

**TOWN OF LEESBURG
NOTICE OF TOWN COUNCIL PUBLIC HEARING
TO CONSIDER REZONING APPLICATION
TLZM-2013-0003, SOMERSET PARK**

Pursuant to Sections 15.2-1427, 15.2-2204, 15.2-2205 and 15.2-2285 of the Code of Virginia, 1950, as amended, the **Leesburg Town Council** will hold a public hearing on **Tuesday, June 24, 2014 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider Rezoning Application TLZM-2013-0003 a request to amend the existing Rezoning Concept Plan and Proffers for Tavistock Farms (Original Case# TLZM-1987-0086).

The subject property consists of ten parcels in Tavistock Farms totaling 18.96 acres located at the southeast corner of Battlefield Parkway and Tavistock Drive. The property is zoned PRN, “Planned Residential Neighborhood” and further described as Loudoun County Parcel Identification Numbers (PINs): 190-28-6459, 190-37-5471, 190-28-3569, 190-38-1887, 190-38-0199, 190-37-7785, 190-27-9463, 190-28-1661, 190-37-9379, 190-27-6047, and Loudoun County Tax Map Numbers: /48//47///P7/, /48//47///P10/, /48//47P3/100/, /48//47P4/100/, /48//47P5/100/, /48//47P6/100/, /48//47P1/100/, /48//47P2/100/, /48//47///P8/, /48//47///P9/. The PRN regulations in the Town of Leesburg Zoning Ordinance defer to the Town Plan guidance for density. The Town Plan designates this property as “Low Density Residential” on the Land Use Policy Map with a maximum density of 1 – 4 dwelling units per acre.

Rezoning Application TLZM-2013-0003 is a request to amend the approved proffers and concept development plan of TLZM-1987-0086 subject to the criteria of Section 3.3.15 of the Zoning Ordinance to allow an additional 42 residential units in lieu of an approved neighborhood retail center. As a result of this request the overall residential density of the Tavistock site will increase from 3.0 to 3.2 dwelling units per acre.

Additional information and copies of these applications are available at the Department of Planning and Zoning located on the second floor of the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia 20176 during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by contacting Irish Grandfield, Senior Planner at 703-771-2766 or igrandfield@leesburgva.gov.)

At these hearings, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations at the Town Council meeting should contact the Clerk of Council at (703) 771-2733 three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

Run: 6/11 & 6/18



Date of Council Meeting: June 24, 2014

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING MEETING**

Subject: TLZM-2013-0003, Somerset Park, a rezoning application to amend the approved concept development plan and proffers of ZM-86 to allow development of two multi-family structures in place of a neighborhood retail center at Tavistock Farms.

Staff Contact: Irish Grandfield, AICP, Senior Planner, Dept. of Planning & Zoning.

Recommendation: Staff recommends **approval** of the proposed rezoning including the attached proffers.

Issue: Should Town Council approve a rezoning to amend the approved proffers and concept development plan of ZM-86 subject to the criteria of Section 3.3.15 of the Zoning Ordinance to allow an additional 42 residential units in lieu of an approved neighborhood retail center?

Fiscal Analysis: Approval of this application will result in increased property values as compared to the property's current vacant state generating additional real estate tax revenue to the Town.

Background: The Applicant, Home Properties, is requesting to amend the existing rezoning concept plan and proffers for Tavistock Farms (Case# TLZM-1986-0086). Home Properties owns ten contiguous parcels within Tavistock Farms totaling 18.96 acres at the southeast corner of Battlefield Parkway and Tavistock Drive. The property is designated as "Low Density Residential" in the Town Plan and zoned PRN, "Planned Residential Neighborhood." The purpose of this current rezoning application is to amend the approved concept development plan and proffers to allow 42 units in two additional multi-family structures in lieu of the approved retail center.

While much of the site is developed with the Somerset Park multi-family residential community of 108 units, the northwestern-most parcel planned for a retail center has remained vacant. As part of the Tavistock rezoning this 2.68 acre parcel was approved for a 25,120 square foot neighborhood retail center but has generated little market interest. Existing proffer #2 from the original rezoning requires development in general conformity with the concept development plan necessitating this rezoning application, concept plan amendment and proffer amendment to accommodate the applicant's proposed use.

To offset potential impacts caused by the additional dwelling units the Applicant has proffered \$447,972 in total cash contributions, including school capital facilities (\$7,809/unit), off-site transportation (\$1,757/unit), fire and rescue services (\$100/unit) and parks and recreation (\$1,000/unit).

Planning Commission Public Hearing and Recommendation: The Planning Commission held a public hearing on June 5, 2014 and at the conclusion of the hearing passed a motion recommending approval of the rezoning application on a 6-0-1 vote. No members of the public spoke at the public hearing. The Commission discussed the following related to this application (*staff responses in parenthesis*):

- Planning Commissioner preference for the neighborhood retail use for the convenience of nearby residents and the additional positive fiscal impact the land use could provide to the Town. (*The retail use has not generated any market interest in over 20 years and there are numerous other nearby existing and planned retail sites accessible to the community*).
- The density of the site with the additional proposed 42 units. (*The overall density of the Tavistock Farms site increases from approximately 3.0 to 3.2 dwelling units per acre*),
- Why the traffic study did not evaluate the intersection of Tavistock Drive at Battlefield Parkway (*The traffic generated at Somerset Park was too small a percentage of the overall traffic on Battlefield Parkway to warrant the analysis*).
- The purpose of the maintenance building and whether it will follow the design standards with regard to elevation (*a proffer was subsequently added to address this issue, see attached most recent proffers*).
- Acknowledgement of the proximity of other existing retail in the area (*at Potomac Station and at the intersection of Sycolin Road and Battlefield Parkway, with further potential retail at Oaklawn, Lowe's, and Leegate*).

Staff Analysis: Staff finds the rezoning application meets the approval criteria (TLZO Sec. 3.3.15) as discussed in the attached Planning Commission staff report.

Recommendation and Conditions:

Staff recommends **approval** of rezoning TLZM-2013-0003, Somerset Park (see draft ordinance, Attachment 3).

Attachments

1. Planning Commission Staff Report dated June 5, 2014
2. Revised Proffers dated June 10, 2014
3. TLZM-2013-0003 Ordinance

**PROFFER STATEMENT
HOME PROPERTIES SOMERSET PARK, LLC**

**July 12, 2013
Revised through June 10, 2014**

This application is submitted by Home Properties Somerset Park, LLC, Owner of the properties identified herein and Applicant (hereinafter referred to as “the Applicant”). The Applicant submits these Proffers (the “Proffer”) pursuant to Section 15.2-2303 of the Code of Virginia, as amended, and Section 3.3.16 of the Zoning Ordinance of the Town of Leesburg. The Property subject to this application is owned by Home Properties Somerset Park, LLC (“Home Properties”). It contains 18.96 acres and consists of ten parcels identified as follows: Tax Map /48//47///P7/ (PIN 190-28-6459-000) an unimproved parcel containing 5.33 acres; Tax Map /48//47///P10/ (PIN 190-37-5471-000) an unimproved parcel containing 2.68 acres; Tax Map /48//47P3/100 (base PIN 190-28-3569) improved by a building with 18 multifamily units containing 1.639 acres; Tax Map /48//47P4/100/ (base PIN 190-38-1887-000) improved by a building with 18 multifamily units containing 1.656 acres; Tax Map /48//47P5/100/ (base PIN 190-38-0199-000) improved by a building with 18 multifamily units containing 2.511 acres; Tax Map /48//47P6/100/ (base PIN 190-37-7785-000) improved by a building with 18 multifamily units containing 1.116 acres; Tax Map /48//47P1/100 (base PIN 190-27-9463-000) improved by a building with 18 multifamily units containing 1.403 acres; Tax Map /48//47P2/100 (base PIN 190-28-1661-000) improved by a building with 18 multifamily units containing 1.007 acres; Tax Map /48//47///P8/ (PIN 190-37-9379-000) an unimproved parcel containing .13 acre; and, Tax Map /48//47///P9/ (PIN 190-27-6047-

000) an improved parcel consisting of 1.45 acres improved by the clubhouse. Together, these parcels total 18.96 acres. The parcels together are hereinafter referred to as “the Property”. The Property is more particularly described on the Amended Concept Plan entitled “Somerset Park” prepared by Burgess & Niple, dated July 3, 2013, and revised through May 15, 2014, which is attached hereto and made a part hereof as Attachment 1 (hereinafter referred to as the “Amended Concept Plan”). The Property was rezoned by ZM 87-86 by Ordinance No. 87-0-20, adopted June 22, 1987 by the Town Council of the Town of Leesburg. Applicant now seeks to replace the existing proffers as set forth herein.

On behalf of itself, and its successors and assigns, Applicant hereby proffers that if the Leesburg Town Council approves the Amended Concept Plan and this Amended Proffer Statement, the development of the Property shall substantially conform to and be subject to the following terms and conditions proffered herein. Said terms and conditions herein supersede any prior proffers that have been offered for the two parcels identified above, including, without limitation, any proffers associated with Rezoning Application #ZM-86 approved June 24, 1987:

1. This Proffer is deleted
2. Development of the property shall be in substantial conformance with the Amended Concept Development plan prepared by Burgess & Niple dated the 3rd day of July, 2013, and revised through May 15, 2014, attached hereto, which shall control the use layout and general configuration of the property, as well as the architectural design

and materials for the project, with reasonable allowances to be made for engineering and design alteration at time of actual subdivision and/or site plan approvals.

3. The Applicant, or its successor in interest, agrees to contribute the sum of One Thousand Seven Hundred Fifty-seven and 00/100 Dollars (\$1,757.00) per residential unit actually developed on the Property, which funds shall be paid into an escrow account established by the Town of Leesburg for the specific purpose of financing construction of off-site transportation improvements. The Applicant, or successor in interest to the Applicant, as the case may be, shall make said payments to the Town of Leesburg on a residential unit-by-unit basis at the time of issuance of the occupancy permit for individual residential units placed on the property.

4. Applicant, or its successor in interest, agrees that at the time of issuance of the occupancy permit for individual residential units to be placed on the property, Applicant, or its successor in interest, will pay unto the Town of Leesburg the total sum of One Hundred Dollars (\$100.00) per residential unit as a donation to the volunteer fire and rescue facilities providing service to the subject property, which monies will be provided by the Town to the appropriate volunteer fire and rescue facilities.

5. Applicant, or its successors in interest, agrees that at the time of issuance of the occupancy permit for individual residential units on the property, it will make a cash donation to the Town in the amount of One Thousand Dollars (\$1,000.00), such payments to be placed by the Town in a fund for the Town Parks & Recreation Facilities.

6. This Proffer is deleted.

7. This Proffer is deleted.

8. This Proffer is deleted.

9. This Proffer is deleted.

10. The Applicant, or its successor in interest, agrees to contribute to the Public School Capital Facilities Fund, the sum of Seven Thousand Eight Hundred Nine and 00/100 Dollars (\$7,809.00) per multi-family dwelling unit to off-set the cost of school facilities.

11. At final site plan, the landscaping requirements for the two proposed multifamily buildings shall consist of plantings along Battlefield Parkway, plantings along Tavistock Drive, and interior parking lot landscaping for the new parking areas associated with two multifamily buildings. The interior parking lot landscaping for the new parking lot areas will meet the requirements of Section 12.6 of the Town of Leesburg Zoning Ordinance. The proposed planting along Battlefield Parkway and Tavistock Drive shall be as follows:

Battlefield Parkway (approximately 305' of frontage along proposed multifamily buildings):

- 10 large deciduous trees (min. 2.5" cal. at time of planting)
- 12 ornamental deciduous trees (min. 1.5" cal. at time of planting)
- 18 evergreen trees (min. 6' height at time of planting)
- 42 shrubs (min 24" height at time of planting)

Tavistock Drive (approximately 325' of frontage along proposed multifamily buildings):

- 10 large deciduous trees (min. 2.5" cal. at time of planting)
- 12 ornamental deciduous trees (min. 1.5" cal. at time of planting)
- 14 evergreen trees (min. 6' height at time of planting)
- 48 shrubs (min 24" height at time of planting)

Plant species shall conform to Article 12 of the Town of Leesburg Zoning Ordinance. Existing trees located on site that are preserved during the construction process may count towards the requirements of this proffer with approval from the town.

12. Applicant, or its successors in interest, agrees to develop the property consistent with the architectural elevations prepared by Heffner Architects, P.C. dated June 20, 2013, attached hereto as Exhibit A.

13. The architecture of the maintenance building will be compatible with the exterior elevations of the residential buildings as determined by the Zoning Administrator.

Miscellaneous

These proffers are filed in accordance with Section 15.2-2303 of the Code of Virginia, as amended, and Section 3.3.16 of the Zoning Ordinance of Leesburg, Loudoun County, Virginia.

The Applicant agrees that approval of the Amended Concept Plan and this Proffer Statement does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual, and that final plats, development plans, and construction drawings for development on the Property are subject to the applicable Town regulations.

The Applicant warrants that all of the owners of the Property have signed this Proffer Statement, that they have full authority to bind the Property to these conditions, and that they have voluntarily subjected the Property to these proffer conditions.

(signatures following pages)

Home Properties Somerset Park, LLC
Amended Proffer Statement
July 12, 2013
Revised through June 10, 2014
Page 6

HOME PROPERTIES SOMERSET PARK, LLC
a Virginia limited liability company
By: Home Properties, L.P., sole member
By: Home Properties, Inc., General Partner

By: _____
Name: Michael Eastwood
Title: Vice President - Development

STATE OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Michael Eastwood, as Vice President – Development for Home Properties, Inc., General Manager of Home Properties, L.P., sole member of Home Properties Somerset Park, LLC, whose name is signed to the foregoing and hereunto annexed Proffer Statement, bearing date of July 12, 2013, and revised through June 10, 2014, has this day acknowledged the same before me in the jurisdiction aforesaid.

GIVEN under my hand this ____ day of _____, 2014.

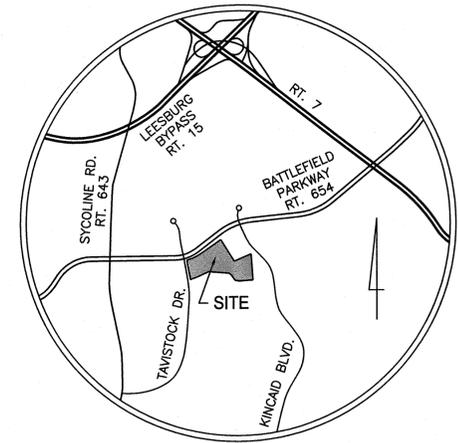
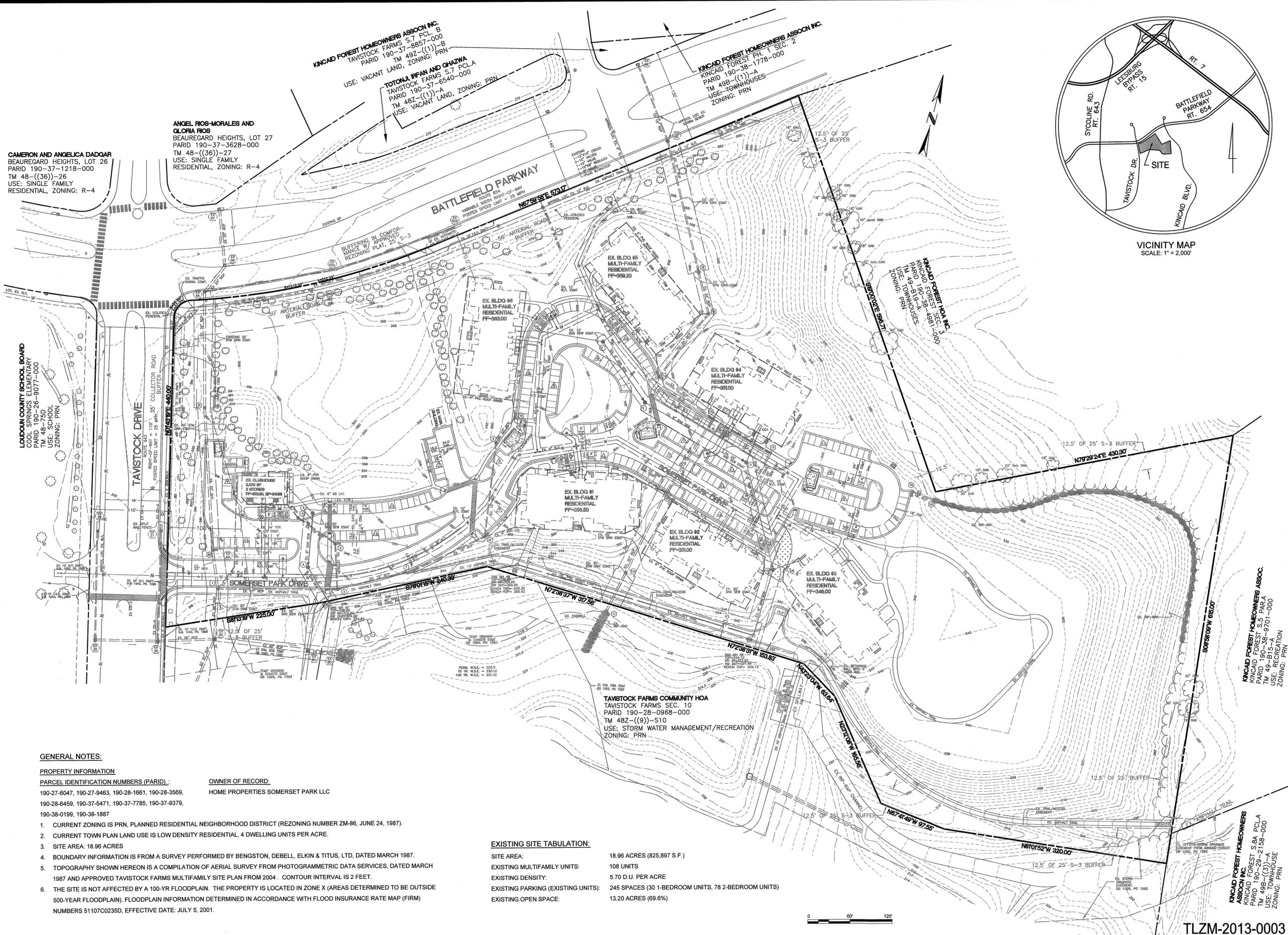
Notary Public

My Commission expires: _____
Registration Number: _____

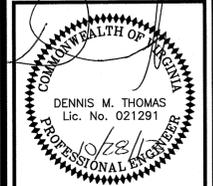
Home Properties Somerset Park, LLC
Amended Proffer Statement
July 12, 2013
Revised through June 10, 2014
Page 7

EXHIBIT A

HEFFNER ARCHITECTS, PC ELEVATIONS



VICINITY MAP
SCALE: 1" = 2,000'



BURGESS & NIPLÉ
 12700 BLACK FOREST LANE, SUITE 100
 WOODBRIDGE, VIRGINIA 22192
 PHONE: (703) 670-6400 FAX: (703) 670-6250

REZONING AMENDMENT
 EXISTING CONDITIONS PLAN
SOMERSET PARK
 TOWN OF LEESBURG
 LOUDOUN COUNTY, VIRGINIA

NO.	DESCRIPTION	DATE

PROJ. NO.:	PR51472
DATE:	JULY 3, 2013
DESIGNED BY:	AC
DRAWN BY:	AC
CHECKED BY:	DT
APPROVED BY:	DT
SCALE:	1"=60'
JRA FN:	
B&N FN:	WC-5167
SHEET:	1 OF 4

GENERAL NOTES:

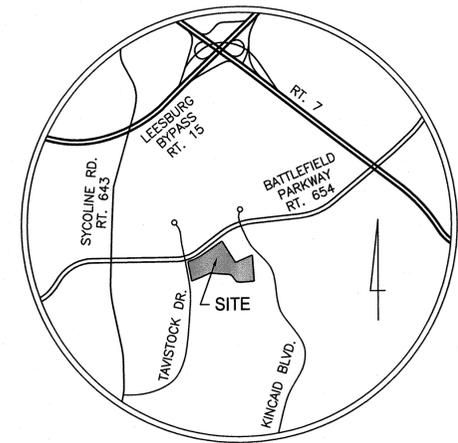
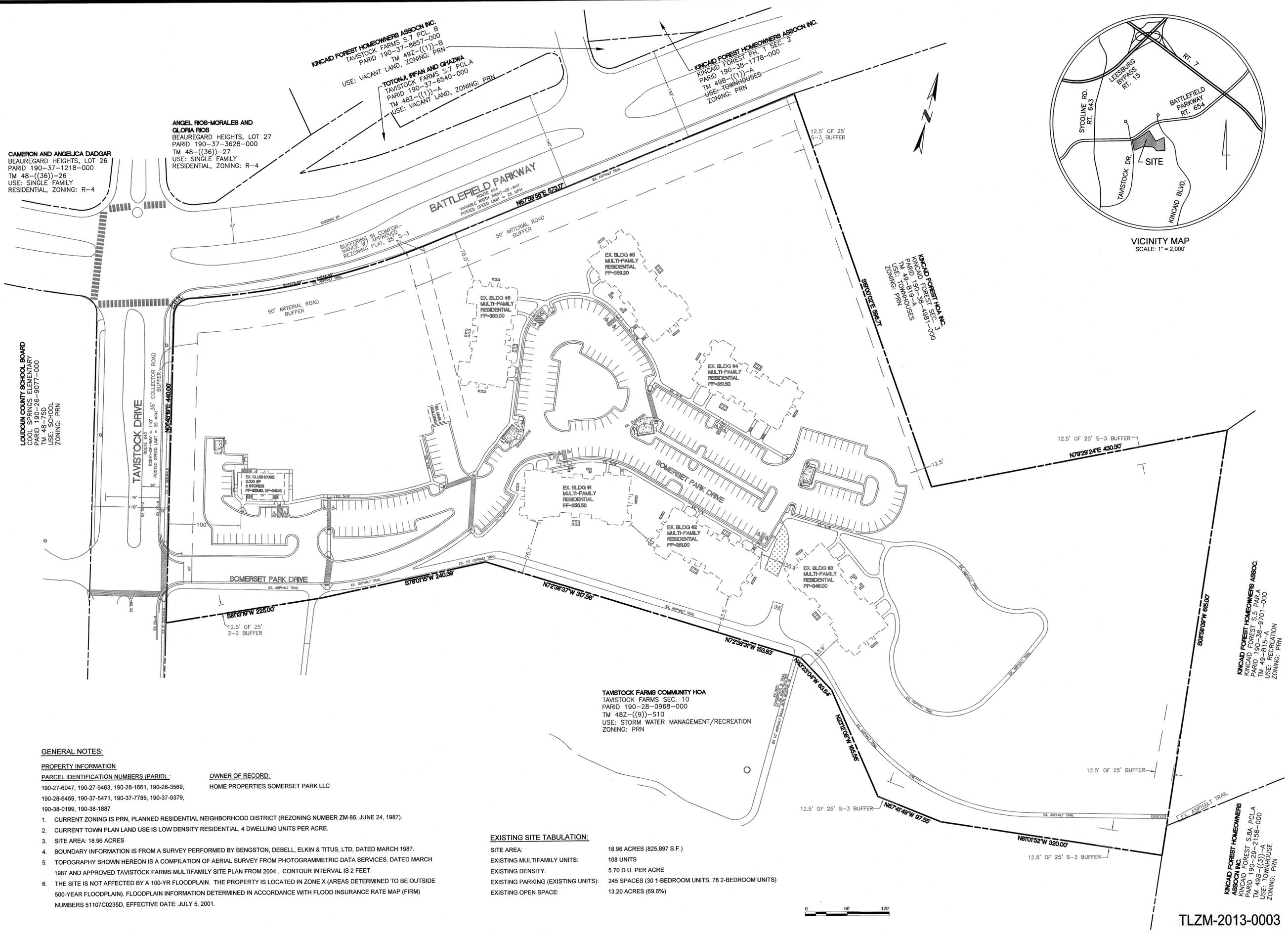
- PROPERTY INFORMATION**
PARCEL IDENTIFICATION NUMBERS (PARID):
 190-27-6047, 190-27-9463, 190-28-1661, 190-28-3569,
 190-28-6459, 190-37-5471, 190-37-7785, 190-37-9379,
 190-38-0199, 190-38-1887
- OWNER OF RECORD:**
 HOME PROPERTIES SOMERSET PARK LLC
- CURRENT ZONING IS PRN, PLANNED RESIDENTIAL NEIGHBORHOOD DISTRICT (REZONING NUMBER ZM-86, JUNE 24, 1987).
 - CURRENT TOWN PLAN LAND USE IS LOW DENSITY RESIDENTIAL, 4 DWELLING UNITS PER ACRE.
 - SITE AREA: 18.96 ACRES
 - BOUNDARY INFORMATION IS FROM A SURVEY PERFORMED BY BENGSTON, DEBELL, ELKIN & TITUS, LTD, DATED MARCH 1987.
 - TOPOGRAPHY SHOWN HEREON IS A COMPILATION OF AERIAL SURVEY FROM PHOTOGRAMMETRIC DATA SERVICES, DATED MARCH 1987 AND APPROVED TAVISTOCK FARMS MULTIFAMILY SITE PLAN FROM 2004. CONTOUR INTERVAL IS 2 FEET.
 - THE SITE IS NOT AFFECTED BY A 100-YR FLOODPLAIN. THE PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN). FLOODPLAIN INFORMATION DETERMINED IN ACCORDANCE WITH FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 51107C0235D, EFFECTIVE DATE: JULY 5, 2001.

EXISTING SITE TABULATION:

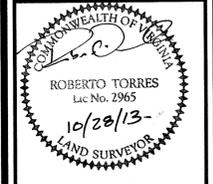
SITE AREA:	18.96 ACRES (825,897 S.F.)
EXISTING MULTIFAMILY UNITS:	108 UNITS
EXISTING DENSITY:	5.70 D U. PER ACRE
EXISTING PARKING (EXISTING UNITS):	245 SPACES (30 1-BEDROOM UNITS, 78 2-BEDROOM UNITS)
EXISTING OPEN SPACE:	13.20 ACRES (69.6%)



TLZM-2013-0003



VICINITY MAP
SCALE: 1" = 2,000'



BURGESS & NIPLÉ
 12700 BLACK FOREST LANE, SUITE 100
 WOODBRIDGE, VIRGINIA 22192
 PHONE: (703) 670-6400 FAX: (703) 670-6250

REZONING AMENDMENT
 ZONING PLAN
SOMERSET PARK
 TOWN OF LEESBURG
 LOUDOUN COUNTY, VIRGINIA

NO.	DESCRIPTION	DATE

PROJ. NO.:	PR51472
DATE:	JULY 3, 2013
DESIGNED BY:	AC
DRAWN BY:	AC
CHECKED BY:	DT
APPROVED BY:	DT
SCALE:	1"=60'
JRA FN:	
B&N FN:	WC-5167
SHEET:	2 OF 4

GENERAL NOTES:

PROPERTY INFORMATION

PARCEL IDENTIFICATION NUMBERS (PARID): 190-27-6047, 190-27-9463, 190-28-1661, 190-28-3569, 190-28-6459, 190-37-5471, 190-37-7785, 190-37-9379, 190-38-0199, 190-38-1887

OWNER OF RECORD:

HOME PROPERTIES SOMERSET PARK LLC

- CURRENT ZONING IS PRN, PLANNED RESIDENTIAL NEIGHBORHOOD DISTRICT (REZONING NUMBER ZM-86, JUNE 24, 1987).
- CURRENT TOWN PLAN LAND USE IS LOW DENSITY RESIDENTIAL, 4 DWELLING UNITS PER ACRE.
- SITE AREA: 18.96 ACRES
- BOUNDARY INFORMATION IS FROM A SURVEY PERFORMED BY BENGSTON, DEBELL, ELKIN & TITUS, LTD, DATED MARCH 1987.
- TOPOGRAPHY SHOWN HEREON IS A COMPILATION OF AERIAL SURVEY FROM PHOTOGRAMMETRIC DATA SERVICES, DATED MARCH 1987 AND APPROVED TAVISTOCK FARMS MULTIFAMILY SITE PLAN FROM 2004. CONTOUR INTERVAL IS 2 FEET.
- THE SITE IS NOT AFFECTED BY A 100-YR FLOODPLAIN. THE PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN). FLOODPLAIN INFORMATION DETERMINED IN ACCORDANCE WITH FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 51107C0235D, EFFECTIVE DATE: JULY 5, 2001.

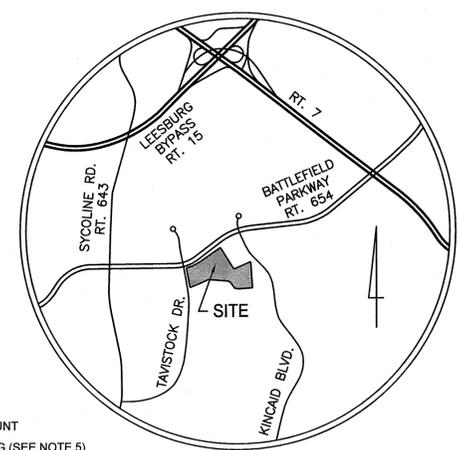
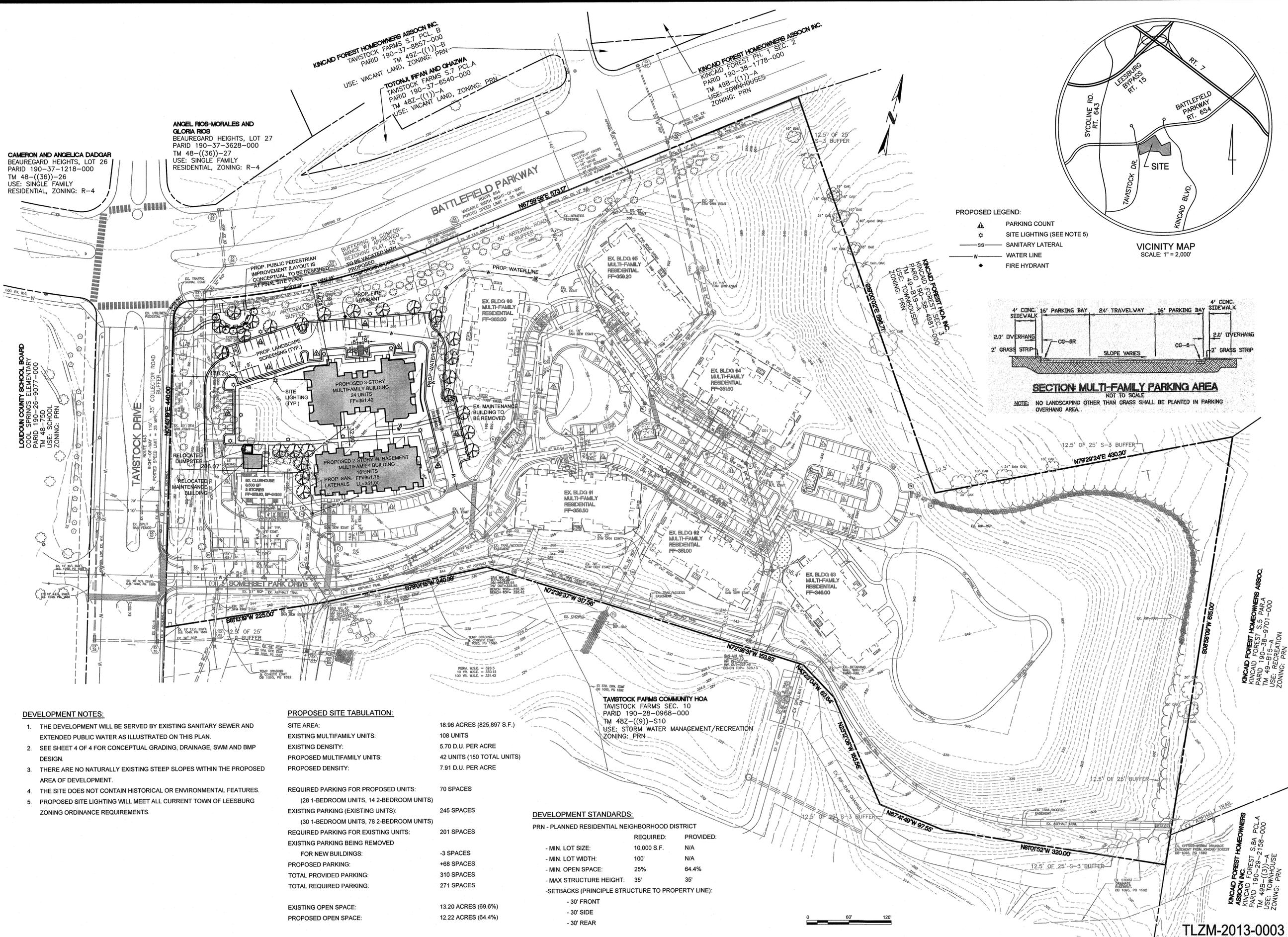
EXISTING SITE TABULATION:

SITE AREA:	18.96 ACRES (825,897 S.F.)
EXISTING MULTIFAMILY UNITS:	108 UNITS
EXISTING DENSITY:	5.70 D.U. PER ACRE
EXISTING PARKING (EXISTING UNITS):	245 SPACES (30 1-BEDROOM UNITS, 78 2-BEDROOM UNITS)
EXISTING OPEN SPACE:	13.20 ACRES (69.6%)

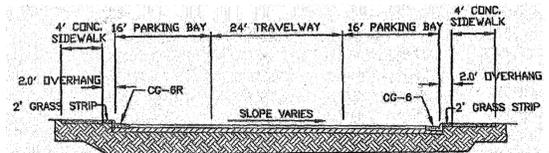
TAVISTOCK FARMS COMMUNITY HOA
 TAVISTOCK FARMS SEC. 10
 PARID 190-28-0968-000
 TM 482-((9))-S10
 USE: STORM WATER MANAGEMENT/RECREATION
 ZONING: PRN



TLZM-2013-0003



- PROPOSED LEGEND:**
- ▲ PARKING COUNT
 - ☆ SITE LIGHTING (SEE NOTE 5)
 - SS— SANITARY LATERAL
 - W— WATER LINE
 - FIRE HYDRANT



SECTION: MULTI-FAMILY PARKING AREA
 NOT TO SCALE
 NOTE: NO LANDSCAPING OTHER THAN GRASS SHALL BE PLANTED IN PARKING OVERHANG AREA.

DEVELOPMENT NOTES:

1. THE DEVELOPMENT WILL BE SERVED BY EXISTING SANITARY SEWER AND EXTENDED PUBLIC WATER AS ILLUSTRATED ON THIS PLAN.
2. SEE SHEET 4 OF 4 FOR CONCEPTUAL GRADING, DRAINAGE, SWM AND BMP DESIGN.
3. THERE ARE NO NATURALLY EXISTING STEEP SLOPES WITHIN THE PROPOSED AREA OF DEVELOPMENT.
4. THE SITE DOES NOT CONTAIN HISTORICAL OR ENVIRONMENTAL FEATURES.
5. PROPOSED SITE LIGHTING WILL MEET ALL CURRENT TOWN OF LEESBURG ZONING ORDINANCE REQUIREMENTS.

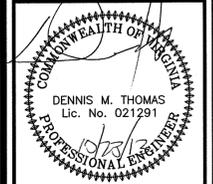
PROPOSED SITE TABULATION:

SITE AREA:	18.96 ACRES (825,897 S.F.)
EXISTING MULTIFAMILY UNITS:	108 UNITS
EXISTING DENSITY:	5.70 D.U. PER ACRE
PROPOSED MULTIFAMILY UNITS:	42 UNITS (150 TOTAL UNITS)
PROPOSED DENSITY:	7.91 D.U. PER ACRE
REQUIRED PARKING FOR PROPOSED UNITS: (28 1-BEDROOM UNITS, 14 2-BEDROOM UNITS)	70 SPACES
EXISTING PARKING (EXISTING UNITS): (30 1-BEDROOM UNITS, 78 2-BEDROOM UNITS)	245 SPACES
REQUIRED PARKING FOR EXISTING UNITS:	201 SPACES
EXISTING PARKING BEING REMOVED	-3 SPACES
FOR NEW BUILDINGS:	
PROPOSED PARKING:	+68 SPACES
TOTAL PROVIDED PARKING:	310 SPACES
TOTAL REQUIRED PARKING:	271 SPACES
EXISTING OPEN SPACE:	13.20 ACRES (69.6%)
PROPOSED OPEN SPACE:	12.22 ACRES (64.4%)

DEVELOPMENT STANDARDS:

PRN - PLANNED RESIDENTIAL NEIGHBORHOOD DISTRICT			
	REQUIRED:	PROVIDED:	
- MIN. LOT SIZE:	10,000 S.F.	N/A	
- MIN. LOT WIDTH:	100'	N/A	
- MIN. OPEN SPACE:	25%	64.4%	
- MAX STRUCTURE HEIGHT:	35'	35'	
-SETBACKS (PRINCIPLE STRUCTURE TO PROPERTY LINE):			
	- 30' FRONT		
	- 30' SIDE		
	- 30' REAR		

TAVISTOCK FARM COMMUNITY HOA
 TAVISTOCK FARMS SEC. 10
 PARID 190-28-0968-000
 TM 482-(9)-S10
 USE: STORM WATER MANAGEMENT/RECREATION
 ZONING: PRN



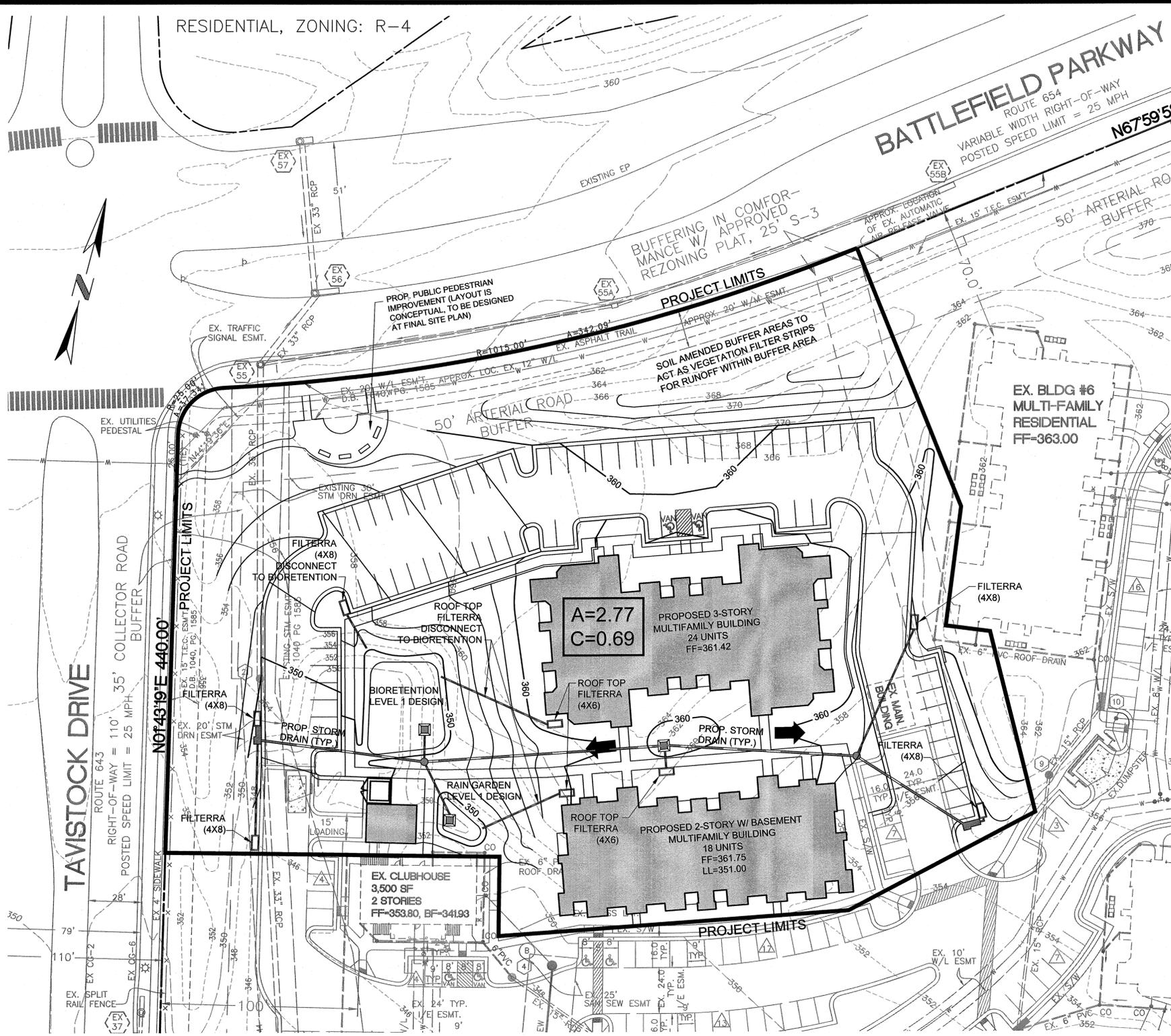
BURGESS & NIPLÉ
 12700 BLACK FOREST LANE, SUITE 100
 WOODBRIDGE, VIRGINIA 22192
 PHONE: (703) 670-6400 FAX: (703) 670-6250

**REZONING AMENDMENT
 CONCEPT PLAN
 SOMERSET PARK**
 TOWN OF LEESBURG
 LOUDOUN COUNTY, VIRGINIA

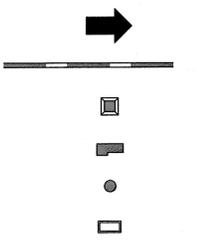
NO.	DESCRIPTION	REVISIONS	DATE

PROJ. NO.:	PR51472
DATE:	JULY 3, 2013
DESIGNED BY:	AC
DRAWN BY:	AC
CHECKED BY:	DT
APPROVED BY:	DT
SCALE:	1"=60'
JRA FN:	
B&N FN:	WC-5167
SHEET:	3 OF 4

TLZM-2013-0003



PROPOSED LEGEND:



- OVERLAND RELIEF FLOW
- STORM PIPE
- YARD INLET
- CURB INLET
- MANHOLE
- FILTERRA UNIT

BMP NARRATIVE

THE SITE HAS BEEN ANALYZED FOR COMPLIANCE WITH THE FORTHCOMING BMP REGULATIONS, PER STATE 4VAC50-60. A CONCEPTUAL BMP DESIGN HAS BEEN PROVIDED THAT UTILIZES SOIL AMENDMENTS, BIORETENTION, AND FILTERRA UNITS TO ACHIEVE THE TOTAL PHOSPHOROUS LOAD REDUCTION FOR THE SITE.

USING THE VIRGINIA RUNOFF REDUCTION METHOD WITH A SITE AREA OF 2.77 ACRES, A TOTAL POST DEVELOPMENT PHOSPHOROUS LOAD OF 3.63 LBS PER YEAR, WITH A REQUIRED REDUCTION OF 2.50 LBS PER YEAR WAS DETERMINED.

BMP MEASURE:	REMOVAL RATE:	IMPERVIOUS AREA TREATED:	TURF AREA TREATED:
BIORETENTION (LEVEL 1 DESIGN)	40%	0.48 ACRE	0.40 ACRE
FILTERRA UNITS (5 - 4X8 CURB BOXES AND 3 - 4X6 ROOF LEADER BOXES)	65%	1.08 ACRE	0.64 ACRE
SOIL AMENDMENTS TO BUFFER AREAS	50%	0 ACRES	0.44 ACRE

WITH THE MEASURES PROPOSED, THE SITE ACHIEVES A TOTAL PHOSPHOROUS LOAD REDUCTION OF 2.51 LBS PER YEAR, EXCEEDING THE 2.50 LBS REQUIREMENT.

NOTE THAT THIS DESIGN, THE MEASURES PROPOSED, AND RELATED CALCULATIONS ARE CONCEPTUAL AND MAY VARY WITH FINAL SITE PLAN DESIGN.

SWM NARRATIVE

THE PROPOSED STORM DRAIN SYSTEM WILL CONNECT TO THE EXISTING DEVELOPMENT SYSTEM AND UTILIZE THE EXISTING POND LOCATED ON THE ADJACENT PROPERTY TO THE SOUTH (PARID 190-28-0968) FOR SWM REQUIREMENTS. SAID POND WAS DESIGNED WITH THE APPROVED TAVISTOCK FARMS SECTION 10 SITE PLAN. IN THE APPROVED SWM DESIGN, THE SUBJECT AREA WAS DESIGNATED AS FUTURE COMMERCIAL DEVELOPMENT WITH A 0.85 C FACTOR. WITH THE PROPOSED, LESS INTENSE MULTIFAMILY RESIDENTIAL USE, THE AREA WILL HAVE AN APPROXIMATE 0.69 C FACTOR. AS NOTED IN THE LETTER BELOW, THE TOWN OF LEESBURG IS IN AGREEMENT THAT THE EXISTING FACILITY WAS DESIGNED TO ADEQUATELY HANDLE THE ADDITIONAL RUNOFF GENERATED FROM THE SITE AND HAS INDICATED THAT THE SITE IS GRANDFATHERED FOR SWM QUANTITY REQUIREMENTS.

The Town of Leesburg, Virginia
 25 West Market Street • P.O. Box 68 • 20178 • Phone: 703-771-2740 • Fax: 703-771-2724 • www.leeburgva.gov
 October 18, 2013

Dennis M. Thomas, P.E.
 Vice President
 Burgess & Niple
 12700 Black Forest Lane
 Woodbridge, VA 22192

RE: Somerset Apartment Complex
 Stormwater Vesting
 TLZM 2013-0003

Dear Mr. Thomas,

As you are aware, grandfathering and vesting clauses associated with the new stormwater regulations are quite complex yet a bit gray at the same time. Therefore, to ensure compliance with the State's new Stormwater Regulations, Town staff was required to do a thorough evaluation of all available information prior to acting on your request to grandfather the stormwater management requirements for this site.

As part of our evaluation process, Staff has reviewed all of the information that you provided to us as well as all applicable approved plans (including stormwater computations for the existing pond) and re-zoning applications associated with this property. We also walked the area and field verified all previously proposed drainage divides were still generally accurate. This, in addition to the items reviewed above, allowed staff to evaluate whether or not the existing pond would continue to perform as designed with any additional run-off generated by the proposed apartment buildings. We then were able to apply all of our findings to the new Stormwater Management statutes and make a final determination.

After due consideration of the above, I find that this site is grandfathered under Virginia Statute 4VAC50-60-48 "Grandfathering" until June 30, 2019 for water quantity only with the following conditions:

- The final construction drawings (Final Site Plan) for the proposed apartment buildings shall continue to maintain a c-factor that is equal to or less than what was anticipated for this portion of your site as shown on the approved stormwater management plans that were used to construct the existing pond.
- You must have your Final Site Plan approved, pull your VSM permit and have completed all construction related to the new buildings before the VSM permit expires (June 30, 2019).

At such time as either of these conditions cannot be met, this determination shall become null and void and the new Stormwater Criteria will need to be met for the site.

Regarding Water Quality, you will be required at a minimum to meet the Town's current BMP standards that are in place today. However, please be advised that if your Re-Zoning application and subsequent Final Site Plan is not approved and a VSM permit in hand prior to July 1, 2014, the Final Site Plan will be required to meet the new Stormwater regulations.

- Based upon current anticipated time frames for the re-zoning and site plan processes, it may be difficult to have an approved Final Site Plan before July 1, 2014.
- As a Re-zoning application is required, Staff will be recommending that you proffer to the new stormwater regulations for water quality only. This will make this portion of your project "site neutral" with regard to Total Maximum Daily Load (TMDL) requirements now required of the Town by the Virginia Department of Environmental Quality (DEQ).

With that said, Staff has also reviewed your preliminary calculations for water quality based upon the new stormwater regulations. While this is adequate for a BMP strategy plan to be included with the first submission of the re-zoning, the following comments should be addressed with future submissions of this application:

- Staff concurs with the water quality design adhering to the new Storm water regulations.
- A soils overlay map will need to be added to the plan set.
- Drainage divides need to be shown so the areas within the computations can be verified.
- The soils types should be referenced as a type "D" in the pre-development condition as well as in any disturbed areas that, in the post-development condition, would then be transformed into a type 'D' condition because of the complete demolition, compaction and re-grading of the site. This comment was verified by DEQ staff. Revise the computations to reflect this change.
- Filterras are not yet in the clearing house and no verification can be made on the removal rate for those types of structures. A note should be added to plan stating that alternative BMPs may be required at time of Final Site Plan in order to meet BMP Clearing House approval criteria.
- Filterras cannot be placed in a sump condition (southwestern parking bay). Revise accordingly.
- Soil amended area are not clearly delineated. Vegetated filter strips located on top of a berm does not meet the intent of a vegetated filter strip. How do the impervious areas get to this area on top of a berm? Typically, the filter strip area should be between impervious areas and the desired outfall in order to function as desired. Also, soil amended areas should be delineated only on areas that do not encumber public easements or over private utility lines that could require maintenance. See DEQ requirement here: <http://www.virginia.gov/NonPRMFPSpecMarch11/VASWMBMPSpec2SHHETFLOW.html>

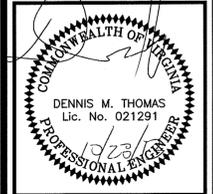
I trust that this information will permit you to formally submit your rezoning application and provides direction regarding future submissions of your stormwater water quality designs.

Should you have any questions or if I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

 William R. Ackman, Jr. P.E.
 Director of Plan Review

TLZM-2013-0003



BURGESS & NIPLÉ
 12700 BLACK FOREST LANE, SUITE 100
 WOODBRIDGE, VIRGINIA 22192
 PHONE: (703) 670-6400 FAX: (703) 670-6250

REZONING AMENDMENT
 GRADING, DRAINAGE, SWM AND BMP CONCEPT
 SOMERSET PARK
 TOWN OF LEESBURG
 LOUDOUN COUNTY, VIRGINIA

NO.	DESCRIPTION	REVISIONS	DATE

PROJ. NO.:	PR51472
DATE:	OCT. 3, 2013
DESIGNED BY:	AC
DRAWN BY:	AC
CHECKED BY:	DT
APPROVED BY:	DT
SCALE:	1"=30'
JRA FN:	
B&N FN:	WC-5167
SHEET:	4 OF 4

PRESENTED: June 24, 2014

ORDINANCE NO. _____

ADOPTED: June 24, 2014

AN ORDINANCE: APPROVING TLZM 2013-0003 SOMERSET PARK, A CONCEPT PLAN AMENDMENT AND PROFFER AMENDMENT TO ALLOW DEVELOPMENT OF TWO MULTI-FAMILY STRUCTURES (42 UNITS TOTAL) IN PLACE OF A NEIGHBORHOOD RETAIL CENTER AT TAVISTOCK FARMS

WHEREAS, a Rezoning Application has been filed by Home Properties to amend the concept plan and proffers of ZM-86 to allow 42 units in two additional multi-family structures in lieu of the approved retail center on land identified as Loudoun County Parcel Identification Number (PIN) 190-37-5471 ; and

WHEREAS, a duly advertised Planning Commission public hearing was held on June 5, 2014; and

WHEREAS, at that meeting, the Planning Commission recommended approval of this application to the Town Council; and

WHEREAS, the Town Council held a duly advertised public hearing on this application on June 24, 2014; and

WHEREAS, staff recommended approval; and

WHEREAS, the Council has concluded that the approval of the application would be in the public interest and in accordance with sound zoning and planning principles.

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia:

SECTION 1. Rezoning Application TLZM 2013-0003, for the property having the Loudoun County Parcel Identification Number (PIN) 190-37-5471, is hereby approved subject to the proffers dated June 10, 2014; and

AN ORDINANCE: APPROVING TLZM 2013-0003 SOMERSET PARK, A CONCEPT PLAN AMENDMENT AND PROFFER AMENDMENT TO ALLOW DEVELOPMENT OF TWO MULTI-FAMILY STRUCTURES (42 UNITS TOTAL) IN PLACE OF A NEIGHBORHOOD RETAIL CENTER AT TAVISTOCK FARMS

SECTION 2. The property shall be developed in substantial conformance with the concept development plan prepared by Burgess and Niple dated May 15, 2014; and

SECTION 3. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of this ordinance.

SECTION 4. This ordinance shall be in effect upon its passage.

PASSED this 24th day of June 2014.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council



Date of Meeting: June 5, 2014

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

SUBJECT: TLZM-2013-0003 Somerset Park/Home Properties

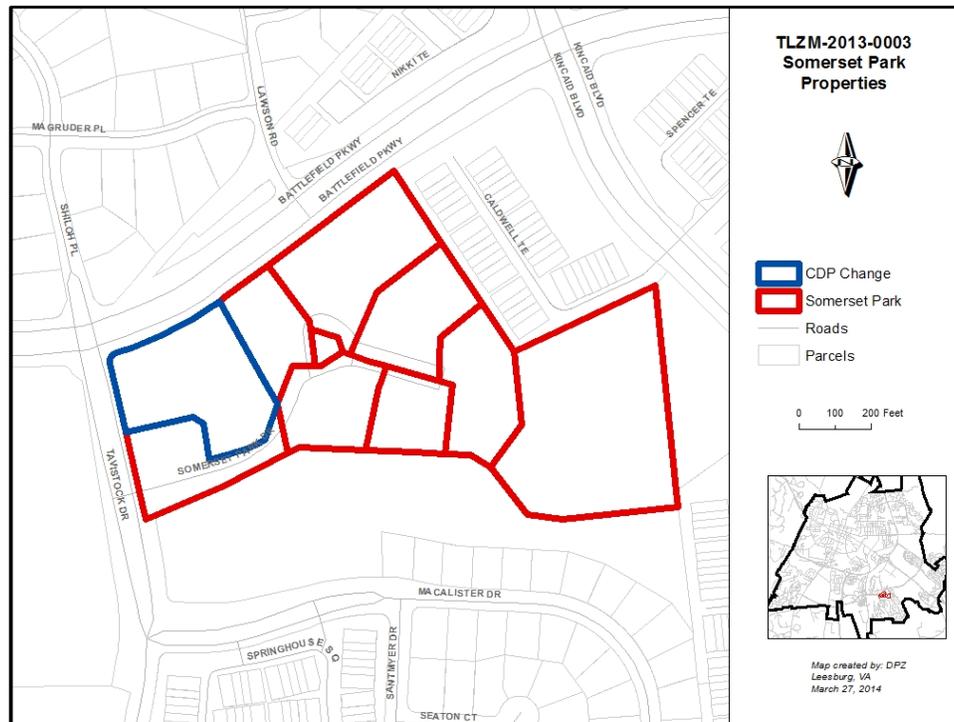
STAFF CONTACT: Irish Grandfield, AICP, Senior Planner, DPZ

APPLICANT: Michael Eastwood, Vice President, Home Properties

PROPOSAL: An application to amend the approved proffers and concept development plan to allow development of two multi-family structures in place of a neighborhood retail center at Tavistock Farms.

PLANNING COMMISSION CRITICAL ACTION: September 12, 2014

RECOMMENDATION: Staff recommends **approval** of the rezoning application.



Application Property Information:

Address: SE Corner Battlefield/Tavistock
PIN#: 190-37-5471
Planned Use: Low Density Residential

Size: 2.68 ac.
Tax Map#: /48//47///P10/
Zoning: PRN

I. APPLICATION SUMMARY: The Applicant, Home Properties, is requesting to amend the existing Rezoning Concept Plan and Proffers for Tavistock Farms (Case# TLZM-1986-0086). Home Properties owns ten contiguous parcels within Tavistock Farms totaling 18.96 acres at the southeast corner of Battlefield Parkway and Tavistock Drive. The property is zoned PRN, “Planned Residential Neighborhood” and further described as Loudoun County Parcel Identification Numbers (PINs): 190-28-6459, 190-37-5471, 190-28-3569, 190-38-1887, 190-38-0199, 190-37-7785, 190-27-9463, 190-28-1661, 190-37-9379, and 190-27-6047. The Town Plan designates this property as “Low Density Residential” on the Land Use Policy Map.

While much of the site is developed with the Somerset Park multi-family residential community of 108 units, the northwestern-most parcel planned for a retail center has remained vacant. As part of the Tavistock rezoning this 2.68 acre parcel was approved for a 25,000 square foot neighborhood retail center but has generated little market interest. Existing proffer #2 from the original rezoning requires development in general conformity with the concept development plan necessitating this rezoning application, concept plan amendment and proffer amendment to accommodate the applicant’s proposed use.

The purpose of this current rezoning application is to amend the approved concept development plan and proffers to allow 42 units in two additional multi-family structures in lieu of the approved retail center. With the additional proposed 42 residential units the overall residential density of the Tavistock site would increase from approximately 3.0 to 3.2 dwelling units per acre. The rezoning will also provide additional parking, proposed pedestrian improvements, and a new playground. The two new multi-family buildings will be designed similarly to the existing buildings onsite. A Concept Development Plan (Attachment 1), Statement of Justification (Attachment 2), and proffers (Attachment 3) have been submitted in support of the application. Below is a summary of proffers provided by the applicant.

Type of Contribution	Amount	Total
School Capital Facilities	\$7,809/multi-family unit	\$327,978
Off-Site Transportation Fund	\$1,757/multi-family unit	\$ 73,794
Fire and Rescue	\$100 per multi-family unit	\$ 4,200
Parks and Recreation	\$1,000 per multi-family unit	\$ 42,000
Total Proffered Contributions		\$447,972

II. CURRENT SITE CONDITIONS: Home Properties owns six multi-family residential buildings on the properties and rent the condominium units to individuals. In addition to the 108 condominium units, the site has a 3,500 square foot community building, maintenance building, 245 parking spaces, several acres of open space and walking trails. The clubhouse provides office space for Home Properties, communal meeting space for residents, and exercise room for

residents. Access to the site is provided via Somerset Park Drive east of Tavistock Drive. The 2.48 acres proposed for additional multi-family residential buildings has been cleared and graded. Mature landscaping provides screening for much of the site and a natural area of canopy trees was preserved from development in the northeastern portion of the larger Home Properties site. Sidewalk connections link the community internally and to an asphalt walking trail in the eastern portion of the site. Trash service is provided not by the Town but by private contractor and four screened dumpsters are located onsite for collection of resident's refuse.

Stormwater management is provided by a stormwater management pond on adjacent Tavistock Homeowner Association (HOA) property to the south. While the HOA operates a swimming pool and tennis courts for other members of the Tavistock community, the facilities are not available to residents of Somerset Park. See the aerial photo and other site photos below that show developed conditions.



Aerial 1



Aerial 2



Entrance with community building in background



Existing Building Elevation



Existing Community Building



Parcel under Consideration

III. ZONING HISTORY: On June 24, 1987 Town Council approved rezoning TLZM-1986-086 to rezone the site from County A-3 and R-1 to PRN (Planned Residential Neighborhood) to allow development of the 212 acre Tavistock site for a residential community with a small neighborhood retail center. A total of 304 single-family detached units, 216 townhouse units and 108 multi-family units were approved at a density of 2.96 dwelling units per acre. A subsequent amendment (TLZM-2001-0002 approved on November 27, 2001) allows elevated decks to encroach to within ten (10) feet of the rear property line for all townhouses in Tavistock. Since that time the site has developed according to the approved rezonings. Note that TLZO Sec. 8.2.3 states that the allowable residential density in the PRN Zone is as established in the Town Plan.

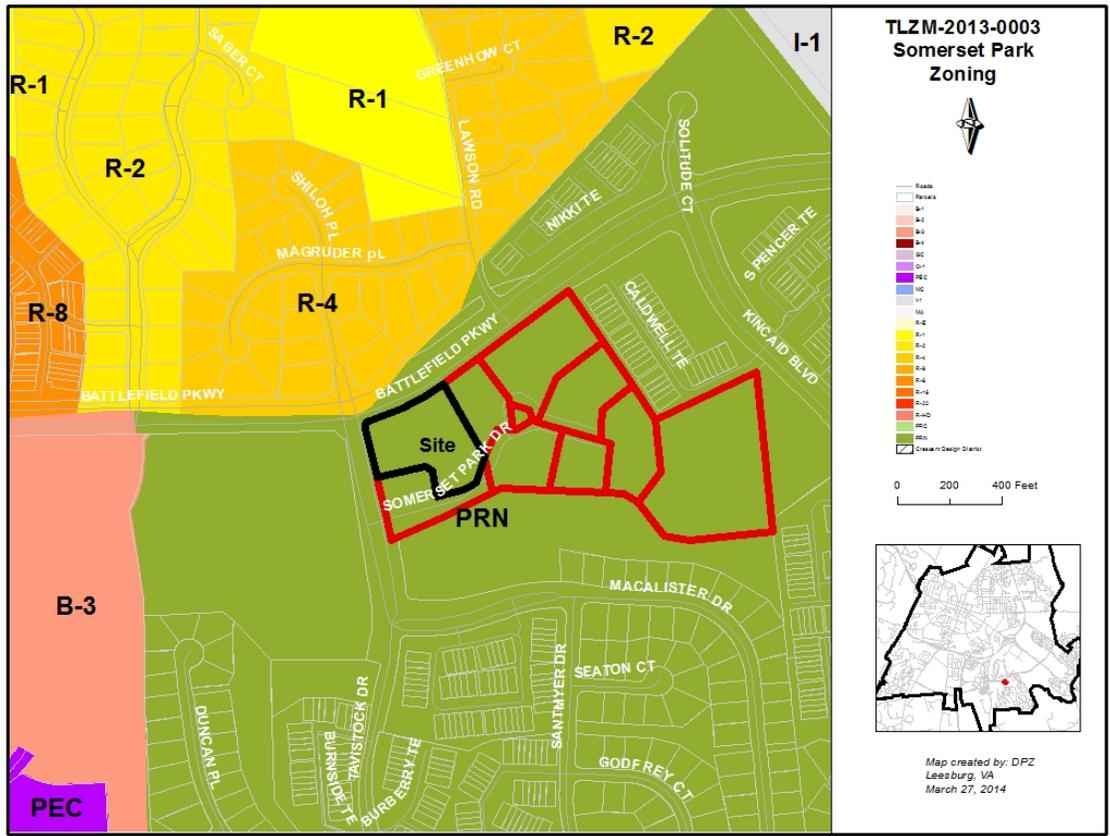


Figure 2. Zoning Map

IV. USES ON ADJACENT PROPERTY: The site is bounded on the north by Battlefield Parkway, a four-lane divided road. Beyond the road is the single-family detached residential subdivision of Beauregard Heights. To the west of the site is Tavistock Drive which at this location is a four-lane road although it transitions to two-lanes just south of the site. The Town

Plan does not indicate additional lanes for Tavistock Drive. Across Tavistock Drive is Cool Springs Elementary School. To the south of the site is Tavistock Farms Homeowners Association (HOA) property. A large stormwater management pond, community building, swimming pool, tennis courts, and playground are located on these HOA lands. Beyond the HOA lands is Macalister Drive and townhomes. To the east of the site is open space for the Somerset Park Apartment complex. Off-site to the east is a portion of Kincaid Forest Planned Community developed as townhouses and an HOA facility.

V. **STAFF ANALYSIS:**

1. **Review Summary:**

A. **Resolved Review Items:** Two full reviews of the application were made and items discussed and resolved during the review included:

- i. Plat deficiencies
- ii. Proffers
- iii. Onsite recreational amenities
- iv. Architecture
- v. Landscaping
- vi. Parking
- vii. Pedestrian connections
- viii. Site lighting
- ix. Stormwater management

B. **Unresolved Review Items/Outstanding Issues:** Staff has no outstanding issues.

2. **Town Plan Compliance:** The Town of Leesburg Zoning Ordinance (TLZO) Section 3.3.15 requires an assessment of how the proposed rezoning use will comply with applicable provisions of the *Town Plan*. The following elements of the *Town Plan* are applicable.

A. **Land Use:** The property is located in the Town Plan's Southeast Sector area and is specifically identified on the Town Plan Planned Land Use Policy Map as "Low Density Residential" with an anticipated density range of 1-4 units per acre (see map below). Town Plan guidance related to land use for this area includes the following:

Encourage infill development that is compatible with the character of existing or planned development in the vicinity.

Mitigate potential negative impacts through site design, including location of facilities and access, building height, scale, and massing; and buffers between different uses. (Town Plan Objective 11, p. 6-8)

The proposed expansion of the existing multi-family residential land use is not in conflict with the land use guidance of the Town Plan. Staff believes that the proposed residential use is compatible with the existing development perhaps even more so than the neighborhood retail use approved in the original Tavistock rezoning. The lack of demand for neighborhood retail uses is evidenced by the history of the Neighborhood Retail Convenience Centers (NRCC) in other planned communities. In adjacent Kincaid Forest, the NRCC was converted to townhouse use after 15 years due to a lack of demand for the commercial uses in that location; Greenway Farm has been unable to build out the NRCC with only 6,600 s.f. of 20,000 s.f. constructed since 1990; and Exeter only built its NRCC after 17 years and has suffered from high vacancy rates, even after the NRCC use list was amended to allow greater flexibility. For this reason the proposed conversion to residential use may be justified. Staff notes further that the Town Plan land use policies do not specify a commercial component for the Tavistock development, so removal of the NRCC is not incompatible with the Town Plan.

B. *Planning Density*: The Town Plan provides the following guidance regarding density:

Strive to approve development only if adequate community facilities exist or are provided through development applications (Town Plan p.6-7).

Consideration of a density above the low end of the range should be based on an application's conformance with ordinance requirements, the proposed zoning, and the extent to which applicable objectives in the Town Plan are fulfilled or exceeded... (Town Plan p. 6-23). Included in such objectives are:

- Protection of natural resources – green infrastructure/tree save areas
- Protection of heritage resources
- Provision of community facilities, including transportation
- Offset of community facilities costs, related to schools, fire & rescue facilities
- Provision of park and recreation facilities
- Inclusion of design amenities, including landscaping, streetscaping, setbacks or berming along major roads
- Addressing affordable housing
- Compatibility with the surrounding area
- Appropriate phasing.

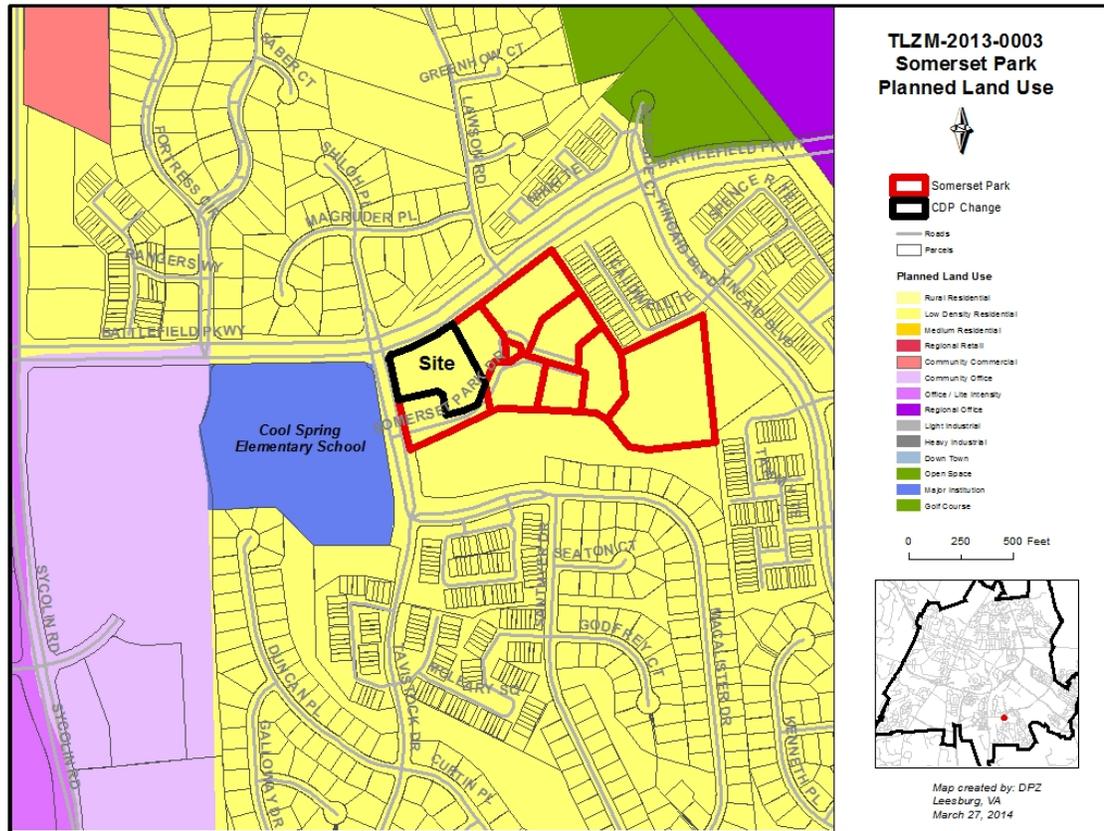


Figure 3. Town Plan Designated Land Use

The application meets several of these nine objectives as follows:

- **Natural Resource Protection:** preservation of approximately 0.7 acres of mature forest in the northeast corner of the 18.96 acre site.
- **Offset of Community Facilities Costs:** The applicant has proffered to contribute \$1,757.00 per residential unit resulting in a contribution of a total \$73,794 for off-site transportation improvements. This is consistent with the guidelines established in Appendix B of the Town Plan. The applicant is also proffering \$7,809.00 per unit (\$327,978 total) as a contribution to the Public Schools Capital Facilities Fund; \$1,000.00 per unit (\$42,000 total) for Town Parks and Recreation facilities; and \$100.00 per unit (total of \$4,200) for volunteer fire and rescue services.
- **Provision of Park and Recreational Facilities:** In addition to the existing community building the applicant is providing an extensive trail network and a new playground on site. As well, they are proffering a contribution of \$42,000 for Town Parks and Recreation facilities.

- Design Amenities: Construction of a pedestrian improvement with hardscape, benches and landscaping at the corner of Tavistock Drive and Somerset Place. In addition, a berm is to screen Battlefield Parkway.
- Compatibility with the surrounding area: The proposed multi-family residential buildings will be of a similar height and design as the existing neighboring buildings.

3. PRN Zoning Standards:

TLZO Sec. 8.4.7 provides guidance on provision of open space and recreational amenities in the PRN Zoning District. The regulations indicate that a minimum of 25% of land area shall be established as public and common open space. The Concept Development Plan shows that 64.4% of the site will be kept in open space far exceeding the minimum standard.

The regulation goes on to state that public recreational sites are to be provided at a rate of two (2) acres per one hundred dwelling units. While public recreational sites are not provided, staff believes the proffered contribution for Town Parks and Recreation facilities is a suitable alternative and no residential development on the Town to date has provided public recreational sites to the extent desired by the standard.

Finally, Sec. 8.4.7 describes how a PRN-zoned development should provide recreational areas and facilities such as playgrounds, tennis courts, basketball courts, swimming pools, and community buildings. As discussed in the assessment of how the application meets the Town Plan objective for density consideration above staff notes that the applicant is providing a community building with weight room, a playground, a pedestrian “pocket park,” and an extensive trail network onsite.

- 4. Traffic Analysis:** A Traffic Impact Analysis by Wells Associates was provided for this site showing minimal impact of the proposal to existing traffic conditions. The intersection of Somerset Drive and Tavistock Drive operates at a Level of Service C or better and will continue to do so. The additional multi-family units are projected to add 25 trips to the AM peak, 41 trips to the PM peak, and 384 new average daily trips overall. Staff finds that the proposed use will not degrade existing traffic conditions onsite or in the area.

Objective 7 of the transportation chapter of the Town Plan calls for new development to provide “fair-share” contributions to offset impacts to the surrounding transportation network. Consistent with Appendix B of the Town Plan the applicant is proffering a total of \$73,794 to comply with this policy.

- 5. Fiscal Impact:** The applicant has submitted a fiscal impact analysis that concludes the proposed development will have a positive fiscal impact on the Town’s General Fund (see Attachment 4). The undeveloped neighborhood retail parcel subject to this rezoning is currently assessed at \$933,900. The fiscal impact analysis anticipates the site when

developed with the proposed two multi-family residential units will increase the parcel value to \$6,160,000 generating an additional \$12,000 in Town real estate taxes. With additional residents personal property tax will also increase compared to the undeveloped condition.

The Fiscal Impact Analysis does not compare the values and economic impacts of the proposed multi-family residential development to that of a Neighborhood Retail Center (as currently approved). The applicant states that there is no market for the commercial retail use and that they have no desire to develop it as such. A Neighborhood Retail Center potentially could generate additional monies through the Business Professional Occupational Licenses (BPOL) tax and possibly the meals tax. However, considering the lack of market interest in a Neighborhood Retail Convenience Center and the history of the other NRCC's in PRN-zoned communities, one may question whether maintaining this parcel as a planned retail use would actually result in increased revenue to the Town anytime in the near future.

As noted in the section V.B of this staff report, the Applicant has committed to offset fiscal impacts through contributions to schools, offsite road improvements, Town Parks and Recreation, and the local volunteer fire department. Staff believes the fiscal impacts have been sufficiently addressed.

6. **Community Design:** The site is not located in the H-1 or H-2 districts where architecture approval is required. However, TLZO Sec. 8.2.2.F states that "*Planned Development Districts shall be characterized by superior architectural treatment . . .*" The Applicant's proposed two multi-family residential buildings will be of similar architecture design and style as the existing six other buildings on the Somerset Park site. The applicant has proffered building elevations that demonstrate a continuation of the existing architectural design scheme. Staff finds this appropriate and believes that the general site design shown on the Concept Development Plan combined with the commitment to building architecture meets Town Plan objectives and addresses community design.
7. **Utilities:** The site is served adequately by sewer and water.
8. **Proffers:** The applicant has submitted proffers addressing substantial conformance, landscaping, building elevations, off-site transportation contributions, donation to volunteer fire and rescue service, payments to the Town Parks and Recreation facilities fund, and contribution toward public school facilities (see Attachment 3). Staff finds that the proffered contributions are consistent with Town guidance and similar proffered rezonings in the past. Staff recommends acceptance of the proffers.

VI. **REZONING APPROVAL CRITERIA:**

- A.** Zoning Ordinance Section 3.3.15 establishes the following criteria for the Planning Commission and Town Council to use, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a zoning map amendment application. Listed below are the specific criteria with staff response.
1. *Consistency with the Town Plan, including but not limited to the Land Use Compatibility policies.* – As discussed in the Town Plan section of this report, staff finds the proposal consistent with the Town Plan in terms of land use and density. As well the application meets Transportation Policy 7 which calls for a fair share contribution for road improvements. The Applicant has proffered an amount consistent with Town Plan guidance. These are the pertinent policies in the Town Plan that staff sees applying to this application.
 2. *Consistency with any binding agreements with Loudoun County, as amended, or any regional planning issues, as applicable.* - There are no applicable binding agreements or inconsistent regional planning issues.
 3. *Mitigation of traffic impacts, including adequate accommodation of anticipated motor vehicle traffic volumes and emergency vehicle access.* – The 384 average daily vehicle trips generated by the proposed use are less than what would be anticipated if this parcel developed as a Neighborhood Retail Center as approved in the original Tavistock Farm rezoning. Such number of trips does not have a deleterious impact on the adjacent street network as demonstrated by the Traffic Impact Study. Access to the property is safe and convenient. Subject to the proffers and conditions of approval staff finds that traffic impacts are appropriately mitigated.
 4. *Compatibility with surrounding neighborhood and uses.* - The proposed redevelopment will not have any significant impact on adjacent land uses. The proposed multi-family residential use is identical to that on the surrounding uses to the east and south. Streets separate the site from other residential uses and the public elementary school to the north and west.
 5. *Provision of adequate public facilities.* - Adequate public facilities exist and can be improved using the proffered contributions for roads, schools, parks, and fire and rescue service.
- B.** Zoning Ordinance Section 8.2.2.F lists additional rezoning plan approval criteria for planned developments. Staff also finds that the Planned Development Rezoning Approval Criteria of TLZO Sec. 8.2.2.F are also met by this proposal as outlined below.

Criteria 8.2.2.F	Analysis
1. Achieves core planning objectives of health, safety, and welfare	Yes – As discussed in this report
2. Characterized by superior architecture and site design	Yes – As discussed in this report
3. Historic or archeological resources identified/protected	Resources unlikely due to significant re-grading of site and absence of any structures

VII. FINDINGS FOR APPROVAL:

1. The rezoning application is in general conformance with the policies of the Town Plan.
2. The proffered contribution for offsite transportation improvements is consistent with Appendix B of the Town Plan.
3. The approval criteria of Zoning Ordinance Section 3.3.15 have been satisfied for TLZM-2013-0003.
4. The approval criteria of TLZO Sec. 8.2.2.F have been satisfied for TLZM-2013-0003.
5. The proposal would serve the public necessity, convenience, general welfare and good zoning practice.

VIII. SAMPLE DRAFT MOTIONS:

Approval

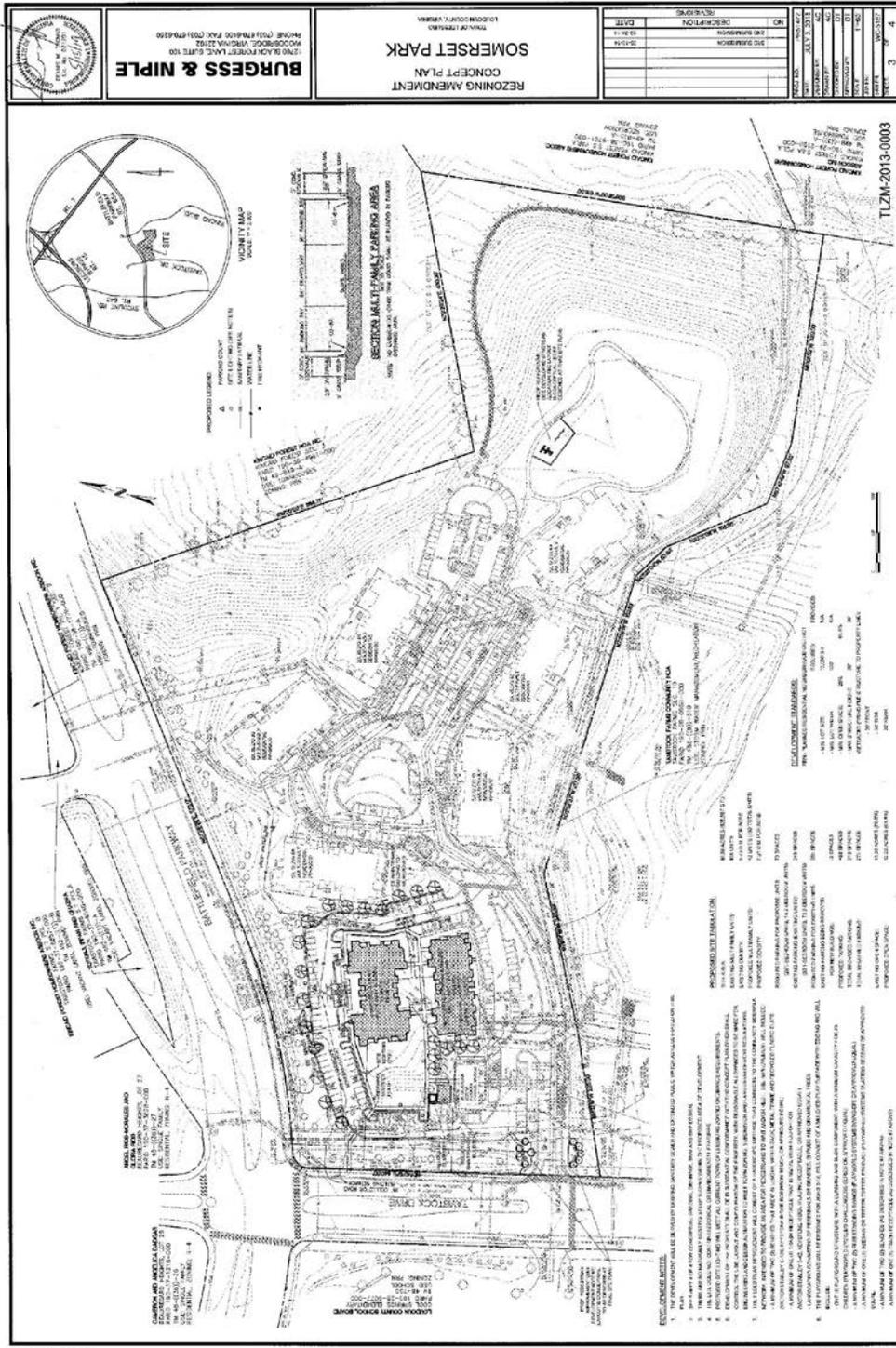
I move that rezoning application TLZM 2013-0003, Somerset Park, be forwarded to the Town Council with a recommendation of approval subject to the Proffer Statement dated July 12, 2013 and revised through May 13, 2014, on the basis that the Approval Criteria of Zoning Ordinance Sections 3.3.15 and 8.2.2.F have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

Denial

I move that rezoning application TLZM 2013-0003, Somerset Park, be forwarded to the Town Council with a recommendation of denial on the basis that the Approval Criteria of Zoning Ordinance Section 3.3.15 and 8.2.2.F have not been satisfied due to the following reasons_____.

XI. ATTACHMENTS:

1. Rezoning plat dated July 12, 2013 and revised through May 15, 2014
2. Statement of Justification dated July 12, 2013 and revised through February 28, 2014
3. Proffers dated July 12, 2013 and revised through May 13, 2014
4. Original Proffers for ZM-86
5. Fiscal Impact Analysis dated July 12, 2013



Attachment 2: Statement of Justification

HOME PROPERTIES SOMERSET PARK

**AMENDMENT TO PROFFERS AND
CONCEPT PLAN**

STATEMENT OF JUSTIFICATION

July 12, 2013

Revised through February 28, 2014

This Statement of Justification is submitted pursuant to Section 3.3 of the Town of Leesburg Zoning Ordinance (“Zoning Ordinance”) in support of the request for an amendment to the approved Concept Plan and Proffer Statement for Tavistock Farms. The Property is zoned PRN, Planned Residential Neighborhood. The Applicant is seeking a revision to the approved Concept Plan to remove the approved commercial component to allow the construction of two additional residential apartments buildings. Applicant proposes to build one 24 unit apartment building and one 18 unit building on the parcel identified as Tax Map /48//47///P10/ (PIN 190-37-5471-000) which contains 2.68 acre.

The Property subject to this application is owned by Home Properties Somerset Park, LLC (“Home Properties”). It contains 18.96 acres and consists of ten parcels identified as follows: Tax Map /48//47///P7/ (PIN 190-28-6459-000) an unimproved parcel containing 5.33 acres; Tax Map /48//47///P10/ (PIN 190-37-5471-000) an unimproved parcel containing 2.68 acres; Tax Map /48//47P3/100 (base PIN 190-28-3569) improved by a building with 18 multifamily units containing 1.639 acres; Tax Map /48//47P4/100/ (base PIN 190-38-1887-000) improved by a building with 18 multifamily units containing 1.656 acres; Tax Map /48//47P5/100/ (base PIN 190-

38-0199-000) improved by a building with 18 multifamily units containing 2.511 acres; Tax Map /48//47P6/100/ (base PIN 190-37-7785-000) improved by a building with 18 multifamily units containing 1.116 acres; Tax Map /48//47P1/100 (base PIN 190-27-9463-000) improved by a building with 18 multifamily units containing 1.403 acres; Tax Map /48//47P2/100 (base PIN 190-28-1661-000) improved by a building with 18 multifamily units containing 1.007 acres; Tax Map /48//47///P8/ (PIN 190-37-9379-000) an unimproved parcel containing .13 acre; and, Tax Map /48//47///P9/ (PIN 190-27-6047-000) an improved parcel consisting of 1.45 acres improved by the clubhouse. Together, these parcels total 18.96 acres. The parcels together are hereinafter referred to as “the Property” and Home Properties is hereinafter referred to as “the Applicant”. The existing Rezoning Concept Plan and Proffer Statement were approved by #TLZM 0087-0086, Ordinance No. 87-0-20, adopted June 22, 1987 by the Town Council of the Town of Leesburg.

EXISTING STRUCTURES AND APPROVED USES: Currently, there are no structures on the parcels identified as PIN 190-28-6459-000 and PIN 190-37-5471. The other surrounding parcels contain residential multi-family buildings with a total of 108 apartments.

LOCATION: The Property is located southeast of the intersection of Battlefield Parkway and Tavistock Drive. The property is surrounded by residential communities. Located to the north are Fort Beauregard, Beauregard Estates and Beauregard Heights. Located to the East is Kincaid Forest. Located to the south is Tavistock and located to the west is Cool Springs Elementary School.

ZONING AND USE: The property is zoned PRN and does not lie within any historical district overlay.

PROPOSED USE: The Applicant proposes to build two residential multi-family buildings on one of the vacant parcels. One building will contain 24 apartments and the other building will contain 18 apartments.

PROFFER AMENDMENT: The Applicant will comply with the general review criteria set forth in the Town of Leesburg Zoning Ordinance Section 3.3. The original Proffer Statement was approved by the Town of Leesburg on June 24, 1987. A copy of the original Proffer Statement is attached as Exhibit A. The Applicant proposes to replace the original Proffer Statement as it applies to the Property which will result in the following amendments to the original Proffer Statement:

1. This Proffer is deleted.
2. Development of the property shall be in substantial conformance with the Amended Concept Development plan dated the 3rd day of July, 2013, attached hereto, which shall control the layout and general configuration of the property, as well as the architectural design and materials for the project, with reasonable allowances to be made for engineering and design alteration at time of actual subdivision and/or site plan approvals.
3. The applicant, or its successor in interest, agrees to contribute the sum of One Thousand and 00/100 Dollars (\$1,000.00) per residential unit actually developed on the subject property, which funds shall be paid into an escrow account established by the Town of Leesburg for the specific purpose of financing construction of off-site transportation improvements. The Applicant, or successor in interest to the Applicant, as the case may be, shall make said payments to the Town of Leesburg on a residential unit-by-unit basis at the time of issuance of the occupancy permit for individual residential units placed on the Property.
4. Applicant, or its successor in interest agrees that at the time of issuance of the occupancy permit for individual residential units to be placed on the Property, Applicant, or its

successor in interest, will pay unto the Town of Leesburg the sum of One Hundred Dollars (\$100.00) per residential unit as a donation to the volunteer fire and rescue facilities providing service to the subject property, which monies will be provided by the Town to the appropriate volunteer fire and rescue facilities.

5. Applicant, or its successors in interest, agree that at the time of issuance of the occupancy permit for individual residential units on the Property, it will make a cash donation to the Town in the amount of One Thousand Dollars (\$1,000.00) for each residential unit on which a building permit is drawn, such payments to be placed by the Town in a fund for the improvement of the Ida Lee Park.

6. This Proffer is deleted.

7. This Proffer is deleted.

8. This Proffer is deleted.

9. This Proffer is deleted.

10. The Applicant, or its successor in interest, agrees to contribute to the Public School Capital Facilities Fund, the sum of Five Thousand and 00/100 Dollars (\$5,000.00) per multi-family dwelling unit to off-set the cost of school facilities.

11. At final site plan, the landscaping requirements for the two proposed multifamily buildings shall consist of plantings along Battlefield Parkway, plantings along Tavistock Drive, and interior parking lot landscaping for the new parking areas associated with two multifamily buildings. The site plan will not require an overall tree canopy calculation as tree canopy requirements for the overall Somerset Park property were achieved with approved site plan 8-570-4C-4.0, Tavistock Farms Multi-family & Commercial Section, Sheet 22. The interior parking lot landscaping for the new parking lot areas will meet the requirements of Section 12.6 of the Town of Leesburg Zoning Ordinance. The proposed planting along Battlefield Parkway and Tavistock Drive shall be as follows:

Battlefield Parkway (approximately 305' of frontage along proposed multifamily buildings):

- 10 large deciduous trees (min. 2.5" cal. at time of planting)
- 12 ornamental deciduous trees (min. 1.5" cal. at time of planting)
- 18 evergreen trees (min. 6' height at time of planting)
- 42 shrubs (min 24" height at time of planting)

Tavistock Drive (approximately 325' of frontage along proposed multifamily buildings):

- 10 large deciduous trees (min. 2.5" cal. at time of planting)
- 12 ornamental deciduous trees (min. 1.5" cal. at time of planting)
- 14 evergreen trees (min. 6' height at time of planting)
- 48 shrubs (min 24" height at time of planting)

Plant species shall conform to Article 12 of the Town of Leesburg Zoning Ordinance. Existing trees located on site that are preserved during the construction process may count towards the requirements of this proffer with approval from the town.

12. Applicant, or its successors in interest, agrees to develop the property consistent with the architectural elevations prepared by Heffner Architects, P.C. dated June 20, 2013, attached hereto as Exhibit A.

A Revised Proffer Statement is attached hereto as Exhibit B, which contains the above revisions.

CONCEPT PLAN AMENDMENT. The current Concept Plan was approved by the Town Council with the adoption of Ordinance No. 87-0-20 on June 24, 1987. The Proffer Statement requires development of the Property in substantial conformance with the Concept Plan. In this application, the Applicant seeks to amend the Proffer Statement by removing the original Concept Plan and replacing it with the Amended Concept Plan prepared by Burgess & Niple, dated July 3, 2013.

TOWN PLAN: The Property is zoned Planned Residential Neighborhood (PRN) and is located in an area identified in the Town Plan as being in the Southeast Sector. The Town Plan identifies the property as low density residential. This project meets the objectives of the Town Plan as follows:

Natural Resources: The parcel on which the Applicant proposes to build the new structures is currently vacant with little or no tree cover. Applicant proposes to add a landscaping buffer

between the existing office/clubhouse and the proposed new adjacent buildings. Additional landscaping will be added at the corner of the Battlefield Parkway and Tavistock Drive. The walking trail will be retained as an amenity for the residents of Somerset Park. Any additional landscape lighting that may be required for security purposes, will be designed to reduce glare and impacts on the surrounding communities.

Parks and Recreation: Applicant will maintain the large open space area at the rear of the property with the existing walking trail, and will add a private tot lot to serve the residents. Additionally, the applicant will contribute \$1,000.00 for each additional residential apartment built to fund improvements for Ida Lee Park. The existing clubhouse will continue to provide the property's residents with amenities such as a clubroom, meeting facility and fitness center.

Community Design: The clustering of multi-family residences as proposed in this project, helps to lessen the impact of development on other areas containing more vegetation and tree canopy which provide habitat for wildlife and also preserves larger open spaces for recreational use. The architectural design of the proposed buildings will be designed to be compatible with the existing residential buildings on the adjoining parcels. The proposed buildings will also share the same architectural design and character as the six existing multifamily buildings to include: construction type, exterior materials and color palette. The applicant intends to create a cohesive architectural community which seamlessly blends the existing and proposed buildings. Lastly, the proposed residential buildings will include Energy Star appliances (refrigerator, oven, microwave, dishwasher) and energy efficient HVAC mechanical equipment.

Land Use: Somerset Park currently contains six multi-family buildings. The prior construction activity in this area of the Somerset Park property would have disturbed any historical

or archeological artifacts that may have been present. It is highly unlikely that any historical or archaeological features remain in the proposed construction areas.

There is a lack of demand for neighborhood retail uses as evidenced by the high vacancy rates at some neighborhood retail centers in the Town.

Adequate public sewer and water are available to the site to serve the two proposed new multi-family buildings.

The proposed buildings will have no impact upon the Leesburg Municipal Airport.

Housing: Applicant's apartments are luxury rentals geared towards young single professionals, some older mature adults and possibly a few small families. Due to the severe mortgage crisis which resulted in a high number of foreclosures over the past several years, rental apartments continue to be in high demand. In part, this condition has created a shortage of quality apartments available for the residents of Leesburg and its growing workforce. This project will help to meet this market demand and the increasing population in the Town of Leesburg.

Economic: The availability of desirable rental housing encourages employers to relocate in or near the Town of Leesburg knowing that adequate quality housing is available to serve its employees and has a direct positive impact on the local tax base. As currently zoned in the Concept Plan, the commercial/retail use is less desirable given the economic realities of high retail vacancies among local strip retail centers and continuing weak demand for these types of isolated small retail centers in this relative area. Furthermore, there is already a significant amount of existing retail venues that serve the needs of Town residents in this particular area.

This parcel was zoned as commercial at a time when it was believed that small residential neighborhoods could support their own small commercial developments. However, history has

shown that these small commercial developments are not self-sustaining and many of them have since failed.

TRANSPORTATION IMPROVEMENTS: The Property will be served by Battlefield Parkway and Tavistock Drive. These roadways are adequate to serve the proposed uses as indicated in the completed traffic study prepared by Wells + Associates included with this subject rezoning application. Additionally, the entrance into the property serving the existing buildings is also adequate to serve the proposed new buildings. Therefore, no transportation improvements are necessary or proposed.

TRAFFIC IMPACT: The minimal traffic impact of this development on the existing roadways will be mitigated through the existing transportation infrastructure. Wells + Associates has prepared a Traffic Impact Analysis dated June 14, 2013, which is submitted with this application that demonstrates the adequacy of traffic conditions.

Specifically, the conclusions of the Traffic Impact Analysis are as follows:

1. The study intersection currently operates at acceptable level of service during the AM and PM peak hours with turning and minor street movements operating at a LOS "C" or better.
2. Other developments in the site vicinity would add 1,269 AM Peak hour trips and 1,896 PM peak hour trips to the public road network by 2016. These trips, however, are not anticipated to add any additional traffic to the study intersection.
3. In 2016 with the addition of traffic associated with growth in existing volumes, the study intersection would continue to operate at an acceptable level of service (LOS "C", or better) during the AM and PM peak hour.
4. The addition of 43 multifamily residential units at Somerset Park is estimated to add 25 AM peak hour, 41 PM peak hour, and 384 new average daily trips.

5. Traffic analysis of 2016 total future traffic conditions with the project indicates minimal to no impacts to the existing roadway network. The study intersection would continue to operate at LOS “C”, or better during the AM and PM peak hours.

6. Traffic analysis of 2040 total future traffic conditions with the project indicates the study intersection would operate at LOS “C”, or better during the AM and PM peak hours.

PARKING. Existing and proposed parking on the site will be adequate to provide for the community needs and satisfy the requirements of the Zoning Ordinance.

PUBLIC UTILITIES: The existing buildings are served by connection to the Town of Leesburg municipal sewer and water systems which will also serve the two proposed residential buildings.

CONCLUSION

Amendment to the Concept Plan and Proffers is permitted by Section 3.3 of the 2003 Leesburg Zoning Ordinance. The proposed use will provide needed quality rental housing for the current and future citizens of the Town of Leesburg with no negative or harmful impacts on the adjoining properties, there is a lack of demand for neighborhood retail uses as proposed by the original Concept Plan, and is consistent with the Town Plan and the Town Zoning Ordinance. The Applicant respectfully requests that the Town Council of the Town of Leesburg approve this Amended Concept Plan and Proffer Amendment Application.

Respectfully Submitted,

HOME PROPERTIES SOMERSET PARK, LLC
By: Counsel

Robert E. Sevila
Sevila, Saunders, Huddleston & White, P.C.
30 N. King Street
Leesburg, VA 20176
(703) 777-5700
FAX: (703) 771-4161
Counsel for Home Properties Somerset Park, LLC

**PROFFER STATEMENT
HOME PROPERTIES SOMERSET PARK, LLC**

**July 12, 2013
Revised through May 13, 2014**

This application is submitted by Home Properties Somerset Park, LLC, Owner of the properties identified herein and Applicant (hereinafter referred to as “the Applicant”). The Applicant submits these Proffers (the “Proffer”) pursuant to Section 15.2-2303 of the Code of Virginia, as amended, and Section 3.3.16 of the Zoning Ordinance of the Town of Leesburg. The Property subject to this application is owned by Home Properties Somerset Park, LLC (“Home Properties”). It contains 18.96 acres and consists of ten parcels identified as follows: Tax Map /48//47///P7/ (PIN 190-28-6459-000) an unimproved parcel containing 5.33 acres; Tax Map /48//47///P10/ (PIN 190-37-5471-000) an unimproved parcel containing 2.68 acres; Tax Map /48//47P3/100 (base PIN 190-28-3569) improved by a building with 18 multifamily units containing 1.639 acres; Tax Map /48//47P4/100/ (base PIN 190-38-1887-000) improved by a building with 18 multifamily units containing 1.656 acres; Tax Map /48//47P5/100/ (base PIN 190-38-0199-000) improved by a building with 18 multifamily units containing 2.511 acres; Tax Map /48//47P6/100/ (base PIN 190-37-7785-000) improved by a building with 18 multifamily units containing 1.116 acres; Tax Map /48//47P1/100 (base PIN 190-27-9463-000) improved by a building with 18 multifamily units containing 1.403 acres; Tax Map /48//47P2/100 (base PIN 190-28-1661-000) improved by a building with 18 multifamily units containing 1.007 acres; Tax Map

/48//47///P8/ (PIN 190-37-9379-000) an unimproved parcel containing .13 acre; and, Tax Map /48//47///P9/ (PIN 190-27-6047-000) an improved parcel consisting of 1.45 acres improved by the clubhouse. Together, these parcels total 18.96 acres. The parcels together are hereinafter referred to as “the Property”. The Property is more particularly described on the Amended Concept Plan entitled “Arcadia at Somerset Park Condominium” prepared by Burgess & Niple, dated July 3, 2013, which is attached hereto and made a part hereof as Attachment 1 (hereinafter referred to as the “Amended Concept Plan”). The Property was rezoned by ZM 87-86 by Ordinance No. 87-0-20, adopted June 22, 1987 by the Town Council of the Town of Leesburg. Applicant now seeks to replace the existing proffers as set forth herein.

On behalf of itself, and its successors and assigns, Applicant hereby proffers that if the Leesburg Town Council approves the Amended Concept Plan and this Amended Proffer Statement, the development of the Property shall substantially conform to and be subject to the following terms and conditions proffered herein. Said terms and conditions herein supersede any prior proffers that have been offered for the two parcels identified above, including, without limitation, any proffers associated with Rezoning Application #ZM-86 approved June 24, 1987:

10. This Proffer is deleted

11. Development of the property shall be in substantial conformance with the Amended Concept Development plan prepared by Burgess & Niple dated the 3rd day of July, 2013, attached hereto, which shall control the use layout and general configuration of the property, as well as the architectural design and materials for the project, with reasonable allowances to be made for engineering and design alteration at time of actual subdivision and/or site plan approvals.

3. The Applicant, or its successor in interest, agrees to contribute the sum of One Thousand Seven Hundred Fifty-seven and 00/100 Dollars (\$1,757.00) per residential unit actually developed on the Property, which funds shall be paid into an escrow account established by the Town of Leesburg for the specific purpose of financing construction of off-site transportation improvements. The Applicant, or successor in interest to the Applicant, as the case may be, shall

make said payments to the Town of Leesburg on a residential unit-by-unit basis at the time of issuance of the occupancy permit for individual residential units placed on the property.

4. Applicant, or its successor in interest, agrees that at the time of issuance of the occupancy permit for individual residential units to be placed on the property, Applicant, or its successor in interest, will pay unto the Town of Leesburg the total sum of One Hundred Dollars (\$100.00) per residential unit as a donation to the volunteer fire and rescue facilities providing service to the subject property, which monies will be provided by the Town to the appropriate volunteer fire and rescue facilities.

5. Applicant, or its successors in interest, agrees that at the time of issuance of the occupancy permit for individual residential units on the property, it will make a cash donation to the Town in the amount of One Thousand Dollars (\$1,000.00), such payments to be placed by the Town in a fund for the Town Parks & Recreation Facilities.

6. This Proffer is deleted.

7. This Proffer is deleted.

8. This Proffer is deleted.

9. This Proffer is deleted.

10. The Applicant, or its successor in interest, agrees to contribute to the Public School Capital Facilities Fund, the sum of Seven Thousand Eight Hundred Nine and 00/100 Dollars (\$7,809.00) per multi-family dwelling unit to off-set the cost of school facilities.

11. At final site plan, the landscaping requirements for the two proposed multifamily buildings shall consist of plantings along Battlefield Parkway, plantings along Tavistock Drive, and interior parking lot landscaping for the new parking areas associated with two multifamily buildings. The interior parking lot landscaping for the new parking lot areas will meet the requirements of Section 12.6 of the Town of Leesburg Zoning Ordinance. The proposed planting along Battlefield Parkway and Tavistock Drive shall be as follows:

Battlefield Parkway (approximately 305' of frontage along proposed multifamily buildings):

10 large deciduous trees (min. 2.5" cal. at time of planting)
12 ornamental deciduous trees (min. 1.5" cal. at time of planting)
18 evergreen trees (min. 6' height at time of planting)
42 shrubs (min 24" height at time of planting)

Tavistock Drive (approximately 325' of frontage along proposed multifamily buildings):

10 large deciduous trees (min. 2.5" cal. at time of planting)
12 ornamental deciduous trees (min. 1.5" cal. at time of planting)
14 evergreen trees (min. 6' height at time of planting)
48 shrubs (min 24" height at time of planting)

Plant species shall conform to Article 12 of the Town of Leesburg Zoning Ordinance. Existing trees located on site that are preserved during the construction process may count towards the requirements of this proffer with approval from the town.

12. Applicant, or its successors in interest, agrees to develop the property consistent with the architectural elevations prepared by Heffner Architects, P.C. dated June 20, 2013, attached hereto as Exhibit A.

Miscellaneous

These proffers are filed in accordance with Section 15.2-2303 of the Code of Virginia, as amended, and Section 3.3.16 of the Zoning Ordinance of Leesburg, Loudoun County, Virginia.

The Applicant agrees that approval of the Amended Concept Plan and this Proffer Statement does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual, and that final plats, development plans, and construction drawings for development on the Property are subject to the applicable Town regulations.

The Applicant warrants that all of the owners of the Property have signed this Proffer Statement, that they have full authority to bind the Property to these conditions, and that they have voluntarily subjected the Property to these proffer conditions.

HOME PROPERTIES SOMERSET PARK, LLC
a Virginia limited liability company

By: _____
Name:
Title:

STATE OF _____
CITY/COUNTY OF _____, to-wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that _____, as _____ for Home Properties Somerset Park, LLC, whose name is signed to the foregoing and hereunto annexed Proffer Statement, bearing date of _____, 2014, has this day acknowledged the same before me in the jurisdiction aforesaid.

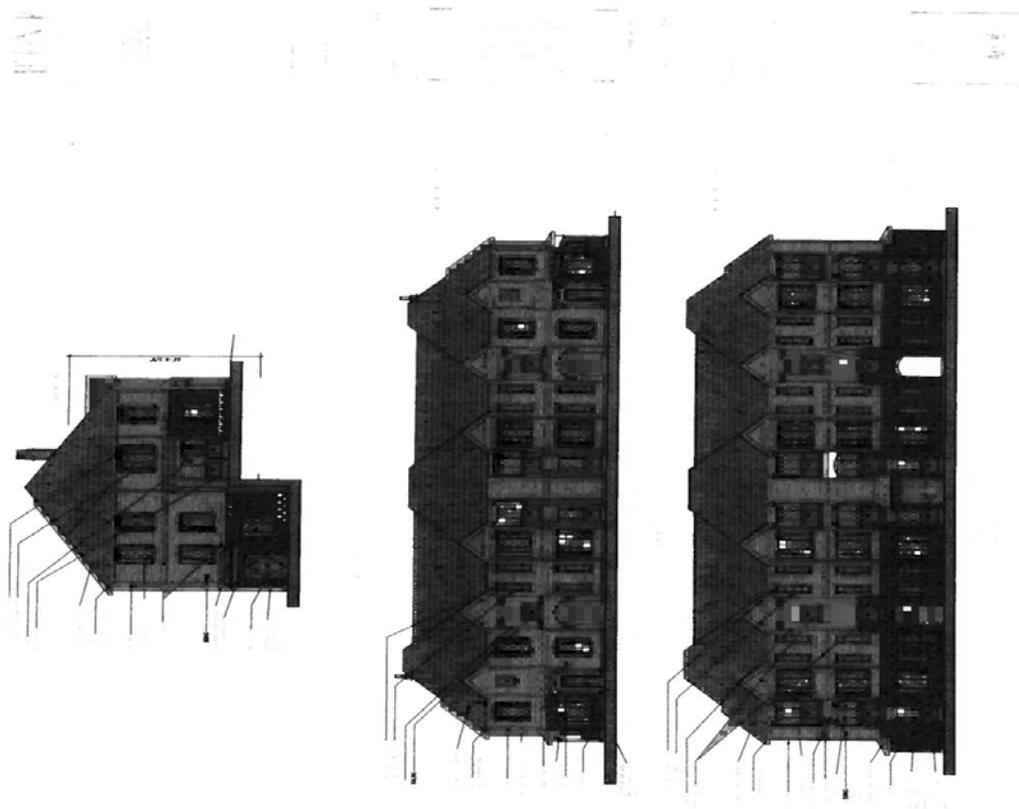
GIVEN under my hand this ____ day of _____, 2014.

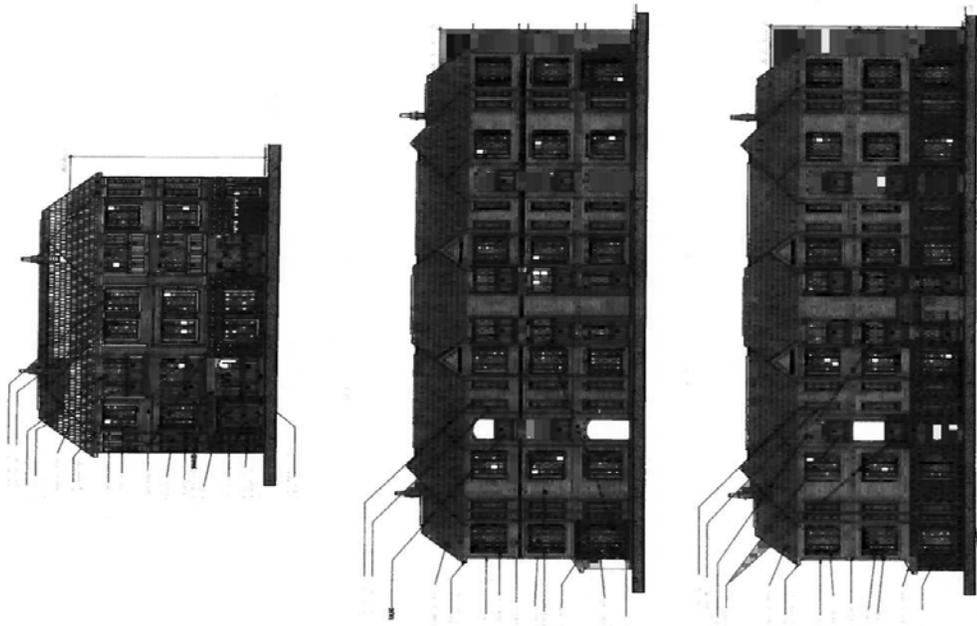
Notary Public

My Commission expires: _____
Registration Number: _____

EXHIBIT A

HEFFNER ARCHITECTS, PC ELEVATIONS





Attachment 4 ZM-86 Proffers

Rezoning Application #ZM-86, Tavistock Farms Proffers
Ordinance 87-O-20 Adopted June 24, 1987

1. Applicant shall dedicate in fee simple (free and clear of liens) and construct the on-site public streets generally as shown on the submitted Preliminary Development Plan dated the 3rd day of February 1987, and last revised on the 22nd day of June, 1987, in accordance with the Virginia Department of Transportation and Town of Leesburg Standards. Dedication of the right-of-way shall be as shown on the Preliminary Development Plan dated the 3rd day of February 1987, and last revised the 22nd day of June 1987, and will occur at time of record plat subdivision approval of the subject property. Construction of such streets shall occur in phases as the project is developed.
2. Development of the property shall be in general conformity with the Preliminary Development Plan/Rezoning Application dated the 3rd day of February 1987, and last revised on the 22nd day of June 1987, attached hereto, which shall control the general layout and general configuration of the property, as well as the general architectural design and materials for the project, with reasonable allowance to be made for engineering and design alteration at time of actual subdivision and/or site plan approvals.
3. The applicant, or its successor in interest, agrees to contribute up to the aggregate sum of Five Hundred Two Thousand Four Hundred Dollars (\$502,400.00).(based on the projected number of residential units of 628), under the terms and conditions stated hereinafter as its pro rata share toward the construction of off-site transportation improvements directly benefiting the subject property. The applicant's donation shall be in the form of cash contributions equaling Eight Hundred Dollars (\$800.00) per residential unit actually developed on the subject property, which funds shall be paid into an escrow account established by the Town of Leesburg for the specific purpose of financing construction of such transportation improvements. The applicant, or successor in interest to the applicant, as the case may be, shall make said payments to the Town of Leesburg on a residential unit by unit basis at the time of the receipt of zoning permits for construction of individual residential units on the property.
4. Applicant agrees that at time of obtaining zoning permits for individual residential units to be placed on the property, applicant, or its successors in interest, will pay unto the Town of Leesburg the total sum of Thirty-five Dollars (\$35.00) per residential unit as a donation to the volunteer fire and rescue facilities providing service to the subject property, which monies will be provided by the Town to the appropriate volunteer fire and rescue facilities.
5. Applicant, or its successors in interest, agree that at the time of obtaining zoning permits for individual residential units on the property, it will make a cash donation to the Town in the amount of One Hundred Dollars (\$100.00) for each residential unit on which a zoning permit is drawn, such payments to be placed by the Town in a fund for the improvement of the Ida Lee Community Park.
6. Applicant, or its successors in interest, agrees that it will make certain transportation improvements to Route 654, (which is designated as a "minor arterial") the general nature and extent of those improvements are more fully set forth on the Preliminary Development Plan dated the 3rd day of

February, 1987, and last revised on the 22nd day of June 1987. These improvements will be made at applicant's sole cost and expense, with the cooperation of the Town and the Virginia Department of Transportation, and will meet the standards of the Town and Virginia Department of Transportation for an urban minor arterial with curb and gutter design.

7. Applicant agrees that it will donate, without charge, an area of land composed of 15.8 acres, more or less, to the Town of Leesburg for use as an elementary school site, the location of which being more particularly designated on the attached preliminary development plan dated the 3rd day of February 1987, and last revised on the 22nd day of June 1987. Applicant recognizes that the school site is needed as soon as possible, and agrees that such donation shall be tendered within thirty (30) days following the final approval of the record plat and Final Construction Drawings to construct (1) Route 654 improvements, as described in Paragraph 6 above, and (2) a portion of the Collector Road (Tavistock Drive) from Route 654 along the easterly frontage of the school site so as to provide vehicular access to the school site. Construction drawings for Tavistock Drive and the portion of Route 654 described above shall be submitted to the Town within thirty (30) days following Final Development Plan approval by the Town for the planned development. Construction of the two road sections described above shall occur within six (6) months of the date of the final approval of the Final Construction Drawings for said road improvements. In addition, applicant agrees that by the time of donation of the school site, applicant will have made provision for the extension of public water, public sewer, and electric service to the school boundary, at applicant's expense.
8. Applicant agrees that it shall provide signage indicating no parking on the primary collector road designated on the attached Preliminary Development plan as "Tavistock Drive."
9. Applicant agrees that prior to the approval of the Site Plan for the child care facility, applicant will submit architectural elevations for the child care facility to the Town Land Development Official for review and approval. The location of such child care facility is designated on the attached Preliminary Development Plan.

Attachment 5 Fiscal Impact Analysis

Susan Berry Hill, Director Department of Planning & Zoning
Town of Leesburg
25 W. Market Street
Leesburg, VA 20176

July 12, 2013

RE: Home Properties Somerset Park, LLC Property Identification Numbers: 190-37-5471 and
190-28-6459 FISCAL IMPACT ANALYSIS

Dear Ms. Berry Hill:

Overview of Project

The applicant has proposed to construct two Class A multi-family buildings within the existing development known as "Somerset Park." Somerset Park is located at the intersection of Battlefield Parkway and Tavistock Drive in the southeast corridor of the Town of Leesburg. The parcel identification numbers are listed above. Currently the parcels on which the buildings will be constructed are vacant, and no address has been assigned to them.

Applicant has proposed to construct on the parcel identified as 190-37-5471 one 24 unit multi-family building and one 18 unit multi-family building on the parcel identified as 1909-28-6459. Both buildings will be luxury rental apartments primarily for single young adults, newlyweds and mature adults. The existing amenities are designed towards this demographic. However, for the very few children that may live at the property, a small tot lot will also be added to the amenities.

Summary of Impact on Town's General Fund

It is anticipated that this proposed development will generate a positive impact on the Town's General Fund. The development will significantly increase the assessed value of the entire Somerset Park property thereby increasing the tax revenue collected. Moreover, once the buildings are completed and fully rented, the real estate taxes on the improved parcels and personal property of the individual renters will expand the Town's tax base. Additionally, the property will continue to draw and retain young and mature professionals looking for quality housing within the Town limits. This demographic would continue to patronize local businesses and establishments. Few, if any, families with children are anticipated to become residents of this property. Therefore, there should not be a significant burden on the public school system.

Development Time Line

Construction of the two buildings is anticipated to begin the fall of 2015 with occupancies by spring 2016. Construction of the tot lot, sidewalks, parking, trail and open space will be completed and fully operational when the residential units are ready to be occupied.

Estimate number of residents

At completion and when fully rented, it is anticipated that a minimum number of new residents at Somerset Park will be 42 and a maximum will be 84 with few, if any, school-aged children.

Revenue Estimates

Currently, there are six multifamily buildings which contain 108 apartments in total or approximately 18 apartments in each building. Loudoun County's annual real estate assessment for the 18.96 acre property which includes all of the residential buildings in addition to a clubhouse and a retail parcel is \$16.2MM. The applicant proposes to build one 18 unit building and one 24 unit building. Based upon the current assessments for the existing residential buildings, it is reasonable to assume that the 18 unit building would have an estimated assessed value of \$2.64MM and \$3.52MM for the 24 unit building respectively. At the current tax rate of \$1.205 the new construction should generate an estimated additional \$75K in County real estate taxes and at the current tax rate of \$0.192, these new buildings should generate an estimated additional \$12K in Town real estate taxes per year.

It is also worth noting that the undeveloped retail parcel at Somerset Park is currently assessed at approximately \$1M. However, with the development of this parcel to include the proposed 24 unit building, the estimated assessed value would be significantly increased. The applicant is a long term holder of real estate property and has no plans or desire to develop a retail use on the parcel which would not increase its assessed value.

It is anticipated that at a minimum, there would be one vehicle per unit and some units may have two vehicles per unit. This would generate between 42 and 84 additional vehicles subject to Town and County taxes which would also provide a small amount of additional revenue. To support the above conclusions, enclosed is a copy of the County of Loudoun Tax Assessments for the various parcels. If there are any questions or if further information is needed, please do not hesitate to call me.

Sincerely yours,

Robert E. Sevila
Council for the Applicant