

and 3-509(C), I suggest that it be clearly stated that the placement of the fifty foot buffer on the individual lots, rather than in common open space, will not allow for the encroachment of decks and accessory structures into the buffer. I further suggest that notice of such restriction should be included in the sales literature for the development and in the deeds of conveyance for the effected lots.

Response: The Applicant does not propose to modify Section 3-507(E) of the Zoning Ordinance. Any reference to this section was inadvertent. Upon consideration of support from zoning staff, the Applicant proposes to modify Section 3-509(C) to reduce the buffer yard to zero.

XI. TOWN OF ROUND HILL

(Dated September 15, 2004)

1. Comment: The Town believes that there are too many patio homes planned for this project. The Town requests that the Applicant consider removing several patio quads and:

- i. Replace the quad lot with a larger lot suitable for a single family detached home or
- ii. Divide the quad lot in half and feature a senior-appropriate product (which could possibly be considered an ADU) with single-level living and smaller lot size.

Response: The Applicant cannot replace quad lots with larger single lots and maintain an economically reasonable yield. After further discussion with Town officials, the Town and the Applicant have agreed that the Applicant will allay these concerns by revising the Concept Plan to relocate selected patio homes to different locations within the development and constructing single-family dwellings on the lots previously occupied by those patio homes. In response to Comment 33 below, the Applicant has also agreed to provide four single-level living, senior appropriate homes.

2. Comment: The Town requests that the proffer statement and/or the CDP clearly state that all lots, including patio homes, will adhere to maximum impervious surface and lot coverage requirements per PDH-3 and R-8.

Response: The Concept Plan has been revised to clearly state that all lots, including patio homes, will adhere to applicable maximum impervious surface and lot coverage requirements. A detail has been added to Sheet 10 of the Concept Plan demonstrating that the smallest patio home lot meets the maximum impervious surface and lot coverage requirements.

3. **Comment:** The Town requests that the proffer statement and/or the CDP clearly state that the setback modifications apply only to the patio homes and that otherwise the standard requirements of PDH-3 administered as R-8 apply.

Response: The Concept Plan clearly states that modified yard and setback requirements apply to the patio homes and the homes with frontage along Route 719. These lots are marked with an asterisk on Sheet 4 of the Concept Plan. The Applicant has requested a modification of the setback requirements along Route 719 to be able to build in a manner consistent with the existing building and setbacks along the road.

4. **Comment:** The Town requests that the proffer statement and/or the CDP ensure that further subdivision of the lots will not be allowed.

Response: The proffer statement has been revised to ensure that no further subdivision of lots to create additional building lots will be allowed.

5. **Comment:** The Town requests that the County consider a zoning district other than R-8 for the non-patio lots that may be more appropriate for the larger lot sizes.

Response: The Applicant needs the lot standards associated with the R-8 district to be able to provide the amount of open space proffered for this community, while maintaining a maximum of just under 2 dwelling units per acre.

6. **Comment:** In keeping with the fabric of Round Hill, the Town requests that a wider variety of elevations be made available for the patio homes and that the proffer statement and/or CDP prevent duplication of those elevations along the same road.

Response: The Applicant proffers that three or four different elevations will be available for the patio homes. Along with the relocation of selected patio homes, the Applicant will also orient the patio home groups located on corners to present a variety of facades.

7. **Comment:** The Town requests that the proffer statement and/or the CDP clearly require that at a minimum of 60% of the homes will have useable front porches. Of that percentage, porch elevations should be concentrated on streetscapes with the most exposure to pedestrian and vehicular traffic. The Town believes front-porch homes promote a sense of community and are integral to the existing fabric of the Town.

Response: The proffer statement has been revised to provide that more than fifty per cent (50%) of the homes fronting on Evening Star Drive, Greenwood Drive,

Route 719, and the Village Green shall have front porches that are a minimum of six feet deep.

8. **Comment:** The Town requests that the proffer statement and/or the CDP clearly require that corner lots have finished elevations to both streets. Architectural elements and exterior materials on the front elevation should be carried to sides or rear elevations where visible from the pedestrian way or streets.

Response: Corner lots and lots that are configured in such a way that side elevations of houses will be particularly visible have been identified on the Concept Plan. On these lots the material used on foundation facades on the front elevation shall also be used on exposed foundations on the side elevations.

9. **Comment:** Per the initial application, the Town requests a copy of the Army Corps of Engineers Delineation Report for the existing wetlands on the south end of the development.

Response: The Applicant has provided the Town with a copy of the report.

10. **Comment:** As water is a valuable resource, the Town requests that a proffer be developed to assure that the municipal water system will not be used for the establishment of lawns or landscaping. The Town may have the ability to provide non-potable water for such uses under a separate purchase agreement.

Response: After further discussion with Town officials, the Town and the Applicant agreed that the Applicant will notify homeowners that if the Town declares a drought or other water shortage for any reason municipal water may not be used for the establishment of lawns or landscaping during the period that such declaration is in effect. The Applicant will seek an agreement from the County to waive the lawn requirement for occupancy permit(s) under these circumstances.

11. **Comment:** The Town requests that a proffer be developed and the CDP be revised to accommodate intermittent on-street parking along Greenwood Drive at appropriate locations, to facilitate use of the common and active recreation areas without impacting interior residential streets.

Response: The Concept Plan has been revised to demonstrate that Greenwood Drive will be wide enough to accommodate intermittent on-street parking. Sheet 10 Project Details depicts typical parallel parking along Greenwood Drive.

12. **Comment:** The Town supports the Applicant's commitment to use Evening Star Drive as the construction entrance for the development rather than

Route 719 and requests that a proffer be put in place to assure this will be enforced during construction.

Response: Proffer I.E. has been developed to provide that, subject to VDOT and Loudoun County approval, the Applicant will take reasonable steps to enforce the use of Evening Star Drive as the construction entrance for the development.

13. Comment: The Town requests that Greenwood Drive be designed to support a 35 m.p.h. speed limit posted at 25 m.p.h.

Response: The Applicant will comply with VDOT's directives regarding design features of Greenwood Drive.

14. Comment: The Town requests that the proffer statement provide for continued Town participation in the design of Greenwood Drive, which would include elements such as street furniture as detailed in the Round Hill Streetscape Master Plan. These designs are to result in an illustrative to be used as a requirement during site plan approval.

Response: After further discussions with Town officials, the Town and the Applicant have agreed to cooperate in the design, subject to VDOT and/or other requirements, of (1) street furniture to be used along Greenwood Drive, (2) the intersection of Greenwood Drive and Route 719, (3) pedestrian trails and sidewalks, (4) the Village Green, (5) the Creekside Preserve including ball fields, and (6) any water feature located on Open Space Parcel E. These features will be developed in substantial conformance with Exhibit C attached to the Proffer Statement.

15. Comment: The Town requests that the proffer statement provide for continued Town participation in the design of the intersection of Greenwood Drive and Route 719. These designs are to result in an illustrative to be used as a requirement during site plan approval.

Response: See response to Comment 14 above.

16. Comment: The Town requests that the pedestrian access through this project and the adjoining Villages of Round Hill Development in the northeast corner of the property be fully developed. This connection is critical to provide the most direct access to the Round Hill Elementary School.

Response: The Applicant will exert all reasonable best efforts to obtain an easement from the homeowners association of the Villages at Round Hill.

17. **Comment:** The Town requests that the proffer statement provide for continued Town participation in the design and location of all pedestrian trails/sidewalks. These designs are to result in an illustrative to be used as a requirement during site plan approval.

Response: See response to Comment 14 above.

18. **Comment:** The Town requests that a proffer statement be developed that assures the development of the pedestrian access along Route 719 across and adjacent to this property in accordance with the Round Hill Streetscape Master Plan and proposed trail connections within and around Town.

Response: The proffer statement has been revised to provide that a public trail along the Property's Route 719 frontage to match and connect to the proffered trail to the north.

19. **Comment:** In order to provide service for this increased density, additional improvements to the Town's water facilities will be required. The Town is currently pursuing off-site improvements; therefore, the Town requests that a proffer be developed that assures that this Applicant will contribute its fair share of these costs.

Response: The Applicant will contribute its share of the cost of improvements to the Town's water facilities that are directly attributable to and necessary to serve the Creekside at Round Hill development.

20. **Comment:** The Town requests that a proffer be developed that holds the Applicant responsible for all capital improvements within the development and states that design and construction shall be based upon the Town of Round Hill Utility Standards and be approved by the Town Engineer.

Response: The proffer statement has been revised to provide that all utility infrastructure will be designed and constructed in accordance with the Town of Round Hill Utility Standards and will be approved by the Town Engineer.

21. **Comment:** The Town requests that a proffer be developed that states that the Applicant will pay all utility availability fees and connection fees as per the Town's prevailing Fee Schedule and Utility Ordinance.

Response: The proffer statement has been revised to provide that the Applicant shall pay utility Availability and Connection Fees per the Town's prevailing Fee Schedule and Utility Ordinance.

22. **Comment:** The Town desires compliance with the Permanent Open Space Easement requirements as set forth in the Round Hill Area Management Plan. The Town will work with the Applicant to identify potential areas in the Round Hill planning area that are suitable for satisfying the open space requirement.

Response: This comment is acknowledged.

23. **Comment:** The Town is also willing to discuss the option of a monetary contribution by the Applicant to be dedicated for specific capital improvement projects, such as those identified in the Round Hill Streetscape Master Plan or Storm Water Management Plan as well as other identifiable capital improvement projects, in lieu of the open space requirements.

Response: The Applicant is willing to discuss the option of a monetary contribution in lieu of the open space requirements.

24. **Comment:** The Town will look to the County to establish the monetary value of the open space requirement prior to pursuing either of these options.

Response: The Applicant's revised plans propose the creation of 83 market rate dwelling units plus 12 Affordable Dwelling Units. Accordingly, 28 units should be associated with open space easements within the Round Hill planning area. The Applicant proposes a contribution of One Thousand Dollars (\$1,000.00) per dwelling unit for 28 units in lieu of purchasing off-site easements.

25. **Comment:** The Town requests that a proffer be developed and the CDP be revised to assure the development of the recreation area on the south side to include grading appropriate for the desired type of active recreation, but which does not impact the delineated floodplain.

Response: The proffer statement has been revised to provide that the development of the Active Recreation Area within the Creekside Preserve will include grading for a playing field, but all grading will comply with Army Corps of Engineers standards for development activities within the floodplain. See also response to Comment 14 above.

26. **Comment:** The Town requests that the entire area south of Greenwood Drive as well as the area marked "Village Green" be proffered directly to the Town.

Response: The Applicant will convey the entire area south of Greenwood Drive, including the Creekside Preserve, Active Recreation Area, and Civic/Public Use Lot, as well as the Village Green and Open Space Parcels C, E and F to the Town. These parcels will be conveyed to the Town at the time of record plat approval. The Applicant

will seek written assurance from the Town of Round Hill that the Town will accept dedication of these parcels at the time of record plat approval.

27. Comment: The Town requests that any active/public trails be constructed in easements that are turned over to the Town.

Response: The Applicant will construct all public active/trails within easements that shall be conveyed to the Town at the time of record plat approval.

28. Comment: The Town requests that a proffer be developed that states that the Applicant and/or individual landowners support the annexation by ordinance of any or all portions of this project into the Round Hill Town Limits upon the completion of the County/Town Joint Annexation Agreement.

Response: The proffer statement has been revised to provide that the Owners and Applicant acknowledge that the Town of Round Hill has expressed its intention to annex the Property into the municipality and further state that they desire and anticipate the annexation of the Property upon completion of the County/Town Joint Annexation Agreement. In the event of such annexation, these proffers shall run to the benefit of and be enforceable by the Town of Round Hill.

29. Comment: The Town requests that the proffer statement provide for continued Town participation in the design of Greenwood Drive, the Village Green, any water features, the Creekside Preserve and any other public areas. These designs are to result in an illustrative to be used as a requirement during site plan approval.

Response: See response to Comment 14 above.

30. Comment: The Town requests that the land identified as "Civic Use" continue to be labeled as such without reference to a specific agency use at this time.

Response: The land identified as Civic/Public Use Lot shall continue to be labeled as such on the Concept Plan without reference to a specific agency use.

31. Comment: The Town requests that the above mentioned Civic Use parcel be given to the Town.

Response: See response to Comment 26 above.

32. Comment: The Town requests that the applicants draft proffer statement Section I A paragraph 3 be further developed to include the three existing lots abutting this project along 719.

Response: Paragraph 3 of proffer I.A. has been revised to provide that lots abutting the three existing lots along Route 719 (lots 4, 7, 8, 9, 10 and 11) shall have lot sizes and widths similar to those of the existing lots.

33. **Comment:** The Town requests that a proffer be developed that assures the construction of at least five single level living (senior appropriate living) homes.

Response: The proffer statement has been revised to provide that at least four homes designed for single-level living shall be constructed. The lots upon which homes designed for single-level living may be constructed have been identified on Sheet 4 of the Concept Plan.

III. **LOUDOUN COUNTY DEPARTMENT OF ZONING ADMINISTRATION**
(Dated September 24, 2004)

1. **Comment:** Staff recommends that the property be administered under the R-2 Zoning District (Sections 3- 200 and 7-500) rather than the proposed R-8 district, because the proposed maximum density is only 1.99 dwelling units per acre and the only dwelling unit types being proposed are single family detached units.

Response: The Applicant requires the flexibility that development of the property under the R-8 Zoning District permits. The Applicant proposes a maximum density of 1.99 dwelling units per acre, but requires the lot and building standards set out under the R-8 district in order to provide the amount of recreation, civic use, and open space proposed, as well as to preserve the entire portion of the property south of Greenwood Drive.

2. **Comment:** The application should be revised to include requests for modification of zoning requirements to allow the 50 foot open space buffer to be placed on individual lots, and Note 10(G) on Sheet 2 should be revised to reference those modification requests.

Response: The Applicant no longer proposes to place buffer yards on individual lots.

3. **Comment:** Staff has concerns about allowing a modification to place an open space easement on individual lots. The County has encountered numerous difficulties in administering such easements, as the property owners often state that they are unaware of the easements and the limitations imposed by such easements.