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Loudoun County Board of Supervisors, Public Hearing, Wednesday, October 11, 2023

Date Wednesday, October 11, 2023
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 3h 48m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7435>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7435

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[00:07:49] Good evening, staff.

[00:08:40] Good evening, supervisors. Good evening, Loudon. I'd like to call the order of the October 11, 2023 Loudon-Cainville Supervisors Public Hearing. This room has a hearing loop. If you need a hearing assistance, switch your hearing aid to the telecom mode.

[00:08:58] If you need a headset, we have those available as well. Please see the clerk to request one. Would everyone please join me in the Pledge of Allegiance? States of America, to the Republic, for one nation, their God, indivisible, this evening.

[00:09:23] Okay. As a reminder, members of the public, addressing the board this evening, you may only sign up to speak on the matters that have been advertised for the public hearing. Due to the broadcaster late, any member of the public who are not in the boardroom wishing to address the board on items 1, 2, 3, 4, and 5, which are on the consolidated hearing agenda, please call the number that's scrolling across your screen at this time.

[00:09:55] All members of the public who have signed up to speak will be allotted two and a half minutes. If you're in the boardroom, we ask when your name is called, please come to the podium and state your

name for the record. The timer on the podium will indicate your remaining time. When your time has expired, please yield the floor to the next speaker.

[00:10:16] If you're providing your comments via phone, I'm going to ask that you use your own stopwatch or a cell phone to do that so you can track your time. I would track your time in the room, but since you can't see or clock, if I stopped you, it could interrupt your flow, and I don't like to do that, so track your time, and then when you get to the end of your two and a half minutes, I would stop you then.

[00:10:38] When taking public input for items, I would first ask if there's anyone in the room wishing to speak. Then I will go to the moderator, Leisha Kennes, and ask if there's any speakers via online. And please note that there's a slight delay between the broadcast and the boardroom.

[00:10:56] Lisa, can you hear me? Good evening, Chair Randall. Yes, I can hear you. Wonderful. Lisa, I don't think there is anyone who has signed up to speak virtually at all. In fact, I don't think there's anyone who signed up to speak at all. Do you have anybody that I don't have?

[00:11:13] That's correct. I have no one at this time. You want to go home? No, I'd like to stay, thank you. Good answer. Pursuant to Virginia Code Section 2.2-3708.2 and the Board of Supervisors' Rules of Order, Supervisor Julie Brixman requested to participate in this meeting by electronic communication.

[00:11:37] A physical quorum of the Board of Supervisors is present in the boardroom, and the board has made arrangements to hear the voice of Supervisor Brixman to be heard by all persons in the boardroom. Supervisor Bricksman made this request within the required time frame, and the accounting attorney determined that Supervisor Bricksman's request meets the qualifications to participate remotely.

[00:11:58] The board will record in this minute Supervisor Bricksman participated remotely from a secure location in her home due to medical reasons. Mr. Letourneau is on his way. He will be here soon, and Mr. Buffington will not be joining us this evening. Okay.

[00:12:15] So the first thing we're going to do is adopt the consolidated agenda. The board will hear the following items of the consolidated hearing. As a reminder, these items are being consolidated because there are no outstanding issues. The staff has recommended approval. The applicant has waived the presentation time, and no public speakers registered in advance to speak in the boardroom.

[00:12:37] Item 1, proposed amendments to the codified ordinance of Loudoun County, Chapter 860-06, Exemption of Farm Animals, Certain Grains, Agricultural Products, Farm Machinery, Farm Implements, and Equipment. I will go to Mr. Kirshner for that motion when it's time.

[00:12:55] Item 2, Proposed Amendment to the Codify Ordinance of Loudoun County. Chapter 878, the Transit Occupancy Tax. I will be making that motion. Chapter, I mean, sorry, Item 3, Proposed Amendment to the Codify Ordinance of Loudoun County. Chapter 1066, On-Site Sewage Treatment System.

[00:13:14] I will make that motion. Item 4, the Agricultural District 23-0002, AGTDDT 2023-0003, and AGTD 2023-0004, Interim Additions to the Agricultural and Forest District.

[00:13:33] I will also go to Mr. Kirsner for that motion. And item five, LEGI 223, that's 0068, SNS Child Care. It's a home SPMI 2023, 0006. Whose district is this in, Supervisors?

[00:13:50] That's the Ogonquin. Okay, I will go to Ms. Bricksman for that. That's you. Okay. All right. Are there any members of the public in the boardroom tonight wishing to speak on any items on the consolidated agenda? And we've already said there's nobody on the phone.

[00:14:07] So if you're in here tonight and you want to speak on items 1, 2, 3, 4, or 5, this is the time to do that. All right, seeing none, I'm going to go to Mr. Kirshner for a motion on item number 1.

[00:14:24] Thank you, Madam Chair. I appreciate that. Under item number 1, I move the Board of Supervisors approve motion 2B for the approval of the proposed amendments as provided in the October 11, 2023 public hearing item number 1, staff report. Motions made and seconded by Supervisor Amstead.

[00:14:42] Discussion on that motion? Seeing none, all in favor, please say aye. Ms. Bricksman, you're good. Yes, you and I. Yes, you got to give me a thumbs up or something. All right. Opposed, that motion will pass 702 with Mr. Letourneau, Mr. Buffington being off the dais.

[00:15:02] Number two, I move the board of supervisors to approve motion 2B for the approval of the proposed amendments as provided in the October 11, 2023 public hearing item number two, staff report. Item made and seconded, I mean, I'm sorry, motion made and seconded, discussion on that motion.

[00:15:20] I do not have any discussion on that motion. Does anybody else see none? All the people who say aye. Any opposed? Aye. That motion will also pass 702. Item 3, will the board supervisors approve motion 2B for the approval of the proposed amendments as provided in the October 11, 2023 public hearing item number 3, staff report?

[00:15:50] Motion is made and seconded by Supervisor Sainz. Discussion on that motion? Seeing none, all the people who say aye. Any opposed? That motion will pass 702. Mr. Kirshner, would you like to make a motion on number 4?

[00:16:08] Thank you, Madam Chair. I move the Board of Supervisors approve motion 2B for approval of the interim additions as provided in the October 11th, 2023 public hearing, item number 4, staff report. I will second that. Discussion on this motion? Just to say, Madam Chair, sorry, I'll wait to be called.

[00:16:23] Yes, Mr. Kirshner. Yes. Just to say I'm always appreciative when folks are putting their property into the agricultural districts for preservation for at least for interim preservation. We do appreciate it. Wonderful. All in people who say aye. Any opposed?

[00:16:40] That motion will pass 702. And then the last motion of the child care. Miss Bricksman, would you like to make a motion? Yes. Thank you, Madam Chair. I don't have the consolidated, but I think I listened to what people were saying. So I move that the Board of Supervisors approve motion 2B for approval of the public hearing item number 5 staff report.

[00:17:02] Let me help you out. Of the minor special exception as provided by the October 11, 2023 public hearing item number 5 staff report. That's the motion Ms. Bricksman made, correct, Ms. Bricksman? Yes, ma'am. Very good. I'm happy to second that motion.

[00:17:18] Discussion on that motion? No, ma'am. So the only thing I would say on this motion is, as always, we have a dearth of child care in Loudoun County. I just read some interesting stats and facts on child care.

[00:17:35] It said that between the women who leave their workplace for another job, even if the other job is not paying as much, 43 to 46 percent of them do it because of a lack of child care. And so our home child care options are really important in our county.

[00:17:54] We really do value them and try to get those done whenever we can. I do appreciate staff making this mostly an administrative issue because it makes the entire process go much faster. So there

you go. Ms. Bixman, would you like a closing?

[00:18:11] Yes. I mean, you just described my life from 2012 to 2017. So, yes, I'm very happy that we have more child care in the county, even if it's just a couple seats. Thank you, Madam Chair. Absolutely. All in favor, please say aye. Any opposed? That motion will pass. 702.

[00:18:28] Okay, we're going to go to the first motion that we will have that's going to be in the room tonight. It is LEGI 2023-0033, O or Kohler Residential ZMAP 2022-0005, special exception 2022-0017, special exception 2022-0018.

[00:18:52] Best exception 2022-0019, special exception 2023-0013, SPMI 2022-0005, ZMOD 2022-0017, ZMOD 2022-0070, ZMOD 2022-0071,

[00:19:12] ZMOD 2022-0084, ZMOD 2022-0085, ZMOD 2022-0086, ZMOD 2023-0018, and ZMOD 2023-0042.

[00:19:33] That is the leggi item we're talking about right now. Good evening, everyone. I think we all know this item fairly well, but I also know that there is some new information that has happened very recently on proffers and such.

[00:19:50] And so I don't actually, you know what, because because there is new information, let's go on because I think there was I think a supplemental went out like a couple hours ago. Let's go and do let's go and do the presentation very quickly. How's that sound?

[00:20:06] OK, thank you, Madam Chair. Sure. Thank you. So, again, fellow supervisors, my name is Lori Radcliffe Myers with Planning and Zoning, and I'll be presenting Old Arcola Residential. So, again, the property is comprised of five parcels totaling 31.66 acres in the Blue Ridge 2011 Election District, the 2022 Dulles Election District, and is located along Stone Springs Boulevard south of Arcola Mills Drive.

[00:20:31] As seen here, the property is split by Stone Springs Boulevard. The larger parcel to the west is known as the DBT parcel, and the parcel to the east is the county property, lot 1 and 2. 11.12 acres on the property is located in the Rural Commercial Zoning District, and 20.54 acres is in the General Business Zoning District.

[00:20:50] Property is located in the Suburban Policy Area and the Suburban Employment Place type. So again, just to remind you, the proposal is to rezone the subject property to the R8 single-family residential and R16 townhouse multifamily residential zoning districts under the revised 93 zoning ordinance in order to develop 228 residential units comprising of 14 single-family detached dwelling units, 81 single-family attached dwelling units, and 133 multifamily stacked dwelling units.

[00:21:19] The application also consists of special exception requests, a minor special exception, and zoning modification applications to modify development standards. So again, staff still has outstanding issues on the applications.

[00:21:35] We identify compatibility still, natural resources and environmental, transportation, and fiscal. So again, compatibility on the property, on the county property. The applicant is proposing a multifamily attached structure that is identified as the affordable housing unit building.

[00:21:58] As shown on the CDP, the new AHU building dwarfs the existing school in size, scale, and massing, such that the historic building loses all of its historic context within the landscape, as seen here. Also environmental, so per the applicant's environmental report dated September 9, 2022, There may be suitable habitat for the wood turtle.

[00:22:22] The applicant's proffer for the wood turtle habitat removes the county as an authority to require, approve, or implement any protective measures of a habitat study. The Virginia Department of Wildlife Resources and the Virginia Department of Conservation and Recreation will be the only agencies to determine whether a species-specific survey is warranted and any such protective measures to be implemented.

[00:22:45] Also, again, regional transportation contributions. The applicant is just proffering for each market rate unit. Also, the applicant has not proffered for bus shelter maintenance, which, again, is an outstanding issue with DTCL.

[00:23:05] Also, crosswalk study. The applicant has not committed to the provision of a crosswalk consistent with the county process for conducting warrant studies. And the applicant has not committed to the timing of the installation of the crosswalk. And then also outstanding capital facilities contributions and also fire and rescue contributions.

[00:23:27] So the applicant has recently submitted updated proffers. Staff has not had the ability to actually review those proffers. I know that they have been reviewed by legal, right? Correct. And approved to form by legal, correct?

[00:23:44] Approved where she had no additional comments on the proffers. correct so but staff has not had the ability to review the the proffers to see if any of the outstanding issues were addressed okay so i will end my presentation there and staff is available for questions um so this is in um mr buffington's district um uh so i can't obviously go to him first i have questions and thoughts but i will go to i will go to miss brixman first since i can't

[00:24:19] here and then we'll go down the line. Ms. Brixman. Okay thank you Madam Chair. In the report staff said they have an opposition to ZMOD to eliminate buffer yard requirements. Where does staff have a problem with this specifically in the application? What area? It's on the DBT parcel. I don't know what DBT means. Oh it's the west. Yeah it's the western parcel. So staff had an issue with some of

[00:24:52] the zoning modification reductions because staff had requested that the applicant provide lot size details so we could understand if removing those buffers if the mitigation was actually correct on those and the applicant is unable to provide us with lot details to be able to clearly understand if by removing those buffers the mitigation would actually oh it's for each

[00:25:23] yard it's it's a long yeah it's a long it's along the um the front along the um stone springs boulevard correct and then on on the um northern side of the dbt parcel so they were requesting reducing yards within so it's each each lot that each um single family dwelling and then correct Yeah. So staff just wanted more clarification on the modification request to ensure that it was being mitigated properly for reducing those.

[00:26:00] And then this is the first I've heard about having an issue with an applicant not agreeing to maintain a bus shelter. Is that something that normally happens? Because I thought the county maintained the bus shelters. So it's been standing practice that DTCL requests the applicant to maintain the bus shelters.

[00:26:23] That's at least what I've been asked. That's interesting because to me it would be difficult to have consistency in maintenance if every bus shelter is kind of maintained by somebody else.

[00:26:39] And then my last question is, you said it may be good habitat for the wood turtle, but we don't know that for sure because the applicant's trying to not do the study? Well, the applicant is not right.

[00:26:56] Their proffers are not our consistent habitat proffer template. So what they've done is they've revised the proffer to remove the county to have any jurisdiction over if they were to have to do a wood turtle study or not.

[00:27:15] So the county has been removed, and that's not the standard template that the county uses for the habitat proffer. Okay, thank you. Thank you. Mr. Turner. Thank you, Madam Chair. Can I nail down the proffer situation? Because the item says the proffers are not approved to legal form, but now it sounds like legal has seen the new proffers, but we didn't get a clear answer to are they approved to legal form yet?

[00:27:42] Supervisor Turner, yes. We received the proffers yesterday, this afternoon. They were approved as to legal form. Okay. Thank you. Okay. My other questions are for the applicant. Thank you. Mr. Kirshner. thank you madam chair i just have a couple follow-up questions so the bus maintenance what does that entail i've never seen this before so i had kind of a similar question do we know what that even entails i mean i have dtci okay i mean that doesn't mean if it burns down they

[00:28:16] have to rebuild it i mean shelters i'm sorry could you repeat the bus shelter maintenance what does that even entail turn your mic on is it not on okay so this would entail if there was graffiti that they clean it off if it got damaged that they replace or repair the structure that sort of thing so it'd be some form of the hoa that exists there right that would maintain it okay um the why you you one of the things the staff has brought the massing issue with the historic building what is the ratio that's even being looked at or considered there is it just kind of

[00:28:55] a i mean are there any standards as to what that should be or shouldn't be can you elaborate a little bit on that yeah there so there are standards um in regards to massing so under the historic guidelines um the new building should be respective of the older building the old arcola school building and so right now with the new proposed ahu building being at four stories it's just looming over the one story old arcola school what is it so staff i'm sorry sorry i didn't mean to cut you off that makes sense okay please finish your thought i'm sorry no i was just going

[00:29:33] to say that that staff just feels that such a large building then removes the old arcola school just contextually um from its historic placement that it's just a very large building to be placed right beside the one story building part of the proffers are that this school is going to be preserved kind of for the community is that correct correct yes the other option would be to tear it down um hopefully not but i understand that yeah i mean i guess the question is they're they're preserving it as part of their proffers but you're just concerned that it's okay i got it

[00:30:11] yeah um wood turtles if the if they were removed you mentioned from the jurisdiction who then would have jurisdiction just the state just correct okay and why would that is there a reason the staff would it's just not normally what's done or is there a reason it's yeah it's not in line with our habitat proffer template that all other applications proffer to. Okay but if the state decided there was nothing there there why would the county still want to be involved? So there's general plan policies supporting the study to prevent or to ensure that any endangered species

[00:30:49] habitat is maintained. The development industry has brought this up and we've we've contacted the various state agencies. There are certain scenarios in which there would not be a study

triggered to be sent to the state and so we have kept the proffer template in a manner that still allows the county to have final say in those instances i think that's something that we'll look towards revising to make sure everybody's a little bit clearer and on the same page in the future but that's why we're maintaining our current policy of shooting for that template to be adopted

[00:31:18] so it's a policy question gotcha okay all right so on page eight let's go to page eight i'm sorry oh mr letourneau yep um sorry i'm late um on the school site itself i just want more for the record and i apologize for this been discussed we have at various points throughout the years tried to

[00:31:52] market this site we went out with an rfi process for this site and we don't we we have not had another valid sort of user of this site right that's the correct that's my knowledge yeah okay So, I mean, I understand, you know, there's a concern about kind of how much of the historical facade is being preserved, but at the end of the day, right now, it's sitting vacant in a fairly poor state, and there really hasn't been any other opportunities to do anything with it.

[00:32:29] That's fair? Correct. Okay. The cricket pitch in the soccer field, are those going to be PRCS controlled? Correct. Okay. So, we will do the scheduling on those? Yes. Okay. Um, and then I, it's, it was news to me that we had proffers that were approved on this because when I checked on this this morning, we didn't, so, um, we do now that I hear as I was walking in.

[00:32:58] Correct. Okay. All right. Thank you. Okay. Um, so if we go to page eight of the document of the, um, of the, oh my God, I'm so tired. Go to page eight where you are right now.

[00:33:17] I'm so tired. If you look at this property from the only place people will really see it, from the west elevation off of Stone Springs, the apartment building itself is not that much higher than the school. The other views that you have there, and I do appreciate that we need to put all the views there.

[00:33:37] I've been over there many times. One of the views is from the back from a playground. One of the views is from a side, from a driveway. So the view that you will see is the west elevation view from Stone Springs, and that does not look like the building is dwarfed, in my opinion, and I understand that this is kind of, you know, our opinions.

[00:33:58] So I don't think that the building is dwarfed in that one.

[00:34:14] I also noticed that when you look down in the illustration number five, it's interesting because if you look close, there is actually a bit of an upward slope where the apartment building is, which is why it may be sitting a little higher because it looks like, and actually I've been over there, it does slightly slope up a little bit. I'm not as concerned about the the building being looming over or being dwarfed because of the of the elevation from which it will be seen by the public.

[00:34:34] So that's not something that that is it is bothering me at this time. And truthfully, Mr. Kirshner is right. You know, we could you know, an historic structure just means you have to have a historic marker. You can actually take it down. And the fact that it's not coming down is something that I really, really appreciate, to be honest.

[00:34:54] And so that's not something that I'm too, too concerned about. Is it correct to say that if this applicant had come in, I don't know, a couple of months from now or a year from now, their regional road transportation contribution would be less anyway because we've just changed that process?

[00:35:16] And the reason it's this right now is because he happens to be coming in at the very tail end of what we're going to be changing very soon? It's possible, but until the board provides direction on those new numbers, it's impossible for us to know, but possibly, yes. And that would be fairly soon?

[00:35:32] Potentially. Okay, okay. So I just want to make sure that we're kind of clear about that one. I didn't know that each person maintained bus shelters. I think that does not provide unanimity around bus shelters.

[00:35:48] That's new information to me. I'm always concerned about the turtles always uh so I wish that were different and and I do hope that the state steps in um on that and I will ask the applicant about that but I appreciate you all's concerns but most of the things that I see I'm I can get past these mostly but I appreciate your concern all right to the applicant you have 10 minutes how are you I'm doing well how are you I'm doing very well thank you I'm not sure if you want me to do my presentation or just address some

[00:36:22] of the issues that were raised and be a little shorter do you have a preference um I would I don't need the presentation because I've been so involved in this application for so long but some other people might and the people in elton all the the thousands of people who are watching us right now on television because we're just so fascinating to watch they actually might want it so how about we go on and do it all right so just a warning I'm not sure I can finish in 10 minutes because you all know how. Oh, no, but you have to. Lori, page one. So, Madam Chair, board members, who we like to refer to as our partner in this project because this is a public-private

[00:37:00] partnership, thank you for the opportunity to present to you what we think is a very exciting public partnership product to address affordable housing. Just from a history perspective, you all know this is the third property we've brought to you to address attainable housing needs in the county. If we are successful, we would have developed nearly 400 attainable units in the county since 2018. 98 at Mount Sterling, 28 at Mount Sterling, 180 at Tuscarora, 20 at

[00:37:35] Ashbrook, and 92 here. Based on the unmet housing needs strategic goal, which was presented to TELUC recently, they projected 900 new units from 2021 to 2023. If we get support, if we get your support tonight, we will have provided 272 of those units, or 30%. So we're trying to do our job. And I'm supposed to say posting and affidavits have been done. With me tonight is Michelle Rosati from Holland and Knight. Ben Miller's at his daughter's game and said he would be here, but he's out. And Daniel Capretti, who you will deal with in the future instead of me.

[00:38:14] Slide two. So just a little bit of a history lesson. We started over two and a half years ago with an unsolicited offer to the county to include the county property into a rezoning with the DBT parcel, which we have under contract. We worked a year with staff, including county administration, zoning, housing, DTCL, general services, parks and recs, and the county attorney's office to get to a point where we had a purchase and sale agreement that you all approved for us to start the process. But what you see is basically what we all agreed to was something that you

[00:38:53] needed to see on your property for us to be able to start the process. Zoning application was accepted April 20th, 22. We received a recommendation of approval from the Planning Commission on September 14th, 23. And here we are today. Next slide, please. Our vision has always been for an integrated mixed income community in Loudoun County. We're proposing to offer one, two, and three bedroom family rentals on the county property, and single-family detached, single-family attached,

[00:39:25] and multifamily units for sale on the DBT property. Next slide. We think the cornerstone of our proposal is the old Arcola School. We've teamed up with Wellington Development Cornerstones to develop, build, and manage the affordable housing units on this site. Again, as a history lesson, And the school was built in 1939 as part of the New Deal.

[00:39:48] In 1933, by the Public Works Administration, which was created by the National Industrial Recovery Act. As some of you know that have been in the building, the building is in failing condition. And as of now, I've been told it costs the county about \$25,000 a year to maintain.

[00:40:06] It's been closed since 2006. Next slide. So one of the things that I wanted to point out with this historic, the setting and the historic register of the school, we worked with staff and we worked with the Heritage Commission.

[00:40:24] We picked a consultant that's done work for the county before, and the consultant came back with a report that had a recommendation by feature, which it's hard to see on the screen. But it details what they would have recommended to keep this building historic.

[00:40:41] And basically what we did was we took that report, hooked it as Exhibit B, and said, this is what we're doing. So there's no doubt what we're doing. And I want to hit a couple for you. Roofing, replace the non-historic asphalt roof with new standing seam metal roof to match the historic appearance.

[00:41:01] Next slide. Bottom one, historic entrance, retain, repair, and reuse the historic main entrance as a functional entry point for the new program. Next page. Next page.

[00:41:18] WPA plaque, maintain and restore the historic plaque at the main entry corridor. We're going to do more than that. It's not in the proffers, but I can assure you we're going to have a section of this building that talks about the history and lots of other things about old Arcola.

[00:41:33] But it is part of keeping the plaque as part of the consultant's recommendation. Next page, last one. New residential entry doors. Design new residential unit door openings inserted within the corridors to have a contemporary design to differentiate them from the historic classroom doors.

[00:41:55] Match the openings of the historic and the insert, and then in a manner that they continue to rhythm the existing doors if possible. And then the last page, which is the one I like the most, historic chalkboards. Retain historic chalkboards and incorporate them into the new floor plan of the building.

[00:42:17] Chalkboards may be reduced in size to fit into the new floor plan or salvaged and relocated in the old auditorium. So part of, if you take the setting, I think is what staff's concerned about, the mass. But if you take the building, we're doing so many things to this building that's going on the historic register that our consultant doesn't think there's any chance that this comes off the historic register ever so we're very comfortable with with where we're doing what we're doing historically next page from a housing perspective we're committing to 73 total units on the county site

[00:42:54] nine in the school building and 64 in the in the new building behind it i'll note we lost one of the units in the old arcola school because we were maintaining the auditorium in the stage So we lost a unit that was in there, but that'll be open.

[00:43:10] That's for use by the public and also obviously used for the residents that are there. We're reconstructing the existing fields as a small soccer field in Cricket Pitch with 90 parking spaces and a rec room facility. And we're relocating the current recycling center.

[00:43:29] Next slide, please. The overall mix on the county property is 33 one-bedroom units, 39 two-bedroom units, and one three-bedroom unit. These include eight permanent supportive housing units, five units at or below 30% of AMI, 10 units, 31 to 50% of AMI, and a maximum of 58 units between 51 and 60.

[00:43:55] Next slide, please. So, Chair Randall, you hit on it earlier. From a massing perspective, the site basically rises from Stone Springs Boulevard, and you can see in this drawing where we step the architecture of the building behind it so that as cars drove down Stone Springs, you just see the very top of the new building behind it.

[00:44:18] And the real structure is people that are on the cricket pitch or people that are on the soccer field looking at it from the back. And we share your concern. We're not real worried about that. Next slide, please. So now the other side of the street.

[00:44:35] So we have our cola piece on the other side under contract. It's 20 acres. It's currently zoned for a little less than 300 square feet of commercial and industrial uses that was approved in 2019. Next slide, please. So this is our slide that's the whole site.

[00:44:53] So you can see where, and we're going to talk about the Z-Mods in a little bit, but our goal in this community was to pull everything to Stone Springs Boulevard and keep as much green space as we can in the back of the sites, sort of that suburban compact neighborhood that we're all trying to achieve.

[00:45:14] And this gives you the picture of the whole communities and how they work together. I will note that all the single family houses on stone springs front stone springs and keep it keep the consistency with what's north of us on stone springs in terms of setback and uh and front yards face front houses facing the road we have this we've provided the same buffer to our residents to the north that the commercial property did so we're basically given a commercial uh buffer residential to residential and then in the back you can see on the left side we have we have our

[00:45:51] activity our active rec all in the back of the site. I will note that this community will share amenities on both sides. Our folks can go across the street and use the county amenities and the people on the county building can come over and use our amenities. Next slide. So the DBT parcel residential, we have 14 single-family lots, 81 towns, and 62 over twos, which at the end of the

[00:46:21] day is 136 market rate, 16 ADUs, and three unmet housing needs units. Next slide. So from a proffer perspective, I appreciate staff wanting to know more about lot size and width and all that kind of stuff. We looked at it a little different way, that we took things that you normally fight to get out of applications active rec and open space and because of the z mods we've we're 34 percent more required active rec than we need and we're 23 percent more open space that's required and that's a direct result out of pulling everything right that was 10 minutes

[00:47:01] I told you I couldn't make it through all right I did could I just have like a minute to talk about the wood turtle? You may not. Okay, I'll do that. We can ask you a question, but no. No, I'm a stickler for these things.

[00:47:19] Okay, all right, let's get questions. Mr. Kirshner. Mr. Capretti, could you talk about the wood turtle? Thank you, Mr. Kirshner. Yeah, do I have 10 more minutes? You've got my three minutes if you want it. You know, the wood turtle, Prof, and Mr. Glendo and I have talked about this a little bit, industry did send a letter in July to talk a little bit about it. This is a proffer that's been accepted before by this board. So

the idea that we're doing something that's never been done is not correct. As a matter of fact, on the piece behind us to the same creek is JK's properties,

[00:47:55] and he has the exact same wood turtle proffer in it. We've basically left the analysis of the word turtle to the agencies that have the expertise and the statutory authority to do that. If the reason why we were uncomfortable giving the county the next bite was because we don't know what that means. If the reviewing agencies say you don't need anything, we think we're good.

[00:48:20] If staff wants to say, no, you need something, where are the rules? What are the implications? We don't know what those are. And I will say as stepping back, the industry and staff could probably get somewhere that makes some sense that we can all, but right now with no county rules, It's hard for us to give something that we don't know what it is.

[00:48:40] That's the simple answer. Thank you. Mr. Turner? Well, thank you, Madam Chair. That's a good answer to the wood turtle problem. The crosswalk thing has me baffled.

[00:48:56] The normal paradigm for crosswalks is build it or you offer cash in lieu. And it would seem to me that easy pedestrian flow with a, I can't remember what it's called, controlled access, I think, or push-button crosswalk would be critical of this development for access to the upper and lower active recreation areas by the eastern side.

[00:49:17] So what's the logic behind the crawl? We proffered it. We didn't proffer the, if it's not warranted, we don't have to build it. We proffered we'll build it because our traffic consultants are telling us it will be required. Okay, so you are going to build it. We have proffered it. It's on the Stone Springs Boulevard plan, and the Stone Springs Boulevard improvements have to be complete before the first building permit on the DBT side.

[00:49:42] Okay. So I believe we've addressed timing and the construction. Okay. Staff, did you have a response to that? Because that sounds pretty cut and dry to me. I believe that the updated proffers removed that, and it just says crosswalks, that frontage improvements will have crosswalks, but it removed the warrant study.

[00:50:08] Warrant study was never in. We never wanted an option. That's why we thought if there's no out to build them, and by the way, Grove Slade says we're going to have to build them, we didn't put the option in. If it wasn't warranted, we give the money because we're going to build them. So we positively proffered that.

[00:50:24] I don't want to put words in anybody's mouth. I'm running out of time. But it sounds to me like the normal language that we see is if it's warranted, then they proffer the crosswalk or cash in lieu. And you, the applicant, are saying, we don't care whether it's warranted or not. We're going to build the crosswalk. That seems pretty straightforward.

[00:50:41] I would just note, Supervisor Turner, that it's a VDOT-maintained road, and so they'll have to go through the VDOT process in order to install that crosswalk. Okay. Is that an issue? No issue with us. Okay. All right. And the last one is maintenance of the bus shelter.

[00:51:00] If you could address that, if it sounds, I'm assuming so you as a developer hand that off to the builder and it goes to the HOA and the HOA picks up the requirement to maintain the bus shelter, But

you're saying that the county needs to maintain the bus shelter? So our belief is with affordable housing on the one side that's county property and with our side, what has started out for us was a legal issue.

[00:51:25] And, you know, I'll tell the nuclear winner scenario of the bus driver has a couple of drinks, comes down and wipes all the people out at the bus stop. The HOA is liable. Not going to put the HOA in harm's way. And that's my stance. We did agree to maintain the grounds around it, you know, all the maintenance around it, but once it's built, it's the counties, and that's what we think the fair thing is.

[00:51:51] Okay, and the affordable slice is – oh, sorry, thank you. Okay, Mr. Letourneau. Thank you. Just on that crosswalk point, I don't think it's a small thing on the VDOT issue because VDOT does not like to approve crosswalks at unsignalized locations, and there is no plan, as far as I know, to put any kind of control device adjacent to this property, right?

[00:52:15] When you say control, do you mean a red light? Stop sign on Stone Springs Boulevard or Signal. So I'm not sure that it will get approved by VDOT. We've had a lot of back and forth of those kind of issues over the years. Well, just so you know, we felt like, and this is different in our mind than the bus stop, if it only comes down to maintenance, HOA will maintain it, the crosswalks.

[00:52:39] Crosswalk. Yeah. Okay. I'm just saying it's not a, it's, you know, my hope is, and I was going to ask you about this, that the traffic study shows that this use will actually decrease traffic on Stone Springs Boulevard compared to what the approved is by something like 80%. And your traffic study affirmed that, right? But we, the county also did as well. I mean, we will not separately, but we, under our purview, that's what we found. So I think there's two different things i think one is with all the improvements that are going on the air in the area yes there's

[00:53:15] a feeling that 50 of the traffic once north star is open and some other things will come off of arcola our use is 80 less traffic than the current zoning of industrial yeah so we think with those two yep in three years it'll be a different street i think so too um i think as soon as we get arcola Boulevard open it's going to be dramatically different um LIHTC application we had some discussion about this but because you sort of missed the deadline anyway of what we thought it would be but you found a staff has found a way to sort of make this work right so Val Marie to her credit that's right in a public partnership yeah there's a different fund of money that you

[00:53:55] all can use for this I will tell you that we committed to submit our application by October 1st even though the only thing we didn't have was the entitlement yeah so we're not trying we're giving staff as much time as they need to review it we're not in the normal county trust fund right process that's what i yeah that's that's what our discussion was i just wanted to confirm it so everybody could hear it um and then um there was one other thing i was gonna ask you about um well oh the recycling facility i missed that part of that discussion so we're moving it and where oh

[00:54:34] i know what it was that and then also the auditorium i just want to confirm what we discussed which is, auditorium will be for community use, not just this community, the adjacent neighborhoods on Stone Springs as well, through the management company that's going to manage that building, right? That is correct. Okay. And then the recycling facility, you're rebuilding for us and moving, right?

[00:54:56] Right. There was a lot of discussion about exactly where that is. Can you just explain? I think the discussion is there's the recycling facility is supposed to be 150 feet from residential, and we're 60. And

that's one of the waivers that we asked for. And we explored across the street with the fire company to see if we could move it over there.

[00:55:14] But quite honestly, that's where general services wanted it for stacking and ingress, egress, and a bunch of other things. And we just, it is what it is to us. It's, you know, it's 60 feet from the school when it has people in it. Ms. Glass?

[00:55:33] Thank you, Madam Chair. And thank you for the presentation. When you had talking about crosswalks again, so on, I know we usually, staff has like three sides for the crosswalk. Would you all be willing to put in for the fourth side of the, you know, of the crosswalk?

[00:55:56] I mean, we're happy to do that as long as you don't ask me to proffer it. I don't want to change the proffers. I mean, do you know, will they approve four sides? VDOT? I'm looking at you. I mean, you'd have to go through the warrant study process and see what comes.

[00:56:13] I mean, when it gets to that point, we will look at four sides, okay? Okay. As long as staff doesn't rule that I'm not in conformance with my CDP because I have a four side. Okay. Thank you. Okay. So. Madam Chair.

[00:56:31] Oh, Ms. Bixburn. Yes, I'm sorry. Yes, ma'am. That's okay. Thanks. So I want you to talk about, if you would, I know that you want to keep it not necessarily specifically program the areas by the broad run where it looks like it could be active rec activity areas when you talk a little bit about that and then a little bit about if there's been any investigation or requirement for an investigation into how this might impact the broad run because the broad runs already impaired so the for the first one we have we have a sheet in our plan

[00:57:10] that we proffered that show potential active rec uses in that area like we've done with every other application we just like flexibility there i can tell you on mount sterling we had a play area that we ended up putting in a pickleball court and a basketball court we felt that was a better better thing to do so instead of proffering something on a concept plan we've given examples of what may be there and we're not being as specific i think as staff would like us to be but we certainly do we believe we do rec correct um as far as the broad run goes we have the 50

[00:57:46] foot risk cod and then the closest unit that we have to the 50 foot risk cod buffer is 80 feet so by virtue of the z mods that we got to be able to pull everything closer to stone springs we're pulling as far away from that as we can and then what you see on the plan there is the i probably won't say right the county wide transportation the county wide trail network am i saying that right lori that's part of its natural service and it's part of a proffer that we'll put in so okay great are there sidewalks on stone springs road i can't really tell yes stone springs and

[00:58:26] all along our frontage and all along the county frontage on on our side on the dbt side it connects to an existing sidewalk for the for the neighborhood next door and on the on the county side the guys from arcola have proffered to build yud drive haha and the and the sidewalk that goes all the way up to connect so connect connectivities with within proffers in two applications so i uh i was going to joke about you have drive but you just brought it up um i think that's funny uh we talked a little bit the other day and and i think you guys we don't have to do any proffers

[00:59:04] on this but i think you guys agree that there's a lot of history with this school in this building and um we we talked about perhaps researching any notable figures or principles or anything like that that

had an impact on the community that you might consider naming some streets after them yes and we will do that okay thank you okay um you know if anyone i forgot who toured this building with me when i toured it i know one of the supervisors was with me i was there this building

[00:59:40] has been used to be a um the sheriffs have used it for practice when you go in it there are like spent, not real, but spent bullet shells everywhere. Every single window is broken.

[00:59:57] It is, I'm surprised it's actually not already beyond repair, to be honest. It is, you know, we are kind of doing what we've accused others are doing. We talk about the importance of this historic site, but we haven't kept this site at all. We let this site completely go into ruins.

[01:00:17] And so it has to be thousands of dollars to bring this site back up to be able to put it in any kind of condition to be a community center. So I do think that there has to be some credit given for that and some, for lack of a better word, some common sense kind of put here on what we have to do, what the applicant has to do just to get this building, this one building where we need it to be so we can save it because otherwise it's about five minutes from falling down all by itself to be honest if

[01:00:51] you've gone over there um i mean there are there are the places you walk you can't walk if there's a hole in the building if you step it's going to drop right to the floor i mean it's it's a it so i just want to just want to put out what's there already and just in case somebody thinks that the upkeeper putting this building back in any shape is going to be a quick easy or inexpensive process It is most certainly not.

[01:01:14] Mr. Capretti, I had totally forgot, although I actually helped me and Ms. Turner work out that whole deal. I totally forgot about that. So it was my intention to make a motion to suspend the rules because of the LIHTC funding issue, and I wanted this to get out tonight because I don't want you to miss out on the LIHTC funding, even though that's the county's LIHTC funding date, and I'll have to ask about that in the next application because that was all confusing.

[01:01:43] that's all pretty confusing are you saying that you will not and this may be for that the the the opportunity to get the funding will not be lost if this goes to the november meeting well i'll defer to staff i've been told we can't get to november it has to be december is what we've been told that's what i thought and but then that would become and i think that closes the door pretty tight so that that's my question because because that will make a decision because i have i have planned to suspend the rules because i don't want not do not want them be outside of that window so can somebody answer this so that i know for sure what i'm doing right

[01:02:21] now because otherwise i'm making the motion to suspend leo thank you um we have the ability to advertise for the november public hearing and we can put it on for that date we we were sort of scrambling as we got the proffers in late and got them approved late so in the packet it says december but we could certainly do november but that doesn't quite answer my question actually That doesn't answer my question.

[01:02:51] With due respect, it doesn't. I'm going to talk about funding. It's a different question. Oh, I don't want the answer to that question. Mr. Brian, are you going to come up? Good evening. Good evening. How are you? Very well.

[01:03:06] So with the county's funding, the 9% applications are due, or were due October 2nd. The 4% applications are due in January and July. That still didn't answer my question. Supervisor, do you mind if I ask my question again? So I am trying to understand.

[01:03:25] I know when it's all due. I'm trying to ask, if this does not happen tonight, do they lose the 9% funding? Is that not a possibility anymore? Or what we worked out with Ms. Turner is can they go to November and keep that? That is my understanding, yes, ma'am, that they can keep that.

[01:03:42] Till November? Yes, ma'am. But not December? Correct. Can I get some, how sure are you? Being that it's not the October 2nd deadline, November would be fine in terms of a deadline.

[01:04:01] Okay. I'm going to take a shot. I'm going to first ask for the public comment, but then I'm going to take a shot at this anyway because I'm a little nervous about this. Mr. Rogers? Could I ask if Ms. Escobar could answer this question as she works on those applications and funding as well?

[01:04:17] And I know that, but there were, and hold on, I'm just going to be honest, but there were some special discussions around, this is not the norm. We're doing something different here. That's why I keep asking this question like that. I don't know if this answers your question, But I believe that the publication will be for two weeks in order to get.

[01:04:35] That doesn't answer my question. That's not your question. I don't understand your question. All right. Is there anybody? No, thank you. I know what you're saying, and I get that you're right, but that's not about this application specifically because something was worked out different on this application.

[01:04:52] They already apply for the October one for the county loan application. So they are there, even though they don't have the reasoning, which is one thing that the board could waive or not. Okay.

[01:05:08] Okay. All right. Thank you. Thank you. Is there anybody in the audience who would like to speak on this item? If not, I'm going to make a motion to suspend the rules. Second. Motion is made and seconded by, who seconded that motion?

[01:05:25] Mr. Saines. Discussion on the motion for suspension. So this is not normally done. let me just say that right now and and and and it's not the most comfortable thing for me to do but there is there you know there there was some things that were agreed on with miss turner was here and i missed mr mr hall was here and it doesn't feel like we're sure enough to be quite honest if if if if somebody could say to me absolutely we suspend the rules and this could go in november and there would be no loss of funding i would i feel good about that but it

[01:06:00] It doesn't feel that sure to me right now, and I don't want to take a chance on losing the funding or having the LIHTC funding lost on this application that we have been working on for, you know. Well, I'll talk about that if this motion passes.

[01:06:18] I'll talk about that in the motion, how long we've been doing this with this piece of property. This is just a motion to suspend. And so I know it's not normally done, but I do think I do think these are special circumstances. And so I'm not worried about creating a precedent when it's such when it's such special circumstances.

[01:06:34] Thank you, Mr. Letourneau. Yeah, I understand where you're coming from. I'm not comfortable suspending the rules, given that we got these proffers at 622 after the meeting started. So I'm going to take another shot because I agree with Chair Randall that the answer was not as clear as it could have been.

[01:06:51] My understanding is, are they going for the October pot of money or the pot of money that has an application deadline in January? So my understanding is that they, after talking with housing staff, is

that they're not actually going towards the LIHTC funding with this separate conversation that's been had.

[01:07:07] And there's money that's specifically for adaptive reuse that they can apply to the county for. That's for a different set of money. Now, whether that helps a future LIHTC application or not, I can't speak to. But our portion is not contingent on either one of those deadlines that Brian mentioned.

[01:07:24] So therefore, the deadline is completely immaterial? Correct. And when the board actually approves the project is immaterial for what they're applying for? To the best of my knowledge, yes. When you use words like, to the best of my knowledge, it's difficult. And I understand I'm trying.

[01:07:41] Let me ask a question. If we took like a 10-minute recess, I'm just asking the question. No, that's a good question. No, I'm not. Could there be more certainty on this question? Is there somebody else that needs to be consulted? Can we call Belmarie?

[01:07:57] I believe so, yes. If we took a recess? No, not call Belmarie. He's going to take a recess. That's a very good idea. I'm fine with that because it is important that we get this right. I would hate to not do this and then we lose the funding.

[01:08:15] That would be, I'd be less happy. So just to complete, so I'm not... I wasn't planning on voting yes to suspend the rules. I do think this is a good application. I would like to see it proceed. I feel a little uncomfortable, you know, being kind of the new representative for this community and already kind of some concerns they have of just feeling like we're pushing this beyond what we normally would do.

[01:08:37] However, if there is some jeopardy that this application is in by not voting on it tonight, then that would change my mind. So that's where I'm coming from to lay all my cards out here. Mr. Turner, you want to speak on suspension? Yeah, I'd like to speak on it. I guess my question is, what is going to be substantively gained between now and however long we go before we vote again on this process?

[01:08:59] Wood turtles ain't going away. We know that answer. Crosswalk, we know that answer. And what's going to change? Yeah, okay, I agree that there's some myths here. Why entertain and introduce a level of risk for waiting when nothing's going to substantively change between now and when we finally vote on this?

[01:09:17] I'd just like to suspend the rules and vote on it and be done with it. Well, the motion's been made to suspend, and so that motion hasn't gone away. Ms. Bricksman, do you want to speak on the motion to suspend? Jeez. Suspend. I'm like Daffy Duck up here.

[01:09:33] Would you like to speak on the motion to suspend? I will support it. Thank you. Okay. Haven't you spoken on the motion to suspend already? And stop making me say motion to suspend over and over. I'd like to hear you say it. Haven't you spoken on this already?

[01:09:48] I haven't. You have not? Okay. I have not. Mr. Kirshner? I mean, I'm generally in favor of moving it forward, but I also would like to defer to the supervisor from Dulles since this is now within the district he's currently representing. So maybe there is a compromise here and just pass over for 10 minutes.

[01:10:05] Well, he spoke on the motion already. We're going to do that. We're going to do that. If that's the case, but otherwise I would be happy to move it forward. We're going to do that, but I want to get through everyone's comments first. I think that's just a fair thing to do. Mr. Sainz. Thank you, Madam Chair.

[01:10:22] I'll just speak to Mr. Turner's, you know, questioning just a minute ago is that, you know, we have a tend to have a policy with housing applications that we do not normally vote on on the first go around that we see in that public hearing. Yes, we've seen this application, a few iterations on different topics on voting to in favor of moving forward with the idea and, you know, et cetera, et cetera.

[01:10:45] So in theory, yeah, we've seen it a couple of times, but this is technically the first time it's come to public hearing in all form, final fashion. So our normal policy is to forward it to a business meeting to vote for it. So that's why, at least for me.

[01:11:00] I'll speak to that to kind of stick into our normal procedures. But depending, as Chair mentioned, this is special circumstances with funding and whatnot. So if we can figure that out and get a straight answer, if not, then I would be in favor of suspending, again, because it's special circumstances.

[01:11:18] All right, so what I'm going to do is I'm going to make a motion to table this for 15 minutes. That's how I'll do this, so we can take a break and make a motion to table this for 15 minutes. So, motion to table. Thank you on the motion. Motion to table has a second. Motion to table has no discussion.

[01:11:34] All in favor of motion to table, please say aye. Aye. Opposed? Aye. Motion to table will pass. Thank you.

[01:22:08] All right, if everybody wants to come back up to the day, it's going to bring us all back. Ms. Bricksman, you're still there? Ms. Bricksman? Oh, she's not in her chair. She's not there. she's literally not there talk to the chair oh gosh okay so i tabled the motion to suspend and so the motion to suspend is now off the table because the period of time that i tabled it for has passed we have had discussion on the motion to suspend and i will vote on the motion to suspend

[01:22:46] but i'd like miss brixman to be back in the meeting before you vote on the motion to suspend although if we don't then I only still need five okay so yeah so so all in favor of the motion to suspend please say aye aye opposed and we have two abstentions so I think that was five two two is that right isn't that right yes five two two so the motion to suspend passes oh you voted no

[01:23:21] oh actually I'm sorry because we didn't get actually get a report out of what just happened in the powwow i'm sorry i'm sorry i gotta i gotta report out okay we're gonna just erase that whole thing and have the report out on what just happened in the powwow my bad okay so we're gonna we're gonna we're gonna know that vote i'd like for for mr mr hempstreet will you please report out on what just happened in the powwow uh yes chair randall the bottom line is that in order for them to achieve what they want to achieve in terms of the housing affordable housing application

[01:23:57] the way our application process and our funding requirements work tonight is better for approval if the board's desire is to go to november 15th that date is workable however my understanding from the attorney's office is it will require a waiver that the board will need to approve for one of the funding applications it also places both the applicant as well as staff in a situation of having to do additional work because we will be behind by about 30 days so

[01:24:32] bottom line either date will work tonight is better but the 15th of november is still doable so clear can i can i ask a follow-up question um yes because yes i wasn't part of the conversation well no one was we weren't either just so you know the waiver that you talk about that would be required, would that be required if we passed it tonight?

[01:25:03] Wilkins, can you come up to the microphone? My understanding is we're past the October 2nd date, so this is a little bit different than what I said to you, Chair Randall. The waiver is required for whether it's approved tonight or whether it's approved on the 15th. The issue, though, is we lose about 30 days in terms of work on the application.

[01:25:26] Okay. All right. All right. Does anyone have any other questions, just to be clear? Okay? Because it's a lot. It's a lot. So, and I just want to make sure everyone's totally good. Okay. All right.

[01:25:44] We've had discussion, and I'll do it again. All in favor of the motion to suspend, please say aye. Aye. Opposed? Aye. Okay. And one absent. So that is, if I'm counting right, a 6-2-1 vote. Is that right?

[01:26:00] Okay. So the motion to suspend will pass. All right. Now I'm going to make a new motion, and it's long. The Board of Supervisors approve LEGIE 2023, yes. Do I got to read this whole thing seriously? That's 0033, old or color, oh, well, no, I can, it doesn't matter the order.

[01:26:23] Other color residential ZMAP 2022-0005, SPMX 2022-0017, SPMX 2022-0018, special exception 2022-0019, special exception 2023-0013, that's PMI 2022, that's 0005, ZMOD 2022, that's 0017, ZMOD 2022, that's 0070, ZMOD 2022, that's 0071,

[01:26:52] ZMOD 2022, that's 0084, ZMOD 2022, thank you, that's 0085, ZMOD 2022, that's 0086, ZMOT 2023, that's 0018, and ZMOT 2023, that's 00142, subject to the profit statements dated October 10th, conditions and approval dated September 7th, 2023, and based on the findings of the plan, and based on the Planning Commission's finding for approval, and would the Board of Supervisors authorize

[01:27:28] and direct County Administrator execute the profits for LEGI 2023, that's 0033, old or Kohler residential. All right, that was unfun.

[01:27:47] All right, motion was made and seconded. All right, so I am the person that always pushed back on what makes a precedent. I think you have to do something more than once, actually, to make a precedent just to start with.

[01:28:04] But I certainly don't think you can call it a precedent when something is this unique and different. And I do think that because of the financing discussions, we're going to be having tonight there are some things on tonight's applications that are just different in nature i will also say that literally my first three months when i got here there was an application on this site that did not pass because at the time it was in the airport overlay district um and and when they when the airport changed they it they moved it out of the airport overlay district we have been talking for years about what to do with this property and in the

[01:28:41] meantime, the historic property, the historic piece of school has been further and further degrading and falling into basically ruin. And so, you know, we, one, we need housing. We need housing. We need housing. We need all housing. We definitely need attainable housing. We cannot keep saying we need housing and then not vote for housing. If we say we need it, we have to do something with that two we are saving the school and I think it's going to be a very nice community

[01:29:17] center three and this is important to me there will be homes for residential attainable homes for rental and purchase that is huge we have almost no homes for rental in this in this county and so I do want to see some homes I mean for purchase I do want to see some home for purchase I say all the time.

Home ownership is what creates generational wealth. And three, there's a lot of homes here that are for rent also. If this application was filed months from

[01:29:52] now, the regional road contributions that I have to believe we're going to vote on because I can't legally see that we don't vote on them would pass. And so the applicant would meet the regional road contribution requirements in a couple of months.

[01:30:08] And so to say that right now we're not going to pass this otherwise, good application for that is not really an issue for me. But truthfully, my biggest issue is the turtles, to be quite honest, although it really is. And so, Mr. Capretti, let's handle the turtles.

[01:30:26] I'm not worried about and do think we should take a look at how we do the bus shelters. I don't think that's very smart to do it for the applicant to keep all of our bus shelters. That's new information to me. Maybe all of you knew that. I didn't know that. Overall, after years on this property and years working on this application and multiple submissions and thousands and thousands of dollars, I am fine voting for this application tonight.

[01:30:56] Ms. Umstead. I think Mr. Letourneau had his light on before I did. Ms. Umstead. All right. Very good. Hi. I want to thank both Michael and Daniel Capretti for meeting with me and, as always, being an absolute delight, as you always are. And as I always tell applicants, I always look at these operational costs for the schools. This would require \$2 million a year in operational costs and the equivalent of \$11.5 million for capital costs. I, as long as,

[01:31:36] other board members were okay with with this going forward tonight I do not have a huge objection to that I don't want to stand in the way of your project you put a lot of work into it but as always I'm concerned about the school impact so sadly despite the fact I like you both extremely well and you do a great job I'll have to sadly vote no, but thank you.

[01:32:04] And I just want to say our project, not my project. Mr. Letourneau. Thank you. So I will say at the onset here, I think there may be some confusion in the community about the timing of this vote in light of some of the stuff that occurred tonight.

[01:32:22] So I am concerned about that and apologetic for that. That said, you know, I have been supporter of this project, and I've had some pretty frank discussions with the community. about it um and maybe it would be more expedient for me tonight because of this to not vote for it but i don't operate like that so the reality is um there's two distinguishing things here and a really important one that i don't think we've really talked about tonight is on the south side or the west side of this project currently has an approval for a warehouse

[01:32:57] a big big warehouse it's something i don't remember it's easily over 100 000 square feet How much is it, Mike? 300,000 square feet. And there's a residential community immediately adjacent to that. And so I have been concerned about that for years since that happened because of the impact on that residential community.

[01:33:18] It's simply going to be much more impactful than having market rate residential community next door will be. The traffic studies are very clear on that. You know, an 80% reduction from a residential project versus what was approved on that site.

[01:33:35] And if you think about the type of traffic that could be trucks, you know, delivery trucks, work traffic, that kind of thing. That could be accessing that site on a regular basis on Stone Springs Boulevard. So this project avoids that by putting something else there, something that I was not previously supportive because it was in the LDN 65.

[01:33:57] but when we update new contours the majority of a greater percentage of land is now not available for development but there was some land that was in the 65 and now is in the 65 not in the 65 and this happens to be one of those uh one of those areas so given that it is an opportunity to do it now it is a unique project the old arcola school has been something that i have personally been dealing with since i got elected to the board of supervisors and my very first term before anybody else was up here the board had an extensive conversation about what to do with this property

[01:34:34] and even then it was really not it wasn't hundreds of thousands of dollars it was millions to to do anything with it and it just wouldn't be a modern facility that would serve the community needs that we wanted and so you know there's a reason why in the first place the dull south facility was built instead of renovating old Arcola and now when you look at it it's even it's even worse so I will support the project I think it's a good project it does a lot of things for us in a lot of areas and I don't want the fact that I wasn't able to you know vote for rule suspension to to cloud that

[01:35:07] but you know kind of some process things going on there but thank you thank you um Mr. Kirshner thank you Madam Chair um I think I just have a couple words to say I think one of the reasons we're able to suspend the rules which is something we rarely do um is because mr freddy and his team have really are really the kind of developer that we really love to see in this this community in this county um you've come to us you've worked with us for over a year you've brought forward a historical um property as well you're going to renovate it i think that's really the kind of things we love to see in an application and that's why i think it's so easy for us to say hey we're going to sit here and suspend the rules which is something we normally don't because there's a lot

[01:35:47] trust that we have that you're going to do exactly what you lived up to do so thank you for doing that i appreciate it and i'm going to support this application thank you miss brixman thank you madam chair um you know we we keep talking about the housing crisis and the fact that we don't have enough homes in laden county but one of the things we also say often is we can't build our way out of that out of that and adaptive reuse is always something that we talk about doing and i don't know if it's the first time in the county we're doing adaptive reuse but i at least it's the

[01:36:22] time for me um and i'd like to see if we've done it before but i don't know that we have so um and i'm not sure how many times we've been a private public private partnership like this so i think it is really unique i think also there is not a lot of um community opposition to this which is another reason why i feel comfortable suspending the rules and passing it tonight um i did i did uh walk the building with you madam chair and the building's about to fall down This is the only way this building gets saved, because the county has been talking about it for years.

[01:36:59] You know, we haven't been willing, apparently, to invest in it. And the fact that the Sterling Community Center, that Sterling School, was destroyed breaks my heart all the time. Like, I still drive by that site, and I'm like, I can't even believe we lost that school.

[01:37:15] So the fact that we're saving this school and the way that they're proposing to save the school and some of the artifacts in the school, I think, is really commendable. And I'm really excited about the

auditorium being, you know, the community space where they can have their HOA meetings, they can have other types of events.

[01:37:33] That warms my heart. Because when you walk through a school like that, I don't know about everybody else, but I get really nostalgic about those older buildings and what it meant to our country to actually put that program together to build those sorts of buildings, international parks, and those sorts of things.

[01:37:49] So it's really a shame that we lose these things from time to time more often than not. So I'm really happy. It would be really difficult for me to not get over some of the small things that I think staff is bringing up in order to support this.

[01:38:04] The last thing I'll say is, you know, we have people that live here who have children. And a lot of times people want to move to our county because we have excellent schools. And sometimes, you know, folks who are opposed to these sorts of applications say that our schools are going to be overcrowded.

[01:38:22] And I just want to point out that Elaine Thompson Elementary School is going to have 92 spaces available in the 25-26 school year. Stonehill Middle School is going to have 213 available spaces, and Rockridge High School will have almost 500 available spaces. So we have room in our schools, and that isn't even going to be a problem here.

[01:38:42] So I really do commend the folks that put this together and all the hard work and sticking with it, because I know this has been a long process. It's been even longer for them, but I appreciate their saving this building and this historic place for us, for the county. Thanks, Madam Chair.

[01:38:58] I'll be supporting. Thank you. Ms. Glass? Thank you, Madam Chair, and I'll also be supporting this application. I feel it's a really good reuse of this historic building, and it's sad that it's been in disrepair for so long. But, you know, I feel that it will fit well into the historic village of Arcola, and, you know, it'll either revitalize or honor that area.

[01:39:25] So thank you. Thank you. Mr. Sainz. Thank you, Madam Chair. Just real quickly, yes, support the application. I think this is a very good application. I love what they're doing with the historical site and the property directly across the street.

[01:39:42] And it was mentioned by one of my colleagues earlier during the discussion that the applicant does a very good job of putting in everything that you could think of into an application. They do it, and they do it well, and they do it most of the time, I would say 90% of the time, I would say 85% of the time, 85% to 90% of the time, without even asking for it or having a big, you know, discussion about it.

[01:40:09] So so congratulations to the applicant. And it sounds like this is going to pass. So good job. Well done. Thank you. Thank you. I think some of my colleagues makes a good point. You know, there are there are some developers in this county who are just very good neighbors and very good community members in the county.

[01:40:29] Mr. Capretti, you and Capretti Land are one. And I say that all the time because not everybody is. And so we should call out the ones that are, and you absolutely are, Van Meter, Peterson Group. There are some, and truthfully, I wouldn't sit up here and say the ones I have issues with.

[01:40:48] That would not be appropriate. But I definitely will say the ones that I think that do a good job and have always followed through with what you say you're going to do. And I don't know, it's almost like I

almost want to kind of score that differently, like you get some points or something for doing what you say you're going to do in the past, following through, being up front, taking or planning so many meetings.

[01:41:15] And you pursue us to have meetings, even when we can't have meetings, sometimes bringing us in in the very beginning and walking us all the way through the issues and also saying, yeah, I'm going to do this and I'm going to do this, but I'm not going to do that. And being real honest about it up front.

[01:41:32] And so we know what's going on. And so I think it is important to say that Mr. Capretti and Capretti Land does a fantastic job with that. And so that alone would not make me say yes to any application if the application was not worthy.

[01:41:49] But I do believe that a lot of times we don't say enough about the developers and the people who are doing the good work. And if we don't say it, then you all just lose your swagger. So you don't want to lose your swagger, do you? Inside joke. Inside joke.

[01:42:06] So thank you very much. I appreciate it. All in favor, please say aye. Aye. Opposed? Aye. And we have one abstention. So that motion will pass 7-1-1 with Ms. Umstead voting against and Mr. Buffington being off the dais.

[01:42:25] Thank you very much. Thank you. All right, supervisors, we have two more tonight. I hate to make one wait because we are going to take a break, but I'm going to have to make one wait, and so I do apologize.

[01:42:43] We're going to go on and do them in order, so I apologize to the Commonwealth Center. You're going to have to wait just a little longer, but we're going to go on and do the Align Energy Data Center right now. With staff, please come to the table. Hi.

[01:43:03] How can they do that? There is a presentation on this.

[01:43:19] It's 14 slides. Whose district is this in? Is this your district? Oh. Ms. Glass. Ms. Glass, do you want the presentation? Ms. Glass, do you want the presentation? I'm sorry, Madam Chair.

[01:43:35] Yes, please. Sounds good. Great. Thank you, Madam Chair. Again, fellow supervisors, my name is Lori, and I'll be presenting Aligned Energy Data Center. So the property is 10.14 acres in the Sterling Election District and is located west of Relocation Drive, north of Executive Drive, and south of Loudon Downs Lane.

[01:43:55] The property is located in the Suburban Policy Area in the Suburban Industrial Mineral Extraction Place type. Existing zoning is single-family residential R1. The applicant is requesting a zoning map amendment to rezone the 10.14 acres from the R1 Zoning District to the Planned Development Office Park Zoning District under the revised 1993 Loudoun County Zoning Ordinance.

[01:44:20] The applications also include a special exception to increase the FAR, a minor special exception to reduce the building and parking setbacks, and two ZMODs to modify pedestrian facilities and buffering and screening requirements. Bless you.

[01:44:38] In 2021, the property owner applied for a ZART 2020-0001, which allowed the property owner to elect to waive the protection of the state legislation establishing the Route 28 Transportation Improvement District and Section 1-103N of the zoning ordinance such that the property was subject to review and development pursuant to Division D Route 28 Corridor Zoning Regulations in the zoning ordinance.

[01:45:07] Under Division D, the property was able to develop under the Corridor Industrial Optional Overlay District Regulations using an alternative method of development. The alternative method of development provided the property owner with the ability to develop uses permitted in the CI district without the need to rezone.

[01:45:25] Data centers are a permitted use within the Route 28 corridor industrial district. Therefore, pursuant to the approved ZART application and the approved site plan and site plan amendment, the subject property is currently building an approved site plan and site plan amendment. Staff still identifies outstanding issues with the application, place type, requested zoning district, FAR increase, building height, architectural design, and zoning modifications.

[01:45:55] The proposed BDOP zoning district does not implement the recommendations of the suburban industrial mineral extraction place type. The site is surrounded by planned development general industry and planned development industrial park zoning districts, which are more consistent with the place type.

[01:46:11] Surrounding properties are zoned PDGI and PDIP and are limited to 0.6 FAR, which is consistent with the place type. The request to increase the maximum FAR from 0.06 to 1.13 exceeds the FAR envisioned by this place type.

[01:46:31] The proposed building height, 99.6 feet, exceeds the maximum anticipated height within the place type, four stories, which is roughly 48 feet. While the building may have four interior stories, its height and scale exceed the intent of the place type.

[01:46:49] Architectural design. One of the goals of the SPA design guidelines is to create visually interesting and compatible buildings and site designs. Building massing and walls must be varied to avoid long, flat facades and break down the scale of large buildings.

[01:47:05] The design guidelines call for four-sided architecture. Buildings cannot present a blank side to neighboring properties. Also, again, building height at the anticipated, which should be 48 feet.

[01:47:21] Surrounding development is approximately 40 feet, as seen here, the surrounding properties. So, again, the SPA design guidelines, building massing and walls must be varied to avoid facades and break down the scale of large buildings.

[01:47:39] And then the zoning modification. So one of the zoning modifications is to permit the 99.5-foot building within the 58-foot setback from future South Sterling Boulevard. So again, the Planning Commission forwarded the applications to the Board of Supervisors with a recommendation of denial.

[01:47:59] Staff supports board denial of the applications. The scale and intensity of the applications do not meet the suburban industrial mineral extraction place type. Recommendations envisioned by the Loudoun County 2019 General Plan. That is it for staff's presentation.

[01:48:15] Staff is available for questions. I also have DTCI staff here as well. Thank you. Thank you. Ms. Glass, this is your district. I will call on you first. Thank you, Madam Chair. How much money do we estimate the land and underground stormwater facility that are being proffered to cost?

[01:48:39] And do we get any of those proffered items if this application is denied? So the cost of the land, the land rights that we would need to install the facility, our land acquisition folks have estimated to be about \$3 million, and the estimated cost to install the facility plus a period of also considering O&M expenses because it's an underground facility at about \$3.6 million.

[01:49:20] All together, about \$6.6 million. Okay. Did we receive a referral from Dominion or NOVAC on this application stating what the power source situation is like? No, we did not. Unfortunately, at the time the application came in, we were not reaching out to Dominion yet for that information.

[01:49:38] Okay. What architectural guidelines could the applicant proffer to that would resolve that outstanding staff issue? So, again, it would be for the SPA design guidelines. So looking at adding additional features even to the existing building, you could have bump outs that would create shadow relief.

[01:49:59] They look for four-sided architecture and to look at compatibility with the existing site and context. So the SPA design guidelines do give features that could be added to the building to just help break down that mass.

[01:50:18] Okay. And can staff explain why you calculate the FAR without the land that will be used for the Sterling Boulevard extension? So that's standard policy that any easements are removed prior to FAR calculation.

[01:50:39] So any time a right-of-way needs to be removed, then the FAR is calculated off of what's left. Thank you. Thank you. Ms. Umstock. Thank you, Madam Chair.

[01:50:55] So it has an approved site plan, which would have allowed it to build up to 99 and a half feet. Correct. So that was a by right. So under the Route 28 overlay, optional overlay, they were able to build the building that they have existing right now.

[01:51:18] So at 99.5 feet, the height was only limited by the FAR, which right now they're at a 0.69 FAR. Okay, so I'm looking at this graphic, and it is completely surrounded by what looks like other light industrial uses.

[01:51:47] Do we have a logic that would say other industrial users would not want to look at a 99 and a half foot tall building? I think it's just not consistent with the place type. So the suburban place type envisions 48 feet or four stories.

[01:52:10] So I'm not, you know, I can't say anything about what their neighbors think about it, but it's just it doesn't fit the place type. Would you think that the reason we have height limits on buildings in certain place types is because we would be concerned about, say, what residential neighborhoods next door to a site might think?

[01:52:36] Correct. I mean, consistency, and that is, I mean, there aren't any residential units around this area. But, you know, again, it's with being in the optional overlay and taking advantage of that height, then they are definitely well above what their neighbors are.

[01:52:57] And one final question. I notice you've got, I think it's the extension of Sterling Boulevard going on what looks like the north side of this property. How is that going to be accommodated? I'll let DTC, yeah, go ahead. Thank you.

[01:53:16] As I said, the project does need to acquire land rights from the parcel. I mean, I can get you some, you know, the numbers for the precise areas, but it is generally running, you know, along the, you know, the northern boundary of the parcel.

[01:53:38] Do you have any concerns that the road won't be accommodated? Well, the difference is, you know, whether or not the project has to pay for the installation of that stormwater facility.

[01:53:57] Okay. It's already prepared to acquire the remaining land rights that the project requires. All right. Thank you very much. Thank you. Ms. Bricksman. Thank you, Madam Chair.

[01:54:16] For ZMOD, I don't know if maybe staff can tell me if this is going to happen. Otherwise, I'll have to ask the applicant. For ZMOD 2022-0083, the sidewalk is being removed along South Sterling Boulevard. Is it going to be replaced with a new sidewalk?

[01:54:32] No, not along the south side of Sterling Boulevard. It would be on the north side now of South Sterling Boulevard. I see. Okay. And then the existing building that's on the site right now, how tall is that building?

[01:54:50] 99.5 feet. Okay. So it's already 99.5 feet. But I am really struck by this slide, number 11, where you're showing all the buildings around it. The tallest one is 35 feet.

[01:55:07] So, and that would be almost 40 feet over what's recommended for the area or what is envisioned for the area, yes? Correct. 99 feet, yeah, okay. All right.

[01:55:25] And then, actually, some of the stuff about the Sterling Boulevard was answered in the previous question, so I think I'll save the rest for the applicant. Thank you. Thank you.

[01:55:42] Mr. Letourneau. So, isn't the FAR impacted by the right-of-way? No, so the FAR, the buy-write FAR that they received wasn't impacted by the right-of-way.

[01:56:03] And from my understanding, the applicant has been working with what previously was working with the previous owner of the property on this relocation drive. So if you took the right-of-way out of the picture for this site, wouldn't the FAR of the project pretty much be at one?

[01:56:26] Well, we don't, I don't, yeah, we don't do, we don't calculate it like that. So, I mean, we don't allow, the right-of-way is, it has to be given no matter what.

[01:56:41] I mean, it's, so. Okay. I guess that's it. I may have some questions for the applicant. Thank you. Mr. Sains. Thank you, Madam Chair. Okay, so staff is not in favor of the 1.3 FAR, but is there an FAR that staff might be agreeable to?

[01:57:07] Staff would envision that a 1.0 FAR would be consistent with the place type. And has that been talked about with the applicant? We have discussed that with the applicant, and that was brought up at Planning Commission, but there was no agreement to that.

[01:57:22] And what was their disagreement? I'll ask them that when they come, sorry. I don't think he had an answer. Okay, and so staff is in favor of 1.0 FAR, and in which zoning district again? So they would have to stay with the PDOP zoning district.

[01:57:42] Staff had recommended that when they started with the application to change it to PDIP to be more consistent because the PDOP zoning district that they're asking for, the closest PDOP zoning district is over half a mile away. So they're surrounded by PDIP and PDGI, but at this point, there wouldn't be a way to change to PDIP at this point.

[01:58:06] They would have to start over again, the application, because it would have to be re-evaluated then under the PDIP. We have been evaluating under PDOP this entire time. Okay, but staff is agreeable, or would be amenable to 1.0 FAR at PDOP?

[01:58:23] Well, yes, PDOP, because PDOP, even though it allows up to two FAR with the specs, it's correct. It would still be more consistent, at least, if they were down to the 1.0. Okay, thank you. And then I'll follow up with the applicant when the time comes.

[01:58:44] Thank you. This thing is mammoth, and to do the specs would make it more mammoth. And, you know, I just said, you know, doing one thing doesn't create a precedent, And I think that's that's true. But boy, I would hope, you know, I don't know if anybody around this would want to look at this building this large or not, but I would not want to even, you know, go down the road and make an oppressive preference of having buildings that are this large.

[01:59:16] I mean, when every other the tallest building around it is 35, this thing is 100 feet and then they're asking for more area. I, yeah, I'm kind of taken aback by this. I do appreciate the materials being used and such, but this is a very big building.

[01:59:40] Anyway, I'll go to the applicant, and you guys can talk to us about it. You have 10 minutes. You're ready when you are. Thank you. Awesome. Thank you. Good evening, Chair Randall, supervisors. My name is Amanda Williams, a land use attorney with Cooley. Happy to be here tonight on behalf of the applicant, Align Data Centers.

[01:59:57] I do have Dave Robison here with me from Aligned and also Ryan David at the table from Urban Project Engineers to answer any questions. Lori, sorry, we're on the presentation. It's coming. We will stop your time until it gets there. Thank you.

[02:00:13] I just had to find your, here it is. There we are. There we go. You can flip to the next slide. So Lori obviously did a great job, but quickly, the property outlined here in yellow, you can see Route 28 noted on the right of the screen here.

[02:00:30] This site is really tucked back into an industrial corridor off of relocation, also just south of future South Sterling Boulevard, which is an active roadway project with the county, which, as we'll explain, the impacts of that cutting through the site is a big part of the reason that we're here. Next slide. Specifically, the site is zoned R1.

[02:00:48] The previous property owner opted into the corridor industrial optional overlay district, so data centers are by right. It is plans for suburban industrial, as you've heard. It's also surrounded entirely by industrial uses, which we've talked about, and not just on its four sides, but this kind of entire area is industrial or commercial.

[02:01:05] A site plan was improved in 2022 for that 300,000-square-foot, four-story data center that is very much under construction on the site today, and I'll show you a recent image of that in a moment. Next slide. So specifically, we are requesting to rezone to PDOP to facilitate the expansion of the existing data center.

[02:01:23] And you can see right here the existing building shown in gray, the impact of South Sterling Boulevard shown in orange, and that the expansion that this application would permit is shown in purple. And you can see that extends back away from the roadways towards an adjacent data center site.

[02:01:38] Also requesting the special exception to increase the FAR to 1.13. I'll explain the .13 in a moment, and three modifications to accommodate the existing building where it already is, where Sterling

Boulevard cuts through the site. Next slide. So as you heard, staff has flagged concern about the scale of the project, and your initial reaction to a four-story data center might be, well, that sounds kind of tall.

[02:02:00] Here is an image of that data center and what it looks like on the site right now. This is about a week ago. You can see the glass going into that front facade there, and this is not the final architectural condition, but it's getting there. And we'll walk you through some more images to provide additional context of the building in the surrounding area.

[02:02:16] But we do feel strongly that this is the exactly right location in the county for a data center at this scale, allowing a really innovative and efficient use of the land in an appropriate location. Next slide. So staff's concerns seem to largely boil down to compatibility from their perspective based on the language of the comp plan, which we acknowledge that tension for them, but how lined was very intentional in selecting this site in a very industrial location and the fact that there is no residential anywhere near this.

[02:02:45] The property is in the airport impact overlay. It's in the 65 LDN, so it will never contain those types of residential residential focused uses we're in the suburban industrial place type where data centers are core use and the adjacent to suburban employment so really exactly where the county has planned for a data center use particularly right now so that we can avoid growth of by right data centers in other locations where we we know that you do not want to see them next to homes and community amenities and the reality reality is that building height was permitted by right and is already on the ground the properties around us also are permitted to go to that height by right so it's something to consider. And I think what we're really asking here tonight is the ability to

[02:03:25] expand on the backside of a BRIGHT data center adjacent to another data center. Next slide. So more specifically on those adjacent uses, the two bottom images here are those data centers to the north and the south. The top images are just examples of the distribution warehouse type pieces in this area. Next slide. The next two slides help illustrate the reality of how the building and its scale really does integrate into this area. And we can do that with real life pictures because the building is up. So the red arrow indicates the aligned building under construction.

[02:03:54] The right image is from the view of standing in the parking lot of a warehouse building to the north, and the left image is walking a little bit closer to the building along the sidewalk there on relocation. And as you can see, the building is not by any means towering over you. Next slide. The image on the left here is driving north on relocation from the other direction. The building in the foreground is that adjacent data center. The right image shows the building looking straight on from relocation drive in relation to the data center building to the south while the building is of course taller it's not overbearing or sticking out kind of like a sore thumb next slide here's a view of the elevations the top being the facade along sterling boulevard and

[02:04:32] the bottom being the southern elevation for that adjacent data center next slide rendering of the primary facade along sterling boulevard is what you're looking at here as you can see really a nice looking building even more in comparison to its surroundings not the sprawling facade that you typically see, more condensed, really giving it the appearance of an office building. We think the height actually helps with that. Variation in materials, setbacks, use of glass to give it that modern aesthetically pleasing look. Note that this is the ultimate view of the building that's on the ground right now, that

picture I showed you at the beginning. You actually can't see the expansion this application permits because it's on the complete back opposite side of the site. Next

[02:05:11] slide. This is a rendering of the facade along relocation drive. You can see the berm and hedging all the way along this facade and a good amount of trees. Next slide. Another important thing to highlight beyond the compatibility of this project in this location is Align's extensive coordination with the county on the South Sterling Boulevard roadway project during the processing of the buy right site plan. Align's worked closely with DTCI to accommodate that area for Sterling Boulevard with that buy right site plan and has since been working with the land acquisition team on a land acquisition to ultimately dedicate that roadway when the plans are complete.

[02:05:46] A big part of that was coordinating with DTCI to solve for the stormwater for the roadway. And what ultimately was agreed upon is Aligned agreed to design, construct, and maintain a stormwater vault on their property at no cost to the county, which is important because the county was originally planning for a stormwater pond.

[02:06:03] What you're looking at here is a close-up of the site that shows you where that stormwater vault is. Again, the existing building in gray, and you can see the location of the vault in blue. There are a variety of benefits to this, the most obvious one being cost. aligned will pay for the construction and maintenance for the life of the road and the county will not incur that cost accelerates the timing aligned has already designed and processed a site plan amendment for that almost to completion so that it's ready to go when the county needs it also environmental environmental benefits removes more phosphorus more efficiently and allows the introduction of some plantings we'll touch on in a minute we also wanted to speak to next slide we

[02:06:40] also wanted to speak to the FAR and the contacts for the specific requests for the 1.13 that the crux of that 0.13 above the 1.0 is to accommodate the roads. As you can see on the left this is the boundaries of the site and the size of the parcel as it sits right now with our existing building on it and the proposed expansion. If no roadways were considered we were at roughly your typical 1.0. On the right when you take out the land area for the roadway dedications then we bumped just above that to the 1.13 because we're calculating our FIR on an overall smaller site area. This is for the same size building and the same impact. So there's no practical difference

[02:07:18] between the 1.0 and the 1.13 from our perspective and the crux of it really is the result of a line's comprehensive coordination on a regionally beneficial roadway project. Next slide. Here's a snapshot of the development plan. You've seen the existing building and the impact of the roadway and our proposed expansion which goes back towards that adjacent data center site. I'll also note the two areas in green are an area of pollinator plantings and riparian buffer plantings we work closely with nrt on that are about a third of a size a third of an acre in size and the stormwater vault there again noted in blue and there's also a tree buffer noted in yellow between the proposed

[02:07:55] expansion and a data center there's no landscape buffer required there but we did provide that transition in coordination with the planning commission next slide briefly there are three modifications. Each of these is needed to account for the existing building where it is already located. Once Sterling Boulevard cuts through, that building will become non-conforming, and so these are essentially cleanup items. Importantly, none of them are needed for that proposed expansion on the back. Next slide. So this slide summarizes our profit proffer package, which we are really proud of. Data center uses only design

requirements, including the building elevations, dedication and construction of improvements to relocation drive, dedication for Sterling Boulevard, a contribution

[02:08:34] towards improvements to old ox road and the relocation drive intersection which is off-site low impact development the tree buffer and the plantings we just discussed a commitment to 80 native species and that commitment to construction and maintenance of the stormwater bolt to accommodate the stormwater for the roadway extension next slide so lastly i will reiterate the unique scenario we are in on this site with an already developed data center on it this application i think is really a matter of allowing for the most efficient use of the land to both the county and the Lions benefit and maximizing data center density where the county has specifically planned for data center uses.

[02:09:10] We all know that data center demand exists, and I think the question is, if this is not the location for a data center of this kind, then where is it? So with that, I'll wrap up, and we'd be grateful for your support, and we're, of course, more than happy to answer your questions. Oh, that was a good job.

[02:09:30] That was a good job. I was kind of out the park there. Oh, Colleen. You can't see behind you what's going on back there.

[02:09:46] Ms. Glass. Thank you, Madam Chair, and thank you for the presentation. So do you all know where your power is coming from and if there's enough capacity to power this expansion? We do.

[02:10:07] So we have been, since the beginning of this project, working very closely with DEV and obviously given the recent situations we we did find out that our power will be coming in phases so we do have a phased plan with them that you know we have some power currently that increases over the next three years we don't have full power for the building until 2026 but to kind of give you an idea all the power is coming from the local substations

[02:10:40] in the area um our bridging power which is basically coming to us from pacific and global substations that are local to that area um those are what's giving us our power until we get full power um the full power is coming from ocean court substation um and that is scheduled right now we just had a meeting with dev last week uh to be complete uh 10 22 25 um and that's right i'm sorry to cut you off, but I have a couple more questions. Does Dominion or NOVAC need to run power lines or build another substation? I know you

[02:11:16] mentioned that you mentioned the substation is coming from. Yeah, so our permanent power comes from Ocean Court and that's under construction right now. Right now we have worked with them on all of the easements required to come to our site. They're not all finalized yet But we have the final one in progress at the moment.

[02:11:44] So they're all underground. There's no overhead lines coming from those to the site. Okay. Would the applicant be willing to proffer to architectural guidelines that would address staff's concerns? I think we've worked, we did work closely with staff.

[02:12:01] And, you know, we are building and have already built the building that you're looking at. And we have specific architectural proffers that we've included, including the elevations. I think, you know, it's tough with the building that's under construction, but there might be some things we could possibly consider. Okay, and one other question is, and I think you explained before, but can you explain again why you feel your calculation of the FAR is more appropriate for this site?

[02:12:27] Yeah, I think the bottom line with the FAR is that if this regionally beneficial Sterling Boulevard Roadway project was not impacting our site, we'd be in for a 1.0. And so it's not a practical difference.

[02:12:43] It's just that we're accommodating that. And so we're coming in at the 1.13. Thank you. I'm out of time. Ms. Bricksman? Thank you, Madam Chair. I'm going to combine two of my questions.

[02:13:01] And the first one is, was there ever an intention to expand north on that property? And then why didn't you just come in when you were building this the first time by right? Why didn't you come in and ask for just a larger project? The question about, I don't think there was ever an intention to expand to the north, the building.

[02:13:25] Okay. Because I feel like you're using the inability to expand to the north to be able to expand to the south. As you said, the only reason we're here is because of the road issue. Yes, and I don't think we're definitely not using that to our advantage.

[02:13:43] I think Aligned really tried to look at this comprehensively. They purchased the site. It had already been opted into the corridor industrial. They came in with the site plan, realized the road situation, really tried to look at this comprehensively with the site plan and the zoning application together. That was definitely not the intent.

[02:14:01] Okay. You said something about not being at full power right now. Does that mean you're operating with limited capacity right now? The building that's under construction is not commissioned yet.

[02:14:17] Once it is commissioned, there will be bridging capacity, but not full capacity. That's correct. Okay. And will this, if this were to be approved, would you need more generators on the site? The generators are already part of the plan.

[02:14:36] So there's an equipment yard that contemplates where the generators will be located. Okay, so you wouldn't need additional generators to what you have planned right now, or would you? Correct. The plans evidence whatever generators are going to be required should this plan be approved.

[02:14:54] There will not be an amendment to seek additional generators. What are we doing here? Okay, all right. And then are you saying that if this is approved, then you'll basically proffer the land to the county for Sterling Boulevard?

[02:15:14] We have not approved. If it's not approved, then we will have to condemn it and buy it from you, right? Is that the deal? I don't know that it's that black and white. What I'd say is the plan currently contemplates all the cooperation that we've done with DTIC.

[02:15:37] What we're proffering is the stormwater management. There's actually a purchase agreement that we've negotiated with DTIC as it relates to the land that's going to be included into the road project. If this does not go forward and we do not develop the project that we currently have planned, I think we'd revisit the plans that included the road and all the other stuff.

[02:16:02] Okay, I'm out of time. Thank you. Mr. Sainz. Thank you. All right, so why won't the applicant agree to what staff is proposing to do the 1.0 FAR? Do you want to take it? Sure.

[02:16:18] Well, before you go, you still get your extension building. Yes, it's not to the .13 that you're asking for. You're still getting a big expansion, still getting it at the height. It will be less than the building that our customer wants us to build.

[02:16:34] The .13 is meaningful from a user perspective, and it's tough. We did look at that. We did talk about that. It's hard to kind of lob that off. Also, from just a development perspective, the way the blocks of the data halls work and what they already had that a user had in mind, it's challenging.

[02:16:56] It is meaningful. Well, to me, it sounds like a secondary. What do you have in mind? You built the first building. The structure is actually currently built. The original structure is there. True. With the back wall. So if this gets approved or whatever, are you going to build a secondary building or you're going to have to knock down that wall that you already have and add the extension.

[02:17:15] It's going to be added. Exactly. So we're just splitting hairs here. So thank you for that. And then my fear, yes, this is a flex industrial area, but as you can see in the pictures, this building, your current structure now towers, and it does tower.

[02:17:34] If you go there physically and look, it does tower over the nearby warehouses and the other data center that's there. It does tower. There is, all it is is concrete. There is no berm. There is no trees or anything of that nature currently right now.

[02:17:51] So that's going to be way down the line. You just said the power, if you were to kick on the power right now, you would be at half capacity, it sounds like, for the current building that's in existence. And then the extension that you're looking to build, you couldn't even really power that up, it sounds like, until many years down the road.

[02:18:08] But my fear is your neighbors, once the other data centers see this happen, then the data centers are going to come knocking to them. And we saw it with another application recently that they're going to take these flex industrial spaces that are serving other uses and make them an offer they can't refuse.

[02:18:24] Then we're going to get other data centers at the 1.13 and higher possibly and turn this into a towering facility next to 28. And then the Sterling Boulevard extension, that's going to be a high traffic extension because that's going to connect to Loudoun County Parkway and to the other side.

[02:18:45] So we're going to see a lot more traffic than what we're currently seeing now on this road.

[02:18:59] So I'll just simply say or ask the applicant to please, well, at least for me, please look at going to what staff is proposing, the 1.0 FAR, and take that into true consideration and work with us to get your extension and help us get with the water, the underground water and work together. Thank you, thank you, thank you. So I will tell you, I've seen this application a couple of times.

[02:19:16] I've seen the pictures, and I was a pretty solid no, and now I'm not. So I did want to just correct one thing, just because I don't think we should leave that sitting out there. When you said, and I'm paraphrasing, to do this here may mean that another data center by right that shouldn't be somewhere else may not go there.

[02:19:36] That's probably not a valid and provable statement. data centers are going by right wherever they can, even if we are allowing and voting for things like this. And so I don't want that to be left on the table and not. It's a good talking point. I caught it. I'm going to say to you, what I've said to your mentor many, many times, is that sometimes some lawyers are so good to make me a better supervisor, because I have to listen really closely when they start talking. So I just wanted to say that's probably not true.

[02:20:09] But otherwise, that was a helpful presentation, and I want to hear the discussion my colleagues are going to have when and if motions are made. In the meantime, we do have one speaker on this item, and that is Jim Bingle. Ms. Bingle, if you can come up, I'd appreciate it.

[02:20:26] Good evening. Good evening, Chair Randall. I'm Jim Bingle, and board members, sorry. I'm speaking on behalf of the Piedmont Environmental Council, and we support staff's recommendation of denial. but I'll focus on unique land-use impacts arising from data centers that aren't usually discussed.

[02:20:49] While this data center is currently approved for 306,000 square feet, the additional square footage would bring it up to just under 450,000 square feet. And I have to say, the work on the road in the front seems irrelevant to the addition of another building on the back.

[02:21:11] they don't relate, except for that you might get the proffer. The impacts that I'm referring to arise from the energy that data centers demand. Already huge energy consumers, as technology advances, data centers are able to fill their buildings with more efficient equipment and more of it, causing an even greater energy demand within the same footprint, and expansion just increases that demand. You all know that. In turn, though, the land use impact that I'm talking about

[02:21:47] is more substations and more transmission lines, even though they said that theirs are covered. But the reality is, when data centers are not required to site a substation on the property, and it's not part of our requirements in the current, even in the draft zoning ordinance rewrite, That means that Dominion has to find a way to provide that power within the community.

[02:22:14] They have to find sites for those substations. And while you are all aware of the additional transmission lines that Dominion has been planning, you may or may not be aware that in the next five years, Dominion projects that it must double the number of substations from the 35 that currently serve Ashburn Data Center Alley to 70.

[02:22:38] Where will those additional 35 substations go? You might say that's Dominion's problem, but approvals that Loudon makes exacerbates the issue. And so we really need better planning and tapping the brakes.

[02:22:55] I understand this is in the right place, et cetera, et cetera, but you can't ignore this problem. Thank you. Thank you. Thank you very much. Okay, Ms. Glass, this is in your district. Would you like to make a motion? Yes, Madam Chair.

[02:23:20] I move that the Board of Supervisors forward LEGI-2023-0035, ZMAP-2022-0008, SPEX-2022-0024, SPMI-2022-0014, ZMOD-2022-0028, and ZMOD 2022-0083 Aligned Energy Data Center to the December 13, 2023 Board of Supervisors public hearing for action.

[02:23:48] Motion's made. Seconded by Supervisor Sainz. Discussion on the motion. Mr. Glass. Thank you, Madam Chair. I would just like to thank staff and the applicant for their presentations tonight. I look forward with the applicant to address many of the remaining outstanding issues as we can.

[02:24:07] And I do have concerns about setting a precedent to allow a data center to build above 1.0 FAR. I know you all said that it's 1.13, but my concern is next time around it might be 1.15, 1.2, and so on.

[02:24:29] That's my concern. But I will think more about that before our December meeting. Thank you, Madam Chair. Thank you. Ms. Bricksman. Thank you, Madam Chair. Yes, I'm on the fence on this one as well.

[02:24:48] I'm very concerned about the precedent this might set. And this appears to be the place for data centers. Obviously, they're all around there. But I have concerns about what Ms. Bengel said with the power issue.

[02:25:08] And I have concerns about the precedent of going over 1.0. So, Bob, definitely going to have to mull it over before December. Thank you, Madam Chair. Thank you. Mr. Turner. Thank you, Madam Chair.

[02:25:25] The bottom line in this thing for me is if we approve this, we're going to save a whole lot of money on the Sterling Boulevard extension and the stormwater pond development. We'll get a pollinator garden. They'll be maintained by the applicant.

[02:25:41] It will save the county a very large amount of money if we approve this. And we will spend a lot of money if we don't approve this. So that goes then. The next issue up is a substantive change to an existing facility. And I just don't find it to be a substantive change.

[02:25:58] It is an incremental change to an existing data center. And I just think that we're throwing away an opportunity here to have an improvement on Sterling Boulevard and a stormwater management pond and a pollinator garden that is maintained by the applicant, that's a pretty good deal for the county.

[02:26:18] The most compelling argument is what Ms. Bingle just said, which is the increased power usage. The simple truth is incremental legislative applications such as this one are not going to make a twits worth of difference in the power constraints that we have in this county by Dominion Energy.

[02:26:37] This is a microscopic bacterium compared to the size of what we have to do with energy in Loudoun County and data centers. We certainly should, in my judgment, not be approving legislative applications for brand new data centers in Loudoun County, particularly if they're next to residential areas.

[02:26:58] But let's face it, we're six, seven years behind the times right now in being able to manage this growth. And I'm not pointing the finger at anybody. We are just behind. We're lagging the eight ball right now in managing this growth and we're playing catch up.

[02:27:14] So having the illusion somehow we're going to solve the energy problem by voting no to an incremental data center power usage increase such as this one is just it's illusory. It just is. We need to make some pretty big muscle movements to get control of the fossil fuel consumption in this county.

[02:27:30] Personally, I think nuclear is the answer. And many of you heard me talk about that before. Yeah, there are going to be more power lines in Loudoun County. Yeah, there are going to be more substations. And if we stopped all data center growth right now, there would be more substations and more power lines because we're lagging so far behind.

[02:27:47] But this application is not going to solve that problem. It's a compelling point. It ought to be brought up every time we have to vote on a data center. But it's not, in my judgment, a make or break on this application. So I'll be voting for the application. Thank you. Thank you, Ms. Umstead. Thank you, Madam Chair.

[02:28:04] I agree with a great deal of what Supervisor Turner just said. I intend to support this application. The fact is that data centers, according to Dominion itself, are the main drivers for clean energy in Dominion's portfolio of energy sources.

[02:28:30] Some data centers already have self-imposed requirements of 100% clean energy, wind, solar, in some cases hydroelectric. So data centers are probably the one entity that is leading the way away from fossil fuels as an energy source.

[02:28:53] They also are what enable us to work remotely. They were the one sector, the economy, that kept us afloat during the pandemic when people couldn't go into the office, and they've consistently led the way in environmental protection.

[02:29:12] So I think it's important for us to note that. I think it's also important to note that as we go forward trying to accommodate any commercial growth in the county, we're going to have to be flexible. And this could have been an office building that was asking for 1.13 FAR.

[02:29:35] But if we're going to impose on ourselves very strict rules that no matter the needs of the commercial economy to expand, we won't let it expand to a greater FAR or build to a greater height, then our commercial sector is going to slowly begin to fade away.

[02:29:57] And that results in higher taxes for everybody else. So I think this is a good project in the perfect location, and I'll be happy to support it. Thank you, Mr. Sains. Thank you, Madam Chair.

[02:30:12] Actually, can I ask staff a question? Absolutely. Staff, in theory, could the applicant still do the underwater drainage with the 1.0? Yes, I'll let DTCI answer, but yes, yeah.

[02:30:28] So yes. That was an agreement, yeah, that they had. That's why they were doing the underground storage. It's the reduction of the parcel size by giving up the road. It's not the stormwater underground. Okay, but in theory, if you agree to do 1.0 FAR, you still could do the drainage system?

[02:30:49] They're not mutually exclusive. Okay, I just want to put that out there and make sure my colleagues hear that. Again, if the applicants agree to 1.0, as staff is asking them to do, they can still do the drainage and proffer that, and we wouldn't have to pay for it. So that argument about, oh, we should prove this at 1.13, what they're asking for, to get the drainage, again, they still can do it if they agree to 1.0.

[02:31:12] And, Supervisor, I think it's just a matter of when the 1.0 versus the 1.13 is calculated, and that's the difference of opinion. But again, in theory, yes or no, it's still possible, yes? Depends on what you just said. We haven't planned for that is, I think, the reality.

[02:31:29] So we don't know for sure. We would have to kind of re-concil this. I just said yes two seconds ago, but anyway. So it's one or the other. So we have until December to figure that out. So I'll be working with the applicant and staff to see if we can come to an agreeable situation.

[02:31:45] And, again, I'll be pushing for the 1.0 FAR and then, again, like I said, working to see if they actually can do the drainage and figure out and everybody come to a happy medium where you're getting your extension, we're getting the drainage system paid for by the applicant as they're proffering at the 1.13.

[02:32:01] So, the motion is moved to December. We'll continue to work and see what we can come up with. So, that will be my position. Thank you. This was an interesting conversation, and I appreciate everyone's take.

[02:32:17] I don't know where I will stand on this. Like I said, I came in with an absolutely not, and now I'm kind of on a middle ground. I don't know. I think Ms. Bingo makes a good point, and I'm going to respectfully disagree with my colleague, Mr. Turner, because you are correct.

[02:32:32] Just this one addition or extension or higher FAR is not going to make a very large difference in power usage. But if we do this, you know, it's a commutative effect. You do this over and over again, and it will start making a difference in power usage.

[02:32:49] And, you know, I don't know that I can totally ignore that. But on the other hand, it's a great place for this use. It's what we've zoned it for. I would much rather this would be some different type of use in the data center just because I really want to start, you know, with the respite in our economy, but that's not the discussion we're having right now.

[02:33:12] It is a nice enough looking building, you know, what it backs to, no one would see anything. It's not near residences. What I will do before we get to the vote in December is go out and look at it, because some things from pictures, the angle you take a picture, you really can't see, you know, Mr. Sainz says that it's like it looms up with everything that dwarfs everything.

[02:33:32] The picture didn't look like that. But I'm going to go out and take a look at it just because at this point I'm just curious, to be honest, to see how it looks. And so I just don't know yet, but I appreciate it. I thought it was a really great conversation, and it certainly moved me off of where I was to where I am now. So we'll see.

[02:33:48] Did you have something you wanted to say? Your light's on. Oh. It wasn't on before. It just came on. You must have leaned on it or something. All right, Ms. Glass, would you like to close?

[02:34:04] No, Madam Chair. Okay, so this motion that was made by Supervisor Glass and seconded by Supervisor Sainz is just to move this to December 5th, is that what it was? December 13th, December 13th. Okay, all in favor, please say aye. Opposed?

[02:34:20] Aye. That motion will pass unanimously with Mr. Buckingham being off the dais. And so thank you very much, and we'll see you guys back here. I'm sorry for the Commonwealth, but we are gonna need to take a break. Thanks.

[02:56:16] Hi, everyone. We are ready when you all are. This application is in Ms. Glass's district, correct, Ms. Glass?

[02:56:32] This is your district? Okay. And we are ready. Okay. Good evening, Chair Randall, members of the Board of Supervisors. For the record, my name is Bryce Johnson. I'm the county project manager for the Commonwealth Center residential application. The property subject to this application is located in the Broad Run Election District.

[02:56:52] It is an approximately 30-acre site located south or below of Route 7 and east or to the right of Loudoun County Parkway. The site is split roughly into two properties, the first being the Commonwealth Center Residential North, or CCRN, property, located on the north side of Russell Branch Parkway, and the Commonwealth Center Residential South, or CCRS, property, located on the south side of Russell Branch Parkway.

[02:57:18] Think N for north, S for south when looking at the CCRN and CCRS labels. The property is located within the Commonwealth Center development, which is partially developed with commercial uses.

[02:57:34] It is also located across Loudoun County Parkway on the opposite side of the mixed-use One Loudoun development. Tonight, the applicant proposes a zoning map amendment, or a ZMAP, to rezone

the approximately 30-acre site to the R24 ADU zoning district.

[02:57:49] the applicant proposes to retain approval for residential units on the north property for up to 507 multifamily units, including a mixture of multifamily stacked and multifamily attached units. For the south property, the applicant proposes to rezone the site out of the planned development commercial center or PDCC zoning district in order to allow up to 118 multifamily attached units. The applicant does propose to allow 34 attainable housing units that are currently required for the north property to instead be provided on the south property

[02:58:24] that is dependent on the applicant securing low-income housing tax credit or LIHTC financing, which I'll go into later. The applicant also proposes a number of zoning modifications summarized on the screen. For the south property, I will note that these modifications are required in order to allow development of residential uses on the property.

[02:58:45] This includes reducing the required parking for ADUs and eliminating a buffer between the South property and the adjacent commercial uses. The applicant also proposes zoning modifications to the remaining PDCC zoning district, which are summarized on the screen, to allow the removal of the South property out of that zoning district.

[02:59:07] Here is an excerpt of the applicant's concept development plan for the South property, with the multifamily building highlighted in yellow, oriented away from the street behind the existing commercial uses. Because the applicant proposes to retain the existing approval for the North property, staff's analysis does focus on the new development for the South property.

[02:59:26] Can you say that one more time, please? So, because the applicant proposes to retain the existing approval for the amount of housing for the North property, staff's analysis does focus on just the South property. Okay, okay.

[02:59:44] Staff has identified a number of policy issues for the board's consideration tonight. These are briefly summarized on the screen. The first issue relates to the land use policies of the 2019 general plan. The property is located in the suburban mixed-use place type, which does envision a mixture of uses, not just residential uses as proposed.

[03:00:07] However, the general plan does allow up to 100% residential use if three general criteria are met, first of which being that the property is less than 20 acres in size. Staff notes that this is partially met, however, due to the inclusion of the North property, the overall project does exceed this limit and allows the applicant to modify existing affordable housing commitments.

[03:00:32] Additionally, the proposal is not fully consistent with the infill policies of the 2019 general plan. That's because the applicant proposes a multifamily building adjacent to existing drive-through commercial uses. Those uses can't fully integrate together as anticipated for an infill development.

[03:00:54] Next, staff has identified issues with the proposed active recreation. The 2019 General Plan recommends that individuals have convenient access to recreation amenities. This is intended to provide an integrated walkable community. This is also reflected in the zoning ordinance requirements that active recreation amenities be accessed via internal pedestrian walkways.

[03:01:15] However, the South property is not large enough to both provide the 118 multifamily units and meet the active recreation requirements of the zoning ordinance. Therefore, the applicant proposes that

some of the active recreation requirements be met by including active recreation on the North property.

[03:01:33] I will note that if the applicant does acquire LIHTC financing and the South property were to develop with entirely affordable housing units, they would technically meet the zoning ordinance requirements for active recreation because the zoning ordinance only calculates active recreation on a per market unit basis so therefore there would be no requirement however the zoning ordinance does anticipate that affordable housing be dispersed amongst the approved development rather than separated out across a in this case a four lane median divided major

[03:02:10] collector roadway so staff does continue to recommend that the active recreation be provided on site as recommended by the general plan and the zoning ordinance. Next, staff has identified issues with the proposed affordable housing. The 2019 general plan anticipates a range of housing options and to retain any existing affordable housing. This is reflected in the zoning ordinance requirements for affordable dwelling units or ADUs. The applicant proposes to develop according to one of two scenarios dependent on whether or not they secure LIHTC financing. Under the first

[03:02:46] scenario, if the applicant acquires LIHTC financing, they propose up to 80 affordable housing units, or AHUs, all of which be located on the south property. That is a minimum. I will note, as I said earlier, it could develop up to 118 total units, so the remaining units could be additional market rate units or additional affordable units. However, if the applicant does not acquire LIHTC financing, they propose to retain the existing commitments for affordable housing on the north property. That includes 30 ADUs and four unmet housing needs units, two of which are for purchase units, as well as the 12 required ADUs for the south property. Again,

[03:03:26] that's just the two scenarios. Under the first scenario with the LIHTC financing, all units would be placed on the south property. No units would be placed on the north property, affordable units that is. The effect of the first scenario with LIHTC financing is briefly summarized on the screen.

[03:03:42] This is a net gain of 34 units when comparing just the two scenarios. However, it does mean a loss of the variety of units that are proposed for the north side or otherwise would be proposed for the north side. Again, the north side included both multifamily attached and stacked units.

[03:04:01] It did include two for-purchase unmet housing needs units. This also allows the applicant to concentrate all the affordable housing units into one building instead of being dispersed amongst the development. This is inconsistent with the housing and infill policies of the 2019 general plan.

[03:04:21] Additionally, staff notes an issue that stems from the timing of development. The applicant could develop the north property first, and in this scenario, the proffer states that if an ADU is already developed and occupied, the applicant work with the county to remove the restrictive covenant associated with the ADU.

[03:04:39] Essentially, a family would be living in a rental ADU. It would no longer be an ADU. They would no longer be able to afford to live in that unit because it would be subject to market rate rents. The applicant is proposing to some relocation assistance to address that potential issue.

[03:04:55] It is summarized on the screen, including some advanced notification and coordination to the extent that they can to provide access to a comparable unit on the south side. However, these would be on the south side, LIHTC units subject to different percentage area median income restrictions than we see for an ADU.

[03:05:15] To be clear, staff cannot support removal of existing ADU covenants. So we do not support the inclusion of the north property for the purposes of essentially removing the range of housing options that are provided and concentrating the affordable housing onto a separate parcel.

[03:05:35] staff also notes issues with the proposed relocation process summarized on the screen if the board is to support approval of this project staff would recommend that the board provide some guidance as to how to address this issue the first priority would be that the adus not be occupied at all if they there is the potential for the adu status to be removed finally staff identifies issues with three of the proposed zoning modifications regarding the proposed reduction to parking the applicant

[03:06:10] is proposing 1.2 spaces per adu or ahu staff continues to recommend the applicant provide additional justification to support why that would could be accommodated here staff notes the board has approved reductions for parking for affordable units but it has always so far been at 1.5 spaces per unit. This is less than we've seen before. In regards to the modifications to the PDCC or Plan Development Commercial Center Zoning District, some of those modifications are just strictly inconsistent with the intent of that zoning district. Staff cannot support those. The Planning

[03:06:46] Commission recommended denial of the application at their September commission work session. Staff also recommends the board deny the applications. The proposal is inconsistent with the land use and housing policies of the 2019 general plan. It is also inconsistent with the stated purpose and function of the ADU program as it exists today. If the board supports the application, staff does recommend providing direction on the active recreation, the allowed relocation of the ADU tenants, and the proposed parking reduction. I have Marie Pham with DTCI and Brian Regan with housing

[03:07:21] available to help answer any questions the board may have. Thank you. Before I go Ms. Glass, were there proffers that were requested from staff to the applicant in the past 24 hours?

[03:07:40] Say that again. Requested from staff to the applicant that the applicant had not heard about before in the past 24 hours? Not that I know. There's been no, the feedback to the applicant has been the same as through the process.

[03:07:57] Nothing's been requested of the applicant that wasn't already requested of them in the past 24 hours. Okay. All right. Ms. Glass? Thank you, Madam Chair. Thank you, staff, for the presentation. Is the applicant proffering to a playground as part of their recreation facility on the southern property?

[03:08:18] So they are proffering to a play area as part of the active recreation for the south property. If there's interest in a playground or a tot lot as similar to what's been approved for the north property, I would recommend that the board request that for the proffers.

[03:08:37] Okay. At what percentage of AMI does a rental unit become about the same price as a market rate unit? Supervisor Glass, it's right around 60% or 65% of the area median income.

[03:08:54] 60% to 65%? Yes, ma'am. Okay. Does this application proffer to a unit AMI percentage as part of the LIHTC building? No. Is there a unit AMI percentage other applications in the county have proffered to as part of their LIHTC buildings?

[03:09:18] Yes. So previous applications, there have been units proffered from 0% to 30% of the area median income. Okay. If someone is relocated from an ADU on the northern property under the ADU

scenario, would they have the option to immediately move into the new southern LIHTC building, or would it be that the resident would have to find new housing options?

[03:09:44] So, Supervisor Glass, the tenant, unless there is a leasing preference spelled out in the leasing agreement that the community has, the answer is no, in that the ADU household would return to the ADU wait list at that time.

[03:10:01] Okay. What could be built by Bright on the property under the current zoning? So they could develop at a 0.4 floor area ratio for the Planned Development Commercial Center zoning district. So that would be about 94,000 square feet.

[03:10:18] Some example uses would be car wash, vehicle sales, drive-thrus, indoor recreation. Okay. So a problem with the previous proffer has been discovered regarding a crosswalk on the eastern leg of the Loudoun County Parkway and Marblehead Drive intersection that deemed unfeasible.

[03:10:37] Could staff describe the problem and what was discussed regarding that problem? Right. And so the applicant, as part of their approved ZMAP 2020-0013 application for the site, had committed to putting in an off-site shared use path along the east side of Loudoun County Parkway that would extend from its current terminus down to Marblehead Drive.

[03:11:00] However, their proffers do specify that they would be relieved of this obligation if they have to make any changes to that actual intersection. And based on the CPAP that was submitted, VDOT does not support extending the shared use path down if they cannot actually provide the curb ramps and get all the way to the intersection, which was not included with their proffers.

[03:11:26] I'm out of time. Thank you. Thank you. By the way, Ms. Bricksman has left the WebEx. Mr. Turner. Thank you, Madam Chair. Am I correct, and this may be the ZOR, it may be current zoning, that if you have below-grade parking, you're allowed to reduce your parking requirement by 5% for every 100 slots below grade?

[03:11:53] So the zoning ordinance does allow for reductions in the required parking. That does include podium parking currently. And is it 5%? I don't know the percentage off the top of my head. Because as nitpicky as this is, we think that there are four slots off.

[03:12:10] If we could just take a look at that. In fact, maybe the applicant wants to apply to that. We think the standard is for every 100 spots and below grade, you get a reduction of 5%. That 5% would add up to four more parking spaces than we currently have. No, we think you've taken four extra slots in reduction that you can't take using that formula.

[03:12:34] So we think if it's correctly calculated, you'd have to add four more spots. It's not a deal breaker. I just would like to find out the answer if we could. That's all I have. Thank you, Madam Chair. Thank you. Is there any plan for staff to ask for more proffers tonight than have already been asked for to the applicant?

[03:12:54] And our recommendation is that it's consistent with what we've been recommending the entire time, which has been what's in the staff report. So there's nothing, there's no? The only thing I can think of would be in terms of how the relocation is addressed.

[03:13:11] That's something that staff has recommended that the applicant continue to work with us on to avoid the issue of tenants being relocated. That isn't intended to be a new ask, but to address an existing

issue that's been present through that.

[03:13:28] The relocation issue is an issue for me, and I can see that. And truthfully, the proffers have not been approved, and so there's not much we can do as the application tonight anyway. But I guess I'm a little, with all due respect to staff, I'm a little frustrated at the time that some of these things are taking.

[03:13:50] You know, there was a lot of things you said could only happen if they got their LIHTC funding, but tonight is the deadline for the LIHTC funding for them. When we push this off, and we're going to have to because the profits have not been approved, there are some things that they can't even apply for anymore without the LIHTC.

[03:14:07] Is that not correct? I mean, there are some things that they lose out on if they don't have LIHTC funding. So planning and zoning is separate from the LIHTC. But is that not a correct statement? So it's correct that it may cause them to not be able to apply to something this year.

[03:14:24] They can always apply next year, and I know that's a long time. It's a very long time. But it's not purely DPZ or the referral process in many cases that pushes these deadlines beyond the timelines you're looking for us to be able to meet. Are you saying it's the applicant?

[03:14:40] I'm not on this particular application, but the board has seen this. This comes up every year. It's not purely a staff. And I'm not saying that it is, and it's never purely one thing or the other. other, but no matter what it is, we have to work on fixing this. Let me ask you one more question, and you may not know this because this is not the staff that does this, and I get that. If somebody else is in the room that can answer these questions, that'd be great. I'm a little confused about the fact that the LIHTC funding tonight is for the 9% funding, correct? So we say that this is the deadline. However, this is our deadline, correct? This is the county's deadline.

[03:15:20] it's not the state's deadline is that correct correct and so if they don't do this tonight then the county is saying that is it is too late because of all the processes that we have to do is that correct to the best of my knowledge can somebody come up and ask answer that question maybe for me this does come up dan you are correct this does come up every year and that's the problem this comes up every year so so the nine percent deadline is the first business day of October of every year. For us. For the county, correct. And the same with the 4% in January and July. That's the county procedure. So that is in the guidelines that the board has actually

[03:15:58] approved. So if there would be any changes, then it would be up to the board to alter the multifamily home loan guidelines. Okay. Well, I'm out of time. I'm out of time. Thank you. I don't have questions. Yeah, Mr. Humspreet. So I just want to clarify an issue here. So I believe you made a request of me right before this meeting's public hearing started regarding timing on this application if it were to proceed to the November 15th public hearing and whether or not an application could be processed if a rezoning was approved on this application at that meeting I did check with the department director my

[03:16:38] understanding is as long as the board is willing to provide a waiver that they would have as much as late as November 20th to provide the application is that correct correct so if the board is willing to provide a waiver that's correct okay belkas did you want to say something else i can't hear you ma'am um the the applicant already applied for the waiver yes okay so all right for the i mean for the loan i'm sorry as long as there is a waiver by the board sure sure sure i understand this is a similar situation

[03:17:13] as the previous it's just easier to yeah i understand i understand okay thank you good evening. Ready when you are. Good evening. For the record, my name is Colleen Gillis. I'm an attorney with Cooley. I'm joined this evening by Bruce Gould of Peterson Companies. And then I've got Bill Junda of Gordon, who's going to answer some of your parking questions, Supervisor Turner and Ben Wales of Cooley. Next slide. So as we reach out to some of your, all of your offices,

[03:17:49] some of you said, didn't we already do this? And the reality is, is that it sounds very familiar to what you did approve last year, and that is the current approval, 2020-13. 507 dwelling units, 222 of which are 2 over 2, the balance of which are apartments.

[03:18:05] And with this application, we were only able, because it was so far along in the process by the time that you adopted your unmet housing needs strategic plan, we weren't able to meet your objectives, the board's objectives with regard to affordable housing. And so what we were able to commit to was 34 affordable units.

[03:18:21] That equates to 6.7% total affordability, far less than what you all asked us to do and wanted us to do with the adoption of that unmet housing needs strategic plan. One of the ways that we proposed to meet the gap, to fill that gap, was a \$1.1 million unmet housing needs contribution.

[03:18:39] And at that time, we spoke with many of you and said, listen, we'll be back. We will build, we will propose to build a LIHTC building, and we talked about where it would be on the property and put more affordability by moving those units over to create the funding source on our side in order to do this project.

[03:18:58] And that's what this is here tonight to talk about. Next slide. That LIHTC building is located in this location. I spoke, it's a shame Supervisor Brissman isn't on the call any longer. She was like, I would love to live right next to the Silver Diner. That's fantastic.

[03:19:13] I'm there all the time but this is really ideally located for anybody and if this project were not a LIHTC building we affirm that this would be a premium rent apartment building overlooking the Heron Overlook Park right next to the off-site ball fields walking proximity not just to these uses but to Topgolf one loud and across the street we think it's an amazing amazing amazing location And so what you can see bubbled in the red there, dashed in the red, are two on-site active recreation spaces, not required by the ordinance, but we think a really nice amenity for those folks that would live in that LIHTC building.

[03:19:53] And we hear, next slide, we hear you, Supervisor Glass, you made a comment, are you proffering to a tot lot? We intend to build a tot lot. It wasn't described that crystal clear in the proffers, and we're happy to change the proffers to reflect a tot lot in that location. This is one of those open space areas, and that will happen whether it's a LIHTC building or it's a market rate building.

[03:20:15] Next slide. And we've also designed this additional open space area. We think that this is really nice. These are great amenities, and that will be available to the folks who live here. Next slide. We know, Chair Randall in particular, design matters to you tremendously.

[03:20:30] And it doesn't just matter to you obliquely to all buildings in the county. I know. We've had so many conversations about it, but in particular for LIHTC buildings. So I wanted to point this out. So our requirements, these are illustrations, illustratives of the buildings to the north. We have committed that these buildings in the north, this is what you approved last time, would have high-quality materials on 30% of their facades.

[03:20:51] With this LIHTC building, we're upping our game. That building will have a minimum of 50% high-quality facades, and we're also committing that each facade will have a minimum of two high-quality materials on each facade. So even though we're obviously tethered by the LIHTC requirements and the design there, we are ensuring that you're getting your base minimum, that it's going to be an attractive building, that it's going to be even better in terms of quality and materials than what's approved for the units to the north.

[03:21:20] Next slide. And this approval brings us closer to the recommendations for the suburban mixed-use place type in this area, and that's why we think that this makes a lot of sense. You might think of it as just one building, but it really brings us closer, but we're It's still not meeting that minimum of 60% residential and suburban mixed use.

[03:21:39] Next slide. Staff raised a comment to us when we were at the Planning Commission work session about the proximity of active recreation in the project and the proximity of active recreation in the north for those who live in the south. To be clear, if it's a LIHTC building, all of the residents in the LIHTC building have access to the active recreation amenities highlighted in STARS in the north, those and those folks in the north will have access to the active rec in the south they said look it's going to be we think it's going to be difficult to get there this distance between the light tech building and the active recreation to the north is 600 feet 600 linear feet as the crow

[03:22:17] flies a thousand feet if you're walking it across those pedestrian activated signal controlled intersections crosswalks as well as all of those ample trails next slide and we started to scratch our head and say, sure, I'm sorry, flip back. All of those bright blue lines are those trails along.

[03:22:36] We didn't, it got too cluttered to put all of the internal sidewalks, et cetera, but we're showing that there's mixed shared use paths along the roads, along Russell Branch Parkway, along Loudoun County Parkway here to show that there would be access. Next slide. We started to think, well, is this any different from other situations? And the reality is, is the proximity of the active wreck to the building, to the units, is much shorter in the condition we're proposing than in some very close by or other examples. One Loudon, the distance from the townhomes, those really nice looking townhomes in the north, to the clubhouse just on the south side of Russell

[03:23:13] Ranch Parkway, 2,800 linear feet. In Brambleton, there's a pool and a bathhouse that's currently under construction that is fully separated from any of the residents, any of the Brambleton residence by a four-lane divided road, Ryan Road. And Birchwood, what you can see on the right, that red star, is the LIHTC building at Birchwood. And you can see 3,100 linear feet away is the clubhouse overlooking the pond. You can also think of examples in your neighborhood. Ben Wales of my office lives in Lansdowne, and he was giving me examples in Lansdowne of having to walk quite a distance in order to get to a pool or a bathhouse. So this exists elsewhere, and we don't

[03:23:50] think that this should be an impediment to approving the application. Next slide. At its core, this is a question for the board, whether or not you want more affordable housing as a result of this action. We thought that, you know, we laid the groundwork for it when you approved Commonwealth Center North. What does it equate to? So the proposed development, currently we've got 6.7% attainable housing approved on the property to \$1.1 million unmet housing need contribution. Supervisor Turner, Chair Randall, you all talked at the last meeting about how many families that contribution will provide access to housing for. With the proposed development,

[03:24:29] which will retain the \$1.1 million on that housing needs contribution, that number almost triples from 6.7% to 18.8%. And even if for some reason LIHTC funding doesn't happen, we're still increasing the amount of affordable housing from 6.7% to 7.3%. That \$1.1 million, what was shared at the vote on the application for the North, is that it equates the closing costs for 79 families.

[03:24:55] And those 79 families don't have to live here. They could live in the Leesburg District, the Dulles District, the Sterling District, the Algonquian District. They can live anywhere. And so in total, between the 118 LIHTC units and 79 families getting access through closing costs, it's access to housing for 197 new families in the county.

[03:25:17] And we think that that is absolutely squarely in line with what you are hoping to achieve with creativity with the Unmet Housing Needs Strategic Plan. Next slide. We did work very closely with staff on what would happen if, to your point, Chair Randall, funding is delayed.

[03:25:35] What if we have to delay and we have to slip? What if we have to put a couple of people in the apartment building in the north and we need to move them into the LIHTC building in the south? We want to bring these on as quickly as possible. We want to make this happen, but we also have crafted this scenario to put these nearly three times as many affordable units in that LIHTC building.

[03:25:56] So the first thing is that we've agreed that at least execution, and I want to be very clear, we do not want to do this. This is a headache. This is a hassle. This is not our intention, but staff has asked us to give you a backup. At lease execution, we're going to let them know that they may not be able to renew their lease.

[03:26:13] We're not going to kick them out. They don't move in in two months, and we go, that's it, you're out. It's a one-year lease. At the end of it, they won't be able to necessarily renew and would have to be relocated to the LIHTC building. They'll be given a minimum of six months notice of any need to relocate. So we can't cut them off early in their term, and we've got to give them at least six months.

[03:26:31] It could be longer than a year, depending on how all of this works out. Third, \$1,000 of relocation costs up front. We're not going to make them ask us to reimburse or anything like that. And then finally, selection priority for tenants of ADUs to allow their relocation to an AHU with a comparable number of bedrooms.

[03:26:47] We are going to guarantee as well, we'll add to the proffers, at a comparable income range. We're not going to ask for somebody who's making 0% to 30% to move into a 30% to 50% unit. And we're happy to confirm comparable unit size as well. They will get that opportunity in a newer building, in a newer unit.

[03:27:02] Next slide. The biggest zoning modification, Bryce walked through the zoning modifications. They're made necessary by incorporating this use into a CC district. I think the one that probably most folks are thinking about is the parking. Next slide. And we're happy to dig in, Supervisor Turner.

[03:27:18] We've got Bill Junda here who can absolutely talk to what you suggested. Bottom line, what's proposed is 142 parking spaces, and ZOR would require 140 parking spaces because it allows for parking reductions based on ami bus service exists at the property today and we're proffering to two bus shelters on the property we spoke with vice chair sings about a project in his district that had some challenges with parking we dug in we're talking about 1.2 spaces per affordable unit in that project we pulled the site plan

it was 0.71 spaces so a half a space less per unit and if there are challenges there vice chair sage i I would imagine that would be that.

[03:27:57] I'd be happy to share that with you as well. But we're talking about more parking than that. With that, I'm happy to answer any questions, and thanks for the attention. Well, thank you. Thank you. That was helpful. Thank you very much. All right, supervisors, questions. Ms. Glass, this is your district. I'll let you go first.

[03:28:13] Yes. Thank you, Madam Chair. And thank you, Ms. Colleen Gillis. You're welcome. For your presentation. I said your whole name. It's okay. You didn't say my middle name, so I know I'm not in trouble. Okay. Um, so, um, let me get my questions correct.

[03:28:35] Um, oh my goodness. I'm just lost where it was. Okay. Um, you had mentioned the, um, about the tot lot and I appreciate that.

[03:28:51] Yes. Um, the other one that I was concerned about is, um, the discussion that we had, um, talked about, um, proffering a crosswalk along the northern leg of the Loudoun County Parkway Marblehead Drive um during that at that intersection um and I was wondering I know you all had um discussed you uh the discussion was had about having um a crosswalk on the northern

[03:29:26] portion that's that's the discussion that we had um because you said the at the eastern portion that is where you would all have to um there would be utilities and and signal light and all that which would cost a lot so my question is is it possible to would you be willing to proffer to a crosswalk on the northern leg um just right at the the area where you said that you could stop and across um it would cross over a loudon county parkway onto marblehead so that folks would be

[03:29:59] able to get to um um potomac green um yeah that parking i'll say this i mean um yeah and uh yeah you take it go for it thank you supervisor yes we had that conversation if we did that it's still going to require the relocation of several utilities of the traffic signal of electrical boxes part of the problem that we encountered with this was there's a 10 slope going down

[03:30:35] into merits building which means that we'd have to basically redo the intersection because it wouldn't meet ada requirements and that's where vdot had an issue with it we can certainly take a look and see if it's possible to do what you're asking but in order to do that you know i i have 12 more seconds and i do have one question one more question would be happy to take a look at it again yeah thank you would the applicant be willing to proffer to a specific ami amount for

[03:31:12] the LIHTC building? Yeah. So we scrambled a little bit before this and had a conversation. We're happy to proffer to a weighted average AMI of 60% or lower. Okay. Thank you. Yep. Thank you. Ms. Upstead. Thank you, Madam. Thank you, Madam Chair. So staff has a note that the applicant has declined to extend the critical action date past, excuse me, October 23rd. That's still the position we are willing to extend the critical action date for the public hearing in november

[03:31:51] so november 13th november 15th but not to december which i think was the staff recommendation right we'd very much like to get through this process so that we can we can deliver on the project that we've been talking to you all about for a year yeah i understand thank you thank you mrs saints thank you um so on the original application correct me if i'm wrong the affordable units were in the north and then you're proposing with this to move all of it to the south is that correct yes so why

[03:32:25] not have this building rearrange and keep it in the north with all the rest of the homes why not put this building in the north with the other homes there's just not room there's not room to put this building into the north um there's just not there's not the space for it okay um and then And in regards to the parking, you're looking at 1.2.

[03:32:47] I think we've done 1.5 for some other properties, if I heard staff correctly earlier. So why not do the 1.5? Yeah. So a couple of reasons. One, we want to get as much affordable housing in there. And it's obviously a balancing act between how much is building, how much is parking.

[03:33:04] We have done the evaluation on our side. Getting to that number requires under the ZOR for us to have more 0% to 30% units, some of those smaller units. Additionally, we've got the proximity of the bus shelters to bus stops right there.

[03:33:20] Finally, I can't state this enough. Peterson owns and will continue to own the balance of that land in that land bay for the foreseeable future in perpetuity. My time's almost out. Got it. Hypothetically, we come, everything's built, people are moving in, but then we turn into, we do have a parking situation.

[03:33:40] How are you going to handle it? Yeah. So if there's a parking situation, again, because Peterson owns all of it, absolutely vested, it's going to annoy the people who have the commercial leases there. It's going to annoy the folks who have the residential units there.

[03:33:55] When you say annoy, what do you mean? If there's not adequate parking. If people are taking parking... Oh, if I'm in the building, can I park where the Silver Diner or the CVS or the Popeyes is? I would imagine that there's going to be times when people will park there, and the question is whether or not it's a nuisance or whether or not it's an absolute outright problem.

[03:34:14] But is that allowed with your current leases with your tenants? The leases do not expressly address this at all. We would have to address this in a lease amendment with them to address what would happen for them to be able to— Would the applicant be agreeable to put language to say, hypothetically, again, if there is a parking issue, would we be willing to work with our retail tenants to solve the issue?

[03:34:35] Yeah, we can have that conversation. Yeah. That's not what I asked, not about having a conversation. I understand that. There's a leasing attorney at Peterson. I don't do the leasing review, so I would just have to. You're sincere. Yeah, so, yeah. I can commit to you that we can have those conversations, but I cannot commit to you tonight that when we have those conversations, what the tenants will say.

[03:35:02] I don't have that ability to look into that crystal ball. But if there is a problem, yes, we can meet with them. we can't have discussions we can rework try to rework leases with them but just off the cuff to tell you if someone is willing to commit on that I can't tell you that tonight I'm sorry thank you well first of all I do want to thank you all because you did when we when we when we did the cash in lieu it was the first time we did something different and I have been talking about pushing outside

[03:35:40] inside the box and trying new things for since I've been elected and that was the first effort to do that and and it will help even more families so I do appreciate that Mr. Sainz answered my question as to as to you know why why the light tech building cannot be put on the north side because if it's just the same walk anyway why can't be in putting the other side and your answer was valid it's just too large I you know listen if I am lucky enough to be reelected I need all of us to go down to richmond together and

change this light tech process it is ridiculous that we have to put all of the attainable homes in one building in the way that we do i know that the

[03:36:18] financing is easier but there has got to be another way to do this this is just this is this this is really quite asinine to have to do it like this all the time um and you know there's also kind of all kind of other issues like you know stigmatizing that building and you know all those types of things. So just to make sure I understand what you all are seeing, we will need to do a waiver and you all will commit to do a date of the meeting, the public hearing meeting in November. Is that correct? Okay. Hopefully we can get a lot of these issues

[03:36:56] settled by then because I do think this is a really very good project actually. Is there any uh recreation in that building at all is there any is a weight room is there anything in there at all right now in the light tech building there is what's in there right now um sorry did you ask what is in there right now you know what's in there right now hold on we're grabbing the proffers i can say something cheeky right now while ben looks it up and go there's nothing in there right now because the building doesn't exist so cute so cute what is planned to be

[03:37:34] i know i know because i remember there was some plan to have something like in that in the light building. Can I tell you afterwards the next question? Sure, sure, sure, absolutely. I don't want to waste your time. We have a... 750 square feet of internal amenity space. Okay, so the idea that there's nothing there is not correct. There is some amenities that are there.

[03:37:58] Alright, well, you know, I wish we were further along on this application today, but I am very grateful that Mr. Hempstreet met me today and talked about how the fact that we could do a waiver so we can still get to the light tech funding and very grateful that you all agreed to change the critical action data extension to november and let's see what we can get done in in the next what is that month and month and a couple of days i appreciate that so we have one person to speak on this issue and that is jim bingle again from the piedmont and she's going to come up right now

[03:38:38] then i will go to miss glass for a motion good evening good evening chair randall and board members again. I'm Jan Bingle speaking on behalf of the Piedmont Environmental Council. It's really interesting to watch a project go through the process, to hear the conversations and what happens at the planning commission, what staff talks about, what the applicant talks about,

[03:39:09] etc. And now here to hear a backstory that I don't know, I didn't hear before. The difference between what it looks like and how applications are presented when they get here. We understand the desire to increase housing, but the use of technicalities and workarounds to develop this parcel results in a troubling impression, and we support staff in their analysis. At this point in time, it looks pretty clear where this is headed, and certainly there's not enough time for the

[03:39:49] developer to meet the intention of making a LIHTC application this year. However, what you heard is they can't put it on the northern property, but they could probably meet zoning ordinance regulations better if the property, if the development proposal for the south side was reconfigured, perhaps a little smaller. There could be things done to adjust it so that

[03:40:23] the traffic for the retail doesn't go through the apartment parking lot. There are things that could be done, but it looks to me like at this point in time, those are not possibilities. So I mention it

[03:40:45] Just because there's always another opportunity to fix it and make it still good, make it still possible to get affordable housing, and yet not necessarily have to go through this kind of, what looks like, honestly, amazing gyrations to justify why this should be approved.

[03:41:04] Thank you. Thank you. Okay, Ms. Glass, would you make a motion, please? Yes, Madam Chair.

[03:41:16] I move that the Board of Supervisors forward LEGI-2023-0041, Commonwealth Center Residential ZMAP-2022-0016, SPAX-2023-0018, ZMOD-2022-0058, ZMOD-2022-0059, ZMOD-2022-0061, ZMOD-2022.

[03:41:48] dash 0 0 6 2 z mod dash 2023 dash 0 0 3 3 z mod dash 2023 dash 0 0 3 4 and z mod dash 2022 dash 0 0 3 5 to the november 20th 2023 board of supervisors public hearing for action i will second that would you like to have discussion on the motion um yes madam chair so i have not made final decision on where I land on this application. While I appreciate the larger number of ADUs

[03:42:26] being provided in the LIHTC building than in the previous applications, I do have concerns about their placement on the backsides of restaurants and CVS, especially after Dominion runs power lines through the flood plain behind this property. I feel like it will be out of place wedged between those two areas. With that being said, I hope with the applicant to address some of the concerns I have regarding the relocation scenario and the AMI percentages along with the off-site crosswalk and off-site play and the playground, which you had already discussed.

[03:43:04] I want to thank staff and the applicant for their presentations tonight, and I will look to vote on the application in November. Thank you. Thank you. Madam Chair, just a point of clarification. Our public hearing in November is on the 15th.

[03:43:21] What did the motion say? I think it was the 20th. Okay, we will adjust that motion. Thank you. Thank you for the friendly. You know, I think we should be really careful to align that we're getting to here, that we're making accusations that we might not want to make.

[03:43:49] There is, I have never seen anything from this developer but good faith efforts. And so we need to be really careful how we're talking right now. Now, I wish that the LIHTC, I wish we didn't have to do LIHTC buildings like we do in many ways.

[03:44:09] I think it's absolutely ridiculous. And I certainly wish it could be on the north side. That would be my preference. That would absolutely be my preference. But I also know that if I'm, you know, a college student, a young parent, a single parent, an older person, And I have to decide whether or not I'm going to live in an attainable home on the south side or not at all because I can't afford to live here.

[03:44:39] It's not a hard decision. It's not a hard decision. So I'm not going to let the perfect be the enemy of the good in this application. There are things that we do, obviously, need to work on and should work on, but I want us to be very careful about what we say and how we say without anything, but without any proof or knowledge of those things.

[03:45:08] And in fact, just the opposite, when we know the activities of the applicant all the time. So I look forward to offering help if you need it and talking if we need it, and whatever you all need.

[03:45:25] I will say for the next 27 days, a lot of us are going to be really busy. Really, really, really busy. But offering any help you can need. I also want to say to staff, all three applications tonight were hard.

[03:45:43] But the two housing ones were really heavy-lifts, and we did a lot at once. You know, maybe this is, you know, when I said maybe we should change this, It wasn't about you all changing anything. It's like the process is broken, not in Loudoun, in Virginia. The process is broken in how we do these applications and what's required and the funding.

[03:46:01] When you dive into this more, there's absolutely no reason why we can't figure out funding for locations of attainable homes in the development versus all in one building. And it just makes things so much more difficult.

[03:46:18] And you all are bending over backwards all the time to try to figure it out. And you all have done a fantastic job with both of these housing applications tonight. And so I didn't want to imply anything else because you've done a great job. It's just I'm frustrated with the process overall and believe that maybe we should all band together and talk to our elected officials in Richmond, most of them who have never been local elected officials, and most of them have no idea what they're talking about when they talk about these things.

[03:46:47] and try to get some Virginia codes changed just in general. So thank you. Ms. Glass. Thank you, Madam Chair. Well, I just want to say that I really appreciate the applicant, and I hope I didn't say anything to imply anything negatively about you.

[03:47:09] My concern is just on that location, but I appreciate it, and I hope my colleagues support this application. - All right. The motion was made by Supervisor Glass, and I seconded the motion.

[03:47:26] All in favor, please say aye. Any opposed? That motion will pass, how many of us are sitting out here? No, 702, with Mr. Buffington and Ms. Bricksman being off the dais. Thank you very much. - Thank you.

[03:47:41] - All right.



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