

**BOARD OF SUPERVISORS  
FINANCE/GOVERNMENT OPERATIONS  
AND ECONOMIC DEVELOPMENT COMMITTEE  
ACTION ITEM**

**SUBJECT:** FY 2016 Capital Improvement Program Amendment/ Tall Cedars Parkway

**ELECTION DISTRICT:** Dulles

**CRITICAL ACTION DATE:** February 11, 2016

**STAFF CONTACTS:** Peter Malgieri, Transportation and Capital Infrastructure  
Daniel Csizmar, Transportation and Capital Infrastructure  
Joe Kroboth, Transportation and Capital Infrastructure

**PURPOSE:** To amend the FY 2016 Capital Improvement Program (CIP) and budget by approving a budget adjustment to appropriate and transfer \$915,918.38 in cash proffers in the Public Facilities Fund to the Capital Fund to fund the Tall Cedars Parkway capital project.

**RECOMMENDATIONS:** Staff recommends that the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors (Board) amend the FY 2016 CIP and budget to appropriate and transfer \$915,918.38 in cash proffers in the Public Facilities Fund to the Capital Fund for the Tall Cedars Parkway between Pinebrook Road and Gum Spring Road capital project in FY 2016.

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**BACKGROUND:** On April 3, 2013, the Board adopted the FY 2013 – FY 2018 Capital Improvement Program (CIP) and Budget (5-3-1, Supervisors Delgaudio, Reid and Volpe voting “no”, Supervisor Clarke absent), including funding appropriations for capital projects in FY 2014. Funding appropriations in FY 2014 included \$7,635,000 in cash proffers to design and construct a four-lane section of Tall Cedars Parkway between Pinebrook Road and Gum Springs Road. On December 4, 2013 the Board approved (8-0-1, Delgaudio absent) an amendment to the Adopted FY 2014 CIP by appropriating \$2,502,188.35 in cash proffers in the Public Facilities Fund and transferring it to the Capital Fund to construct a half section of Tall Cedars Parkway from Riding Center Drive to Pinebrook Road.

Due to delays in land acquisition for the project, higher than anticipated land acquisition costs, and the need to relocate a current tenant from one of the properties being acquired to accommodate the project, staff estimates a funding shortfall of approximately \$915,918. Having the requested funding available now would assist in delivering all of the required right-of-way in a timely manner for the Tall Cedars project.

Staff has requested, and received, cash proffer determinations for the following proffers which can be used to close the deficit on the Tall Cedars Parkway capital project:

**Table 1. Cash Proffers Available to Fund Improvements to Tall Cedars Parkway**

Application Name	Application Number	Sequence Number	Total Funding
Blue Springs View	ZMAP-2000-0012	99063666	\$0.30
Braddock Corner	ZMAP-2002-0020	99065511	\$0.37
Frontier Spring	ZMAP-2004-0008	99066647	\$0.04
Greenfield Crossing	ZMAP-2003-0002	99066268	\$0.50
Kimmitt Property	ZMAP-2005-0016	99066983	\$49,739.74
Treburg	ZMAP-2004-0019	99067640	\$0.15
Stone Ridge	ZMAP-1994-0017	96075230	\$32,955.28
East Gate One	ZCPA-2011-0008	99072560	\$0.66
East Gate Three	ZCPA-2011-0009	99072602	\$0.34
Stone Ridge	ZMAP-1994-0017	96072359	\$155,854.00
Avonlea Reserve	ZMAP-2012-0009	99073650	\$677,367.00
<b>Total</b>			<b>\$915,918.38</b>

**ISSUES:** An amendment to the FY 2016 CIP is required in order to transfer additional funds from the Public Facilities Fund to the Capital Fund for the Tall Cedars Parkway project. If the Board chooses to not appropriate the use of proffer funding for the project, then the County will not have sufficient funding available to complete construction of the Tall Cedars Parkway project.

**FISCAL IMPACT:** Zoning Administration staff issued cash proffer determinations (ZCOR-2013-0015; ZCOR-2013-0098; ZCOR-2015-0025; ZCOR-2015-0207) indicating the cash proffers requested are appropriate for the proposed use. If approved by the Board, staff will prepare a budget adjustment to appropriate \$915,918.38 in cash proffers in the Public Facilities Fund, as shown in Table 1, and transfer that amount to the Capital Fund for the Tall Cedars Parkway project.

**ALTERNATIVES:** The Board may choose to recommend the transfer of some, none or all of the requested \$915,918.38 funding for the road capital project. If the Board does not fully fund the request, staff would have to identify other sources of proposed funding for the project.

**DRAFT MOTIONS:**

1. I move the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors amend the FY 2016 Capital Improvement Program and budget by appropriating \$915,918.38 in cash proffers in the Public Facilities Fund, as shown in Table 1, and transfer that amount to the Capital Fund to fully fund the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road.

OR

2. I move an alternate motion.

**ATTACHMENTS:**

1. ZCOR-2015-0207, Cash Proffer Determination – Request from DTCI to use Avonlea Research cash proffer funds for the design and construction of Tall Cedars Parkway.
2. ZCOR-2015-0025, Cash Proffer Determination – Use of Stone Ridge cash proffers to fund the design and installation of a traffic signal at Tall Cedars Parkway and Gum Spring Road.
3. ZCOR-2013-0015, Cash Proffer Determination – FY 2014 CIP Cash Proffer Request for Tall Cedars Parkway.
4. ZCOR-2013-0098, Cash Proffer Determination – FY 2014 Cash Proffer Request Use of Cash Proffers for Tall Cedars Parkway.

## CORRESPONDENCE SUMMARY

**DATE:** December 23, 2015

**CORRESPONDENCE NUMBER:** ZCOR 2015-0207

**SUBJECT:** Request from DTCI to use Avonlea Reserve cash proffer funds for the design and construction of Tall Cedars Parkway

**1993 Ordinance Reference Numbers:** N/A

**1972 Ordinance Reference Numbers:** N/A

**Other Applicable Reference Numbers:** ZMAP 2012-0009\*  
(LSDO/FSM/ZMAP/SPEX)

**Applicable Tax Map/PIN Numbers:** N/A

**Election District:** Dulles

**Correspondence Summary:** It is appropriate to use the funds in LMIS Sequence Number 99073650 to fund the design and construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road.

**PROPERTY OWNER:**  
AVONLEA HOMEOWNERS ASSOCIATION  
c/o TODD SINKINS R/A  
1900 GALLOWS RD STE 700  
VIENNA, VA 22182-4098

Author: Kelly Griffin (DTCI) & Amy Kresge

\*Indicates where to file

Is this a determination? Check one: Yes  No

**County of Loudoun**

**Department of Planning and Zoning**

**MEMORANDUM**

**DATE:** December 23, 2015

**TO:** Susan Glass, Program Manager, Department of Transportation and Capital Infrastructure (DTCI)

**FROM:** Amy Kresge, Proffer Program Manager *AK*

**SUBJECT:** **ZCOR 2015-0207, Proffer Determination Regarding the Use of Avonlea Reserve Proffer Funds for the Design and Construction of Tall Cedars Parkway**

This correspondence is sent in response to your November 24, 2015, memorandum to Mark Stultz, Zoning Administrator, and myself, which requested a proffer determination concerning the use of specific cash proffer funds received from the developer of Avonlea Reserve to fund the design and construction of Tall Cedars Parkway. The Tall Cedars Parkway project will construct a four lane, median divided roadway between Gum Spring Road and Pinebrook Road.

The following table summarizes the appropriateness of the use of the requested funds. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

APPLICATION #	APPLICATION NAME	SEQ #	BALANCE	APPROPRIATE
ZMAP 2012-0009	Avonlea Reserve	99073650	\$677,367	Yes

**Request:** DTCI requests the use of \$677,367 of the Avonlea Reserve Proffer VII.20.a. account, LMIS Sequence #99073650/Oracle Award Y01180, to fund the design and construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. The Loudoun County Board of Supervisors approved ZMAP 2012-0009, Avonlea Reserve, on September 4, 2013, subject to the Proffer Statement dated August 29, 2013. As stated in the proffer text below, Proffer VII.20.a. provided for a lump sum cash contribution in the amount of \$657,000, to be paid prior to the approval of the first record plat for one or more residential lots on the Property. Said contribution shall be used for regional road or transportation improvements within the vicinity of the subject Property.

20. **Cash Contributions.**

a. **Regional Road Improvements.** The Applicant shall provide, prior to the approval of the first record plat for one or more residential lots on the Property, a lump sum cash contribution to the County in the amount of \$657,000, which amount is calculated based on an anticipated maximum of 103 lots at \$6,375 per lot. If the first record plat encompasses the entire Property, and in the event the total number of residential lots approved in that first record plat is greater than 103, this lump sum contribution shall be increased by an amount equal to the product of the number of additional residential lots above 103 multiplied by \$6,375. For example, if 109 residential lots are approved in the first record plat, the lump sum contribution shall be increased by \$38,250. The first preliminary subdivision plat or site plan approved for the Property shall encompass the entire Property, and the said lump sum cash contribution payable at first record plat shall, in any event, be an amount equal to the product of the number of residential lots or units shown on the approved preliminary plat or site plan multiplied by \$6,375. If the subdivision or other division of the Property is phased such that fewer than 103 lots or dwelling units are created on the first record plat, the said lump sum cash contribution payable at first record plat shall still be based upon the number of residential lots or units shown on the approved preliminary plat or site plan multiplied by \$6,375. This cash contribution shall be used for regional road or transportation improvements within the vicinity of the Property, as determined by the County. This cash contribution amount shall be adjusted on an annual basis from the base year of 2013 and change effective each January 1 thereafter, based on the CPI.

On August 28, 2015, Toll Brothers contributed \$677,367 pursuant to Avonlea Reserve Proffer VII.20.a.; the proffer is fulfilled. The account has earned \$0 in interest and \$0 has been dispersed from this proffer account (LMIS Sequence #99073650/Oracle Award Y01180). The current balance is \$677,367.

The Loudoun County FY 2016 Adopted Capital Improvement Program (CIP) includes a previously authorized project to construct a four lane section of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. The project also provides for the construction of a half section of Tall Cedars Parkway between Pinebrook Road and Riding Center Drive.

**Determination:** It is appropriate to use the current balance, plus any interest earned, in LMIS Sequence #99073650/Oracle Award Y01180 to fund the design and construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. The funds contributed pursuant to Proffer VII.20.a. of ZMAP 2012-0009 shall be used for regional road or transportation improvements within the vicinity of Avonlea Reserve. The phrase “within the vicinity” has been defined in previous proffer determinations to mean within the same Planning Subarea as the

development where the funds were contributed. Because the boundary of ZMAP 2012-0009, Avonlea Reserve, and the segment of Tall Cedars Parkway to be constructed are both located in the Dulles Planning Subarea, it is appropriate to use the funds contained in LMIS Sequence #99073650/Oracle Award # Y01180 to fund the design and construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road (See attached Vicinity Map).

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist as of the date of this letter and such proffers may be amended by a subsequent Zoning Concept Plan Amendment.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the proffer conditions attached to a rezoning or amendment to the zoning map, may appeal said decision within thirty (30) days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions concerning this correspondence, you may call me at 703-737-8890 or contact me via email: [amy.kresge@loudoun.gov](mailto:amy.kresge@loudoun.gov).

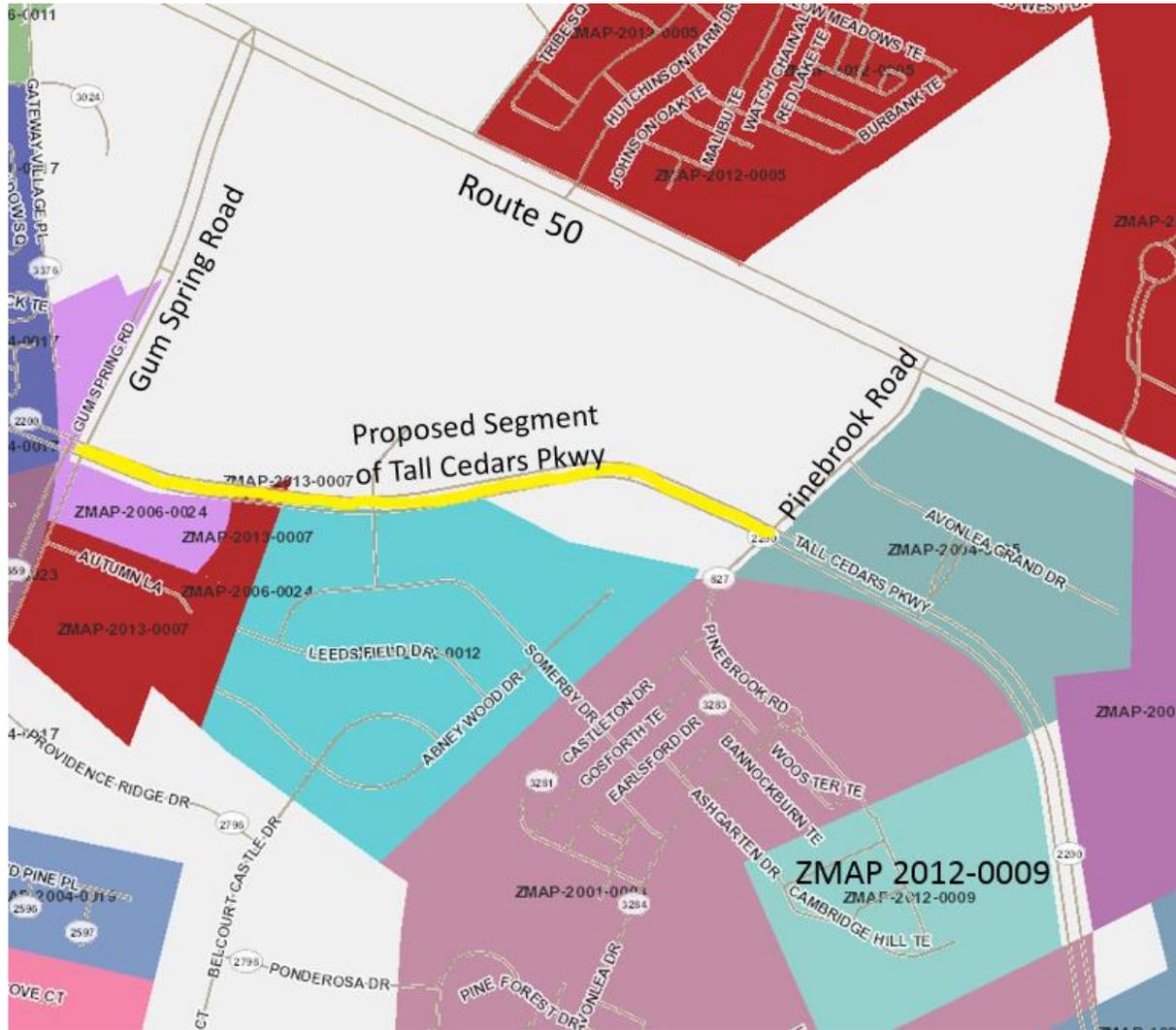
Attachment: Vicinity Map

cc via email: Scott K. York, Chairman At-Large  
Matthew F. Letourneau, Dulles District Supervisor  
Robin Bartok, Staff Aide to Chairman York  
Terrie Laycock, Special Projects Manager, DTCI  
Dan Csizmar, Capital Budget Manager, DTCI  
Peter Malgieri, Capital Budget Specialist, DTCI  
Ricky W. Barker, AICP, Director, Planning and Zoning  
Mark Stultz, Zoning Administrator

cc via U.S. Mail: Avonlea Homeowners Association  
c/o Todd Sinkins R/A  
1900 Gallows Road, Suite 700  
Vienna, VA 22182-4098

# VICINITY MAP

## Cash Proffer Funds from ZMAP 2012-0009 for Tall Cedars Parkway



**COUNTY OF LOUDOUN**

**DEPARTMENT OF PLANNING AND ZONING**

**MEMORANDUM**

**DATE:** February 25, 2015  
**TO:** Susan Glass, Program Manager, DTCI  
**FROM:** Kelly Griffin, Proffer Auditor *KAG*  
**SUBJECT:** Use of Stone Ridge Cash Proffers to Fund the design and installation of a traffic signal at Tall Cedars Parkway and Gum Spring Road (Route 659)

This correspondence is sent in response to your memorandum, dated February 13, 2015, in which you requested a determination regarding the use of the proffer funds listed in the table below for the design and installation of a traffic signal at Tall Cedars Parkway and Gum Spring Road (Route 659).

The following table summarizes the appropriateness of the use of the requested funds; a detailed analysis of each proffer fund is included in this cash proffer determination. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

APPLICATION #	APPLICATION NAME	SEQ #	BALANCE	APPROPRIATE ?
ZMAP-1994-0017	Stone Ridge	96072359	\$150,711.34	Y

**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$150,711.34 of the Stone Ridge Proffer II.F.1.(3) account, LMIS Sequence #96072359 (Oracle Award #Y00989), to fund the design and installation of a traffic signal at the intersection of Tall Cedars Parkway and Gum Spring Road (Route 659) (see Attachment 1). The Loudoun County Board of Supervisors approved ZMAP-1994-0017 on December 20, 1995 subject to the proffer statement dated November 28, 1995 and the Letter of Clarification dated December 14, 1995. As stated in the proffer text below, Proffer II.F.1.(3) provides for the installation of a traffic signal at the intersection of Tall Cedars Parkway and Gum Spring Road (Route 659) when the signal is warranted by VDOT. The proffer also provides an alternative cash contribution of \$100,000 plus CPI escalation if the signal is not warranted prior to the issuance of the 2,200<sup>th</sup> residential zoning permit or prior to the issuance of zoning permits for 2,500,000 gross square feet of non-residential uses.

#### **F. SIGNALIZATION**

1. *Developer shall install signalization at such time as warranted by VDOT criteria (i.e., the Manual on Uniform Traffic Control Devices) at the intersections of:*

*(1) Route 50 and Stone Ridge Parkway.*

*(2) Existing Route 659 and Route 50; provided that this signalization proffer shall become null and void if VDOT warrants for signalization at this location have not been issued at the time of the filing of the first record plat for right-of-way for the West Spine Road between Tall Cedars Parkway and Route 50, the Developer having committed to provide signalization as part of the intersection improvements at Route 50 and the West Spine Road.*

*(3) Tall Cedars Parkway and Route 659.*

*(4) West Spine Road (existing Route 659) and Boulder Drive.*

*(5) Future West Spine Road and Route 50.*

*The cost of the foregoing traffic signals will be bonded at the time of the filing of the record plat for each of such intersections. If the necessary warrants have not been met by the time that zoning permits are issued for the two thousand two hundredth (2,200<sup>th</sup>) residential unit or zoning permits are issued for two million five hundred thousand (2,500,000) gross square feet of nonresidential uses on the Property, the Developer shall make a cash contribution to the County of One Hundred Thousand Dollars (\$ 100,000), escalated in accordance with the Consumer Price Index ("CPI"), per signal not yet installed. Such contribution shall be held by the County to be used for the installation of such signal at such time as warrants are met.*

**Determination:** The use of these funds as proposed is appropriate. Proffer II.F.1.(3) of ZMAP-1994-0017 states that the Developer shall install a traffic signal at the intersection of Tall Cedars Parkway and Gum Spring Road (Route 659) when warranted by VDOT. In the event that the necessary warrants for the signal have not been met by issuance of the 2,200<sup>th</sup> residential zoning permit or issuance of zoning permits for 2,500,000 gross square feet of non-residential uses, the Developer shall make a contribution of \$100,000, as escalated by the CPI. On December 31, 2013 Van Metre provided the proffered cash-in-lieu of construction payment of \$155,854.00 (\$100,000 + escalation) pursuant to Proffer II.F.1.(3) of ZMAP-1994-0017.

Loudoun County will be constructing the missing link of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. Funding for this project was approved in the FY 2013 Adopted Fiscal Plan. The County's project includes the design and installation of a traffic signal at the intersection of Gum Spring Road (Route 659)/Tall Cedars Parkway.

To date, the County has received \$155,854.00 pursuant to Proffer II.F.1.(3), of ZMAP-1994-0017; this proffer is fulfilled. This account has earned \$181.44 in interest and \$5,324.10 has been distributed, resulting in a current balance of \$150,711.34. The Department of Transportation and Capital Infrastructure is requesting the use of these funds specifically for the use of the proffered signal located at the intersection of Tall Cedars Parkway and Gum Spring Road (Route 659); therefore, it is appropriate to use the current remaining balance, \$150,711.34, plus any future accrued interest in LMIS Sequence #96072359 (Oracle Award #Y00989), for the traffic signal located at the intersection of Tall Cedars Parkway and Gum Spring Road (Route 659). Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

**PLEASE NOTE:** This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, February 25, 2015 and such proffers may be amended by a subsequent Zoning Concept Plan Amendment. This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the proffer conditions attached to a rezoning or amendment to the zoning map, may appeal said decision within thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions concerning this correspondence, you may contact me via email (kelly.griffin@loudoun.gov) or call me at 703-771-5219.

Attachment: Attachment 1: Vicinity Map

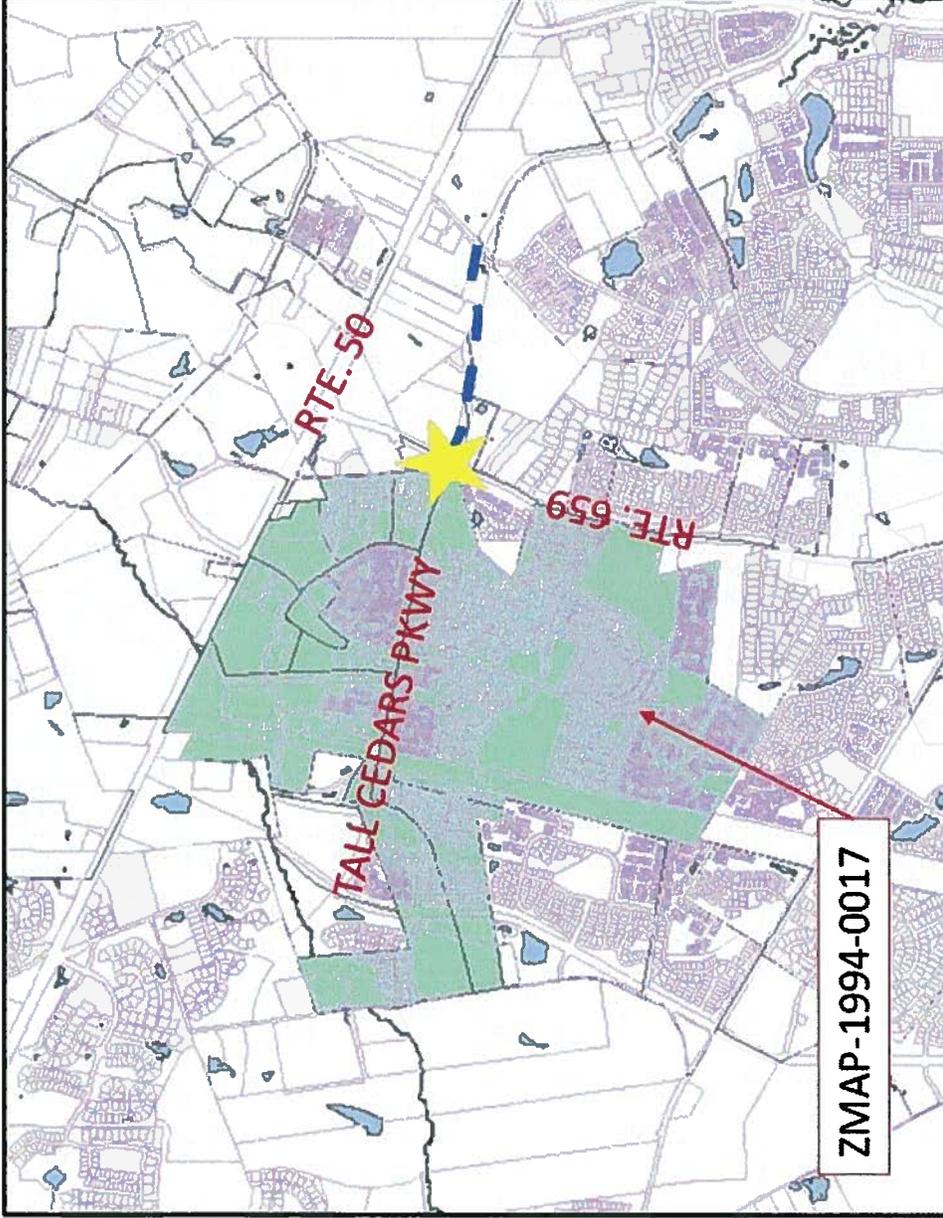
Cc via email:            Scott York, Chairman-At-Large  
                             Robin Bartok, Staff aide to Chairman York  
                             Matthew Letourneau, Dulles District Supervisor  
                             Charles Yudd, Assistant County Administrator  
                             Kenny Young, Assistant County Administrator  
                             John Merrithew, Acting Director, Department of Planning & Zoning  
                             Mark Stultz, Acting Zoning Administrator  
                             Amy Kresge, Proffer Program Manager  
                             Joe Kroboth, III, Director, DTCI  
                             Chris Glassmoyer, Asst. Director, DTCI  
                             Terrie Laycock, Special Projects Manager, DTCI  
                             Dan Csizmar, Capital Budget Manager, DTCI

Cc via US Mail:        Stone Ridge Association, Inc.

**Attachment 1**

**VICINITY MAP**

**CASH PROFFER FUNDS REQUESTED FOR THE TRAFFIC SIGNAL AT  
GUM SPRING ROAD (ROUTE 659) AND TALL CEDARS PARKWAY**



— — — — —  
PORTION OF TALL CEDARS PKWY (BETWEEN ROUTE 659 &  
PINEBROOK RD.) TO BE CONSTRUCTED BY LOUDOUN COUNTY



★  
PROPOSED TRAFFIC SIGNAL AT THE INTERSECTION OF GUM SPRING  
ROAD (ROUTE 659) AND TALL CEDARS PARKWAY

## **CORRESPONDENCE SUMMARY**

**DATE:** April 23, 2013  
**CORRESPONDENCE NUMBER:** ZCOR-2013-0015  
**SUBJECT:** **FY 2014 CIP Cash Proffer Request for Tall Cedars Parkway**

**Other Applicable Reference Numbers:** SPEX-2006-0018\*  
ZCPA-2011-0008\*  
ZMAP-1994-0017\*  
ZMAP-2000-0008\*  
ZMAP-2000-0012\*  
ZMAP-2001-0010\*  
ZMAP-2002-0020\*  
ZMAP-2003-0002\*  
ZMAP-2004-0008\*  
ZMAP-2004-0019\*  
ZMAP-2005-0001\*

### **Applicable Tax Map/PIN Numbers:**

#### **Correspondence Summary:**

The current balances in the requested cash proffer accounts from ZCPA-2011-0008, ZMAP-1994-0017, ZMAP-2000-0012, ZMAP-2002-0020, ZMAP-2003-0002, ZMAP-2004-0008, ZMAP-2004-0019, and ZMAP-2005-0001 may be used for the development of Tall Cedars Parkway in FY 2014 of the FY 2013 - FY 2018 Capital Improvements Program (CIP) Budget.

#### **PROPERTY OWNER:**

RIDINGS AT BLUE SPRING HOA  
10600 ARROWHEAD DR SUITE 225  
FAIRFAX, VA 22030-7306

BRADDOCK CORNER HOMEOWNERS ASSOCIATION  
6905 ROCKLEDGE DRIVE SUITE 800  
BETHESDA, MD 20817-1873

LITTLE RIVER COMMONS COMMUNITY ASSOCIATION  
3684 CENTERVIEW DRIVE SUITE 120  
CHANTILLY, VA 20151-4301

7391 LEE HIGHWAY LLC  
C/O DVS #1993-01/OCCUP EXP DEPT  
1 CVS DRIVE  
WOONSOCKET, RI 02895-6146

SOUTH RIDING PROPRIETARY  
C/O TOLL BROTHERS INC  
19775 BELMONT EXECUTIVE PLAZA  
SUITE 250  
ASHBURN, VA 20147

TREBURG HOMEOWNERS ASSOCIATION  
9817 GODWIN DRIVE #201  
MANASSAS, VA 20110-4156

STONE RIDGE VILLAGE CENTER LLC  
C/O VAN METRE  
9900 MAIN STREET SUITE 500  
FAIRFAX, VA 22031-3907

GREENFIELD CROSSING HOA  
4090 LAFAYETTE CENTER DRIVE SUITE A  
CHANTILLY, VA 20151-1244

N V R MS CAVALIER LOUDOUN LLC  
C/O COASTOAK GROUP  
11700 PLAZA AMERICA DRIVE SUITE 310  
RESTON, VA 20190-4752

M/I HOMES OF DC LLC & KB HOME VA INC  
21355 RIDGETOP CIRCLE SUITE 220  
STERLING, VA 20166-8503

Author: Susan Glass

\*Indicates where to file

Is this a determination? Check one: Yes  No

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF BUILDING AND DEVELOPMENT**  
**MEMORANDUM**

**DATE:** April 23, 2013

**TO:** Tim Hemstreet, County Administrator  
Paul Brown, Assistant Director, Dept. of Transportation & Capital Infrastructure

**FROM:** Susan Glass, Proffer Manager *SBG*

**SUBJECT:** **FY 2014 CIP Cash Proffer Request for Tall Cedars Parkway**

This correspondence is sent in response to your memorandum, dated January 30, 2013, in which you requested a determination regarding the use of \$7,635,000 in cash proffers for the development of Tall Cedars Parkway in FY 2014 Capital Improvements Program (CIP) budget. The proposed Tall Cedars Parkway project is a regional road improvement that will construct a four lane median divided section of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road/Route 659. As shown on the attached vicinity map, this project is located in the current Dulles Planning subarea and it is within the bounds of the prior Dulles South Community Planning Area.

The following table summarizes the appropriateness of the use of the requested funds; a detailed analysis of each proffer fund is included in this cash proffer determination. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

Please note that the determinations related to the Subdivision Applications will be provided separately by Staff from Building & Development's Subdivision Group.

Application #	Application Name	SEQ#	INDEX	Appropriate?	Available Balance
ZMAP 2000-0012	Blue Springs View	99063666	911078	Yes	\$376,203
ZMAP 2002-0020	Braddock Corner	99065511	911242	Yes	\$1,199,747
ZMAP 2004-0008	Frontier Spring	99066647	911330	Yes	\$315,201
SPEX 2006-0018	Pinebrook Office West Pharmacy	99068548	911359	No	N/A
ZMAP 2001-0010	South Riding Station	99066364	911201	No	N/A
ZMAP 2004-0019	Treburg	99067640	911433	Yes	\$450,382
ZMAP 2000-0008	Dean Property	99065413	911194	No	N/A
ZMAP 1994-0017	Stone Ridge	96075230	911102	Yes	\$193,400
ZMAP 2003-0002	Greenfield Crossing	99066268	911507	Yes	\$390,750
ZMAP 2003-0002	Greenfield Crossing	99066269	911508	Yes	\$65,125

Application #	Application Name	SEQ#	INDEX	Appropriate?	Available Balance
ZMAP 2005-0001	Seven Hills	99066997	911574	Yes	\$2,022,742
ZCPA 2011-0008	East Gate One	99072560	911655	Yes	\$1,264,651
<b>TOTAL</b>					<b>\$6,278,201</b>

**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$375,947 in cash proffers from ZMAP-2000-0012, Blue Springs View, sequence number 99063666, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2000-0012 at their November 19, 2001, Business Meeting, subject to the Proffer Statement dated October 25, 2001. As stated in the proffer text below, Proffer V. D provides for a contribution of \$2,400 per residential unit to be used at the County's discretion for regional road improvements in the Dulles Community Planning Area, with preferences stated for certain road improvements.

**D. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS**

*In addition to the right-of-way dedications outlined above, the Applicant will provide, at the time of issuance of zoning permit for each residential unit, a one-time cash contribution in the amount of \$2,400.00 per residential unit, to be used at the County's discretion for regional road improvements within the Dulles Community Planning Area. First preference for the use of these funds will be for the funding of a traffic signal at the Rt. 50/Rt. 742 intersection. Second preference for the use of these funds will be for the upgrading of Rt. 609, pursuant to the County Wide Transportation Plan.*

**Determination:** The use of these funds as proposed is appropriate; the proposed Tall Cedars Parkway project is a regional road in the Dulles Community Planning Area. The proffers specify a first preference for these funds to be used for a traffic signal at the intersections of Route 50 and Route 742/Poland Road. A traffic signal has already been installed at this intersection. Upgrading Route 609/Pleasant Valley Road is the second preference for the use of these funds. Improvements to Pleasant Valley Road in the vicinity of Blue Springs View have been constructed by the developers of East Gate One and Woodburn. Therefore, this proffer fund may be used to construct the proposed improvements to Tall Cedars Parkway.

The Applicant contributed \$320,345; this proffer is fulfilled. The proffer account has earned \$55,858 in interest; the current balance is \$376,203 (LMIS sequence #99063666). The current remaining balance, plus all additional interest earned in this account, may be used for the proposed Tall Cedars Parkway project.

**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$1,198,928 in cash proffers from ZMAP-2002-0020, Braddock Corner, sequence number 99065511, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014

CIP. The Loudoun County Board of Supervisors approved ZMAP-2002-0020 at their April 6, 2004, Business Meeting, subject to the Proffer Statement dated February 25, 2004, as revised by the Letter of Clarification dated March 19, 2004. As stated in the proffer text below, Proffer 10 provides for a contribution of \$1,010,978 to be paid in two installments; each payment is subject to a CPI adjustment.

10. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS

The Applicant shall make a cash contribution to the County, in the amount of \$1,010,978.00 - - to be used at the County's discretion for regional road improvements within the Dulles South Community Planning Area, as defined by the Revised General Plan. This contribution will be paid in two payments as follows:

Payment 1: First \$505,489.00 (50 percent) paid at County approval of first Record Plat; and

Payment 2: Second \$505,489.00 (100 percent) paid at County approval of 81st Zoning Permit.

This contribution shall escalate beginning one year after zoning approval and be adjusted effective January 1<sup>st</sup> of each year thereafter, based on the CPI as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area

**Determination:** The use of these funds as proposed is appropriate. The proffer language provides that the funds may be used at the County's discretion for regional road improvements within the Dulles Community Planning Area, as defined by the Revised General Plan.

The Applicant contributed \$1,085,790; the proffer is fulfilled. The proffer account has earned \$113,807 of interest; the current balance is \$1,199,598 (LMIS sequence #99065511). The remaining cash balance and all future interest earned in this account may be used for the proposed Tall Cedars Parkway project.

Please be advised that a prior determination, ZCOR-2006-0303, authorized the use of all funds within the account to construct two lanes of Braddock Road between the eastern boundary of the Seven Hills development and Gum Spring Road. The County has not initiated a capital improvement project to upgrade that portion of Braddock Road; therefore, these funds have not been allocated to that project.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$314,986 in cash proffers from ZMAP-2004-0008, Frontier Spring, sequence number 99066647, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2004-0008 at their July 12, 2005 Public Hearing, subject to the Proffer Statement dated July 8, 2005. As stated in the proffer text below, Proffer IV.11 provides a contribution of \$3,500 per residential dwelling unit to be used for regional road improvements within the Dulles South Community Planning Area.

**11. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS.**

*The Applicant shall make a cash contribution to the County Board of Supervisors, prior to the issuance of the Zoning Permit for each residential dwelling unit, in the amount of \$3,500.00, to be used at the County's discretion for regional road improvements within the Dulles South Community Planning Area, as defined by the Revised General Plan. This contribution shall escalate beginning one year after zoning approval and be adjusted effective January 1st of each year thereafter, based on the CPI as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area.*

**Determination:** The use of these funds as proposed is appropriate. The proffer language provides that the funds may be used at the County's discretion for regional road improvements within the Dulles South Community Planning Area; the proposed Tall Cedars Parkway project complies with Frontier Springs Proffer IV.11.

The Applicant contributed \$304,960. The account has earned \$10,202 of interest. The account has a current balance of \$315,162. (LMIS sequence #99066647). The proffer is fulfilled. The current balance, plus all additional interest and payments earned in this account, may be used for the proposed Tall Cedars Parkway project.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$141,161 in cash proffers from SPEX-2006-0018, Pinebrook Office West Pharmacy, sequence number 99068548, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved SPEX-2006-0018 at their January 9, 2007, Public Hearing, subject to the Conditions of Approval dated November 6, 2006. Condition 10 provides for a donation of \$135,000 to be used by the County for the cost of design and/or construction of a grade separated interchange at Route 50 and Route 606 or for other road improvements on Route 50.

**10. Regional Road Contributions.**

*The Applicant shall donate to the County the sum of One Hundred Thirty-Five Thousand Dollars (\$135,000.00), prior to issuance of the zoning permit, to be used toward the cost of the design and/or construction of a grade-separated interchange at Route 50 and Route 606 or for other road improvements on Route 50 at the discretion of the County. The sum shall escalate annually, from the time of County approval of the Special Exception Application, in accordance with the Consumer Price Index (CPI) published by the U.S. Bureau of Labor Statistics, U.S. Department of Labor.*

**Determination:** The use of the funds as requested is not appropriate. Condition 10 provides that the funds may be used for the design and/or construction of a grade separated interchange at Route 50 and Route 606, or for road improvements to Route 50. The proposed construction of four lanes of Tall Cedars Parkway from Pinebrook Road to Gum Springs Road is not related to the development of the Route 50/606 interchange, and is not an improvement to Route 50. Therefore, the use of the funds as proposed is not appropriate.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$1,466,810 in cash proffers from ZMAP-2001-0010, South Riding Station, sequence number 99066364, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2001-0010 at their May 18, 2004 Business Meeting, subject to the Proffer Statement dated March 17, 2004, and as revised by the Memorandum of Clarification dated May 11, 2004. As stated in the proffer text below, Proffer D.8 provides for a contribution of \$2,213 per single family market rate unit; the funds are to be used for construction of the Street C/Route 50 interchange, with alternatives provided in the event that the interchange is not constructed.

8. **Street C/Route 50 Interchange.**

The Developer shall make a one-time cash contribution payable to the County of Loudoun in the amount of \$2,213.00 per single family market rate residential dwelling unit constructed on the Property. This contribution shall be paid prior to the issuance of a zoning permit for each market rate residential unit and shall be held by the County for construction of the Street C/Route 50 interchange. In the event an interchange is not to be constructed, as evidenced by the Board of Supervisors' adoption of a resolution or amending the Countywide Transportation Plan to remove the Street C/Route 50 interchange from the County's planned roadway improvements, these funds shall be used for road improvements in the Dulles South area, including but not limited to an interchange at Routes 50/606, widening of Route 50, the South Collector Road, Route 606 or Route 659. Notwithstanding the above, in the event the construction of the Street C/Route 50 interchange or the one-time cash contribution in lieu thereof is triggered under ZCPA 2001-0010, Proffer E. Transportation, 4.3.7. for South Riding, then the \$2,213.00 per single family market rate residential dwelling unit contribution to be made under this zoning, ZMAP 2001-0010, shall be accelerated to provide any remaining contributions within sixty (60) days of request by the County. (Also reference ZCPA 2001-0010, Proffer E. Transportation, 4.3.7. Street C/Route 50 Interchange).

**Determination:** The use of the funds as requested is not appropriate. The proffer language provides that the funds should be held by the County for the construction of the Street C/Route 50 Interchange. Street C is shown on the South Riding Concept Plan Sheet 2.1A, Linkages – Street Location and Design Guidelines as present day South Riding Boulevard. The Adopted 2010 Countywide Transportation Plan Road Map depicts a planned interchange at Route 50 and South Riding Boulevard. Therefore, at this time, the funds may not be used for the proposed Tall Cedars Parkway project.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$450,075 in cash proffers from ZMAP-2004-0019, Treburg, sequence number 99067640, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2004-0019 at their October 17, 2006 Business Meeting,

subject to the Proffer Statement dated March 17, 2006, as revised through October 13, 2006. As stated in the proffer text below, Proffer IV.E provides for a \$10,000 per unit contribution to be used for regional transportation improvements within the immediate vicinity of the Property.

**E. Regional Transportation Improvement Contribution**

The Applicant shall contribute \$10,000 per unit to the County to be used for regional transportation improvements in the immediate vicinity of the Property, including the widening and construction of Route 659 (future West Spine Road) and the future Route 50/West Spine Road interchange. This contribution shall be made prior to the issuance of each residential zoning permit.

**Determination:** The use of these funds as proposed is appropriate. Constructing a four lane segment of Tall Cedars Parkway is a regional road improvement. The segment of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road is in the "immediate vicinity" of the Treburg development, which prior cash proffer determinations have defined as being within one mile of the development. Therefore, the use of the cash proffer accounts as proposed is appropriate.

The Applicant contributed \$447,323, the proffer is partially fulfilled. The account earned \$3002 of interest; the account current balance is \$450,326. (LMIS sequence #99067640). The current balance, plus future interest and contributions, may be used for the proposed Tall Cedars Parkway project.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$118,221 in cash proffers from ZMAP-2000-0008, Dean Property, sequence number 99065413, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2000-0008 at their July 21, 2003 Business Meeting, subject to the Proffer Statement dated June 23, 2003, as revised by the Memorandum of Clarification dated July 11, 2003. As stated in the proffer text below, Proffer 9A provides for a contribution of \$2,000 per residential unit; the funds are to be used by the County and/or VDOT to improve Braddock Road between Routes 659 and 621, or if that roadway section has already been improved, the funds may be used for regional transportation improvements in the Dulles South Planning Area.

**CASH CONTRIBUTION TOWARDS REGIONAL ROAD IMPROVEMENTS, TRANSIT, AND PEDESTRIAN/BICYCLE CORRIDOR IMPROVEMENTS**

9. A. **Cash Contribution Toward Regional Roads.** The Applicant shall pay to the County on a per residential unit basis as provided for hereinafter up to the sum of Ninety-eight Thousand Dollars (\$98,000.00), as a contribution to the construction by the County and/or VDOT of regional transportation improvements in the Dulles South Planning area. The County shall use such funds for the improvement of the portion of Braddock Road between Routes 659 and 621, provided however, that in the event Braddock Road has been improved to its ultimate four lane section between Routes 621 and 659 prior to the Applicant fulfilling the regional road obligation of this paragraph, the County may, at its discretion, spend any sums remaining under this proffer on any other road improvements in the Dulles South Planning Area. Such contribution shall be paid to the County on a per residential unit basis at the rate of Two Thousand Dollars (\$2,000.00) per unit at the time of issuance of zoning permit for such residential unit. The per unit cash contributions proffered in this paragraph shall be adjusted annually in accordance with the CPI published by the Bureau of Labor Statistics, U.S. Department of Labor, beginning one year from the approval date of the rezoning of the Property.

**Determination:** The use of these funds as proposed is not appropriate. The proffer language provides that the funds shall be used for regional transportation improvements if Braddock Road has already been improved four lanes between Route 659 (Gum Spring Road) to Route 621 (Bull Run Post Office Road). Currently, this segment of Braddock Road is only two lanes and has not been improved to its ultimate four lanes, which this cash proffer is designated to be held for. Therefore, the use of the proffer as requested is not appropriate.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$193,268 in cash proffers from ZMAP-1994-0017, Stone Ridge, sequence number 96075230, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-1994-0017 at their December 20, 1995 Business Meeting, subject to the Proffer Statement dated November 28, 1995, as revised by the Letter of Clarification dated December 14, 1995. As stated in the proffer text below, Proffer II. I provides a contribution of \$.50 per gross square foot of industrial, office and retail uses that are developed within Stone Ridge; these funds are to be used for regional road improvements in the Dulles South Planning Area.

**I. CASH CONTRIBUTION FOR REGIONAL ROAD IMPROVEMENTS**

*In addition to the foregoing proffers to construct certain regional road improvements, the Developer shall contribute to the County the sum of Fifty Cents (\$0.50) per gross square foot of the allowed 2,927,450 gross square feet of improvements in the areas zoned industrial (PD-IP and PD-GI), office (PD-OP), and retail commercial (PD-CC (SC)) within the Property. Such contributions, which shall be adjusted annually in accordance with increases in the Consumer Price Index, shall be made to the County at the time of issuance of each zoning permit for building improvements in these areas. The proceeds of these contributions shall be applied toward regional road improvements in the Dulles South Planning Area in the vicinity of the Property, including Route 659 Relocated but excluding the Western Bypass. Without limiting the foregoing sentence providing that the proceeds of these contributions shall be applied toward regional road improvements, if VDOT or the County require that an internal road contemplated by the Developer to be a two-lane road should be a four-lane road to serve a regional need, Developer may utilize these contributions to pay or obtain reimbursement for a portion of the cost of upgrading the two-lane road to a four-lane road.*

**Determination:** The use of these funds as proposed is appropriate; the proposed Tall Cedars Parkway project is a regional road improvement within the former Dulles South Planning Area.

The Applicant contributed \$178,420; the proffer is partially fulfilled. The account earned \$14,956 of interest; the current balance is \$193,376. (LMIS sequence #96075230). The current balance, plus future contributions and interest, may be used for the proposed Tall Cedars Parkway project.

Please be advised that a prior determination, ZCOR-2006-0303, authorized the use of all funds within the account to construct two lanes of Braddock Road between the eastern boundary of the Seven Hills

development and Gum Spring Road. The County has not initiated a capital improvement project to upgrade that portion of Braddock Road; therefore, these funds have not been allocated to that project.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$390,483 in cash proffers from ZMAP-2003-0002, Greenfield Crossing, sequence number 99066268, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2003-0002 at their June 1, 2004 Business Meeting, subject to the Proffer Statement dated March 29, 2004, as revised by the Letter of Clarification dated May 26, 2004. As stated in the proffer text below, Proffer III.C.1 provides for a contribution of \$3,000 per dwelling constructed on the Property; the funds shall be used for regional road improvements in the Dulles South Community Planning Area.

2. **Cash Contribution Towards Roads within the Dulles Community Planning Area.** Proffer III. C. 1. is hereby clarified and amended by deleting the existing language of Proffer III.C.1. and insertion of the following in its place:

1. **Cash Contribution Towards Roads within the Dulles Community Planning Area.** The Owner shall pay to the Board a cash contribution in the amount of Three Thousand Dollars (\$3,000.00) for each dwelling constructed on the Property, not to exceed a total of Three Hundred Twenty One Thousand and 00/100 Dollars (\$321,000.00). In order to expedite regional road funding, the Owner shall contribute 50% of the total cash contribution, One Hundred Sixty Thousand Five Hundred and 00/100 Dollars (\$160,500.00) prior to approval of the first record plat or first site plan for the Property, whichever occurs first in time. The Owner shall contribute the balance of the funds prior to the issuance of the 35th zoning permit on site. Such funds shall be used for the construction of regional road improvements in the Dulles South Community Planning Area. This cash contribution shall be adjusted annually in accordance with the CPI published by the Bureau of Labor Statistics, U.S. Department of Labor, beginning one year from the approval date of the rezoning of the Property, with 2004 as the base year.

**Determination:** The use of these funds as proposed is appropriate; the proposed Tall Cedars Parkway project is a regional road improvement within the former Dulles South Planning Area.

The Applicant contributed \$389,534; the proffer is fulfilled. The account earned \$1,167 of interest; the current balance is \$390,701. (LMIS sequence #99066268). The current balance, plus future interest earned in this account, may be used for the proposed Tall Cedars Parkway project.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$65,080 in cash proffers from ZMAP-2003-0002, Greenfield Crossing, sequence number 99066269, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Springs Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2003-0002 at their June 1, 2004 Business Meeting, subject to the Proffer Statement dated March 29, 2004, as revised by the Letter of Clarification dated May 26, 2004. As stated in the proffer text below, Proffer III.C.2 provides for a contribution of \$53,500 to be used for the construction of regional road improvements, transit, park & ride facilities and/or ride-share programs in the Dulles South Community Planning Area.

3. **Cash Contribution Toward Regional Roads and/or Transit/Park & Ride-Share Programs.** Proffer III. C. 2. is hereby clarified and amended by deleting the existing language of Proffer III.C.2. and insertion of the following in its place:
  2. Cash Contribution Toward Regional Roads and/or Transit/Park & Ride-Share Programs. The Owner shall pay to the Board a cash contribution in the amount of Fifty Three Thousand Five Hundred and 00/100 Dollars (\$53,500.00). The Owner shall contribute 50% of the cash contribution, Twenty Six Thousand Seven Hundred Fifty and 00/100 Dollars (\$26,750.00) prior to approval of the first record plat or first site plan for the Property, whichever occurs first in time. The Owner shall contribute the balance of the funds prior to the issuance of the 35th zoning permit on site. Such funds shall be used for the construction of regional road improvements, transit, park & ride facilities, and/or ride-share programs in the Dulles South Community Planning Area at the discretion of the Board. This cash contribution shall be adjusted annually in accordance with the CPI published by the Bureau of Labor Statistics, U.S. Department of Labor, beginning one year from the approval date of the rezoning of the Property, with 2004 as the base year.

**Determination:** The use of these funds as proposed is appropriate; the proposed Tall Cedars Parkway project is a regional road improvement within the former Dulles South Planning Area.

The Applicant contributed \$64,922; the proffer is fulfilled. The account earned \$195 of interest; the current balance is \$65,117. (LMIS sequence #99066269). The current balance, plus future interest earned in this account, may be used for the proposed Tall Cedars Parkway project.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$2,021,361 in cash proffers from ZMAP-2005-0001, Seven Hills, sequence number 99066997, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Springs Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2005-0001 at their March 21, 2006 Business Meeting, subject to the Proffer Statement dated February 14, 2006, as revised by the Letter of Clarification dated March 21, 2006. As stated in the proffer text below, Proffer XII.B.2 provides for the extension of utilities and street access to the school site. The proffer also contains a provision for the Owners to make a cash contribution to the county in the event that the County extends utilities and roads to the school.

2. Access and Extension of Utilities to School Site. The Owners shall (i) construct street access and sidewalks to the school site as shown on the Concept Plan, (ii) extend sewer, water, telephone, natural gas and electric service to the perimeter of the school site, and (iii) design and construct off-site from the school site such stormwater detention facilities as may be necessary to accommodate and detain stormwater runoff from the school site, including planned paved areas and buildings, all concurrent with the Owners' own development activities on the portion of the Property abutting the school site. In the event the Board of Supervisors requests the dedication of said site prior to the Owners being prepared to undertake development activities on any abutting development areas, the County shall be responsible for designing and obtaining all necessary approvals for the initial vehicular and pedestrian access from Route 659 and utilities and stormwater detention facilities necessary to serve the elementary school, and the Owners shall make a cash contribution to the County in the amount of the actual bid price for constructing such infrastructure pursuant to the actual contract awarded by the County for construction of such infrastructure; provided, however, that in the event, the County is required to utilize a pump and haul process to provide sanitary sewer service to the elementary school, the County shall pay all costs of designing, constructing and implementing such pump and haul facilities, and the Applicant shall only be responsible for constructing and installing the ultimate sanitary sewer mains and facilities necessary to serve the elementary school site, concurrent with the Owners' own development activities on the portion of the Property abutting the school site. If required to be made pursuant to this paragraph, the cash contribution referenced in the preceding sentence shall be paid to the County within thirty (30) days of the Owners' receipt of a written request for such payment by the County, which request shall include a copy of the actual contract awarded by the County.

**Determination:** The use of these funds as proposed is appropriate. Loudoun County Public Schools constructed Buffalo Trail Elementary School on the proffered school site at Seven Hills. On September 6, 2011, the County requested reimbursement of the costs for utility extensions and roadway construction (ZCOR 2011-0107). Woodlawn Development contributed \$2,017,440.23 as a reimbursement of the County's expense incurred during the construction of Buffalo Trail ES. This reimbursement can be used by the County for any project it chooses.

Proffer XII.B.2 is fulfilled. The funds have earned \$5,302 in interest; the current balance is \$2,027,742. The current balance, plus future interest earned in this account, may be used for the proposed Tall Cedars Parkway project.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$641,525 in cash proffers from ZCPA-2011-0008, East Gate One, sequence number 99072560, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZCPA-2011-0008 at their November 9, 2011 Public Hearing, subject to the Proffer Statement dated October 21, 2011. As stated in the proffer text below, Proffer V.E.b provides for a contribution of \$1,198,290 for cash in lieu of construction of the third westbound lane on Route 50 and for the turn lanes at Route 50/Pleasant Valley Road. Proffer V.E.c stipulates that the contribution shall be used to either reimburse the party who constructed these improvements or for regional road or transportation improvements in the area bounded by Gum Spring Road, Route 50, Braddock Road and the Fairfax County line.

b. Notwithstanding anything in these Proffers to the contrary, VDOT has elected to construct certain improvements to Route 50, as identified below, in such a manner as to obviate any requirement the Owner may have had to construct certain regional road improvements heretofore proffered in ZMAP 2004-0020/ZCPA 2008-0010. The Owner shall not be responsible for the construction of the following specified improvements, but shall contribute to the County, or its designee, the sum of \$1,198,290.00 deemed equivalent to the cost of constructing the transportation improvements described below, in lieu of actual construction of these improvements. Such payment shall be made prior to the issuance of the first zoning permit in either East Gate One (ZCPA 2011-0008) OR East Gate Three (ZCPA 2011-0009):

1. **Third Lane, Route 50 Westbound:** A third westbound lane on Route 50 from the Loudoun/Fairfax County line west to the proposed intersection of Route 50 and Tall Cedars Parkway, being a distance of approximately 3,500 LF, such construction to tie into the construction proffered by ZCPA 2008-0011/ZCPA-2011-0009.
2. **Route 50/Pleasant Valley Road:** A second westbound Route 50 to southbound Pleasant Valley Road left turn lane, dedicated right turn lane and right turn acceleration lane; signal adjustments.

- c. Except for the contribution set forth in subsection (b), above, for the purposes of determining the in-lieu-of contributions as set forth in these Proffers, construction costs shall be deemed to include all engineering, surveying, bonding, permit fees, utility relocation, and other hard costs of construction based upon County bonding estimates for said construction per the County's Facilities Standards Manual. Such contribution in lieu of actual construction shall occur at the time the Applicants would otherwise have been required by these proffers to bond or construct such improvements. As determined by the County, any in-lieu contribution shall either be used to reimburse the party who constructed such improvements or for regional road or transportation improvements, transit and/or public recreational facilities in the portion of the Dulles Community as it is identified in the Revised General Plan and bounded by Route 50 to the north, Gum Spring Road (Route 659) to the west, Braddock Road to the south, and the Fairfax County line to the east.

**Determination:** The use of these funds for the proposed Tall Cedars Parkway project is appropriate. The segment of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road is located within the geographical area specified in Proffer V.E.c.

The Applicant fulfilled Proffer V.E.b by contributing \$1,262,998. The account earned \$1,495 of interest; the current balance is \$1,264,493. (LMIS sequence #99072560). The current balance, plus future interest earned in this account, may be used for the construction of Tall Cedars Parkway.

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PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, April 23, 2013, and such proffers may be amended by a subsequent Zoning Concept Plan Amendment. This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government

Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

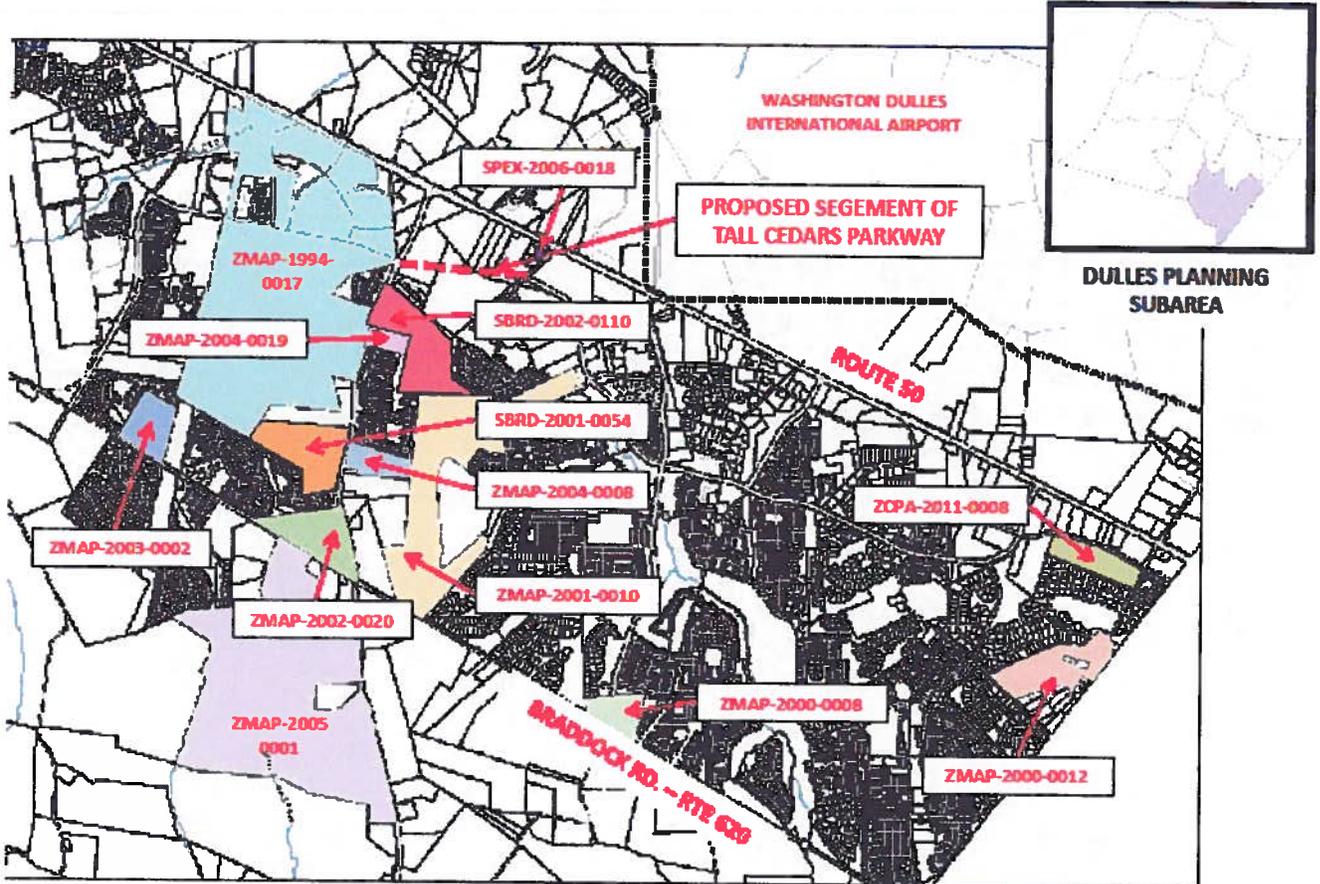
If you have any questions concerning this correspondence, please call me at (703) 777-0251 or you may contact me via email: [susan.glass@loudoun.gov](mailto:susan.glass@loudoun.gov)

Attachment: Vicinity Map  
Dulles South Planning Area Map

Cc via email: Nicole Dozier, Zoning Administrator  
Matt Letourneau, Dulles District Supervisor  
Scott York, Chairman At Large  
Charles Yudd, Assistant County Administrator  
Joseph Kroboth, Director, Dept. of Transportation & Capital Infrastructure  
Terry Wharton, Director, Building & Development  
Mark Lauzier, Budget Officer  
Dan Csizmar, Capital Budget Manager  
Terrie Laycock, Senior Project Manager, Dept. of Transportation & Capital Infrastructure  
Kelly Griffin, Proffer Auditor

Cc via U.S. Mail: Ridings at Blue Spring HOA, Property Owner  
Braddock Corner Homeowners Association, Property Owner  
Little River Commons Community Association, Property Owner  
7391 Lee Highway LLC, Property Owner  
South Riding Proprietary, Property Owner  
Treborg Homeowners Association, Property Owner  
Stone Ridge Village Center LLC, Property Owner  
Greenfield Crossing HOA, Property Owner  
N V R MS Cavalier Loudoun LLC, Property Owner  
M/I Homes of DC LLC & KB Home VA Inc, Property Owner

### VICINITY MAP CASH PROFFER FUNDS REQUESTED FOR TALL CEDARS PARKWAY



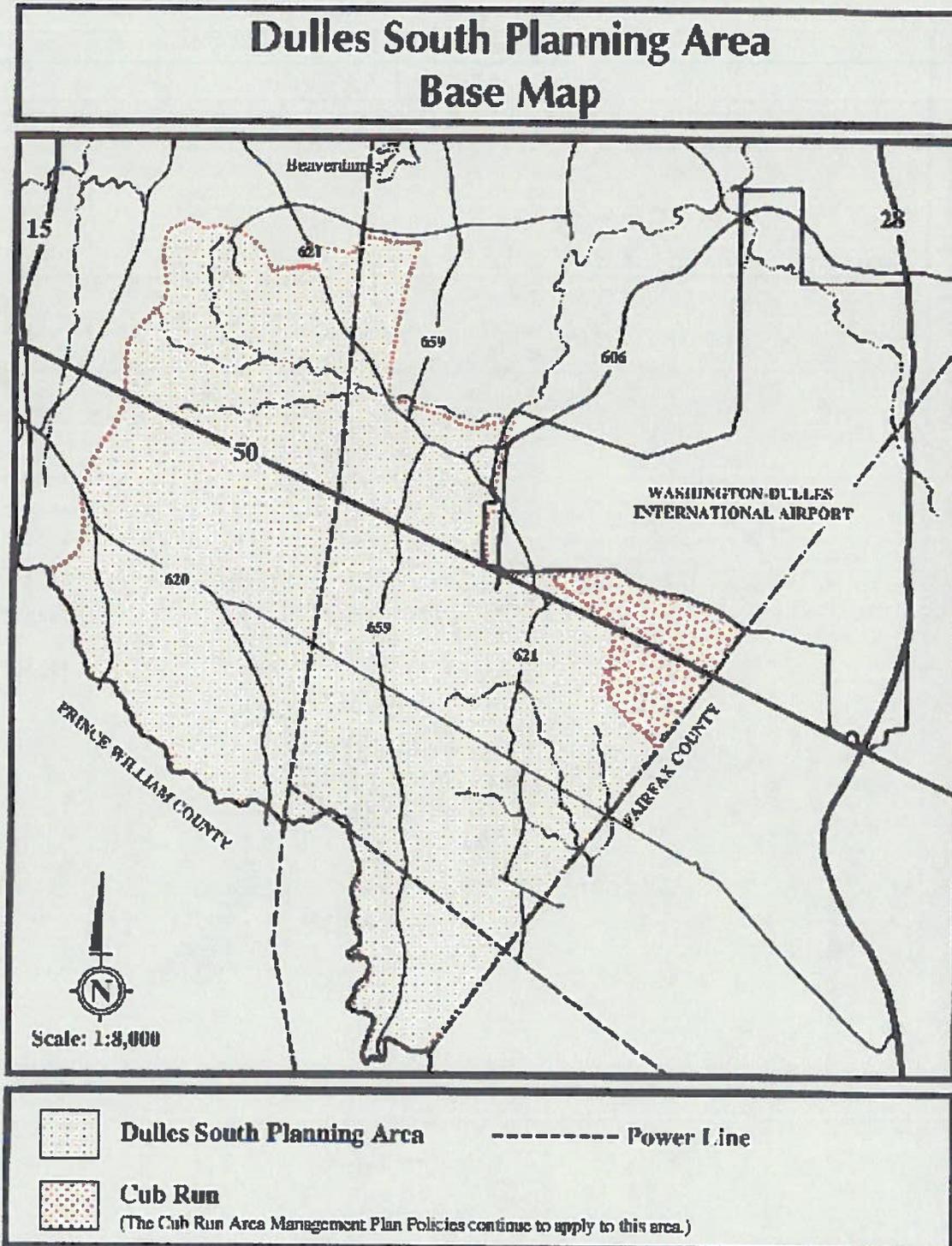


Figure 2.

## CORRESPONDENCE SUMMARY

**DATE:** May 30, 2013  
**CORRESPONDENCE NUMBER:** ZCOR-2013-0098  
**SUBJECT:** **FY2014 Cash Proffer Request**  
**Use of Cash Proffers for Tall Cedars Parkway**

**1993 Ordinance Reference Numbers:**

**1972 Ordinance Reference Numbers:**

**Other Applicable Reference Numbers:** ZMAP-2002-0022\*  
ZMAP-2005-0016\*  
ZCPA-2011-0009\*

**Applicable Tax Map/PIN Numbers:**

**Correspondence Summary:**

It is appropriate to use the requested proffer funds to construct Tall Cedars Parkway as a four lane median divided section of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road/Route 659.

**PROPERTY OWNERS:**

EG Development LLC  
930 W 1<sup>st</sup> Street  
Suite 303  
Fort Worth, TX 76102-2728

Little River Commons Community Association  
3684 Centerview Drive  
Suite 120  
Chantilly, VA 20151-4301

East Gate Homeowners Association  
10600 Arrowhead Drive  
Suite 225  
Fairfax, VA 22030-7306

Brookfield Kimmitt LLC  
8500 Executive Park Avenue  
Suite 300  
Fairfax, VA 22031

Author: Kelly Griffin

\*Indicates where to file

Is this a determination? Check one: Yes  No

**ATTACHMENT 4**

ZCOR-2013-0098

**COUNTY OF LOUDOUN**

**DEPARTMENT OF BUILDING AND DEVELOPMENT**

**MEMORANDUM**

**DATE:** June 7, 2013

**TO:** Dan Csizmar, Capital Budget Manager, Department of Transportation and Capital Infrastructure

**FROM:** Kelly Griffin, Proffer Auditor

**SUBJECT:** Use of Cash Proffers to Fund FY14 Tall Cedars Parkway

This correspondence is sent in response to your memorandum, dated May 16, 2013, in which you requested a determination regarding the use of \$1,181,461 in cash proffers for the development of Tall Cedars Parkway in the FY 2014 Capital Improvements program (CIP) budget. The proposed Tall Cedars Parkway project is a regional road improvement that will construct a four lane median divided section of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road/Route 659. As shown on the attached vicinity map, this project is located in the current Dulles Planning subarea and it is within the bounds of the Dulles Community Planning Area.

The following table summarizes the appropriateness of the use of the requested funds; a detailed analysis of each proffer fund is included in this cash proffer determination. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

<b>Application #</b>	<b>Application Name</b>	<b>SEQ #</b>	<b>INDEX</b>	<b>Appropriate?</b>	<b>Available Balance</b>
ZMAP-2002-0022	Townes at East Gate	99066575	911496	Yes	\$8,546
ZMAP-2005-0016	Kimmitt Property	99066983	911587	Yes	\$354,247
ZCPA-2011-0009	East Gate Three	99072602	911656	Yes	\$818,668

**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$8,546 in cash proffers from ZMAP-2002-0022, Townes at East Gate, sequence number 99066575, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2002-0022 at their October 18, 2005 Business Meeting, subject to the Proffer Statement dated May 22, 2003 revised through September 28, 2005 and revised by the Letter of Clarification dated October 17, 2005. As stated in the proffer text below, Proffer V.D provides for a contribution of \$500 per residential unit to be used at the County's discretion for public transportation services or regional road improvements within the Dulles Community Planning Area.

*V.D. CASH CONTRIBUTIONS FOR TRANSIT FUND OR REGIONAL ROAD IMPROVEMENTS*

*The Applicants shall provide, prior to the issuance of zoning permit for each residential unit, a one-time cash contribution in the amount of \$500 per residential unit, to be used at the County's discretion for public transportation services or regional road improvements within the Dulles Community Planning Area. The Applicants will cooperate with adjacent developments and attempt to provide and enhance a transit system in the area.*

**Determination:** The use of these funds as proposed is appropriate. The proffer language stipulates that the funds shall be used at the County's discretion for regional transportation improvements within the Dulles Community Planning Area. Townes at East Gate, ZMAP-2002-0022, is located in the Dulles Community Planning Area; therefore, the proposed Tall Cedars Parkway project complies with Townes at East Gate Proffer V.D.

To date, the applicant contributed \$193,261; this proffer is partially fulfilled. The proffer account has earned \$459 in interest; \$0 has been disbursed resulting in a current balance of \$193,720. The current remaining balance, plus all additional contributions and interest earned in this account, may be used for the proposed Tall Cedars Parkway Project.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$354,247 in cash proffers from ZMAP-2005-0016, Kimmitt Property, sequence number 99066983, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZMAP-2005-0016 at their July 18, 2006 Business Meeting, subject to the Proffer Statement dated May 23, 2006 and revised by the Letter of Clarification dated June 26, 2006. As stated in the proffer text below, Proffer IV.10 provides for a contribution of \$3,500 per residential dwelling unit to be used at the County's discretion for regional road improvements within the Dulles Community Planning Area.

*IV. 10. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS*

*The Applicant shall make a cash contribution to the County Board of Supervisors, prior to the issuance of the Zoning Permit for each residential dwelling*

*unit, in the amount of \$3,500.00, to be used at the County's discretion for regional road improvements within the Dulles Community Planning Area, as defined by the RGP. This contribution shall escalate on an annual basis, with a base year of 2006 beginning one year after zoning approval and be adjusted effective January 1st of each year thereafter, based on the CPI as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area.*

**Determination:** The use of these funds as proposed is appropriate. The proffer language stipulates that the funds shall be used at the County's discretion for regional transportation improvements within the Dulles Community Planning Area. Kimmitt Property, ZMAP-2005-0016, is located in the Dulles Community Planning Area; therefore, the proposed Tall Cedars Parkway project complies with Kimmitt Property Proffer IV.10.

To date, the applicant contributed \$374,446; this proffer is partially fulfilled. The proffer account has earned \$527 in interest; \$0 has been disbursed resulting in a current balance of \$374,973. The current remaining balance, plus all additional contributions and interest earned in this account, may be used for the proposed Tall Cedars Parkway Project.

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**Request:** The Department of Transportation and Capital Infrastructure requests the use of \$818,668 in cash proffers from ZCPA-2011-0009, East Gate Three, sequence number 99072602, for the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road in the FY 2014 CIP. The Loudoun County Board of Supervisors approved ZCPA-2011-0009 at their November 9, 2011 Business Meeting, subject to the Proffer Statement dated November 9, 2011. As stated in the proffer text below, Proffer V.F.b. provides for a cash in lieu of construction contribution of \$775,710 for a third westbound lane on Route 50 from the Poland Road intersection east to the proposed intersection of Route 50 and Tall Cedars Parkway. Proffer V.F.c stipulates that the cash in lieu of construction contribution shall either be used to reimburse the party who constructed such improvements or for regional road transportation improvements, transit and/or public recreation facilities in the Dulles Area Community.

#### *F. CASH EQUIVALENT CONTRIBUTION*

*b. Notwithstanding anything in these Proffers to the contrary, VDOT has elected to construct certain improvements to Route 50, as identified below, in such a manner as to obviate any requirement the Owner may have had to construct certain regional road improvements heretofore proffered in ZMAP 2005-0003/ZCPA 2008-0011. The Owner shall not be responsible for the construction of the following specified improvements, but shall contribute to the County or its designee the sum of \$775,710.00 deemed equivalent to the cost of constructing the transportation improvements described below in lieu of actual construction of these improvements. Such payment shall be made prior to the issuance of the first zoning permit in either East Gate One (ZCPA 2011-0008) or East Gate Three (ZCPA 2010-0009);*

1. *Construct a third westbound lane on Route 50 from the Poland Road intersection east to the proposed intersection of Route 50 and Tall Cedars Parkway and being a distance of approximately 3,700 ft. Such construction to tie into the construction proffered by ZCPA 2008-0010/ZCPA 2011-0008.*

*c. Except for the contribution set forth in Proffer V.F.b., above, for the purposes of determining the in-lieu-of contributions as set forth in these Proffers, construction costs shall be deemed to include all engineering, surveying, bonding, permit fees, utility relocation, and other hard costs of construction based upon County bonding estimates for said construction per the FSM. Such contribution in lieu of actual construction shall occur at the time the Owner would otherwise have been required by these Proffers to bond or construct such improvements. As determined by the County, any in-lieu contribution shall either be used to reimburse the party who constructed such improvements or for regional road or transportation improvements, transit and/or public recreation facilities in the Dulles Area Community as it is identified in the Revised General Plan and bounded by Route 50 to the north, Gum Spring Road (Route 659) to the west, Braddock Road to the south, and the Fairfax County line to the east.*

**Determination:** The use of these funds as proposed is appropriate. The proffer language stipulates that the funds shall either be used to reimburse the party who constructed such improvements or for regional road transportation improvements, transit and/or public recreation facilities in the Dulles Area Community, as determined by the County. East Gate Three, ZCPA-2011-0009, is located in the Dulles Community Planning Area; therefore, the proposed Tall Cedars Parkway project complies with East Gate Three Proffer V.F.b.

The third westbound lane on Route 50 from the Poland Road intersection east to the proposed intersection of Route 50 and Tall Cedars Parkway is currently under construction by VDOT as part of its Route 50 Widening Project. Construction is estimated to be complete in Late 2014.

On July 11, 2012, the Owner made a contribution of \$817,598; this proffer is fulfilled. The proffer account has earned \$1,173 in interest; \$0 has been disbursed resulting in a current balance of \$818,771. The current remaining balance, plus all additional contributions and interest earned in this account, may be used for the proposed Tall Cedars Parkway Project.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, May 30, 2013, and such proffers may be amended by a subsequent Zoning Concept Plan Amendment. This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions concerning this correspondence, you may contact me via email (kelly.griffin@loudoun.gov) or call me at 703-771-5219.

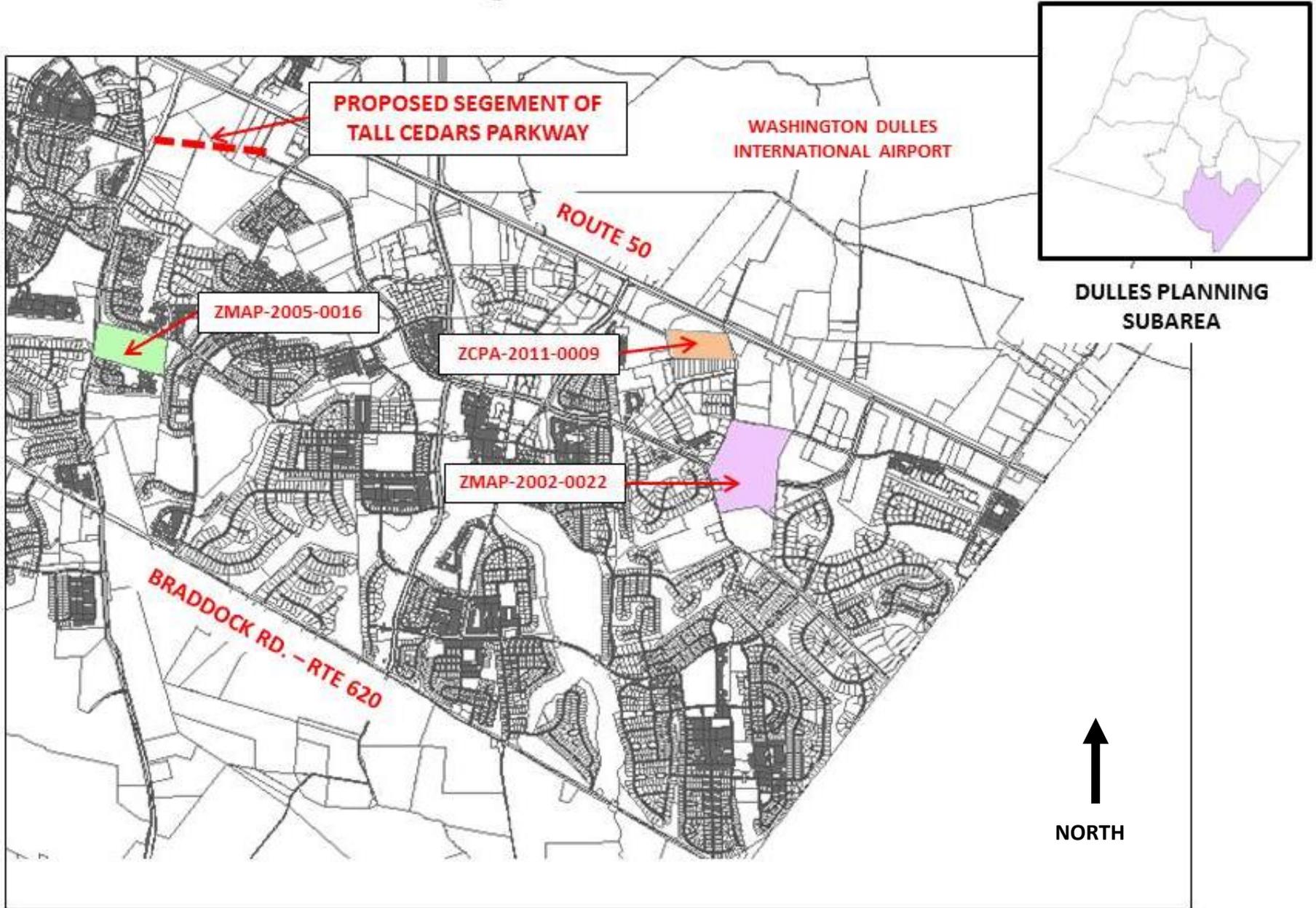
Attachments: Attachment #1: Vicinity Map  
Attachment #2: Loudoun County Community Planning Areas

Cc via email: Nicole Dozier, Zoning Administrator  
Scott York, Chairman At-Large  
Matt Letourneau, Dulles District Supervisor  
Charles Yudd, Assistant County Administrator  
Joe Kroboth, Director, Department of Transportation and Capital Infrastructure  
Terrie Laycock, Senior Project Manager, Dept. of Transportation and Capital Infrastructure  
Paul Brown, Asst. Director, Dept. of Transportation and Capital Infrastructure  
Terry Wharton, Director, Building and Development

Cc via US Mail: EG Development LLC, Property Owner  
East Gate Homeowners Association, Property Owner  
Brookfield Kimmitt, Property Owner  
Little River Commons Community Association, Property Owner

Attachment 1

VICINITY MAP  
CASH PROFFER FUNDS REQUESTED FOR TALL CEDARS PARKWAY



Attachment 2

LOUDOUN COUNTY COMMUNITY PLANNING AREAS  
AS OF 5/14/13

