

Gardner, Stephen

From: Roy Barnett [rbarnett@vanmetrecompanies.com]
Sent: Monday, November 23, 2009 2:17 PM
To: Chaloux, Sandra
Cc: Maio, Peggy; Gardner, Stephen; Denise Harrover; 'jnein@cooley.com'
Subject: Re: Stone Ridge Commercial, ZCPA 2006-0003/ZMAP 2006-0011 application

Sandra - jeff nein is working on an amendment to the proffer that states that we would only construct this connection if the County request same in the future.

I hope this works for you and yet allows a future alternative if the County wants to pursue.

Thanks

Roy

Sent from my BlackBerry Wireless Handheld

From: Chaloux, Sandra <Sandra.Chaloux@loudoun.gov>
To: Roy Barnett
Cc: Maio, Peggy <Peggy.Maio@loudoun.gov>; Gardner, Stephen <Stephen.Gardner@loudoun.gov>; Denise Harrover; Nein, Jeffrey <jnein@cooley.com>
Sent: Mon Nov 23 13:19:46 2009
Subject: RE: Stone Ridge Commercial, ZCPA 2006-0003/ZMAP 2006-0011 application
Roy,

Thanks for your responses. However, I seem to recall during our conversation about the South Point Drive connection, that you said that you did not need this connection -it was not your idea. I think you said that you already have adequate access in your currently approved CDP.

I do not support this additional South Point connection to Gum Spring Road. Stone Ridge already has 2 connections to Gum Spring Road and this new connection isn't necessary and may necessitate a traffic light in very close proximity to the Route 50 light.

This is not a desirable situation and only complicates circulation in an area where there are enough circulation issues.

Please let us know if you are amenable to drop this South Point connection to Gum Spring from the proffers

Thanks.

Sandra

From: Roy Barnett [rbarnett@vanmetrecompanies.com]
Sent: Sunday, November 22, 2009 2:13 PM
To: Chaloux, Sandra
Cc: Maio, Peggy; Gardner, Stephen; Denise Harrover; Nein, Jeffrey
Subject: Stone Ridge Commercial, ZCPA 2006-0003/ZMAP 2006-0011 application

Sandra – This email is in follow up to our conversation last Wednesday evening, November 18, in which you shared five concerns that were not part of your subsequent email from Friday with questions that I responded to on Friday afternoon. The following is a listing of those concerns with my thoughts and responses following each. I have also included some further thoughts regarding the timing of construction of additional recreational amenities.

1. R-24 Residential in relationship to the existing Dominion Virginia Power transmission facilities.

Dominion Virginia Power has stated in writing the following regarding their transmission facilities and respective easements:

“The purpose of Dominion Virginia Power’s right-of-way easement is to construct, maintain and operate high voltage transmission lines in a safe and reliable manner for the general public and for our employees. ... Dominion Virginia Power’s transmission line facilities are designed, installed, maintained and operated in accordance with the requirements of the National Electrical Safety Code (NESC) and American Standards Institute (ANSI). The American National Standards Institute (ANSI) standard covers basic provisions for safeguarding of persons from hazards arising from the installation, operation or maintenance of 1) conductors and equipment in electric supply stations, and 2) overhead and underground electric supply and communications lines. The ANSI standard also establishes materials and structural strength requirements. By law, Dominion Virginia Power is obligated to meet all NESC and ANSI requirements within the Commonwealth of Virginia.”

Therefore, based on the aforesaid, any impacts associated with the construction, operation and maintenance of Dominion Virginia Power’s transmission lines must be confined to the limits of their respective easements and shall not have any negative effects on adjacent development. The transmission facility being discussed is the same 230kv line that runs from Dickerson, Maryland southward thru Maryland and then Loudoun, Prince William, and Fauquier Counties in Virginia. Multiple residential developments in Loudoun and Prince William Counties have been approved adjacent to this line including Potomac Station and Northlake north of Route 7 as well as Stone Ridge (existing townhouse and single family sections) and Kirkpatrick Farms south of Route 50. A similar 230kv line runs thru western Fairfax County and crosses thru a Van Metre multifamily project in Herndon (Woodland Park Apartments). Certain of the residential units in this project are located as close as approximately 57 feet from the centerline of the transmission line (7 feet outside the Dominion Virginia Power 100’ wide easement) and parking is located under the transmission line. We have a letter from Dominion Virginia Power stating no impacts.

Further, I have reviewed Loudoun County Assessment records for those townhomes constructed by Van Metre south of Tall Cedars Parkway to see if the County Assessor reflects any negative value to units adjacent to the Dominion Virginia Power transmission lines and I have found no difference in assessed values between homes adjacent to the transmission lines and others within the same neighborhood. Of further interest is the fact, 16 of the 22 townhomes (73%) that are immediately adjacent to the transmission lines are still owned by the original owners – a much higher percentage than elsewhere in the neighborhood. I believe this shows that the owners of these units appreciate the permanent green space provided by the Dominion Virginia Power transmission facilities.

2. Restriction of certain uses in remaining PD-IP Land Bay (Land Bay 8) in addition to the restrictions already proposed in Proffer I.E.1.c. for Land Bay DD (portion).

Restricting commercial uses in the PD-IP and PD-OP Land Bays reduces the ability to actively market and be competitive with other land owners with similar zoning of their commercial land. On one hand Stone Ridge has commercial linkage requirements that were established within proffers approved with ZMAP 1994-0017 and reaffirmed with approval of ZMAP 2002-0013/ZCPA 2002-0004 for which there were no proffered restrictions regarding design and use of the PD-IP and PD-OP land bays. On the other, I have requests to consider restricting use of the currently undeveloped PD-IP land bays as well as implementation of design standards within the undeveloped PD-OP. I have no objection to either of these requests as long as there is some fair consideration regarding the commercial linkage requirements.

We have already submitted to County staff revised proffers dated November 16, 2009 which include increased design standards for future PD-OP developments and a limitation of uses within the undeveloped portion of Land Bay DD. I would be amenable to the following in regard to Land Bay 8, proffer I.E.1.b. if that was a condition of any recommendation for approval by Planning Commission:

“b. Land Bay 8. Land Bay 8 shall be developed with up to 142,904 square feet of floor area (0.231 FAR maximum) for ~~any of the~~ uses permitted in the PD-IP zoning district, including ~~any~~ permissible special exception ~~use~~uses, subject to the approval of the requisite special exception applications. However, the following uses included in Section 4-503 shall be excluded: (D) distribution facility; (H) manufacture, processing, fabrication and/or assembly of products, etc.; (K) recycling drop off collection center, small; (M) wholesale trade establishment; (S) warehousing facility; (T) auction house; (X) postal service, etc.; (DD) utility substation, distribution; and (MM) contractor service establishment, excluding retail sales and outdoor storage. Access to this land bay shall be from Millstream Drive, as shown on the CDP. “

3. Future of Gum Springs Road south of Route 50 (cul-de-sac versus some other solution) when the West Spine Road is completed and open to traffic as a four-lane divided roadway from Tall Cedars Parkway to Route 50.

The future of Gum Springs Road south of Route 50 is not part of or being decided with the current Stone Ridge Commercial, ZCPA 2006-0003/ZMAP 2006-0011 application nor by any previous entitlement actions involving Stone Ridge. As you know, since Gum Springs Road is in the state road system, VDOT has the final decision making authority for any future designs or alignments of this roadway. The latest version of the proffers for the subject case regarding the extension of proposed Southpoint Drive and its intersection with Gum Springs Road (Proffer II.B.8.) has been revised to provide alternatives depending on the direction of VDOT regarding the future of Gum Springs Road. The latest version reads as follows:

8. EXTENSION OF SOUTHPOINT DRIVE

Phase 1 of the extension of Southpoint Drive, as depicted on the CDP, shall be constructed in conjunction with the initial development of either Land Bay FF1A or Land Bay FF2B, whichever occurs first. Phase 2 of the extension of Southpoint Drive, as depicted on the CDP, shall not be constructed until the West Spine Road is constructed by others as a four lane divided road from Tall Cedars Parkway to Route 50 and is open to traffic, and either a cul-de-sac is constructed by others on Gum Spring Road (Route 659) north of Tall Cedars Parkway or intersection improvements as required by VDOT, such as turn lanes and signalization, are provided by the Owner at the intersection of Southpoint Drive and Gum Spring Road.

4. Public Use Site #3 location considering its use as a fire station/public safety center in the future.

The location of Public Use Site #3 was selected by county staff including the Department of Fire, Rescue and Emergency Management and Chief Pozzo. The site is readily assessable to multiple major roadways – yet removed from being adjacent or across the street from residential uses. The new Moorefield Public Safety Center is similarly located.

5. Timing of completion of Destiny Drive from its current terminus to the southerly property line of Stone Ridge.

In our most recent meetings with the Kirkpatrick Farms HOA we have conveyed to them our construction timeline for completion of this section of Destiny Drive by the Fall of 2010. We have approved construction plans, and have contracted and commenced land development activities in furtherance of meeting this timeline. Since we are already have commenced development activities and the fact that completion of Destiny Drive is not a subject matter of the current Stone Ridge Commercial, ZCPA 2006-0003/ZMAP 2006-0011 application we do not feel that inclusion of a proffer regarding same is appropriate. However, I would be amenable to the following additional proffer 10. in Section II.B. if that was a condition of any recommendation for approval by Planning Commission:

“10. DESTINY DRIVE

Destiny Drive (a.k.a. Pebble Drive on the ZMAP 1994-0017 CDP) shall be constructed from its current southern terminus to the southern boundary of Stone Ridge and shall be open to traffic, but not necessarily accepted for maintenance by VDOT, no later than September 30, 2010.

6. Recreational amenities -Can you commit to this more upfront than the 250th residential unit permit?

Friday response - This proffer has not been modified with this application. I will look at the timing – but we need to balance the number of residential units occupied with the number of community facilities constructed so as not to over burden the HOA with additional operating and maintenance cost unnecessarily. The HOA already operates two pool facilities as well as a bathhouse and the main clubhouse.

Further thoughts – There was a good article in Saturday's Washington Post (<http://www.washingtonpost.com/wp-dyn/content/article/2009/11/20/AR2009112004045.html>) regarding the need for HOA's to do exactly what I had stated in my email to you on Friday evening – the need to balance the number of residential units occupied with the number of community facilities constructed so as not to over burden the HOA with additional operating and maintenance cost unnecessarily. A quote from the article states:

"Our residents are a bit frugal," said Ron Pereira, a retired accountant and general manager of the Lake Ridge homeowners association. "The feeling here is that we have to build a sense of community, but we don't have to build the new community center or indoor pool until we get out of this current climate."

Older communities that have learned to watch their costs might be faring better, said Pia Trigiani, a community association lawyer and partner at MercerTrigiani in Alexandria. But newer associations that emphasize amenities and charge high dues face bigger headaches, she said.

Interesting was the relationship of number of pools to number of homes in Lake Ridge – 5 pools for 7,600 homes which equates to 1 pool for every 1520 homes. I also researched and found that they have 3 community centers – one center for every 2500 plus homes. Stone Ridge is approved for the construction of 3265 residential units including 229 multifamily units that have their own clubhouse/community center and pool. Today, 2 pools and the main clubhouse/community center are under ownership and control of the HOA. We are committed to completion of the third pool and second clubhouse/community center in the time frame as agreed to in the proffers approved with ZMAP 2002-0013/ZCPA 2002-0004, but feel that any acceleration of the time frame is unwarranted and is not in keeping with the need to balance the number of residential units occupied with the number of community facilities constructed so as not to over burden the HOA with additional operating and maintenance cost unnecessarily.

Sandra – I hope you find that the above clarifies and is responsive to the items we discussed last Wednesday evening and that my email last Friday afternoon provided answers to those questions forwarded on Friday morning. Although I am out of the office this coming week, I will be available by phone (703.898.4971) and email to discuss any of my responses sent to you or any additional thoughts you may have regarding this case. In addition, Denise Harover (703.507.3512) in my office as well as Jeff Nein (703.425.2614) are available to respond via email and/or phone as well as personally meet if you so desire.

Thank you

Roy Barnett

From: Roy Barnett
Sent: Friday, November 20, 2009 6:54 PM
To: 'Chaloux, Sandra'

Cc: Maio, Peggy; Gardner, Stephen

Subject:

Sandra – I have provided responses after each your questions below:

From: Chaloux, Sandra [mailto:Sandra.Chaloux@loudoun.gov]

Sent: Friday, November 20, 2009 10:35 AM

To: Roy Barnett

Cc: Gardner, Stephen; Maio, Peggy

Subject: RE: Stone Ridge Commercial Rezoning

Roy/Stephen,

A few more questions??

Where is Exhibit D that is referred to in the proffers? Can someone forward it to me?

Exhibit D is an attachment to the proffers approved with ZMAP 2002-0013/ZCPA 2002-0004. Exhibit D is referenced in Proffer II. Transportation Proffers under Section 4. Route 50 Intersections, Subparagraph (c) and illustrates the proffered improvements at intersection of Route 50 and the West Spine Road (I have attached for your use). This proffer is not being amended by the current application. Therefore the reference to Exhibit D will be deleted in our current proffers since it remains unchanged.

What is the arrangement between the County and Van Metre for the library space? Is the County going to lease the 40,000 square feet?

Pursuant to the proffers approved with ZMAP 2002-0013/ZCPA 2002-0004, Proffer III. Capital Facilities, Section 3. Library Site the library space will be conveyed to the County.

“The Owner shall design and construct a minimum of 40,000 square feet of base building office condominium space, and, upon completion of construction and receipt of final inspections as required under the base building permit (i.e., building inspection, plumbing, electrical, mechanical, fire safety and zoning), convey said space to the County for use as a public library. ”

What is the rationale for the new proposal on page 4 of the Second Amendment to the proffer statement under PD-OP district regarding the commercial/residential linkage commitment?

In response to staff discussions regarding the desire to achieve a quality office design for future buildings along Route 50, we have included to subject the previously approved office uses in the PD-OP land bay to a set of design standards outlines in proposed proffer I.E.2. that will achieve Class A building status for the office buildings, and also agreed to rezone CLI property to PD-OP and subject that area to the same design standards. As discussed with staff – especially comprehensive planning and economic development, some consideration for quality versus quantity was justified – especially since this application does not result in any change to the number of residential units or a minimal change in the amount of commercial development (133 SF). We all agreed that these commitments will increase the cost of the buildings and limit the our ability to market same within the current economic environment, but will result in higher quality buildings and more future tax revenue for the County. Therefore, staff was agreeable to a credit of 80,000 square feet against the commercial/residential linkage proffer as a reasonable incentive for the commitment to a higher set of design standards..

I would like to see a more specific commitment for pedestrian circulation on page 4 and in the vicinity of the schools-based on the Bike and Ped plan policies.

In regard to pedestrian circulation on page 4, I believe you are referring to proposed proffer I.E.2.d. that states:

“d. Pedestrian Circulation. In designing and developing the PD-OP uses in Land Bay FF2B, the Owner shall give priority to the fullest extent possible to facilitating pedestrian circulation between buildings in this Land Bay and between this Land Bay and surrounding development outside this Land Bay. The site design will provide for ample dedicated pedestrian walkways so as to ensure, to the fullest extent possible, the separation of vehicular traffic and pedestrian movements.”

I can work on additional specific language to include completion of the trail around the existing storm water management/ wetlands management facility located between Land bay FF2B and the Office/Library as well as designated continuous pedestrian walkways from South Point Drive to each office buildings if you feel the current proffer language does not give County staff the latitude to require same at time of site plan approval but I believe the proposed proffer achieves this goal. I could also add a sentence to the end of proffer II.B.8. Extension of Southpoint Drive to specifically reference that the design will include sidewalks on both sides of the roadway but I have already included the sidewalks in the current final construction drawings.

In regard to the schools, we have already completed construction of the roads around Mercer Middle School including sidewalks along the residential streets. In addition, we have constructed the proffered trail along the north side of Tall Cedar Parkways all the way from Gum Springs Road to the Arcola Elementary School.

Completion of Northstar Blvd -I would like to add a date certain delivery for this road construction to be completed in time for proposed HS-7 construction -need to figure out when that is anticipated to begin.

The approval and construction of HS-7 is not a subject matter within the current Stone Ridge Commercial, ZCPA 2006-0003/ZMAP 2006-0011 application. Therefore, as stated in proposed proffer II. C. 3., the completion of the Route 659 Relocated improvements is tied to certain zoning permit thresholds based on when the improvements would have a beneficial use. The proffer states:

“These improvements shall be constructed or bonded for construction prior to the earlier of (i) the issuance of the 301st residential zoning permit, cumulatively, in Land Bays 1, 2, 3, 4 and 5R as part of Phase IIIB, or (ii) the issuance of the 1st zoning permit in Land Bay 1.”

In regard HS-7 separate and aside from the Stone Ridge Commercial, ZCPA 2006-0003/ZMAP 2006-0011 application, the Purchase and Sale Agreement between Stone Ridge and LCPS does address the timing of construction of any proffered road improvements approved with the Stone Ridge Commercial, ZCPA 2006-0003/ZMAP 2006-0011 application to assure completion in a timeframe that will not delay opening of HS-7– but this is a contractual matter since there is no way to guarantee that HS-7 will be approved and constructed prior to its entitlement application(s) being processed through the appropriate governmental channels.

How were the proposed Capital Facilities Contributions and credits derived for each of the public use sites?

The credits are based on the appraised value of each site pursuant to **CPAM 2006-0001, Proffered Land Sites Valuation Credit Methodology** and each appraisal was completed in accordance with the **“Proffer Land Site Valuation Methodology”** provided by the County. I have attached both of these documents.

Recreational amenities -Can you commit to this more upfront than the 250th residential unit permit?

This proffer has not been modified with this application. I will look at the timing – but we need to balance the number of residential units occupied with the number of community facilities constructed so as not to over

burden the HOA with additional operating and maintenance cost unnecessarily. The HOA already operates two pool facilities as well as a bathhouse and the main clubhouse.

Thanks.

Sandra