

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