DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: September 15, 2010
ZMAP 2008-0004 & SPEX 2008-0023 – Fox Gate
ELECTION DISTRICT: Dulles DECISION DEADLINE: September 15, 2010
PROJECT PLANNER: Stephen Gardner DIRECTOR: Julie Pastor

EXECUTIVE SUMMARY

Pleasant Valley Village LLC of Vienna, Virginia has submitted an application to rezone approximately 27.38 acres from the CLI (Commercial Light Industry) zoning district to the PD-MUB (Planned Development-Mixed Use Business) zoning district in order to develop a mixed-use community consisting of 110 multi-family units, at an overall residential density of approximately 4.02 dwelling units per acre, and up to 1,192,372 square feet of office, commercial, retail, hotel, and civic uses, at an overall Floor Area Ratio (FAR) of approximately 1.0. The property is also located within the AI (Airport Impact) Overlay District, partially within the Ldn 65 or higher, and partially between the Ldn 60-65, aircraft noise contours, and partially within the QN (Quarry Notification) Overlay District-Chantilly Crush Stone Note Area.

The applicant has also submitted an application for a special exception to permit a commercial use with a drive-through in the PD-MUB zoning district. These applications are subject to the Revised 1993 Zoning Ordinance, and the proposed use is listed as a Special Exception use under Section 4-1354(B)(2), subject to the Additional Regulations set forth in Section 5-659. The applicant is also requesting modifications of the Zoning Ordinance to permit direct access to Route 50 via a right-in / right-out, reduce and modify the required plantings of the required Type 5 Buffer along Route 50, increase the maximum yard width along a portion of Eastgate View Drive, and eliminate the requirement for street trees along on-site travelways.

The subject property is approximately 27.38 acres in size and is located on the south side of John Mosby Highway (Route 50), the east side of Tall Cedars Parkway (Route 2200), and west of Pleasant Valley Road (Route 609) in the Dulles Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Dulles Community)), which designates this area for Business uses at a Floor Area Ratio (FAR) up to 1.0, and Residential uses at densities up to 24 dwelling units per acre.

RECOMMENDATION

Staff recommends denial of these applications. Though the proposed PD-MUB zoning district will replace the current CLI zoning resulting in a consolidated and unified development program for the property, the application fails to conform to key policy objectives of the Arcola Area / Route 50 Comprehensive Plan Amendment, particularly regarding phasing of roadway improvements, maintaining acceptable Level of Service (LOS), the proposed land use mix, and design. Specifically, the proposed residential units are not anticipated on acreage of this size, the percentage of

commercial retail and service uses is four (4) times the amount anticipated, and the site is deficient in public parks and open space. Finally, the application proposes direct vehicular access to Route 50 and is in violation of the LOS policies noted in the Revised Countywide Transportation Plan (2010 CTP).

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZMAP 2008-0004 and SPEX 2008-0023, Fox Gate, to the Board of Supervisors with a recommendation of denial, based on the Findings included in the September 15, 2010 Staff Report.

OR,

2. I move that the Planning Commission forward ZMAP 2008-0004 and SPEX 2008-0023, Fox Gate, to a Planning Commission Work Session for further discussion.

OR,

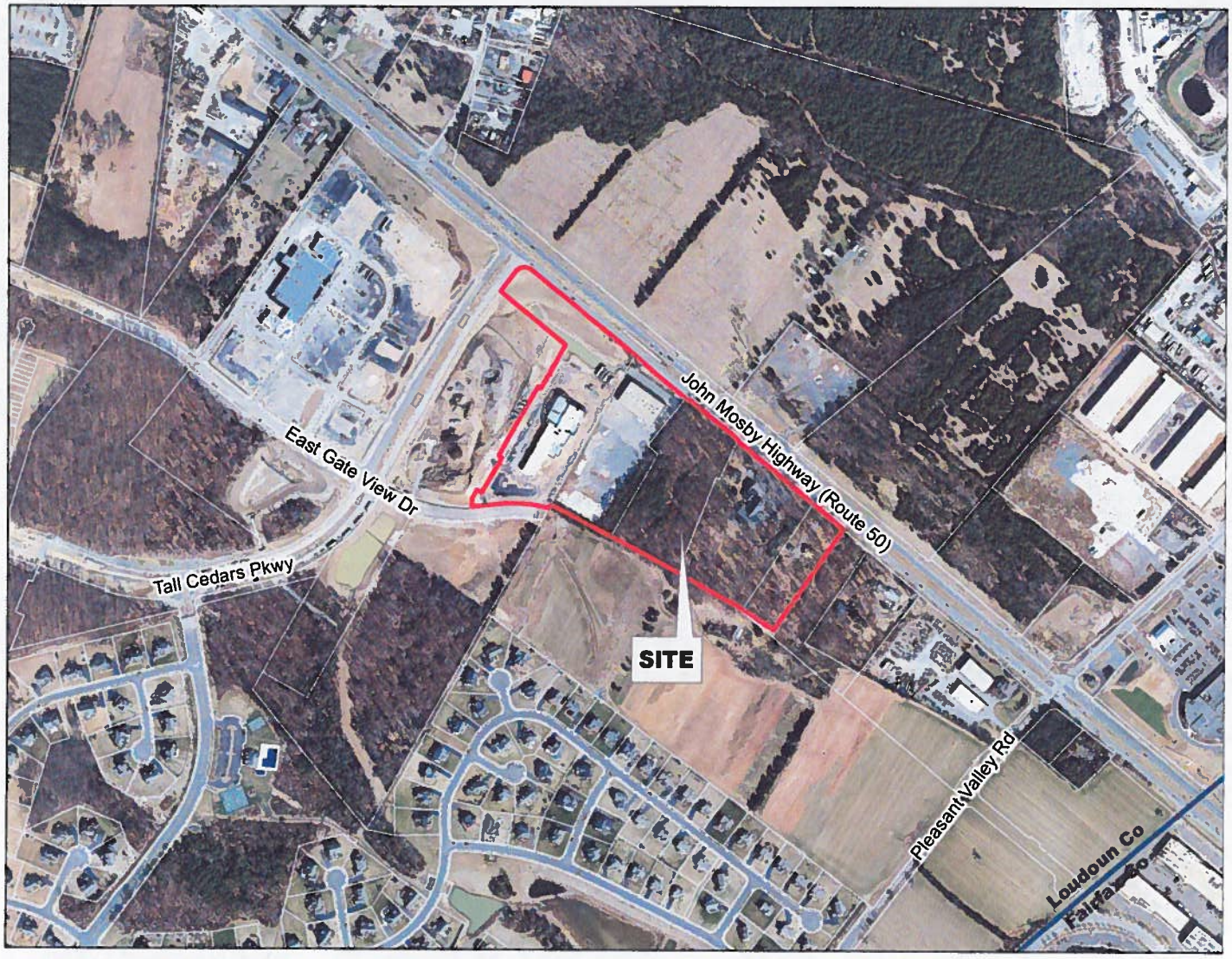
3. I move that the Planning Commission forward ZMAP 2008-0004 and SPEX 2008-0023, Fox Gate, to the Board of Supervisors with a recommendation of approval, subject to the Proffer Statement dated March 31, 2009, revised to August 6, 2010, with the following Findings for Approval:

   1) _____

   2) _____

   3) _____

VICINITY MAP



Directions:
From Leesburg, take Evergreen Mills Road south to Gum Spring Road (Route 659). Turn right onto Gum Spring Road (Route 659). At the intersection of Gum Spring Road and John Mosby Highway (Route 50), turn left. Proceed approximately 3.5 miles. The subject site will be on the right approximately 0.1 miles past the intersection of Tall Cedars Parkway (Route 2200). Access to the site is currently via John Mosby Highway.

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I. APPLICATION INFORMATION

APPLICANT	Pleasant Valley Villages, LLC Attn: Robert Hess, Agent 8415 Rainbow Road Vienna, VA 22182 703-730-3499
REPRESENTATIVE	Bowman Consulting Group, Ltd. Attn: Packie Crown, Principal 101 South Street, SE Leesburg, VA 20175 703-443-2400
APPLICANT'S REQUEST	A Zoning Map Amendment to rezone approximately 27.38 acres from CLI (Commercial Light Industry) to PD-MUB (Planned Development – Mixed Use Business) to allow a mix of office, retail and multi-family residential; incentives to increase the FAR from 0.5 to 0.9. A Special Exception to permit a commercial use with a drive-through. This application was accepted on April 18, 2008.
LOCATION	South side of Route 50, east side of Tall Cedars Parkway, and north side of Eastgate View Drive.
TAX MAP/PARCEL #s	Tax Map 107////////47/ MCPI 097-27-4045 Tax Map 107////////48/ MCPI 097-28-0986 Tax Map 107////////49/ MCPI 097-28-4693 Tax Map 107////////50/ MCPI 097-28-7358 Tax Map 107////////52/ MCPI 097-29-0248
ZONING	CLI (Commercial Light Industry)
ACREAGE OF SITE	27.38 acres

SURROUNDING ZONING / LAND USES

	ZONING	PRESENT LAND USES
North	CLI	Vacant
South	R-8	Vacant (Single-Family Attached Proposed)
East	CLI	Vacant
West	PD-CC-SC / CLI	Commercial Retail / Vacant

II. SUMMARY OF DISCUSSION

Topic	Issues Examined and Status
Comprehensive Plan	• Provide a land use mix calculation that will demonstrate to what extent this application complies with the Revised General Plan. Classify uses consistent with the respective definitions in the Plan and include the square footage of the hotel. Status: **Unresolved. The land use mix has been calculated based upon the definitions and regulations noted for the PD-MUB district in the Revised 1993 Zoning Ordinance. Hotel is excluded from this calculation and definitions, particularly regarding commercial retail and service uses, are inconsistent with those noted for the Plan.** • Eliminate high-density residential uses. Status: **Unresolved. Regional Office policies preclude high-density residential uses on acreage less than seventy-five (75) acres; the subject property is 27.38 acres. Conversely, the PD-MUB District requires ten (10) percent of the square footage be devoted to residential uses, a provision which may not be modified. Elimination of the residential uses would require rezoning the property to a district other than PD-MUB.** • Reduce the square footage devoted to commercial retail and services uses. Status: **Unresolved. The application proposes forty (40) percent of the square footage as commercial uses whereas only ten (10) percent is anticipated by the Revised General Plan. The Arcola Route 50 CPAM provides for additional retail above the ten (10) percent, provided certain criterion are met, including no direct access to Route 50 and mitigation of transportation impacts, to which this application fails to comply.** • Eliminate the proposed right-in and the right-in / right-out access point to Route 50. Status: **Unresolved. The Arcola Route 50 CPAM precludes direct access to Route 50, intended to be an access controlled, major collector.** • Recalculate the percentage of acreage devoted to public parks and open space to exclude sidewalks, landscape medians / islands, and area reserved for the future Tall Cedars Parkway / Route 50 interchange. Increase the area to meet the ten (10) percent minimum requirement. Status: **Unresolved. Given the increase in Floor Area Ratio (FAR) to 0.9, usable open spaces should be provided. Plazas, promenades, play areas, buffers, water amenities, etc. constitute usable open space per the Revised General Plan; landscape medians / islands, five (5) foot sidewalks, and a future interchange are not counted.** • Construct a ten (10) foot wide multi-use trail along East Gate View Drive. Status: **Unresolved. An eight (8) foot trail is proposed along East Gate View Drive, inconsistent with that recommended by the Bicycle and Pedestrian Mobility Master Plan.** • Specify the phasing of both underground and structured parking. Status: Resolved. An illustrative outlines the phasing of all on-site parking. The proffers provide a commitment that a minimum of fifty (50) percent of required parking will be structured should the 0.1 increase in Floor Area Ratio (FAR) above the base 0.5 be utilized.

Comprehensive Plan	• Provide a per unit capital facilities contribution consistent with the Capital Intensities Factors adopted by the Board on July 21, 2009. Status: Resolved. The anticipated contribution of $2,129,490 ($19,359.00 per multifamily unit x 110 units) has been provided through Proffer V.A. • Provide a minimum contribution to the open space preservation program of $22,618. Status: **Unresolved. The Applicant's proposed contribution of $18,817.70, $171.07 per market rate unit, is inconsistent with that anticipated by Policy.**
Zoning	• Delineate the required Type 2 Buffer along Eastgate View Drive and demonstrate adequate space exists to accommodate the required width. Status: **Unresolved.** • Clarify the inconsistency between the Proffer Statement and the Concept Development Plan regarding whether Steeple Run Drive will be publicly dedicated or maintained as a private driveway. Status: **Unresolved.** • Correct and confirm the land use mix table. Status: **Unresolved.** • Delineate the location of the four (4) foot planting strip between the curb and sidewalks Status: **Unresolved.** • Include additional vegetation in plaza areas intended to be counted toward required public parks and open space. Status: **Unresolved.**
Parks	• Demonstrate how the active recreational needs for the proposed 110 multifamily residential units will be met. Include provisions for indoor and/or outdoor active recreation space Status: **Unresolved. The Proffers provide no provisions for indoor recreational amenities to support the proposed residential units. As noted within the Comprehensive Plan section above, the property is deficient in usable outdoor open spaces; five (5) foot sidewalks and landscape medians are being counted as part of the required open space.** • Clarify that the proposed play area adjacent to the Pleasant Valley Methodist Church will be available for public uses and outline amenities to be included within such. Status: **Unresolved. A second play area has been added north of Building K and will be available to all residents of Fox gate. However, the Proffers provide no details regarding the dimensions and/or amenities of this space.** • Provide a cash contribution for athletic facilities. Status: **Unresolved. The Applicant has offered to construct an athletic field at the East Gate Public Use Site. However, this site is intended as a commuter parking facility, and as such, a cash contribution should be considered as an alternative.**
Environmental Review	• Delineate a Tree Conservation Area at the northeast portion of the site in a location that would preserve existing specimen trees. Status: **Unresolved. Despite the existence of a number of note-worthy hardwoods, the application proposes the preservation of a single tree. The area noted above is proposed as a Stormwater Management Pond / BMP / LID facility.** • Commit to noise attenuation measures, as applicable, for uses adjacent to Route 50 and Eastgate View Drive. Status. Resolved. Proffer III.C. states a noise study will be conducted with a commitment to corresponding mitigation.

Transportation (OTS)	• Eliminate direct access to Route 50. Status: **Unresolved. Two (2) direct access points are proposed onto Route 50 and are in contradiction to policies noted in the <u>Revised Countywide Transportation Plan (2010 CTP)</u> and the <u>Arcola Area / Route 50 Comprehensive Plan Amendment</u>, which call for Route 50 to be limited access with ingress / egress through grade-separated interchanges.** • Provide a fair-share contribution toward mitigation of a failing Level of Service (LOS) at the Route 50 / Tall Cedars Parkway and the Route 50 / Pleasant Valley Road intersections. Status: **Unresolved.** • Amend the phasing to provide for construction of East Gate View Drive to Pleasant Valley Road prior to development on the site. Status: **Unresolved. East Gate View Drive to Pleasant Valley Road will not be constructed until permits have been issued for development of seventy-seven (77) percent of the project. Effectively, East Gate View Drive, needed to provide a second means of ingress / egress, will be constructed at the end of the project.** • Construct a traffic signal at the intersection of East Gate View Drive and Pleasant Valley Road and at the site's main entrance. Status: **Unresolved.** • Improve Pleasant Valley Road to Route 50. Status: **Unresolved.** • Remove a provision for one hundred (100) commuter parking spaces. Status: **Unresolved. Commuter parking spaces are being proposed as part of the Applicant's mitigation of transportation impacts. However, commuter parking spaces are being constructed at the East Gate Public Use site and are not needed at this location.**
Emergency Services	• Ensure adequate access to all buildings for emergency equipment. Status. Deferred. Demonstration of adequate access will be verified at the time of Site Plan. • Include a minimum of two (2) elevators from the underground parking garage to the surface of sufficient size to accommodate emergency personnel and related equipment. Status: Resolved. Proffer VII.C. has been added accordingly.
Health Department	• No issues noted. Status: Recommendation of approval.

Policy or Ordinance Sections Subject to Application
<u>Revised General Plan</u>
Chapter 6. Regional Office Use Policies. Policies 1 and 2.
Chapter 5. Lighting and Night Sky. Policy 1.
<u>Countywide Retail Policy Plan Amendment</u>
General Retail Policies. Policy 4.
Service Area-Based Retail Policies. A. General Policies. Policies 1, 2, and 3.
Service Area-Based Retail Policies. D. Employment Supportive Retail Centers.

Policies 1 and 2.
Design Guidelines. A. Building Placement and Design. Policies 1, 2, 3, 4, 6, 7, 8, and 9
Design Guidelines. B. Landscaping and Buffering. Policies 2, 3, and 5.
Design Guidelines. B. Signs and Lighting. Policy 2.
Arcola Area / Route 50 Comprehensive Plan Amendment
General Policies. Policies 1, 7, 8, 9, 10, and 11.
Architectural Design Policies. Policy 2.
Landscaping Policy 1.
Economic Development Policies. Policies 1, 2, and 4.
Transportation Policies. Policies 1, 5, and 6
Business Community Policies. General Policies. Policies 1, 2, and 4.
Employment Use Policies. Policy 2.
Residential Development Policies. Policies 2 and 3.
Unmet Housing Needs. Policies. 1, 2, and 3.
Revised Countywide Transportation Plan (CTP)
Design Guidelines for Major Roadways. Route 50 (John Mosby Highway).
Design Guidelines for Major Roadways. Tall Cedars Parkway.
Revised 1993 Zoning Ordinance
Section 4-1350. PD-MUB Planned Development - Mixed Use Business District

III. FINDINGS FOR DENIAL

1. The application is not in conformance with the policy guidance of the Revised General Plan in that the amount of commercial retail and service uses exceed the ten (10) percent maximum anticipated for Business community.

2. The application has not demonstrated conformance with three of the five criteria identified by the Arcola Area / Route 50 Comprehensive Plan Amendment for commercial retail and service uses to exceed the ten (10) percent maximum noted in the land use mix for modified Business community. Specifically, the application has not demonstrated the following: 1) Restricted access to Route 50; 2) Mitigation of transportation impacts and the phasing of development to coincide with construction of transportation links needed to provide timely and efficient access; and 3) Conformance with the Countywide Retail Policy Plan Amendment.

3. The Special Exception (SPEX 2008-0023) for a commercial use with a drive-through introduces a vehicular-oriented use into a district intended to be pedestrian friendly and

results in the land use mix, already inconsistent with that anticipated by the Revised General Plan for commercial retail and services, to be further out of compliance.

4. Multi-family residential uses proposed as part of this application are not anticipated by the High-Density Residential policies of the Revised General Plan. The acreage of the subject site, 27.38 acres, does not meet the minimum seventy-five (75) acres anticipated for a mixed-use Business community.

5. The application proposes direct vehicular access to Route 50 (i.e. a right-in and a right-in / right-out), facilitated by modifications to the Revised 1993 Zoning Ordinance, and is in direct conflict with the Revised Countywide Transportation Plan (2010 CTP) and the Arcola Area / Route 50 Comprehensive Plan Amendment which recommend Route 50 to be a limited access roadway with ingress / egress at grade-separated interchanges only.

6. The application fails to comply with Level of Service (LOS) policies noted in the Revised Countywide Transportation Plan (2010 CTP) and the Arcola Area / Route 50 Comprehensive Plan Amendment in that failing LOS at the both the Route 50 / Tall Cedars Parkway and the Route 50 / Pleasant Valley Road intersections will be exacerbated with no mitigation proposed for either.

IV. SPEX 2008-0023 CONDITIONS OF APPROVAL – September 1, 2010

Should this application be considered further, staff recommends the following conditions of approval:

1. **Substantial Conformance** – The development of the Special Exception use, a commercial use with a drive-through in the PD-MUB (Planned Development – Mixed Use Business) zoning district, shall be in substantial conformance with Sheet 5 of 12 (the "Special Exception Plat") of the plan set entitled "Rezoning / Special Exception Application Foxgate" dated March 2008, revised through August 6, 2010, prepared by J2 Engineers (the "Plans"), and incorporated herein by reference, and the 1993 Loudoun County Zoning Ordinance. Approval of this application shall not relieve the applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.

2. **Use Limitations** – The "Commercial Use with Drive-Through" shall be permitted for a "bank or other financial institution" use only. Drive-through service lanes for all other uses shall be prohibited.

Note: The applicant has agreed to contribute $.10 per square foot of development to the servicing Fire and Rescue Company. The contribution shall be divided equally for fire and rescue services. The $0.10 per square foot contribution will escalate annually based on the Consumer Price Index (base year of 1988) in accordance with Board policy and contributions shall be made before issuance of zoning permits for phased development of the project.

V. PROJECT REVIEW

A. CONTEXT

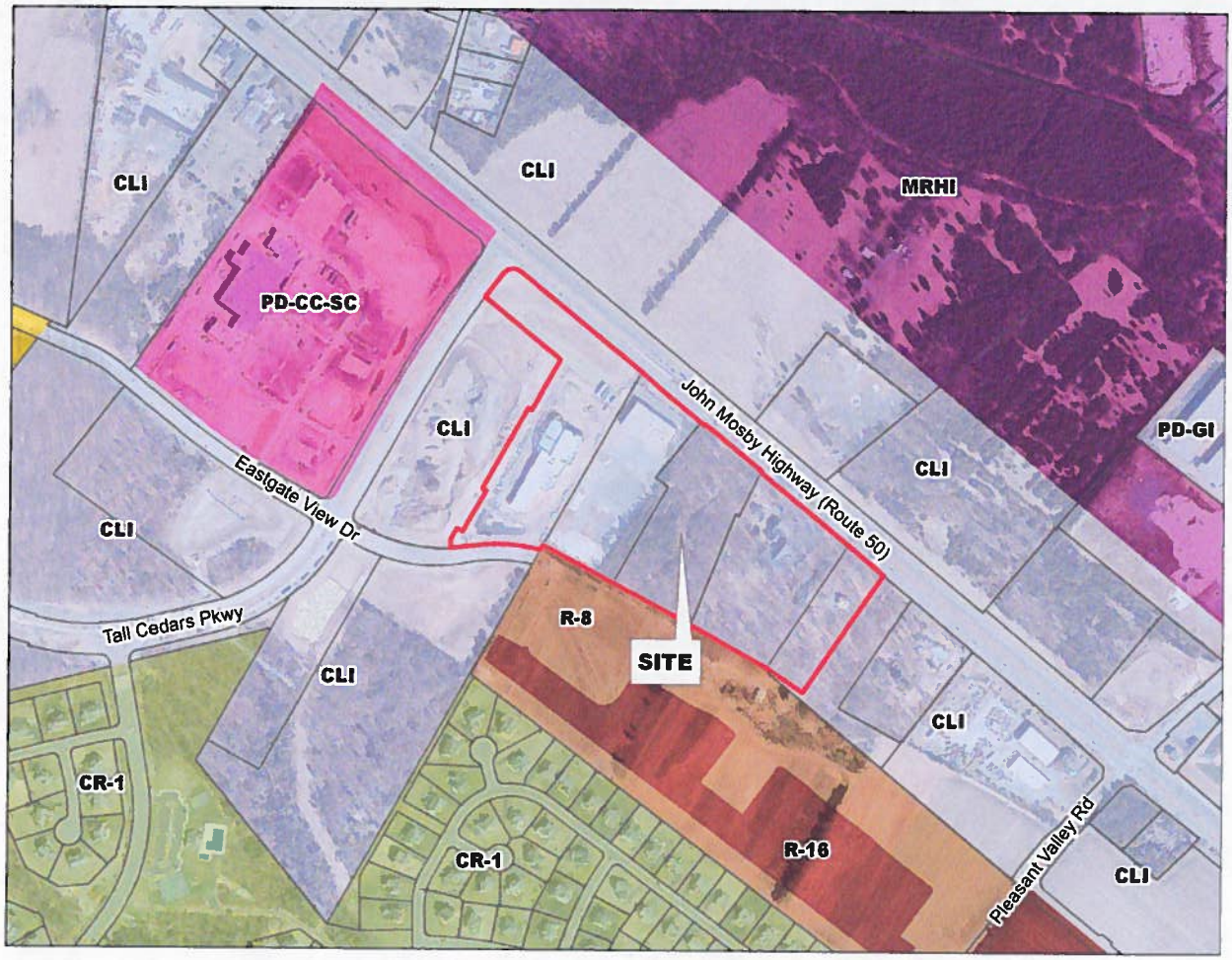
On April 18, 2008, the County accepted, on behalf of Pleasant Valley Village, LLC, a request for Zoning Map Amendment (ZMPA) to rezone 27.38 acres from the CLI (Commercial Light Industry) zoning district to the PD-MUB (Planned Development-Mixed Use Business) zoning district. Concurrently, a request for Special Exception (SPEX) has been submitted to permit a commercial use with a drive-through in the PD-MUB zoning district. The site is located immediately adjacent to and south of John Mosby Highway (Route 50), west of Tall Cedars Parkway, and north of a proposed extension of Eastgate View Drive.

The subject property is currently five (5) lots of record, four of which have been improved and the fifth is vacant. Existing improvements include the partially constructed NOVA Partners Hotel located on the westernmost parcel adjacent to Tall Cedars Parkway. The hotel, a by-right use approved in June 2008 per STPL 2006-0074 pursuant to the existing CLI zoning, is proposed to be retained and incorporated into the Fox Gate development. An existing flex-industrial warehouse building, a special exception (SPEX 1986-0210) for which was approved in July 1986 for a warehouse, indoor storage and enclosed outdoor storage, fronts onto Route 50 and will be removed. An existing single-family residence is located on the easternmost parcel and will also be removed. Finally, the Pleasant Valley Methodist Church, an existing church use approved in September 1990 pursuant to SPEX 1990-0050, will be retained, expanded, and incorporated into the project as a civic use.

Existing land uses on the subject site. Top: Pleasant Valley Methodist Church. Bottom left: NOVA Partners Hotel. Bottom right: single-family residence.

The application under consideration proposes a mix of uses to include residential, commercial retail and services, office, and civic totaling 1,192,372 square feet at a Floor Area Ratio (FAR) of 1.0, inclusive of the proposed 110 multi-family residential dwelling units. An unrelated application, SPEX 2005-0047, was accepted by the County in December 2005 and proposed a mix of uses including office, retail, and restaurant on 19.1 acres; this application is currently inactive. A site plan, STPL 2008-0022 – Fox Gate Town Center Phase I, applicable to parcel 097-28-4693 has received conditional approval from the Department of Building and Development and depicts a 72,633 square foot office and commercial facility pursuant to the existing CLI zoning.

The Route 50 corridor is flanked on both sides by properties currently zoned CLI, including properties to the north, east, and west of the subject site. Surrounding land uses include the un-built East Gate I property, zoned R-8 and R-16, approved for a mix of both single-family attached and multi-family residential. Properties to the east include single-family homes and industrial warehouse uses. Land uses to the west include a retail shopping center, currently zoned PD-CC-SC.



Route 50 Corridor Existing Zoning.

B. SUMMARY OF OUTSTANDING ISSUES

Outstanding issues include:

LAND USE

1. ***Reduce the percentage of retail and service uses to the ten (10) percent maximum anticipated by the Revised General Plan, or demonstrate conformance with the criteria noted as part of Arcola Area / Route 50 Comprehensive Plan Amendment to provide additional retail and service uses.*** This application proposes over four (4) times the amount of commercial retail and service uses from that anticipated (i.e. 475,372 square feet provided

versus 119,354 square feet anticipated). Additional commercial retail and services uses may be provided if: 1) The uses do not access Route 50 directly; a right-in and a right-in / right-out are proposed; 2) Mitigation of transportation impacts is provided; no meaningful contribution to regional roadway network is provided except for the extension of East Gate View Drive to Pleasant Valley Road, phased at the end of the project; and 3) Conformance with the Retail Plan; the proposed commercial uses are not employment supportive. The Applicant has stated that direct access to Route 50 is needed for the benefit of Pleasant Valley Methodist Church and the mixed-use, employment center proposed, consistent with the concept envisioned by the Route 50 Task Force, will stop the "leakage" of tax revenues to neighboring jurisdictions.

2. ***Eliminate the 110 multi-family dwelling units as high-density residential uses are not anticipated as part of a Regional Office community less seventy-five (75) developable acres.*** At 27.38 acres, the subject site does not meet the minimum threshold noted by the Revised General Plan for high-density residential. The PD-MUB district, however requires ten (10) percent of the land area to be devoted to residential, a provision which may not be modified. The 110 units represents the minimum required by the Ordinance.

3. ***Provide usable public parks and open space, consistent with the definition as noted in the Revised General Plan, constituting ten (10) percent of the land area.*** The land use mix noted in the Revised General Plan anticipates a minimum of ten (10) percent of the land area be devoted to public parks and open space, a requirement reiterated as part of the PD-MUB district regulations. Though the proposed 2.74 acres meets the technical definition of the Ordinance, it does not meet the intent of the plan as five (5) foot sidewalks, landscape medians / islands, and acreage intended for the future dedication of the Route 50 / Tall Cedars Parkway interchange are included as part of the total.

4. ***Provide a land use mix that will demonstrate to what extent the application conforms to the Revised General Plan, and classify uses consistent with Plan definitions.*** The Applicant has calculated the land use mix per the requirements of the Revised 1993 Zoning Ordinance, which provides for a classification of uses that is inconsistent with the Plan. In order to understand to what extent the application fails to conform to the Plan, a separate land use mix should be provided that would be in addition to that required by the Ordinance.

5. ***Withdraw the special exception for a commercial use with a drive-through (SPEX 2008-0023) as the use is inconsistent with the intent of the PD-MUB district, is not designed in such a way as to be employment supportive, and results in the land use mix for the PD-MUB district to be further out of compliance with the Revised General Plan.*** Given the application proposes over four (4) times the amount of commercial retail and service uses than anticipated, a special exception for additional retail cannot be supported. Further, the commercial use with a drive-through will be located adjacent to Route 50, suggesting it will cater to the motoring public rather than being employment

supportive of the greater regional office community. Finally, the location of the special exception use, internal to the site, will conflict with pedestrian travelways and is conflict with the intent of the district to be pedestrian friendly. The application has justified the use, intended to be a bank, as necessary in a mixed-use environment.

DESIGN

6. ***Incorporate a design that is consistent with the Route 50 Corridor Design Guidelines.*** Though the design has been amended numerous times to incorporate the existing Pleasant Valley Methodist Church and to eliminate the disconnect from noncontiguous land bays, the current design fails to integrate exiting uses, particularly the NOVA Partners Hotel, into the overall concept in a way that is seamless and intuitive. The design fails to provide a "Main Street" that unifies the various components, and public spaces are disconnected and inconsistent. Further, the Applicant has failed to revise the *Design Guidelines* after the third referral to incorporate many of the design recommendations noted.

TREE PRESERVATION

7. ***Delineate a Tree Conservation Area at the northeast quadrant of the site adjacent to Route 50 and the proposed Steeple Run Drive and commit to preservation of specimen trees within such.*** Though the easternmost portion of the property includes viable hardwoods and a significant number of specimen trees, the Concept Development Plan identifies only one (1) specimen tree that will be retained. An underground parking garage will occupy the majority of the property, exclusive of the partially constructed NOVA Partners Hotel and the existing Pleasant Valley Methodist Church, and will limit preservation. The Applicant has included tree preservation language within the Proffers for acreage associated with the required Type 5 Buffer, but the use of the words "may be preserved" provides no assurance of such.

OPEN SPACE CONTRIBUTION

8. ***The contribution to the Open Space Preservation Program is inconsistent with that anticipated by Policy.*** The application proffers to provide a contribution of $18,817.70, $171.07 per market rate unit, whereas a contribution between $22,618.00 and $29,760.00 is anticipated by Policy.

PARKS AND RECREATION

9. ***Commit to indoor recreational amenities in the Proffers to support the 110 multi-family residential units. Provide details in the Proffers of outdoor active recreational amenities.*** Neither the Proffers nor the Concept Development provide for any indoor recreational amenities. Outdoor recreational amenities noted on the Concept Development Plan include a "playground area" adjacent to a proposed expansion of Pleasant Valley Methodist Church and a "play area" adjacent to Building K. However, no details of either space are included within the Proffer Statement.

10. ***Provide a cash contribution in lieu of construction of an athletic field at the East Gate Public Use site.*** Staff appreciates the Applicant desire to provide needed active recreational facilities, but notes the East Gate Public Use site is intended as a commuter parking facility and may not be of sufficient size to accommodate parks facilities. A cash contribution should be considered as an alternative.

MULTI-USE TRAILS

11. ***Construct a ten (10) foot wide multi-use trail along the frontage of East Gate View Drive.*** The application proposes an eight (8) foot wide multi-use trail along the East Gate View Drive frontage of the property whereas a ten (10) foot wide multi-use trail is anticipated by the Bicycle and Pedestrian Mobility Master Plan. In addition, depicted trails coincide with café/seating areas and are flush against a proposed parking structure.

MODIFICATIONS

12. ***Modifications to provide direct access to Route 50 (Modification # 1), reduction of the required Type 5 Buffer width (Modification # 2), and elimination of street trees (Modification # 3) cannot be supported.*** A discussion specific to the modifications is included in Section V.D. of this report.

ZONING

13. ***Delineate a Type 2 Buffer along East Gate View Drive on the Concept Development Plan, and demonstrate that required plantings, multi-use trails and depicted plazas can be accommodated.*** A fifteen (15) foot minimum Type 2 Front Yard Buffer is required. Cross sections have been provided on Sheet 7C and depict widths between thirteen (13) feet and twenty-one (21) feet. These widths are inconsistent with that depicted on the Concept Plan, and it appears as though portions of the right-of-way for East Gate View Drive are being used to fulfill required buffer yard widths.

14. ***Clarify and correct the Land Use Mix Table located in the Proffer Statement.*** The land use mix table does not account for a change in the square footage allocated to residential uses, nor does it provide for the square footage to be devoted to public/civic/institutional uses.

15. ***Clarify whether Steeple Run Drive is intended as a publicly dedicated roadway or a private travelway.*** The Proffer Statement identifies the road to be publicly dedicated, however, the Concept Development Plan depicts it as private.

TRANSPORTATION

16. ***Eliminate direct access to Route 50.*** Modifications to the Revised 1993 Zoning Ordinance have been requested which would allow direct access to Route 50 which would otherwise be prohibited. This access, proposed as a right-in and a right-in / right-out, is in direct conflict with the Revised Countywide Transportation

Plan (2010 CTP) and the Arcola Area / Route 50 Comprehensive Plan Amendment, both of which envision Route 50 as limited access with ingress / egress at grade-separated interchanges. The Applicant has justified the request and the related modifications by stating the access points are temporary, subject to closure pending the construction of an interchange at Tall Cedars Parkway and Route 50, and by stating the right-in and the right-in / right-out is necessary to maintain access to the existing Pleasant Valley Methodist Church.

17. ***Construct a four lane undivided segment of East Gate View Drive to Pleasant Valley Road prior to any development on the site.*** East Gate View Drive will be constructed by the Applicant along the frontage of the property in phases; construction of an extension to Pleasant Valley Road will not begin until 917,372 square feet of development has been realized on the Property. This "back-loading" of the improvement will result in the Tall Cedars Parkway / Route 50 intersection being the sole means of ingress / egress, particularly if direct access to Route 50 is severed. To provide for a second means of ingress / egress from the site, Staff recommends the improvement be provided "up-front."

18. ***Provide Improvements to Pleasant Valley Road, specifically, the construction of a traffic signal at the intersection of East Gate View Drive.*** Improvements to Pleasant Valley Road from Route 50 south to East Gate View Drive are proffered as part of the East Gate I application (ZMAP 2004-0020). The Applicant should commit to construction of a traffic signal at the intersection of the two. Not-withstanding, because the majority of trips will access the subject site to and from the east, improvements to Pleasant Valley Road, inclusive of signalization, must be in place prior to or concurrently with extension of East Gate View Drive to Pleasant Valley Road. In response to a request for mitigation to Pleasant Valley Road, the Applicant has indicated the construction of East Gate View Drive and a generalized regional roadway contribution of $410,000 should be adequate to offset its impacts to the regional network.

19. ***Provide a fair-share contribution for the mitigation of failing Levels of Service (LOS) at the Route 50 / Tall Cedars Parkway and the Route 50 / Pleasant Valley Road intersections.*** The above-referenced intersections are currently experiencing failing conditions, and the additional trips generated by this proposal will exacerbate this failing LOS, particularly in an ultimate condition when access to Route 50 is severed and ingress / egress is via East Gate View Drive by means of Tall Cedars Parkway and Pleasant Valley Road. In response to this issue, the Applicant has provided regional roadway improvements that include construction of East Gate View Drive to Pleasant Valley Road and provisions for a 100 space commuter parking lot. Staff acknowledges the commitment to construct East Gate View Drive, but notes that other mitigation measures are also needed to improve LOS.

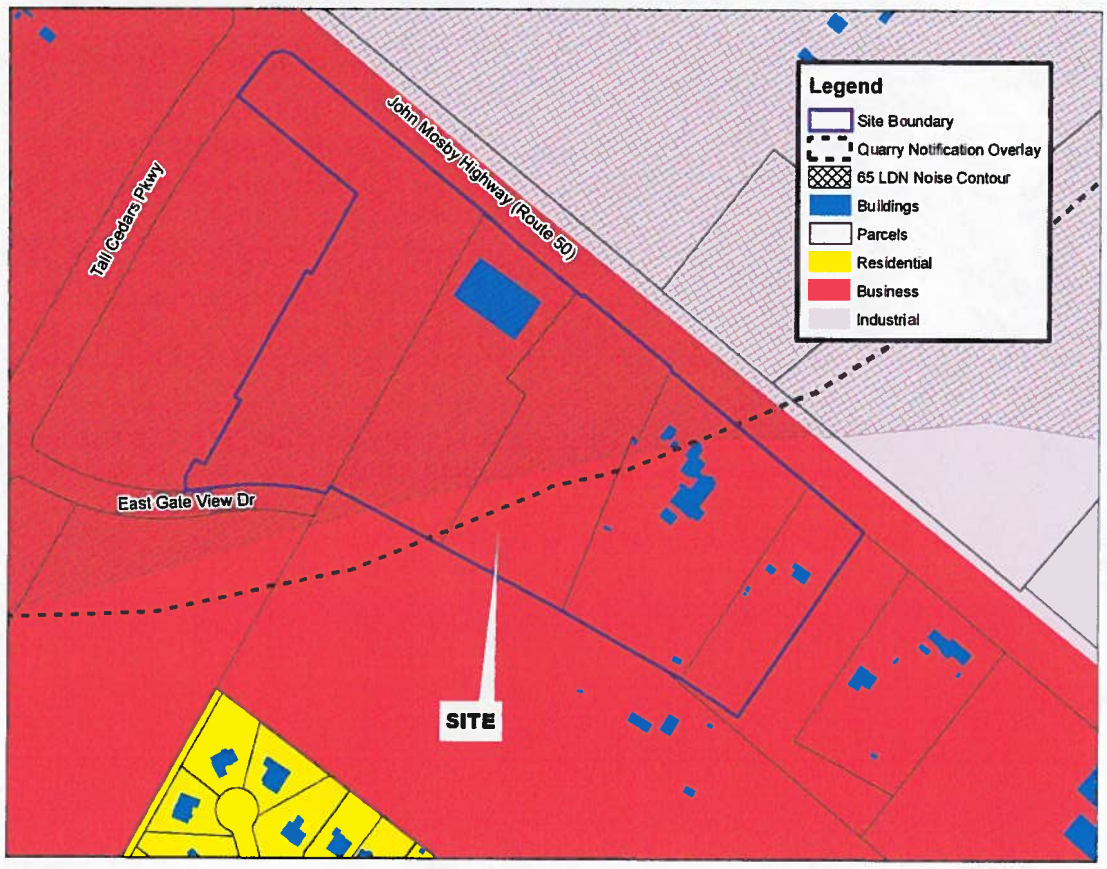
20. ***Remove provisions for a one hundred (100) space commuter parking lot as it is inconsistent with the Revised Countywide Transportation Plan (2010 CTP).*** The Applicant has proposed 100 commuter parking spaces as a means to

offset its obligation for a regional roadway contribution by one million dollars. The County neither requested commuter parking spaces nor needs the spaces in this location. The spaces are proposed within two structured parking garages that are disconnected from one another and difficult to service. Regional roadway dollars should be diverted to efforts that provide a meaningful mitigation of the project's impacts to the regional roadway network, such as improvements to Pleasant Valley Road or enhancement of proximate intersections (i.e. Tall Cedars Parkway / Route 50 and/or Pleasant Valley Road / Route 50).

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan (Plan), the Revised Countywide Transportation Plan (2010 CTP), and the Countywide Retail Policy Plan Amendment (Retail Plan). Located in the Dulles Community of the Suburban Policy Area, the property is subject to the Arcola Area / Route 50 Comprehensive Plan Amendment and is planned for Business land uses (Arcola / Route 50 Comprehensive Plan Amendment, Planned Land Use Map), modified specifically for the Route 50 corridor. The site is also located within the quarry overlay notification district and the Ldn 65 aircraft noise contour, the boundary line of which bisects the property.



Route 50 Corridor Planned Use Land with 65 LDN Airport Noise Contour and Quarry Notification.

As part of its over-arching justification, the Fox Gate rezoning application is described by the Applicant as an attempt to implement and conform to the objectives as noted by the work of the Route 50 Task Force. To provide context regarding this group, the Route 50 Task Force was formed by the Board of Supervisors in late 2005 to reposition the corridor as an economic engine and gateway for Loudoun County. The group noted that multiple properties with fragmented ownership, inconsistent land uses allowed by the predominance of CLI zoning, and the lack of available transportation infrastructure pose key challenges to the Route 50 corridor. The recommendations of this group were later embodied as specific policies adopted by the Board of Supervisors in October 2006 as the Arcola Area / Route 50 Comprehensive Plan Amendment and included the following:

- Expansion of economic development and tourism by the development of Business and Industrial communities.
- Phased development of new residential communities to ensure office and industrial uses are dominant.
- Provisions for an increase in the percentage of commercial uses, provided specific criteria are met.
- Development of an incentive-based zoning district (i.e. PD-MUB) to encourage parcel consolidation and a unified, mixed-use development pattern along the corridor.
- Elimination of the current CLI zoning.
- Consolidation and removal of individual access points to Route 50 and the timely establishment of a parallel roadway network to provide alternative access.

Though the Fox Gate rezoning accomplishes many of these objectives, specifically, parcel consolidation, elimination of the existing CLI zoning, and implementation of the PD-MUB district, the application fails to comply with several key policies noted in the Arcola Area / Route 50 Comprehensive Plan Amendment that were specifically endorsed by the Route 50 Task Force. These policy deviations have been noted by Community Planning as issues and include the following: 1) A land use mix that emphasizes commercial uses, includes residential, and is deficient in public parks and open space; 2) Failure of the application to comply with criteria that would allow expansion of the amount of commercial uses beyond the ten (10) percent anticipated; and 3) Provisions for direct access onto Route 50.

Conformance with Modified Business Community / Land Use Mix

Business Community is anticipated to include a mix of uses to ensure goods and services are located proximate to the populations they are intended to serve. Areas bearing the Business designation may be subcategorized as either Regional Office or Light-Industrial, depending upon the nature of the proposed uses. As it applies to the Route 50 corridor, the modified Business Community maintains an emphasis on either office and/or light industrial as the predominant land use but may allow additional retail beyond that anticipated if certain criteria are met. Economic Development Policies state, "The County encourages an economic development focus within the Route 50 corridor to include office, light industrial, industrial, retail and other tourism-related opportunities (such as restaurants and hotel accommodations," but "Regional Office and Light Industrial communities will

be...predominant..." High-density residential uses may be permitted as part of a larger Regional Office development, provided, however, the buildable area of the Property exceeds seventy-five (75) acres.

In this instance, the application is being reviewed pursuant to the Regional Office policies of the Plan which anticipates a non-residential floor area ratio (FAR) up to 1.0, a minimum of fifty (50) percent of which will be devoted to regional office. Residential densities up to sixteen (16) dwelling units per acre may be permitted if the property exceeds seventy-five (75) buildable acres. The Fox Gate application proposes a non-residential FAR of 1.0 and a residential density of 4.02 dwelling units per acre. The proposed non-residential FAR is consistent with that anticipated by the Plan, but at 27.38 acres, residential uses are not anticipated. The following table summarizes the square footages anticipated based upon the percentage range anticipated by Regional Office policies as noted in the Plan versus that proposed.

Land Use Category	Plan Recommended % Land Area	PD-MUB Required % Land Area	Recommended Area (lane area @ 0.4 to 1.0 FAR)	Proposed Square Footage
High Density Residential	Not Anticipated (15-25% if > 75 acres)	10%	33 – 110 dwelling units (if > 75 acres, @ 8 – 16 du/acre	110,000
Regional Office	50% - 70%	40%	238,709 to 835,481 square feet	567,500
Commercial Retail & Services	0% - 10%	5%	119,354 square feet maximum	475,372
Public & Civic	5% - No Max	5%	59,677 floor area or 1.37 acres minimum	1.37 acres
Public Parks & Open Space	10% - No Max	10%	2.74 acres minimum	2.74 acres

The "Proposed Square Footage" noted in the above table reflects the development program as noted on the Concept Development Plan; the total of the individual categories (i.e. 1,152,872 square feet) is inconsistent with the total development program proposed (i.e. 1,192,372 square feet). Part of this discrepancy is due to the fact that the Applicant uses a methodology to classify the various land uses based upon the requirements of the Revised 1993 Zoning Ordinance which uses a definition of commercial that is inconsistent with that used by the Plan. The Applicant should provide a land use mix calculation that classifies uses consistent with the definitions noted by the Plan, includes the hotel square footage, clarifies the square footage of residential and hotel uses, and accounts for required public and civic uses.

The number of residential units and the total square footage proposed as commercial retail and service uses deviate significantly from that anticipated by the Plan. In addition, Staff cannot confirm the acreage noted as public and civic as uses are proposed that are

inconsistent with the definition and no information has been provided regarding the specific allocation of square footage. Finally, the noted acreage for public parks and open space includes landscape medians and islands, the five (5) foot sidewalk which surrounds buildings, and the reservation area for a future interchange at the intersection of Tall Cedars Parkway and Route 50. These features do not meet the definition of open space as noted by the plan and should be deducted from the "proposed" acreage noted above. The site design should be revised to provide a corresponding increase in usable open space consistent with the definition commensurate with the difference between that anticipated and provided. The following sections include discussion specific to residential and commercial retail and service uses.

High-Density Residential: The discussion of high-density residential uses highlights a fundamental inconsistency between the policies noted in the Revised General Plan and the Zoning Ordinance district intended to administer them. Per the Regional Office policies noted in the Plan, high-density residential uses are permitted as part of a greater mixed-used Business community, provided, however, the subject site in question is greater than seventy-five (75) acres. Seventy-five (75) acres is viewed by the plan as the minimum needed to ensure a viable, mix of uses. At 27.38 acres, the subject property does not meet this minimum threshold, and consequently, residential uses are not anticipated.

On the other hand, the PD-MUB District requires a residential component, a provision that cannot be modified, and a minimum district size of twenty-five (25) acres. As noted previously, the PD-MUB district was specifically tailored for the Route 50 corridor to be implemented in areas designated as suitable for Business community in order to encourage parcel consolidation and provide enhanced economic opportunities. In this instance, additional acreage would need to be incorporated into the project or the PD-MUB district, intended for implementation along the Route 50 corridor, would need to be abandoned. It should be noted that the proposed 110 multi-family dwelling units, 10.7 percent of the floor area, represents the minimum required by the District. The irony of this application is that the inclusion of unmet housing needs units allows a 0.1 increase in the Floor Area Ratio (FAR). Effectively, a provision for residential units that is in conflict with the Plan provides for an increase in the project's intensity.

In addition to the policy noted above, Staff must acknowledge that approximately half of this site lies within the 65 LDN aircraft noise contours, an area in which residential is prohibited by policy. The quarry notification district also bisects the property. In considering this application, it is prudent for the Planning Commission to consider whether this site is appropriate for mixed-use development all-together, and as such, whether the PD-MUB district is appropriate in this instance. Therefore, the discussion should not be specific to residential versus no residential but should be considered more broadly as to what extent mixed-use should be allowed. If it is determined that mixed-use is not appropriate in this location, either the PD-OP (Planned Development - Office Park) or the PD-IP (Planned Development - Industrial Park) zoning districts, which would more closely administer the Business policies of the Plan, should be considered.

Commercial Retail and Services: The Regional Office policies of the Revised General Plan limit the amount of commercial retail and service uses to a maximum of ten (10) percent. This application proposes 475,372 square feet of commercial retail and service uses, approximately forty (40) percent of the total proposed, whereas only 119,354 square feet are anticipated by policy. In order to address a deficit of retail uses as well as provide for the development of tourism in the Corridor, the modified Business Community will consider additional commercial retail and services uses above the ten (10) percent, provided the following criteria can be met: 1) The retail use provides the goods and services needed by local employment and residential communities and/or supports the development of tourism in the Route 50 corridor; 2) The retail use is compatible with and can illustrate a coordinated design, transportation connections or other relationship with the surrounding communities that exist or have been approved; 3) The retail use does not access Route 50 directly; 4) The proposal provides appropriate and adequate transportation infrastructure; and 5) The proposal conforms with policies in the Retail Plan. This application fails to comply with the following three of the five criteria:

Criteria 3: The retail use does not access Route 50 directly. Three (3) modifications to the Revised 1993 Zoning Ordinance have been proposed that would permit vehicular traffic to Route 50 that would otherwise be prohibited. These access points are proposed as a right-in near the western boundary of the existing Pleasant Valley Methodist Church and the second is intended as a right-in / right-out to the proposed Steeple Run Drive at the eastern property line. Inclusion of these access points is in direct conflict with the policies noted in both the Revised General Plan and the Revised Countywide Transportation Plan (2010 CTP). Discussion specific to this issue is included as part of the Transportation analysis on Page 28 as well as the analysis of the applicable modifications on Pages 30 - 32. Discussion in this instance will be limited except to note that the application is in direct conflict with Criteria # 3.

Criteria 4: The proposal provides appropriate and adequate transportation infrastructure. Except for the extension of East Gate View Drive to Pleasant Valley Road, phased at the end of the project, this application fails to provide meaningful regional roadway improvements aside from that needed to facilitate the project. Failure to provide any mitigation will exacerbate failing Levels of Service (LOS) at the intersections of Tall Cedars Parkway / Route 50 and Pleasant Valley Road / Road 50. Specific to this discussion, it should be noted that the eight (8) foot multi-purpose trail proposed along East Gate View Drive is inconsistent with the Bicycle and Pedestrian Mobility Master Plan which recommends a width of ten (10) feet. The lack of pedestrian connections and the detrimental impacts that will be realized on the roadway network are in direct conflict with General Policy # 7 of the Arcola Area / Route 50 Comprehensive Plan Amendment which states, "New development will achieve and maintain acceptable levels of transportation service by completing the planned road network and supporting alternative transportation modes. It is anticipated that new road and transportation proffers will be provided in the initial phases of new development." In addition, it should be noted that Transportation Policy # 6 states, "Projected levels of service in all segments of the road network, including Route 50 will be level "D" in each phase of any new development." Discussion specific

to roadway impacts and recommended mitigation measures are included as part of the Transportation analysis on Pages 26 – 30.

***Criteria 5*: The proposal conforms with policies in the Retail Plan.** Per the Retail Plan, commercial retail uses should be limited to five (5) percent of the gross floor area and should be employment supportive in nature. In this application, commercial retail and service uses will constitute over forty (40) percent of the proposed square footage. When considering the relationship of the Retail Plan's limitation on square footage to the notion that additional commercial retail and service uses may be permitted above ten (10) percent, the two seem in conflict. However, the intent of the Retail Plan is that commercial retail, whether in excess of the ten (10) percent or not, be supportive of the larger Regional Office community and not designed to attract drive-by vehicular traffic in such a way to be emblematic of destination retail. This application fails to demonstrate conformance with this intent, particularly given that over four (4) times the amount of commercial retail and service uses are proposed and a special exception has been proposed that places a commercial use with a drive-through prominently along the frontage of Route 50. As such, this application fails to demonstrate conformance with this criteria.

SPEX 2008-0023 – Commercial Use with a Drive-Thru

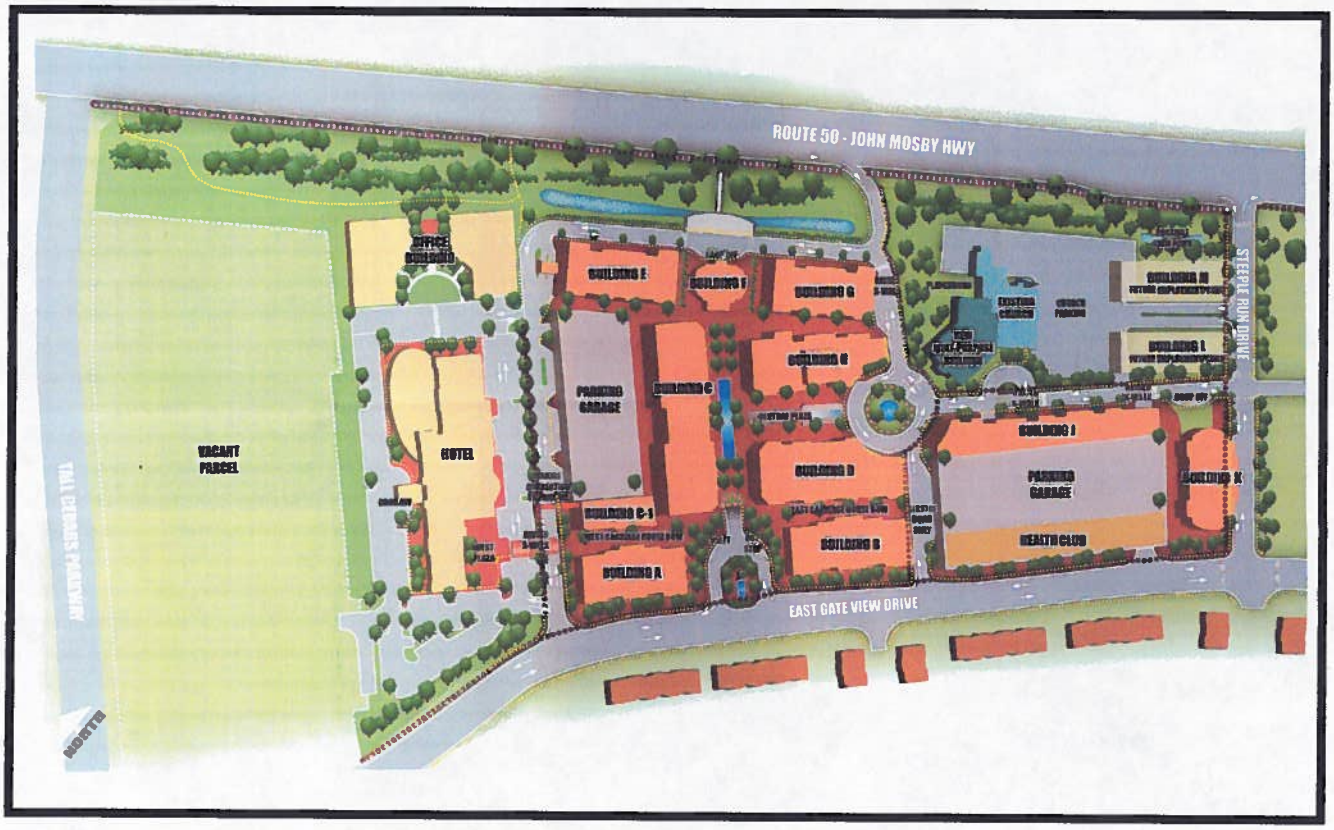
The accompanying special exception proposes a commercial use with two (2) drive-thru service lanes, the use of which is specifically identified on the plat as a bank. The bank with drive-thru service lanes will be located along the property's northern frontage adjacent to Route 50 and is considered by the Revised General Plan as a commercial retail and service use. Given the application proposes over four (4) times the amount of commercial retail and service uses from that anticipated by the Plan, Staff cannot support the special exception.

The location of the bank, immediately adjacent to Route 50, implies the use is catering to the motoring public rather than being an employment supportive use as recommended by the Countywide Retail Policy Plan Amendment. Further, the introduction of a vehicular oriented use into a district intended to be compact and pedestrian-oriented is contrary to the intent of the PD-MUB district. Staff notes the location of the use is detached from direct public road access, and vehicles attempting to use the drive-thru service lanes from Route 50 will be forced to make a 180-degree turning movement based upon the stacking configuration depicted on the Special Exception Plat. Should this use be considered further, Staff recommends it be relocated to an area adjacent to East Gate View Drive as part of Building A adjacent to the NOVA Partner Hotel Property or at the intersection of Steeple Run Drive.

Site Layout and Building Design

Created to compliment the Arcola Area / Route 50 Comprehensive Plan Amendment, the Route 50 Corridor Design Guidelines reinforce a sense of place in the Route 50 Corridor, create seamless transitions from differing land uses, and emphasize the pedestrian as opposed to automobiles. Direction is provided for streetscapes, landscaping, and architectural form with the goal of clustering structures to create a compact development pattern that serves both as a destination and provides a sense of arrival to the County.

The proposed design incorporates a series of vertically-integrated, mixed use buildings situated around a various plazas and a central promenade. The existing Pleasant Valley Methodist Church and the partially constructed NOVA Partners Hotel will be retained and incorporated into the site design. Parking will be predominantly located within an underground garage or as part of two above-ground structured facilities. Vehicular access will be limited to the periphery of the site and will separate the existing church and hotel from the new construction.



Illustrative site layout.

Though staff applauds the use of structured / underground parking, the framing of public streets with buildings, and the inclusion of hardscape plazas, there are key inconsistencies between the design proposed and that recommended by the Route 50 Corridor Design Guidelines. First, the Design Guidelines recommended orienting the design around a "Main Street" that would serve as a focal point of the development. Second, plazas should be designed to include both hardscaping and vegetation and should be located at the end of a street, unobstructed by buildings, to create a terminating view. Third, variation in setbacks along principal roadways should be limited to provide consistency in the streetscape. Fourth, internal connections, particularly pedestrian connections, between the various uses should be seamless and predictable. Fifth, the transition between buildings should be framed by the use of horizontal elements of similar form, scale, and articulation. Finally, streetscape elements should include the use of street trees where possible.

In contrast, this application, utilizing vehicular travelways located along the periphery of the site, proposes no "Main Street." There is no primary north/south or east/west travelway that would define the project. In fact, travelways, in some instances transitioning to a one-way service road, are disconnected and disingenuous. In like manner, plazas are also disconnected, fail to align with one another, and are of dissimilar shape and size. Building placement along Route 50 is inconsistent and ranges from eight-five (85) feet to 170 feet. Pedestrian connections, particularly related to the partially constructed NOVA Hotel, fail to coincide with the central plaza and/or promenade and are obstructed by a structured parking garage. The hotel maintains a building form and type that is inconsistent with the rest of the site with little transition between the two. A modification proposes to eliminate street trees along portions of the vehicular travelway along the Route 50 frontage.

Staff notes the Design Guidelines have not been revised to incorporate many of the specific design comments noted in the third community planning referral.

ZONING

The property under consideration is a 27.38 acre tract, comprised of five contiguous lots of record identified as Loudoun County Tax Map 107, Parcels 47, 48, 49, 50, and 52. The property is currently zoned CLI (Commercial Light Industry) and is governed by the Revised 1993 Zoning Ordinance.

As part of the rezoning request, the application proposes to utilize incentives provided as part of the PD-MUB (Planned Development – Mixed Use Business) district that will increase the Floor Area Ratio (FAR) of the site from the base 0.5 to 0.9. Each incentive to which the Applicant has demonstrated conformance allows for a 0.1 increase in the FAR. Requested incentives include the following: 1) Commitments that a minimum of fifty (50) percent of the required parking will be structured; 2) Providing a minimum of ten (10) percent of the dwelling as unmet housing needs units; 3) Inclusion of a full-service hotel; and 4) Elimination of direct access to an arterial road from two contiguous lots each with its own direct access. It should be noted that the square footage of any full service hotel included as part of the application shall be excluded from the FAR calculations, provided, however, the total FAR of the project does not exceed 1.0. Incorporation of the partially constructed NOVA Partners Hotel allows this application to reach the maximum 1.0 FAR allowed by the district.

Proposed concurrently is a request for a Special Exception to permit a commercial use with a drive-through, permitted pursuant to Section 4-1354(B)(2) of the Revised 1993 Zoning Ordinance. Finally, modifications are proposed that would allow direct vehicular access to Route 50, reduction of the buffer yard width along a portion of the Route 50 frontage, increase the maximum front yard along Eastgate View Drive applicable to the NOVA Partners Hotel property, elimination of the requirement for evergreen plantings as part of the Type 5 Buffer, and elimination of the requirement for street trees along a portion of an internal travelway adjacent to Route 50. At this time, Staff cannot support three of the four modifications. Specifically, provisions allowing direct access to Route 50, reduction of the Type 5 Buffer yard width, and elimination of street trees cannot be supported. A discussion specific to the modifications is included in Section V.D. of this report.

Issues considered resolved by Zoning Administration include the following: 1) Redesign of the site to integrate the existing Pleasant Valley Methodist Church, a proposed civic use, into the district; 2) Relocation of the central plaza to be central to the district; 3) Removal of stormwater management ponds and access areas from the calculation of parks and open space; 4) Utilization of a grid system of interconnecting streets and blocks; 5) Removal of the request for a 0.1 increase in the FAR by providing a shuttle service; and 6) Clarification of the request for a 0.1 increase in the FAR by removing individual access points to Route 50 on two contiguous lots. Several of these issues, specifically the amount of parks and open space and the provisions for 0.1 FAR increase based upon the removal of direct access to Route 50, meet the technical definition of the Ordinance and are considered resolved accordingly. However, they do not meet the intent of the Ordinance. For example, impervious surfaces, including sidewalks, are classified as public parks and open space. In addition, the increase in FAR was intended to be reserved for properties that remove all direct access to Route 50. In this instance, two (2) direct access points to Route 50 remain.

Outstanding issues from Zoning Administration include the following: 1) The Concept Development Plan fails to identify the required Type 2 Buffer along East Gate View Drive, and adequate space to accommodate the buffer width has not been provided; 2) The land use mix table in the Proffers and on the Concept Development Plan are not consistent. The two do not appear to reflect a change in the square footage devoted to residential uses, and they fail to account for the square footage of required public/civic/institutional uses; 3) Roadways noted by the Proffers as intended for public dedication are noted on the Concept Development Plan as private; 4) Incorporation of additional vegetation into areas intended to count towards the public parks and open space requirements (as noted above); and 5) The street profiles fail to include the required four (4) foot planting and furniture area between the sidewalk and curb.

EMERGENCY SERVICES

The South Riding Fire Department will provide fire and rescue services to the site. County policy anticipates a contribution of $60.00 for each market rate residential unit and $.05 per square foot of non-residential development. Proffer VII.A. provides contributions of $250.00 and $0.10 for residential and non-residential development respectively, both of which are consistent with Board policy. Other issues identified by the Department of Fire, Rescue and Emergency Services include the need to provide adequate access to all areas of the development and a request to provide a minimum of two elevators from the underground parking garage to the surface of sufficient size to accommodate emergency personnel and related equipment. In response, Proffer VII.C. provides a commitment to elevator service to each building, and provisions for access will be considered at the time of site plan. No other issues remain outstanding.

ENVIRONMENTAL REVIEW

Currently, existing improvements are located on four of the five lots that will comprise the subject property and include the partially constructed NOVA Partners Hotel, a flex-industrial warehouse to be removed, a single-family residence also slated to be removed, and the existing Pleasant Valley Methodist Church proposed to be retained and expanded. Given the construction activity associated with the hotel and the industrial nature of a flex-industrial

facility, no note-worthy environmental features are located on the two (2) western most parcels. Conversely, the acreage associated with the church and the easternmost parcel are largely covered in hardwoods that include a significant number of specimen trees. Despite the existence of viable tree cover, the application proposes the retention and preservation of only one (1) existing specimen tree located on the Pleasant Valley Methodist Church property within the Type 5 Buffer along Route 50. However, Staff notes that neither the Proffers nor the Concept Development Plan include language defining the measures that will be used to guarantee protection of this sole tree.

View of the future East Gate View toward the east. Existing vegetation on the subject site is located on the left hand side.

Staff acknowledges a significant percentage of the required parking will be located within an underground parking garage that will comprise the majority of acreage both to the south and west of the existing church, exclusive of the NOVA Partners Hotel. This garage will limit the ability to protect existing vegetation, and it will provide limited areas for reforestation. Not-withstanding, ERT Staff has identified a number of specimen trees located within acreage in the northeast quadrant of the site, immediately adjacent to and south of Route 50 and west of the proposed Steeple Run Drive, where preservation may be practical and feasible. This area is currently proposed as a potential stormwater management / BMP / LID facility. Given the deficiency in usable open space previously noted and the proposed intensity, Staff recommends this area be designated as a Tree Conservation Area (TCA) on the Concept Development Plan with language included within the Proffers defining tree preservations methods and techniques.

Other issues considered by the Environmental Review Team include the request for noise attenuation measures, as applicable, for uses along Route 50 and Eastgate View Drive and the mitigation of wetlands pursuant to County policy. All of these issues have been resolved by the Applicant.

TRANSPORTATION

The subject property is located on the south side of John Mosby Highway (Route 50), the site's northern boundary, between Tall Cedars Parkway and Pleasant Valley Road. An extension of Eastgate View Drive will form the site's southern boundary and will provide ultimate access. Currently, the property has direct access to Route 50 by means of a series of driveways which will be consolidated and relocated as a single right-in as well as a right-in / right-out.

John Mosby Highway (Route 50) is currently a four-lane median divided major arterial from Pleasant Valley Road to Poland Road, inclusive of the site's frontage, at which point it

expands to six lanes to Loudoun County Parkway. The Revised Countywide Transportation Plan (2010 CTP) identifies the ultimate condition as a six-lane, limited access, principal arterial in a 200-foot right-of-way. Tall Cedars Parkway is currently constructed to its ultimate condition as a four-lane, median divided major collector. The currently signalized intersection of the two is intended to be replaced with a grade-separated interchange, though no funding for such has been allocated at this time. The 2010 CTP identifies East Gate View Drive as four-lane, undivided minor collector.

This application will increase the development potential of the site from the current 357,761 square feet, development yield of the site pursuant to the current by-right CLI zoning, to the proposed 1,192,372 square feet. A comparison of daily vehicle trips between that generated from a by-right development program and that included as part of the proposed development program is summarized in the following table:

Trip Generation Comparison: Existing CLI Zoning versus Proposed PD-MUB Development Proposal				
		Current CLI	Proposed PD-MUB	Difference
2015	AM Peak	475	1,112	+ 637
	PM Peak	466	1,888	+ 1,422
	Daily Trips	3,939	17,644	+ 13,705

In an effort to mitigate the impacts of the increased development program, the following will constitute the Applicant's proposed contribution to the regional roadway network and/or transit:

1. Phased construction of Eastgate View Drive from its current terminus near the entrance to the partially constructed NOVA Partners Hotel to Pleasant Valley Road;
2. Construction of an on-site local access road identified as Steeple Run Drive;
3. A contribution of $120,000 to be used for the purchase of buses to be dedicated to the "Dulles South Circulator;"
4. Construction of one (1) bus shelter on the Property;
5. Construction and reservation of one hundred (100) commuter parking spaces within a structured parking garage;
6. Pedestrian crossing signal of Eastgate View Drive; and
7. A regional roadway contribution of $410,000 to be used at the discretion of the Board of Supervisors.

In its analysis, OTS Staff has identified four over-arching issues: 1) The inclusion of direct access (i.e. right-in and right-in / right-out) to Route 50; 2) The phasing of the construction of East Gate View Drive to Pleasant Valley Road; 3) Mitigation of the impacts of the Tall Cedars Parkway / Route 50 and the Pleasant Valley Road / Route 50 intersections; and 4) Transit contributions that are consistent with the Revised Countywide Transportation Plan (2010 CTP). Each will be discussed subsequently.

Direct Access to Route 50

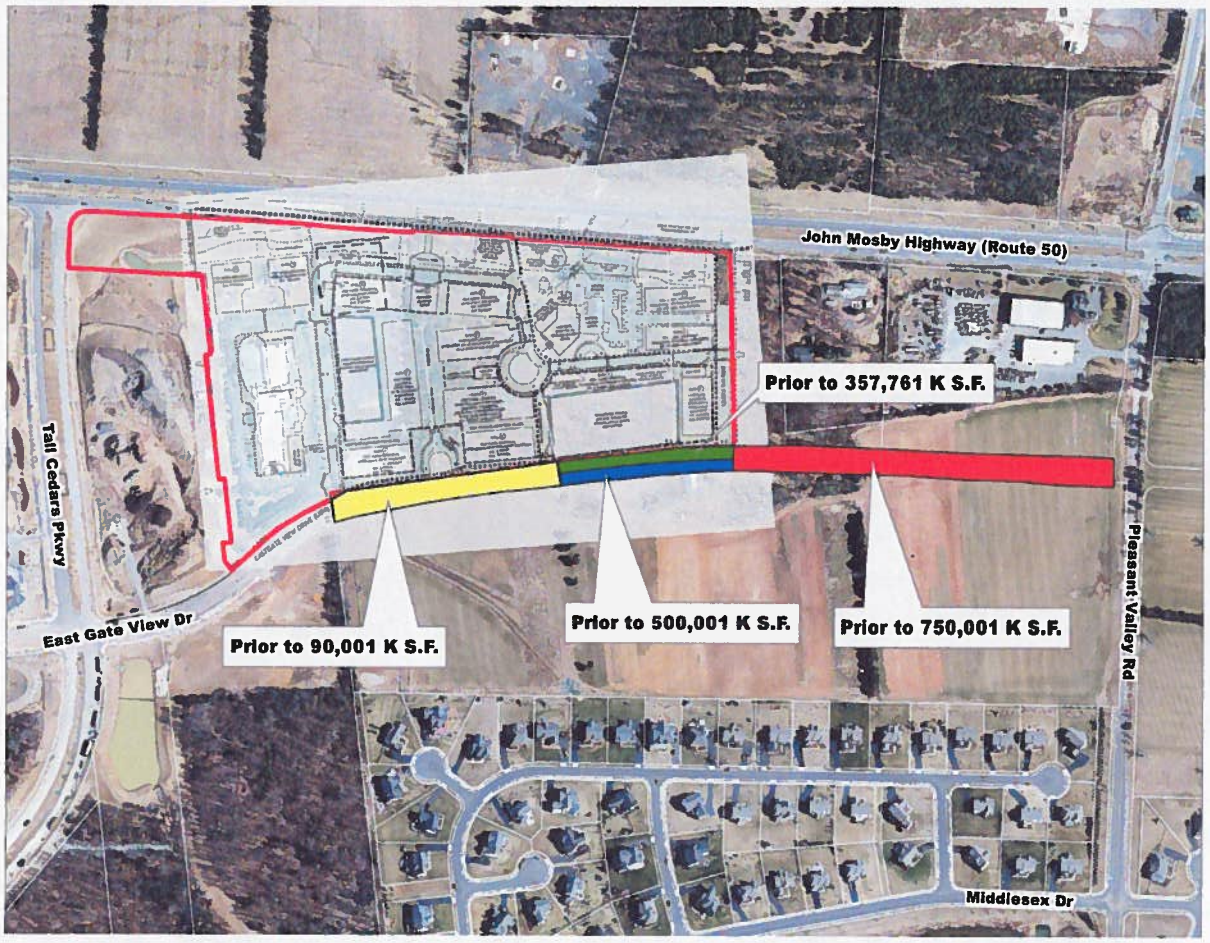
The Concept Development Plan identifies two (2) direct access points to Route 50, one is proposed as a right-in near the western boundary of the existing Pleasant Valley Methodist Church and the second is intended as a right-in / right-out to the proposed Steeple Run Drive at the eastern property line. Though the two access points represent the consolidation and relocation of existing driveways, provisions for direct access to Route 50 are in direct contradiction to both the adopted Revised Countywide Transportation Plan (2010 CTP) and the Arcola Area / Route 50 Comprehensive Plan Amendment which recommends Route 50 to be a limited access principal arterial which access restricted to grade-separated interchanges only. The access points proposed as part of this application are defined as temporary and will be closed pending construction of the Tall Cedars Parkway / Route 50 interchange.

In an effort to understand the impacts direct access to Route 50, albeit temporary, would have on the LOS of the surrounding roadway network, OTS requested the Applicant perform an analysis of the project both with the proposed right-in and the right-in / right-out as well as an analysis with access limited to East Gate View Drive only. In conclusion, maintaining sole access to the site from East Gate View Drive improved LOS along Route 50 but caused deterioration in LOS at Route 50 / Tall Cedars Parkway and Route 50 / Pleasant Valley Road as ingress / egress to the site was diverted through those intersections. **To maintain the integrity of Route 50, OTS recommends the right-in and right-in / right-out access points to Route 50 be eliminated.**

Eastgate View Drive & Route 50 Intersections at Tall Cedars Pkwy / Peasant Valley Rd

Ultimate access to the site will be via East Gate View Drive by means of the Route 50 / Tall Cedars Parkway and the Route 50 / Pleasant Valley Road intersections. OTS staff has noted that both intersections currently operate at failing Levels of Service (LOS) during both the AM and PM peak hours under current conditions. The additional trips generated by this application will exacerbate these failing conditions; no mitigation to either intersection has been proposed.

As currently proposed, a four lane, undivided segment of East Gate View Drive will be constructed from its current terminus to the western boundary of the Pleasant Valley Methodist Church property prior to the issuance of a zoning permit for the 90,001 square feet of development, exclusive of the church and the hotel. A two lane extension of East Gate View Drive to the proposed Steeple Run Drive, effectively the Property's eastern boundary, will be constructed prior to the issuance of a zoning permit for 357,761 square feet of development, exclusive of the church and the hotel. The remaining two lanes of East Gate View Drive to Steeple Run Drive will be constructed prior to the issuance of a zoning permit for 500,001 square feet of development, exclusive of the hotel and the church. A four lane, undivided extension of East Gate View Drive to Pleasant Valley Road will be constructed prior to the issuance of a zoning permit for 750,001 square feet of development, exclusive of the church and the hotel.



Proposed Phasing of East Gate View Drive as defined in Proffers IV.F. and IV.G.

Based upon the phasing program described above and when considering the square footage of the hotel, the extension of Eastgate View Drive to Pleasant Valley Drive will not be constructed until a combined 917,372 square feet of development has been realized on the property, approximately seventy-seven (77) percent of the total square footage proposed. This "backloading" of a critical regional roadway improvement will place the full brunt of the transportation impacts solely on the intersection of Tall Cedars Parkway and Route 50. Once, and if, Eastgate View Drive is extended to Pleasant Valley Road, LOS at the Pleasant Valley Road / Route 50 intersection will deteriorate precipitously as the directional distribution of trips is proportionally skewed to the east.

Given the OTS recommendation that direct access to Route 50 be eliminated in lieu of access to the site from Eastgate View Drive, **Staff recommends the extension of the same to Pleasant Valley Road be provided as an "up-front" improvement to ensure two means of ingress / egress and relieve the sole burden on the Tall Cedars Parkway / Route 50 intersection. Traffic signals should be constructed at the primary entrance to the site and at the intersection of East Gate View Drive and Pleasant Valley Road. Staff further recommends the Applicant provide a fair-share regional roadway contribution to both the Tall Cedars Parkway / Route 50 and the Pleasant Valley Road / Route 50 intersections commensurate with the Applicant's impacts to each.**

Commuter Parking Spaces / Transit Contribution

The Applicant has estimated the value of the regional roadway contributions proposed as part of this application at $4,380,000, $2,700,000 of which will be realized by the construction of East Gate View Drive. The second major transportation contribution, $1,160,000, will be for transit improvements. Specifically, one hundred (100) commuter parking spaces with an estimated value of $1,000,000 are proposed in the two above-ground structured parking garages. $120,000 will be provided to the County to be used exclusively for the purchase of buses for the "Dulles South Circulator" bus service, a contribution contingent upon the "Dulles South Circulator" servicing this property and the Route 606 Metrorail Station. The final $40,000 is the estimated construction cost of one bus shelter on the property.

Though Staff appreciates the Applicant's efforts to facilitate transit service in the Route 50 corridor, this location is not identified by the Revised Countywide Transportation Plan (2010 CTP) as a location for a commuter parking facility. As such, no request for such a facility was made by the County; the spaces have been offered on the Applicant's initiative. One hundred (100) spaces in isolation do not constitute critical mass to justify commuter coach service, and a commuter parking facility is planned at the East Gate public use site. Further, the location of the spaces in two structured parking garages will be disconnected and internal access to the site by commuter coaches will be constrained, if not impossible, by the proposed roadway network.

The issue of a transit contribution, above and beyond that typically anticipated, was initiated by the Applicant's desire to receive a 0.1 increase in Floor Area Ratio (FAR) for providing a local shuttle and the assertion in the Proffers that this shuttle would serve a public purpose. Because the "Dulles South Circulator" service does not currently exist, **Staff recommended a five hundred dollar ($500) cash contribution per residential unit for start-up costs as an alternative to specifying funds exclusively for buses.** The Revised Countywide Transportation Plan (2010 CTP) provides for the commencement of this service concurrent with the arrival of MetroRail, anticipated in 2016. Ultimately, the request for an increase in the FAR was withdrawn, but the exclusivity of the transit contributions were retained and the afore-mentioned one hundred (100) commuter parking spaces were added. If the Applicant continues to advocate contributions toward transit be counted towards the mitigation of the overall regional roadway network, the $120,000 specified for the purchase of buses will not be adequate capital to fund the start-up of the "Dulles South Circulator." An additional contribution should be considered.

D. ZONING ORDINANCE MODIFICATIONS

Modification #1: Section 1-205(A)(1). Limitations and Methods for Measurements of Lots, Yards, and Related Terms. Lot Access Requirements. Section 4-1355(I)(4). Development Standards. Concept Development Plan. Section 5-900(C). Access and Setbacks from Specific Roads and the W&OD Trail. Access from major roads.

1-205. Limitations and Methods for Measurements of Lots, Yards and Related Terms.

(A) ***Lot Access Requirements.*** *No structure requiring a building permit shall be erected upon any lot which does not have frontage on a Class I, Class II, Class III road, or private access easement as specified in the individual district regulations, except as specifically provided for herein and the Land Subdivision and Development Ordinance (LSDO).*

(1) *New access points (private or public) to arterial or major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or CDOT.*

4-1355. Development Standards.

(I) ***Concept Development Plan.*** *In addition to addressing the standards in Section 6-1211 (E) and 6-1500, a rezoning application to PD-MUB shall address the following criteria.*

(4) *All access points on arterial and major collector roads shall be shown on the CDP and shall only be located where there are median breaks approved by VDOT.*

5.900 Access and Setbacks from Specific Roads and the W&OD Trail.

(C) ***Access from major roads.*** *New access points (private or public) to arterial or major collector roads shall be limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT.*

Proposed Modification Request:
Modify Sections 1-205(A), 4-1355(I)(4), and 5-900(C) to permit (1) a temporary Right-In only access from Route 50 and (2) a temporary Right-In/Right-Out access from Route 50 to proposed Steeple Run Drive.

Justification:
The Owners have received approval of STPL 2008-0022 which provides for the by-right development of Buildings E, F, and G, the pedestrian bridge and the stormwater management pond as generally depicted on the Concept Plan. The right-in only access shown on the Concept Plan has been approved with STPL 2008-0022 to provide access to the by-right uses. Pursuant to the draft Proffer Statement, this right-in access will be converted to a temporary right-in only access that will be closed when the Route 50 / Tall Cedars Parkway grade-separated interchange is constructed and open for service. (See draft Proffer IV.A.2.). Replacement of the permanent right-in access (approved with STPL 2008-0022) with a temporary access and the Owners' proffered commitment to close the temporary access as stated, meets the test for approval of the requested zoning modification.

Currently, access to the Church is provided via a median crossover on Route 50 at the Church's access to their property. The existing median crossover is extremely dangerous

and has resulted in numerous accidents, including several fatalities. The Owners have worked with VDOT and OTS to study the operations of the existing median crossover to determine alternatives for providing safe access to the Church. See the attached Gorove Slade & Associates Fox Gate, *Impact of Proposed Signalized Crossover along Route 50 Memorandum*, dated December 31, 2008 (the "Gorove Slade Memorandum"). As indicated in the Gorove Slade Memorandum, the analysis presented shows that construction of proposed temporary Right-In/Right-Out access to Steeple Run Drive, which will provide access to the Church from Steeple Run Drive, is the optimum interim alternative and provides safer access to the properties located south of Route 50 (including the Church). Most importantly for the regional road network, the proposed temporary Right-In/Right-Out access and Steeple Run Drive help alleviate delays at the intersection of Route 50 and Pleasant Valley Drive. The Owners have proffered to construct the proposed improvements, including the new road, Steeple Run Drive. In addition, however, the Owners have proffered to close the temporary Right-In/Right-Out access to Steeple Run Drive when the Tall Cedars Parkway/Route 50 grade separated interchange is constructed and open for service. in the interim, access to the uses on the Property will be provided from Steeple Run Drive which facilitates the closure of the direct access from Route 50 to the Church and the remainder of the Property. Construction of Steeple Run Drive and the Route 50/Steeple Run Drive intersection improvements creates a safer more efficient regional road network in the eastern segment of Route 50.

Staff Review:
Staff cannot support this modification. As noted in both the Comprehensive Plan and Transportation discussion above, the application proposes direct access to Route 50 in the form of a right-in and a right-in / right-out. The three modifications noted above will facilitate this access which would otherwise be prohibited by the Ordinance. Provisions for direct access to Route 50 are in direct conflict with both the Revised Countywide Transportation Plan (2010 CTP) and the Arcola Area / Route 50 Comprehensive Plan Amendment.

Modification #2: Section 5-1414(B)(1)(a). Buffer Yard and Screening Matrix. Buffer Yard. Buffer Yard Type 5.

5-1414. Buffer Yard and Screening Matrix.

(A) Buffer Yard.

(1) Buffer Yard Type 5.

(a) BUFFER YARD WIDTH: 100' Minimum.

(b) REQUIRED PLANT UNITS PER 100 LINEAR FEET:

4 Canopy Trees
2 Understory Trees
50 Shrubs
2 Evergreen Trees

Proposed Modification Request:
Modify Section 5-1414(B)(1)(a), Buffering and Screening, to provide for: (1) a reduction in the buffer yard width from 100 feet to 75 feet along the Route 50 frontage of the Church and the NOVA-owned property and (2) a change in the required Type 5 plantings for the Route 50 area along the front of the stormwater management pond, amenity feature and Buildings E, F, and G on the property.

Justification:
Pleasant Valley United Methodist Church is one of the oldest churches in Loudoun County and a landmark structure in the Route 50 corridor. The church has expressed a strong desire to continue its service to the community. It has worked with the Owners to include design elements for their future site that will meet the intent of the Route 50 Corridor Plan policy recommendations to minimize access points and reduce the visual impacts of the existing parking areas from Route 50. As shown on Sheet 7 of the Concept Plan, the Route 50 property line of the Church parcel is set back 17 feet further than the adjacent PVV-owned parcels. The VDOT Route 50 improvement plans provide a 30 foot right-of-way along the Church frontage. This 30 foot right-of-way combined with the 75 foot buffer on the Church parcel will result in a wider effective buffer along the Church property. As shown on Section E-E on Sheet 7C of the Concept Plan, the Owners have agreed to install a Type 5 buffer in a 75-foot wide buffer yard along the frontage of the Church property. This landscaping treatment will buffer the existing parking areas from travelers on Route 50 and enhance the visual appearance of the Church from Route 50 in keeping with the Route 50 Gateway recommendations.

NOVA Hotel Partners, LLC is currently constructing a hotel on Loudoun County Tax Map Parcel Pin # 097-27-4045. As a result of ZMAP 2008-0004, NOVA may have the ability to develop additional employment uses adjacent to Route 50 on the subject property. Such uses would meet the intent of the Route 50 Corridor Plan policy to locate regional office uses in the Route 50 corridor. As shown on the Concept Plan, the proposed office building uses on this parcel will be set back seventy-five feet (75') from the ultimate right-of-way of the ramp of the future Tall Cedars Parkway / Route 50 grade separated interchange. In accordance with Section 5-1400, office buildings on the parcel must be screened from Route 50 with a Type 5 Buffer Yard, which is required to be one hundred feet (100') wide. Installation of the 10' wide buffer would impact the proposed office buildings adjacent to Route 50 and impair the ability of the site's conformance with a recommendation of the Revised General Plan ("RGP"). NOVA proposes to provide a 75-foot (75') wide buffer yard and comply with the planting requirements of the Type 5 Buffer Yard. As illustrated by Section H-H on Sheet 7C of the Concept Plan, this landscape treatment will provide enhanced plantings that exceed the typical Type 5 Buffer Yard planting requirements.

The Owners are proposing to construct a stormwater amenity feature along a portion of the Route 50 frontage of the Property between the Church and Hotel properties, as shown on the Concept Plan. The stormwater amenity feature is designed as an integral element of the project design and bike and pedestrian network that will showcase the "Gateway" design and architecture of the project. While a 100 foot wide Type 5 Buffer Yard is planned to be

provided along the area identified as "Type 5 Buffer Modification B" on Sheet 7 of the Concept Plan, specialized plantings are proposed to be installed within this area to compliment the "Gateway" design. As illustrated in Sections F-F and G-G on Sheet 7C of the Concept Plan, the required evergreen plantings will be eliminated from the buffer in order to provide a better view of the stormwater amenity and pedestrian bridge features, both of which are to be faced with natural stone. Canopy and ornamental trees and shrubs are proposed to be installed per the density requirements of the Type 5 Buffer Yard and will be placed to compliment the overall design.

Staff Review:
As justification for the reduction in the width of the required Type 5 Buffer, the Applicant has stated the need to accommodate office buildings on the proposed NOVA Hotel Partners property. Per Section 6-1504 of the Revised 1993 Zoning Ordinance, "No modifications shall be permitted which affect uses, density, or floor area ratio...," nor shall a modification be "...granted for the primary purpose of achieving the maximum density on the site." The assertion that a reduction in the required yard is needed to facilitate additional square footage is in conflict with this section as it proposes an increase in yield rather than an improvement upon the existing regulations, an innovative design, or a commitment that would exceed the public purpose. In addition, Landscaping Policy # 1 of the Arcola Area / Route 50 Comprehensive Plan Amendment states, "To provide an aesthetically pleasing corridor, all properties along Route 50 will be developed with a unified treatment of setbacks and landscaping..." This modification proposes a varying setback line ranging from seventy-five (75) to the required one hundred (100) feet. As such, Staff cannot support this modification.

Conversely, Staff can support the elimination of evergreen plantings within the Type 5 Buffer, applicable to the frontage of the Parcel Pin 097-28-0986 and Parcel Pin 097-28-4693. In lieu of the requirement for two (2) evergreen trees per one hundred (100) linear feet, the applicant has proposed to provide six (6) understory trees along the frontage of the afore-mentioned parcels. In addition, landscaping applicable to the remainder of the Type 5 Buffer will be enhanced to include four (4) evergreen trees and six (6) understory trees. As such, this modification improves upon the existing regulations.

Modification #3: Section 4-1358(C). Use Limitations. Street Trees.

4-1358. Use Limitations.

> ***(C)*** ***Street Trees.*** *Trees shall be planted at a density of one tree per twenty five (25) linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of two (2) inches and a height at maturity of fifteen (15) feet or more.*

Proposed Modification Request:
Modify Section 4-1358(C) to change the number and type of street trees and plantings to be installed along both sides of the on-site travel way located between Buildings E, F and G and the stormwater management pond/amenity feature.

Justification:
As shown on the Concept Plan, the on-site travel way located between Buildings E, F, and G and the stormwater pond/amenity feature is located on top of the vault system that is part of the water retention and circulation system for the stormwater management pond. In addition, this area has been designed as an urban space that will include an expansive pedestrian bridge feature designed to accommodate the "Gateway" features of Fox Gate. In lieu of planting a traditional street tree pattern that will appear more suburban in character, the Owner is proposing to install cascading vines along the top of the masonry wall on the north of the road and plants trees in boxes or tree wells on the south side of the road. As indicated on the Illustrative Plan on Sheet 7A and in Sections F-F and G-G on Sheet 7C, café and/or bench seating is also planned in this area in order to enhance and compliment the architecture of Buildings E, F and G and "soften" the masonry wall that will front Route 50 without completely obscuring Buildings E, F and G from Route 50. This enhanced hardscape and landscape design exceeds the typical Type 5 Buffer Yard requirements.

Staff Review:
Staff cannot support this modification at this time. As justification for the request, the Applicant has indicated intent to plant cascading vines and trees in boxes or tree wells on the south side of the road. However, no commitment to either has been provided. Further, the Applicant describes the planting of street trees as indicative of a suburban development pattern; this assertion is flawed. Street trees along an urban roadway provide canopy that softens the streetscape, and they define the pedestrian realm by providing a physical and psychological barrier separating pedestrian activity from vehicular traffic. In this regard, street trees become an essential component of an active and vibrant streetscape. Further, this application will result in the removal of virtually all existing vegetation with few commitments to replanting and/or landscape treatments. Given the intensity proposed and the lack of usable open space, Staff cannot support any modification that results in a further reduction in the amount of landscaping provided.

Modification #4: Section 4-1356(B)(1). Lot and Building Requirements. Yards. Front.

4-1356. Lot and Building Requirements.

(B) Yards.

(1) Front. *See Section 5-900 for arterial and collector roads; and 0 feet minimum and 30 feet maximum from other roads. The maximum front yard can be expanded to 50 feet where a courtyard, plaza, terrace, or other common gathering space, that is a minimum of 300 square feet, is provided adjacent to the front property line.*

Proposed Modification Request:
Modify Section 4-1356(B)(1) to permit a maximum front yard up to 135 feet from Eastgate View Drive for the Hotel that is currently under construction.

Justification:
The Hotel (under construction) was previously approved for development as a by-right use in the CLI District. NOVA Partners began construction of the hotel and then, at the request of Loudoun County, agreed to join the pending PD-MUB rezoning application. The current building is located approximately 135 feet from East Gate View Drive right-of-way. While the current layout for the Hotel meets the CLI District yard requirements, any modification to the site plan that may be required after the Property is rezoned to the PD-MUB District would require modification of the 30 foot maximum yard requirement. Consequently, the Owners request modification of Section 4-1346(B)(1) to permit a maximum front yard of 135 feet. This modification will permit incorporation of the Hotel as an integral use in the Fox Gate project. The pedestrian and open space areas have been designed to fully integrate the Hotel into the project and provide for a unified project in the Route 50 Corridor.

Staff Review:
Staff can support this modification. The intent of providing a maximum front yard is to establish a "build-to" line that would locate buildings closer to the right-of-way line, thereby framing the street. This approach is essential in an urban development pattern to define the public realm and encourage street level activity. The NOVA Partners Hotel, on the other hand, was approved and permitted pursuant to the existing CLI zoning and represents a more suburban development characterized by surface parking. In this instance, a larger setback than that anticipated for the PD-MUB district is warranted.

The hotel was incorporated into the project to provide a consistent development program and to increase the project size to the minimum twenty-five (25) acres required by the Revised 1993 Zoning Ordinance. Staff recognizes the fact that the hotel is partially constructed and, as such, would not advocate intentionally creating a scenario in which it would be non-conforming when its incorporation was intended for the betterment of the project.

E. ZMAP – ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(E) of the Revised 1993 Zoning Ordinance states, "...if the application is for reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give a reasonable consideration to the following matters..."

(1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.

The PD-MUB district was adopted by the Board of Supervisors for implementation within areas designated as Business Community along the Route 50 Corridor. As such, it could be assumed the PD-MUB would be consistent with the Comprehensive Plan. However, the Revised General Plan also states that high-density residential uses should be limited to properties in excess of seventy-five (75) acres. At 27.38 acres, the subject site does not meet this threshold. Further, the land use mix proposed as part of the PD-MUB District is not consistent with that anticipated for a modified Business Community. In addition to the inclusion of residential uses, the amount of commercial retail and service uses is four (4) times that anticipated by the Plan, and the application is deficient in the amount of usable public parks and open space.

(2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.

The Route 50 Corridor continues to be dynamic with the recent approval of a number of horizontally, mixed-use applications. These include the proximate East Gate assemblage, ZMAP 2004-0020, ZMAP 2005-0002, and ZMAP 2005-0003, approved by the Board of Supervisors in February 2006 for the development of single-family attached and multifamily residential as well as a community serving shopping center. In addition, large-scale rezoning have recently been approved and include Glascock Field at Stone Ridge (ZMAP 2006-0007), Arcola Center The Shops (ZMAP 2005-0035), Arcola Center (ZMAP-2006-0015), Dulles Landing (ZMAP 2004-0016), among others. Approval of these applications has introduced mixed-use communities as well as large scale office and big-box retail, many of which have yet to develop. In like manner, Fox Gate proposes the introduction of a mixed-use community utilizing an urban development pattern. This proposal is consistent with the recent trend along Route 50 toward mixed-use development, albeit at a much higher density.

(3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

Parcels immediately adjacent to the subject site are largely vacant. Acreage to the south, approved as East Gate 1 (ZMAP 2004-0020), proposes multi-family and single-family attached residential units, the latter of which will be opposite the site across East Gate View Drive. Properties to the east include single-family residences fronting onto Route 50 as well the industrial warehouse and office uses that are located on the MC Dean Property (Parcel Pin 097-29-6923). Properties to the west include retail shopping center developed pursuant to East Gate II (ZMAP 2005-0002). Properties to the north are vacant and have no approved or proposed development program. The proposed Fox Gate application proposes a vertically mixed-use program, consisting of office, commercial retail, and residential, that is in contrast with the single-use horizontal development pattern surrounding the site. Further, the proposed 1.0 Floor Area Ratio (FAR) with six (6) story buildings is in stark contrast to the low density, one and two story buildings proximate to the site.

(4) Whether adequate utility, sewer, and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

All properties will be served by central utilities, including water and sewer. The regional roadway network, with Levels of Service (LOS) currently failing at the intersections of Route 50 / Tall Cedars Parkway and Route 50 / Pleasant Valley Road, cannot accommodate the proposed development program without further deterioration.

(5) The effect of the proposed rezoning on the county's ground water supply.

The property will be served by public water and sanitary sewer, and as such, no ground water impacts are anticipated from water or sewage disposal.

(6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.

Mitigation of any impacts to the structural capacity of the soils will be mitigated by appropriate engineering methods consistent with the Facilities Standards Manual (FSM). Further evaluation of such measures will be completed at the time of administrative site plan review for each respective building and/or zoning permit request.

(7) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

This application will result in a substantial increase in the number of vehicular trips utilizing the regional roadway network but, ironically, proposes virtually no improvements except for the extension of East Gate View Drive to Pleasant Valley Road, phased at the end of the project. Failing Levels of Service (LOS) will be exacerbated, particularly at the intersections of Route 50 / Tall Cedars Parkway and Route 50 / Pleasant Valley Road.

(8) Whether a reasonably viable economic use of the subject property exists under the current zoning.

Yes. A viable economic use does exist for the property under the current CLI (Commercial Light Industry) zoning, evidenced by the conditional approval of STPL 2008-0022 for a 72,633 square foot office and commercial center. Not-withstanding, the County does encourage the elimination of the existing CLI zoning along the Route 50 Corridor through the rezoning of properties to alternative districts.

(9) The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.

This application proposes the removal of virtually all existing vegetation, including multiple specimen trees. No reforestation or remediation is proposed, and contributions to the County's open space easement program are not consistent with Policy.

(10) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.

The application proposes a mixed-use community where non-residential, including office and commercial retail, uses are predominant. These uses will encourage desirable employment opportunities and will enlarge the tax base.

(11) Whether the proposed rezoning considers the needs of agriculture, industry, and business in future growth.

As the area is designated Business Community, the needs of agriculture are not applicable. Conversely, the application proposes office uses that are consistent with the Regional Office policies of the Revised General Plan.

(12) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.

The application proposes over four (4) times the amount of commercial retail and services uses than anticipated by the Revised General Plan. These uses will accompany multiple large-scale commercial rezonings, already approved by the Board of Supervisors, including Arcola Center The Shops (ZMAP 2005-0035), Arcola Center (ZMAP-2006-0015), Dulles Landing (ZMAP 2004-0016), that will add significant square footage to the Route 50 Corridor. It has not been demonstrated that the new commercial square footage proposed as part of this application can be absorbed in light of the afore-mentioned approvals. Further, though residential uses are proposed, inadequate acreage has been provided to provide both active or passive recreational opportunities.

(13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.

The proposal for office and commercial uses, consistent with the area's Business designation, will encourage and enhance property values.

(14) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County and the capacity of existing and/or planned public facilities and infrastructure.

As previously noted, the application proposes a predominance of office and commercial uses that will enhance employment opportunities in the County. Further, the application proposes 110 multi-family residential units, ten (10) percent of which will be designated as unmet housing needs units. Conversely, the additional trips generated by this application will have a detrimental impact on the regional roadway network, exacerbating currently failing Levels of Service (LOS).

(15) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.

The application proposes ten (10) percent of the total residential units as unmet housing needs units. This commitment, however, allows the applicant to receive a 0.1 increase in the total Floor Area Ratio (FAR) of the project.

(16) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.

The application incorporates the existing Pleasant Valley Methodist Church into the application and will facilitate its expansion. However, the land surrounding the church will be developed with the mixed-used, Fox Gate community to include a 1.0 Floor Area Ratio (FAR) and buildings up to six (6) stories in height. The scale and intensity of this development will significantly compromise the existing historic context of the church.

F. SPEX – ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Loudoun County Zoning Ordinance states "In considering a Special Exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or Special Exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

(A) Whether the proposed Special Exception is consistent with the Comprehensive Plan.

The proposed special exception for a commercial use with a drive-through is considered a commercial retail and service use by the Revised General Plan. The accompanying application for Zoning Map Amendment proposes over four (4) times the amount of commercial retail and service uses than anticipated by the modified Business community, to which this property is subject. As such, the additional square footage proposed by this special exception is not consistent with the Comprehensive Plan.

(B) Whether the proposed Special Exception will adequately provide for safety from fire hazards and have effective measures of fire control.

The proposed use will be constructed to comply with all applicable fire safety and building requirements.

(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.

Noises are not anticipated from the commercial use with a drive-through use such that adverse impacts to adjoining properties are anticipated.

(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.

Proffers applicable to the accompanying application for zoning map amendment include language (Proffer VI.D.) limiting glare and light trespass. The Proffers further state that lighting will be cut-off and fully shielded.

(E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.

A commercial use with a drive-through is compatible with uses on adjoining parcels, particularly uses to the west that consist of a suburban style retail shopping center. The use is not compatible, however, with the pedestrian-oriented mix of uses proposed and anticipated as part of a PD-MUB district. The introduction of vehicular traffic will conflict with pedestrian travelways and is inconsistent with the intent of the PD-MUB district.

(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.

Modifications proposed as part of the accompanying application for zoning map amendment proposed to eliminate the requirement for street trees and reduce the required Type 5 Buffer width along Route 50 adjacent to the proposed special exception.

(G) Whether the proposed Special Exception will result in the preservation of any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.

No topographic, physical, natural, scenic, archaeological, or historic features will be retained as part of this application for special exception.

(H) Whether the proposed Special Exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.

The proposed special exception will be served by central utilities, including water and sewer. However, no existing vegetation will be preserved, and as such, existing animal habitat will be lost.

(I) Whether the proposed Special Exception at the specified location will contribute to or promote the welfare or convenience of the public.

The location of the commercial use with a drive-through lacks direct roadway access such that the use would not be convenient for the public. Ingress and egress is not intuitive, and vehicular access to the drive through service lanes is awkward, requiring a 180 degree turning movement.

(J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.

The proposed commercial use with a drive-through is located internal to the PD-MUB development such that vehicular access is constrained.

(K) Whether, in the case of existing structures proposed to be converted to uses requiring a Special Exception, the structures meet all code requirements of Loudoun County.

The proposed site is undeveloped, and as such, this provision is not applicable.

(L) Whether the proposed Special Exception will be served adequately by essential public facilities and services.

All public facilities and utilities have been extended, and this site will be served by public water and sewer.

(M) The effect of the proposed Special Exception on groundwater supply.

This site will be served by all utilities and will include stormwater management facilities. No effect on the groundwater supply can be anticipated.

(N) Whether the proposed use will affect the structural capacity of the soils.

No impacts to the structural capacity of the soils can be anticipated.

(O) Whether the proposed use will negatively impact orderly and safe road development and transportation.

In isolation, the commercial use with a drive-through would not negatively impact the regional roadway network. When considered within the context of the larger mixed-use development in which it is proposed, the impacts become significant, resulting in deterioration of existing failing Levels of Service (LOS) with limited mitigation proposed.

(P) Whether the proposed Special Exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

The proposed commercial use with a drive-through will provide for additional employment opportunities along the Route 50 Corridor.

(Q) Whether the proposed Special Exception considers the needs of agriculture, industry, and businesses in future growth.

The needs of agriculture have not been considered as the property is included as part of a larger rezoning to the PD-MUB district. This rezoning proposes commercial retail and service uses, of which this use is part, that are four (4) times larger than that anticipated by the Revised General Plan and may, in fact, detract from the regional office uses that are anticipated.

(R) Whether adequate on and off-site infrastructure is available.

Adequate infrastructure (water and sewer) is available and accessible to support the proposed uses.

(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

There are no odors anticipated to be generated by the site.

(T) Whether the proposed Special Exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Mitigation measures proposed as part of the accompanying application for zoning map amendment are insufficient to offset the impacts of the application on the regional roadway network. The applications, when considered as a collective, violate the Level of Service (LOS) policies noted in the Revised Countywide Transportation Plan (2010 CTP).

VI. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
a. Planning Department, Community Planning	A-1
b. Building and Development, Zoning Administration	A-51
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e. Office of Transportation Services (OTS)	A-87
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5. Design Guidelines	Attached
6. Concept Development Plan / Special Exception Plat	Attached

NOTE: Attachments are available electronically, and may be viewed at the Planning Department Front Counter or in the Building & Development File Room.