



Loudoun County, Virginia

Board of Supervisors

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

Board Room, First Floor, Government Center

Wednesday, April 22, 2020

6:00 p.m.

Committee Members:

Michael Turner, Committee Chair

Kristen Umstattd – Vice Chair

Tony Buffington – Sylvia Glass - Phyllis Randall, BOS Chair

NOTICE OF ELECTRONIC MEETING: Due to the ongoing COVID-19 Pandemic, this Transportation and Land Use Committee (TLUC) meeting will be conducted as an Electronic Meeting pursuant to the Continuity Ordinance adopted by the Board of Supervisors on April 15, 2020. Members of the public are strongly encouraged to view and participate in the TLUC meeting by electronic or other means, in furtherance of the Governor's Executive Orders and social distancing directives.

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

I. Call to Order – Supervisor Turner, Committee Chair

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

III. Action Items

1. ZOAM-2017-0001, Housing Affordability: Zoning Ordinance Amendment (ZOAM) to amend Articles 2 (Non-Suburban District Regulations), 3 (Suburban District Regulations), 4 (Special & Overlay Districts), 5 (Additional Regulations and Standards), 7 (Administration and Regulation of Affordable Dwelling Unit Developments), and 8 (Definitions) to Improve Housing Affordability (Countywide)

The purpose of this item is for the Transportation and Land Use Committee (TLUC) to consider ZOAM-2017-0001, which proposes amendments to the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) that will expand opportunities for the production of affordable housing, incentivize affordable housing, improve implementation of Article 7 – Administration and Regulation of Affordable Dwelling Unit (ADU) Developments, and facilitate the provision of accessory dwellings in the County.

Staff presented ZOAM-2017-0001 at the December 11, 2019 Board of Supervisors (Board) Public Hearing with amendments developed in accordance with the revised Resolution of

Intent to Amend (ROIA) adopted by the Board (7-0-2: Volpe and Buona absent) on October 2, 2019. No members of the public spoke at the hearing. The ROIA was based on recommendations to amend Article 7 supported by the Affordable Dwelling Unit Advisory Board (ADUAB), staff, TLUC, and the homebuilding industry, as well as a TLUC recommendation to comprehensively amend the Zoning Ordinance.

At the December 11, 2019 Board Public Hearing, the Board forwarded (8-0-1: Higgins absent) ZOAM-2017-0001 to a future TLUC Meeting for discussion. The Board requested additional information regarding proposed and permitted density increases in by-right development, particularly in the TR-3 (Transition Residential-3) and TR-10 (Transition Residential-10) Zoning Districts, provided in return for the voluntary provision of ADUs.

Staff recommends that TLUC 1) forward ZOAM-2017-0001 as included in Attachments 1 and 2, which include revisions that clarify Section 7-102(D)(1) concerning the ADU program exemption for structures containing multifamily (MF) dwelling units (DUs) as recommended by the Planning Commission (Commission) to the Board of Supervisors (Board) with a recommendation of approval, and 2) recommend to the Board that the staff commence a study to determine the feasibility of deleting the ADU Program exemption for multifamily (MF) dwelling structures and develop new regulations for MF dwelling structures under the ADU Program as a priority of the Zoning Ordinance Rewrite.

Staff also recommends that TLUC forward the Transition Rules (Attachment 3) to the Board with a recommendation of approval. The Transition Rules are narrow in scope and allow active preliminary plat (SBPL) and preliminary/record subdivision plat (SBPR) applications accepted before the ZOAM-2017-0001 effective date to continue through the County's administrative review process under the current requirements of Article 7 of the Zoning Ordinance. This would mean that if the Board approves ZOAM-2017-0001, any applicable amendments to Article 7 would not apply to active SBPR and SBPL applications in administrative review by the County on the effective date. The Transition Rules are anticipated to apply to a nominal number of active SBPR and SBPL applications that are availing themselves of Section 7-103(C), wherein projects have been designed to accommodate up to a 20 percent density increase in return for 12.5 percent of this density increase being ADUs. The Transition Rules ensure projects currently in review would not have to be redesigned to meet the amended Article 7 requirements.

Alternatively, TLUC may recommend deferring further consideration of ZOAM-2017-0001 until after adoption of the Unmet Housing Needs Strategic Plan so the ZOAM can be coordinated with the recommendations of that plan.

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

2. ZMAP-2019-0008, ZCPA-2019-0014, SPEX-2019-0015, SPEX-2019-0016, SPEX-2019-0017, ZMOD-2019-0015, ZMOD-2019-0016, ZMOD-2019-0017, ZMOD-2019-0018, ZMOD-2019-0019, ZMOD-2019-0020, ZMOD-2019-0021 & ZMOD-2019-0023, Belmont Greene Revitalization

The purpose of this item is to consider a request to rezone 17.6 acres in an existing planned unit development in order to develop a maximum of 217 dwelling units, to include 30 single family detached (SFD) units, 27 single family attached (SFA) units, and 160 multifamily (MF) units, 48 of which will be age-restricted. A five-acre portion of site will remain commercial, with up to 25,160 square feet (SF) of proposed nonresidential development. The proposal requires a Zoning Concept Plan Amendment (ZCPA) to amend existing elements of the approved Belmont Greene Concept Development Plan (CDP). The applicant also seeks a Special Exception (SPEX) for a 5,000 SF automobile service station. Lastly, the applicant seeks to modify zoning district (ZMOD) standards to reduce setbacks, increase height requirements, eliminate yards, and allow for private street access among other requests.

The subject property is located along Belmont Ridge Road between Chesterton Street and Portsmouth Boulevard in the Ashburn Election District. The area is governed by the policies of the Loudoun County 2019 General Plan (Suburban Policy Area), which designate this area in the Suburban Mixed Use Place Type. The applicant is requesting to develop the property under the Suburban Compact Neighborhood Place Type option as recommended by the 2019 GP.

The Planning Commission (Commission) held a public hearing on December 17, 2019. There were 16 members of the public who spoke in opposition to the proposal, citing concerns that the proposed density would have negative impacts on traffic and school capacity and would affect the character of the existing neighborhood. The Commission discussed the proposed building heights, the ZMOD requests, affordable housing, and the 2019 GP land use policies. The Commission forwarded (6-2-1: Barnes and Lloyd opposed; Scheel absent) the applications to the Board of Supervisors (Board) with a recommendation of approval, with direction to the applicant to revise the proposal to meet the seven criteria for the Suburban Compact Neighborhood Place Type.

At the March 3, 2020 Board Business Meeting, the Board forwarded (8-0-1; Briskman absent) the item to the March 18, 2020, Transportation and Land Use Committee (TLUC) Meeting for further discussion.

Staff does not support Board approval as the proposal does not satisfy all of the policy criteria necessary to qualify as a Suburban Compact Neighborhood. Specifically, this type of neighborhood is expected to provide additional unmet housing units and be located in the immediate vicinity of transit. The critical action date is May 13, 2020.

Staff Contacts: Jacqueline Marsh & Alaina Ray, Planning and Zoning

3. *Fee Waiver Request: Gateway Community Church

The Gateway Community Church (the Applicant) requests a fee waiver in the amount of \$7,605 for a Site Plan application to remove the planned right turn lane at the site entrance from northbound Gum Spring Road (Route 659), which will be limited to emergency vehicle access only. There is an existing church with a child care center located on the property. The County previously granted a fee reimbursement of \$1,870 for a Minor

Special Exception (SPMI-2017-0007) on September 15, 2017, and a fee reimbursement of \$9,705 for a Site Plan (STPL-2014-0029) on June 17, 2016. Staff has no objection to the approval of the fee waiver request based on the previous fee reimbursements approved for the project. The Applicant has also identified a financial hardship for a facility serving the public and the Committee has exercised its discretion on applications when the fees represented a hardship. The fee waiver application is ready for action.

Staff Contacts: Kenneth Williams Jr. & Alan Brewer, Building and Development

IV. Adjourn

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

FM Assistive Listening System is available at the meeting. Agenda Summary-04-22-20

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