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December 15, 2009

Via Hand Delivery

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

**Re: First Referral Responses; ZMAP 2009-0006 & SPEX 2009-0026: Morley
Corner – Temple Baptist Church and School**

Dear Ms. Rowen:

On behalf of **Temple Baptist Church** (the “Church” or “Applicant”), I am providing this letter as a written response to the referral agency comments in the above-referenced applications. For your convenience, each of the Staff comments are stated below and the Applicant's responses follow in bold.

I would be remiss if I did not mention that the previously-approved Morley Corner (ZMAP 2006-0003 and SPEX 2007-0004, and hereinafter, referred to as the “Morley Corner application”)—which included a far more intense land use plan in terms of approved office and retail square feet as well as trip generation—featured significant transportation and amenity proffers that came following negotiations between County staff and the then-applicant, Keane Enterprises, Inc.

Over the past five years, this Applicant has unsuccessfully sought the purchase of reasonably-priced, viable Loudoun County property on which to locate its expanded church and school. Regrettably, the high price of land combined with buyers willing to outspend the Applicant has effectively “priced out” the Church from locating in Loudoun County. While the Applicant purchased the Morley Corner property earlier this year, it has since sold the 11.03-acre R-16 zoned portion of the former 31.9-acre Morley Corner site to Lansdowne Development Group in exchange for the proffer allocation agreement in order to assist the Applicant in paying for proffer obligations that have already been agreed to by the previous owner. Similarly, the Applicant has been compelled to find purchasers for the 1.74-acre retail component to assist in the construction costs of the proposed church buildings and recreational fields. The Applicant respectfully asks Staff's acknowledgement and understanding of what has been a lengthy purchase process and a series of financially difficult decisions, and is hopeful that the Subject Property will offer a fresh start for a new home in Loudoun County.

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LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING
(SARAH MILIN, 11/6/2009)

1. The proposal is not consistent with the intent, recommended land use mix, and economic strategy envisioned by the Revised General Plan for Keynote Employment land uses. In this case, the previously-approved development on the site (ZMAP 2006-0003 & SPEX 2007-0004, Morley Corner), which committed to a minimum of 104,000 square feet of office uses, appears to be more consistent with the property's land use designation than the current application.

Applicant Response: The Applicant respectfully disagrees with the recommendation that the proposed uses are not in compliance with the Revised General Plan and submits that the proposed church with accessory school, accessory before- and after-school child care, and accessory recreational facilities as well as the proposed retail site provides an innovative land use mix that is complementary to the surrounding predominantly residential community and in accord with the Keynote policies of the Revised General Plan.

While the Applicant understands that the Revised General Plan calls for civic uses to remain ancillary to the predominant office uses of the Keynote Corridor, it seems appropriate to view the proposed uses and Subject Property in the context of the larger Keynote Corridor rather than on an individual site basis. When viewed from a broader perspective, the proposed church, school, and child care uses are a component of the significantly larger Keynote Corridor. The Keynote land use mix envisions the implementation of civic uses and provides for a “no maximum” component. The school and after school uses are specifically included in the definition of civic uses within the Revised General Plan (RGP, p. G-2). In adopting the Revised 1993 Loudoun County Zoning Ordinance (hereinafter, “1993 Zoning Ordinance”), the Board of Supervisors crafted the PD-OP zoning district as its preferred zoning district through which to implement Keynote Employment uses. The proposed church, accessory school, accessory before- and after-school child care, and accessory recreational facilities are contemplated within the PD-OP zoning district.

Specifically concerning the proposed retail uses, the Subject Property received approval under the Morley Corner application to permit up to 260,000 s.f. of retail and office uses; this application reduces the total retail component to 22,500 s.f., which reflects the reduced need for support retail services for the proposed land uses and which is more compatible as a transitional use with the Residential policy area adjacent to the Subject Property on the west. The reduced retail area also acknowledges the significant regional retail center, the Shoppes at Ryan Park, located just to the south. The proposed PD-CC-NC retail component will be community-oriented and support the surrounding

residential communities, church users, and office/industrial uses located within walking distance across Ashburn Village Boulevard.

It is also appropriate to consider the Subject Property's location within the Keynote Corridor. Unlike the major transportation corridors of Loudoun County typically considered the premier office locations (i.e., Route 7, Route 28, Dulles Greenway, etc.), the Subject Property is located at the western edge of the Keynote policy area, adjacent to the Residential policy area. Additionally, the Subject Property is served by a major collector road (Ashburn Village Parkway), rather than an arterial roadway. The proposed uses provide a definitive transition from the surrounding residential uses to the north, south, and west and the office/industrial uses to the east and will offer civic support services to Keynote employees and surrounding residents.

Given the reduced footprint of the proposed buildings over the previously-approved Morley Corner application, as well as considering the addition of significant active recreation space and reduced traffic generation during peak hours, the proposed uses are more compatible with the neighboring residential uses than the previously-approved retail and office uses permitted under the Morley Corner application and will lead to greater balance within the community. Additionally, it is envisioned that the proposed church will employ approximately 50 employees. Further, the Applicant is in full agreement with staff's recommendation that future development on the site should be consistent with the high quality designs presented by the Applicant. In providing a high visual quality with the two-story massing of the stone and brick main church building, the building quality is compatible with other Keynote structures and more compatible is scale and siting with the surrounding residential communities.

2. If this application moves forward, staff recommends that the following comments be considered. In addition, staff requests additional information regarding the proposed child care center, particularly whether it will be limited to providing before/after school care for students in grades K – 12 attending the proposed private school. A market statement and/or analysis for the proposed retail use(s) should also be provided.

Applicant Response: The proposed before- and after-school child care will only be open to Temple Baptist School students, grade K3 (Kindergarten students aged 3, 4, and 5) through grade 12 and, similar to the Temple Baptist School hours, will operate between 6:00 a.m. and 7:00 p.m. Concerning staff's request for a market statement and/or analysis for the proposed retail component, the previously-approved Morley Corner application would permit the construction of up to 156,000 s.f. of retail uses on the Subject Property. This application only seeks the construction of 22,500 s.f. of retail uses. Given the significant

reduction in permitted retail uses on the Subject Property, and considering that the previous Morley Corner application was approved to permit a far greater amount of retail uses, the Applicant feels that conducting a market study is unwarranted for this proposal.

3. Staff recommends that the project protect the site's stream corridor by depicting the full 50-foot management buffer on the Concept Plan and appropriate sheets as envisioned by the Plan, and committing to develop the stream corridor only with uses permitted by Plan policy.

Applicant Response: Consistent with Proffer VI.B of the previously-approved Morley Corner application, the Applicant is maintaining the proffered 25-foot riparian buffer and installing 175 trees per acre within the buffer area [see proposed Proffer VI.B]. Additionally, this application results in a significant decrease in the amount of impervious surface on the Subject Property than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property), whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Furthermore, the extensive open space areas on the proposed concept plan are located adjacent to the stream corridor, and provide additional water quality measures than provided under the approved plan, which locates structures and parking in the proposed open space areas. These commitments, along with the proposed tree plantings, will provide a filtration area that helps ensure high water quality and the integrity of stream resources.

4. Staff recommends that the project protect the site's stream corridor by designating the 50-foot management buffer as a Tree Conservation Area (TCA), with appropriate commitments regarding its long-term preservation, protection and management of the stream, consistent with the Revised General Plan, Chapter 5, Forest, Tree and Vegetation Policy 3

Applicant Response: The Applicant is maintaining proffer VI.B of the Morley Corner Proffer Statement, which addresses the riparian buffer area [see proposed Proffer VI.B]. Additionally, this application results in a significant decrease in the amount of impervious surface on the Subject Property than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property), whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Furthermore, extensive open space areas on the proposed concept plan are located adjacent to the stream corridor, and provide additional water quality

measures than provided under the approved plan, which locates structures and parking in the proposed open space areas. The Applicant will consider LID measures for the site including grassed swales, bio-retention and vegetative filter strips.

5. Staff recommends that the project protect the site's stream corridor by preserving existing vegetation that corresponds to proposed open space areas adjacent to the 50-foot management buffer.

Applicant Response: As stated above, the Applicant is maintaining proffer VI.B of the Morley Corner Proffer Statement, which addresses the riparian buffer area [see proposed Proffer VI.B]. Additionally, this application results in a significant decrease in the amount of impervious surface on the Subject Property than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property), whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Furthermore, extensive open space areas on the proposed concept plan are located adjacent to the stream corridor, and provide additional water quality measures than provided under the approved plan, which locates structures and parking in the proposed open space areas. The Applicant will consider LID measures for the site including grassed swales, bio-retention and vegetative filter strips.

6. Staff recommends that the project protect the site's stream corridor by committing to a minimum density within TCAs of 300 trees per acre

Applicant Response: The Applicant is maintaining the commitment to the installation of 175 trees per acre, consistent with Proffer VI.B of the previously-approved Morley Corner application [see proposed Proffer VI.B].

7. Staff also requests confirmation that all of the site's potential specimen trees are to be located within proposed TCAs by depicting them on the plan set.

Applicant Response: All specimen trees identified in the Tree Conservation Area are either located in the Applicant's proposed riparian buffer area or in the R-16 portion of the property of the former Morley Corner rezoning.

8. Staff recommends the Applicant provide a commitment that special performance standards, including best management practices, will be used to mitigate development on moderately steep slopes, consistent with Plan policies (Revised General Plan, Chapter 5,

Steep Slopes and Moderately Steep Slopes, Policy 3).

Applicant Response: As shown on the Conceptual Development Plan, the development limits of this application will not have any impact on moderately steep slopes.

9. Staff recommends that the proposal commit to appropriate onsite water quality measures, including LID strategies and practices such as bioretention areas near stormwater inlets, that will help protect and restore water quality in the adjacent tributary. To assist in this discussion, information should be provided regarding whether the proposed outdoor recreational fields will be constructed of synthetic turf or grass that will need to be maintained with fertilizers, pesticides and insecticides.

Applicant Response: The proposed outdoor recreational fields will be constructed of grass, and the Applicant has added a proffer minimizing the use of fertilizers, pesticides, and insecticides, and practices for field irrigation [see proposed Proffer VI.I]. The Applicant is maintaining Proffer VI.F of the Morley Corner proffers, which addresses LID measures that may be used in the context of providing stormwater management for the entire Morley Corner property [see proposed Proffer VI.E]. Additionally, this application results in a significant decrease in the amount of impervious surface on the Subject Property than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property), whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Furthermore, the extensive open space areas on the proposed concept plan is located adjacent to the stream corridor, and provides additional water quality measures than provided under the approved plan, which locates structures and parking in the proposed open space areas. The Applicant will consider LID measures for the site including grassed swales, bio-retention and vegetative filter strips.

- 10: Staff further recommends that the Applicant explore opportunities for shared parking in order to reduce impervious surfaces and associated stormwater runoff.

Applicant Response: The Applicant appreciates staff's support for a shared parking arrangement for the Subject Property. Given that the proposed church's traditional Sunday parking demands and the typical weekday parking demands for the proposed school differ between uses and are appropriate for combining parking facilities and reducing impervious surfaces, shared parking is already planned to be utilized for the two principle uses of the Subject Property. Since the proposed building is to be constructed in phases and since

the parking lot will incrementally expand concurrently with the phased construction program, and since it is difficult to ascertain the parking patterns demanded by the proposed uses, a shared parking arrangement is not proposed at this time, but will be reviewed prior to Phase IV (the construction of the balcony in the main auditorium). At such time, the Applicant will explore the feasibility of shared parking and request an administrative reduction under Section 5-1102(F) of the 1993 Zoning Ordinance.

Notably, this application already results in a significant decrease in the amount of impervious surface on the Subject Properties than that approved with the Morley Corner application without the use of an administrative shared parking reduction. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property) whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Moreover, the proposed church and school uses will make use of the same parking spaces.

11. Staff recommends that the application commit to the use of lighting that is the minimum necessary to illuminate the proposed athletic fields and specifically chosen or designed to reduce off-site glare and reflection. Appropriate conditions could include the use of a specific type of lighting, the maximum height of poles, and hours of operation. Similar commitments should also be provided for the parking areas if they are to be lit.

Applicant Response: Lighting will comply with the County's lighting requirements and with Proffer VI.D of the Morley Corner Proffer Statement [see proposed Proffer VI.C]. These requirements will be applied with the intent of precluding light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. Any lighting shall be directed downward toward the interior of the Subject Property and shall be shielded in order to prevent lighting from spilling over to adjoining properties. Additionally, the Applicant's proposed management buffer, including the preservation of mature trees along the western side of the Subject Property and planting of new trees will also contribute to the reduction in glare onto adjacent properties.

The draft proffers restrict the daily hours of operation for the recreational facility lights to no later than 9:30 p.m. with a maximum height of 40 feet for the basketball courts and 70 feet for the soccer and softball fields. The hours of operation for the parking lot lighting will be 5:00 a.m. until midnight., with lights turned off during daylight hours. Additional building-mounted minimum security lighting also may be installed.

12. Staff recommends that the application address protection of proposed recreational uses (athletic fields, courts and pavilion) from noise generated by Ashburn Village Boulevard and Waxpool Road. The Countywide Transportation Plan (CTP) calls for the portion of Ashburn Village Boulevard that fronts the subject property to be a six-lane divided section with bicycle accommodations in a 120 foot right of way, with additional land dedication for turn lanes. Waxpool Road is also planned as a six-lane divided roadway with bicycle accommodations in a 90 foot right of way, with turn lanes required at all intersections. Noise abatement measures, such as earthen berms, wooden fences, greater setbacks and the retention of existing vegetation or enhanced landscaping, should be considered if noise levels approach or exceed 67 decibels (dBA) for recreation and active sports areas.

Applicant Response: Lansdowne Development Group, owner of the R-16 zoned portion of the Morley Corner rezoning, recently commissioned a noise attenuation study by Polysonics Corporation, pursuant to Proffer VI.E of the Morley Corner Proffer Statement, which found peak hour traffic noise impact from Ashburn Village Boulevard to be 66 dBA in conformance with Revised General Plan noise policies. The proposed outdoor recreation uses on the Subject Property are located on the western edge of the Subject Property, separated from Ashburn Village Boulevard by a landscaped buffer, parking lot, and main church building. The outdoor recreation uses will be separated from Waxpool Road by a landscaped berm.

13. The application should also address noise generated from the recreation uses and impacts on adjacent residentially-owned and planned properties to the north and west, including possible commitments restricting the use of sound enhancement measures, such as a public address system, and whistles.

Applicant Response: No public address system or loudspeakers are proposed for the outdoor recreation uses. The Applicant is including in its proposed proffer statement a limit on the daily scheduling of the outdoor organized activities until 9:30 p.m. to minimize the noise impacts on adjacent properties. [see proposed Proffer VI.D]. Referee/umpire whistles associated with regulation of sporting events will need to be used during those times. Additionally, the Applicant's proposed management buffer, including the preservation of mature trees along the western side of the Subject Property and planting of new trees and the distance of approximately 200 feet between the outdoor recreational activities and the rear yards of Farmwell Hunt, will buffer the noise levels from the adjacent residential properties.

14. Staff recommends that the proposed parking spaces in front of the main church building be relocated to a location internal to the development, perhaps behind the building, so

that an enlarged, extensively landscaped front yard can be provided. Alternatively, if parking areas must be adjacent to roadways, they should be screened from view through the use of hedges, street trees, heavy landscaping, depressed parking areas, and/or earthen berms.

Applicant Response: In order to mitigate the visual impact of the parking areas, the Applicant's lay-out splits the parking areas to the north and south of the main church building rather than a single large parking field, and places only one row of parking on each side of the travelway between the main church building and Ashburn Village Parkway. To mitigate the visual impact of the parking lot, and as recommended by staff, the Applicant is providing a landscaping buffer to screen the cars, as shown on the concept plan.

15. In general, because the church is a larger-scale structure consistent with Keynote Employment uses, staff recommends that the required landscaped buffer be enhanced to complement the other Keynote Employment uses that exist or are developing in the Ashburn Community. The use of native plant and tree species is encouraged.

Applicant Response: Comment noted. The applicant will use native plant materials where feasible to minimize the need for watering.

16. The application should also provide appropriate commitments that the proposed development will exhibit the high quality, monumental building and site design characteristics with four-sided architecture that are envisioned for Keynote Employment areas and depicted in the application materials. Such commitments should be provided not only for the church-related buildings, but also the proposed retail uses.

Applicant Response: The Applicant is continuing the commitment that the proposed development will exhibit the high quality, monumental building and site design characteristics as depicted in the application materials with the design guidelines contained in Proffer VII.C of the Morley Corner Proffer Statement [see proposed Proffer VII.B]. These design guidelines apply to the PD-CC-NC portion of the Subject Property as well as the PD-OP zoned portion.

17. Lastly, staff recommends commitments that no drive-through retail uses will be allowed on site; that the parking requirements of the Zoning Ordinance will not be exceeded (Revised General Plan, Chapter 6, Suburban Parking Policy 1); and that mechanical equipment and dumpsters will be screened by a fence or wall of similar construction as the principle walls of the structure that the equipment serves.

Applicant Response: The Applicant is desirous of selling the retail site; therefore, the concept plan proposes all permitted PD-CC-NC uses pursuant to the requirements of that zoning district. The Applicant is constructing its parking lot in phases and will consider parking reductions and/or shared parking prior to Phase IV construction. The design guidelines contained in the Morley Corner Proffer Statement and maintained in the proposed proffers address the screening of the mechanical equipment and dumpsters.

18. Staff recommends that the application commit to enhanced pedestrian crosswalks that include raised crosswalks and/or changes in textures, patterns and colors to distinguish between pedestrian and vehicular movement. In particular, the crosswalk from the proposed main church building to the recreational uses in the western portion of the site should be designed for safety and convenience. A green space/landscaped buffer area should be provided between pedestrian and vehicular areas, including both roadways and parking lots.

Applicant Response: The concept plan depicts the pedestrian network for the proposed church, school, recreational fields, and retail uses. The proposed sidewalks will provide a pedestrian network that will offer safe, efficient connections between the church/school building, parking, play areas, and athletic fields. The Applicant will also provide a 10-foot wide shared use path along Ashburn Village Boulevard and Waxpool Road along the front of the Subject Property and will provide a landscape plan showing 2-inch caliper trees along the private drive between the main church building and the recreational fields to provide an enhanced green space/landscaped buffer area between pedestrian and vehicular areas. The Applicant will provide enhanced crosswalks through the use of stamped concrete to provide different texture treatment for pedestrian crossings. These crosswalks are shown on Sheet 4 of the concept plan.

19. To facilitate bicycle usage, staff recommends that the application commit to a sufficient number of bicycle racks that are scattered throughout the development.

Applicant Response: As contemplated in proposed Proffer IV.C, the Applicant will commit to the installation of two bicycle racks on the Subject Property, provided in Proffer IV.C of the proffers associated with the previously-

approved Morley Corner application.

20. Staff also recommends that the applicant continue the shared-use path along Waxpool Road to the applicant's western property line and eliminate the 65-foot off-site gap. Staff urges the applicant to coordinate with the Farmwell Hunt HOA regarding completion of the trail.

Applicant Response: The Applicant is continuing Proffer IV.B of the Morley Corner Proffer Statement, which provides a trail along the Waxpool Road and Ashburn Village Boulevard frontages for the Subject Property [see proposed Proffer IV.B]. Due to the length of these two frontages and the high cost of constructing the trail over a stream (including the potential need to construct a bridge), the Applicant cannot extend the trail off-site.

21. Staff does not support the proposed zoning ordinance modifications at this time. Staff recommends further discussion regarding the appropriate buffer width as well as the types of enhanced measures that should be committed to in order to offset the proposed reduction.

Applicant Response: The reduction of the perimeter buffer will ensure adequate space for loading, parking, and trash removal. In addition to the proposed 20-foot buffer on the PD-OP and PD-CC-NC side, there is a 50' landscaped buffer approved on the R-16 portion, providing an aggregate buffer of 70 feet. The Applicant is proposing the same modifications as approved for the Morley Corner rezoning (which staff supported). This application is a mixed-use project and the Applicant is seeking to integrate uses and encourage walkability; the proposed compact design encourages both goals between the two land bays. Further, the proposed uses more compatible with the adjacent residential (smaller scale retail, church and school), than the uses approved under the Morley Corner application. Additionally, the design guidelines contained in the Morley Corner Proffer Statement and maintained in proposed proffers address the screening of the mechanical equipment and dumpsters.

22. Community Planning staff cannot recommend approval of the Zoning Map Amendment and the Special Exception request due to inconsistencies with the intent, recommended land use mix, and economic strategy envisioned by the Revised General Plan for Keynote Employment land uses. If this application moves forward, staff has provided a number of comments and recommendations regarding existing conditions, site design, and pedestrian and bicycle access that should be considered and addressed, as outlined above.

Applicant Response: While the Applicant differs with the staff position regarding land use, the Applicant is providing enhancements to the approved Morley Corner rezoning when appropriate for the revised uses, as recommended by staff. Additionally, the Applicant is proposing to return the underlying zoning of the Subject Property to PD-OP.

LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – ZONING ADMINISTRATION (TERESA MILLER, 11/9/2009)

II. Critical Issues

1. With the proposed development of the property, the application does not meet the purpose of the PD-OP zoning district as described in Section 4-301 as “*primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities...*”. The applicant may wish to select a more appropriate zoning district which would permit all the proposed uses. A suggested district would be R-16, as a portion of the Morley Corner rezoning is already within this zoning district.

Applicant Response: The Applicant respectfully disagrees with Staff that this application does not meet the purpose of the PD-OP zoning district and differs with Staff’s inference that the purpose of the PD-OP district exists *purely* for “...administrative, business and professional offices...” The Applicant can find no “bright line” outer limit in Section 4-301 of the 1993 Zoning Ordinance which constricts the purpose of the district to *only* administrative, business, and professional office uses. On the contrary, the Board of Supervisors, in adopting the PD-OP zoning district, included church and accessory school and child care uses as permitted and special exception uses precisely because they were deemed to be compatible with the district’s designation and furthered its purposes to provide institutional uses and “...accessory uses and facilities.” Presumably, uses which are incompatible with the stated purpose of the PD-OP zoning district and not in furtherance of its goals would not have been included in the PD-OP district’s use lists.

As concerns Staff’s suggestion that the Applicant seek R-16 as a more appropriate zoning district, the Applicant feels that PD-OP is the preferred zoning district for this application as it permits church uses by-right, and is the

preferred zoning district through which to implement the Keynote Employment designation. Retail uses are not contemplated under the R-16 zoning district.

2. The applicant has not demonstrated the school is accessory to the church. It appears the private school is a principal use, which is not permitted in the PD-OP zoning district. Note while Section 4-304(S) permits school, private, accessory to a church by special exception, the school must be accessory and open only to members of the church.

Applicant Response: Concerning the “accessory” nature of the proposed Temple Baptist School, the educational program is an integral aspect of the Church’s ministry and will be a private, Christian school identical to the existing Temple Baptist School at the church’s Herndon location. The school proposed for the Subject Property will be co-located within the main church building and not in a separate building. Temple Baptist School is wholly dependent on Temple Baptist Church for its existence: the school pays no rent, utilities, or maintenance, and student tuition covers only school employee salaries and benefits. Historically, most classroom equipment and furnishings (i.e., blackboards, science equipment, computers, and copiers, etc.) are provided by the church. The church will be established and operating as a church prior to or concurrent with the school’s opening. The school will only be in operation as long as the church is operating.

The Applicant respectfully disagrees with Staff’s contention that enrollment must be limited to members of the church. The Applicant is unaware of any limitation in the 1993 Zoning Ordinance or a Zoning Administrator’s interpretation which purports to limit school enrollment. While the student body is likely to predominantly consist of church attendees, enrollment will also be open to non-congregants who adhere to Temple Baptist School’s standards of conduct.

3. While the applicant is proposing a park use, the outdoor recreation areas as proposed are considered playing fields and courts, lighted. This use is not permitted in the PD-OP zoning district.

Applicant Response: The previously-proposed “Park” use has been relabeled “Accessory Recreational Facilities,” which are contemplated under the definition of “Church, synagogue, temple or mosque” under Article 8 of the 1993 Zoning Ordinance.

4. The phasing plan for the project as listed in the Statement of Justification conflicts with the phasing plan as listed within Note 21, Sheet 1 of the plan set. The accessory uses

such as the recreation areas may not be constructed until the principal use of the church has been established.

Applicant Response: The Applicant is proposing a revised phasing plan, and the Statement of Justification and the plan set have been updated accordingly. The Applicant plans to construct the proposed uses in four phases. Phase I will include the construction of the lighted recreational playing fields, tennis and basketball courts and the 2,400 s.f. “Phase I Church Building,” which will host regular worship services as an interim facility until the larger main church building is constructed; Phase II will include construction of the majority of the main church/school building; Phase III will include the construction of the ministries building, as well as the addition of the Kindergarten space and playground as well as a 4,903 s.f. gymnasium expansion to the main church/school building; and Phase IV will include the addition of a 5,217 s.f. Fellowship Hall and main auditorium balcony to the main church/school building. Following Phase II, the “Phase I Church Building” will be used as both an outdoor chapel and a concession stand. Since the recreational areas will not be established prior to the church use, the recreation areas are properly characterized as accessory uses to the principal church use.

III. Responses to Section 6-1211(E) Zoning Map Amendments

1. Section 6-1211(E)(3) – *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.* Staff questions whether the size and scale of the proposed 140,000 square foot building is compatible with the surrounding uses, which are mostly residential.

Applicant Response: Primarily institutional in nature, the proposed uses serve as an appropriate transition between the residential development to the north, south, and west of the Subject Property. Moreover, they are more compatible with the predominantly residential nature of the surrounding properties than the previously approved Morley Corner application. The Subject Property received approval under the Morley Corner application to permit up to 260,000 s.f. of retail and office uses between 11 two-story structures with a floor area ratio (“FAR”) of 0.29. This application significantly reduces the total combined building footprint to nearly half: 182,000 s.f. between three buildings with an FAR of 0.17 (well below the by-right permitted FAR of 0.6).

Additionally, church and school uses are compatible with residential districts since they are permitted, either by-right or by special exception, in most, if not all, residential zoning districts. Multiple churches exist harmoniously throughout the Ashburn community, and the Applicant is proposing an increased buffer than that previously committed to by the Morley Corner

application. This application proposes approximately 9.45 acres (or 45 percent) of the Subject Property to be used as open space, including the proposed management buffer. Further, the Applicant has sited its open space recreational fields west of the main church building and adjacent to the residential community to the west to provide a greater physical and visual separation between the main church building and the Farmwell Hunt community.

The proposed PD-CC-NC retail component will be community-oriented and serve the surrounding residential communities, church and school users, and office/industrial uses located within walking distance across Ashburn Village Boulevard. Further, in providing a high visual quality with the two-story massing of the stone and brick main church building, the building quality is more reflective of the traditional design of many of the homes in the surrounding residential communities. Given the reduced footprint of the proposed buildings over the previously-approved Morley Corner application, as well as considering the addition of significant active recreation space and reduced traffic levels during peak hours, which also reduces noise levels and reduced late-night traffic impacts, the proposed uses are more compatible with the neighboring residential uses than the previously-approved retail and office uses permitted under the Morley Corner application and will lead to greater balance within the community.

2. Section 6-1211(E)(8) – *Whether reasonably viable economic use of the Subject Property exists under the current zoning.* Staff believes a reasonably viable economic use of the property exists under the current zoning. The PD-CC-CC zoning district includes a large variety of permitted and special exceptions uses.

Applicant Response: The Applicant concurs with Staff's findings that the existing PD-CC-CC zoning designation provides a reasonably viable economic use of the Subject Property. However, since the approval of the Morley Corner rezoning in 2007, no bona fide offers or potential interest were made by others in purchasing the Subject Property.

Even assuming that a reasonably viable economic use exists on the Subject Property under the current zoning approvals, the Applicant's justification for seeking a rezoning is not due to the lack of a reasonably viable economic use. Rather, as stated above, the Church has been engaged in an exhaustive search for an appropriate site on which to locate an expanded church and educational ministry for more than five years. The Subject Property was one of the few meeting the church's criteria available for sale. Legislative actions in the form of a rezoning and special exception are necessary to permit the Applicant's proposed uses under the PD-OP and PD-CC-NC zoning districts.

3. Section 6-1211(E)(10) – *Whether the proposed rezoning encourage economic development activities in area designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.* This section questions if the proposed use enlarges the tax base. It is noted the church use is tax exempt.

Applicant Response: The proposed church and accessory private education uses will not directly enlarge the tax base; however, the proposed private school will provide education capacity that would otherwise be required to be met by the public school system. Loudoun County Public Schools' ("LCPS") per pupil spending for the 2008-2009 school year was \$12,780. The proposed 500-student private school (an estimated 90 percent of whom will be residents of Loudoun County) will provide a cost savings to Loudoun County of approximately \$5,751,000 per fiscal year, and LCPS will not need to incur new physical plants, classroom equipment, administrative personnel, or teacher salaries/benefits for these students. The proposed application will ease some of the pressure on public schools by providing educational alternatives. The proposed retail uses will provide employment and increased tax revenues for Loudoun County, while the proposed church and accessory school use will provide desirable employment by employing approximately 50 employees.

IV. Modifications

1. The applicant is proposing to modify Section 4-205(C)(2) which requires no building, parking, outdoor storage, areas for collection of refuse or loading area be permitted closer than 100 feet to a residential district. The applicant is proposing to reduce this 100-foot to 20 feet between the PD-CC-NC and the R-16. Staff does not support this reduction. Depending upon the use on the PD-CC-NC property, a Type 3 buffer could be required, which is a minimum of 25 feet. The applicant has proposed to plant a Type 3 buffer in lieu of a Type 2; however the width of the buffer is not sufficient to meet zoning ordinance requirements.

Applicant Response: The reduction of the perimeter buffer will ensure adequate space for loading, parking, and trash removal. In addition to the proposed 20-foot buffer on the PD-OP and PD-CC-NC side, there is a 50' landscaped buffer approved on the R-16 portion, providing an aggregate buffer of 70 feet. The Applicant is proposing the same modifications as approved for the Morley Corner rezoning (which staff supported). This application is a mixed-use project and the Applicant is seeking to integrate uses and encourage walkability; the proposed compact design encourages both goals between the two land bays. The proposed uses more compatible with the adjacent residential (smaller scale retail, church and school), than the uses approved under the Morley Corner application. Additionally, the design guidelines contained in the

Morley Corner Proffer Statement and maintained in the proposed proffers address the screening of the mechanical equipment and dumpsters.

2. The applicant is proposing to modify Section 4-305(B)(2) which requires no building, parking, outdoor storage, areas for collection of refuse or loading area be permitted closer than 100 feet to a residential district. The applicant is proposing to reduce this 100-foot to 20 feet between the PD-OP and the R-16. Staff does not support this reduction. As the R-16 portion of Morley Corner has not been established and Temple Baptist Church is an already established place of worship, the applicant has not demonstrated how the church is an integrated part of the community. The applicant has proposed to plant a Type 3 buffer in lieu of a Type 2; however the width of the buffer is not sufficient to meet zoning ordinance requirements. In addition, the applicant's justification for this modification includes the PD-CC-NC modification request. Please update the justification removing any reference to the PD-CC-NC.

Applicant Response: The reduction of the perimeter buffer will ensure adequate space for loading, parking, and trash removal. In addition to the proposed 20-foot buffer on the PD-OP and PD-CC-NC side, there is a 50' landscaped buffer approved on the R-16 portion, providing an aggregate buffer of 70 feet. The Applicant is proposing the same modifications as approved for the Morley Corner rezoning (which staff supported). This application is a mixed-use project and the Applicant is seeking to integrate uses and encourage walkability; the proposed compact design encourages both goals between the two land bays. Further, the proposed uses more compatible with the adjacent residential (smaller scale retail, church and school), than the uses approved under the Morley Corner application. Additionally, the design guidelines contained in the Morley Corner Proffer Statement and maintained in the proposed proffers address the screening of the mechanical equipment and dumpsters.

V. Other

1. BLAD-2009-0036 has been approved and recorded. The plat will need to be updated to reflect the new boundary line. The notes on Sheet 1 will need to be updated and the application added to the approved associated land development applications listed on Sheet 1.

Applicant Response: The concept plan has been revised as recommended.

2. The applicant is proposing to have the child care center per Section 4-303(Y) as a principal use listed in Note 3 of Sheet 1. Be advised the applicant will need to

demonstrate compliance with Section 5-609 at the time of site plan.

Applicant Response: Comment noted.

3. Staff requests to see proffers in conjunction with the second submission for this application. The property is currently subject to proffers associated with ZMAP-2006-0003, Morley Corner. Zoning staff questions how the applicant will address or incorporate these existing proffers with this new rezoning.

Applicant Response: A copy of the draft proffers is included with this letter for Staff's review.

LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT – ENVIRONMENTAL REVIEW (TODD TAYLOR, 11/5/2009)

1. The plan set depicts a “25’ Min. Riparian Buffer” adjacent to the minor floodplain, which is consistent with the planting commitment provided in Proffer VI.B for rezoning ZMAP-2006-0003. Staff, including the Urban Forester, inspected the existing vegetation along the floodplain corridor during a site visit on October 27, 2009. Staff found that the young vegetation (early succession) immediately east of the mature trees along the floodplain corridor is suitable for preservation and is preferred over vegetation removal and replanting. The existing trees are well established and obviously well suited to the subject property. The vegetation consists of Eastern red cedar with scattered hardwoods, including species such as red maple, red elm, green ash, persimmon, and willow oak. See attachments 1 and 2. Based on the site visit observations, staff recommends replacing the planting commitment with an expanded commitment to preserving existing vegetation. Staff recommends the following:
 - Depict the full 50-foot management buffer on the plan set, as described in Revised General Plan (RGP) River and Stream Corridor Policy 2.

Applicant Response: Consistent with Proffer VI.B of the previously-approved Morley Corner application, the Applicant is maintaining the proffered 25-foot riparian buffer and installing 175 trees per acre within the buffer area [see proposed Proffer VI.B]. Additionally, this application results in a significant decrease in the amount of impervious surface on the Subject Property than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property), whereas this application contains approximately 8.33 acres of impervious surface (approximately 40 percent of the Subject Property). Furthermore, extensive open space areas on the proposed concept plan are located adjacent to the stream corridor, and provide additional water quality measures than provided under the approved plan, which locates structures and

parking in the proposed open space areas. The Applicant will consider LID measures for the site including grassed swales, bio-retention and vegetative filter strips.

- Identify all existing non-invasive vegetation within the 50-foot management buffer and floodplain as tree conservation areas on the concept development plan.

Applicant Response: Consistent with Proffer VI.B of the previously-approved Morley Corner application, the Applicant is maintaining the proffered 25-foot riparian buffer and installing 175 trees per acre within the buffer area [see proposed Proffer VI.B]. The Applicant has designated this area as a Tree Conservation Area as shown on Sheets 3, 5 and 6 of the concept plan.

- Commit to a minimum density within the tree conservation areas of 300 trees per acre. The minimum density is already achieved for most areas of the target tree preservation. A couple small areas may need to be supplemented with vegetation to achieve uniform density. Staff encourages the applicant to transplant existing trees on the site to provide any necessary supplemental planting.

Applicant Response: The Applicant is committing to the installation of 175 trees per acre, consistent with Proffer VI.B of the previously-approved Morley Corner application [see proposed Proffer VI.B].

- Preserve existing vegetation that corresponds to open space adjacent to the 50-foot management buffer.

Applicant Response: The Applicant is maintaining the proffered 25-foot riparian buffer and installing 175 trees per acre within the buffer area [see proposed Proffer VI.B]. The areas adjacent to the 25-foot management buffer will be used as outdoor recreation areas for which the majority of the area will be maintained with a grass surface (unlike the approved Morley Corner Concept Plan, which permitted the building of structures or parking areas immediately adjacent to a 25-foot riparian buffer area).

- Employ a certified arborist or professional forester to develop a tree conservation and supplemental planting plan and supervise said recommendations.

Applicant Response: Proffer VI.A, Tree Conservation Area, of the Morley Corner rezoning is being continued with this rezoning, which incorporates this

recommendation [see proposed Proffer VI.A]. This area is shown on Sheets 3, 5, and 6 of the concept plan.

2. Proffer VI.F for ZMAP-2006-0003 requires low impact development (LID) measures to enhance water quality on the subject property, subject to engineering feasibility. Staff believes that onsite water quality measures are important with this project considering the receiving stormwater (SWM) pond was constructed without a sediment forebay, which is now a requirement for all new ponds. Sediment forebays help to isolate sediment deposition in an accessible area, which typically allow ponds to be maintained easier and with less expense. Staff requests that the applicant provide information regarding anticipated onsite water quality measures. Previous ERT comments for ZMAP-2006-0003, which remain applicable, recommended the use of bioretention near stormwater inlets and providing forebays at the principal stormwater outfalls to the pond. [Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO) Section 6-1211(E)(9)]

Applicant Response: Proffer VI.F, Storm Water Management, of the Morley Corner rezoning is being continued under this application [see proposed Proffer VI.E].

3. The plan set depicts athletic fields adjacent to the riparian corridor. Staff requests information regarding the turf type (grass or synthetic), required irrigation, and anticipated use of fertilizers and pesticides. [Revised 1993 LCZO Section 6-1211(E)(5) and (9)]

Applicant Response: Subject to Health Department approval, the proposed outdoor recreational fields will be constructed of grass and irrigated from an underground sprinkler system using groundwater from an underground well to be drilled on the Subject Property. The Applicant has added a proffer minimizing the use of fertilizers, pesticides, and insecticides to more organic materials.

4. The project layout results in a substantial amount of surface parking to accommodate the church, school, and commercial uses. To reduce impervious surfaces and associated stormwater runoff, loss of habitat, and harms to air and water quality, staff recommends that the applicant consider shared parking since peak demand will likely differ between uses. [Revised 1993 LCZO Section 6-1211(E)(9)]

Applicant Response: Notably, this application results in a significant decrease in the amount of impervious surface on the Subject Properties than that approved with the Morley Corner application. Morley Corner contained approximately 13.8 acres of impervious surface (or approximately 66 percent of the Subject Property) whereas this application contains approximately 8.33

acres of impervious surface (approximately 40 percent of the Subject Property). Moreover, the proposed church and school uses will make use of the same parking spaces. Given that the proposed church's traditional Sunday parking demands and the typical weekday parking demands for the proposed school differ between uses and are appropriate for combining parking facilities and reducing impervious surfaces, the Applicant appreciates Staff's support for a shared parking arrangement for the Subject Property. Since the proposed building is to be constructed in phases and since the parking lot will incrementally expand concurrently with the phased construction program, a shared parking arrangement will be reviewed prior to the Phase IV site plan (the construction of the balcony in the main auditorium). At such time, the Applicant will explore a shared parking analysis and potentially request an administrative reduction under Section 5-1102(F) of the 1993 Zoning Ordinance.

5. Staff recommends that the applicant address protection of the proposed recreation uses (athletic fields, courts, and pavilion) from noise generated by Ashburn Village Boulevard and Waxpool Road, which are both planned major collector roads per the Revised Countywide Transportation Plan (CTP). Based on Table 4-1 on page 4-8 of the CTP, noise abatement measures should be considered if noise levels approach or exceed 67 decibels (dBA) for recreation and active sport areas. The application should also consider noise generated from the recreation uses and impacts on adjacent properties. [CTP Noise Policy 2 and RGP Highway Noise Policies 1 and 3]

Applicant Response: Lansdowne Development Group, owner of the R-16 zoned portion of the Morley Corner rezoning recently commissioned a noise attenuation study by Polysonics Corporation, pursuant to Proffer VI.E of the Morley Corner Proffer Statement, which found peak hour traffic noise impact from Ashburn Village Boulevard to be 66 dBA in conformance with Revised General Plan noise policies. The proposed outdoor recreation uses on the Subject Property are located on the western edge of the Subject Property, separated from Ashburn Village Boulevard by a landscaped buffer, parking lot, and main church building. The outdoor recreation uses will be separated from Waxpool Road by a landscaped berm.

6. Staff encourages a built design with this application that helps to sustain the natural environment, including design measures that conserve energy and water consumption, and help maintain air quality. Several design approaches are available to achieve these goals, including Leadership in Energy and Environmental Design (LEED) as administered by the United States Green Building Council; and Energy Star and Water Sense programs administered by the Environmental Protection Agency. Applying said design features help to offset loss of natural habitat, conserve finite supplies of energy and water, and other impacts

from development like heat island effect. Staff supports incorporation of these design approaches and is available to discuss design options with the applicant.

Applicant Response: The site is designed to preserve the significant environmental features of the Subject Property and to protect the water quality of the adjacent stream. It also provides significantly more open space land than the approved zoning for the Morley Corner property. The Applicant is considering incorporating energy and water saving features in the design of the buildings, but is not far enough along in the building design process to commit to any program at this time. Some examples of these measures may include energy recovery heating and air-conditioning units, tankless hot water heaters, and water saving fixtures and toilets.

LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES (BRIAN FULLER, 11/4/2009)

1. No proffers were submitted with this application. Please provide proffers for review.

Applicant Response: A copy of the draft proffers is included with this letter for Staff's review.

2. Plat Note 11 on Sheet indicated that the Park serving this site is "Broadlands Park." Staff does not recognize Broadlands Park as a public park. The nearest parks to this site are Chick Ford and Ryan Bickel Fields (across Ashburn Village Boulevard from the site), Ashburn Park, and Greg Crittenden Memorial Park. Please revise the Note accordingly.

Applicant Response: Note 11 on Sheet 1 has been updated to correspond with Staff's recommendation.

3. Staff notes that Sheet 6 of Concept Plan depicts a soccer field, a small baseball/softball field, and a large baseball field. PRCS requests that the Applicant consider opportunities to partner with PRCS to permit youth soccer, baseball and/or softball practice on the fields. There are some agreements in place for the use of recreational facilities owned by churches and schools to allow use by youth sports leagues.

Applicant Response: The Applicant is willing to consider an agreement for use of the proposed recreational fields in the future, but cannot make any commitments at this time, since they anticipate significant use of the fields for church related recreational activities and school related physical education classes. These church-sponsored recreational activities will likely reduce the

demand for County sponsored activities and facilities due to County residents participating in the church-sponsored recreational activities.

4. Staff has identified the above, outstanding issues that require additional information to complete the review of this Application.

Applicant Response: Responses have been provided for the outstanding issues in this letter.

LOUDOUN WATER (JULIE ATWELL, 11/2/2009)

1. Change general note 8 (sheet 1) to read Loudoun Water could provide water and sanitary sewer service to the proposed development through extension of existing facilities. Water and sewer service would be contingent upon the developer's compliance with the Authority's Statement of Policy, Rates, Rules and Regulations and Design Standards.

Applicant Response: Note 8 on Sheet 1 has been updated to correspond with Staff's recommendation.

2. Show the location of existing and proposed water and sewer facilities on Special Exception plat.

Applicant Response: The Special Exception plat has been revised to correspond with Staff's recommendation.

VIRGINIA DEPARTMENT OF TRANSPORTATION (JOHN BASSETT, 11/5/2009)

1. Please see the attached memorandum dated Oct. 14, 2009 from Mr. Arun Raj of VDOT's Traffic Engineering Section.

Applicant Response: A separate response letter, prepared by Gorove/Slade accompanies this letter which responds to the October 14, 2009 memorandum from Arun Raj.

2. Please see the attached e-mail dated Monday, October 12, 2009 from Mr. Cina Dabestani of VDOT's Transportation Planning Section.

Applicant Response: A separate response letter, prepared by Gorove/Slade accompanies this letter which responds to the October 12, 2009 e-mail from Cina Dabestani.

3. Please provide this office a copy of the draft proffers/special exception conditions for review. The verbiage from the Statement of Justification dated July 30, 2009 (p. 7 of 16) under "V. Transportation" is noted and should be considered in drafting proffers.

Applicant Response: A copy of the draft proffers is included with this letter for Staff's review.

4. This applicant should dedicate one half of the ultimate right of way (U6M; 120' right of way; V = 45 mph) or 60' from centerline along this site's frontage and construct one-half of the Interim typical section (U4M) as specified in the *Countywide Transportation Plan (CTP)* from Waxpool Road to the point where it transitions from 2-lanes to 4-lanes on Ashburn Village Boulevard.

Applicant Response: The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning, even though peak hour traffic is reduced. Specifically, Proffer V.A.1 and 2 of the proffers associated with the Morley Corner application, provides for the dedication of right-of-way and the construction of two lanes of an interim four lane divided road section of Ashburn Village Boulevard across the frontage of the Property, in addition to right turn lanes and left turn lanes for the two full-movement entrances to the Property [see proposed Proffer V.A].

5. This applicant should dedicate one half of the ultimate right of way (U4M; 90' right of way) or 45' from centerline and construct frontage improvements consisting of one-half of the ultimate typical section (U4M; V = 40 mph) as specified in the *CTP* for this portion of Waxpool Road to complete the four-laning of this roadway through this area. This will include utility relocations, culvert crossing(s), etc if necessary.

Applicant Response: The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning, even though peak hour traffic is reduced. Specifically, Proffer V.B.1 and 2 of the proffers associated with the Morley Corner application provides for the dedication of right-of-way and the construction of two lanes of a four lane divided road section of Waxpool Road across the frontage of the Property, in addition to a right turn lane entrance into the Property [see proposed Proffer V.B].

6. Per the *CTP*, this applicant should dedicate additional right of way and provide an exclusive, standard right turn lane into each site entrance on both Waxpool Road and Ashburn Village Boulevard.

Applicant Response: As stated above in response to Comments 5 and 6, right turn lanes into the Subject Property are contemplated for each site entrance by Proffers V.A.1 and V.B.1 of the proffers associated with the Morley Corner application, which is being continued with the proposed rezoning [see proposed Proffers V.A.1 & V.B.1].

7. Pedestrian and/or bicycle accommodations must be considered in the design and may require additional right of way.

Applicant Response: A 10-foot wide asphalt trail located within a 14-foot wide public access easement along Ashburn Village Boulevard and Waxpool Road is being provided along the frontage of the Subject Property by Proffer IV.B of the proffers associated with the Morley Corner application, and is being continued in the proffers for this rezoning under proposed Proffers IV.A and IV.B.

8. Please dimension the distance to the closest crossovers in both directions and ensure that that at least the minimum crossover spacing criterion of 800' is met along Ashburn Village Boulevard.

Applicant Response: The distance to the closest crossovers in both directions exceed the minimum crossover spacing criteria along Ashburn Village Boulevard, and RIRO entrance spacing along Waxpool Road. The spacing along Ashburn Village Boulevard is 940 feet and 820 feet. The spacing along Waxpool Road for the RIRO entrance is 420 feet.

9. All crossovers are to have standard left turn lanes in *both* directions.

Applicant Response: Standard left turn lanes are being provided in both directions on Ashburn Village Boulevard at Red Rum Drive/Romans Road and the entrance into the Subject Property.

10. Applicant should be responsible to design and install a traffic signal at their site entrance/Ashburn Village Boulevard/Red Rum Drive when warrants are met as determined by VDOT. The applicant should also be held responsible to conduct and submit for review a traffic signal warrant study.

Applicant Response: Funding of a traffic signal warrant analysis at the intersection of Ashburn Village Boulevard and Red Rum Drive/Romans Road, as well as a contribution towards 50 percent of the signal cost is included in Proffer V.E of the proffers associated with the Morley Corner application, which is being maintained in the proffers for this rezoning, despite the fact the proposed rezoning will generate less traffic than the approved rezoning [see proposed Proffer V.D].

11. Applicant should be responsible to design and install a traffic signal at Ashburn Village Boulevard/Waxpool Road intersection when warrants are met as determined by VDOT. The applicant should also be held responsible to conduct and submit for review a traffic signal warrant study.

Applicant Response: Funding in the amount of \$50,000 towards a traffic signal at the intersection of Ashburn Village Boulevard and Waxpool Road is provided by Proffer V.D of the proffers associated with the Morley Corner application, which is being maintained in the proffers for this rezoning, despite the fact the proposed rezoning will generate less traffic than the approved rezoning [see proposed Proffer V.C]. Additionally, it is the Applicant's understanding that this traffic signal design currently is under review.

12. Applicant may need to dedicate additional right of way and/or easements to accommodate traffic signal equipment at the locations noted in comments # 10 and 11 above.

Applicant Response: Proposed Proffers V.A and V.B include a provision dedicating additional right-of-way and/or easements to accommodate traffic signal equipment at the Ashburn Village Boulevard/Red Rum Drive/Romans Road and Ashburn Village Boulevard/Waxpool Road intersections. Additionally, the Applicant is willing to dedicate, if needed, all or a portion of the 0.3-acre residual parcel of land at the northeast corner of the Ashburn Village Boulevard/Waxpool Road intersection to VDOT.

13. We recommend the County pursue a pro-rata monetary contribution to be applied towards area transportation improvements. See also comment # 18.

Applicant Response: Proffer V.C of the Morley Corner proffers include a commitment of \$500 per residential unit for transit capital costs, which is

unaffected by the proposed rezoning. The proposed rezoning is retaining transportation proffer commitments of the Morley Corner rezoning, even though the traffic generated by the proposed rezoning is reduced. The Morley Corner proffers did not include a monetary contribution, since the road improvements provided contributed to the regional road requirements.

14. Plan sheet 2 of 6: This sheet does not depict “Existing Conditions”, in particular on Ashburn Village Boulevard. Please revise this plan sheet to accurately depict actual field conditions.

Applicant Response: Sheet 2 has been revised to show actual existing conditions.

15. Plan sheet 4 of 6 is ambiguous. Are these the roadway improvements proposed by this applicant or “By Others” or the ultimate conditions specified by the *CTP* or something else yet?

Applicant Response: Sheet 4 shows the ultimate CTP conditions for Waxpool Road and Ashburn Village Boulevard and demonstrates that no additional ROW will be required. This information is consistent with what was shown on the previously approved Morley Corner rezoning. A note has been added to Sheet 4 to clarify the future conditions shown.

16. Related to comments # 14 and 15 above: Plan should be revised to clearly show existing and proposed conditions.

Applicant Response: The concept plan has been revised to correspond with Staff’s recommendation. Notes have been added to the concept plan clarifying the Waxpool Road and Ashburn Village Boulevard improvements proposed by this application and by others.

17. Plan sheet 4 of 6: Typical sections should be revised to reflect roadway standards design parameters, i.e.,

- (a) Standard lane width is 12
- (b) Median lane includes 1' shy line offset
- (c) Outer lanes are 12' but are adjacent to a 2' gutter pan if curb & gutter is specified
- (d) Right of way dedication should be sufficient to encompass roadway and its appurtenances
- (e) Sidewalks, trails, shared use paths, etc should also be shown on typical sections.

Applicant Response: The concept plan has been revised to correspond with Staff's recommendation. The proposed sidewalk and trails are not shown on the typical street sections, because they are located outside the ROW.

18. In the event that some of these transportation improvements are constructed "by others" (see comment # 21) then the applicant should provide an equivalent monetary contribution to Loudoun County.

Applicant Response: In the event that some of the proffered transportation improvements under the Morley Corner proffers are constructed by others, Proffer V.G of the Morley Corner Proffer Statement provides for a monetary contribution to Loudoun County in an amount equivalent to the verified cost of said paid improvements. This proffer is being continued in the current application under proposed Proffer V.F.

19. We understand that the "Portion of Existing Parcel 3 to remain R-16 Zone" and Lot 4 are not part of this application. However, they are owned by this applicant. What are the future plans for these adjacent parcels?

Applicant Response: The R-16 zoned parcel referenced above (MCPI # 087-17-7312) is now owned by the Lansdowne Development Group and is not a part of this application. The R-16 zoned portion will be developed according to the approved Morley Corner Concept Plan and Proffer Statement.

20. Identify whether any waivers will be required of the new VDOT Access Management Regulations 24 VAC 30-73 which took effect October 14, 2009.

Applicant Response: No waivers are required. The spacing requirements are met for the median crossovers on Ashburn Village Boulevard with spacing of 940 feet and 820 feet and on the RIRO on Waxpool Road with a spacing of 420 feet.

21. This application should be coordinated with Loudoun County Office of Transportation Services (OTS) Waxpool Road (Route 625) Improvement Project # CPAP 2006-0051.

Applicant Response: CPAP 2006-0051 currently is in bidding, therefore, specific entrance locations cannot be coordinated. The other improvements have been coordinated, however.

22. We recommend that the Ashburn Village Boulevard site entrance have at least two (2) outbound lanes.

Applicant Response: The concept plan has been revised to correspond with Staff's recommendation.

23. If needed, the applicant should dedicate the necessary right of way from the sliver of land on the east side of Ashburn Village Boulevard in order to provide at least 60' from centerline.

Applicant Response: The Applicant is willing to dedicate, if needed, all or a portion of the 0.3-acre residual parcel of land at the northeast corner of the Ashburn Village Boulevard/Waxpool Road intersection to VDOT.

24. Statement of Justification dated July 30, 2009 (p. 3 of 16) indicates this project will be built in four phases but Note 21 on plan cover sheet 1 of 6 indicates it will be built in two phases. Please clarify.

Applicant Response: The Applicant is proposing a revised phasing plan, and the Statement of Justification and the plan set have been updated accordingly. The Applicant plans to construct the proposed uses in four phases. Phase I will include the construction of the lighted recreational playing fields, tennis and basketball courts and the 2,400 s.f. "Phase I Church Building," which will host regular worship services as an interim facility until the larger main church building is constructed; Phase II will include construction of the majority of the main church/school building; Phase III will include the construction of the ministries building, as well as the addition of the Kindergarten space and playground as well as a 4,903 s.f. gymnasium expansion to the main church/school building; and Phase IV will include the addition of a 5,217 s.f. Fellowship Hall and main auditorium balcony to the main church/school building. Following Phase II, the "Phase I Church Building" will be used as both an outdoor chapel and a concession stand. Since the recreational areas will not be established prior to the church use, the recreation areas are properly characterized as accessory uses to the principal church use.

25. Statement of Justification dated July 30, 2009 (p. 6 of 16) under “V. Transportation” indicates that the *CTP* calls for this portion of Waxpool Road to ultimately be 6-lane divided roadway; however, it appears that the *CTP* calls for this portion of Waxpool Road to be a 4-lane divided facility. Please re-check.

Applicant Response: Page A1-21 and A1-22 of the Countywide Transportation Plan calls for the ultimate segment of Waxpool Road between Pacific Boulevard and Ashburn Road to be a six-lane controlled access divided urban collector with a 120-foot right-of-way.

26. It would be helpful to place the ADT, design speed and functional classification of Waxpool Road, Route 625 and Ashburn Village Boulevard directly onto the plan sheets.

Applicant Response: Sheet 4 of the concept plan has been revised to correspond with Staff’s recommendation.

As referral comments are still outstanding from the Office of Transportation Services, the Applicant cannot respond to those at this time. The Applicant will supplement this letter following receipt of said comments.

Very truly yours,

WALSH, COLUCCI, LUBELEY,
EMRICH & WALSH, P.C.



Andrew A. Painter

Enclosure, as stated

cc: Dr. David L. Pittman, Senior Pastor, Temple Baptist Church
Mr. Larry D. Wright, Visitation Pastor, Temple Baptist Church
Mr. Benjamin Rose, Bowman Consulting
Mr. Tushar Awar, Gorove/Slade and Associates
Mr. J. Randall Minchew, Esq., WCLEW
Ms. Christine E. Gleckner, AICP, WCLEW