

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.

Response: See response to Comment 2 above.

4. **Comment:** Staff has concerns that Lots 35 through 38 on the CDP do not appear to have enough room outside of the proposed 50 foot open space buffer to build a home.

Response: Zoning Administration staff has indicated that they will support a reduction in the perimeter buffer down to zero. To the extent that a 50 foot open space buffer would be required on lots 35 through 39, the Applicant will request a modification to Sections 3-509(C), 4-109(C) and 4-110(I) of the Zoning Ordinance to permit the reduction of the open space buffer to zero on these lots.

5. **Comment:** Pursuant to Section 4-111(A), open space easements located on individual building lots do not count towards the required 30% open space for the PD-H district. It appears from the Open Space Plan on Sheet 7 that the easements are being counted in the open space calculations. It is recommended that the open space be revised to be common open space, where it will be counted towards fulfilling the open space requirement. Otherwise, the Applicant should revise the open space calculations and either provide additional open space to meet the required minimum or request a modification if the open space minimum is not met.

Response: The Applicant has provided for additional open space to meet the required minimum. These open spaces are depicted on Sheet 7 of the Concept Plan.

6. **Comment:** Sections 4-109(C) and 4-110(I) also require either a permanent 50 foot open space buffer with a Type 2 Buffer Yard or single family dwellings on minimum lots of 20,000 square feet along the perimeter of the PD-H district. The Applicant should either demonstrate that the 20,000 square foot lots are being provided, or include these Sections in any modification request of the open space buffer.

Response: The Applicant will request a modification to Sections 3-509(C) and 4-109(C) of the Zoning Ordinance to permit a reduction of the open space buffers to zero.

7. **Comment:** The "Typical Patio Home Layout," on Sheet 4, shows lots that are accessed using shared driveways without frontage or direct access onto a public road. The layout also does not depict any form of access easement that will be required for the shared driveways. In order to accomplish this design concept, modifications will need to be requested and approved for the following Zoning Ordinance Sections: 7-108(B) Lot Width; 3-511(C) Private Streets; 4-110(B); and 1-205(A) Lot Access Requirements.

Response: The Applicant has redesigned the lots for patio homes as pipestem lots. The Applicant will request modifications to the requirements of Zoning Ordinance Sections 7-803(B) Lot Width, to permit construction of the courtyard-style patio homes with pipestem design.

8. **Comment:** As Note 10. (D) on Sheet 2 accurately states, Section 7-108(D) requires a maximum lot coverage of 60%. Staff is concerned that the patio homes, as depicted on the "Typical Patio Home Layout" may exceed this maximum. It is important to note that decks, which are not shown on the Layout, do count towards lot coverage. The Applicant should verify that the lot coverage requirement will not pose a problem in implementing the approved CDP, if approved. The Applicant may want to consider either revising the lot layout to ensure the lot coverage requirement can be satisfied or include a modification request with the necessary justification.

Response: The patio homes meet the 60% maximum lot coverage requirement. A detail has been added to Sheet 10 of the Concept Plan demonstrating that the smallest patio lot meets the lot coverage and impervious surface requirements.

9. **Comment:** Section 7-108(E) states that the required active recreation space be calculated based on the number of proposed market rate units. Note 10. (E) on Sheet 2 calculates the required active recreation space based on both the market rate, as well as the ADUs.

Response: The Applicant has revised the calculation of required active recreation space and based it upon market rate units only. The new calculation yields 12,300 square feet of required active recreation space, instead of 13,500 square feet. Note 10(E) on Sheet 2 has been revised accordingly.

10. **Comment:** The CDP should be revised to use a symbol or some other means to clearly depict the area actually being counted towards active recreation space. This area should not include floodplain and should accurately reflect the Article 8 Zoning Ordinance definition of "Recreation Space, Active."

Response: The playing field designated as Active Recreation Area on the Concept Plan is being counted toward active recreation space. The Floodplain Overlay District regulations permit play areas of a natural, permeable nature, including ball fields, in the floodplain. A small portion of the playing field depicted on the Concept Plan may lie within the floodplain. Although not counted, the rest of the Creekside Preserve as well as the Village Green will also support active recreational activities, consistent with the Zoning Ordinance definition of "Recreation Space, Active" as "[f]lat, open, well-drained usable space configured in squares or greens."

11. **Comment:** The Application should clearly specify who is responsible for

maintaining the recreation facilities shown on the CDP, in accordance with Section 4-111(B).

Response: The Town of Round Hill has requested that the recreation facilities shown on the Concept Plan be conveyed to the Town, and the Town will be responsible for maintaining them. The Applicant will request a modification of Zoning Ordinance Section 4-111(B) to permit the dedication of these facilities to the Town.

12. Comment: The Phasing Plan, on Page 10 of the Statement of Justification, does not address the timing for the provision of the recreation facilities depicted on the CDP, as required pursuant to Section 4-111(B)(3).

Response: Grading and construction of the active recreation facilities will occur at the same time as construction of Greenwood Drive. The Statement of Justification has been revised accordingly and will be resubmitted along with the Proffer Statement.

13. Comment: The CDP should depict the requested 35 foot setback from Route 719. It is also important to note on the CDP that this is a setback (rather than a required yard) and, therefore, no building or structures will be allowed to encroach in this setback.

Response: The Concept Plan has been revised to depict the requested 25 foot setback from the new dedication line (20 feet from center line) of Route 719, and it has been noted that this is a Building Setback, so no building or structure other than the noted entrance feature and pond will be allowed to encroach into it.

14. Comment: Notes on Sheet 2

A. Note 4 should be revised to also include Section 3-500.

Response: Note 4 has been revised accordingly.

B. Note 9 should be deleted or revised to State that "Unless modified, the development will conform with the regulations of the Revised 1993 Loudoun County Zoning Ordinance."

Response: Note 9 has been revised accordingly.

C. Note 13 should be revised to delete the last sentence and the list of possible uses in the floodplain. The Ordinance dictates what uses are permitted in the Floodplain Overlay District - and the list of uses in Note 13, since it is not limited, does not provide any value.

Response: Note 13 has been revised accordingly.

D. Note 14 should be revised to clarify what is meant by "intend to save" regarding any tree save areas. Staff cannot enforce intent. Staff encourages the saving of trees wherever possible and recommends that the Applicant commit to saving trees. If this commitment cannot be made, then it is recommended that tree save areas be removed. In addition, Note 14 references "tree save area", but the CDP does not identify such areas, but rather identifies "Trees to Remain in Hedgerow". This inconsistency should be resolved.

Response: Tree Save Areas have been depicted on Sheets 4 and 5 of the Concept Plan. The Applicant will save trees that are located on the Property within these areas, but shall conduct selective trimming and general clean up of hedgerows consistent with good arboriculture practices.

15. Comment: Staff can support the modifications requested to date. However, as noted in the previous comments, additional modification requests, with justification, are necessary in order to implement the design depicted on the CDP.

Response: This comment is acknowledged.

16. Comment: The proffers reference "owners or owner", and does not include "Richmond American Homes of Virginia, Inc.", which the Statement of Justification identifies as the Applicant for the subject ZMAP. This inconsistency should be corrected.

Response: The proffers have been revised to provide for the signature of the Applicant, Richmond American Homes, Inc.

17. Comment: Proffer I.A., the third paragraph, states that the buffer yard "will be located on the lots in a manner to allow a minimum 12 foot by 17 foot deck..." Staff compliments the Applicant's attempt to address the common issue of proffered buffers and setbacks preventing the construction of decks. However, clarification is needed as to how the buffer yard could be located to allow for such decks. The location of the open space buffer is measured 50 foot from the rear property lines. What is to prevent a builder from locating a house right up against the buffer, thus precluding a deck? Is the intent of the Proffer to preclude any house that does not have a 12 x 17 foot deck located outside of the buffer?

Response: Proffer I.A. has been revised. The Applicant will seek modifications to Sections 3-509(C) and 4-109(C) to permit a reduction in the required buffer yards to zero.

18. Comment: Proffer I.A., the fourth paragraph, should clarify what is meant by "traditional front porch." This could mean different things to different people.

Response: Proffer I.A. has been revised to clarify that homes constructed on lots 1, 2, 3 and 4 fronting on Route 719 shall be constructed with front porches that are a minimum of six feet deep

19. Comment: Proffer I.B. is not consistent with the Statement of Justification regarding phasing. This inconsistency should be corrected.

Response: The Statement of Justification and Proffer I.B. have been revised to correct this inconsistency.

20. Comment: Proffer I.C., the last sentence, regarding model homes, should be deleted. Model homes are temporary uses that must either be demolished or built consistent with the dwellings to be occupied.

Response: Proffer I.C. has been revised, as suggested by the County Attorney, to state that homes used as display models may use the garage for purposes other than parking until such time as they are sold and conveyed to a purchaser and no longer serve as a display model.

21. Comment: Proffer II does not specify who is responsible for the provision of the public water and sewer.

Response: The Town of Round Hill will provide public water and sewer to serve the Property.

22. Comment: Proffer III.A. states that stormwater management facilities, among others, can be within the floodplain on the property. However, Exhibit A, to which substantial conformance is proffered, does not depict stormwater management facilities located within the floodplain. In addition, Exhibit A shows certain recreational facilities located within the floodplain, which is not consistent with proffer III.A. It is recommended that this inconsistency be corrected.

Response: Proffer III.A. has been revised to delete reference to stormwater management facilities, and to clarify that construction of ball fields may take place in the minor floodplain.

23. **Comment:** Proffer IV.B.1.a references "public access easements as shown on the Concept Plan." The Concept Plan does not depict such easements. This inconsistency should be corrected. In addition, the CDP and the Proffers should identify the roads within public right-of-way.

Response: Proffer IV.B.1.a has been revised. In accordance with Proffer IV.A., all right-of-way necessary for construction of public roads, as well as related easements outside the right-of-way, shall be dedicated to the County. The Proffers and the Concept Plan have been revised to clarify that all roads in the development shall be within public right-of-way.

24. **Comment:** Proffer IV.B.1.c, should be revised to delete the phrase: "Unless otherwise provided in these proffers" at the beginning of the second sentence.

Response: Proffer IV.B.1.c has been revised as suggested.

25. **Comment:** Proffer IV.B.1.d needs further clarification. It is not clear where this trail is to be located, as it is not shown on Exhibit A.

Response: Proffer IV.B.1.c has been revised to clarify that a four foot wide asphalt public trail to connect to Park Heights Circle shall be constructed or bonded for construction. This trail is depicted between lots 17 and 18 on the Concept Plan.

26. **Comment:** Proffer V.B.2 references Greenwood Boulevard, which is not labeled on Exhibit A.

Response: Proffer V.B.2 has been revised to reference Greenwood Drive, which has been labeled on the Concept Plan.

27. **Comment:** Clarification is needed regarding what is meant by "seating areas" and "formal village green" as these terms are vague and difficult to enforce.

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 Lot 1. These features will be developed in substantial conformance with Exhibit C attached to the Proffer Statement.

28. **Comment:** Clarification is also needed as to what standards will be used for the construction of the "three youth soccer fields".

Response: See response to Comment 26 above. The Applicant, subject to approval by the Town as part of the cooperative design process, will use appropriate standards to ensure that quality playing field(s) are constructed.

29. **Comment:** Proffer V.B.2. and 3. states the certain trails and open space areas will be dedicated to the Town of Round Hill or to an HOA if the Town prefers that the elements not be dedicated to the Town. However, Section 4-111(B) does not appear to include the dedication of the Open Space and common facilities to the Town as an option.

Response: The Applicant will request a modification of Section 4-111(B) of the Zoning Ordinance to permit public dedication of trails and open spaces to the Town of Round Hill.

30. **Comment:** Proffer V.C should be revised to clarify what is meant by "all significant trees." Otherwise, the proffer is vague and unenforceable. In addition, Note 14 on Sheet 2 of Exhibit A and this Proffer should be revised to be consistent. It is also recommended that the second sentence be deleted, as this is a judgement and not a proffer.

Response: See response to Comment 14(D) above. Note 14 on Sheet 2 of Exhibit A has been revised to be consistent. The second sentence of proffer V.C. has been deleted.

31. **Comment:** Proffer VI.A. should be revised to specify when the civic/public safety use site will be dedicated to the Town.

Response: Proffer VI.A. has been revised to clarify that the Civic/Public Use Lot will be dedicated to the Town at the time of record plat approval.

IV. OFFICE OF TRANSPORTATION SERVICES (Dated August 25, 2004)

1. **Comment:** The applicant's transportation improvements should include fair share contributions to traffic signals at the intersections of Route 7 with Evening Star Drive and Route 719. Provided the full installation costs of these signals have been proffered including signal warrant studies this issue would be resolved.

Response: This comment is acknowledged.