PLANNING COMMISSION
BRIEFING ITEM

Land Development Applications
November 27, 2018, Planning Commission Public Hearing

ZCPA-2018-0007, The Shoppes at East Gate

Election District: Dulles
Staff Contact: Richard W. Hancock, AICP
Applicant Representative: Packie E. Crown, Bowman Consulting Group, LTD

Request: Amend the existing ZMAP-2015-0006 proffers to permit Motor Vehicle Service and Repair, Light as a permitted use.

Site Information:
Size: 8.28 acres
Location: Northeast quadrant of the intersection of Tall Cedars Parkway (Route 2200) and Eastgate View Drive (Route 3010)
Zoning: PD-CC(SC) (Planned Development – Commercial Center (Small Regional Center))
Policy Area: Suburban (Dulles Community)
Planned Land Use: Business uses at an FAR of up to 1.0
Existing Conditions: Under development with a gas station and other commercial buildings.

KEY ISSUES:

Land Use: Although not consistent the land uses anticipated by the Revised General Plan, the proposal would allow a previously prohibited service use from the 2016-approved service and retail commercial center.

Compatibility: Since existing proffered design guidelines will provide for the proposed use to be compatible with and adequately integrated into the shopping center design, there are no outstanding compatibility issues.

Environmental Resources: There are no outstanding environmental issues.

Transportation: The proposed use is not anticipated to generate more traffic than previously estimated for The Shoppes at East Gate commercial center. The development shall provide a six-foot sidewalk along Tall Cedars Parkway and internal bicycle/pedestrian circulation within developments.

Fiscal Impacts: There are no outstanding fiscal impact issues.
**Public Utilities & Services:** Existing approvals adequately address public utilities and services. There are no outstanding public utility and services issues.

**Application Status:** Staff supports a Planning Commission recommendation of approval subject to the revised Proffers.
Concept Development Plan
PROFFER STATEMENT

THE SHOPPES AT EAST GATE – PD-CC (SC)

ZCPA-2018-0007
October 19, 2018

East Gate Partners III LLC (“East Gate”) as the owner of an approximately 8.28-acre portion of a parcel identified as Loudoun County PIN #097-27-2622 (Tax Map #107//13///3B2/); PIN #097-27-3047 (Tax Map #107//13///3B3/); PIN #097273667 (Tax Map #107//13///3B4/); PIN #097-37-4192 (Tax Map #107//13///3B5/); and PIN #097376182 (Tax Map #107//13///3B6/) (the “Property”), more fully depicted on the CDP identified in Proffer I.A below, on behalf of themselves and their successors in interest, hereby voluntarily proffer, pursuant to Va. Code Ann. § 15.2-2303 and § 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance (the “Zoning Ordinance”), development of the Property will be in substantial conformance with the following conditions (“Proffers”). These Proffers replace and supersede any previous proffers approved and applicable to any portion of the Property.

I. ZONING MAP AND AMENDMENT PLAN & DEVELOPMENT SCOPE

A. Zoning Map Amendment Plan. Development of the Property shall be in substantial conformance with Sheets 1, 4A, 5, and 7 of 8 (collectively referred to herein as the “CDP”) of the plan set titled “The Shoppes at East Gate PD-CC-SC (formerly East Gate Commerce Center I) Zoning Map Amendment & Special Exception Plat,” dated April, 2015 and revised through October 19, 2018, prepared by Bowman Consulting Group, Ltd. Minor adjustments to the locations of the proposed uses, facilities, and improvements shown on the CDP shall be permitted as reasonably necessary to address grading, drainage, environmental, cultural and natural features, development ordinance requirements, other final engineering considerations, and to accommodate the recommendations of archaeological studies, provided that any such minor adjustments shall be in accordance with § 6-1209 of the Zoning Ordinance.

B. Development Scope. The Property may be developed with up to a maximum of 139,392 square feet of commercial uses as permitted in the PD-CC (SC) zoning district regulations and may include any uses permitted by special exception in the PD-CC (SC) zoning district regulations provided that approval of the requisite special exception shall have been obtained in accordance with the Zoning Ordinance prior to establishment of such use.

1. Non-Permitted Uses. The following uses, which are essentially more regional in nature rather than being the type of community and employment supportive uses deemed appropriate for the Property, shall not be permitted: (a) Construction retail establishment; (b) Motor vehicle sales and accessory service; and (c) Motorcycle or ATV sales, rental, repair and associated service.

Attachment 1
C. **Water and Sewer.** The Property shall be served by public central water supply and public central sanitary sewer systems. The Owners shall construct and install all water and sewer extensions to the Property and shall provide all connections necessary for development of the Property at no cost to Loudoun County (the “County”) or to the Loudoun County Sanitation Authority ("Loudoun Water"), and such extensions and connections shall be constructed and installed in accordance with Loudoun Water standards. The Owners shall acquire any offsite easements, if needed, to extend public water and/or sanitary sewer lines to the Property and shall dedicate such easements to Loudoun Water at no cost to the County or to Loudoun Water. Any existing wells on the Property shall be abandoned prior to approval of the first site plan for the Property in accordance with Loudoun County Health Department standards and requirements then in effect.

D. **Screening.** As depicted on Sheet 7 of the CDP, a variable width buffer yard with Type 3 Enhanced Front Buffer Yard plantings shall be provided along the Tall Cedars Parkway frontage of the Property and a variable width buffer yard with a Type 2 Front Buffer Yard shall be provided along the Eastgate View Drive frontage of the Property. Said buffer yards shall be installed prior to the issuance of the first occupancy permit for the adjacent development on the Property. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer VI.C, below.

II. PROPERTY OWNERS ASSOCIATION AND DESIGN

A. **Commercial Property Owners Association, Generally.** All property owners on the Property shall be members of a commercial Property Owners Association ("POA"), which shall be established to create and enforce architectural guidelines and design standards; to maintain commercial area common areas including driveways and private travelways, parking lots, and landscaping, including removal of snow; to maintain all storm drainage easements and stormwater management facilities to the extent not maintained by the County pursuant to the County’s Stormwater Management Ordinance or pursuant to a separate written stormwater maintenance agreement between the Owner and the County; and to provide or ensure trash removal services for the Property. The POA shall be established and the associated Declaration of Covenants ("POA Covenants") recorded in the Land Records of the County (the “Land Records”), in form submitted to and approved by the County, prior to the approval of the first site plan for the Property.

B. **Design Guidelines.** All development plans for the Property shall be in substantial conformance with the “Shoppes at East Gate Design Guidelines,” dated September 2015, Revised January 20, 2016, prepared by Bowman Consulting Group, Ltd. and included by reference as Exhibit A (the “Design Guidelines”).
C. Screening For Loading, Trash Collection, and Mechanical Units. To the extent reasonably feasible, loading spaces will be oriented so as to have minimum visibility from Tall Cedars Parkway and Eastgate View Drive. If such loading spaces are not substantially blocked from view from Tall Cedars Parkway and Eastgate View Drive, they shall be treated with architectural elements or decorative fencing and/or landscaping pursuant to the provisions in the Design Guidelines so as to be screened from said public roads. All dumpster pads and other trash collection areas shall be enclosed by architectural elements, fencing, or other buffering and screening so as to minimize negative visual impacts. Any mechanical units placed on the rooftop of buildings and any dumpsters placed on the Property shall be screened from view from adjacent roads and property by architectural features compatible with building façade architecture.

D. Open Space and Bench Seating. The Owners shall provide, at a minimum, open space on the Property as required by the Zoning Ordinance. Said open space areas will be depicted on each site plan for that portion of the Property containing such open space area and shall be open for use prior to issuance of the first occupancy permit for the use approved for each respective site plan. A minimum of two benches shall be provided either within the open space areas or adjacent to buildings constructed on the Property. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer VI.C, below.

III. TRANSPORTATION

A. Bicycle Parking. The Owners shall install one bicycle rack, with a minimum capacity for six bicycles, in Land Bay 2 on the Property. The bicycle rack shall be installed prior to the issuance of the first occupancy permit within the Land Bay. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer VI.C, below.

B. Eastgate View Drive. As depicted and described on Sheet 5 of the CDP and subject to County and VDOT approval, the Owners shall dedicate right-of-way as needed to construct an eastbound left turn lane on Eastgate View Drive at the offsite entrance point which provides access across Loudoun County PIN #097-27-4045 (Tax Map #107////////47/) to the Property. The Owners shall construct the said eastbound left turn lane on Eastgate View Drive at the said site entrance to Loudoun County PIN #097-27-4045 (Tax Map #107////////47/) in accordance with applicable VDOT standards. The Owners shall be responsible for obtaining any necessary offsite right-of-way to construct said turn lane and entrance. All such dedication of right-of-way, construction, and acquisition of offsite right-of-way shall be accomplished at no public cost. Such right-of-way shall be dedicated to the County, and said turn lane improvements shall be bonded or constructed prior to approval of the first site plan for any commercial use on the Property. Construction of such turn lane improvements shall commence no later than concurrently with the
The commencement of construction of the first commercial use on the Property and shall be open to traffic (but not necessarily accepted for maintenance by VDOT), prior to the issuance of the first occupancy permit for a commercial use on the Property. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer VI.C, below.

C. **Tall Cedars Parkway.** As depicted and described on Sheet 5 of the CDP and subject to County and VDOT approval, the Owners shall dedicate right-of-way, including right-of-way as needed for construction of a right in/right out (“RI/RO”) entrance to the Property along Tall Cedars Parkway and the area labeled “Area of ROW Dedication”. The Owners shall construct the RI/RO entrance in accordance with applicable VDOT standards. All such dedication of right-of-way and construction shall be accomplished at no public cost. Such right-of-way shall be dedicated to the County, and said RI/RO entrance shall be bonded or constructed, prior to approval of the first site plan for any commercial use on the Property. Construction of RI/RO improvement shall commence no later than concurrently with the commencement of construction of the first commercial use on the Property and shall be open to traffic (but not necessarily accepted for maintenance by VDOT), prior to the issuance of the first occupancy permit for the Property. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer VI.C, below.

D. **Public Access Easement.** As depicted on Sheet 5 of the CDP, the Owners shall convey to the County, at no cost to the County, a public access easement over and across the interparcel access point between the Eastgate View Drive entrance to Loudoun County PIN #097-27-4045 (Tax Map #107////////47/) and the Property as depicted on Sheet 5 of the CDP. The Owner shall be responsible for obtaining all easement rights across Loudoun County PIN #097-27-4045 (Tax Map #107////////47/) at no cost to the County. Said easement shall be recorded in the Land Records prior to the approval of the first site plan for the Property, and said interparcel access point shall be constructed prior to the issuance of the first occupancy permit for the Property. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer VI.C, below.

E. **Pedestrian Facilities and Crosswalks.** The Owners shall provide pedestrian circulation and crosswalks, as generally shown on Sheet 5 of the CDP. In designing and developing the Property, the Owners shall, to the fullest extent possible, give priority to facilitating pedestrian circulation between buildings. The site design shall provide for ample walkways dedicated for pedestrian use so as to ensure, to the fullest extent possible, the separation of vehicular traffic and pedestrian movements. All pedestrian facilities shall be located either completely within a public right-of-way or completely outside of the public right-of-way within a public access easement on the Property, provided that transitions between the public and private rights-of-way may be necessary at road crossings and other areas. Any
pedestrian facilities located outside of the public right-of-way shall be maintained by the POA to be established pursuant to Proffer II.A. In the event such pedestrian facilities are to be constructed within a public access easement, said easement shall be dedicated to the County at no public cost prior to, or in conjunction with, approval of the site plan containing such easement based upon the applicable CPAP application for the Property. The Owners shall be responsible for obtaining, at no public cost, any necessary offsite easements required to provide the pedestrian connections shown on the CDP. All pedestrian facilities shall be constructed in accordance with VDOT or Loudoun County Facilities Standards Manual ("FSM") standards, unless modified or waived by VDOT or the County, as applicable. All improvements referenced within this Proffer III.E will be bonded with the approval of the first site plan for that portion of the Property containing such pedestrian facility and open for use prior to issuance of the first occupancy permit. The issuance of the said occupancy permit shall be subject to compliance with the provisions of Proffer VI.C, below.

1. **Tall Cedars Parkway Sidewalk.** As depicted on Sheet 5 of the CDP as “6’ SW” and subject to County and VDOT approval, the Owners shall construct, at no public cost, a six-foot wide concrete sidewalk along the east side of Tall Cedars Parkway extending from the south side of John Mosby Highway (Route 50) to Eastgate View Drive. Said sidewalk shall be bonded or constructed prior to the approval of the first zoning permit on the Property, and shall be open to public use prior to the approval of the zoning permit that would result in the cumulative total zoning permitted square footage exceeding 20,000 square feet of gross floor area for the Property.

2. **Other Private Pedestrian Connections.** The Owners shall be entitled to construct any number of additional private pedestrian connections internal to the Property in conformance with the Zoning Ordinance and the FSM. All private pedestrian connections shall be maintained by the POA, to be established pursuant to Proffer II.A.

**F. Bus Shelter.** Prior to approval of the zoning permit that would result in the cumulative total zoning permitted square footage equaling or exceeding 20,000 square feet of commercial uses on the Property, and so long as the County has approved the bus shelter location, the Owners shall construct, at no public cost, a covered bus shelter, including a bench, in the location generally depicted on Sheet 5 of the CDP as “Proposed Bus Shelter,” or in an alternate location along the Eastgate View Drive frontage of the Property as directed by the County. The Owners shall be responsible for maintenance of said bus shelter, as well as for obtaining all the necessary offsite easements required for the construction and maintenance of said bus shelter, at no public cost. If, at the time of approval of the zoning permit that would result in the cumulative total zoning permitted square footage equaling or exceeding 20,000 square feet of commercial uses on the Property, the County has not approved the bus shelter...
location as shown on the CDP, or in an alternate location approved by the County, then, prior to approval of the zoning permit that would result in the cumulative total zoning permitted square footage equaling or exceeding 20,000 square feet of commercial uses on the Property, the Owner shall pay a cash-in-lieu contribution to the County in the amount of $15,000.00, which contribution shall be used toward the construction by others of one or more bus shelters along Eastgate View Drive between Pleasant Valley Road to the east and Tall Cedars Parkway to the west.

IV. ENVIRONMENTAL

A. Stormwater Management. The Owners shall provide a minimum of one Low Impact Development ("LID") design measure as part of or in addition to the Best Management Practices ("BMPs") permitted pursuant to the County’s Facilities Standards Manual and the Virginia Stormwater Management Handbook to treat stormwater from the Property. Such LID measure may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, or any alternate LID practice proposed by the Owners and deemed to be acceptable to the County. Any LID measure(s) will be designed and implemented in accordance with the adopted provisions of the FSM, unless modified or waived by the County. Said BMPs and LID(s) shall be depicted on the applicable CPAP(s) and/site plan(s) for development of the Property.

B. Lighting. In an effort to minimize nighttime light pollution from the Property, all exterior light fixtures used in parking areas and on building exteriors shall be full cutoff and fully shielded, and shall comply with the Design Guidelines pursuant to Proffer II.B. Nothing contained in this Proffer IV.B shall preclude the up-lighting, accent lighting, or backlighting of signage, entrance features, and related landscaping throughout the Property as permitted by applicable regulations of the Zoning Ordinance.

C. Wood Turtle Protection. Prior to the commencement of any land disturbing activity on the Property, the Owners shall provide educational materials about the wood turtle to contractors working on the Property. If any wood turtles are encountered and are deemed to be in jeopardy, said wood turtles shall be relocated to a suitable habitat in or near the closest perennial stream.

V. FIRE & RESCUE CONTRIBUTION

The Owners shall, prior to the approval of each zoning permit on the Property, make a one-time contribution of $0.10 per gross square foot of floor area to the County for distribution by the County to the volunteer fire and rescue companies providing service to the Property. The amount of the contribution shall be adjusted on a yearly basis from the base year of 1988 and change effective each January 1 thereafter, in accordance with changes to the Consumer Price Index, for all urban consumers (CPI-U), 1982-1984=100 (not seasonally
adjusted), 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 (the “CPI”). Contributions pursuant to this paragraph shall be divided equally between the fire and rescue companies providing service to the Property. Notwithstanding the foregoing, if at the time of the application for a zoning permit, the primary servicing fire and rescue company does not utilize, to any significant extent, either volunteer staff or apparatus owned by a volunteer organization, then no contribution will be provided by the Owners. The intent of this provision is to support volunteer fire and rescue staffing and operations so long as any significant element of the primary provider of fire and rescue services to the Property is volunteer owned or operated. If only one of these services has ceased to utilize volunteer staff and apparatus, then the contribution shall be halved and shall be provided to the remaining company.

VI. MISCELLANEOUS

A. Escalation Clause. Except for the fire and rescue contributions which are subject to a separate annual adjustment provision as specified in Proffer V. above, all monetary contributions set forth in these Proffers shall be adjusted on a yearly basis from the base year of 2016 and change effective each January 1 thereafter, in accordance with changes in the CPI, as defined in Proffer V above.

B. Construction. The improvements and commitments described in these Proffers shall be constructed concurrently with the adjacent onsite development unless otherwise specified.

C. Performance of Proffers Tied to Occupancy Permit. When any plat or plan submission, signal warrant analysis submission, noise, or other impact study submission, bonding, dedication, conveyance, construction, completion of construction, opening of a facility or infrastructure to traffic or use, payment of cash, or any other act or activity required in these Proffers is required to be performed, submitted, recorded, paid, or completed prior to the issuance of an occupancy permit, the said occupancy permit shall not be issued until the Owners have provided: (i) written documentation from County Building and Development or Zoning Administration staff that the said payment, action, or other act or activity has been made, performed, or completed; or (ii) written documentation from Zoning Administration staff that the said payment, action, or other act or activity is no longer a prerequisite for issuance of such occupancy permit; or (iii) such other documentation or evidence of either of the foregoing which may hereafter be established by the County as suitable confirmation of same.

D. Successors and Assigns. These Proffers will bind and inure to the benefit of the Owners and its successors and assigns.
The undersigned hereby warrant that all owners with any legal interest in the Property have signed this Proffer Statement, that no signature from any additional party is necessary for these Proffers to be binding and enforceable in accordance with their terms, that they, together with the others signing this document, have full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

[ SIGNATURE PAGES FOLLOW ]
OWNER OF

Loudoun County PIN #097-27-2622 (Tax Map #107/13///3B2/); PIN #097-27-3047 (Tax Map #107/13///3B3/); PIN #097273667 (Tax Map #107/13///3B4/); PIN #097-37-4192 (Tax Map #107/13///3B5/); and PIN #097376182 (Tax Map #107/13///3B6/)

EAST GATE PARTNERS III LLC

By: _________________________________________
Name: _________________________________________
Title: _________________________________________

STATE OF ____________________________ )

) to-wit:

COUNTY/CITY OF ________________

The foregoing Proffer Statement was acknowledged before me this ____ day of __________, 2016, by __________________________, as _________________________ of ____________________________________________________.

________________________________________
Notary Public

My Commission Expires: ____________________
Notary Registration # _______________________

[ SIGNATURES END ]
EXHIBIT A

Design Guidelines
THE SHOPPES AT EAST GATE PD-CC (SC) (FORMERLY EAST GATE COMMERCE CENTER I)
ZONING CONCEPT PLAN AMENDMENT
ZCPA-2018-0007

BULLES ELECTION DISTRICT LOUDOUN COUNTY, VIRGINIA

APPICANT
EAST GATE PARTNERS III LLC
C/O ARCHICO PROPERTIES INC
ONE SOUTH STREET SUITE 2000
BALTIMORE, MD 21202
(410) 397-7187

PROPERTY OWNER
EAST GATE PARTNERS III LLC
C/O ARCHICO PROPERTIES INC
ONE SOUTH STREET SUITE 2000
BALTIMORE, MD 21202
(410) 397-7187

ATTORNEY
VALHOL COUNCIL ATTORNEYS AT LAW
1 EAST MARKET STREET
LEESBURG, VA 20176
(703) 737-3633

ENGINEER/PLANNER
BOWMAN CONSULTING GROUP LTD
101 SOUTH STREET Ste 5K
LEESBURG, VA 20176
(703) 443-8400

TRANSPORTATION
GORDON SLADE ASSOCIATES
301 CENTRAL BLVD, STE 330
CHANTILLY, VA 20151
(703) 787-6856

NURTICAL MAP
Sheet 1 of 1

SITE INDEX
1 COVER SHEET
2 EXISTING SHEET
3 CONTEXT MAP
4 OVERALL DEVELOPMENT PLAN
4A CONCEPT DEVELOPMENT PLAN PD-CC (SC)
5 CIRCULATION PLAN
6 SPECIAL EXCEPTION PLAN
7 CONCEPTUAL LANDSCAPE PLAN
8 ILLUSTRATIVE PLAN

Attachment 3
THE SHOPPES AT EAST GATE
ZONING CONCEPT PLAN AMENDMENT – PROFFER AMENDMENT
(ZCPA-2018-0007)
STATEMENT OF JUSTIFICATION
JULY 20, 2018 REVISED OCTOBER 19, 2018

INTRODUCTION

East Gate Partners III LLC (the “Owner” and “Applicant”) are the owners of a parcel of land identified in the Loudoun County Land Records as MCPI# 097-37-4192; 097-37-6182; 097-27-3667; 097-27-3047; and 097-27-2622 (the “Property”). The Property is zoned PD-CC(SC) and is governed by the provisions of the Revised 1993 Loudoun County Zoning Ordinance (“Zoning Ordinance”) and the approved proffers and concept development plan for The Shoppes at East Gate Proffer Statement – PD-CC(SC) ZMAP-2015-0006, dated February 16, 2016 (the “Proffers”). The Applicant seeks a Zoning Concept Plan Amendment to amend Section I.B.1.(c) of the Proffers to permit Motor vehicle service and repair, light as a permitted use on the Property.

The Property is approximately 8.28 acres and is located in the Dulles Election District. The Property is located south of John Mosby Hwy (Route 50), east of Tall Cedars Pkwy, and north of Eastgate View Drive.

VICINITY MAP

Attachment 4
PROJECT BACKGROUND
The Shoppes at East Gate PD-CC(SC) (Formerly East Gate Commerce Center I) rezoning application was approved by the Loudoun County Board of Supervisors on March 1, 2016. At the time of the rezoning, the development plan for the Property was envisioned to expand the PD-CC(SC) district and uses approved for its sister property to the west, East Gate Market Place, and to provide support service and commercial uses to facilitate completion of the hotel use on the adjacent parcel to the east. Special exception uses to permit development of an automobile service station and office, administrative, business, professional, medical, and dental uses (SPEX-2015-0018 and SPEX-2015-0019) were also approved for the Property. Since approval of the rezoning and special exceptions, the Applicant has received approval of a 5-lot preliminary/record subdivision plan (SBPR-2018-0001) and site plans for development of a Royal Farms gas station (STPL-2016-0029), multi-tenant building (STPL-2016-0050), and conditional approval for a free-standing restaurant (STPL-2018-0013). A proposed child care center (ZMOD-2018-0003, ZMOD-2018-0004, and SPMI-2018-0003) was forwarded by the Planning Commission to the Loudoun County Board of Supervisors with a recommendation of approval (9-0) on September 25, 2018. The proposed child care center would be located on Lot 3B6 as depicted on SBPR-2018-0001 following legislative action. The Property is under development and the uses that have received site plan approval to date are planned to be delivered this year and early next year.

The remaining parcel to be developed; i.e. the parcel located in the northwest corner of the Property closest to the future Tall Cedars Parkway/Route 50 grade separated interchange (Lot 3B5 as depicted on SBPR-2018-0001) would be the location of the future use which is the subject of the proposed ZCPA-2018-0001. Preliminary/Record Plat Showing the Subdivision of Lot 3B of the East Gate Subdivision prepared by Bowman Consulting, dated May 24, 2018 has been included for lot reference.

PROFFER AMENDMENT PROPOSAL
The Applicant seeks to amend Paragraph I.B.1 of the Proffers which states:

Non-Permitted Uses. The following uses, which are essentially more regional in nature rather than being the type of community and employment supportive uses deemed appropriate for the Property, shall not be permitted: (a) Construction retail establishment; (b) Motor vehicle sales and accessory service; (c) Motor vehicle service and repair, light, and (d) Motorcycle or ATV sales, rental, repair and associated service.

The Applicant has made considerable efforts to bring a tenant to the remaining parcel on the Property; however, due to the size, location, setbacks, access and parking constraints of the parcel, tenant options and interest has been limited. The Applicant has received interest from a potential motor vehicle service and repair, light tenant (i.e. Valvoline, Jiffy Lube, or equivalent) to locate on the Property. Therefore, the Applicant seeks to amend Paragraph I.B.1 of the Proffers as follows:
Non-Permitted Uses. The following uses, which are essentially more regional in nature rather than being the type of community and employment supportive uses deemed appropriate for the Property, shall not be permitted: (a) Construction retail establishment; (b) Motor vehicle sales and accessory service; (c) Motor vehicle service and repair, light, and (d) Motorcycle or ATV sales, rental, repair and associated service.

ISSUES FOR CONSIDERATION
In considering a Zoning Concept Plan Amendment application, the following factors outlined in §6-1210(E) of the Zoning Ordinance shall be given reasonable consideration.

(1) Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality.

The proposed proffer amendment would allow a use that is permitted in the PD-CC(SC) Zoning District pursuant to Section 4-203(C)(4) of the Zoning Ordinance. The services permitted by a Motor vehicle service and repair uses, light, use may also be provided by an automobile service station. The Royal Farms automobile service station that was previously deemed an appropriate land use and approved for the Property will provide gas, convenience goods and car wash services as permitted for an automobile service station use; however, it will not provide vehicle service and repair services. The proposed services are typically located in and provided by community serving commercial centers. Prospective tenants have expressed an interest in locating at The Shoppes at East Gate due to the proximity of the site to the hotel and proposed in-line retail uses, in particular the future Dunkin Donuts that will be located in the adjacent multitenant building and child care center, since such uses have a synergistic relationship with motor vehicle service and repair uses, light uses (i.e. Valvoline, Jiffy Lube, etc.). Building orientation, design, parking, landscaping, and signage for the Property is governed by The Shoppes at East Gate Design Guidelines dated January 20, 2018 and will provide for completion of the commercial center with high quality design, architecture and architectural treatments. Location of the proposed use at The Shoppes at East Gate Shopping Center will be convenient to patrons to and within the center but will also be located in a more isolated area of the Property that will eliminate conflict with adjacent uses. Daily services will be provided but no overnight storage of vehicles will be permitted either by the Zoning Ordinance or the Property Owner. As previously determined by the County Planning Commission and Board of Supervisors with the approval of The Shoppes at East Gate Shopping Center, the proposed community serving use is consistent with the policies of the General Plan for community shopping centers. It is a low intensity automobile service and repair use that provides supportive services for the surrounding uses. It is not a
destination use like of the Heavy Motor Vehicle Sales and Service uses and other uses that are restricted pursuant to Paragraph I.B.1. of the Proffers.

(2) The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values.

The Applicant is not requesting any additional amendments to the approved Shoppes at East Gate proffers, concept plan, design guidelines or sign plan approved for the Property. The area surrounding the Property is zoned and developed with similar commercial and service uses. The proposed Motor vehicle service and repair, light use is compatible with the previously approved PD-CC(SC) uses for the Property and the surrounding uses. The requested proffer amendment will allow a use which is otherwise permitted in the existing PD-CC(SC) zoning district.

(3) Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district.

The sanitary sewer, water, transportation and other infrastructure has been designed to serve PD-CC(SC) uses on the Property. As indicated in the enclosed Shoppes at East Gate ZCPA Trip Generation Comparison Memorandum prepared by Gorove Slade Associates, dated July 20, 2018, the proposed motor vehicle service and repair use will generate 5 weekday AM Peak trips, 25 weekday PM trips and 266 total weekday trips. This represents 214 fewer AM trips, 133 fewer PM trips and 2,130 fewer weekday trips compared to a fast food restaurant with drive through that was originally planned and expected to be developed on the parcel. Accordingly, no additional transportation improvements are required to serve the proposed use and the Property.

(4) The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services.

The proposed proffer amendment is not anticipated to increase the requirements for County services. The proposed use will generate additional commercial tax revenue to assist the County with provision of services in the Dulles South area of the County.

(5) Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands.
The Property has been approved for development of a commercial center and is currently under construction. Development plans for the Property have been approved and improvements on the Property are being constructed in accordance with all approved plans.

(6) The protection of life and property from impounding structure failures.

This section is not applicable. Underground stormwater detention will be provided.

SUMMARY
The Applicant respectfully requests approval of the proposed proffer amendment to permit the location of a Motor vehicle service and repair, light use on the Property. The proposed use is permitted by-right in the PD-CC(SC) zoning district, which is the zoning district governing the Property. The proposed use will not affect the overall concept plans, design guidelines, and sign plan approved with ZMAP-2015-0006, SPEX-2015-0018, and SPEX-2015-0019 and will, in fact, decrease the trip generation for the Property over the original planned use. The proposed proffer amendment to amend Proffer I.B.1 of the approved Proffers to allow a Motor vehicle service and repair, light use on the Property is consistent with the provisions of the Zoning Ordinance and the policies of the Revised General Plan to provide supportive commercial services to the surrounding neighborhood.
DATE: September 27, 2018

TO: Jacqueline Marsh, Project Manager
    Land Use Review

FROM: Kelly Williams
      Planner III, Community Planning

SUBJECT: ZCPA 2018-0007, The Shoppes at East Gate

BACKGROUND

East Gate Partners III, LLC is requesting a zoning concept plan amendment (ZCPA) to revise the proffers associated with ZMAP 2015-0006, The Shoppes at East Gate to allow a Motor Vehicle Service and Repair, Light, use in the PD-CC-SC zoning district (Planned Development – Commercial Center – Small Regional Center). The property was approved for 139,392 square feet of PD-CC-SC uses which are predominately retail and service oriented. As part of that approval, the proposed use was listed as a non-permitted use in the proffers of ZMAP 2015-0006.

The subject site is located south of Route 50, east of Tall Cedars Parkway, and north of East Gate View Drive. Fox Gate, an approved rezoning for up to 470,372 square feet of commercial retail and service uses including a 162,372 square foot hotel, the existing Pleasant Valley United Methodist Church, employment uses, and up to 110 residential dwelling units is located to the east; Waltonwood (SPEX 2014-0017) an approved Special Exception for a Continuing Care Retirement Facility is located to the south; and East Gate Marketplace approved for up to 202,948 square feet of retail and office uses is to the west, on the opposite side of Tall Cedars Parkway.

The subject property is located within the 65 Ldn noise contour for Dulles Airport and within the Quarry Overlay Notification District for Chantilly Crushed Stone.

Attachment 5a
COMPLIANCE WITH THE COMPREHENSIVE PLAN
The property is located in the Dulles Community of the Suburban Policy Area and is specifically governed by the Revised General Plan (RGP), Countywide Retail Plan Amendment (Retail Plan) and 2010 Countywide Transportation Plan (CTP). The RGP designates this property as appropriate for Business uses. The policies of the Loudoun County Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan) also apply.

The proposal has been reviewed under the Revised General Plan Suburban policies of Chapter 6, the Design Guidelines of Chapter 11 and the Design Guidelines of the Retail Plan.

LAND USE ANALYSIS
Recognizing Route 50 as the County’s southern gateway, the Plan designates the properties south of Route 50 and east of Loudoun County Parkway as appropriate for Business uses (Revised General Plan, Chapter 7, Planned Land Use Map). Business Communities will predominately be made up of office and/or light-industrial uses (Revised General Plan, Chapter 6, Arcola Area/Route 50 Corridor Plan, Economic Development Policies, Policy 2). Areas planned for Business uses can feature housing and/or commercial retail uses and all will have a component of public/civic uses and parks and open space (Revised General Plan, Chapter 6, Business, Text).

While not consistent with the land use policies of the Plan, the Shoppes at East Gate development was approved for retail and service uses in 2016. In the proffers of the original rezoning to the PD-CC-SC zoning district, several by-right uses allowed in the PD-CC-SC were prohibited from being included in the development. One such use was motor vehicle repair and service. This application proposes to reinstate this use as permitted within the development. No other changes are proposed in this application.

The definition of motor vehicle service and repair, light in the zoning ordinance allows for minor service and repairs (such as oil changes, battery replacement, etc.). It states that all service and repair must take place within the building and that on-site storage of inoperable vehicles will be not be allowed.

While the use is generally inconsistent with Plan policy, Staff recognizes that the development is currently approved for service and retail uses. With the use limitations imposed by the zoning ordinance as described above, the use would be similar to those already approved and constructed in the development. As such, the proposed use could be considered a reasonable component to the shopping center development.

COMPATIBILITY
Design of the site is governed by proffered design guidelines approved with the original rezoning. The proffers related to design are not proposed to be altered and adequately address design for retail and service uses with respect to a unified design of the shopping center through building architecture, landscaping, screening, signage and lighting. One item not addressed in the design guidelines is pedestrian circulation. The Concept Development Plan shows general pedestrian connections along the main drive isles within the development and along the perimeter roadways. Besides a sidewalk along Tall
Cedars Parkway, pedestrian connections within the shopping center are not shown. Most of the parcels in the development currently have an approved or active site plan showing pedestrian circulation through parking areas and between uses.

*The existing proffered design guidelines will allow the proposed use to be compatible with and adequately integrated into the shopping center design. Staff recommends that the pedestrian network be updated on the CDP to show connections between uses and to the undeveloped parcels in the northern part of the development.*

**RECOMMENDATION**

While the use is generally inconsistent with Plan policy, the property is currently approved for service and retail uses. Adding the motor vehicle service and repair use can be supported as the zoning ordinance limits the service and repair to standards similar to those already approved and constructed in the development. Further, the proffered design guidelines ensure compatibility of the use with other uses within The Shoppes of East Gate development.

cc: Kenny Young, Acting Director, Planning and Zoning Director (via e-mail)  
Dan Galindo, AICP, Community Planning Program Manager (via e-mail)
The 8.28 acre subject property is located in the Planned Development – Commercial Center (Small Regional Center) (PD-CC(SC)) Zoning District pursuant to the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) and is subject to the proffers and concept development plan (CDP) approved with ZMAP-2015-0006, Shoppes at East Gate. The property is located entirely within the Airport Impact Overlay District (AIOD) Ldn 65 or greater noise contour and the Quarry Notification Overlay District, Chantilly Crush Stone Note Area.

Staff reviewed the following materials provided for the above-referenced application: 1) Statement of Justification (SOJ) dated July 20, 2018; 2) plan set entitled, “The Shoppes at East Gate PD-CC(SC), (Formerly East Gate Commerce Center I) Zoning Concept Plan Amendment, ZCPA-2018-0007” dated April 2015, revised through July 23, 2018, and prepared by Bowman Consulting; and 3) draft proffer statement dated July 23, 2018.

The application request includes:

1.) ZCPA-2018-0007 – A Zoning Concept Plan Amendment (ZCPA) to amend the proffer statement to permit “Motor vehicle service and repair light” as a by-right use on the property.
Staff offers the following comments on the application:

A. GENERAL COMMENTS

1. The Zoning Ordinance definition of “Motor vehicle service and repair, light” states in part, “Motor service vehicle and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.” To clarify, the screening requirement would apply to operable vehicles in need of or waiting for repair parked at the business, possibly overnight. The screening requirement is related to the use and is not a Section 5-1400 buffer and screening requirement; therefore, Sections 4-207(C)(3) and 4-207(D)(5) do not apply. The requirement is also part of the use definition and may not be modified. Please address how vehicles under repair will be screened from neighboring uses in the PD-CC(SC) Zoning District.

2. Statement of Justification, Page 2, Project Background. The Applicant states the property has received approval for site plans for the development of a Royal Farms gas station, a free-standing restaurant, multi-tenant building, and childcare center on four of the five subject property’s newly subdivided parcels. Staff identified approved STPL-2016-0029 for a Royal Farms on PIN 097-27-2622; approved STPL-2016-0050 for retail uses on PIN 097-27-3667; and active site plan STPL-2018-0013 for a Zaxby’s Restaurant on PIN 097-27-3047. Staff could not identify an approved or active site plan for a childcare center; however, a childcare center proposed for PIN 097-37-6182 is the subject of active applications ZMOD-2018-0003, ZMOD-2018-0004, and SPMI-2018-0003 for East Gate Everbrook Academy. Please provide the related site plan application numbers and accurately reflect that status of each plan in the SOJ.

3. Statement of Justification, Page 2, Proffer Amendment Proposal. Staff recommends moving “(i.e. Valvoline, Jiffy Lube, or equivalent)” to the second sentence of the paragraph beginning, “The Applicant has made considerable efforts…” to clearly express the intent of the proposed amendment.

4. An interparcel access point is depicted between PIN 097-37-6182, which is in the PD-CC(SC) Zoning District and PIN 097-27-4045, which is the PD-MUB Zoning District. A use permitted in PD-MUB may not be accessed through the PD-CC(SC) Zoning District if that use is not also permitted in the latter district and vice versa. Staff recommends the Applicant consider establishing a public access easement between these properties to ensure no access conflicts occur in the future.

B. CONFORMANCE WITH PD-CC(SC) DISTRICT (Section 4-200)

5. Section 4-202(C). Previously, the Applicant modified the district size to 8.29 acres. The current application materials and legal acreage indicate the subject property is 8.28 acres. Please provide an explanation for the difference in area. A potential reason could be the dedication of ROW along East Gate View Drive. If this is the case, this would be acceptable, as the dedicated ROW will retain the underlying zoning as mapped by the County upon approval of ZMAP-2015-0006.
6. **Section 4-205(C)(2) and Section 4-205(C)(3).** In reviewing the application materials, Staff has identified the need to revise two previously approved modifications, as a portion of the area depicting where they are applicable is incorrect. Sheet 4A depicts the location of Modifications B and C along the eastern subject property boundary with the exception of the eastern boundary of PIN 097-37-6182. In this location, the line depicting where the modifications are applicable is offset from the property boundary. Both Modification B (Section 4-205(C)(2)) and Modification C (Section 4-205(C)(3)) modify standards related to the boundary between the PD-CC(SC) and PD-MUB Zoning Districts. Therefore, the line depicting where the modification is applicable should be along the eastern boundary of PIN 097-37-6182 since this property line is also the boundary between the zoning districts. Please 1) correct the location of the line depicting where the modifications apply and 2) state in the application request that you are revising the location of the previously approved modifications to accurately depict the location where they apply.

7. **Section 4-206(F)(1).** The internal sidewalk circulation depicted on the Pedestrian Circulation Plan does not establish connections to the northern parcels, PINs 097-37-4192 and 097-37-6182, and only provides a sidewalk along the rear of the retail building proposed for PIN 097-27-3667. Please demonstrate how the Pedestrian Circulation Plan achieves each of the requirements of Section 4-206(F)(1), particularly the requirement that internal pedestrian walkways connect to existing walkways and future site walkway. For instance, there is an opportunity to provide pedestrian access to the northern portion of the shopping center from the sidewalk proposed along Tall Cedars Parkway to PINs 097-37-4192 and/or 097-27-3667. Staff notes the elements of Pedestrian Circulation Plan are a Zoning Ordinance requirement and apply regardless of the commitments of Proffer III.E. Furthermore, considering site plans have been approved or are active for three of the parcels in the shopping center, the additional pedestrian connections should be known and can be identified on the plan set.

8. **Section 4-206(F)(2)(c).** Please demonstrate how the Pedestrian Circulation Plan on Sheet 5 achieves Section 4-206(F)(2)(c), which requires the Pedestrian Circulation Plan for a Small Regional Center to include “walkways, crosswalks, and traffic control devices that create safe and convenient pedestrian paths from all parking areas to shopping areas.” Considering site plans have been approved or are active for three of the parcels in the shopping center, the additional pedestrian connections should be known and can be identified on the plan set. In particular, the internal sidewalk circulation depicted on the Pedestrian Circulation Plan does not establish connections to the northern parcels, PINs 097-37-4192 and 097-37-6182, and only provides a sidewalk along the rear of the retail building proposed for PIN 097-27-3667. Staff questions how a pedestrian will be able to walk between uses on PINs 097-27-3047, 097-27-3667, 097-37-4192, and 097-37-6182 without having to return to the sidewalk depicted along the public access easement on the Pedestrian Circulation Plan or traverse parking areas and drive aisles.
C. ZONING MAP AMENDMENT MATTERS FOR CONSIDERATION (Section 6-1210(E))

9. **Section 6-1210(E)(1)** Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality. Zoning Staff defers to the Community Planning Division of the Department of Planning and Zoning (Community Planning) regarding consistency with the Comprehensive Plan.

10. **Section 6-1210(E)(2)** The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values. Staff defers to Community Planning regarding whether the proposal is compatible with existing and permitted uses on property in the immediate vicinity and the conservation of land values.

11. **Section 6-1210(E)(3)** Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district. Staff defers to Loudoun Water regarding the adequacy of sewer and water and the Department of Transportation and Capital Infrastructure (DTCI) regarding the adequacy of transportation infrastructure to serve the uses that would be permitted on the property if the rezoning request is approved.

12. **Section 6-1210(E)(4)** The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services. The need for public service requirements other than emergency services typically are not generated by the proposed use. The Applicant included a contribution commitment to County’s emergency services in the draft proffer statement. Nonetheless, Staff defers to Community Planning regarding whether the requirements for public services generated by the use are being satisfied with the proposal.

13. **Section 6-1210(E)(5)** Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts. For applications for rezoning or amend to a zoning map not subject to the provisions of Virginia Code Section 15.2-2303.4, any proposed mitigation of those potential impacts. Staff recommends the Applicant work with Community Planning Staff to identify additional design methods that would address impacts to environmental resources associated with the proposed development.

14. **Section 6-1210(E)(6)** The protection of life and property from impounding structure failures. The Applicant states underground stormwater detention will be provided; therefore, this section is not applicable.
D. PLAT COMMENTS

15. Sheet 1, Notes. Please update Notes 4 and 5 as appropriate.

16. Sheets 4 and 4A. Please depict and label all setbacks and yards.

17. Sheet 4A. Please label the “Proposed Bus Shelter.”

18. Sheet 5. Please revise Sheet 5 as follows:
   a. Update zoning designations on perimeter of subject property to current zoning districts; and
   b. Clearly differentiate lines depicting the internal sidewalk and the area subject to the ZCPA along a portion of the eastern boundary of the subject property.

19. Sheet 8. Please revise Sheet 5 as follows:
   a. Remove duplicate text in area of PD-MUB designating “Surface Parking/Future Structured Parking;”
   b. Label parking and building yards and setbacks; and
   c. Move “Civic Space” label so that it is clearly visible.

E. PROFFERS

20. Staff reviewed the proposed revisions to the proffer statement and has no comment.
DATE: October 25, 2018

TO: Richard Hancock, Project Manager
Department of Planning and Zoning (DPZ)

FROM: Deborah S. Miller, Transportation Planner
DTCI, Transportation Planning & Operations Division

SUBJECT: ZCPA 2018-0007 – The Shoppes at East Gate
First Referral

Background
This Zoning Concept Plan Amendment (ZCPA) application proposes to amend Section I.B.1(c) of the approved Proffers and Concept Development Plan (CDP) associated with ZMAP 2015-0006 to permit “motor vehicle service and repair, light” use on PIN # 097-37-4192 (approximately 1.47 acres) in the Planned Development – Community Center (Small Center) (PD-CC(SC)) zoning district under the Revised 1993 Zoning Ordinance (Zoning Ordinance). The site is located in the northeast quadrant of the intersection of Tall Cedars Parkway (VA Route 2200) and East Gate View Drive (VA Route 3010). Access to the site will be provided by a right-in, right-out entrance on Tall Cedars Parkway (Eastgate Shoppes Drive), one full-movement entrance off of Eastgate View Drive (Lizzio Center Drive), as well as potential access through the adjacent hotel site to the east. The site is located within the Suburban Policy Area (Dulles Community). This property is subject to the proffer statement for ZMAP 2015-0006 (approved February 16, 2016) and is also subject to the regulations of the Airport Impact Overlay District. A vicinity map is provided as Attachment 1.

Department of Transportation and Capital Infrastructure (DTCI) review of this application is based on materials received from the Department of Planning and Zoning on August 14, 2018, including (1) an Information Sheet, dated August 13, 2018; (2) a Statement of Justification prepared by the Applicant, dated July 20, 2018; (3) a Trip Generation Memorandum prepared by Gorove/Slade, dated July 20, 2018; and (4) a Proffer Statement (clean and redlined copies) prepared by the Applicant, dated July 23, 2018, and (5) a Zoning Concept Plan Amendment plat (clean and redlined copies), prepared by Bowman Consulting Group, Ltd., dated April, 2015 and revised through July 23, 2018.

Executive Summary
Upon resolution of Comments 3 and 4 below, DTCI could support approval of this application as proposed with this submission. DTCI may have additional comments based on the Applicant's responses to the comments provided. Staff is available to meet with the Applicant to discuss the comments noted in this referral.

Attachment 5c
DTCI has the following general concerns regarding this application. Detailed discussion of these issues are provided in the comment section below:

- Additional bicycle and pedestrian facilities are needed to connect the site (PIN # 097-37-4192) to surrounding uses within the development.
- The plan set should be revised to clarify the width of the proffered sidewalk along the site’s Tall Cedars Parkway frontage.

### Countywide Transportation Plan Arterial and Collector Roadways

The existing and planned transportation network is subject to the policies of the Countywide Transportation Plan (2010 CTP) and the Bicycle & Pedestrian Mobility Master Plan (2003 Bike & Ped Plan). Arterial and collector roadways in the vicinity of the proposed development are described below.

#### John Mosby Highway (US Route 50)
**Fairfax County Line west to VA Route 659 Relocated (Northstar Boulevard)**

<table>
<thead>
<tr>
<th></th>
<th>Existing Condition</th>
<th>Ultimate Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Functional Classification (CTP)</strong></td>
<td>Minor Arterial</td>
<td>Principal Arterial</td>
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<tr>
<td><strong>Section/Lanes</strong></td>
<td>200-foot / R6M</td>
<td>200-foot / U6M</td>
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<tr>
<td><strong>Bicycle and Pedestrian Facilities</strong></td>
<td>10-foot wide shared use path along the southbound / westbound lanes.</td>
<td>10-foot wide shared use path along the southbound / westbound lanes.</td>
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<tr>
<td><strong>Speed Limit</strong></td>
<td>55 mph</td>
<td>–</td>
</tr>
<tr>
<td><strong>VDOT Traffic Counts</strong></td>
<td>49,000 ADT (2017)</td>
<td>–</td>
</tr>
<tr>
<td><strong>Ultimate Improvements</strong></td>
<td>Provision of bicycle and pedestrian facilities; construction of right-turn lane at site entrance.</td>
<td></td>
</tr>
<tr>
<td><strong>Notes</strong></td>
<td>Additional ROW may be needed for future interchanges.</td>
<td></td>
</tr>
</tbody>
</table>

#### Tall Cedars Parkway (US Route 50 South Collector Road) (VA Route 2200)
**US Route 50 (John Mosby Highway) south and west to VA Route 2237 (Edgewater Street)**

<table>
<thead>
<tr>
<th></th>
<th>Existing Condition</th>
<th>Ultimate Condition</th>
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<tbody>
<tr>
<td><strong>Functional Classification (CTP)</strong></td>
<td>Major Collector</td>
<td>Major Collector</td>
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<td><strong>Section/Lanes</strong></td>
<td>120-foot / U4M</td>
<td>120-foot / U4M</td>
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<tr>
<td><strong>Bicycle and Pedestrian Facilities</strong></td>
<td>10-foot wide shared use path along the southbound / westbound lanes.</td>
<td>One 10-foot wide shared use path &amp; one 6-foot wide sidewalk (or shared use path).</td>
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<td><strong>Speed Limit</strong></td>
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<td><strong>VDOT Traffic Counts</strong></td>
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<tr>
<td><strong>Ultimate Improvements</strong></td>
<td>Provision of bicycle and pedestrian facilities; construction of right-turn lane at site entrance.</td>
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</tr>
<tr>
<td><strong>Notes</strong></td>
<td>Additional ROW at US Route 50 intersection is reserved for future interchange ramp.</td>
<td></td>
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</table>
Eastgate View Drive (VA Route 3010)
VA Route 609 (Pleasant Valley Road) west to VA Route 2200 (Tall Cedars Parkway)

<table>
<thead>
<tr>
<th>Functional Classification (CTP)</th>
<th>Existing Condition</th>
<th>Ultimate Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Collector</td>
<td>Minor Collector</td>
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<tr>
<td>Section/Lanes</td>
<td>70-foot / U4</td>
<td>70-foot / U4</td>
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<tr>
<td>Bicycle and Pedestrian Facilities</td>
<td>Five-foot sidewalks along both sides</td>
<td>Five-foot sidewalks along both sides</td>
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<tr>
<td>Speed Limit</td>
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<tr>
<td>VDOT Traffic Counts</td>
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<td>-</td>
</tr>
<tr>
<td>Ultimate Improvements</td>
<td>Provision of bicycle and pedestrian facilities; construction of left-turn lane at site entrance.</td>
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</table>

**Summary of Trip Generation Memorandum**

DTCI’s assessment of the Applicant’s traffic analysis and transportation impacts deriving from the proposed development is based on review the Applicant’s submission materials, existing and planned transportation facilities, and applicable County policies.

Currently, the site is vacant. The site is approved for development of up to 4,833 square feet of fast food restaurant with drive-thru use, as per ZMAP 2015-0006. In order to achieve this development program, the site is subject to transportation-related proffers per ZMAP 2015-0006.

The Applicant submitted a Trip Generation Memorandum, dated July 20, 2018, comparing the impacts of the approved fast food with drive-thru use and proposed motor vehicle service and repair, light use on the surrounding roadway network during the weekday AM and PM peak hours. Based upon the existing development on the site, approved development potential and this application, the development would impact existing and potential site trip generation as follows:

**Table 1: Existing and Approved Trip Generation Comparisons for The Shoppes at East Gate* (PIN # 097-37-4192)*

<table>
<thead>
<tr>
<th>Development Program</th>
<th>AM Peak Trips</th>
<th>PM Peak Trips</th>
<th>Weekday Total Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Existing Trips</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Total Proposed Trips with this Application</td>
<td>5</td>
<td>25</td>
<td>266</td>
</tr>
<tr>
<td>Difference (Proposed minus Existing)</td>
<td>+5</td>
<td>+25</td>
<td>+266</td>
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<tr>
<td>Total Approved Trips per ZMAP 2015-0006</td>
<td>219</td>
<td>158</td>
<td>2,396</td>
</tr>
<tr>
<td>Total Proposed Trips with this Application</td>
<td>5</td>
<td>25</td>
<td>266</td>
</tr>
<tr>
<td>Difference (Proposed minus Permitted)</td>
<td>-214</td>
<td>-133</td>
<td>-2,130</td>
</tr>
</tbody>
</table>

Sources: DTCI Staff and The Shoppes at East Gate Traffic Memorandum, Gorove/Slade, July 20, 2018, Page 4.

*Trip generation Comparison is for PIN # 097-37-4192 only. For complete breakdown of trip generation, please consult the Applicant’s Traffic Memo.
As shown above in Table 1, the proposed use will generate 5 weekday AM peak trips, 25 weekday PM peak trips and 266 total weekday trips. In comparison with approved use, the proposed use generates 214 fewer AM peak trips, 133 fewer PM peak trips and 2,130 fewer weekday trips. Therefore based on the reduced impact to trip generation, no site-generated mitigation was identified as needed above and beyond the improvements previously proffered as part of ZMAP 2015-0006.

Transportation Comments and Recommendations
Based upon review of the Applicant’s submission materials, DTCI has the following comments:

Traffic Study
1. DTCI has reviewed the Applicant’s Trip Generation Memorandum and finds it to be an acceptable evaluation of this development.

Roadway Network and Site Access
2. The proposed use shown on the ZCPA plan set is internal to The Shoppes at East Gate development and can be adequately accommodated with the improvements to be provided with the surrounding development, including proffered turn lanes on both Tall Cedars Parkway and Eastgate View Drive.

Bicycle and Pedestrian Facilities
3. County policy (2010 CTP, Chapter 4, Bicycle and Pedestrian Facilities Policies for Roadways, Policy 6) calls for internal bicycle/pedestrian circulation systems within developments. As such, the Applicant should provide on-site vehicular and pedestrian access, along with related easements, to PIN # 097-37-4192 and should depict these improvements on Sheet 5 of ZCPA 2018-0007 (ZCPA plan set). The Applicant should update ZCPA plan set and proffer statement accordingly.

4. DTCI notes that the sidewalk along Tall Cedars Parkway is labeled as “Internal Sidewalk Circulation” on Sheet 5 (ZCPA plan set). However, Tall Cedars Parkway is a part of the CTP road network. The Applicant should revise Sheet 5 (ZCPA plan set) to clarify that the sidewalk along Tall Cedars Parkway will be six feet in width along the entire site frontage, pursuant to Proffer III.E.1.

ATTACHMENT
1. Site Vicinity Map

cc: Lou Mosurak, Senior Coordinator, DTCI
ZCPA-2018-0007 – The Shoppes at East Gate

ATTACHMENT 1
DATE: September 27, 2018
TO: Jacqueline Marsh, Project Manager, Department of Planning and Zoning, MSC #62
FROM: Vaughn Bynoe, Planner, Land Development Division MSC #60A
THROUGH: Scott Berger, Division Manager
APPLICATION NUMBER: ZCPA-2018-0007
APPLICATION NAME: THE SHOPPES AT EAST GATE
PLAN SUBMISSION NUMBER: 1st Submission
PLANNER REQUESTS TO REVIEW SUBSEQUENT SUBMISSIONS □

The Department of Building and Development, Land Development Division has completed the review of this application and provides the following comments:

1. As shown on sheets 5, 6, and 8 of the CDP, the applicant proposes an access point to the property from a portion of adjacent parcel 097-27-3047 which is not included as a part of this rezoning application. This would appear to be problematic as the proffers of this application would not be enforceable on that property and therefore there is no guarantee that access and an entrance permit meeting VDOT standards will be provided. As proposed, the applicant has not demonstrated where the ultimate onsite access for the proposed development will be located. Please address however Staff defers to the Department of Planning and Zoning on the resolution of this issue. [LSDO §1245.05(1)(a)]

2. As shown on sheets 4 to 7 of the CDP, it is unclear if the applicant proposes right-of-way dedication along Route 50 on adjacent parcel 097-27-3047 which is not included as a part of this rezoning application or portraying the ultimate condition of Route 50. If the applicant is proposing dedication along Route 50 this would appear to be problematic as the proffers of this application would not be enforceable on the adjacent property and therefore there is no guarantee that the adjacent parcel would dedicate the area at the request of the applicant.

As proposed, the applicant has not demonstrated that the ultimate condition of Route 50 would be dedicated. If the applicant is portraying the ultimate condition of Route 50, please dimension the Route 50 ultimate width so that staff can determine if it meets the ultimate condition. The applicant should note that dedication of right-of-way on Route 50 must be made directly to the Commonwealth of Virginia as it is a primary highway. [LSDO §1245.01(1) and §1245.03]

3. As shown on sheets 4 to 7 of the CDP, the 100-foot building setback from the ultimate condition of Route 50 is not portrayed. Please portray the 100-foot building setback from the ultimate condition of Route 50. [LSDO §1245.01(1)]

In addition, staff also offers the following recommendations:

Attachment 5d
4. Plat note 27 on sheet 1 of the CDP states “Prior to record plat approval or prior to a zoning permit, an avigation easement will be dedicated to the Metropolitan Washington Airports Authority indicating the right of flights to pass over the property. Section 4-1404(B)(3) of the 1993 RZO requires avigation easements for residential dwelling units to be constructed between the LDN 60-65 aircraft noise contours. Unless requested from the Metropolitan Washington Airport Authority an avigation easement is not necessary for commercial development. Staff recommends removing plat note 27 from sheet 1 of the CDP. Staff defers to the Department of Planning and Zoning on the resolution of this issue.

Thank you for the opportunity to review and comment on this application. Please feel free to contact me at (703) 771-5989 or via email at vaughn.bynoe@loudoun.gov if you have any questions.

*If substantial revisions are made to this application after review Building and Development requests further review of the application.*
DATE: September 11, 2018

TO: MSC#62 Jacqueline Marsh, Department of Planning and Zoning

FROM: MSC#60A Will Himel, Planner

THROUGH: MSC#60A Scott Berger, Division Manager

SUBJECT: ZCPA-2018-0007 THE SHOPPES AT EAST GATE

Thank you for the opportunity to review the plat, Statement of Justification, and proposed proffer modifications related to the referenced applications. The application seeks County approval for a zoning concept plan amendment to allow motor vehicle repair and service, light to occur on the properties previously subject to a rezoning under ZMAP-2015-0006. The subject properties lie in South Riding: south of Route 50, north of Eastgate View Drive, and east of Tall Cedars Parkway.

The properties are subject to proffers and conditions approved as part of previously approved Land Development Applications, including but not limited to ZMAP-2015-0006.

After review of the submitted documents, Staff has no comments regarding this proposal.
DATE: September 26, 2018

TO: Jackie Marsh, Project Manager, Department of Planning and Zoning

FROM: Todd Taylor, Natural Resources Engineer

THROUGH: Ryan Reed, Natural Resources Team Leader

CC: Maggie Auer, Floodplain Administrator
    John Zuiker, Urban Forester
    Kelly Williams, Community Planner, Department of Planning and Zoning
    Kate McConnell, Zoning Planner, Department of Planning and Zoning

SUBJECT: ZCPA-2018-0007
          The Shoppes at East Gate

The Natural Resources Team (NRT) reviewed the zoning concept plan amendment application and offers the following comments:

Natural Resources:

1) Impacts to water quality is a matter for consideration as part of a rezoning application. The proposed motor vehicle service and repair use is considered a stormwater hotspot. A stormwater hotspot is defined as a land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff. Please provide information describing the measures that will be incorporated to prevent contaminated stormwater from leaving the site. (R93ZO 6-1210(E)(5))

Floodplain Management:

2) Replace Note 7 on Sheet 1 with the following floodplain source information. (ZCPA Checklist Item G.4.c)

   “There is no floodplain on the property that is the subject of this application. The current Flood Insurance Rate Map (FIRM) of Loudoun County Community Panel Number for the property that is the subject of this application is 51107C0390E, Effective Date February 17, 2017.”

Please contact me if you have any questions or need additional information.

Attachment 5f
Memorandum

To: Jacqueline Marsh, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: September 26, 2018
Subject: The Shoppes at East Gate
ZCPA 2018-0007

Thank you for the opportunity to review the above captioned application. The Fire and Rescue Planning Staff has no comments.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

<table>
<thead>
<tr>
<th>PIN</th>
<th>Dulles South, Station 19 Travel Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>097-27-2622</td>
<td>3 minutes</td>
</tr>
</tbody>
</table>

Travel times are determined using ESRI GIS network analyst along the county’s street centerline with distance and speed limit being the criteria. Travel time is reported in minutes. For the approximate response time two minutes is added for turnout time.

<table>
<thead>
<tr>
<th>Approximate Response Time for Dulles South, Station 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 minutes</td>
</tr>
</tbody>
</table>

If you have any questions or need additional information, please contact me at 703-777-0333.

c: project file

Attachment 5g
Memorandum

DATE: September 13, 2018
TO: Jacqueline Marsh, Project Manager, Engineering Division
FROM: Christopher Richardson, Inspector
THRU: Linda Hale, Chief Fire Marshal
SUBJECT: ZCPA-2018-0007 The Shoppes at East Gate First Submission

The Loudoun County Fire Marshal’s Office has no objections to the zoning concept plan amendment for the ZCPA-2018-0007 The Shoppes at East Gate First Submission project. The Loudoun County Fire Marshal’s Office reserves the right to guarantee Fire Code compliance when more detailed information is made available. For example but not limited to the FMO will be looking for more information on the following: approved fire apparatus access roads located within an emergency access easement, fire lane identification for fire apparatus access roads, hydrant location, 300 foot hose lay measured “as the hose lies” between and around obstructions from the hydrant around the building, dead–end fire apparatus access roads in excess of 150 feet with an approved fire apparatus turn around, fire apparatus access roads to within 150 feet of the exterior of all buildings first floor, turning radii/turning analysis using AASHTO - SU-40 on fire apparatus access roads, and immediate unobstructed access to fire department connections.

If there are any changes to the plans include the Fire Marshal’s Office in review to ensure fire code compliance.

   1. None.

II. Concern:
   1. None.

III. Recommendations:
   1. None.

IV. Questions:
   1. None.
Requirements for fire apparatus access roads:

1. Fire Apparatus Access Road is a minimum of 20 feet unobstructed width, 13.5 feet of unobstructed vertical clearance, designed and maintained to support H-20 loading, be surfaced so as to provide all-weather driving capabilities, located within an “Emergency Access” easement, and identified as a fire lane in accordance with the FSM Chapter 4.

Information for requesting a modifications to the LCFPC:

1. 106.5 Modifications. The fire official may grant modifications to any provision of the SFPC upon application by the owner or the owner’s agent provided the spirit and intent of the SFPC are observed and public health, welfare, and safety are assured. Note: The current editions of many nationally recognized model codes and standards are referenced by the SFPC. Future amendments to such codes and standards do not automatically become part of the SFPC; however, the fire official should consider such amendments in deciding whether a modification request should be granted.

2. 106.5.1 Supporting data. The fire official shall require that sufficient technical data be submitted to substantiate the proposed use of any alternative. If it is determined that the evidence presented is satisfactory proof of performance for the use intended, the fire official shall approve the use of such alternative subject to the requirements of this code. The fire official may require and consider a statement from a professional engineer, architect or other competent person as to the equivalency of the proposed modification.

Pursuant to section 112.1 of the Fire Prevention Code:

If you have concerns about the application of the Fire Prevention Code (FPC) or to request a modification to the provisions of the FPC pursuant to section 106.5, please contact Chief Fire Marshal Linda Hale at 703/737-8600. The owner of a structure, the owner’s agent or any other person involved in the design, construction or maintenance of the structure may appeal a decision of the fire official concerning the application of FPC or the fire official’s refusal to grant modification. Persons wishing to file an appeal shall submit a written request for appeal to the Board of Building Code Appeals (BBCA), within 14 calendar days of receipt of the decision being appealed. Person’s wishing to file an appeal shall address it to Deputy Fire Marshal Jerome Swain at DutyFm@Loudoun.gov, or send by certified mail to the Loudoun Fire Marshal’s Office at the above address. The appeal shall contain the name and address of the owner of the structure and the person appealing if not the owner. A copy of the written decision of the fire official shall be submitted along with the appeal. Failure to submit an appeal within the time limit established shall constitute acceptance of the fire official’s decision.
Figure D103.1 SFPC Approved turn-arounds

- 96-FOOT DIAMETER CUL-DE-SAC
- 60-FOOT "Y"
- MINIMUM CLEARANCE AROUND A FIRE HYDRANT
- 120-FOOT HAMMERHEAD
- ACCEPTABLE ALTERNATIVE TO 120-FOOT HAMMERHEAD
September 12, 2018

Jacqueline Marsh
Building and Development
1 Harrison Street, S.E.
P. O. Box 7000
Leesburg, Virginia 20177-7000

Re: The Shoppes at East Gate
ZCPA-2018-0007

Dear Ms. Marsh:

Loudoun Water has reviewed the referenced application and offers no objection to its approval.

Public water and sanitary sewer service is available. Public water and sanitary sewer service is contingent upon the developer’s compliance with the Authority’s Statement of Policy; Rates, Rules and Regulations; and Engineering Design Manual.

Should you have any questions, please do not hesitate to contact me at 571-291-7785 or by email at kcarswell@loudounwater.org

Sincerely,

Kevin Carswell, P.E.
Project Engineer
Jackie,

Thank you for the opportunity to comment on THE SHOPPES AT EAST GATE, located at the approximate intersection of U.S. Highway 50 and Tall Cedars Parkway, and the proposal to construct a motor vehicle service and repair (light use) facility.

The Airports Authority does not object to the proposal provided that any lighting associated with the infrastructure does not project light upward into the night sky.

If you have any questions, please let me know. Thank you.

Mark Rutyna, CAPM, C.M.
Airport Planner

1 Aviation Circle, MA-32D
Washington, DC 20001-6000
T: 703-572-0262
F: 703-572-0299
Mark.Rutyna@mwaa.com
mwaa.com
September 19, 2018

Ms. Jacqueline Marsh
County of Loudoun
Department of Planning & Zoning MSC # 62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Rc: Shoppes at East Gate
(1st Submission)
Loudoun County Application Number ZCPA 2018-0007

Dear Ms. Marsh:

We have reviewed the above noted application as requested in your August 13, 2018 transmittal. We offer the following comments:


Noting the above comment, we have no objection to the approval of this application.

If you have any questions, please call me at (703) 259-2948.

Sincerely,

[Signature]

John Bassett, P.E.
Transportation Engineer

Attachment
September 10, 2018

MEMORANDUM

TO: John Bassett
FROM: Arun Raj
CC: Xuejun Fan

SUBJECT: RUID # 25083, Plan# ZCPA 2018-0007, Shoppes at East Gate - Loudoun County

We have completed our review of the referenced traffic assessment (trip generation comparison memo) and found the traffic assessment document acceptable from traffic engineering perspective with minor comment.

Page 6 (Conclusion) – total weekday trips should be 266 instead of 1,266.

Please call if you have any questions.
The Shoppes at East Gate – Proffer Amendment
(ZCPA-2018-0007)

~Response to First Referral Comments~

October 19, 2018

Building and Development - Land Development Division

1. As shown on sheets 5, 6, and 8 of the CDP, the applicant proposes an access point to the property from a portion of adjacent parcel 097-27-3047 which is not included as a part of this rezoning application. This would appear to be problematic as the proffers of this application would not be enforceable on that property and therefore there is no guarantee that access and an entrance permit meeting VDOT standards will be provided. As proposed, the applicant has not demonstrated where the ultimate onsite access for the proposed development will be located. Please address however Staff defers to the Department of Planning and Zoning on the resolution of this issue. [LSDO §1245.05(1)(a)]

Response: As shown and approved per ZMAP-2015-0006, the aforementioned access was previously approved with the “The Shoppes at East Gate-PD-CC-SC (Formerly East Gate Commerce Center I) Zoning Map Amendment & Special Exception Plat ZMAP-2015-0006, SPEX-2015-0018, & SPEX-2015-0019”, prepared by Bowman Consulting dated February 2, 2016 (the “Approved Plan”) and is indicated on Sheets 5, 6, and 8. Please see Attachment 1.

The Shoppes at East Gate Proffer Amendment Land Development Application and “Proffer Statement The Shoppes at East Gate – PD-CC(SC) ZCPA-2018-0007”, dated July 23, 2018 includes PIN# 097-27-3047. Additionally, the referenced access is shown on the preliminary/record plat (SBPR-2018-0001) that was subsequently approved after approval of The Shoppes at East Gate rezoning. Please see Attachment 2.

2. As shown on sheets 4 to 7 of the CDP, it is unclear if the applicant proposes right-of-way dedication along Route 50 on adjacent parcel 097-27-3047 which is not included as a part of this rezoning application or portraying the ultimate condition of Route 50. If the applicant is proposing dedication along Route 50 this would appear to be problematic as the proffers of this application would not be enforceable on the adjacent property and therefore there is no guarantee that the adjacent parcel would dedicate the area at the request of the applicant.

As proposed, the applicant has not demonstrated that the ultimate condition of Route 50 would be dedicated. If the applicant is portraying the ultimate condition of Route 50, please dimension the Route 50 ultimate width so that staff can determine if it meets the ultimate condition. The applicant should note that dedication of right-of-way on Route 50 must be made directly to the Commonwealth of Virginia as it is a primary highway. [LSDO §1245.01(1) and §1245.03]

Response: The note shown on Sheets 4-7 of “The Shoppes at East Gate PD-CC(SC) (Formerly East Gate Commerce Center I) ZCPA-2018-0007”, prepared by Bowman Consulting, dated

Attachment 6a
October 19, 2018 (the “CDP”) is a carryover from the Approved Plan. The dedication depicted on the site of the subject application previously approved on “The Shoppes at East Gate Tall Cedars Parkway (RTE. 2200) Frontage Improvements CPAP-2016-0019” prepared by Bowman Consulting, dated July 26, 2017. Sheet 6 of CPAP-2016-0019, the Schematic Plan, has been provided as Attachment 3. The dedication depicted along Route 50 is reflective of the dedication shown on “Rezoning/Special Exception Application Fox Gate ZMAP-2008-0004 & SPEX-2008-0023” prepared by J2 engineers, dated May 31, 2011. Please see Attachment 4.

Per the approved “Fox Gate (ZMAP-2008-0004) Proffer Statement”, dated May 31, 2011 dedication of right-of-way for Route 50/Tall Cedars Parkway Interchange shall be dedicated to the County upon the County’s request at no cost to the County or the Commonwealth. See Attachment 5.

3. As shown on sheets 4 to 7 of the CDP, the 100-foot building setback from the ultimate condition of Route 50 is not portrayed. Please portray the 100-foot building setback from the ultimate condition of Route 50. [LSDO §1245.01(1)]

Response: The application area is located along Tall Cedars Parkway, not Route 50.

Section 5-900(A)(10) permits setbacks as follows: Buildings – 75 Feet; Parking: 35 Feet. The future Tall Cedars Parkway/Route 50 ramp is located on a portion of the Property. Pursuant to Section 5-900(A)(13), setbacks at ramps of grade separated interchanges are permitted as follows: Buildings – 75 Feet; Parking: 35 Feet. The Approved Plan included a modification to reduce the parking setback along Tall Cedars Parkway & the future Tall Cedars Parkway Ramp from 35 feet to 25 feet.

4. Plat note 27 on sheet 1 of the CDP states “Prior to record plat approval or prior to a zoning permit, an avigation easement will be dedicated to the Metropolitan Washington Airports Authority indicating the right of flights to pass over the property. Section 4-1404(B)(3) of the 1993 RZO requires avigation easements for residential dwelling units to be constructed between the LDN 60-65 aircraft noise contours. Unless requested from the Metropolitan Washington Airport Authority an avigation easement is not necessary for commercial development. Staff recommends removing plat note 27 from sheet 1 of the CDP. Staff defers to the Department of Planning and Zoning on the resolution of this issue.

Response: Comment acknowledged. The note has been removed as requested.

Building and Development - Natural Resources Team

Natural Resources

1. Impacts to water quality is a matter for consideration as part of a rezoning application. The proposed motor vehicle service and repair use is considered a stormwater hotspot. A stormwater hotspot is defined as a land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff. Please provide information describing the measures that will be incorporated to prevent contaminated stormwater from leaving the site. (R93ZO 6-1210(E)(5))
Response: A structural BMP device, such as, but not limited to, an oil-water separator, will be proposed with the final site plan prior to the storm sewer discharge into the existing SWM pond. The exact design, location and size of the facility will be determined at final site plan stage of development. The BMP facility will comply with applicable County and state regulations.

Floodplain Management
2. Replace Note 7 on Sheet 1 with the following floodplain source information. (ZCPA Checklist Item G.4.c)
   “There is no floodplain on the property that is the subject of this application. The current Flood Insurance Rate Map (FIRM) of Loudoun County Community Panel Number for the property that is the subject of this application is 51107C0390E, Effective Date February 17, 2017.”

Response: Note 7 on Sheet 1 has been revised as requested.

Department of Planning and Zoning – Community Planning

Land Use Analysis
1. While the use is generally inconsistent with Plan policy, Staff recognizes that the development is currently approved for service and retail uses. With the use limitations imposed by the zoning ordinance as described above, the use would be similar to those already approved and constructed in the development. As such, the proposed use could be considered a reasonable component to the shopping center development.

Response: Comment Acknowledged.

Compatibility
2. The existing proffered design guidelines will allow the proposed use to be compatible with and adequately integrated into the shopping center design. Staff recommends that the pedestrian network be updated on the CDP to show connections between uses and to the undeveloped parcels in the northern part of the development.

Response: Prior site plan approvals on the Property include STPL-2016-0029, The Shoppes at East Gate (Formerly East Gate Commerce Center I) prepared by Bowman Consulting, dated August 8, 2017 and STPL-2016-0050, The Shoppes at East Gate Retail (Formerly East Gate Commerce Center I) prepared by Bowman Consulting, dated September 19, 2017. A Zaxby’s Restaurant (Zaxby’s – East Gate Final Site Plan STPL-2018-0013 prepared by TriTek Engineering, dated September 17, 2018) has received conditional site plan approval. The approved or conditionally approved site plans show the east to west pedestrian and vehicular connections to be constructed. Cut sheets from STPL-2016-0029, STPL-2016-0050, and STPL-2018-0013 have been included with this response as Attachment 6, 7, & 8 respectively.

As indicated in the approved Preliminary/Record Plat (SBPR-2018-0001), a 37-foot-wide Public Access Easement travels west from the terminus of the approved transportation and pedestrian
network along the eastern boundary of the Property. The public access easement allows the Applicant to provide proper transportation and pedestrian access to patrons for The Shoppes at East at final site plan stage of development on PIN# 097-37-4192.

The east to west Public Access Easement is depicted on Sheet 4 of 4 of SBPR-2018-0001 and is included as a part of the Response to 1st Referral Comments as Attachment 8.

**Department of Planning and Zoning – Zoning Administration**

**A. General Comments**

1. The Zoning Ordinance definition of “Motor vehicle service and repair, light” states in part, “Motor service vehicle and repair shall be conducted within a building and shall not include on-site storage of inoperable vehicles. All areas containing vehicles under repair shall be screened.” To clarify, the screening requirement would apply to operable vehicles in need of or waiting for repair parked at the business, possibly overnight. The screening requirement is related to the use and is not a Section 5-1400 buffer and screening requirement; therefore, Sections 4-207(C)(3) and 4-207(D)(5) do not apply. The requirement is also part of the use definition and may not be modified. Please address how vehicles under repair will be screened from neighboring uses in the PD-CC(SC) Zoning District.

   **Response:** Comment Acknowledged. A note has been added to Sheet 7 of the CDP indicating that “areas containing vehicles under repair shall be screened as required by the Zoning Ordinance at site plan stage of development.”

2. Statement of Justification, Page 2, Project Background. The Applicant states the property has received approval for site plans for the development of a Royal Farms gas station, a free-standing restaurant, multi-tenant building, and childcare center on four of the five subject property’s newly subdivided parcels. Staff identified approved STPL-2016-0029 for a Royal Farms on PIN 097-27-2622; approved STPL-2016-0050 for retail uses on PIN 097-27-3667; and active site plan STPL-2018-0013 for a Zaxby’s Restaurant on PIN 097-27-3047. Staff could not identify an approved or active site plan for a childcare center; however, a childcare center proposed for PIN 097-37-6182 is the subject of active applications ZMOD-2018-0003, ZMOD-2018-0004, and SPMI-2018-0003 for East Gate Everbrook Academy. Please provide the related site plan application numbers and accurately reflect that status of each plan in the SOJ.

   **Response:** The application numbers and status of each site plan/application have been included on page 2 of the SOJ.

3. Statement of Justification, Page 2, Proffer Amendment Proposal. Staff recommends moving “(i.e. Valvoline, Jiffy Lube, or equivalent)” to the second sentence of the paragraph beginning, “The Applicant has made considerable efforts…” to clearly express the intent of the proposed amendment.

   **Response:** The intent of potential tenants was to be placed in the succeeding sentence. The sentence now reads “The Applicant has received interest from a potential motor vehicle service and repair, light tenant (i.e. Valvoline, Jiffy Lube, or equivalent) to locate on the Property.”
4. An interparcel access point is depicted between PIN 097-37-6182, which is in the PD-CC(SC) Zoning District and PIN 097-27-4045, which is the PD-MUB Zoning District. A use permitted in PD-MUB may not be accessed through the PD-CC(SC) Zoning District if that use is not also permitted in the latter district and vice versa. Staff recommends the Applicant consider establishing a public access easement between these properties to ensure no access conflicts occur in the future.

Response: As shown on the Approved Plan and the proposed Zoning Ordinance Modifications & Minor Special Exception Plat East Gate Everbrook Academy (ZMOD-2018-0003, ZMOD-2018-0004, & SPMI-2018-0003) prepared by The Engineering Groupe, dated July 24, 2018 an access to the PD-MUB from the PD-CC(SC) area is approved (see Attachment 10). A Child day care center is a permitted use pursuant to Section 4-1353 of the Zoning Ordinance in the PD-MUB zoning district and as previously stated and shown in Attachment 9, a public access easement exists from the proposed Everbrook Academy in the PD-CC (SC) zoning district to the western boundary of The Shoppes at East Gate.

B. Conformance with PD-CC(SC) District (Section 4-200)

5. Section 4-202(C). Previously, the Applicant modified the district size to 8.29 acres. The current application materials and legal acreage indicate the subject property is 8.28 acres. Please provide an explanation for the difference in area. A potential reason could be the dedication of ROW along East Gate View Drive. If this is the case, this would be acceptable, as the dedicated ROW will retain the underlying zoning as mapped by the County upon approval of ZMAP-2015-0006.

Response: Following approval and recordation of SBPR-2018-0001, the legal acreage and size of the lots located within The Shoppes at East Gate project has been updated. The updated acreage rounds to approximately 8.28 acres.

6. Section 4-205(C)(2) and Section 4-205(C)(3). In reviewing the application materials, Staff has identified the need to revise two previously approved modifications, as a portion of the area depicting where they are applicable is incorrect. Sheet 4A depicts the location of Modifications B and C along the eastern subject property boundary with the exception of the eastern boundary of PIN 097-37-6182. In this location, the line depicting where the modifications are applicable is offset from the property boundary. Both Modification B (Section 4-205(C)(2)) and Modification C (Section 4-205(C)(3)) modify standards related to the boundary between the PD-CC(SC) and PD-MUB Zoning Districts. Therefore, the line depicting where the modification is applicable should be along the eastern boundary of PIN 097-37-6182 since this property line is also the boundary between the zoning districts. Please 1) correct the location of the line depicting where the modifications apply and 2) state in the application request that you are revising the location of the previously approved modifications to accurately depict the location where they apply.

Response: The previously approved modification line has been revised as requested.

7. Section 4-206(F)(1). The internal sidewalk circulation depicted on the Pedestrian Circulation Plan does not establish connections to the northern parcels, PINs 097-37-4192 and 097-37-6182, and only provides a sidewalk along the rear of the retail building proposed for PIN 097-27-3667. Please
demonstrate how the Pedestrian Circulation Plan achieves each of the requirements of Section 4-206(F)(1), particularly the requirement that internal pedestrian walkways connect to existing walkways and future site walkway. For instance, there is an opportunity to provide pedestrian access to the northern portion of the shopping center from the sidewalk proposed along Tall Cedars Parkway to PINs 097-37-4192 and/or 097-27-3667. Staff notes the elements of Pedestrian Circulation Plan are a Zoning Ordinance requirement and apply regardless of the commitments of Proffer III.E. Furthermore, considering site plans have been approve or are active for three of the parcels in the shopping center, the additional pedestrian connections should be known and can be identified on the plan set.

Response: Please see the response to Department of Planning and Zoning – Community Planning comment #2.

8. Section 4-206(F)(2)(c). Please demonstrate how the Pedestrian Circulation Plan on Sheet 5 achieves Section 4-206(F)(2)(c), which requires the Pedestrian Circulation Plan for a Small Regional Center to include “walkways, crosswalks, and traffic control devices that create safe and convenient pedestrian paths from all parking areas to shopping areas.” Considering site plans have been approved or are active for three of the parcels in the shopping center, the additional pedestrian connections should be known and can be identified on the plan set. In particular, the internal sidewalk circulation depicted on the Pedestrian Circulation Plan does not establish connections to the northern parcels, PINs 097-37-4192 and 097-37-6182, and only provides a sidewalk along the rear of the retail building proposed for PIN 097-27-3667. Staff questions how a pedestrian will be able to walk between uses on PINs 097-27-3047, 097-27-3667, 097-37-4192, and 097-37-6182 without having to return to the sidewalk depicted along the public access easement on the Pedestrian Circulation Plan or traverse parking areas and drive aisles.

Response: Please see the response to Department of Planning and Zoning – Community Planning comment #2.

C. Zoning Map Amendment Matters for Consideration (Section 6-1210(E))

9. Section 6-1210(E)(1) Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality. Zoning Staff defers to the Community Planning Division of the Department of Planning and Zoning (Community Planning) regarding consistency with the Comprehensive Plan.

Response: Comment acknowledged. An internal circulation system has been provided and links to the external network along Eastgate View Drive and Tall Cedars Parkway are controlled at the shopping center entrances. A direct connection from the trail along Tall Cedars Parkway to the proposed Valvoline site is not encouraged since it would create pedestrian access to the parking lot area of the shopping center would be unsafe.

10. Section 6-1210(E)(2) The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate
vicinity, and conservation of land values. Staff defers to Community Planning regarding whether the proposal is compatible with existing and permitted uses on property in the immediate vicinity and the conservation of land values.

Response: Comment acknowledged.

11. Section 6-1210(E)(3) Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district. Staff defers to Loudoun Water regarding the adequacy of sewer and water and the Department of Transportation and Capital Infrastructure (DTCI) regarding the adequacy of transportation infrastructure to serve the uses that would be permitted on the property if the rezoning request is approved.

Response: Comment acknowledged.

12. Section 6-1210(E)(4) The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services. The need for public service requirements other than emergency services typically are not generated by the proposed use. The Applicant included a contribution commitment to County’s emergency services in the draft proffer statement. Nonetheless, Staff defers to Community Planning regarding whether the requirements for public services generated by the use are being satisfied with the proposal.

Response: Comment acknowledged.

13. Section 6-1210(E)(5) Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts. For applications for rezoning or amend to a zoning map not subject to the provisions of Virginia Code Section 15.2-2303.4, any proposed mitigation of those potential impacts. Staff recommends the Applicant work with Community Planning Staff to identify additional design methods that would address impacts to environmental resources associated with the proposed development.

Response: Comment acknowledged.

14. Section 6-1210(E)(6) The protection of life and property from impounding structure failures. The Applicant states underground stormwater detention will be provided; therefore, this section is not applicable.

Response: Comment acknowledged.

D. Plat Comments

15. Sheet 1, Notes. Please update Notes 4 and 5 as appropriate.
Response: Notes 4 and 5 on Sheet 1 of the CDP have been updated as requested.

16. Sheets 4 and 4A. Please depict and label all setbacks and yards.
   Response: Yards and setbacks on Sheets 4 and 4A have been labeled as requested.

17. Sheet 4A. Please label the “Proposed Bus Shelter.”
   Response: The “Proposed Bus Shelter” has been labeled on Sheet 4A of the CDP.

18. Sheet 5. Please revise Sheet 5 as follows:
   a. Update zoning designations on perimeter of subject property to current zoning districts; and
      Response: Zoning District labels along perimeter of Property have been updated.
   b. Clearly differentiate lines depicting the internal sidewalk and the area subject to the ZCPA along a portion of the eastern boundary of the subject property.
      Response: The internal sidewalk along the eastern boundary of the subject property has been differentiated from the balance of the proposed ZCPA-2018-0007.

19. Sheet 8. Please revise Sheet 5 as follows:
   a. Remove duplicate text in area of PD-MUB designating “Surface Parking/Future Structured Parking;”
      Response: Text has been revised as requested.
   b. Label parking and building yards and setbacks; and
      Response: Yards and setbacks have been labeled as requested.
   c. Move “Civic Space” label so that it is clearly visible.
      Response: Label has been revised as requested.

E. Proffers

20. Staff reviewed the proposed revisions to the proffer statement and has no comment.
   Response: Comment acknowledged.

Loudoun County Department of Fire and Rescue – Fire Marshal’s Office

Requirements for fire apparatus access roads:

1. Fire Apparatus Access Road is a minimum of 20 feet unobstructed width, 13.5 feet of unobstructed vertical clearance, designed and maintained to support H-20 loading, be surfaced so as to provide all-
weather driving capabilities, located within an “Emergency Access” easement, and identified as a fire lane in accordance with the FSM Chapter 4.

**Response:** Comment acknowledged.

**Information for requesting a modification to the LCFPC:**

1. **106.5 Modifications.** The fire official may grant modifications to any provision of the SFPC upon application by the owner or the owner’s agent provided the spirit and intent of the SFPC are observed and public health, welfare, and safety are assured. Note: The current editions of many nationally recognized model codes and standards are referenced by the SFPC. Future amendments to such codes and standards do not automatically become part of the SFPC; however, the fire official should consider such amendments in deciding whether a modification request should be granted.

**Response:** Comment acknowledged.

2. **106.5.1 Supporting data.** The fire official shall require that sufficient technical data be submitted to substantiate the proposed use of any alternative. If it is determined that the evidence presented is satisfactory proof of performance for the use intended, the fire official shall approve the use of such alternative subject to the requirements of this code. The fire official may require and consider a statement from a professional engineer, architect or other competent person as to the equivalency of the proposed modification.

**Response:** Comment acknowledged.

**Metropolitan Washington Airports Authority**

1. The Airports Authority does not object to the proposal provided that any lighting associated with the infrastructure does not project light upward into the night sky.

**Response:** Comment acknowledged.

**Virginia Department of Transportation**

1. Revise Page 6 (Conclusion) – total weekday trips should be 266 instead of 1,266

**Response:** The total weekday trips have been revised as requested.
ATTACHMENT 2
ATTACHMENT 4
and/or the Pleasant Valley Road Improvement, but subject to the regional road contribution commitments in these Proffers as if the Eastgate View Drive Improvement and/or the Pleasant Valley Road Improvement had been constructed by others.

F. Regional Transportation and Transit Improvements and Contributions.

1. Dedication of Right-of-Way for Route 50/Tall Cedars Parkway Interchange. Upon request by the County, the Owners shall dedicate, at no cost to the County or the Commonwealth, the approximately 1.6-acre portion of the Property depicted on Sheet 4 of the Concept Plan as "Ultimate Right of Way for Tall Cedars Parkway Interchange."

2. Cash Contributions. The Owners shall make a regional road contribution in the total amount of $3,380,000.00 to be paid and/or provided as follows:

   a. Cash Contribution During Phase 1 Development for Construction of Eastgate View Drive and/or Regional Road and/or Transportation Improvements in the Vicinity of the Property. Commencing with the zoning permit for the first square foot of construction of new buildings on the Property, exclusive of the existing church and the hotel (under construction), and for each square foot of new construction during the Phase 1 Development on the Property, the Owners shall make a cash contribution of $1.66 per square foot for each square foot of new construction during the Phase 1 Development on the Property. Such contributions shall be paid on a per square foot basis at the time of issuance of the zoning permit for each such square foot of new construction during the Phase 1 Development on the Property. The County shall collect and hold such contributions in a separately identifiable, interest-bearing proffer account and all such funds and interest accrued thereon shall be (i) paid to the Owners solely to pay toward the costs to construct the East Gate View Drive Improvement and/or the Pleasant Valley Road Improvement in the event the Owners elect to construct either or both of those improvements pursuant to Proffer IV.E., or (ii) used by the County after completion of the Phase 1 Development toward the completion of said improvements in the event the Owners elect not to construct them and the County chooses to do so. At such time as the East Gate View Drive Improvement and the Pleasant Valley Road Improvement are constructed and available for public vehicular use, although not necessarily accepted by VDOT, then and thereafter any and all such funds paid to the County pursuant to this paragraph and remaining in such account, and interest accrued thereon shall be used by the County,
ATTACHMENT 7
ATTACHMENT 9
The Shoppes at East Gate – Proffer Amendment
(ZCPA-2018-0007)

~Response to DTCI Comments~

October 29, 2018

Department of Transportation and Capital Infrastructure

Traffic Study

1. DTCI has reviewed the Applicant’s Trip Generation Memorandum and finds it to be an acceptable evaluation of this development.

   Response: Comment acknowledged.

Roadway Network and Site Access

2. The proposed use shown on the ZCPA plan set is internal to The Shoppes at East Gate development and can be adequately accommodated with the improvements to be provided with the surrounding development, including proffered turn lanes on both Tall Cedars Parkway and Eastgate View Drive.

   Response: Comment acknowledged.

Bicycle and Pedestrian Facilities

3. County policy (2010 CTP, Chapter 4, Bicycle and Pedestrian Facilities Policies for Roadways, Policy 6) calls for internal bicycle/pedestrian circulation systems within developments. As such, the Applicant should provide on-site vehicular and pedestrian access, along with related easements, to PIN # 097-37-4192 and should depict these improvements on Sheet 5 of ZCPA 2018-0007 (ZCPA plan set). The Applicant should update ZCPA plan set and proffer statement accordingly.

   Response: Prior site plan approvals on the Property include STPL-2016-0029, The Shoppes at East Gate (Formerly East Gate Commerce Center I) prepared by Bowman Consulting, dated August 8, 2017 and STPL-2016-0050, The Shoppes at East Gate Retail (Formerly East Gate Commerce Center I) prepared by Bowman Consulting, dated September 19, 2017. A Zaxby’s Restaurant (Zaxby’s – East Gate Final Site Plan STPL-2018-0013 prepared by TriTek Engineering, dated September 17, 2018) has received conditional site plan approval. The approved or conditionally approved site plans show the east to west pedestrian and vehicular connections to be constructed. Cut sheets from STPL-2016-0029, STPL-2016-0050.
The Shoppes at East Gate – Proffer Amendment
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and STPL-2018-0013 have been included with this response as Attachment 1, 2, & 3 respectively.

As indicated in the approved Preliminary/Record Plat (SBPR-2018-0001), a 37-foot-wide Public Access Easement travels west from the terminus of the approved transportation and pedestrian network along the eastern boundary of the Property. The public access easement allows the Applicant to provide proper transportation and pedestrian access to patrons for The Shoppes at East Gate at site plan stage of development on PIN# 097-37-4192.

The east to west Public Access Easement is depicted on Sheet 4 of 4 of SBPR-2018-0001 and is included as a part of the Response to DTCI Comments as Attachment 4.

4. DTCI notes that the sidewalk along Tall Cedars Parkway is labeled as “Internal Sidewalk Circulation” on Sheet 5 (ZCPA plan set). However, Tall Cedars Parkway is a part of the CTP road network. The Applicant should revise Sheet 5 (ZCPA plan set) to clarify that the sidewalk along Tall Cedars Parkway will be six feet in width along the entire site frontage, pursuant to Proffer III.E.1.

Response: The sidewalk along Tall Cedars Parkway is depicted on Sheet 5 of The Shoppes at East Gate PD-CC(SC) Zoning Concept Plan Amendment ZCPA-2018-0007, prepared by Bowman Consulting, dated October 19, 2018 (the “CDP”). As indicated on Sheet 5 of the CDP, a “6’ SW” is shown along Tall Cedars Parkway. Please see Attachment 5.

In addition, the six-foot sidewalk is shown on the previously approved “The Shoppes at East Gate Tall Cedars Parkway (RTE. 2200) Frontage Improvements CPAP-2016-0019” prepared by Bowman Consulting, dated July 26, 2017. Sheet 6 of CPAP-2016-0019, the Schematic Plan, has been provided as Attachment 6.
ATTACHMENT 2
ATTACHMENT 3
ATTACHMENT 5