

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF PLANNING**  
**MEMORANDUM**

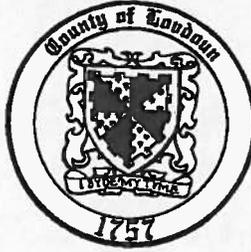
**DATE:** April 27, 2010  
**TO:** Loudoun County Board of Supervisors  
**FROM:** Ginny Rowen, Project Manager  
**SUBJECT: MAY 10, 2010 BOARD OF SUPERVISORS PUBLIC HEARING  
ZCPA 2009-0010 – TOWNES OF EAST GATE**

**# 4**

The above-referenced land development application has been approved for public hearing double-advertisement. The approved request permits the application to proceed directly from the Planning Commission public hearing on April 28, 2010, to a Board of Supervisors public hearing on May 10, 2010. Attached is the Planning Commission Public Hearing Staff Report summarizing the presentation to the Planning Commission.

The Planning Commission is anticipated to complete their review at the public hearing on April 28, 2010. A supplemental memo will be distributed to the Board the week prior to the Board of Supervisors public hearing updating what changes, if any, have been made to the application and summarizing the Commission review and recommendation. Should the Planning Commission wish to continue their review of the application, the Chairman and Vice-Chairman have the discretion to postpone the Board of Supervisors public hearing until final action by the Commission. The applicant is aware of this and has agreed to reimburse the additional advertisement costs, if necessary.

**ATTACHMENT:** Planning Commission Staff Report, ZCPA 2009-0010.



DEPARTMENT OF PLANNING  
STAFF REPORT

## PLANNING COMMISSION PUBLIC HEARING

**DATE OF HEARING: April 28, 2010**  
**ZCPA 2009-0010, TOWNES OF EAST GATE**  
**DECISION DEADLINE: December 30, 2010**  
**ELECTION DISTRICT: DULLES PROJECT PLANNER: Ginny Rowen**

### EXECUTIVE SUMMARY

At the request of the Board of Supervisors, Pulte Homes of Fairfax, Virginia has submitted an application to amend the proffers associated with ZMAP 2002-0022, Townes of East Gate in order to allow a cash equivalency in lieu of constructing proffered Route 50 improvements. VDOT has an approved road project that will construct the improvements proffered by the applicant and the cash equivalency will be applied to other transportation / transit improvements in the area. The proposal does not change the approved number of units and there are no other changes to the approved application. The application is subject to the Revised 1993 Zoning Ordinance and is located on the east side of Poland Road, approximately 2,000 feet south of Route 50 on both sides of Tall Cedars Parkway. The site is governed by the policies of the Revised General Plan which calls for Business Community uses on the north side of the property (residential density up to 16 du / ac.) and Residential on the south side of the property (up to 4 du / ac.). **Staff notes that the application has been advertised for the May 10, 2010 Board of Supervisors public hearing.**

### RECOMMENDATION

Staff recommends approval of the application subject to the Proffer Statement dated April 6, 2010 and the Findings in the staff report.

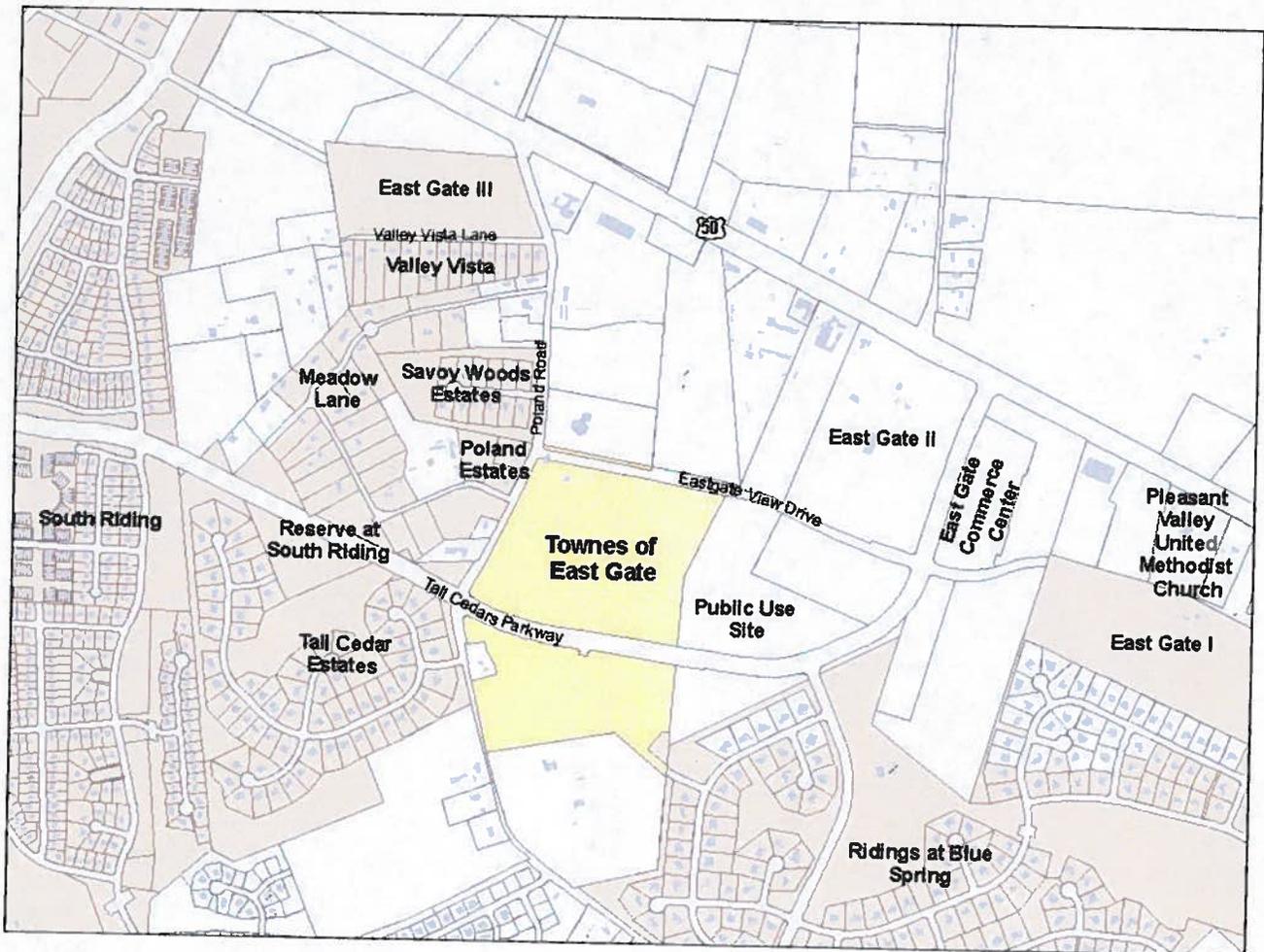
### SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZCPA 2009-0010, Townes of East Gate to the Board of Supervisors with a recommendation of approval, subject to the Proffers dated April 6, 2010, and with the Findings contained in the April 28, 2010 staff report.
2. I move that the Planning Commission forward ZCPA 2009-0010, Townes of East Gate to a work session for further discussion.

3. I move that the Planning Commission forward ZCPA 2009-0010, Townes of East Gate to the Board of Supervisors with a recommendation of denial based on the following Findings:

### VICINITY MAP

**Directions:** From Leesburg: Proceed south on Route 15. Make a left onto Evergreen Mills Road and proceed south to Loudoun County Parkway. Make a right onto Loudoun County Parkway and proceed south to Route 50. Make a left onto Route 50 and proceed east to Poland Road. Make a right onto Poland Road and proceed approximately 2,000 feet to the property on the left.



## TABLE OF CONTENTS

I.	Application Information.....	4
II.	Summary of Discussion .....	5
III.	Findings.....	6
IV.	Project Review .....	6
A.	Context .....	6
B.	Summary of Outstanding Issues .....	7
C.	Overall Analysis .....	7
D.	Zoning Ordinance Criteria for Approval .....	10
V.	Attachments.....	12

**I. APPLICATION INFORMATION**

**APPLICANT**

Pulte Homes  
 Gary Leygraaf, VP Land Development  
 10600 Arrowhead Drive, Suite 225  
 Fairfax, VA. 20190  
 703-277- 7461

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**REPRESENTATIVE**

christopher consultants, ltd.  
 Lou Canonico, PE, Regional Vice President  
 20110 Ashbrook Place, Suite 160  
 Ashburn, VA. 20147  
 571-209-5950

**APPLICANT'S PROPOSAL**

Amend a portion of the proffers approved with the Townes of East Gate rezoning to allow a cash equivalency in lieu of constructing proffered Route 50 improvements. The application was accepted for review on December 30, 2009.

**LOCATIONS**

East side of Poland Road, 2,000 feet south of Route 50

**TAX MAP/PARCEL #s**

Tax Map 107, Parcel 40 (PIN #128-10-4864)

**ZONING**

PDH-6 (Planned Development - Housing)

**ACREAGE OF REQUEST SITE** 59.1 acres

**SURROUNDING ZONING**

/

**PRESENT LAND USES**

North	CLI (Commercial Light Industry)	Grace Fellowship Church
South	R-1 (Residential)	Agricultural / residential
East	CR-1 (Countryside Residential)	residential
West	R-1, R-3 (Residential) CR-1 (Countryside Residential)	Residential, undeveloped

II. SUMMARY OF DISCUSSION

Referral Agency	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"> <li>• Conformance with Business Community &amp; Residential policies of <u>Revised General Plan</u> (Arcola Area / Route 50 Corridor Plan) <b>Status: No outstanding issues</b></li> <li>• At the request of Board of Supervisors, applicant has proffered cash equivalency in lieu of constructing Route 50 improvements. <b>Status: No outstanding issues.</b></li> <li>• Construction of additional left turn lane on westbound Route 50 and signal adjustments by VDOT (as proffered in Townes of East Gate rezoning application). <b>Status: no outstanding issues.</b></li> </ul>
Zoning	<ul style="list-style-type: none"> <li>• Clarification of proffers (related to citations, cash equivalency amount, editorial changes, escalation clause) in accordance with staff recommendations. <b>Status: no outstanding issues.</b></li> </ul>
Transportation	<ul style="list-style-type: none"> <li>• VDOT support of cash equivalency in lieu of constructing Route 50 improvements. <b>Status: no outstanding issues.</b></li> <li>• Cash equivalency to provide funds for additional road / transit improvements in area. <b>Status: no outstanding issues.</b></li> </ul>
Proffer Contributions	<ul style="list-style-type: none"> <li>• Bond estimate of \$259,000 provided for the approved turn lane and signal adjustments proffered in the original rezoning. The applicant's proffers incorporate this amount. <b>Status: no outstanding issues.</b></li> </ul>

Applicable Policy or Ordinance Section
<u>Revised General Plan</u> Arcola Area / Route 50 Corridor Plan – General Policy #7, Transportation Policy #2
<u>Revised Countywide Transportation Plan (CTP)</u> – Proffer Policy #6, Funding Policies #4.b., 21, 23
<u>Revised 1993 Zoning Ordinance</u> - Section 7-800, R-8 single family detached / attached requirements, Section 4-100, PD-H6 requirements

### III. FINDINGS

1. The application provides a cash equivalency in lieu of constructing proffered Route 50 improvements consistent with Revised General Plan and Countywide Transportation Plan policies.
2. An approved VDOT project will construct an additional Route 50 westbound turn lane (as proffered in the Townes of East Gate rezoning application) and will adjust signal timing at the intersection of Route 50 and Poland Road.
3. A cash equivalent contribution will provide funds for additional road / transit improvements in the area.

### IV. PROJECT REVIEW

#### A. Context

This is a request to amend approved Proffers associated with the Townes of East Gate rezoning application (ZMAP 2002-0022) that was approved on October 18, 2005. The approved Proffers call for the construction of a second westbound left turn lane to Poland Road and signal timing adjustments at the intersection of Route 50 and Poland Road (see approved redline Proffers attachments A-60 and A-61). Subsequent to the approval of the application, a VDOT project was funded to improve Route 50 to a six lane facility from Lee Road in Fairfax County to Poland Road in Loudoun County. The Route 50 road improvements proffered in conjunction with the original Townes of East Gate rezoning will be constructed in conjunction with the VDOT project.

On December 1, 2009 the Board of Supervisors voted to approve a Board member initiative to direct staff to process a Zoning Concept Plan Amendment (Proffer amendment) to allow a cash equivalent contribution instead of the applicant constructing proffered road improvements on Route 50, as noted above.

In 2005, the subject property was rezoned to allow the development of 324 single-family detached and attached residential units. The proffers call for the construction of a second westbound left turn lane on Route 50 to Poland Road as well as signal adjustments at the intersection of Route 50 and Poland Road to be completed prior to the issuance of the initial occupancy permit on the property. (Staff notes that there is an existing westbound left turn lane on Route 50 to Poland Road). In lieu of constructing these Route 50 improvements, the applicant is proffering a cash equivalency of \$259,000 (based on approved bond estimates) prior to the issuance of the initial zoning permit for any residential development (see revised ZCPA Proffers – attachment A-71). No other substantive changes are proposed to the approved Concept Development Plan or Proffers.

The applicant is currently processing Construction Plans and Profiles and subdivision plats and anticipates initiating construction of the units this year. The following table provides a general breakdown of the improvements anticipated in the Route 50 Project and the applicant's proffered Route 50 improvements.

ROUTE 50 VDOT PROJECT (conceptual plans)	TOWNES OF EAST GATE PROFFERS (construction plans)
ACQUIRE RIGHT-OF-WAY	EXISTING RIGHT-OF-WAY
RECONSTRUCT EXISTING LANES (shift north)	CONSTRUCT ADDITIONAL WB LEFT TURN LANE ON RTE 50 (TO POLAND RD)
PAVE 6 LANES + TURN LANES 3.6 MILES (19,350 LINEAR FEET)	ADJUST SIGNAL TIMING
REMOVE VERTICAL CHANGES BETWEEN EB / WB LANES	<b>BOND AMOUNT - \$259,000</b>
REPLACE / RELOCATE UNDER-GROUND ABOVE-GROUND UTILITIES	
NEW BRIDGES / DRAINAGE STRUCTURES IN FAIRFAX (CUB RUN / CAIN BRANCH)	
10-FT BIKE / PED TRAIL (BOTH SIDES)	
INSTALL LANDSCAPING	
MAINTAIN TRAFFIC FLOW DURING CONSTRUCTION	
<b>ESTIMATED COST - \$75 MILLION</b>	

**B. Summary of Issues**

All of the staff issues identified in the referral comments have been resolved in the updated April 6, 2010 Proffers or on the revised Concept Development Plan.

**Overall Analysis**

COMPREHENSIVE PLAN

LAND USE

The subject property has been reviewed under the land use policies of the Revised General Plan. The site is located within the Dulles Community of the Suburban Policy Area, and is suitable for a mix of residential and non-residential uses under the Business Community policies (Arcola Area /

Route 50 Corridor Plan) in the northern portion of the property (north of Tall Cedars Parkway). The southern portion of the property (south of Tall Cedars Parkway) is designated as Residential and is suitable for the development of residential uses. The policies of the Revised Countywide Transportation Plan (CTP) also apply to the property.

In the initial comments, staff noted that the Concept Development Plan had not been updated to reflect the proposed changes to the draft proffers (removal of Route 50 road improvements / signal adjustments). The applicant has since updated the Concept Plan (sheet 6) to reflect the proposal. There are no outstanding staff issues with the application.



subject site – under construction

## ZONING

Section 6-1200 of the Revised 1993 Zoning Ordinance allows the Board of Supervisors to amend, supplement, or change existing zoning classifications. The applicant is requesting an amendment to the approved Townes of East Gate Proffers to allow a cash equivalent contribution in lieu of constructing proffered Route 50 improvements. Staff provided comments regarding the draft Proffers on January 6, 2010.

The following issues were resolved in subsequent Proffer Statements:

- Corrected citations;
- Editorial changes addressed;
- Cash equivalency amount verified;
- Escalation clause clarified.

There are no outstanding staff issues with the application.

## TRANSPORTATION

The original Townes of East Gate rezoning was approved in October, 2005. Proffer C.1.a. called for the construction of an additional 250 foot long westbound left turn lane on Route 50 at Poland Road (there is an existing westbound left turn lane currently). Proffer C.1.c. requires structural improvements and signal adjustments for the existing signal at Poland Road and Route 50.

Subsequent to the approval of the rezoning application in 2005, a VDOT project was funded to improve Route 50 to a six-lane facility from Lee Road in Fairfax County to Poland Road in Loudoun County. VDOT anticipates construction of the Route 50 improvements will commence in the summer of 2010. This proffer amendment allows for an equivalent cash contribution in lieu of the proffered improvements.

In the initial comments, staff requested clarification regarding the derivation of the cash contribution. VDOT initially had concerns that the contribution amount was insufficient to complete the proffered improvements. A meeting was conducted between the applicant, VDOT, and County staff to discuss the costs associated with the improvements.

The applicant provided additional background materials, consisting of a County bond estimate for the improvements. A copy of the bond estimates (including construction of a second left turn lane, signal modifications, and erosion and sediment control improvements) along with a 20 percent contingency clause was included in the applicant's response (bond estimates - see attachments A-35, A-52, and A-53). Based on these additional materials, staff has no concerns regarding the provisions for a cash equivalency in lieu of proffered road improvements on Route 50. Staff notes that the proffered improvements to Poland Road will continue to be constructed by the applicant.

There are no outstanding staff issues with the application.

**D. ZONING ORDINANCE CRITERIA FOR APPROVAL**

If the application is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its statement of justification or plat unless not applicable. The Planning Commission shall give reasonable consideration to the following matters:

Standard Whether the proposed zoning district classification is consistent with the Comprehensive Plan.

Analysis Revised General Plan and CTP policies support cash equivalent contributions in lieu of constructing road improvements.

Standard *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

Analysis Subsequent to the approval of the rezoning of the property in 2005, a Route 50 project was funded by VDOT that will provide the proffered improvements. A cash equivalent contribution will provide \$259,000 for additional road / transit improvements in the area.

Standard *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.*

Analysis There are no proposed changes to the approved development.

Standard *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*

Analysis There are no proposed changes to the approved development.

Standard *The effect of the proposed rezoning on the County's ground water supply.*

Analysis There are no proposed changes to the approved development.

Standard *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*

Analysis The applicant is not requesting to make any changes to the approved layout.

Standard *Whether a reasonably viable economic use of the subject property exists under the current zoning.*

Analysis The approved application allows the development of a residential community.

Standard *The effect of the proposed rezoning on the environment, wildlife habitat, vegetation, water quality and air quality.*

Analysis This application will have no new effects on the environment, wildlife habitat, vegetation, water or air quality over the existing approved development.

Standard *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*

Analysis The approved application will allow the development of a residential community.

Standard *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*

Analysis The application is consistent with the policies of the Revised General Plan and the Countywide Transportation Plan.

Standard *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*

Analysis The approved application will allow the development of a residential community as proposed in the original rezoning.

Standard *The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.*

Analysis The applicant is not requesting any changes to the approved Concept Plan.

<b>V. ATTACHMENTS</b>		<b>PAGE NUMBER</b>
1. Board Initiative for Proffer Amendment		A-1
<b>Review Agency Comments</b>		
a. Community Planning	(1/13/10)	A-5
b. Office of Transportation Services	(3/16/10, 3/01/10)	A-7
c. VDOT	(04/06/10, 02/22/10)	A-13
d. Zoning Administration	(1/06/10)	A-19
2. Disclosure of Real Parties in Interest		A-21
3. Statement of Justification		A-29
4. Applicant's Response to Referral Comments		A-31
5. Current Proffers w/ deletions, Revised ZCPA Proffers		A-54, A-70



Loudoun County, Virginia

[www.loudoun.gov](http://www.loudoun.gov)

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, December 1, 2009 at 9:00 a.m.

IN RE: BOARD MEMBER INITIATIVE: ZCPA FOR TOWNES AT EAST GATE  
PROFFERS (ZMAP 2002-0022)

Mr. Miller moved that the Board of Supervisors direct staff to process a ZCPA for the Townes of East Gate road improvement proffers so that the County receives a cash equivalent contribution for road construction being undertaken by VDOT.

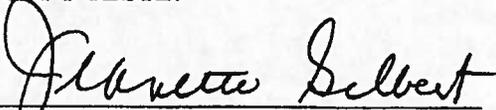
Mr. Miller further moved that this ZCPA will not change the number of units previously approved.

Mr. Miller further moved that staff use the resolution in Attachment 1 as guidance in reviewing this ZCPA.

Seconded by Mrs. Kurtz.

Voting on the Motion: Supervisors Buckley, Burk, Burton, Delgaudio, Kurtz, McGimsey, Miller and Waters – Yes; None – No; and Chairman York – Absent for the Vote.

A COPY TESTE:

  
DEPUTY CLERK FOR THE LOUDOUN  
COUNTY BOARD OF SUPERVISORS  
(10-ZCPA for Townes at East Gate Proffers – ZCPA 2002-0022)

ATTACHMENT 1

A-1

**LOUDOUN COUNTY BOARD OF SUPERVISORS  
ACTION ITEM  
BOARD MEMBER INITIATIVE**

**Item # 10**

**SUBJECT: BOARD MEMBER INITIATIVE- TOWNES OF EAST GATE PROFFER  
AMENDMENT (ZMAP 2002-0022)**

**INITIATED BY:** Supervisor Stevens Miller

**ELECTION DISTRICT:** Dulles

**CRITICAL ACTION DATE:** December 1, 2009

**RECOMMENDATION:** Supervisor Miller is recommending that the Board of Supervisors initiate an amendment to the Townes of East Gate proffers regarding a cash contribution in lieu of improvements at the intersection of Poland Road and Rt. 50.

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**BACKGROUND:**

Pulte Homes Corporation submitted PRAP 2009-0060 on August 25, 2009 requesting a change to road improvement proffers for the Townes of East Gate, ZMAP 2002-0022. Townes of East Gate was approved on October 18, 2005 for 57 single family detached units and 267 single family attached units. The property is located on 56.4 acres on the south side of Rt. 50, east of Poland Rd.

The proffers for the above zoning case state that before an occupancy permit may be issued, the road improvement proffers associated with this application require:

1. Two long left-turn lanes from westbound Route 50 to southbound Poland Road.
2. Poland Road from Route 50 to approximately 250' south of the existing commercial entrance to PIN 128-40-8530-000, to be constructed or bonded for construction to a four lane configuration.

These improvements have now been funded by VDOT and therefore will not be constructed by the applicant. In lieu of constructing these road improvements, the applicant would provide a cash equivalent contribution to the County to fulfill the intent of the original proffer prior to being issued an occupancy permit.

In a related and similar action, on June 2, 2009, the Board of Supervisors approved a ZCPA for East Gate One (ZMAP 2004-0020) and East Gate Three (ZMAP 2005-0003) to allow for a monetary contribution to be made in lieu of Rt. 50 improvements that were subsequently funded by VDOT. This appropriation was initiated by the Board and no fees were charged to the applicant.

The Townes of East Gate proffers also anticipated structural and timing adjustments to the existing traffic signal at the Route 50/Poland Road intersection as determined by the County and/or VDOT, so as to accommodate these improvements. It is expected the proffer amendment review will address any implications with respect to signal modification and that the equivalent value will be included in the applicants cash contribution.

**ISSUES:**

1. A cash equivalency for the road improvements will need to be analyzed and determined.
2. The review of the proffer amendment will also need to address the timing of the VDOT project based on the project timelines provided by VDOT.

**DRAFT MOTION:**

1. "I move that the Board of Supervisors direct staff to process a ZCPA for the Townes of East Gate road improvement proffers so that the County receives a cash equivalent contribution for road construction being undertaken by VDOT. I further move that this ZCPA will not change the number of units previously approved. I further move that staff use the resolution in Attachment 1 as guidance in reviewing this ZCPA." or
2. I move an alternative motion.

**ATTACHMENTS:**

- #1 – Resolution of Intent to Initiate a ZCPA for Townes of East Gate
- #2 – Correspondence from Christopher Consultants

**Staff Contact(s):** Valerie Suzdak, Staff Aide to Supervisor Stevens Miller

Item #10 - Attachment 1

**Resolution of Intent to Initiate a Zoning Concept Plan Amendment for Townes of East Gate (ZMAP 2002-0022)  
December 1, 2009**

WHEREAS, the Board of Supervisors approved the proffer statement for Townes of East Gate (ZMAP 2002-0022) on October 18, 2005; and

WHEREAS, ZMAP 2002-0022 contained proffers which require the construction of Route 50 improvements at the intersection with Poland Road; and

WHEREAS, according to the proffer no occupancy permits may be issued without the road improvements; and

WHEREAS, subsequent to the approval of the above rezoning, VDOT has funded the projects that would include the proffered improvements; and

WHEREAS, the applicant would like provide an equivalent monetary contribution to the County in lieu of constructing proffered improvements; and

WHEREAS, a ZCPA application will allow for and require a review by staff to determine the value of said proffers; and

WHEREAS, this ZCPA will not change the number of approved units or approved concept plan; and

WHEREAS, the VDOT project will provide necessary connections to the Route 50/Poland Road intersection and the improvements will benefit the community; and

NOW THEREFORE be it resolved that the Loudoun County Board of Supervisors initiate an amendment to the proffers for the Townes of East Gate property such that a monetary contribution be provided, equivalent to the value of road improvements for the Route 50 and Poland Road intersection.

(Board Member Initiative ZCPA for Townes of East Gate ZMAP 2002-0022)

**County of Loudoun**  
**Department of Planning**  
**MEMORANDUM**

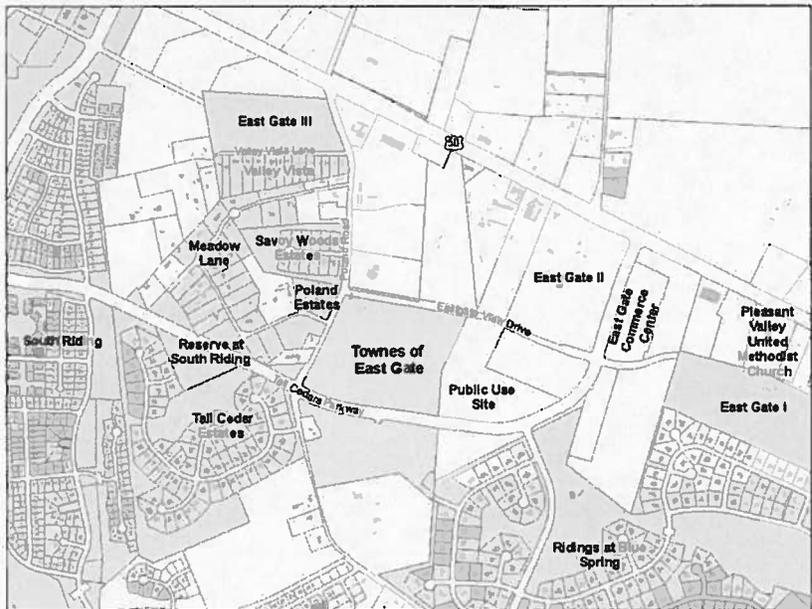
**DATE:** January 13, 2010  
**TO:** Ginny Rowen, Project Manager  
Land Use Review  
**FROM:** Marie Genovese, AICP  
Planner III, Community Planning

**SUBJECT: ZCPA 2009-0010, Townes of East Gate Proffer Amendment**

**BACKGROUND**

Pulte Homes is requesting a Zoning Concept Plan Amendment (ZCPA) to amend the proffers associated with the Townes of East Gate (ZMAP 2002-0022) rezoning application. The property is located both north and south of Tall Cedars Parkway; south of Route 50 and East Gate View Drive; east of Poland Road and the residential developments of Tall Cedar Estates, Poland Estates, and the Reserve at South Riding; and west of the Ridings at Blue Springs residential neighborhood and the public use site proffered as part of the East Gate I (ZMAP 2004-0020) and East Gate III (ZMAP 2005-0003) rezoning applications (see Vicinity Map). The property consists of approximately 57.4 acres zoned PD-H6 (Planned Development - Housing) governed under the provisions of the Revised 1993 Zoning Ordinance.

**Vicinity Map**



The property was rezoned on October 18, 2005 permitting the development of 324 residential units. The proffers associated with this application called for the construction of two 250-foot long left-turn lanes from westbound Route 50 to southbound Poland Road and traffic signal modifications to the existing traffic signal at the Route 50/Poland

Road intersection (Proffers VC1a and VC1c). Subsequent to the approval of this application a VDOT project was funded to improve Route 50 to a six-lane facility from Poland Road east to Route 28, which includes the proffered improvements. In reviewing the Route 50 intersection improvements proposed by the applicant, VDOT determined that the proposed improvements would conflict with their ultimate improvements to Route 50. The Board of Supervisors at their December 1, 2009 Business Meeting voted to initiate a zoning concept plan for the Townes of East Gate to amend the proffers associated with the Route 50 improvements to allow for a monetary contribution of an equivalent value.

#### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The subject property is guided by the land use policies of the Revised General Plan as amended. The property is located within the Dulles Community of the Suburban Policy Area, and is suitable for Business community and Residential uses (*Arcola Area/Route 50 Corridor Plan, Planned Land Use Map*). The policies of the Revised Countywide Transportation Plan (CTP) also apply.

#### **ANALYSIS**

As stated above, the applicant seeks to amend the proffers associated with the two 250-foot long left turn lanes from westbound Route 50 to southbound Poland Road and structural and timing adjustments to the existing traffic signal at the Route 50/Poland Road intersection as approved with the Townes of East Gate (ZMAP 2002-0022) application. The proffers call for the applicant to bond and construct the Route 50 improvements prior to the issuance of any occupancy permit (Proffer VC1). This is consistent with Plan policies calling for road and transportation proffers in the Route 50 Corridor within the initial phases of development (Revised General Plan, Chapter 6, Arcola Area/Route 50 Corridor Plan Policy 7). While the approved proffers do allow for a cash equivalent contribution if any of the proffered transportation improvements are constructed or bonded by others prior to the applicant doing so (Proffer VC4), this proffer does not apply to the Route 50 VDOT improvements as they do not anticipate awarding the contract for the Route 50 widening until March 2010 with initial construction anticipated in the fall of 2010. The applicant has amended the proffers to allow for a one-time cash contribution in lieu of the Route 50 improvements to be made prior to the issuance of the first occupancy permit for any residential use (Proffer VD1).

It does not appear the Sheet 6, Conceptual Transportation Improvements has been updated to reflect the proposed changes to the Route 50 improvements.

#### **RECOMMENDATIONS**

Staff has no issue with the requested Zoning Concept Plan Amendment and defers to the Office of Transportation Services in determining whether the cash contribution, as proposed by the applicant meets County standards.

cc: Julie Pastor, AICP, Director, Planning  
Cynthia Keegan, AICP, Program Manager, Community Planning via e-mail

County of Loudoun

Office of Transportation Services

MEMORANDUM

**DATE:** March 16, 2010  
**TO:** Ginny Rowen, Project Manager  
Department of Planning  
**FROM:** Lou Mosurak, AICP, Senior Coordinator  
**SUBJECT:** ZCPA 2009-0010—Townes at East Gate Proffer Amendment  
Second Referral

**Background**

This referral updates the status of issues identified in the first Office of Transportation Services (OTS) referral on this Zoning Concept Plan Amendment (ZCPA) application (dated March 1, 2010). This application, initiated by the Board of Supervisors, proposes to amend the proffers approved in October 2005 for ZMAP 2002-0022 (Townes at East Gate) to provide a cash-in-lieu contribution to the County instead of actual construction of certain proffered road improvements, namely construction of an additional westbound left turn lane on John Mosby Highway (U.S. Route 50) at Poland Road (Route 742) and associated modifications to the existing traffic signal at the Route 50/Poland Road intersection. These improvements are in conflict with the planned VDOT Route 50 Improvement Project, which will widen and reconstruct U.S. Route 50 between Poland Road and Lee Road (in Fairfax County).

This update is based on review of materials received from the Department of Planning on March 10, 2010, including (1) a letter from the Applicant responding to first referral comments, dated March 8, 2010; (2) proposed redline and clean proffers for ZCPA 2009-0010, revised through March 8, 2010; (3) revised bond estimate forms for the proffered improvements at issue, prepared by the Applicant, date stamped March 10, 2010; and (4) a concept development plan (plan set) revised through January 14, 2010. OTS staff also participated in a meeting with Department of Planning staff, VDOT staff, and the Applicant's representatives on March 4, 2010.

**Status of Transportation Comments**

Staff comments from the first OTS referral (dated March 1, 2010), along with the Applicant's responses (quoted directly from its March 8, 2010 response letter) and issue status, are provided below.

1. **Initial Staff Comment:** The Applicant is requested to clarify how the \$231,000.00 figure included in the draft proffer statement was derived (contingency, etc). OTS staff notes that the procedure established for this type of application during review of the proffer

Attachment 1 B

A7

amendments for East Gate I and III in 2009 (ZCPA 2008-0010 and 2008-0011) included a 20% contingency. OTS notes that staff from the Department of Building and Development (B & D Engineering Division) reviewed the Applicant's submitted bond estimate worksheets, and found them to be acceptable. Comments (email) from B & D staff to this effect are included as *Attachment 4 [in the first OTS referral]*.

*Applicant's Response:* *The amount of the cash-in-lieu was arrived at by preparing a County Bond Estimate form for the work that would be deleted from the approved construction plan, CPAP 2005-0147, in terms of any work shown on that plan on Route 50. This included work in the median for construction of the dual left turn lanes from westbound Route 50 to southbound Poland Road. The plans would continue to show all of the work to Poland Road that is currently shown on the approved plans. The County Bond form showed a 10% contingency. We have revised the form to show a 20% contingency. The new value of the Route 50 improvements no longer being constructed is \$207,500, which includes a 20% contingency and one year's worth of inflation at 4%. Wells & Associates' cost estimates for the approved signal modifications to accommodate the dual lefts also used a 10% contingency. We have revised that estimate based on a 20% contingency factor. We verified with Wells that their estimate covered all the costs to modify the signal configuration for the dual left turn lane based on their approved signal modification plan. That value is \$46,000. Based on these adjustments and adding in the E & S bond value of \$5,118.05, which already included a 20% contingency, the new cash-in-lieu amount comes to \$259,000 when rounded up. The proffer statement has been revised to reflect this amount.*

**Issue Status:** The Applicant's narrative of the changes made to the revised (date stamped March 10, 2010) bond estimate forms is appreciated. OTS has reviewed the revised bond estimate forms (provided as *Attachment 1*) and finds the proposed \$259,000.00 cash-in-lieu figure to be acceptable. Issue resolved.

2. *Initial Staff Comment:* OTS staff is available to meet with the Applicant and VDOT to discuss the comments contained in VDOT's February 22, 2010 referral (*Attachment 5*) [*in the first OTS referral*]. OTS staff notes that the guidance provided by the Board of Supervisors for staff review of this application (per the resolution in *Attachment 1*) [*in the first OTS referral*] was to determine the appropriate cash-in-lieu value of the Applicant's proffered improvements instead of actual construction. OTS staff also notes that the Applicant has indicated its desire to proceed with its development prior to the estimated timeframe of completion of the VDOT project.

*Applicant's Response:* [*No response from the Applicant was necessary*].

**Issue Status:** As noted above, OTS staff participated in a meeting with Department of Planning staff, VDOT staff, and the Applicant's representatives on March 4, 2010. At that meeting, the parameters of the proposed application and the specifics of the existing signal configuration at the intersection of Route 50 and Poland Road were discussed and clarified with VDOT. Issue resolved.

**Conclusion**

**OTS has no objection to the approval of this application.**

**ATTACHMENT**

1. Applicant's Revised Bond Estimate Forms (date stamped March 10, 2010)

cc: Terrie Laycock, Director, OTS  
Andrew Beacher, Assistant Director, OTS  
Chuck Acker, Traffic Controller/Engineer, OTS  
Ken Harwood, Engineer, B & D

County of Loudoun

Office of Transportation Services

MEMORANDUM

RECEIVED

MAR 2 2010

LOUDOUN COUNTY  
DEPARTMENT OF PLANNING

**DATE:** March 1, 2010

**TO:** Ginny Rowen, Project Manager  
Department of Planning

**FROM:** Lou Mosurak, AICP, Senior Coordinator *LM*

**SUBJECT:** ZCPA 2009-0010—Townes at East Gate Proffer Amendment  
First Referral

**Background**

This Zoning Concept Plan Amendment (ZCPA) application proposes to amend the proffers approved in October 2005 for ZMAP 2002-0022 (Townes at East Gate) to provide a cash-in-lieu contribution to the County instead of actual construction of certain proffered road improvements. The proffered improvements that are at issue, namely construction of an additional westbound left turn lane on John Mosby Highway (U.S. Route 50) at Poland Road (Route 742) and associated modifications to the existing traffic signal at the Route 50/Poland Road intersection, are in conflict with the planned VDOT Route 50 Improvement Project, which will widen and reconstruct U.S. Route 50 between Poland Road and Lee Road (in Fairfax County). This ZCPA application was initiated by the Board of Supervisors on December 1, 2009; the Copy Teste and Board Action Item are provided as *Attachment 1*. The Board Action Item included a resolution which provided guidance for staff review of this application. A vicinity map is provided as *Attachment 2*.

In its consideration of this application, the Office of Transportation Services (OTS) reviewed materials received from the Department of Planning on December 31, 2009, including (1) Copy Teste and Board Action Item dated December 1, 2009; (2) a statement of justification prepared by the Applicant, dated December 3, 2009, along with the original statement of justification from ZMAP 2002-0022; (3) redline and clean proffers for ZMAP 2002-0022 with proposed revisions; (4) bond estimate forms for the proffered improvements at issue, prepared by the Applicant, and (5) a concept development plan (plan set) revised through December 1, 2009.

**Existing, Planned and Programmed Transportation Facilities**

The Townes at East Gate site is located within the Suburban Policy Area (Dulles Community), approximately 2,000 feet south of U.S. Route 50, along the east side of Poland Road (Route 742), south of East Gate View Drive and on both sides (north and south) of Tall Cedars Parkway (Route 2200) (see *Attachment 2*). Roadways relevant to the subject proffer amendment application (i.e., U.S. Route 50 and Poland Road) are discussed below. OTS' review of existing and planned transportation facilities is based on the 2001 Revised

*Attachment 1 B*

*A-10*

Countywide Transportation Plan (2001 Revised CTP) and the 2003 Bicycle & Pedestrian Mobility Master Plan (2003 Bike & Ped Plan).

**John Mosby Highway (U.S. Route 50)** (segment between Loudoun County Parkway (Route 606) and the Fairfax County Line) is currently classified by the 2001 Revised CTP as a minor arterial. Currently, this segment of U.S. Route 50 is a six-lane median divided (R6M) roadway to the west of Poland Road, and four-lane median divided (R4M) roadway east of Poland Road. The roadway is largely a controlled access facility, but individual site access (local access) occurs both east and west of Poland Road. At present, VDOT is in the design stage of a major reconstruction and widening project from the Poland Road intersection eastward. This project, which as of this writing is anticipated by VDOT to be completed in the 2013-2014 timeframe, will reconstruct both directions of the existing roadway (expanding it to the north), widen the roadway to six lanes, improve intersections, turn lanes, and traffic signals, and add multi-use trails along both sides of the roadway. The 2001 Revised CTP designates the ultimate condition of this entire segment of U.S. Route 50 as a six-lane limited access principal arterial. Grade-separated interchanges are planned at Loudoun County Parkway (Route 606), South Riding Boulevard (Route 2201), and Tall Cedars Parkway (Route 2200). All at-grade access is ultimately planned to be terminated.

**Poland Road (Route 742)** (segment between U.S. Route 50 and Tall Cedars Parkway) is classified by the 2001 Revised CTP (amended by CPAM 2004-0008 (East Gate Assemblage) in June 2005) as a minor collector. It is currently constructed largely as a two-lane (R2) roadway, though there are a number of existing turn lanes into individual parcels along the segment. Ultimately, this segment of Poland Road is planned to be widened to a four-lane undivided (U4) section, with left and right turn lanes at major intersections. Direct access to U.S. Route 50 is planned to be terminated when that roadway becomes a limited access facility; Poland Road would be realigned to the west just south of U.S. Route 50 and connect with South Riding Boulevard opposite existing Defender Drive.

Improvements proffered along Poland Road as part of the Townes of East Gate rezoning, consisting of widening the existing roadway to a four-lane undivided (U4) section from approximately 250 feet south of the existing commercial entrance to PIN # 128-40-8530 (the Sheetz gas station) to beyond the Valley Vista Lane intersection (depicted on the Sheet 6 of the plan set and on approved construction plans (CPAP 2005-0147)), will remain a requirement of the development and is not affected by the subject application.

The 2003 Bike & Ped Plan categorizes this segment of Poland Road as a “baseline connecting roadway” along which bicycle and pedestrian facilities are envisioned. Currently, a sidewalk is in place on the east side of Poland Road along the frontage of Grace Fellowship Church. The Townes at East Gate development proffered a 10-foot multi-purpose trail on the east side of Poland Road along its frontage; this facility is anticipated to be constructed in conjunction with the development of the site.

### **Applicant's Proposed Cash-In-Lieu Contribution**

The Applicant's draft proffers propose a total contribution of \$231,000.00 in lieu of construction of the proffered additional left turn lane on westbound U.S. Route 50 at Poland

Road and modifications to the existing traffic signal at the U.S. Route 50/Poland Road intersection. The Applicant's bond estimate worksheets (provided as *Attachment 3*) place the total value of these improvements at approximately \$198,000.00 (this figure includes approximately \$45,000.00 associated with the signal modification).

### Transportation Comments

1. The Applicant is requested to clarify how the \$231,000.00 figure included in the draft proffer statement was derived (contingency, etc). OTS staff notes that the procedure established for this type of application during review of the proffer amendments for East Gate I and III in 2009 (ZCPA 2008-0010 and 2008-0011) included a 20% contingency. OTS notes that staff from the Department of Building and Development (B & D Engineering Division) reviewed the Applicant's submitted bond estimate worksheets, and found them to be acceptable. Comments (email) from B & D staff to this effect are included as *Attachment 4*.
2. OTS staff is available to meet with the Applicant and VDOT to discuss the comments contained in VDOT's February 22, 2010 referral (*Attachment 5*). OTS staff notes that the guidance provided by the Board of Supervisors for staff review of this application (per the resolution in *Attachment 1*) was to determine the appropriate cash-in-lieu value of the Applicant's proffered improvements instead of actual construction. OTS staff also notes that the Applicant has indicated its desire to proceed with its development prior to the estimated timeframe of completion of the VDOT project.

### Conclusion

**Based on the review provided by B & D staff, the Applicant's proposed cash-in-lieu contribution amount (\$231,000.00) is adequate to cover the cost of the additional turn lane and signal modification that would have been incurred by the Applicant in the absence of the VDOT project. Subject to clarification regarding the Applicant's methodology for deriving the \$231,000.00 figure proposed in the proffer statement, OTS would have no objection to the approval of this application.**

### ATTACHMENTS

1. BOS Copy Teste and Action Item Initiating this ZCPA Application (December 1, 2009)
2. Site Vicinity Map
3. Applicant's Bond Estimate Worksheets and Signal Modification Cost Estimate
4. Email from B & D Staff Regarding Cost Estimates (February 16, 2010)
5. VDOT Referral Comments (February 22, 2010)

cc: Terrie Laycock, Director, OTS  
Andrew Beacher, Assistant Director, OTS  
Chuck Acker, Traffic Controller/Engineer, OTS  
Ken Harwood, Engineer, B & D

April 6, 2010

Ms. Ginny Rowen  
County of Loudoun  
Department of Planning  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, Virginia 20177-7000

Re: Townes at East Gate  
(Proffer Amendment – 2nd Submission)  
Loudoun County Application Number ZCPA 2009-0010

Dear Ms. Rowen:

We have reviewed the above noted application as requested in your March 10, 2010 transmittal. We offer the following comments:

1. Please see the attached e-mail dated Wednesday, March 31, 2010 from James C. Zeller, P. E. of VDOT's Preliminary Engineering Section.
2. Please see the attached e-mail dated Monday, April 05, 2010 from Ms. Kimberly A. McCool of VDOT's Location and Design Section.

We have no objection to the approval of this application.

If you have any questions, please call me at (703) 383-2061.

Sincerely,

John Bassett, P.E.  
Transportation Engineer

Attachments

cc: James C. Zeller, P. E.  
Ms. Kimberly A. McCool  
Imad Salous, P. E.

Attachment 1 C

A-13

**From:** Zeller, James C., P.E.  
**Sent:** Wednesday, March 31, 2010 3:24 PM  
**To:** Bassett, John (NOVA), P.E.; 'Rowen, Ginny A..'  
**Cc:** McCool, Kimberly A.; VanPoole, Thomas B., P.E.  
**Subject:** RE: Townes of East Gate (ZCPA 2009-0010)  
John,

I reviewed the materials you sent on March 16 and recommend approval of the revised proffers for the Route 50 / Route 742 intersection. Per your request I am returning to you the package of the revised concept development plan and proffers for your files.

James C. Zeller PE  
Virginia Department of Transportation  
41 Lawson Road, SE  
Leesburg, Virginia 20175-4460

703-737-2014 o  
703-771-2528 f  
571-722-6381 c

**From:** McCool, Kimberly A.

**Sent:** Monday, April 05, 2010 4:29 PM

**To:** Bassett, John (NOVA), P.E.; Zeller, James C., P.E.; 'Rowen, Ginny A.'

**Cc:** VanPoole, Thomas B., P.E.

**Subject:** RE: Townes of East Gate (ZCPA 2009-0010)

I have no additional comments.

Kim



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8368)

GREGORY A. WHIRLEY  
ACTING COMMISSIONER



February 22, 2010

Ms. Ginny Rowen  
County of Loudoun  
Department of Planning  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, Virginia 20177-7000

Re: Townes at East Gate  
(Proffer Amendment - 1<sup>st</sup> Submission)  
Loudoun County Application Number ZCPA 2009-0010

Dear Ms. Rowen:

We have reviewed the above noted application as requested in your December 30, 2009 transmittal. We offer the following comments:

1. Please see the attached e-mail dated Thursday, January 28, 2010 from James C. Zeller, P. E. of VDOT's Preliminary Engineering Section.
2. Please see the attached e-mail dated Monday, February 08, 2010 from Ms. Kimberly A. McCool of VDOT's Location and Design Section.
3. It appears that the cost of the proffered improvements would exceed the amount of money proposed to be contributed in lieu of those improvements.
4. Our project managers (noted in comments # 1 and 2 above) for VDOT Project 0050-96A-101, R201, C501 would like to meet with the applicant and County representatives to coordinate other issues relating to the scope of these improvements and the VDOT project.

If you have any questions, please call me at (703) 383-2061.

Sincerely,

A handwritten signature in black ink, appearing to read "JB", with a long horizontal flourish extending to the right.

John Bassett, P.E.  
Transportation Engineer

Attachments

cc: James C. Zeller, P. E.  
Ms. Kimberly A. McCool  
Imad Salous, P. E.

**From:** McCool, Kimberly A.  
**Sent:** Monday, February 08, 2010 2:12 PM  
**To:** Bassett, John (NOVA), P.E.  
**Cc:** VanPoole, Thomas B., P.E.; Zeller, James C., P.E.  
**Subject:** RE: Townes at East Gate - Proffer Amendment

John~

First, I also agree that the dollar amount seems very low.

Second, to follow up with Jim's idea, if we were to change our plans at this stage it would have to be as a work order. We do have an addendum pending, but it should go out this week and I don't expect we can change the plans in order to get this included at this stage. The technical proposals are due in March. However, I don't see a problem with doing the work order. Having us take the dual lefts and signal modifications and having them construct the Poland Road improvements would definitely be the easiest way to go. If we constructed the improvements on Poland then we would need to evaluate it for the NEPA document. However, if the timing isn't an issue we could do the evaluation. The only risks here are that we find something related to the environmental, or in doing some redesign we end up with a bigger project.

Kim

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**From:** Zeller, James C., P.E.  
**Sent:** Thursday, January 28, 2010 4:19 PM  
**To:** Bassett, John (NOVA), P.E.; McCool, Kimberly A.  
**Cc:** VanPoole, Thomas B., P.E.  
**Subject:** RE: Townes at East Gate - Proffer Amendment

First of all, the dollar amount should be tripled.

Second, let me throw out a crazy idea to the group that may get us a much better performing intersection for relatively little money: East Gate's proffer is for double lefts on Rte 50 with supporting signal modifications and receiving lanes on Poland Road. Our design maintains the existing single left. (This was a cost savings measure and it was also needed to stay within the footprint of our NEPA document.) What do you think of having East Gate construct the Poland Road improvements as currently proffered and we modify our design to provide the double lefts on Rte 50? This means modifying the scope of our project and we will need Kim's input on how, and whether, we should do this.

Looking forward to hearing your thoughts.

Jim Z.

# MEMORANDUM

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**TO:** Ginny Rowen, Department of Planning (#62)

**FROM:** Larr Kelly, Zoning Division, Department of Building and Development (#60)

**DATE:** January 6, 2010

**RE:** ZCPA 2009-0010: Townes of East Gate

---

As requested, I have reviewed the proffers, dated December 3, 2009, for the above referenced Zoning Concept Plan Amendment application. Pursuant to this review, I offer the following comments:

1. In regard to the header, I suggest that the reference to "ZMAP \_\_\_\_\_" be changed to "ZCPA 2009-0010".
2. In regard to the preamble, I suggest that it be re-written as follows:

"Pulte Home Corp., (the 'Applicant') the owner of the property described as Parcel 40 on Tax Map 107 (MCPI #128-10-4864) (the "Property") which was the subject of Zoning Map Amendment application ZMAP 2002-0022, approved by the Loudoun County Board of Supervisors (hereinafter referred to as 'the County') on October 18, 2005, on behalf of themselves and their successors in interest, hereby voluntarily proffers that in the event ZCPA 2009-0010 is approved by the County, as substantially set forth in the Zoning Concept Plan Amendment Plan dated October 2, 2002, with revisions through December 1, 2009, and further described in its application, ZCPA 2009-0010, the development of the Property shall be in substantial conformance with the following conditions, pursuant to Section 15.2-2303 of the CODE OF VIRGINIA (1950) as amended. These proffers are the only conditions offered in conjunction with this Zoning Concept Plan Amendment application, and any prior conditions applicable to the Property are hereby declared void and of no effect, provided that these proffers shall become effective only upon approval of Zoning Concept Plan Amendment application 2009-0010 submitted by the Applicant".

3. In regard to proffer I., concerning the Concept Development Plan, I suggest that the Plan needs to be updated to reflect the correct application number, the correct owner information and the correct parcel numbers.

Attachment 1-D

A-19

4. In regard to proffer V.C.1., in the second line thereof, I suggest that the word "any" be changed to "first".
5. In regard to proffer V.D.1., in the last line thereof, I suggest that the phrase "any occupancy permit" be changed to "first zoning permit".
6. In further regard to proffer V.D.1., I urge staff to have the Office of Transportation Services verify the acceptability of the proffered amount.
7. In regard to proffer X., I note that the applicant has indicated that "all cash contributions" shall escalate on a yearly basis "from the date that the application is approved". This reference would mean the approval of ZCPA 2009-00010, and would in effect eliminate any escalation to all proffers that has occurred since the approval of ZMAP 2002-0022. I do not believe that this is appropriate in the instance of proffer III., Capital Facilities Contribution, or proffer V.D.2., which is a regional transportation or road improvement contribution. I suggest that these should continue to have a base year of 2005. As for proffer V.D.1., I assume that the figure calculated for this contribution is based on current dollars and that this escalation provision would be appropriate. I suggest that this proffer be changed to ensure that the values for proffer III. and proffer V.D.2. are not being diminished.
8. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

**LOUDOUN COUNTY**  
**DISCLOSURES OF REAL PARTIES IN INTEREST**  
**AND LAND USE PROCEEDINGS**

**A. INTRODUCTION**

Under the mandatory provisions of Va. Code Ann. § 15.2-2287.1, each member of the Board of Supervisors, Planning Commission, and the Board of Zoning Appeals must make a full public disclosure of any business or financial relationship (including gifts or donations received as described in this Affidavit) that the member has or has had with the applicant, title owner, contract purchaser, or lessee of the land or their agent within twelve months prior to a hearing. This Code Section is specifically applicable only to Loudoun County.

In addition, pursuant to Va. Code Ann. § 15.2-2289, the Board of Supervisors for Loudoun County had previously adopted an ordinance requiring the submission of a completed Disclosure of Real Parties in Interest Form. See 1993 Revised Zoning Ordinance, Section 6-403(A).

The Loudoun County Board of Supervisors has directed County Staff to prepare land use affidavit forms to be used with rezoning, special exception, and variance applications, and reaffirmation procedures for affidavits. **The "Affidavit" and "Reaffirmation of Affidavit" forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.**

With the submission of any such zoning application, you are required to submit an Affidavit. Prior to a public hearing, you will be required to reaffirm your Affidavit in accordance with the reaffirmation procedures.

**B. INSTRUCTIONS**

1. Fill out the Affidavit and file with Application.
2. All listings which include PARTNERSHIPS, CORPORATIONS, or TRUSTS, must include the names of beneficiaries, broken down successively until: (a) only individual persons are listed or (b) the listing is a corporation having more than 100 shareholders that has no shareholder owning 10% or more of any class of stock. In the case of an Applicant, title owner, contract purchaser, or lessee of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all its partners (general and limited), of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the applicant, title owner, contract purchaser, or lessee of the land.
3. **Limited liability companies and real estate investment trusts and their equivalents are treated as corporations**, with members being deemed the equivalent of shareholders; managing members shall also be listed.

4. Prior to each and every public hearing on a Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception, Commission Permit, Certificate of Appropriateness or Variance, and prior to Board action, the Applicant shall review the affidavit and provide any changed or supplemental information including business or financial relationships of the type described above, that arise on or after the date of this application. A "Reaffirmation of Affidavit" form is available for your use online at: <http://inetdocs.loudoun.gov/planning/docs/documentsandfor/index.htm>
5. As used in these forms "real parties in interest" shall include all sole or joint property owners, parties who have legal interest in the protection of the property such as a trustee or executor, parties who have an equitable or beneficial interest in the property, such as beneficiaries of a trust, and, in the case of corporations, all stockholders, officers, and directors. Pursuant to Va. Code Ann. § 15.2-2289, the requirement of listing names of stockholders, officers, and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.
6. In the case of a condominium, the requirements shall apply only to the title owner, contract purchaser, or lessee if they own 10% or more of the units in the condominium.

I, Louis Canonico, do hereby state that I am an

Applicant

Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): ZMAP 2009-

and that to the best of my knowledge and belief, the following information is true:

**C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS**

**1. REAL PARTIES IN INTEREST**

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application\* and if any of the forgoing is a **TRUSTEE\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i>PIN</i>	<i>NAME (First, M.I., Last)</i>	<i>ADDRESS (Street, City, State, Zip Code)</i>	<i>RELATIONSHIP (Listed in bold above)</i>
128-10-4864	Pulte Homes Corp.	10600 Arrowhead Dr., Ste. 225, Fairfax, VA 22030	Title Owner
	christopher consultants, ltd.	20110 Ashbrook Pl., Ste. 160, Ashburn, VA 20147	Agent

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

**2. CORPORATION INFORMATION** (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

Pulte Homes Corp., 10600 Arrowhead Dr., Ste. 225, Fairfax, VA 22030

**Description of Corporation:**

There are 100 or fewer shareholders and all shareholders are listed below.

There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

There are more than 500 shareholders and stock is traded on a national or local stock exchange.

**Names of Shareholders:**

<i>SHAREHOLDER NAME (First, M.I., Last)</i>	<i>SHAREHOLDER NAME (First, M.I., Last)</i>

**Names of Officers and Directors:**

<i>NAME (First, M.I., Last)</i>	<i>Title (e.g. President, Treasurer)</i>

Check if applicable:

There is additional Corporation Information. See Attachment to Paragraph C-2.

**2. CORPORATION INFORMATION** (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

christopher consultants, ltd., 9900 Main Street, 4<sup>th</sup> Floor, Fairfax, VA 22031

**Description of Corporation:**

*There are 100 or fewer shareholders and all shareholders are listed below.*

*There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

*There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

*There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

**Names of Shareholders:**

<i>SHAREHOLDER NAME (First, M.I., Last)</i>	<i>SHAREHOLDER NAME (First, M.I., Last)</i>
Christopher W. Brown	
William R. Goldsmith, Jr.	
Louis (nmi) Canonico	
William R. Zink	
Ruth R. Fields	

**Names of Officers and Directors:**

<i>NAME (First, M.I., Last)</i>	<i>Title (e.g. President, Treasurer)</i>
Christopher W. Brown	President
William R. Goldsmith, Jr.	Exec. V.P./Secretary
Louis (nmi) Canonico	Vice President
William R. Zink	Vice President
Ruth R. Fields	Treasurer

Check if applicable:

There is additional Corporation Information. See Attachment to Paragraph C-2.

**3. PARTNERSHIP INFORMATION**

The following constitutes a listing of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in the affidavit.

**Partnership name and address:** (complete name, street address, city, state, zip)

\_\_\_\_\_

(check if applicable) The above-listed partnership has no limited partners.

**Names and titles of the Partners:**

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. General Partner, Limited Partner, etc)</i>

Check if applicable:  
 Additional Partnership information attached. See Attachment to Paragraph C-3.

A-26

**4. ADDITIONAL INFORMATION**

a. One of the following options **must** be checked:

In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

Additional information attached. *See Attachment to Paragraph C-4(a).*

b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

**EXCEPT AS FOLLOWS: (If none, so state).**

Check if applicable:

Additional information attached. *See Attachment to Paragraph C-4(b).*

c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

**EXCEPT AS FOLLOWS: (If none, so state).**

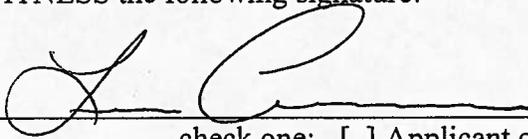
Check if applicable:

Additional information attached. *See Attachment to Paragraph C-4(c).*

**D. COMPLETENESS**

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:



check one: [ ] Applicant or [ x ] Applicant's Authorized Agent

Louis (nmi) Canonico, Vice President

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 4<sup>th</sup> day of December, 209, in the State/Commonwealth of Virginia, in the County/City of Loudoun.

Mindy Redd  
Notary Public

My Commission Expires: July 31, 2010

Embossed Hereon is My  
Commonwealth of Virginia Notary Public Seal  
My Commission Expires July 31, 2010  
MINDY REDD

**Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.**

**REAFFIRMATION OF AFFIDAVIT**

In reference to the Affidavit dated December 4, 2009 for the application of  
(enter date of affidavit)

Pulte Homes

(enter name(s) of applicant(s))

in Application Number(s): ZCPA 2009-0010  
(enter application number(s))

I, Louis Canonico, do hereby state that I am an

(check one)  applicant (must be listed in Paragraph B of the above-described affidavit)

applicant's authorized agent (must be listed in Paragraph B of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one)  I have reviewed the above-described affidavit, and the information contained therein is true and complete as of April 6, 2010

(enter today's date)

I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

Paragraph B-1

Paragraph C-1

Paragraph B-2

Paragraph C-2

Paragraph B-3

Paragraph C-3

WITNESS the following signature:

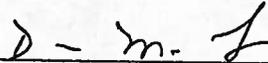


(check one)  applicant  applicant's authorized agent

Louis Canonico, Vice President

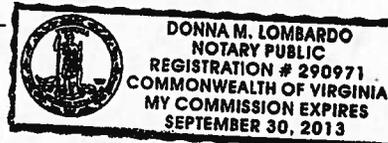
(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this 6th day of April, 2010,  
in the State/Commonwealth of Virginia, County/City of London.



Notary Public

My Commission expires: September 30, 2013



**Amendment to Statement of Justification  
The Townes of East Gate  
December 3, 2009**

**Purpose:** The purpose of this application is to submit a proffer amendment relating to the construction of improvements at the Route 50/Poland Road intersection. The Townes of East Gate was originally approved under County File No. ZMAP-2002-0022. As part of the approved proffer statement for that rezoning at proffer C.1.a., the Applicant proffered to construct two left turn lanes from westbound Route 50 to southbound Poland Road. In addition, at proffer C.1.c., the Applicant proffered to make necessary adjustments to the existing traffic signal to accommodate the dual left turn movement. Since the time that the original rezoning application was approved on October 18, 2005, VDOT has moved forward on the Route 50 widening project. The Route 50 widening project will widen Route 50 from its current four lane divided section to a six lane divided section from Poland Road east to Route 28. This widening project is fully funded. The project is moving forward as a design/build project. VDOT is currently moving forward and has bid the project. VDOT anticipates awarding the contract for the Route 50 widening in March 2010. Since the project is moving forward as a design/build project, VDOT is anticipating that initial construction on portions of the project can start as early as the fall of 2010, with completion of the project anticipated in mid 2013. In reviewing our proposed improvements to the Route 50 intersection, VDOT felt that our proposed improvements would conflict with their ultimate improvements to Route 50. Due to the lack of compatibility and due to VDOT's desire to ensure that there was uniformity to their project throughout its length, they determined that it would better to have the Route 50 improvements constructed as part of their project, rather than by this developer. This position is consistent in that other rezoning projects have proffered widening improvements to Route 50 within the affected area of the VDOT project and VDOT determined that said improvements should be built as part of their project rather than by the developers.

**Proposal:** Since VDOT's position is precluding this Applicant from constructing the proffered improvements to Route 50, the Applicant is submitting this proffer amendment such that their project can continue to move forward in light of VDOT's position on the Route 50 improvements. The Applicant is submitting a revised proffer statement whereby the construction of the improvements to Route 50 has been removed from the proffer statement. In lieu of the proffered Route 50 improvements, the Applicant is proffering to make a lump sum cash contribution to the County. The amount of this lump sum cash contribution is equivalent to the cost associated with the Route 50 improvements, as originally

proffered. The value of this cash contribution is based on estimates for the original work within the Route 50 right-of-way which was shown on an approved Construction Plan prepared by the Applicant, and was determined using County bond form costing numbers.

The approved proffers called for the Route 50 improvements to have been constructed and opened to traffic prior to the issuance of the first occupancy permit for a residential use within the project. Therefore, the Applicant in the revised proffer statement is proffering to make the cash contribution for the previously proffered Route 50 improvements prior to the issuance of the first occupancy permit for any residential uses in the project. Therefore, the cash contribution will be made to the County at the same time as the proffered constructed improvements would have been built and open to traffic.

The Applicant believes that this proffer amendment is extremely advantageous to the County in that not only will the County obtain the Route 50 improvements previously proffered, but in addition they will receive a significant cash contribution which can be allocated to other needed road improvements and/or transit improvements within the affected area of the application. Beyond the noted change to the proffers, no other changes have been made to the application as it was originally approved as ZMAP-2002-0022. Therefore, we are submitting herewith copies of the original statement of justification that was submitted for ZMAP-2002-0022. Since nothing else has changed in the application, all of the information in the original statement of justification is still applicable to the project.



March 8, 2010

Ms. Ginny Rowen  
 Loudoun County  
 Department of Planning  
 1 Harrison Street, S.E.  
 Leesburg, VA 20177



RE: ZCPA 2009-0010; Townes of East Gate

Dear Ginny:

We are in receipt of r comments on the above referenced application and offer the following in response:

Comment letter from the Department of Building and Development dated January 6, 2010:

1. *In regards to the header, I suggest that the reference to "ZMAP \_\_\_\_\_" be changed to "ZCPA 2009-0010".*

**Response: The header has been changed.**

2. *In regard to the preamble, I suggest that it be re-written as follows:*

*"Pulte Home Corp., (the 'Applicant') the owner of the property described as Parcel 40 on Tax Map 107 (MCPI # 128-10-4864) (the 'Property') which was the subject of Zoning Map Amendment application ZMAP 2002-0022, approved by the Loudoun County Board of Supervisors (hereinafter referred to as 'the County') on October 18, 2005, on behalf o themselves and their successors in interest, hereby voluntarily proffers that in the event ZCPA 2009-0010 is approved by the County, as substantially set forth in the Zoning Concept Plan Amendment Plan dated October 2, 2002, with revisions through December 1, 2009, and further described in its application, ZCPA 2009-0010, the development of the Property shall be in substantial conformance with the following conditions, pursuant to Section 15.2-2303 of the CODE OF VIRGINIA (1950) as amended. These proffers are the only conditions offered in conjunction with this Zoning Concept Plan Amendment application, and any prior conditions applicable to the Property are hereby declared void and of no effect, provided that these proffers shall become effective only upon approval of Zoning Concept Plan Amendment application 2009-0010 submitted by the Applicant".*

**Response: The preamble has been revised.**

3. *In regard to proffer I., concerning the Concept Development Plan, I suggest that the Plan needs to be updated to reflect the correction application number, the correct owner information and the correct parcel numbers.*

**Response: The plan has been updated.**

4. *In regard to proffer V.C.1., in the second line thereof, I suggest that the word "any" be changed to "first".*

**Response:** The second line of proffer V.C.1 has been revised.

5. *In regard to proffer V.D.1., in the last line thereof, I suggest that the phrase "any occupancy permit" be changed to "first zoning permit".*

**Response:** This change has been made.

6. *In further regard to proffer V.D.1., I urge staff to have the Office of Transportation Services verify the acceptability of the proffered amount.*

**Response:** We have received OTS comments. In response to their comments, the cash value of the proffer has been increased to \$259,000.00

7. *In regard to proffer X., I note that the applicant has indicated that "all cash contributions" shall escalate on a yearly basis "from the date that the application is approved". This reference would mean the approval of ZCPA 2009-0010, and would in effect eliminate any escalation to all proffers that has occurred since the approval of ZMAP 2002-0022. I do not believe that this is appropriate in the instance of proffer III., Capital Facilities Contribution, or proffer V.D.2., which is a regional transportation or road improvement contribution. I suggest that these should continue to have a base year of 2005. As for proffer V.D.1., I assume that the figure calculated for this contribution is based on current dollars and that this escalation provision would be appropriate. I suggest that this proffer be changed to ensure that the values for proffer III. and proffer V.D.2. are not being diminished.*

**Response:** Proffer X. has been modified to indicate that unless otherwise provided, all cash contributions will be escalated from October 18, 1995, the original approval date of the rezoning. Since proffer V.D.1. is a new cash proffer with this application, that proffer indicates its escalation date will be the date of approval of this application.

8. *These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.*

**Response:** The proffers will be signed and notarized prior to the Board public hearing.

**Comment Memo from OTS dated March 1, 2010:**

*Conclusion*

*Based on the review provided by B & D staff, the Applicant's proposed cash-in-lieu contribution amount (\$231,000.00) is adequate to cover the cost of the additional turn lane and signal modification that would have been incurred by the Applicant in the absence of the VDOT project. Subject to clarification regarding the Applicant's methodology for deriving the \$231,000.00 figure proposed in the proffer statement, OTS would have no objection to the approval of this application.*

**Response:** The amount of the cash-in-lieu was arrived at by preparing a County Bond Estimate form for the work that would be deleted from the approved construction plan, CPAP 2005-0147, in terms of any work shown on that plan

on Route 50. This included the work in the median for construction of the dual left turn lanes from westbound Route 50 to southbound Poland Road. The plans would continue to show all of the work to Poland Road that is currently shown on the approved plans. The County Bond form showed a 10% contingency. We have revised the form to show a 20% contingency. The new value of the Route 50 improvements no longer being constructed is \$207,500, which includes a 20% contingency and one year's worth of inflation at 4%. Wells & Associates' cost estimate for the approved signal modifications to accommodate the dual left turns also used a 10% contingency. We have revised that estimate based on a 20% contingency factor. We verified with Wells that their estimate covered all the costs to modify the signal configuration for the dual left turn lane based on their approved signal modification plan. That value is \$46,000. Based on these adjustments and adding in the E&S bond value of \$5,118.05, which already included a 20% contingency, the new cash-in-lieu of amount comes to \$259,000 when rounded up. The proffer statement has been revised to reflect this amount.

**VDOT Comment Letter from John Bassett dated February 24, 2010:**

1. *Please see the attached e-mail dated Thursday, January 28, 2010 from James C. Zeller, P.E. of VDOT's Preliminary Engineering Section.*

**Response:** Issues discussed and resolved at meeting on March 4, 2010.

2. *Please see the attached e-mail dated Monday, February 8, 2010 from Ms. Kimberly A. McCool of VDOT's Location and Design Section.*

**Response:** Issues discussed and resolved at meeting on March 4, 2010.

3. *It appears that the cost of the proffered improvements would exceed the amount of money proposed to be contributed in lieu of those improvements.*

**Response:** The value of the proffered improvements were based on County bond unit pricing. This methodology was approved by the County on prior similar projects.

4. *our project managers (noted in comments # 1 and 2 above) for VDOT Project 0050-96A-101, R201, C501 would like to meet with the applicant and County representatives to coordinate other issues relating to the scope of these improvements and the VDOT project.*

**Response:** The requested meeting was held between County and VDOT staff and the applicant's representatives on March 4, 2010. It is our understanding all issues were resolved to the County's satisfaction.

Pursuant to our discussions, it is my understanding that these are the only referral comments received that require specific response. We feel with these revisions, all of the referral agency comments have been adequately addressed. That being the case, we would respectfully request that this application be sent forward for public hearing in as expeditious a manner as possible. Further, as we have discussed, Supervisor Miller has requested that this application be dual advertised. We would, therefore, request that this application be handled as such.

Ms. Ginny Rowen  
March 8, 2010  
Page 4

If you have any questions, or if we need to discuss anything about this application further, please feel free to contact me.

Very truly yours,

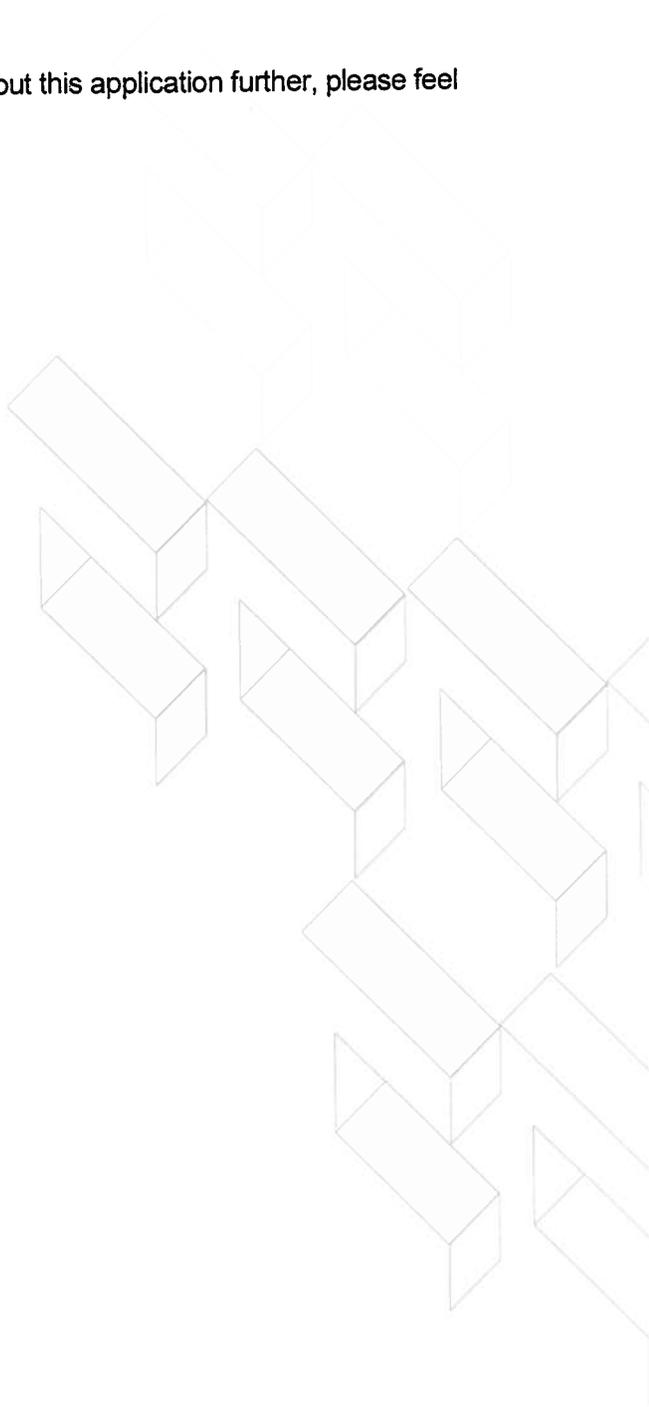


Louis Canonico, P.E.  
Regional Vice President

LC/dml

Enclosure

cc: Mr. Jeff Edelman  
Mr. Scott Plein  
Mr. Ken Griffin



**COUNTY OF LOUDOUN  
PUBLIC IMPROVEMENT BOND UNIT COST LIST AND BOND REDUCTION FORM (CPAP)**

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
<b>MOBILIZATION</b>							
Mobilization (5% of Total or \$12,000 Minimum, Automatically							
<b>SURVEYING</b>							
Steel Pipe Property Corner	EA	\$275.00					
<b>R.O.W. Monuments Surveyed In.</b>							
RM - 1	EA	\$825.00					
RM - 2	EA	\$575.00					
<b>EARTHWORK EXCAVATION</b>							
Regular Bulk used as Fill	CY	\$21.75					
Rock, Rip	CY	\$27.25					
Rock, Blast	CY	\$64.25					
<b>BORROW MATERIAL</b>							
Buy, Load, Haul 10 Mi. Select Material	CY	\$28.90					
Fill and Compaction of On-Site Borrow	CY	\$5.95					
<b>UNSUITABLE MATERIAL</b>							
Load and Haul, 20 mi R/T	CY	\$21.95					
Dump Charge	CY	\$37.50					
Site Grading	SY	\$0.75					
<b>CLEAR &amp; GRUB</b>							
Light	AC	\$6,675.00					
Moderate	AC	\$9,750.00					
Heavy	AC	\$12,250.00	0.94	\$11,515.00			
Very Heavy	AC	\$14,250.00					
<b>LANDSCAPING</b>							
Seeding	SY	\$3.25					
Sodding	SY	\$6.50					
<b>PLANTING SHRUBS</b>							
18"	EA	\$40.00					
24"	EA	\$70.00					
<b>TREES</b>							
6' - 8'	EA	\$400.00					
8' - 10'	EA	\$700.00					
Tree Protection	LF	\$9.00					
<b>MISCELLANEOUS SITE</b>							

RECEIVED

MAR 10 2010

LOUDOUN COUNTY  
DEPARTMENT OF PLANNING

ATTACHMENT 4

A-35

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (cc# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
<b>Retaining Walls</b>							
Timber Wall (Less Than 6 ft)	LF	\$325.00					
Dry Rubble RW-1 (H=6')	LF	\$450.00					
Mortared Rubble RW-1A (H=6')	LF	\$535.00					
Concrete Gravity RW-2 (H=6')	LF	\$339.00					
Concrete Gravity RW-3 (H=6')	LF	\$378.00					
<b>FENCING</b>							
Std. Fence (H=5) FR-5	LF	\$22.00					
Farm Fence (H=5) FR-3A	LF	\$27.50					
Chain Link Fence (H=6') FR 2-B	LF	\$42.00					
Board Fence (H=6')	LF	\$42.50					
<b>TOT LOTS</b>							
Tot Lot	EA	\$16,495.00					
<b>STORM DRAINAGE</b>							
<b>STORM SEWER</b>							
<b>NOTE: All pipe unit prices include trench, excavation,</b>							
<b>Rock Excavation for All Pipe Types</b>							
<b>(Blasting)</b>							
Pipe size 6" - 18"	VF/LF	\$6.04					
Pipe size 21" - 36"	VF/LF	\$8.61					
Pipe size 42" - 60"	VF/LF	\$14.34					
Pipe size 72" - 120"	VF/LF	\$20.65					
<b>Select Backfill for All Pipe Types</b>							
<b>4' Straight</b>							
<b>Up 1:1 Layback</b>							
Less than 1,500 CY (Blasting)	CY	\$110.00					
More than 1,500 CY (Blasting)	CY	\$90.00					
Less than 1,500 CY (Hoe Ram)	CY	\$135.00					
More than 1,500 CY (Hoe Ram)	CY	\$110.00					
<b>Trench De-Watering</b>							
Trench De-Watering	LF	\$2.95					
<b>RCP CLASS III ROUND</b>							
<b>T &amp; G W/MASTIC</b>							
<b>12" Pipe (RCP III)</b>							
0' - 8' Cut	LF	\$44.50					
8' - 14' Cut	LF	\$62.50					
Add cost for Class IV	LF	\$0.85					
O-Ring	LF	\$5.50					
<b>15" Pipe (RCP III)</b>							
0' - 10' Cut	LF	\$49.75					
10' - 16'	LF	\$77.50					
Add Cost for Class IV	LF	\$0.95					

A-36

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only)  
 PREPARED BY: Tucker Travis

FIRM: christopher consultants, ltd. (ccl# 01-23-08.01)

PROJECT NUMBER: CPAP-2005-0147

DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
<b>18" Pipe (RCP III)</b>	LF	\$5.50					
O-Ring							
0' - 10' Cut		\$50.00					
10' - 16' Cut		\$80.00					
Add Cost for Class IV		\$2.00					
O-Ring		\$7.00					
<b>21" Pipe (RCP III)</b>							
0' - 10' Cut		\$57.50					
10' - 16' Cut		\$87.50					
Add Cost for Class IV		\$2.75					
O-Ring		\$13.00					
<b>24" Pipe (RCP III)</b>							
0' - 10' Cut		\$67.50					
10' - 16' Cut		\$95.00					
Add Cost for Class IV		\$3.15					
O-Ring		\$14.00					
<b>27" Pipe (RCP III)</b>							
0' - 10' Cut		\$60.00					
10' - 16' Cut		\$95.00					
Add Cost for Class IV		\$4.00					
O-Ring		\$15.00					
<b>30" Pipe (RCP III)</b>							
0' - 10' Cut		\$82.50					
10' - 16' Cut		\$125.00					
Add Cost for Class IV		\$6.00					
O-Ring		\$17.25					
<b>33" Pipe (RCP III)</b>							
0' - 12' Cut		\$115.00					
10' - 18' Cut		\$160.00					
Add Cost for Class IV		\$6.50					
O-Ring		\$21.95					
<b>36" Pipe (RCP III)</b>							
0' - 12' Cut		\$120.00					
12' - 18' Cut		\$175.00					
Add Cost for Class IV		\$7.75					
O-Ring		\$22.75					
<b>42" Pipe (RCP III)</b>							
0' - 12' Cut		\$140.00					
12' - 18' Cut		\$200.00					
Add Cost for Class IV		\$12.00					
O-Ring		\$35.45					
<b>48" Pipe (RCP III)</b>							
0' - 12' Cut		\$155.00					
12' - 18' Cut		\$215.00					
Add Cost for Class IV		\$12.50					

A-37

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE
O-Ring	LF	\$43.35					
<b>54" Pipe (RCP III)</b>							
0' - 12' Cut	LF	\$190.00					
12' - 18' Cut	LF	\$275.00					
Add Cost for Class IV	LF	\$18.75					
O-Ring	LF	\$44.45					
<b>60" Pipe (RCP III)</b>							
0' - 12' Cut	LF	\$225.00					
12' - 18' Cut	LF	\$335.00					
Add Cost for Class IV	LF	\$22.50					
O-Ring	LF	\$48.65					
<b>ELLIPTICAL PIPE -</b>							
<b>RCP CLASS III</b>							
<b>23" X 14" (18" Equiv-RCP III)</b>							
0' - 10' Cut	LF	\$75.00					
10' - 16' Cut	LF	\$110.00					
Add cost for Class IV		\$16.45					
O-Ring		\$43.35					
<b>30" X 19" (24" Equiv-RCP III)</b>							
0' - 10' Cut	LF	\$90.00					
10' - 16' Cut	LF	\$130.00					
Add cost for Class IV		\$5.95					
O-Ring		\$43.34					
<b>38" X 24" (30" Equiv-RCP III)</b>							
0' - 10' Cut	LF	\$120.00					
10' - 16' Cut	LF	\$167.50					
Add cost for Class IV		\$8.45					
O-Ring		\$51.35					
<b>45" X 29" (36" Equiv-RCP III)</b>							
0' - 10' Cut	LF	\$165.00					
10' - 16' Cut	LF	\$235.00					
Add cost for Class IV		\$11.35					
O-Ring		\$53.35					
<b>53" X 34" (42" Equiv-RCP III)</b>							
0' - 12' Cut	LF	\$210.00					
10' - 18' Cut	LF	\$300.00					
Add cost for Class IV		\$15.35					
O-Ring		\$58.95					
<b>60" X 38" (48" Equiv-RCP III)</b>							
0' - 12' Cut	LF	\$255.00					
10' - 18' Cut	LF	\$375.00					
Add cost for Class IV		\$18.35					
O-Ring		\$69.95					
<b>HDPE Pipe</b>							
<b>8" Pipe</b>							

A-38

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (cc# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
0'-8' Cut	LF	\$28.65					
8'-14' Cut	LF	\$43.15					
<b>12" Pipe</b>							
0'-8' Cut	LF	\$38.95					
8'-14' Cut	LF	\$57.75					
<b>15" Pipe</b>							
0'-8' Cut	LF	\$50.25					
8'-16' Cut	LF	\$74.85					
<b>18" Pipe</b>							
0'-8' Cut	LF	\$66.00					
8'-16' Cut	LF	\$98.55					
<b>24" Pipe</b>							
0'-8' Cut	LF	\$76.90					
8'-16' Cut	LF	\$115.25					
<b>30" Pipe</b>							
0'-8' Cut	LF	\$91.33					
8'-16' Cut	LF	\$137.27					
<b>36" Pipe</b>							
0'-8' Cut	LF	\$101.68					
8'-16' Cut	LF	\$152.33					
<b>42" Pipe</b>							
0'-8' Cut	LF	\$113.99					
8'-16' Cut	LF	\$171.00					
<b>48" Pipe</b>							
0'-8' Cut	LF	\$129.55					
8'-16' Cut	LF	\$195.66					
<b>STORM STRUCTURES</b>							
<b>END SECTIONS</b>							
<b>End Section (ES-1), Concrete</b>							
Pipe Size							
15"	EA	\$485.00					
18"	EA	\$565.00					
21"	EA	\$645.00					
24"	EA	\$755.00					
27"	EA	\$1,065.00					
30"	EA	\$1,195.00					
36"	EA	\$1,765.00					
42"	EA	\$1,795.00					
48"	EA	\$2,135.00					
54"	EA	\$2,795.00					
60"	EA	\$3,455.00					
<b>ENDWALLS</b>							
<b>EW-1 (Pre-cast)</b>							
Round Pipe Size							
15"	EA	\$800.00					

A-39

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
18"	EA	\$1,337.00					
24"	EA	\$2,021.00					
30"	EA	\$2,133.00					
36"	EA	\$2,366.00					
<b>EW-1 Cast in Place Round Pipe Size</b>							
15"	EA	\$852.00					
18"	EA	\$1,053.00					
24"	EA	\$1,495.00					
30"	EA	\$2,144.00					
36"	EA	\$2,383.00					
<b>EW-1A (Pre-Cast) Elliptical Pipe Size</b>							
23" X 14" (18")	EA	\$695.00					
30" X 19" (24")	EA	\$969.00					
38" X 24" (30")	EA	\$1,165.00					
45" X 29" (36")	EA	\$1,445.00					
53" X 34" (42")	EA	\$1,840.00					
<b>EW-1A (Cast in Place) Elliptical Pipe Size</b>							
23" X 14" (18")	EA	\$667.00					
30" X 19" (24")	EA	\$939.00					
38" X 24" (30")	EA	\$1,247.00					
45" X 29" (36")	EA	\$1,618.00					
53" X 34" (42")	EA	\$2,109.00					
<b>EW-2 (Pre-Cast) Round Pipe Size</b>							
42"	EA	\$5,445.00					
48"	EA	\$5,695.00					
54"	EA	\$6,660.00					
60"	EA	\$7,140.00					
72"	EA	\$7,990.00					
84"	EA	\$9,490.00					
<b>EW-2 (Cast in Place) Round Pipe Size</b>							
42"	EA	\$4,723.00					
48"	EA	\$6,039.00					
54"	EA	\$6,972.00					
60"	EA	\$8,179.00					
72"	EA	\$10,713.00					
84"	EA	\$12,288.00					
<b>(EW-6PC) [Double Pipe] Pipe Size</b>							
2-15"	EA	\$999.00					
2-18"	EA	\$1,235.00					

A40

PROJECT NAME: Poland Road/Route 50 Intersection (Rt.50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
2-24"	EA	\$1,510.00					
2-30"	EA	\$2,165.00					
2-36"	EA	\$2,647.00					
<b>MANHOLES</b>							
<b>Standard Brick Manhole</b>							
<b>Std Frame &amp; Cover (MH-1)</b>							
6' Depth	EA	\$3,750.00					
Depth below 6'	VF	\$163.00					
<b>Standard Precast Manhole</b>							
<b>Std Frame &amp; Cover (MH-2)</b>							
6' Depth	EA	\$3,100.00					
Depth below 6'	VF	\$177.00					
<b>Additional Cost (Amounts in parentheses to be added to the above unit costs)</b>							
Watertight Fr/Cover (Add 110)	EA	\$579.00					
Heavy Duty Fr/Cover (Add 82)	EA	\$599.00					
<b>DROP INLETS</b>							
<b>Cast in Place 48"</b>							
Drop Inlet (DI-1) 12" - 24" Pipe	EA	\$3,697.00					
0-10 VF	EA	\$5,593.00					
Drop Inlet (DI-1A) 12" - 24" Pipe 10-20 VF	EA	\$6,911.00					
Drop Inlet (DI-2) 12" - 24" Pipe 0-10 VF, 10' throat	EA	\$8,833.00					
Drop Inlet (DI-2A) 12" - 24" Pipe 10-20 VF, 10' throat	EA						
<b>CURB DROP INLETS</b>							
<b>Curb Drop Inlet (DI-3A)</b>							
12"-30" Pipe (Invert Depth (H) = 0'-8") Inlet Length 2'-6"	EA	\$4,088.00					
<b>Curb Drop Inlet (DI-3AA)</b>							
12"-30" Pipe (Invert Depth (H) = 0'-8") Inlet Length 2'-6"	EA	\$5,357.00					
<b>Curb Drop Inlet (DI-3B &amp; DI-12) 12"-30" Pipe (Invert Depth (H) = 0'-8") Inlet Length</b>							
4'	EA	\$4,279.00					
6'	EA	\$4,573.00					
8'	EA	\$4,889.00					
10'	EA	\$5,052.00					
12'	EA	\$5,227.00					
16'	EA	\$5,543.00					
20'	EA	\$5,859.00					

A41

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE
<b>Curb Drop Inlet (DI-3BB)</b>							
12"-30" Pipe (Invert Depth (H) = 8'-20') Inlet Length							
4'	EA	\$4,276.00					
6'	EA	\$4,848.00					
8'	EA	\$5,429.00					
10'	EA	\$5,732.00					
12'	EA	\$6,011.00					
16'	EA	\$6,296.00					
20'	EA	\$6,599.00					
<b>Curb Drop Inlet (DI-3C)</b>							
12"-30" Pipe (Invert Depth (H) = 0'-8') Inlet Length							
6'	EA	\$4,013.00					
8'	EA	\$4,588.00					
10'	EA	\$4,893.00					
12'	EA	\$5,178.00					
16'	EA	\$5,766.00					
20'	EA	\$6,339.00					
<b>Curb Drop Inlet (DI-3CC)</b>							
12"-30" Pipe (Invert Depth (H) = 8'-20') Inlet Length							
6'	EA	\$4,846.00					
8'	EA	\$5,293.00					
10'	EA	\$5,627.00					
12'	EA	\$5,988.00					
16'	EA	\$6,772.00					
20'	EA	\$7,465.00					
<b>Curb Drop Inlet (DI-3D)</b>							
12"-30" Pipe (Invert Depth (H) = 0'-8') Inlet Length 2'-6"	EA	\$3,633.00					
<b>Curb Drop Inlet (DI-3DD)</b>							
12"-30" Pipe (Invert Depth (H) = 8'-20') Inlet Length 2'-6"	EA	\$4,367.00					
<b>Curb Drop Inlet (DI-3E)</b>							
12"-30" Pipe (Invert Depth (H) = 0'-8') Inlet Length							
4'	EA	\$4,093.00					
8'	EA	\$4,756.00					
10'	EA	\$5,724.00					
12'	EA	\$5,833.00					
16'	EA	\$6,072.00					
20'	EA	\$6,709.00					

A42

PROJECT NAME: Poland Road/Route 50 Intersection (Rt. 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
<b>Curb Drop Inlet (DI-3EE)</b>							
12"-30" Pipe (Invert Depth (H) = 8'-20') Inlet Length							
6'	EA	\$7,562.00					
8'	EA	\$7,869.00					
10'	EA	\$7,999.00					
12'	EA	\$8,166.00					
16'	EA	\$8,471.00					
20'	EA	\$8,767.00					
<b>Curb Drop Inlet (DI-3F)</b>							
12"-30" Pipe (Invert Depth (H) = 0'-8') Inlet Length							
6'	EA	\$3,765.00					
8'	EA	\$4,419.00					
10'	EA	\$4,749.00					
12'	EA	\$5,085.00					
16'	EA	\$5,742.00					
20'	EA	\$6,395.00					
<b>Curb Drop Inlet (DI-3FF)</b>							
12"-30" Pipe (Invert Depth (H) = 8'-20') Inlet Length							
6'	EA	\$8,077.00					
8'	EA	\$8,288.00					
10'	EA	\$8,480.00					
12'	EA	\$8,668.00					
16'	EA	\$9,047.00					
20'	EA	\$9,446.00					
<b>Curb Drop Inlet (DI-4A)</b>							
36"-48" Pipe (Invert Depth (H) = 0'-8') Inlet Length							
4'	EA	\$4,868.00					
<b>Curb Drop Inlet (DI-4AA)</b>							
36"-48" Pipe (Invert Depth (H) = 0'-8') Inlet Length							
4'	EA	\$6,817.00					
<b>Curb Drop Inlet (DI-4B)</b>							
36"-48" Pipe (Invert Depth (H) = 0'-8') Inlet Length							
6'	EA	\$5,172.00					
8'	EA	\$5,499.00					
10'	EA	\$5,698.00					
12'	EA	\$5,870.00					
16'	EA	\$6,221.00					
20'	EA	\$6,571.00					

A43

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
<b>Curb Drop Inlet (DI-4BB)</b>							
<u>36"-48" Pipe (Invert Depth</u>							
<u>(H) = 8'-20' Inlet Length</u>							
6'	EA	\$10,292.00					
8'	EA	\$10,643.00					
10'	EA	\$10,810.00					
12'	EA	\$10,974.00					
16'	EA	\$11,309.00					
20'	EA	\$11,669.00					
<b>Curb Drop Inlet (DI-4C)</b>							
<u>36"-48" Pipe (Invert Depth</u>							
<u>(H) = 0'-8' Inlet Length</u>							
8'	EA	\$5,612.00					
10'	EA	\$5,794.00					
12'	EA	\$5,968.00					
16'	EA	\$6,315.00					
20'	EA	\$6,657.00					
<b>Curb Drop Inlet (DI-4CC)</b>							
<u>36"-48" Pipe (Invert Depth</u>							
<u>(H) = 8'-20' Inlet Length</u>							
8'	EA	\$13,371.00					
10'	EA	\$13,693.00					
12'	EA	\$14,097.00					
16'	EA	\$14,712.00					
20'	EA	\$15,365.00					
<b>Curb Drop Inlet (DI-4D)</b>							
<u>36"-48" Pipe (Invert Depth</u>							
<u>(H) = 0'-8' Inlet Length 4'</u>							
EA	EA	\$4,933.00					
<b>Curb Drop Inlet (DI-4DD)</b>							
<u>36"-48" Pipe (Invert Depth</u>							
<u>(H) = 0'-8' Inlet Length 4'</u>							
EA	EA	\$9,455.00					
<b>Curb Drop Inlet (DI-4E)</b>							
<u>36"-48" Pipe (Invert Depth</u>							
<u>(H) = 0'-8' Inlet Length</u>							
6'	EA	\$5,267.00					
8'	EA	\$5,605.00					
10'	EA	\$5,896.00					
12'	EA	\$6,233.00					
16'	EA	\$6,996.00					
20'	EA	\$7,695.00					
<b>Curb Drop Inlet (DI-4DD)</b>							
<u>36"-48" Pipe (Invert Depth</u>							
<u>(H) = 8'-16' Inlet Length</u>							
6'	EA	\$9,165.00					
8'	EA	\$9,495.00					

A4

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE
10'	EA	\$9,839.00					
12'	EA	\$10,167.00					
16'	EA	\$10,838.00					
20'	EA	\$11,483.00					
<b>Curb Drop Inlet (DI-4F)</b>							
8'	EA	\$5,877.00					
10'	EA	\$6,209.00					
12'	EA	\$6,568.00					
16'	EA	\$7,259.00					
20'	EA	\$7,963.00					
<b>Curb Drop Inlet (DI-4FF)</b>							
8'	EA	\$8,866.00					
10'	EA	\$9,147.00					
12'	EA	\$9,435.00					
16'	EA	\$9,997.00					
20'	EA	\$10,584.00					
<b>Median Drop Inlets - CIP</b>							
Median Drop Inlet (DI-6A)	EA	\$4,205.00					
Median Drop Inlet (DI-6B)	EA	\$4,267.00					
12" -24" Pipe Inlet (H=8')	EA	\$5,589.00					
Median Drop Inlet (DI-6C)	EA	\$5,589.00					
30" -48" Pipe Inlet (H=10')	EA	\$5,692.00					
Median Drop Inlet (DI-6D)	EA	\$5,692.00					
30" -48" Pipe Inlet (H=10')	EA	\$5,748.00					
Median Drop Inlet (DI-7)	EA	\$5,748.00					
Median Drop Inlet (DI-7A)	EA	\$6,338.00					
Type III Top 12" -24" Pipe Inlet (H=10')	EA	\$6,338.00					

A-45

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only)  
 PREPARED BY: Tucker Travis

FIRM: christopher consultants, ltd. (cc# 01-23-08.01)  
 PROJECT NUMBER: CPAP-2005-0147

DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
Median Drop Inlet (DI-7B) Type III Top 12" -24" Pipe Inlet (H=10')	EA	\$6,797.00					
<b>MISCELLANEOUS INLETS</b>							
Ditch Drop Inlet, (DI-5)	EA	\$5,226.00					
Standard Yard Inlet (YI-1) 12" -48" Pipe (Invert Depth (H)=0'-8") Inlet Length 4'(No Aprons)	EA	\$4,749.00					
Add Yard Inlet Apron	THROAT	\$255.00					
Standard Yard Inlet (YI-3) 12" -48" Pipe (Invert Depth (H)=0'-8") Inlet Length 4'(No Aprons)	EA	\$5,127.00					
Add Yard Inlet Apron	THROAT	\$255.00					
<b>CULVERTS</b>							
<b>Single Box Culvert (BC-1A) Fills to 25'</b>							
4' X 4'	LF	\$336.00					
5' X 5'	LF	\$410.00					
6' X 6'	LF	\$498.00					
8' X 8'	LF	\$699.00					
10' X 10'	LF	\$845.00					
<b>Double Box Culvert (BC-2b) Fills to 25'</b>							
4' X 4'	LF	\$566.00					
5' X 5'	LF	\$705.00					
6' X 6'	LF	\$854.00					
8' X 8'	LF	\$1,148.00					
10' X 10'	LF	\$1,411.00					
<b>Oversized Single Box Culvert (BBC-1) Fills to 25'</b>							
12' X 6'	LF	\$1,026.00					
12' X 8'	LF	\$1,144.00					
12' X 10'	LF	\$1,239.00					
12' X 12'	LF	\$1,348.00					
<b>Triple Box Culvert (BC-3B) Fills to 25'</b>							
4' X 4'	LF	\$779.00					
5' X 5'	LF	\$965.00					
6' X 6'	LF	\$1,211.00					
8' X 8'	LF	\$1,633.00					
10' X 10'	LF	\$2,488.00					

A-46

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
<b>Quadruple Box Culvert (BC-4B) Fills to 25'</b>							
4' X 4'	LF	\$987.00					
5' x 5'	LF	\$1,225.00					
6' X 6'	LF	\$1,523.00					
8' X 8'	LF	\$1,497.00					
10' X 10'	LF	\$2,835.00					
<b>Standard Wing for Box Culvert (1 Side Only) Height of Box</b>							
4'	EA	\$675.00					
5'	EA	\$995.00					
6'	EA	\$1,337.00					
8'	EA	\$2,489.00					
10'	EA	\$3,315.00					
<b>Standard Wing for Oversized Box Culvert (BBC-W) Height of Box</b>							
6'	EA	\$1,251.00					
8'	EA	\$2,189.00					
10'	EA	\$3,269.00					
12'	EA	\$4,763.00					
<b>MISCELLANEOUS STORM Connection to Existing Structure</b>							
15"-36" Pipe	EA	\$735.00					
42"- 60" Pipe	EA	\$1,125.00					
<b>Casing Pipe, Bore and Jack (3/8" wall)</b>							
22" ID (6"-8" Carrier Pipe)	LF	\$411.00					
24" ID (10" Carrier Pipe)	LF	\$451.00					
30" ID (12" Carrier Pipe)	LF	\$569.00					
<b>Plug Pipe</b>							
6" -12" Pipe	EA	\$142.00					
15"-36" Pipe	EA	\$323.00					
42"- 60" Pipe	EA	\$522.00					
<b>Pavement Edge Pipe</b>							
Standard Pipe Underdrain	LF	\$19.00					
<b>Riprap</b>							
Dry, Class I, 18"	SY	\$47.87					
Dry, Class II, 18"	SY	\$51.46					
Grouted, Class I, 18"	SY	\$69.97					
<b>Filter Fabric</b>							
Class I	SY	\$3.50					
Class II	SY	\$3.00					
Class III	SY	\$2.25					

A 47

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
<b>Gabions (No excavation)</b>							
Mattress	CY	\$130.00					
Revetment	CY	\$164.33					
Wall	CY	\$212.25					
<b>Paved Ditch (4" Thick)</b>							
Concrete (Non-reinforced)	SY	\$62.00					
Bituminous Concrete(4")	SY	\$30.00					
<b>Sodded Ditch</b>							
Sodded Ditch (Incl Fine Grading)	SY	\$9.86					
<b>STREET CONSTRUCTION</b>							
<b>ROADS AND PARKING</b>							
<b>Soil Stabilization</b>							
Cement 6%	Inches SY/Inch Depth	\$2.70					
Depth (in Inches):							
Lime 6%	SY/Inch Depth	\$1.89					
Depth (in Inches):							
<b>Subbase, Aggregated Material</b>							
Base Type I	SY/Inch Depth	\$1.75					
Depth (in Inches):	8						
<b>Bituminous Concrete</b>							
Base Course	SY/Inch Depth	\$5.59					
Depth (in Inches):	3						
Intermediate Course	SY/Inch Depth	\$5.49					
Depth (in Inches):							
Top Course	SY/Inch Depth	\$5.49					
Depth (in Inches):	2						
Prime Coat	SY	\$1.10					
Tack Coat	SY	\$1.10					
<b>Driveway Restoration</b>							
4" Concrete & 4" Gravel	SY	\$79.95					
2" S-5 & 7" 6" Gravel	SY	\$31.96					
<b>Shoulders, Type I</b>							
Aggregated Base, 4"	SY	\$11.50					
<b>Concrete Curbing</b>							
Curb & Cutter CG6 & CG7	LF	\$22.50					
Curb Cut, CG-12 Detectable Surf.	EA	\$569.00					
<b>Entrances/Driveways</b>							
Commercial Entrance CG-11	SY	\$52.88					
Commercial Entrance CG-13	SY	\$64.67					

A-48

PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (ccl# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE
Residential Driveway Apron	SY	\$51.79					
<b>Guardrails</b>							
Std. Blocked-out W beam (GR2)	LF	\$42.50					
Std. W beam, Weak Post GR8	LF	\$28.50					
Terminal, GR-6 (L=12'-6")	EA	\$2,929.00					
Terminal, GR-7 (L=6'-3")	EA	\$2,659.00					
Type I, GR-8 Terminal (L=25')	EA	\$1,399.00					
Type II, GR-8 Terminal (L=13'-6")	EA	\$695.00					
Terminal, MB-4 (L=37'-6")	EA	\$3,495.00					
Type I, MB-5 Terminal (L=27'-1)	EA	\$2,925.00					
Type II, MB-5 Terminal (L=13'-6)	EA	\$1,675.00					
<b>Miscellaneous</b>							
Trash enclosure - Brick 6' high	LF	\$325.00					
Reinforced Concrete Pad 6" to 8"	SY	\$62.00					
Striping 4" width (VDOT Type B)	LF	\$2.25	970.00	\$2,182.50			
Concrete Wheel Stops	EA	\$70.00					
Parking Lot Striping	EA	\$50.00					
Sign Island	EA	\$850.00					
Traffic Barricade	LF	\$43.45					
Street Name Signs	EA	\$435.00					
Traffic Control Signs	EA	\$375.00					
Street Lighting (pole, bracket, light)	EA	\$4,285.00					
<b>SIDEWALKS AND TRAILS</b>							
<b>Sidewalk</b>							
Concrete 4" w/WWF, No base	SY	\$45.23					
Bitum. Conc, 2" w/4" Base	SY	\$30.00					
4" Conc, No Reinf., No Base	SY	\$41.00					
<b>HANDRAIL</b>							
Handrail 3 Rail 1-1/4" #4 Finish	LF	\$96.50					
<b>Wood Chip Trail</b>							
Trails (Incl Excavation & Grading)	SY	\$17.69					
Wood chip, 4' wide							
<b>Bituminous Trail</b>							
6' to 10' wide	SY	\$49.25					
<b>CRITICAL SLOPE STABILIZATION</b>							
Paved Flume	SY	\$67.00					
Stmwr Conc Channel-Excav	SY	\$7.75					
ADD Grass Lined-seeded	SY	\$5.37					
ADD Grass Lined-sodded	SY	\$10.89	698.00	\$7,601.22			
<b>Outlet Protection</b>							
Non-grouted Riprap 18"	SY	\$52.00					
Concrete 4"	SY	\$53.50					
Level Spreader	SY	\$4.44					
<b>Struc Streambank Protection</b>							

A-49



PROJECT NAME: Poland Road/Route 50 Intersection (Rt 50 Only) PROJECT NUMBER: CPAP-2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. (cc# 01-23-08.01) DATE: Rev 3/3/2010

ITEM	UNIT	BOND ESTIMATE			BOND REDUCTION		
		UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE

SEAL & SIGNATURE OF ENGINEER

TOTAL: \$166,158.50

+ 20% CONTINGENCIES: \$33,231.70

GRAND TOTAL: \$199,390.20

+ INFLATION FACTOR AT: 4.00% = \$7,975.61

SECOND YEAR BOND= \$207,500.00

THIRD YEAR BOND= \$216,000.00

A-51

COUNTY OF LOUDOUN  
 SEDIMENT AND EROSION CONTROL  
 BOND ESTIMATE AND BOND REDUCTION FORM

Updated Oct 3, 2003

PROJECT NAME: Townes at East Gate Poland Rd/Route 50 Intersection(Rt 50 Only) PROJECT NUMBER: CPAP/STPL\_CPAP\_2005-0147  
 PREPARED BY: Tucker Travis FIRM: christopher consultants, ltd. DATE: 09/17/09

ccl # 01-23-08.01

ITEM	BOND ESTIMATE				REDUCTION ESTIMATE		
	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	% COMPLETE
CONSTRUCTION ENTRANCE	EA	\$2,290.00					
W/TH WASH RACK	EA	\$3,620.00					
SILT FENCE	LF	\$3.60	858	\$ 3,088.80			
REINFORCED SILT FENCE	LF	\$12.00					
DIVERSION DIKE	LF	\$3.60					
TREE PROTECTION	LF	\$3.60					
SEDIMENT TRAP	EA	\$420.00					
PIPE OUTLET TRAP	EA	\$1,330.00					
SEDIMENT BASIN	EA	\$4,580.00					
INLET PROTECTION	EA	\$180.00					
OUTLET PROTECTION	EA	\$300.00					
STONE CHECK DAM	EA	\$300.00					
RIP RAP CLASS I	SY	\$60.00					
PIPE SLOPE DRAIN	LF	\$7.80					
UTILITY STREAM CROSSING	EA	\$1,810.00					
TEMPORARY SEEDING INCLUDES STRAW MULCH	AC	\$1,810.00					
PERMANENT SEEDING INCLUDES STRAW MULCH	AC	\$2,410.00	0.42	\$ 1,012.20			
SOIL STABILIZATION MAT	SF	\$1.20					
LOT ASSESSMENT FOR RURAL SUBDIVISION LOTS	LOT	\$3,000					

	ESTIMATE OF COMPLETED WORK:
TOTAL	\$ 4,101.00
+ 20% CONTINGENCIES	\$ 820.20
GRAND TOTAL	\$ 4,921.20
+ INFLATION FACTOR AT 4%	\$ 196.85
1ST YEAR BOND = GRAND TOTAL + 1 INFLATION FACTOR	\$ 5,118.05

(Note: Current inflation factor for bond estimates is 4%)

RECEIVED

MAR 10 2010

LOUDOUN COUNTY  
DEPARTMENT OF PLANNING

A52

**PROBABLE ENGINEER'S COST ESTIMATE**

INTERSECTION: JOHN MOSBY HIGHWAY (ROUTE 50)/TANNER LANE/POLAND ROAD (ROUTE 742)

DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL
MOBILIZATION	LS	1	\$5,000.00	\$5,000.00
MAINTENANCE OF TRAFFIC	LS	1	\$10,000.00	\$10,000.00
SIGNAL HEAD SECTIONS	EA	3	\$220.00	\$660.00
3-SECTION BACKPLATES	EA	1	\$50.00	\$50.00
RELOCATE 3-SECTION TRAFFIC SIGNAL HEAD	EA	2	\$300.00	\$600.00
REPLACE 3-SECTION SIGNAL HEAD WITH LED HEAD	EA	2	\$450.00	\$900.00
14/7 CONDUCTOR CABLE	LF	400	\$1.55	\$620.00
14/2 (S) CONDUCTOR CABLE	LF	700	\$1.00	\$700.00
14/1 (ENC) CONDUCTOR CABLE	LF	3400	\$0.60	\$2,040.00
HANGER ASSEMBLY SM-3	EA	1	\$200.00	\$200.00
HANGER ASSEMBLY SMD-2	EA	1	\$100.00	\$100.00
TRENCH EXCAVATION ECI-1	LF	100	\$3.93	\$393.00
SAW CUT	LF	1175	\$8.35	\$9,811.25
SIGN PANEL	SF	5	\$27.00	\$135.00
RELOCATE SIGN	EA	4	\$150.00	\$600.00
PAVEMENT MARKINGS (STOP BARS, ARROWS, AND BARS)	LS	1	\$6,500.00	\$6,500.00
<b>SUBTOTAL</b>				<b>\$38,309.25</b>
<b>CONTINGENCIES (20%)</b>				<b>\$7,661.85</b>
<b>REVISED TOTAL</b>				<b>\$45,971.10</b>
<b>REVISED TOTAL- USE FOR ESTIMATE</b>				<b>\$46,000.00</b>

WELLS + ASSOCIATES, INC.  
REVISED BY ccl

DATE: 10/1/2009  
DATE: 3/1/2010



A-53

**PROFFER STATEMENT  
TOWNES AT EAST GATE  
ZMAP 2002-0022  
MAY 22, 2003  
REVISED THRU SEPTEMBER 28, 2005**

Pulte Home Corp., the Owner of the property described as Parcel 40 (MCPI # 128-10-4864), the Plein Family Partnership and William Smith, the Owners of the property described as Parcel 42 (MCPI # 128-20-3971), Shari L. Kidd, the Owner of the property described as Parcel 43 (MCPI # 128-30-5502) and East Gate Partners II, LLC, the owner of a portion of the property described as Parcel 47A (MCPI # 097-26-2159) on Loudoun County Tax Map 107, (collectively "the Applicants") on behalf of themselves and their successors in interest, hereby voluntarily proffer that in the event that the above referenced Parcels 40, 42, 43 and a portion of Parcel 47A (the "Property") are rezoned by the Loudoun County Board of Supervisors (herein after referred to as "the County") to the Planned Development Housing-6 (PDH-6) zoning district, as substantially set forth in the Concept Development Plan dated October 2, 2002, with revisions through August 12, 2005, and further described in its application ZMAP 2002-0022, the development of the Property shall be in substantial conformance with the following conditions, pursuant to Section 15.2-2303 of the CODE OF VIRGINIA (1950) as amended. These proffer conditions are the only conditions offered on this rezoning, and any prior conditions applicable to the Property are hereby declared void and of no effect provided that these proffers shall become effective only upon final approval of the Zoning Map Amendment application ZMAP 2002-0022 submitted by the Applicants.

I. CONCEPT DEVELOPMENT PLAN

The development of the Property shall be in substantial conformance with Sheets 3, 4, 5, 6, 7, 7A, and 7B of the plan set entitled "Townes at East Gate (formerly the Gates of Loudoun) Rezoning Application", dated October 2, 2002, with revisions through August 12, 2005, prepared by christopher consultants, ltd. and incorporated herein by reference as Exhibit A. These sheets are more specifically identified as: Sheet 3 – "Concept Development Plat" (1"=100'); Sheet 4 – "Land Use and Circulation With Existing Conditions"; Sheet 5 – "Phasing and Utilities Plan"; Sheet 6 – "Conceptual Transportation Improvements"; Sheet 7 – "Landscape Plan"; Sheet 7A - "Buffer Yards Exhibits"; Sheet 7B – "Recreational Improvements Exhibit". These drawings shall control the general development, layout and configuration of the Property, with the understanding that all requirements of the PDH-6 zoning district must be met and will take precedence over the Concept Development Plan. Development of the Property shall be allowed up to a maximum of 57 single-family detached (SFD) units and 267 single-family attached (SFA) units, inclusive of affordable dwelling units (ADUs).

II. WATER AND SEWER

The Property will be served by public water and sewer systems. All necessary extensions of existing water and sanitary sewer lines, and all connections, shall be provided to the Property at no expense to Loudoun County or the Loudoun County Sanitation Authority. Said water and sanitary sewer extensions and connections shall be in accordance with Loudoun County Sanitation Authority standards and requirements. Any and all existing wells and drainfields on the Property will be abandoned in accordance with Health Department standards.

III. CAPITAL FACILITIES CONTRIBUTION

The Applicants will provide, at the time of issuance of each zoning permit, a one time cash contribution in the amount of \$13,175.00, per unit. Said contributions are to be used for capital improvement projects within the Dulles Community Planning Area, as the boundary of said planning area exists at date of these proffers as shown in the Revised General Plan.

IV. FIRE AND RESCUE SERVICES

A. EMERGENCY SERVICES

At the time of issuance of each zoning permit, a one-time contribution of \$120.00 per unit for each residential unit shall be paid to the County for equal distribution by the County to the primary volunteer fire and rescue companies providing service to the Property. Such contribution shall escalate on a yearly basis from the base year of 1988 and change effective each January 1 thereafter, based on the Consumer Price Index ("CPI") as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area. If this index should ever cease to be published, then the contributions will escalate in accord with another equivalent Index mutually agreed upon by the Applicants and the County. Contributions pursuant to this paragraph shall be divided equally between the primary servicing fire and rescue companies providing service to the Property. Notwithstanding the foregoing, at such time as the primary fire and/or rescue service to the Property is no longer provided by an incorporated volunteer company, the obligation to make

the contributions listed within this paragraph shall cease or be reduced in half if only one service is no longer provided by a volunteer company. The intent of these provisions is to support a volunteer fire and rescue system so long as a volunteer system is the primary provider of fire and rescue services to the Property.

**B. SPRINKLER SYSTEMS**

The Applicants shall require all builders to provide as an option to purchasers of single-family detached and attached units on the Property, the opportunity to purchase and have installed residential sprinkler systems for each said residence, provided that the water supply system to any such residences has sufficient capacity to support the sprinkler system. All sales information relating to house construction will prominently display and explain the benefits of sprinkler systems. Sales personnel for the residential units will be trained in the benefits of residential sprinkler systems. This proffer shall not require the builder to install such systems in any residence on the Property unless the purchasers of such residence choose to exercise this option prior to the start of construction and to pay costs associated with its purchase and installation.

**V. TRANSPORTATION**

**A. INTERNAL ROAD NETWORK**

All roads on the Property will be constructed in accordance with Loudoun County's Land Subdivision and Development Ordinance and Facilities Standards Manual to provide access to the internal parcels as they are developed. Where

roads are to be built as public roads on the Property, they will be dedicated to the County and designed and constructed in accordance with the Virginia Department of Transportation ("VDOT") and County standards, or with modified standards as may be approved by VDOT and the County.

The Concept Development Plan shows Streets "B" and "D" as providing for future interparcel access. It also shows Private Roads "H" and "L" connecting to the "Future Pleasant Valley Connector", a planned through street. The Applicants shall provide a notice in all sales documents for lots located on these referenced interparcel access roads and connecting to future through roads, that such lots are located on a roadway that is planned to be converted to a through street in the future.

Subject to County and VDOT approval, Applicants will remove existing Bridgewater Place in Section 3, Ridings at Blue Spring. Existing dedicated right-of-way will be abandoned and area will be added to the Ridings at Blue Spring HOA parcel. Applicants will insure that Lot 95 in Section 3 of the Ridings at Blue Spring remains a legal lot and has adequate driveway access.

**B. RIGHT-OF-WAY DEDICATION AND/OR RESERVATION**

The dedications and reservations described in this proffer shall be provided by the Applicants as part of the development of this Property. Dedication and reservation of land includes related easements outside the right-of-way, such as slope maintenance, storm drainage, and the utility relocation easements necessary to construct improvements to the public roads along the frontage of the Property and for all planned public roadways within the Property. Applicants shall

dedicate and/or reserve right-of-way and, as provided in this proffer, easements concurrent with or prior to approval of the Record Plat for that portion of the Property which includes or abuts the affected roadways. If requested to do so by the Loudoun County Board of Supervisors, the Applicants will dedicate the rights-of-way, and adjoining easements, described in this proffer, in advance of the timeframe stated above at no cost to Loudoun County. In such case, the Applicants will be granted a reasonable timeframe to review any and all construction plans and plats, prepared by others, upon which the requested dedications are based, prior to executing the Deed(s) of Dedication.

The Applicants shall dedicate any and all necessary land, such that there is a minimum of 35' of dedicated right-of-way along this Property's frontage from the existing centerline of Poland Road (Rt. 742). Where additional right-of-way is necessary due to adjustments in the horizontal alignment at Poland Road, due to engineering considerations, the Applicants will dedicate such additional right-of-way upon request.

The Applicants shall dedicate any, and all, necessary land such that there is a minimum of 120' of dedicated right-of-way through the Property from Poland Road to Edgewater Street. Such dedication will be on an alignment substantially in accordance with that shown for Tall Cedars Parkway on the Concept Development Plan and will include additional dedication required for turn lanes in the ultimate U6M configuration for Tall Cedars Parkway.

The Applicants shall reserve and dedicate upon request, all necessary land, such that there is a minimum of 64' of dedicated right-of-way along the Property's

northern boundary for the Future CLI Road from Poland Road to the Property's eastern boundary. Such right-of-way will be dedicated at no cost to Loudoun County.

C. REGIONAL ROAD IMPROVEMENTS

1. Route 50/Poland Road Intersection

Prior to the issuance of any occupancy permit for any residential use on the site, the Applicants will bond and construct all of the following improvements (for the purposes of these proffers, the word "construct" shall mean open to the public for use, but does not necessarily mean accepted into the VDOT system for maintenance):

- a. ~~At the Route 50/Poland Road intersection there will be two 250' long left turn lanes from westbound Route 50 to southbound Poland Road with the appropriate pavement transitions.~~
- b. In addition, Poland Road from Route 50 to approximately 250' south of the existing commercial entrance to PIN 128-40-8530-000, will be constructed or bonded for construction to a four lane configuration. This four lane configuration will consist of a dedicated right turn lane which will serve the commercial entrances on PIN 128-40-4288-000 and PIN 128-40-8530-000, as well as being the dedicated right turn lane from northbound Poland Road to eastbound Route 50. There will be one dedicated southbound lane and one dedicated northbound lane. The fourth lane will act as a receiving lane for the dual westbound turn lanes from Route 50 and then become a thru/left turn lane. A conceptual sketch of these improvements are shown on Sheet 6 of 9 of the

Rezoning Application identified as "Conceptual Transportation Improvements."

6-

~~In addition to the improvements referenced above, the Applicants shall make necessary structural and timing adjustments to the existing traffic signal at the Route 50/Poland Road intersection as determined by the County and/or VDOT, so as to accommodate these improvements.~~

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2. Tall Cedars Parkway

- a. Phase 1 - Prior to approval of the first Record Plat or first site plan, whichever is first in time, for any residential lots on the Property, the Applicants will construct or bond for construction a four lane divided section of Tall Cedars Parkway from that road's intersection with Poland Road in an easterly direction to the intersection of Tall Cedars Parkway with the on-site roads shown on the Concept Development Plan and labeled "Private Road E" and "Street D." This four lane divided section will be compatible with the ultimate U6M typical section for this segment of Tall Cedars Parkway. These improvements will include dedicated left and right turn lanes from Poland Road onto this segment of Tall Cedars Parkway, as well as dedicated right and left turn lanes at the intersection of Tall Cedars Parkway and Private Road E/Street D. The typical section for this four lane improvement will be in substantial accordance with the typical section shown for Tall Cedars Parkway on the "Conceptual Transportation Improvements" Plan on Sheet 6 of 9.

b. Phase 2 – Prior to the issuance of the zoning permit for the 108<sup>th</sup> residential unit issued in the project on the Property, the Applicants will design and bond for construction the extension of Tall Cedars Parkway as four lanes of an ultimate U6M typical section, from the end of Phase 1 to that road's intersection with Edgewater Street, including all necessary turn lanes as required by VDOT and County standards. This portion of Tall Cedars Parkway shall be constructed at the earlier of the two following occurrences; prior to the issuance of the 300<sup>th</sup> zoning permit issued in the project on the Property or, if Tall Cedars Parkway has been constructed north of Edgewater Street as a continuous roadway all the way to Route 50, then to coincide with the opening of that portion of Tall Cedars Parkway to traffic. To avoid cut thru traffic onto Edgewater Street, this portion of Tall Cedars Parkway connecting to Edgewater Street will not be open to traffic until such time as Tall Cedars Parkway is extended to, and opened to traffic to Route 50. The Applicants shall maintain their improvements bond on this portion of Tall Cedars Parkway until it has been open to traffic and accepted into the VDOT system for maintenance.

3. Edgewater Street

In order to mitigate traffic safety concerns on this roadway, the Applicants will support the Ridings at Blue Spring HOA's efforts to obtain traffic calming measures on this roadway. For a period of 12 months following the final approval date of this rezoning application, the Applicants will fund up to \$25,000 for the construction and installation of any such traffic

calming measures approved by Loudoun County and VDOT. The Applicants will provide such funds to the Ridings at Blue Spring HOA within 15 days of approval of the construction plans by Loudoun County and/or VDOT showing any such traffic calming measures.

4. Cash Equivalent Contribution

Unless otherwise provided in these proffers, the Applicants agree to contribute to the County or its designee an amount equal to the cost of constructing the transportation improvements described above in Proffers V.C.1. and V.C.2., in lieu of actual construction if said improvements have been constructed or bonded by others prior to bonding for construction by the Applicants. For the purposes of determining the in-lieu-of contribution, construction costs shall be deemed to include all engineering, surveying, bonding, permit fees, utility relocation, and other hard costs of construction based upon County bonding estimates for said construction per the FSM. Such contribution in lieu of actual construction shall occur at the time the Applicants would otherwise have been required by these Proffers to bond or construct such improvements. As determined by the County, such contribution shall either be used to reimburse the party who constructed such improvements or for regional roadway improvements in the vicinity of and for the benefit of the Property.

D. CASH CONTRIBUTIONS FOR TRANSIT FUND OR REGIONAL ROAD IMPROVEMENTS

The Applicants shall provide, prior to the issuance of zoning permit for each

residential unit, a one-time cash contribution in the amount of \$500 per residential unit, to be used at the County's discretion for public transportation services or regional road improvements within the Dulles Community Planning Area. The Applicants will cooperate with adjacent developments and attempt to provide and enhance a transit system in the area.

E. CONSTRUCTION TRAFFIC

Contractors will be instructed in their contracts to make every effort to combine trips and coordinate same so as to minimize and control construction traffic. In order to avoid conflicts with school bus traffic, the Applicants shall include in all sales contracts with homebuilders, and in all construction contracts, a provision requiring that contractors shall not use Poland Road, Rt. 742, before 8:30 a.m., between 2:30 and 3:30 p.m., or after 5:30 p.m. and restricting them from using Edgewater Street to access or leave the site, throughout the period of active development within the project. Applicants will contact the Loudoun County School Board prior to the start of each school year and adjust these hours if necessary. The Loudoun County Zoning Administrator must approve any adjustment to these hours.

VI. EARTHBORN VIBRATION STANDARDS

In the event that blasting is required for the development of Townes at East Gate, the Applicants agree that no blasting will occur until a pre-blasting survey has been performed at the residences located at 25587 and 25571 Poland Road and on any existing residences located within 300 feet of a site to be blasted for which such survey has been authorized by the property owner.

Such surveys shall be performed by and paid for by the Applicants. The Applicants shall notify the owners of such properties and advise them of the survey offer at least two weeks prior to any blasting. No blasting will occur at the site between 5:00 p.m. Fridays through 8:00 a.m. Mondays.

VII. OPEN SPACE, RECREATION AREAS AND ADJACENT COMMUNITY

A. Active recreation areas will be provided within the project in accordance with Section 3-509 of the Zoning Ordinance in areas shown on the Concept Development Plan, and as defined in Article 8 of that Ordinance. Facilities within the active recreation area will include but not necessarily be limited to approximately 3,500 LF of bike trail, two tot lots, one play area, and two picnic areas. Such facilities will be constructed concurrent with the development of lots which abut the various recreation areas.

B. Poland Road/Tall Cedars Parkway Hiker/Biker Trail

The Applicants will construct a 10' wide asphalt hiker/biker trail, in a 20' wide public access easement, along the Property's frontage with Poland Road and along the north side of the Tall Cedars Parkway right-of-way in substantial accordance with the alignment shown on the Concept Development Plan. Such trails will be constructed or bonded for construction prior to the approval of record plat or site plan, whichever is first in time, for the development of the area containing the trail.

C. Open Space Easements

Prior to the issuance of the 58<sup>th</sup> zoning permit for a residential unit on the Property, and prior to the issuance of each zoning permit for all subsequent units, the

Applicants shall make a cash contribution of \$63/unit. Such cash contributions are to be used by Loudoun County for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area.

**D. Ridings at Blue Spring HOA Recreation Site Improvements**

The Applicants will make the following physical improvements to the existing Ridings at Blue Spring HOA Recreation Site, subject to the HOA approval, located on Tax Map 107A((2)), Parcel E.

- At the location shown on Sheet 7B, "Recreational Improvements Exhibit", install a tot lot of similar size, quality and cost as to one of the details shown on that sheet and entitled "Tot Lot Detail 1" and "Tot Lot Detail 2". Such installation to occur within six months of the final approval date of this rezoning application.
- At the location shown on Sheet 7B, install a 6' asphalt walkway. The Applicants, subsequent to the approval of this rezoning, will obtain necessary County approvals and install such walkway within six months of such County approval.
- Install a 10' high fence around the "asphalt play court", as shown on Sheet 7B. Such fence to match in design and materials, the existing fence around the existing tennis courts at the site. Such fence to be installed within six months of the approval of this rezoning.

In addition to the above, the Applicants will make a one time cash contribution to the Ridings at Blue Spring HOA in the amount of \$10,000. Said contribution to be made within 60 days of the approval of this rezoning and to be used by the HOA for additional improvements at the Recreation Site. The Applicants will send a copy of the transmittal letter, or other confirmation, to the County at the time such

contribution is made.

**E. Landscaping Improvements**

All of the items listed below will be subject to the affected property owners' approval:

1. At the locations shown on Sheet 7A, and as identified as buffers #4 and #5, the Applicants will install 6' to 7' tall evergreen trees at a density of ten trees per every 100' of length. The Applicants will provide such planting during the first planting season following the final approval of this rezoning. In addition, the Applicants will provide necessary watering, pursuant to industry standards, for a six month period immediately following the date of the actual plantings.
2. At the location shown on Sheet 7A and identified as buffer #1, the Applicants will install, in addition to the Loudoun County Type 2 Rear Yard Landscape Buffer, supplemental plantings as defined in buffer #1.
3. At the locations shown on Sheet 7A identified as buffer #3, the Applicants will install a black three board wooden paddock fence. Such fence to be installed within 30 days after final approval of this rezoning.
4. At the location shown on Sheet 7A identified as buffer #2, the Applicants will provide tree plantings so as to "reforest" this area with native tree varieties. Trees to meet minimum sizes pursuant to Section 5-1403(A)(2) of the Loudoun County Zoning Ordinance.

**VIII. NATIONAL WILDLIFE FEDERATION PROGRAM**

The Applicants will display information regarding the National Wildlife Federation's Backyard Wildlife Habitat Program (the "Program") in its sales office. The Applicants will provide to all homebuyers, at the time of settlement, information kits for the Program and will encourage their participation in the Program.

**IX. HOMEOWNER'S ASSOCIATION**

Documents to establish this project's Homeowner's Association (HOA) will be submitted to the County for review and approval as to form and consistency with these proffers prior to the first record subdivision plat approval or site plan approval, whichever is first in time, for residential development on the Property. The HOA shall have among its duties trash removal, maintenance of all private roads, storm drainage, storm water management, best management practice facilities, required vegetative buffers, and common areas, including open space, trails, and play areas on the Property. The HOA documents will ensure that existing vegetation in the "Selective Tree Save" areas as shown on the "Landscape Plan", Sheet 7 of 9 are not removed or destroyed. This preservation will include understory and scrub growth except in active recreation areas, utility corridors, and storm water management/BMP facilities. Such HOA shall be established prior to approval of the first record plat for the Property. Additionally, because garages are provided to meet minimum parking requirements, a covenant preventing the garages from being converted to living space, storage space or to any other use that would prevent the garage from being used for parking, shall be included in the HOA documents.

**X. CASH CONTRIBUTION ESCALATION**

Unless otherwise provided, any and all cash contributions designated in this proffer statement shall escalate on a yearly basis starting from the date that the application is approved and changing effective each January 1 thereafter based on the Consumer Price Index published by the Bureau of Labor Statistics, United States Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan

Statistical Area. If this Index should cease to be published, then the contributions will escalate in accord with another equivalent Index mutually agreed upon by the Applicants and the County.

PROFFER STATEMENT  
TOWNES AT EAST GATE  
ZCPA 2009-0010  
REVISED APRIL 6, 2010

This application is filed pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended), and the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance"). Pulte Home Corp. ("Owner") is the owner of a parcel more particularly described as Tax Map 107 Parcel 40 (PIN # 128-10-4864 ) (the "ZCPA Property").

The ZCPA Property is zoned Planned Development-Housing 6 (PDH-6) under the Zoning Ordinance and is subject to the proffers associated with ZMAP 2002-0022 Townes of East Gate approved by the Loudoun County Board of Supervisors (the "County") on October 18, 2005. The Owner, on behalf of itself and its successors in interest, hereby voluntarily proffers that in the event ZCPA 2009-0010 is approved by the County, as substantially set forth in the Zoning Concept Plan Amendment Plan dated October 2, 2002, with revisions through January 14, 2010, and further described in its application, ZCPA 2009-0010, the development of the ZCPA Property shall be in substantial conformance with the proffers set forth below. Exhibits referenced are attached and incorporated by reference.

The following proffers amend only those proffers of ZMAP 2002-0022 specifically referenced below and are the only conditions offered in conjunction with this Zoning Concept Plan Amendment application. All other proffers associated with ZMAP 2002-0022 Townes of East Gate referenced above shall remain in full force and effect, except as specifically amended or supplemented in this proffer statement. All proffer amendments made herein are contingent upon the approval of this ZCPA 2009-0010. All terms capitalized but not defined herein shall have the definitions assigned to such terms in ZMAP 2002-0022.

I. CONCEPT DEVELOPMENT PLAN (CDP)

Proffer I of ZMAP 2002-0022 is hereby replaced with the following:

The development of the Property shall be in substantial conformance with Sheets 3, 3A, 4, 5, 6, 7, 7A, and 7B of the plan set entitled "Townes at East Gate (formerly the Gates of Loudoun)

Attachment 5

A-70

Rezoning Application”, dated October 2, 2002, with revisions through January 14, 2010, prepared by christopher consultants, ltd. and incorporated herein by reference as Exhibit A. These sheets are more specifically identified as: Sheet 3 – “Concept Development Plat” (1”=100’); Sheet 3A – “Concept Development Plat (1”=200’); Sheet 4 – “Land Use and Circulation With Existing Conditions”; Sheet 5 – “Phasing and Utilities Plan”; Sheet 6 – “Conceptual Transportation Improvements”; Sheet 7 – “Landscape Plan”; Sheet 7A - “Buffer Yards Exhibits”; Sheet 7B – “Recreational Improvements Exhibit”. These drawings shall control the general development, layout and configuration of the Property, with the understanding that all requirements of the PDH-6 zoning district must be met and will take precedence over the Concept Development Plan. Development of the Property shall be allowed up to a maximum of 57 single-family detached (SFD) units and 267 single-family attached (SFA) units, inclusive of affordable dwelling units (ADUs).

#### V.C.1. REGIONAL ROAD IMPROVEMENTS

Proffer V.C.1 of ZMAP 2002-0022 is hereby replaced with the following:

1. Poland Road Improvement at Route 50.

Prior to the issuance of the first occupancy permit for any residential use on the site, the Applicant will bond and construct the following improvement (for the purposes of these proffers, the word “construct” shall mean open to the public for use, but does not necessarily mean accepted into the VDOT system for maintenance):

Poland Road from Route 50 to approximately 250 feet south of the existing commercial entrance to PIN 128-40-8530-000, will be constructed or bonded for construction to a four lane configuration. This four lane configuration will consist of a dedicated right turn lane which will serve the commercial entrances on PIN 128-40-4288-000 and PIN 128-40-8530-000, as well as being the dedicated right turn lane from northbound Poland Road to eastbound Route 50. There will be one dedicated southbound lane and one dedicated northbound lane. The fourth lane will act as a receiving lane for the dual westbound turn lanes from Route 50 and then become a thru/left turn lane. A conceptual sketch of these improvements is shown on Sheet 6 of 9 of the Rezoning Application identified as “Conceptual Transportation Improvements.”

V.D. CASH CONTRIBUTIONS FOR TRANSIT FUND OR REGIONAL ROAD IMPROVEMENTS

Proffer V.D. of ZMAP 2002-0022 is hereby replaced with the following:

Route 50 Improvements –

1. In recognition of the positive impact that the VDOT Route 50 widening project will have on this project, the Applicant will make a one-time cash contribution of \$259,000. This contribution must be paid prior to the issuance of the first zoning permit for any residential use on the site. This cash contribution shall escalate in accordance with Proffer X of this proffer statement except that such escalation will start from the date that this application, ZCPA 2009-0010, is approved.
2. The Applicant shall provide, prior to the issuance of zoning permit for each residential unit, a one-time cash contribution in the amount of \$500 per residential unit.
3. These contributions are to be used at the County's discretion for public transportation services or regional road improvements within the Dulles Community Planning Area.
4. The Applicant will cooperate with adjacent developments and attempt to provide and enhance a transit system in the area.

X. CASH CONTRIBUTION ESCALATION

Proffer X. of ZMAP 2002-0022 is hereby replaced with the following:

Unless otherwise provided, any and all cash contributions designated in this proffer statement shall escalate on a yearly basis starting from October 18, 2005 and changing effective each January 1 thereafter based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as published by the Bureau of Labor Statistics, United States Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area. If this Index should cease to be published, then the contributions

will escalate in accord with another equivalent Index mutually agreed upon by the Applicant and the County.

2. BINDING EFFECTS

The undersigned Owner warrants that it owns all interests in the ZCPA Property; that the undersigned has full authority to bind the ZCPA Property to these conditions; that no signature from any third party is necessary for these Proffers to be binding and enforceable in accordance with their terms; that the undersigned is fully authorized to sign these Proffers on behalf of the Owner; and that these Proffers are entered into voluntarily.

The undersigned hereby warrants that all the owners of a legal interest of the Property have signed this proffer statement, that he/she has full authority to bind the Property to these conditions, either individually or jointly, with the other owners affixing their signatures hereto, and that the proffers are entered into voluntarily.

Pulte Home Corp., by

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

County of Loudoun, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that \_\_\_\_\_, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

My Commission Expires:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Public