

**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.

**Statement of Justification
The Townes of East Gate
September 16, 2002
Revised January 26, 2004**

Site Location: The Gates of Loudoun is more specifically identified as Parcels 40, 42 and 43 on Loudoun County Tax Map 107. The property is located along the east side of Route 742 (Poland Road), approximately .6 miles south of that road's intersection with Route 50.

Site Description: The site contains approximately 57.4 acres with approximately 2,200 feet of frontage along Route 742. The site is generally rectangular in shape extending in a southerly direction. The site is bounded to the south by undeveloped CR-1 zoned property. To the southeast, the site is bounded by the existing Ridings residential development, which is a CR-1 cluster development. The land to the west of the property across Poland Road has either been developed or is being developed based on the by-right CR-1 residential zoning. The property to the north of the site is zoned CLI and has a special exception for church use.

A Preliminary Plan of Subdivision has been approved on this property under the name of The Ridings at Blue Springs. The Preliminary Subdivision Plan indicates that the property, which is the subject of this rezoning application, can be developed with CR-1 cluster lots. The subject property contains a total of two residences with several outbuildings. A Phase I Archeological Study (Attachment 1) was performed on the subject site. Based on this Phase I Archeological Study, a potentially significant historical site was identified within the confines of the property. A Phase II Archeological Survey is being conducted on this specific site.

The property gently slopes in a southeasterly direction draining to a tributary of Sand Branch. There is no regulatory 100-year floodplain associated with this property. A wetlands analysis has been conducted for the site. Regulatory wetlands areas have been identified primarily in the extreme southeast portion of the site. Approximately 1/3 of the site is wooded. A detailed vegetative survey (Attachment II) has been conducted on the property. With proper engineering, the soils on this site can sustain the development of single-family detached and attached homes, as has been proven by the on-going development in this portion of the County.

Project Description: The applicant for the Gates of Loudoun desires to rezone the property to PDH-6 so as to allow the development of 263 single-family attached units on the northern portion of the property and 57 single-family detached homes on the southern portion of the property. The applicant anticipates development of the property with an overall density of approximately 5.2 units per acre. Basically, the development of the property will be divided by the future extension of Tall Cedars Parkway through this portion of the County. The single-family attached units will be located north of the Tall Cedars extension, while the single-family detached units will be located south of the Tall Cedars extension. The site will be accessed primarily from the extension of a half section, i.e. two lanes, of the future Tall Cedars Parkway east of Route 742. The single-family attached portion of the project will include a secondary access point to Route 742. It is anticipated that when the adjoining property to the south of this application develops, the internal road system within the single-family detached portion of the project will extend into that development.

The single-family attached portion of the project will have lots which front on private streets. These private streets will be designed as an integrated grid network of travel ways with unit fronts close to the roadways. In addition, some of the lots in the single-family attached section will have alleyways providing access to garage units. The single-family detached portion of the project will have lots which front on public streets. Where appropriate, inter-parcel access will be provided to the adjoining properties to the south of this subject site.

The property lies within a portion of the County that has been designated by the County's Comprehensive Plan to be suitable to be served by public water and sanitary sewer. The Loudoun County Sanitation Authority will be providing sewer service to this portion of the County through its long planned and engineered "Cub Run Pump Over". Public water supply exists along this property's frontage with Poland Road. Public water lines will be extended to and through this site by the developer. The applicant will work with the Sanitary Authority so as to ensure the necessary size and capacity of water lines are provided so as to ensure adequate capacity to provide water and fire protection services to the proposed development.

Additional storm water generated by this site will be managed through the use of a large regional storm water management/BMP pond planned for the Ridings development to the east of the subject site. Adequate outfall will be provided through this property as well as the Ridings development in order to transmit the increased storm water to this regional management facility. Given the general location of this site, all utilities (gas, electric, telephone, cable, etc.) necessary for development are available with sufficient capacities to serve the development. All proposed utilities will be placed underground.

Project Justification: The subject site lies within the boundaries of the Loudoun County Dulles South Area Management Plan and is currently zoned CR-1. The County's Revised General Plan calls for the portion of this property north of Tall Cedars Parkway to be part of a Business Community. The portion of the subject site south of Tall Cedars Parkway is designated for Residential Community use. Again, currently there is an approved vested preliminary plan for this subject site which shows 11 CR-1 cluster lots south of the Tall Cedars Parkway extension and 37 CR-1 cluster lots north of the Tall Cedars Parkway extension.

The applicant is proposing to develop the subject site with 57 single-family detached lots south of Tall Cedars Parkway. The single-family detached lots in this area will have a minimum size of 6,000 square feet. The portion of the property south of Tall Cedars Parkway is 24.4 acres. Therefore, the applicant is proposing a gross density of 2.34 units per acre for this portion of the property with a density net of ADU units of 2.17 units per acre. These proposed densities are well below the four dwelling unit per acre maximum allowed by the Revised General Plan. The use of the smaller single-family detached development pattern in this area will allow the applicant to develop the site in a more sensitive manner, addressing the water resources policies with the County while preserving existing vegetation to the maximum extent possible. The smaller lots in this area will also allow the introduction of a single-family detached product to the housing market in this portion of the Dulles South Planning Area which is currently not available. Almost all of the residential development taking place in this portion of the County is being done on by-right one-acre lot or one-acre cluster lots. These types of single-family homes are much larger in size than what is proposed here for this portion of the Gates of Loudoun. It is logical to assume that the cost of these single-family detached homes in

this portion of the Ridings will be more affordable than the single-family homes developed on the larger lots to the south and west of this site.

In terms of the portion of this proposed development north of Tall Cedars extended, this area has been planned as the residential component of the greater Business Community as called for in the Revised General Plan. This greater Business Community is bounded by Route 7 to the north, Tall Cedars/Sand Branch to the south, Poland Road to the west and basically the 65 LDN Contour Limit to the east. As can be seen from Exhibit 1, much of this Business Community area falls within the LDN-65 noise contour. This LDN-65 noise contour precludes residential development within this area. Also, much of the area north of this portion of the Gates of Loudoun which falls within the bounds of this greater Business Community are being or have been developed for civic or commercial uses. As can be seen from Exhibit 1, the area being proposed for the residential component of the greater Business Community in this application is one of the few areas in the greater Business Community where the residential component can be accommodated. The amount of land area being proposed for residential development, i.e. 16% is below the 25% allowed by the Revised General Plan's matrices of Land Uses in the Business Community. It can be seen that this is the most logical location for the residential component in that by providing the residential component in this area, it provides for a more logical transition between the employment uses in the Business Community and the lower density residential development to the west and south of this proposed location. Clearly, it is not this applicant's intent to dictate the uses of the undeveloped property within the Business Community to the east and north of this site. However, the applicant believes that Exhibit 1 shows a logical development pattern for the greater Business Community and one that achieves the County's goals in terms of mixed use for this Business Community portion of the Dulles South Area. The applicant

feels that they can establish the tenor of the greater Business Community by providing such a residential component which can be fully integrated into and orients itself to the Business Community as it develops to the east and north.

The applicant has planned the residential component of the Business Community so as to allow both vehicular and pedestrian access to the other elements of the Business Community to the north and the east, and one that will promote access and commonality to the greater Residential Community to the south and the emerging Business Community to the north and the east. Therefore, the applicant believes that the location of this higher density residential component in this portion of the Business Community truly fosters the County's goals of a mixed-use community in this portion of the County.

The applicant is proposing that the Residential Component of the Business Community be a single-family attached development on an integrated grid pattern of streets. These internal streets can be extended to the greater Business Community to the east, which would allow both vehicular and pedestrian traffic to move through, into and out of the residential and non-residential portions of the greater Business Community without having to enter onto the future Tall Cedars Parkway extension and fostering the Revised General Plan's goal of live, work and play mixed use developments.

The Residential Component of the Business Community contains approximately 33 acres. The applicant is proposing to develop this residential component at a gross density of 8 units per acre and at a density, net of required ADU units, of 7.5 units to the acre. This density is within the range of residential densities called for in the Revised General Plan. More importantly, it is being proposed at a density and with a residential unit type which currently does not exist within the greater Poland Road residential

community. Therefore, again, providing a more affordable housing unit in this portion of the Dulles South Planning Area as well as increasing the mix of residential unit types in this portion of the County.

The applicant is proposing to meet and exceed the open space requirements of the General Plan. The open space has been strategically located so as to preserve natural features to the maximum extent possible, while also providing internal open space within the residential communities so as to provide focal points for community activity and association. Indeed, for the northern portion of the property, the applicant has provided internal open space which can provide a focal point for the greater Business Community. This project from a homeowner's association and active recreational facility standpoint will be integrated into the greater Ridings at Blue Springs Homeowner's Association such that residents within both the northern and southern portion of this project will have full and complete access to a wide range of recreational facilities.

In terms of specific information to be considered by Loudoun County for a Zoning Map Amendment Application, the applicant would offer the following:

- The proposed development is consistent with that which is allowed for this portion of the County in the Revised General Plan. For the portion south of Tall Cedars Parkway, the applicant is proposing residential development at a density below what is allowed by the plan. For the portion north of the Tall Cedars Parkway extension, the applicant is proposing the residential component of a greater Business Community. This residential component as a percentage of the greater Business Community meets the General Plan matrix requirements. The density being proposed by this application is within the density range for a residential component of a Business Community.

- There have been changed and changing conditions in this portion of the Dulles Planning Area which make this proposed rezoning appropriate. The on-going South Riding development along with the other emerging residential developments along Poland Road have put in place an infrastructure system in terms of utilities which will support the additional development proposed by this application. The vast majority of the residential development, which has occurred along the Poland Road corridor, has occurred as by-right CR-1 development, rather than the anticipated or desired residential development pattern in the Revised General Plan. As such, this portion of the County has been substantially underdeveloped in terms of the amount of residential development anticipated in the General Plan and there has been a lack of diversity in housing types and price ranges. If approved, this application will introduce two new types of residential product in this area. It will bring residential products on-line at cost ranges generally below those which are currently available in this corridor. In addition to addressing the diversity of housing types, promoted by the Plan, this development will pay it's full share of capital facilities contributions where the by-right development pays none. The applicant, through it's proffers, will also contribute substantially to much needed road and safety improvements where no current or anticipated funding is available.
- The range of uses proposed in this application are compatible with the uses that are permitted on adjoining properties. The proposed single-family attached development bay on the north side of Tall Cedars Parkway will provide a more logical transition between the planned employment community uses to the north and east, and the larger lot single-family development to the west. In addition, locating this higher density along the major regional road in this portion of the

Dulles South Area will allow for a more logical transportation flow. The smaller lot single-family detached product being proposed on the south side of the Tall Cedars Parkway extension, again continues the transition from a higher intensity use to the north and east to the lower intensity large lot single-family development which is emerging to the south and west.

- The Loudoun County Sanitation Authority continues to move forward in implementing its master plan for this area in terms of central sewer and water services. A major existing water transition main runs through the property along Poland Road. In addition, water will be extended towards the property from the southeast with the development of the balance of the Ridings at Blue Springs residential development. This project will continue the extension of the local water distribution mains and provide for an interconnecting loop system in this area. With the development of the Ridings at Blue Springs project to the southeast, sanitary sewer lines will be extended to the property. Therefore, this property will receive its sanitary sewer service through logical extensions of those lines into and through the site.
- The applicant has completed a transportation study which shows that developing this site at the proposed density will have no appreciable additional impact on the regional road system than would be the impact if this property were developed at its preliminary plan approved density. The applicant, in its proffer statement, will provide for its fair share of regional road improvements and transit system contributions. The applicant has, based on the results of the traffic study, focused on the current situation with Poland Road/Route 50 intersection. The applicant is proposing to provide major improvements to the intersection. While Poland road will remain as a two-lane rural section roadway, the applicant is proposing significant turn lane improvements both at

the Route 50/Poland Road intersection. In addition, the applicant will be dedicating the necessary right-of-way for the future extension of Tall Cedars Parkway through this site. This will begin to establish the Tall Cedars Parkway extended corridor east of Poland Road. The applicant will make some of the initial improvements to Tall Cedars Parkway in order to gain access to this site. This will include constructing a full section of Tall Cedars Parkway to the land bay entrances and grading the full width of the Parkway through the site.

- This portion of Dulles South has been planned for the necessary number of schools so as to support the proposed zoning on this property. Some of the schools have already been constructed. The applicant, through their proffer statement, will make the necessary capital facilities contributions so as to ensure that any needed schools and other facilities will be contributed to in their fair share by this development.
- This proposed zoning will have no adverse impact on the County's ground water supply. The applicant's plan has been sensitive to natural drainage patterns through and adjoining the site. Existing drainage ways and wetland areas, not preserved under the approved preliminary plan, will be preserved to the maximum extent possible. The applicant's detailed design will meet or exceed County requirements in terms of storm water management and best management practices, thus addressing the quality and quantity of storm water runoff.
- As on-going development in this portion of the County has shown, with proper engineering the on-site soils have the necessary structural capacity to support the proposed type of development.
- A detailed traffic study for the proposed development indicates that the traffic generated by this site will not have an appreciable impact on the regional road

network in this area. However, the applicant, through their proffer statement, will provide for their fair share of regional road improvements either through construction of such improvements and/or through a cash contribution. The equivalent of the construction and/or cash contribution will equate to approximately \$2500/unit. In their proffer statement, the applicant will include typical language which will preclude any construction traffic generated by this site from using existing roads in neighborhoods and/or school areas. The hours of construction operations will be limited during the school year so as to not interfere with school traffic.

The project will include a system of connecting sidewalks and trails so as to ensure safe passage of pedestrian traffic through the site. The applicant will implement the County's planned bike trail system through the site. Since the site is being planned as part of a greater Business Community, the applicant has paid special attention to both vehicular and pedestrian access from this property to adjoining properties in all directions. Since this property is being planned as a transition area between employment community uses and less dense residential development, the applicant has and will provide for adequate multi-model transportation elements throughout the site. The applicant will provide for a mass transit bus stop within the site.

- The subject site currently is approved for by-right CR-1 development with 57 CR-1 cluster lots. While this would provide an economically viable use for the property, this use is not in concert with the County's planned use for this area. The applicant believes that this rezoning is more in concert with the goals of the General Plan. Therefore, while the existing approved use may be economically viable, it is not necessarily desirable from the County standpoint in

terms of the County's overall planning goals. The proposed zoning will enable the site to be developed in a harmonious manner with its natural environment. The proposed development will assist the County in meeting its projected housing needs in the next ten years while defraying both its capital and transportation impacts.

- The applicant believes that the development plan generated for this rezoning has been as sensitive to the environment and the natural features as this type of residential development and density can be. The plan calls for the preservation and retention of existing wooded portions of the property where practical. While there is a substantial stand of trees on the property, there were few "monarch" trees identified during the tree survey. Existing drainage ways and wetland areas will be preserved wherever possible and the necessary buffers around same will be provided. The applicant will incorporate all necessary measures to ensure that water quality standards are maintained at the County's best management practices level. The applicant believes that the County's air quality would be better served by locating needed residential units in this portion of the County, which is closer to existing and emergent employment centers. This will thus reduce the need for longer vehicular trips from other portions of the County. By planning the residential portion of the employment community along a major regional road, as well as providing integrated roads and pedestrian ways, the applicant feels that vehicular trips will be minimized, thus providing positive impacts to air quality.
- The applicant believes that this rezoning encourages economic development activities in the area designated by the Revised General Plan, in that it allows for housing in close proximity to those economical development activities. The applicant believes that having by-right large lot single-family development in

such close proximity to planned employment uses can be detrimental, in that these types of uses are not necessarily compatible and is clearly not sound land use practice. By providing the higher density residential uses in close proximity to the future employment uses, the applicant is providing for a more logical transition between higher intensity to lower intensity uses. Also, this type of housing, which will be at a more affordable priced, will foster the location of a workforce that will be necessary to support the employment uses which would locate within the greater Business Community. The proposed change in land use and residential density is in concert with and supportive of the Board's own remapping initiative. By meeting the housing needs of existing and new workers in this portion of the County, the applicant believes that this application will provide for desirable employment and economic development and thus enlarge the County's tax base.

- The rezoning does consider the needs of agriculture in that it locates residential development at a higher density in an area which is planned for same, thus reducing the pressure for residential development in those areas of the County, which the County believes should be retained for agricultural and open space use. This supports one of the prime planning goals of the Revised General Plan. By locating residential development in close proximity to employment areas and planned business communities, the County can ensure the viability of these areas in terms of their development for their proposed uses. The location of higher density residential development in areas planned for same by the County ensures that the County's goals relating to water resources and natural habitat preservation can be met.
- The Revised General Plan designates different areas for business and residential uses. The proposed development lies both within an area

designated for residential use as well as for Business Community use. Unfortunately, the County has seen much of its Business Community and residential area developed by large lot by-right single-family detached development. Indeed this very area has an approved by-right preliminary plan. The applicant believes that by establishing the residential portion of the Business Community now, the County will foster the preservation and future use of the balance of the Business Community area for its intended use. Also, by providing a more affordable housing product within the confines of the Business Community, the County will foster the location of adequate workforce and manpower within the future Business Community, which will be attractive for businesses to locate in this area since there will be adequate and more affordable housing available for its workforce. Also, by providing the proposed development, the applicant has established a more natural transition between the planned employment uses to the north and east and the lower density residential uses to the south.

- The proposed rezoning encourages the conservation of properties and their values and the encouragement of the more appropriate use of the land throughout the County by proposing a use for property that is in concert with the County's General Plan. This reduces the pressure on other properties which may have existing zoning which is not in concert with their proposed long term General Plan uses and also relieves development pressures on the Transition Area. With the location of sensitively designed and appropriate density residential development in the planned areas, this will reduce the pressure for those properties that are not appropriately zoned to develop as residential rather than to highest and best use.

- The eastern portion of the Route 50 corridor is an emerging growth corridor in the County in terms of both residential and non-residential uses. With the coming of the Air & Space Museum Annex in close proximity to Route 50, it is anticipated that the eastern portion of the Route 50 corridor will continue to grow in terms of employment and business uses and can become a true community. Workers in this portion of the County will need housing to meet their needs. The higher density development proposed by this rezoning rather than the currently approved by-right large lot cluster single-family development would provide for a mix of housing types in this area which is currently not available. In addition, it will provide for more affordable market rate units; therefore, attracting a diverse sector of the workforce and ensuring that adequate workforce at all levels would be available to the emerging employment users in the corridor.
- The proposed rezoning will have a positive effect in terms of providing moderately priced housing. Based on the mix of single-family attached and small lot single-family detached product in this development, it is anticipated that the price range of the units that would be constructed in this development would fall within the low to moderate price range for single-family product within the County. By providing these more moderately priced single-family homes, it will afford an opportunity for current County residents who are ready to move up from rental product to single-family product, thus providing additional opportunities for people to move into the existing rental products without additional units of these types having to be built.
- The applicant has carefully designed this project so as to be sensitive to the natural and scenic characteristics of the site as this type of development allows. The applicant's plan, while providing for a denser residential

development than is currently approved for the site, has honored the Revised General Plan's "Green Infrastructure" requirements. All of the wetlands and the major drainage way within the site are being preserved in their natural condition. The applicant has provided green space which meets or exceeds the Revised General Plan's requirements. The development will adhere to all Federal, State and County regulations in terms of storm water management and best management practices, and also erosion and sediment control requirements, thus further protecting the existing natural environment.

To the largest extent possible, the applicant will preserve the existing vegetation along the perimeter of the property, as well as taking advantage of the internal green space for additional vegetative save areas. By planning the development so as to be as sensitive as possible to the natural characteristics of the site, the applicant believes that he has addressed the scenic qualities of the site and has done everything reasonable to preserve those qualities.

A Phase I Archeological Survey was conducted of the entire property. During this study, a site was identified for additional archeological analysis. A Phase II Archeological Survey is being conducted on that specific site. The applicant will adhere to all necessary requirements in terms of adhering to required standards to document and catalog significant historic elements of the site.

The applicant will continue to adhere to the necessary Federal and State requirements and will continue to do what is necessary to ensure the protection of sensitive archeological and/or historic features.