

PUBLIC HEARING

The **LOUDOUN COUNTY BOARD OF SUPERVISORS** will hold a public hearing in the Board of Supervisors' Meeting Room, County Government Center, 1 Harrison Street, S.E., Leesburg, Virginia, at **6:00 p.m.** on **WEDNESDAY, October 12, 2022**, in order to consider:

PROPOSED CONVEYANCE OF COUNTY PROPERTY

Conveyance of Approximately 3.2 Acres of Real Property-Ashburn North Park & Ride Lot

Pursuant to Virginia Code §15.2-1800, the Board of Supervisors will consider a proposed sale and conveyance of approximately 3.2 acres of land to NRP Properties LLC (NRP). The subject property is currently used as the Ashburn North Park and Ride Lot, which is planned for closure. NRP proposes to construct a mixed-income multifamily residential building and related amenities. The subject property is located on the south side of Russell Branch Parkway (Route 1061), east of Waverly Court, at 45151 Russell Branch Parkway, Ashburn, Virginia in the Broad Run Election District. It is more particularly described PIN 040-38-3790 and a portion of PIN 040-38-1852. The final boundary of the land proposed for sale will be determined upon approval of a subdivision or boundary line adjustment creating the sale parcel.

A copy of the proposed real estate purchase and sales contract and a map depicting the location and current configuration of the subject property is on file and available for public inspection at the Loudoun County Government Center, Information Desk, 1st Floor, 1 Harrison Street, S.E., Leesburg, Virginia, from 8:30 a.m. to 5:00 p.m., Monday through Friday, or call 703-777-0200. Documents may also be viewed and downloaded electronically 72 hours in advance of the public hearing at: www.loudoun.gov/bosdocuments (for Public Hearing documents, follow the link for "Board of Supervisors Business Meetings, Public Hearings and Special Meetings").

PROPOSED PARTIAL RELEASE OF RESTRICTIVE COVENANT IN FAVOR OF THE COUNTY NTT Global Data Centers

Pursuant to Virginia Code §15.2-1800, the Board of Supervisors will consider amending a restrictive covenant regarding fence design standards over 77.92 acres in the Ashburn Election District, at a property commonly known as 44725 Gigabit Plaza, Ashburn, Virginia more particularly described as PIN 088-40-7447, owned by NTT Global Data Centers VA, LLC (NTT). NTT seeks a release from certain restrictions regarding fencing design standards in a recorded covenant on the property. If approved, the County will execute a deed of partial release.

A copy of the proposed deed of partial release, restrictive covenant, and associated documents are on file and available for public inspection at the Loudoun County Government Center, Information Desk, 1st Floor, 1 Harrison Street, S.E., Leesburg, Virginia, from 8:30 a.m. to 5:00 p.m., Monday through Friday, or call 703-777-0200. Documents may also be viewed and downloaded electronically 72 hours in advance of the public hearing at: www.loudoun.gov/bosdocuments (for Public Hearing documents, follow the link for "Board of Supervisors Business Meetings, Public Hearings and Special Meetings").

AMENDMENTS TO CHAPTER 840 OF THE CODIFIED ORDINANCE OF LOUDOUN COUNTY Business, Professional and Occupational License (BPOL) Tax

Pursuant to Virginia Code §15.2-1427, the Board of Supervisors gives notice of its intention to propose for passage amendments to Chapter 840 *Business, Professional and Occupational License Tax*. Loudoun Codified Ordinance Chapter 840 contains the provisions for assessing the BPOL tax on the gross receipts of businesses operating in Loudoun County. The proposed amendments are as follows:

- Loudoun Codified Ordinances, Chapter 840.03 *Licensing Generally*, sets a threshold of more than \$4,000 in gross receipts for requiring business license fee on home-based businesses. The amendments propose raising the minimum gross receipts to more than \$10,000 for payment of the \$30 fee for a home-based business license.
- Clarification of the appeals process in Loudoun Codified Ordinances Chapter 840.07 *Administrative Appeals of Local License Tax*, to align that section further with the Code of Virginia, §58.1-3703.1.
- Update the description in Chapter 840.08 *Local Tax Rulings*, to include additional language in the Code of Virginia §58.1-3703.1 related to Rulings by the Commissioner of the Revenue.
- Updated definitions in the Loudoun Codified Ordinances Chapter 840.01 *Definitions*, from Virginia Code §58.1-3700.1 and §58.1-3703.1.
- Updates to Loudoun Codified Ordinances Chapter 840.11 *Exclusions; Deductions* to further align the language with the Code of Virginia §58.1-3732.
- Modernization and clarification of language throughout Loudoun Codified Ordinances Chapter 840
- Removal of gender specific pronouns Loudoun Codified Ordinances in Chapter 840.

A complete copy of the full text of the above-referenced proposed ordinance amendment is on file and available for public inspection at the Loudoun County Government Center, Information Desk, 1st Floor, 1 Harrison Street, S.E., Leesburg, Virginia, from 8:30 a.m. to 5:00 p.m., Monday through Friday, or call 703-777-0200. Documents may also be viewed and downloaded electronically 72 hours in advance of the public hearing at: www.loudoun.gov/bosdocuments (for Public Hearing documents, follow the link for "Board of Supervisors Business Meetings, Public Hearings and Special Meetings").

SPEX-2021-0046, SPEX-2021-0048, ZMOD-2021-0065 & ZMOD-2021-0067 21800 BEAUMEADE CIRCLE

(Special Exceptions & Zoning Ordinance Modifications)

H5 Capital – Ashburn, LLC of Beverly Hills, California has submitted an application for Special Exceptions to permit an increase in the maximum Floor Area Ratio (FAR) in the PD-IP (Planned Development-Industrial Park) zoning district from 0.60 to 1.0 and to permit an increase of maximum lot coverage in the PD-IP zoning district from .45 to .55. These applications are subject to the Revised 1993 Zoning Ordinance. The proposed increase in maximum FAR is permitted by Special Exception under Section 4-506(C). The proposed increase in maximum lot coverage is permitted by Special Exception under Section 4-506 (A). The applicant also requests the following Zoning Ordinance modifications:

| ZONING ORDINANCE SECTION | PROPOSED MODIFICATION |
|---|---|
| §5-1404(D), Landscaping, Buffer Yards, Screening, and Landscaping Plans, Buffer Yards, Buffer Yard Widths and Plant Requirements. | To eliminate the Type C landscape buffer along the east (rear) property line. |
| §5-1303(A)(1), Tree Planting and Replacement, Canopy Requirements, Site Planning. | To reduce the required site tree canopy from 10% to 7%. |

The subject property is located within the Route 28 Taxing District and the Route 28 CB (Corridor Business) Optional Overlay, within the AI (Airport Impact) Overlay District, between the Ldn 60-65 aircraft noise contours, and is located within the FOD (Floodplain Overlay District). The subject property is approximately 5.25 acres in size and is located on the east side of Beaumeade Circle (Route 3037), north of Waxpool Road (Route 625) and east of Loudoun County Parkway (Route 607) at 21800 Beaumeade Circle, Ashburn, Virginia, in the Sterling (formerly Broad Run) Election District. The subject property is more particularly described as follows:

| PIN | PROPERTY ADDRESS |
|-------------|---|
| 061-30-7718 | 21800 Beaumeade Circle, Ashburn, Virginia |
| 061-20-8870 | N/A |
| 043-35-0507 | N/A |

The area is governed by the policies of the Loudoun County 2019 General Plan (Suburban Policy Area (Suburban Employment Place Type)), which designate this area for a mix of office, production, flex space, and warehousing uses at densities up to 1.0 FAR.

ZCPA-2021-0007 & SPEX-2021-0035 ASHBY PONDS

(Zoning Concept Plan Amendment & Special Exception)

Erickson Senior Living, LLC of Baltimore, Maryland, has submitted applications for the following: 1) to amend the existing proffers and concept development plan ("CDP") approved with ZCPA-2014-0004, Ashby Ponds, in order to increase the buildable square footage and amend the number of one and two bedroom independent living units with no resulting change in density; and 2) a Special Exception to amend the conditions of approval and special exception plat associated with SPEX-2005-0030, Erickson Retirement Communities, which currently govern the subject property, with a new special exception plat and conditions of approval in order to continue to allow congregate care facility, assisted living facility, and convalescent/nursing facility Special Exception uses in the PD-AAAR (Planned Development – Active Adult/Age-Restricted) zoning district. These applications are subject to the Revised 1993 Zoning Ordinance, and the proposed uses are listed as Special Exception uses under Section 4-1305 (A), (B), and (C). The subject property is located within the AI (Airport Impact) Overlay District, between the Ldn 60-65, and outside of but within one (1) mile of Ldn 60 aircraft noise contours and the FOD (Floodplain Overlay District) – major floodplain. The subject property contains areas of Very Steep Slope and Moderately Steep Slope according to the standards of Section 5-1508(C)(1). The subject property is approximately 123.03 acres in size and is located on the north side of Gloucester Parkway (Route 2150) and west of Loudoun County Parkway (Route 607) at 44755 Audubon Square, Ashburn, Virginia, in the Broad Run Election District. The subject property is more particularly described as PIN: 060-49-8809. The area is governed by the policies of the Loudoun County 2019 General Plan (Suburban Policy Area) in the Suburban Compact Neighborhood Place Type which designate this area for a mix of Single and Multi-Family Residential, Active Adult Retirement Communities, and Retail & Service Commercial uses at recommended residential density of 8-24 dwelling units per acre and nonresidential Floor Area Ratio (FAR) of up to 1.0.

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ZMAP-2021-0014, SPEX-2021-0038, & SPEX-2022-0036

45865 MARIES ROAD REZONING

(Zoning Map Amendment & Special Exceptions)

MECP 1 Ashburn 2, LLC of Broomfield, Colorado, has submitted applications for the following: 1) to rezone approximately 10 acres from the A-3 (Agricultural – 3) zoning district under the [Revised 1993 Zoning Ordinance](#) to the PD-IP (Planned Development – Industrial Park) zoning district under the [Revised 1993 Zoning Ordinance](#) in order to develop a data center; 2) a Special Exception to permit an increase in the Floor Area Ratio (FAR) from 0.6 to 1.0 for data center uses; and 3) a Special Exception to permit an increase in lot coverage from 0.45 to 0.60. These applications are subject to the [Revised 1993 Zoning Ordinance](#) and the proposed modifications of the FAR and lot coverage are listed as Special Exceptions under Section 4-506 (A) and (C). The subject property is approximately 10 acres in size and is located on the south side of Maries Road (Route 638), west of Cascades Parkway (Route 637), and east of Atlantic Boulevard (Route 1902) at 45865 Maries Road, Sterling, Virginia, in the Sterling Election District. The subject property is more particularly described as PIN: 030-29-2034. The area is governed by the policies of the [Loudoun County 2019 General Plan](#) (Suburban Policy Area (Suburban Employment Place Type)), which support a broad array of employment uses at a recommended FAR of up to 1.0.

SPEX-2021-0001

POTOMACK LAKES PLAYGROUND

(Special Exception)

The Board of Supervisors of Loudoun County, Virginia, and the Loudoun County Department of Parks, Recreation and Community Services of Leesburg, Virginia, has submitted an application for a Special Exception to permit incidental structures in excess of 840 square feet within the major floodplain in the PD-H4 (Planned Development-Housing 4) zoning district. This application is subject to the [Revised 1993 Loudoun County Zoning Ordinance](#), and the proposed use is listed as a Special Exception use under 4-1506(E). The subject property is partially located in the FOD (Floodplain Overlay District), major floodplain. The subject property is approximately 35.43 acres in size and is located north of Algonkian Parkway (Route 1582) on the east side of Cascades Parkway (Route 1794) at 20286 Cascades Parkways, Sterling, Virginia in the Algonkian Election District. The subject property is more particularly described as PIN: 010-27-3927. The area is governed by the policies of the [Loudoun County 2019 General Plan](#) (Suburban Policy Area (Suburban Neighborhood Place Type)), which designate this area for existing Parks and Recreation facilities uses.

ZOAM-2022-0002 & ZMAP-2022-0011

PROPOSED SOLAR PROJECT AT DULLES INTERNATIONAL AIRPORT

(Zoning Ordinance Amendment & Zoning Map Amendment)

Pursuant to Virginia Code §§15.2-2204, 15.2-2285, 15.2-2286, and 15.2-2288.7(F), and a Resolution of Intent to Amend adopted by the Board of Supervisors on May 17, 2022, the Board of Supervisors hereby gives notice of proposed amendments to the [Revised 1993 Zoning Ordinance](#) (“Zoning Ordinance”) in order to establish new regulations that allow “Utility generating plant and transmission facility, ground-mounted solar energy generation facility only” as a permitted use, subject to new “Use Limitations”, in the Planned Development-General Industry (PD-GI) zoning district. These amendments are being considered to permit Dominion Energy to establish a ground-mounted solar energy generation facility at Washington Dulles International Airport (IAD). The amendment proposes revisions to Article 4, *Special & Overlay Districts*, Section 4-600, *PD-GI Planned Development-General Industry*, Section 4-603, *Permitted Uses*, Section 4-607 *Use Limitations*, and such other Articles, Sections, Subsections, and provisions of the Zoning Ordinance as necessary to implement and maintain consistency with the foregoing amendments or as otherwise necessary to correct typographical errors, section and subsection numbering, and formatting within, update cross-references to, and further clarify the requirements of, the above-mentioned section(s) of the Zoning Ordinance. The proposed text amendments under consideration include, without limitation, the following:

Amendments to Article 4, Special & Overlay Districts, Section 4-600, PD-GI Planned Development-General Industry, Section 4-603, Permitted Uses:

- Add “Utility generating plant and transmission facility, ground-mounted solar energy generation facility only, pursuant to Section 4-607(L)” to the lists of permitted uses.

Amendments to Article 4, Special & Overlay Districts, Section 4-600, PD-GI Planned Development-General Industry, Section 4-607, Use Limitations:

- Add new use limitations in regard to size, visual impacts, location, access, buffering, decommission plan/security, and unsafe or abandoned facilities for the “Utility generating plant and transmission facility, ground-mounted solar energy generation facility” use.

In addition to the ZOAM, pursuant to the Resolution of Intent to Amend adopted by the Board of Supervisors on May 17, 2022, the Board of Supervisors hereby gives notice of proposed amendments to the Loudoun County Zoning Map to rezone certain property on which IAD is located from the Residential Single Family (R-2) zoning district under the Zoning Ordinance to the PD-GI zoning district under the Zoning Ordinance in order to permit Dominion Energy to establish a ground-mounted solar energy generation facility on approximately 835 acres of land. The subject property is located within the Airport Impact (AI) Overlay District, within the Ldn 65 or higher, between the Ldn 60-Ldn 65 and outside of the Ldn 60 noise contours. The subject property is also located partially within the Route 28 Taxing District, the Floodplain Overlay District (FOD) and the Quarry Notification Overlay District. The subject property is approximately 7,507 acres in size and is located north of John Mosby Highway (Route 50) and west of Sully Road (Route 28) at 23546 Autopilot Drive, Sterling, Virginia in the Dulles Election District. The subject property is more particularly described as PIN: 067-37-9924. The area is governed by the policies of the [Loudoun County 2019 General Plan](#) which designate this area for airport related uses.

The public purposes of these amendments are to achieve the purposes of zoning as set forth in Virginia Code §§15.2-2200 and 15.2-2283, including, without limitation, furtherance of the public necessity, convenience, general welfare, and good zoning practice and facilitating the creation of a convenient, attractive, and harmonious community.

A complete copy of the full text of the above-referenced proposed ordinance amendment is on file and available for public inspection at the Loudoun County Government Center, Information Desk, 1st Floor, 1 Harrison Street, S.E., Leesburg, Virginia, from 8:30 a.m. to 5:00 p.m., Monday through Friday, or call 703-777-0200. Documents may also be viewed and downloaded electronically 72 hours in advance of the public hearing at: www.loudoun.gov/bosdocuments (for Public Hearing documents, follow the link for “Board of Supervisors Business Meetings, Public Hearings and Special Meetings”).

Unless otherwise noted in the above notices, copies of the above-referenced amendments, applications, ordinances, and/or plans and related documents may be examined by request at the Loudoun County Government Center, Information Desk, 1st Floor, 1 Harrison Street, S.E., Leesburg, Virginia, from 8:30 a.m. to 5:00 p.m., Monday through Friday, or call 703-777-0246 (option 5) to request hard copies or electronic copies, or electronically at www.loudoun.gov/lola. This link also provides an additional opportunity for public input on active applications. Documents also may be viewed and downloaded electronically 72 hours in advance of the public hearing at: www.loudoun.gov/bosdocuments (for Public Hearing documents, follow the link for “Board of Supervisors Business Meetings, Public Hearings and Special Meetings”). In addition, for detailed instructions on how to access documents using LOLA, to request that documents be emailed to you, to receive physical copies of documents, or to arrange a time to view the file at the Loudoun County Government Center, please email DPZ@loudoun.gov or call 703-777-0246 (option 5).

Board of Supervisors public hearings are available for live viewing on television on Comcast Government Channel 23 and Verizon FiOS Channel 40, and livestreamed at loudoun.gov/meetings. All members of the public who desire to speak will be heard as to their views pertinent to these matters. Public input may be provided by electronic means at Board public hearings. Members of the public who wish to provide public input, whether electronically or in person, will be accommodated without advanced sign-up during the hearing, however, members of the public are strongly encouraged to sign-up in advance. For this public hearing, advanced sign-up will be taken after 8:30 a.m. on September 30, 2022, and no later than 12:00 p.m. on October 12, 2022. If you wish to sign-up in advance, call the Office of the County Administrator at (703) 777-0200. Citizens will also have the option to sign-up during the public hearing. Citizens may also submit written comments by email sent to bos@loudoun.gov. Any written comments received prior to the public hearing will be distributed to Board members and made part of the minutes for the public hearing.

Hearing assistance is available for meetings in the Board of Supervisors’ Meeting Room. If you require any type of reasonable accommodation as a result of a physical, sensory or mental disability to participate in this meeting, please contact the Office of the County Administrator at 703-777-0200. At least one business day of advance notice is requested; some accommodations may require more than one day of notice. FM Assistive Listening System is available at the meetings.

**BY ORDER OF: PHYLLIS RANDALL, CHAIR
LOUDOUN COUNTY BOARD OF SUPERVISORS**

9/22, 9/29/22