

Date of Meeting: January 26, 2009

**LOUDOUN COUNTY BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
ACTION ITEM**

#6

**SUBJECT: USE OF PROFFER FUNDS FOR INSTALLATION OF A TRAFFIC SIGNAL
AT BELMONT RIDGE ROAD (ROUTE 659) AND HAY ROAD (ROUTE 642)**

ELECTION DISTRICT: Broad Run and Dulles

CRITICAL ACTION DATE: At the pleasure of the Board

**STAFF CONTACT: Susan Glass, Zoning Administration
Chuck Acker, Office of Transportation Services**

RECOMMENDATION:

Staff: Staff recommends that the Committee authorize the use of proffer funds contributed by the developers of the Belmont Ridge communities for the installation of a traffic signal at Belmont Ridge Road (Route 659) and Hay Road (Route 642) as outlined in the item. Staff recommends that the developer of Goose Creek Village North receive these funds on a reimbursement basis once the signal has been installed and accepted by VDOT for maintenance, as anticipated by prior proffer agreements.

BACKGROUND:

Proffer V.18.E the Zoning Map Amendment application for Goose Creek Village North, ZMAP 2003-0008, which was approved by the Board of Supervisors on July 19, 2005, provides that the Applicant shall install a traffic signal at the intersection of Belmont Ridge Road (Route 659) and Hay Road (Route 642), if warranted. Additionally, proffer V.18.E contemplates allowing the Applicant to use funds contributed pursuant to the Belmont Ridge proffers for the traffic signal, upon approval of the Board of Supervisors. The applicable proffer text is as follows:

***E. Belmont Ridge Road and Hay Road Traffic Signal.** The Applicant shall prepare a traffic signal warrant study for submittal to VDOT for the intersection of Belmont Ridge Road and Hay Road. This study shall be prepared and submitted to VDOT within ninety days of a written request by the County or prior to the issuance of the zoning permit for the 250th dwelling unit on the Property, whichever occurs first in time. If the warrant study authorizes the installation of the traffic signal, the Applicant shall install the traffic signal upon approval by the Board of Supervisors for use of the funds contributed pursuant to the Belmont Ridge proffers for this traffic signal. The Applicant shall pay any balance of the costs for constructing the signal, should the Belmont Ridge funds held by the County not be sufficient to cover the costs for the signal construction or should the funds contributed pursuant to the Belmont Ridge proffers not be made available for the Applicant's use in installing the signal. This signal shall include pedestrian signals and crosswalks, if approved by VDOT.*

The Belmont Ridge Road/Hay Road traffic signal has been deemed warranted for installation by 2010 based on projected traffic volumes. Therefore, the developer of Goose Creek Village North should proceed with installation of the signal. A preliminary signal design has been accepted by VDOT, the final design will be submitted by March 2009. The referenced Belmont Ridge proffers that are available to fund the installation of the signal are from two separate applications, ZCPA 1992-0001 and ZCPA 1993-0003, which have total of \$262,580 in available funds. Based on the preliminary design, the estimated cost for installation of the traffic signal is \$257,070.

The Zoning Concept Plan Amendment for Primrose Village (now known as Belmont Ridge, Phases 1-4), ZCPA 1992-0001, was approved by the Board of Supervisors on May 11, 1992. Proffer 4 provides for a cash contribution to be used for Route 659/642 intersection improvements and/or signalization at that location, as stated in the proffer text below:

4. Applicant will contribute \$65,600.00 (1988 Dollars) (\$851.95 per unit, in 1988 Dollars) toward the construction of a southbound left turn lane with transition on Route 659 at its intersection with Route 642, and/or signalization at the same intersection on a per unit basis at the time set forth in paragraph 18 below.

The applicant contributed a total of \$78,466.44 for proffer 4 (LMIS sequence #97020047). To date, this proffer has accrued \$70,321.91 of interest; no funds have been distributed; the current balance is \$148,788.35.

The Zoning Concept Plan Amendment for Belmont Ridge, Phases 5-8, ZCPA 1993-0003, was approved by the Board of Supervisors on January 19, 1994. Proffer 3, as clarified, provided for a per unit contribution to be used for Route 659/642 intersection improvements and/or signalization at that location as stated in the proffer text below:

Paragraph 3 is restated as follows:

Applicant will contribute \$66,079 (1993 Dollars)(\$688.32 per unit, in 1993 Dollars), on a per unit basis, toward the construction of improvements to Route 659 at its intersection with Route 642, and/or signalization at the same intersection, as set forth in paragraph 17 below. This sum shall be increased each twelve months after approval of this proffer amendment application by an amount equal to the annual increase in the cost of construction index published of the Engineering News Record of McGraw Hill.

The applicant contributed a total of \$67,696.63 for proffer 3 (LMIS sequence #96015353). To date, this proffer has accrued \$48,303.47 of interest; \$2,208.46 has been spent; the current balance is \$113,791.64.

A Zoning determination issued October 21, 2008 found that it is appropriate to allow the developer of Goose Creek Village North to use the proffer funds from the adjacent Belmont Ridge developments for the installation of the Belmont Ridge Road (Route 659) and Hay Road (Route 642) traffic signal.

Improvements to the intersection of Belmont Ridge Road (Route 659) and Hay Road (Route 642) are being made by Centex, the developer of Goose Creek Village North. The approved construction plans and profiles for Route 659, CPAP 2006-0062) is for the construction of four lane median divided roadway section of Route 659, with turn lanes, from the Greenway to north of Hay Road, pursuant to the proffers for Goose Creek Village North. Centex has submitted a revision to their

construction plans, CPAP 2008-0089, which is currently being reviewed by VDOT and County staff. If the approved, the revision will add curb and gutter along the intersection of Belmont Ridge Road and Hay Road. This revision was requested by the Belmont Ridge Homeowners Association to further improve the safety of the design of the intersection.

Improvements to Belmont Ridge Road between Route 7 and the Greenway are being designed by VDOT and have an estimated cost of \$88 million to construct. With anticipated reduction in VDOT's funding for Loudoun's secondary road program, the Belmont Ridge Road project will most likely be deferred. Due to the cost of the Belmont Ridge Road project and the amount of time it will take to commence construction, the Office of Transportation Services does not wish to request directing the proffer funds previously contributed by the developers of the Belmont Ridge communities to the construction of improvements to Belmont Ridge Road.

FISCAL IMPACT:

Since this request utilizes proffer funding, there is no impact to the General Fund.

Estimated project cost: \$257,070 Funding requested: \$257,070

Current balance in the referenced Belmont Ridge proffers: \$262,580

ALTERNATIVES:

Do not allow Centex to use the Belmont Ridge proffer funds for pay for installation of traffic signal at Belmont Ridge Road and Hay Road.

DRAFT MOTION(S):

- 1.* I move that the Transportation and Land Use Committee recommend that the Board of Supervisors authorize the use of Belmont Ridge proffer contributions and accumulated interest (LMIS Proffer sequences #97020047 and #96015353) to reimburse the developer of Goose Creek Village North (in part or whole) for installation costs of the traffic signal at Belmont Ridge Road (Route 659) and Hay Road (Route 642). Reimbursement will be made upon receipt of documented installation costs and after the signal has been accepted for maintenance by the Virginia Department of Transportation. I further direct staff to prepare and process a budget adjustment to allocate the Belmont Ridge proffer funds to the Belmont Ridge Road/Hay Road traffic signal project.

OR

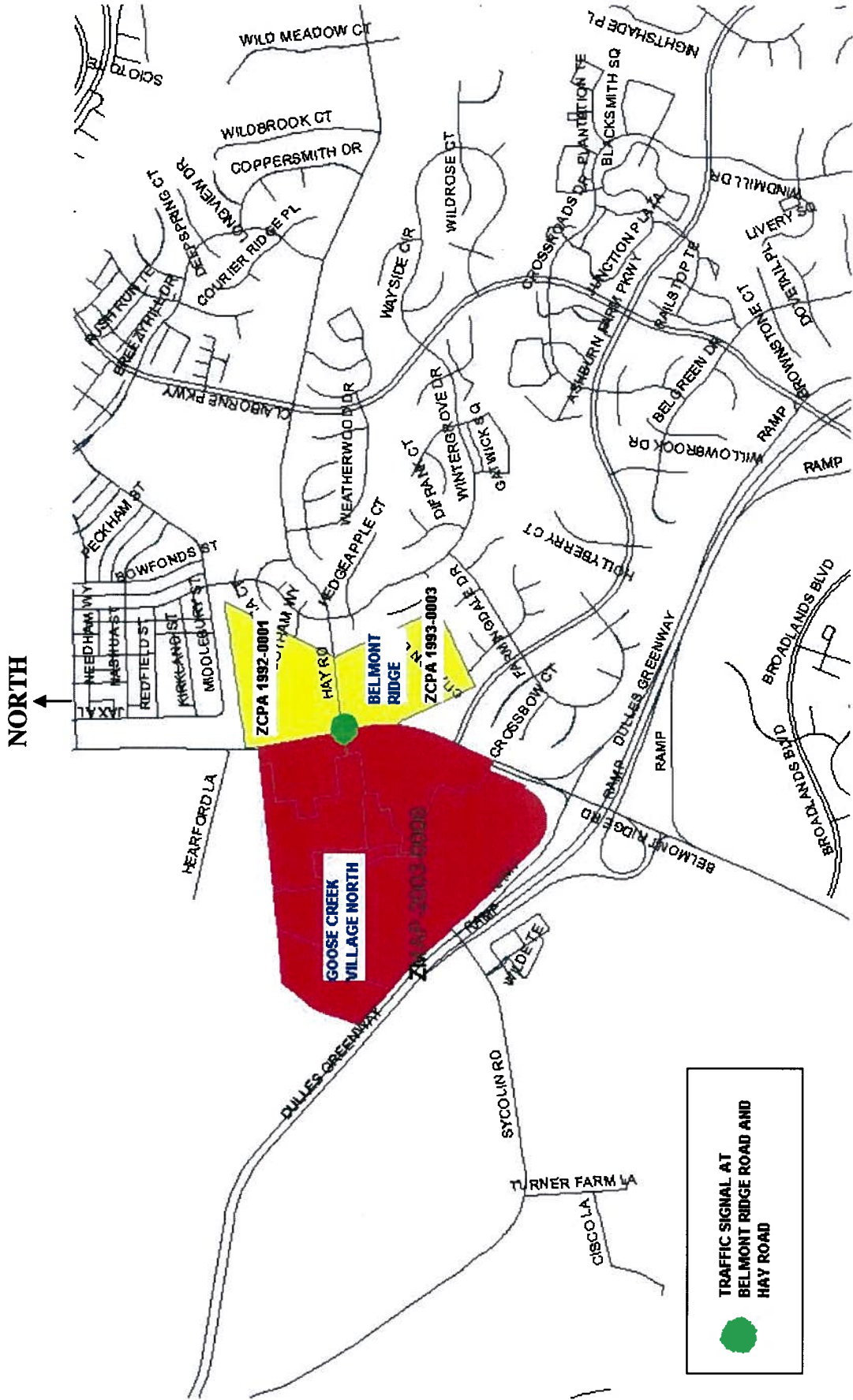
2. I move an alternate motion.

* Draft motion #1 is proposed for the consent agenda of the January 26, 2009 Transportation and Land Use Committee Meeting.

ATTACHMENTS:

1. Vicinity Map
2. October 21, 2008 Zoning Determination


VICINITY MAP BELMONT RIDGE ROAD (RT 659) AND HAY ROAD (RT 642) TRAFFIC SIGNAL



COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE: October 21, 2008
TO: Charles Acker, Office of Transportation Services
FROM: Susan Glass, Proffer Manager 
SUBJECT: Use of Proffer Funds for Route 659/Hay Road Traffic Signal

The approved proffers for Goose Creek Village North, ZMAP 2003-0008, contemplate the use of proffer funds contributed by others to fund installation of a traffic signal at the intersection of Route 659 (Belmont Ridge Road) and Hay Road (Route 642). This memo determines that it is appropriate to allow the developer of Goose Creek Village North to use the proffer funds from the adjacent Belmont Ridge developments for installation of the Route 659/642 signal. Please note that approval from the Board of Supervisors is required to authorize this expenditure.

The Zoning Map Amendment application for Goose Creek Village North, ZMAP 2003-0008, was approved by the Board of Supervisors on July 19, 2005, subject to the proffers dated June 3, 2005 and the Letter of Clarification dated July 13, 2005. Proffer V.18.E provides for the preparation of a traffic signal warrant study for the intersection of Belmont Ridge Road and Hay Road. Additionally, proffer V.18.E provides that the Applicant shall install the traffic signal, if warranted, upon approval of the Board of Supervisors for use of funds contributed in the Belmont Ridge proffers, as stated in the below proffer text:

- E. Belmont Ridge Road and Hay Road Traffic Signal. The Applicant shall prepare a traffic signal warrant study for submittal to VDOT for the intersection of Belmont Ridge Road and Hay Road. This study shall be prepared and submitted to VDOT within ninety days of a written request by the County or prior to the issuance of the zoning permit for the 250th dwelling unit on the Property, whichever occurs first in time. If the warrant study authorizes the installation of the traffic signal, the Applicant shall install the traffic signal upon approval by the Board of Supervisors for use of the funds contributed pursuant to the Belmont Ridge proffers for this traffic signal. The Applicant shall pay any balance of the costs for constructing the signal, should the Belmont Ridge funds held by the County not be sufficient to cover the costs for the signal construction or should the funds contributed pursuant to the Belmont Ridge proffers not be made available for the Applicant's use in installing the signal. This signal shall include pedestrian signals and crosswalks, if approved by VDOT.

The Belmont Ridge Road/Hay Road traffic signal has been deemed warranted; a preliminary signal design has been submitted to VDOT for review. Therefore, the developer of Goose Creek Village North should proceed with installation of the signal. The referenced Belmont Ridge proffers that are available to fund the installation of the signal are from two separate applications, ZCPA 1992-0001 and ZCPA 1993-0003.

A Zoning Concept Plan Amendment for Primrose Village (now known as Belmont Ridge), ZCPA 1992-0001, was approved by the Board of Supervisors on May 11, 1992, subject to the executed proffer statement dated May 6, 1992. Proffer 4 provides for a cash contribution to be used for Route 659/642 intersection improvements and/or signalization at that location, as stated in the proffer text below:

4. Applicant will contribute \$65,600.00 (1988 Dollars) (\$851.95 per unit, in 1988 Dollars) toward the construction of a southbound left turn lane with transition on Route 659 at its intersection with Route 642, and/or signalization at the same intersection on a per unit basis at the time set forth in paragraph 18 below.

The cash contribution provided in proffer 4 was included in a per unit contribution provided in proffer 18, which was subject to an adjustment based on the Consumer Price Index. The text of proffer 18 is as follows:

18. The Applicant shall make a per unit contribution of \$3,073.00 (rounded to the nearest dollar) per unit totaling \$236,621.00 (1988 Dollars) as adjusted according to the Consumer Price Index (CPI). This is the total of per unit contributions set forth in paragraphs 2, 4 and 13 herein. The contribution shall be made at the following time:

Prior to issuance of zoning permit 20	\$0.00
Prior to issuance of zoning permit 21	\$61,460.00
Prior to issuance of zoning permit 41	\$61,460.00
Prior to issuance of zoning permit 61	\$113,701.00
Total	\$236,621.00

The applicant contributed a total of \$78,466.44 for proffer 4 (LMIS sequence #97020047). To date, this proffer has accrued \$69,124.05 interest; no funds have been distributed; therefore, the current balance is \$147,590.49. It is appropriate to use the funds contributed for Belmont Ridge, ZCPA 1992-0001, proffer 4, plus all accrued interest, to reimburse the developer of Goose Creek Village (North) for its cost to design and install a traffic signal at Route 659 (Belmont Ridge Road) and Route 642 (Hay Road).

A Zoning Concept Plan Amendment, ZCPA 1993-0003, was approved by the Board of Supervisors on January 19, 1994 for Belmont Village, Phases 5-8, subject to the final proffer statement dated October 18, 1993 and a letter of clarification dated January 14, 1994. Proffer 3 as clarified provided for a per unit contribution to be used for Route 659/642 intersection improvements and/or signalization at that location as stated in the proffer text below:

Paragraph 3 is restated as follows:

3. Applicant will contribute \$66,079 (1993 Dollars) (\$688.32 per unit, in 1993 Dollars), on a per unit basis, toward the

construction of improvements to Route 659 at its intersection with Route 642, and/or signalization at the same intersection, as set forth in paragraph 17 below. This sum shall be increased each twelve months after approval of this proffer amendment application by an amount equal to the annual increase in the cost of construction index published of the Engineering News Record of McGraw Hill.

The cash contribution provided in proffer 3 was included in a per unit contribution provided in proffer 17, which was subject to an adjustment based on the Engineering News Record. The text of proffer 17 is as follows:

17. The Applicant shall make a per unit contribution of \$2855.26 per unit totaling \$274,104.76 (1993 dollars) as adjusted according to the cost of construction index published of the Engineering News Record of McGraw Hill. This is the total of per unit contributions set forth in paragraphs 2c, 3 and 12 herein. The contribution shall be made at the following time:

In 1993 dollars:

Prior to issuance of zoning permit 27	\$74,236.76
Prior to issuance of zoning permit 51	\$68,526.24
Prior to issuance of zoning permit 76	\$131,341.76
Total	\$274,104.76

This sum shall be increased each twelve months after approval of this proffer amendment application by an amount equal to the annual increase in the cost of construction index published of the Engineering News Record of McGraw Hill.

The contribution shall be prioritized with the construction of improvements to Route 642 as set forth in Proffer 2C as the first priority.

The applicant contributed a total of \$67,696.63 for proffer 3 (LMIS sequence #96015353). To date, this proffer has accrued \$47,387.37 interest; \$2,208.46 has been spent; therefore, the current balance is \$112,875.54. It is appropriate to use the funds contributed for Belmont Ridge, Phases 5-8, ZCPA 1993-0003, proffer 3, plus all accrued interest, to reimburse the developer of Goose Creek Village (North) for its cost to design and install a traffic signal at Route 659 (Belmont Ridge Road) and Route 642 (Hay Road).

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

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within

thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days.

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

Cc via email: Terrance Wharton, Director, Building & Development, Acting Zoning Administrator
Terrie Laycock, Director, Office of Transportation Services
Lori Waters, Broad Run District Supervisor
Luz Cofresi-Howe, Capital Budget Manager
Rory Toth, Zoning Planner
Anita Tierney, Project Engineer

Cc via US Mail: Belmont Ridge Homeowners Association, Property Owner
B R Madison Homeowners Association, Property Owner
Centex Homes, Property Owner