draft Plan lacks clear criteria for the application of the Suburban Compact Neighborhood Place Type in areas otherwise planned for Suburban Mixed Use. Additional policy language that would refine the applicability of this provision is pending Board discussion and review, including the following criteria:
A. The provision of unmet housing needs units exceeding the applicable regulatory requirements;

B. The location of the site at the periphery of a mixed-use development or along a major transportation corridor;

C. The availability of a variety of transit options within the direct vicinity (1/4 mile);

D. Proximity to employment options and a complementary mix of uses (e.g., neighborhood serving retail and services);

E. Proximity to public facilities with existing or planned capacity to serve the proposed development;

F. Conformance with the transition techniques and guidelines of the originally designated place type and any adjacent place types; and

G. Demonstration of innovation in design, including techniques that result in a perceived density that complements the scale of the surrounding built environment.

Although the proposed residential development exceeds the residential density anticipated in this area under the RGP, it may be appropriate in this area as an infill project considering similar residential densities in adjacent developments. Community Planning Staff notes that detailed analysis of the proposal’s conformance with the draft Plan is premature considering the ongoing review process and pending Plan adoption.

Parks/Open Space & Public/Civic

The RGP calls for at least 30 percent of the land in residential or high density residential projects to consist of parks and open space uses (3.38 acres) (RGP, Chapter 6, Residential Neighborhoods Policy 2). Open space should consist of a mix of active and passive and/or natural areas (RGP, Chapter 6, Open Space Policies, Policy 1). Open space policies call for 75 percent of the required open space to consist of interior space thus neither required buffer areas nor “leftover spaces” should constitute more than 25 percent of the open space requirement (RGP, Chapter 6, Open Space Policy 3). Community Planning Staff further notes that the March 13, 2019 draft of the draft Plan calls for fifteen percent open space (1.69 acres) or ten percent open space (1.13 acres) for projects in areas developing as Suburban Compact Neighborhood or Suburban Mixed Use place types, respectively.

The Concept Development Plan (CDP) designates 37,400 SF (0.86 acres or approximately 8 percent) of the site area as “active recreation space.” The applicant has not provided any details on the function or intended uses of these spaces and the CDP appears to show “leftover spaces” as open space.

Community Planning Staff recommends reconfiguring the layout of the site to ensure that a minimum area of 3.38 acres of open space is provided to comply with current Plan policy. Staff also requests additional details regarding the intended function or use of identified open space areas, recognizing that 2.54 acres should be interior space consisting of active, passive, and/or natural areas.

The RGP expects that land development proposals in areas planned for Residential neighborhood uses dedicate a minimum of 10 percent of the land area (1.13 acres) to Public
and Civic uses. Community Planning Staff notes that the draft Plan does not include a minimum requirement for Public and Civic uses in the Suburban Compact Neighborhood Place Type.

**Community Planning Staff recommends showing at least 1.13 acres of public and civic space on the CDP.**

**Unmet Housing Needs**

The RGP housing policies recognize that unmet housing needs occur across a broad segment of the County’s income spectrum and promote housing options for all people who live and/or work in Loudoun County (RGP, Chapter 2, Housing, text). Unmet housing needs are defined as the lack of housing options for households earning up to 100 percent of the Washington Metropolitan Area Median Income (AMI)\(^1\) (RGP, Chapter 2, Housing, Unmet Housing Needs, Guiding Principles Policies, Policy 2).

Article 7 of the Zoning Ordinance establishes the County’s Affordable Dwelling Unit (ADU) program, which address the needs of households earning from 30 to 70 percent AMI. ADU rental units are designed to serve residents earning 30% to 50% AMI, while ADU for-sale units are designed to serve residents with incomes of 50% to 70% AMI. (RGP, Chapter 2, Housing, Unmet Housing Needs, text). The Zoning Ordinance requires 6.25 percent of the total number of multifamily housing units (market and ADU) to be provided as ADUs; the applicant is proposing 12 ADUs based on 6.5 percent of the total number of two-over-two units. It is noted that ADUs as required by the Zoning Ordinance only address housing needs for households with incomes between 30 and 70 percent of the AMI. The RGP states that County policies and programs will focus on housing options for households earning up to 100 percent of the Washington Metropolitan AMI (RGP, Housing Affordability, Guiding Principles Policies, Policy 2). Given that the Zoning Ordinance does not require ADUs for incomes below 30 percent AMI, the largest segment of unmet housing needs in the County is for incomes below 30 percent AMI. In addition to the ADUs, the applicant should consider providing additional dwelling units or proffering cash contributions for housing that addresses the full spectrum of unmet housing needs, recognizing that the largest segment of unmet housing needs is housing for incomes below 30 percent of the AMI. Providing actual units rather than a cash contribution would be preferred given the County’s need for affordable housing.

Community Planning Staff notes that the draft Plan specifies that the Suburban Compact Neighborhood Place Type anticipates a variety of unit types. The proposal would exclusively provide two-over-two units, providing limited benefit to helping fulfill the continuum of housing needs. Additionally, the draft Plan specifically calls for the provision of a continuum of housing types in infill and redevelopment projects (draft Plan, Chapter 4 – Housing, Strategy 1.7).

**Community Planning Staff recommends the applicant include additional dwelling units beyond the required ADUs to address Plan policy regarding unmet housing needs. Staff also encourages the Applicant to consider incorporating housing for special needs populations as well as universal design principles into the project.**

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\(^1\) The current AMI for 2018 is $117,200.
Capital Facilities
Under the RGP, all residential rezoning requests will be evaluated in accordance with the Capital Facility guidelines and policies of the Plan (*RGP, Chapter 3, Proffer Policies, Policy 3*). A central objective of the RGP is to balance land uses to promote an effective fiscal policy (*RGP, Chapter 3, Fiscal Planning and Budgeting Policies, Policy 1 & Policy 2*). The current CIF is $25,016.56 per multifamily stacked dwelling unit in the Potomac Subarea. Assuming development of 184 units, including 12 ADUs, the total capital facility impact of this project is estimated at $4,603,047.04 (See Attachment 1). The anticipated capital facilities proffer is estimated at $4,302,848.32. Plan policy recommends this application mitigate the full anticipated impact of proposed market rate units, as no residential density is permitted on the site under current zoning.

The anticipated capital facility impacts of the proposed development should be mitigated according to Plan policy as calculated in the worksheet provided as Attachment 1.

Open Space Preservation Program
Based on the Open Space Proffer Guidelines of the RGP, the Board of Supervisors anticipates evidence of participation in the Open Space Preservation Program to achieve higher densities in mixed-use communities proposed for development in the Suburban Policy Area. The Plan states that “5 percent of all residential units associated with densities above 4.0 dwelling units/acre should result from the acquisition of an equivalent number of open space easements.” The Plan provides guidelines for the location and types of open space desired to be provided or purchased with cash in lieu on a per unit basis (*RGP, Chapter 11, Open Space Guidelines*). For high density residential neighborhoods, 0.05 easements is anticipated for every dwelling unit over a density of 4.0 du/acre.

Open space easements have been calculated for the proposed application. The open space contribution for the proposed application would range from $24,115 to $31,730 based on the per easement costs historically accepted by the Board (Attachment 2). The accepted contribution range of $3,800 to $5,000 per easement does not seem reasonable given current market values and the goal of purchasing open space within the Potomac Community.

Analysis
Staff recommends the applicant contribute land or provide an open space easement contribution consistent with Plan policy, recognizing that the current market values to purchase open space within the Potomac Community may exceed the range of previous contributions.

Environmental/Existing Conditions
The RGP defines the County’s Green Infrastructure as a “collection of natural, cultural, heritage, environmental, protected, passive, and active resources that will be integrated in a related system” (*RGP, Chapter 5, Green Infrastructure Policies, Policy 1*). The Green Infrastructure policies are the framework and unifying elements that determines where and how development will occur within Loudoun County (*RGP, Chapter 5, text*).
Stormwater

Impervious land cover can concentrate and increase the rate and volume of stormwater runoff from developed sites. The conveyed runoff can carry pollutants including litter, salts, oil, grease, and metals, impeding the opportunity for water infiltration back into the ground. Runoff can result in detrimental impacts to stream water quality and aquatic habitats. The subject property drains to an unnamed tributary to the Potomac River that the County’s 2009 Stream Assessment Project found to be “suboptimal” for habitat and “severely stressed” for aquatic life. Community Planning Staff requests more information regarding the stormwater management/best management practices (BMP) approach with the next submission.

The County promotes water conservation through low impact development (LID) techniques ([RGP, Chapter 5, Surface Water Policies, Policy 2](#)). LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source. The goal of LID is to mimic a site’s predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain stormwater runoff. LID locates water quality measures at the closest possible proximity to proposed impervious areas.

**Community Planning Staff recommends the applicant provide additional information regarding stormwater management on the site. Staff further recommends that the applicant commit to the use of LID techniques to minimize adverse effects associated with stormwater.**

Forests, Trees, and Vegetation

The Plan calls for the preservation, protection, and management of forests and natural vegetation for the various economic and environmental benefits that they provide, and for the submittal and approval of a tree conservation or forest management plan prior to any land development that “demonstrates a management strategy that ensures the long-term sustainability of any designated tree save area” ([RGP, Chapter 5, Forests, Trees and Vegetation Policies, Policies 1 & 3](#)).

The applicant’s statement of justification states that the zoning modification request (ZMOD) to modify Section 5-1414(A) allows the existing mature vegetation to remain in place along the property’s southern boundary. In order to evaluate the appropriateness and effect of this ZMOD, Community Planning Staff requests that the application provide information describing the vegetation intended to be retained.

**Community Planning Staff requests additional information regarding the vegetation intended to be retained per ZMOD request 4 on Sheet 5 of the Concept Development Plan, as revised April 15, 2019.**

Historic and Archaeological Resources

The applicant requested, and has been granted, a waiver of the archaeological survey requirements for this project. Based on the previously developed condition of the site, no impacts to previously identified historic or archaeological resources are anticipated.
Zoning Modifications
In addition to ZMOD request 4 noted above, the applicant has requested three ZMODs and two SPEX requests to modify the applicable parking, buffering, landscaping, and yard requirements. These requests generally appear to increase the overall developable area of the site. Community Planning Staff will provide a more detailed analysis of the appropriateness of these requests in response to subsequent submissions, in consideration of the Board’s continued deliberation of the applicable policies and provisions of the draft Plan.

RECOMMENDATIONS
Although the proposed residential density exceeds RGP plan policy for Residential neighborhoods, the request meets other plan policy provisions for infill and redevelopment proposals, which would anticipate the requested density based on adjacent residential densities. Capital facility impacts and environmental impacts should be mitigated and the application materials should be revised to meet open space preservation program policies.

Community Planning Staff has provided comments throughout this referral memo identifying relevant policies and provisions from the draft Plan and intends to provide a more detailed analysis of the proposal’s conformance with Plan policies in response to subsequent submissions. Assuming timely draft Plan adoption, Community Planning Staff recommends that the applicant meet with staff prior to second submission to discuss the adopted Plan policies and their applicability to the requested rezoning and ordinance modifications.

ATTACHMENTS
Attachment 1: Capital Facilities Impact Analysis
Attachment 2: Open Space Preservation Program Analysis

cc: Alaina Ray, AICP, Director, Planning and Zoning-via e-mail
    Dan Galindo, AICP, Community Planning Program Manager-via e-mail
### TOTAL PROJECTED CAPITAL FACILITIES IMPACT

The total projected capital facilities impact of the proposed development is calculated using the approved capital intensity factors for the proposed unit mix. Revised Capital Intensity Factors (CIFs) were adopted by the Board of Supervisors on March 14, 2018.

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184 Total Units $4,603,047  Total Projected Capital Facilities Impact

### ANTICIPATED CAPITAL FACILITIES CONTRIBUTION

The anticipated capital facilities contribution of the proposed development takes into account Affordable Dwelling Units (ADUs) and the number of units permitted by the base density.

1. Number of Market Rate Units Subject to Capital Facilities Proffer Guidelines

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<td>Single-Family Detached (SFD)</td>
<td>0</td>
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<tr>
<td>Single-Family Attached (SFA)</td>
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<tr>
<td>Multi-Family (MF)</td>
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<td>0</td>
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<tr>
<td>Multi-Family Stacked (MF Stacked)</td>
<td>184</td>
<td>12</td>
<td>172</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>184</strong></td>
<td><strong>12</strong></td>
<td><strong>172</strong></td>
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2. Capital Facilities Calculations for Market Rate Units

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Total Number of Market Rate Units</th>
<th>Capital Intensity Factors</th>
<th>Capital Facilities Calculations for Market Rate Units</th>
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<td>Single-Family Detached (SFD)</td>
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3. Capital Facility Credit for Base Density Units assuming Single Family Detached Dwellings

<table>
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<tr>
<th>Zoning District</th>
<th>Acres</th>
<th>Density Permitted By-right (du/acre)</th>
<th>Base Density Units*</th>
<th>Capital Intensity Factor</th>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>0</td>
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<td></td>
<td><strong>$0.00</strong></td>
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</tbody>
</table>

* Base density units shall not exceed 1 du per acre pursuant to Revised General Plan, Chapter 11

4. Anticipated Capital Facilities Contribution

$4,302,848.32 - $0.00 = $4,302,848.32

$4,302,848 Anticipated Capital Facilities Contribution

Created on June 5, 2019
Based on the Open Space Proffer Guidelines of the Revised General Plan, the Board of Supervisors anticipates evidence of participation in the Open Space Preservation Program to achieve higher densities in mixed-use communities proposed for development in the Suburban Policy Area. The Plan states that "5% of all residential units associated with densities above 4.0 dwelling units/acre should result from the acquisition of an equivalent number of open space easements." The Plan provides guidelines for the location and types of open space desired to be provided or purchased with cash in lieu on a per unit basis (Revised General Plan, Chapter 11, Open Space Guidelines). For high density residential neighborhoods, 0.05 easements is anticipated for every dwelling unit over a density of 4.0 du/acre.

1. Number of Units Permitted at 4.0 du/acre
   \[ 11.27 \text{ acres} \times 4 = 45.08 \]

2. Number of Units Subject to Open Space Proffer Guidelines
   \[ 184 - 45.08 = 138.9 \]

3. Exempt Affordable Dwelling Units
   \[ 138.92 - 12 = 126.9 \]

4. 5% of Units over 4.0 du/acre
   \[ 126.92 \times 0.05 = 6.346 \]

5. Total Units Linked to Open Space Preservation = 6.346

6. Accepted Contribution Range: $3,800 to $5,000 per Easement
   \[ \$24,115 \text{ to } \$31,730 \]
Staff has reviewed the second submission of the referenced zoning map amendment (ZMAP), special exception (SPEX) and zoning modifications (ZMOD), to include the Referral Cover Memo dated July 12, 2019, Statement of Justification (SOJ) dated April 16, 2019, revised through July 11, 2019, Applicant’s Response Letter to First Referral Comments dated July 11, 2019, draft Proffer Statement dated July 11, 2019 and the Concept Development Plan (CDP) and SPEX/ZMOD Plats, prepared by Urban, Ltd., revised through July 10, 2019. The subject properties are currently zoned PD-CC-SC (Planned Development-Commercial Center-Small Regional Center) under the 1993 Loudoun County Zoning Ordinance and are subject to the proffer statements and CDP approved with ZMAP-1994-0004 and ZMAP-1996-0005. The Applicant is requesting to remap approximately 10.258 acres from the PD-CC-SC zoning district to the R-16 zoning district (administered under R-16 ADU) under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to develop a total of 172 stacked multi-family dwelling units and 11 ADUs. In addition, the Applicant is requesting five ZMODs, which in general terms, propose to 1) modify Section 3-608(B) regarding off-street parking requirements; 2) modify Sections 5-1507(A) and 5-1414(A) to reduce and/or eliminate buffer and screening requirements; and 3) modify Sections 3-610(A) and Section 1-205(A) to permit commercial/retail uses to access residential streets and road access requirements. Lastly, the Applicant is requesting one zoning modification to Sections 7-903(C)(2)(a) via a SPEX to modify the R-16 ADU minimum front yard regulation from a 25-foot minimum to a 14-foot minimum.

Staff has reviewed the materials noted above and has the following comments on the referenced applications.

A. ZONING ORDINANCE COMMENTS

1. Previous Comment: Section 3-602. Explain in the SOJ and demonstrate on the CDP how this application conforms to the requirements of this section as it pertains to being planned or served by public transit or designated for public transit in the Comprehensive Plan.
Plan. Comment addressed as there are bus stops and bus service along Tripleseven Road and Pidgeon Hill Drive.

2. Previous Comment: Section 3-603(B). This Section of the Zoning Ordinance lists multi-family dwelling units as a permitted use. The Applicant has stated in their SOJ and on the CDP/SPEX plat that they are proposing multi-family stacked units (2/2s). If it is the intent of the Applicant to provide this specific type of unit, it should be included in the form of a proffer. The Applicant has committed to multi-family stacked units (2 over 2 units) in draft Proffer II and the CDP. Staff notes that the number of units has decreased from first referral from 184 to 172 dwelling units (with 11 ADUs). However, the SOJ still makes references to 184 units while the draft proffers and CDP state 172 units with 11 ADUs. Clarify these discrepancies.

3. Previous Comment: Section 3-608(B). The Applicant requested a modification to this Section of the Zoning Ordinance to eliminate the berming and screening requirement for parking between buildings and streets. See the Modifications Section of this referral for discussion on this matter. See the Modifications Section of this referral for discussion on this matter.

4. Previous Comment: Section 3-610. As the proposed units will access the proposed R-16 zoning district via private streets through the existing PD-CC-SC zoning district, a public access easement must be placed over such private streets. It is noted that the Applicant has submitted a new zoning modification for Section 1-205(A) and Section 3-610(A) to allow commercial vehicle access through the proposed R-16 zoning district on the subject property. This access would not be permitted because the private roadway for such access would be an accessory use to the uses located in the PD-CC-SC zoning district, which are not permitted in the proposed R-16 zoning district. The zoning modification is not supported. Therefore, in order to allow this access, this access will need to be included in a public ROW or be included in a public access easement in order to serve the PD-CC-SC property. However, Staff remains concerned with commercial vehicular traffic (especially loading and service vehicles) traveling through the proposed residential neighborhood on private residential streets without adequate buffering and screening of such commercial uses from residential uses and lack of commitments to safety measures such as crosswalks and sidewalks for pedestrians. Lastly, it appears that the CDP has been revised to include a loading space in the proposed R-16 zoning district that will serve the adjacent PD-CC-SC commercial uses. The loading space needs to be relocated to the zoning district and parcel it serves.

5. Previous Comment: Section 5-1300. Add a note to the CDP stating that each site must meet the minimum required tree canopy requirements. Comment addressed with Note 32 on Sheet 1 of the CDP.

6. Previous Comment: Section 5-1407(A) and 5-1414(A). Staff notes that the Applicant proposed to modify the buffer and screening requirements of these sections to reduce and/or eliminate certain buffer and screening requirements. See the Modifications...
section of this referral for additional discussion on this matter. See the Modifications section of this referral for additional discussion on this matter.

7. **Previous Comment:** Section 7-104 (B) and (C). The Applicant states that 12 ADUs will be provided in multi-family stacked dwelling units. Add a note to the CDP to state that ADUs shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district and interspersed among market rate units in the proposed development. Further, please provide a note that pursuant to Section 7-104(B), dwelling dimensions and the number of bedrooms shall meet the requirements established by the Affordable Dwelling Unit Advisory Board pursuant to the Codified Ordinance. The Applicant has revised their application at second referral and proposes 172 dwelling units with 11 ADUs. Comment addressed as Note 33 regarding ADUs was added to Sheet 1 of the CDP.

8. **Previous Comment:** Sections 7-903(C)(2)(b) and 7-903(C)(2)(c). Staff notes that the Applicant proposes to modify the minimum side yards for corner lots and the minimum rear yard requirements of the R-16 ADU zoning district. Both the minimum required yards and modified yards need to be drawn on the SPEX plat and CDP. See the Modifications section of this referral for additional discussion on this matter. The Applicant has revised their development layout and removed these modification requests from their application. However, the Applicant has added a zoning modification to Section 7-903(C)(2)(a) to reduce front yards for certain buildings shown on the SPEX plat from 25-feet to 14-feet. While the application does have more open space than what is required, Staff could support the modification provided commitments to the location and size of all types of open space (including passive recreational areas) are made.

9. **Previous Comment:** Section 7-903(E). The CDP shows the approximate location of required active recreation space within the development. Staff notes that some required recreation areas are located within a required buffer and should be relocated as they are not a permitted use in a buffer yard. Active recreation space areas are now shown on the CDP and SPEX plat. Comment addressed.

10. **Previous Comment:** Section 6-1215(F). The Applicant’s SOJ states that the proposed development contains almost an acre of open space (passive and active). Clearly show the location of both active and passive open space on the CDP/SPEX plat. The CDP and SPEX plat show the location of active recreation space and passive recreation space. Staff notes that the minimum amount of active recreation space is labeled on each active recreation area and the total amount of open space within the development is stated in a table on the CDP. However, there is no square footage area provided for each of the passive recreational areas. Clarify the proffers and CDP/SPEX plat accordingly.

11. **Previous Comment:** Staff notes that a draft proffer statement was not provided for review with the first referral of the applications. Once this document is provided, Staff may provide additional comments. See the draft Proffer Comments noted below in this referral.
12. Previous Comment: Staff recommends that the Applicant provide a status of proffers approved with ZMAP-1994-0004 and ZMAP-1996-0005 to determine whether said proffers have been fulfilled. Staff may have additional comments at next referral. Staff defers additional comment to the Proffer Management Team.

13. Previous Comment: The rezoning application is removing parking associated with other commercial/retail uses in the vicinity. Demonstrate that the minimum number of parking spaces required by the Zoning Ordinance are still provided for the commercial/retail uses that are to remain. No further comments as the Applicant has shown that existing commercial uses will have adequate parking.

B. SECTION 6-1210 ZONING MAP AMENDMENT CRITERIA

1. Previous Comment: Section 6-1210(E)(1). Staff defers comment to the Comprehensive Planning Division as to whether the density and zoning district proposed in this application are in conformance with the Comprehensive Plan. No further comments.

2. Previous Comment: Section 6-1210(E)(3). Staff defers to the Department of Transportation and Capital Infrastructure and Loudoun Water regarding adequate sewer, water, transportation and other infrastructure needed to adequately serve the proposed uses. No further comments.

3. Previous Comment: Section 6-1210(E)(5). The CDP does not definitively address the treatment of stormwater nor the location of such facilities within the proposed development. In addition, the Applicant’s justification for one of the ZMODs of Section 5-1414(A) states that the zoning modification allows existing mature vegetation to remain in place along the southern leg of the property as this portion of the property will remain unchanged with the application. In order for Staff to evaluate the modification request, the Applicant needs to provide additional information, including photographs, regarding the existing vegetation to be retained. Staff defers further comment to the Natural Resources Team.

C. CDP/SPEX PLAT ISSUES

1. Previous Comment: In general, it appears that vehicles associated with existing commercial/retail uses adjacent to the proposed multi-family stacked dwelling units will have to travel on residential private streets to get access to areas such as loading and service areas. Per Section 3-610(A), this is not permitted in the R-16 zoning district. Revise the design of the development accordingly. It is noted that the Applicant has submitted a new zoning modification for Section 1-205(A) and Section 3-610(A) to allow commercial vehicle access through the proposed R-16 zoning district on the subject property. This access would not be permitted because the private roadway for such access would be an accessory use to the uses located in the PD-CC-SC zoning district, which are not permitted in the proposed R-16 zoning district. The zoning modification is
not supported. Therefore, in order to allow this access, this access will need to be included in a public ROW or be included in a public access easement in order to serve the PD-CC-SC property. However, Staff remains concerned with commercial vehicular traffic (especially loading and service vehicles) traveling through the proposed residential neighborhood on private residential streets without adequate buffering and screening of such commercial uses from residential uses and lack of commitments to safety measures such as crosswalks and sidewalks for pedestrians. Lastly, it appears that the CDP has been revised to include a loading space in the proposed R-16 zoning district that will serve the adjacent PD-CC-SC commercial uses. The loading space needs to be relocated to the zoning district and parcel it serves.

2. Previous Comment: An area shown on the CDP/SPEX plat located adjacent to Pidgeon Hill Drive is proposed to be rezoned to R-16 and is currently developed with parking and entrances for the existing PD-CC-SC development. A note on the plan set states that existing parking to remain. Staff questions why this area is being included as part of the area being remapped to R-16 as it appears it will continue to serve the PD-CC-SC development commercial uses and should remain PD-CC-SC. Staff notes that parking within a proposed R-16 zoning district cannot be used to park uses within the PD-CC-SC zoning district. It appears that the CDP has been revised to include a loading space in the proposed R-16 zoning district that will serve the adjacent PD-CC-SC commercial uses. The loading space needs to be relocated to the zoning district and parcel it serves.

3. Previous Comment: Revise Note 3, Sheet 1 to clearly state that the zoning map amendment application proposes to remap the subject properties to R-16 under the Revised 1993 Loudoun County Zoning Ordinance. Comment addressed with Note 3, Sheet 1.

4. Previous Comment: Clarify if the properties that are to be rezoned to R-16 will be subdivided in the future as the Applicant’s zoning modification request is to modify the side corner lot yard from 25-feet to 14 feet. Delineate on the CDP/SPEX plat were the proposed modified 14-foot yard is located. The Applicant removed this modification request. No further comments.

5. Previous Comment: Revise General Note 12, Sheet 1 to add a note to the plat to state that the subject property contains minor floodplain and is subject to the Floodplain Overlay District regulations of Section 4-1500 of the Zoning Ordinance. Delineate the minor floodplain on the CDP/SPEX plat. Since a portion of the parcel that contains the minor floodplain was removed from the R-16 rezoning proposal at second referral, this comment is addressed.

6. Previous Comment: General Note 20, Sheet 1 is vague. Revise to state that the location of roadways, open space and lot layout will be in substantial conformance with the CDP and administrative and minor changes to the CDP may only be completed pursuant to Section 6-1216(A) or Section 6-1216(B) of the Zoning Ordinance. Note 20 on Sheet 1 was added to the CDP. Comment addressed.
7. Previous Comment: Provide the width of the proposed trail along Tripleseven Road. Staff recommends that a commitment to construct the trail be included in the form of a proffer. See comments on draft Proffer VI.B in Section E of this referral.

8. Previous Comment: In the Zoning and Area Tabulations Table on Sheets 5 and 5A, revise the language in the Provided Parking section as “The Proposed Number of Parking Spaces will meet or exceed the minimum number of parking spaces required by the Revised 1993 Loudoun County Zoning Ordinance.” Comment addressed with revisions to the off-street parking language on Sheets 5 and 5A.

D. ZONING MODIFICATIONS AND MODIFICATIONS OF ADU REQUIRED YARDS BY SPEX

1. Previous Comment: Section 3-608(B). Off Street Parking.

   Provision: No off street parking for multifamily dwellings shall be permitted in areas between buildings and streets, unless such parking areas are sufficiently bermed and screened so that the parking areas are not visible from the street.

   Request: The Applicant is requesting to provide parking for stacked multi-family dwelling units between the buildings and streets without adding berming or screening.

   Staff Analysis: The Applicant stated that their proposal is more urban in nature and further states it is imperative to provide unobstructed lines of site to all parking spaces. Explain what features proposed with the development are of a more urban design. Staff could support this modification provided commitments to the urban design are made in proffers and features such as additional sidewalks and crosswalks are provided in the parking areas. Staff notes that there are no commitments to design of buildings and structures that make the proposed development more urban in nature. Staff could support this modification provided commitments to the urban design are made in proffers.

2. Previous Comment: Section 5-1407 (A). Buffer Yard and Screening Requirements. Location.

   Provision: Buffer yards shall be located along the perimeter of a lot or parcel. Where a parcel extends into the center line of an existing road, the buffer yard shall begin at and extend inward from the ultimate right-of-way line of said road. Buffer yards shall extend to the lot line, parcel boundary or rights-of-way line, except where easements, covenants or natural features may require the buffer yard to be set back from the property line, in which event the buffer yard shall be in addition to such easements, covenants or natural features. Buffer yards shall be provided within the required minimum yard setback areas. If the minimum buffer width is larger than the yard setback, the minimum buffer width must be provided.
Request: The Applicant is requesting a modification to plant the perimeter buffer along the southern property boundary next to the multi-family units as opposed to along the parcel line.

Staff Analysis: Existing commercial/retail uses adjacent to the proposed multi-family stacked dwelling units will have to travel on residential private streets to get access to areas such as loading and service areas. In addition, several units appear to face the rear-side of the existing retail uses where the service areas and dumpsters are located. The buffer as proposed does not adequately mitigate the impact on the multi-family stacked dwelling units. The Applicant has requested a zoning modification of the Type 1 buffer where the proposed dwelling units will be located next to the rear side of the existing commercial uses. The Applicant responded that the landscaping adjacent to the commercial buildings was greatly enhanced and the redesign of the site allowed the loading space and relocated dumpster screened area to be located outside the drive aisle. Staff notes that the proposed modified Type 1 buffer is not an enhancement to the buffer yard required by the Zoning Ordinance. In addition, the neither the proffers nor the CDP/SPEX plat contain any commitments to enhanced buffering or design of buildings so that the dwelling units no longer face the rear-side of the commercial uses located across the roadway. Lastly, as noted earlier in this referral, it appears that the CDP has been revised to include a loading space in the proposed R-16 zoning district that will serve the adjacent PD-CC-SC commercial uses. The loading space needs to be relocated to the zoning district and parcel it serves.

3. Previous Comment: Section 5-1414 (A). Buffer Yard and Screening Matrix.

Provision: This Section of the Zoning Ordinance requires buffer yards (generally a Type 1 buffer yard, depending on the adjacent use) between the proposed R-16 multi-family units and the adjacent PD-CC-SC, PD-H3 and R-4 zoned properties.

Request: The Applicant is requesting a modification to eliminate the buffer between the existing offsite retail and the proposed multi-family dwelling units along the southeastern border where the property line is within the existing travelway. The Applicant is also requesting a second modification along the southern leg of the property to allow existing mature vegetation to remain in place.

Staff Analysis: Regarding the first modification request, a portion of the property shown on the CDP/SPEX plat located adjacent to Pidgeon Hill Drive is proposed to be rezoned to R-16 and is currently developed with parking and entrances for the existing PD-CC-SC retail development. A note on the plan set states that existing parking will remain. Staff questions why this area is being included as part of the area being remapped to R-16 as it appears it will continue to serve the PD-CC-SC development commercial uses and should remain PD-CC-SC. Staff notes that parking within a proposed R-16 zoning district cannot be used to park uses within the PD-CC-SC zoning district. Therefore, a modification would not be necessary.
Regarding the second modification request, the Applicant’s justification states that the zoning modification allows existing mature vegetation to remain in place along the southern leg of the property as this portion of the property will remain unchanged with the application. In order for Staff to evaluate the modification request, the Applicant needs to provide additional information, including photographs, regarding the existing vegetation to be retained and to determine if the existing vegetation is and will remain viable. If it is determined that the existing vegetation is healthy and viable, it should be included in the form of a proffer and shown on the CDP. Staff may have additional comments at next referral. Staff does not support this modification request as the Applicant has not demonstrated how this zoning modification improves on the current regulations and meets or exceeds the public purpose. In addition, as noted in Comment 3 above, neither the proffers nor the CDP/SPEX plat contain any commitments to enhanced buffering.

4. **Previous Comment:** Sections 7-903(C)(2)(b) and 7-903(C)(2)(c). Modification to R-16 ADU Minimum Corner Lot Side Yards and Rear Yards via SPEX per Section and 7-903(C)(3).

**Provision:** These Sections of the Zoning Ordinance require the following minimum required yards.

- 7-903(C)(2)(b) – Minimum 10-foot minimum side yard; 25-foot minimum corner lots for multi-family structures.
- 7-903(C)(2)(c) – 25 foot minimum rear yard for multi-family structures.

**Request:** The Applicant is requesting modifications of the minimum required yards as follows:
- 7-903(C)(2)(b) – Reduce 25-foot minimum required 25-foot corner lot side yards to 14-feet.
- 7-903(C)(2)(c) – Reduce minimum 25-foot minimum rear yard to 14-feet.

**Staff Analysis:** The Applicant’s justification includes discussion of increasing the amount of common area for residents by reducing the yards and provides the maximum available space for formal and informal events. Staff cannot support this modification at this time as the Applicant has not demonstrated and the CDP/SPEX plat does not show the amount of common area and/or open space proposed nor the amount of open space gained by decreasing the required yards. Demonstrate how the modification of these regulations meets or exceeds the public purpose without increasing density on the property. As the Applicant has redesigned the proposed development and no longer needs this modification request, Staff has no further comments.

5. See Comment 4 in the Zoning Ordinance Comments Section above for analysis and comment on the Applicant’s modification request to Section 1-205(A) and Section 3-610(A).
E. DRAFT PROFFER COMMENTS

1. Regarding draft Proffer I, Exhibit B referenced in the proffer needs to list the zoning modifications and modification of front yards via SPEX for the R-16 ADU zoning district.

2. Regarding draft Proffer II.3., the trigger of the 151st occupancy permit for the remaining ADUs does not comply with Section 7-106 of the Zoning Ordinance regarding the Timing of Construction/Availability of Affordable Units, which states: In a development which contains single family detached, single family attached, or multi-family lots or units, occupancy permits for no more than fifty percent (50%) of the market rate dwelling units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the affordable dwelling units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the affordable dwelling units for the development.

3. Draft Proffer 3 regarding Lighting needs a trigger (i.e. prior to site plan approval) when such lighting fixtures will be reviewed for conformance with the Zoning Ordinance and the proffers.

4. Regarding draft Proffer V.B., revise the reference to the 2010 Countywide Transportation Plan (the “CTP”) to the “Loudoun County 2019 Countywide Transportation Plan” (2019 CTP).

5. Regarding draft Proffer VI.A, the trigger for the construction and opening of the trail along Tripleseven Road for use prior to the 150th occupancy permit (out of 172 units) is very late in the development process. Staff recommends that the trigger for the construction and use of the trail be earlier and commensurate with the development it serves. In addition, a trigger should be included that states such trail and easement will be bonded and shown on a site plan, prior to its approval.

6. Regarding draft Proffer VII.A.1. and 2, the proffers should specify that said active recreation space areas will be shown on a site plan, prior to its approval. In addition, regarding Active Recreation Spaces 3 and 4, while the proffer states that these spaces may include seating, landscaping and hardscaping, these features in and of themselves do not meet the Article 8 definition of active recreation space. Staff suggests clarification in the proffer.

7. Regarding draft Proffer VII.B, the proffer and CDP should specify the size of such passive recreation areas. In addition, a trigger should be included which states that such amenities will be bonded and shown on a site plan, prior to its approval and include a trigger for construction.

8. Regarding draft Proffer VII.D, the term “perimeter buffers” is not used on the CDP/SPEX plat. Staff recommends the proffer clarify these terms to ensure which buffers are being described. In addition, a trigger should be included that states that such buffers will bonded and shown on a site plan prior to its approval and installed prior to the first occupancy...
permit on the property.

9. Regarding draft Proffer VIII.A, the Applicant provided a statement stating there are sufficient capital facilities with the Algonkian area that will serve the Property and no capital facilities contributions are proffered. Staff questions whether this statement is accurate and defers additional comment to the Comprehensive Planning Division.

10. Regarding draft Proffers VII.B and IX, Staff defers comment to the Department of Family Services and Fire and Rescue, respectively, regarding per unit contributions for unmet housing needs and fire and rescue needs.

Cc. Chris Mohn, Deputy Zoning Administrator
    Brad Polk, Principal Planner
    Randall Farren, Senior Planner
    Rebekah King, Housing Finance Project Manager
Staff has reviewed the referenced zoning map amendment (ZMAP), special exceptions (SPEX) and zoning modifications (ZMOD), to include the Referral Cover Memo dated April 17, 2019, Statement of Justification (SOJ) dated April 16, 2019 and the Concept Development Plan (CDP), prepared by Urban, Ltd., revised through April 15, 2019. The subject properties are currently zoned PD-CC-SC (Planned Development-Commercial Center-Small Regional Center) under the 1993 Loudoun County Zoning Ordinance and are subject to the proffer statements and CDP approved with ZMAP-1994-0004 and ZMAP-1996-0005. The Applicant is requesting to remap approximately 11.27 acres from the PD-CC-SC zoning district to the R-16 zoning district (administered under R-16 ADU) under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to develop a total of 184 stacked multi-family dwelling units and 12 ADUs. In addition, the Applicant is requesting three ZMODs to 1) modify Section 3-608(B) regarding off-street parking requirements; and 2) modify Sections 5-1507(A) and 5-1414(A) to reduce and/or eliminate buffer and screening requirements. Lastly, the Applicant is requesting two zoning modifications to Sections 7-903(C)(2)(b) and 7-903(C)(2)(c) via a SPEX to modify the ADU minimum yard requirements for corner lot side yards and rear yards.

Staff has reviewed the materials noted above and has the following comments on the referenced applications.

A. ZONING ORDINANCE COMMENTS

1. **Section 3-602.** Explain in the SOJ and demonstrate on the CDP how this application conforms to the requirements of this section as it pertains to being planned or served by public transit or designated for public transit in the Comprehensive Plan.

2. **Section 3-603(B).** This Section of the Zoning Ordinance lists multi-family dwelling units as a permitted use. The Applicant has stated in their SOJ and on the CDP/SPEX plat that
they are proposing multi-family stacked units (2/2s). If it is the intent of the Applicant to provide this specific type of unit, it should be included in the form of a proffer.

3. **Section 3-608(B).** The Applicant requested a modification to this Section of the Zoning Ordinance to eliminate the berming and screening requirement for parking between buildings and streets. See the Modifications Section of this referral for discussion on this matter.

4. **Section 3-610.** As the proposed units will access the proposed R-16 zoning district via private streets through the existing PD-CC-SC zoning district, a public access easement must be placed over such private streets.

5. **Section 5-1300.** Add a note to the CDP stating that each site must meet the minimum required tree canopy requirements.

6. **Section 5-1407(A) and 5-1414(A).** Staff notes that the Applicant proposed to modify the buffer and screening requirements of these sections to reduce and/or eliminate certain buffer and screening requirements. See the Modifications section of this referral for additional discussion on this matter.

7. **Section 7-104 (B) and (C).** The Applicant states that 12 ADUs will be provided in multi-family stacked dwelling units. Add a note to the CDP to state that ADUs shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district and interspersed among market rate units in the proposed development. Further, please provide a note that pursuant to Section 7-104(B), dwelling dimensions and the number of bedrooms shall meet the requirements established by the Affordable Dwelling Unit Advisory Board pursuant to the Codified Ordinance.

8. **Sections 7-903(C)(2)(b) and 7-903(C)(2)(c).** Staff notes that the Applicant proposes to modify the minimum side yards for corner lots and the minimum rear yard requirements of the R-16 ADU zoning district. Both the minimum required yards and modified yards need to be drawn on the SPEX plat and CDP. See the Modifications section of this referral for additional discussion on this matter.

9. **Section 7-903(E).** The CDP shows the approximate location of required active recreation space within the development. Staff notes that some required recreation areas are located within a required buffer and should be relocated as they are not a permitted use in a buffer yard.

10. **Section 6-1215(F).** The Applicant’s SOJ states that the proposed development contains almost an acre of open space (passive and active). Clearly show the location of both active and passive open space on the CDP/SPEX plat.

11. Staff notes that a draft proffer statement was not provided for review with the first referral of the applications. Once this document is provided, Staff may provide additional comments.
12. Staff recommends that the Applicant provide a status of proffers approved with ZMAP-1994-0004 and ZMAP-1996-0005 to determine whether said proffers have been fulfilled. Staff may have additional comments at next referral.

13. The rezoning application is removing parking associated with other commercial/retail uses in the vicinity. Demonstrate that the minimum number of parking spaces required by the Zoning Ordinance are still provided for the commercial/retail uses that are to remain.

B. SECTION 6-1210 ZONING MAP AMENDMENT CRITERIA

1. Section 6-1210(E)(1). Staff defers comment to the Comprehensive Planning Division as to whether the density and zoning district proposed in this application are in conformance with the Comprehensive Plan.

2. Section 6-1210(E)(3). Staff defers to the Department of Transportation and Capital Infrastructure and Loudoun Water regarding adequate sewer, water, transportation and other infrastructure needed to adequately serve the proposed uses.

3. Section 6-1210(E)(5). The CDP does not definitively address the treatment of stormwater nor the location of such facilities within the proposed development. In addition, the Applicant’s justification for one of the ZMODs of Section 5-1414(A) states that the zoning modification allows existing mature vegetation to remain in place along the southern leg of the property as this portion of the property will remain unchanged with the application. In order for Staff to evaluate the modification request, the Applicant needs to provide additional information, including photographs, regarding the existing vegetation to be retained.

C. CDP/SPEX PLAT ISSUES

1. In general, it appears that vehicles associated with existing commercial/retail uses adjacent to the proposed multi-family stacked dwelling units will have to travel on residential private streets to get access to areas such as loading and service areas. Per Section 3-610(A), this is not permitted in the R-16 zoning district. Revise the design of the development accordingly.

2. An area shown on the CDP/SPEX plat located adjacent to Pidgeon Hill Drive is proposed to be rezoned to R-16 and is currently developed with parking and entrances for the existing PD-CC-SC development. A note on the plan set states that existing parking to remain. Staff questions why this area is being included as part of the area being remapped to R-16 as it appears it will continue to serve the PD-CC-SC development commercial uses and should remain PD-CC-SC. Staff notes that parking within a proposed R-16 zoning district cannot be used to park uses within the PD-CC-SC zoning district.
3. Revise Note 3, Sheet 1 to clearly state that the zoning map amendment application proposes to remap the subject properties to R-16 under the *Revised 1993 Loudoun County Zoning Ordinance*.

4. Clarify if the properties that are to be rezoned to R-16 will be subdivided in the future as the Applicant’s zoning modification request is to modify the side corner lot yard from 25-feet to 14 feet. Delineate on the CDP/SPEX plat were the proposed modified 14-foot yard is located.

5. Revise General Note 12, Sheet 1 to add a note to the plat to state that the subject property contains minor floodplain and is subject to the Floodplain Overlay District regulations of Section 4-1500 of the Zoning Ordinance. Delineate the minor floodplain on the CDP/SPEX plat.

6. General Note 20, Sheet 1 is vague. Revise to state that the location of roadways, open space and lot layout will be in substantial conformance with the CDP and administrative and minor changes to the CDP may only be completed pursuant to Section 6-1216(A) or Section 6-1216(B) of the Zoning Ordinance.

7. Provide the width of the proposed trail along Tripleseven Road. Staff recommends that a commitment to construct the trail be included in the form of a proffer.

8. In the Zoning and Area Tabulations Table on Sheets 5 and 5A, revise the language in the Provided Parking section as “The Proposed Number of Parking Spaces will meet or exceed the minimum number of parking spaces required by the *Revised 1993 Loudoun County Zoning Ordinance*.”

**D. ZONING MODIFICATIONS AND MODIFICATIONS OF ADU REQUIRED YARDS BY SPEX**

1. **Section 3-608(B). Off Street Parking.**

   **Provision:** No off street parking for multifamily dwellings shall be permitted in areas between buildings and streets, unless such parking areas are sufficiently bermed and screened so that the parking areas are not visible from the street.

   **Request:** The Applicant is requesting to provide parking for stacked multi-family dwelling units between the buildings and streets without adding berming or screening.

   **Staff Analysis:** The Applicant stated that their proposal is more urban in nature and further states it is imperative to provide unobstructed lines of site to all parking spaces. Explain what features proposed with the development are of a more urban design. Staff could support this modification provided commitments to the urban design are made in proffers and features such as additional sidewalks and crosswalks are provided in the parking areas.
2. Section 5-1407 (A). Buffer Yard and Screening Requirements. Location.

**Provision:** Buffer yards shall be located along the perimeter of a lot or parcel. Where a parcel extends into the center line of an existing road, the buffer yard shall begin at and extend inward from the ultimate right-of-way line of said road. Buffer yards shall extend to the lot line, parcel boundary or rights-of-way line, except where easements, covenants or natural features may require the buffer yard to be set back from the property line, in which event the buffer yard shall be in addition to such easements, covenants or natural features. Buffer yards shall be provided within the required minimum yard setback areas. If the minimum buffer width is larger than the yard setback, the minimum buffer width must be provided.

**Request:** The Applicant is requesting a modification to plant the perimeter buffer along the southern property boundary next to the multi-family units as opposed to along the parcel line.

**Staff Analysis:** Existing commercial/retail uses adjacent to the proposed multi-family stacked dwelling units will have to travel on residential private streets to get access to areas such as loading and service areas. In addition, several units appear to face the rear-side of the existing retail uses where the service areas and dumpsters are located. The buffer as proposed does not adequately mitigate the impact on the multi-family stacked dwelling units.

3. Section 5-1414 (A). Buffer Yard and Screening Matrix.

**Provision:** This Section of the Zoning Ordinance requires buffer yards (generally a Type 1 buffer yard, depending on the adjacent use) between the proposed R-16 multi-family units and the adjacent PD-CC-SC, PD-H3 and R-4 zoned properties.

**Request:** The Applicant is requesting a modification to eliminate the buffer between the existing offsite retail and the proposed multi-family dwelling units along the southeastern border where the property line is within the existing travelway. The Applicant is also requesting a second modification along the southern leg of the property to allow existing mature vegetation to remain in place.

**Staff Analysis:** Regarding the first modification request, a portion of the property shown on the CDP/SPEX plat located adjacent to Pidgeon Hill Drive is proposed to be rezoned to R-16 and is currently developed with parking and entrances for the existing PD-CC-SC retail development. A note on the plan set states that existing parking will remain. Staff questions why this area is being included as part of the area being remapped to R-16 as it appears it will continue to serve the PD-CC-SC development commercial uses and should remain PD-CC-SC. Staff notes that parking within a proposed R-16 zoning district cannot be used to park uses within the PD-CC-SC zoning district. Therefore, a modification would not be necessary.

Regarding the second modification request, the Applicant’s justification states that the
zoning modification allows existing mature vegetation to remain in place along the southern leg of the property as this portion of the property will remain unchanged with the application. In order for Staff to evaluate the modification request, the Applicant needs to provide additional information, including photographs, regarding the existing vegetation to be retained and to determine if the existing vegetation is and will remain viable. If it is determined that the existing vegetation is healthy and viable, it should be included in the form of a proffer and shown on the CDP. Staff may have additional comments at next referral.

4. **Sections 7-903(C)(2)(b) and 7-903(C)(2)(c). Modification to R-16 ADU Minimum Corner Lot Side Yards and Rear Yards via SPEX per Section and 7-903(C)(3).**

**Provision:** These Sections of the Zoning Ordinance require the following minimum required yards.

- 7-903(C)(2)(b) – Minimum 10-foot minimum side yard; 25-foot minimum corner lots for multi-family structures.
- 7-903(C)(2)(c) – 25 foot minimum rear yard for multi-family structures.

**Request:** The Applicant is requesting modifications of the minimum required yards as follows:

- 7-903(C)(2)(b) – Reduce 25-foot minimum required 25-foot corner lot side yards to 14-feet.
- 7-903(C)(2)(c) – Reduce minimum 25-foot minimum rear yard to 14-feet.

**Staff Analysis:** The Applicant’s justification includes discussion of increasing the amount of common area for residents by reducing the yards and provides the maximum available space for formal and informal events. Staff cannot support this modification at this time as the Applicant has not demonstrated and the CDP/SPEX plat does not show the amount of common area and/or open space proposed nor the amount of open space gained by decreasing the required yards. Demonstrate how the modification of these regulations meets or exceeds the public purpose without increasing density on the property.
COUNTY OF LOUDOUN
DEPARTMENT OF PLANNING AND ZONING
MEMORANDUM

DATE: August 23, 2019

TO: Richard W. Hancock, AICP, Project Manager
    Land Use Review

FROM: Bradley R. Polk, CZA, Senior Planner
       Proffer Management

                        ZMOD-2019-0014
                        Sterling Meadow

PARCEL IDENTIFICATION NUMBERS (PIN): 029-40-8502, 029-40-8452

PLAN SUBMISSION: 2nd Submission
                   Proffer, CDP, SPEX Plat Review, Modifications

COMMENTS:
The Proffer Management Team (“Staff”) has reviewed the draft proffers dated July 11, 2019, the Concept Development Plan dated April 2, 2019 revised through July 10, 2019, Statement of Justification dated April 16, 2019 revised through July 11, 2019 and the Special Exception (SPEX) Plat dated April 2, 2019 through July 10, 2019. Staff offers the following comments:

PROFFER STATEMENT

1) Suggestions – There are suggested revisions to clarify the timing, interpretation, and performance of the proposed proffers. Please see marginal comments as well for revisions.
   a) The following suggestions are recommended to enhance the performance of the proffers:
      i) Revise the Preamble to replace “ZMAP 2019-0007” with “ZMAP-2019-0007”.
      ii) Revise the Preamble to list the applications with previously approved proffers that are being superseded for the Property.
      iii) Proffer I requires the Property to be developed in substantial conformance with Sheet 5A. Sheet 5A is the SPEX Plat. Staff recommends substantial conformance to Sheet 5A be removed from Proffer I and inserted into Conditions of Approval of the SPEX.
iv) Proffer I requires the Property to be developed in substantial conformance with the Illustrative Plan (Sheet 6). Staff recommends “Illustrative Plan” be removed from the sheet since it is being proffered as part of the CDP.

v) Proffer II.3. This Proffer is required in Section 7-106 of the Zoning Ordinance and is not necessary to restate the requirement. The calculation for 75% of the market rate units would be 121st market rate unit.

vi) Proffer V.B. Revise the Proffer to correct “Potomac subarea” to “Potomac Planning Subarea” and reference the “Loudoun County 2019 Countywide Transportation Plan”.

vii) Proffer VI.B. requires the trail along Tripleseven Road to be constructed and open for use prior to the issuance of the occupancy permit for the 150th dwelling unit on the Property. It is recommended this trail be triggered at the zoning permit for the 150th dwelling unit on the Property.

viii) Proffer VII.A.1. Revise the Proffer to include a trigger for bonding of the improvements for Active Recreation Space 1 and 2. Describe the size and amenities that are to be included with the “tot lot”. Describe the size and overall dimensions of the grassed playing field. Instead of requiring these two active recreation spaces to be constructed at the 12th and 18th occupancy permit, staff recommends both be required to be completed at the same zoning permit at the beginning of the project.

ix) Proffer VII.A.2. Revise the Proffer to include a trigger for bonding the improvements for Active Recreation Space 3 and 4. Describe the “seating, landscaping and hardscaping to encourage gathering” as the terms are subjective and open to interpretation making performance of the proffer difficult. Active Recreation Space 3 should be required to be completed and open within the same permit number as Active Recreation Space 1 and 2. It is recommended Active Recreation Space 4 be completed and open earlier than the 150th zoning permit.

x) Proffer VII.B. Revise the Proffer to include a trigger for bonding the improvements for the pocket parks and a trigger for when the pocket parks are to be completed and open. Is the pocket park intended to include any other improvements than seating for four people?

xi) Proffer VII.D. The Proffer requires the installation of perimeter buffers as shown on Sheet 5 of the CDP. Proffer I also requires substantial conformance to Sheet 6 which shows a perimeter buffer along the entire northern border which is not consistent with the perimeter buffers shown as required on Sheet 5. Revise the Proffer VII.D. to address the discrepancy.

xii) Proffer VIII.A. Staff defers to Community Planning to determine the accuracy of the statement regarding sufficient capital facilities. Replace “Algonkian area” with “Potomac Planning Subarea”.

CONCEPT PLAN

2) On all sheets remove the “)” after ZMOD-2019-0013 on the application information in the title block on the right side.
3) Sheet 1. Revise General Note 8 as the requirement to establish the HOA/POA prior to the issuance of the first occupancy permit is contradictory to the language in Proffer IV, which requires the POA to be recorded prior to or in conjunction with the approval of the first record plat or site plan for the Property, whichever is first in time.

4) Sheet 5. Replace “Proposed 6’ Trail Segment” with “Proposed 6’ Wide Trail Segment”.

5) Sheet 5. Replace “Existing 6’ Asphalt Trail” with “Proposed 6’ Wide Asphalt Trail”.

Attachment: Suggestions for the July 11, 2019 Draft Proffer Statement
PREAMBLE

Sterling Meadow, LLC, the owner (the “Owner”) of property described as Loudoun County Tax Map 81 Parcels 3A and 2 (PINs: 029-40-8502 and 029-40-8452), on behalf of itself and its successors in interest, hereby voluntarily proffers, pursuant to Section 15.2-2303, Code of Virginia (1950), as amended, and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance (the “Zoning Ordinance”), that in the event all of PIN 029-40-8452 and the approximately 9.414-acre portion of PIN 029-40-8502 (collectively the “Property”) is rezoned by the Board of Supervisors of Loudoun County, Virginia (hereinafter referred to as the “County”), to the R-16 (Residential-16 Townhouse) Affordable Dwelling Unit (Section 7-800 of the Zoning Ordinance, herein referenced as the “R-16 ADU zoning district”), under the Zoning Ordinance as may be amended from time to time, in accordance with the Concept Development Plan, as defined below, the development of the Property shall be in substantial conformance with the proffers as set forth below (the “Proffers”).

All proffers made herein are contingent upon approval of this ZMAP—2019-0007 (the “Application”), and the Concept Development Plan, as defined below. If approved, this rezoning and these Proffers shall supersede and fully replace all previous proffers applicable to the Property.

All references in these Proffers to subdivision, subdivision plat, or record plat shall be deemed to include condominium or condominium plat or any other document or mechanism that legally divides the Property into separately transferable units of ownership. Any obligation imposed herein that must be performed prior to, in conjunction with, or concurrently with first or other subdivision or record plat approval shall be deemed to be required to be performed prior to the recordation of any such condominium declaration or plat or other similar document that would have the legal effect of dividing the Property into separately transferable units of ownership.
When any plan submission, signal warrant analysis submission, noise or other impact study submission, bonding, dedication, conveyance, construction, completion of construction, opening of a facility or infrastructure to traffic or use, payment of cash, or any other act or activity required in these proffers is required to be performed, submitted, recorded, paid, and/or completed prior to the issuance of any occupancy permit or the approval of a plan or zoning permit, the said plan and/or permit shall not be issued and/or approved until the Owner has provided written documentation from County Building and Development or Zoning Administration staff that the said payment, act, or activity has been made or completed, or provided documentation from Zoning Administration staff that the said payment, act, or activity is no longer a prerequisite for issuance or approval of said permits or plans.

The Zoning Administrator may grant an extension to a date certain or for a specific period, secured by adequate bond if required by the Zoning Administrator, with respect to any dates or events provided in these Proffers by which time a commitment must be fulfilled if the Zoning Administrator determines that an extraordinary, unforeseeable event or circumstance beyond the control of the Owner has prevented the timely fulfillment of its obligations under these Proffers.

I. CONCEPT DEVELOPMENT PLAN

The Property shall be developed in substantial conformance with the Concept Development Plan defined as Sheets 1, 2, and 5A of 6 (the “CDP”) of the rezoning plan set entitled “Sterling Meadow Zoning Map Amendment, Special Exception, and Zoning Modification (ZMAP-2019-0007, SPEX-2019-0014, ZMOD-2019-0013 and ZMOD-2019-0014)” dated April 2, 2019, and revised through July 10, 2019, prepared by Urban (the “PlansCDP”), incorporated herein by reference as Exhibit A, and the Zoning Ordinance Modifications, approved pursuant to Section 6-1217 of the Zoning Ordinance, as described in Exhibit B attached hereto and incorporated herein by reference (“Zoning Ordinance Modifications”). The CDP shall control the general development, layout, and configuration of the Subject Property. Minor adjustments to the locations of the proposed roads and improvements shown on the CDP shall be permitted as reasonably necessary, in accordance with Zoning Ordinance Section 6-1209, to address grading, drainage, environmental, cultural and natural features, development ordinance requirements, and other final engineering considerations, and to accommodate the recommendations of archaeological studies, if any. Special exception applications for special exception uses may be

Commented [PB2]: Sheet 5A is the Special Exception Plat; there should be an accompanying SPEX Condition that requires substantial conformance to Sheet 5A
filed by the Owner and considered by
the County provided that any special exception use shall receive the requisite County approval prior to establishment of such use.

II. PROPOSED LAND USES

The Property shall be developed for residential and recreational uses in accordance with the R-16 ADU zoning regulations.

1. Up to 172 multi-family stacked dwelling units shall be permitted on the Property.

2. An active recreation component as further specified in Proffer VII.A below, shall be provided.

3. The Owner shall construct a minimum of eleven (11) of the 172 multi-family stacked dwelling units as affordable dwelling units on the Property that will comply with Article 7 of the Zoning Ordinance and Chapter 1450 of the Codified Ordinances of Loudoun County. Such affordable dwelling units (the “ADUs”) shall be phased, with at least six (6) ADUs constructed with Notices of Availability of such units provided to the County prior to the issuance of the occupancy permit for the 81st non-ADU dwelling unit, and the remaining ADUs constructed with Notices of Availability of such units provided to the County prior to the issuance of the occupancy permit for the 151st non-ADU dwelling unit. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer X.C below.

III. LIGHTING

All lighting fixtures used in parking areas and on building exteriors shall be full cutoff, fully shielded, directed downward and inward to the Property, and designed and installed to prevent glare onto adjacent properties and streets.

IV. PROPERTY OWNERS ASSOCIATION

The owners of all property will be subject to one Property Owners Association (the “POA”). The POA shall be responsible for the maintenance and repair of recreation facilities, common areas and private streets and street lighting; the landscaping of common areas; the maintenance and

Commented [PB3]: This paragraph is restating Section 7-106 of the Zoning Ordinance, which applies to the property whether it appears in a proffer or not.

Commented [PB4]: Calculation for 75% of the market rate units was incorrect.
replacement of trails and sidewalks located outside of public rights-of-way; snow removal from private streets and parking areas; maintenance of all storm drainage easements and stormwater management/BMP facilities; and trash removal and recycling services for the Property. The POA for the Property will be established and POA documents recorded in the land records, subject to County review and approval, prior to or in conjunction with the approval of the first record plat or site plan for the Property, whichever is first in time.

V. TRANSPORTATION

A. Internal Street Design
The Owner shall submit to the County street layouts as part of the each preliminary and final record plat, site plan, site plan amendment, and or construction plans and profiles submission, whichever comes first, with such layouts showing appropriate roadway design speeds and function designed to discourage speeding and cut-through traffic as approved by the County and VDOT, as applicable.

B. Regional Transit Contribution
The Owner shall make a transit contribution to the County which shall be payable on a per dwelling unit basis in the amount of $625.00 per residential dwelling unit. The amount of the said transit contribution payable for each dwelling unit, adjusted pursuant to Proffer X.B. below, shall be calculated at the time of the approval of the zoning permit for each said dwelling unit and shall be payable prior to the issuance of the occupancy permit for such dwelling unit. Said contribution shall be deposited in a Transit/Rideshare County trust fund or otherwise used by the County in the Potomac Planning Subarea to support transit services as described in the 2010 Loudoun County 2019 Countywide Transportation Plan (the “CTP”).

VI. PEDESTRIAN NETWORK

A. Sidewalks
The Owner shall construct sidewalks of a minimum width of five feet (5’) along the private street segments fronting the dwelling units within the Property in accordance with applicable FSM standards and as shown on Sheet 5 of the CDP. The sidewalks shall be constructed concurrently with the dwelling units which they serve.
B. Trail

The Owner shall construct a trail of a minimum width of six feet (6’) along Tripleseven Road as shown on Sheet 5 of the CDP in accordance with FSM standards. The trail will be located either wholly within the right of way or wholly within the Property. If located within the Property, the trail shall be within a 10-foot wide public access easement granted to the County at no public cost and will be maintained by the POA. The trail shall be constructed and open for use prior to the issuance of the occupancy permit for the 150th dwelling unit on the Property.

VII. OPEN SPACE

The Owner shall construct and install recreational and passive spaces to include the amenities described below.

A. Active Recreation

The Owner shall provide four areas of active recreation spaces at the Property, of the general size and in the general location as Active Recreation Spaces 1, 2, 3 and 4, depicted on Sheet 5 of the CDP. Collectively, the active recreation spaces shall be a minimum of 35,200 square feet.

1. **Active Recreation Space 1 and 2** Within Active Recreation Space 1 and/or 2, the Owner shall install at least one tot lot and a grassed playing field. Active Recreation Space 1 shall be established, completed, and open for use prior to the issuance of the occupancy permit for the 12th dwelling unit surrounding the activated active recreation space. Active Recreation Space 2 shall be established, completed, and open for use prior to the issuance of the occupancy permit for the 18th dwelling unit surrounding the activated active recreation space. The issuance of the said occupancy permits shall be subject to compliance with the provisions of Proffer X.C. below.

2. **Active Recreation Space 3 and 4** The two smaller active recreation spaces shall be adorned with seating, landscaping and hardscaping to encourage gathering. Active Recreation Space 3 shall be established, completed, and open for use prior to the issuance of the 16th occupancy permit in the adjacent, most southerly units. Active Recreation Space 4 shall be established, completed, and open for use prior to the issuance of the 150th occupancy zoning permit at the Property. The issuance of the said occupancy permits shall be subject to compliance with the provisions of Proffer X.C. below.
B. **Pocket Parks**

The Owner shall establish a minimum of two pocket parks at the Property, as shown as Passive Recreation Space 1 and 2 on Sheet 5 of the CDP. Each pocket park shall have seating for a minimum of four people.

C. **Access**

The recreational amenities defined above in this Proffer VII.A shall be managed and maintained by the POA and access to such amenities shall be provided to all homeowners within the Property.

D. **Perimeter Buffers**

Prior to the issuance of the first occupancy permit at the Property, the Owner shall install the perimeter buffers as shown on Sheet 5 of the CDP.

VIII. **CONTRIBUTION**

A. **Capital Facilities**

There are sufficient capital facilities within the Algonkian area that will serve the Property. Therefore, no capital facilities contributions are proffered.

B.**A. Unmet Housing Needs**

The Owner shall contribute $1,744 per dwelling unit to the County, such amount having been calculated based on the total anticipated amount to be contributed for 161 market rate units but payable for each of the 172 dwelling units constructed within the Property, with such funds to be used for such purposes as, without limitation, facilitating the creation of rental housing units or providing purchasing assistance for qualified applicants in Loudoun County with a household income of between 0% and 100% of the Washington Metropolitan Statistical Area Median Income (“AMI”) as published by the U.S. Department of Housing and Urban Development from time to time. The amount of the said contribution payable for each dwelling unit, adjusted pursuant to Proffer X.B. below, shall be calculated at the time of the approval of the zoning permit for each
said dwelling unit and shall be payable prior to the issuance of the occupancy permit for such
dwelling unit. Said contributions shall be placed by the County in an account for affordable housing to serve households with incomes between 0% and 100% of the AMI at the discretion of the Board of Supervisors and shall not be required to be deposited in the County of Loudoun Housing Trust.

IX. EMERGENCY SERVICES

A. Fire and Rescue Contribution

The Owner shall make a one-time contribution of $120.00 per dwelling unit for each dwelling unit on the Property payable to the County for distribution by the County to the volunteer fire and rescue companies providing service to the Property. The amount of such contribution payable for each dwelling unit, adjusted pursuant to the provisions set forth below in this Proffer IX.A, shall be calculated at the time of the approval of the zoning permit for each said dwelling unit and shall be payable prior to the issuance of the occupancy permit for such dwelling unit. The amount of the contribution shall be adjusted on a yearly basis from the base year of 1988 and change effective each January 1 thereafter, in accordance with changes to the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the “CPI”). Contributions pursuant to this paragraph shall be divided equally between the servicing fire and rescue companies providing service to the Property. Notwithstanding the foregoing, if at the time of the application for any such zoning permit, the primary servicing fire and rescue company does not utilize, to any significant extent, either volunteer staff or apparatus owned by a volunteer organization, then the Owner may elect to make no contribution. The intent of this provision is to support volunteer fire and rescue staffing and operations so long as any significant element of the primary provider of fire and rescue services to the Property is volunteer-owned or operated. If only one of these services has ceased to utilize volunteer staff and apparatus, then the contribution may be halved and shall be provided to the remaining company.

X. MISCELLANEOUS

A. Severability
Any portion of the Property may be the subject of a Zoning Concept Plan/Proffer Amendment, Rezoning, Special Exception, Commission Permit, Zoning Modification, Variance or other zoning application without the joinder and/or consent of the owners of other land areas within the Property, provided (1) that such application is compatible with these Proffers, (2) that the approval of such application would have no material, adverse impact upon any other land within the Property or the performance of any of these Proffers by the owners of the other land within the Property, (3) that such application complies with the relevant Zoning Ordinance and Virginia Code provisions, (4) that such application includes a proffer audit outlining the status of each commitment in these Proffers, and (5) that such application shall not be approved by the Board of Supervisors unless the application has been presented and considered at such public meetings or hearings as required by law. Previously approved proffered conditions or development conditions applicable to a particular portion of the Property which are not the subject of such an application shall remain in full force and effect.

B. **Annual Adjustment**

All cash contributions enumerated in these Proffers, other than the fire and rescue contributions of Proffer IX.A above which are subject to a separate adjustment provision, shall be subject to an annual adjustment based on the CPI with a base year of 2019. The first such adjustment shall occur on January 1, 2019 and change effective each January 1 thereafter.

C. **Occupancy Permit Trigger**

When any plat or plan submission, signal warrant analysis submission, noise or other impact study submission, bonding, dedication, conveyance, construction, completion of construction, opening of a facility or infrastructure to traffic or use, payment of cash, or any other act or activity required in these Proffers is required to be performed, submitted, recorded, paid, or completed prior to the issuance of an occupancy permit, the said occupancy permit shall not be issued until the Owner has provided (i) written documentation from County Building and Development or Zoning Administration staff that the said payment, action, or other act or activity has been made, performed, or completed, or (ii) written documentation from Zoning Administration staff that the said payment, action, or other act or activity is no longer a prerequisite for issuance of such
occupancy permit, or (iii) such other documentation or evidence of either of the foregoing which may hereafter be established by the County as suitable confirmation of same.

--- Signature Page Follows ---
The undersigned hereby warrants that all owners with any legal interest in the Property have signed this Proffer Statement, that no signature from any additional party is necessary for these Proffers to be binding and enforceable in accordance with their terms, that it, together with any others signing this document, has full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

OWNER
By: _______________________

__________________________

STATE OF ___________________________

__________________________)

COUNTY/CITY OF____________________)

The foregoing Proffer Statement was acknowledged before me this _____day of ____________, 2019, by __________________________, as __________________________of __________________________

__________________________

Notary Public

My Commission Expires: ______________________
EXHIBIT A

CONCEPT DEVELOPMENT PLAN
EXHIBIT B
ZONING ORDINANCE MODIFICATION

The Owner is requesting the following modifications for the Property:
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# County of Loudoun
## Department of Transportation and Capital Infrastructure
### MEMORANDUM

**DATE:** August 29, 2019  
**TO:** Richard Hancock, AICP, Project Manager  
Department of Planning and Zoning  
**THROUGH:** Lou Mosurak, AICP, Senior Coordinator  
DTCI, Transportation Planning & Traffic Engineering Division  
**FROM:** Ryan Sheran, PE, Transportation Planner  
DTCI, Transportation Planning & Traffic Engineering Division  
First Referral

## Background

These Zoning Map Amendment (ZMAP), Special Exception (SPEX), and Zoning Modification (ZMOD) applications propose to:

1. A ZMAP to rezone approximately 11.27 acres from the PD-CC-SC (Planned Development – Commercial Center (Small Regional Center)) Zoning District to the R-16 (Townhouse/Multi-Family Residential) Zoning District for the development of 172 Stacked Multi-Family Units, 11 of which are Affordable Dwelling Units (ADU’s).
2. A SPEX to modify Revised 1993 Zoning Ordinance Sections 7-903(C)(2)(b) and 7-903(C)(2)(c) Lot & Building Requirements, Yards for ADU’s.
3. A ZMOD to modify Revised 1993 Zoning Ordinance Section 3-608(B), Off Street Parking.
4. A ZMOD to modify Revised 1993 Zoning Ordinance Section 5-1407(A), Buffer Yard Screening Requirements and 5-1414(A) Buffer Yard and Screening Matrix.

The subject properties (PIN #s 029-40-8452 and 029-40-8502) are located north east of Harry Byrd Highway (VA Route 7) and west of Tripleseven Road (VA Route 777) and are within the Suburban Policy Area. The subject properties are also subject to the regulations and policies of the Route 28 Tax District. A vicinity map is provided as Attachment 1.

Department of Transportation and Capital Infrastructure (DTCI) review of these applications is based on materials received from the Department of Planning and Zoning through July 18, 2019, including (1) an Information Sheet, dated July 12, 2019; (2) a Statement of Justification prepared by the Applicant, dated April 16, 2019 and revised through July 11, 2019; (3) a Traffic Impact Study prepared by Gorove/Slade, dated April 2, 2019 and (4) a ZMAP/SPEX/ZMOD Plat (plan set) prepared by Urban, Ltd., dated April 15, 2019 and revised through July 10, 2019.
Executive Summary

Upon resolution of Comments 2, 3, 4, 5 and 6, DTCI could support approval of these applications as proposed with this submission.

DTCI has the following general concerns regarding these applications. Detailed discussion of these issues are provided in the comment section, below:

• Commitments are needed to reconstruct the curb and pavement along Tripleseven Road where the existing site access points are proposed to be removed.

• The Applicant should commit to provide on-street bicycle lanes on Tripleseven Road as called for by the 2019 CTP.

• Pedestrian facilities should be provided along the site’s public road frontage and within the development.

• A bus shelter should be provided and maintained along the site’s Tripleseven Road frontage as called for by County policy.

Countywide Transportation Plan Arterial and Collector Roadways

The existing and planned transportation network is subject to the policies of the Countywide Transportation Plan (2019 CTP). Arterial and collector roadways in the vicinity of the proposed development are described below.

**Harry Byrd Highway – VA Route 7**
*Algonkian Parkway/Atlantic Boulevard to Fairfax County Line*

<table>
<thead>
<tr>
<th></th>
<th>Existing Condition</th>
<th>Ultimate Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Functional Classification (CTP)</strong></td>
<td>Principal Arterial</td>
<td>Principal Arterial</td>
</tr>
<tr>
<td><strong>Section/Lanes</strong></td>
<td>U6M / 6 Lanes</td>
<td>U6M (TT) / 6 Lanes</td>
</tr>
<tr>
<td><strong>Bicycle and Pedestrian Facilities</strong></td>
<td>None</td>
<td>Shared Use Path on both sides of roadway.</td>
</tr>
<tr>
<td><strong>Speed Limit</strong></td>
<td>50 mph</td>
<td>–</td>
</tr>
<tr>
<td><strong>VDOT Traffic Counts</strong></td>
<td>59,000 (2018)</td>
<td>–</td>
</tr>
<tr>
<td><strong>Ultimate Improvements</strong></td>
<td></td>
<td>Add Shared Use Path to both sides of the roadway.</td>
</tr>
</tbody>
</table>
Palisade Parkway – VA Route 1795
VA Route 7 (Harry Byrd Highway) to VA Route 1794 (Cascades Parkway)

<table>
<thead>
<tr>
<th>Functional Classification (CTP)</th>
<th>Existing Condition</th>
<th>Ultimate Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section/Lanes</td>
<td>Minor Collector</td>
<td>Minor Collector</td>
</tr>
<tr>
<td>U4M / 4 Lanes</td>
<td>U4M (TT) / 4 Lanes</td>
<td></td>
</tr>
<tr>
<td>Bicycle and Pedestrian Facilities</td>
<td>Sidewalk or Shared Use Path on both sides of roadway between Tripleseven Road and Cascades Parkway</td>
<td>Shared Use Path on both sides of roadway.</td>
</tr>
<tr>
<td>Speed Limit</td>
<td>45 mph</td>
<td>–</td>
</tr>
<tr>
<td>VDOT Traffic Counts</td>
<td>14,000 (2018)</td>
<td>–</td>
</tr>
</tbody>
</table>

Ultimate Improvements: Add Shared Use Path to both sides of the roadway

Tripleseven Road – VA Route 777
Cromwell Road to VA Route 1795 (Palisade Parkway)

<table>
<thead>
<tr>
<th>Functional Classification (CTP)</th>
<th>Existing Condition</th>
<th>Ultimate Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section/Lanes</td>
<td>Neighborhood Collector</td>
<td>Neighborhood Collector</td>
</tr>
<tr>
<td>U3</td>
<td>U2 (SS) / 2 Lanes</td>
<td></td>
</tr>
<tr>
<td>Bicycle and Pedestrian Facilities</td>
<td>Sidewalk along south side of roadway between Westwick Court and Palisade Parkway</td>
<td>On-Street bicycle facilities; Sidewalk on both sides of the roadway</td>
</tr>
<tr>
<td>Speed Limit</td>
<td>35 mph</td>
<td>–</td>
</tr>
<tr>
<td>VDOT Traffic Counts</td>
<td>4,700 (2018)</td>
<td>–</td>
</tr>
</tbody>
</table>

Ultimate Improvements: Add On-Street bicycle lanes; add sidewalk to the westbound (north) side of the road

Summary of Traffic Impact Study (TIS)

DTCI’s assessment of the Applicant’s traffic analysis and transportation impacts deriving from the proposed development is based on review the Applicant’s submission materials, existing and planned transportation facilities, and applicable County policies.

The existing development on the site is approximately 11.24 acres currently zoned PD-CC-SC and is subject to ZMAP 1994-0004. It is currently occupied by the Countryside Regal Cinema movie theater.

A review of safety and operations for existing roadways in the vicinity of the site indicates that within the past three years, the following incidents were reported to the Loudoun County Sheriff’s Office:

- Davenport Drive and Pidgeon Hill Drive: 1 crash, property damage only.
- Tripleseven Road and Palisade Parkway: 8 crashes, 1 resulting in injury.
The Applicant submitted a Traffic Impact Study (TIS) dated April 2, 2019 analyzing the impacts of the proposed development of 184 two-over-two multifamily residential units under Total Future 2022 conditions at the following intersections:

- Tripleseven Road and Site Access North (Intersection #1)
- Tripleseven Road and Site Access South (Intersection #2)
- Davenport Drive and Pidgeon Hill Drive (Intersection #3)
- Tripleseven Road and Palisade Parkway (Intersection #4)

With trips to and from the site distributed as follows (2022 future conditions):

- 3% of trips to and from the north along Tripleseven Road
- 15% of trips to and from the west along Pidgeon Hill Drive
- 35%/19% (inbound/outbound) of trips to and from the south along Davenport Drive
- 5% of trips to and from the north along Palisade Parkway
- 42%/58% (inbound/outbound) of trips to and from the south along Palisade Parkway

And assuming the following trip reduction factors and travel demand management measures:

- Multifamily Residential: 5% of the AM Peak by internal capture reduction.
- Multifamily Residential: 10% of the PM Peak by internal capture reduction.
- Multifamily Residential: 15% of the daily total by internal capture reduction.

Based upon the existing development on the site and this proposal, the development would impact existing and potential site trip generation as follows:

<table>
<thead>
<tr>
<th>Development Program</th>
<th>AM Peak Trips</th>
<th>PM Peak Trips</th>
<th>Weekday Total Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Existing Trips</td>
<td>0</td>
<td>275</td>
<td>3,534</td>
</tr>
<tr>
<td>Total Proposed Trips With These Applications</td>
<td>60</td>
<td>72</td>
<td>852</td>
</tr>
<tr>
<td>Difference (Proposed minus Existing)</td>
<td>+60</td>
<td>-203</td>
<td>-2,682</td>
</tr>
</tbody>
</table>

Based on the forecasted decrease in the trip generation for the PM peak and weekday total trips and the minimal increase in AM peak trips, no site-generated issues were identified in the TIS.

**Transportation Comments and Recommendations**

Based upon review of the Applicant’s submission materials, DTCI has the following comments:

**Traffic Study**

1. DTCI has reviewed the Applicant’s TIS and finds it to be an acceptable evaluation of this development as proposed.
Roadway Network and Site Access

2. DTCI has no objection to the relocation of the two site entrances along Tripleseven Road as shown on the CDP. The Applicant should commit to reconstruct the curb and pavement sections on Tripleseven Road where the existing site driveways are to be removed.

Bicycle and Pedestrian Facilities

3. As called for by the 2019 CTP, the Applicant should provide on-street bike lanes on Tripleseven Road along the site frontage and extending north/west to the vicinity of Westwick Court and south/east to the intersection of Palisade Parkway. This will require restriping of the existing pavement along Tripleseven Road and may require some modification of signal heads on the existing traffic signal at Tripleseven Road and Palisade Parkway due to realignment of travel lanes on the eastbound (Tripleseven Road) intersection approach.

4. The Applicant should ensure that a minimum six-foot wide pedestrian path/sidewalk remains in place along the site’s Tripleseven Road frontage, including realignment where needed to accommodate redevelopment on the site. Curb ramps at both site entrances along Tripleseven Road should be upgraded or replaced to meet current ADA standards including providing a detectable warning surface.

5. The Applicant should commit to providing pedestrian connections throughout the development. Consistent with the 2019 CTP (Chapter 2, Countywide Bicycle and Pedestrian Policies, Policy 2-2.7, Site Connections), connections should be made connecting building entrances, parking areas, and other destinations within the site and to the larger non-motorized network on the periphery of the site.

Public Transit

6. There is existing local bus service along Tripleseven Road, and the potential exists for increased ridership with the proposed redevelopment of this site for residential uses. As such, the Applicant should commit to provide an ADA-compliant bus stop and shelter along the site’s Tripleseven Road frontage, at a location coordinated with DTCI staff. Per the 2019 CTP (Chapter 2, Countywide Transit Infrastructure Policies, Policy 2-3.1, Transit Toolkit), the shelter and associated components of the transit stop should be designed consistent with the Transit Toolkit included in Chapter 2 of the 2019 CTP document. If located outside of the public right-of-way, the shelter should be located in a public access easement and maintained by the Applicant or designee as called for by the 2019 CTP (Chapter 2, Countywide Transit Infrastructure Policies, Policy 2-3.19, Private Bus Shelters).

Proffers

7. Per the 2019 CTP (Chapter 5, Proffer Policies, Policy 5-3.2, Potential Proffers), the County actively seeks regional road and transit contributions from rezoning applications.
Recently approved residential rezoning applications have contributed $6,000 per dwelling unit towards regional road improvements and $1,000 per dwelling unit towards transit improvements. DTCI requests the Applicant provide similar contribution amounts with the current application for use towards future transportation improvements in the vicinity of the site. DTCI notes that regional road and transit contribution amounts have been reviewed for a possible increase, but that the levels noted above have not been adopted by the Board of Supervisors. As such, the recommended amounts are advisory only and are not reflective of adopted County policy at this time.

ATTACHMENT

1. Site Vicinity Map
DATE: August 13, 2019

TO: Rick Hancock, Planner, DPZ

FROM: Erin McLellan, Director, DMB

SUBJECT: Proffer 2nd Referral – DMB Comments
ZMAP-2019-0007, SPEX-2019-0014,
Sterling Meadow

Background


The applicant proposes to redevelop an 11.27 acre site currently occupied by the Regal Countryside Cinema, within the Regal Plaza commercial center on the north side of Route 7 east of Route 28 (parcels 029-40-8502 and 029-40-8452). This site is located within the Algonkian election district, the Suburban Policy Area, and the Potomac planning subarea.

The applicant proposes to rezone these parcels from the Planned Development – Commercial Center – Small Regional Center (PD-CC-SC) district to R-16 Townhouse/Multifamily Residential ADU (R-16 ADU) to permit the construction of an infill community with 172 multi-family stacked units.

This referral includes the capital facilities impact generated using the established calculations recommended by the Fiscal Impact Committee (FIC) and adopted by the Board of Supervisors. It provides an overview of capital facility impacts related to these developments at full build-out and is not intended to suggest, request, amend or revise any specific proffer statement language.

The Sterling Meadow applications propose to develop the following:

Table 1. Increase in Population

<table>
<thead>
<tr>
<th>Housing Unit Type</th>
<th># of Units</th>
<th>Population Generation</th>
<th>Student Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family Stacked (MFST)</td>
<td>172</td>
<td>416</td>
<td>84</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>172</strong></td>
<td><strong>416</strong></td>
<td><strong>84</strong></td>
</tr>
</tbody>
</table>

Based on the 2017 Capital Intensity Factor (CIF), the projected increase in County population is 416 residents and 84 students as a result of the proposed rezoning at full build-out. Note that the student generation methodology established in the FIC Guidelines differs from Loudoun County Public Schools (LCPS) methodology.
Capital Facilities Impacts

Based upon the County’s adopted 2017 Capital Facilities Standards (CFS), the following table outlines the impact to the County’s capital facilities based upon the projected population increases resulting from this development at full build-out. This table lists facilities which are triggered in proportion to population, and for which the demand for the facility is at least one one-hundredth (0.01) of a facility. There are other types of facilities that are based on obtaining a certain number countywide (one animal shelter, five regional parks, etc.) that because they are not triggered by population, are not included in the table. In addition, the table focuses on facilities, and does not include the need for fire and rescue vehicles or transit vehicles. The table identifies the impact on capital facilities of this development.

Table 2. Impact on Capital Facilities

<table>
<thead>
<tr>
<th>Capital Facility</th>
<th>Facility Impact</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire &amp; Rescue Station - East</td>
<td>0.02</td>
<td>299.7</td>
</tr>
<tr>
<td>General Government Support Facilities (sq. ft.)</td>
<td>-</td>
<td>1,665.0</td>
</tr>
<tr>
<td>DS Residential Facility (beds)</td>
<td>0.07</td>
<td>239.9</td>
</tr>
<tr>
<td>MH Residential Facility (beds)</td>
<td>0.07</td>
<td>239.9</td>
</tr>
<tr>
<td>Park and Ride Lot (# of parking spaces)</td>
<td>4.79</td>
<td>-</td>
</tr>
<tr>
<td>Community Center</td>
<td>0.01</td>
<td>185.0</td>
</tr>
<tr>
<td>Senior Center</td>
<td>0.01</td>
<td>118.0</td>
</tr>
<tr>
<td>Adult Day Center</td>
<td>0.01</td>
<td>55.1</td>
</tr>
<tr>
<td>Community Park</td>
<td>0.02</td>
<td>13.3</td>
</tr>
<tr>
<td>Neighborhood Park</td>
<td>0.04</td>
<td>16.6</td>
</tr>
<tr>
<td>Recreational Trails (# of miles)</td>
<td>0.17</td>
<td>-</td>
</tr>
<tr>
<td>Library</td>
<td>0.01</td>
<td>249.7</td>
</tr>
</tbody>
</table>

This development has an impact on capital facilities.

As reference, Table 3 below provides the current and planned (in the FY 2019 – 2024 Adopted CIP) capital facilities in the Potomac planning subarea, as well as facilities that are currently in deficit (or surplus). Several types of public facilities in the Potomac planning subarea are currently in deficit.

Table 3. Current/Planned and Deficit Facilities in the Potomac Planning Subarea

<table>
<thead>
<tr>
<th>Capital Facility with Population Standard</th>
<th>Existing Facilities</th>
<th>Planned Facilities in the Adopted CIP</th>
<th>2019 Estimated Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriff Station</td>
<td>-</td>
<td>-</td>
<td>0.5</td>
</tr>
<tr>
<td>Fire &amp; Rescue Station - East</td>
<td>1</td>
<td>-</td>
<td>0.9</td>
</tr>
<tr>
<td>DS Residential Facility (# of beds)</td>
<td>7</td>
<td>-</td>
<td>1.2</td>
</tr>
<tr>
<td>MH Residential Facility (# of beds)</td>
<td>12</td>
<td>-</td>
<td>(3.8)</td>
</tr>
<tr>
<td>Park and Ride Lot (# of parking spaces)</td>
<td>318</td>
<td>-</td>
<td>237.4</td>
</tr>
<tr>
<td>Community Center</td>
<td>-</td>
<td>-</td>
<td>1.1</td>
</tr>
<tr>
<td>Teen Center</td>
<td>-</td>
<td>-</td>
<td>0.2</td>
</tr>
<tr>
<td>Senior Center</td>
<td>1</td>
<td>-</td>
<td>(0.1)</td>
</tr>
<tr>
<td>Adult Day Center</td>
<td>-</td>
<td>-</td>
<td>0.6</td>
</tr>
<tr>
<td>Capital Facility with Population Standard</td>
<td>Existing Facilities</td>
<td>Planned Facilities in the Adopted CIP</td>
<td>2019 Estimated Deficit</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------------------</td>
<td>--------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Community Park</td>
<td>1</td>
<td>-</td>
<td>0.9</td>
</tr>
<tr>
<td>Neighborhood Park</td>
<td>2</td>
<td>-</td>
<td>2.8</td>
</tr>
<tr>
<td>Recreational Trails (miles)</td>
<td>5</td>
<td>-</td>
<td>14.3</td>
</tr>
<tr>
<td>Library (sq. ft.)</td>
<td>30,000</td>
<td>-</td>
<td>(1,024)</td>
</tr>
</tbody>
</table>

* Numbers within parentheses in the deficit column indicate a surplus

**Conclusion**

DATE: June 3, 2019

TO: Rick Hancock, Planner, DPZ

FROM: Erin McLellan, Director, DMB

SUBJECT: Proffer 1st Referral – DMB Comments
ZMAP-2019-0007, SPEX-2019-0014,
Sterling Meadow

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<th># of Units</th>
<th>Population Generation</th>
<th>Student Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family Stacked (MFST)</td>
<td>184</td>
<td>445</td>
<td>90</td>
</tr>
<tr>
<td>Total</td>
<td>184</td>
<td>445</td>
<td>90</td>
</tr>
</tbody>
</table>

Based on the 2017 Capital Intensity Factor (CIF), the projected increase in County population is 445 residents and 90 students as a result of the proposed rezoning at full build-out. Note that the student generation methodology established in the FIC Guidelines differs from Loudoun County Public Schools (LCPS) methodology.

Capital Facilities Impacts
Based upon the County’s adopted 2017 Capital Facilities Standards (CFS), the following table
outlines the impact to the County’s capital facilities based upon the projected population increases resulting from this development at full build-out. This table lists facilities which are triggered in proportion to population, and for which the demand for the facility is at least one one-hundredth (0.01) of a facility. There are other types of facilities that are based on obtaining a certain number countywide (one animal shelter, five regional parks, etc.) that because they are not triggered by population, are not included in the table. In addition, the table focuses on facilities, and does not include the need for fire and rescue vehicles or transit vehicles.

### Table 2. Impact on Capital Facilities

<table>
<thead>
<tr>
<th>Capital Facility</th>
<th>Facility Impact</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire &amp; Rescue Station - East</td>
<td>0.02</td>
<td>320.6</td>
</tr>
<tr>
<td>General Government Support Facilities (sq. ft.)</td>
<td>-</td>
<td>1781.1</td>
</tr>
<tr>
<td>DS Residential Facility (beds)</td>
<td>0.08</td>
<td>256.6</td>
</tr>
<tr>
<td>MH Residential Facility (beds)</td>
<td>0.08</td>
<td>256.6</td>
</tr>
<tr>
<td>Park and Ride Lot (# of parking spaces)</td>
<td>5.12</td>
<td>-</td>
</tr>
<tr>
<td>Community Center</td>
<td>0.01</td>
<td>197.9</td>
</tr>
<tr>
<td>Senior Center</td>
<td>0.01</td>
<td>126.2</td>
</tr>
<tr>
<td>Adult Day Center</td>
<td>0.01</td>
<td>58.9</td>
</tr>
<tr>
<td>Community Park</td>
<td>0.02</td>
<td>14.3</td>
</tr>
<tr>
<td>Neighborhood Park</td>
<td>0.04</td>
<td>17.8</td>
</tr>
<tr>
<td>Recreational Trails (# of miles)</td>
<td>0.18</td>
<td>-</td>
</tr>
<tr>
<td>Library</td>
<td>0.01</td>
<td>267.2</td>
</tr>
</tbody>
</table>

The capital facility impacts projected from this residential development are negligible and do not trigger the need for any new facilities.

As reference, Table 3 below provides the current and planned (in the FY 2019 – 2024 Adopted CIP) capital facilities in the Potomac planning subarea, as well as facilities that are currently in deficit (or surplus). Several types of public facilities in the Potomac planning subarea are currently in deficit.

### Table 3. Current/Planned and Deficit Facilities in the Potomac Planning Subarea

<table>
<thead>
<tr>
<th>Capital Facility with Population Standard</th>
<th>Existing Facilities</th>
<th>Planned Facilities in the Adopted CIP</th>
<th>2019 Estimated Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriff Station</td>
<td>-</td>
<td>-</td>
<td>0.5</td>
</tr>
<tr>
<td>Fire &amp; Rescue Station - East</td>
<td>1</td>
<td>-</td>
<td>0.9</td>
</tr>
<tr>
<td>DS Residential Facility (# of beds)</td>
<td>7</td>
<td>-</td>
<td>1.2</td>
</tr>
<tr>
<td>MH Residential Facility (# of beds)</td>
<td>12</td>
<td>-</td>
<td>(3.8)</td>
</tr>
<tr>
<td>Park and Ride Lot (# of parking spaces)</td>
<td>318</td>
<td>-</td>
<td>237.4</td>
</tr>
<tr>
<td>Community Center</td>
<td>-</td>
<td>-</td>
<td>1.1</td>
</tr>
<tr>
<td>Teen Center</td>
<td>-</td>
<td>-</td>
<td>0.2</td>
</tr>
<tr>
<td>Senior Center</td>
<td>1</td>
<td>-</td>
<td>(0.1)</td>
</tr>
<tr>
<td>Adult Day Center</td>
<td>-</td>
<td>-</td>
<td>0.6</td>
</tr>
<tr>
<td>Community Park</td>
<td>1</td>
<td>-</td>
<td>0.9</td>
</tr>
<tr>
<td>Neighborhood Park</td>
<td>2</td>
<td>-</td>
<td>2.8</td>
</tr>
<tr>
<td>Recreational Trails (miles)</td>
<td>5</td>
<td>-</td>
<td>14.3</td>
</tr>
<tr>
<td>Library (sq. ft.)</td>
<td>30,000</td>
<td>-</td>
<td>(1,024)</td>
</tr>
</tbody>
</table>

* Numbers within parentheses in the deficit column indicate a surplus
Conclusion
DATE: August 7, 2019

TO: Richard Hancock, Project Manager, Planning & Zoning

FROM: Rebekah King, Housing Finance Project Manager, Family Services (DFS)

CC: Sarah Coyle Etro, AICP, Assistant Director, Family Services (DFS)


PROJECT PROPOSAL:

The Application requests the following: A Zoning Map Amendment (ZMAP) to rezone 11.27 acres from Planned Development-Commercial Center - Small Regional Center (PDD-CC-SC) to R-16 to permit the construction of an infill stacked multi-family residential community. The Application now proposes to provide 172 multifamily stacked units, instead of the original 184 multifamily stacked units, including 11 Affordable Dwelling Units (“ADUs”). Currently the property is a movie theater facility.

DISCUSSION:

ADUs:

The Application now proposes to provide 11 ADUs which would be approximately 6.25% of the total proposed number of 172 residential housing units. Because the Application is now requesting a smaller number of units, the number of ADUs has decreased from 12 to 11. The Application does not indicate where the Affordable Dwelling Units (ADUs) will be located within the development. The Department of Family Services (DFS) recommends that the ADUs be dispersed throughout the development in all unit types, proportional to the composition of market-rate units in terms of number of bedrooms. DFS also encourages the ADUs provided to include upper units in the stacked units to ensure access to units more appropriately sized for young families.

Unmet Housing Needs:

The Application still not discuss potential pricing of the units, which makes it difficult to determine if the development will achieve a diversity of housing prices as the Application claims.
DFS recommends that the development include units beyond the required ADUs to address the full continuum of Unmet Housing Needs especially since the development will now provide 11 ADUs instead of the original 12 ADUs. While the Application proposes that stacked multifamily units provide a diversity of housing types and prices, the size or type of a unit does not guarantee affordability. DFS recommends including either additional homeownership units affordable at ADU income levels (30% - 70% AMI) or Affordable Market Purchase Program (70% - 100% AMI) income levels.

**RECOMMENDATIONS:**
DFS does not support this Application because it does not clearly provide for a diversity in housing prices or housing type consistent with Plan policies. Because the County’s rent and mortgage costs are out of step with household income, care must be given to ensure that affordable places to live are within the reach of the workforce.
MEMORANDUM
DEPARTMENT OF FAMILY SERVICES
LOUDOUN COUNTY, VIRGINIA

DATE: June 4, 2019

TO: Richard Hancock, Project Manager, Planning & Zoning

FROM: Rebekah King, Housing Finance Project Manager, Family Services (DFS)

CC: Sarah Coyle Etro, AICP, Assistant Director, Family Services (DFS)


PROJECT PROPOSAL:

The Application requests the following: A Zoning Map Amendment (ZMAP) to rezone 11.27 acres from Planned Development-Commercial Center- Small Regional Center (PDD-CC-SC) to R-16 to permit the construction of an infill stacked multi-family residential community. The development would provide 184 multifamily stacked units including 12 Affordable Dwelling Units (“ADUs”). Currently the property is a movie theater facility.

REVISED GENERAL PLAN POLICY: (Chapter 2 – Planning Approach)

The County’s primary housing objective is to assure that existing and future County residents and its workforce are served by a range of housing types and prices. To accomplish this objective, a continuum of housing types in a range of prices should be provided at Sterling Meadows. County Housing Policies call for:

1. “Housing options for people who live and work in Loudoun”;
2. “Housing options located near existing or planned employment opportunities, schools, transit routes, and other amenities”;
3. “An affordable range of housing types”;
4. “Walkable, mixed-use communities where a person can live and work”; and
5. “The development of housing and of communities that apply universal design principles.”

Additionally, according to Loudoun’s Countywide Housing Policies, housing diversity in type and price will support the County’s economy; having sufficient affordable housing will help attract and retain a high-quality workforce.

DISCUSSION:

ADUs:
The Application proposes to provide up 12 ADUs which would be approximately 6.25% of the total proposed number of residential housing units. The Application does not indicate where the Affordable Dwelling Units (ADUs) will be located within the development. DFS recommends that the ADUs be dispersed throughout the development in all unit types, proportional to the composition of market-rate units in terms of number of bedrooms. The Department of Family Services recommends that the ADUs provided also include one or two upper units in the stacked units to ensure access to units more appropriately sized for young families.

Unmet Housing Needs:

The Application does not discuss potential pricing of the units, which makes it difficult to determine if the development will achieve a diversity of housing prices as the Application claims. Additionally, the Application does not mention the Unmet Housing Need of the development and the County as a whole.

The Application discusses the benefit of providing additional residential units to support walkability to proximate commercial uses and that the development would provide “diversity in housing opportunities.” The Application also describes how the rezoning will address the “dearth of housing diversity options available, especially at lower price points.” However, the Application does not contain specific information or data to support those claims.

According to the Dulles Area Association of Realtors, the 20165 zip code, which contains most of the Algonkian district in which the Sterling Meadows subject application is located, had a median sales price of $459,900 as of March 2019, a 4.5 percent increase year-over-year (higher than the 1.1 percent decrease the overall county experienced over the same period). This area also saw a significantly lower number of closed sales year-over-year, a decrease of 21.6 percent, compared to the 6.9 percent decrease in closed sales for the overall county. A household of four, earning 100% of the Area Median Income at $121,300, can afford a home priced at $400,000. For households below 100% AMI, affording homeownership is an even greater challenge.

DFS recommends that the development include units beyond the required ADUs to address the full continuum of Unmet Housing Needs. While the Application proposes that stacked multifamily units provide a diversity of housing types and prices, the size or type of a unit does not guarantee affordability. DFS recommends including either additional homeownership units affordable at ADU income levels (30% - 70% AMI) or Affordable Market Purchase Program (70% - 100% AMI) income levels.

Alternatively, affordable rental units could be provided in the development and administered by the County through the ADU Rental program. According to a CoStar submarket report for the Ashburn/Sterling area, much of the rental communities are advertising rents averaging around $1,800 a month, which is affordable for incomes starting at $72,000 or 60% AMI for a four-person household. However, over the past year, asking rents have increased almost 7 percent, showing that affordability in this submarket is decreasing. Rents have grown 28% in this area from 2010 to 2018.

Other comments:
DFS encourages the consideration of additional density in the proposed development, given its location, which could also lead to more ADUs. DFS also wants to make sure the proposed residential development is well-connected in terms of pedestrian, bicycle and transit access to the existing community, and that the design of the proposed residential development ensures quality of life for future residents in terms of how it fits with the adjacent commercial development.

DFS also would like to see more diversity of unit types. In stacked units, any household with mobility challenges cannot take advantage of the upper units. Accessibility is very difficult to provide in stacked units, and given the County’s growing aging population, DFS would like to see a more diverse mix of unit types.

**RECOMMENDATIONS:**
The Department of Family Services does not support this Application because it does not clearly provide for a diversity in housing prices or housing type consistent with Plan policies. Because the County’s rent and mortgage costs are out of step with household income, care must be given to ensure that affordable places to live are within the reach of the workforce.

As an example, employees working in a movie theater as ushers or selling tickets earn about $25,000 a year according to data from the Bureau of Labor Statistics. An affordable rent at this income level would be $625 a month. A food service manager, working in the restaurant area of a theater, earns about $71,330 a year. An affordable rent at this income level would be $1,780 a month. To purchase a home, this employee could afford a house priced around $225,000. An usher working in the movie theater cannot afford to rent an apartment in Loudoun County; the food service manager working in the theater will probably be able to find an affordable rental apartment; he or she would struggle to afford homeownership.

When the workforce has been priced out of the area and must commute long distances, this undercuts an employer's ability to retain workers to live here. Affordable high-quality housing is pivotal to increase access to opportunities and economic mobility for Loudoun County residents.
DATE:        August 13, 2019

TO:          Richard Hancock, Project Manager, Department of Planning and Zoning

FROM:        Todd Taylor, Natural Resources Engineer

THROUGH:     Ryan Reed, Natural Resources Team Leader

CC:          Maggie Auer, Floodplain Management Team Leader
             Kyle Dingus, Urban Forester
             Randall Farren, Community Planner, Department of Planning and Zoning
             Rory Toth, Zoning Planner, Department of Planning and Zoning

             ZMOD-2019-0014
             Sterling Meadow
             (2nd Submission)

The Natural Resources Team (NRT) reviewed the revised rezoning, special exception, and
zoning modification applications and has no comments. This review includes floodplain
management and urban forestry.

Please contact me if you have any questions or need additional information.
DATE: June 3, 2019

TO: Richard Hancock, Project Manager, Department of Planning and Zoning

FROM: Todd Taylor, Natural Resources Engineer

THROUGH: Ryan Reed, Natural Resources Team Leader

CC: Maggie Auer, Floodplain Administrator
    Kyle Dingus, Urban Forester
    Randall Farren, Community Planner, Department of Planning and Zoning
    Rory Toth, Zoning Planner, Department of Planning and Zoning

Sterling Meadow

The Natural Resources Team (NRT) reviewed the rezoning, special exception, and zoning modification applications and offers the following comments:

Requirements:

1) The modification request for Section 5-1414(A) in the statement of justification indicates that the second request allows the existing mature vegetation to remain in place along the southern leg of the property. To allow staff to evaluate the modification request, please provide information, including photographs, describing the vegetation in this area. (R93ZO 6-1217(A)(2))

Recommendations:

2) The subject property drains to an unnamed tributary to the Potomac River. The County’s 2009 Stream Assessment Project found the unnamed tributary to be “suboptimal” for habitat and “severely stressed” for aquatic life. Impacts to water quality is a matter for consideration as part of a rezoning application. Please provide information describing the stormwater management (SWM)/best management practices (BMP) approach with the next submission. (R93ZO 6-1210(E)(5))

Floodplain Management:

3) Please update Note 12 to provide a Source of Floodplain Note as outlined below and pursuant to Section 8.101.A.20 of the FSM:
“There is floodplain on the property that is the subject of this application. The current Flood Insurance Rate Map (FIRM) of Loudoun County Community Panel Number for the property that is the subject of this application is 51107C0266E, effective February 17, 2017. The depicted boundary of the existing floodplain is based on the FIRM”

4) The location of the floodplain limits reflected on the associated documentation does not appear consistent with the revised FIRM. The limits of the floodplain should be shown based on the Floodplain Overlay District (FOD) as delineated on the Loudoun County GIS (WebLOGIS). Please be aware that any development that occurs within the FOD may require that the appropriate application be submitted (e.g., Floodplain Alteration or No Impact to Floodplain Narrative) to address the associated floodplain impacts.

Please contact me if you have any questions or need additional information.
To: Richard Hancock, AICP, Project Manager, Planning and Zoning (MSC #62)
From: Mark A. Novak, Chief Park Planner, Facilities Planning and Development (MSC #78)
CC: Steve Torpy, Director
    Karen Sheets, Deputy Director
    Jeremy Payne, Deputy Director
    Jefferson Miller, Assistant Park Planner
    Kristen Blaylock-Reed, Chairman, PROS Board, Dulles District
    Kelly Foltman, Vice Chairman, Open Space Member At-Large
    James O’Connor, PROS Board, Algonkian District
    Kenya Savage, PROS Board, Chair At-Large
    Karla Etten, Open Space Member At-Large

Date: August 12, 2019

Election District: Algonkian Sub Planning Area: Potomac
MCPI # 029-40-8452, 029-40-8502

APPLICATION OVERVIEW:

The subject site is located north of Harry Byrd Highway (Rt. 7) and south Triple Seven Road (Rt. 777) within the Regal Plaza shopping center. The property is located in the Algonkian Election District, Potomac Sub-Planning and consist of approximately 11.27 acres. The applicant seeks a zoning map amendment to change the existing zoning from PD-CC-SC (Planned Development – Commercial Center – Small Regional Center) district to R-16 (Townhouse/Multifamily Residential) to permit the construction of an infill stacked multi-family residential community.
PROJECT PROPOSAL:

The applicant is requesting approval of a rezoning from PD-CC-SC to the R-16 ADU zoning district to develop a stacked multi-family residential community. The applicant states in the statement of justification, providing additional residential units will allow for a more pedestrian friendly development to support the proximate commercial uses, while taking a small portion of the underutilized commercial space and the associated sea of parking offline. Additionally, the stacked multi-family will bring a diversity in housing opportunities that are consistent with and complementary of the character of the adjacent established communities. The proposal envisions 184 stacked multi-family units, each unit supported by a garage parking space and additional driveway and street parking. The units would be arranged largely rectilinearly, with units fronting.
COMMENTS:

The Department of Parks, Recreation and Community Services (PRCS) has reviewed the Applicant’s responses dated July 11, 2019 to referral comments dated May 30, 2019, draft proffer statement dated July 11, 2019, revised statement of justification dated July 11, 2019 and revised ZMAP Concept Development Plan dated July 10, 2019. The following is the current issue status of the initial comments:

1. No Proffers were submitted with this application to review.

   Applicant Response: The Applicant has submitted proffers with this submission.

   Issue Status: Acknowledged.
2. This project adds 184 residential units to the Potomac Sub-Planning Area, and offers no contribution to public recreation. This application alone will have an immediate impact on existing and planned public recreational facilities in the area. The adopted Capital Needs Assessment (CAN) 2021-230 shows the following recreational needs associated with the Potomac Sub-Planning Area:

- Three (3) Neighborhood Parks

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

**Applicant Response:** The Applicant has programmed four active recreation spaces on site, providing a variety of large and small gathering spaces for its residents. The provision of nearly an acre of open and programmed space within the project, which will include at least one tot lot and a grass playfield and may include such things as a dog park, will more than meet the recreational and leisure needs of new residents. An additional two passive parks are also planned and shown on the concept plan.

**Issue Status:** As stated in the comment above, this project adds 184 residential units to the Potomac Sub-Planning Area, and offers no contribution to public recreation. The applicant is proposing a variety of recreational program space within the development for its residents however, these would not be intended for public use.

3. Under Issues for Consideration for the Rezoning to the R-16 ADU Zoning Districts (Section 6-1210 (E)) #4. The applicant states, “The development will provide almost an acre of programed active and passive recreational uses for the resident’s enjoyment”.

The concept development plan identifies active recreational space but, no passive. Please more information on what is proposed for active and passive.

**Applicant Response:** The concept plan clearly identifies four separate active recreational spaces strategically located such that nearly every residential unit is adjacent to one of the four areas. Additional pocket parks with seating areas and landscaping are located to encourage residents to get outside and enjoy a more passive environ.

**Issue Status:** Acknowledged.

**RECOMMENDATIONS:**

The Department of Parks, Recreation and Community Services (PRCS) has reviewed the referenced application and identified above, an outstanding issues that still requires additional information to complete the review of this application.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me at 703-737-8992 or mark.novak@loudoun.gov.
To: Richard Hancock, AICP, Project Manager, Planning and Zoning (MSC #62)
From: Mark A. Novak, Chief Park Planner, Facilities Planning and Development (MSC #78)
CC: Steve Torpy, Director
Karen Sheets, Deputy Director
Jeremy Payne, Deputy Director
Jefferson Miller, Assistant Park Planner
Kristen Blaylock-Reed, Chairman, PROS Board, Dulles District
Kelly Foltman, Vice Chairman, Open Space Member At-Large
James O’Connor, PROS Board, Algonkian District
Kenya Savage, PROS Board, Chair At-Large
Karla Etten, Open Space Member At-Large

Date: May 30, 2019

Election District: Algonkian Sub Planning Area: Potomac
MCPI # 029-40-8452, 029-40-8502

APPLICATION OVERVIEW:

The subject site is located north of Harry Byrd Highway (Rt.7) and south Triple Seven Road (Rt. 777) within the Regal Plaza shopping center. The property is located in the Algonkian Election District, Potomac Sub-Planning and consist of approximately 11.27 acres. The applicant seeks a zoning map amendment to change the existing zoning from PD-CC-SC (Planned Development – Commercial Center – Small Regional Center) district to R-16 (Townhouse/Multifamily Residential) to permit the construction of an infill stacked multi-family residential community.
PROJECT PROPOSAL:

The applicant is requesting approval of a rezoning from PD-CC-SC to the R-16 ADU zoning district to develop a stacked multi-family residential community. The applicant states in the statement of justification, providing additional residential units will allow for a more pedestrian friendly development to support the proximate commercial uses, while taking a small portion of the underutilized commercial space and the associated sea of parking offline. Additionally, the stacked multi-family will bring a diversity in housing opportunities that are consistent with and complementary of the character of the adjacent established communities. The proposal envisions 184 stacked multi-family units, each unit supported by a garage parking space and additional driveway and street parking. The units would be arranged largely rectilinearly, with units fronting.
COMMENTS:

With respect to Parks, Recreation and Community Services (PRCS) we offer the following comments and recommendations:

1. No Proffers were submitted with this application to review.
2. This project adds 184 residential units to the Potomac Sub-Planning Area, and offers no contribution to public recreation. This application alone will have an immediate impact on existing and planned public recreational facilities in the area. The adopted Capital Needs Assessment (CAN) 2021-230 shows the following recreational needs associated with the Potomac Sub-Planning Area:
   - Three (3) Neighborhood Parks
The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in eastern Loudoun.

3. Under Issues for Consideration for the Rezoning to the R-16 ADU Zoning Districts (Section 6-1210 (E)) #4. The applicant states, “The development will provide almost an acre of programed active and passive recreational uses for the resident’s enjoyment”.

CONCEPT DEVELOPMENT PLAN

The concept development plan identifies active recreational space but, no passive. Please provide more information on what is proposed for active and passive.

RECOMMENDATIONS:

The Department of Parks, Recreation and Community Services (PRCS) has reviewed the referenced application and identified above, outstanding issues that require additional information to complete the review of this application.
If you have any questions or concerns regarding these comments, please do not hesitate to contact me at 703-737-8992 or mark.novak@loudoun.gov.
Memorandum

To: Richard Hancock, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: June 7, 2019
Subject: Sterling Meadow

Thank you for the opportunity to review the above captioned application. The Fire and Rescue Planning Staff has no comments.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

<table>
<thead>
<tr>
<th>PIN</th>
<th>Cascades, Station 18/25 Travel Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>029-40-8452</td>
<td>3 minutes</td>
</tr>
</tbody>
</table>

Travel times are determined using ESRI GIS network analyst along the county’s street centerline with distance and speed limit being the criteria. Travel time is reported in minutes. For the approximate response time two minutes is added for turnout time.

<table>
<thead>
<tr>
<th>Approximate Response Time for Cascades, Station 18/25</th>
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</thead>
<tbody>
<tr>
<td>5 minutes</td>
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</tbody>
</table>

If you have any questions or need additional information, please contact me at 703-777-0333.

c: project file
Memorandum

DATE: August 9, 2019
TO: Richard W. Hancock, AICP, Project Manager, Engineering Division
FROM: Kevin Federline, Fire Inspector
THRU: Linda Hale, Chief Fire Marshal

The Loudoun County Fire Marshal’s Office has no objections to the zoning and special exception requests for the project. The Loudoun County Fire Marshal’s Office reserves the right to ensure Fire Code compliance when more detailed information is made available on the construction plan and profiles/site plan submission. For example, but not limited to, the FMO will be looking for more information on the following: approved fire apparatus access roads located within an emergency access easement, fire lane identification for fire apparatus access roads, hydrant location, 300 foot hose lay measured "as the hose lies" between and around obstructions from the hydrant around the buildings, dead–end fire apparatus access roads in excess of 150 feet with an approved fire apparatus turn around, fire apparatus access roads to within 150 feet of the exterior of buildings first floor, turning radii/turning analysis using AASHTO - SU-40 on fire apparatus access roads, immediate unobstructed access to fire department connections, an approved Aerial Fire Apparatus Access Road along one side of buildings over 50 feet in height, “Aerial Fire Apparatus Access Road” shall mean a section of a Fire Apparatus Access Road located adjacent to a building 50 feet in height or greater. The height shall be measured from the average finished grade at the face of the building located adjacent to a Fire Apparatus Access Road to the highest eave of a pitched roof, intersection of the roof to an exterior wall, or top of a parapet wall, whichever is greater.

Approval of a fire lane permit with an approved fire service plan, by the Fire Marshal’s Office, will be necessary for the fire lane installation and the fire lane improvements must be inspected and approved prior to the occupancy permit.

If there are any changes to the plans include the Fire Marshal’s Office in review to ensure fire code compliance.

I. Requirements: From the current Loudoun County Facilities Standards Manual (FSM) and the current Loudoun County Fire Prevention Code (LCFPC)
   1. None.

Teamwork * Integrity * Professionalism * Service
II. Concern:
   1. None.

III. Recommendations:
   1. None.

IV. Questions:
   1. None.

Requirements for fire apparatus access roads:

1. Fire Apparatus Access Road is a minimum of 20 feet unobstructed width, 13.5 feet of unobstructed vertical clearance, designed and maintained to support H-20 loading, be surfaced so as to provide all-weather driving capabilities, located within an “Emergency Access” easement, and identified as a fire lane in accordance with the FSM Chapter 4.

Information for requesting a modifications to the LCFPC:

1. 106.5 Modifications. The fire official may grant modifications to any provision of the SFPC upon application by the owner or the owner’s agent provided the spirit and intent of the SFPC are observed and public health, welfare, and safety are assured. Note: The current editions of many nationally recognized model codes and standards are referenced by the SFPC. Future amendments to such codes and standards do not automatically become part of the SFPC; however, the fire official should consider such amendments in deciding whether a modification request should be granted.

2. 106.5.1 Supporting data. The fire official shall require that sufficient technical data be submitted to substantiate the proposed use of any alternative. If it is determined that the evidence presented is satisfactory proof of performance for the use intended, the fire official shall approve the use of such alternative subject to the requirements of this code. The fire official may require and consider a statement from a professional engineer, architect or other competent person as to the equivalency of the proposed modification.

Pursuant to section 112.1 of the Fire Prevention Code:

If you have concerns about the application of the Fire Prevention Code (FPC) or to request a modification to the provisions of the FPC pursuant to section 106.5, please contact Chief Fire Marshal Linda Hale at 703/737-8600. The owner of a structure, the owner’s agent or any other person involved in the design, construction or maintenance of the structure may appeal a decision of the fire official concerning the application of FPC or the fire official’s refusal to grant modification. Persons wishing to file an appeal shall submit a written request for appeal to the Board of Building Code Appeals (BCBA), within 14 calendar days of receipt of the decision being appealed. Person’s wishing to file an appeal shall address it to Duty Fire Marshal at DutyFm@Loudoun.gov, or send by certified mail to the Loudoun Fire Marshal’s Office at the above address. The appeal shall contain the name and address of the owner of the structure and the person appealing if not the owner. A copy of the written decision of the fire official shall be submitted along with the appeal. Failure to submit an appeal within the time limit established shall constitute acceptance of the fire official’s decision.
Figure D103.1 SFPC Approved turn-arounds
Memorandum

DATE: May 31, 2019

TO: Richard W. Hancock, AICP, Project Manager, Engineering Division

FROM: Kevin Federline, Fire Inspector

THRU: Linda Hale, Chief Fire Marshal


The Loudoun County Fire Marshal’s Office has no objections to the zoning and special exception for the project. The Loudoun County Fire Marshal’s Office reserves the right to ensure Fire Code compliance when more detailed information is made available on the construction plan and profiles submission. For example but not limited to the FMO will be looking for more information on the following: approved fire apparatus access roads located within an emergency access easement, fire lane identification for fire apparatus access roads, hydrant location, 300 foot hose lay measured “as the hose lies” between and around obstructions from the hydrant around the building, dead–end fire apparatus access roads in excess of 150 feet with an approved fire apparatus turn around, fire apparatus access roads to within 150 feet of the exterior of buildings first floor, turning radii/turning analysis using AASHTO - SU-40 on fire apparatus access roads, immediate unobstructed access to fire department connections. For structures in excess of 50 feet in height, a roadway along one side of each building with 26 feet of clear unobstructed width on both sides, with fire lane identification on both sides extending 30 feet beyond each structure is required for aerial apparatus access.

Approval of a fire lane permit with an approved fire service plan, by the Fire Marshal’s Office, will be necessary for the fire lane installation and the fire lane improvements must be inspected and approved prior to the occupancy permit.

If there are any changes to the plans include the Fire Marshal’s Office in review to ensure fire code compliance.

I. Requirements: From the current Loudoun County Facilities Standards Manual (FSM) and the current Loudoun County Fire Prevention Code (LCFPC)
   1. None.

II. Concern:
   1. None.
III. Recommendations:
1. On sheet 5 under zoning requirements for R-16 multi-family residential dwellings and ADU’s, provided yard separation is reduced to 10 feet between buildings. This separation is well below the fire code standards and the current endorsed separation distance from the Fire Marshal’s Office. The intent of greater separations distance is to provide fire suppression access on all sides of structures/arrangements and reduce the likelihood of the spread of fire to adjacent properties. This is why the Fire Marshal’s Office is opposed to any exception that allow non-sprinklered combustible buildings and building features to be built with reduced separations of less than 20 feet between habitable structures.

IV. Questions:
1. None.

Information for requesting a modifications to the LCFPC:

1. 106.5 Modifications. The fire official may grant modifications to any provision of the SFPC upon application by the owner or the owner’s agent provided the spirit and intent of the SFPC are observed and public health, welfare, and safety are assured. Note: The current editions of many nationally recognized model codes and standards are referenced by the SFPC. Future amendments to such codes and standards do not automatically become part of the SFPC; however, the fire official should consider such amendments in deciding whether a modification request should be granted.

2. 106.5.1 Supporting data. The fire official shall require that sufficient technical data be submitted to substantiate the proposed use of any alternative. If it is determined that the evidence presented is satisfactory proof of performance for the use intended, the fire official shall approve the use of such alternative subject to the requirements of this code. The fire official may require and consider a statement from a professional engineer, architect or other competent person as to the equivalency of the proposed modification.

Pursuant to section 112.1 of the Fire Prevention Code:

If you have concerns about the application of the Fire Prevention Code (FPC) or to request a modification to the provisions of the FPC pursuant to section 106.5, please contact Chief Fire Marshal Linda Hale at 703/737-8600. The owner of a structure, the owner’s agent or any other person involved in the design, construction or maintenance of the structure may appeal a decision of the fire official concerning the application of FPC or the fire official’s refusal to grant modification. Persons wishing to file an appeal shall submit a written request for appeal to the Board of Building Code Appeals (BCBA), within 14 calendar days of receipt of the decision being appealed. Person’s wishing to file an appeal shall address it to Duty Fire Marshal at DutyFm@Loudoun.gov, or send by certified mail to the Loudoun Fire Marshal’s Office at the above address. The appeal shall contain the name and address of the owner of the structure and the person appealing if not the owner. A copy of the written decision of the fire official shall be submitted along with the appeal. Failure to submit an appeal within the time limit established shall constitute acceptance of the fire official’s decision.
MEMORANDUM TO: Mr. Richard Hancock, MS 62  
Project Manager

FROM: Jason R. Purdy  MSC # 68  
Rural Environmental Health Specialist, AOSE  
Division of Environmental Health

First Submission

PIN: 029-40-8452, 029-40-8502

The above referenced project meets the requirements of Section 1245.10 of the LSDO for:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Proposed Sewage Systems</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Proposed Wells</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

The locations on the plat, submitted by Bowman Consulting dated December, 2018, are correct as shown:

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>a. Existing Water Supplies</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Existing Drainfields</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Health Department comments:
Staff supports approval of the application for the following reasons ___X__  
Staff cannot recommend approval of the application for the following reasons___  
Staff recommends approval of the application with the following reservations ___  
Items that are incorrect/deficient are listed on the attached page.
Attachments Yes ___X___  No ___

If further information or clarification on the above project is required, please contact me at (703)771-5248.

JRP/JEL/jrp
ATTACHMENT:

The properties listed have utilized public water and sewer since development in 1995-1996. Per Health Department records, no private wells or onsite sewage systems are present on the properties listed.
July 23, 2019

Mr. Richard W. Hancock
County of Loudoun
Department of Planning and Zoning
1 Harrison Street, SE (Mail Stop 62)
Leesburg, Virginia 20175


Dear Mr. Hancock:

School Board staff has reviewed the referenced application for Sterling Meadow. Based on 2018 Loudoun County Public Schools (LCPS) student generation factors, the proposed 172 multi-family residential units (including 11 Affordable Dwelling Units) will generate a total of 49 school-age children upon build-out: 22 elementary school-age children (grades K-5), 12 middle school-age children (grades 6-8), and 15 high school-age children (grades 9-12). The attached assessment outlines the operational and capital impact of the project on LCPS.

Staff has also included a six-year student enrollment overview of LCPS Eastern Loudoun Planning area schools, as well as details on approved, unbuilt residential development within the same Eastern Loudoun Planning area, for County staff and policy makers to assess regarding the overall impact of the project on area elementary and secondary schools. The information detail is an excerpt from the School Board Adopted FY 2020-FY 2025 Capital Improvement Program, dated December 11, 2018.

Safe walking paths remain an important concern for the School Board, staff, and parents of children who attend our schools. School Board Policy 6210 states transportation services shall be provided for elementary students living more than one (1.0) mile and secondary school students living more than one and one quarter (1.25) miles from the front door of their regular school of assignment. Further, elementary students eligible for transportation may be required to walk up to one (1.0) mile to reach a bus stop; middle and high school students eligible for transportation may be required to walk up to one and one-quarter (1.25) miles to a bus stop. The lack of safe walking paths for students within new residential developments creates a growing safety hazard and increases operational costs. Students residing within a school’s walk zone must be transported to school if either no sidewalks are provided within the development or the sidewalks are only constructed on one side of the street. Should new subdivisions contain sidewalks on both sides of the street, children could safely walk to a bus stop or school. Sidewalks and walking paths not only increase operational efficiency but also ultimately mean less time on the school bus for Loudoun’s children.

Thank you for the opportunity to comment on the Sterling Meadow application. The Loudoun County School Board is concerned about all land development applications. Capital facility expenditures and
Mr. Richard W. Hancock  
July 23, 2019  
Page 2  

operational costs are significantly impacted by each approved residential project, and  
both can be anticipated to increase with each additional school-age child that resides in Loudoun County.  

Should you require further information, please contact me at your earliest convenience.  

Sincerely,  

Beverly L. Tate, Director  

Attachments (3)  
c: Eric Williams, Superintendent  
    Kevin Lewis, Assistant Superintendent  

Election District: Algonkian
Loudoun County Public Schools
Division of Planning Services
Project Assessment

Sterling Meadow

<table>
<thead>
<tr>
<th>Loudoun County Public Schools Student Generation Factors, 2018</th>
<th>Housing Units*</th>
<th>Elementary School Student Generation</th>
<th>Middle School Student Generation</th>
<th>High School Student Generation</th>
<th>Student Generation Total</th>
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<tbody>
<tr>
<td>Single Family Detached (SFD)</td>
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<td>Single Family Attached (SFA)</td>
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<td>Multifamily (MF)</td>
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<td><strong>Total Students</strong></td>
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<td><strong>22</strong></td>
<td><strong>12</strong></td>
<td><strong>15</strong></td>
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Capital Costs

<table>
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<tr>
<th></th>
<th>Elementary School Cost (FY 2020 CIP)</th>
<th>Middle School Cost (FY 2020 CIP)</th>
<th>High School Cost (FY 2020 CIP)</th>
<th>Total Capital Expenditure</th>
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<tr>
<td>Capacity</td>
<td>960</td>
<td>1350</td>
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<tr>
<td>Per Pupil Cost</td>
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<td>$59,593</td>
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<td><strong>Project’s Capital Costs</strong></td>
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Annual Operational Costs

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<td>Per Pupil Cost</td>
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<td>$698,740</td>
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<td>$14,260</td>
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School Facility Information*

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<tr>
<th>Elementary School (Grades K-5)</th>
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<th>High School (Grades 9-12)</th>
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<tbody>
<tr>
<td>Countryside</td>
<td>River Bend</td>
<td>Potomac Falls</td>
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2019-20 School Attendance Zone

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<tr>
<th>September 28, 2018 Student Enrollment</th>
<th>2018-19 Base Building Capacity</th>
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<td>738</td>
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<tr>
<td>1213</td>
<td>1208</td>
</tr>
<tr>
<td>1637</td>
<td>1565**</td>
</tr>
</tbody>
</table>

* Including 11 Affordabel Dwelling Units (ADUs)

** Modular classrooms are being used to a provide temporary increase in building capacity.
### ELEMENTARY SCHOOL SUMMARY: EASTERN LOUDOUN
#### General Planning District Description
North/East of Route 28 (Sully Road), South of the Potomac River, West of Fairfax County

<table>
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<tr>
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<tr>
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<td>465</td>
<td>459</td>
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<td>469</td>
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<td>722</td>
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<td>89%</td>
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<td>FOREST GROVE ES</td>
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<td>564</td>
<td>133</td>
<td>81%</td>
<td>570</td>
<td>127</td>
<td>82%</td>
</tr>
<tr>
<td>GUILFORD ES</td>
<td>651</td>
<td>553</td>
<td>536</td>
<td>115</td>
<td>82%</td>
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<td>134</td>
<td>79%</td>
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<tr>
<td>HORIZON ES</td>
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<td>76%</td>
<td>609</td>
<td>203</td>
<td>75%</td>
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<td>LOWES ISLAND ES</td>
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<td>603</td>
<td>94</td>
<td>87%</td>
<td>581</td>
<td>116</td>
<td>83%</td>
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<tr>
<td>MEADOWLAND ES</td>
<td>559</td>
<td>444</td>
<td>444</td>
<td>115</td>
<td>79%</td>
<td>436</td>
<td>123</td>
<td>78%</td>
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<tr>
<td>POTOWMACK ES</td>
<td>697</td>
<td>558</td>
<td>553</td>
<td>144</td>
<td>79%</td>
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<td>76%</td>
</tr>
<tr>
<td>ROLLING RIDGE ES</td>
<td>743</td>
<td>659</td>
<td>649</td>
<td>94</td>
<td>87%</td>
<td>639</td>
<td>104</td>
<td>86%</td>
</tr>
<tr>
<td>STERLING ES</td>
<td>628</td>
<td>452</td>
<td>440</td>
<td>188</td>
<td>70%</td>
<td>418</td>
<td>210</td>
<td>67%</td>
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<tr>
<td>SUGARLAND ES</td>
<td>743</td>
<td>605</td>
<td>599</td>
<td>144</td>
<td>81%</td>
<td>576</td>
<td>167</td>
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<tr>
<td>SULLY ES</td>
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<td>417</td>
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<tr>
<td></td>
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<td>6768</td>
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#### MIDDLE SCHOOL SUMMARY: EASTERN LOUDOUN

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</thead>
<tbody>
<tr>
<td>RIVER BEND MS</td>
<td>1208</td>
<td>1213</td>
<td>1256 (48)</td>
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<td>1243 (35)</td>
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<td>SENECA RIDGE MS</td>
<td>1301</td>
<td>1022</td>
<td>1028 (273)</td>
<td>79%</td>
<td>1108 (193)</td>
<td>85%</td>
<td>1087 (214)</td>
<td>84%</td>
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<tr>
<td>STERLING MS</td>
<td>1339</td>
<td>1038</td>
<td>1064 (275)</td>
<td>79%</td>
<td>1127 (212)</td>
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<td>1110 (229)</td>
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<tr>
<td></td>
<td>3848</td>
<td>3273</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

#### HIGH SCHOOL SUMMARY: EASTERN LOUDOUN

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</thead>
<tbody>
<tr>
<td>DOMINION HS</td>
<td>1793</td>
<td>1590</td>
<td>1555 (240)</td>
<td>87%</td>
<td>1457 (336)</td>
<td>81%</td>
<td>1454 (339)</td>
<td>81%</td>
</tr>
<tr>
<td>PARK VIEW HS</td>
<td>1601</td>
<td>1389</td>
<td>1318 (283)</td>
<td>82%</td>
<td>1351 (250)</td>
<td>84%</td>
<td>1435 (166)</td>
<td>90%</td>
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<tr>
<td>POTOMAC FALLS HS</td>
<td>1585</td>
<td>1637</td>
<td>1547 (18)</td>
<td>99%</td>
<td>1573 (8)</td>
<td>101%</td>
<td>1647 (82)</td>
<td>105%</td>
</tr>
<tr>
<td></td>
<td>4959</td>
<td>4616</td>
<td>4418 (541)</td>
<td></td>
<td>4381 (578)</td>
<td></td>
<td>4536 (423)</td>
<td></td>
</tr>
</tbody>
</table>

**A - AN APPLICATION HAS BEEN SUBMITTED FOR A MILITARY SCIENCE PROGRAM AT DOMINION HS TO BEGIN FALL 2019 (2019-20 SCHOOL YEAR); ANTICIPATED CAPACITY FOR DOMINION HS IN FALL 2019 IS 1667.**

**B - THE 2018-19 BASE CAPACITY FOR POTOMAC FALLS HS REFLECTS TWO (2) MODULAR CLASSROOMS ON SITE; WITHOUT THE MODULAR CLASSROOMS, CAPACITY AT POTOMAC FALLS HS WOULD BE 1524.**

**SCHOOL BOARD ADOPTED FY 2020 - FY 2025 CAPITAL BUDGETS**

**DECEMBER 11, 2018**
Mr. Richard W. Hancock  
County of Loudoun  
Department of Planning and Zoning  
1 Harrison Street, SE (Mail Stop 62)  
Leesburg, Virginia 20175


Dear Mr. Hancock:

School Board staff has reviewed the referenced applications for Sterling Meadow. Based on 2018 Loudoun County Public Schools (LCPS) student generation factors, the proposed 184 multi-family residential units will generate a total of 54 school-age children upon build-out: 24 elementary school-age children (grades K-5), 13 middle school-age children (grades 6-8), and 17 high school-age children (grades 9-12). The attached assessment outlines the operational and capital impact of the project on LCPS.

Staff has also included a six-year student enrollment overview of LCPS Eastern Loudoun Planning area schools, as well as details on approved, unbuilt residential development within the same Eastern Loudoun Planning area, for County staff and policy makers to assess regarding the overall impact of the project on area elementary and secondary schools. The information detail is an excerpt from the School Board Adopted FY 2020- FY 2025 Capital Improvement Program, dated December 11, 2018.

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Thank you for the opportunity to comment on the Sterling Meadow application. The Loudoun County School Board is concerned about all land development applications. Capital facility expenditures and
Mr. Richard W. Hancock  
May 6, 2019  
Page 2  

operational costs are significantly impacted by each approved residential project, and both can be anticipated to increase with each additional school-age child that resides in Loudoun County.

Should you require further information, please contact me at your earliest convenience.

Sincerely,

Beverly I. Tate, Director

Attachments (3)
c: Eric Williams, Superintendent  
    Kevin Lewis, Assistant Superintendent

Election District: Algonkian
# Project Assessment

**Project Name:** ZMAP 2019-0007, SPEX 2019-0014 and ZMOD 2019-0013 & 0014

**Sterling Meadow**

<table>
<thead>
<tr>
<th>Loudoun County Public Schools Student Generation Factors, 2018 Housing Units</th>
<th>Elementary School Student Generation</th>
<th>Middle School Student Generation</th>
<th>High School Student Generation</th>
<th>Total Generation Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Detached (SFD) 0.80</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Single Family Attached (SFA) 0.57</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Multifamily (MF) 0.29 184</td>
<td>24</td>
<td>13</td>
<td>17</td>
<td>54</td>
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</tbody>
</table>

**Total Students**

| 24 | 13 | 17 | 54 |

**Capital Costs**

<table>
<thead>
<tr>
<th>School Cost (FY 2020 CIP)</th>
<th>Middle School Cost (FY 2020 CIP)</th>
<th>High School Cost (FY 2020 CIP)</th>
<th>Total Capital Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Cost 44,235,000</td>
<td>80,450,000</td>
<td>139,200,000</td>
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</tr>
<tr>
<td>Capacity 960</td>
<td>1350</td>
<td>1800</td>
<td></td>
</tr>
<tr>
<td>Per Pupil Cost 46,078</td>
<td>59,593</td>
<td>77,333</td>
<td></td>
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<tr>
<td>Project’s Capital Costs 1,106,428</td>
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**Annual Operational Costs**

<table>
<thead>
<tr>
<th>FY 2019 Adopted Per Pupil Cost</th>
<th>Student Generation Total</th>
<th>Annual Operational Costs</th>
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<td>14,260</td>
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<td>770,040</td>
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**School Facility Information**

<table>
<thead>
<tr>
<th>Elementary School (Grades K-5)</th>
<th>Middle School (Grades 6-8)</th>
<th>High School (Grades 9-12)</th>
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<tbody>
<tr>
<td>2018-19 School Attendance Zone Countryside</td>
<td>River Bend</td>
<td>Potomac Falls*</td>
</tr>
<tr>
<td>September 28, 2018 Student Enrollment 738</td>
<td>1213</td>
<td>1637</td>
</tr>
<tr>
<td>2018-19 Base Building Capacity 812</td>
<td>1208</td>
<td>1565</td>
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* Modular classrooms are being used to provide temporary increase in building capacity.
### Elementary School Summary: Eastern Loudoun

NorthEast of Route 28 (Sully Road), South of the Potomac River, West of Fairfax County

#### Comparison of enrollment projections

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<tbody>
<tr>
<td>Algonkin ES</td>
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<td>465</td>
<td>459</td>
<td>515</td>
<td>668</td>
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<td>67</td>
</tr>
<tr>
<td>Countryside ES</td>
<td>812</td>
<td>738</td>
<td>718</td>
<td>94</td>
<td>88</td>
<td>722</td>
<td>100</td>
<td>88</td>
</tr>
<tr>
<td>Forest Grove ES</td>
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<td>94</td>
<td>87</td>
<td>581</td>
<td>116</td>
<td>83</td>
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<td>Meadowland ES</td>
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<td>444</td>
<td>115</td>
<td>79</td>
<td>436</td>
<td>123</td>
<td>76</td>
</tr>
<tr>
<td>Potomack ES</td>
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<td>144</td>
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<td>76</td>
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<tr>
<td>Rolling Ridge ES</td>
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<td>94</td>
<td>87</td>
<td>639</td>
<td>104</td>
<td>86</td>
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<tr>
<td>Sterling ES</td>
<td>628</td>
<td>452</td>
<td>440</td>
<td>188</td>
<td>70</td>
<td>418</td>
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<td>Sugarland ES</td>
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<td>599</td>
<td>144</td>
<td>81</td>
<td>576</td>
<td>167</td>
<td>78</td>
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<tr>
<td>Sully ES</td>
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<td>436</td>
<td>215</td>
<td>67</td>
<td>417</td>
<td>234</td>
<td>64</td>
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<tr>
<td><strong>Total</strong></td>
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<td>6768</td>
<td>6620</td>
<td>1744</td>
<td>878</td>
<td>6486</td>
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#### Middle School Summary: Eastern Loudoun

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<tbody>
<tr>
<td>River Bend MS</td>
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<td>(48)</td>
<td>104%</td>
<td>1243</td>
<td>(35)</td>
<td>103%</td>
</tr>
<tr>
<td>Seneca Ridge MS</td>
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<td>1022</td>
<td>1028</td>
<td>273</td>
<td>79%</td>
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<td>193</td>
<td>85%</td>
</tr>
<tr>
<td>Sterling MS</td>
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<td>1038</td>
<td>1064</td>
<td>275</td>
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<td>212</td>
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<tr>
<td><strong>Total</strong></td>
<td>3848</td>
<td>3273</td>
<td>3348</td>
<td>500</td>
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<td>3478</td>
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#### High School Summary: Eastern Loudoun

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<tr>
<td>Dominion HS ^a</td>
<td>1793</td>
<td>1590</td>
<td>1553</td>
<td>240</td>
<td>87%</td>
<td>1457</td>
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<td>Park View HS</td>
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<td>1318</td>
<td>283</td>
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<td>Potomac Falls HS  ^b</td>
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<td>18</td>
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<td><strong>Total</strong></td>
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<td>4381</td>
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A. An application has been submitted for a military science program at Dominion HS to begin Fall 2019 (2019-20 school year). Anticipated capacity for Dominion HS in Fall 2019 is 1667.

B. The 2018-19 Base Capacity for Potomac Falls HS reflects two (2) modular classrooms on site, without the modular classrooms, capacity at Potomac Falls HS would be 1524.
EASTERN LOUDOUN PLANNING DISTRICT
RESIDENTIAL DEVELOPMENT

LCPS Planning staff tracks residential building permit activity for Loudoun County and its incorporated towns. The monitoring includes both rezoned and by-right developments (i.e., approved, proposed, inactive) and construction status. Tracking the approved under construction and approved future "pipeline" development helps staff estimate future student growth in the county and within LCPS geographic planning districts.

Residential development detail is provided for approved, but not yet completed, residential projects in LCPS geographic planning districts. Complete, proposed, inactive and/or age-restricted residential applications are excluded from the below provided information. Utilizing 2018 student generation factors, the number of future potential LCPS students has been calculated based on the remaining number of residential units to be constructed.

Eastern Loudoun Planning District
Approved, Unbuilt Residential Development
as of September 2018

<table>
<thead>
<tr>
<th>Residential Development</th>
<th>Approved Residential Units</th>
<th>Future Potential LCPS Students</th>
<th>% Units Addressed, as of 9/2018</th>
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<tr>
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<td>SFD</td>
<td>SFA</td>
<td>MF</td>
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<tr>
<td>DOMINION TRAIL</td>
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<tr>
<td>DULLES TOWN CENTER (DTC)</td>
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<td>1230</td>
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<td>KINCORA VILLAGE</td>
<td>0</td>
<td>0</td>
<td>1400</td>
</tr>
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<td>REMINGTON TOWNHOMES -DTC</td>
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<td>66</td>
</tr>
<tr>
<td>WATERSIDE</td>
<td>0</td>
<td>0</td>
<td>2595</td>
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<tr>
<td>Planning District Total, as of September 2018</td>
<td>0</td>
<td>43</td>
<td>6556</td>
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EASTERN LOUDOUN PLANNING DISTRICT
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</table>
June 3, 2019

Richard Hancock
Department of Building and Development, Planning Division
1 Harrison Street, S.E.
P. O. Box 7000
Leesburg, Virginia  20177-7000

Re:   STERLING MEADOW

Dear Mr. Hancock:

Loudoun Water has reviewed the referenced zoning map amendment, special exception and zoning modifications and has no objection to their approval and offers the following:

1. Please be advised, Loudoun Water is concerned that the existing sanitary sewer downstream of the proposed development may be inadequate to serve the increased sewer demands of the proposed development. Therefore, a sanitary sewer capacity analysis of the existing system, will be required in support of the construction plan. Any resulting improvements will be the responsibility of the applicant.

2. Please be advised, a hydraulic water model analysis will be required to determine the water main sizing and system interconnection to serve this development. This will be required in coordination with the construction plans.

3. Should offsite easements be required to serve the proposed development with water and/or sanitary sewer service, acquisition of such easements will be the responsibility of the applicant.

4. Public water and sanitary sewer service would be contingent upon the developer’s compliance with our Statement of Policy; Rate, Rules and Regulations; and Engineering Design Manual.

5. We encourage the applicant to schedule a pre-submission meeting with Loudoun Water as part of preparing the construction plans.
Should you have any questions, please do not hesitate to contact me or Julie Atwell.

Sincerely,

Dominic Powers, EIT
Project Engineer
<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>Dwg. No. (1)</th>
<th>COMMENTS</th>
<th>COMMENT CATEGORY</th>
<th>RESPONSE (2) DATE:</th>
<th>FINAL DISPOSITION (3)</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>We have no objection to approval of this application. However, it should be noted:</td>
<td></td>
<td></td>
<td>Accepted 6.10.2019</td>
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<td></td>
<td></td>
<td>1. All new development access will need to meet the access management standards, regulations and design standards for minor arterials, collectors, and local streets. The design standards govern the design of intersections, turn lanes, and entrances as well as providing spacing standards for entrances, intersections, crossovers, and traffic signals on minor arterials, collectors, and local streets.</td>
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<td>2. A detailed geometric and drainage review for the site will be provided at the site plan stage.</td>
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</tr>
</tbody>
</table>

(1) Indicate drawing no./page no. or use “G” for general comment.
(2) To be filled out by Applicant/Engineer. Date of Response is required.
(3) The VDOT reviewer is responsible for the final disposition of all comments.

Note: This form is to be used by the VDOT land use team to provide comments or concerns associated with the rezoning applications, site plans or any other plans when requested by the county or the applicants.
September 13, 2019

Richard W. Hancock
County of Loudoun
Department of Planning & Zoning
1 Harrison Street, SE, 3rd Floor
Leesburg, Virginia 20175


Dear Rick:

This letter responds to the second round comments on the above-referenced applications. The comments are included below in italics with our responses immediately following. In the Zoning section, where comments were identified as addressed, the Applicant has not provided an additional response.

I. Loudoun County Department of Building and Development – Todd Taylor (August 13, 2019)

The Natural Resources Team (NRT) reviewed the revised rezoning, special exception, and zoning modification applications and has no comments. This review includes floodplain management and urban forestry.

Response: Comment acknowledged and appreciated.

II. Loudoun Parks, Recreation and Community Services – Mark A. Novak (August 12, 2019)

The following is the current issue status of the initial comments.

Comment 1 No Proffers were submitted with this application to review.

Initial Response: The Applicant has submitted proffers with this submission.

Issue Status: Acknowledged.

Comment 2 First Comment. This project adds 184 residential units to the Potomac Sub-Planning Area, and offers no contribution to public recreation. This application alone will have an immediate impact on existing and planned public recreational facilities in the area. The adopted Capital Needs Assessment (CNA) 2021-2030 shows the following recreational needs associated with the Potomac Sub-Planning Area:

- Three (3) Neighborhood Parks

The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in eastern Loudoun.
Initial Response: The Applicant has programmed four active recreation spaces on site, providing a variety of large and small gathering spaces for its residents. The provision of nearly an acre of open and programmed space within the project, which will include at least one tot lot and a grass playfield and may include such things as a dog park, will more than meet the recreational and leisure needs of the new residents. An additional two passive parks are also planned and shown on the concept plan.

Issue Status: As stated in the comment above, this project adds 184 residential units to the Potomac Sub-Planning Area, and offers no contribution to public recreation. The applicant is proposing a variety of recreational program space within the development for its residents however, these would not be intended for public use.

Response: The Applicant further reduced the density with this submission, such that the project now adds 166 residential units to the Potomac Sub-Planning Area. The Applicant has performed a thoughtful and extensive review of the existing recreational amenities in the Cascades community proximate to the site. With this proffer package, the Applicant is committing money to extend the Tripleseven trail between Heather Glen Road and Cromwell Road to provide a safe walking path for students to enable them to walk to Countryside Elementary School, as well as to better connect the greater community. This is a wholly off-site improvement. For active recreation, the Applicant has met with leadership at both Countryside Elementary and Potomac Falls High School to identify what recreation needs both schools have. The elementary school principal desires an upgraded kindergarten play area, with a rubberized surface and new play equipment, and a walking path/trail and the high school athletic director had identified a need to improve their weight room facility and add amenities to their outdoor fields. The Applicant has added proffer commitments toward these community-wide improvements, if the Board of Supervisors desires those specific enhancements rather than the typical capital facility payment. The improvements to the playground, the addition of a walking trail at school, the trail along Tripleseven and improvements at the high school will all be for public use.

Comment 3  First Comment. Under Issues for Consideration for the Rezoning to the R-16 ADU Zoning Districts (Section 6-121D (E)) #4. The applicant states, "The development will provide almost an acre of programmed active and passive recreational uses for the resident's enjoyment".

The concept development plan identifies active recreational space but, no passive. Please provide more information on what is proposed for active and passive.

Initial Response: The concept plan clearly identifies four separate active recreational spaces strategically located such that nearly every residential unit is adjacent to one of the four areas. Additional pocket parks with seating areas and landscaping are located to encourage residents to get outside and enjoy a more passive environ.

Issue Status: Acknowledged.

III. Loudoun Department of Planning and Zoning — Rory L. Toth (June 6, 2019)

A. Zoning Ordinance Comments

Comment 1  Previous Comment: Section 3-602. Explain in the SOJ and demonstrate on the CDP how this application conforms to the requirements of this section as it pertains to being planned or served by public transit or designated for public transit in the Comprehensive Plan.
Initial Response: The property is served by the Countryside Connector, Route 81, which passes in front of the project on Tripleseven Road. Loudoun County Transit operates this bus and a bus stop is located immediately north of the project site. We have included the route map and timetable as an attachment to this letter. We have incorporated this information into the SOJ.

Follow-up Comment. Comment addressed as there are bus stops and bus service along Tripleseven Road and Pidgeon Hill Drive.

Comment 2. Previous Comment. Section 3-603(B). This Section of the Zoning Ordinance lists multi-family dwelling units as a permitted use. The Applicant has stated in their SOJ and on the CDP/SPEX plat that they are proposing multi-family stacked units (2/2s). If it is the intent of the Applicant to provide this specific type of unit, it should be included in the form of a proffer.

Initial Response: The Applicant has identified the residential units as “multifamily stacked” in the proffer statement.

Follow-up Comment. The Applicant has committed to multi-family stacked units (2 over 2 units) in draft Proffer II and the CDP. Staff notes that the number of units has decreased from first referral from 184 to 172 dwelling units (with 11 ADUs). However, the SOJ still makes references to 184 units while the draft proffers and CDP state 172 units with 11 ADUs. Clarify these discrepancies.

Response: All documents have been updated with this submission to reflect the new unit count of 166.

Comment 3. Previous Comment. Section 3-608(B). The Applicant requested a modification to this Section of the Zoning Ordinance to eliminate the berming and screening requirement for parking between buildings and streets. See the Modifications Section of this referral for discussion on this matter.

Initial Response: We have addressed this comment in the modifications section below.

Follow-up Comment. See the Modifications Section of this referral for discussion on this matter.

Comment 4. Previous Comment. Section 3-610. As the proposed units will access the proposed R-16 zoning district via private streets through the existing PD-CC-SC zoning district, a public access easement must be placed over such private streets.

Initial Response: The property was originally developed under a comprehensive development plan that included access easements across the internal drive aisles. With the redevelopment, these easements will be revised to align with the new travelways through the residential project. The Applicant has added a proffer that it will record public access easements across its private streets. Recognizing that commercial traffic will traverse the private streets, we have added a modification to Zoning Ordinance Section 1-205(A) and 3-610(A) to allow commercial traffic on private streets.

Follow-up Comment. It is noted that the Applicant has submitted a new zoning modification for Section 1-205(A) and Section 3-610(A) to allow commercial vehicle access through the proposed R-16 zoning district on the subject property. This access would not be permitted because the private roadway for such access would be an accessory use to the uses located in the PD-CC-SC zoning district, which are not permitted in the proposed R-16 zoning district. The zoning modification is not supported. Therefore, in order to allow this access, this access will need to be included in a public ROW or be included in a public access easement in order to serve the PD-CC-SC property. However, Staff remains concerned with commercial vehicular traffic (especially loading and service vehicles) traveling through the proposed residential...
neighborhood on private residential streets without adequate buffering and screening of such commercial uses from residential uses and lack of commitments to safety measures such as crosswalks and sidewalks for pedestrians. Lastly, it appears that the CDP has been revised to include a loading space in the proposed R-16 zoning district that will serve the adjacent PD-CC-SC commercial uses. The loading space needs to be relocated to the zoning district and parcel it serves.

Response: To address this comment, the Applicant has revised the area subject to this zoning case to remove the portion of the roadway that the commercial vehicles traverse to access their loading space. That drive aisle will remain zoned PD-CC-SC. To further separate the residential and commercial uses, the Applicant has proposed a 6-foot tall masonry wall that will shelter the active recreation space, as well as having oriented those units away from the commercial uses. The wall is shown on Sheet 5B. For the roads through the rezoned area, we will put them in a public access easement. Therefore, the Applicant has removed the modification request for Section 1-205(A). We are maintaining the modification request for Section 3-610(A) since the adjacent commercial uses may find their way onto the private streets through the rezoned property as an additional means of ingress/egress.

Comment 5 Previous Comment. Section 5-1300. Add a note to the CDP stating that each site must meet the minimum required tree canopy requirements.

Initial Response: This note has been added to Sheet 1. Please see Note 32.

Follow-up Comment. Comment addressed with Note 32 on Sheet 1 of the CDP.

Comment 6 Previous Comment. Section 5-1407(A) and 5-1414(A). Staff notes that the Applicant proposed to modify the buffer and screening requirements of these sections to reduce and/or eliminate certain buffer and screening requirements. See the Modifications section of this referral for additional discussion on this matter.

Initial Response: We have addressed this comment in the modifications section below.

Follow-up Comment. See the Modifications section of this referral for additional discussion on this matter.

Response: Upon further review, we don't think a modification is needed for either Section 5-1407(A) or 5-1414(A) because pursuant to the revised layout, plantings will be provided in all areas, except for the drive aisles and driveways.

Comment 7 Previous Comment. Section 7-104(B) and (C). The Applicant states that 12 ADUs will be provided in multi-family stacked dwelling units. Add a note to the CDP to state that ADUs shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district and interspersed among market rate units in the proposed development. Further, please provide a note that pursuant to Section 7-104(B), dwelling dimensions and the number of bedrooms shall meet the requirements established by the Affordable Dwelling Unit Advisory Board pursuant to the Codified Ordinance.

Initial Response: This note has been added to Sheet 1. Please see Note 33. With this submission, we have reduced the total unit count to 172, which results in the provision of 11 ADUs.

Follow-up Comment. The Applicant has revised their application at second referral and proposes 172 dwelling units with 11 ADUs. Comment addressed as Note 33 regarding ADUs was added to Sheet 1 of the CDP.
Response: This revised plan further reduces the unit counts to 166 units, of which 11 are ADUs.

Comment 8  Previous Comment. Sections 7-903(C)(2)(b) and 7-903(C)(2)(c). Staff notes that the Applicant proposes to modify the minimum side yards for corner lots and the minimum rear yard requirements of the R-16 ADU zoning district. Both the minimum required yards and modified yards need to be drawn on the SPEX plat and CDP. See the Modifications section of this referral for additional discussion on this matter.

Initial Response: The Applicant’s revised layout has eliminated the need for these requested modifications.

Follow-up Comment. The Applicant has revised their development layout and removed these modification requests from their application. However, the Applicant has added a zoning modification to Section 7-903(C)(2)(a) to reduce front yards for certain buildings shown on the SPEX plat from 25-feet to 14-feet. While the application does have more open space than what is required, Staff could support the modification provided commitments to the location and size of all types of open space (including passive recreational areas) are made.

Response: The Applicant has further revised the proffers to provide additional details on the open space commitments to satisfy this request. In addition to the four distinct areas of active recreation space, that totals 35,200 square feet, there will be 145,800 square feet of passive open space located throughout the property. Sheet 5 details the passive open space areas, shaded gray. The setbacks are being modified by special exception. Please see Sheet 5A.

Comment 9  Previous Comment. Section 7-903(E). The CDP shows the approximate location of required active recreation space within the development. Staff notes that some required recreation areas are located within a required buffer and should be relocated as they are not a permitted use in a buffer yard.

Initial Response: The active recreation areas are now all outside of required buffers.

Follow-up Comment. Active recreation space areas are now shown on the CDP and SPEX plat. Comment addressed.

Comment 10  Previous Comment. Section 6-1215(F). The Applicant’s SOJ states that the proposed development contains almost an acre of open space (passive and active). Clearly show the location of both active and passive open space on the CDP/SPEX plat.

Initial Response: Sheet 5 clearly shows the active recreation (35,200 SF) and the passive recreation (148,000 SF) spaces.

Follow-up Comment. The CDP and SPEX plat show the location of active recreation space and passive recreation space. Staff notes that the minimum amount of active recreation space is labeled on each active recreation area and the total amount of open space within the development is stated in a table on the CDP. However, there is no square footage area provided for each of the passive recreational areas. Clarify the proffers and CDP/SPEX plat accordingly.

Response: The passive recreational areas are disbursed throughout the property, integrated into the built development. These areas are fluid, rather than defined, so identifying them as certain areas of specific sizes isn’t practical. Sheet 5 of the CDP clearly identifies that 148,000 square feet of passive open space will be provided.
Comment 11 Previous Comment. Staff notes that a draft proffer statement was not provided for review with the first referral of the applications. Once this document is provided, Staff may provide additional comments.

Initial Response: A proffer statement is included with this submission.

Follow-up Comment. See the draft Proffer Comments noted below in this referral.

Comment 12 Previous Comment. Staff recommends that the Applicant provide a status of proffers approved with ZMAP-1994-0004 and ZMAP-1996-0005 to determine whether said proffers have been fulfilled. Staff may have additional comments at next referral.

Initial Response: The perimeter transportation improvements to Tripleseven Road that were required with the earlier rezonings have been fulfilled. The traffic signal at Tripleseven and Palisades Parkway is installed.

Follow-up Comment. Staff defers additional comment to the Proffer Management Team.

Comment 13 Previous Comment. The rezoning application is removing parking associated with other commercial/retail uses in the vicinity. Demonstrate that the minimum number of parking spaces required by the Zoning Ordinance are still provided for the commercial/retail uses that are to remain.

Initial Response: The application area has been revised with this submission to delete the drive aisle and commercial parking spaces from this rezoning. As such, a portion of PIN 029-40-8502 would not be rezoned nor integrated into this residential project. The travelway and existing parking on that excluded portion would all remain as is. The required parking to serve the remaining commercial uses is untouched with this application.

Follow-up Comment. No further comments as the Applicant has shown that existing commercial uses will have adequate parking.

B. Section 6-121- Zoning Map Amendment Criteria

Comment 1 Previous Comment. Section 6-1210(E)(1). Staff defers comment to the Comprehensive Planning Division as to whether the density and zoning district proposed in this application are in conformance with the Comprehensive Plan.

Initial Response: Comment acknowledged.

No further comments.

Comment 2 Previous Comment. Section 6-1210(E)(3). Staff defers to the Department of Transportation and Capital Infrastructure and Loudoun Water regarding adequate sewer, water, transportation and other infrastructure needed to adequately serve the proposed uses.

Initial Response: Comment acknowledged

No further comments.
Comment 3  Previous Comment. Section 6-1210(E)(5). The CDP does not definitively address the treatment of stormwater nor the location of such facilities within the proposed development. In addition, the Applicant’s justification for one of the ZMCDs of Section 5-1414(A) states that the zoning modification allows existing mature vegetation to remain in place along the southern leg of the property as this portion of the property will remain unchanged with the application. In order for Staff to evaluate the modification request, the Applicant needs to provide additional information, including photographs, regarding the existing vegetation to be retained.

Initial Response: The Applicant has added a Water Quantity and BMP narrative on Sheet 1 (Notes 30 and 31). The modification that requested using the existing, mature vegetation to meet the landscaping requirements has been eliminated. The southern leg of the property is no longer included within the application land area.

Follow-up Comment. Staff defers further comment to the Natural Resources Team.

C. CDP/SPEX Plat Issues

Comment 1  Previous Comment. In general, it appears that vehicles associated with existing commercial/retail uses adjacent to the proposed multi-family stacked dwelling units will have to travel on residential private streets to get access to areas such as loading and service areas. Per Section 3-610(A), this is not permitted in the R-16 zoning district. Revise the design of the development accordingly.

Initial Response: The existing loading to the rear of the commercial buildings needs to remain and access must be maintained. The Applicant has revised the layout such that no units back to the loading space and has provided additional landscaping to screen the back of house operations that exist. The Applicant has added a modification to seek relief from Section 3-610(A) to allow this existing condition to remain.

Follow-up Comment. It is noted that the Applicant has submitted a new zoning modification for Section 1-205(A) and Section 3-610(A) to allow commercial vehicle access through the proposed R-16 zoning district on the subject property. This access would not be permitted because the private roadway for such access would be an accessory use to the uses located in the PD-CC-SC zoning district, which are not permitted in the proposed R-16 zoning district. The zoning modification is not supported. Therefore, in order to allow access to this access will need to be included in a public ROW or be included in a public access easement in order to serve the PD-CC-SC property. However, Staff remains concerned with commercial vehicular traffic (especially loading and service vehicles) traveling through the proposed residential neighborhood on private residential streets without adequate buffering and screening of such commercial uses from residential uses and lack of commitments to safety measures such as crosswalks and sidewalks for pedestrians. Lastly, it appears that the CDP has been revised to include a loading area in the proposed R-16 zoning district that will serve the adjacent PD-CC-SC commercial uses. The loading space needs to be relocated to the zoning district and parcel it serves.

Response: The application area has been revised with this submission to delete the drive aisle and commercial parking spaces from this rezoning. As such, a portion of PIN 029-40-8502 would not be rezoned nor integrated into this residential project. The travelway and existing parking on that excluded portion would all remain as is. The required parking to serve the remaining commercial uses is untouched with this application. The Applicant has removed the request to modify Section 1-205(A) as public access easements will be granted for the streets through the property. Although the primary drive aisle for the commercial is now outside the area of the rezoning, there is a chance the commercial vehicles will find their way through the residential project, so the Applicant is maintaining its request of Section 3-610(A) in the off chance the residential streets are used as a secondary means of ingress/egress.
Comment 2  Previous Comment. An area shown on the CDP/SPEX plat located adjacent to Pidgeon Hill Drive is proposed to be rezoned to R-16 and is currently developed with parking and entrances for the existing PD-CC-SC development. A note on the plan set states that existing parking to remain. Staff questions why this area is being included as part of the area being remapped to R-16 as it appears it will continue to serve the PD-CC-SC development commercial uses and should remain PD-CC-SC. Staff notes that parking within a proposed R-16 zoning district cannot be used to park uses within the PD-CC-SC zoning district.

Initial Response: The Applicant has removed this area from the rezoning application. As noted in the proffers and SOJ, only a portion of PIN 029-40-8502 is now subject to the residential rezoning. The existing commercial spaces will remain zoned PD-CC-SC.

Follow-up Comment. It appears that the CDP has been revised to include a loading space in the proposed R-16 zoning district that will serve the adjacent PD-CC-SC commercial uses. The loading space needs to be relocated to the zoning district and parcel it serves.

Response: The application area has been reduced in size to remove this loading space. The loading space will remain zoned PD-CC-SC, the same zoning district as the uses it serves.

Comment 3  Previous Comment. Revise Note 3, Sheet 1 to clearly state that the zoning map amendment application proposes to remap the subject properties to R-16 under the Revised 1993 Loudoun County Zoning Ordinance.

Initial Response: Note 3 has been updated as requested.

Follow-up Comment. Comment addressed with Note 3, Sheet 1.

Comment 4  Previous Comment. Clarify if the properties that are to be rezoned to R-16 will be subdivided in the future as the Applicant’s zoning modification request is to modify the side corner lot yard from 25- feet to 14 feet. Delineate on the CDP/SPEX plat were the proposed modified 14-foot yard is located.

Initial Response: In redesigning the site with this submission, the Applicant was able to eliminate this modification request.

Follow-up Comment: The Applicant removed this modification request. No further comments.

Comment 5  Previous Comment. Revise General Note 12, Sheet 1 to add a note to the plat to state that the subject property contains minor floodplain and is subject to the Floodplain Overlay District regulations of Section 4-1500 of the Zoning Ordinance. Delineate the minor floodplain on the CDP/SPEX plat.

Initial Response: With the removal of the southern leg of the property from the application, the floodplain no longer encumbers the area subject to this application. The floodplain is adjacent to the area being rezoned; it is not within the application area.

Follow-up comment: Since a portion of the parcel that contains the minor floodplain was removed from the R-16 rezoning proposal at second referral, this comment is addressed.
Comment 6
Previous Comment. General Note 20, Sheet 1 is vague. Revise to state that the location of roadways, open space and lot layout will be in substantial conformance with the CDP and administrative and minor changes to the CDP may only be completed pursuant to Section 6-1216(A) or Section 6-1216(B) of the Zoning Ordinance.

Initial Response: Note 20 on Sheet 1 has been clarified, as requested.

Follow-up Comment: Comment addressed.

Comment 7
Previous Comment. Provide the width of the proposed trail along Tripleseven Road. Staff recommends that a commitment to construct the trail be included in the form of a proffer.

Initial Response: There are portions of an existing 6-foot asphalt trail along Tripleseven Road. The Applicant will fill in the missing trail segments with matching 6-foot wide segments to create a cohesive trail along the entirety of the property. Please see Sheet 5.

Follow-up Comment. See comments on draft Proffer VI.B in Section E of this referral.

Comment 8
Previous Comment. In the Zoning and Area Tabulations Table on Sheets 5 and 5A, revise the language in the Provided Parking section as “The Proposed Number of Parking Spaces will meet or exceed the minimum number of parking spaces required by the Revised 1993 Loudoun County Zoning Ordinance.”

Initial Response: This change has been made as requested.

Follow-up Comment: Comment addressed with revisions to the off-street parking language on Sheets 5 and 5A.

D. Zoning Modifications and Modifications of ADU Required Yards by SPEX

Comment 1
Previous Comment. Section 3-608(B). Off Street Parking.

Staff Analysis: The Applicant stated that their proposal is more urban in nature and further states it is imperative to provide unobstructed lines of site to all parking spaces. Explain what features proposed with the development are of a more urban design. Staff could support this modification provided commitments to the urban design are made in proffers and features such as additional sidewalks and crosswalks are provided in the parking areas.

Initial Response: As an infill project in an opportunity area for redevelopment, the project has been knitted into a fully developed commercial area. The stacked multifamily units are served by garage spaces, parallel spaces and head-in parking spaces. There are no large, surface parking lots at the project. Sidewalks are proposed along all internal streets that are not encumbered by driveways. A trail network through the larger active recreation area provides a strong pedestrian path linking one side of the project to the other.

Follow-up Staff Analysis. Staff notes that there are no commitments to design of buildings and structures that make the proposed development more urban in nature. Staff could support this modification provided commitments to the urban design are made in proffers.

Response: Sheet 5B shows a typical streetscape section that demonstrates the buildings will be pulled forward to the street, approximately 15-feet from the curb, to create an urban feel. The narrower front yards,
coupled with the alley-loaded units lay the foundation for the more urban environment as it moves vehicles to the rear, reserving the sidewalks and front yards for uninhibited open space and gathering area for the residents. The proposed unit type (stacked units) and density (at nearly 17 units per acre) are urban characteristics of and by themselves, but when located immediate proximate to an established commercial center that allows these future residents to easily walk to receive their daily services, the urban design is undeniable.

Comment 2 Previous Comment. Section 5-1407 (A). Buffer Yard and Screening Requirements. Location.

Staff Analysis: Existing commercial/retail uses adjacent to the proposed multi-family stacked dwelling units will have to travel on residential private streets to get access to areas such as loading and service areas. In addition, several units appear to face the rear-side of the existing retail uses where the service areas and dumpsters are located. The buffer as proposed does not adequately mitigate the impact on the multi-family stacked dwelling units.

Initial Response: To address staff's concern, the Applicant has revised its layout so that residential units no longer face the rear-side of the existing retail uses across the drive aisle. The redesign also allowed the loading space and relocated screened dumpster area for the existing retail to be located outside of the drive aisle. Additionally, the Applicant has greatly enhanced the landscaping adjacent to the commercial buildings.

Follow-up to Staff Analysis. The Applicant has requested a zoning modification of the Type 1 buffer where the proposed dwelling units will be located next to the rear side of the existing commercial uses. The Applicant responded that the landscaping adjacent to the commercial buildings was greatly enhanced and the redesign of the site allowed the loading space and relocated dumpster screened area to be located outside the drive aisle. Staff notes that the proposed modified Type 1 buffer is not an enhancement to the buffer yard required by the Zoning Ordinance. In addition, neither the proffers nor the CDP/SPEX plat contain any commitments to enhanced buffering or design of buildings so that the dwelling units no longer face the rear-side of the commercial uses located across the roadway. Lastly, as noted earlier in this referral, it appears that the CDP has been revised to include a loading space in the proposed R-16 zoning district that will serve the adjacent PD-CC-SC commercial uses. The loading space needs to be relocated to the zoning district and parcel it serves.

Response: With this submission, we have revised the zoning boundary line such that the buffer can now be provided along that boundary, not proximate to the commercial, which was initially not where the Ordinance required the plantings. Therefore, we no longer think this modification is required. That said, we have added a 170-foot long, 6-foot tall masonry wall along the two proposed active recreation spaces to further buffer the residential units from the existing commercial/retail uses. This wall is in addition to the landscaping the Applicant will be planting, which includes the required trees and supplemental shrubs and flowers.

Comment 3 Previous Comment. Section 5-1414 (A). Buffer Yard and Screening Matrix.

Staff Analysis: Regarding the first modification request, a portion of the property shown on the CDP/SPEX plat located adjacent to Pidgeon Hill Drive is proposed to be rezoned to R-16 and is currently developed with parking and entrances for the existing PD-CC-SC retail development. A note on the plan set states that existing parking will remain. Staff questions why this area is being included as part of the area being remapped to R-16 as it appears it will continue to serve the PD-CC-SC development commercial uses and
should remain PD-CC-SC. Staff notes that parking within a proposed R-16 zoning district cannot be used to park uses within the PD-CC-SC zoning district. Therefore, a modification would not be necessary.

Regarding the second modification request, the Applicant’s justification states that the zoning modification allows existing mature vegetation to remain in place along the southern leg of the property as this portion of the property will remain unchanged with the application. In order for Staff to evaluate the modification request, the Applicant needs to provide additional information, including photographs, regarding the existing vegetation to be retained and to determine if the existing vegetation is and will remain viable. If it is determined that the existing vegetation is healthy and viable, it should be included in the form of a proffer and shown on the CDP. Staff may have additional comments at next referral.

Initial Response: The Applicant only needs one modification to Section 5-1414 (A), as the southern leg of the property is no longer part of the application, so the parking within that area that serves the retail will remain zoned PD-CC-SC. And, since the southern leg of the property is no longer part of the application, the modification to use existing vegetation for the buffer along Pidgeon Hill Drive in front of the retail is no longer needed; it has been removed from the application. The remaining modification to Section 5-1414(A) is only for relief along a 17-foot section, where a driveway precludes plantings. As shown on Sheet 5 of the CDP, there is 173 feet where a Type 1 Side/Rear buffer should be planted. The Applicant is able to plant 156 linear feet with the required Type 1 side/rear buffer, but the driveway precludes planting along the remaining 17 feet. The Applicant will plant the required quantity of plantings, which will be a mix of canopy and understory trees to meet the Zoning Ordinance and FSM landscape requirements, despite those plantings being located across a shorter stretch of property.

Follow-up to Staff Analysis. Staff does not support this modification request as the Applicant has not demonstrated how this zoning modification improves on the current regulations and meets or exceeds the public purpose. In addition, as noted in Comment 3 above, neither the proffers nor the CDP/SPEX plat contain any commitments to enhanced buffering.

Response: Upon further review, the Applicant does not think this modification is necessary. All we were noting is that a drive aisle and two driveways exist that can’t be planted. Driveways and travelways are not expected to be planted. The Applicant is committed to providing the full quantity of trees, but will plant the trees in areas not encumbered by driveways and the travelway. We have removed the request to modify Section 5-1414(A).

Comment 4 Previous Comment. Sections 7-903(C)(2)(b) and 7-903(C)(2)(c). Modification to R-16 ADU Minimum Corner Lot Side Yards and Rear Yards via SPEX per Section and 7-903(C)(3).

Staff Analysis: The Applicant’s justification includes discussion of increasing the amount of common area for residents by reducing the yards and provides the maximum available space for formal and informal events. Staff cannot support this modification at this time as the Applicant has not demonstrated and the CDP/SPEX plat does not show the amount of common area and/or open space proposed nor the amount of open space gained by decreasing the required yards. Demonstrate how the modification of these regulations meets or exceeds the public purpose without increasing density on the property.

Initial Response: The Applicant was able to revise the site layout to eliminate the need for these modifications.

Follow-up to Staff Analysis. As the Applicant has redesigned the proposed development and no longer needs this modification request, Staff has no further comments.
Comment 5  
See Comment 4 in the Zoning Ordinance Comments Section above for analysis and comment on the Applicant's modification request to Section 1-205(A) and Section 3-610(A).

Response: To address this comment, the Applicant has revised the area subject to this zoning case to remove the portion of the roadway that the commercial vehicles traverse to access their loading space. That drive aisle will remain zoned PD-CC-SC. For the roads through the rezoned area, we will put them in a public access easement. Therefore, the Applicant has removed the modification request for Section 1-205(A), since they will be in the access easement. We are maintaining the modification request for Section 3-610(A) since the adjacent commercial uses may use the private streets through the rezoned property as an additional means of ingress/egress. The private streets will not be the commercial vehicles primary access point. The setbacks are being modified through special exception.

E. Draft Proffer Comments

Comment 1  Regarding draft Proffer I, Exhibit B referenced in the proffer needs to list the zoning modifications and modification of front yards via SPEX for the R-16 ADU zoning district.

Response: The Applicant has updated Exhibit B.

Comment 2  Regarding draft Proffer II.3., the trigger of the 151st occupancy permit for the remaining ADUs does not comply with Section 7-106 of the Zoning Ordinance regarding the Timing of Construction/Availability of Affordable Units, which states: In a development which contains single family detached, single family attached, or multi-family lots or units, occupancy permits for no more than fifty percent (50%) of the market rate dwelling units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the affordable dwelling units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the affordable dwelling units for the development.

Response: The timing trigger for the ADUs has been updated to be consistent with Section 7-106 of the Ordinance.

Comment 3  Draft Proffer 3 regarding Lighting needs a trigger (i.e. prior to site plan approval) when such lighting fixtures will be reviewed for conformance with the Zoning Ordinance and the proffers.

Response: The lighting proffer now requires lighting to be shown on the first approved site plan for the Property.

Comment 4  Regarding draft Proffer V.B., revise the reference to the 2010 Countywide Transportation Plan (the "CTP") to the "Loudoun County 2019 Countywide Transportation Plan" (2019 CTP).

Response: This change has been made.

Comment 5  Regarding draft Proffer VI.A, the trigger for the construction and opening of the trail along Tripleseven Road for use prior to the 150th occupancy permit (out of 172 units) is very late in the development process. Staff recommends that the trigger for the construction and use of the trail be earlier and commensurate with the development it serves. In addition, a trigger should be included that states such trail and easement will be bonded and shown on a site plan, prior to its approval.
Response: The Applicant has revised this proffer to greatly advance this trigger such that this trail will be shown on the first site plan and bonded for construction prior to the approval of that first site plan. The trail shall be constructed and open to pedestrian traffic no later than the issuance of the 30th residential unit.

Comment 6 Regarding draft Proffer VII.A.1. and 2, the proffers should specify that said active recreation space areas will be shown on a site plan, prior to its approval. In addition, regarding Active Recreation Spaces 3 and 4, while the proffer states that these spaces may include seating, landscaping and hardscaping, these features in and of themselves do not meet the Article 8 definition of active recreation space. Staff suggests clarification in the proffer.

Response: The proffers have been updated to require the active recreation spaces be designed and shown on the first site plan for the project. The proffer also now further articulates how the spaces will be programmed with representative images included on Sheet 7 of the CDP.

Comment 7 Regarding draft Proffer VII.B, the proffer and CDP should specify the size of such passive recreation areas. In addition, a trigger should be included which states that such amenities will be bonded and shown on a site plan, prior to its approval and include a trigger for construction.

Response: The passive open space throughout the Property is interspersed, such that it seamlessly flows together and will be developed tangentially with the development of the adjacent units. The Applicant has added a specific proffer reference to a 2,500-square-foot pocket park in the northern portion of the site, which will be constructed concurrent with those adjacent units. All the open spaces and buffers at the site will be constructed and installed concurrently with the adjacent units.

Comment 8 Regarding draft Proffer VII.D, the term “perimeter buffers” is not used on the CDP/SPEX plat. Staff recommends the proffer clarify these terms to ensure which buffers are being described. In addition, a trigger should be included that states that such buffers will bonded and shown on a site plan prior to its approval and installed prior to the first occupancy permit on the property.

Response: The CDP/SPEX Plat clearly identifies the plantings that will be planted along the perimeter of the project. The proffer has been revised to reference that the location of the perimeter buffers will be along the perimeter of the property. As there are varying types of buffers required, term “perimeter” is not a defined term. The plantings along Tripleseven Road will be planted prior to the approval of the 50th occupancy permit, which is the same trigger for the 6-foot wide trail to be open to pedestrians. The remaining plantings will be shown on the first site plan and planted concurrently with the construction of the adjacent units.

Comment 9 Regarding draft Proffer VIII.A, the Applicant provided a statement stating there are sufficient capital facilities with the Algonkian area that will serve the Property and no capital facilities contributions are proffered. Staff questions whether this statement is accurate and defers additional comment to the Comprehensive Planning Division.

Response: The Office of Management Buffer opined, in its first referral, that capital facilities were adequate in the area. Therefore, rather than contribute to the General Fund without any of those financial contributions directly benefiting the Sterling Community, the Applicant is offering a proffer package that will have direct, and immediate, benefit to the Sterling environment. Please see Proffer VII for a full list of proffered commitments to the proximate elementary and high schools and to the pedestrian network along Tripleseven. These commitments would be made, in lieu of paying capital facility contributions. Should the Applicant be required to pay the capital facility contributions, these identified community needs would go unfunded by the Applicant.
Comment 10: Regarding draft Proffers VII.B and IX, Staff defers comment to the Department of Family Services and Fire and Rescue, respectively, regarding per unit contributions for unmet housing needs and fire and rescue needs.

Response: Comment acknowledged.

IV. Loudoun Department of Fire and Rescue Fire Marshal’s Office – Kevin Federline (August 9, 2019)

The Loudoun County Fire Marshal’s Office has no objections to the zoning and special exception requests for the project.

V. Loudoun Department of Family Services – Rebekah King (August 7, 2019)

ADUs.

Comment 1: The Application now proposes to provide 11 ADUs which would be approximately 6.25% of the total proposed number of 172 residential housing units. Because the Application is now requesting a smaller number of units, the number of ADUs has decreased from 12 to 11. The Application does not indicate where the Affordable Dwelling Units (ADUs) will be located within the development. The Department of Family Services (DFS) recommends that the ADUs be dispersed throughout the development in all unit types, proportional to the composition of market-rate units in terms of number of bedrooms. DFS also encourages the ADUs provided to include upper units in the stacked units to ensure access to units more appropriately sized for young families.

Response: Notes 33 and 34 on Sheet 1 of the CDP require the provided ADUs to dispersed through the project and of an architecture and building style compatible with the market rate units at the project. The exact locations are unknown at this time, but Proffer II commits that at least three of the ADUs will be provided in upper units.

Unmet Housing Needs

Comment 2: The Application still does not discuss potential pricing of the units, which makes it difficult to determine if the development will achieve a diversity of housing prices as the Application claims. DFS recommends that the development include units beyond the required ADUs to address the full continuum of Unmet Housing Needs especially since the development will now provide 11 ADUs instead of the original 12 ADUs. While the Application proposes that stacked multifamily units provide a diversity of housing types and prices, the size or type of a unit does not guarantee affordability. DFS recommends including either additional homeownership units affordable at ADU income levels (30% - 70% AMI) or Affordable Market Purchase Program (70% - 100% AMI) income levels.

Response: In addition to the 11 ADUs the Applicant is providing, the Applicant has also updated its proffers to contribute a significant contribution to the County’s Housing Trust fund to address the needs of those people outside the ADU income levels of 30% to 70% AMI. Proffer VII.B commits the Applicant to contribute $1,000,000 ($1M) to the Housing Trust Fund, with half of that contribution being paid prior to the issuance of the 50th occupancy permit and the other half being paid prior to the issuance of the 110th occupancy permit. The Applicant is able to make this substantial contribution, as well as the specific neighborhood amenity improvements, because the Sterling community does not have any capital projects that are needed
that would otherwise be funded by capital facilities contributions. Should the Applicant be required to pay capital facilities, the contribution to the County of Loudoun Housing Trust fund would significantly decrease.

VI. Loudoun Department of Planning – Randall Farren (August 12, 2019)

Land Use

Comment 1  Previous Staff Comment: Although the proposed residential development exceeds the residential density anticipated in this area under the RGP, it may be appropriate in this area as an infill project considering similar residential densities in adjacent developments. Community Planning Staff notes that detailed analysis of the proposal's conformance with the draft Plan is premature considering the ongoing review process and pending Plan adoption.

Applicant Response: With the adoption of the Loudoun County 2019 Comprehensive Plan, the Applicant looks forward to staff's analysis of its proposal as an infill project within the Suburban Mixed Use place type. First and foremost, the Suburban Mixed Use place type calls for a mix of residential, commercial and office uses. When looked at holistically with other properties within this place type along the north side of Route 7, the Applicant's proposal to add residential to an established commercial corridor achieves this goal of mixed use. Furthermore, the project is identified in the newly adopted comprehensive plan as a targeted area of redevelopment and meets the criteria identified in Strategy 2.1.A.1. that allows properties designated as Suburban Mixed Use to develop according to the Suburban Compact Neighborhood place type standards. As such, density is targeted at 8-24 dwelling units per acre. The Applicant's proposal is for just shy of 17 units per acre.

Comment Status: No longer applicable. As the applicant notes, areas designated as Suburban Mixed Use on the 2019 GP place type map may develop as the Suburban Compact Neighborhoods if certain locational and project criteria are met. Suburban Compact Neighborhoods are preferred to develop with 90 percent residential uses at 8 to 24 dwelling units per acre, with the balance of the project comprising complementary commercial and civic uses (2019 GP, Chapter 2, Suburban Policy Area, Suburban Compact Neighborhood Place Type, Preferred Mix of Uses). The residential density proposed aligns with this place type designation. Further, although the proposed use mix does not align with the preferred mix, the 2019 GP does contemplate projects with up to 100 percent residential uses in Suburban Compact Neighborhoods when adequate neighborhood-serving non-residential uses already exist nearby. Considering the existing retail and service commercial uses in the direct vicinity of the project site, Community Planning Staff can support a solely residential project in this area if other applicable Plan policies and provisions are met.

New Staff Comment: In order to apply the standards of the Suburban Compact Neighborhood Place Type in an area otherwise designated Suburban Mixed Use, a project must meet the criteria identified in Chapter 2, Suburban Policy Area, Action 2.1.1. These criteria are listed below, with staff's analysis provided for each:

A. The provision of unmet housing needs units exceeding the applicable regulatory requirements.

Analysis: The applicant has not committed to providing unmet housing needs units beyond the Affordable Dwelling Units (ADU) required under the requested zoning district (see Unmet Housing Needs Discussion below).

B. The location of the site at the periphery of a mixed-use development or along a major transportation corridor.
Analysis: Criterion met. The site is located along the Route 7 corridor at the periphery of an area planned for the Suburban Mixed Use Place Type.

C. Transit options are available within the direct vicinity.

Analysis: Criterion met. As indicated in the application materials, the site has direct access to Loudoun County Transit service via an existing bus stop on Tripleseven Road.

D. Proximity to employment options and a complementary mix of uses (e.g., neighborhood serving retail and services).

Analysis: Criterion met. Proximate commercial centers include a mix of neighborhood serving retail and services and a variety of employment options.

E. Proximity to public facilities with existing or planned capacity to serve the proposed development.

Analysis: Criterion met. Loudoun Water provides sewer and water service to the site. The local transportation network has capacity to serve the proposed use. The proposal does not trigger the need for any whole new public facilities. However, staff notes that the current iteration of the proposal does not mitigate capital facilities impacts (see Capital Facilities discussion below).

F. Conformance with the transition techniques and guidelines of the originally designated place type and any adjacent place types.

Analysis: The application materials do not include a specific discussion of the transitional approaches expected of the Suburban Compact Neighborhood and Suburban Mixed Use place types. Medium density residential uses would generally provide an appropriate transition, both in terms of intensity and visual impact, between the planned Suburban Mixed Use areas to the south and west of the site and the multifamily and single family neighborhoods to the north.

G. Demonstration of innovation in design, including techniques that result in a perceived density that complements the scale of the surrounding built environment.

Analysis: The application materials do not demonstrate how the proposal constitutes an innovative design. The CDP depicts a relatively conventional neighborhood featuring only stacked multifamily units. The CDP and draft proffer statement lack specific design commitments (see Site Design discussion below).

Community Planning Staff can support the application of the standards of the Suburban Compact Neighborhood Place Type in this area if other applicable Plan policies and provisions are met. The applicant has not demonstrated how this proposal meets several of the criteria of Chapter 2, Suburban Policy Area, Action 2.1.1. Community Planning staff requests that the applicant provide additional information and/or commitments related to housing and design as elaborated below.

Response: The Applicant has further clarified its design intent to meet these plan criterion. Specifically, to address (A) above, the Applicant is committing to contribute $1,000,000 to the County of Loudoun Housing Trust toward providing unmet housing units. This significant contribution will be paid, provided the Applicant doesn’t need to contribute generically to capital facilities. Should the County require the capital facility contributions, the additional contribution to unmet housing would drop to $1,744. In response to (F) above, the entire project is a transition and will bridge the single-family detached and attached units that exist to
the west with the commercial uses that will remain to the south and east. This tiered density, moving from west to east in terms of intensity, is bolstered by the introduction of the two-over-two units, supported by the new pedestrian paths that connect the residential and commercial. The transitional nature of the project is now referenced in the SOJ. In response to (G) above, the Applicant has not committed to a specific architecture of the units, but has designed the entire project to be rear-loaded. This allows many of the units to front on the open spaces integrated throughout the project, to encourage the more urban experience of inviting the pedestrians out into the active recreation spaces. By restricting the garages to the rear of the units, it also improves the relation between the front doors, as pedestrians can easily flow among units and along the sidewalk without the interference of curb cuts and garages.

Site Design

Comment 2 New Staff Comment: The General Plan includes numerous policies and provisions applicable to this proposal intended to achieve quality design at all levels of development, including the countywide Quality Development policies in Chapter 2; the Suburban Policy Area Design Guidelines in Appendix A (see Attachment 1); and the standards of the applicable place type provided in Chapter 2. In the Suburban Policy Area, where infill and redevelopment projects are most likely to develop, major considerations include multimodal connectivity; complementarity or compatibility with existing surrounding development patterns; height, scale, bulk, setbacks, and other manifestations of the built environment; transitions among uses; and protection and integration of natural, environmental, and heritage resources (2019 GP, Appendix A, Suburban Policy Area Design Guidelines, Development Criteria).

The 2019 GP specifies several design characteristics for Suburban Compact Neighborhoods (2019 GP, Chapter 2 Suburban Policy Area, Suburban Compact Neighborhood, Design Characteristics). This place type envisions a rectilinear street grid with short blocks and shallow building setbacks, which this proposal generally achieves. Parking in Suburban Compact Neighborhoods should be predominantly on-street or alley-oriented in order to encourage pedestrian activity. The illustrative plan on sheet 6 of the CDP, which is not committed to in the proffer statement, depicts a site plan that largely conforms to this standard. The units face internal green spaces or primary streets with on-street parking and parking appears to be primarily alley-oriented, featuring rear-loading driveways. However, the proffer statement does not include commitments to this configuration.

Community Planning Staff recommends that the applicant revise the CDP and/or proffer statement to distinguish among primary travelways and alleyways, and include commitments to on-street parallel parking and alley-oriented, rear-loading driveways/garages, as depicted in the illustrative plan (sheet 6) in the CDP.

Response: The Applicant has revised the CDP to differentiate between alleys and travelways, as requested. Significant on-street parking is also incorporated. Proffer II clarifies that the units will be rear-loaded garage units.

Amenities. Suburban Compact Neighborhoods are also expected to provide a number of amenities to achieve the desired sense of place such as sidewalks, street and shade trees, lighting, street furniture, bike racks, and crosswalks (2019 GP, Chapter 2 Suburban Policy Area, Suburban Compact Neighborhood, Design Characteristics, Design Amenities). Of these, the proposal only includes commitments to provide sidewalks and pocket parks with limited seating.

Community Planning Staff recommends that the application materials be revised to demonstrate the provision of the expected design amenities as follows:
- Street and shade trees. Although depicted on the illustrative plan, there is no commitment to internal landscaping. The applicant should include a landscaping plan and/or proffered commitment to provide an appropriate number of street and shade trees along primary travelways, sidewalks, and multi-use trails, and within internal open space areas.

- Lighting. The application materials should be revised to depict the intended approach to street lighting, which should comply with Chapter 3; Natural, Environmental, and Heritage Resources; Strategy 7.3, Action A of the 2019 GP.

- Bike racks. Bike racks or equivalent bike parking should be provided to serve the residents of the neighborhood.

- Street furniture. The application should be revised to include commitments to additional seating in common areas, including at the periphery of active recreation areas.

- Crosswalks. The draft proffer pertaining to internal street design should include information on safe pedestrian movement across internal vehicular travelways, especially in areas made accessible to retail and commercial uses per the requested ZMOD.

Response: The proffers address each of the requested items above. The Landscape Plan is Sheet 5B, which is a proffered sheet. The plantings along Tripleseven must be installed prior to the approval of the 50th occupancy permit and the other perimeter plantings will be installed concurrent with the occupancy of the adjacent units, per Proffer IV.D.2 and the internal trees will be planted prior to the occupancy of the adjacent homes. Lighting is addressed in Proffer VI.F, bike racks in Proffer VI.E. Street furniture in the open space areas are clarified, see Proffers VI.A.2 and VI.B.1. Two crosswalks are shown on the CDP and referenced in Proffer IV.B.

Parks/Open Space & Public/Civic

Comment 3 Previous Staff Comment: Community Planning Staff recommends reconfiguring the layout of the site to ensure that a minimum area of 3.38 acres of open space is provided to comply with current Plan policy. Staff also requests additional details regarding the intended function or use of identified open space areas, recognizing that 2.54 acres should be interior space consisting of active, passive, and/or natural areas.

Applicant Initial Response: The recently adopted Loudoun County 2019 Comprehensive Plan calls for 15 percent of a project to be open space, this includes all passive and recreational spaces, community, natural, environmental and heritage. The Applicant is providing nearly an acre of active recreation space as illustrated on the plan set and detailed in this letter and the proffers, and an additional 148,000 square feet of open space, such that approximately 40 percent of the site's total 10.25 acres is in open space, far exceeding this plan policy. The standards referenced above are from the Revised General Plan, which no longer guides development on the property. In keeping with the guidance of the Suburban Compact Neighborhood, the Applicant is establishing a 100 percent residential project, that will support the adjacent commercial uses, and is supported by the integrated open space.

Comment Status: No longer applicable. The pertinent plan policies have changed, as discussed below.

New Staff Comment: As noted in the applicant's response, the 2019 GP anticipates that sites developed as Suburban Compact Neighborhoods will dedicate 15 percent of the area of the site to recreational, passive, or natural open space uses. The application currently commits four areas totaling 35,200 SF, or approximately 7.9% of the site area, to “active recreation” uses. The draft proffer statement commits to providing a tot lot and a playing field on Active Recreation Areas 1 and 2. However, no uses are specified for Active Recreation Areas 3 and 4; therefore, Community Planning Staff cannot determine if these areas qualify as open space per the policies of the Plan.
The CDP depicts two passive recreation areas described as pocket parks in the draft proffer statement, but does not commit to a specific land area for either. While the CDP includes a tabulation showing 183,200 SF of total open space comprising approximately 41% of the site, this appears to include both qualifying open space areas, such as the multiuse trail and pocket parks, and areas that would not qualify, such as internal yards and landscaping strips/mow strip.

Community Planning Staff requests additional information clarifying how the proposal meets the place type standard that 15 percent of the site (1.54 acres) be dedicated to qualifying open space uses. This may include tabulations of passive recreation space and trail areas.

Community Planning Staff requests that the proffer statement be revised to specify the intended uses or range of potential uses of Active Recreation Areas 3 and 4.

Community Planning Staff requests that the applicant quantify the area dedicated to passive recreation space on the CDP and/or the proffer statement.

Response: Sheet 5 of the CDP clearly states that the project incorporates 35,200 square feet of active spaces and 145,800 square feet of passive spaces, providing nearly three times open space above the 15% requirement. The Applicant has added greater detail in the proffers and the plan set about how the active recreation spaces will be amenitized. The passive open spaces, which are not required to be for recreation, include such amenities as a pocket park of at least 2,500 square feet, trails and ornamental landscaping.

Comment 4 Previous Staff Comment: Community Planning Staff recommends showing at least 1.13 acres of public and civic space on the CDP.

Applicant Response: As noted above, the newly adopted Loudoun County 2019 Comprehensive Plan envisions Suburban Compact Neighborhoods as 100 percent residential projects, with no more than 15 percent non-residential uses, as an option. No public or civic space is required in this place type. The above comment is referring back to the Revised General Plan, which is no longer the governing document.

Comment Status: No longer applicable. As noted in the applicant’s response, there is no minimum expectation for public and/or civic uses in the Suburban Compact Neighborhood Place Type; however, applicants are still encouraged to provide such spaces where possible.

Unmet Housing Needs

Comment 5 Previous Staff Comment: Community Planning Staff recommends the applicant include additional dwelling units beyond the required ADUs to address Plan policy regarding unmet housing needs. Staff also encourages the Applicant to consider incorporating housing for special needs populations as well as universal design principles into the project.

Applicant Response: The Applicant met with DFS and will continue to engage with the department to try and integrate creative solutions to address their goals of providing a variety of housing within the County.

Comment Status: Not yet addressed. As with the first submission, the only unmet housing needs units proposed are those required by the zoning ordinance. The application does not include a variety of housing types, nor does it incorporate housing that accommodates diverse needs. Community Planning Staff
appreciates the applicant’s coordination with the Department of Family Services (DFS) and looks forward to their continued collaboration with County staff to address this issue.

**New Staff Comment:** Per the 2019 GP, projects located in areas planned for Suburban Mixed Use that seek to develop as Suburban Compact Neighborhoods are expected to provide housing units that help address the County’s unmet housing needs above and beyond those required per the zoning ordinance (2019 GP, Chapter 2, Suburban Policy Area, Action 2.1.1.i). Unmet housing needs are defined as the lack of housing options for households earning up to 100 percent of the Washington Metropolitan Area Median Income (AMI). Although the draft proffers do include a cash contribution to help address the County’s unmet housing needs, the applicant has not committed to providing unmet housing needs units beyond the ADUs required under the requested R-16 zoning district. The 2019 GP also calls for the provision of a continuum of housing types in infill and redevelopment projects (2019 GP, Chapter 4 Housing, Strategy 1.7). The proposal currently consists of only multifamily stacked units.

According to 2019 GP policies, additional units that help address the County’s unmet housing needs—beyond required ADUs—should be provided in order for the project to qualify to develop as a Suburban Compact Neighborhood in an area designated as Suburban Mixed Use on the place type map. Community Planning Staff continues to recommend that the applicant commit to these additional unmet housing needs units, such as additional ADUs and/or Affordable Market-rate Purchase Units (AMPU). Staff further recommends that the applicant continue to coordinate with the DFS to help determine the mix and type of units that will best address the County’s housing needs.

Response: The two-over-two units of the type that the Applicant is proposing are the most affordable for-sale units in the multi-family spectrum, not to say anything about the single-family attached and detached homes. In addition, with this submission, the Applicant is proposing a meaningful contribution to the Housing Trust Fund of $1,000,000 to address unmet housing needs beyond the 11 ADUs it is providing onsite. This contribution, along with the fact that the proposed project will be a for-sale multifamily unit, which are in short supply in the County and Sterling in particular, will support the County’s goals of providing a continuum of housing types.

**Capital Facilities**

**Comment 6**  
**Previous Staff Comment:** The anticipated capital facility impacts of the proposed development should be mitigated according to Plan policy as calculated in the worksheet provided as Attachment 1.

**Applicant Response:** In its referral, the County's Office of Management and Budget determined sufficient capital facilities exist to serve the project such that no capital facility contributions are needed from the Applicant. The County assesses capital facility fees to fund the cost of providing infrastructure, such as schools and libraries, not to pay for ongoing operational expenses. Given the infrastructure is already in place for the proposed units, mitigation, through a cash proffer, is unnecessary, unwarranted nor supportable.

**Comment Status:** Not addressed. Although the above-referenced comments from the Department of Management and Budget (DMB) indicates that the proposed development would not trigger a need for any whole new facilities, this proposal is still subject to the County’s longstanding policy that applicants mitigate the proportionate public capital facility impacts of rezoning requests that increase allowable residential density (2019 GP, Chapter 6, Fiscal Management, Action 8.2.G and Action 8.3.F). This mitigation relates only to capital facilities needs, not ongoing operational expenses. Community Planning Staff defers to DMB staff for further clarification of the above-referenced comments.
New Staff Comment: Community Planning Staff has revised the Capital Facilities worksheet to account for minor changes to the applicant’s proposal. Assuming development of 172 units, including 11 ADUs, the total capital facility impact of this project is estimated at $4,302,848 (See Attachment 1). Capital facilities impacts should be mitigated in the amount of $4,027,666.

Per the policies of the 2019 GP, Community Planning Staff continues to recommend that the applicant mitigate the full proportionate impact of proposed market rate units on the County’s capital facilities needs.

Response: The Applicant has further reduced the density with this submission to 166 units, of which 155 are market rate. Per the original comment from the County’s Office of Management and Budget, sufficient capital facilities exist to serve the project such that no capital facility contributions are needed from the Applicant. The taxes levied on this project, just like any residential development in Loudoun, will go toward the ongoing operational expenses. Capital facility contributions are not meant for operational expenses. That said, the Applicant is committed to improving the facilities in the greater community and has worked with the community to identify desired improvements. With this revised proffer statement, the Applicant has committed to specific dollar and improvement contributions to improve this portion of the Algonkian district. Were capital facilities to be collected, these Sterling specific improvements would be subject to funding through the County’s CIP, not the Applicant’s proffer package.

OpenSpace Preservation Program

Comment 7  Previous Staff Comment: Staff recommends the applicant contribute land or provide an open space easement contribution consistent with Plan policy, recognizing that the current market values to purchase open space within the Potomac Community may exceed the range of previous contributions.

Applicant Response: The recently adopted Loudoun County 2019 Comprehensive Plan has revised this policy and, in the Suburban Policy Area, now only links low-density projects to the Open Space Preservation Program. Projects with densities greater than 4 units per acre, such as Sterling Meadow, are no longer guided by this plan policy. No open space easement contribution is anticipated under the current Plan policy.

Comment Status: Addressed. As noted in the applicant’s response, per the revised policies of the 2019 GP, the Open Space Preservation Program policies no longer apply to this proposal.

Environmental/Existing Conditions

Comment 8  Previous Staff Comment: Community Planning Staff recommends the applicant provide additional information regarding stormwater management on the site. Staff further recommends that the applicant commit to the use of LID techniques to minimize adverse effects associated with stormwater.

Applicant Response: Notes 30 and 31 have been added to Sheet 1 of the plan set to address stormwater management.

Comment Status: Partially addressed. The applicant has provided the requested information on the intended stormwater management approach but has not committed to the use of LID techniques.

New Staff Comment: In order to protect the County’s River and Stream Corridor Resources (RSCR), the 2019 GP encourages stormwater management and water quality mitigation to occur on-site or as close to
the area being treated as possible (2019 GP; Chapter 3 Natural, Environmental, and Heritage Resources; RSCR Action 2.3.B). The Plan also encourages the protection and enhancement of impaired streams through the use of enhanced pollutant control measures, including onsite BMPs (2019 GP; Chapter 3 Natural, Environmental, and Heritage Resources; RSCR Action 2.4.1). Note 30 on Sheet 1 of the applicant’s revised CDP states that “phosphorous removal will be achieved through the purchase of offsite nutrient credits, manufactured devices, bioretention facilities, reduction of impervious areas, or some combination of those.” Community Planning Staff notes that the purchase of offsite nutrient credits does not fulfill 2019 GP policies encouraging water quality mitigation onsite.

Community Planning Staff continues to recommend that the applicant commit to the use of at least one LID technique (e.g., water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, and/or permeable pavement) and memorialize this commitment in the proffer statement.

Response: The Applicant could integrate a rain garden into one of the active recreation areas or open spaces, but its limited size would provide negligible water quality benefit to the site. The urban nature of the design limits the space to be able to do larger swales, rain gardens or to direct sheet flow to a vegetated buffer, which is why the Applicant has proposed to purchase offsite nutrient credits.

Forests, Trees, and Vegetation

Comment 9 Previous Staff Comment: Community Planning Staff requests additional information regarding the vegetation intended to be retained per ZMOD request 4 on Sheet 5 of the Concept Development Plan, as revised April 15, 2019.

Applicant Response: The vegetation to be preserved was along Pidgeon Hill Drive in front of the existing retail. This southern leg of the property is no longer part of the application and the modification is no longer needed.

Comment Status: No longer applicable. No further action required.

Zoning Modifications

Comment 10 The applicant has requested several ZMODs and SPEX to modify the applicable site access, parking, buffering, landscaping, and yard requirements.

The buffering and yard modifications may help achieve the compact development patterns anticipated in the Suburban Compact Neighborhood place type. Community Planning Staff can support this request if the application materials are revised to include commitments to the orientation of the units as depicted on Sheet 6 of the revised CDP, such that no residential units face the commercial loading/service areas and enhanced landscaping is provided between the residential and commercial uses.

The request to allow commercial and retail uses to access residential streets may encourage interaction and transitions among land uses; however, Community Planning Staff cannot support this request without commitments to the aforementioned crosswalk/pedestrian safety improvements on affected streets.

Response: The Applicant has revised the application area such that the commercial loading space and accessway are outside the rezoning area and will remain zoned PD-CC-SC. To further separate the two districts, the Applicant is adding a 6-foot tall masonry wall along 170 linear feet in that part of the project. Although commercial vehicles may use the site as an additional means of egress and ingress, the residential streets will not be a primary access point. That said, the residential streets will be placed into
Public access easement and pedestrian crosswalks will be striped as shown on Sheet 5 of the CDP to provide a designated route for pedestrians accessing the commercial center, all as requested by staff.

VII. **Loudoun Department of Management and Budget**

The Sterling Meadow applications propose to develop the following:

Table 1. Increase in Population

<table>
<thead>
<tr>
<th>Housing Unit Type</th>
<th># of Units</th>
<th>Population Generation</th>
<th>Student Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family Stacked (MFST)</td>
<td>172</td>
<td>416</td>
<td>84</td>
</tr>
<tr>
<td>Total</td>
<td>172</td>
<td>416</td>
<td>84</td>
</tr>
</tbody>
</table>

Based on the 2017 Capital Intensity Factor (CIF), the projected increase in County population is 416 residents and 84 students as a result of the proposed rezoning at full build-out. Note that the student generation methodology established in the FIC Guidelines differs from Loudoun County Public Schools (LCPS) methodology.

Capital Facilities Impacts

Based upon the County’s adopted 2017 Capital Facilities Standards (CFS), the following table outlines the impact to the County’s capital facilities based upon the projected population increases resulting from this development at full build-out. This table lists facilities which are triggered in proportion to population, and for which the demand for the facility is at least one one-hundredth (0.01) of a facility. There are other types of facilities that are based on obtaining a certain number countywide (one animal shelter, five regional parks, etc.) that because they are not triggered by population, are not included in the table. In addition, the table focuses on facilities, and does not include the need for fire and rescue vehicles or transit vehicles. The table identifies the impact on capital facilities of this development.

Table 2. Impact on Capital Facilities

<table>
<thead>
<tr>
<th>Capital Facility</th>
<th>Facility Impact</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire &amp; Rescue Station - East</td>
<td>0.02</td>
<td>299.7</td>
</tr>
<tr>
<td>General Government Support Facilities (sq. ft.)</td>
<td>-</td>
<td>1,665.0</td>
</tr>
<tr>
<td>DS Residential Facility (beds)</td>
<td>0.07</td>
<td>239.9</td>
</tr>
<tr>
<td>MH Residential Facility (beds)</td>
<td>0.07</td>
<td>239.9</td>
</tr>
<tr>
<td>Park and Ride Lot (# of parking spaces)</td>
<td>4.79</td>
<td>-</td>
</tr>
<tr>
<td>Community Center</td>
<td>0.01</td>
<td>185.0</td>
</tr>
<tr>
<td>Senior Center</td>
<td>0.01</td>
<td>118.0</td>
</tr>
<tr>
<td>Adult Day Center</td>
<td>0.01</td>
<td>55.1</td>
</tr>
<tr>
<td>Community Park</td>
<td>0.02</td>
<td>13.3</td>
</tr>
<tr>
<td>Neighborhood Park</td>
<td>0.04</td>
<td>16.6</td>
</tr>
<tr>
<td>Recreational Trails (# of miles)</td>
<td>0.17</td>
<td>-</td>
</tr>
<tr>
<td>Library</td>
<td>0.01</td>
<td>249.7</td>
</tr>
</tbody>
</table>

This development has an impact on capital facilities.
As reference, Table 3 below provides the current and planned (in the FY 2019 - 2024 Adopted CIP) capital facilities in the Potomac planning subarea, as well as facilities that are currently in deficit (or surplus). Several types of public facilities in the Potomac planning subarea are currently in deficit.

### Table 3. Current/Planned and Deficit Facilities in the Potomac Planning Subarea

<table>
<thead>
<tr>
<th>Capital Facility with Population Standard</th>
<th>Existing Facilities</th>
<th>Planned Facilities in the Adopted CIP</th>
<th>Estimated Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriff Station</td>
<td>-</td>
<td>-</td>
<td>0.5</td>
</tr>
<tr>
<td>Fire &amp; Rescue Station - East</td>
<td>1</td>
<td>-</td>
<td>0.9</td>
</tr>
<tr>
<td>DS Residential Facility (# of beds)</td>
<td>7</td>
<td>-</td>
<td>1.2</td>
</tr>
<tr>
<td>MH Residential Facility (# of beds)</td>
<td>12</td>
<td>-</td>
<td>(3.8)</td>
</tr>
<tr>
<td>Park and Ride Lot (# of parking spaces)</td>
<td>318</td>
<td>-</td>
<td>237.4</td>
</tr>
<tr>
<td>Community Center</td>
<td>-</td>
<td>-</td>
<td>1.1</td>
</tr>
<tr>
<td>Teen Center</td>
<td>-</td>
<td>-</td>
<td>0.2</td>
</tr>
<tr>
<td>Senior Center</td>
<td>1</td>
<td>-</td>
<td>(0.1)</td>
</tr>
<tr>
<td>Adult Day Center</td>
<td>-</td>
<td>-</td>
<td>0.6</td>
</tr>
<tr>
<td>Community Park</td>
<td>1</td>
<td>-</td>
<td>0.9</td>
</tr>
<tr>
<td>Neighborhood Park</td>
<td>2</td>
<td>-</td>
<td>2.8</td>
</tr>
<tr>
<td>Recreational Trails (miles)</td>
<td>5</td>
<td>-</td>
<td>14.3</td>
</tr>
<tr>
<td>Library (sq. ft.)</td>
<td>30,000</td>
<td>-</td>
<td>(1,024)</td>
</tr>
</tbody>
</table>

*Numbers within parentheses in the deficit column indicate a surplus*

**Conclusion**


Response: As evidenced by Table 3 above, there are no planned CIP facilities in the Potomac Planning Subarea, which includes the Property. So, although Table 2 notes minor impacts from the project, the facilities proximate to the project are already constructed. Therefore, the Applicant has created a proffer package that will infuse the immediate area with relevant and desired improvements: $90,000 toward the trail deficit to construct 2,000 linear feet that is missing of the Tripleseven trail, improvements to the Countryside Elementary School play equipment and outdoor space and funding for Potomac Falls High School to make specific upgrades to its sport programs, among other things. In addition, the Applicant is contributing $1,000,000 to the County of Loudoun Housing Trust, what we believe is an unprecedented infusion of funding. Should the Board not desire the funding for the specific projects outlined in the proffers, the Applicant will revisit the discussion about capital facility impacts.

**VIII. DTCI, Transportation Planning & Traffic Engineering Division – Ryan Sheran (August 29, 2019)**

**Traffic Study**

**Comment 1** DTCI has reviewed the Applicant's TIS and finds it to be an acceptable evaluation of this development as proposed.
Response: Comment acknowledged and appreciated.

**Roadway Network and Site Access**

**Comment 2**  
DTCI has no objection to the relocation of the two site entrances along Tripleseven Road as shown on the CDP. The Applicant should commit to reconstruct the curb and pavement sections on Tripleseven Road where the existing site driveways are to be removed.

Response: The Applicant has made this commitment in the proffers.

**Bicycle and Pedestrian Facilities**

**Comment 3**  
As called for by the 2019 CTP, the Applicant should provide on-street bike lanes on Tripleseven Road along the site frontage and extending north/west to the vicinity of Westwick Court and south/east to the intersection of Palisade Parkway. This will require restriping of the existing pavement along Tripleseven Road and may require some modification of signal heads on the existing traffic signal at Tripleseven Road and Palisade Parkway due to realignment of travel lanes on the eastbound (Tripleseven Road) intersection approach.

Response: The Applicant proposes to convert one of the existing southbound thru lanes into an on-street bike lane along the Property’s frontage. This will allow bicyclists to travel past the property and turn onto Pigeon Hill Road or continue along the asphalt trail. As discussed with DTCI, without a bicycle lane on Palisades Parkway to connect to, this option provides a safe route for cyclists.

**Comment 4**  
The Applicant should ensure that a minimum six-foot wide pedestrian path/sidewalk remains in place along the site’s Tripleseven Road frontage, including realignment where needed to accommodate redevelopment on the site. Curb ramps at both site entrances along Tripleseven Road should be upgraded or replaced to meet current ADA standards including providing a detectable warning surface.

Response: The Applicant has committed, in the proffers, to provide or maintain a six-foot wide pedestrian path along the Property’s frontage. The proffer has been expanded upon to address the curb ramps. The trail is reflected on the CDP.

**Comment 5**  
The Applicant should commit to providing pedestrian connections throughout the development. Consistent with the 2019 CTP (Chapter 2, Countywide Bicycle and Pedestrian Policies, Policy 2-2.7, Site Connections), connections should be made connecting building entrances, parking areas, and other destinations within the site and to the larger non-motorized network on the periphery of the site.

Response: There are strong pedestrian paths throughout the project. Please see Sheet 5 of the CDP that shows the streets through the project with their five-foot wide sidewalks on both sides. Sidewalks or trails are proximate to all the units providing a comprehensive network of pedestrian linkages that lead people from Tripleseven Road through the project into the existing retail on the southern side.

**Public Transit**

**Comment 6**  
There is existing local bus service along Tripleseven Road, and the potential exists for increased ridership with the proposed redevelopment of this site for residential uses. As such, the Applicant should commit to provide an ADA-compliant bus stop and shelter along the site’s Tripleseven Road frontage, at a location coordinated with DTCI staff. Per the 2019 CTP (Chapter 2, Countywide Transit...
Infrastructure Policies, Policy 2-3.1, Transit Toolkit), the shelter and associated components of the transit stop should be designed consistent with the Transit Toolkit included in Chapter 2 of the 2019 CTP document. If located outside of the public right-of-way, the shelter should be located in a public access easement and maintained by the Applicant or designee as called for by the 2019 CTP (Chapter 2, Countywide Transit Infrastructure Policies, Policy 2-3.19, Private Bus Shelters).

Response: The Applicant has added a proffer to provide a standard Loudoun County private bus shelter along Tripleseven Road, with the exact location to be determined with DTCI prior to site plan approval.

Proffers

Comment 7 Per the 2019 CTP (Chapter 5, Proffer Policies, Policy 5-3.2, Potential Proffers), the County actively seeks regional road and transit contributions from rezoning applications. Recently approved residential rezoning applications have contributed $6,000 per dwelling unit towards regional road improvements and $1,000 per dwelling unit towards transit improvements. DTCI requests the Applicant provide similar contribution amounts with the current application for use towards future transportation improvements in the vicinity of the site. DTCI notes that regional road and transit contribution amounts have been reviewed for a possible increase, but that the levels noted above have not been adopted by the Board of Supervisors. As such, the recommended amounts are advisory only and are not reflective of adopted County policy at this time.

Response: The Applicant has proffered $625 toward regional transit and $5,000 to regional road improvements, consistent with similar residential applications. The Applicant has proffered to install a bus shelter for transit purposes and an off-site trail connection to better connect the northern communities with transit and the schools. The value of those two proffered commitments are subtracted from the overall transit and regional road contributions, as both projects, if funded by the Applicant, alleviates the County’s need to pay for them.

Sincerely,

Molly M. Novotny
July 11, 2019

Richard W. Hancock  
County of Loudoun  
Department of Planning & Zoning  
1 Harrison Street, SE, 3rd Floor  
Leesburg, Virginia 20175


Dear Rick:

This letter responds to the comments on the above-referenced application. The comments are included below in italics with our response immediately following.

I. Loudoun County Department of Building and Development – Todd Taylor (June 3, 2019)

Requirements:

Comment 1 The modification request for Section 5-1414(A) in the statement of justification indicates that the second request allows the existing mature vegetation to remain in place along the southern leg of the property. To allow staff to evaluate the modification request, please provide information, including photographs, describing the vegetation in this area. (R93ZO 6-1217(A)(2))

Response: With this submission, the Applicant has removed the portion of property that contained the mature vegetation from the application area. Therefore, the Applicant no longer is requesting to use that existing vegetation to meet planting requirements.

Recommendations:

Comment 2 The subject property drains to an unnamed tributary to the Potomac River. The County’s 2009 Stream Assessment Project found the unnamed tributary to be “suboptimal” for habitat and “severely stressed” for aquatic life. Impacts to water quality is a matter for consideration as part of a rezoning application. Please provide information describing the stormwater management (SWM)/best management practices (BMP) approach with the next submission. (R93ZO 5-1210(E)(5))

Response: The Applicant has added a note to Sheet 1 to address water quality. Please see Note 30.

Floodplain Management:

Comment 3 Please update Note 12 to provide a Source of Floodplain Note as outlined below and pursuant to Section 8.101.A.20 of the FSM:

*There is floodplain on the property that is the subject of this application. The current Flood Insurance Rate Map (FIRM) of Loudoun County Community Panel Number for the property that is the subject of this
application is 51107C0266E, effective February 17, 2017. The depicted boundary of the existing floodplain is based on the FIRM.

Response: The portion of property that contained commercial parking spaces is the area that was slightly encumbered by floodplain. We have removed that land from the application area. Note 12 notes that there is floodplain near the property, which remains true.

Comment 4 The location of the floodplain limits reflected on the associated documentation does not appear consistent with the revised FIRM. The limits of the floodplain should be shown based on the Floodplain Overlay District (FOD) as delineated on the Loudoun County GIS (WebLOGIS). Please be aware that any development that occurs within the FOD may require that the appropriate application be submitted (e.g., Floodplain Alteration or No Impact to Floodplain Narrative) to address the associated floodplain impacts.

Response: Per the response above, there is no floodplain within the application area.

II. Loudoun Parks, Recreation and Community Services – Mark A. Novak (May 30, 2019)

Comment 1 No Proffers were submitted with this application to review.

Response: The Applicant has submitted proffers with this submission.

Comment 2 This project adds 194 residential units to the Potomac Sub-Planning Area, and offers no contribution to public recreation. This application alone will have an immediate impact on existing and planned public recreational facilities in the area. The adopted Capital Needs Assessment (CNA) 2021-2030 shows the following recreational needs associated with the Potomac Sub-Planning Area:

- Three (3) Neighborhood Parks

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

Response: The Applicant has programmed four active recreation spaces on site, providing a variety of large and small gathering spaces for its residents. The provision of nearly an acre of open and programmed space within the project, which will include at least one tot lot and a grass playfield and may include such things as a dog park, will more than meet the recreational and leisure needs of the new residents. An additional two passive parks are also planned and shown on the concept plan.

Comment 3 Under Issues for Consideration for the Rezoning to the R-16 ADU Zoning Districts (Section 6-1210 (E)) #4. The applicant states, “The development will provide almost an acre of programmed active and passive recreational uses for the resident’s enjoyment”.

The concept development plan identifies active recreational space but, no passive. Please provide more information on what is proposed for active and passive.

Response: The concept plan clearly identifies four separate active recreational spaces strategically located such that nearly every residential unit is adjacent to one of the four areas. Additional pocket parks with seating areas and landscaping are located to encourage residents to get outside and enjoy a more passive environ.
III. Loudoun Historic Preservation/Archaeology – Heidi E. Siebentritt (June 4, 2019)

The subject property has been completely developed and the Phase I cultural resource survey requirement was waived for this application. There are no outstanding heritage resource issues.

IV. Loudoun County Public Schools – Sara Howard O’Brien (May 6, 2019)

Comment 1 School Board staff has reviewed the referenced applications for Sterling Meadow. Based on 2018 Loudoun County Public Schools (LCPS) student generation factors, the proposed 184 multi-family residential units will generate a total of 54 school-age children upon build-out: 24 elementary school-age children (grades K-5), 13 middle school-age children (grades 6-8), and 17 high school-age children (grades 9-12). The attached assessment outlines the operational and capital impact of the project on LCPS.

Response: With the reduction of the units to 172, the school generation numbers reduce by four. According to the Loudoun County Public School Board Adopted FY 2020 - FY 2025 Capital Improvement Program Capital Asset Preservation Program, all three schools that will serve the site are expected to experience a decline in student capacity over the course of the next six academic years, a trend we expect will continue given the nature of the existing neighborhoods that feed those schools. Therefore, we anticipate a negligible impact on the existing school system. The only school with capacity concerns, is the high school, and we don’t expect the potential introduction of 16 students, at full build out, will negatively impact the student experience.

Comment 2 No objection.

Response: Comment acknowledged and appreciated.

Comment 3 All new development access will need to meet the access management standards, regulations and design standards for minor arterials, collectors, and local streets. The design standards govern the design of intersections, turn lanes, and entrances as well as providing spacing standards for entrances, intersections, crossovers, and traffic signals on minor arterials, collectors, and local streets.

Response: Comment acknowledged and understood.

Comment 3 A detailed geometric and drainage review for the site will be provided at the site plan stage.

Response: Comment acknowledged and understood.

V. Virginia Dept. of Transportation – Clyde Wallace (June 10, 2019)

Comment 1 No objection.

Response: Comment acknowledged and appreciated.

Comment 2 All new development access will need to meet the access management standards, regulations and design standards for minor arterials, collectors, and local streets. The design standards govern the design of intersections, turn lanes, and entrances as well as providing spacing standards for entrances, intersections, crossovers, and traffic signals on minor arterials, collectors, and local streets.

Response: Comment acknowledged and understood.

Comment 3 A detailed geometric and drainage review for the site will be provided at the site plan stage.

Response: Comment acknowledged and understood.

V. Loudoun Department of Planning and Zoning – Rory L. Toth (June 6, 2019)

A. Zoning Ordinance Comments

Comment 1 Section 3-602. Explain in the SOJ and demonstrate on the CDP how this application conforms to the requirements of this section as it pertains to being planned or served by public transit or designated for public transit in the Comprehensive Plan.
Response: The property is served by the Countryside Connector, Route 81, which passes in front of the project on Trippleseven Road. Loudoun County Transit operates this bus and a bus stop is located immediately north of the project site. We have included the route map and timetable as an attachment to this letter. We have incorporated this information into the SOJ.

Comment 2  Section 3-603(B). This Section of the Zoning Ordinance lists multi-family dwelling units as a permitted use. The Applicant has stated in their SOJ and on the CDP/SPEX plat that they are proposing multi-family stacked units (2/2s). If it is the intent of the Applicant to provide this specific type of unit, it should be included in the form of a proffer.

Response: The Applicant has identified the residential units as "multifamily stacked" in the proffer statement.

Comment 3  Section 3-608(B). The Applicant requested a modification to this Section of the Zoning Ordinance to eliminate the berming and screening requirement for parking between buildings and streets. See the Modifications Section of this referral for discussion on this matter.

Response: We have addressed this comment in the modifications section below.

Comment 4  Section 3-610. As the proposed units will access the proposed R-16 zoning district via private streets through the existing PD-CC-SC zoning district, a public access easement must be placed over such private streets.

Response: The property was originally developed under a comprehensive development plan that included access easements across the internal drive aisles. With the redevelopment, these easements will be revised to align with the new travelways through the residential project. The Applicant has added a proffer that it will record public access easements across its private streets. Recognizing that commercial traffic will traverse the private streets, we have added a modification to Zoning Ordinance Section 1-205(A) and 3-610(A) to allow commercial traffic on private streets.

Comment 5  Section 5-1300. Add a note to the CDP stating that each site must meet the minimum required tree canopy requirements.

Response: This note has been added to Sheet 1. Please see Note 32.

Comment 6  Section 5-1407(A) and 5-1414(A). Staff notes that the Applicant proposed to modify the buffer and screening requirements of these sections to reduce and/or eliminate certain buffer and screening requirements. See the Modifications section of this referral for additional discussion on this matter.

Response: We have addressed this comment in the modifications section below.

Comment 7  Section 7-104 (B) and (C). The Applicant states that 12 ADUs will be provided in multifamily stacked dwelling units. Add a note to the CDP to state that ADUs shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district and interspersed among market rate units in the proposed development. Further, please provide a note that pursuant to Section 7-104(B), dwelling dimensions and the number of bedrooms shall meet the requirements established by the Affordable Dwelling Unit Advisory Board pursuant to the Codified Ordinance.

Response: This note has been added to Sheet 1. Please see Note 33. With this submission, we have reduced the total unit count to 172, which results in the provision of 11 ADUs.
Comment 8  Sections 7-903(C)(2)(b) and 7-903(C)(2)(c). Staff notes that the Applicant proposes to modify the minimum side yards for corner lots and the minimum rear yard requirements of the R-76 ADU zoning district. Both the minimum required yards and modified yards need to be drawn on the SPEX plat and CDP. See the Modifications section of this referral for additional discussion on this matter.

Response: The Applicant’s revised layout has eliminated the need for these requested modifications.

Comment 9  Section 7-903(E). The CDP shows the approximate location of required active recreation space within the development. Staff notes that some required recreation areas are located within a required buffer and should be relocated as they are not a permitted use in a buffer yard.

Response: The active recreation areas are now all outside of required buffers.

Comment 10  Section 6-1215(F). The Applicant’s SOJ states that the proposed development contains almost an acre of open space (passive and active). Clearly show the location of both active and passive open space on the CDP/SPEX plat.

Response: Sheet 5 clearly shows the active recreation (35,200 SF) and the passive recreation (148,000 SF) spaces.

Comment 11  Staff notes that a draft proffer statement was not provided for review with the first referral of the applications. Once this document is provided, Staff may provide additional comments.

Response: A proffer statement is included with this submission.

Comment 12  Staff recommends that the Applicant provide a status of proffers approved with ZMAP-1994-0004 and ZMAP-1996-0005 to determine whether said proffers have been fulfilled. Staff may have additional comments at next referral.

Response: The perimeter transportation improvements to Tripleseven Road that were required with the earlier rezonings have been fulfilled. The traffic signal at Tripleseven and Palisades Parkway is installed.

Comment 13  The rezoning application is removing parking associated with other commercial/retail uses in the vicinity. Demonstrate that the minimum number of parking spaces required by the Zoning Ordinance are still provided for the commercial/retail uses that are to remain.

Response: The application area has been revised with this submission to delete the drive aisle and commercial parking spaces from this rezoning. As such, a portion of PIN 029-40-8502 would not be rezoned nor integrated into this residential project. The travelway and existing parking on that excluded portion would all remain as is. The required parking to serve the remaining commercial uses is untouched with this application.

B. Section 6-121- Zoning Map Amendment Criteria

Comment 1  Section 6-1210(E)(1). Staff defers comment to the Comprehensive Planning Division as to whether the density and zoning district proposed in this application are in conformance with the Comprehensive Plan.

Response: Comment acknowledged.
Comment 2  Section 6-1210(E)(3). Staff defers to the Department of Transportation and Capital Infrastructure and Loudoun Water regarding adequate sewer, water, transportation and other infrastructure needed to adequately serve the proposed uses.

Response: Comment acknowledged

Comment 3  Section 6-1210(E)(5). The CDP does not definitively address the treatment of stormwater nor the location of such facilities within the proposed development. In addition, the Applicant’s justification for one of the ZMODs of Section 5-1414(A) states that the zoning modification allows existing mature vegetation to remain along the southern leg of the property as this portion of the property will remain unchanged with the application. In order for Staff to evaluate the modification request, the Applicant needs to provide additional information, including photographs, regarding the existing vegetation to be retained.

Response: The Applicant has added a Water Quantity and BMP narrative on Sheet 1 (Notes 30 and 31). The modification that requested using the existing, mature vegetation to meet the landscaping requirements has been eliminated. The southern leg of the property is no longer including within the application land area.

C. CDP/SPEX Plat Issues

Comment 1  In general, it appears that vehicles associated with existing commercial/retail uses adjacent to the proposed multi-family stacked dwelling units will have to travel on residential private streets to get access to areas such as loading and service areas. Per Section 3-610(A), this is not permitted in the R-16 zoning district. Revise the design of the development accordingly.

Response: The existing loading to the rear of the commercial buildings needs to remain and access must be maintained. The Applicant has revised the layout such that no units back to the loading space and has provided additional landscaping to screen the back of house operations that exist. The Applicant has added a modification to seek relief from Section 3-610(A) to allow this existing condition to remain.

Comment 2  An area shown on the CDP/SPEX plat located adjacent to Pidgeon Hill Drive is proposed to be rezoned to R-16 and is currently developed with parking and entrances for the existing PD-CC-SC development. A note on the plan set states that existing parking to remain. Staff questions why this area is being included as part of the area being remapped to R-16 as it appears it will continue to serve the PD-CC-SC development commercial uses and should remain PD-CC-SC. Staff notes that parking within a proposed R-16 zoning district cannot be used to park uses within the PD-CC-SC zoning district.

Response: The Applicant has removed this area from the rezoning application. As noted in the proffers and SOJ, only a portion of PIN 029-40-8502 is now subject to the residential rezoning. The existing commercial spaces will remain zoned PD-CC-SC.

Comment 3  Revise Note 3, Sheet 1 to clearly state that the zoning map amendment application proposes to rezone the subject properties to R-16 under the Revised 1993 Loudoun County Zoning Ordinance.

Response: Note 3 has been updated as requested.
Comment 4  Clarify if the properties that are to be rezoned to R-16 will be subdivided in the future as the Applicant’s zoning modification request is to modify the side corner lot yard from 25- feet to 14 feet. Delineate on the CDP/SPEX plat were the proposed modified 14-foot yard is located.

Response: In redesigning the site with this submission, the Applicant was able to eliminate this modification request.

Comment 5  Revise General Note 12, Sheet 1 to add a note to the plat to state that the subject property contains minor floodplain and is subject to the Floodplain Overlay District regulations of Section 4-1500 of the Zoning Ordinance. Delineate the minor floodplain on the CDP/SPEX plat.

Response: With the removal of the southern leg of the property from the application, the floodplain no longer encumbers the area subject to this application. The floodplain is adjacent to the area being rezoned; it is not within the application area.

Comment 6  General Note 20, Sheet 1 is vague. Revise to state that the location of roadways, open space and lot layout will be in substantial conformance with the CDP and administrative and minor changes to the CDP may only be completed pursuant to Section 6-1216(A) or Section 6-1216(B) of the Zoning Ordinance.

Response: Note 20 on Sheet 1 has been clarified, as requested.

Comment 7  Provide the width of the proposed trail along Tripleseven Road. Staff recommends that a commitment to construct the trail be included in the form of a proffer.

Response: There are portions of an existing 6-foot asphalt trail along Tripleseven Road. The Applicant will fill in the missing trail segments with matching 6-foot wide segments to create a cohesive trail along the entirety of the property. Please see Sheet 5.

Comment 8  In the Zoning and Area Tabulations Table on Sheets 5 and 5A, revise the language in the Provided Parking section as “The Proposed Number of Parking Spaces will meet or exceed the minimum number of parking spaces required by the Revised 1993 Loudoun County Zoning Ordinance.”

Response: This change has been made as requested.

D. Zoning Modifications and Modifications of ADU Required Yards by SPEX

Comment 1  Section 3-608(B). Off Street Parking.

Staff Analysis: The Applicant stated that their proposal is more urban in nature and further states it is imperative to provide unobstructed lines of site to all parking spaces. Explain what features proposed with the development are of a more urban design. Staff could support this modification provided commitments to the urban design are made in proffers and features such as additional sidewalks and crosswalks are provided in the parking areas.

Response: As an infill project in an opportunity area for redevelopment, the project has been knitted into a fully developed commercial area. The stacked multifamily units are served by garage spaces, parallel spaces and head-in parking spaces. There are no large, surface parking lots at the project. Sidewalks are proposed along all internal streets that are not encumbered by driveways. A trail network through the larger active recreation area provides a strong pedestrian path linking one side of the project to the other.
Comment 2  Section 5-1407 (A). Buffer Yard and Screening Requirements. Location.

Staff Analysis: Existing commercial/retail uses adjacent to the proposed multi-family stacked dwelling units will have to travel on residential private streets to get access to areas such as loading and service areas. In addition, several units appear to face the rear- side of the existing retail uses where the service areas and dumpsters are located. The buffer as proposed does not adequately mitigate the impact on the multi-family stacked dwelling units.

Response: To address staff's concern, the Applicant has revised its layout so that residential units no longer face the rear-side of the existing retail uses across the drive aisle. The redesign also allowed the loading space and relocated screened dumpster area for the existing retail to be located outside of the drive aisle. Additionally, the Applicant has greatly enhanced the landscaping adjacent to the commercial buildings.

Comment 3  Section 5-1414 (A). Buffer Yard and Screening Matrix.

Staff Analysis: Regarding the first modification request, a portion of the property shown on the CDP/SPEX plat located adjacent to Pidgeon Hill Drive is proposed to be rezoned to R-16 and is currently developed with parking and entrances for the existing PD-CC-SC retail development. A note on the plan set states that existing parking will remain. Staff questions why this area is being included as part of the area being remapped to R-16 as it appears it will continue to serve the PD-CC-SC development commercial uses and should remain PD-CC-SC. Staff notes that parking within a proposed R-16 zoning district cannot be used to park uses within the PD-CC-SC zoning district. Therefore, a modification would not be necessary.

Regarding the second modification request, the Applicant's justification states that the zoning modification allows existing mature vegetation to remain in place along the southern leg of the property as this portion of the property will remain unchanged with the application. In order for Staff to evaluate the modification request, the Applicant needs to provide additional information, including photographs, regarding the existing vegetation to be retained and to determine if the existing vegetation is and will remain viable. If it is determined that the existing vegetation is healthy and viable, it should be included in the form of a proffer and shown on the CDP. Staff may have additional comments at next referral.

Response: The Applicant only needs one modification to Section 5-1414 (A), as the southern leg of the property is no longer part of the application, so the parking within that area that serves the retail will remain zoned PD-CC-SC. And, since the southern leg of the property is no longer part of the application, the modification to use existing vegetation for the buffer along Pidgeon Hill Drive in front of the retail is no longer needed; it has been removed from the application. The remaining modification to Section 5-1414(A) is only for relief along a 17-foot section, where a driveway precludes plantings. As shown on Sheet 5 of the CDP, there is 173 feet where a Type 1 Side/Rear buffer should be planted. The Applicant is able to plant 156 linear feet with the required Type 1 side/rear buffer, but the driveway precludes planting along the remaining 17 feet. The Applicant will plant the required quantity of plantings, which will be a mix of canopy and understory trees to meet the Zoning Ordinance and FSM landscape requirements, despite those plantings being located across a shorter stretch of property.

Comment 4  Sections 7-903(C)(2)(b) and 7-903(C)(2)(c). Modification to R-16 ADU Minimum Corner Lot Side Yards and Rear Yards via SPEX per Section and 7-903(C)(3).

Staff Analysis: The Applicant's justification includes discussion of increasing the amount of common area for residents by reducing the yards and provides the maximum available space for formal and informal
events. Staff cannot support this modification at this time as the Applicant has not demonstrated and the CDP/SPEX plat does not show the amount of common area and/or open space proposed nor the amount of open space gained by decreasing the required yards. Demonstrate how the modification of these regulations meets or exceeds the public purpose without increasing density on the property.

Response: The Applicant was able to revise the site layout to eliminate the need for these modifications.

VI. Loudoun County Fire and Rescue – Maria Figueroa (June 7, 2019)

Comment 1 The Fire and Rescue Planning Staff has no comments.

Response: Comment acknowledged and appreciated.

VII. Loudoun Department of Management and Budget – Erin McLellan (June 3, 2019)


Response: Comment acknowledged and appreciated.

VIII. Loudoun Department of Fire and Rescue Fire Marshal’s Office – Kevin Federline (May 31, 2019)

Comment 1 On sheet 5 under zoning requirements for R-16 multi-family residential dwellings and ADUs, provided yard separation is reduced to 10 feet between buildings. This separation is well below the fire code standards and the current endorsed separation distance from the Fire Marshal’s Office. The intent of greater separations distance is to provide fire suppression access on all sides of structures/arrangements and reduce the likelihood of the spread of fire to adjacent properties. This is why the Fire Marshal’s Office is opposed to any exception that allow non-sprinklered combustible buildings and building features to be built with reduced separations of less than 20 feet between habitable structures.

Response: The Applicant has removed this modification request. The building separation now meets the Ordinance standard.

IX. Loudoun County Health Department – Jason R. Purdy (May 30, 2019)

Comment 1 Staff supports approval of the application.

Response: Comment acknowledged and appreciated.

X. Loudoun Department of Family Services – Rebekah King (June 4, 2019)

ADUs.

Comment 1 The Application proposes to provide up 12 ADUs which would be approximately 6.25% of the total proposed number of residential housing units. The Application does not indicate where the Affordable Dwelling Units (ADUs) will be located within the development. DFS recommends that the ADUs be dispersed throughout the development in all unit types, proportional to the composition of market-rate units in terms of number of bedrooms. The Department of Family Services recommends that the ADUs
provided also include one or two upper units in the stacked units to ensure access to units more appropriately sized for young families.

Response: The Applicant has added Note 33 to Sheet 1 to commit to intersperse the ADUs throughout the development and ensure that the units will be compatible with the market-rate units.

Unmet Housing Needs

Comment 2 The Application does not discuss potential pricing of the units, which makes it difficult to determine if the development will achieve a diversity of housing prices as the Application claims. Additionally, the Application does not mention the Unmet Housing Need of the development and the County as a whole.

The Application discusses the benefit of providing additional residential units to support walkability to proximate commercial uses and that the development would provide “diversity in housing opportunities.” The Application also describes how the rezoning will address the “dearth of housing diversity options available, especially at lower price points.” However, the Application does not contain specific information or data to support those claims.

DFS recommends that the development include units beyond the required ADUs to address the full continuum of Unmet Housing Needs. While the Application proposes that stacked multifamily units provide a diversity of housing types and prices, the size or type of a unit does not guarantee affordability. DFS recommends including either additional homeownership units affordable at ADU income levels (30% - 70% AMI) or Affordable Market Purchase Program (70% - 100% AMI) income levels.

Response: The Applicant met with DFS on July 10 about this request and has added a cash proffer toward unmet housing units. The Applicant has taken 6.25 percent of its market rate units, which is 10, and provided a subsidy of $30,000 for each unit, which results in a contribution of $300,000 toward unmet housing units. This contribution will be prorated with each unit, resulting in a per unit contribution of $1,744. The County can use that money to help address affordability at ranges beyond the ADU income levels of 30 percent to 70 percent. In regards to the constructed units, stacked townhomes are the most cost affordable entry point to home ownership. As discussed with DFS, the Applicant studied numerous layouts for the property, including multifamily, a combination of multifamily and two-over-twos, and other configurations including all townhouses, and a mixture of townhouses and two-over-twos. The irregular shape of the property made other layouts inefficient. This layout provides an efficient plan, maximum density and a price point on the low end of the for-sale spectrum, of which there is little for sale currently in the County.

Other Comments

Comment 3 DFS encourages the consideration of additional density in the proposed development, given its location, which could also lead to more ADUs. DFS also wants to make sure the proposed residential development is well-connected in terms of pedestrian, bicycle and transit access to the existing community, and that the design of the proposed residential development ensures quality of life for future residents in terms of how it fits with the adjacent commercial development.

Response: Per reasons listed above, the Applicant’s proposed two-over-two units are the most appropriate type to meet DFS’ density goals. The project is interspersed with sidewalks and trails and the Applicant has committed to install the missing links of the existing 6-foot wide trail along Tripleseven. The property is served by the Countryside Connector bus service, Route 81.
Comment 4  DFS also would like to see more diversity of unit types. In stacked units, any household with mobility challenges cannot take advantage of the upper units. Accessibility is very difficult to provide in stacked units, and given the County’s growing aging population, DFS would like to see a more diverse mix of unit types.

Response: Per reasons discussed with DFS at a meeting July 10, the size and shape of the property limits development options and result in a single-product type. Stacked townhomes are very attractive units to first time homebuyers, and provide a good affordable option for those looking to buy, instead of rent.

Comment 5  The Department of Family Services does not support this Application because it does not clearly provide for a diversity in housing prices or housing type consistent with Plan policies. Because the County’s rent and mortgage costs are out of step with household income, care must be given to ensure that affordable places to live are within the reach of the workforce.

Response: The Applicant met with DFS and will continue to engage with the department to try and integrate creative solutions to address their goals of providing a diversity of housing within the County. One such solution the Applicant has already committed to is a per-unit cash contribution of $1,744 per residential unit toward unmet housing needs.

XI. Loudoun Water – Dominic Powers (June 3, 2019)

Comment 1  Please be advised, Loudoun Water is concerned that the existing sanitary sewer downstream of the proposed development may be inadequate to serve the increased sewer demands of the proposed development. Therefore, a sanitary sewer capacity analysis of the existing system, will be required in support of the construction plan. Any resulting improvements will be the responsibility of the applicant.

Response: Comment acknowledged and understood.

Comment 2  Please be advised, a hydraulic water model analysis will be required to determine the water main sizing and system interconnection to serve this development. This will be required in coordination with the construction plans.

Response: Comment acknowledged and understood.

Comment 3  Should offset easements be required to serve the proposed development with water and/or sanitary sewer service, acquisition of such easements will be the responsibility of the applicant.

Response: Comment acknowledged and understood.

Comment 4  Public water and sanitary sewer service would be contingent upon the developer’s compliance with our Statement of Policy; Rate, Rules and Regulations; and Engineering Design Manual.

Response: Comment acknowledged and understood.

Comment 5  We encourage the applicant to schedule a pre-submission meeting with Loudoun Water as part of preparing the construction plans.

Response: Comment acknowledged and understood.
Land Use

Comment 1 Although the proposed residential development exceeds the residential density anticipated in this area under the RGP, it may be appropriate in this area as an infill project considering similar residential densities in adjacent developments. Community Planning Staff notes that detailed analysis of the proposal's conformance with the draft Plan is premature considering the ongoing review process and pending Plan adoption.

Response: With the adoption of the Loudoun County 2019 Comprehensive Plan, the Applicant looks forward to staff's analysis of its proposal as an infill project within the Suburban Mixed Use place type. First and foremost, the Suburban Mixed Use place types calls for a mix of residential, commercial and office uses. When looked at holistically with other properties within this place type along the north side of Route 7, the Applicant's proposal to add residential to an established commercial corridor achieves this goal of mixed use. Furthermore, the project is identified in the newly adopted comprehensive plan as a targeted area of redevelopment and meets the criteria identified in Strategy 2.1.A.I that allows properties designated as Suburban Mixed Use to develop according to the Suburban Compact Neighborhood place type standards. As such, density is targeted at 8-24 dwelling units per acre. The Applicant's proposal is for just shy of 17 units per acre.

Parks/Open Space & Public/Civic

Comment 2 Community Planning Staff recommends reconfiguring the layout of the site to ensure that a minimum area of 3.38 acres of open space is provided to comply with current Plan policy. Staff also requests additional details regarding the intended function or use of identified open space areas, recognizing that 2.54 acres should be interior space consisting of active, passive, and/or natural areas.

Response: The recently adopted Loudoun County 2019 Comprehensive Plan calls for 15 percent of a project to be open space, this includes all passive and recreational spaces, community, natural, environmental and heritage. The Applicant is providing nearly an acre of active recreation space as illustrated on the plan set and detailed in this letter and the proffers, and an additional 148,000 square feet of open space, such that approximately 40 percent of the site's total 10.25 acres is in open space, far exceeding this plan policy. The standards referenced above are from the Revised General Plan, which no longer guides development on the property. In keeping with the guidance of the Suburban Compact Neighborhood, the Applicant is establishing a 100 percent residential project, that will support the adjacent commercial uses, and is supported by the integrated open space.

Comment 3 Community Planning Staff recommends showing at least 1.13 acres of public and civic space on the CDP.

Response: As noted above, the newly adopted Loudoun County 2019 Comprehensive Plan, envisions Suburban Compact Neighborhoods as 100 percent residential projects, with no more than 15 percent non-residential uses, as an option. No public or civic space is required in this place type. The above comment is referring back to the Revised General Plan, which is no longer the governing document.

Unmet Housing Needs

Comment 4 Community Planning Staff recommends the applicant include additional dwelling units beyond the required ADUs to address Plan policy regarding unmet housing needs. Staff also encourages
the Applicant to consider incorporating housing for special needs populations as well as universal design principles into the project.

Response: The Applicant met with DFS and will continue to engage with the department to try and integrate creative solutions to address their goals of providing a diversity of housing within the County.

Capital Facilities

Comment 5 The anticipated capital facility impacts of the proposed development should be mitigated according to Plan policy as calculated in the worksheet provided as Attachment 1.

Response: In its referral, the County's Office of Management and Budget determined sufficient capital facilities exist to serve the project such that no capital facility contributions are needed from the Applicant. The County assesses capital facility fees to fund the cost of providing infrastructure, such as schools and libraries, not to pay for ongoing operational expenses. Given the infrastructure is already in place for the proposed units, mitigation, through a cash proffer, is unnecessary, unwarranted nor supportable.

Open Space Preservation Program

Comment 6 Staff recommends the applicant contribute land or provide an open space easement contribution consistent with Plan policy, recognizing that the current market values to purchase open space within the Potomac Community may exceed the range of previous contributions.

Response: The recently adopted Loudoun County 2019 Comprehensive Plan has revised this policy and, in the Suburban Policy Area, now only links low-density projects to the Open Space Preservation Program. Projects with densities greater than 4 units per acre, such as Sterling Meadow, are no longer guided by this plan policy. No open space easement contribution is anticipated under the current Plan policy.

Stormwater

Comment 7 Community Planning Staff recommends the applicant provide additional information regarding stormwater management on the site. Staff further recommends that the applicant commit to the use of LID techniques to minimize adverse effects associated with stormwater.

Response: Notes 30 and 31 have been added to Sheet 1 of the plan set to address stormwater management.

Forest, Trees, and Vegetation

Comment 8 Community Planning Staff requests additional information regarding the vegetation intended to be retained per ZMOD request 4 on Sheet 5 of the Concept Development Plan, as revised April 15, 2019.

Response: The vegetation to be preserved was along Pidgeon Hill Drive in front of the existing retail. This southern leg of the property is no longer part of the application and the modification is no longer needed.

Recommendations

Comment 9 Although the proposed residential density exceeds RGP plan policy for Residential neighborhoods, the request meets other plan policy provisions for infill and redevelopment proposals, which
would anticipate the requested density based on adjacent residential densities. Capital facility impacts and environmental impacts should be mitigated and the application materials should be revised to meet open space preservation program policies.

Response: As explained in response to Comment 1 above, the Applicants proposal fits squarely within the recommended density for Suburban Compact Neighborhood, a place type afforded to the property because of its designation as an opportunity site for redevelopment.

This completes our formal responses to all comments received to date. As always, should you have any questions or need additional information from us, please do not hesitate to ask.

Sincerely,

Molly M. Novotny