

STATEMENT OF JUSTIFICATION

Belmont Greene Revitalization

ZMAP-2019-0008, ZMOD 2019-0015, ZMOD 2019-0016, ZMOD 2019-0017, ZMOD 2019-0018, ZMOD 2019-0019, ZMOD 2019-0020, ZMOD 2019-0021, ZMOD 2019-0023, SPEX 2019-0015, SPEX 2019-0016, & SPEX 2019-0017

Loudoun County PIN ## 152-19-4543, 152-10-2961, 152-20-4210, 152-20-4348 & 152-20-2382 (the “Property”)

April 11, 2019

I. Introduction

Belmont Greene Development LLC and Belmont Greene Commercial LLC (d/b/a “Atapco Properties” and, together, the “Applicant”) requests a zoning map amendment (“ZMAP”) along with special exceptions (“SPEX”) and zoning ordinance modifications (“ZMOD”) to help revitalize an underperforming commercial center located in the Belmont Greene community (f/k/a “Belmont Forest”) of Loudoun County.

The application property (the “Property”) consists of five parcels of record comprising approximately 22.73 acres in aggregate. The Property is zoned to the PD-H3 zoning district and is administered as PD-CC-CC or PD-OP pursuant to the Revised 1993 Loudoun County Zoning Ordinance (the “Revised 1993 Zoning Ordinance”) or the applicable vested provisions of the PD-SC district of the 1972 Zoning Ordinance (the “1972 Zoning Ordinance”), as described below.

Despite its current zoning, the Property had previously been administered as PD-SC under the 1972 Zoning Ordinance. However, in 2008, the County changed the underlying zoning administration of the proposed special exception area to its current zoning designation. As noted in ZCOR-2008-0171 as revised through March 5, 2009 (**Attachment 1**), the vesting provisions of Va. Code Ann. § 15.2-2303 (B) apply to those portions of the Property which are not subject to the proposed ZMAP application; for those portions, therefore, while the site remains zoned to its PDH-3/PD-CC-CC zoning designation under the Revised 1993 Zoning Ordinance, the area is to be administered pursuant to the PD-H24/PD-SC regulations under the 1972 Zoning Ordinance. A breakdown of the Property and its applicable zoning is included below:

MAP #	PARCEL ID	OWNER	SIZE (ACRES ±)	CURRENT USE	ZONING	PROPOSED ZONING
1	152-19-4543	Belmont Greene Development LLC	4.13	Vacant Land – Current Proffers require Church	PD-H3 administered PD-H3 (ZCOR-2018-0201)	R-8 ADU
2	152-20-2382 (portion)	Belmont Greene	.87	HOA Road	PD-H3	R-8 ADU & R-16 ADU

		Nonresidential Association				
3	152-10-2961	Belmont Greene Development LLC	5.68	Vacant Land	PD-H3 administered PD-CC-CC (ZCOR-2018-0202)	R-8 ADU
4	152-20-4210	Belmont Greene Commercial LLC	10.62	Food Store (Bloom) with Retail Sales (STPL-2007-0025 as amended through SPAM-2010-0009)	PD-H3 administered PD-CC-CC (ZCOR-2018-0198). PD-H3 administered PD-H24 administered PD-SC under 1972 ZO.	R-16 ADU (Approx. 7.5 Ac.) & PD-H24 admin. PD-SC '72 ZO (Approx. 3.12 Ac.) to remain ZO.
5	152-20-4348	Belmont Greene Commercial LLC	1.43	Vacant Land	PD-H3 administered PD-CC-CC (ZCOR-2018-0203). PD-H3 administered PD-H24 administered PD-SC under 1972 ZO.	No Change
Total			22.73		See "Attachment 2 – ZCOR-2018-0198, 0201-0203" to review the above referenced ZCORs	

II. Property History

The Property comprises a portion of Loudoun County’s first new urbanist community, “Belmont Forest,” designed by Andres Duany and Elizabeth Plater-Zyberk. The Board of Supervisors approved the original Belmont Forest application (ZMAP 1986-0047) on May 16, 1988 (the “1988 Rezoning”). This rezoning remapped 274 acres to the PDH-24 zoning district pursuant to the 1972 Zoning Ordinance (the “1972 Zoning Ordinance”) to permit the development of up to 793 residential units, 163,350 square feet of commercial uses, and 384,815 square feet of office uses.

Belmont Forest’s original design and street grid was influenced by two of Loudoun’s historic towns, Waterford and Leesburg. The combination of building types and sizes observed in Waterford provided a model for the intermingling of housing types of various costs. The community was designed around greens and civic buildings, including a school, town hall/community building, and a town center (which largely comprises the Property).

Since the original 1988 rezoning, the project evolved; on September 21, 1994, for example, the Original Proffers and Original PDP were replaced in their entirety with approval of ZCPA-1993-0006, which revised the 1988 Rezoning in terms of housing mix, phasing of development, road contributions, and the location of a planned church site. This revision was followed on November 15, 2005 by ZCPA-2003-0001 (the “2003 ZCPA”), which pertained to Belmont Forest’s commercial area, inclusive of the Property. The 2003 ZCPA, which relocated the church site and

authorized the creation of a commercial owners association, was made subject to a Concept Development Plan dated January 27, 2003 revised through August 16, 2005 as well as a Proffer Statement dated February 28, 2005 (revised through October 1, 2005) and a Letter of Clarification dated October 20, 2005.

Following approval of the 2003 ZCPA, a site plan (STPL-2007-0025) was approved which provided for the development of the “Village Center at Belmont Greene” (the “Village Center”) which included three retail/personal service buildings, a multi-tenant building with a 38,000-sq. ft. grocery store, and six additional buildings along Winkle Drive and Portsmouth Boulevard. While a Food Lion/Bloom grocery store, a freestanding CVS with drive-through, and a bank with drive-through were constructed, the 2008 economic downturn, in conjunction with the saturation of the grocery store market in the surrounding area, led to the 2010 closure of the grocery store and CVS. Other prospective tenants (e.g., McDonald’s and Taco Bell) also chose not to open. While a site plan amendment (SPAM-2010-0009) was filed and approved for the Property in 2010, no further development has taken place within the Village Center.

III. Proposed Applications

The Applicant is the owner/developer of several mixed-use centers in the mid-Atlantic region, including East Gate Marketplace and The Shoppes at East Gate commercial center in the Route 50 corridor, as well as The Shops at Moorefield Village located at the northwest quadrant of the intersection of Loudoun County Parkway and Ryan Road (near the Ashburn Metro Station) in Loudoun County. The Applicant purchased the Property in October 2018 to advance a redevelopment plan with market-scaled retail and residential uses that will address the needs of the Belmont Greene community and surrounding area.

The Applicant proposes to rezone portions of the existing commercial center to provide for a mix of single family detached, single family attached, and multifamily residential uses. Doing so will help reposition the existing commercial retail uses (to the extent permitted by existing lease agreements), provide for a more verdant and vibrant mixed-use community, and provide a catalyst to energize the struggling commercial center. The following applications are requested:

1. Zoning Map Amendment (“ZMAP”): As depicted on the CDP prepared by Bowman Consulting, Ltd., the Applicant requests a rezoning of approximately 10.39 acres of the PD-H3 portion of the Property to the R-8 Single Family Residential (“R-8 ADU”) zoning district pursuant to § 7-800 *et seq.* of the Revised 1993 Zoning Ordinance, as well as and approximately 7.27 acres of the PD-H3 portion of the Property to the R-16 Townhouse/Multi-family (“R-16 ADU”) zoning district pursuant to § 7-900 *et seq.* of the Zoning Ordinance to provide for the development of 211 residential units, inclusive of affordable dwellings units (“ADUs”) as required by Article 7 of the Revised 1993 Zoning Ordinance.
2. Special Exceptions: The Applicant seeks three special exceptions:
 - a. Minimum Yard Requirements For ADU Developments: The Applicant seeks two special exceptions pursuant to §§ 7-803 (C) (4) and 7-903 (C) (3) of the Revised

1993 Zoning Ordinance to modify the minimum yard requirements for ADU developments in the R-8 ADU and R-16 ADU zoning districts. (See **Attachment 3**, Belmont Greene Revitalization Zoning Modifications Table, dated April 11, 2019).

- b. Convenience Store with Gas Pumps: As depicted on Sheet 10 of the CDP, the Applicant seeks a special exception pursuant to § 712.2.2 of the 1972 Zoning Ordinance to permit a maximum 5,000 square foot Convenience Store with gas pumps on approximately 1.93 acres.
3. Zoning Ordinance Modifications (“ZMOD”): As indicated on the separate ZMOD table which provides separate justifications for each such ZMOD, the Applicant seeks multiple zoning modifications pursuant to § 6-1217 of the Revised 1993 Zoning Ordinance. We note that, since portions of the Property are vested under the 1972 Zoning Ordinance, but all of the Property is zoned to the Revised 1993 Zoning Ordinance, some of the requested ZMODs arise under the 1972 Zoning Ordinance. However, all such ZMODs are to be processed pursuant to § 6-1217 of the Revised 1993 Zoning Ordinance as follows:
 - a. Arising under the Revised 1993 Zoning Ordinance: §§ 5-900 (A) (9) (a) and (b); 5-1414 (A) and (B); 7-803 (B) (1); 7-803 (C) (1) (a), (b) and (c); 7-803 (C) (2) (a) (b) and (c); 7-803 (C) (3) (a), (b) and (c); and 7-903 (C) (2) (a), (b) and (c).
 - b. Arising under the 1972 Zoning Ordinance: §§ 525.2, 702.1.2.1, 702.2.4, and 712.8.2.1, Sec. 560 - Attachment A, Attachment B(2), Attachment B(3) – ZOAM-90-11 (1972 ZO)

IV. Comprehensive Plan Considerations

The Revised General Plan (the “RGP”) designates the Property for suburban residential uses. The RGP recommends that residential design features include efficient and compact site and roadway layouts with adequate open space, streetscapes, pedestrian and roadway linkages to other neighborhoods and communities, and Green Infrastructure elements. Suburban neighborhoods are also to incorporate a mix of housing types and lot sizes to provide options for a range of lifestyles and incomes, as well as a mix of land uses to allow residents the opportunity to work and shop nearby (RGP, Chp. 6, Pg. 6-11). Belmont Greene was designed as a neo-traditional community featuring a mix of housing types which placed an emphasis on pedestrian movement and activity. The Applicant’s proposed plan is a logical extension of the original new urbanist design and will seamlessly blend the proposed new residential uses into the community’s established fabric through architecture, pedestrian links, and roadway connections.

The Envision Loudoun 2040 Certified Plan (“Envision Loudoun”) designates the Property as a “Suburban Mixed Use” placetype. This placetype generally recommends the creation of compact, pedestrian-oriented environments with a mixture of residential, commercial, entertainment, cultural, and recreational amenities. Residential uses should comprise up to 70 percent of the total mix of uses, with non-residential comprising between 35 and 85 percent. Envision Loudoun also

identifies the commercial portion of Belmont Greene as a “Priority Commercial Redevelopment” area.

- a. **Residential Policies:** The RGP’s Residential Neighborhood Policy identifies a variety of policies to promote pedestrian connectivity to the internal and external community. Residential Neighborhood Policy 4.a recommends compact site layouts to reduce trips and facilitate alternative forms of transportation (RGP, Ch. 6, Pg. 6-12). The Applicant’s proposal promotes a compact neo-traditional site layout to promote pedestrian and bicycle activity throughout the community. Based on the Traffic Impact Study – Village Center at Belmont Greene, prepared by Gorove Slade, dated April 9, 2019 (the “TIA”), “the proposed development is anticipated to have minimal impact on the surrounding roadway network. The road network that was built for the previously approved commercial uses on the site can accommodate the proposed development that generates less traffic” (TIA, pg. 5). The following table compares the land use mix under the RGP’s Residential Neighborhood Land Use Mix, Envision Loudoun’s Suburban Compact Neighborhood Place Type, and the Applicant’s proposal:

Residential Neighborhood Land Use Mix	Suburban Compact Neighborhood Place Type	Applicant’s Proposal
Land Use Category: Residential: 30-60% Office & Light Industrial: 0-20% Public & Civic: 10%+ Public Parks & Open Space: 30%+	Possible Ranges: Residential: 85-100% Non-Residential: 0-15% Public/Civic: 0%+ Open Space: 15% of the site-Recreational (Passive and Active), Community, and/or Natural or Heritage	Proposed Range: Residential: 78% Non-Residential: 22% Public/Civic/Open Space*: 18%+ *Includes passive and active recreation, commercial plazas, greens, and outdoor seating areas.

- b. **RGP Infill, Redevelopment, and Revitalization Development Policies:** The RGP’s infill development policies should apply to the Applicant’s proposal. Despite Belmont Greene’s laudatory planning goals, the community’s commercial component has suffered due to market saturation and the onset of the 2008 recession. The Applicant’s proposal seeks to reimagine the Village Center’s commercial/retail component as the heartbeat of the community. The revitalized commercial center seeks to promote pedestrian activity through architecture and a site layout which encourages safe pedestrian movements throughout the commercial center.

The RGP envisions that redevelopment is appropriate where there are adequate public facilities/infrastructure and where established residential communities will be protected and enhanced (RGP, Ch. 6, Pg. 6-10, Policy 2). Here, Belmont Greene was originally designed to support 163,350 SF of commercial/retail and 364,815 SF office uses. The transportation and utility infrastructure required to support 528,165 SF of non-residential development has been constructed or stubbed in place along with the associated development of Belmont Greene. In late 2018, the Belmont Ridge Road widening project to the west of the Property was completed. The widening project improved Belmont Ridge Road from two to four lanes in each direction with 10’ wide multi-purpose trail flanking the minor arterial’s east and west sides, providing residents with a new safe way to walk

the W&OD trail. Consequently, the proposed application will be served with adequate existing transportation facilities and infrastructure.

The RGP's Infill Policy 12 states that the County will incentivize the revitalization of established neighborhoods to preserve the quality of life in these areas through the provision of community amenities. Here, the Applicant will provide crosswalks and other traffic calming improvements.

The RGP's Infill Policy 6 recommends the County work with applicants to facilitate integration of new development with existing homeowner's associations ("HOAs") to maintain economies of scale and augment the availability of amenities. Since the Applicant purchased the Property in October of 2018, the Applicant has worked closely with the Belmont Greene HOA to develop a draft plan that incorporates the design concepts of the original community while, at the same time, provides for a variety of unit types and sizes, including for seniors. The Applicant held an introductory meeting with the HOA in November 2018. This was followed by a meeting with the full community in January 2019 to garner community input. Further meetings to discuss the Applicant's proposed plan were held in February 2019 and in March 2019. The Applicant has expressed its desire to annex the Property into the Belmont Greene HOA, and the Applicant will continue to work with the community during this process to expand amenities for existing and new residents alike.

- c. Envision Loudoun Infill Policies: Envision Loudoun designates the Property as a "Priority Commercial Redevelopment Area," which is intended to be one of the initial areas of focus for the County. This application is the first to be filed in such an area under Envision Loudoun and, the Applicant hopes, it will serve as a template for Infill and Redevelopment plans moving forward.

The Goals and Intent and Strategy Policy 1.6 of the Envision Loudoun Infill and Redevelopment policies suggests infill redevelopment sites should achieve a unified site design and maximize efficient use of existing infrastructure and land development potential through the consolidation of adjacent underutilized properties. Further, such redevelopment should optimize infrastructure investments, leverage existing service capacity, and reduce development pressure on areas not designated for growth (Envision Loudoun, Ch. 2, Pg. 2-14.).

Infill and Redevelopment Policy 3 says that infill projects should balance compatibility and integration with new housing choices and creative designs" (Envision Loudoun, Ch. 2, Pg. 2-22). The proposed Belmont Greene revitalization seeks to provide a variety of housing choices in a neo-traditional community including single family detached, single family attached, multifamily (two-over-two) and age-restricted units. ADUs will be provided in accordance with Article 7 of the Zoning Ordinance. Additionally, the Village Center at Belmont Greene is currently developed with approximately 63,232 s.f. of commercial/retail uses (including the 38,336 s.f. former Bloom grocery store) and an associated parking lot.

The existing development is proposed to remain in use until such time it is removed to accommodate development in accordance with this application or as otherwise stated in the proffers. The plan proposes to border existing lower density single family detached and attached residential with similar unit types and transition to more intense unit type and density as a buffer to the commercial uses along and north of Winkle Drive and Belmont Ridge Road. The existing Food Lion multi-tenant building is proposed to be replaced with new neighborhood commercial buildings scaled for the Belmont Greene community's needs at the intersection of Portsmouth Boulevard and Winkle Drive. Existing tenants will be relocated to the new commercial area (if they so desire) and it is anticipated that the new modern buildings and walkable center design will attract additional vibrant tenants that are desired for and by the community.

Strategy 1.1 of Policy 6, Strategy 1.1 of the Envision Loudoun's Infill and Redevelopment policies state that infill redevelopment projects should facilitate community engagement and build support for such projects (Envision Loudoun, Ch. 2, Pg. 2-18, Strategy 1.1). As noted above, since the Applicant purchased the Property in October of 2018, it has worked closely with the Belmont Greene HOA to develop the proposed draft plan. It will continue to work with the community during pendency of the project.

- d. Housing Polices: The County's primary objective is to ensure that existing and future County residents and workforce are served by a range of housing opportunities. In crafting its proposal, the Applicant has relied on the housing policies contained in both the RGP and Envision Loudoun to develop a housing program which provides a mix of housing types, inclusive of ADUs.

The RGP encourages communities which address housing affordability in the County. (RGP, Ch. 2, Pg. 2-11). The Applicant's proposal is an infill and redevelopment opportunity, that includes a mix of multifamily two-over-twos and age-restricted units which range in size from 800 s.f to 2,500 s.f., single family attached product ranging from approximately 1,400 s.f. to 2,000 s.f., and single family detached units ranging from approximately 2,000 s.f. to more than 2,800 s.f. The plan incorporates seven different product types, sizes, and potential prices which will expand housing choices in the community and address the market's needs.

Under Envision Loudoun, the County's objective is to ensure an adequate supply of housing which is varied in type and price located near necessary services and amenities for current and future residents. By providing a varied mix of housing types at a variety of potential sizes, the Applicant is making strident efforts to meet the County's need for a continuum of housing. The County refers to a continuum of housing as "the variety of housing types, sizes, and prices (both for rental and homeownership) required to meet the County's anticipated needs, and the County seeks to align housing availability with this spectrum" (Envision Loudoun, Ch. 4, Pg. 4-2). In 2017 and 2018, the County adopted the *Loudoun County Housing Needs Assessment 2015-2040* (the "Housing Needs Assessment") and the *Envision Loudoun Market Analysis*, respectively. Both studies confirmed that the demand for new residential development will remain high and highlighted the demand for a continuum of housing to meet the demand for a growing

population. The Housing Needs Assessment further states “there will be a need for housing in Loudoun County for households all along the income spectrum, including workers in low-wage jobs and non-workers (i.e. seniors and persons with disabilities) living on fixed incomes” (Housing Needs Assessment, Pg. 11). The Applicant’s proposal will help address these needs by providing “Missing Middle” housing, which largely comprises a mix of small scale single-family units, accessory dwelling units, and limited multifamily units with a lower perceived density” (Envision Loudoun, Ch. 4, Pg. 4-13).

Strategy 1.6 of Housing Policy 1 supports mixed-use development projects that provide a continuum of housing types, sizes, and prices as well as commercial uses such as retail, entertainment, and offices in a walkable environment” (Envision Loudoun, Ch. 4, Pg. 4-17). The proposed application aspires to meet this requirement by providing a broad mix of residential opportunities for existing and future residents, redeveloping the existing commercial center, and attracting a new convenience store with gas pumps to a newly expanded intersection at Belmont Ridge Road and Portsmouth Boulevard. The proposed application will maintain the pedestrian connectivity which was conceptualized as part of the original rezoning in 1988.

- e. Economic Development Policies: Several of the policies of the Infill and Redevelopment sections of both the RGP and Envision Loudoun are directly related to economic development. Strategy 1.5.D of Envision Loudoun, for example, seeks to establish programs to assist in business retention, expansion, and recruitment when commercial redevelopment projects occur” (Envision Loudoun, Ch. 2, Pg. 2-20). Additionally, the Intent and Goal section of the redevelopment policies looks to achieve land uses that are more economically beneficial, more compatible with existing or anticipated surrounding land uses, and align uses with the long-term vision of the Plan” (Envision Loudoun, Ch. 2, Pg. 2-14.).

The RGP specifically identifies four key economic development principles including: (1) maintaining Loudoun’s high quality of life; (2) diversifying the local economy so that it is not overly dependent on a particular industry sector; (3) managing growth so that the County can provide adequate public services and continue to be fiscally sound; and (4) coordinating with Loudoun’s incorporated Towns and rural economic sectors to achieve balanced policy making, planning and monitoring, for the successful implementation of the economic development strategy. Policy 3 of Envision Loudoun says that the County should invest in the skilled workforce needed for continued economic growth” (Envision Loudoun, Ch. 5, Pg. 5-11).

The proposed project seeks to provide a variety of housing types to satisfy a range of earners from across the income spectrum and provide a continuum of housing types which are desirable to all levels of the workforce. This includes ADUs, multifamily (two-over-two) units and age-restricted units, single family attached units, and single family detached units. This variety of housing choices caters to income earners across the spectrum and seeks to address the “Missing Middle.” Though it proposes to rezone a portion of the existing commercial area to residential uses, the Applicant is also seeking to “right size” the commercial development in order to create a vibrant and successful neighborhood retail

center. A vibrant commercial center, together with the existing commercial uses and opportunities, will yield a fiscally-positive development. Further, the Property is in close proximity to the W&OD trail and has ample opportunities for other recreational opportunities given the proximate location to other public amenities such as Trailside Park and Beth Miller Park. As previously stated, the Property was previously stubbed with the required utilities and all other infrastructure is in place.

V. Zoning Map Amendment / Zoning Concept Plan Amendment Review Criteria

Section 6-1210 (E) of the Zoning Ordinance contains application evaluation criteria for approval of rezoning applications and, in considering a rezoning application, the following enumerated factors shall be given reasonable consideration. The Zoning Ordinance specifies that an applicant is to address each factor in its statement of justification unless such criteria are deemed inapplicable to the application. The following represents the Applicant's response to these issues:

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

As noted above in Section IV, the proposed application will meet the RGP and Envision Loudoun's housing, infill, redevelopment, revitalization, and economic development policies. The Applicant's proposal seeks to reimagine the Village Center's commercial/retail component as the heartbeat of the community. The revitalized commercial center seeks to promote pedestrian activity through architecture and a site layout which encourages safe pedestrian movements throughout the commercial center. The proposed project seeks to provide a variety of housing types to satisfy a range of earners from across the income spectrum and provide a continuum of housing types which are desirable to all levels of the workforce. Though it proposes to rezone a portion of the existing commercial area to residential uses, the Applicant is also seeking to "right size" the commercial development in order to create a vibrant and successful neighborhood retail center. Therefore, this criterion is satisfied.

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

The Property is currently zoned PD-H3 administered as PD-CC-CC. The proposed application is compatible with the existing character of the properties in the immediate vicinity. The proposed request will provide a mix of residential unit types including single family detached, single family attached, and multi-family (two-over-two) in the R-8 ADU-zoned portion of the Property, while the R-16 ADU-zoned portion of the Property will be developed with multi-family (two-over-two) and age-restricted units. The special exception area will include the proposed convenience store with gas pumps. The

locations of the proposed uses have been located to be compatible with adjacent uses. Therefore, this criterion is satisfied.

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

Public water and sanitary sewer have already been extended to the Property. Capacity exists in both the water and sanitary sewer system to serve the Property. As discussed in the TIA, “the proposed development is anticipated to generate approximately 226 trips during the AM peak hour, 343 trips during the PM peak hour, 469 trips during Saturday peak hour and 5,203 trips during an entire weekday. Compared to the approved use, the proposed development is anticipated to generate 309 fewer AM peak hour trips, 776 fewer PM peak hour trips, 1,207 fewer Saturday peak hour trips and 6,031 fewer daily trips” (TIA, pg. 4). To mitigate impacts to future residents within the R-16 ADU portion of the Property, the Applicant proposes to convert the right-in/right-out located at the intersection of Portsmouth Boulevard and Eastern Kingbird Plaza to a full access intersection. The conversion to a full access intersection will allow patrons to easily move freely between the commercial portions of Belmont Greene located north and south of Portsmouth Boulevard. As part of the conversion from a right-in/right-out to full access intersection, the Applicant proposes an eastbound right turn lane and westbound left turn lane along Portsmouth Boulevard. Therefore, this criterion is satisfied.

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

The Applicant will propose proffer contributions consistent with the County’s anticipated capital facility, regional road fund, transit, and fire and rescue rates. On-site recreational amenities for the residents may include landscaped and hardscaped gathering areas, active recreation uses and trails. As seen in the below Belmont Greene Community Open Space Exhibit (Attachment 4), the proposed application blends with the balance of the overall Belmont Greene/Belmont Forest community and will complete the recreation and trail network for the Belmont Greene community.



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

There are no archeological or historic features on the Property. The proposed rezoning will not have an adverse impact on the environmental features of the Property. The proffers will include commitments to minimize impacts from noise and light. The Property will be served with public water and sanitary sewer which will prevent adverse impacts to the groundwater that could occur if the Property were to be served by well and septic systems. Therefore, this criterion is satisfied.

- a. For applications for rezoning or amendment to a zoning map subject to the provisions of Virginia Code Section 15.2-2303.4, any proposed on-site mitigation of those potential impacts.**

This application is not subject to the provisions of Va. Code Ann. § 15.2-2303.4. Therefore, this criterion is inapplicable.

- b. For applications for rezoning or amendment to a zoning map not subject to the provisions of Virginia Code Section 15.2-2303.4, any proposed mitigation of those potential impacts.**

The Applicant will propose proffered commitments as discussed herein, as well as anticipated monetary contributions consistent with anticipated capital facility, regional road fund, transit, and fire and rescue contribution rates. Further, the Property is located within the Luck – Quarry Note Overlay District. As such, future homeowners will be notified of the neighboring quarry in accordance with Section 4-1800 of the Zoning Ordinance and provisions incorporated in the applicable covenants, conditions, and restrictions for the Property. A portion of Loudoun County PIN #152-19-4543 is located within the Reservoir Protection Area. No

future development is proposed within the Reservoir Protection Area, however, proposed landscaping adjacent to Belmont Ridge Road within the Reservoir Protection Area and maintenance of future landscaping will conform to § 5.230 (B) (4) (b) of the Loudoun County Facilities Standards Manual. Therefore, this criterion is satisfied.

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

The proposed applications will conform to the structural standards set forth in applicable County and state codes. Therefore, this criterion is satisfied.

VI. Special Exception Review Criteria For Modification of Yard Requirements

Section 6-1309 of the Zoning Ordinance contains application evaluation criteria for approval of special exception applications and, in considering a special exception, the following enumerated factors shall be given reasonable consideration. The Zoning Ordinance specifies that an applicant is to address each factor in its statement of justification unless such criteria are deemed inapplicable to the application. The following represents the Applicant's response to these issues:

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

The two proposed special exceptions would eliminate the front yard buffer and reduce the planting schedule for the proposed residential sections of the Property. These modifications are requested to permit single family detached, single family attached, and multifamily units to frame the streets and provide a uniform streetscape throughout the residential area. Lead walks from the sidewalks to individual units will provide easy access to the pedestrian network. Tree-lined streets will provide shade and a pleasant walking environment for residents and visitors to the Belmont Greene community. Therefore, this criterion is satisfied.

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

The two proposed special exceptions are not anticipated to produce a negative impact on the surrounding uses. The proposed use will conform to the Zoning Ordinance to address mitigation of noise and lighting. The currently approved office/commercial/retail uses may prove to produce more noise, light, odor, or other emissions than the proposed application. The proposed residential uses will be subject to design guidelines similar to those of the existing adjacent residential neighborhood within Belmont Greene and will feature design guidelines which address noise and lighting, thus the uses are compatible. The reduction in yards will not negatively impact surrounding uses. On the contrary, the reduced yards will enhance the original walkable, neo-traditional design intent of Belmont Greene. A noise study will be conducted for new parcels as outlined in the proffers. Therefore, this criterion is satisfied.

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

The two proposed special exceptions would eliminate the front yard buffer and reduce the planting schedule for the proposed residential sections of the Property. These modifications are requested to permit single family detached, single family attached, and multifamily units to frame the streets and provide a uniform streetscape throughout the residential area. Lead walks from the sidewalks to individual units will provide easy access to the pedestrian network. Tree-lined streets will provide shade and a pleasant walking environment for residents and visitors to the Belmont Greene community. The proposed uses are compatible with the adjacent parcels and uses. A reduction in yards associated with the SFD, SFA, and MF units will not impact the surrounding neighborhood. Therefore, this criterion is satisfied.

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

There are no archeological or historic features on the Property. The proposed rezoning will not have an adverse impact on the environmental features of the Property. The proffers will include commitments to minimize impacts from noise and light. The Property will be served with public water and sanitary sewer which will prevent adverse impacts to the groundwater that could occur if the Property were to be served by well and septic systems. The proposed uses are compatible with the adjacent parcels and uses. A reduction in yards associated with the SFD, SFA, and MF units will not impact the surrounding neighborhood. Therefore, this criterion is satisfied.

5. Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.

The Property is surrounded by suburban residential and commercial uses, the Applicant's proposal seeks to add to an already pedestrian-friendly, neo-traditional community. The proposal aims to address housing, infill and redevelopment, and economic development components of the RGP and Envision Loudoun to contribute to and promote the welfare of the public. As part of the application, the Applicant will relocate a portion of the existing on-site commercial/retail to enhance the visibility and viability of existing and future commercial/retail users. Therefore, this criterion is satisfied.

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

Public water and sanitary sewer have already been extended to the Property. Capacity exists in both the water and sanitary sewer system to serve the Property. As discussed in

the TIA, “the proposed development is anticipated to generate approximately 226 trips during the AM peak hour, 343 trips during the PM peak hour, 469 trips during Saturday peak hour and 5,203 trips during an entire weekday. Compared to the approved use, the proposed development is anticipated to generate 309 fewer AM peak hour trips, 776 fewer PM peak hour trips, 1,207 fewer Saturday peak hour trips and 6,031 fewer daily trips” (TIA, pg. 4). To mitigate impacts to future residents within the R-16 ADU portion of the Property, the Applicant proposes to convert the right-in/right-out located at the intersection of Portsmouth Boulevard and Eastern Kingbird Plaza to a full access intersection. The conversion to a full access intersection will allow patrons to easily move freely between the commercial portions of Belmont Greene located north and south of Portsmouth Boulevard. As part of the conversion from a right-in/right-out to full access intersection, the Applicant proposes an eastbound right turn lane and westbound left turn lane along Portsmouth Boulevard. Therefore, this criterion is satisfied.

VII. Special Exception Review Criteria For Convenience Store With Gas Pumps

Section 6-1309 of the Zoning Ordinance contains application evaluation criteria for approval of special exception applications and, in considering a special exception, the following enumerated factors shall be given reasonable consideration. The Zoning Ordinance specifies that an applicant is to address each factor in its statement of justification unless such criteria are deemed inapplicable to the application. The following represents the Applicant’s response to these issues:

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

As noted above in Section IV, the proposed application will meet the RGP and Envision Loudoun’s infill, redevelopment, revitalization, and economic development policies. The Applicant’s proposal seeks to reimagine the Village Center’s commercial/retail component as the heartbeat of the community. The revitalized commercial center seeks to promote pedestrian activity through architecture and a site layout which encourages safe pedestrian movements throughout the commercial center. The proposed project seeks to provide a variety of housing types to satisfy a range of earners from across the income spectrum and provide a continuum of housing types which are desirable to all levels of the workforce. Though it proposes to rezone a portion of the existing commercial area to residential uses, the Applicant is also seeking to “right size” the commercial development in order to create a vibrant and successful neighborhood retail center. A vibrant commercial center, together with the existing commercial uses and opportunities, will yield a fiscally-positive development. Due to growth in the area, north-south vehicular trips continued to increase along Belmont Ridge Road, however, very few locations to fuel up have been created. An additional convenience store with gas pumps will aide in creating vibrancy and life to the Belmont Greene Commercial area while providing tax benefits to the County. Therefore, this criterion is satisfied.

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

The proposed convenience store with gas pumps is located at the southeast quadrant of the intersection Belmont Ridge Road and Portsmouth Boulevard. The proposed convenience store with gas pumps will comply with all applicable zoning and facilities standards manual regulations to mitigate the impacts of noise, light, glare, and other emissions generated by the proposed use. The proposed convenience store building and the active recreation area will provide a buffer from the residential units located adjacent to the SPEX Area.

Prior Zoning Ordinance modifications permit the proposed convenience store with gas pumps to be setback 50' from the Belmont Ridge Road right-of-way. The gas canopy is proposed to be setback 70' from the Belmont Ridge Road right-of-way and the proposed convenience store building will be set back approximately 170 feet away from the Belmont Ridge Road right of way. Therefore, this criterion is satisfied.

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

The proposed use will be compatible in this location. The convenience store with gas pumps will be bordered to the northeast, across Portsmouth Blvd, by approved auto centric uses including a McDonald's restaurant with drive-through (STPL-2007-0012), a Taco Bell restaurant with drive-through (STPL-2007-0023), a CVS Pharmacy (STPL-2006-0086), a Wachovia (now Wells Fargo) bank (STPL-2006-0084), and a Retail Tire/Service Center (STPL-2009-0003). Though these uses are approved, the two restaurants with drive-throughs and the Retail Tire/Service Center were never constructed. In addition, the CVS Pharmacy shut its doors for business in March 2017.

The convenience store with gas pumps will be bordered to the south by the future relocated commercial/retail. The Applicant's proposed design is intended to promote additional vehicular access to the retail/commercial portion of Belmont Greene while maintaining pedestrian safety throughout the center. The proposed multi-family residential R-16 ADU adjacent to the proposed convenience store with gas pumps will be bordered by an active recreation area to enhance the compatibility of the proposed uses. Therefore, this criterion is satisfied.

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

The proposed uses are compatible with the adjacent parcels and uses. The proposed use will conform to all applicable ordinances and codes, unless otherwise modified. Therefore, this criterion is satisfied.

5. Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.

As previously discussed, the proposed convenience store with gas pumps is located at the southeast quadrant of the intersection Belmont Ridge Road and Portsmouth Blvd. The nearest gas station to the Property is located approximately 1.5 miles away in the Goose Creek Village North development with the next nearest gas station approximately two miles away in Ashburn Farm. This distance creates a need for a convenience store with gas pumps at this location. The proposed use will offer the residents of Belmont Greene and motorists in the vicinity of Belmont Greene another option for fuel. Creating new fueling options for the community contributes to the convenience of the public. Therefore, this criterion is satisfied.

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

Public water and sanitary sewer have already been extended to the Property. Capacity exists in both the water and sanitary sewer system to serve the Property. As discussed in the TIA, “the proposed development is anticipated to generate approximately 226 trips during the AM peak hour, 343 trips during the PM peak hour, 469 trips during Saturday peak hour and 5,203 trips during an entire weekday. Compared to the approved use, the proposed development is anticipated to generate 309 fewer AM peak hour trips, 776 fewer PM peak hour trips, 1,207 fewer Saturday peak hour trips and 6,031 fewer daily trips” (TIA, pg. 4). To mitigate impacts to future residents within the R-16 ADU portion of the Property, the Applicant proposes to convert the right-in/right-out located at the intersection of Portsmouth Boulevard and Eastern Kingbird Plaza to a full access intersection. The conversion to a full access intersection will allow patrons to easily move freely between the commercial portions of Belmont Greene located north and south of Portsmouth Boulevard. As part of the conversion from a right-in/right-out to full access intersection, the Applicant proposes an eastbound right turn lane and westbound left turn lane along Portsmouth Boulevard. Therefore, this criterion is satisfied.

VIII. Conclusion

The proposed request is appropriate in light of the changing planning recommendations for this section of Loudoun County. The proposed housing product types will help meet the increasing demand for housing options and the proposed application will meet the RGP and Envision Loudoun’s housing, infill, redevelopment, revitalization, and economic development policies. The Applicant’s proposal seeks to reimagine the Village Center’s commercial/retail component as the heartbeat of the community. A vibrant commercial center, together with the existing commercial uses and opportunities, will yield a fiscally-positive development.

ATTACHMENT 1



Loudoun County, Virginia

www.loudoun.gov

Department of Building and Development

Zoning Administration / MSC# 60

1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000

Administration: 703-777-0397 • Fax: 703-771-5215

March 5, 2009

Michael Banzhaf
ReedSmith, LLP
44084 Riverside Parkway, Suite 300
Leesburg, VA 20176-5102

RE: APPL 2008-0020 RE: ZCOR 2008-0171 (revised)

Subject: MCPI 152-20-4210: STPL 2007-0025 The Village Center at Belmont Greene
MCPI 152-10-2961: Phase III

Dear Mr. Banzhaf:

Pursuant to several discussions held between us, and one involving Ron Brown of the County Attorney's Office, concerning the subject appeal of this office's September 8, 2008 Zoning Determination (ZCOR 2008-0171 revised) and your letter of January 13, 2009, I am writing in an effort to address some of your specific requests and concerns about the development on the subject parcel and site plan for the Village Center at Belmont Greene and the development of Phase III of the Belmont Greene "commercial/office" land bay. This letter is drafted in the spirit of attempting to reach clarity so as to avoid the need for prosecuting this appeal.

As you are aware, the applicable Zoning Map Amendment (ZMAP 1986-0047), including a Proposed Development Plan (Original PDP) and related zoning modifications, was initially approved on May 16, 1988 and then an amended version was approved October 3, 1989. The proffers and Original PDP were subsequently replaced by approval of ZCPA 1993-0006, which in turn was amended by the terms of ZCPA 2003-0001. The approvals of ZCPA 1993-0006 and ZCPA 2003-0001 indicated that the zoning modifications approved concurrently with ZMAP 1986-0047 remained in full force and effect to the extent that there was no conflict with these subsequent approvals. Portions of the property that were the subject of ZCPA 1993-0006 and ZCPA 2003-0001 have been the subject of various subsequently approved preliminary subdivisions, record subdivisions and site plans. The above referenced parcels are subject to ZCPA 1993-0006 and ZCPA 2003-0001 and are designated as "Commercial/Office" on both the Original PDP and on the revised PDP as approved with ZCPA 1993-0006 and as amended by ZCPA 2003-0001. Under the approved proffers and PDP, the "Commercial/Office" land bay can be developed with up to 163,350 square feet of commercial uses and 364,815 square feet of office uses.

Under the County's consistent administrative practice regarding land bays designated as "commercial/office" within PD-H zoning districts, such designation allows a developer to establish those areas of the land bay which are to be commercial and those which are to be office. Under the 1972 Zoning Ordinance, those areas established as "commercial", pursuant to site plan approval and development per the site plan, were then further administered as PD-SC, while those established as "office" were then further administered as PD-OP. On June 16, 2008 the grandfathering provisions of the Revised 1993 Zoning Ordinance lapsed. At that time the subject Property came under the Revised 1993 Zoning Ordinance, and under the Revised 1993 Zoning Ordinance those areas that were "further administered as PD-SC" under the 1972 Zoning Ordinance are to be administered as PD-CC-CC (or PD-CC-NC depending on the scale of the commercial development) while those areas that were "further administered as PD-OP" would continue to be administered as PD-OP.

In our September 8, 2008 ZCOR 2008-0171 (revised) we indicated that within those areas that were administered as PD-SC under PD-H rezonings and are now to be further administered as PD-CC-CC the vesting provisions of Section 15.2-2303B of the Code of Virginia, would have the effect that any regulations of the PD-CC-CC zoning district that would materially reduce, restrict or modify the uses, density or floor area ratio of the PD-SC Zoning District would be inapplicable, and in such cases the provisions of the 1972 PD-SC zoning district regulations would apply. In regard to the Village Center at Belmont Greene, STPL 2007-0025 was approved using PD-SC zoning district regulations and the portion of the property that has been developed pursuant to that site plan has, therefore, been established as "commercial" square footage. The September 8, 2008 letter also indicated that this said site plan for the Village Center at Belmont Greene, having been approved under the PD-SC zoning regulations, could continue to develop under the provisions of the PD-SC zoning district regulations, as approved.

"Office", as a use, would be permitted within the Village Center at Belmont Greene, as such use was permitted under the PD-SC regulations. The difficulty we have been discussing deals with the question of how to count office uses within the Village Center at Belmont Greene, i.e. do office uses within the PD-SC count against the "commercial" uses limit of 163,350 square feet, or as part of the "office" uses limit of 364,815 square feet? Due to limitations in the County's ability to track these limits if a building's uses change from commercial to office and back, you have proposed that, within the Village Center at Belmont Greene, (a) the property shall be developed under the PD-SC regulations, including the applicable zoning modifications approved with ZMAP 1986-0047, as approved on STPL 2007-0025, but that (b) any floor area above the ground floor shall be limited to office use, and that (c) such square footage above the ground floor shall be counted against the total permitted office square footage limit. A note to such effect would be placed on the site plan through a site plan amendment. Additionally, all of the square footage contained within the ground floor would count against the commercial square footage limit, and, while office uses, such as, but not limited to, dental offices or real estate offices, would be permitted to locate on the ground floor, such office uses would count against the permitted commercial square footage limit. The County can accept such designations and can administer the approved site plan accordingly, provided that a site plan amendment is processed that would add the note to the approved site plan and provided that the running tabulations are updated to reflect and separately list the first floor and second floor allocations.

You have also indicated that the applicant may wish to re-designate some of the unbuilt structures shown on the approved site plan as all office, so that all floors of such a building will count against the total permitted office square footage limit. This can be accommodated provided a site plan amendment is submitted and approved to (i) add a note indicating the restriction on such building, and (ii) appropriately update the running tabulations (office and commercial), and further provided that the total permitted office limit of 364,815 square feet throughout the “commercial/office” land bay has not been exceeded at the time of the site plan amendment. Such building will still be developed under the PD-SC zoning district regulations.

You have also indicated that the applicant may wish to change some of the unbuilt structures shown on the site plan and develop them under the PD-OP Zoning District regulations. Such a change could be accommodated but would require not only an amendment of the approved site plan to remove such undeveloped building from the approved site plan, but would also require the submission of a new site plan subject to the provisions of the PD-OP zoning district regulations of the Revised 1993 Zoning Ordinance. The application of the PD-OP zoning district regulations of the Revised 1993 Zoning Ordinance to this new site plan would be subject to the above mentioned Section 15.2-2303B vesting provisions and would allow development consistent with the applicable zoning modifications approved with ZMAP 1986-0047. If a building is developed under the PD-OP zoning district regulations, all square footage contained within such building will be counted against the total permitted “office” square footage limit.

The County can accommodate the changes as proposed above. However, please be aware that once a building has been constructed using the development standards of a particular zoning district, the future administration of such building cannot be switched from PD-CC-CC to PD-OP, nor the other way around.

In regard to Phase III, there has been no indication to date as to how your client desires to develop Phase III. However, provided that the total square footage limit for either or both the commercial and/or office portions of the overall “commercial/office” land bay has not been exceeded, then the same type of flexibility for development of Phase III can be accommodated as for the Village Center at Belmont Greene.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the Revised 1993 Zoning Ordinance may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the Code of Virginia. This decision is final and unappealable if not appealed within 30 days.

Please contact me at 703-777-0507 if I can provide any additional information or assistance regarding the above matter.


Sincerely,



Larr Kelly
Planner, Zoning Administration

Pursuant to Virginia Code Section 15.2-2307:
Concurrence with the foregoing clarification of the vesting determination (ZCOR 2008-0171 revised) for:

MCPI 152-20-4210: STPL 2007-0025 Village Center at Belmont Greene; and
MCPI 152-10-2961: Phase III
and for no other purpose.



Ronald J. Brown
Deputy County Attorney

cc: Daniel Schardein, Zoning Administrator
Terrance Wharton, Director, Department of Building and Development
Mark Stultz, Deputy Zoning Administrator
Lori Waters, Broad Run District Supervisor
Winkle Way, LLC, Owner
Nightwatch LLC, Owner

ATTACHMENT 2



Loudoun County, Virginia

www.loudoun.gov

Department of Planning and Zoning

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

September 27, 2018

Jeffrey P. McCormack
Atapco Properties, Inc.
One South Street, Suite 2800
Baltimore, MD 21202

RE: ZCOR-2018-0198: Request for Zoning Verification for Belmont Greene Parcel J-1,
42920 Piccadily Plaza, Ashburn, Virginia
Tax Map Number: /62/M20///J-1/ **PIN:** 152-20-4210

Dear Mr. McCormack:

The following information is provided in response to your letter dated September 7, 2018 requesting a zoning verification of the above-referenced property (the Property). I have researched this request and offer the following based on County records.

The Property is zoned PD-H3 (Planned Development-Housing 3) administered as PD-CC-CC (Planned Development-Commercial Center-Community Center) under the Revised 1993 Loudoun County Zoning Ordinance (the Ordinance) and is subject to the proffers and Proposed Development Plan (PDP) associated with Zoning Map Amendment ZMAP-1986-0047 (including modifications), approved on May 16, 1988, amended on October 3, 1989 and subsequent Zoning Concept Plan Amendment ZCPA-1993-0006, approved September 21, 1994, and ZCPA-2003-0001 approved on November 1, 2005. The Property was designated as "Commercial/Office" on the original and all subsequently approved PDPs. The Property is located within the Quarry Notification (QN) Overlay District – Luck Quarry Note Area, subject to Section 4-1800. Uses permitted in the PD-CC-CC District are specified in Section 4-203(B), and those permissible by Special Exception are enumerated in Section 4-204(B) of the Ordinance.

Site Plan STPL-2007-0025, The Village Center at Belmont Greene, was approved on January 15, 2008 for a food store with retail sales. Pursuant to subsequent site plan amendments (SPAM-2009-0019, SPAM-2009-0048, and SPAM 2010-0009), the Property is approved for 63,232 square feet of such uses. To obtain copies of site plans or permits, please contact the Department of Building and Development at 703-777-0220.

If the Property was developed in accordance with the approved site plans, then it would be in conformance with the Zoning Ordinance. Please note that a site visit was not conducted and therefore I cannot verify and/or certify as to onsite improvements.

If the structure on the Property was destroyed in whole or in part, the structure could be rebuilt in conformance with the relevant development applications, as referenced above, or the Zoning Ordinance in effect at the time of the reconstruction.

Zoning Compliance of the Department of Planning and Zoning inspects sites for zoning violations upon receipt of a complaint. According to County records there are no active zoning enforcement cases for this property.

The copy testes, proffers, conditions, findings, plats, and related material associated with the applications referenced herein can be viewed with the Loudoun Online Land Applications (LOLA) System by going to www.loudoun.gov/lola and using the searchable list to enter the application number.

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

If you have any questions regarding this correspondence, please contact me at 703-777-0653 or by email at jean.ault@loudoun.gov.

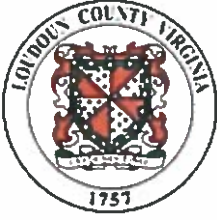
Sincerely,



Jean M. Ault
Planner

cc via email: Kenny Young, Acting Director, Planning and Zoning
Alaina Ray, AICP, Deputy Director, Planning and Zoning
Mark Stultz, Zoning Administrator
Michelle Lohr, Deputy Zoning Administrator
Chris Mohn, Deputy Zoning Administrator

Property owner of record: SFI Winkel Way LLC
ISTAR Asset Services
180 Glastonbury Boulevard, Suite 201
Glastonbury, CT 06033-4440



Loudoun County, Virginia

www.loudoun.gov

Department of Planning and Zoning

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

September 26, 2018

Jeffrey P. McCormack
Atapco Properties, Inc.
One South Street, Suite 2800
Baltimore, MD 21202

RE: ZCOR-2018-0201: Request for Zoning Verification for Belmont Greene Parcel G,
Ashburn, Virginia
Tax Map Number: /62/M18/////G/ **PIN:** 152-19-4543

Dear Mr. McCormack:

The following information is provided in response to your letter dated September 7, 2018 requesting a zoning verification of the above-referenced property (the Property). I have researched this request and offer the following based on County records.

The Property is zoned PD-H3 (Planned Development-Housing 3) and administered as PD-H3 under the Revised 1993 Loudoun County Zoning Ordinance (the Ordinance) and is subject to the proffers and Proposed Development Plan (PDP) associated with Zoning Map Amendment ZMAP-1986-0047 (including modifications), approved on May 16, 1988, amended on October 3, 1989 and subsequent Zoning Concept Plan Amendment ZCPA-1993-0006, approved September 21, 1994 and ZCPA-2003-0001 approved on November 1, 2005. The Property is located within the Quarry Notification (QN) Overlay District – Luck Quarry Note Area, subject to Section 4-1800.

With the approval of ZMAP-1986-0047, a 4.0-acre parcel was specifically designated on the PDP for a church site. In addition, the 4.0-acre parcel was also designated on the PDP approved with ZCPA-1993-0006 and ZCPA-2003-0001. It is noted that construction of a church in this location is specifically required by the proffers and CDP accepted in conjunction with ZCPA-2003-0001. There is no record of any approved site plan for this Property.

Zoning Compliance of the Department of Planning and Zoning inspects sites for zoning violations upon receipt of a complaint. According to County records there are no active zoning enforcement cases for this property.

The copy testes, proffers, conditions, findings, plats, and related material associated with the applications referenced herein can be viewed with the Loudoun Online Land Applications (LOLA) System by going to www.loudoun.gov/lola and using the searchable list to enter the application number.

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

If you have any questions regarding this correspondence, please contact me at 703-777-0653 or by email at jean.ault@loudoun.gov.

Sincerely,



Jean M. Ault
Planner

cc via email: Kenny Young, Acting Director, Planning and Zoning
Alaina Ray, AICP, Deputy Director, Planning and Zoning
Mark Stultz, Zoning Administrator
Michelle Lohr, Deputy Zoning Administrator
Chris Mohn, Deputy Zoning Administrator

Property owner of record: SFI Winkel Way, LLC
ISTAR Asset Services
180 Glastonbury Boulevard, Suite 201
Glastonbury, CT 06033-4440



Loudoun County, Virginia

www.loudoun.gov

Department of Planning and Zoning

1 Harrison Street, S.E., 3rd Floor, P.O. Box 7000, Leesburg, VA 20177-7000

703/777-0246 • Fax 703/777-0441

September 26, 2018

Jeffrey P. McCormack
Atapco Properties, Inc.
One South Street, Suite 2800
Baltimore, MD 21202

RE: ZCOR-2018-0202: Request for Zoning Verification for Belmont Greene Parcel H-1,
Ashburn, Virginia

Tax Map Number: /62/M20///H-1/ **PIN:** 152-10-2961

Dear Mr. McCormack:

The following information is provided in response to your letter dated September 7, 2018 requesting a zoning verification of the above-referenced property (the Property). I have researched this request and offer the following based on County records.

The Property is zoned PD-H3 (Planned Development-Housing 3) administered as PD-CC-CC (Planned Development-Commercial Center-Community Center) under the Revised 1993 Loudoun County Zoning Ordinance (the Ordinance) and is subject to the proffers and Proposed Development Plan (PDP) associated with Zoning Map Amendment ZMAP-1986-0047 (including modifications), approved on May 16, 1988, amended on October 3, 1989 and subsequent Zoning Concept Plan Amendment ZCPA-1993-0006, approved September 21, 1994, and ZCPA-2003-0001 approved on November 1, 2005. The Property was designated as "Commercial/Office" on the original and all subsequently approved PDPs. The Property is located within the Quarry Notification (QN) Overlay District – Luck Quarry Note Area, subject to Section 4-1800. Uses permitted in the PD-CC-CC District are specified in Section 4-203(B), and those permissible by Special Exception are enumerated in Section 4-204(B) of the Ordinance. There is no record of any approved site plan for this Property.

Zoning Compliance of the Department of Planning and Zoning inspects sites for zoning violations upon receipt of a complaint. According to County records there are no active zoning enforcement cases for this property.

The copy testes, proffers, conditions, findings, plats, and related material associated with the applications referenced herein can be viewed with the Loudoun Online Land Applications (LOLA) System by going to www.loudoun.gov/lola and using the searchable list to enter the application number.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not

relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the text of the Zoning Ordinance as it exists as of the date of this letter and such text is subject to change.

If you have any questions regarding this correspondence, please contact me at 703-777-0653 or by email at jean.ault@loudoun.gov.

Sincerely,



Jean M. Ault
Planner

cc via email: Kenny Young, Acting Director, Planning and Zoning
Alaina Ray, AICP, Deputy Director, Planning and Zoning
Mark Stultz, Zoning Administrator
Michelle Lohr, Deputy Zoning Administrator
Chris Mohn, Deputy Zoning Administrator

Property owner of record: SFI Winkel Way LLC
ISTAR Asset Services
180 Glastonbury Boulevard, Suite 201
Glastonbury, CT 06033-4440



Loudoun County, Virginia

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Department of Planning and Zoning

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

September 26, 2018

Jeffrey P. McCormack
Atapco Properties, Inc.
One South Street, Suite 2800
Baltimore, MD 21202

RE: ZCOR-2018-0203: Request for Zoning Verification for Belmont Greene Parcel L,
Ashburn, Virginia
Tax Map Number: /62/M20///L/ **PIN:** 152-20-4348

Dear Mr. McCormack:

The following information is provided in response to your letter dated September 7, 2018 requesting a zoning verification of the above-referenced property (the Property). I have researched this request and offer the following based on County records.

The Property is zoned PD-H3 (Planned Development-Housing 3) administered as PD-CC-CC (Planned Development-Commercial Center-Community Center) under the Revised 1993 Loudoun County Zoning Ordinance (the Ordinance) and is subject to the proffers and Proposed Development Plan (PDP) associated with Zoning Map Amendment ZMAP-1986-0047 (including modifications), approved on May 16, 1988, amended on October 3, 1989 and subsequent Zoning Concept Plan Amendment ZCPA-1993-0006, approved September 21, 1994, and ZCPA-2003-0001 approved on November 1, 2005. The Property was designated as "Commercial/Office" on the original and all subsequently approved PDPs. The Property is located within the Quarry Notification (QN) Overlay District – Luck Quarry Note Area, subject to Section 4-1800. Uses permitted in the PD-CC-CC District are specified in Section 4-203(B), and those permissible by Special Exception are enumerated in Section 4-204(B) of the Ordinance. There is no record of any approved site plan for this Property.

Zoning Compliance of the Department of Planning and Zoning inspects sites for zoning violations upon receipt of a complaint. According to County records there are no active zoning enforcement cases for this property.

The copy testes, proffers, conditions, findings, plats, and related material associated with the applications referenced herein can be viewed with the Loudoun Online Land Applications (LOLA) System by going to www.loudoun.gov/lola and using the searchable list to enter the application number.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not

relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the text of the Zoning Ordinance as it exists as of the date of this letter and such text is subject to change.

If you have any questions regarding this correspondence, please contact me at 703-777-0653 or by email at jean.ault@loudoun.gov.

Sincerely,



Jean M. Ault
Planner

cc via email: Kenny Young, Acting Director, Planning and Zoning
Alaina Ray, AICP, Deputy Director, Planning and Zoning
Mark Stultz, Zoning Administrator
Michelle Lohr, Deputy Zoning Administrator
Chris Mohn, Deputy Zoning Administrator

Property owner of record: SFI Winkel Way LLC
ISTAR Asset Services
180 Glastonbury Boulevard, Suite 201
Glastonbury, CT 06033-4440

ATTACHMENT 3

Belmont Greene Revitalization Zoning Modifications Table
April 11, 2019

Pursuant to Section 6-1217 of the Zoning Ordinance, the Applicant hereby requests the following zoning modifications for the development of the Belmont Greene Revitalization:

Belmont Greene Revitalization Zoning Modifications Revised 1993 Zoning Ordinance		
ZMOD Number*/ Section Reference	Zoning Regulation	Requested Modification
§5-900(A)(9)(a)&(b)	<p><i>§5-900 Access and Setbacks From Specific Roads and the W&OD Trail.</i></p> <p>(A) Building and Parking Setbacks From Roads. (9) Other Arterial Roads. (a) Building: 100 feet. (b) Parking: 75 feet.</p>	<p>Reduce the minimum required building setback from 100 feet to 70 feet along Belmont Ridge Road (Route 659) within the R-8 ADU, R-16 ADU, and PD-H3 District. Reduce the minimum required parking setback from 75 feet to 35 feet along Belmont Ridge Road (Route 659) within the R-16 ADU & PD-H3 Districts.</p>
<p>Justification</p> <p>The Property has a large frontage along Belmont Ridge Road, a recently improved four-lane divided arterial road. The applicant is requesting to reduce the building setback from 100 feet to 70 feet along Belmont Ridge Road to continue the existing 70-foot Belmont Ridge Road setback south of the proposed R-8 ADU district. The proposed 35-foot parking setback is requested to permit the applicant to access the proposed multifamily structures within the R-16 ADU district as well as improve vehicular access within the proposed convenience store with gas pumps Special Exception area within the PD-H3 District. Proffers associated with the PD-H3 District have previously been approved for a 50 foot setback along Belmont Ridge Road (Please refer to Existing Conditions Sheet 3 – Instru. #20071017-0074707).</p> <p>The proposed modification will not affect proposed or existing uses, density, or floor area ratio of the district. The proposed modifications are depicted on Sheet 6 of the CDP. The Applicant seeks to maintain visual continuity of the existing setbacks from Belmont Ridge Road. The existing “out parcel” (PIN: 152-29-6480) may be developed by-right as a commercial/retail parcel with a 50’ setback from Belmont Ridge Road. Allowing the R-8 ADU and R-16 ADU Districts to develop within a minimum 70’ building setback, rather than a 100’ setback will allow for a gradual setback transition between uses rather than a harsh staggering of setbacks. The proposed modification will enhance the visual continuity of the Belmont Greene frontage along Belmont Ridge Road thus, the proposed modification achieves an innovative design, improves upon the existing regulations, or otherwise exceeds the public purpose of the existing regulations. The proposed modification does not aide in achieving maximum density.</p>		
ZMOD Number*/	Zoning Regulation	Requested Modification

Section Reference		
§5-1414(A) & (B)	<p><i>§5-1400 Buffering and Screening.</i></p> <p>5-1414 Buffer Yard and Screening Matrix. (A) See Table 5-1414(A) below. (B) Required Plantings per 100 Lineal Feet of Property Line.</p>	<p>A modification is requested to reduce and/or eliminate the Buffer Requirements between dissimilar uses along the R-8 ADU, R-16 ADU, and PD-H3 Boundary.</p>

Justification

The Applicant is requesting a modification of the minimum buffer yard width and plant materials. As shown on Sheet 9 of the CDP, modified plantings are proposed along the perimeter of the R-8 ADU & R-16 ADU District boundaries. The proposed modified plantings will allow the Applicant to provide enhance connectivity throughout the Belmont Greene Revitalization project area to reach the balance of the Belmont Greene community.

The proposed modification will not affect proposed or existing uses, density, or floor area ratio of the district. The proposed modification will encourage pedestrian and vehicular movement through the community rather than establishing large landscape gaps between only certain uses. The proposed modification will eliminate the minimum landscape buffers and buffer widths which range from 20-30 feet to improve pedestrian connectivity as envisioned in the original Belmont Greene design, thus achieving an innovative design, improving upon the existing regulations, and otherwise exceeding the public purpose of the existing regulations. The proposed modification does not aide in achieving maximum density.

ZMOD Number*/ Section Reference	Zoning Regulation	Requested Modification
<p>§7-803(B)(1)</p>	<p><i>§7-800 R-8 Single Family Residential District.</i></p> <p>7-803 Lot and Building Requirements. (B) Lot Width. (1) Single family detached, suburban, 40 feet minimum.</p>	<p>A modification is requested to reduce the minimum required lot width for single family detached structures from 40 feet to 30 feet.</p>

Justification

The Applicant is requesting a modification to reduce the minimum lot width for a portion of the Property within the R-8 ADU District from 40 feet to 30 feet. As seen on Sheet 6 of the CDP, the Applicant envisions smaller lots for single family detached homes in the South Landbay, rather than single family attached homes, to reflect the single family detached homes located across Zeist

Alley. The reduced lot widths reinforce the neo-traditional characteristics the Belmont Greene Revitalization development is attempting to maintain throughout the proposed application.

The proposed modification will not affect proposed or existing uses, density, or floor area ratio of the district. The proposed modification will maintain the existing character of the community and provide a smooth transition between the existing single family detach homes located directly south of the Property to achieve an innovative design, improve upon the existing regulations, and otherwise exceed the public purpose of the existing regulations.

Minimum Yard Modifications through Special Exception per Article 7 of the Revised 1993 Zoning Ordinance		
ZMOD Number*/ Section Reference	Zoning Regulation	Requested Modification
§7-803(C)(1)(a), (b), & (c)	<p><i>§7-800 R-8 Single Family Residential District.</i></p> <p>7-803 Lot and Building Requirements.</p> <p>(C) Yards.</p> <p style="padding-left: 40px;">(1) Single family detached, suburban and traditional</p> <p style="padding-left: 40px;">(a) Front. 15 feet minimum</p> <p style="padding-left: 40px;">(b) Side. 8 feet minimum (16 feet minimum between units)</p> <p style="padding-left: 40px;">(c) Rear. 25 feet minimum.</p>	<p>A modification is requested to reduce the minimum required front, side, and rear yards for single family detached structures from 15 feet, 8 feet, & 25 feet to 5, feet, 5 feet (10 foot min. between units), and 15 feet respectively.</p>
<p>Justification</p> <p>This modification request seeks to incorporate the land use Design Characters outlined in the Suburban Compact Neighborhood Place Type of the 2040 Certified Plan. The reduction in yards setback will help to "...provide opportunities to develop neighborhoods that can take advantage of small infill parcels near traditional suburban neighborhoods or high-density walkable urban neighborhoods, depending on the context of their location. They provide opportunities for a mix of housing types including small-lot patio homes, townhomes, duplexes, and multifamily residences." (2040 Certified Plan, Chapter 2 – Land Use, Page 2-50). The proposed modifications are depicted on Sheet 6 of the CDP.</p> <p>The proposed modification will not affect proposed or existing uses, density, or floor area ratio of the district. The proposed modification will maintain the existing character of the community and provide a smooth transition between the existing Belmont Greene community and the Belmont Greene Revitalization application. The proposed modification implements</p>		

potential new policies as outlined under the 2040 Certified Plan to improve upon the existing regulations, and otherwise exceed the public purpose of the existing regulations.

ZMOD Number*/ Section Reference	Zoning Regulation	Requested Modification
§7-803(C)(2)(a), (b), & (c)	<p><i>§7-800 R-8 Single Family Residential District.</i></p> <p>7-803 Lot and Building Requirements.</p> <p>(C)Yards.</p> <p>(2) Single family attached units</p> <p>(a) Front. 15 feet minimum</p> <p>(b) Side. No requirement along common walls; minimum side yard on end unit shall be 8 feet</p> <p>(c) Rear. 15 feet minimum, no requirement along common walls.</p>	<p>A modification is requested to reduce the minimum required front, side, and rear yards for single family attached structures from 15 feet, 8 feet (no req. for common walls), & 25 feet to 5, feet, 5 feet (no req. for common walls), and 15 feet respectively. Accessory structures will have no yard requirement.</p>

Justification

See modification justification for §7-803(C)(1)(a), (b), & (c).

ZMOD Number*/ Section Reference	Zoning Regulation	Requested Modification
§7-803(C)(3)(a), (b), & (c)	<p><i>§7-800 R-8 Single Family Residential District.</i></p> <p>7-803 Lot and Building Requirements.</p> <p>(C)Yards.</p> <p>(3) Multi-family structures</p> <p>(a) Front. 20 feet minimum</p> <p>(b) Side. 10 feet minimum; 20 feet on corner lots</p> <p>(c) Rear. 25 feet minimum</p>	<p>A modification is requested to reduce the minimum required front, side, and rear yards for multi-family structures from 20 feet, 10 feet (20 feet for common walls), & 25 feet to 5, feet, 5 feet (no req. for common walls), and 15 feet respectively. Accessory structures will have no yard requirement.</p>

Justification

See modification justification for §7-803(C)(1)(a), (b), & (c).

ZMOD Number*/ Section Reference	Zoning Regulation	Requested Modification
§7-903(C)(2)(a), (b), & (c)	<p><i>§7-900 R-16 Townhouse/Multi-family District.</i></p> <p>7-903 Lot and Building Requirements. (C)Yards. (2) Multi-family structures (a) Front. 25 feet minimum (b) Side. 10 feet minimum; 25 feet on corner lots (c) Rear. 25 feet minimum</p>	<p>A modification is requested to reduce the minimum required front, side, and rear yards for multi-family structures from 25 feet, 10 feet (25 feet for common walls), & 25 feet to 5, feet, 5 feet (no req. for common walls), and 15 feet respectively. Accessory structures will have no yard requirement.</p>
<p>Justification See modification justification for §7-803(C)(1)(a), (b), & (c).</p>		

Belmont Greene Revitalization Zoning Modifications 1972 Zoning Ordinance			
ZMOD Number*/ Section Reference	Zoning Regulation	Vested Modification	Requested Modification
§525.2	<p><u>Buffer Required Where Adjoining Property is Residential</u></p> <p>Where off-street parking areas for four (4) or more automobiles, or loading or service areas, are to be located closer than fifty: (50) feet to a lot in any residential zoning district, or to any lot upon which a dwelling exists as a conforming use under these</p>	<p>NO VESTED MOD –</p> <p>The Applicant is requesting a new modification of §525.2</p>	<p>Eliminate the requirement for a 6-foot tall visual buffer with evergreen hedge and fence or wall adjacent to the R-16 ADU Zoning District.</p> <p>(New ZMOD)</p>

	<p>regulations without an intervening street, and where such parking, loading or service areas are not entirely screened visually from first floor residential windows at such adjacent locations there shall be provided on the lot with the parking a continuous visual buffer with a minimum height of six (6) feet. The buffer shall be a compact evergreen hedge or other foliage having the same effect, or shall be a combined fence or wall with shrubbery screening on the side toward the residential lot.</p> <p>No such buffer shall extend into any required yard adjacent to a street, or be so located as to interfere with traffic visibility required for reasons of safety</p>		
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Justification

See modification justification for §5-1414(A) & (B)

ZMOD Number*/ Section Reference	Zoning Regulation	Vested Modification	Requested Modification
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<p>§702.1.2.1</p>	<p><u>Use, yard, sign and off-street parking requirements</u></p> <p>Shall be as for PD-SC (neighborhood or community districts only), unless the circumstances of the particular case require more restrictive regulations, provided however that first floor location uses shall be restricted to commercial and personal service and finance establishments.</p>	<p>To allow the following building setbacks: 0 front yard, 0 side yard and 25 foot rear yard for primary structures, 0 rear yard for accessory structures. The traditional town concept depends upon the proximity of buildings to the street right-of-way and sidewalk. The buildings are located along the right-of-way line to frame the street and create a more attractive pedestrian environment.</p>	<p>Modification is requested to allow the following building setbacks:</p> <ul style="list-style-type: none"> • Front: 0' • Side: 0' • Rear: 5' (Primary structure) • Rear: 0' (Accessory Structure) <p>(Restatement and revision of illustrative ZMOD #2A & #2B- Per ZMAP-1986-0047)</p>
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Justification

Section 702.1.2.1 is a vested modification. The Applicant requests an additional modification of Section 702.1.2.1 to reduce the Modified 25' rear yard for primary structures to 5'. Since the development's inception, Belmont Greene was envisioned to integrate residential and non-residential into one community. The requested modification will further enhance the mixed-use aspects of the vision for Belmont Greene by reducing the setback for commercial/retail buildings to help frame alleys and private streets to outdoor hallways.

The proposed modification will not affect proposed or existing uses, density, or floor area ratio of the district. The proposed modification will maintain the existing character of the community and improve upon the existing regulations through enhanced walkability. The proposed modification is depicted on Sheet 6 of the CDP.

ZMOD Number*/ Section Reference	Zoning Regulation	Vested Modification	Requested Modification
<p>§702.2.4</p>	<p><u>Uses adjacent to single-family or agricultural-residential districts</u></p> <p>Where a PD-H district adjoins a single-family residential or agricultural-residential district without</p>	<p>To permit a 50-foot setback along the NVRPA bike trail and northwestern property line. Adequate screening is provided by existing woods within the 50-foot setback and the elevation difference between the trail and the</p>	<p>A modification is requested to eliminate the 150 foot open space separation requirement between the PD-H district and single-family residential district; and eliminate the</p>

	<p>intervening permanent open space at least 150 feet in width serving as a separation for buildable areas, the portion of the perimeter of the PD-H district so adjoining (150 feet) shall be planned and developed only for uses permitted in the adjoining residential district or for the residential district affording the next highest permitted density and in accordance with all other requirements for such district, provided however that in lieu of development, common open space for the PD-H district to a depth of 150 feet from the district boundary may be permitted. No intensive recreational use shall be permitted within 75 feet of the district boundary in such circumstances.</p>	<p>property. The trail is located below grade in the area adjacent to Belmont. In addition, proximity to the bike path will provide greater security for trail users and coordination with the internal pedestrian and bike system.</p>	<p>requirement prohibition of intensive recreational activities within 75 feet of the district boundary.</p> <p>(Restatement and revision of approved ZMOD #8- Per ZMAP-1986-0047)</p>
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Justification

Section 702.2.4 is a vested modification. Due to the relocation of the existing commercial/retail during Phase IIA of the Belmont Greene Revitalization, the proposed modification will allow the Applicant to relocate the commercial adjacent to the R-8 ADU & R-16 ADU districts.

The proposed modification will not affect proposed or existing uses, density, or floor area ratio of the district. The proposed modification will maintain the existing character of the community and improve upon the existing regulations through enhanced walkability. The proposed modification is depicted on Sheet 6 of the CDP.

ZMOD Number*/ Section Reference	Zoning Regulation	Vested Modification	Requested Modification
§712.8.2.1	<u>Minimum Landscape Setback</u> 20' Min.	NO VESTED MOD – The Applicant is requesting a new modification of §712.8.2.1	A modification is requested to reduce the minimum landscape setback from 20' to 10' Min. adjacent to the proposed R-16 ADU zoning district. (New ZMOD)

Justification
See modification justification for §5-1414(A) & (B)

ZMOD Number*/ Section Reference	Zoning Regulation	Vested Modification	Requested Modification
Buffer Yard and Screening Matrix, §560 - Attachment A, Attachment B(2), Attachment B(3) per ZOAM-90-11 (1972 ZO)	<u>Buffer Yards and Screening Matrix</u> R-8 ADU (MF) & R- 16 ADU to PD-H3 admin. PD-H24 admin. PD-SC district (Commercial and Service Establishment) Group 3 to Group 6 = Min. Type 2 Buffer Group 3 to Group 8 = Min. Type 3 Buffer	NO VESTED MOD – The Applicant is requesting a new modification of §560 -Attachment A, Attachment B(2), Attachment B(3)	A modification is requested to eliminate the buffer requirement adjacent to the proposed R-16 ADU zoning district. (New ZMOD)

Justification
See modification justification for §5-1414(A) & (B)

ATTACHMENT 4

LEGEND

SITE BOUNDARY

PARK / O.S. / CIVIC USE

W & OD TRAIL

MULTI-PURPOSES TRAIL

SIDEWALK

PROPOSED SIDEWALK

CROSSWALK

