

TRANSPORTATION AND LAND USE COMMITTEE
BOARD OF SUPERVISORS
ACTION ITEM

SUBJECT: Use of Cash Proffers to Design a Section of Tall Cedars Parkway from Pinebrook Road to Gum Spring Road

FORMER ELECTION DISTRICT: Dulles

NEW ELECTION DISTRICT: Dulles

CRITICAL ACTION DATE: At the Discretion of the Board

STAFF CONTACTS: Terrie Laycock, Office of Transportation Services
Andy Beacher, Director, Office of Transportation Services

RECOMMENDATIONS:

Staff: Staff recommends that the Transportation and Land Use Committee recommend the Board of Supervisors approve the use of up to \$400,000 in cash proffer funds toward the design of the Tall Cedars Parkway from Pinebrook Road to Gum Spring Road.

BACKGROUND:

At its September 7, 2011 business meeting, the Board of Supervisors confirmed that a reimbursement request from the developer of Kirkpatrick Farms' for regional cash proffer contributions previously received pursuant to other applications along Gum Spring Road or Braddock Road, for construction of a section of Route 659 (Gum Spring Road) would not be granted (9-0). The Board further directed that the funds accrued from applications in this area would be directed to transportation improvements in the Dulles Planning Subarea. The Board item included a discussion of using the available cash proffer funds toward the design and construction of a segment of Tall Cedars Parkway between Route 827 (Pinebrook Road) and Gum Spring Road. The Office of Transportation Services was asked to look into the matter and report back to the Transportation and Land Use Committee (TLUC). This item presents staff's findings as a result of the Board direction, and, based on those findings, recommends actions necessary to initiate design of the project.

Tall Cedars Parkway

The 2010 *Countywide Transportation Plan (2010 CTP)* calls for the ultimate condition of Tall Cedars Parkway (US Route 50 South Collector Road) to be a four-lane, median-divided urban collector, extending from its intersection with Route 50 on the east to Route 659 Relocated on the west. The segment of Tall Cedars Parkway between Route 50 and just north of Riding

Center Drive has been constructed, and the segment from Riding Center Drive to Pinebrook Road is proffered by the developers of Avonlea. Furthermore, the developers of Avonlea have informed the County of their intention to move forward with the design and construction of that segment. This will result in a “missing link” between Pinebrook Road and Gum Spring Road. Staff notes that the project to complete this missing link has been identified in Appendix 3 of the 2010 CTP as a priority improvement.

Planning Level Cost Estimate

Staff has developed a planning level cost estimate for the design, right of way acquisition and construction associated with the missing link of Tall Cedars Parkway, estimated to be approximately \$4.5 to \$6.5 million. In order to develop a more refined cost estimate for construction, it will be necessary to complete the project’s design. Staff estimates the cost to complete the design work at approximately \$400,000.

Review of Cash Proffers

Staff has reviewed available cash proffers and identified a project with a cash balance that could potentially be used toward the design of the missing link of Tall Cedars Parkway. Staff subsequently submitted a Zoning Determination request regarding the following described cash proffer:

ZMAP 2003-0004/Masira (east side of Gum Spring Road, north of Braddock Road and south of Route 50, developed as Little River Commons subdivision): Proffer III.C.1 provides for a contribution of \$3,272 for each residential unit for regional road improvements or signalization in the Dulles Community Planning Subarea.

As of September 20, 2011, the cash proffer account carried a balance of \$622,561.

The Zoning Division of the Department of Building and Development issued a Zoning Determination on September 20, 2011 (Attachment 1), finding that it is appropriate to use these proffered funds from the Masira rezoning toward the design and construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. Based on this Zoning Determination, a total of \$622,561 is available to use towards the design of the missing link, and as such, the design, currently estimated at \$400,000, could be fully funded using these proffered cash contributions.

ISSUES:

While the design is underway, staff will continue to review other cash proffers to seek available funds for the construction of this road segment, focusing on developments within the Dulles Community Planning Subarea. In addition, staff will be discussing opportunities for collaboration on the construction of Tall Cedars Parkway with the developers of Avonlea.

FISCAL IMPACT:

Given that staff is proposing to use available proffered cash contributions toward the design costs of Tall Cedars Parkway, there is no local fiscal impact to the General Fund. As noted above, a total of \$622,561 is currently available in the above described cash proffer account for use towards this project, and approximately \$400,000 is anticipated to be necessary for the design. The balance of the proffered funds from the Masira rezoning, if any, and any interest earned, could be allocated to the CIP project for construction.

DRAFT MOTIONS:

1. I move that the Transportation and Land Use Committee recommend the Board of Supervisors authorize the use of \$622,561, currently available in the cash proffer account for ZMAP 2003-0004/Masira Proffer III.C.1, and any future interest earned on said account, to be used toward the design and construction of the segment of Tall Cedars Parkway, between Pinebrook Road and Gum Springs Road. I further move that the Transportation and Land Use Committee recommend the Board of Supervisors approve BA-121093.

-OR-

2. I move an alternate motion.

ATTACHMENT:

1. Zoning Determination Memorandum, ZCOR 2011-0190, dated September 20, 2011

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: September 20, 2011

TO: Terrie L. Laycock, Special Projects Manager, Office of Transportation Services

FROM: Susan Glass, Proffer Manager 

SUBJECT: Use of Cash Proffers to Fund Design and Construction of Tall Cedars Parkway

I am responding to your request dated September 13, 2011 to use cash proffer funds provided by the developer of Masira to design and construct the extension of Tall Cedars Parkway between Route 659 (Gum Springs Road) and Pinebrook Road. I reviewed Masira Proffer III.C.1 and find that it is appropriate to use the requested funds.

On November 16, 2004, the Board of Supervisors approved ZMAP 2003-0004, Masira – Brookfield Homes with modifications subject to the Proffer Statement dated October 28, 2003 and revised through June 19, 2004; and letter of clarification dated November 5, 2004. Masira Proffer III.C.1, as clarified, provides for a regional road cash contribution of \$3,272.00 for each residential unit, payable prior to the issuance of each zoning permit, as stated in the proffer text.

3. *The first paragraph of Paragraph III.C., Transportation, Cash Contribution Towards Regional Road Improvements, Transit and Pedestrian/Bicycle Corridor Improvements is hereby deleted and the following language is substituted therefore:*

1. *Cash Contribution Toward Regional Roads. The Owner shall pay the County a cash contribution in the amount of Three Thousand Two Hundred Seventy-Two Dollars (\$3,272.00) for each residential unit constructed on the Property. Such contribution shall be paid prior to the issuance of zoning permit for each residential unit. Such funds shall be used for the construction of regional road improvements or signalization in the Dulles Community Planning Subarea. The per unit cash contributions proffered in this paragraph shall be adjusted annually in accordance with the Consumer Price Index (“CPI”) published by the Bureau of Labor Statistics, U.S. Department of Labor, beginning one year from the approval date of the rezoning of the Property, with 2004 as the base year.*

To date, the County has received a total of \$617,097.66 in cash contributions for Masira Proffer III.C.1; these funds have earned \$5,464.06 of interest; there have been no expenditures; the current balance is \$622,561.72 (LMIS sequence #99066109).

As shown on the attached Vicinity Map, Masira is located on the east side of Gum Spring Road (Route 659), just south of Greenstone Drive. Tall Cedars Parkway is located north of the Masira project; the extension of Tall Cedars Parkway is within a half a mile of Masira. The proposed extension of Tall Cedars Parkway and the Masira project are both located within the Dulles Planning Subarea.

Tall Cedars Parkway is a regional road that is categorized in the 2010 Countywide Transportation Plan as a Major Collector that serves as the Route 50 South Collector Road. It is appropriate to use the current balance in the Masira Proffer III.C.1 cash proffer account, plus any future contributions and/or interest, for the design and construction of Tall Cedars Parkway between Gum Spring Road (Route 659) and Pinebrook Road.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, September 20, 2011, and such proffers may be amended by a subsequent Zoning Concept Plan Amendment.

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

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

Attachments: Vicinity Map

Cc via email: Nicole Dozier, Zoning Administrator
Stevens Miller, Dulles District Supervisor
Scott York, Chairman At Large
Charles Yudd, Assistant County Administrator
Andrew Beacher, Director, Office of Transportation Services
Paul Brown, Capital Budget Manager
Dan Csizmar, Capital Facilities Planner
Martina Williams, Budget Analyst
Brad Polk, Proffer Auditor

Cc via US Mail: Little River Commons Community Association, Property Owner

VICINITY MAP

NORTH

