

County of Loudoun
Department of Planning
MEMORANDUM

DATE: December 30, 2009

TO:	Building and Development, Zoning	Marilee Siegfried	MS 60
	Office of Transportation Services	Terri Smithson	MS 69
	Planning, Comprehensive	Cindy Keegan	MS 62
	Virginia Department of Transportation	Tom Van Poole	MS 00
	Board of Supervisors	Stevens Miller	MS 01
	Planning Commission	Sandra Chaloux	MS 62

FROM: Ginny Rowen
Project Manager

SUBJECT: ZCPA 2009-0010
Townes at East Gate Proffer Amendment

COMMENT

DUE DATE: January 29, 2010
(Note: Please provide one paper copy to Project Manager by due date as well as one electronic copy of referral comments to ginny.rowen@loudoun.gov. If you have any questions, please contact me at 703-771-5490.)

Please find the enclosed information for your review:

1. Information Sheet, Copyteste and Action Item initiating a proffer amendment, and correspondence regarding the need for a traffic study
2. Statement of Justification dated December 3, 2009 with SOJ for ZMAP 2002-0022 attached
3. Redline and clean copy of proffer statement with revisions to ZMAP 2002-0022
4. Plat revised through December 1, 2009

ZCPA 2009-0010
Townes at East Gate

APPLICANT: Pulte Homes
Gary Leygraaf, VP Land Development
10600 Arrowhead Drive, Suite 225
Fairfax, VA 22030
703-277-7461
Gary.leygraaf@centex.com

PROPERTY OWNER: Same as Applicant

REPRESENTATIVES: christopher consultants, ltd.
Louis Canonico, PE, Regional Vice President
20110 Ashbrook Place, Suite 160
Ashburn, VA 20147

PROPOSAL: Amend ZMAP 2002-0022 proffers V.C.1.a., V.C.1.b., V.C.1.c., and V.D.1. to allow fee in lieu of Route 50/Pleasant Valley Road improvements.

LOCATION: Southeast of the intersection of Poland Road and Eastgate View Drive and southeast of the intersection of Poland Road and Tall Cedars Parkway.

PARCEL INFO: Tax Map # 107////////40/ PIN # 128-10-4864

CURRENT ZONING: PDH-6

SURROUNDING ZONING / LAND USE:

North	CLI	Business
South	R-1	Residential
East	CLI	Business
West	R-1 / CLI / R-8 / CR-1	Residential

ELECTION DISTRICT: Dulles



Loudoun County, Virginia

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)

Date of Meeting: December 1, 2009

**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.

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)

Item #10-Attachment 2



christopher consultants
engineering - surveying - land planning

November 18, 2009

Mr. Charles Yudd
Division Manager – Land Use Review
Loudoun County Department of Planning
1 Harrison Street, S.E., 3rd Floor
Leesburg, VA 20177

RE: Townes of East Gate
Proffered Transportation Improvements

Dear Mr. Yudd:

The owner and developer of the Townes of East Gate project is proffered to do intersection improvements at the intersection of Rt. 50 and Poland Rd. The Townes of East Gate was rezoned with the rezoning application number ZMAP 2000-0000. Pursuant to the proffer commitment, the developer moved forward and prepared detailed design plans for the proffered improvements. Those plans were approved and the applicant obtained a VDOT permit to perform the work. While this was occurring, the VDOT project to widen Rt 50 from Rt 28 to Poland Rd. moved forward. VDOT determined that their project would conflict with the improvements approved on the developer's construction plans and revoked the developer's permit.

In order to avoid the conflict and in order to allow the most effective use of scarce transportation improvement funds, the developer is requesting that their proffer to improve the Rt. 50/Poland Rd. intersection be amended so as to allow them to make a cash contribution to the County in lieu of the physical improvements to Rt. 50. The developer would still improve Poland Rd. at Rt. 50 to the same standard as originally proffered. The VDOT project will improve Rt. 50 at Poland Rd. to a standard equivalent to the improvements as originally proffered by the developer. The cash equivalent will result in a contribution of approximately \$400,000 to the County. It will be available to be used for other regional road improvements in the Dulles South area. The cash contribution will be made prior to the issuance of any occupancy permits on the project.

I trust this letter provides you with the information you requested. Clearly, this proffer amendment will be a major benefit to the County in that it will still get the originally proffered Rt. 50 improvements, and in addition, significant funds to be used for much needed road improvements. We very much appreciate your support and assistance in moving this item forward.

Very truly yours,

Louis Canonico, P.E.
Regional Vice President

LC/dml

christopher consultants, ltd.
20110 ashbrook place
ashburn, virginia 20147

voice 571 209.5950
fax 571 209.5951
web site www.christopherconsultants.com

Traffic Study Waiver

Lou Canonico

From: phillips, george [George.Phillips@loudoun.gov]
Sent: Tuesday, December 01, 2009 12:04 PM
To: Laycock, Terrie; Lou Canonico
Cc: Gourley, Nancy; Merrithew, John E.; Yudd, Charles; Beacher, Andrew; Mosurak, Lou
Subject: RE: Proffer Amendment

Terrie and Lou- 12/1/09

Yes, that is correct. For this proffer amendment, to allow for a cash equivalent in lieu of construction of Route 50 by VDOT, there is no need for a traffic study. This will not result in any increase in traffic. Let me know if you have any other questions.

Thanks, George

From: Laycock, Terrie
Sent: Tuesday, December 01, 2009 9:54 AM
To: Lou Canonico; phillips, george; Yudd, Charles
Cc: Gourley, Nancy; Merrithew, John E..
Subject: RE: Proffer Amendment

George – This is a proposed ZCPA that the Board is voting on today to begin the process to direct staff to process a cash equivalent for proffered road construction being undertaken by the VDOT Route 50 project. The resolution that will be approved today specifically indicates that the ZCPA will not change the number of units previously approved. So hopefully that will be good to waive any type of traffic study.

Lou: I read your letter to Charles Yudd that is attached to today's item and it indicates the funds will be available to be used for other regional road improvements in the Dulles South area. I talked with Charles about that and I am hopeful that we can keep the proffer language broad to utilize the funds toward regional road or transit projects in the Dulles South area.

Terrie

From: Lou Canonico [mailto:loucanonico@ccl-eng.com]
Sent: Tuesday, December 01, 2009 9:36 AM
To: phillips, george
Cc: Laycock, Terrie
Subject: RE: Proffer Amendment

George-

I never got a response to this e-mail. Can I call you to discuss?

Lou

From: Lou Canonico
Sent: Monday, November 23, 2009 11:57 AM
To: 'George.Phillips@loudoun.gov'
Subject: Proffer Amendment

George-