Date of Hearing: September 11, 2024

9

BOARD OF SUPERVISORS
PUBLIC HEARING
STAFF REPORT

SUBJECT:	**LEGI-2023-0059, Greenlin Park: ZMAP-2022-0024**
ELECTION DISTRICT(S):	Leesburg
STAFF CONTACT(S):	Marchant Schneider, Planning and Zoning Daniel Galindo, Planning and Zoning
APPLICANT:	JK Land Holdings II LLC

PURPOSE: To consider a Zoning Map Amendment (ZMAP) to rezone an approximately 81.17-acre property from the Transitional Residential – 10 (TR-10) and Joint Land Management Area – 20 (JMLA-20) Zoning Districts to the Industrial Park (IP) Zoning District to develop 2,121,661 square feet (SF) of data center and utility substation uses.

RECOMMENDATION(S):

Planning Commission: At the Planning Commission (Commission) Work Session on July 30, 2024, the Commission forwarded (6-2-1: Jasper and Madireddy opposed; Combs absent) the application to the Board of Supervisors (Board) with a recommendation of approval, subject to amendments agreed to by the applicant regarding additional building fenestration and commitments to continue to research and apply renewable energy options.

Staff: Staff does not support Board approval of the application. As proffered, the proposal is inconsistent with the design recommendations envisioned for the Transition Light Industrial (TLI) Place Type of the *Loudoun County 2019 General Plan* (2019 GP). Without specificity of site layout and/or building elevations, staff cannot determine that the intended transitional nature of uses within the TLI Place Type are consistent with the 2019 GP. Additionally, the proposed building heights exceed the height limit anticipated in the TLI Place Type.

The Office of the County Attorney has not approved the Proffer Statement (Proffers) (Attachment 2) to legal form. The application is not ready for action.

<table>
<tr><th colspan="2">Table 1. Application Information</th></tr>
<tr><td>APPLICANT:
JK Land Holdings II LLC
Charles S. Kuhn
703-932-3917
Chuck.Kuhn@JKMoving.com</td><td>REPRESENTATIVE:
Walsh Colucci, Lubeley & Walsh, P.C.
Michael Romeo
703-737-3633
mromeo@thelandlawyers.com</td></tr>
<tr><td colspan="2">PARCELS/ACREAGE:<table><tr><th>PIN</th><th>Acreage</th></tr><tr><td>237-39-5293 (portion)</td><td>81.17</td></tr><tr><td>Total Acreage</td><td>81.17</td></tr></table></td></tr>
<tr><td>ACCEPTANCE DATE:
February 17, 2023</td><td>LOCATION:
South side of Shreve Mill Road, west side of Sycolin Road, and north side of the Dulles Greenway</td></tr>
<tr><td>ZONING ORDINANCE:
Revised 1993[1]</td><td>EXISTING ZONING:
TR-10
Joint Land Management Area 20 (JLMA-20)</td></tr>
<tr><td>POLICY AREAS:
Transition Lower Sycolin and Leesburg Joint Land Management Area (JLMA)</td><td>PLACE TYPE:
TLI
Leesburg JLMA Employment</td></tr>
</table>

CONTEXT:

Location/Site Access – The subject property is located on the west side of Sycolin Road and north of the Dulles Greenway. Upon development, it will be accessed from Sycolin Road.

Existing Conditions – The subject property is undeveloped and contains a mixture of mature vegetation, steep slopes, and floodplain associated with Sycolin Creek.

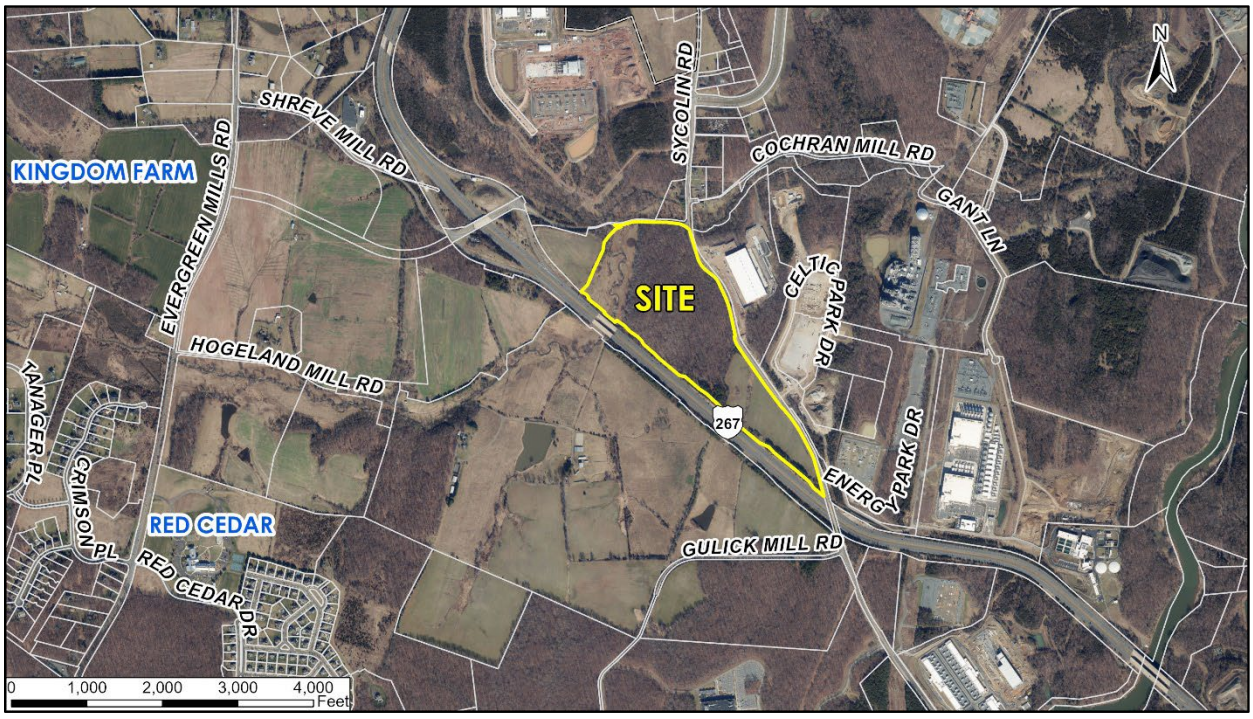
[1]Under the terms of the December 13, 2023, Board Grandfathering Resolution, the application is excluded from review under the current *Loudoun County Zoning Ordinance* (Zoning Ordinance) adopted on December 13, 2023.

Surrounding Properties –

Table 2. Surrounding Properties			
	Land Use	**Zoning District(s)**	**Place Type**
North	Data center (under development)	TR-10, JLMA-20, IP	TLI, Leesburg JLMA Employment
South	Dulles Greenway, Agriculture	TR-10	Transition Large Lot, Transition Small Lot
West	Undeveloped	JLMA-20, Agricultural Rural-1	TLI, Leesburg JLMA Employment
East	Distribution Facility (under development)	IP	TLI

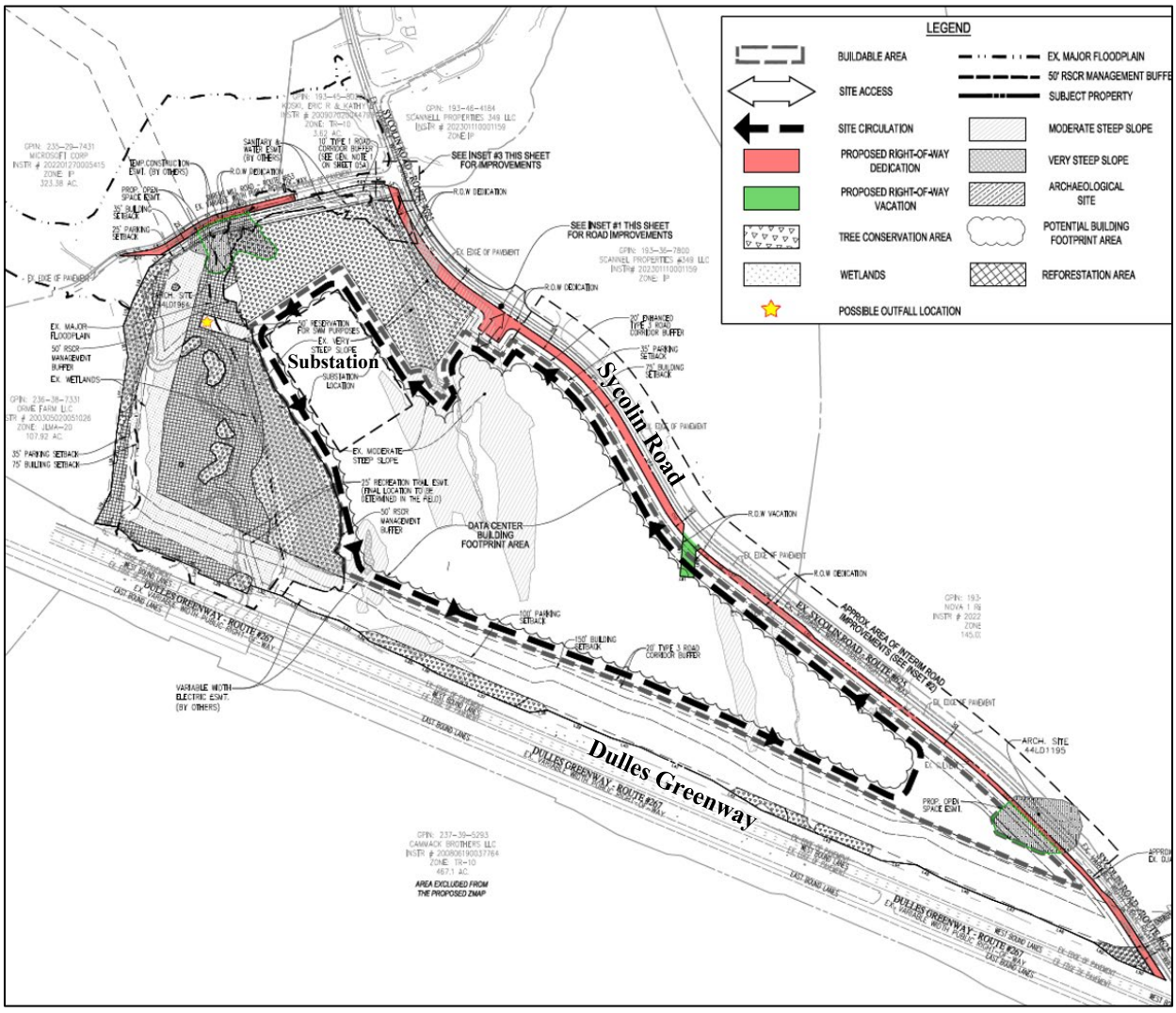
Directions – From Leesburg, drive east on Loudoun Street, and merge onto East Market Street. After 0.6 miles, turn right onto Plaza Street. After 3.2 miles, the subject property is on the right.

Figure 1: **Vicinity Map**



PROPOSAL: The applicant proposes to rezone approximately 81.17 acres to the IP Zoning District in order to allow up to 2,121,661 SF of data center uses. The proposed Proffers would also allow for the development of a utility substation use on the property.

Figure 2: Concept Development Plan (Annotated)



BACKGROUND: There are no legislative applications associated with the subject property.

Planning Commission: The Commission held a Public Hearing on May 28, 2024. One speaker objected to the application due to concerns regarding environmental impact and the availability of electric utility infrastructure to serve data center uses. The Commission discussed impacts to onsite environmental resources, the location of planned and proposed substations in the area, the proposed building height relative to adjacent buildings, site design, building design, open space, and improvements to Sycolin Road. The Commission requested information regarding the implications of data center development within the JMLA and TLI Place Types, taxes, and water and sewer extensions. The Commission forwarded (6-0-3: Frank, Jasper, Madireddy absent) the application to a future Commission Work Session to allow the applicant to address the items

discussed at the Commission's Public Hearing. The applicant submitted revised materials following the Public Hearing. Those revisions are summarized as follows:

1. Traffic Signal and Traffic Impact Study (TIS) – The applicant provided an addendum to the TIS to ensure the proposed traffic generation is consistent with the extent of the proposed development. The applicant revised the trigger for a second traffic signal warrant study to be provided prior to the submission of a site plan for 1,600,000 SF of data center uses.

2. Shreve Mill Road Improvements – If the connection of Shreve Mill Road with the Dulles Greenway is closed and abandoned, the applicant committed to reconstruct the intersection of Shreve Mill Road with Sycolin Road. The Proffers generally require the applicant to discourage entry onto Shreve Mill Road (toward the closed connection with the Dulles Greenway) by reducing the turn radius and the width of the entry onto Shreve Mill Road.

3. Sycolin Road Shared Use Path Contribution – The applicant committed to provide a $342,000 cash contribution to the County for future construction of a shared use path along the subject property's frontage with Sycolin Road. The Proffers specify that the contribution will be provided prior to issuance of the first occupancy permit.

4. Sycolin Road Improvements – The applicant clarified the proposed improvements to Sycolin Road. The applicant will design and construct improvements to the approximate extent of Sycolin Road as shown on Sheet 03 of the Concept Development Plan (CDP) to bring the variable width southbound lane and shoulder up to Virginia Department of Transportation (VDOT) standards and to provide a consistent 12-foot-wide travel way and 6-foot-wide shoulder.

At the request of staff, the application was deferred from the July 11, 2024, Commission Work Session to the July 30, 2024, Commission Public Hearing as a Work Session item.

During the July 30, 2024, Work Session, Commissioners concluded the applicant's clarifications regarding proffered pollinator plantings within overhead utility easements and travel lane and shoulder improvements to Sycolin Road were sufficiently addressed. Similarly, staff confirmed the issues regarding the redesign of the site entrance to avoid very steep slopes, commitments to stormwater management strategies, and revised habitat study language addressed the outstanding environmental issues. The Commission discussed the heights of existing and approved buildings in the area. At varying building heights between 45 feet and 100 feet, and with the applicant providing additional commitments to screening of mechanical equipment and enhanced landscaping, the majority of the Commission determined that the permitted building height of 60 feet in the IP Zoning District was appropriate in light of the TLI height recommendation of three stories, a maximum of 36 feet. At the conclusion of their discussion, the Commission forwarded (6-2-1: Jasper and Madireddy opposed; Combs absent) the application to the Board with a recommendation of approval, subject to a verbal agreement by the applicant to proffer to 30 percent fenestration for building facades facing adjacent roadways and an agreement to continue to explore

renewable resources with alternative resources to offset power demand. The Commission based their recommendation on the following Findings of Approval:

1. The proposal to develop the site with data center uses is in compliance with the land use policies of the Transition Light Industrial Place Type of the 2019 GP, which support data centers as a core use; and

2. The applicant is committing to two electric vehicle charging stations, aligning with recommended sustainability measures in the 2019 GP; and

3. The applicant is committing to provide 30 percent fenestration profiles facing Sycolin Road; and

4. The applicant has agreed to work on renewable resources with alternative resources with further discussion with the Board of Supervisors.

UPDATES: The applicant submitted revised materials on August 1, 2024. Amendments to the submission materials include:

1. Building Façade – The applicant committed to provide a minimum of two distinct exterior surface materials and/or patterns as primary façade materials through material and color differentiation, added a commitment to provide a step-back or recessed plane and varied parapet or wall height extended horizontally across the principal façade at a minimum of 25 percent of the principal building façade.

2. Fenestration – The applicant committed to provide a minimum of 30 percent fenestration across the total surface coverage area of the principal building façade distributed horizontally and vertically that will be compatible with other design, materials, details, and treatments of the same principal facade.

3. Mechanical Equipment Screening – The applicant committed that all mechanical equipment shall be screened on all sides, and that the screening shall not include chain link fencing. The applicant also committed to locate all outdoor generators on the ground level instead of on the rooftops, with the option to stack the equipment. In both instances, the requirement for screening can be waived if determined by the Zoning Administrator that the location of equipment and generators are located in such a manner that has no adverse impact on adjacent roads and properties.

4. Enhanced Road Corridor Buffer – In response to concerns about visual impacts, the applicant committed to a 20-foot-wide Enhanced Type 3 Road Corridor Buffer along Sycolin Road. The applicant is committing to provide 110 plant units per 100 linear feet, which is 15 additional plant units than the 95 plant units typically required.

5. Sustainable Building – The applicant has provided a commitment to utilize at least two Leadership in Energy and Environmental Design strategies.

6. Open Space – The applicant has provided a commitment to provide interspersed native plant pollinator meadows located within a utility easement area.

7. Stormwater – Following the Commission recommendation, the applicant removed the commitment to provide an upstream treatment or an innovative strategy for stormwater management design. Staff is unclear why the applicant removed this commitment.

8. Reforestation – The applicant has provided a commitment to monitor reforestation plantings located in the Major Floodplain.

The applicant has not held any community meetings. Staff has not received any comments on the Loudoun Land Applications and Comments Tool. The staff reports and associated attachments can be viewed online at https://www.loudoun.gov/3362/Land-Applications-and-Comments; search "LEGI-2023-0059."

OUTSTANDING ISSUES: Staff has identified the following outstanding land use and compatibility issues:

1. Building Height – The 2019 GP envisions buildings in the TLI Place Type to be no taller than three stories, which staff has consistently interpreted to be equivalent to 36 feet in height (average of 12 feet per story)[2]. The proposed IP district allows buildings up to 60 feet in height, which is 24 feet taller than what is anticipated in the Place Type[3]. Staff recommends the applicant revise the application to commit to a maximum building height of 36 feet to allow transition of heights to adjacent properties and roadways that is consistent with the 2019 GP[4].

2. Architectural and Site Design – The 2019 GP recommends that industrial development within the Transition Policy Area (TPA) develop utilizing building design with differentiated surfaces and design elements, minimize the intrusions onto the rural and natural landscape, and avoid large expanses of blank building surfaces. The 2019 GP further specifies that noise generation shall be separated from residential uses by buildings, berms, and vegetation. Although data centers are envisioned for the TLI Place Type, the 2019 GP recommends transitional uses between data centers and other uses. The 2019 GP further specifies that projects within the TLI Place Type will be visually screened from view via large, wooded buffers, berms, and separation. Staff recommends the applicant commit to architectural renderings and a site design

[2] One story is equivalent to 12 feet in height. Staff recognizes a specific height measurement is not identified within the TLI Place Type; however, the height is consistent with defined heights of Place Types such as the Urban Policy Area. See also Table 3.
[3] The proposed IP district of the Zoning Ordinance implements multiple Place Types of the 2019 GP, each with varying design characteristics than can differ from the IP district dimensional standards.
[4] Staff notes varying building heights in the area correspond to increased building setbacks from Sycolin Road or are within Place Types that envision more stories / taller buildings. See Figure 3.

to allow for staff to further analyze potential impacts to adjacent properties, roadways, and environmental resources and to ensure consistency with the design standards of the TLI Place Type.

3. Administration of Proffers – Staff and the applicant continue to finalize proffer language regarding proffered cash-in-lieu transportation improvements, phasing, environmental commitments, and use descriptions.

POLICY ANALYSIS:

ZMAP Criteria for Approval - Zoning Ordinance Section (ZO §) 6-1210(E) *of the Revised 1993 Zoning Ordinance states that if an application is for a reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give reasonable consideration to six (6) factors or criteria for approval. These criteria for approval are organized below by category, followed by staff's analysis.*

A. Land Use:
ZO §6-1210(E)(1) *Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality.*

Analysis – There are no outstanding land use issues.

The subject property is located in the TLI and Leesburg JLMA Employment Place Types in the 2019 GP. Because a vast majority of the subject property is located in the TLI Place Type, staff assessed the application under the TLI Place Type.

Use and Density - The 2019 GP envisions the TLI Place Type to develop with low-traffic industrial and employment uses that do not generate excessive noise or air pollution, or require outdoor storage, at up to a 0.6 floor area ratio (FAR). The 2019 GP identifies the proposed data center use as a core use for the TLI Place Type. The Proffers limit development of the property to 2,121,661 SF of data center and utility substation uses at a 0.6 FAR, which is consistent with the use and density envisioned for the TLI Place Type.

Open Space – The 2019 GP envisions the TLI Place Type contain a minimum of 50 percent of the site as open space, and can be in the form of recreational, community, and/or environmental areas. For the 81.17-acre site, the 2019 GP would anticipate 40.59 acres of open space. The applicant is proposing 41.06 acres of open space in the form of Tree Conservation Areas (TCAs), in the floodplain and River and Stream Corridor Resources (RSCR) Management Buffer, as well as supplemental pollinator meadow plantings, shrubs, and perennials in utility easement areas consistent with the 2019 GP.

The applicant is committing to a minimum 600 SF outdoor gathering space, to include four benches and two picnic tables for onsite visitors and/or employees. The applicant is committing to a recreation trail easement along Sycolin Creek in the western portion of the property for later inclusion in the County's Linear Parks and Trails System.

B. Compatibility:
ZO §6-1210(E)(2) *The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values.*

Analysis – Staff has identified outstanding compatibility issues. The 2019 GP includes design guidelines for the TPA and design characteristics for the TLI Place Type.

Building Height – The 2019 GP envisions buildings in the TLI Place Type to develop up to three stories in height, equivalent to approximately 36 feet. In evaluating data center proposals, staff has consistently interpreted one story to equal approximately 12 feet in height (Table 3). Staff supplied the same analysis and interpretation for the True North Data Center Zoning Concept Plan Amendment (ZCPA-2020-0003) when the applicant was proposing to increase the permitted building height for a central building from 27 feet to 56 feet. Staff did not support the building height increase during the Commission review and was only able to support the height increase when the applicant removed two buildings from the site area during the Board review, which resulted in significant natural resources protection. Staff also supported the height increase because the building is substantially set back from Sycolin Road. Additionally, data centers fronting Sycolin Road remained at a maximum building height of 27 feet.

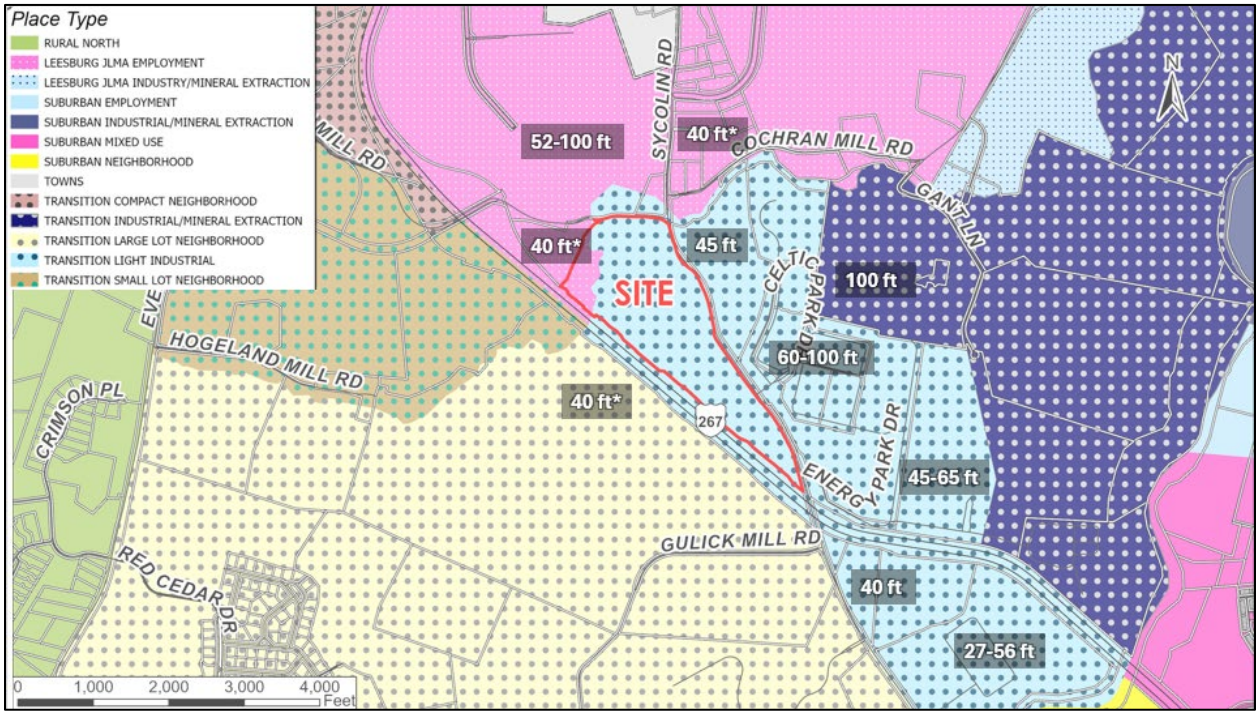
Table 3: Data Center Applications – 2019 GP Policy Recommended Number of Building Stories Assessed at 12 Feet Per Story

Application Number	Application Name	Place Type	Number of Stories Recommended Per Place Type	Maximum Building Height per Proffers / CDP
ZCPA-2020-0003	True North Data	TLI (Transition Light Industrial)	1-3	27 feet & 56 feet
ZMAP-2019-0010	Sycolin Road Distribution Center	TLI	1-3	45 feet
ZMAP-2019-0015	JK Technology Park #2	SE (Suburban Employment	2-8	60 feet
ZMAP-2021-0018	Firefox Dulles	SIME (Suburban Industrial / Mineral Extraction)	Up to 4	100 feet

ZMAP-2022-0008	Aligned Energy Data Center	SIME	Up to 4	99.5 feet
ZMAP-2022-0014	Defender West	SMU (Suburban Mixed Use)	2-8	70 feet
ZRTD-2021-0008	1501 Moran Road	SE (Suburban Employment)	2-8	74 feet
LEGI-2023-0070	Hiddenwood (active)	SN (Suburban Neighborhood)	Up to 4	N/A

The proposed IP Zoning District allows buildings up to 60 feet in height, which is 24 feet taller than what is anticipated in the TLI Place Type. Staff notes the proposed building height is also 15 feet taller than the 45-foot height permitted for development of a distribution facility on the opposite side of Sycolin Road.[5] Building heights of surrounding developments are included in Figure 3.

Figure 3. Surrounding Building Heights by 2019 GP Place Type.



*Indicates active legislative applications

[5] ZMAP-2019-0010 & SPEX-2019-0022, Sycolin Road Distribution Facility, approved on November 16, 2021.

Staff finds the proposed building height is inconsistent with the TLI Place Type and is inconsistent with the scale of development along this portion of Sycolin Road and the adjacent Dulles Greenway. **Staff recommends the applicant limit the building height to 36 feet, consistent with the three stories envisioned for the TLI Place Type.**

Architectural Design – The 2019 GP recommends that industrial development within the TPA include designs with differentiated surfaces and design elements, minimize intrusions onto the rural and natural landscape, and avoid large expanses of blank building surfaces. The Proffers include the architectural design commitments for building facades, entrances, fenestration, and materials.

The applicant has not provided architectural renderings or building illustratives to demonstrate the proposed architectural design, which would allow staff to evaluate the impact to adjacent public roads and properties; however, the applicant has committed to provide building elevations and architectural drawings to the Zoning Administrator for review at the time of site plan approval. **Staff recommends the applicant commit to architectural renderings and specific building materials now in order for the Board to fully ensure the proposal is compatible with adjacent public roads and nearby development consistent with the 2019 GP.**

Site Design - The subject property is adjacent to developing or proposed industrial uses, including data centers and a distribution facility, located to the north, west, and east of the property. The Dulles Greenway separates the property from agricultural and residential uses located to the south. The *Revised 1993 Loudoun County Zoning Ordinance* (Revised 1993 Zoning Ordinance) requires a Type 3 Road Corridor Buffer and a 150-foot building setback along the Dulles Greenway, and a Type 2 Road Corridor Buffer and 75-foot building setback along Sycolin Road.[6] The applicant has committed to an enhanced 20-foot-wide Type 3 Road Corridor Buffer along Sycolin Road with 15 additional plant units per linear foot than the Zoning Ordinance requires.[7]

The CDP identifies the general area for development of the proposed data center and utility substation uses and identifies the substation will be located in the northwestern portion of the development area. However, the CDP does not identify the specific building footprints for data center buildings, or the outdoor equipment which is associated with noise generation. Staff notes that the data center building layout will affect noise impacts and identifying specific building locations is necessary for evaluating the impact on surrounding uses, including the residential and agricultural uses located to the south of the Dulles Greenway. **Staff recommends the applicant commit to site design, including the specific locations for buildings and outdoor equipment, in order to minimize impacts to onsite environmental resources, surrounding uses and**

[6] A Type 3 Road Corridor Buffer is 20 feet wide and contains a minimum of 95 plant units per 100 linear feet. A Type 2 Road Corridor Buffer is 15 feet wide and contains a minimum of 60 plant units per 100 linear feet. Plant units are allocated as follows: 10 plant units per large deciduous tree, six plant units per evergreen tree, five plant units per small deciduous tree, two plant units per shrub, one plant unit per ornamental grass, and 0.25 plant units per perennial.
[7] This commitment is generally consistent with the development standards for data center uses under Section 4.06.02 of the Zoning Ordinance. However, the Proffers require this landscaping be provided along all visible facades, rather than the façade with the main building entrance as would be required under the Zoning Ordinance.

roadways, and to ensure consistency with the intended transitional nature of uses within the Place Type.

C. Environmental and Heritage Resources:
ZO §6-1210(E)(5) *Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts.*

Analysis – Staff has identified outstanding environmental issues.

Steep Slopes – The subject property contains moderately steep and very steep slope areas, generally located along the western portion of the subject property.[8] Revised 1993 Zoning Ordinance Section 5-1508 allows for limited encroachments into very steep slope areas for roads and driveways. The 2019 GP recommends protecting steep slope areas due to their sensitivity to land disturbances.[9]

The applicant proposes to limit development to the eastern half of the subject property, generally outside of the steep slope areas; however, the development envelope includes very steep and moderately steep slopes areas. These environmentally sensitive areas are located primarily adjacent to the proposed site entrance along Sycolin Road. The application materials indicate the site entrance location is necessary to align with the site entrance for the distribution facility on the opposite side of Sycolin Road. The CDP includes an illustrative entrance that shows the encroachment. Staff notes a more thorough analysis could be provided if the applicant committed to a specific site design, including building locations and vehicle travel ways. Due to the sensitivity of steep slope environmental conditions, staff also notes that site grading within the proposed development envelope may also negatively impact the steep slopes outside of, but adjacent to, the development envelope. **Staff recommends the applicant commit to a specific site design in order to limit environmental disturbances.**

Historical Resources – The applicant provided a Phase I Archeological Survey, dated July 2023, which identified two archaeological sites located on the subject property, both of which have been identified in prior surveys.

Archaeological Site 44LD1195 is located along the southeastern portion of the subject property and extends into the existing Sycolin Road right-of-way (ROW). The survey noted that a prior survey found evidence of a pottery kiln and dwelling, and that the site may be eligible to be listed on the National Register of Historic Places. A Phase II evaluation was previously conducted for the portion of the site that has been developed with Sycolin Road. The applicant's survey did not find additional artifacts but was generally limited to respect the integrity of any remaining artifacts which may warrant a Phase II or Phase III excavation.

[8] Per Revised 1993 Zoning Ordinance Section 5-1508, moderately steep slope areas contain a naturally occurring slope between 15 percent to 25 percent, and very steep slope areas contain a naturally occurring slope exceeding 25 percent.
[9] 2019 GP: Chapter 3, Natural, Environmental, and Heritage Resources, SGR Policy 3.

Archaeological site 44LD1964 is located along the northwestern portion of the subject property and overlaps with a portion of the subject property proposed to be dedicated for the future expansion of Shreve Mill Road. The survey concluded the site contains a scattering of artifacts associated from the late 1800s to early 1900s and is not eligible for national listing.

The applicant is not proposing any land disturbance or development within either archaeological site. In the event any land disturbance does occur which affects the sites, the applicant is committing to conduct a Phase II archeological study, and, if necessary, Phase II archaeological data recovery. The applicant is proffering to dedicate open space easements for each of the identified sites prior to approval of the first site plan for the property.

Natural Heritage Resources – The 2019 GP recommends protection of natural and heritage resources, including rare, threatened, and endangered plant and animal species, and protection of wildlife habitats.[10] The subject property contains habitat suitable for the wood turtle, which is an endangered species. The applicant has proffered to conduct a habitat study to assess the presence of any wood turtles. Staff agrees with the language of the applicant's commitment to conduct the study specific to this proposal and existing site conditions.

Stormwater Management – The western portion of the subject property contains major floodplain associated with Sycolin Creek. Stormwater from the subject property drains to Sycolin Creek, which is partially located on the subject property. The *2009 Countywide Stream Assessment Project* identified a location downstream from the property as suboptimal for habitat and stressed for benthic organisms.[11] The County's environmental policies encourage the protection and improvement of local streams through decreasing stormwater runoff, decreasing pollutants, and establishing a RSCR Management Buffer within 50 feet of floodplain areas.[12]

Staff notes that stormwater may be redirected toward the onsite major floodplain and RSCR. Staff anticipates encroachments into the RSCR will be required to install sufficient stormwater management infrastructure. The applicant is committing to provide the anticipated 50-foot RSCR Management Buffer, to implement five low impact development best management practices to treat stormwater from the subject property, to achieve 85 percent of the required phosphorus (a pollutant) reductions onsite before the use of offsite credits, and to incorporate use of manmade stormwater outfalls.

Vegetation – The subject property is predominately forested with a wide variety of plant species including mature hardwood forest. To address impacts to existing vegetation, the 2019 GP natural resource policies encourage use of native vegetation, tree preservation in the form of a TCAs, and removal of invasive plant species.[13]

[10] 2019 GP: Chapter 3, Natural and Heritage Resources Strategies 6.1 and 6.2.
[11] A benthic organism is any plant or animal typically found along the bottom of the stream.
[12] 2019 GP: Chapter 3, River and Stream Corridor Resources Strategy 2.2, 2.3, and 2.4.
[13] 2019 GP: Chapter 3, Forest, Trees, and Vegetation Action 4.1.A and Action 4.2.A.

The applicant is committing to use 80 percent native plant species within required landscaping, an approximately 11.71-acre TCA, removal of invasive plant species within the TCA, to plant trees at least three feet from hardscapes (e.g., sidewalks, pavement), to provide a minimum of 1,000 cubic feet of soil for each large deciduous tree, a preservation plan for identified specimen trees within the TCA, and to provide approx. 6.10 acres of reforestation plantings to address lost canopy from the planned transmission line along the southern property line. Staff notes the reforestation areas are located within floodplain, but the applicant is committing to a five-year monitoring period, evaluated annually, to ensure that reforestation plantings survive potential flooding during the initial growth period.

Sustainable Design – The 2019 GP encourages new development to incorporate sustainable design features, such as the reuse of water and building materials, use of green building standards, and use of renewable energy.[14] The applicant has proffered to reduce cooling water usage, implement low flow plumbing fixtures, LED light fixtures, and air quality control systems. Additionally, the applicant is committing to a minimum of two green building strategies pursuant to Leadership in Energy and Environmental Design by US Green Building Council, consistent with the 2019 GP.

D. Transportation:
ZO §6-1210(E)(3) *Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district [emphasis added].*

Analysis – Staff and the applicant continue to finalize proffer language regarding the below commitments.

Traffic Impacts – The applicant provided a TIS dated January 5, 2024, and addendums most recently dated May 22, 2024.

Table 4. Approved and Proposed Trip Generation Comparisons

Development Program	AM Peak Trips	PM Peak Trips	Weekday Total Trips
Total Approved Trips (Nine single-family detached units)	8	10	110
Total Proposed Trips (2,121,661 SF of data center)	233	191	2,100
Difference (Proposed Minus Existing)	**+225**	**+181**	**+1,990**

*Information from the applicant's TIS dated January 5, 2024, with amendments provided through May 22, 2024, and Department of Transportation and Capital Infrastructure communication dated May 18, 2024.

[14] 2019 GP: Sustainability Strategies 9.1, 9.2, 9.4, and 9.5.

Sycolin Road – The *Loudoun County 2019 Countywide Transportation Plan* (2019 CTP) identifies Sycolin Road as a major collector road with four lanes, and a ten-foot-wide shared use path on both sides of the road. Sycolin Road is currently constructed as a two-lane road with no shared use paths. A separate developer is improving the northern half of the adjacent segment of Sycolin Road to include a shared use path and turn lanes to access their site.[15]

a. Road Improvements – The applicant is committing to improve the southern half of this segment of Sycolin Road to include turn lanes and a shared use path. Neither developer has committed to expand Sycolin Road to its ultimate condition, but both will provide interim improvements and the necessary ROW to allow expansion of the entire roadway at a later date. The applicant has committed to design and construct improvements to bring the variable width southbound lane and shoulder up to VDOT standards and to provide a consistent 12-foot-wide travel way and 6-foot-wide shoulder. The applicant has also committed to provide a $342,000 cash contribution to the County for future construction of a shared use path along the subject property's frontage with Sycolin Road. The Proffers specify that the contribution will be provided prior to issuance of the first occupancy permit.

b. Site Entrance – The applicant has committed to design and construct improvements to the property's entrance on Sycolin Road including designing and installing the southbound right turn lane and taper for the property's entrance and restriping. The applicant is committing to contract with the County for a traffic signal warrant study for the proposed entrance at Sycolin Road. The Proffers require a study to be completed prior to or concurrent with the submission of the first site plan for data centers cumulatively exceeding 900,000 SF. In the event a signal is not warranted by the first study, the Proffers require a second study be completed prior to or concurrent with a site plan for data centers cumulatively exceeding 1,600,000 SF. In the event one of the studies concludes a signal is warranted, the applicant is committing to install the signal, or innovative intersection improvement if recommended by VDOT, on a timeline mutually agreed to by the County and the applicant. In the event no signal or other improvement is warranted, or the improvements are installed by others, the applicant is committing to provide a $500,000 cash-in-lieu of the anticipated improvement. In the event VDOT recommends an innovative intersection improvement instead of a traffic signal, the Proffers allow the applicant the option to either install the improvement or provide the $500,000 cash-in-lieu.

Shreve Mill Road – Shreve Mill Road is not specifically identified in the 2019 CTP and is therefore considered a local road. The applicant is committing to dedicate additional ROW along its frontage with Shreve Mill Road to allow future expansion up to a total of 25 feet of ROW if necessary. The applicant has also committed to provide an entrance apron and taper on Shreve Mill Road upon the closure and abandonment by VDOT of Shreve Mill Road east of the Dulles Greenway provided the closure and abandonment of Shreve Mill Road occurs prior to approval of the first site plan for

[15] These commitments were provided as part of ZMAP-2019-0010, Sycolin Road Distribution Facility, approved by the Board on November 16, 2021.

the property. Staff notes the Shreve Mill Road closure and abandonment are not anticipated until after Spring of 2027 and therefore does not anticipate this Proffer to be triggered.

Pedestrian and Bicycle Transportation – The 2019 GP and 2019 CTP plan for suburban developments to accommodate both pedestrian and bicycle transportation and that sidewalks or trails shall be provided on both sides of any road, including private roads.[16] The applicant is committing to internal sidewalks and trails which are a minimum of five-feet in width to provide connections between external roadways, internal roadways and driveways, parking areas, building entrances, and civic space. The applicant has additionally committed to provide two inverted U-style bicycle racks.

E. Fiscal Impacts:
ZO §6-1210(E)(4) *The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services.*

Analysis – Staff has not identified outstanding fiscal impact issues. Staff anticipates that the proposed data center will generate more revenue compared to any public expenditures.

F. Public Utilities/Public Safety:
ZO §6-1210(E)(3) *Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district.* ***(6)*** *The protection of life and property from impounding structure failures [emphasis added].*

Analysis – There are no outstanding issues with public utilities and public safety.

Table 5. Public Utilities and Public Safety	
Water and Sewer	The subject property will be served by an extension of existing Loudoun Water facilities. Staff note Loudoun Water is currently managing project that extend both sewer and water westward from the limits of the central service area into the Leesburg JLMA and portions of the TPA.
Fire and Rescue Service	The Leesburg Station 20/13 serves the subject property with an approximate response time of eight minutes for fire services, and nine minutes for rescue services.
Fire and Rescue Service Contribution	The applicant has proffered to pay $0.26 per gross square foot on the subject property for each zoning permit intended to support the volunteer fire and rescue companies providing service to the property.

ZONING ANALYSIS: The County accepted the proposal for review prior to adoption of the current *Loudoun County Zoning Ordinance* (Zoning Ordinance) on December 13, 2023. Since December 13, 2023, the applicant has made no substantial modifications, and has diligently pursued approval of the subject application. Staff finds the proposal complies with the requirements of the Board's Grandfathering Resolution for review of applications after adoption

[16] 2019 CTP: Chapter 3, Suburban Bicycle and Pedestrian Policy 3-2.14.

of the current Zoning Ordinance. Therefore, staff assessed the application under the Revised 1993 Zoning Ordinance.

DRAFT MOTIONS:

1. I move that the Board of Supervisors forward LEGI-2023-0059, Greenlin Park: ZMAP-2022-0024 to the October 16, 2024, Board of Supervisors Business Meeting for action.

OR

2a. I move that the Board of Supervisors suspend the rules.

AND

2b. I move that the Board of Supervisors deny LEGI-2023-0059, Greenlin Park: ZMAP-2022-0024, based on the Findings for Denial provided as Attachment 1 to the September 11, 2024, Board of Supervisors Public Hearing Staff Report.

OR

3. I move an alternate motion.

ATTACHMENT(S):

1. Findings for Denial
2. Proffer Statement (August 1, 2024)
3. Concept Development Plan (August 1, 2024)
4. Statement of Justification
5. Review Agency Comments
6. Response to Referral Comments

FINDINGS FOR DENIAL

LEGI-2023-0059, Greenlin Park: ZMAP-2022-0024

1. The proposal to construct buildings up to sixty feet in height conflicts with the policies of the Transition Light Industrial Place Type of the Loudoun County 2019 General Plan, which recommend buildings be no taller than three stories, or 36 feet, in height.

2. The proposal does not demonstrate that the visual character of the Transition Policy Area, established by extensive natural open space, use of compact development concepts with substantial open space, and low-profile construction to minimize visual intrusion into the natural environment, will be retained.

PROFFER STATEMENT

Greenlin Park

LEGI-2023-0059

ZMAP-2022-0024

December 29, 2022
Revised July 18, 2023
Revised January 5, 2024
Revised April 12, 2024
Revised June 7, 2024
Revised August 1, 2024

Cammack Brothers, LLC, the record owner (referred to herein as the "Owner") of the property identified as a portion of Loudoun County PIN 237-39-5293 consisting of a total of approximately 81.17 acres (the "Property"), on behalf of itself and its successors in interest, hereby voluntarily proffers, pursuant to Section 15.2-2303 of the Code of Virginia (1950), as amended, that in the event the Board of Supervisors of Loudoun County, Virginia, approves this Zoning Map Amendment application, ZMAP-2022-0024 (the "Application"), to rezone the Property from the Transitional Residential – 10 (TR-10) zoning district and the Joint Land Area Management – 20 (JLMA-20) zoning district to the Planned Development – Industrial Park (PD-IP)(IP)) zoning district of the Zoning Ordinance, development of the Property shall be in substantial conformance with the Concept Development Plan identified in Proffer I.A. below and attached hereto as Exhibit A, and the conditions set forth in this Proffer Statement ("Proffers"). All proffers made herein are contingent upon the approval of this ZMAP-2022-0024 by the Board of Supervisors of Loudoun County, Virginia. As used herein, the term "County" refers to the Board of Supervisors of Loudoun County, Virginia, or to the applicable Loudoun County government department, staff, or official enabled with authority to act on the County's behalf, within the context of the particular proffer provision. This application was processed under the land use and development regulations prescribed in the Revised 1993 Zoning Ordinance pursuant to the ZOR Grandfathering Resolution dated December 13, 2023

All references in these Proffers to subdivision, subdivision plat, or record plat shall be deemed to include condominium or condominium plat or any other document or mechanism that legally divides the Property into separately transferable units of ownership. Any obligation imposed herein that must be performed prior to, in conjunction with, or concurrently with first or other subdivision or record plat approval shall be deemed to be required to be performed prior to the recordation of any such condominium declaration or plat or other similar document that would have the legal effect of dividing the Property into separately transferable units of ownership.

As used in these Proffers, the term site plan shall include any application for approval of a site plan or site plan amendment in accordance with applicable County ordinances and the term construction plans and profiles or CPAP shall include any application for approval of a construction plans and profiles or amendment/revision thereto in accordance with applicable County ordinances. Proffered improvements shown on a site plan shall be bonded prior to approval of said plan; proffered improvements shown on CPAPs shall be bonded prior to approval of the record plat associated with such CPAP, or as otherwise required by applicable County regulation or procedure. All land development applications, including zoning permit applications, for development of all or any portion of the Property shall identify said applications or permits as being subject to the Proffers of this Zoning Map Amendment (ZMAP-2022-0024).

When any plan submission, signal warrant analysis submission, noise or other impact study submission, bonding, dedication, conveyance, construction, completion of construction, opening of a facility or infrastructure to traffic or use, payment of cash, or any other act or activity required in these Proffers is required to be performed, submitted, recorded, paid, commenced and/or completed prior to the issuance of any certificate of occupancy, the said certificate of occupancy shall not be issued until the Owner has provided written documentation to the Loudoun County Building and Development (B&D) or Zoning Administration staff that the said requirement has been satisfied, or documentation from B&D or Zoning Administration staff that the said requirement is no longer a prerequisite for issuance of such certificate of occupancy.

I. CONCEPT DEVELOPMENT PLAN & DEVELOPMENT SCOPE

A. Concept Development Plan. The development of the Property shall be in substantial conformance with the Concept Development Plan (the "CDP"), hereby defined as Sheets 01, 03, 03A, 04, 05, and 05A of the 6-sheet plan set titled "GREENLIN PARK, LEGI-2023-0059, ZMAP-2022-0024", dated January 20, 2023 and revised through August 1, 2024, prepared by Urban, Ltd. and these Proffers. The CDP shall control the development, layout, and configuration of the Property. Minor adjustments to the location of proposed uses, facilities, and improvements shown on the CDP as reasonably necessary to address grading; drainage; environmental, cultural, and natural features; development ordinance requirements; and other final engineering considerations; and to accommodate the recommendations of archaeological studies; provided that any such minor adjustments shall be in substantial conformance with the CDP.

B. Development Scope. The Property shall only be developed with the Data Center and Data Center Mechanical Equipment uses. A Utility Substation, dedicated or Utility Substation, distribution use shall also be permitted on the Property in the location shown on Sheet 03 as "SUBSTATION LOCATION". The total building

square footage permitted for the Data Center and Data Center Mechanical Equipment uses on the Property shall be limited to 2,121,661 square feet of gross floor area square feet, subject to any increase in square footage permitted by Special Exception and Zoning Concept Plan Amendment for which the requisite approval is granted by the County.

II. BUILDING AND SITE DESIGN

A. Building Design. The below requirements shall apply to the building design of data center buildings constructed on the Property. For purposes of this proffer, principal building facades shall be defined as all building elevations facing Sycolin Road and the Dulles Greenway abutting the Property as shown on Sheet 03 of the CDP (the "Principal Building Facades").

a. Building Façade. Unless otherwise specified in this Proffer II, each Principal Building Façade shall incorporate the following design elements:

i. A minimum of two distinct exterior surface materials and/or patterns as the primary façade material(s), which may be accomplished using changes in textures, indentations, and/or etching of pre-cast concrete panels, or using a minimum of two different materials listed in Proffer II.A.c.

ii. A minimum of one step-back or recessed plane of at least four feet in depth that extends from the ground level to the top of the building. The step-back or recessed plane shall extend horizontally across the Principal Building Façade at a minimum of 25% of the Principal Building Façade.

iii. A variation of a minimum of two feet in the parapet and/or wall height of the building. The varied parapet and/or wall height shall extend horizontally across the Principal Building Façade a minimum of 25% of the Principal Building Façade.

iv. A minimum of two of the following features shall be included: windows, wall articulation, material and/or color changes, and changes, awnings, and/or canopies.

v. All Principal Building Facades shall be consistent with each other in terms of design, materials, details, and treatment when a building has more than one Principal Building Façade.

b. Building Entrance. When the primary entrance of a building is located on a Principal Building Facade, the primary entrance shall be highlighted with an entry feature such as an awning, roof feature, trellis, or other decorative

elements to differentiate the primary entrance from the other portions of the design. Such primary building entrance shall include the following features:

i. Contrast with the surrounding building plane by providing a minimum of two of the following features: tinted glass, painted doors, or recessed or projecting features that will create a shaded effect.

ii. A frame feature around the doorways using different materials, or material textures from those utilized on the Principal Building Façade.

c. Building Materials. Exterior materials and colors shall be of a high quality that show a minimum of two color compositions and/or tones. Building materials for each building on the Property shall be compatible with each other. Exterior building materials shall be factory finished, stained, painted, integrally colored, or otherwise suitably treated. Exterior building materials shall not include highly reflective materials (such as bright aluminum or bright reflective metal) or glossy materials. Exterior building materials may include:

i. Split face or fluted concrete masonry units (CMU).

ii. Factory glazed (CMU).

iii. Brick veneer or brick.

iv. Stone veneer.

v. Insulated glazing and framing systems.

vi. Architectural pre-cast concrete panels.

vii. Painted or stained site-cast or pre-cast concrete.

viii. Architectural concrete.

ix. Factory finished, standing seam metal roofing (for application to pitched roof system only).

x. Architectural metal as building accent.

xi. Composite metal panel canopies.

xii. Non-vision spandrel glass for windows or other features.

d. Fenestration. Each Principal Building Façade shall include fenestration as follows:

i. Fenestration must comprise at least 30% of the total surface coverage area of the Principal Building Façade and located in separate, individual placement or clustered bays. Each placement or bay may count toward no more than 7.5% of such total surface coverage area.

ii. The placement pattern of individual or clustered bays of fenestration must be distributed horizontally and vertically across the Principal Building Façade; and

iii. The Fenestration must be compatible with the other design, materials, details, and treatment used on the same Principal Building Facade.

e. Principal Building Façade Consistency. Building elevations and/or architectural drawings shall be submitted to the Zoning Administrator with the first site plan application for each new building on the Property for review and approval to confirm substantial conformance with this Proffer II.A. The Owner shall obtain the Zoning Administrator's approval of the elevations and/or drawings prior to the approval of the applicable site plan application.

B. Mechanical Equipment.

a. Ground Level and Roof Top Mechanical Equipment. To minimize the visibility of ground level and roof top mechanical equipment from adjacent public roads, the Dulles Greenway, and adjacent properties, all mechanical equipment, with the exception of generators which are referenced separately in Proffer II.B.b., shall be screened on all four sides by an opaque fence, screen wall or panel, parapet wall, or other screening compatible with those materials used in the exterior construction of the building. The effectiveness of this screening shall be evaluated when viewing the Property from the existing grade of adjacent public roads and the existing grade of adjacent properties. The use of chain link fencing for the purpose of mechanical equipment screening shall be prohibited. Screening of ground level and roof top mechanical equipment shall be shown on each site plan, bonded for installation prior to the approval of said site plan, and installed prior to the issuance of the certificate of occupancy for the building.

b. Generators. All generators shall be located at the ground level, or possibly stacked on top of each other, but shall be prohibited from being located on the roof of the building. All generators shall be screened by an opaque screening treatment that shall be installed with materials consistent with the building

design standards in Proffer II.A. above. Screening for generators shall be shown on each site plan, bonded for installation prior to the approval of said site plan, and installed prior to the issuance of the certificate of occupancy for the building.

c. Notwithstanding the requirements of this Proffer II.B, ground level and roof top mechanical equipment and generators located in a manner that has no adverse impact on adjacent roads and adjacent properties, as determined by the Zoning Administrator prior to installation of the mechanical equipment, shall not be required to be screened.

C. Enhanced Sycolin Road Buffer. The Owner shall install a 20-foot-wide Enhanced Type 3 Road Corridor Buffer (the "Enhanced Sycolin Road Buffer") along the Sycolin Road frontage of the Property as shown on Sheet 05A of the CDP as "20' ENHANCED TYPE 3 ROAD CORRIDOR BUFFER". The Enhanced Sycolin Road Buffer shall be shown on the first site plan for the Property, bonded for installation prior to the approval of said site plan, and installed prior to the issuance of the first certificate of occupancy for the Property.

III. TRANSPORTATION

A. Traffic Signal at Sycolin Road Site Entrance. The Owner shall contact DTCI to prepare a first traffic signal warrant study (signal justification report) (the "First Warrant Study") at the intersection of Sycolin Road and the site entrance to the Property and pay to the County the applicable fee for preparing the First Warrant Study prior to or concurrent with the first site plan for data center uses on the Property exceeding 900,000 square feet. If the First Warrant Study determines that the signal is warranted and the First Warrant Study is approved by VDOT, the Owner shall design and install the traffic signal in accordance with VDOT standards, including crosswalks with pedestrian-activated crossings, prior to the issuance of the first certificate of occupancy on the Property. The traffic signal, including crosswalks with pedestrian-activated crossings, shall be bonded prior to the approval of the site plan or CPAP showing said traffic signal and installed prior to the issuance of a certificate of occupancy for data center uses on the Property exceeding 900,000 square feet.

If VDOT recommends an innovative intersection control at the intersection, the Owner shall bond the innovative intersection control prior to the approval of the site plan or CPAP showing said innovative intersection control. The Owner shall either (i) agree to design and install the VDOT recommended innovative intersection control in lieu of the traffic signal improvements required by this

Proffer III.A on a timeline mutually agreeable to DTCI and the Owner, or (ii) provide a cash in lieu contribution of $500,000 to the County for the construction of the VDOT recommended innovative intersection control prior to the approval of the first certificate of occupancy on the Property exceeding 900,000 square feet. If the warranted intersection improvements (signal or innovative intersection control) are installed by others, the Owner shall contribute $500,000 to the County within 30 days of written request by the County.

In the event such traffic signal is not warranted and VDOT does not recommend innovative intersection control as a result of the First Warrant Study as provided above, the Owner shall contact DTCI to prepare a second traffic signal warrant study (signal justification report) (the "Second Warrant Study") at the intersection of Sycolin Road and the site entrance to the Property and pay to the County the applicable fee for preparing the Second Warrant Study prior to or concurrent with the site plan for data center uses on the Property exceeding 1,600,000 square feet. If the Second Warrant Study determines that the signal is warranted and the Second Warrant Study is approved by VDOT, the Owner shall design and install the traffic signal in accordance with VDOT standards, including crosswalks and pedestrian-activated crossings, prior to the issuance of the certificate of occupancy on the Property exceeding 1,600,000 square feet. The traffic signal, including crosswalks with pedestrian-activated crossings, shall be bonded prior to the approval of the plan or CPAP showing said traffic signal and installed prior to the issuance of a certificate of occupancy for data center uses on the Property exceeding 1,600,000 square feet.

If VDOT recommends an innovative intersection control at the intersection instead of a signal, and if right-of-way is available to accommodate such innovative intersection control, the Owner shall bond the innovative intersection control prior to the approval of the site plan or CPAP showing said innovative intersection control. The Owner shall either (i) agree to design and install the VDOT recommended innovative intersection control in lieu of the traffic signal improvements required by this Proffer III.A. on a timeline mutually agreeable to DTCI and the Owner, or (ii) provide a cash in lieu contribution of $500,000 to the County for the construction of the VDOT recommended innovative intersection control prior to the issuance of the certificate of occupancy for data center uses on the Property exceeding 1,600,000 square feet. If the warranted intersection improvements (signal or innovative intersection control) are installed by others, the Owner shall contribute $500,000 to the County within 30 days of written request by the County.

In the event the signal is not warranted and VDOT does not recommend innovative intersection control as a result of the Second Warrant Study as provided above, the Owner shall contribute $500,000 to the County prior to the issuance of the zoning permit for data center uses on the Property exceeding 1,600,000 square feet. If a cash contribution is made to the County pursuant to this proffer, the Owner shall no longer be required to install intersection improvements, and said contribution shall be used for regional road, transportation, or transit projects in the vicinity of the Property.

B. Sycolin Road Shared Use Path Contribution. The Owner shall provide a one-time payment in the amount of $342,000.00 to the County prior to the issuance of the first certificate of occupancy for the Property. This contribution is being provided for the primary purpose of contributing to the cost of the construction of the Sycolin Road shared use path along the Property frontage as a part of the future widening of Sycolin Road or to be used at the County's discretion for construction of public roadway or transportation improvements within the vicinity of the Property.

C. Sycolin Road Right-of-Way Dedication. The Owner shall dedicate to the County, subject to VDOT approval and at no public cost, approximately 102,305 square feet along the Property's Sycolin Road frontage, to provide for right-of-way as shown on Sheet 03 of the CDP as "R.O.W. DEDICATION."

D. Sycolin Road Right-of-Way Vacation. The Owner shall initiate the application to vacate the approximately 7,077 square foot portion of right-of-away along Sycolin Road as shown on Sheet 03 of the CDP as "R.O.W. VACATION" and shall pay the cost of such vacation of right-of-way. The application, required plats, and legal documents shall be submitted to the County prior to the approval of the first site plan or CPAP application for the Property.

E. Sycolin Road Entrance Improvements. The Owner shall, subject to the approval of the County and VDOT, design and construct improvements, at no public cost, to Sycolin Road from the Property's frontage to the parking setback along Sycolin Road as shown on Sheet 03 of the CDP to meet minimum VDOT lane width and shoulder requirements and design and install the southbound right turn lane and taper for the Property's entrance on Sycolin Road (the "Property Entrance") as shown in Inset #1 on Sheet 03 of the CDP as "200' RIGHT TURN LANE W/200' TAPER". The Owner shall restripe Sycolin Road to create a northbound left turn lane at the Property Entrance as shown in Inset #1 on Sheet 03 of the CDP as "RE-STRIPING FOR LEFT-TURN LANE". These improvements for the Property Entrance (the "Property Entrance Improvements"), subject to approval of all necessary site plans or CPAPs by the County and VDOT, and any other reviewing

authority, and the granting of any other necessary approvals, shall be shown on and bonded prior to approval of the first site plan or CPAP, whichever is first, for the Property. The Property Entrance Improvements shall be completed prior to the issuance of the first certificate of occupancy for the Property.

F. Sycolin Road Interim Improvements. The Owner shall, subject to the approval of the County and VDOT, design and construct improvements, at no public cost, to the approximate extent of Sycolin Road as shown in Inset #2 on Sheet 03 of the CDP to bring the variable width southbound lane and shoulder up to VDOT standards to provide a consistent 12-foot-wide travel way and six-foot-wide shoulder. Notwithstanding the foregoing, the Owner shall not make any improvements to Sycolin Road that would impact the Dulles Greenway bridge or guardrail.

G. Shreve Mill Road Right-of-Way Dedication. The Owner shall dedicate to the County, subject to VDOT approval and at no public cost, approximately 15,428 square feet along the Property's Shreve Mill Road frontage, to provide for right-of-way as shown on Sheet 03 of the CDP as "PROP. ROW." Such dedication shall be made prior to or concurrent with the approval of the first site plan or CPAP, whichever is first, for the Property.

H. Shreve Mill Road Treatment. Upon the future closure and abandonment of the Shreve Mill Road connection east of the Dulles Greenway by VDOT, the Owner shall, subject to the approval of the County and VDOT, and at no public cost, construct an entrance apron and taper down the curb radius on Shreve Mill Road at its intersection with Sycolin Road as shown on Sheet 03 of the CDP as "SHREVE MILL ROAD TREATMENT" to reduce the entrance width and discourage use (the "Shreve Mill Road Improvements"); provided, however, that the Owner shall not be required to complete the Shreve Mill Road Improvements if the future closure and abandonment of the Shreve Mill Road connection east of the Dulles Greenway occurs later than the first site plan approved for the Property.

I. Electric Vehicle ("EV") Charging Stations. The Owner shall provide a minimum of two EV charging stations on the Property. Such charging stations shall be fully wired and functional, and a fee associated with providing the EV charging service may be charged. The two EV charging stations shall be shown on and bonded prior to approval of the first site plan for the Property. The charging stations shall be installed and available for use prior to the issuance of the certificate of occupancy on the Property.

J. Vehicle Turnaround Lanes. The Owner shall show the Property Entrance and associated turnaround areas and security checkpoint/gate locations on the first site plan for the Property. The vehicle turnaround areas located between any security checkpoint/gate and Sycolin Road shall bonded prior to approval of said site plan and open to use prior to the issuance of the first certificate of occupancy on the Property.

IV. ENVIRONMENTAL AND DESIGN

A. Optimized Performance Strategies for Data Center Building. The Owner shall utilize the below performance strategies to reduce energy and water usage associated for any Data Center uses on the Property. Information detailing compliance with this Proffer shall be submitted prior to the approval of each site plan for a data center building on the Property. The Optimized Performance Strategies shall consist of the following:

a. Low Water Usage Cooling Systems, defined as use of an air-cooled or adiabatic chiller plant to reduce cooling water usage.

b. Low Flow Plumbing Fixtures, defined as use of low-flow or ultra-low-flow plumbing fixtures, limited to no more than 0.5 gallons per minute ("gpm") for faucets, 1.28 gallons per flush ("gpf") for water closets, 0.5 gpf for urinals for all restrooms.

c. LED light fixtures including advanced zoned lighting controls with occupancy sensors.

d. Building Management System, consisting of a computer system that monitors and controls the building's physical environment, including temperature, humidity levels, and air quality sensors.

e. A minimum of two strategies developed for Leadership in Energy and Environmental Design (LEED) by the US Green Building Council, or equivalent environmental strategies, proposed by the Owner and deemed acceptable by the Zoning Administrator.

B. Low-Impact Development (LID). The Owner shall provide a minimum of five volume reducing Low Impact Development ("LID") Best Management Practices to treat stormwater from the project as specified by the VA BMP Clearinghouse and may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, permeable pavement for

parking spaces, or any alternative LID practice proposed by the Owner and deemed by the Department of Building and Development ("B&D") to be acceptable. Subject to approval by B&D, said LID measures, together with other qualifying stormwater management facilities on the Property that comply fully with the VA Stormwater Management regulations, shall either achieve a minimum of eighty-five percent of the total required phosphorous nutrient reductions on-site before pursuing the use of offsite compliance options, or provide an additional LID for a total of six LIDs if the eighty-five percent of the total required phosphorous nutrient reductions cannot be achieved. Notwithstanding the foregoing, the Owner shall provide stormwater treatment measures which achieve a minimum of eighty percent of the total required phosphorous reductions onsite. The location of the LID practices shall be shown on the first site plan or CPAP, whichever is first, for the Property.

C. Discharges into the Sycolin Creek. Stormwater outfalls, whether natural or man-made, shall be permitted to drain into the Sycolin Creek provided that runoff discharged through such outfalls complies with the standards in of Proffer IV.B. All man-made stormwater outfalls constructed during development of the Property shall be designed using principles of Regenerative Stormwater Conveyance (P-CNV-04) as described in the Virginia Stormwater Management Handbook, Natural Channel Design, or a combination of these and other strategies as approved by B&D. The location of the stormwater outfalls shall be shown on the first site plan or CPAP, whichever is first, for the Property.

D. Foundation Plantings. The elevations of all building facades facing public roadways, shall incorporate foundation plantings. These plantings shall evergreen shrubs, deciduous shrubs, grasses, perennials, and/or groundcovers. The measurement for the required plants will be fifty percent of the façade's length, excluding any entrance walks that run perpendicular to the façade and any doorways. The foundation plantings shall be generally arranged in two rows along the façade, in either formal geometric, irregular, or naturalistic arrangements, to be determined at the time of site plan. These foundation plantings shall be in addition to any required landscape buffers and parking lot landscaping. The foundation plantings for each building requiring such plantings shall be shown on and bonded prior to approval of the first site plan for the Property, and installed prior to the issuance of the first certificate of occupancy for each building.

E. Native Species. The Owner shall use eighty percent Virginia native species, with emphasis on Northern Virginia native species, for all landscaping throughout the Property, provided that the Owner reserves the right, in consultation with and approval by the County Urban Forester, to modify as part of site plan approval,

including any site plan amendment, the exact species to be used in order to meet Facilities Standards Manual (FSM) requirements, or if some plant materials are not available, or not available in the quantities required for the project, or have been deemed by the County Urban Forester to no longer be appropriate.

F. Tree Plantings. Trees planted on the Property shall be located at least three feet from hardscapes such as curbs, sidewalks, and pavement to provide ample tree planting space and soil volume. With the exception of trees planted within parking islands and trees counted towards meeting interior parking lot landscaping, all large deciduous trees shall be provided 1,000 cubic feet of uncompacted soil. For trees planted within parking islands and trees counted towards meeting interior parking lot landscaping, a minimum volume of 600 cubic feet of uncompacted soil shall be provided. Where trees are sharing the soil space, the 1,000 and 600 cubic feet requirements may be reduced by thirty-three percent per tree. Soil space will be calculated length x width x height with the assumption that the useable soil depth for the trees would be three feet. The use of alternative means of providing uncompacted soil may be considered at time of final engineering and may include the implementation of structural soils, cantilevered walks, and silva cells. The Owner shall demonstrate compliance with this condition with the first site plan for the Property.

G. Tree Conservation Areas. Within the area identified on Sheet 03 of the CDP as "TREE CONSERVATION AREA" "TCA(s)"), the Owner shall preserve healthy trees provided, however, trees may be removed to the extent necessary for construction of trails, passive recreational amenities, and stormwater management facilities, that are required pursuant to these Proffers and/or shown on approved site plan(s) or CPAP(s) as lying within such TCAs and for the construction of utilities necessary for development of the Property. Notwithstanding the previous sentence, a minimum of eighty percent of the canopy within the TCAs shown on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty percent canopy threshold cannot be achieved within the designated TCAs, such canopy deficit will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all TCAs shall be clearly marked in the field prior to land-disturbing activities and shall be delineated on each site plan, record plat, and CPAP application containing any portion of a TCA. The Owner shall provide a TCA tabulation demonstrating the initial amount of TCA and the remaining amount after development on the site to be submitted with each site plan or CPAP submission.

If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County that any healthy tree located within the boundaries of

the TCAs described in this Proffer has been damaged during construction and will not survive, then, prior to bond release related to any portion of the Property containing or immediately adjacent to such TCAs on the Property, the Owner shall remove each such tree and replace each such tree with two 1-inch caliper native, non-invasive deciduous trees. The species of such replacement trees shall be determined by the Owner's certified arborist or landscape architect in consultation with the County Urban Forester or Zoning Administrator. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area on the Property as requested by the County.

The TCA shall be protected by a Tree Conservation Easement granted to the County and recorded with the applicable record plats. A Deed of Easement, running to the benefit of the County, shall be recorded prior to or concurrent with each record plat, site plan, or CPAP for the Property containing any portion of the TCA. Such deed shall include a provision that prohibits cutting and/or removal of trees in Tree Conservation Easement as shown on the record plat, site plan, or CPAP after construction has been completed by the Owner without specific permission of the County Urban Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability and regeneration potential of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species control, and cutting of trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The record plat, site plan, or CPAP for each portion of the Property containing a Tree Conservation Easement shall contain a note stating that the removal of trees within a Tree Conservation Easement is prohibited except in accordance with the Deed of Easement for the TCA.

a. Invasive Species Management. the Owner shall provide invasive species control in the proposed TCAs with a minimum of three treatments over three consecutive years, with the first treatment occurring prior to the issuance of the first certificate of occupancy for the Property. These treatments shall first focus on invasive vines, such as Japanese honeysuckle, then other invasive species using mechanical, chemical or a combination of techniques within the context of an Integrated Pest Management Strategy ensuring labels are followed when and if herbicides are applied. The invasive species treatment strategy must be approved by the County Urban Forester or their designee prior to approval of the first zoning permit on the Property. The Owner shall provide the Zoning Administrator

documentation detailing when the second and third treatments outlined in this Proffer have been completed.

H. Specimen Tree Preservation. The Owner shall engage a Certified Arborist to prepare a tree preservation plan for the specimen trees ("Specimen Trees") located within the TCA as shown on Sheet 05 of the CDP. For the purposes of this proffer, the Critical Root Zone ("CRZ") for these specimen trees shall be increased to one and half times the total diameter of the trees at breast height. A tree preservation plan shall be provided to the County for review and approval prior to the approval of the first site plan or CPAP for the Property. Such tree preservation plan shall identify the tree protection measures that shall be employed to protect the Specimen Trees during construction activities, which measures shall include, without limitation, (i) placing of fencing outside the CRZ of such Specimen Trees if near the limits of disturbance ("LOD"), (ii) avoiding construction activities within such CRZ to the greatest extent possible, and (iii) requiring that construction plans for all permitted improvements on the Property shall clearly define the limits of each CRZ and that the limits of each CRZ shall be clearly marked in the field. If construction activities within the CRZ of the Specimen Trees are unavoidable or unintentional encroachments occur, then the Owner and/or their Certified Arborist will develop a remediation plan to be approved by the County Urban Forester and implemented thereafter. In addition, any utility line that must be located within the CRZ of the Specimen Trees shall be installed using a boring technique supervised by a Certified Arborist. In the event any one of the Specimen Trees are damaged during construction and in the opinion of a Certified Arborist and/or the County Urban Forester cannot be saved, the Owner shall replace the damaged Specimen Tree with four one-inch caliper, native, non-invasive, deciduous trees. The placement of the replacement trees shall be proximate to the area of the damaged Specimen Tree so removed, or in another area as requested by the County Urban Forester or Zoning Administrator.

I. Reforestation Plantings. The Owner shall submit a reforestation plan, prepared by a Certified Arborist, Urban Forester, or Landscape Architect, in accordance with the reforestation standards set forth in the FSM for the reforestation area identified on Sheet 03 of the CDP. Such reforestation plan shall be submitted at the time of the first site plan or CPAP, whichever is first, for the Property for review and approval by the County Urban Forester or Zoning Administrator and bonded for installation prior to approval of said site plan or CPAP. The approved reforestation plan shall be implemented in accordance with the reforestation standards of the FSM, including the maintenance and restocking provisions, concurrently with the development of each of the said site plans or CPAP prior to issuance of the first certificate of occupancy for the Property. In the event that the targeted stocking is

not achieved, the Owner shall, in consultation with the County Urban Forester or Zoning Administrator, provide a one-time supplemental planting within one (1) year to achieve the full, initial stocking. The Owner shall monitor the reforestation area for a period of five consecutive years after the issuance of the first certificate of occupancy and shall maintain the targeted stocking density with supplemental plantings throughout the maintenance period. On an annual basis during the five consecutive years after the issuance of the first certificate of occupancy, a monitoring report and if required, a supplemental planting plan that restores reforestation area to required stocking densitym shall be submitted for review and approval to the County Urban Forester or Zoning Administrator demonstrating compliance with this Proffer IV.I.

J. River and Stream Corridor Resource. Within the areas identified on Sheet 03 of the CDP as "EX. MAJOR FLOODPLAIN and "50' RSCR MANAGEMENT BUFFER" (collectively the "RSCR") only "Permitted Uses in the RSCR" such as, but not limited to, trails (including associated infrastructure), utilities, stormwater management facilities, and as further identified in the Loudoun County 2019 General Plan, Chapter 3, RSCR Policy 2, Strategy 2.2. will be permitted (the "Permitted Uses"). To the extent the elevations and/or boundaries of the floodplain on the Property, as identified on the current Floodplain Map of Loudoun County, are altered, relocated, and/or updated as a result of a floodplain study or alteration approved in accordance with the Zoning Ordinance and Chapters 5 and 8 of the FSM, the RSCR, including the Management Buffer shall apply to the relocated floodplain boundary. In the event that the RSCR is encroached, the Owner shall replant open areas within or adjacent to the Major Floodplain in an amount equal to the area of the proposed development that encroaches into the RSCR. Reforestation proposed to mitigate RSCR encroachments associated with the stormwater outfall will be in addition to any reforestation outlined on the CDP. Any areas proposed for reforestation to mitigate these disturbances shall be greater than or equal to the total area disturbed within the RSCR. The Owner shall submit a reforestation plan, prepared by a Certified Arborist, Urban Forester, or Landscape Architect, in accordance with the reforestation standards set forth in the FSM. This reforestation plan shall be submitted at the time of submission of each site plan or CPAP proposing the development of any area that encroaches into the RSCR for review and approval by the County Urban Forester or Zoning Administrator. Each approved reforestation plan shall be implemented in accordance with the reforestation standards of the FSM, including the maintenance and restocking provisions, prior to the issuance of the first certificate of occupancy for any area of the Property subject to an approved site plan or CPAP that shows encroachment into the RSCR.

K. Archeological Site 44LD1195. If disturbance of Archeological Site 44LD1195 cannot be avoided by development, the Owner shall conduct a Phase I archeological survey of the area. If potentially significant archaeological resources are identified by the Phase I survey, the Owner will complete a Phase II archaeological significance evaluation prior to disturbance. If said Phase II evaluation determines that any identified resources are significant, the Owner shall undertake Phase III data recovery excavations as a means of mitigating adverse impacts to the resource. County preservation staff will be afforded to the opportunity to review and provide comment on Phase II and Phase III research designs prior to the initiation of archaeological fieldwork. The Owner shall also ensure that all significant archaeological remains recovered during such work together with copies of all requisite field notes and other site records will be transferred for permanent curation to the Virginia Department of Historic Resources, and joined with earlier collections recovered from the site.

L. Archeological Site 44LD1964. If disturbance of Archeological Site 44LD1964 cannot be avoided by development, the Owner shall conduct a Phase II archeological significance evaluation prior to its disturbance. If said Phase II study determines that any identified resources are significant, the Owner shall undertake Phase III data recovery excavations as a means of mitigating adverse impacts to the resource. County preservation staff will be afforded to the opportunity to review and make comment on Phase II and Phase III research designs prior to the initiation of archaeological fieldwork. The Owner shall also ensure that all significant archaeological remains recovered during such work together with copies of all requisite field notes and other site records will be transferred to Loudoun County for permanent curation.

M. Open Space Easements for Archaeological Sites. The Owner shall dedicate, by Deed approved by the County Attorney and the County Archaeologist, and at no public cost, open space easements for the areas of Archeological Site 44LD1195 and Archeological Site 44LD1964 as shown on Sheet 03 of the CDP. The open space easement shall include specific language allowing archaeological excavation within both site areas upon approval of an archaeological work plan by the County Archaeologist. The open space easement shall be recorded in the Land Records prior to the approval of the first record plat, site plan, or CPAP, whichever is first, on the Property.

N. Habitat Study. The Owner shall submit a wood turtle habitat study, herein referenced as the "Habitat Study," to B&D, the Virginia Department of Conservation and Recreation ("DCR"), and/or the Virginia Department of Wildlife Resources ("DWR"), prior to the approval of any grading permit, site plan, or CPAPs on the Property, whichever is first in time. B&D may coordinate with DCR

and DWR on the review of the Habitat Study. If DCR or DWR finds that a species-specific survey is warranted due to the land disturbing activities on the Property that may affect wood turtle habitats, the Owner shall provide this finding to the B&D and shall perform this species-specific survey and submit it to DCR or DWR, as applicable, with a copy to B&D. If found applicable by DCR or DWR, the Owner shall implement any recommended protective measures prior to the approval of the first grading permit on the Property. If the limits of clearing and grading change on the Property, the Owner shall provide a copy of the Notice of Planned Change ("NOPC") that has been submitted to the Virginia Department of Environmental Quality ("DEQ") and/or the U.S. Army Corps of Engineers ("USACE"), as applicable, to B&D. Upon approval by DEQ/USACE of the NOPC, a copy of the updated Virginia Water Protection Permit issued by DEQ shall be provided to B&D.

O. Solar Tree and Solar/Wind Light Poles. The Owner shall install a solar tree and at least five solar/wind light pole(s) (the "Solar Facilities") per building on the Property. The exact number and location of the Solar Facilities shall be shown on the first site plan for the Property, bonded with said site plan, and installed prior to the first certificate of occupancy on the Property.

P. Pollinator Meadow Plantings Within Utility Easement. Subject to approval by the utility provider, the Owner shall seed the easement area shown on Sheet 05A of the CDP as "APPROXIMATE AREA OF ELECTRIC EASEMENT POLLINATOR PLANTINGS" ("Pollinator Planting Areas") with a native, locally appropriate meadow seed mix, and provide interspersed pollinator garden plantings utilizing a mix of native, transmission line appropriate shrubs, containerized perennials, and meadow seed mix. At time of first site plan or CPAP, whichever is first, the Owner shall submit a Native Pollinator Planting Management Plan for review and approval by the Natural Resources Team that addresses site preparation, species selection, planting/establishment, maintenance, and invasive species control. The Pollinator Planting Areas shall be shown, and plant species within the Pollinator Planting Areas listed, on the first site plan or CPAP for the Property, bonded for installation with the County prior to approval of said site plan or CPAP, and installed during a planting season between March through May or September through November that occurs prior to the issuance of the first certificate of occupancy on the Property. The Pollinator Planting Areas shall be maintained by the Owner.

V. PROPERTY AMENITIES

A. Bicycle Racks. The Owner shall provide a minimum of two inverted U style bicycle racks at the entrance of each building located on the Property, each of which shall

accommodate a maximum of two bicycles. Each bicycle rack shall be shown on and bonded prior to the approval of the site plan for each building on the Property. Each bicycle rack shall be installed and available for use prior to the issuance of each certificate of occupancy for the associated building on the Property.

B. Internal Pedestrian Connections. The Owner shall construct a network of pedestrian asphalt trails and concrete sidewalks throughout the Property that will provide connections between external roadways, internal roadways and driveways, parking areas, building entrances, and the Outdoor Gathering Space located within the Property for the use of customers and employees ("Internal Pedestrian Connections"). The Internal Pedestrian Connections shall be a minimum of five feet in width. The locations of these Internal Pedestrian Connections shall be shown on and bonded prior to the approval of the first site plan or CPAP, whichever is first, for the Property. The Internal Pedestrian Connections shall be constructed in accordance with the FSM and completed prior to the issuance of the first certificate of occupancy on the Property.

C. Outdoor Gathering Space. The Owner shall provide an area measuring a minimum of 600 square feet in size for the use of customers and employees on the Property ("Outdoor Gathering Space"). A minimum of four benches and two picnic tables shall be provided in said Outdoor Gathering Space. The Outdoor Gathering Space shall be accessed by at least one of the Internal Pedestrian Connections on the Property pursuant to Proffer V.B. The benches and tables in the Outdoor Gathering Space shall be shown on and bonded prior to the approval of the first site plan or CPAP, whichever is first, for the Property. The benches and tables shall be installed prior to the issuance of the first certificate of occupancy on the Property.

D. Sycolin Creek Trail Easement. The Owner shall dedicate, by Deed approved by the County Attorney and at no public cost, a 25-foot-wide public access easement generally located along the east side of Sycolin Creek in the area identified on Sheet 03 of the CDP as the "25' RECREATION TRAIL ESMT. (FINAL LOCATION TO BE DETERMINED IN THE FIELD)" (the "Sycolin Creek Trail Easement"). The Deed shall include provisions that the Sycolin Creek Trail Easement shall generally remain in a natural state. The Deed shall include provisions that 1) the Sycolin Creek Scenic Trail easement area shall be used as a multipurpose trail primarily for walking and hiking; 2) equestrian and mountain bike (non-motorized) uses may be considered as optional recreational uses; 3) only minor clearing is permitted and natural surface trails are to be constructed in the easement, with the exception of wooden footbridges if required and amenities such as signage, trail markers, and benches; 4) there will be no lighting of the trail, no paved surfaces, no bicycles, and no camping permitted within the easement area; and 5) any

encroachments within the easement shall be limited to the location of utilities and road crossings. The Sycolin Creek Trail Easement shall not conflict with any areas subject to existing or proposed easements, reservations, or dedications. The location of the Sycolin Creek Trail Easement shall be field located in coordination with County staff and said easement shall be shown on the first site plan or CPAP, whichever is first, for the Property and granted to the County within 90 days of the County's request, or prior to the approval of the first site plan or CPAP for the Property, whichever is later.

VI. FIRE, RESCUE AND EMERGENCY SERVICES

A. One-Time Contribution. The Owner shall make a one-time cash contribution prior to approval of each zoning permit on the Property in the amount of Twenty-Six Cents ($0.26) per square foot of non-residential floor area which shall be paid to the County for distribution by the County to the volunteer fire and rescue companies providing service to the Property. The amount of the contribution will be adjusted on a yearly basis from the base year of 2024 and change effective each January 1 thereafter, in accordance with changes to the Consumer Price Index, for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Arlington-Alexandria, DC-VA-MD-WV Consolidated Metropolitan Statistical Area (the "CPI"). The contributions will be used for capital improvements and apparatus acquisition necessary for fire and rescue operations by volunteer companies. Contributions pursuant to this paragraph shall be divided equally between the fire and rescue companies providing service to the Property. Notwithstanding the foregoing, if at the time of the application for a zoning permit, the primary servicing fire and rescue companies do not utilize, to any significant extent, either volunteer staff or apparatus owned by a volunteer organization, then the Owner may elect to make no contribution. If only one of these services has ceased to utilize significant volunteer staff and apparatus, then the contribution shall be halved and shall be provided to the remaining company.

VII. ANNUAL ADJUSTMENT

A. With the exception of the fire and rescue contribution, which is subject to a separate annual adjustment provision as specified in Proffer VI. of these Proffers, all other monetary contributions set forth in these Proffers shall be adjusted on a yearly basis from the base year of 2024 and change effective each January 1 thereafter, in accordance with changes in the CPI.

VIII. PUBLIC UTILITIES

A. Water and Sewer. The Property shall be served by public central water supply and public central sanitary sewer systems. The Owner shall construct and install all water and sewer extensions to the Property and shall provide all connections necessary for development of the Property, at no cost to the County or to Loudoun Water, and such extensions and connections shall be constructed and installed in accordance with Loudoun Water standards. The Owner shall acquire, at no public cost, any offsite easements, if needed, to extend public water and/or sanitary sewer lines to the Property and shall dedicate such easements to Loudoun Water at no cost to the County or to Loudoun Water.

The undersigned hereby warrant that all of the owners with any legal interest in the Property have signed these Proffers, that no signature from any additional party is necessary for these Proffers to be binding and enforceable in accordance with their terms, that they, together with the others signing this document, have full authority to bind the Property to these Proffers, and that these Proffers are entered into voluntarily.

[SIGNATURE PAGE FOLLOWS THIS PAGE]

CAMMACK BROTHERS, LLC

BY:_____
NAME:
TITLE:

COMMONWEALTH OF VIRGINIA
COUNTY OF LOUDOUN: to-wit:

The foregoing instrument was acknowledged before me, this _____ day of _____, 2024, by _____.

_____
Notary Public

My Commission Expires: _____

My Notary Registration Number: _____

Exhibit A

Concept Plan

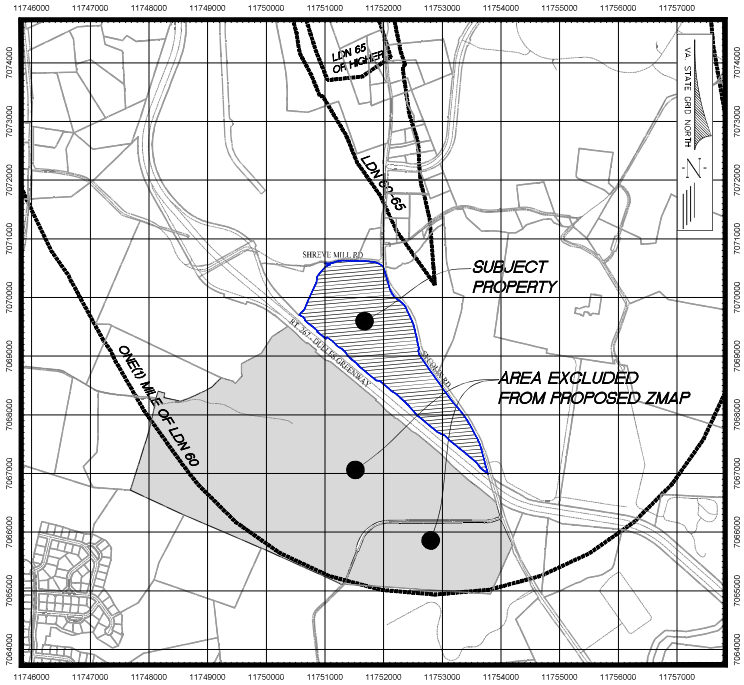
GREENLIN PARK
ZMAP-2022-0024, LEGI-2023-0059
LEESBURG ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA

GENERAL NOTES

1. THE OVERALL PROPERTY IS IDENTIFIED AS LOUDOUN COUNTY TAX MAP #160////////55/ (PIN 237-39-5293) CONTAINS 467.00 ACRES, WHICH IS CURRENTLY ZONED TR-10, AR-1, AND JLMA-20 AND LIES WITHIN AIRPORT IMPACT (AI) OVERLAY DISTRICT AND FLOODPLAIN (FOD) OVERLAY DISTRICT.
2. THE PURPOSE OF THE ZMAP APPLICATION IS TO REZONE A PORTION OF THE OVERALL PROPERTY, IDENTIFIED HEREON AS THE SUBJECT PROPERTY, FROM TR-10 AND JLMA-20 TO "PLANNED DEVELOPMENT – INDUSTRIAL PARK (INDUSTRIAL PARK) PD-IP (IP)" UNDER THE LOUDOUN COUNTY ZONING ORDINANCE WHICH WAS ADOPTED BY THE BOARD OF SUPERVISORS ON DECEMBER 13, 2023..
3. TOPOGRAPHIC DATA SHOWN HEREON IS TAKEN FROM AN AERIAL SURVEY DONE BY MCKENZIE SNYDER INC. ON AUGUST 8TH 2022. DATA SHOWN HEREON ARE ON HORIZONTAL DATUM: VIRGINIA STATE PLANE COORDINATE SYSTEM NAD 83. VERTICAL DATUM: NVGD 88 (2' CONTOUR INTERVAL).
4. BOUNDARY PROVIDED BY ALTA ACSM LAND TITLE SURVEY, PREPARED BY URBAN ENGINEERING & ASSOCIATES, DATED JULY 2018.
5. APPROVAL OF THIS APPLICATION SHALL IN NO WAY RELIEVE THE OWNER FROM COMPLYING WITH OTHER APPLICABLE LOCAL, STATE, AND/OR FEDERAL REQUIREMENTS. THERE ARE NO KNOWN FEDERAL OR STATE REGULATIONS THAT WOULD IMPOSE LIMITATIONS ON THE DEVELOPMENT OF SUBJECT PROPERTY.
6. THE PUBLIC AND PRIVATE FACILITIES SHOWN HEREON SHALL BE DESIGNED PER THE STANDARDS AND SPECIFICATIONS OF LOUDOUN COUNTY, THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND THE LOUDOUN COUNTY SANITATION AUTHORITY, WHICH ARE IN EFFECT AT THE TIME SAID FACILITIES ARE APPROVED FOR CONSTRUCTION.
7. FOR A DETAILED TRAFFIC MAP AND STUDY PLEASE SEE THE TRAFFIC IMPACT STUDY PREPARED BY GOROVE/SLADE ASSOCIATES INC. DATED DECEMBER 9, 2022.
8. A PHASE I ARCHAEOLOGICAL SURVEY OF THE 85 ACRE (34 HA) GREENLIN PARK PROPERTY WAS PREPARED BY DOVETAIL CULTURAL RESOURCE GROUP IN OCTOBER 2022, AND REVISED IN JULY 24, 2023. NO ONSITE CEMETERIES WERE ENCOUNTERED. TWO ARCHAEOLOGICAL SITES WERE IDENTIFIED (44LD1964 AND 44LD1195). SITE 44LD1964 WAS PREVIOUSLY RECOMMENDED NOT ELIGIBLE FOR LISTING IN THE NRHP. SITE 44LD1195 HAS BEEN DETERMINED ELIGIBLE FOR LISTING.
9. THE PROPOSED COMMERCIAL DEVELOPMENT IS TO BE SERVED BY PUBLIC WATER AND SEWER. WATER AND SANITARY SEWER TO BE PROVIDED BY LOUDOUN WATER.
10. ALL SIDEWALKS NOT ACCEPTED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE AND TRAILS SHALL BE MAINTAINED BY THE OWNER OR THE OWNER'S ASSOCIATION FOR THE DEVELOPMENT AND SHALL BE IDENTIFIED ON THE SITE PLAN(S).
11. THERE IS MAJOR FLOODPLAIN ON THE SUBJECT PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION. THE CURRENT FLOOD INSURANCE RATE MAP (FIRM) OF LOUDOUN COUNTY COMMUNITY PANEL NUMBER FOR THE SUBJECT PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION IS 51107C0245E, EFFECTIVE DATE FEBRUARY 17, 2017. THE DEPICATED BOUNDARY OF THE EXISTING FLOODPLAIN IS BASED ON THE FIRM.
12. ALL EXISTING STRUCTURES WITHIN 200' OF THE PROPOSED APPLICATION HAVE BEEN SHOWN ON THE PLAN.
13. THIS SUBJECT PROPERTY IS NOT LOCATED WITHIN THE MOUNTAINSIDE OVERLAY DISTRICT.
14. FOR STORMWATER/BMP, THE PROPOSED DEVELOPMENT SHALL MEET THE CONVEYANCE SYSTEM PROTECTION, FLOOD PROTECTION AND WATER QUALITY REQUIREMENTS OF THE LOUDOUN COUNTY FACILITY STANDARDS MANUAL. STORM WATER WILL BE ADEQUATELY CONVEYED TO THE ADJACENT MAJOR FLOODPLAIN WHICH IS AN ADEQUATE OUTFALL.
15. THE SUBJECT PROPERTY ENTRANCES ONTO PUBLIC STREETS WILL BE CONSTRUCTED IN ACCORDANCE WITH VDOT AND LOUDOUN COUNTY REGULATIONS.
16. FIRE PROTECTION WILL BE PROVIDED BY LOUDOUN COUNTY FIRE AND RESCUE AND VOLUNTEER COMPANIES.
17. THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES ON THIS SUBJECT PROPERTY, IF ANY SUBSTANCES ARE FOUND, THE METHODS FOR DISPOSAL SHALL ADHERE TO COUNTY, STATE, OR FEDERAL LAW.
18. THE LOCATIONS AND HEIGHTS OF THE STRUCTURES PROPOSED WITH THIS DEVELOPMENT DO NOT REQUIRE FAA NOTIFICATION AS CONFIRMED BY FAA FORM 7460-1.
19. JURISDICTIONAL WATERS EXIST ON THE SUBJECT PROPERTY AS DELINEATED BY TNT ENVIRONMENTAL, INC. IN AUGUST 2022. IT IS ANTICIPATED THAT WETLANDS WITHIN THE PROPOSED BUILDABLE AREA WILL BE IMPACTED AND THAT ALL NECESSARY SECTION 401/404 PERMITS WILL BE OBTAIND PRIOR TO LAND DISTURBANCE.

APPLICATIONS REQUESTED

- ZMAP-2022-0024, LEGI-2023-0059: TO REZONE APPROXIMATELY 81.17 ACRES FROM TR-10 AND JLMA-20 TO IP UNDER REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE.



VICINITY MAP
SCALE: 1"=1000'

Sheet List Table	
Sheet Number	Sheet Title
01	COVER SHEET
02-02A	EXISTING CONDITIONS
03	CONCEPT DEVELOPMENT PLAN
03A	GENERAL NOTES & DETAILS
04	OPEN SPACE PLAN
05	TREE CONSERVATION AND TREE SURVEY PLAN
05A	LANDSCAPING DETAILS
06	STEEP SLOPE EXHIBIT

APPLICANT
JK LAND HOLDINGS II, LLC
44112 MERCURE CIRCLE
STERLING, VA 20166
(703) 932-3917

OWNER
CAMMACK BROTHERS LLC
PIN 237-39-5293
41453 HOGELAND MILL RD
LEESBURG VA 20175

ATTORNEY
WALSH COLUCCI LUBELEY & WALSH
1 E. MARKET STREET
SUITE 300
LEESBURG, VA 20176
CONTACT: MIKE ROMEO
PHONE: 703-737-3633

ENGINEER
URBAN LTD.
4200 D TECHNOLOGY COURT
CHANTILLY, VA. 20151
CONTACT: CLAYTON TOCK
PHONE: 703-642-2306

No.	DATE	DESCRIPTION
		REVISIONS

PLAN DATE
07-28-2023
10-27-2023
12-28-2023
04-01-2024
08-01-2024

Urban Ltd.
4200 D TECHNOLOGY CT.
CHANTILLY, VA 20151
TEL 703.642.2306
FAX 703.378.7888
www.urban.com

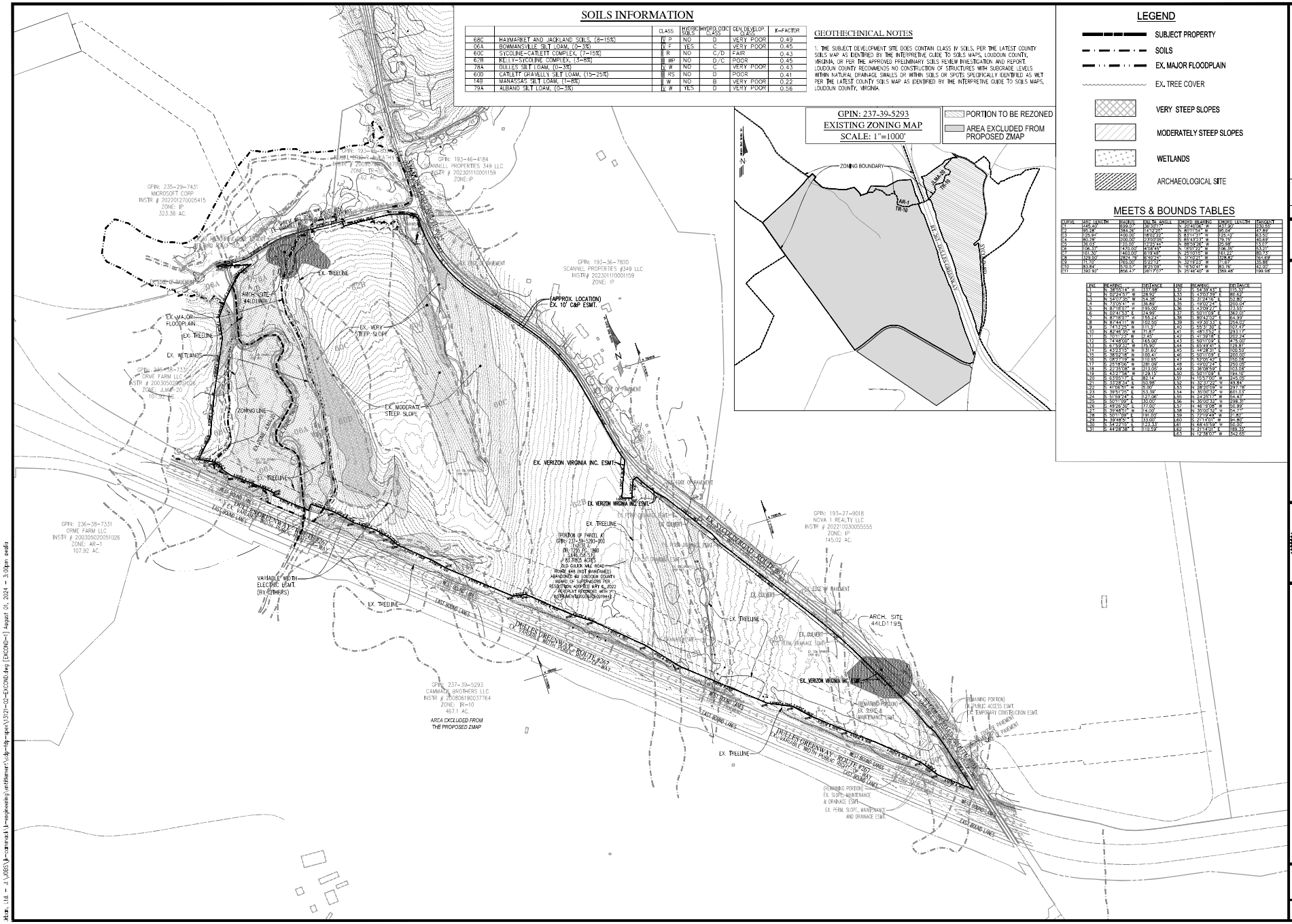
COVER SHEET
GREENLIN PARK
ZMAP-2022-0024, LEGI-2023-0059
LEESBURG ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA
SCALE: AS NOTED | C.I.= N/A | DATE: JAN. 2023

SHEET 01 OF 06

FILE No. RZ-13121

Urban, Ltd. - X:\0053\Engineering\arthernert\cdp-dp-gpa\13121-01-COVER.dwg [COVERSHEET] August 01, 2024 - 2:29pm anello

Attachment 3



		CLASS	HYDRIC SOILS	HYDRO GRP CLASS	GEN. DEVELOP CLASS	K-FACTOR
62C	HAYMARKET AND JACKLAND SOILS, (8-15%)	IV	P	ND	D	VERY POOR	0.49
06A	BOWMANSVILLE SILT LOAM, (0-3%)	IV	F	YES	C	VERY POOR	0.45
60C	SYCOLINE-CATLETT COMPLEX, (7-15%)	III	R	NO	C/D	FAIR	0.43
62B	KELLY-SYCOLINE COMPLEX, (3-8%)	III	WP	NO	D/C	POOR	0.45
78A	DULLES SILT LOAM, (0-3%)	IV	W	NO	C	VERY POOR	0.43
60D	CATLETT GRAVELLY SILT LOAM, (15-25%)	III	RS	NO	D	POOR	0.41
14B	MANASSAS SILT LOAM, (1-8%)	II	W	NO	B	VERY POOR	0.22
79A	ALBANO SILT LOAM, (0-3%)	IV	W	YES	D	VERY POOR	0.56

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	1435.49'	1500.00'	54°49'04"	N. 80°40'06" W.	1381.60'	769.85'
C2	95.28'	184.26'	29°37'25"	N. 89°11'24" W.	94.24'	48.89'
C3	135.91'	100.00'	77°51'22"	N. 87°19'31" W.	125.72'	83.55'
C4	80.29'	200.00'	23°00'05"	S. 82°43'43" W.	79.76'	40.69'
C5	100.00'	100.00'	57°19'44"	S. 68°05'06" W.	95.89'	54.99'
C6	104.37'	475.00'	12°35'15"	N. 75°07'16" W.	104.16'	52.51'
C7	80.29'	200.00'	23°00'05"	N. 82°43'43" W.	79.76'	40.69'
C8	77.30'	475.00'	9°19'37"	N. 70°47'17" W.	77.21'	38.75'
C9	83.84'	150.00'	32°01'44"	N. 75°52'41" W.	82.76'	43.05'
C11	592.92'	858.47'	39°34'07"	N. 25°46'40" W.	581.46'	306.68'

LINE	BEARING	DISTANCE
L1	N. 38°50'14" W.	137.08'
L2	N. 62°24'57" W.	93.93'
L3	N. 54°07'59" W.	54.38'
L4	N. 73°09'47" W.	36.80'
L5	N. 87°18'01" W.	195.00'
L6	N. 00°41'53" E.	15.90'
L7	N. 87°18'01" W.	165.64'
L8	N. 87°44'11" W.	100.00'
L9	S. 74°17'56" W.	111.35'
L10	N. 82°46'55" W.	71.87'
L11	S. 00°01'23" W.	5.45'
L12	S. 74°48'00" E.	165.00'
L13	S. 67°39'10" W.	75.90'
L14	S. 67°39'10" W.	185.90'
L15	S. 58°02'18" W.	100.41'
L16	S. 06°17'18" W.	110.90'
L17	S. 25°18'06" W.	581.09'
L18	S. 22°28'58" W.	413.05'
L19	S. 63°26'46" W.	629.13'
L20	S. 63°26'46" E.	69.16'
L21	S. 33°08'24" E.	50.99'
L22	S. 41°08'51" W.	5.00'
L23	S. 39°51'29" E.	53.39'
L24	S. 51°38'24" E.	121.06'
L25	S. 50°11'09" E.	99.00'
L26	S. 49°36'06" E.	17.00'
L27	S. 39°48'51" W.	8.00'
L28	S. 50°11'09" E.	91.00'
L29	N. 39°48'51" E.	33.00'
L30	S. 50°28'08" E.	133.93'
L31	S. 44°28'38" E.	118.59'

LINE	BEARING	DISTANCE
L32	S. 54°49'43" E.	115.15'
L33	S. 43°01'05" E.	90.00'
L34	S. 31°24'10" E.	62.80'
L35	S. 49°02'24" E.	208.04'
L36	S. 43°09'27" E.	73.55'
L37	S. 50°11'09" E.	182.00'
L38	S. 80°49'09" E.	64.39'
L39	S. 49°02'24" E.	104.02'
L40	S. 55°47'08" E.	107.47'
L41	S. 48°17'52" E.	293.17'
L42	S. 41°39'18" E.	202.24'
L43	S. 50°11'09" E.	475.00'
L44	S. 65°49'41" E.	129.81'
L45	S. 44°38'11" E.	109.00'
L46	S. 50°11'09" E.	200.00'
L47	S. 53°06'42" E.	150.08'
L48	S. 49°02'24" E.	250.05'
L49	S. 36°08'04" E.	103.08'
L50	S. 50°11'09" E.	184.16'
L51	S. 19°19'09" W.	424.00'
L52	S. 32°37'09" W.	93.99'
L53	S. 28°20'09" W.	297.18'
L54	S. 39°05'19" W.	661.03'
L55	S. 24°25'19" W.	54.43'
L56	S. 36°06'09" W.	208.38'
L57	S. 46°13'09" W.	64.85'
L58	S. 39°05'19" W.	54.37'
L59	S. 50°17'09" E.	91.80'
L60	S. 21°14'01" W.	94.80'
L61	S. 68°45'59" E.	50.00'
L62	S. 21°14'01" W.	169.05'
L63	S. 12°38'00" W.	104.00'

No.	DATE	DESCRIPTION
		REVISIONS

PLAN DATE
07-28-2023
10-26-2023
12-28-2023
03-01-2024
08-01-2024

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COMMONWEALTH OF VIRGINIA
Lucas C. Cotter
Lic. No. 034270
PROFESSIONAL ENGINEER
07/07/2024

EXISTING CONDITIONS
GREENLIN PARK
ZMAP-2022-0024, LEGI-2023-0059
LEESBURG ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA
SCALE: 1" = 200' C.I.= 2' DATE: JAN. 2023

SHEET 02 OF 06

FILE No. RZ-13121

Urban, Ltd. - X:\0085\Admin\cmcknight\engineering certificate\1-cdp-4b-gpes\13121-02-EXCOND.dwg [EXCOND-1] August 01, 2024 - 3:00pm cmallo



No.	DATE	DESCRIPTION
		REVISIONS

PLAN DATE
07-28-2023
12-28-2023
04-04-2024
08-01-2024

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08/01/2024

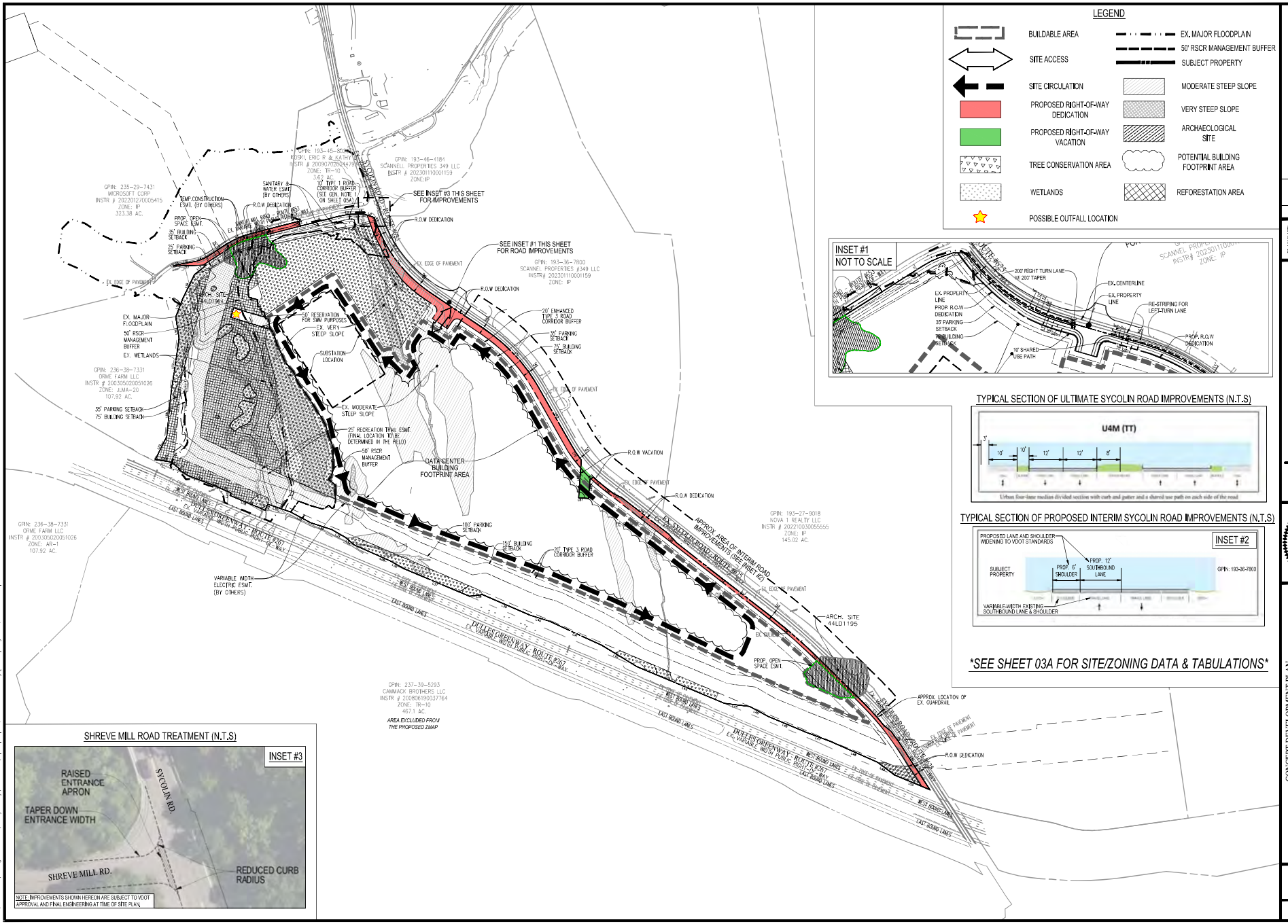
EXISTING CONDITIONS
GREENLIN PARK
ZMAP-2023-4024, LEGI-2023-4059
LEESBURG ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA

SCALE: 1" = 200' C.I.= 2' DATE: JAN. 2023

SHEET 02A OF 06

FILE No. RZ-13121

Urban, Ltd. - X:\JOBS\13-xxmrock\3-engineering\entitlement\cdp-sdp-gpex\13121-02-EXCOND.dwg [EXCOND-1 (2)] August 01, 2024 - 3:59pm mwilla


LEGEND
BUILDABLE AREA
SITE ACCESS
SITE CIRCULATION
PROPOSED RIGHT-OF-WAY DEDICATION
PROPOSED RIGHT-OF-WAY VACATION
TREE CONSERVATION AREA
WETLANDS
POSSIBLE OUTFALL LOCATION
EX. MAJOR FLOODPLAIN
50' RSCR MANAGEMENT BUFFER
SUBJECT PROPERTY
MODERATE STEEP SLOPE
VERY STEEP SLOPE
ARCHAEOLOGICAL SITE
POTENTIAL BUILDING FOOTPRINT AREA
REFORESTATION AREA
INSET #1
NOT TO SCALE
TYPICAL SECTION OF ULTIMATE SYCOLIN ROAD IMPROVEMENTS (N.T.S)
U4M (TT)
TYPICAL SECTION OF PROPOSED INTERIM SYCOLIN ROAD IMPROVEMENTS (N.T.S)
INSET #2
PROPOSED LANE AND SHOULDER WIDENING TO VDOT STANDARDS
SUBJECT PROPERTY
PROP. 6' SHOULDER
PROP. 12' SOUTHBOUND LANE
VARIABLE-WIDTH EXISTING SOUTHBOUND LANE & SHOULDER
GPIN: 193-36-7800
SEE SHEET 03A FOR SITE/ZONING DATA & TABULATIONS
SHREVE MILL ROAD TREATMENT (N.T.S)
INSET #3
RAISED ENTRANCE APRON
TAPER DOWN ENTRANCE WIDTH
SYCOLIN RD.
SHREVE MILL RD.
REDUCED CURB RADIUS
NOTE: IMPROVEMENTS SHOWN HEREON ARE SUBJECT TO VDOT APPROVAL AND FINAL ENGINEERING AT TIME OF SITE PLAN.
SEE INSET #1 THIS SHEET FOR ROAD IMPROVEMENTS
SEE INSET #3 THIS SHEET FOR IMPROVEMENTS
DULLES GREENWAY - ROUTE #267
EX. VARIABLE WIDTH PUBLIC RIGHT-OF-WAY
WEST BOUND LANES
EAST BOUND LANES
APPROX. AREA OF INTERIM ROAD IMPROVEMENTS (SEE INSET #2)
EX. SYCOLIN ROAD - ROUTE #643
DATA CENTER BUILDING FOOTPRINT AREA
ARCH. SITE 44LD1195
APPROX. LOCATION OF EX. GUARDRAIL
PROP. OPEN SPACE ESMT.
VARIABLE WIDTH ELECTRIC ESMT. (BY OTHERS)
EX. WETLANDS
EX. MAJOR FLOODPLAIN
50' RSCR MANAGEMENT BUFFER
50' RESERVATION FOR SWM PURPOSES
EX. VERY STEEP SLOPE
EX. MODERATE STEEP SLOPE
SUBSTATION LOCATION
25' RECREATION TRAIL ESMT. (FINAL LOCATION TO BE DETERMINED IN THE FIELD)
20' ENHANCED TYPE 3 ROAD CORRIDOR BUFFER
35' PARKING SETBACK
75' BUILDING SETBACK
100' PARKING SETBACK
150' BUILDING SETBACK
R.O.W DEDICATION
R.O.W VACATION
EX. EDGE OF PAVEMENT
TEMP. CONSTRUCTION ESMT. (BY OTHERS)
SANITARY & WATER ESMT. (BY OTHERS)
10' TYPE 1 ROAD CORRIDOR BUFFER (SEE GEN. NOTE 1 ON SHEET 05A)
GPIN: 235-29-7431 MICROSOFT CORP. INSTR # 20220127000541S ZONE: IP 323.38 AC.
GPIN: 193-45-5044 KOSKI, ERIC R & KATHY L INSTR # 200907020044798 ZONE: TR-10 3.67 AC.
GPIN: 193-46-4184 SCANNELL PROPERTIES 349 LLC INSTR # 202301110001159 ZONE: IP
GPIN: 193-36-7820 SCANNEL PROPERTIES #349 LLC INSTR# 202301110001159 ZONE: IP
GPIN: 236-38-7331 ORME FARM LLC INSTR # 200305020051026 ZONE: JLMA-20 107.97 AC.
GPIN: 236-38-7331 ORME FARM LLC INSTR # 200305020051026 ZONE: AR-1 107.92 AC.
GPIN: 193-27-9018 NOVA 1 REALTY LLC INSTR # 202210030055555 ZONE: IP 145.02 AC.
GPIN: 237-39-5293 CAMMACK BROTHERS LLC INSTR # 200806190037764 ZONE: TR-10 467.1 AC.
AREA EXCLUDED FROM THE PROPOSED ZMAP
PLAN DATE
01-26-2023
07-18-2023
10-29-2023
03-07-2024
06-07-2024
08-01-2024
No. DATE DESCRIPTION
REVISIONS
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PROFESSIONAL ENGINEER
08/01/2024
CONCEPT DEVELOPMENT PLAN
GREENLIN PARK
ZMAP-2022-0024, LEGI-2022-0069
LEESBURG ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA
SCALE: 1" = 200'
C.I.=N/A
DATE: JAN. 2023
SHEET 03 OF 06
FILE No. RZ-13121
urban Ltd. - K:\VDES\V-cammack\b-engineering\entitlement\dgn\p-geos\13121-03-CDP.dwg [CDP-1] August 01, 2024 - 3:03pm ardis

GENERAL NOTES:

1. THIS APPLICATION IS SUBJECT TO THE GRANDFATHERING RESOLUTION ADOPTED BY THE BOARD OF SUPERVISORS ON DECEMBER 13, 2023, AND THE OVERALL PROPERTY IS BEING PROCESSED UNDER THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE (RZ0).

2. ALL NEW UTILITY DISTRIBUTION LINES SHALL BE PLACED UNDERGROUND.

3. INTERIM SYCOLIN ROAD IMPROVEMENTS AS IDENTIFIED ON SHEET 03 SHALL EXTEND WEST FROM THE PROPOSED SITE ENTRANCE TO THE START OF THE OVERPASS GUARDRAIL LOCATED ON THE SOUTH SIDE OF SYCOLIN ROAD.

SITE/ZONING DATA & REQUIREMENTS :

1. THE SUBJECT PROPERTY TO BE REZONED CONTAINS 3,646,758 S.F. OR 83.71 AC OF GROSS LAND.
   1.1) PROPOSED R.O.W DEDICATION = ± 117,733 S.F. OR 2.70 AC. (102,305 S.F. ON SYCOLIN RD., 15,428 S.F. ON SHREVE MILL RD.)
   1.2) PROPOSED R.O.W VACATION = ± 7,077 S.F. OR .16 AC.
   1.3) THE SUBJECT PROPERTY CONTAINS 3,536,102 S.F. OR 81.17 AC. OF NET LAND
   *SEE TABLE 01 ON THIS SHEET FOR ZONING AREA TABULATION

2. THE SUBJECT PROPERTY CONTAINS 1,745,277 S.F. OR 40.06 AC. OF BUILDABLE LAND.

3. WATER AND SEWER SERVICE TO BE PROVIDED BY: LOUDOUN WATER.

4. SEE THIS SHEET FOR METES AND BOUNDS LINE TABLE.

5. THE SUBJECT PROPERTY IS CURRENTLY ZONED TR-10 and JLMA-20.

6. PROPOSED REZONING: "PLANNED DEVELOPMENT – INDUSTRIAL PARK (INDUSTRIAL PARK) PD-IP (IP)". THE PROPOSED REZONING WILL BE UNDER THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE.

7. PROPOSED USE: DATA CENTER, DATA CENTER MECHANICAL EQUIPMENT, AND UTILITY SUBSTATION.

8. F.A.R (MAX ALLOWABLE): 3,536,102 S.F (NET SITE AREA) X 0.60 = 2,121,661 S.F. PER SECTION 4-506(C).

9. BUILDING HEIGHT (MAX. ALLOWABLE): 60' PER SECTION 4-506(B).

10. LOT COVERAGE (MAX. ALLOWABLE): 3,536,102 S.F. (NET SITE AREA) X 0.45 = 1,591,245 S.F. PER SECTION 4-506(A).

11. YARD REQUIREMENT PER 4-505(B):

   11.1) ADJACENT TO ROADS 4-505(B)(1)*,***:
   DULLES GREENWAY – RTE 267 (PRINCIPAL ARTERIAL)
   11.1.1. 150' BUILDING SETBACK
   11.1.2. 100' PARKING SETBACK
   SYCOLIN RD – RTE 625 (MAJOR COLLECTOR)
   11.1.3. 75' BUILDING SETBACK
   11.1.4. 35' PARKING SETBACK
   SHREVE MILL RD – RTE 653
   11.1.5. 35' BUILDING SETBACK
   11.1.6. 25' PARKING SETBACK
   11.2) ADJACENT TO AGRICULTURAL AND RESIDENTIAL DISTRICTS AND LAND BAYS ALLOWING RESIDENTIAL USES 4-505(B)(2):
   11.2.1. 75' BUILDING, OUTDOOR STORAGE AREA FOR COLLECTION OF REFUSE & LOADING AREA SETBACK
   11.2.2. 35' PARKING SETBACK
   11.3) ADJACENT TO OTHER NONRESIDENTIAL DISTRICTS 4-505(B)(3):***
   11.3.1. 15' BUILDING, OUTDOOR STORAGE & LOADING AREA SETBACK
   11.3.2. 15' PARKING SETBACK
   11.4) YARD BETWEEN BUILDINGS 4-505(B)(4):**
   (A). WHERE INDIVIDUAL LOTS OR BUILDING SITE ARE PROVIDED:
   11.4.1. 30' BUILDING SETBACK
   11.4.2. 30' PARKING SETBACK
   (B). WHERE THERE IS MORE THAN ONE BUILDING ON AN INDIVIDUAL LOT OR BUILDING SITE:
   11.4.3. 25' BUILDING SETBACK
   11.4.4. 25' PARKING SETBACK

   * NO OUTDOOR STORAGE, AREAS FOR COLLECTION OF REFUSE, OR LOADING SPACE SHALL BE PERMITTED IN SUCH SETBACKS.
   ** COVERED WALKWAYS CONNECTING BUILDINGS, OR CONNECTING BUILDINGS WITH PARKING AREAS, SHALL BE PERMITTED IN SUCH YARDS.
   *** UNLESS A GREATER BUFFER YARD OR SETBACK IS REQUIRED BY SECTION 5-1400.

12. LANDSCAPE OPEN SPACE (MIN. REQUIRED): 1,745,277 S.F. (BUILDABLE LAND) X 0.20 = 349,055 S.F. OR 8.01 AC PER SECTION 4-707(B))

13. BUFFER REQUIREMENTS PER 5-664(L)(2).
   13.1) ADJACENT TO ROADS (MAJOR COLLECTOR): 20' TYPE 3 ROAD BUFFER (95 P.U./100 L.F. OF R.O.W)
   13.2) ADJACENT TO ROADS (PRINCIPAL ARTERIAL): 20' TYPE 3 ROAD BUFFER (95 P.U./100 L.F. OF R.O.W)

14. LIGHTING AND SCREENING PER 5-664(B) & 5-664(C).

   14.1. SCREENING OF MECHANICAL EQUIPMENT: GROUND LEVEL AND ROOF TOP MECHANICAL EQUIPMENT SHALL BE SCREENED. THIS SCREENING MAY BE PROVIDED BY A PRINCIPAL BUILDING MECHANICAL EQUIPMENT NOT SCREENED BY A PRINCIPAL BUILDING SHALL BE SCREENED BY A VISUALLY SOLID FENCE, SCREEN WALL OR PANEL, PARAPET WALL, OR OTHER VISUALLY SOLID SCREEN THAT SHALL BE CONSTRUCTED OF MATERIALS COMPATIBLE WITH THOSE USED IN THE EXTERIOR CONSTRUCTION OF THE PRINCIPAL BUILDING.
   14.2. EXTERIOR LIGHTING: ALL EXTERIOR LIGHTING SHALL BE DESIGNED AND CONSTRUCTED WITH CUTOFF AND FULLY SHIELDED FIXTURES THAT DIRECT LIGHT DOWNARD AND INTO THE INTERIOR OF THE PROPERTY AND AWAY FROM ADJACENT ROADS AND PROPERTIES.

15. REQUIRED PARKING PER 5-1100.

   15.1) DATA CENTER: 1 SPACE/EMPLOYEE ON MAJOR SHIFT.

PROPOSED SITE/ZONING DATA:

1. PROPOSED F.A.R: UP TO 2,121,661 S.F. (0.60)
2. PROPOSED BUILDING HEIGHT: 60'
3. PROPOSED LOT COVERAGE: UP TO 1,591,245 S.F. (0.45)
4. PROPOSED YARDS:
   4.1) ADJACENT TO ROADS (PRINCIPAL ARTERIAL):
   4.1.1. 150' BUILDING SETBACK
   4.1.2. 100' PARKING SETBACK
   4.2) ADJACENT TO ROADS (MAJOR COLLECTOR):
   4.2.1. 75' BUILDING SETBACK
   4.2.2. 35' PARKING SETBACK
   4.3) ADJACENT TO ROADS:
   4.3.1. 35' BUILDING SETBACK
   4.3.2 23' PARKING SETBACK

   4.4) ADJACENT TO NONRESIDENTIAL DISTRICTS*:
   4.4.1. 15' BUILDING, OUTDOOR STORAGE & LOADING AREA SETBACKS
   4.2.2. 15' PARKING SETBACK

5. PROPOSED BUFFERS:
   5.1) ADJACENT TO ROADS (PRINCIPAL ARTERIAL):
   5.1.1. 20' TYPE 3 ROAD CORRIDOR BUFFER (95 P.U./100 L.F. OF R.O.W)
   5.2) ADJACENT TO ROADS (MAJOR COLLECTOR-SYCOLIN RD):
   5.2.1. 20' ENHANCED TYPE 3 ROAD CORRIDOR BUFFER (95 P.U./100 L.F. OF R.O.W + ADDITIONAL 95 P.U.)*
   5.3) ADJACENT TO ROADS (SHREVE MILL RD):
   5.3.1 10' TYPE 1 ROAD CORRIDOR BUFFER (20 P.U./100 L.F. OF R.O.W)

   *SEE SHEET 05A FOR ENHANCED BUFFER DETAIL.

6. PROPOSED OPEN SPPACE
   GROSS SITE AREA = 83.71 AC.
   – R.O.W DEDICATION = 2.54 AC.
   = NET SITE AREA = 81.17 AC.

   NET SITE AREA WITHIN LEESBURG JLMA
   EMPLOYMENT (LJLMM) PLACE TYPE: 6.58 AC.

   NET SITE AREA WITHIN TRANSITION
   LIGHT INDUSTRIAL (TLI) PLACE TYPE: 74.59 AC.

   OPEN SPACE RECOMMENDED
   PER PLAN POLICY = 40.58 AC (50% OF NET SITE AREA)

   TOTAL OPEN SPACE PROPOSED =
   510,000 S.F. OR 11.70 AC. (TREE CONSERVATION AREA)
   15.80 AC. (ELECTRIC EASEMENT AREA)*
   13.56 AC. (GENERAL OPEN SPACE)**
   41.06 AC. (50.58% OF NET PLACE TYPE AREA)*

   *SEE SHEET 05A FOR POLLINATOR MEADOW & INTERMITTENT PLANTING PLAN IN EASEMENT AREA.

   ** GENERAL OPEN SPACE INCLUDES TREE REFORESTION AREAS, ARCHAEOLOGICAL SITE/BUFFERS, FLOODPLAIN, AND SETBACKS.

7. PROPOSED PARKING:
   THE ANTICIPATED PARKING FOR THE SUBJECT PROJECT SHALL BE SURFACE LOT PARKING, LOCATED NEAR BUILDING ENTRANCES TO BE USED PRIMARILY FOR THE EMPLOYEES OF THE BUILDING. THE AMOUNT OF PARKING SPACES WILL BE PROVIDED IN THE REQUIRED NUMBER OF SPACES AS REFERENCED ON NOTE 15 OF THIS SHEET.

8. RSCR MANAGEMENT BUFFER:
   THE PROPOSED RSCR MANAGEMENT BUFFER IDENTIFIED ON THIS SHEET IS THE ONLY RSCR MANAGEMENT BUFFER THAT APPLIES TO THIS SUBJECT PROPERTY.

SWM NARRATIVE

THE EXISTING CONDITIONS OF THE SUBJECT PROPERTY CURRENTLY CONSIST OF MOSTLY WOODED AREA, FEW SMALL BUILDING AND GRAVEL DRIVE WAYS. THE SUBJECT PROPERTY COMPRISES MOSTLY OF C AND D SOILS, AND DRAINS PRIMARILY TO SYCOLIN CREEK. THE PROPOSED SITE WILL BE DEVELOPED WITH IP USES.

THE OUTFALL LOCATION OF THE SITE IS INTO SYCOLIN CREEK, THE SPECIFIC STORMWATER MANAGEMENT PRACTICE TO BE IMPLEMENTED ON SITE MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, STEEP POOL CONVEYANCE OR OTHER NATURAL CHANNEL DESIGN TECHNIQUES TO LIMIT ENVIRONMENTAL IMPACTS TO SYCOLIN CREEK AND THE FLOODPLAIN. PROPOSED DEVELOPMENT SHALL MEET THE CONVEYANCE SYSTEM PROTECTION, FLOOD PROTECTION AND WATER QUALITY REQUIREMENTS OF THE FACILITY STANDARD MANUAL FOR END OUTFALL LOCATION.

ALL STORMWATER MANAGEMENT/BMP PROPOSED FOR THIS APPLICATION ARE SUBJECT TO CHANGE AS THE FINAL DESIGN AND COMPUTATIONS SHALL BE PROVIDED AT THE TIME OF THE FINAL SITE PLAN.

TABLE 01
ZONING TABULATION FOR GPIN: 237-39-5293

GPIN: 237-39-5293	AREA (S.F.)	AREA (AC.)
EXISTING GROSS SITE AREA	20,342,867	467.00
AREA TO REMAIN ZONED AR-1 & TR-10	16,696,109	383.29

AREA OF REZONING (SUBJECT PROPERTY)		
GROSS SITE AREA	3,646,758	83.71
PROPOSED RIGHT-OF-WAY DEDICATION	117,733	2.70
*PROPOSED RIGHT-OF-WAY VACATION	7,077	0.16
NET RIGHT-OF-WAY DEDICATION	110,656	2.54
NET SITE AREA	3,536,102	81.17
AREA TO BE REZONED FROM JLMA-20 TO PD-IP	290,478	6.67
AREA TO BE REZONED FROM TR-10 TO PD-IP	3,245,624	74.50
TOTAL AREA TO BE REZONED	3,536,102	81.17
PROPOSED OPEN SPACE*	1,788,573	41.06

*PROPOSED OPEN SPACE INCLUDES 511,416 SF OR 11.74 AC. OF EXISTING FLOODPLAIN

MEETS & BOUNDS TABLES

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	645.60'	889.00'	041°36'01"	N 20°40'08" W	631.66'	338.69'
C2	96.48'	1264.50'	4°22'25"	N 60°11'45" W	96.45'	48.26'
C3	226.94'	1400.00'	9°16'59"	N 63°14'31" W	226.72'	113.70'
C4	180.29'	1400.00'	7°22'40"	S 85°43'43" W	180.16'	90.29'
C5	96.03'	1400.00'	3°55'44"	N 89°19'35" W	95.98'	48.03'
C6	106.37'	1470.00'	4°08'48"	N 18°01'22" W	106.35'	53.21'
C7	161.30'	1460.00'	6°19'48"	N 15°10'25" W	161.22'	80.73'
C8	1078.00'	2824.79'	21°52'24"	N 31°49'21" W	1071.82'	544.69'
C9	11.10'	1165.00'	0°32'49"	N 42°13'42" W	11.10'	5.55'
C10	83.84'	1270.50'	3°46'50"	N 40°30'41" W	83.82'	41.93'
C11	1,393.92'	858.47'	93°01'07"	N 29°40'40" W	1,069.48'	1,193.96'

LINE	BEARING	DISTANCE
L1	N 38°50'47" W	337.98'
L2	N 02°24'57" W	98.92'
L3	N 54°07'55" W	64.36'
L4	N 73°00'41" W	56.89'
L5	N 82°39'07" W	181.00'
L6	N 82°47'58" E	104.99'
L7	N 87°43'17" W	55.24'
L8	N 87°43'11" W	107.90'
L9	S 74°13'25" W	111.31'
L10	N 86°46'45" W	71.87'
L11	S 70°13'38" W	42.47'
L12	S 74°48'00" E	185.00'
L13	S 47°59'17" E	75.90'
L14	S 49°03'15" E	81.60'
L15	S 38°09'15" W	106.41'
L16	S 88°54'08" W	110.89'
L17	S 68°23'08" W	211.00'
L18	S 22°33'08" W	213.00'
L19	S 23°37'08" W	1,021.15'
L20	S 63°03'17" E	862.14'
L21	S 33°28'34" E	58.38'
L22	S 41°06'51" W	94.00'
L23	S 49°26'50" E	77.00'
L24	S 41°06'51" W	14.00'
L25	S 50°17'09" E	181.00'
L26	S 49°26'50" E	77.00'
L27	S 39°48'51" W	14.00'
L28	S 50°17'09" E	181.00'
L29	N 39°48'51" E	33.00'
L30	S 49°26'16" E	273.53'
L31	S 44°28'58" E	110.59'

LINE	BEARING	DISTANCE
L32	S 54°39'43" E	114.32'
L33	S 41°03'39" E	90.83'
L34	S 31°24'16" E	50.80'
L35	S 49°06'44" E	200.04'
L36	S 33°07'22" E	90.33'
L37	S 50°11'09" E	504.00'
L38	S 40°48'09" E	164.99'
L39	S 49°30'43" E	254.00'
L40	S 32°31'30" E	107.47'
L41	S 48°10'45" E	293.17'
L42	S 41°49'15" W	252.00'
L43	S 50°11'09" E	476.84'
L44	S 49°49'41" E	1,228.81'
L45	S 44°28'51" E	100.60'
L46	S 50°11'09" E	200.00'
L47	S 39°48'51" W	180.08'
L48	S 50°11'09" E	1,350.00'
L49	S 39°48'51" W	193.08'
L50	S 50°11'09" E	124.15'
L51	N 15°57'00" W	245.05'
L52	N 13°37'23" W	93.84'
L53	N 29°00'08" W	297.28'
L54	N 39°48'51" E	201.08'
L55	N 21°05'17" W	154.45'
L56	N 50°53'10" W	198.10'
L57	N 46°19'08" W	56.99'
L58	N 35°03'32" W	54.77'
L59	S 72°19'49" W	21.82'
L60	N 21°14'01" W	94.80'
L61	N 68°45'59" W	52.00'
L62	N 21°14'01" E	189.76'
L63	N 72°38'07" W	542.65'

No.	DATE	DESCRIPTION
		REVISIONS

PLAN DATE
07-18-2023
10-25-2023
02-29-2024
06-07-2024
08-01-2024

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COMMONWEALTH OF VIRGINIA — CHRISTOPHER TACK BOSSOM — LICENSE NO. 039720 — PROFESSIONAL ENGINEER — 08/01/2024

GENERAL NOTES & DETAILS

GREENLIN PARK

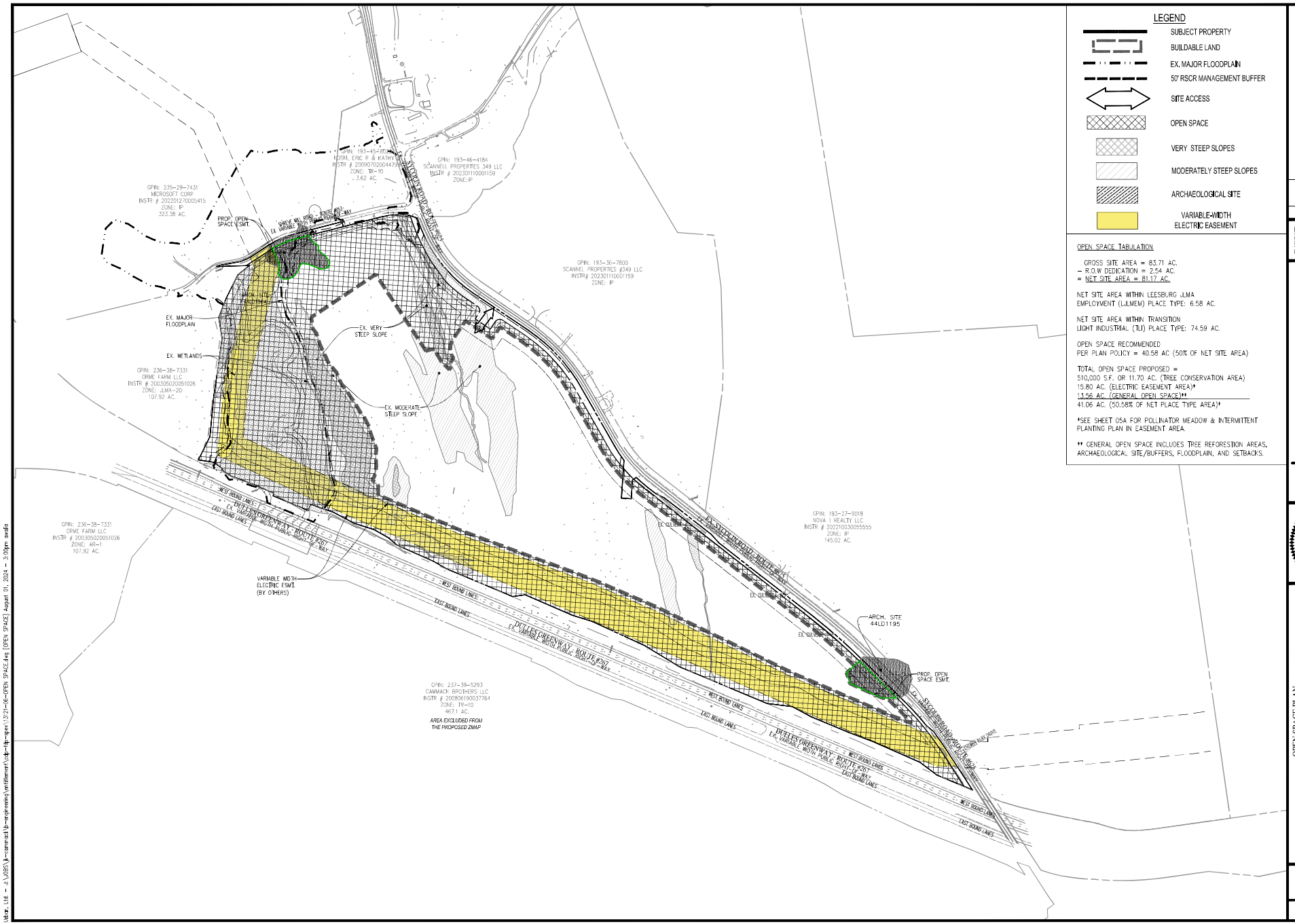
ZMAP-2022-0024, LEGI-2022-0069
LEESBURG ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA

SCALE: 1" = 100' C.I.=N/A DATE: JAN, 2023

SHEET 03A OF 06

FILE No. RZ-13121

urban Ltd. – K:\VDES\Engineering\certified\Working\Greenlin Park\Plans\2022-0024-GDP.dwg [GDP 03A] August 01, 2024 – 3:09pm austin



No.	DATE	DESCRIPTION
		REVISIONS

PLAN DATE
07-28-2023
01-18-2024
02-29-2024
04-11-2024
06-07-2024
08-01-2024

Urban, Ltd.
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ALEXANDRIA, VA 22314
TEL 703.642.8246
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Planners/Engineers/Landscape Architects/Land Surveyors

COMMONWEALTH OF VIRGINIA — LAURA C. GORTON — Lic. No. 039702 — PROFESSIONAL ENGINEER — 08.01.2024

OPEN SPACE PLAN

GREENLIN PARK

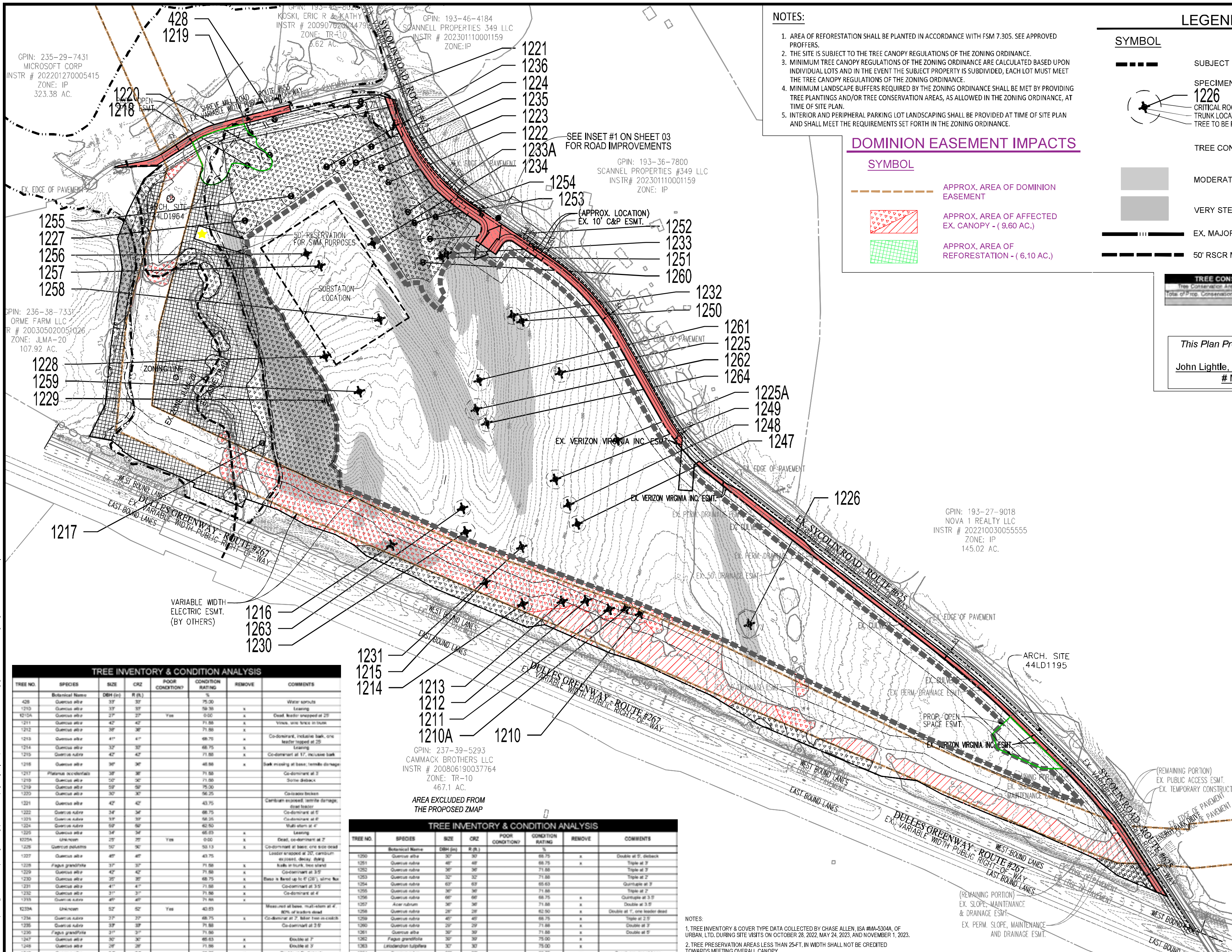
ZMAP-2022-0024, LEGI-2023-0059
LEESBURG ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA

SCALE: 1" = 200' C.I.=N/A DATE: JAN. 2023

SHEET 04 OF 06

FILE No. RZ-13121

Urban, Ltd. – K:\VDES\J-comrock\b-engineering\entitlement\cd\-4-\gpex\13121-06-OPEN SPACE.dwg [OPEN SPACE] August 01, 2024 – 3:09pm aallis



NOTES:

1. AREA OF REFORESTATION SHALL BE PLANTED IN ACCORDANCE WITH FSM 7.305. SEE APPROVED PROFFERS.
2. THE SITE IS SUBJECT TO THE TREE CANOPY REGULATIONS OF THE ZONING ORDINANCE.
3. MINIMUM TREE CANOPY REGULATIONS OF THE ZONING ORDINANCE ARE CALCULATED BASED UPON INDIVIDUAL LOTS AND IN THE EVENT THE SUBJECT PROPERTY IS SUBDIVIDED, EACH LOT MUST MEET THE TREE CANOPY REGULATIONS OF THE ZONING ORDINANCE.
4. MINIMUM LANDSCAPE BUFFERS REQUIRED BY THE ZONING ORDINANCE SHALL BE MET BY PROVIDING TREE PLANTINGS AND/OR TREE CONSERVATION AREAS, AS ALLOWED IN THE ZONING ORDINANCE, AT TIME OF SITE PLAN.
5. INTERIOR AND PERIPHERAL PARKING LOT LANDSCAPING SHALL BE PROVIDED AT TIME OF SITE PLAN AND SHALL MEET THE REQUIREMENTS SET FORTH IN THE ZONING ORDINANCE.

DOMINION EASEMENT IMPACTS

SYMBOL

- APPROX. AREA OF DOMINION EASEMENT
- APPROX. AREA OF AFFECTED EX. CANOPY - (9.60 AC.)
- APPROX. AREA OF REFORESTATION - (6.10 AC.)

LEGEND

SYMBOL

- SUBJECT PROPERTY
- SPECIMEN TREE: 1226 — CRITICAL ROOT ZONE, TRUNK LOCATION, TREE TO BE REMOVED
- TREE CONSERVATION AREA
- MODERATELY STEEP SLOPE
- VERY STEEP SLOPE
- EX. MAJOR FLOODPLAIN
- 50' RSCR MANAGEMENT BUFFER

TREE CONSERVATION AREAS

Tree Conservation Areas	Total (s.f.)	Total (a.c.)
Total of Prop. Conservation Areas	510,000	11.71

This Plan Prepared or Approved by:
John Lightle, ISA Certified Arborist # MA-5174A

TREE INVENTORY & CONDITION ANALYSIS

TREE NO.	SPECIES	SIZE	CRZ	POOR CONDITION?	CONDITION RATING	REMOVE	COMMENTS
	Botanical Name	DBH (in)	R (ft.)		%		
428	Quercus alba	33"	33'		75.00		Water sprouts
1210	Quercus alba	33"	33'		59.38	x	Leaning
1210A	Quercus alba	27"	27'	Yes	0.00	x	Dead, leader snapped at 25'
1211	Quercus alba	42"	42'		71.88	x	Vines, wire fence in trunk
1212	Quercus alba	38"	38'		71.88	x	
1213	Quercus alba	41"	41'		68.75	x	Co-dominant, inclusive bark, one leader topped at 25'
1214	Quercus alba	32"	32'		68.75	x	Leaning
1215	Quercus rubra	42"	42'		71.88	x	Co-dominant at 17', inclusive bark
1216	Quercus alba	36"	36'		46.88	x	Bark missing at base; termite damage
1217	Platanus occidentalis	38"	38'		71.88		Co-dominant at 3'
1218	Quercus alba	50"	50'		71.88		Some dieback
1219	Quercus alba	59"	59'		75.00		
1220	Quercus alba	30"	30'		56.25		Co-leader broken
1221	Quercus alba	42"	42'		43.75		Cambium exposed, termite damage, dead leader
1222	Quercus rubra	34"	34'		68.75		Co-dominant at 5'
1223	Quercus rubra	33"	33'		56.25		Co-dominant at 6'
1224	Quercus rubra	59"	59'		62.50		Multi stem at 4'
1225	Quercus alba	34"	34'		65.63	x	Leaning
1225A	Unknown	25"	25'	Yes	0.00	x	Dead, co-dominant at 2'
1226	Quercus palustris	50"	50'		53.13	x	Co-dominant at base; one side dead
1227	Quercus alba	45"	45'		43.75		Leader snapped at 20', cambium exposed, decay, dying
1228	Fagus grandifolia	37"	37'		71.88	x	Balls in trunk, tree stand
1229	Quercus alba	42"	42'		71.88	x	Co-dominant at 3.5'
1230	Quercus alba	35"	35'		68.75	x	Base is flared up to 6' (28"), slime flux
1231	Quercus alba	41"	41'		71.88	x	Co-dominant at 3.5'
1232	Quercus alba	31"	31'		71.88	x	Co-dominant at 4'
1233	Quercus rubra	45"	45'		71.88	x	
1233A	Unknown	52"	52'	Yes	40.63		Measured at base, multi-stem at 4', 80% of leaders dead
1234	Quercus rubra	37"	37'		68.75	x	Co-dominant at 2', fallen tree in crotch
1235	Quercus rubra	33"	33'		71.88		Co-dominant at 2.5'
1236	Fagus grandifolia	31"	31'		71.88		
1247	Quercus alba	30"	30'		65.63	x	Double at 7'
1248	Quercus alba	28"	28'		71.88	x	Double at 3'
1249	Quercus alba	34"	34'		68.75	x	Double at 5', dieback

TREE INVENTORY & CONDITION ANALYSIS

TREE NO.	SPECIES	SIZE	CRZ	POOR CONDITION?	CONDITION RATING	REMOVE	COMMENTS
	Botanical Name	DBH (in)	R (ft.)		%		
1250	Quercus alba	30"	30'		68.75	x	Double at 5', dieback
1251	Quercus rubra	48"	48'		68.75	x	Triple at 3'
1252	Quercus rubra	36"	36'		71.88		Triple at 3'
1253	Quercus rubra	32"	32'		71.88		Triple at 2'
1254	Quercus rubra	63"	63'		65.63		Quintuple at 3'
1255	Quercus rubra	36"	36'		71.88		Triple at 2'
1256	Quercus rubra	66"	66'		68.75	x	Quintuple at 3.5'
1257	Acer rubrum	36"	36'		71.88	x	Double at 3.5'
1258	Quercus rubra	28"	28'		62.50	x	Double at 1', one leader dead
1259	Quercus rubra	45"	45'		68.75	x	Triple at 2.5'
1260	Quercus rubra	29"	29'		71.88	x	Double at 3'
1261	Quercus alba	39"	39'		71.88	x	Double at 5'
1262	Fagus grandifolia	39"	39'		75.00	x	
1263	Liriodendron tulipifera	30"	30'		75.00	x	
1264	Quercus rubra	30"	30'		68.75	x	Beech growing at base

NOTES:

1. TREE INVENTORY & COVER TYPE DATA COLLECTED BY CHASE ALLEN, ISA #MA-5304A, OF URBAN, LTD. DURING SITE VISITS ON OCTOBER 28, 2022, MAY 24, 2023, AND NOVEMBER 1, 2023.
2. TREE PRESERVATION AREAS LESS THAN 25-FT. IN WIDTH SHALL NOT BE CREDITED TOWARDS MEETING OVERALL CANOPY.

No.	DATE	DESCRIPTION
		REVISIONS

PLAN DATE: 04-12-2024, 06-07-2024, 08-01-2024

urban.
Urban, Ltd.
4200-D TECHNOLOGY CT.
CHANTILLY, VA 20151
Planners • Engineers • Landscape Architects • Land Surveyors

COMMONWEALTH OF VIRGINIA — CLAYTON C. TOCK, Lic. No. 036790 — PROFESSIONAL ENGINEER

TREE CONSERVATION & TREE SURVEY PLAN

GREENLIN PARK

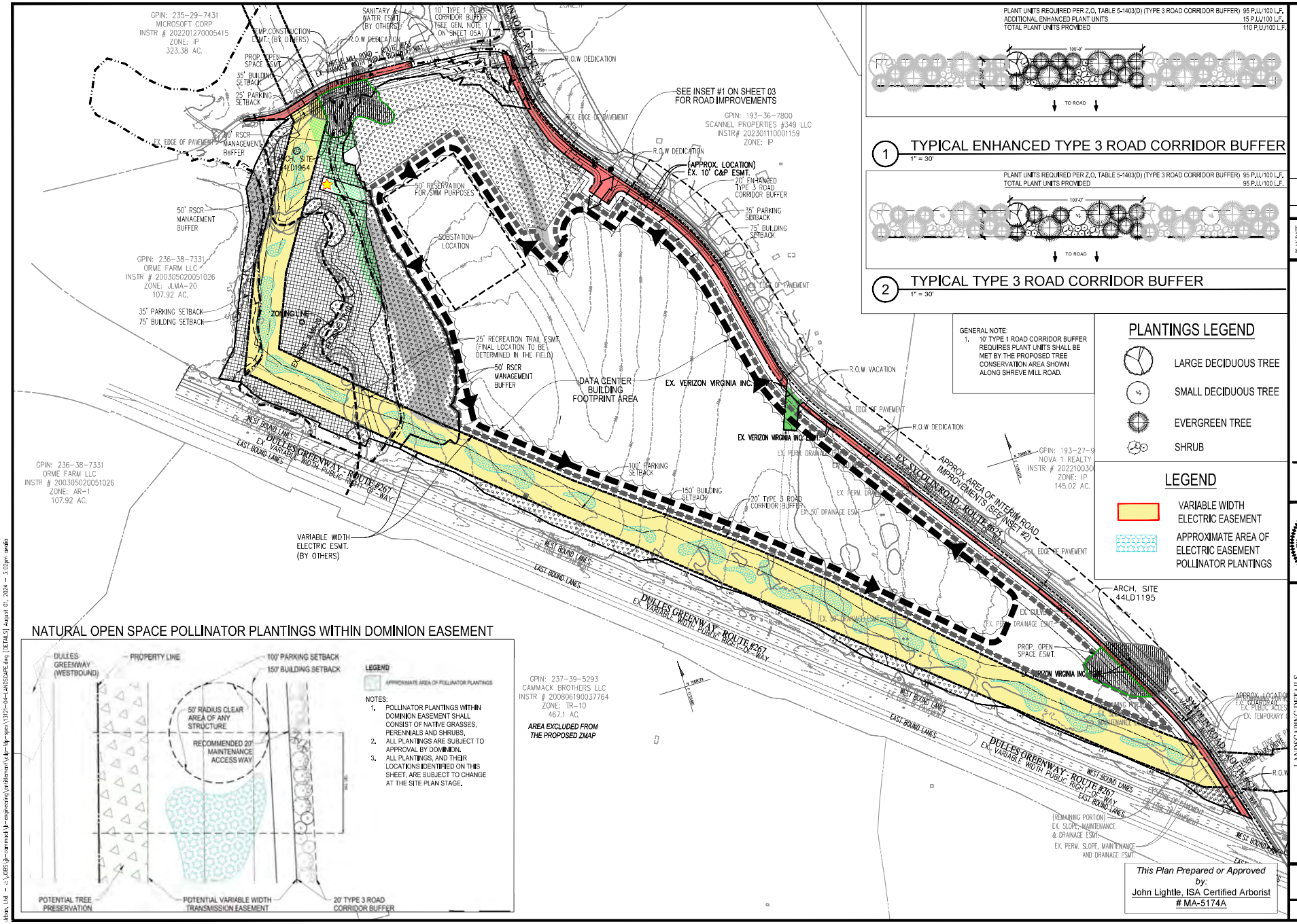
ZMAP-2022-0024, LEGI-2023-0059
LEESBURG ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA

SCALE: 1"=150' C.I.= 2' DATE: NOV. 2023

SHEET 05 OF 06

FILE No. RZ-13121

Urban, Ltd. – J:\JOBS\jk-cammack\b-engineering\entitlement\cdp-fdp-spex\13121-04-LANDSCAPE.dwg [LANDSCAPEwithElec] August 01, 2024 – 3:01pm awallis



No. | DATE | DESCRIPTION
REVISIONS

PLAN DATE
01-12-2024
06-07-2024
08-01-2024

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COMMONWEALTH OF VIRGINIA
REGISTERED
LANDSCAPE ARCHITECT
No. 0409000760
PROFESSIONAL

LANDSCAPING DETAILS

GREENLIN PARK
ZMAP-2022-0024, LEGI-2023-0059
LEESBURG ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA

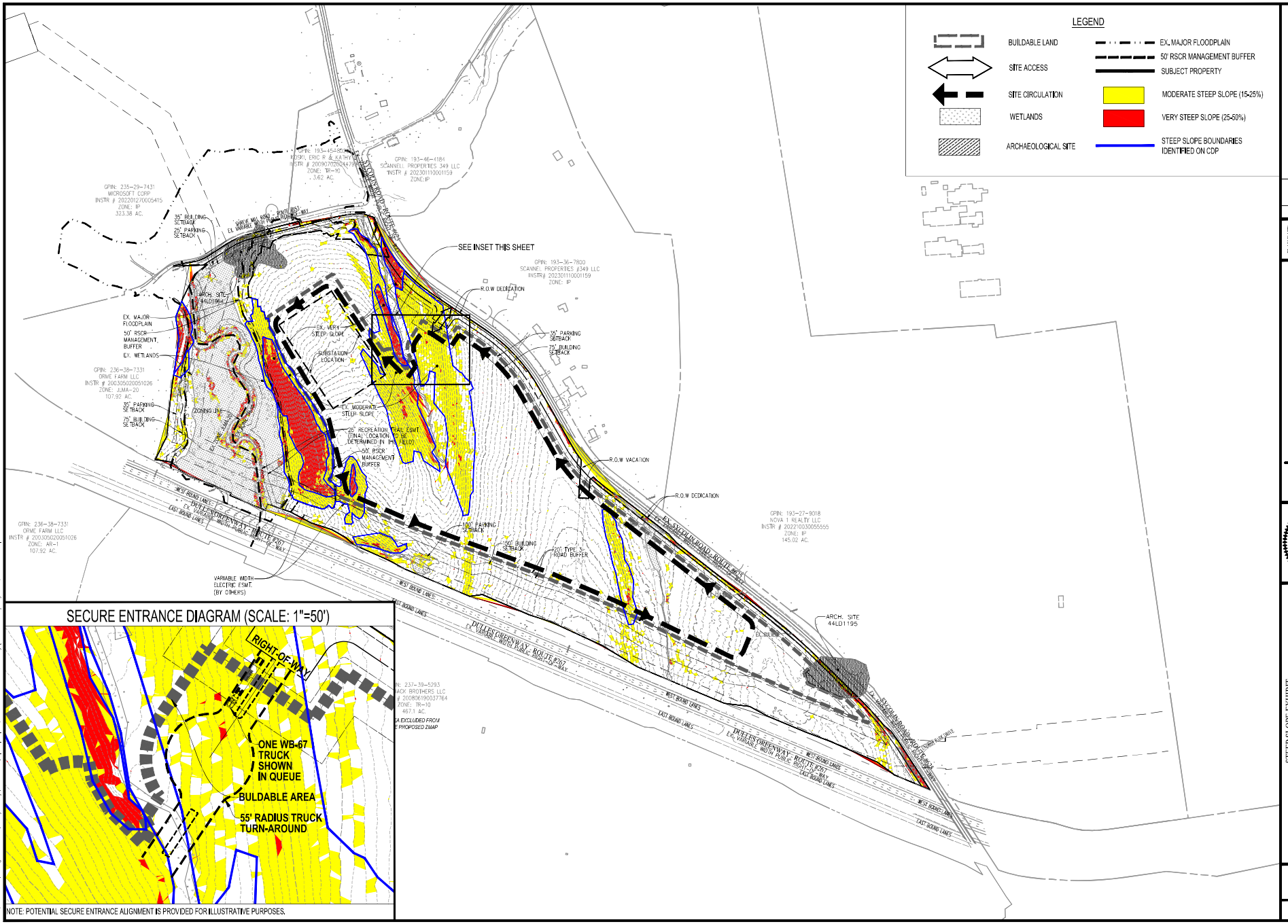
SCALE: 1" = 150' | C.I.= N/A | DATE: NOV. 2023

This Plan Prepared or Approved by:
John Lightle, ISA Certified Arborist
MA-5174A

SHEET 05A OF 06

FILE No. RZ-13121

Urban, Ltd. – c:\JOBS\J[--current-J]--engineering\entitlement\cvtp--dp--gpin\13726-04-LANDSCAPE.dwg [DETAILS] August 01, 2024 – 3:01pm ewells



No.	DATE	DESCRIPTION
		REVISIONS

PLAN DATE
07-18-2023
10-20-2023
12-29-2023
04-15-2024
06-07-2024
08-01-2024

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COMMONWEALTH OF VIRGINIA
ROBERT C. CARTER
Lic. No. 029870
PROFESSIONAL ENGINEER
08/01/2024

STEEP SLOPE EXHIBIT

GREENLIN PARK

ZMAP-2022-0024, LEGI-2022-0059
LEESBURG ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA

SCALE: 1" = 200' C.I.= 2' DATE: JAN. 2023

SHEET 06 OF 06

FILE No. RZ-13121

Urban, Ltd. – K:\VDES\V-Land Development\Active Projects\2022-08-STEEP SLOPES.dwg [STEEP SLOPE] August 01, 2024 – 3:07pm zvallo

STATEMENT OF JUSTIFICATION

Greenlin Park

LEGI-2023-0059

ZMAP-2022-0024

Loudoun County PIN 237-39-5293 (81.17-acre portion)

December 29, 2022
February 2, 2023
July 18, 2023
January 5, 2024
April 12, 2024

I. Introduction

JK Land Holdings II LLC (the "Applicant") seeks approval for a Zoning Map Amendment ("ZMAP") application in order to allow for increased development potential to permit data center uses on an 81.17-acre portion of the parcel described as Loudoun County PIN 237-39-5293 that lies to the north of the Dulles Greenway (the "Property"). The Applicant proposes to rezone the Property from the Transitional Residential – 10 ("TR-10") zoning district and the Joint Land Area Management – 20 ("JLMA-20") zoning district to a proffered Planned Development – Industrial Park ("IP") zoning district.

The Applicant notes that this rezoning is subject to the Grandfathering Resolution adopted by the Board of Supervisors on December 13, 2023. Accordingly, the Property is being administered under the Revised 1993 Loudoun County Zoning Ordinance. The proposal will rezone the Property to the IP district under the Loudoun County Zoning Ordinance (the "Zoning Ordinance"), which was adopted by the Board of Supervisors on December 13, 2023. The Applicant notes that it has provided specific commitments within the proffers and concept plan to ensure that the development is administered under the Revised 1993 Loudoun County Zoning Ordinance at time of site plan.

II. Property Background

The Property is bordered to the north by vacant land that is zoned IP, to the east by a small residential development that is zoned IP, to the west by farmland zoned JLMA-20, and to the south by the remaining 383.29 acres of Loudoun County PIN 237-39-5293. The IP-zoned parcel on which the residential development to the east of the Property is located has been rezoned pursuant to ZMAP-2019-0010 (Sycolin Road Distribution Facility) for the development of a distribution facility. Additionally, the surrounding IP-zoned land located to the north and east of the Property is subject to approved rezonings through ZMAP-2008-0009 (Leesburg West JLMA) and ZMAP-2008-0017 (Stonewall Secure Business Park). All of these properties are in various phases of obtaining the necessary County permits to develop with industrial uses. The Property is located in the Leesburg Election District and within the Ldn-60 1-mile buffer contour of the Airport Impact

Overlay District. Portions of the Property are located in the major floodplain and subject to the regulations of the Floodplain Overlay District pursuant to Section 4-1500 et seq. of the Revised 1993 Loudoun County Zoning Ordinance as set forth on the concept plan. The Property contains areas of steep slopes and the Applicant will comply with the requirements of Section 5-1508 of the Revised 1993 Loudoun County Zoning Ordinance as set forth on the concept plan. A small southeastern portion of the Property is located in the Luck Note Area of the Quarry Notification Overlay District pursuant to Section 5.06 et seq. of the Zoning Ordinance.

The Property is zoned to the TR-10 and JLMA-20 zoning districts. The Property is not subject to any prior rezonings. The Loudoun County 2019 General Plan (the "General Plan") designates the majority of the Property as the Transition Light Industrial place type within the Transition Policy Area and a small, northwestern portion of the Property is designated as the Leesburg JLMA Employment place type within the Leesburg Joint Land Management Area ("Leesburg JLMA") Policy Area. Both the Transition Light Industrial and Leesburg JLMA Employment place types envision entirely non-residential, light industrial development.

III. Proposal

In keeping with the policy considerations set forth in the General Plan, the Applicant proposes that the Property, which is presently zoned to the TR-10 and JLMA-20 zoning districts, be rezoned to the IP zoning district. Under the present zoning, the majority of the Property is zoned to the TR-10 zoning district, which envisions a blend of rural and suburban development that is not compatible with the neighboring industrial zoning or the General Plan recommendations for land uses within the Transition Light Industrial place type. Approval of this application would result in the creation of a cohesive industrial corridor along the northern side of the Dulles Greenway, resolving the current conflict between the existing zoning and the General Plan's vision for the Property's place types.

The Applicant is committed to developing a high-quality data center campus that is in keeping with the surrounding uses. The Applicant has committed to provide high-quality building design elements, including changes in building height, building step-backs or recesses, changes in building materials, pattern, texture, and color, and the use of accent materials and architectural detailing along all principal facades. Additionally, the Applicant will screen all outdoor storage from all adjacent public roads. Within the industrial park, the Applicant has committed to providing amenities including an outdoor employee gathering area, bicycle racks located at the entrance of each building, internal pedestrian connections, and a recreational trail easement.

In an effort to preserve the rural character of the Property, the Applicant has also made various environmental and landscaping commitments. Notably, the Applicant will provide a minimum of five Low-Impact Development (LID) Best Management Practices (BMP) to treat stormwater from the Property. The Applicant has also committed to using 80 percent Virginia native species for all landscaping throughout the Property and providing a Tree Conservation Area on the Property.

IV. Comprehensive Plan and County Policies

The majority of the Property is located in the Transition Policy Area, with a place type designation of Transition Light Industrial, as set forth in the General Plan. This place type envisions "industries and businesses within an environment dominated by open space of established forests or thickly vegetated buffers that screen such uses from roads and adjacent development." Core uses under this place type include light production, data centers, and flex space, all of which are included among the permitted uses in the proposed IP zoning district.

As discussed above, a small, northwestern portion of the Property is designated as the Leesburg JLMA Employment place type within the Leesburg JLMA policy area. The Leesburg JLMA Employment place type "accommodates flex space, manufacturing, warehousing, contractor services and other productive uses." Core and complementary uses under this place type include flex space, warehousing, and data centers that are compatible with the proposed IP zoning district.

The core and complementary uses for both place types are consistent with the proposed IP zoning district.

The Applicant shall grant waterline and sanitary sewer easements for Loudoun Water's JLMA West Transmission Main 2A & 7 - Shreve North (ID# WTR.00164), and JLMA Sewer S2 & S3A – Shreve North (ID# WST.00058) projects. Easements shall be granted to the Authority at no cost to the County or to the Authority.

V. Transportation

Vehicular access to and from the site will be provided via Sycolin Road (Route 625).

A traffic analysis was prepared by Gorove Slade on December 9, 2022 and revised January 5, 2024, which provides a complete discussion of the impact of the proposed uses on the surrounding intersections and road network. According to the traffic impact analysis, the proposed interim phase is anticipated to generate approximately 111 trips during the AM peak hour, 93 trips the PM peak hour, and 891 trips on a typical weekday. The proposed full build-out of the site (anticipated in 2030) is anticipated to generate approximately 373 trips during the AM peak hour, 358 trips during the PM peak hours, and 3,384 trips on a typical weekday. The Applicant anticipates the signalization of the site entrance on Sycolin Road at full build-out. A preliminary signal warrant analysis shows that the site entrance at Sycolin Road meets warrants.

VI. Zoning Map Amendment Review Criteria

Section 6-1210 (E) of the Zoning Ordinance contains application evaluation criteria for approval of rezoning applications and, in considering a rezoning application, the following enumerated factors shall be given reasonable consideration. The Zoning Ordinance specifies that an applicant is to address each factor in its statement of justification unless such criteria are deemed inapplicable to the application. The following represents the Applicant's response to these issues:

1. **Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the**

community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality.

The General Plan identifies the Property as within the Transition Light Industrial and Leesburg JLMA Employment place types within the Transition and Leesburg JLMA policy areas. The proposed rezoning to the IP district will accommodate the development of data center uses on the Property and complement similar uses on the surrounding properties.

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

   The Property is adjacent to property zoned to the IP and JMLA-20 districts. The proposed rezoning to the IP district will complement the existing and proposed industrial uses along the north side of the Dulles Greenway.

   The Property's Transition Light Industrial place type designation recommends that fifty (50) percent of the site remain open space. The Applicant is maintaining significant vegetated setbacks along areas of the Property that abut Sycolin Road. The routing of a Dominion powerline along the southern portion of the Property prevents the Applicant from providing previously-planned Tree Conservation Area along the Greenway. However, the Applicant is reforesting approximately 6.59 acres in the western portion of the Property to compensate for this impact. Current surrounding residential uses are anticipated to cease with the development of a distribution center on the adjacent property. Any visual impact that the proposed development may have on surrounding uses will be mitigated by such setbacks.

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

   Water and sewer are available to serve the Property. The Property will be accessed by a site entrance on Sycolin Road. Signalization of the site entrance, which the Applicant anticipates upon full build-out of the site, brings the intersection to an acceptable level of service. Preliminary signal warrant analysis shows that the intersection meets warrants.

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

   The proposed IP zoning will not generate the need for additional housing, schools, parks, and other public services.

5. **Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts.**

   The boundary of Site 44LD1964, a previously-recorded artifact scatter, was expanded. The Phase 1 Archeological Survey prepared by Dovetail Cultural Resource Group noted that this site was previously recommended not eligible for the National Register of Historic Places ("NRHP") and therefore did not recommend further work; however, the Applicant has committed to conducting further work if disturbance of the site cannot be avoided.

   Site 44LD1195, a previously recorded early-nineteenth century kiln site determined to be eligible for listing in the NRHP, is located in the southeastern portion of the Property. It is recommended that impacts avoid or are minimized within the site. The Applicant acknowledges the recommendation and has committed to conducting further work if disturbance of the site cannot be avoided.

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

   There are no impounding structures on the property.

VII. CONCLUSION

The surrounding properties to the north of the Dulles Greenway are developing with various industrial uses that are in keeping with the uses envisioned for the Transition Light Industrial and Leesburg JLMA Employment place types and this area of the County is taking shape to become a vibrant industrial corridor. The Applicant seeks to contribute to this development trend by rezoning the Property to allow for the development of data center uses. The location of the Property within this corridor, along with natural screening features and a thoughtful building area that allow for efficient development of the Property while maintaining a rural character, make the Property a prime candidate for the requested rezoning to the IP district. For the foregoing reasons, the Applicant respectfully requests positive consideration from staff, the Planning Commission, and the Board of Supervisors of the proposed rezoning to the IP zoning district.

LOUDOUN COUNTY VIRGINIA | Planning and Zoning

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loudoun.gov/planningandzoning

MEMORANDUM

To: Marchant Schneider, Project Manager, Land Use Review

From: Rebekah King, Senior Planner, Community Planning

Date: June 20, 2024

Re: LEGI-2023-0059, Greenlin Park, Community Planning 5th Referral

SUMMARY

Request: The applicant, JK Land Holdings II LLC, is requesting a Zoning Map Amendment (ZMAP-2022-0023) to rezone an 85.18-acre portion of a larger 467.58-acre parcel (PIN 237-39-5293) that lies north of the Dulles Greenway, from the Transitional Residential-10 (TR-10) and Joint Land Management Area-20 (JLMA-20) to the Planned Development-Industrial Park (PD-IP) Zoning District.

Recommendation: The proposed rezoning to PD-IP to allow by-right industrial uses on the Property at a 0.6 floor area ratio (FAR) is generally consistent with the Transition Light Industrial Place Type and complies with the *Revised 1993 Loudoun County Zoning Ordinance* (Revised 1993 Zoning Ordinance). However, Community Planning cannot support the application at this time because the building height exceeds what is envisioned in the *Loudoun County 2019 General Plan* (2019 GP), and the application lacks sufficient building and site design information.

Outstanding Issues:

- Place Type
- Infrastructure
- Place Type Design

BACKGROUND

Community Planning reviewed the following for consistency with the 2019 GP: the Concept Development Plan (CDP) dated December 29, 2022, and revised June 7, 2024; the Applicant Response Letter dated June 7, 2024, and the Draft Proffer Statement (Proffer Statement) dated December 29, 2022, and revised June 7, 2024.

This referral supplements Community Planning's previous referral memo dated May 1, 2024. The application was accepted prior to the adoption of the *Loudoun County Zoning Ordinance* on December 13, 2023, so the application continues to be reviewed under the *Revised 1993 Loudoun County Zoning Ordinance*.

Compared to the fourth submission, the applicant has:

- Refined building design commitments (Proffer II.A.);
- Committed to mechanical equipment screening (Proffer II. B.);

- Committed to an enhanced Sycolin Road buffer (Proffer II. C.);
- Committed to a shared use path contribution (Proffer III. B.);
- Committed to interim improvements on Sycolin Road (Proffer III.F.);
- Committed to Shreve Mill Road treatment (Proffer III. G.);
- Committed to how discharges into Sycolin Creek will be treated (Proffer IV. C.);
- Committed to allowing the County Archaeologist to review and approve the Archaeological Work Plan (Proffer IV. M.);
- Committed to pollinator meadow plantings within utility easement (Proffer IV. P.); and
- Refined Sycolin Trail Easement commitments (Proffer V. D.).

COMPLIANCE WITH THE COMPREHESIVE PLAN

The property is governed by the *Loudoun County 2019 Comprehensive Plan*, which comprises the 2019 GP and the *Loudoun County 2019 Countywide Transportation Plan* (2019 CTP). The property is located within the Transition Policy Area (TPA) and is designated for the Transition Light Industrial Place Type.[1]

PLACE TYPE

While the zoning district allows a building height up to 60 feet, the 2019 GP envisions a building height of one to three stories or approximately up to 36 feet for the Place Type. The Applicant Response letter justifies the building height because the property is not adjacent to residential uses and a powerline will be constructed along the property's frontage.

Community Planning continues to recommend a commitment to a maximum building height of three stories as envisioned in the Transition Light Industrial Place Type. Without building elevations to understand the visual impacts of the building height, Community Planning is not persuaded that 60 feet in building height conforms to the vision for the Place Type. This issue is not resolved.

Open Space

The applicant proposes to maintain a total of 40.97 acres of open space. This addresses a previous staff comment about increasing open space to 50 percent for the site. With the 5th submission, the applicant provided clarity on the composition of the open space which is Tree Conversation Area, open space, and utility easement that will include pollinator meadow plantings if approved by the utility. **If the utility allows this approach and documentation is provided to show that approval, Community Planning can accept this open space plan.**

Infrastructure

The 5th submission materials continue to include minimal location information on the location of electrical powerlines and a utility substation. Community Planning continues to need more detail on site and building design. The Proffer Statement contains no design commitments for the utility

[1] *2019 GP, Chapter 2, SPA Place Types Map*

substation, and the CDP does not illustrate how the substation connects to the data center in terms of internal site circulation or visual impacts on the landscape. **This issue is not resolved.**

PLACE TYPE DESIGN

Community Planning continues to recommend that the application include further design and site plan details, information, and commitments to demonstrate consistency with the TPA Design Guidelines and design characteristics of the Transition Light Industrial Place Type. The CDP shows only the buildable area with minimal location information of the data center and utility substation. Parking and equipment areas are not identified. While the Proffer Statement includes design commitments, no elevations are provided to illustrate those commitments. Without more information, staff cannot evaluate if this development conforms with the Transition Light Industrial Place Type. **This issue is not resolved.**

NATURAL, ENVIRONMENTAL, AND HERITAGE RESOURCES

The CDP now indicates that very steep slopes will be avoided. **This issue is resolved.**

The CDP shows right-of-way road dedications along Sycolin Road and Shreves Mill Road that could impact the archaeological sites. With the 5th submission, the applicant committed to getting County Archaeologist approval of Archaeological Work Plans. **This issue is resolved.**

RECOMMENDATIONS

While the proposed rezoning to PD-IP to allow data center uses on the Property at a 0.6 FAR is generally consistent with the Transition Light Industrial Place Type, Community Planning cannot support the application at this time. The building height exceeds what is envisioned in the 2019 GP, and the application lacks sufficient building and site design information.

Staff are available to meet with the applicant to discuss this referral and answer questions.

cc: Theresa Stein, Program Manager, Community Planning, via email.

DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: June 24, 2024

TO: Marchant Schneider, Project Manager

FROM: Alexander Darr, Natural Resources Engineer

THROUGH: Anna Dougherty, Natural Resources Team Leader

CC: Todd Taylor, Floodplain Engineer
Mike Ronayne, County Urban Forester
Rebekah King, Community Planner
Jacob Hambrick, Zoning Planner
Kelly Williams, Proffer Manager

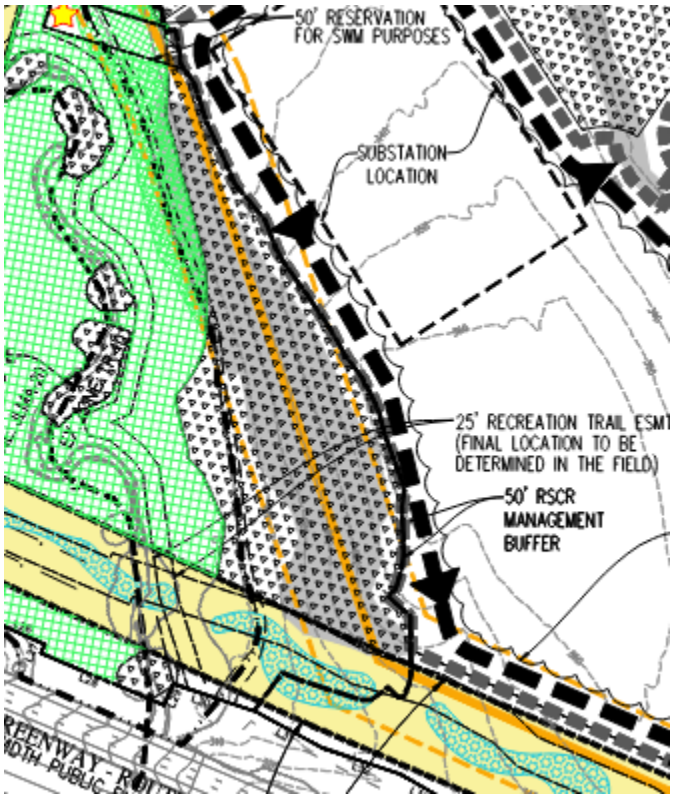
SUBJECT: LEGI-2023-0059, ZMAP-2022-0024 Greenlin Park (5th Submission) NRT Review

The Natural Resources Team (NRT) has reviewed the Zoning Map Amendment received on June 10, 2024. This review includes a review from natural resources, and urban forestry.

Natural Resources:

Requirements:

Staff notes the new depiction not previously shown on CDPs of an unknown easement depicted in orange. Staff requests clarification of what is depicted here and seek additional commitment that tree conservation areas proposed on the CDP will not be impacted by utility lines associated with this project.



Recommendations:

1. Staff have coordinated with proffer administration to incorporate suggested revisions into the proffer statement supplied with this submission, staff respectfully requests inclusion of these revisions with the next submission.

2. **Repeat Comment:** The impact of the proposed project on wildlife habitats, travel corridors and access to streams and water sources through preservation is a matter of consideration as part of this zoning application. Consistent with Strategy 6.2 of the 2019 General Plan, Staff recommends conserving wildlife habitats on site.

    a. Please consider committing to increased preservation of contiguous stands of mature hardwood forest in order to meet the site's open space requirements via preservation of intact habitat and natural resource areas.

3. **Repeat Comment:** Consistent with Strategy 1.1 Action F and Strategy 6.1 Actions B and C of the 2019 Loudoun County General Plan, staff recommends the following pertaining to Natural Heritage and threatened species potentially on the subject parcel:

a. Because there is potential for wood turtle habitat on site, as referenced in T&E documentation letters, staff requests a commitment to a habitat study to determine presence or absence of this habitat, please refer to proffer administration comments for NRT input on wood turtle habitat study proffer.

4. **Repeat Comment:** The Concept Development Plan submitted with this application suggests a site entrance that would heavily impact forested wetlands, stream corridor habitat, mature forest specimen trees, and areas of steep slopes. Staff respectfully requests an environmentally sensitive approach to site design, access, open space, and circulation that avoids, or limits impacts to these sensitive natural areas.

5. **Comment Retained at 5th Submission, staff notes the revision that avoids impacts to very steep slope areas but remains concerned that significant natural areas are impacted by this application including wetlands, slopes, and specimen trees, natural resources staff do not support the design as proposed, particularly the site access and location of the substation in an area of mature hardwood forest. Staff continues to recommend a more environmentally sensitive site design that significantly reduces impacts to streams, steep slopes, and forests, by shifting the substation 150' to the southwest, there would be significant opportunities for additional tree conservation, as well as improved preservation of existing stream channel.**

Please ensure that any future submissions are referred to the Natural Resources Team and contact me if you have any questions or need additional information.

County of Loudoun

Department of Transportation and Capital Infrastructure

MEMORANDUM

DATE: June 24, 2024

TO: Marchant Schneider, Program Manager, Land Use Review
Department of Planning and Zoning

FROM: Bradley Polk, Assistant Program Manager, Transportation Planning
DTCI, Transportation Planning & Traffic Engineering Division

SUBJECT: **LEGI-2023-0059 – Greenlin Park**
Fifth Referral

Background

This referral updates the status of comments noted in the supplemental fourth Department of Transportation and Capital Infrastructure (DTCI) referral, dated May 20, 2024, on this Zoning Map Amendment (ZMAP-2022-0024) application to rezone an approximately 83.71 acre parcel from the Transitional Residential-10 (TR-10) and Joint Land Management Area-20 (JLMA-20) zoning districts under the *Revised 1993 Loudoun County Zoning Ordinance* to the Planned Development – Industrial Park (PD-IP) zoning district to permit development of up to 2,121,661 square feet of data center uses.

The subject property (PIN 237-39-5293) is located east of the Dulles Greenway (VA Route 267), south of Shreve Mill Road (VA Route 653), and west of Sycolin Road (VA Route 625). Access to the site is proposed via a single site entrance opposite the entrance to the Sycolin Road Distribution Facility (ZMAP-2019-0010) site.

This update is based on DTCI review of material received from the Department of Planning and Zoning on June 10, 2024, including (1) the Applicant's response to DTCI's supplemental fourth referral comments dated June 7, 2024; (2) a Draft Proffer Statement prepared by the Applicant, dated December 29, 2022 and revised through June 7, 2024; (3) a Trip Generation Update prepared by Gorove Slade, dated May 22, 2024, and; (4) a revised Concept Development Plan (CDP) prepared by Urban, Ltd., dated January 2023 and revised through June 7, 2024.

Executive Summary

Based upon the revised materials and the Applicant's responses to fourth submission comments, DTCI is unable to provide a recommendation at this time. DTCI may have additional comments based on the Applicant's responses to the comments provided and is available to meet with the Applicant upon request to discuss the proposal.

DTCI continues to have the following general concerns regarding this application. Detailed discussion of these outstanding issues are provided in the comment section, below:

- A commitment to provide bicycle and pedestrian facilities consistent with the *2019 CTP* is needed.
- Commitments consistent with the County's approved traffic signal proffer template are not provided.
- Technical corrections and clarifications to the application documents are needed.

Status of Outstanding Transportation Comments

Comments 1, 3-6, 20, and 22-24 were previously addressed. Comment 12 was advisory only. Based upon review of the Applicant's revised submission materials, Comment 2 (Use Limitations) has been addressed with this submission. DTCI Comments 9 (Shreve Mill Road Right-of-Way), Comment 11 (Sycolin Road Turn Lanes), 15 (Internal Pedestrian Connections), Comment 17 (Bicycle Racks), Comment 18 (Internal Pedestrian Connections to Parking Areas), Comment 21 (Internal Rejection Lanes), 25 (Electric Vehicle Charging Stations) and 26 (Sycolin Road Right-of-Way Vacation) have been addressed subject to the inclusion of stated commitments in the final Proffer Statement. Comment 7 (Single Full Access Entrance) was deferred to the Fire Marshal's Office. DTCI has no further comment regarding DTCI Comments 14 (Shreve Mill Road Sidewalk), Comment 27 (TIS – Parcel Acreage) and Comment 28 (TIS – Shreve Mill Road). The following comments remain outstanding:

Comment 2 (Use Limitations): Comment addressed. The Applicant has provided a Trip Generation Update, prepared by Gorove Slade, dated May 22, 2024 which addresses DTCI's previous comment.

Comment 10 (Sycolin Road Improvements): Comment partially addressed. The Applicant has added Proffer III.F with this submission which clarifies the improvements that will be made to Sycolin Road to bring the Property's Sycolin Road frontage up to current VDOT standards. The Applicant should revise Proffer III.F to make specific reference to the improvements as shown in Inset #2 on Sheet 03.

Comment 13 (Sycolin Road Shared Use Path): Comment partially addressed. The Applicant has added Proffer III.B with this submission which proposes a cash-in-lieu of construction for the 10-foot-wide shared use path along the Property's Sycolin Road frontage. DTCI has concerns that based upon the need for a base under the 10-foot-wide shared use path the $75 per square yard is not sufficient for the County to install the shared use path in the future. DTCI recommends the Applicant to commit to a cash-in-lieu of construction amount based on $85 per square yard ($387,175) to account for the base needed to construct the shared use path.

Comment 16 (Traffic Signal at Sycolin Road Site Entrance): Comment partially addressed. The Applicant has agreed to lower the square footage threshold for the second warrant study. However, Proffer III.A continues to not comply with the County's approved traffic signal proffer template. The Applicant should revise the proffer to provide the $500,000 cash contribution only if the signal or innovative intersection control improvement is not warranted or provided by

others, as provided for in the template language. The cash contribution should not be provided as a means to forgo installation of a traffic signal or innovative intersection control improvement.

Additional Transportation Comments and Recommendations

Comment 29 (Shreve Mill Road Treatment Proffer): Proffer III.H was added with this submission. In the fifth line of the Proffer, the Applicant should replace "Sycolin" with "Shreve".

The clause at the end of the proffer permits the Applicant to not complete the Shreve Mill Road Improvements if the future closure and abandonment of the Shreve Mill Road connection east of the Dulles Greenway occurs later than the first site plan approved for the Property. Substantial completion of construction of the segment of Crosstrail Boulevard from Sycolin Road to the Dulles Greenway is not scheduled for substantial completion until Spring 2027 and Shreve Mill Road will continue to operate in its current state during construction of Crosstrail Boulevard. It is unlikely the Crosstrail Boulevard project is completed to a point that Shreve Mill Road will be closed east of the Dulles Greenway prior to the Applicant securing site plan approval for the Property. As such, unless the Applicant is willing to delay site plan approval until after the segment of Crosstrail Boulevard is completed, it is unlikely this proffer will be triggered.

DTCI defers to VDOT for additional evaluation of the technical aspects of the proffer relating to constructing the Shreve Mill Road entrance and tapering down the curb radius on Shreve Mill Road at its intersection with Sycolin Road.

cc: Lou Mosurak, AICP, Assistant Director, DTCI
Marie Pham, Transportation Planning Program Manager, DTCI
Yao Lu, P.E., Loudoun Area Land Use Engineer, VDOT

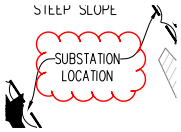
Zoning Admin 5th Review Comments.pdf Markup Summary

Cloud (7)



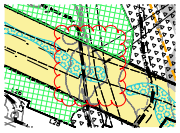
Subject: Cloud
Page Label: [5] 03A GENERAL NOTES & DETAILS
Author: Jacob.Hambrick
Date: 6/25/2024 10:32:06 AM
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Pursuant Section 5-664(E)(2), a major collector road requires a 20-foot Type 3 Road Corridor Buffer. Revise accordingly.



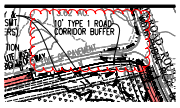
Subject: Cloud
Page Label: [4] 03 CONCEPT DEVELOPMENT PLAN
Author: Jacob.Hambrick
Date: 6/25/2024 11:32:09 AM
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Zoning Administration continues to ask that the Applicant specify the type of utility substation being proposed. This information will help identify whether other legislative application approvals would be necessary. For example, a utility substation, transmission requires special exception approval, while utility substation, dedicated, and utility substation, distribution are by-right uses within the PD-IP zoning district under the Revised 1993 Zoning Ordinance. Note that under the 2023 Loudoun County Zoning Ordinance, the utility substation uses are now listed as a "utility, major" use which requires special exception approval in the IP zoning district.



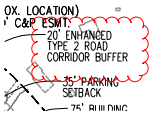
Subject: Cloud
Page Label: [8] 05A LANDSCAPING DETAILS
Author: Jacob.Hambrick
Date: 6/25/2024 11:47:36 AM
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Relocate the portion of the proposed "pollinator plantings" out of the proposed "25' Recreation Trail Esmt". Revise accordingly.



Subject: Cloud
Page Label: [8] 05A LANDSCAPING DETAILS
Author: Jacob.Hambrick
Date: 6/25/2024 12:00:31 PM
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Provide a note stating that the 10' Type 1 Road Corridor Buffer" required plant units will be met by the proposed Tree Conservation Area. Revise accordingly.



Subject: Cloud
Page Label: [8] 05A LANDSCAPING DETAILS
Author: Jacob.Hambrick
Date: 6/25/2024 12:40:33 PM
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Revise to "20' Enhanced Type 3 Road Corridor Buffer".



Subject: Cloud
Page Label: [5] 03A GENERAL NOTES & DETAILS
Author: Jacob.Hambrick
Date: 6/25/2024 12:46:59 PM
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Ensure that the "Proposed Open Space" totals are consistent with what is provided within Note 6 under the "Proposed Site/Zoning Data". Revise as necessary.



Subject: Cloud
Page Label: [7] 05 TREE CONSERVATION & TREE SURVEY PLAN
Author: Jacob.Hambrick
Date: 6/25/2024 1:52:45 PM
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Note that any requirements that are not specifically shown and detailed on the CDP will not be grandfathered under the Revised 1993 Zoning Ordinance. Revise the notes to remove stated zoning ordinance sections as applicable.

Stamp (2)



Subject: Stamp
Page Label: [8] 05A LANDSCAPING DETAILS
Author: Jacob.Hambrick
Date: 6/25/2024 10:36:40 AM
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Provide a "Legend" that details the type of plant units (i.e., large deciduous, small deciduous, evergreen, etc.) being used to meet the required buffer.



Subject: Stamp
Page Label: [1] 01 COVER SHEET
Author: Jacob.Hambrick
Date: 6/25/2024 12:07:57 PM
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Proffer Statement Comments

1. Proffer I.A. Concept Development Plan. Include Sheet 05A as a proffered sheet. Revise accordingly.

PROFFER STATEMENT

Greenlin Park

LEGI-2023-0064

ZMAP-2022-0024

December 29, 2022
Revised July 18, 2023
Revised January 5, 2024
Revised April 12, 2024
Revised June 7, 2024

Cammack Brothers, LLC, the record owner (referred to herein as the "Owner") of the property identified as a portion of Loudoun County PIN 237-39-5293 consisting of a total of approximately 81.17 acres (the "Property"), on behalf of ~~itself~~ themselves and their ~~its~~ successors in interest, hereby voluntarily proffers, pursuant to Section 15.2-2303 of the Code of Virginia (1950), as amended, ~~and processed under the land use and development regulations prescribed in the~~ Revised ~~1993 Loudoun County Zoning Ordinance as permitted by the ZOR Grandfathering Resolution dated December 13, 2023~~, that in the event the Board of Supervisors of Loudoun County, Virginia, approves this Zoning Map Amendment application, ZMAP-2022-0024 (the "Application"), to rezone the Property from the Transitional Residential – 10 (TR-10) zoning district and the Joint Land Area Management – 20 (JLMA-20) zoning district to the Planned Development – Industrial Park (PD-IP)(IP)) zoning district of the Zoning Ordinance, development of the Property shall be in substantial conformance with the Concept Development Plan identified in Proffer I.A. below and attached hereto as Exhibit A, and the conditions set forth in this Proffer Statement ("Proffers"). All proffers made herein are contingent upon the approval of this ZMAP-2022-0024 by the Board of Supervisors of Loudoun County, Virginia. As used herein, the term "County" refers to the Board of Supervisors of Loudoun County, Virginia, or to the applicable Loudoun County government department, staff, or official enabled with authority to act on the County's behalf, within the context of the particular proffer provision. This application was processed under the land use and development regulations prescribed in the Revised 1993 Zoning Ordinance pursuant to the ZOR Grandfathering Resolution dated December 13, 2023.

Commented [KW1]: Per CAO recent guidance.

All references in these Proffers to subdivision, subdivision plat, or record plat shall be deemed to include condominium or condominium plat or any other document or mechanism that legally divides the Property into separately transferable units of ownership. Any obligation imposed herein that must be performed prior to, in conjunction with, or concurrently with first or other subdivision or record plat approval shall be deemed to be required to be performed prior to the recordation of any such condominium declaration or plat or other similar document that would have the legal effect of dividing the Property into separately transferable units of ownership.

As used in these Proffers, the term site plan shall include any application for approval of a site plan or site plan amendment in accordance with applicable County ordinances and the term construction plans and profiles or CPAP shall include any application for approval of a construction plans and profiles or amendment/revision thereto in accordance with applicable County ordinances. Proffered improvements shown on a site plan shall be bonded prior to approval of said plan; proffered improvements shown on CPAPs shall be bonded prior to approval of the record plat associated with such CPAP, or as otherwise required by applicable County regulation or procedure. All land development applications, including zoning permit applications, for development of all or any portion of the Property shall identify said applications or permits as being subject to the Proffers of this Zoning Map Amendment (ZMAP-2022-0024).

When any plan submission, signal warrant analysis submission, noise or other impact study submission, bonding, dedication, conveyance, construction, completion of construction, opening of a facility or infrastructure to traffic or use, payment of cash, or any other act or activity required in these Proffers is required to be performed, submitted, recorded, paid, commenced and/or completed prior to the issuance of any certificate of occupancy, the said certificate of occupancy shall not be issued until the Owner has provided written documentation to the Loudoun County Building and Development (B&D) or Zoning Administration staff that the said requirement has been satisfied, or documentation from B&D or Zoning Administration staff that the said requirement is no longer a prerequisite for issuance of such certificate of occupancy.

I. CONCEPT DEVELOPMENT PLAN & DEVELOPMENT SCOPE

A. Concept Development Plan. The development of the Property shall be in substantial conformance with the Concept Development Plan (the "CDP"), hereby defined as Sheets 01, 03, 03A, 04, 05 and 05A of the ~~5~~6-sheet plan set titled "GREENLIN PARK, LEGI-2023-0059, ZMAP-2022-0024", dated January 20, 2023, and revised through June 7, 2024, prepared by Urban, Ltd. and these Proffers. The CDP shall control the development, layout, and configuration of the Property. Minor adjustments to the location of proposed uses, facilities, and improvements shown on the CDP as reasonably necessary to address grading; drainage; environmental, cultural, and natural features; development ordinance requirements; and other final engineering considerations; and to accommodate the recommendations of archaeological studies; provided that any such minor adjustments shall be in substantial conformance with the CDP as defined by the Loudoun County Zoning Ordinance ("Zoning Ordinance").

~~B. As used in these Proffers, the term site plan shall include any application for approval of a site plan or site plan amendment in accordance with applicable County ordinances and the term construction plans and profiles or CPAP shall include any application for approval of a construction plans and profiles or amendment/revision~~

Commented [KW2]: This language is typically found in the preamble. Moved from below.

Commented [KW3]: Sheet 01: Note 1 Remove the second sentence "This application…" as it is stated in Note 2.

Commented [KW4]: Sheet 03
Site/Zoning Data Requirements
Note 5: Delete " and is administered under the R93ZO'.

Proposed Site/Zoning Data
Note 7: Delete note. Referencing the standard in Note 14.1 is not a specific proffered condition. There is no screening proposed in the application.
Note 8: Delete note. Referencing the standard in Note 14.2 is not a specific proffered condition. There is no lighting proposed in the application.
Note 8: Referencing the standard in Note 15 is not a specific proffered condition. There is no lighting proposed in the application.
Note 10: Delete

Commented [KW5]: Sheet 05
Notes 2-5: Remove references to R93ZO sections.

Commented [KW6]: Two new proffers for an enhanced buffer and a pollinator meadow have been added to the Proffer Statement and are shown on Sheet 05A.

Commented [KW7]: Repeat comment. This title should match the title on the CDP. Staff recommends the LEGI be referenced first as shown here and the CDP be revised accordingly.

Commented [KW8R7]: Repeat Comment. Revise the *Applications Requested* note on the CDP to reference the "Loudoun County Zoning Ordinance" not R93ZO. Staff defers to the County Attorney regarding this reference.

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~~thereto in accordance with applicable County ordinances. Proffered improvements shown on a site plan shall be bonded prior to approval of said plan; proffered improvements shown on CPAPs shall be bonded prior to approval of the record plat associated with such CPAP, or as otherwise required by applicable County regulation or procedure. All land development applications, including zoning permit applications, for development of all or any portion of the Property shall identify said applications or permits as being subject to the Proffers of this Zoning Map Amendment (ZMAP-2022-0024).~~

~~C.~~B. Development Scope. The Property shall only be developed with the Data Center use~~, which is defined as a facility, or facilities, used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility, or facilities, may also include air handlers, power generators, and water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a Data Center~~. ~~A Utility Substation, dedicated or Utility Substation, distribution use shall also be developed on the Property in the location shown on Sheet 03 as "SUBSTATION LOCATION".~~ The total building square footage permitted for the Data Center use on the Property shall be limited to 2,121,661 square feet of gross floor area square feet, subject to any increase in square footage permitted by Special Exception for which the requisite Special Exception approval is granted by the County. A Utility Substation, dedicated or Utility Substation, distribution use shall also be developed on the Property in the location shown on Sheet 03 as "SUBSTATION LOCATION".

II. BUILDING AND SITE DESIGN

A. Building Design. The below requirements shall apply to the building design of data center buildings constructed on the Property. For purposes of this proffer, principal building facades shall be defined as all building elevations facing adjacent public rights-of-way and the portion of the Dulles Greenway that abuts the Property as shown on Sheet 03 of the CDP (the "Principal Building Facades").

a. Building Façade. Unless otherwise specified in this Proffer II, each Principal Building Façade shall incorporate the following design elements:

i. A minimum of two distinct exterior surface materials and/or patterns as the primary façade material(s), which may be accomplished ~~through the use of~~using changes in textures, ~~and/or~~ indentations, and/or etching of ~~the~~ pre-cast concrete panels; or using ~~other~~ a minimum of two different materials listed in Proffer II.A.c.

Commented [KW9]: Per CAO recent guidance.

Commented [KW10]: Repeat Comment. Please reference the location of the substation in the proffer. Please state what type of Utility Substation will be developed. Utility Substation is defined as Utility, Major in the LCZO and is a Special Exception in the IP district. If the Applicant wishes to develop a Utility Substation, dedicated or Utility Substation, distribution under the Grandfathering provision, it should be specifically stated here.

Commented [KW11]: Staff notes that an increase in square footage by SPEX requires a ZCPA to amend the proffer square footage limitation.

Commented [KW12]: Repeat Comment. Please reference the location of the substation in the proffer. Please state what type of Utility Substation will be developed. Utility Substation is defined as Utility, Major in the LCZO and is a Special Exception in the IP district. If the Applicant wishes to develop a Utility Substation, dedicated or Utility Substation, distribution under the Grandfathering provision, it should be specifically stated here.

Commented [KW13]: Staff recommends that the road(s) be specifically stated here for clarity.

ii. A minimum of one step-back or recessed plane of at least four feet in depth that extends from the ground level to the top of the building. The step-back or recessed plane shall extend horizontally across the Principal Building Facade at a minimum width of xxxx feet or a minimum of x% of the Principal Building Façade, whichever is greater.

iii. A variation of a minimum of two feet in the parapet and/or wall height of the building. The varied parapet and/or wall height shall extend horizontally across the Principal Building Façade a minimum of xxx feet or a minimum of x% of the Principal Building Façade, whichever is greater.

iv. A minimum of two of the following features shall be included: windows, wall articulation, material and/or color changes, and changes, awnings, and/or canopies.

v. All Principal Building Facades shall be consistent with each other in terms of design, materials, details, and treatment when a building has more than one Principal Building Façade.

b. Building Entrance. When the primary entrance of a building is located on a Principal Building Facade, the primary entrance shall be highlighted with an entry feature such as an awning, roof feature, trellis, or other decorative elements to differentiate the primary entrance from the other portions of the design. Such primary building entrance shall include the following features:

i. Contrast with the surrounding building plane by providing a minimum of two of the following features: tinted glass, painted doors, or recessed or projecting features that will create a shaded effect.

ii. A frame feature around the doorways using different materials, or material textures from those utilized on the Principal Building Façade.

c. Building Materials. Exterior materials and colors shall be of a high quality that show a minimum of two color compositions and/or tones. Building materials for each building on the Property shall be compatible with each other. Exterior building materials shall be factory finished, stained, painted, integrally colored, or otherwise suitably treated. Exterior building materials shall not include highly reflective materials (such as bright aluminum or bright reflective metal) or glossy materials. Exterior building materials may include:

i. Split face or fluted concrete masonry units (CMU).

ii. Factory glazed (CMU).

Commented [WKS14]: Staff continues to recommend a minimum width along the façade for the step-back or recessed plane and defers to Community Planning for a recommendation.

iii. Brick veneer or brick.

iv. Stone veneer.

v. Insulated glazing and framing systems.

vi. Architectural pre-cast concrete panels.

vii. Painted or stained site-cast or pre-cast concrete.

viii. Architectural concrete.

ix. Factory finished, standing seam metal roofing (for application to pitched roof system only).

x. Architectural metal as building accent.

xi. Composite metal panel canopies.

xii. Non-vision spandrel glass for windows or other features.

d. Principal Building Façade Consistency. Building elevations and/~~—~~or architectural drawings shall be submitted to the Zoning Administrator with the first site plan application for each new building on the Property ~~to the Zoning Administrator~~ for review and approval to confirm substantial conformance with this Proffer II.A. Owner shall obtain the Zoning Administrator's approval of the elevations and/or drawings prior to the approval of ~~said~~ the applicable site plan application.

B. Mechanical Equipment.

a. Ground Level and Roof Top Mechanical Equipment. To minimize the visibility of ground level and roof top mechanical equipment from adjacent public roads, the Dulles Greenway, and adjacent properties, all mechanical equipment, with the exception of generators which are referenced separately in Proffer II.B.b., shall be screened on all four sides by an opaque fence, screen wall or panel, parapet wall, or other screening compatible with those materials used in the exterior construction of the building. The effectiveness of this screening shall be evaluated when viewing the Property from the existing grade of adjacent public roads and the existing grade of adjacent properties. The use of chain link fencing for the purpose of mechanical equipment screening shall be prohibited. Screening of ground level and roof top mechanical equipment shall be shown on each site plan, bonded for installation

prior to the approval of said site plan, and installed prior to the issuance of the certificate of occupancy for the building.

b. Generators. All generators shall be located at the ground level, or possibly stacked on top of each other, but shall be prohibited from being located on the roof of the building. Screening for ~~mechanical equipment~~generators shall be shown on each site plan, bonded for installation prior to the approval of said site plan, and installed prior to the issuance of the certificate of occupancy for the building.

c. Notwithstanding the requirements of this Proffer II.B, ground level and roof top mechanical equipment; and generators located in a manner that has no adverse impact on adjacent roads and adjacent properties, as determined by the Zoning Administrator prior to installation of the mechanical equipment, shall not be required to be screened.

C. Enhanced Sycolin Road Buffer. The Owner shall install a 20-foot-wide Enhanced Type 3 Road Corridor Buffer (the "Enhanced Sycolin Road Buffer") along the Sycolin Road frontage of the Property as ~~depicted~~ shown on Sheet 05A of the CDP as "20' ENHANCED TYPE 3 ROAD CORRIDOR BUFFER". The Enhanced Sycolin Road Buffer shall be ~~bonded prior to or concurrent with the approval~~shown on ~~of~~ the first site plan for the Property, bonded for installation prior to the approval of said site plan, and ~~shall be~~ installed prior to the issuance of the first certificate of occupancy for the Property.

Commented [WKS15]: "shown" is the term used most consistently throughout the document.

Commented [KW16]: The label along Sycolin Road says Type 2 buffer on Sheet 05A. Please reconcile.

Commented [WKS17]: Consistent with the format of other proffers in the document.

III. TRANSPORTATION

A. Traffic Signal at Sycolin Road Site Entrance. The Owner shall contact DTCI to prepare a first traffic signal warrant study (signal justification report) (the "First Warrant Study") at the intersection of Sycolin Road and the site entrance to the Property and pay to the County the applicable fee for preparing the First Warrant Study prior to or concurrent with the first site plan for data center uses on the Property exceeding 900,000 square feet. If the First Warrant Study determines that the signal is warranted and the First Warrant Study is approved by VDOT, the Owner shall design and install the traffic signal in accordance with VDOT standards, including crosswalks with pedestrian-activated crossings, prior to the issuance of the first certificate of occupancy on the Property. The traffic signal, including crosswalks with pedestrian-activated crossings, shall be bonded prior to the approval of the site plan or CPAP showing said traffic signal and installed prior to the issuance of a certificate of occupancy for data center uses on the Property exceeding 900,000 square feet.

If VDOT recommends an innovative intersection control at the intersection, the Owner shall bond the innovative intersection control prior to the approval of the site plan or CPAP showing said innovative intersection control. The Owner shall either (i) agree to design and install the VDOT recommended innovative intersection control in lieu of the traffic signal improvements required by this Proffer III.A on a timeline mutually agreeable to DTCI and the Owner, or (ii) provide a cash in lieu contribution of $500,000 to the County for the construction of the VDOT recommended innovative intersection control prior to the approval of the first certificate of occupancy on the Property exceeding 900,000 square feet. If the warranted intersection improvements (signal or innovative intersection control) are installed by others, the Owner shall contribute $500,000 to the County within 30 days of written request by the County.

Commented [WKS18]: DTCI continues to recommend that the cash contribution be provided only if the signal or innovative intersection control improvement is not warranted or provided by others consistent with the County's approved traffic signal proffer template. See the DTCI referral dated June 24, 2024.

In the event such traffic signal is not warranted and VDOT does not recommend innovative intersection control as a result of the First Warrant Study as provided above, the Owner shall contact DTCI to prepare a second traffic signal warrant study (signal justification report) (the "Second Warrant Study") at the intersection of Sycolin Road and the site entrance to the Property and pay to the County the applicable fee for preparing the Second Warrant Study prior to or concurrent with the site plan for data center uses on the Property exceeding 1,600,000 square feet. If the Second Warrant Study determines that the signal is warranted and the Second Warrant Study is approved by VDOT, the Owner shall design and install the traffic signal in accordance with VDOT standards, including crosswalks and pedestrian-activated crossings, prior to the issuance of the certificate of occupancy on the Property exceeding 1,600,000 square feet. The traffic signal, including crosswalks with pedestrian-activated crossings, shall be bonded prior to the approval of the plan or CPAP showing said traffic signal and installed prior to the issuance of a certificate of occupancy for data center uses on the Property exceeding 1,600,000 square feet.

If VDOT recommends an innovative intersection control at the intersection instead of a signal, and if right-of-way is available to accommodate such innovative intersection control, the Owner shall bond the innovative intersection control prior to the approval of the site plan or CPAP showing said innovative intersection control. The Owner shall either (i) agree to design and install the VDOT recommended innovative intersection control in lieu of the traffic signal improvements required by this Proffer III.A. on a timeline mutually agreeable to DTCI and the Owner, or (ii) provide a cash in lieu contribution of $500,000 to the County for the construction of the VDOT recommended innovative intersection control prior to the issuance of the certificate of occupancy for data center uses on the Property exceeding 1,600,000 square feet. If the warranted intersection

improvements (signal or innovative intersection control) are installed by others, the Owner shall contribute $500,000 to the County within 30 days of written request by the County.

In the event the signal is not warranted and VDOT does not recommend innovative intersection control as a result of the Second Warrant Study as provided above, the Owner shall contribute $500,000 to the County prior to the ~~issuance~~ approval of the zoning permit for data center uses on the Property exceeding 1,600,000 square feet. If a cash contribution is made to the County pursuant to this proffer, the Owner shall no longer be required to install intersection improvements, and said contribution shall be used for regional road, transportation, or transit projects in the vicinity of the Property.

B. Sycolin Road Shared Use Path Contribution. The Owner shall provide a one-time payment in the amount of $342,000.00 to the County prior to the ~~issuance~~ approval of the first zoning permit ~~issuance of the first certificate of occupancy~~ for the Property. This contribution is being provided for the primary purpose of contributing to the cost of the construction of the Sycolin Road shared use path along the Property frontage as a part of the future widening of Sycolin Road~~.~~, or to be used at the County's discretion for construction of public roadway or transportation improvements within the vicinity of the Property.

Commented [KW19]: See DTCI's referral dated June 24, 2024 regarding the cash-in-lieu amount.

Commented [WKS20]: Staff recommends cash-in-lieu payments be made at zoning permit.

C. Sycolin Road Right-of-Way Dedication. The Owner shall dedicate to the County, subject to VDOT approval and at no public cost, approximately 102,305 square feet along the Property's Sycolin Road frontage, to provide for right-of-way as ~~depicted~~ shown on Sheet 03 of the CDP as "R.O.W. DEDICATION." ~~Such dedication shall be made prior to or concurrent with the approval of the first site plan or CPAP application for the Property.~~

D. Sycolin Road Right-of-Way Vacation. The Owner ~~may pursue~~shall initiate the application to vacate the ~~the vacation of an~~ approximately 7,077 square foot portion of right-of-away along Sycolin Road as ~~depicted~~ shown on Sheet 03 of the CDP as "R.O.W. VACATION" and shall pay the cost of such vacation of right-of-way. The application, required plats, and legal documents shall be submitted to the County prior to the approval of the first site plan or CPAP application for the Property.

E. Sycolin Road Entrance Improvements. The Owner shall, subject to the approval of the County and VDOT, design and construct improvements, at no public cost, to Sycolin Road from the Property's frontage to the parking setback along Sycolin Road as shown on Sheet 03 of the CDP to meet minimum VDOT lane width and shoulder requirements and design and install the southbound right turn lane and

taper for the Property's entrance on Sycolin Road (the "Property Entrance") as shown in Inset #1 on Sheet 03 of the CDP as "200' RIGHT TURN LANE W/200' TAPER". The Owner shall restripe Sycolin Road to create a northbound left turn lane at the Property Entrance as shown in Inset #1 on Sheet 03 of the CDP as "RE-STRIPING FOR LEFT-TURN LANE" ~~at no public cost~~. These improvements for the Property Entrance (the "Property Entrance Improvements"), subject to approval of all necessary site plans or CPAPs by the County and VDOT, and any other reviewing authority, and the granting of any other necessary approvals, shall be shown on and bonded prior to approval of the first site plan or CPAP, whichever is first, for the Property. The Property Entrance Improvements shall be completed prior to the issuance of the first certificate of occupancy for the Property.

F. Sycolin Road Interim Improvements. The Owner shall, subject to the approval of the County and VDOT, design and construct improvements, at no public cost, to the approximate extent of Sycolin Road as shown on Sheet 03 of the CDP as "APPROX. AREA OF INTERIM ROAD IMPROVEMENTS (SEE INSET #2)" to bring the variable width southbound lane and shoulder up to VDOT standards to provide a consistent 12-foot-wide travel way and six-foot-wide shoulder. Notwithstanding the foregoing, the Owner shall not make any improvements to Sycolin Road that would impact the Dulles Greenway bridge or guardrail.

G. Shreve Mill Road Right-of-Way Dedication. The Owner shall dedicate to the County, subject to VDOT approval and at no public cost, approximately 15,428 square feet along the Property's Shreve Mill Road frontage, to provide for right-of-way as ~~depicted~~ shown on Sheet 03 of the CDP as "PROP. ROW." Such dedication shall be made prior to or concurrent with the approval of the first site plan or CPAP, whichever is first, ~~application~~ for the Property.

H. Shreve Mill Road Treatment. Upon the future closure and abandonment of the Shreve Mill Road connection east of the Dulles Greenway by VDOT, the Owner shall, subject to the approval of the County and VDOT, and at no public cost, construct an entrance apron and taper down the curb radius on Shreve Mill Road at its intersection with Sycolin Road as shown on Sheet XXX of the CDP as "XXX" to reduce the entrance width and discourage use (the "~~Sycolin~~ Shreve Mill Road Improvements"); provided, however, that the Owner shall not be required to complete the Shreve Mill Road Improvements if the future closure and abandonment of the Shreve Mill Road connection east of the Dulles Greenway occurs later than the first site plan approved for the Property unless required by VDOT.

Commented [KW21]: Staff recommends the location be shown on the CDP and referenced here.

Commented [WKS22]: Staff notes that the completion of Crosstrail Boulevard from Sycolin Road to the Dulles Greenway is anticipated in Spring of 2027. The closure and abandonment of Shreve Mill Road will not occur until Crosstrail Boulevard is complete. This commitment will not be realized unless the Applicant delays the first site plan until after Crosstrail Boulevard is complete. See DTCI's referral comments dated June 24, 2024.

I. Electric Vehicle ("EV") Charging Stations. The Owner shall provide a minimum of two EV charging stations on the Property. Such charging stations shall be fully wired and functional, and a fee associated with providing the EV charging service may be charged. The two EV charging stations shall be shown on and bonded prior to approval of the first site plan for the Property. The charging stations shall be installed and available for use prior to the issuance of the certificate of occupancy on the Property.

J. Vehicle Turnaround Lanes. The Owner shall show the Property Entrance and associated turnaround areas and security checkpoint/gate locations on the first site plan for the Property. The vehicle turnaround areas located between any security checkpoint/gate and Sycolin Road shall bonded prior to approval of said site plan and open to use prior to the issuance of the first certificate of occupancy on the Property.

IV. ENVIRONMENTAL AND DESIGN

A. Optimized Performance Strategies for Data Center Building. The Owner shall utilize the below performance strategies to reduce energy and water usage associated for any Data Center uses on the Property. Information detailing compliance with this Proffer shall be submitted prior to the approval of each site plan ~~issuance of the first occupancy permit~~ for a data center building on the Property. The Optimized Performance Strategies shall consist of the following:

a. Low Water Usage Cooling Systems, defined as use of an air-cooled or adiabatic chiller plant to reduce cooling water usage.

b. Low Flow Plumbing Fixtures, defined as use of low-flow or ultra-low-flow plumbing fixtures, limited to no more than 0.5 gallons per minute ("gpm") for faucets, 1.28 gallons per flush ("gpf") for water closets, 0.5 gpf for urinals for all restrooms.

c. LED light fixtures including advanced zoned lighting controls with occupancy sensors.

d. Building Management System, consisting of a computer system that monitors and controls the building's physical environment, including temperature, humidity levels, and air quality sensors.

e. Other strategy or strategies, developed for Leadership in Energy and Environmental Design (LEED) by the US Green Building Council, or

Commented [WKS23]: Repeat comment. Approval of occupancy is too late to determine compliance with this proffer. Theses measures should be established at site plan.

Commented [KW24]: This will be difficult to implement. This should either be an alternative for one or more of a-d or a minimum of x additional strategies TBD.

equivalent environmental strategy, proposed by the Owner and deemed acceptable by the Zoning Administrator.

B. Low-Impact Development (LID). The Owner shall provide a minimum of five volume reducing Low Impact Development ("LID") Best Management Practices to treat stormwater from the project as specified by the VA BMP Clearinghouse and may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, permeable pavement for parking spaces, or any alternative LID practice proposed by the Owner and deemed by the Department of Building and Development ("B&D") to be acceptable. Subject to approval by B&D, said LID measures, together with other qualifying stormwater management facilities on the Property that comply fully with the VA Stormwater Management regulations, shall either achieve a minimum of eighty-five percent of the total required phosphorous nutrient reductions on-site before pursuing the use of offsite compliance options, or provide an additional LID for a total of six LIDs if the eighty-five percent of the total required phosphorous nutrient reductions cannot be achieved. Notwithstanding the foregoing, the Owner shall provide stormwater treatment measures which achieve a minimum of eighty percent of the total required phosphorous reductions onsite. ~~before pursuing the use of offsite compliance.~~ The location of the LID practices shall be shown on the first site plan or CPAP, whichever is first, for the Property.

C. Discharges into the Sycolin Creek. Stormwater outfalls, whether natural or man-made, shall be permitted to drain into the Sycolin Creek provided that runoff discharged through such outfalls complies with the standards in of Proffer IV.B. All man-made stormwater outfalls constructed during development of the Property shall be designed using principles of Regenerative Stormwater Conveyance (P-CNV-04) as described in the Virginia Stormwater Management Handbook, Natural Channel Design, or a combination of these and other strategies as approved by B&D. ~~Under no circumstances shall any use on the Property discharge stormwater directly into the Sycolin Creek without passing through an upstream facility such as stilling basins, step pools, naturalized channels, or such other facilities as approved by B&D~~. The location of the stormwater outfalls shall be shown on the first site plan or CPAP, whichever is first, for the Property.

Commented [WKS25]: In consultation with NRT staff recommends this language.

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D. Foundation Plantings. The elevations of all building facades facing public roadways, shall incorporate foundation plantings. These plantings shall evergreen shrubs, deciduous shrubs, grasses, perennials, and/or groundcovers. The measurement for the required plants will be fifty percent of the façade's length, excluding any entrance walks that run perpendicular to the façade and any doorways. The foundation plantings shall be generally arranged in two rows along

the façade, in either formal geometric, irregular, or naturalistic arrangements, to be determined at the time of site plan. These foundation plantings shall be in addition to any required landscape buffers and parking lot landscaping. The foundation plantings for each building requiring such plantings shall be shown on and bonded prior to approval of the first site plan for the Property, and installed prior to the issuance of the first certificate of occupancy for each building.

E. Native Species. The Owner shall use eighty percent Virginia native species, with emphasis on Northern Virginia native species, for all landscaping throughout the Property, provided that the Owner reserves the right, in consultation with and approval by the County Urban Forester, to modify as part of site plan approval, including any site plan amendment, the exact species to be used in order to meet Facilities Standards Manual (FSM) requirements, or if some plant materials are not available, or not available in the quantities required for the project, or have been deemed by the County Urban Forester to no longer be appropriate.

F. Tree Plantings. Trees planted on the Property shall be located at least three feet from hardscapes such as curbs, sidewalks, and pavement to provide ample tree planting space and soil volume. With the exception of trees planted within parking islands and trees counted towards meeting interior parking lot landscaping, all large deciduous trees shall be provided 1,000 cubic feet of uncompacted soil. For trees planted within parking islands and trees counted towards meeting interior parking lot landscaping, a minimum volume of 600 cubic feet of uncompacted soil shall be provided. Where trees are sharing the soil space, the 1,000 and 600 cubic feet requirements may be reduced by thirty-three percent per tree. Soil space will be calculated length x width x height with the assumption that the useable soil depth for the trees would be three feet. The use of alternative means of providing uncompacted soil may be considered at time of final engineering and may include the implementation of structural soils, cantilevered walks, and silva cells. The Owner shall demonstrate compliance with this condition with the first site plan for the Property.

G. Tree Conservation Areas. Within the area identified on Sheet 03 of the CDP as "TREE CONSERVATION AREA" "TCA(s)"), the Owner shall preserve healthy trees provided, however, trees may be removed to the extent necessary for construction of trails, passive recreational amenities, and stormwater management facilities, that are required pursuant to these Proffers and/or shown on approved site plan(s) or CPAP(s) as lying within such TCAs and for the construction of utilities necessary for development of the Property. Notwithstanding the previous sentence, a minimum of eighty percent of the canopy within the TCAs ~~depicted~~ shown on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age.

In the event that the eighty percent canopy threshold cannot be achieved within the designated TCAs, such canopy deficit will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all TCAs shall be clearly marked in the field prior to land-disturbing activities and shall be delineated on each site plan, record plat, and CPAP application containing any portion of a TCA. The Owner shall provide a TCA tabulation demonstrating the initial amount of TCA and the remaining amount after development on the site to be submitted with each site plan or CPAP submission.

If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County that any healthy tree located within the boundaries of the TCAs described in this Proffer has been damaged during construction and will not survive, then, prior to bond release related to any portion of the Property containing or immediately adjacent to such TCAs on the Property, the Owner shall remove each such tree and replace each such tree with two 1-inch caliper native, non-invasive deciduous trees. The species of such replacement trees shall be determined by the Owner's certified arborist or landscape architect in consultation with the County Urban Forester or Zoning Administrator. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area on the Property as requested by the County.

The TCA shall be protected by a Tree Conservation Easement granted to the County and recorded with the applicable record plats. A Deed of Easement, running to the benefit of the County, shall be recorded prior to or concurrent with each record plat, site plan, or CPAP for the Property containing any portion of the TCA. Such deed shall include a provision that prohibits cutting and/or removal of trees in Tree Conservation Easement as shown on the record plat, site plan, or CPAP after construction has been completed by the Owner without specific permission of the County Urban Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability and regeneration potential of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species control, and cutting of trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The record plat, site plan, or CPAP for each portion of the Property containing a Tree Conservation Easement shall contain a note stating that the removal of trees within a Tree Conservation Easement is prohibited except in accordance with the Deed of Easement for the TCA.

a. Invasive Species Management. T~~t~~he Owner shall provide invasive species control in the proposed TCAs with a minimum of three treatments over three consecutive years, with the first treatment occurring prior to the issuance of the first certificate of occupancy for the Property. These treatments shall first focus on invasive vines, such as Japanese honeysuckle, then other invasive species using mechanical, chemical or a combination of techniques within the context of an Integrated Pest Management Strategy ensuring labels are followed when and if herbicides are applied. The invasive species treatment strategy must be approved by the County Urban Forester or their designee prior to approval of the first zoning permit on the Property. The Owner shall provide the Zoning Administrator documentation detailing when the second and third treatments outlined in this Proffer have been completed.

H. Specimen Tree Preservation. The Owner shall engage a Certified Arborist to prepare a tree preservation plan for the specimen trees ("Specimen Trees") located within the TCA as shown on Sheet 05 of the CDP. For the purposes of this proffer, the Critical Root Zone ("CRZ") for these specimen trees shall be increased to one and half times the total diameter of the trees at breast height. A tree preservation plan shall be provided to the County for review and approval prior to the approval of the first site plan or CPAP for the Property. Such tree preservation plan shall identify the tree protection measures that shall be employed to protect the Specimen Trees during construction activities, which measures shall include, without limitation, (i) placing of fencing outside the CRZ of such Specimen Trees if near the limits of disturbance ("LOD"), (ii) avoiding construction activities within such CRZ to the greatest extent possible, and (iii) requiring that construction plans for all permitted improvements on the Property shall clearly define the limits of each CRZ and that the limits of each CRZ shall be clearly marked in the field. If construction activities within the CRZ of the Specimen Trees are unavoidable or unintentional encroachments occur, then the Owner and/or their Certified Arborist will develop a remediation plan to be approved by the County Urban Forester and implemented thereafter. In addition, any utility line that must be located within the CRZ of the Specimen Trees shall be installed using a boring technique supervised by a Certified Arborist. In the event any one of the Specimen Trees are damaged during construction and in the opinion of a Certified Arborist and/or the County Urban Forester cannot be saved, the Owner shall replace the damaged Specimen Tree with four one-inch caliper, native, non-invasive, deciduous trees. The placement of the replacement trees shall be proximate to the area of the damaged Specimen Tree so removed, or in another area as requested by the County Urban Forester or Zoning Administrator.

I. Reforestation Plantings. The Owner shall submit a reforestation plan, prepared by a Certified Arborist, Urban Forester, or Landscape Architect, in accordance with the reforestation standards set forth in the FSM for the reforestation area identified on Sheet 03 of the CDP. Such reforestation plan shall be submitted at the time of the first site plan or CPAP, whichever is first, for the Property for review and approval by the County Urban Forester or Zoning Administrator and bonded for installation prior to approval of said site plan or CPAP. The approved reforestation plan shall be implemented in accordance with the reforestation standards of the FSM, including the maintenance and restocking provisions, concurrently with the development of each of the said site plans or CPAP prior to issuance of the first certificate of occupancy for the Property. In the event that the targeted stocking is not achieved, the Owner shall, in consultation with the County Urban Forester or Zoning Administrator, provide a one-time supplemental planting within one (1) year to achieve the full, initial stocking. The Owner shall monitor the reforestation area for a ~~five year~~ period of five consecutive years after the issuance of the first certificate of occupancy and shall maintain the targeted stocking density with supplemental plantings throughout the maintenance period. On an annual basis, a monitoring report and if required, a supplemental planting plan that restores reforestation area to required stocking density shall be submitted for review and approval to the County Urban Forester or Zoning Administrator demonstrating compliance with this Proffer IV.I.

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J. River and Stream Corridor Resource. Within the areas identified on Sheet 03 of the CDP as "EX. MAJOR FLOODPLAIN and "50' RSCR MANAGEMENT BUFFER" (collectively the "RSCR") only "Permitted Uses in the RSCR" such as, but not limited to, trails (including associated infrastructure), utilities, stormwater management facilities, and as further identified in the Loudoun County 2019 General Plan, Chapter 3, RSCR Policy 2, Strategy 2.2. will be permitted (the "Permitted Uses"). To the extent the elevations and/or boundaries of the floodplain on the Property, as identified on the current Floodplain Map of Loudoun County, are altered, relocated, and/or updated as a result of a floodplain study or alteration approved in accordance with the Zoning Ordinance and Chapters 5 and 8 of the FSM, the RSCR, including the Management Buffer shall apply to the relocated floodplain boundary. In the event that the RSCR is encroached, the Owner shall replant open areas within or adjacent to the Major Floodplain in an amount equal to the area of the proposed development that encroaches into the RSCR. Reforestation proposed to mitigate RSCR encroachments associated with the stormwater outfall will be in addition to any reforestation outlined on the CDP. Any areas proposed for reforestation to mitigate these disturbances shall be greater than or equal to the total area disturbed within the RSCR. The Owner shall submit a reforestation plan, prepared by a Certified Arborist, Urban Forester, or Landscape

Architect, in accordance with the reforestation standards set forth in the FSM. This reforestation plan shall be submitted at the time of submission of each site plan or CPAP proposing the development of any area that encroaches into the RSCR for review and approval by the County Urban Forester or Zoning Administrator. Each approved reforestation plan shall be implemented in accordance with the reforestation standards of the FSM, including the maintenance and restocking provisions, prior to the issuance of the first certificate of occupancy for any area of the Property subject to an approved site plan or CPAP that shows encroachment into the RSCR.

K. Archeological Site 44LD1195. If disturbance of Archeological Site 44LD1195 cannot be avoided by development, the Owner shall conduct a Phase I archeological survey of the area. If potentially significant archaeological resources are identified by the Phase I survey, the Owner will complete a Phase II archaeological significance evaluation prior to disturbance. If said Phase II evaluation determines that any identified resources are significant, the Owner shall undertake Phase III data recovery excavations as a means of mitigating adverse impacts to the resource. County preservation staff will be afforded to the opportunity to review and provide comment on Phase II and Phase III research designs prior to the initiation of archaeological fieldwork. The Owner shall also ensure that all significant archaeological remains recovered during such work together with copies of all requisite field notes and other site records will be transferred for permanent curation to the Virginia Department of Historic Resources, and joined with earlier collections recovered from the site.

L. Archeological Site 44LD1964. If disturbance of Archeological Site 44LD1964 cannot be avoided by development, the Owner shall conduct a Phase II archeological significance evaluation prior to its disturbance. If said Phase II study determines that any identified resources are significant, the Owner shall undertake Phase III data recovery excavations as a means of mitigating adverse impacts to the resource. County preservation staff will be afforded to the opportunity to review and make comment on Phase II and Phase III research designs prior to the initiation of archaeological fieldwork. The Owner shall also ensure that all significant archaeological remains recovered during such work together with copies of all requisite field notes and other site records will be transferred to Loudoun County for permanent curation.

M. Open Space Easements for Archaeological Sites. The Owner shall dedicate, by Deed approved by the County Attorney and the County Archaeologist, and at no public cost, open space easements for the areas of Archeological Site 44LD1195 and Archeological Site 44LD1964 as shown on Sheet 03 of the CDP. The open

space easement shall include specific language allowing archaeological excavation within both site areas upon approval of an archaeological work plan by the County Archaeologist. The open space easement shall be recorded in the Land Records prior to the approval of the first record plat, site plan, or CPAP, whichever is first ~~in time~~, on the Property.

N. Habitat Study. The Owner shall submit a wood turtle habitat study, herein referenced as the "Habitat Study," to the Department of ~~Building and Development (~~"B&D"~~)~~, the Virginia Department of Conservation and Recreation ("DCR"), and/or the Virginia Department of Wildlife Resources ("DWR"), prior to the approval of any grading permit, site plan, or CPAPs on the Property, whichever is first in time. B&D may coordinate with DCR and DWR on the review of the Habitat Study. If DCR or DWR finds that a species-specific survey is warranted due to the land disturbing activities on the Property that may affect wood turtle habitats, the Owner shall provide this finding to the B&D and shall perform this species-specific survey and submit it to DCR or DWR, as applicable, with a copy to B&D. If found applicable by DCR or DWR, the Owner shall implement any recommended protective measures prior to the approval of the first grading permit on the Property~~; however, if documented seasonal constraints require additional review time by the DCR or DWR, the implementation of protective measures may be delayed beyond the approval of the first grading permit on the Property yet shall be implemented no later than the approval of the first zoning permit on the Property. If the implementation of protective measures is delayed pursuant to this proffer, the Owner shall provide a timeline to B&D for when the protective measures shall be implemented.~~ If the limits of clearing and grading change on the Property, the Owner shall provide a copy of the Notice of Planned Change ("NOPC") that has been submitted to the Virginia Department of Environmental Quality ("DEQ") and/or the U.S. Army Corps of Engineers ("USACE"), as applicable, to B&D. Upon approval by DEQ/USACE of the NOPC, a copy of the updated Virginia Water Protection Permit issued by DEQ shall be provided to B&D.

Commented [WKS27]: In consultation with NRT, Staff recommends deleting this language which does not ensure protection of the wood turtle or wood turtle habitat if protective measures are required.

O. Solar Tree and Solar/Wind Light Poles. The Owner shall install a solar tree and at least five solar/wind light pole(s) (the "Solar Facilities") per building on the Property. The exact number and location of the Solar Facilities shall be shown on the first site plan for the Property, bonded with said site plan, and installed prior to the first certificate of occupancy on the Property.

P. Pollinator Meadow Plantings Within Utility Easement. Subject to approval by the utility provider, the Owner shall seed the easement area shown on Sheet 05A of the CDP as "APPROXIMATE AREA OF ELECTRIC EASEMENT POLLINATOR PLANTINGS" and "NATURAL OPEN SPACE POLLINTOR PLANTINGS WITHIN DOMINION EASEMENT" (Pollinator Planting Areas) with a native,

Commented [WKS28]: In consultation with NRT, staff recommends this language.

locally appropriate meadow seed mix, and provide interspersed pollinator garden plantings utilizing a mix of native, transmission line appropriate shrubs, containerized perennials, and meadow seed mix. within the Pollinator Planting Area as shown in the detail on Sheet 05A of the CDP as "NATURAL OPEN SPACE POLLINATOR PLANTINGS WITH IN DOMINION EASEMENT";~~within the utility easement area utilizing a native, locally appropriate meadow seed mix~~. At time of first site plan or CPAP, whichever is first, the Owner shall submit a Native Pollinator Planting Management Plan for review and approval by the Natural Resources Team that addresses site preparation, species selection, planting/establishment, maintenance, and invasive species control. ~~–~~The ~~pollinator meadows~~Pollinator Planting Areas shall be shown and Pollinator Planting Areas plant species shall be listed ~~shown~~ on the first site plan or CPAP for the Property, bonded for installation with the County prior to approval of said site plan or CPAP, and installed during a planting season between March-May or September-November that occurs prior to ~~no later than~~ the issuance of the first certificate of occupancy on the Property.~~ The pollinator meadows shall be maintained by the Owner. Prior to the issuance of the first occupancy permit on the Property, the planting areas shall be installed no later than the next available planting season (March-May or September-November)~~. The pollinator meadows shall be maintained by the Owner.

Commented [WKS29]: The detail shown on Sheet 05A indicates that the plantings will consist of native grasses, perennials, and shrubs. The proffer and CDP should include consistent language.

V. PROPERTY AMENITIES

A. Bicycle Racks. The Owner shall provide a minimum of two inverted U style bicycle racks at the entrance of each building located on the Property, each of which shall accommodate a maximum of two bicycles. Each bicycle rack shall be shown on and bonded prior to the approval of ~~the first site plan~~the site plan for each building on ~~for~~ the Property. Each bicycle rack shall be installed and available for use prior to the issuance of the ~~first~~ each certificate of occupancy for the associated building on the Property.

B. Internal Pedestrian Connections. The Owner shall construct a network of pedestrian trails and sidewalks throughout the Property that will provide connections between external roadways, internal ~~site connections~~roadways and driveways, parking areas, building entrances, and the ~~amenities~~ Outdoor Gathering Space located within the Property for the use of customers and employees (the "Internal Pedestrian Connections"). The Internal Pedestrian Connections~~pedestrian trails and sidewalks~~ shall be a minimum of five feet in width. The locations of these Internal Pedestrian Connections ~~internal connections~~ shall be shown on and bonded prior to the approval of the first site plan or CPAP, whichever is first, for the Property. The Internal Pedestrian Connections ~~pedestrian trails and sidewalks~~ shall be constructed

Commented [KW30]: Constructed of what material? Concrete? Please specify in the proffer. If the materials are different, the trails and sidewalks should be differentiated on the CDP.

in accordance with the FSM and completed prior to the issuance of the first certificate of occupancy on the Property.

C. Outdoor Gathering Space. The Owner shall provide an area measuring a minimum of 600 square feet in size ~~as an Outdoor Gathering Space~~ for the use of customers and employees on the Property (the "Outdoor Gathering Space"). A minimum of four benches and two picnic tables shall be provided in said Outdoor Gathering Space. The Outdoor Gathering Space shall be accessed by at least one of the Internal P~~p~~edestrian ~~circulation routes~~Connections on the Property pursuant to Proffer V.B. The benches and tables in the Outdoor Gathering Space shall be shown on and bonded prior to the approval of the first site plan or CPAP, whichever is first, for the Property. The benches and tables shall be installed prior to the issuance of the first certificate of occupancy on the Property.

D. Sycolin Creek Trail Easement. The Owner shall dedicate, by Deed approved by the County Attorney and at no public cost, a 25-foot-wide public access easement generally located along the east side of Sycolin Creek in the area identified on Sheet 03 of the CDP as the "25' RECREATION TRAIL ESMT. (FINAL LOCATION TO BE DETERMINED IN THE FIELD)" (the "Sycolin Creek Trail Easement"). The Deed shall include provisions that the Sycolin Creek Trail Easement shall generally remain in a natural state. The Deed shall include provisions that 1) the Sycolin Creek Scenic Trail easement area shall be used as a multipurpose trail primarily for walking and hiking; 2) equestrian and mountain bike (non-motorized) uses may be considered as optional recreational uses; 3) only minor clearing is permitted and natural surface trails are to be constructed in the easement, with the exception of wooden footbridges if required and amenities such as signage, trail markers, and benches; 4) there will be no lighting of the trail, no paved surfaces, no bicycles, and no camping permitted within the easement area; and 5) any encroachments within the easement shall be limited to the location of utilities and road crossings. The Sycolin Creek Trail Easement shall not conflict with any areas subject to existing or proposed easements, reservations, or dedications. The location of the Sycolin Creek Trail Easement shall be field located in coordination with County staff and said easement shall be shown on the first site plan or CPAP, whichever is first, for the Property and granted to the County within ~~ninety~~ 90 days of the County's request, or prior to the approval of the first site plan or CPAP for the Property, whichever is later.

VI. FIRE, RESCUE AND EMERGENCY SERVICES

A. One-Time Contribution. The Owner shall make a one-time cash contribution prior to approval of each zoning permit on the Property in the amount of Twenty-Six Cents ($0.26) per square foot of non-residential floor area which shall be paid to

the County for distribution by the County to the volunteer fire and rescue companies providing service to the Property. The amount of the contribution will be adjusted on a yearly basis from the base year of 2024 and change effective each January 1 thereafter, in accordance with changes to the Consumer Price Index, for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Arlington-Alexandria, DC-VA-MD-WV Consolidated Metropolitan Statistical Area (the "CPI"). The contributions will be used for capital improvements and apparatus acquisition necessary for fire and rescue operations by volunteer companies. Contributions pursuant to this paragraph shall be divided equally between the fire and rescue companies providing service to the Property. Notwithstanding the foregoing, if at the time of the application for a zoning permit, the primary servicing fire and rescue companies do not utilize, to any significant extent, either volunteer staff or apparatus owned by a volunteer organization, then the Owner may elect to make no contribution. If only one of these services has ceased to utilize significant volunteer staff and apparatus, then the contribution shall be halved and shall be provided to the remaining company.

VII. ANNUAL ADJUSTMENT

With the exception of the fire and rescue contribution, which is subject to a separate annual adjustment provision as specified in Proffer VI. of these Proffers, all other monetary contributions set forth in these Proffers shall be adjusted on a yearly basis from the base year of 2024 and change effective each January 1 thereafter, in accordance with changes in the CPI.

Commented [WKS31]: Staff recommends the Proffers include a commitment to an annual adjustment for cash contributions made to the County.

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VIII. PUBLIC UTILITIES

A. Water and Sewer. The Property shall be served by public central water supply and public central sanitary sewer systems. The Owner shall construct and install all water and sewer extensions to the Property and shall provide all connections necessary for development of the Property, at no cost to the County or to Loudoun Water, and such extensions and connections shall be constructed and installed in accordance with Loudoun Water standards. The Owner shall acquire, at no public cost, any offsite easements, if needed, to extend public water and/or sanitary sewer lines to the Property and shall dedicate such easements to Loudoun Water at no cost to the County or to Loudoun Water.

The undersigned hereby warrant that all of the owners with any legal interest in the Property have signed these Proffers, that no signature from any additional party is necessary for these Proffers to be binding and enforceable in accordance with their terms, that they, together with the others

signing this document, have full authority to bind the Property to these Proffers, and that these Proffers are entered into voluntarily.

[SIGNATURE PAGE FOLLOWS THIS PAGE]

CAMMACK BROTHERS, LLC

BY:_____
NAME:
TITLE:

COMMONWEALTH OF VIRGINIA
COUNTY OF LOUDOUN: to-wit:

The foregoing instrument was acknowledged before me, this _____ day of _____, 2024, by _____.

_____
Notary Public

My Commission Expires: _____

My Notary Registration Number: _____

Exhibit A

Concept Plan

WALSH COLUCCI
LUBELEY & WALSH PC

Michael G. Romeo, AICP
Senior Land Use Planner
(571) 209-5772
mromeo@thelandlawyers.com

August 1, 2024

Via E-Mail Only

Mr. Marchant Schneider
Loudoun County Department of Planning and Zoning
One Harrison Street, S.E., 3rd Floor
Leesburg, VA 20177

Re: Fifth Referral Response Letter
Greenlin Park (LEGI-2023-0059 and ZMAP-2022-0024)

Dear Mr. Schneider:

On behalf of JK Land Holdings II, LLC, the applicant (referred to herein as the "Applicant") in the above-referenced application, I am providing this response letter as a written response to the Planning Commission comments provided during the July 30th work session and the fifth round of County staff referral comments. For your convenience, each of the Planning Commission and County staff referral comments are stated below and the Applicant's responses follow in bold italics.

PLANNING COMMISSION RECOMMENDED REVISIONS (INCLUDED AS PART OF THE JULY 30, 2024 RECOMMENDATION OF APPROVAL MOTION)

The Planning Commission recommended approval of the Greenlin Park application at its July 30, 2024 work session. As part of this recommendation, the Planning Commission requested that the Applicant add a requirement to the proffer statement for 30% fenestration for principal building facades. The enclosed proffer statement now includes a 30% fenestration requirement for principal building facades.

Additionally, the Planning Commission requested that the Applicant continue its work on determining if renewable or alternative energy approaches could be implemented with this project. The Applicant will continue to review renewable and alternative energy sources in advance of the Board of Supervisors public hearing to determine if any measures can be implemented with this project.

Attachment 6

COUNTY STAFF REFERRAL COMMENTS PROVIDED IN ADVANCE OF THE JULY 30, 2024 PLANNING COMMISSION WORK SESSION

DEPARTMENT OF PLANNING & ZONING – COMMUNITY PLANNING (Rebekah King, Senior Planner, 06/20/2024)

PLACE TYPE

Community Planning continues to recommend a commitment to a maximum building height of three stories as envisioned in the Transition Light Industrial Place Type. Without building elevations to understand the visual impacts of the building height, Community Planning is not persuaded that 60 feet in building height conforms to the vision for the Place Type. This issue is not resolved.

Applicant Response:

The Transition Light Industrial place type permits building height between one and three stories; however, there is no reference to how many feet equal a story in this place type. The only two place types in the 2019 General Plan that reference 12 feet as a story are the Urban Transit Center and Urban Employment place types. The proposed buildings will be permitted up to 60 feet in height, which aligns with permitted building heights on surrounding properties. Additionally, the PD-IP/IP district permits up to 60 feet for building height and it is the primary zoning district used to implement the Transition Light Industrial place type.

OPEN SPACE

The applicant proposes to maintain a total of 40.97 acres of open space. This addresses a previous staff comment about increasing open space to 50 percent for the site. With the 5th submission, the applicant provided clarity on the composition of the open space which is Tree Conversation Area, open space, and utility easement that will include pollinator meadow plantings if approved by the utility. If the utility allows this approach and documentation is provided to show that approval, Community Planning can accept this open space plan.

Applicant Response:

Comment noted.

INFRASTRUCTURE

The 5th submission materials continue to include minimal location information on the location of electrical powerlines and a utility substation. Community Planning continues to need more detail on site and building design. The Proffer Statement contains no design commitments for the utility substation, and the CDP does not illustrate how the substation connects to the data center in terms of internal site circulation or visual impacts on the landscape. This issue is not resolved.

Applicant Response:

The internal site circulation for the electrical connections to the substation cannot be shown due to uncertainty regarding the ultimate building configuration at this time. The substation location is utilizing the proposed Tree Conservation Area and existing site grades to help screen the substation use from the surrounding roadways. Based on the relationship to the surrounding substation developments/power easements in the area, and coordination with the utility providers, the substation location identified on the CDP is the most feasible to limit viewshed impacts and to provide the necessary proximity to the power easements.

PLACE TYPE DESIGN

Community Planning continues to recommend that the application include further design and site plan details, information, and commitments to demonstrate consistency with the TPA Design Guidelines and design characteristics of the Transition Light Industrial Place Type. The CDP shows only the buildable area with minimal location information of the data center and utility substation. Parking and equipment areas are not identified. While the Proffer Statement includes design commitments, no elevations are provided to illustrate those commitments. Without more information, staff cannot evaluate if this development conforms with the Transition Light Industrial Place Type. This issue is not resolved.

Applicant Response:

The Applicant understands and appreciates this request for additional information related to the location and design of structures on the subject property. Unfortunately, given the lack of specific users, and the variability of building footprints and design preferences of potential users, the Applicant cannot commit to specific building locations or elevations at this time.

NATURAL, ENVIRONMENTAL, HERITAGE RESOURCES

The CDP now indicates that very steep slopes will be avoided. This issue is resolved.

The CDP shows right-of-way road dedications along Sycolin Road and Shreves Mill Road that could impact the archaeological sites. With the 5th submission, the applicant committed to getting County Archaeologist approval of Archaeological Work Plans. This issue is resolved.

Applicant Response:

Comments noted.

DEPARTMENT OF PLANNING & ZONING – COMMUNITY PLANNING (Steve Thompson, County Archaeologist, 06/11/2024)

All my comments have been addressed satisfactorily; there are no outstanding cultural resource concerns associated with this application.

I will mark as approved in LandMARC.

Applicant Response:

Comment noted.

DEPARTMENT OF PLANNING & ZONING – ZONING ADMINISTRATION (Jacob Hambrick, Senior Planner, 06/25/2024)

CONCEPT DEVELOPMENT PLAN

Sheet 03A – Pursuant Section 5-664(E)(2), a major collector road requires a 20-foot Type 3 Road Corridor Buffer. Revise accordingly.

Applicant Response:

Note 13 on Sheet 03A of the plan set is now revised accordingly.

Sheet 03 – Zoning Administration continues to ask that the Applicant specify the type of utility substation being proposed. This information will help identify whether other legislative application approvals would be necessary. For example, a utility substation, transmission requires special exception approval, while utility substation, dedicated, and utility substation, distribution are by-right uses within the PD-IP zoning district under the Revised 1993 Zoning Ordinance. Note that under the 2023 Loudoun County Zoning Ordinance, the utility substation uses are now listed as a "utility, major" use which requires special exception approval in the IP zoning district.

Applicant Response:

The proposed substation shown on Sheet 03 will be a dedicated substation in conformance with the permitted uses of the PD-IP district and the definition of data center included in the Revised 1993 Zoning Ordinance.

Sheet 05A – Relocate the portion of the proposed "pollinator plantings" out of the proposed "25' Recreation Trail Esmt". Revise accordingly.

Applicant Response:

The pollinator planting area that was previously shown encroaching on the 25' Recreation Trail Easement is now revised to no longer show encroachment within this easement area.

Sheet 05A – Provide a note stating that the 10' Type 1 Road Corridor Buffer" required plant units will be met by the proposed Tree Conservation Area. Revise accordingly.

Applicant Response:

As requested, General Note #1 is now included on Sheet 05A. The label in the plan view is now revised to reference this new note on Sheets 03 and 05A.

Sheet 05A – Revise to "20' Enhanced Type 3 Road Corridor Buffer".

Applicant Response:

This label is now revised accordingly on Sheet 05A.

Sheet 03A – Ensure that the "Proposed Open Space" totals are consistent with what is provided within Note 6 under the "Proposed Site/Zoning Data". Revise as necessary.

Applicant Response:

Table 01 on Sheet 03A is now revised to match the open space calculation provided in Note 6 under the Proposed Site/Zoning Data section on Sheet 03A and the Open Space Tabulation on Sheet 04.

Sheet 05 – Note that any requirements that are not specifically shown and detailed on the CDP will not be grandfathered under the Revised 1993 Zoning Ordinance. Revise the notes to remove stated zoning ordinance sections as applicable.

Applicant Response:

Notes on Sheet 05 are now revised to remove any references to the Revised 1993 Zoning Ordinance.

Sheet 05A – Provide a "Legend" that details the type of plant units (i.e., large deciduous, small deciduous, evergreen, etc.) being used to meet the required buffer.

Applicant Response:

A Plantings Legend is now included on Sheet 05A.

PROFFER STATEMENT

Proffer I.A. Concept Development Plan. Include Sheet 05A as a proffered sheet. Revise accordingly.

Applicant Response:

Sheet 05A is now a proffered sheet.

DEPARTMENT OF PLANNING & ZONING – PROFFER MANAGEMENT (Kelly Williams, Senior Planner, 06/27/2024)

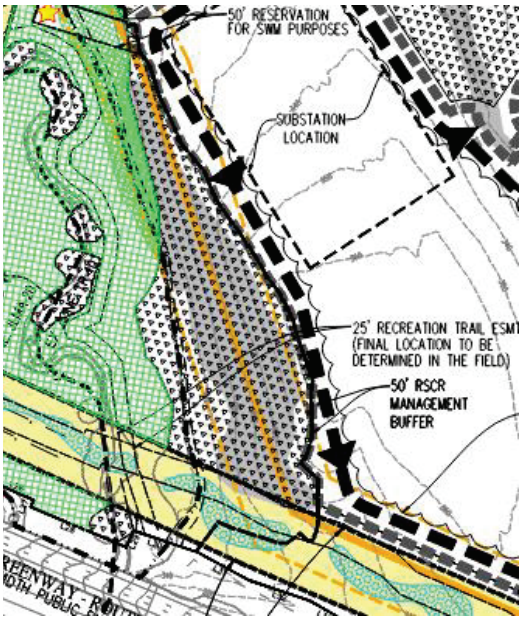
Please see the enclosed Applicant Responses to Proffer Management Comments.

DEPARTMENT OF BUILDING AND DEVELOPMENT – NATURAL RESOURCES TEAM (Alexander Darr, Natural Resources Engineer, 06/24/2024)

NATURAL RESOURCES

REQUIREMENTS

Staff notes the new depiction not previously shown on CDPs of an unknown easement depicted in orange. Staff requests clarification of what is depicted here and seek additional commitment that tree conservation areas proposed on the CDP will not be impacted by utility lines associated with this project.



Applicant Response:

The orange linework previously shown on the plan set was provided in error. This linework is now removed from Sheet 05A of the plan set.

RECOMMENDATIONS

1. Staff have coordinated with proffer administration to incorporate suggested revisions into the proffer statement supplied with this submission, staff respectfully requests inclusion of these revisions with the next submission.

Applicant Response:

The Applicant has incorporated Proffer Management's suggested revisions into the enclosed proffer statement.

2. Repeat Comment: The impact of the proposed project on wildlife habitats, travel corridors and access to streams and water sources through preservation is a matter of consideration as part of this zoning application. Consistent with Strategy 6.2 of the 2019 General Plan, Staff recommends conserving wildlife habitats on site.

a. Please consider committing to increased preservation of contiguous stands of mature hardwood forest in order to meet the site's open space requirements via preservation of intact habitat and natural resource areas.

Applicant Response:

The Applicant has continually increased its tree preservation on the subject property throughout the rezoning process. The subject property now includes 11.70 acres of Tree Conservation Area, which equates to over 14% of the net site area, as well as the introduction of a 6.10-acre reforestation area.

3. Repeat Comment: Consistent with Strategy 1.1 Action F and Strategy 6.1 Actions B and C of the 2019 Loudoun County General Plan, staff recommends the following pertaining to Natural Heritage and threatened species potentially on the subject parcel:

    a. Because there is potential for wood turtle habitat on site, as referenced in T&E documentation letters, staff requests a commitment to a habitat study to determine presence or absence of this habitat, please refer to proffer administration comments for NRT input on wood turtle habitat study proffer.

Applicant Response:

The enclosed proffer statement includes a commitment to a habitat study.

4. Repeat Comment: The Concept Development Plan submitted with this application suggests a site entrance that would heavily impact forested wetlands, stream corridor habitat, mature forest specimen trees, and areas of steep slopes. Staff respectfully requests an environmentally sensitive approach to site design, access, open space, and circulation that avoids, or limits impacts to these sensitive natural areas.

Applicant Response:

The Applicant worked to revise the site entrance during previous submissions and is now able to completely avoid encroachment into the very steep slope areas that are in close proximity to the site entrance. The Applicant also significantly increased the Tree Conservation Area near the site entrance. As previously discussed with County staff, the entrance location is fixed along Sycolin Road due to the development on the north side of Sycolin Road. In addition to removing impacts to the very steep slope areas and adding Tree Conservation Area, the Applicant is committing to numerous environmental commitments such as a minimum of 50 percent open space, preservation of specimen trees, reforestation, invasive species management, Sycolin Creek discharge measures, native plant species requirements, LID measures, and preserving archaeological areas.

5. Comment Retained at 5th Submission, staff notes the revision that avoids impacts to very steep slope areas but remains concerned that significant natural areas are impacted by this application including wetlands, slopes, and specimen trees, natural resources staff do not support the design as proposed, particularly the site access and location of the substation in an area of mature hardwood forest. Staff continues to recommend a more

environmentally sensitive site design that significantly reduces impacts to streams, steep slopes, and forests, by shifting the substation 150' to the southwest, there would be significant opportunities for additional tree conservation, as well as improved preservation of existing stream channel.

Applicant Response:

Please see the response to Comment #4 above. In regard to the substation location, the area shown for the substation is utilizing the proposed Tree Conservation Area and the existing site grades to help screen the substation from the surrounding roadways. Shifting the substation further south would increase the viewshed from the Greenway and Sycolin Road, which would conflict with feedback received from other County staff members and planning commissioners concerning the visual impact of the substation. It should be noted that the Applicant added Tree Conservation Area around the substation during this rezoning process. In conjunction with the viewshed concerns, the Applicant has coordinated with the utility providers for this substation location. Based on the relationship to the surrounding substation developments/power easements in the area, the location identified on the CDP is the most feasible.

DEPARTMENT OF TRANSPORTATION AND CAPITAL INFRASTRUCTURE (Bradley Polk, Assistant Program Manager, 06/24/2024)

STATUS OF OUTSTANDING COMMENTS

Comments 1, 3-6, 20, and 22-24 were previously addressed. Comment 12 was advisory only. Based upon review of the Applicant's revised submission materials, Comment 2 (Use Limitations) has been addressed with this submission. DTCI Comments 9 (Shreve Mill Road Right-of-Way), Comment 11 (Sycolin Road Turn Lanes), 15 (Internal Pedestrian Connections), Comment 17 (Bicycle Racks), Comment 18 (Internal Pedestrian Connections to Parking Areas), Comment 21 (Internal Rejection Lanes), 25 (Electric Vehicle Charging Stations) and 26 (Sycolin Road Right-of-Way Vacation) have been addressed subject to the inclusion of stated commitments in the final Proffer Statement. Comment 7 (Single Full Access Entrance) was deferred to the Fire Marshal's Office. DTCI has no further comment regarding DTCI Comments 14 (Shreve Mill Road Sidewalk), Comment 27 (TIS – Parcel Acreage) and Comment 28 (TIS – Shreve Mill Road). The following comments remain outstanding:

Comment 2 (Use Limitations): Comment addressed. The Applicant has provided a Trip Generation Update, prepared by Gorove Slade, dated May 22, 2024 which addresses DTCI's previous comment.

Applicant Response:

Comment noted.

Comment 10 (Sycolin Road Improvements): Comment partially addressed. The Applicant has added Proffer III.F with this submission which clarifies the improvements that will be made to Sycolin Road to bring the Property's Sycolin Road frontage up to current VDOT standards. The

Applicant should revise Proffer III.F to make specific reference to the improvements as shown in Inset #2 on Sheet 03.

Applicant Response:

The enclosed proffer statement is now revised accordingly.

Comment 13 (Sycolin Road Shared Use Path): Comment partially addressed. The Applicant has added Proffer III.B with this submission which proposes a cash-in-lieu of construction for the 10-foot-wide shared use path along the Property's Sycolin Road frontage. DTCI has concerns that based upon the need for a base under the 10-foot-wide shared use path the $75 per square yard is not sufficient for the County to install the shared use path in the future. DTCI recommends the Applicant to commit to a cash-in-lieu of construction amount based on $85 per square yard ($387,175) to account for the base needed to construct the shared use path.

Applicant Response:

The Applicant requests additional information regarding the $85 per square yard figure for the 10-foot-wide shared use path. The Applicant is using the Loudoun County Bond Estimate Form (effective January 01, 2023) for the calculation and requests clarification on whether the base that increases the price to $85 per square yard is specific to this application/proposed shared use path or if it will be included in the bond estimate/unit price list for all asphalt trails moving forward.

Comment 16 (Traffic Signal at Sycolin Road Site Entrance): Comment partially addressed. The Applicant has agreed to lower the square footage threshold for the second warrant study. However, Proffer III.A continues to not comply with the County's approved traffic signal proffer template. The Applicant should revise the proffer to provide the $500,000 cash contribution only if the signal or innovative intersection control improvement is not warranted or provided by others, as provided for in the template language. The cash contribution should not be provided as a means to forgo installation of a traffic signal or innovative intersection control improvement.

Applicant Response:

The Applicant is agreeable to installing a traffic signal at two separate points in time if it is warranted by VDOT. This approach provides a reasonable means by which to install a traffic signal at the Sycolin Road entrance. The additional scenarios contemplated in the proffer are also reasonable means by which to address an alternative request by VDOT.

ADDITIONAL TRANSPORTATION COMMENTS AND RECOMMENDATIONS

Comment 29 (Shreve Mill Road Treatment Proffer): Proffer III.H was added with this submission. In the fifth line of the Proffer, the Applicant should replace "Sycolin" with "Shreve".

The clause at the end of the proffer permits the Applicant to not complete the Shreve Mill Road Improvements if the future closure and abandonment of the Shreve Mill Road connection east of the Dulles Greenway occurs later than the first site plan approved for the Property. Substantial completion of construction of the segment of Crosstrail Boulevard from Sycolin Road to the Dulles

Greenway is not scheduled for substantial completion until Spring 2027 and Shreve Mill Road will continue to operate in its current state during construction of Crosstrail Boulevard. It is unlikely the Crosstrail Boulevard project is completed to a point that Shreve Mill Road will be closed east of the Dulles Greenway prior to the Applicant securing site plan approval for the Property. As such, unless the Applicant is willing to delay site plan approval until after the segment of Crosstrail Boulevard is completed, it is unlikely this proffer will be triggered.

DTCI defers to VDOT for additional evaluation of the technical aspects of the proffer relating to constructing the Shreve Mill Road entranc

Applicant Response:

It is possible that the Crosstrail Boulevard improvements will be completed prior to the approval of the first site plan for the Property. The Shreve Mill Road improvements identified in the proffer statement would be completed at a time when construction occurs on the subject property, thus these improvements would need to be known at such time as the site plan is approved by Loudoun County.

We hope the responses provided in this letter appropriately address the County staff comments. Please feel free to contact me if you have any questions or comments.

Sincerely,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

Michael G. Romeo, AICP
Senior Land Use Planner

Enclosures: Updated Proffer Statement
Updated Plan Set
Applicant Responses to Proffer Management Comments

cc: Chuck Kuhn, JK Land Holdings II, LLC
Charles Yudd, JK Land Holdings II, LLC
Clayton Tock, Urban, Ltd.
Erin Steel, Gorove/Slade Associates, Inc.
Avi Sareen, TNT Environmental, Inc.
J. Randall Minchew, Esq., Walsh, Colucci, Lubeley & Walsh, P.C.

PROFFER STATEMENT

Greenlin Park

LEGI-2023-0064

ZMAP-2022-0024

December 29, 2022
Revised July 18, 2023
Revised January 5, 2024
Revised April 12, 2024
Revised June 7, 2024

Cammack Brothers, LLC, the record owner (referred to herein as the "Owner") of the property identified as a portion of Loudoun County PIN 237-39-5293 consisting of a total of approximately 81.17 acres (the "Property"), on behalf of ~~itself~~ themselves and their ~~its~~ successors in interest, hereby voluntarily proffers, pursuant to Section 15.2-2303 of the Code of Virginia (1950), as amended, ~~and processed under the land use and development regulations prescribed in the~~ Revised 1993 Loudoun County Zoning Ordinance ~~as permitted by the ZOR Grandfathering Resolution dated December 13, 2023~~, that in the event the Board of Supervisors of Loudoun County, Virginia, approves this Zoning Map Amendment application, ZMAP-2022-0024 (the "Application"), to rezone the Property from the Transitional Residential – 10 (TR-10) zoning district and the Joint Land Area Management – 20 (JLMA-20) zoning district to the Planned Development – Industrial Park (PD-IP)(IP)) zoning district of the Zoning Ordinance, development of the Property shall be in substantial conformance with the Concept Development Plan identified in Proffer I.A. below and attached hereto as Exhibit A, and the conditions set forth in this Proffer Statement ("Proffers"). All proffers made herein are contingent upon the approval of this ZMAP-2022-0024 by the Board of Supervisors of Loudoun County, Virginia. As used herein, the term "County" refers to the Board of Supervisors of Loudoun County, Virginia, or to the applicable Loudoun County government department, staff, or official enabled with authority to act on the County's behalf, within the context of the particular proffer provision. This application was processed under the land use and development regulations prescribed in the Revised 1993 Zoning Ordinance pursuant to the ZOR Grandfathering Resolution dated December 13, 2023.

All references in these Proffers to subdivision, subdivision plat, or record plat shall be deemed to include condominium or condominium plat or any other document or mechanism that legally divides the Property into separately transferable units of ownership. Any obligation imposed herein that must be performed prior to, in conjunction with, or concurrently with first or other subdivision or record plat approval shall be deemed to be required to be performed prior to the recordation of any such condominium declaration or plat or other similar document that would have the legal effect of dividing the Property into separately transferable units of ownership.

Commented [MR1]: Just one entity owns the Property and therefore the reference remains singular.

Commented [KW2]: Per CAO recent guidance.

Commented [MR3R2]: Revised as requested.

As used in these Proffers, the term site plan shall include any application for approval of a site plan or site plan amendment in accordance with applicable County ordinances and the term construction plans and profiles or CPAP shall include any application for approval of a construction plans and profiles or amendment/revision thereto in accordance with applicable County ordinances. Proffered improvements shown on a site plan shall be bonded prior to approval of said plan; proffered improvements shown on CPAPs shall be bonded prior to approval of the record plat associated with such CPAP, or as otherwise required by applicable County regulation or procedure. All land development applications, including zoning permit applications, for development of all or any portion of the Property shall identify said applications or permits as being subject to the Proffers of this Zoning Map Amendment (ZMAP-2022-0024).

When any plan submission, signal warrant analysis submission, noise or other impact study submission, bonding, dedication, conveyance, construction, completion of construction, opening of a facility or infrastructure to traffic or use, payment of cash, or any other act or activity required in these Proffers is required to be performed, submitted, recorded, paid, commenced and/or completed prior to the issuance of any certificate of occupancy, the said certificate of occupancy shall not be issued until the Owner has provided written documentation to the Loudoun County Building and Development (B&D) or Zoning Administration staff that the said requirement has been satisfied, or documentation from B&D or Zoning Administration staff that the said requirement is no longer a prerequisite for issuance of such certificate of occupancy.

I. CONCEPT DEVELOPMENT PLAN & DEVELOPMENT SCOPE

A. Concept Development Plan. The development of the Property shall be in substantial conformance with the Concept Development Plan (the "CDP"), hereby defined as Sheets 01, 03, 03A, 04, 05 and 05A of the ~~56~~-sheet plan set titled "GREENLIN PARK, LEGI-2023-0059, ZMAP-2022-0024", dated January 20, 2023, and revised through June 7, 2024, prepared by Urban, Ltd. and these Proffers. The CDP shall control the development, layout, and configuration of the Property. Minor adjustments to the location of proposed uses, facilities, and improvements shown on the CDP as reasonably necessary to address grading; drainage; environmental, cultural, and natural features; development ordinance requirements; and other final engineering considerations; and to accommodate the recommendations of archaeological studies; provided that any such minor adjustments shall be in substantial conformance with the CDP as defined by the Loudoun County Zoning Ordinance ("Zoning Ordinance").

~~B. As used in these Proffers, the term site plan shall include any application for approval of a site plan or site plan amendment in accordance with applicable County ordinances and the term construction plans and profiles or CPAP shall include any application for approval of a construction plans and profiles or amendment/revision~~

Commented [KW4]: This language is typically found in the preamble. Moved from below.

Commented [MR5R4]: Revised as requested.

Commented [KW6]: Sheet 01: Note 1 Remove the second sentence "This application…" as it is stated in Note 2.

Commented [MR7R6]: Revised as requested.

Commented [KW8]: Sheet 03
Site/Zoning Data Requirements
Note 5: Delete " and is administered under the R93ZO'.

Proposed Site/Zoning Data
Note 7: Delete note. Referencing the standard in Note 14.1 is not a specific proffered condition. There is no screening proposed in the application.
Note 8: Delete note. Referencing the standard in Note 14.2 is not a specific proffered condition. There is no lighting proposed in the application.
Note 8: Referencing the standard in Note 15 is not a specific proffered condition. There is no lighting proposed in the application.
Note 10: Delete

Commented [MR9R8]: Notes 7 and 8 are deleted. Notes 9 and 10 are retained to provide further clarification for parking and the RSCR buffer being provided.

Commented [KW10]: Sheet 05
Notes 2-5: Remove references to R93ZO sections.

Commented [MR11R10]: There are no Revised 1993 Zoning Ordinance references in Notes 2-5 on Sheet 05.

Commented [KW12]: Two new proffers for an enhanced buffer and a pollinator meadow have been added to the Proffer Statement and are shown on Sheet 05A.

Commented [MR13R12]: Comment noted.

Commented [KW14]: Repeat comment. This title should match the title on the CDP. Staff recommends the LEGI be referenced first as shown here and the CDP be revised accordingly.

Commented [KW15R14]: Repeat Comment. Revise the *Applications Requested* note on the CDP to reference the "Loudoun County Zoning Ordinance" not R93ZO. Staff defers to the County Attorney regarding this reference.

Commented [MR16R14]: Comment noted.

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~~thereto in accordance with applicable County ordinances. Proffered improvements shown on a site plan shall be bonded prior to approval of said plan; proffered improvements shown on CPAPs shall be bonded prior to approval of the record plat associated with such CPAP, or as otherwise required by applicable County regulation or procedure. All land development applications, including zoning permit applications, for development of all or any portion of the Property shall identify said applications or permits as being subject to the Proffers of this Zoning Map Amendment (ZMAP-2022-0024).~~

~~C.~~B. Development Scope. The Property shall only be developed with the Data Center use~~, which is defined as a facility, or facilities, used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility, or facilities, may also include air handlers, power generators, and water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a Data Center~~. ~~A Utility Substation, dedicated or Utility Substation, distribution use shall also be developed on the Property in the location shown on Sheet 03 as "SUBSTATION LOCATION".~~ The total building square footage permitted for the Data Center use on the Property shall be limited to 2,121,661 square feet of gross floor area square feet, subject to any increase in square footage permitted by Special Exception for which the requisite Special Exception approval is granted by the County. A Utility Substation, dedicated or Utility Substation, distribution use shall also be developed on the Property in the location shown on Sheet 03 as "SUBSTATION LOCATION".

II. BUILDING AND SITE DESIGN

A. Building Design. The below requirements shall apply to the building design of data center buildings constructed on the Property. For purposes of this proffer, principal building facades shall be defined as all building elevations facing adjacent public rights-of-way and the portion of the Dulles Greenway that abuts the Property as shown on Sheet 03 of the CDP (the "Principal Building Facades").

a. Building Façade. Unless otherwise specified in this Proffer II, each Principal Building Façade shall incorporate the following design elements:

i. A minimum of two distinct exterior surface materials and/or patterns as the primary façade material(s), which may be accomplished ~~through the use of~~using changes in textures, ~~and/or~~ indentations, and/or etching of ~~the~~ pre-cast concrete panels; or using ~~other~~ a minimum of two different materials listed in Proffer II.A.c.

Commented [KW17]: Per CAO recent guidance.

Commented [MR18R17]: Revised accordingly.

Commented [KW19]: Repeat Comment. Please reference the location of the substation in the proffer. Please state what type of Utility Substation will be developed. Utility Substation is defined as Utility, Major in the LCZO and is a Special Exception in the IP district. If the Applicant wishes to develop a Utility Substation, dedicated or Utility Substation, distribution under the Grandfathering provision, it should be specifically stated here.

Commented [MR20R19]: The Applicant is now listing the utility substation, dedicated and utility substation, distribution in the proffer statement.

Commented [KW21]: Staff notes that an increase in square footage by SPEX requires a ZCPA to amend the proffer square footage limitation.

Commented [MR22R21]: Comment noted.

Commented [KW23]: Repeat Comment. Please reference the location of the substation in the proffer. Please state what type of Utility Substation will be developed. Utility Substation is defined as Utility, Major in the LCZO and is a Special Exception in the IP district. If the Applicant wishes to develop a Utility Substation, dedicated or Utility Substation, distribution under the Grandfathering provision, it should be specifically stated here.

Commented [MR24R23]: Revised as requested.

Commented [KW25]: Staff recommends that the road(s) be specifically stated here for clarity.

Commented [MR26R25]: The specific public road is now listed in the proffer statement.

ii. A minimum of one step-back or recessed plane of at least four feet in depth that extends from the ground level to the top of the building. The step-back or recessed plane shall extend horizontally across the Principal Building F~~f~~acade at a minimum width of xxxx feet or a minimum of x% of the Principal Building Façade, whichever is greater.

iii. A variation of a minimum of two feet in the parapet and/or wall height of the building. The varied parapet and/or wall height shall extend horizontally across the Principal Building Façade a minimum of xxx feet or a minimum of x% of the Principal Building Façade, whichever is greater.

iv. A minimum of two of the following features shall be included: windows, wall articulation, material and/or color changes, and changes, awnings, and/or canopies.

v. All Principal Building Facades shall be consistent with each other in terms of design, materials, details, and treatment when a building has more than one Principal Building Façade.

b. Building Entrance. When the primary entrance of a building is located on a Principal Building Facade, the primary entrance shall be highlighted with an entry feature such as an awning, roof feature, trellis, or other decorative elements to differentiate the primary entrance from the other portions of the design. Such primary building entrance shall include the following features:

i. Contrast with the surrounding building plane by providing a minimum of two of the following features: tinted glass, painted doors, or recessed or projecting features that will create a shaded effect.

ii. A frame feature around the doorways using different materials, or material textures from those utilized on the Principal Building Façade.

c. Building Materials. Exterior materials and colors shall be of a high quality that show a minimum of two color compositions and/or tones. Building materials for each building on the Property shall be compatible with each other. Exterior building materials shall be factory finished, stained, painted, integrally colored, or otherwise suitably treated. Exterior building materials shall not include highly reflective materials (such as bright aluminum or bright reflective metal) or glossy materials. Exterior building materials may include:

i. Split face or fluted concrete masonry units (CMU).

ii. Factory glazed (CMU).

Commented [WKS27]: Staff continues to recommend a minimum width along the façade for the step-back or recessed plane and defers to Community Planning for a recommendation.

Commented [MR28R27]: The Applicant has incorporated revisions to address this proffer.

iii. Brick veneer or brick.

iv. Stone veneer.

v. Insulated glazing and framing systems.

vi. Architectural pre-cast concrete panels.

vii. Painted or stained site-cast or pre-cast concrete.

viii. Architectural concrete.

ix. Factory finished, standing seam metal roofing (for application to pitched roof system only).

x. Architectural metal as building accent.

xi. Composite metal panel canopies.

xii. Non-vision spandrel glass for windows or other features.

d. Principal Building Façade Consistency. Building elevations and/~~—~~or architectural drawings shall be submitted to the Zoning Administrator with the first site plan application for each new building on the Property ~~to the Zoning Administrator~~ for review and approval to confirm substantial conformance with this Proffer II.A. Owner shall obtain the Zoning Administrator's approval of the elevations and/or drawings prior to the approval of ~~said~~ the applicable site plan application.

B. Mechanical Equipment.

a. Ground Level and Roof Top Mechanical Equipment. To minimize the visibility of ground level and roof top mechanical equipment from adjacent public roads, the Dulles Greenway, and adjacent properties, all mechanical equipment, with the exception of generators which are referenced separately in Proffer II.B.b., shall be screened on all four sides by an opaque fence, screen wall or panel, parapet wall, or other screening compatible with those materials used in the exterior construction of the building. The effectiveness of this screening shall be evaluated when viewing the Property from the existing grade of adjacent public roads and the existing grade of adjacent properties. The use of chain link fencing for the purpose of mechanical equipment screening shall be prohibited. Screening of ground level and roof top mechanical equipment shall be shown on each site plan, bonded for installation

prior to the approval of said site plan, and installed prior to the issuance of the certificate of occupancy for the building.

b. Generators. All generators shall be located at the ground level, or possibly stacked on top of each other, but shall be prohibited from being located on the roof of the building. Screening for ~~mechanical equipment~~generators shall be shown on each site plan, bonded for installation prior to the approval of said site plan, and installed prior to the issuance of the certificate of occupancy for the building.

c. Notwithstanding the requirements of this Proffer II.B, ground level and roof top mechanical equipment; and generators located in a manner that has no adverse impact on adjacent roads and adjacent properties, as determined by the Zoning Administrator prior to installation of the mechanical equipment, shall not be required to be screened.

C. Enhanced Sycolin Road Buffer. The Owner shall install a 20-foot-wide Enhanced Type 3 Road Corridor Buffer (the "Enhanced Sycolin Road Buffer") along the Sycolin Road frontage of the Property as ~~depicted~~ shown on Sheet 05A of the CDP as "20' ENHANCED TYPE 3 ROAD CORRIDOR BUFFER". The Enhanced Sycolin Road Buffer shall be ~~bonded prior to or concurrent with the approval~~shown on ~~of~~ the first site plan for the Property, bonded for installation prior to the approval of said site plan, and ~~shall be~~ installed prior to the issuance of the first certificate of occupancy for the Property.

III. TRANSPORTATION

A. Traffic Signal at Sycolin Road Site Entrance. The Owner shall contact DTCI to prepare a first traffic signal warrant study (signal justification report) (the "First Warrant Study") at the intersection of Sycolin Road and the site entrance to the Property and pay to the County the applicable fee for preparing the First Warrant Study prior to or concurrent with the first site plan for data center uses on the Property exceeding 900,000 square feet. If the First Warrant Study determines that the signal is warranted and the First Warrant Study is approved by VDOT, the Owner shall design and install the traffic signal in accordance with VDOT standards, including crosswalks with pedestrian-activated crossings, prior to the issuance of the first certificate of occupancy on the Property. The traffic signal, including crosswalks with pedestrian-activated crossings, shall be bonded prior to the approval of the site plan or CPAP showing said traffic signal and installed prior to the issuance of a certificate of occupancy for data center uses on the Property exceeding 900,000 square feet.

Commented [WKS29]: "shown" is the term used most consistently throughout the document.

Commented [MR30R29]: Revised as requested.

Commented [KW31]: The label along Sycolin Road says Type 2 buffer on Sheet 05A. Please reconcile.

Commented [MR32R31]: Revised accordingly.

Commented [WKS33]: Consistent with the format of other proffers in the document.

Commented [MR34R33]: Revised as requested.

If VDOT recommends an innovative intersection control at the intersection, the Owner shall bond the innovative intersection control prior to the approval of the site plan or CPAP showing said innovative intersection control. The Owner shall either (i) agree to design and install the VDOT recommended innovative intersection control in lieu of the traffic signal improvements required by this Proffer III.A on a timeline mutually agreeable to DTCI and the Owner, or (ii) provide a cash in lieu contribution of $500,000 to the County for the construction of the VDOT recommended innovative intersection control prior to the approval of the first certificate of occupancy on the Property exceeding 900,000 square feet. If the warranted intersection improvements (signal or innovative intersection control) are installed by others, the Owner shall contribute $500,000 to the County within 30 days of written request by the County.

Commented [WKS35]: DTCI continues to recommend that the cash contribution be provided only if the signal or innovative intersection control improvement is not warranted or provided by others consistent with the County's approved traffic signal proffer template. See the DTCI referral dated June 24, 2024.

Commented [MR36R35]: As stated in the response letter, the Applicant is agreeable to installing a traffic signal at two separate points in time if it is warranted by VDOT. This approach provides a reasonable means by which to install a traffic signal at the Sycolin Road entrance. The additional scenarios contemplated in the proffer are also reasonable means by which to address an alternative request by VDOT.

In the event such traffic signal is not warranted and VDOT does not recommend innovative intersection control as a result of the First Warrant Study as provided above, the Owner shall contact DTCI to prepare a second traffic signal warrant study (signal justification report) (the "Second Warrant Study") at the intersection of Sycolin Road and the site entrance to the Property and pay to the County the applicable fee for preparing the Second Warrant Study prior to or concurrent with the site plan for data center uses on the Property exceeding 1,600,000 square feet. If the Second Warrant Study determines that the signal is warranted and the Second Warrant Study is approved by VDOT, the Owner shall design and install the traffic signal in accordance with VDOT standards, including crosswalks and pedestrian-activated crossings, prior to the issuance of the certificate of occupancy on the Property exceeding 1,600,000 square feet. The traffic signal, including crosswalks with pedestrian-activated crossings, shall be bonded prior to the approval of the plan or CPAP showing said traffic signal and installed prior to the issuance of a certificate of occupancy for data center uses on the Property exceeding 1,600,000 square feet.

If VDOT recommends an innovative intersection control at the intersection instead of a signal, and if right-of-way is available to accommodate such innovative intersection control, the Owner shall bond the innovative intersection control prior to the approval of the site plan or CPAP showing said innovative intersection control. The Owner shall either (i) agree to design and install the VDOT recommended innovative intersection control in lieu of the traffic signal improvements required by this Proffer III.A. on a timeline mutually agreeable to DTCI and the Owner, or (ii) provide a cash in lieu contribution of $500,000 to the County for the construction of the VDOT recommended innovative intersection control prior to the issuance of the certificate of occupancy for data center uses on the Property exceeding 1,600,000 square feet. If the warranted intersection

improvements (signal or innovative intersection control) are installed by others, the Owner shall contribute $500,000 to the County within 30 days of written request by the County.

In the event the signal is not warranted and VDOT does not recommend innovative intersection control as a result of the Second Warrant Study as provided above, the Owner shall contribute $500,000 to the County prior to the ~~issuance~~ approval of the zoning permit for data center uses on the Property exceeding 1,600,000 square feet. If a cash contribution is made to the County pursuant to this proffer, the Owner shall no longer be required to install intersection improvements, and said contribution shall be used for regional road, transportation, or transit projects in the vicinity of the Property.

B. Sycolin Road Shared Use Path Contribution. The Owner shall provide a one-time payment in the amount of $342,000.00 to the County prior to the ~~issuance~~ approval of the first zoning permit ~~issuance of the first certificate of occupancy~~ for the Property. This contribution is being provided for the primary purpose of contributing to the cost of the construction of the Sycolin Road shared use path along the Property frontage as a part of the future widening of Sycolin Road~~.~~, or to be used at the County's discretion for construction of public roadway or transportation improvements within the vicinity of the Property.

C. Sycolin Road Right-of-Way Dedication. The Owner shall dedicate to the County, subject to VDOT approval and at no public cost, approximately 102,305 square feet along the Property's Sycolin Road frontage, to provide for right-of-way as ~~depicted~~ shown on Sheet 03 of the CDP as "R.O.W. DEDICATION." ~~Such dedication shall be made prior to or concurrent with the approval of the first site plan or CPAP application for the Property.~~

D. Sycolin Road Right-of-Way Vacation. The Owner ~~may pursue~~shall initiate the application to vacate the ~~the vacation of an~~ approximately 7,077 square foot portion of right-of-away along Sycolin Road as ~~depicted~~ shown on Sheet 03 of the CDP as "R.O.W. VACATION" and shall pay the cost of such vacation of right-of-way. The application, required plats, and legal documents shall be submitted to the County prior to the approval of the first site plan or CPAP application for the Property.

E. Sycolin Road Entrance Improvements. The Owner shall, subject to the approval of the County and VDOT, design and construct improvements, at no public cost, to Sycolin Road from the Property's frontage to the parking setback along Sycolin Road as shown on Sheet 03 of the CDP to meet minimum VDOT lane width and shoulder requirements and design and install the southbound right turn lane and

Commented [KW37]: See DTCI's referral dated June 24, 2024 regarding the cash-in-lieu amount.

Commented [MR38R37]: As stated in the response letter, the Applicant requests additional information regarding the $85 per square yard figure for the 10-foot-wide shared use path. The Applicant is using the Loudoun County Bond Estimate Form (effective January 01, 2023) for the calculation and requests clarification on whether the base that increases the price to $85 per square yard is specific to this application/proposed shared use path or if it will be included in the bond estimate/unit price list for all asphalt trails moving forward.

Commented [WKS39]: Staff recommends cash-in-lieu payments be made at zoning permit.

Commented [MR40R39]: Typically, and in accordance with legal guidance, cash contributions are provided at the occupancy permit stage. Calculating payment amounts is routinely done at the zoning permit stage.

taper for the Property's entrance on Sycolin Road (the "Property Entrance") as shown in Inset #1 on Sheet 03 of the CDP as "200' RIGHT TURN LANE W/200' TAPER". The Owner shall restripe Sycolin Road to create a northbound left turn lane at the Property Entrance as shown in Inset #1 on Sheet 03 of the CDP as "RE-STRIPING FOR LEFT-TURN LANE" ~~at no public cost~~. These improvements for the Property Entrance (the "Property Entrance Improvements"), subject to approval of all necessary site plans or CPAPs by the County and VDOT, and any other reviewing authority, and the granting of any other necessary approvals, shall be shown on and bonded prior to approval of the first site plan or CPAP, whichever is first, for the Property. The Property Entrance Improvements shall be completed prior to the issuance of the first certificate of occupancy for the Property.

F. Sycolin Road Interim Improvements. The Owner shall, subject to the approval of the County and VDOT, design and construct improvements, at no public cost, to the approximate extent of Sycolin Road as shown on Sheet 03 of the CDP as "APPROX. AREA OF INTERIM ROAD IMPROVEMENTS (SEE INSET #2)" to bring the variable width southbound lane and shoulder up to VDOT standards to provide a consistent 12-foot-wide travel way and six-foot-wide shoulder. Notwithstanding the foregoing, the Owner shall not make any improvements to Sycolin Road that would impact the Dulles Greenway bridge or guardrail.

G. Shreve Mill Road Right-of-Way Dedication. The Owner shall dedicate to the County, subject to VDOT approval and at no public cost, approximately 15,428 square feet along the Property's Shreve Mill Road frontage, to provide for right-of-way as ~~depicted~~ shown on Sheet 03 of the CDP as "PROP. ROW." Such dedication shall be made prior to or concurrent with the approval of the first site plan or CPAP, whichever is first, ~~application~~ for the Property.

H. Shreve Mill Road Treatment. Upon the future closure and abandonment of the Shreve Mill Road connection east of the Dulles Greenway by VDOT, the Owner shall, subject to the approval of the County and VDOT, and at no public cost, construct an entrance apron and taper down the curb radius on Shreve Mill Road at its intersection with Sycolin Road as shown on Sheet XXX of the CDP as "XXX" to reduce the entrance width and discourage use (the "~~Sycolin~~ Shreve Mill Road Improvements"); provided, however, that the Owner shall not be required to complete the Shreve Mill Road Improvements if the future closure and abandonment of the Shreve Mill Road connection east of the Dulles Greenway occurs later than the first site plan approved for the Property unless required by VDOT.

Commented [KW41]: Staff recommends the location be shown on the CDP and referenced here.

Commented [MR42R41]: Revised as requested.

Commented [WKS43]: Staff notes that the completion of Crosstrail Boulevard from Sycolin Road to the Dulles Greenway is anticipated in Spring of 2027. The closure and abandonment of Shreve Mill Road will not occur until Crosstrail Boulevard is complete. This commitment will not be realized unless the Applicant delays the first site plan until after Crosstrail Boulevard is complete. See DTCI's referral comments dated June 24, 2024.

Commented [MR44R43]: As stated in the response letter, it is possible that the Crosstrail Boulevard improvements will be completed prior to the approval of the first site plan for the Property. The Shreve Mill Road improvements identified in the proffer statement would be completed at a time when construction occurs on the subject property, thus these improvements would need to be known at such time as the site plan is approved by Loudoun County.

I. Electric Vehicle ("EV") Charging Stations. The Owner shall provide a minimum of two EV charging stations on the Property. Such charging stations shall be fully wired and functional, and a fee associated with providing the EV charging service may be charged. The two EV charging stations shall be shown on and bonded prior to approval of the first site plan for the Property. The charging stations shall be installed and available for use prior to the issuance of the certificate of occupancy on the Property.

J. Vehicle Turnaround Lanes. The Owner shall show the Property Entrance and associated turnaround areas and security checkpoint/gate locations on the first site plan for the Property. The vehicle turnaround areas located between any security checkpoint/gate and Sycolin Road shall bonded prior to approval of said site plan and open to use prior to the issuance of the first certificate of occupancy on the Property.

IV. ENVIRONMENTAL AND DESIGN

A. Optimized Performance Strategies for Data Center Building. The Owner shall utilize the below performance strategies to reduce energy and water usage associated for any Data Center uses on the Property. Information detailing compliance with this Proffer shall be submitted prior to the approval of each site plan ~~issuance of the first occupancy permit~~ for a data center building on the Property. The Optimized Performance Strategies shall consist of the following:

a. Low Water Usage Cooling Systems, defined as use of an air-cooled or adiabatic chiller plant to reduce cooling water usage.

b. Low Flow Plumbing Fixtures, defined as use of low-flow or ultra-low-flow plumbing fixtures, limited to no more than 0.5 gallons per minute ("gpm") for faucets, 1.28 gallons per flush ("gpf") for water closets, 0.5 gpf for urinals for all restrooms.

c. LED light fixtures including advanced zoned lighting controls with occupancy sensors.

d. Building Management System, consisting of a computer system that monitors and controls the building's physical environment, including temperature, humidity levels, and air quality sensors.

e. Other strategy or strategies, developed for Leadership in Energy and Environmental Design (LEED) by the US Green Building Council, or

Commented [WKS45]: Repeat comment. Approval of occupancy is too late to determine compliance with this proffer. Theses measures should be established at site plan.

Commented [MR46R45]: Revised as requested.

Commented [KW47]: This will be difficult to implement. This should either be an alternative for one or more of a-d or a minimum of x additional strategies TBD.

Commented [MR48R47]: A reference to a minimum number of LEED strategies is now included in the proffer.

equivalent environmental strategy, proposed by the Owner and deemed acceptable by the Zoning Administrator.

B. Low-Impact Development (LID). The Owner shall provide a minimum of five volume reducing Low Impact Development ("LID") Best Management Practices to treat stormwater from the project as specified by the VA BMP Clearinghouse and may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, permeable pavement for parking spaces, or any alternative LID practice proposed by the Owner and deemed by the Department of Building and Development ("B&D") to be acceptable. Subject to approval by B&D, said LID measures, together with other qualifying stormwater management facilities on the Property that comply fully with the VA Stormwater Management regulations, shall either achieve a minimum of eighty-five percent of the total required phosphorous nutrient reductions on-site before pursuing the use of offsite compliance options, or provide an additional LID for a total of six LIDs if the eighty-five percent of the total required phosphorous nutrient reductions cannot be achieved. Notwithstanding the foregoing, the Owner shall provide stormwater treatment measures which achieve a minimum of eighty percent of the total required phosphorous reductions onsite. ~~before pursuing the use of offsite compliance.~~ The location of the LID practices shall be shown on the first site plan or CPAP, whichever is first, for the Property.

C. Discharges into the Sycolin Creek. Stormwater outfalls, whether natural or man-made, shall be permitted to drain into the Sycolin Creek provided that runoff discharged through such outfalls complies with the standards in of Proffer IV.B. All man-made stormwater outfalls constructed during development of the Property shall be designed using principles of Regenerative Stormwater Conveyance (P-CNV-04) as described in the Virginia Stormwater Management Handbook, Natural Channel Design, or a combination of these and other strategies as approved by B&D. ~~Under no circumstances shall any use on the Property discharge stormwater directly into the Sycolin Creek without passing through an upstream facility such as stilling basins, step pools, naturalized channels, or such other facilities as approved by B&D~~. The location of the stormwater outfalls shall be shown on the first site plan or CPAP, whichever is first, for the Property.

Commented [WKS49]: In consultation with NRT staff recommends this language.

Commented [MR50R49]: Revised as requested.

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D. Foundation Plantings. The elevations of all building facades facing public roadways, shall incorporate foundation plantings. These plantings shall evergreen shrubs, deciduous shrubs, grasses, perennials, and/or groundcovers. The measurement for the required plants will be fifty percent of the façade's length, excluding any entrance walks that run perpendicular to the façade and any doorways. The foundation plantings shall be generally arranged in two rows along

the façade, in either formal geometric, irregular, or naturalistic arrangements, to be determined at the time of site plan. These foundation plantings shall be in addition to any required landscape buffers and parking lot landscaping. The foundation plantings for each building requiring such plantings shall be shown on and bonded prior to approval of the first site plan for the Property, and installed prior to the issuance of the first certificate of occupancy for each building.

E. Native Species. The Owner shall use eighty percent Virginia native species, with emphasis on Northern Virginia native species, for all landscaping throughout the Property, provided that the Owner reserves the right, in consultation with and approval by the County Urban Forester, to modify as part of site plan approval, including any site plan amendment, the exact species to be used in order to meet Facilities Standards Manual (FSM) requirements, or if some plant materials are not available, or not available in the quantities required for the project, or have been deemed by the County Urban Forester to no longer be appropriate.

F. Tree Plantings. Trees planted on the Property shall be located at least three feet from hardscapes such as curbs, sidewalks, and pavement to provide ample tree planting space and soil volume. With the exception of trees planted within parking islands and trees counted towards meeting interior parking lot landscaping, all large deciduous trees shall be provided 1,000 cubic feet of uncompacted soil. For trees planted within parking islands and trees counted towards meeting interior parking lot landscaping, a minimum volume of 600 cubic feet of uncompacted soil shall be provided. Where trees are sharing the soil space, the 1,000 and 600 cubic feet requirements may be reduced by thirty-three percent per tree. Soil space will be calculated length x width x height with the assumption that the useable soil depth for the trees would be three feet. The use of alternative means of providing uncompacted soil may be considered at time of final engineering and may include the implementation of structural soils, cantilevered walks, and silva cells. The Owner shall demonstrate compliance with this condition with the first site plan for the Property.

G. Tree Conservation Areas. Within the area identified on Sheet 03 of the CDP as "TREE CONSERVATION AREA" "TCA(s)"), the Owner shall preserve healthy trees provided, however, trees may be removed to the extent necessary for construction of trails, passive recreational amenities, and stormwater management facilities, that are required pursuant to these Proffers and/or shown on approved site plan(s) or CPAP(s) as lying within such TCAs and for the construction of utilities necessary for development of the Property. Notwithstanding the previous sentence, a minimum of eighty percent of the canopy within the TCAs ~~depicted~~ shown on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age.

In the event that the eighty percent canopy threshold cannot be achieved within the designated TCAs, such canopy deficit will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all TCAs shall be clearly marked in the field prior to land-disturbing activities and shall be delineated on each site plan, record plat, and CPAP application containing any portion of a TCA. The Owner shall provide a TCA tabulation demonstrating the initial amount of TCA and the remaining amount after development on the site to be submitted with each site plan or CPAP submission.

If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County that any healthy tree located within the boundaries of the TCAs described in this Proffer has been damaged during construction and will not survive, then, prior to bond release related to any portion of the Property containing or immediately adjacent to such TCAs on the Property, the Owner shall remove each such tree and replace each such tree with two 1-inch caliper native, non-invasive deciduous trees. The species of such replacement trees shall be determined by the Owner's certified arborist or landscape architect in consultation with the County Urban Forester or Zoning Administrator. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area on the Property as requested by the County.

The TCA shall be protected by a Tree Conservation Easement granted to the County and recorded with the applicable record plats. A Deed of Easement, running to the benefit of the County, shall be recorded prior to or concurrent with each record plat, site plan, or CPAP for the Property containing any portion of the TCA. Such deed shall include a provision that prohibits cutting and/or removal of trees in Tree Conservation Easement as shown on the record plat, site plan, or CPAP after construction has been completed by the Owner without specific permission of the County Urban Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability and regeneration potential of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species control, and cutting of trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The record plat, site plan, or CPAP for each portion of the Property containing a Tree Conservation Easement shall contain a note stating that the removal of trees within a Tree Conservation Easement is prohibited except in accordance with the Deed of Easement for the TCA.

a. Invasive Species Management. T~~t~~he Owner shall provide invasive species control in the proposed TCAs with a minimum of three treatments over three consecutive years, with the first treatment occurring prior to the issuance of the first certificate of occupancy for the Property. These treatments shall first focus on invasive vines, such as Japanese honeysuckle, then other invasive species using mechanical, chemical or a combination of techniques within the context of an Integrated Pest Management Strategy ensuring labels are followed when and if herbicides are applied. The invasive species treatment strategy must be approved by the County Urban Forester or their designee prior to approval of the first zoning permit on the Property. The Owner shall provide the Zoning Administrator documentation detailing when the second and third treatments outlined in this Proffer have been completed.

H. Specimen Tree Preservation. The Owner shall engage a Certified Arborist to prepare a tree preservation plan for the specimen trees ("Specimen Trees") located within the TCA as shown on Sheet 05 of the CDP. For the purposes of this proffer, the Critical Root Zone ("CRZ") for these specimen trees shall be increased to one and half times the total diameter of the trees at breast height. A tree preservation plan shall be provided to the County for review and approval prior to the approval of the first site plan or CPAP for the Property. Such tree preservation plan shall identify the tree protection measures that shall be employed to protect the Specimen Trees during construction activities, which measures shall include, without limitation, (i) placing of fencing outside the CRZ of such Specimen Trees if near the limits of disturbance ("LOD"), (ii) avoiding construction activities within such CRZ to the greatest extent possible, and (iii) requiring that construction plans for all permitted improvements on the Property shall clearly define the limits of each CRZ and that the limits of each CRZ shall be clearly marked in the field. If construction activities within the CRZ of the Specimen Trees are unavoidable or unintentional encroachments occur, then the Owner and/or their Certified Arborist will develop a remediation plan to be approved by the County Urban Forester and implemented thereafter. In addition, any utility line that must be located within the CRZ of the Specimen Trees shall be installed using a boring technique supervised by a Certified Arborist. In the event any one of the Specimen Trees are damaged during construction and in the opinion of a Certified Arborist and/or the County Urban Forester cannot be saved, the Owner shall replace the damaged Specimen Tree with four one-inch caliper, native, non-invasive, deciduous trees. The placement of the replacement trees shall be proximate to the area of the damaged Specimen Tree so removed, or in another area as requested by the County Urban Forester or Zoning Administrator.

I. Reforestation Plantings. The Owner shall submit a reforestation plan, prepared by a Certified Arborist, Urban Forester, or Landscape Architect, in accordance with the reforestation standards set forth in the FSM for the reforestation area identified on Sheet 03 of the CDP. Such reforestation plan shall be submitted at the time of the first site plan or CPAP, whichever is first, for the Property for review and approval by the County Urban Forester or Zoning Administrator and bonded for installation prior to approval of said site plan or CPAP. The approved reforestation plan shall be implemented in accordance with the reforestation standards of the FSM, including the maintenance and restocking provisions, concurrently with the development of each of the said site plans or CPAP prior to issuance of the first certificate of occupancy for the Property. In the event that the targeted stocking is not achieved, the Owner shall, in consultation with the County Urban Forester or Zoning Administrator, provide a one-time supplemental planting within one (1) year to achieve the full, initial stocking. The Owner shall monitor the reforestation area for a ~~five year~~ period of five consecutive years after the issuance of the first certificate of occupancy and shall maintain the targeted stocking density with supplemental plantings throughout the maintenance period. On an annual basis, a monitoring report and if required, a supplemental planting plan that restores reforestation area to required stocking density shall be submitted for review and approval to the County Urban Forester or Zoning Administrator demonstrating compliance with this Proffer IV.I.

J. River and Stream Corridor Resource. Within the areas identified on Sheet 03 of the CDP as "EX. MAJOR FLOODPLAIN and "50' RSCR MANAGEMENT BUFFER" (collectively the "RSCR") only "Permitted Uses in the RSCR" such as, but not limited to, trails (including associated infrastructure), utilities, stormwater management facilities, and as further identified in the Loudoun County 2019 General Plan, Chapter 3, RSCR Policy 2, Strategy 2.2. will be permitted (the "Permitted Uses"). To the extent the elevations and/or boundaries of the floodplain on the Property, as identified on the current Floodplain Map of Loudoun County, are altered, relocated, and/or updated as a result of a floodplain study or alteration approved in accordance with the Zoning Ordinance and Chapters 5 and 8 of the FSM, the RSCR, including the Management Buffer shall apply to the relocated floodplain boundary. In the event that the RSCR is encroached, the Owner shall replant open areas within or adjacent to the Major Floodplain in an amount equal to the area of the proposed development that encroaches into the RSCR. Reforestation proposed to mitigate RSCR encroachments associated with the stormwater outfall will be in addition to any reforestation outlined on the CDP. Any areas proposed for reforestation to mitigate these disturbances shall be greater than or equal to the total area disturbed within the RSCR. The Owner shall submit a reforestation plan, prepared by a Certified Arborist, Urban Forester, or Landscape

Commented [WKS51]: In consultation with NRT, Sstaff recommends this language.

Commented [MR52R51]: Revised accordingly.

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Architect, in accordance with the reforestation standards set forth in the FSM. This reforestation plan shall be submitted at the time of submission of each site plan or CPAP proposing the development of any area that encroaches into the RSCR for review and approval by the County Urban Forester or Zoning Administrator. Each approved reforestation plan shall be implemented in accordance with the reforestation standards of the FSM, including the maintenance and restocking provisions, prior to the issuance of the first certificate of occupancy for any area of the Property subject to an approved site plan or CPAP that shows encroachment into the RSCR.

K. Archeological Site 44LD1195. If disturbance of Archeological Site 44LD1195 cannot be avoided by development, the Owner shall conduct a Phase I archeological survey of the area. If potentially significant archaeological resources are identified by the Phase I survey, the Owner will complete a Phase II archaeological significance evaluation prior to disturbance. If said Phase II evaluation determines that any identified resources are significant, the Owner shall undertake Phase III data recovery excavations as a means of mitigating adverse impacts to the resource. County preservation staff will be afforded to the opportunity to review and provide comment on Phase II and Phase III research designs prior to the initiation of archaeological fieldwork. The Owner shall also ensure that all significant archaeological remains recovered during such work together with copies of all requisite field notes and other site records will be transferred for permanent curation to the Virginia Department of Historic Resources, and joined with earlier collections recovered from the site.

L. Archeological Site 44LD1964. If disturbance of Archeological Site 44LD1964 cannot be avoided by development, the Owner shall conduct a Phase II archeological significance evaluation prior to its disturbance. If said Phase II study determines that any identified resources are significant, the Owner shall undertake Phase III data recovery excavations as a means of mitigating adverse impacts to the resource. County preservation staff will be afforded to the opportunity to review and make comment on Phase II and Phase III research designs prior to the initiation of archaeological fieldwork. The Owner shall also ensure that all significant archaeological remains recovered during such work together with copies of all requisite field notes and other site records will be transferred to Loudoun County for permanent curation.

M. Open Space Easements for Archaeological Sites. The Owner shall dedicate, by Deed approved by the County Attorney and the County Archaeologist, and at no public cost, open space easements for the areas of Archeological Site 44LD1195 and Archeological Site 44LD1964 as shown on Sheet 03 of the CDP. The open

space easement shall include specific language allowing archaeological excavation within both site areas upon approval of an archaeological work plan by the County Archaeologist. The open space easement shall be recorded in the Land Records prior to the approval of the first record plat, site plan, or CPAP, whichever is first ~~in time~~, on the Property.

N. Habitat Study. The Owner shall submit a wood turtle habitat study, herein referenced as the "Habitat Study," to the Department of ~~Building and Development (~~"B&D"~~)~~, the Virginia Department of Conservation and Recreation ("DCR"), and/or the Virginia Department of Wildlife Resources ("DWR"), prior to the approval of any grading permit, site plan, or CPAPs on the Property, whichever is first in time. B&D may coordinate with DCR and DWR on the review of the Habitat Study. If DCR or DWR finds that a species-specific survey is warranted due to the land disturbing activities on the Property that may affect wood turtle habitats, the Owner shall provide this finding to the B&D and shall perform this species-specific survey and submit it to DCR or DWR, as applicable, with a copy to B&D. If found applicable by DCR or DWR, the Owner shall implement any recommended protective measures prior to the approval of the first grading permit on the Property~~; however, if documented seasonal constraints require additional review time by the DCR or DWR, the implementation of protective measures may be delayed beyond the approval of the first grading permit on the Property yet shall be implemented no later than the approval of the first zoning permit on the Property. If the implementation of protective measures is delayed pursuant to this proffer, the Owner shall provide a timeline to B&D for when the protective measures shall be implemented.~~ If the limits of clearing and grading change on the Property, the Owner shall provide a copy of the Notice of Planned Change ("NOPC") that has been submitted to the Virginia Department of Environmental Quality ("DEQ") and/or the U.S. Army Corps of Engineers ("USACE"), as applicable, to B&D. Upon approval by DEQ/USACE of the NOPC, a copy of the updated Virginia Water Protection Permit issued by DEQ shall be provided to B&D.

Commented [WKS53]: In consultation with NRT, Staff recommends deleting this language which does not ensure protection of the wood turtle or wood turtle habitat if protective measures are required.

Commented [MR54R53]: Revised as requested.

O. Solar Tree and Solar/Wind Light Poles. The Owner shall install a solar tree and at least five solar/wind light pole(s) (the "Solar Facilities") per building on the Property. The exact number and location of the Solar Facilities shall be shown on the first site plan for the Property, bonded with said site plan, and installed prior to the first certificate of occupancy on the Property.

P. Pollinator Meadow Plantings Within Utility Easement. Subject to approval by the utility provider, the Owner shall seed the easement area shown on Sheet 05A of the CDP as "APPROXIMATE AREA OF ELECTRIC EASEMENT POLLINATOR PLANTINGS" and "NATURAL OPEN SPACE POLLINTOR PLANTINGS WITHIN DOMINION EASEMENT" (Pollinator Planting Areas) with a native,

Commented [WKS55]: In consultation with NRT, staff recommends this language.

Commented [MR56R55]: Revised as requested.

locally appropriate meadow seed mix, and provide interspersed pollinator garden plantings utilizing a mix of native, transmission line appropriate shrubs, containerized perennials, and meadow seed mix. within the Pollinator Planting Area as shown in the detail on Sheet 05A of the CDP as "NATURAL OPEN SPACE POLLINATOR PLANTINGS WITH IN DOMINION EASEMENT".~~within the utility easement area utilizing a native, locally appropriate meadow seed mix~~. At time of first site plan or CPAP, whichever is first, the Owner shall submit a Native Pollinator Planting Management Plan for review and approval by the Natural Resources Team that addresses site preparation, species selection, planting/establishment, maintenance, and invasive species control. ~~–~~The ~~pollinator meadows~~Pollinator Planting Areas shall be shown and Pollinator Planting Areas plant species shall be listed ~~shown~~ on the first site plan or CPAP for the Property, bonded for installation with the County prior to approval of said site plan or CPAP, and installed during a planting season between March-May or September-November that occurs prior to ~~no later than~~ the issuance of the first certificate of occupancy on the Property.~~. The pollinator meadows shall be maintained by the Owner. Prior to the issuance of the first occupancy permit on the Property, the planting areas shall be installed no later than the next available planting season (March-May or September-November)~~. The pollinator meadows shall be maintained by the Owner.

Commented [WKS57]: The detail shown on Sheet 05A indicates that the plantings will consist of native grasses, perennials, and shrubs. The proffer and CDP should include consistent language.

Commented [MR58R57]: Revised as requested.

V. PROPERTY AMENITIES

A. Bicycle Racks. The Owner shall provide a minimum of two inverted U style bicycle racks at the entrance of each building located on the Property, each of which shall accommodate a maximum of two bicycles. Each bicycle rack shall be shown on and bonded prior to the approval of ~~the first site plan~~the site plan for each building on ~~for~~ the Property. Each bicycle rack shall be installed and available for use prior to the issuance of the ~~first~~ each certificate of occupancy for the associated building on the Property.

B. Internal Pedestrian Connections. The Owner shall construct a network of pedestrian trails and sidewalks throughout the Property that will provide connections between external roadways, internal ~~site connections~~roadways and driveways, parking areas, building entrances, and the ~~amenities~~ Outdoor Gathering Space located within the Property for the use of customers and employees (the "Internal Pedestrian Connections"). The Internal Pedestrian Connections~~pedestrian trails and sidewalks~~ shall be a minimum of five feet in width. The locations of these Internal Pedestrian Connections ~~internal connections~~ shall be shown on and bonded prior to the approval of the first site plan or CPAP, whichever is first, for the Property. The Internal Pedestrian Connections ~~pedestrian trails and sidewalks~~ shall be constructed

Commented [KW59]: Constructed of what material? Concrete? Please specify in the proffer. If the materials are different, the trails and sidewalks should be differentiated on the CDP.

Commented [MR60R59]: Trails will be constructed of asphalt and sidewalks will be constructed of concrete.

in accordance with the FSM and completed prior to the issuance of the first certificate of occupancy on the Property.

C. Outdoor Gathering Space. The Owner shall provide an area measuring a minimum of 600 square feet in size ~~as an Outdoor Gathering Space~~ for the use of customers and employees on the Property (the "Outdoor Gathering Space"). A minimum of four benches and two picnic tables shall be provided in said Outdoor Gathering Space. The Outdoor Gathering Space shall be accessed by at least one of the Internal P~~p~~edestrian ~~circulation routes~~Connections on the Property pursuant to Proffer V.B. The benches and tables in the Outdoor Gathering Space shall be shown on and bonded prior to the approval of the first site plan or CPAP, whichever is first, for the Property. The benches and tables shall be installed prior to the issuance of the first certificate of occupancy on the Property.

D. Sycolin Creek Trail Easement. The Owner shall dedicate, by Deed approved by the County Attorney and at no public cost, a 25-foot-wide public access easement generally located along the east side of Sycolin Creek in the area identified on Sheet 03 of the CDP as the "25' RECREATION TRAIL ESMT. (FINAL LOCATION TO BE DETERMINED IN THE FIELD)" (the "Sycolin Creek Trail Easement"). The Deed shall include provisions that the Sycolin Creek Trail Easement shall generally remain in a natural state. The Deed shall include provisions that 1) the Sycolin Creek Scenic Trail easement area shall be used as a multipurpose trail primarily for walking and hiking; 2) equestrian and mountain bike (non-motorized) uses may be considered as optional recreational uses; 3) only minor clearing is permitted and natural surface trails are to be constructed in the easement, with the exception of wooden footbridges if required and amenities such as signage, trail markers, and benches; 4) there will be no lighting of the trail, no paved surfaces, no bicycles, and no camping permitted within the easement area; and 5) any encroachments within the easement shall be limited to the location of utilities and road crossings. The Sycolin Creek Trail Easement shall not conflict with any areas subject to existing or proposed easements, reservations, or dedications. The location of the Sycolin Creek Trail Easement shall be field located in coordination with County staff and said easement shall be shown on the first site plan or CPAP, whichever is first, for the Property and granted to the County within ~~ninety~~ 90 days of the County's request, or prior to the approval of the first site plan or CPAP for the Property, whichever is later.

VI. FIRE, RESCUE AND EMERGENCY SERVICES

A. One-Time Contribution. The Owner shall make a one-time cash contribution prior to approval of each zoning permit on the Property in the amount of Twenty-Six Cents ($0.26) per square foot of non-residential floor area which shall be paid to

the County for distribution by the County to the volunteer fire and rescue companies providing service to the Property. The amount of the contribution will be adjusted on a yearly basis from the base year of 2024 and change effective each January 1 thereafter, in accordance with changes to the Consumer Price Index, for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Arlington-Alexandria, DC-VA-MD-WV Consolidated Metropolitan Statistical Area (the "CPI"). The contributions will be used for capital improvements and apparatus acquisition necessary for fire and rescue operations by volunteer companies. Contributions pursuant to this paragraph shall be divided equally between the fire and rescue companies providing service to the Property. Notwithstanding the foregoing, if at the time of the application for a zoning permit, the primary servicing fire and rescue companies do not utilize, to any significant extent, either volunteer staff or apparatus owned by a volunteer organization, then the Owner may elect to make no contribution. If only one of these services has ceased to utilize significant volunteer staff and apparatus, then the contribution shall be halved and shall be provided to the remaining company.

VII. ANNUAL ADJUSTMENT

With the exception of the fire and rescue contribution, which is subject to a separate annual adjustment provision as specified in Proffer VI. of these Proffers, all other monetary contributions set forth in these Proffers shall be adjusted on a yearly basis from the base year of 2024 and change effective each January 1 thereafter, in accordance with changes in the CPI.

Commented [WKS61]: Staff recommends the Proffers include a commitment to an annual adjustment for cash contributions made to the County.

Commented [MR62R61]: Included as requested.

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VIII. PUBLIC UTILITIES

A. Water and Sewer. The Property shall be served by public central water supply and public central sanitary sewer systems. The Owner shall construct and install all water and sewer extensions to the Property and shall provide all connections necessary for development of the Property, at no cost to the County or to Loudoun Water, and such extensions and connections shall be constructed and installed in accordance with Loudoun Water standards. The Owner shall acquire, at no public cost, any offsite easements, if needed, to extend public water and/or sanitary sewer lines to the Property and shall dedicate such easements to Loudoun Water at no cost to the County or to Loudoun Water.

The undersigned hereby warrant that all of the owners with any legal interest in the Property have signed these Proffers, that no signature from any additional party is necessary for these Proffers to be binding and enforceable in accordance with their terms, that they, together with the others

signing this document, have full authority to bind the Property to these Proffers, and that these Proffers are entered into voluntarily.

[SIGNATURE PAGE FOLLOWS THIS PAGE]

CAMMACK BROTHERS, LLC

BY:_____
NAME:
TITLE:

COMMONWEALTH OF VIRGINIA
COUNTY OF LOUDOUN: to-wit:

The foregoing instrument was acknowledged before me, this _____ day of _____, 2024, by _____.

_____
Notary Public

My Commission Expires: _____

My Notary Registration Number: _____

Exhibit A

Concept Plan

WALSH COLUCCI
LUBELEY & WALSH PC

Sashenka J. Brauer
(571) 209-5773
sbrauer@thelandlawyers.com

June 7, 2024

Via E-Mail Only

Mr. Bryce Johnson, AICP
Project Manager
Loudoun County Department of Planning and Zoning
One Harrison Street, S.E., 3rd Floor
Leesburg, Virginia 20177

Re: Fourth Referral Response Letter
Greenlin Park (LEGI-2023-0059, ZMAP-2022-0024)

Dear Mr. Johnson:

On behalf of JK Land Holdings II LLC, (the "Applicant"), I am providing this response letter as a written response to the Planning Commission recommended revisions made during the May 28, 2024 public hearing as well as County staff fourth referral comments. For your convenience, each of the comments from the Planning Commission and County staff are stated below and the Applicant's responses follow in bold italics.

PLANNING COMMISSION RECOMMENDED REVISIONS

Land Use and Compatibility

- Open Space – The Applicant is committing to 40.59 acres open space on the subject property, which equates to over 50 percent open space. The planned overhead utility corridor is included within this open space area. The 2019 General Plan ("Plan") definition of open space does not state that utility corridors cannot be counted as open space. Since further discussions with County staff, the Applicant has committed to enhancing the utility corridor with pollinator plantings/meadows interspersed throughout to create a passive open space area that more closely aligns with the definition of open space in the Plan.

- Building Height – The Transition Light Industrial place type does limit building height to three stories, but it does not contain any language that states each story shall be no higher than 12 feet. The proposed building height is in conformance with the IP zoning district, which is identified as the primary zoning district in the recently adopted zoning ordinance

to implement the Transition Light Industrial place type. The Applicant is not requesting any increase to the building height. This same building height is currently permitted, or recently supported by County staff, on adjacent and nearby properties to the east and west of the subject property.

- Architectural and Site Design – While the Applicant cannot commit to specific building design at this time, building elevations can be provided at the site plan stage of review that meet the substantial building design commitments included in the proffer statement. This approach conforms to prior data center applications in which County staff supported the building design, despite not having proffered building elevations at the rezoning stage. Regarding site design, the Applicant has committed to screen any mechanical equipment and generators from view. Additionally, the Applicant notes that it is working on viewshed illustratives to demonstrate how the buildings will look from Sycolin Road and the Dulles Greenway with the proposed buffering and screening treatment. The Applicant anticipates having these illustratives to show the Planning Commission at the July 11th Work Session.

Environmental Resources

- Environmental Impacts at the Site Entrance and Substation Location – The Applicant met with County staff on June 5, 2024 to discuss the site entrance issue, and the Applicant has now revised the buildable area of the subject property to exclude all portions of the very steep slopes near the site entrance, and the entrance configuration has been revised to avoid these areas as well as limit the amount of existing wetland/swale encroachment. Please see Sheets 03 and 06 of the enclosed plan set.

- Habitat Proffer – The Applicant is committing to perform a habitat study. This habitat study is drafted in a form that complies with previously approved habitat study proffers including JK Technology Park #2 (ZMAP-2019-0015) and JK Technology Park #3 (ZMAP-2019-0016). It should be noted that NAIOP and NVBIA have provided a formal letter on this issue to the County in an effort to resolve this issue and properly state which State and Federal agencies are responsible for reviewing a habitat study.

- Stormwater Management – The Applicant met with County staff on June 5, 2024 to discuss stormwater management concerns. Based on that discussion, the Applicant has now revised the CDP to indicate a 50-foot zone around the proposed outfall location to be reserved for stormwater management purposes and to exclude a portion of reforestation area. Please see Sheet 03 of the enclosed plan set. The Applicant will pursue innovative strategies for stormwater management design, as proffered, that may include step pool conveyance or other such creative measures, and such practices shall be demonstrated at time of final site plan. Please see the enclosed proffer statement.

Transportation

- Alignment of Development Scope with Traffic Study and Signal – The Applicant has acknowledged the discrepancy between the maximum development square footage in the proffer statement and the trip generation table provided in the third submission response

letter. The Applicant recently submitted an updated trip generation table reflecting the 2,121,661 square feet of data center use consistent with the proffer statement. As shown in that table, there are still fewer trips than were analyzed in the January 5, 2024 traffic study. Therefore, and as agreed with DTCI staff on June 5, 2024, the traffic study does not need to be updated. The Applicant has updated the second signal warrant trigger to 1,600,000 square feet at the approximately 75 percent build out point as recommended by DTCI.

- Sycolin Road Improvements and Shared Use Path – The Applicant is agreeable to improving Sycolin Road along the subject property frontage as set forth in the enclosed plan set and proffer statement. The Applicant will have a graphic for the July 11th Work Session to better illustrate the proposed improvements. The Applicant has committed to provide a cash-in-lieu contribution toward this shared use path that can be used when the ultimate improvements are implemented for Sycolin Road.

- Sycolin Road Traffic Signal – The Applicant has committed to provide a $500,000 contribution to the County in the event that a traffic signal is not warranted following two rounds of warrant studies. An innovative intersection improvement can either be installed by the Applicant or a $500,000 contribution will be provided to the County. This approach is similar to other applications that the Planning Commission has reviewed.

- Shreve Mill Road Treatment – The Applicant has proffered that upon the future abandonment and demolition of the Shreve Mill Road connection east of the Dulles Greenway by VDOT, the Owner shall, subject to the approval of the County and VDOT, construct an entrance apron and taper down the curb radius on Shreve Mill Road at its intersection with Sycolin Road to reduce the entrance width and discourage use. The Applicant notes that the timing of these improvements must occur prior to issuance of the first certificate of occupancy for the subject property.

COUNTY STAFF REFERRAL COMMENTS INCLUDED IN THE MAY 28, 2024 PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

DEPARTMENT OF PLANNING & ZONING – COMMUNITY PLANNING (Rebekah King, Senior Planner, 05/01/2024)

Place Type

Community Planning continues to recommend a commitment to a maximum building height of three stories as envisioned in the Transition Light Industrial Place Type. Without building elevations to understand the visual impacts of the building height, Community Planning is not persuaded that this Place Type supports 60 feet in building height. This issue is not resolved.

Applicant Response:

The Transition Light Industrial place type does limit building height to three stories, but it does not contain any language that states each story shall be no higher than 12 feet. The

proposed building height is in conformance with the IP zoning district, which is identified as the primary zoning district in the recently adopted zoning ordinance to implement the Transition Light Industrial place type. The Applicant is not requesting any increase to the building height. This same building height is currently permitted, or recently supported by County staff, on adjacent and nearby properties to the east and west of the subject property.

Open Space

The applicant has increased the open space commitment and now proposes to maintain a total of 40.97 acres of open space including 12.74 acres of Tree Conservation Areas (TCA) (see sheet 4 of the CDP). This addresses a previous staff comment about increasing open space to 50 percent for the site.

However, Community Planning requests additional clarity about the open space components. Sheet 4 of the CDP appears to show a variable width electric easement as part of the open space, while the note on Sheet 3A describing open space does not include a utility easement in the list of open space components. The applicant needs to provide clarity in terms of the open space components. Utility easements do not count towards open space, unless the utilities are underground or a trail use is being proposed in the easement area. This issue is not resolved.

Applicant Response:

The Applicant met with County staff on June 5, 2024 to discuss the issue, and it was agreed upon that the easement area can count towards open space with the implementation of pollinator meadows and/or other intermittent plantings as shown on Sheet 05A of the enclosed plan set. The open space calculation has been revised to include the area of easement being counted towards open space. Please see Sheets 03A and 04 of the enclosed plan set.

Infrastructure

With the 4th submission, the applicant provided minimal location information on the location of electrical powerlines and a utility substation. Community Planning acknowledges the new location information on the CDP but continues to need more detail on site and building design. The Proffer Statement contains no design commitments for the utility substation, and the CDP does not illustrate how the substation connects to the data center in terms of internal site circulation or visual impacts on the landscape. Community Planning also continues to request information on any communication with Loudoun Water and Dominion Energy about how the power and water needs for this potential development will be served. This issue is not resolved.

Applicant Response:

The Applicant has been in communication with Loudoun Water throughout the development process to ensure water needs for the subject property are being considered, and the sanitary & water easement (done by others) as coordinated with Loudoun Water is being shown on the subject property along Shreve Mill Road on Sheet 03 of the enclosed plan set. The Applicant is continuing to work with Dominion Power on the final alignment of the easement routing and its relation to the substation location on the subject property, which will help drive

the ultimate utility substation design and inform potential end-users of the potential building configuration that will be needed to provide adequate power routing throughout the site.

Place Type Design

Community Planning continues to recommend that the application include further design and site plan details, information, and commitments to demonstrate consistency with the TPA Design Guidelines and design characteristics of the Transition Light Industrial Place Type. The CDP shows only the buildable area with minimal location information of the data center and utility substation. Parking and equipment areas are not identified. While the Proffer Statement includes design commitments, no elevations are provided to illustrate those commitments or its visual impact on the landscape. Without more information, staff cannot evaluate if this development conforms with the Transition Light Industrial Place Type. This issue is not resolved.

Applicant Response:

The Applicant has provided more site design commitments with this response package including environmental and screening commitments to address County staff comments. Please see the enclosed plan set and proffer statement.

Natural, Environmental and Heritage Resources

The application materials now include commitments to a minimum of three strategies to reduce energy and water usage in addition to the electric vehicle charging stations. The applicant committed to a habitat study for the wood turtle and made minor revisions to the site layout to reduce encroachment into the very steep slope area to 2,767 square feet, down from 3,703 square feet.

The CDP does not indicate that staff concerns about sensitive environmental areas on the site, nor that the composition of the Tree Conservation Areas (TCAs) have been fully addressed. This issue is unresolved. Staff request that the applicant address NRT concerns about site circulation impacting sensitive environmental features and composition of the TCAs.

The CDP shows right-of-way road dedications along Sycolin Road and Shreves Mill Road that could impact the archaeological sites. With the 4th submission, the applicant committed to open space easements for the two archaeological sites. Staff defers to the County Archaeologist for any outstanding concerns.

Applicant Response:

The Applicant met with County staff on June 5, 2024 to discuss the site entrance issue, and the Applicant has now revised the buildable area of the subject property to exclude all portions of the very steep slopes near the site entrance, and the entrance configuration has been revised to avoid these areas as well as limit the amount of existing wetland/swale encroachment. Please see Sheets 03 and 06. The Applicant has already increased the tree conservation area significantly in this area during the second submission and cannot increase it further without impacting the entrance area. The concept plan continues to show these archaeological sites

under open space easements, however the open space easement along Shreve Mill Road has been revised to exclude the variable width electric easement.

Recommendations
While the proposed rezoning to PD-IP to allow data center uses on the Property at a 0.6 FAR is generally consistent with the Transition Light Industrial Place Type, Community Planning cannot support the application at this time. The building height exceeds what is envisioned in the 2019 GP, and the application lacks sufficient building and site design information.

Staff request additional information and commitments regarding open space, protection of natural and environmental resources, as well as forest, trees, and vegetation. Community Planning also requests information about the energy needs of the Property and building/site design.

Applicant Response:
Comment noted. Please see the enclosed response materials.

DEPARTMENT OF TRANSPORTATION AND CAPITAL INFRASTRUCTURE (Marie Pham, Senior Transportation Planning Program Manager, 05/20/2024)

Comment 2 (Use Limitations): Comment partially addressed. In the Applicant's response to DTCI's third referral comments, the Applicant included an updated trip generation for 1,750,453 square feet of data center uses. However, Proffer I.C permits total building square footage permitted for the data center use on the Property to be limited to 2,121,661 square feet, for which that Applicant has not provided trip generation data. The updated trip generation information in the Applicant's response letter is also inconsistent with Section V of the Statement of Justification. The Applicant should revise the application documents to reconcile these inconsistencies.

Applicant Response:
An updated Trip Generation Memorandum dated May 22, 2024 has been provided to staff reconciling the proposed trips with the other application materials to show 2,121,661 square feet of data center. It is noted that the proposed trips are lesser than those previously analyzed in the January 5, 2024 Traffic Impact Study; hence, as discussed with DTCI staff at the June 5, 2024 meeting, no further updates to the traffic study are required.

Comment 10 (Sycolin Road Improvements): Comment partially addressed. The Applicant has included a typical section for Sycolin Road, however the typical section provided is for the ultimate condition of Sycolin Road as provided for in the *2019 CTP*. The Applicant should revise the CDP to provide a typical section of the interim improvements to bring Sycolin Road to current VDOT standards that are being provided with this Application. DTCI reiterates its previous comment requesting the Applicant provide a proffer that describes in detail the improvements being provided for Sycolin Road.

Applicant Response:

A typical section of the proposed interim improvements for Sycolin Road has been provided on Sheet 03 of the enclosed plan set depicting to bring the variable-with southbound lane and shoulder to a consistent 12-foot-wide travel-lane and 6-foot-wide shoulder per VDOT standards.

Comment 13 (Sycolin Road Shared Use Path): Comment not addressed. DTCI reiterates its previous comments. The Applicant should commit to providing the 10-foot-wide shared use path along the entirety of the Property's Sycolin Road frontage in the Proffer Statement. The shared use path should be bonded prior to the approval of the first site plan for the Property and installed prior to the issuance of the first certificate of occupancy for the Property. Also see DTCI Comment 10 above regarding the typical section provided on the CDP.

Applicant Response:

As discussed with DTCI staff on June 5, 2024, the Applicant has provided a cash contribution for the future construction of the shared use path to be used at such time as Sycolin Road is widened. Please see the enclosed proffer statement.

Comment 16 (Traffic Signal at Sycolin Road Site Entrance): Comment partially addressed. Proffer III.A does not comply with the County's approved traffic signal proffer template. The Applicant should revise the proffer to provide the $500,000 cash contribution only if the signal or innovative intersection control improvement is not warranted or provided by others, as provided for in the template language. The cash contribution should not be provided as a means to forgo installation of a traffic signal or innovative intersection control improvement. In addition, upon resolution of DTCI Comment 2, DTCI may have further comment regarding the square footage trigger for the second warrant study.

Applicant Response:

The signal warrant proffer, as proposed, allows the developer to have an option of a $500,000 cash-in-lieu if VDOT approves an innovative intersection control instead of a traditional traffic signal. This is similar to other innovative intersection proffer language that has recently been approved by the Planning Commission and Board of Supervisors. As discussed with DTCI staff during the June 5, 2024 meeting, the second signal warrant study trigger has been updated to 1,600,000 square feet which reflects approximately 75 percent full build out.

Comment 17 (Bicycle Racks): Comment not addressed. DTCI reiterates its previous comment. The Applicant should revise Proffer V.A. to replace "minimum" with "maximum". The Applicant should commit to bicycle racks that fit a maximum of two bicycles each and conform to APBP placement guidelines, as specified in the *2019 CTP*.

Applicant Response:

Revised as recommended. Please see the enclosed proffer statement.

DEPARTMENT OF PLANNING & ZONING – PROFFER MANAGEMENT (Kelly Williams, Senior Planner, 05/06/2024)

1. Please see recommended revisions to the draft Proffer Statement to aid in clarity of interpretation and performance of the Proffers. Address the comments contained in this memorandum and the comments included in the margin of the attached "Recommended Revisions to the April 12, 2024, Proffer Statement".

   In addition, the Applicant should provide a response to any recommendations that the Applicant does not address in the re-submission response letter.

   With the re-submission, provide both a redline and a clean version of the Proffer Statement.

   Staff requests a subsequent review of the re-submission.

Applicant Response:

Please see the enclosed revised proffer statement. The Applicant has also provided responses to Proffer Management suggested revisions and comments, which are enclosed with this response package.

2. Proffer I.A. Concept Development Plan. Sheet 03A should be included as a proffered sheet since it includes the site and development information for the rezoning.

Applicant Response:

Revised as recommended.

3. Proffer I. C. Development Scope. If Data Center uses are the only uses to be developed on the Property the proffer should be revised to clearly state that. The proffer should be revised to clarify what type of utility substation will be developed on the property and its location depicted on the CDP.

Applicant Response:

The Applicant has revised the proffer to specify that only data center uses will be developed on the subject property. As noted above, the Applicant continues to work with Dominion Power to determine what type of substation will be needed in this location. Please see the enclosed proffer statement.

4. Proffer II.A. Building Design. Staff defers to the Community Planning referral comments regarding additional commitments to building design dated May 1, 2024.

Applicant Response:

Comment noted.

5. Proffer II.B. Outdoor Storage. Please clarify what is meant by outdoor storage. If this commitment is intended to address equipment related to data centers (mechanical equipment, generators, etc.) Staff notes that screening of such equipment is required per the Zoning Ordinance. Unless the commitment is greater than what is required, this proffer is unnecessary and can be deleted. Staff also defers to Community Planning regarding the appropriate type of screening that should be provided given the Property's location within the Transition Policy Area.

Applicant Response:

The Applicant has revised this proffer to clarify that the screening is intended to address equipment related to data centers including mechanical equipment and generators. Please see the enclosed proffer statement.

6. Proffer III. Transportation. Staff notes that the Department of Transportation and Capital Infrastructure (DTCI) referral dated April 30, 2024, recommends a proffer commitment that describes the improvements being provided for Sycolin Road. DTCI also recommended a commitment to provide a 10-foot-wide shared use path along the entirety of the Property's Sycolin Road frontage.

Applicant Response:

The Applicant has provided updated proffer commitments as discussed and agreed with DTCI at the June 5, 2024 meeting. As noted above, the Applicant has committed to a cash contribution for the shared use path. Please see the enclosed proffer statement.

7. Proffer III.A. Traffic Signal at Sycolin Road Site Entrance. Staff defers to DTCI regarding cash-in lieu of signal improvements and the contribution amount for improvements by others.

Applicant Response:

Comment noted.

8. Proffer IV.A. Optimized Performance Strategies for Data Centers. Staff notes that the proposed performance strategies are likely used in all new data centers/commercial construction and may not provide a commitment above and beyond current practices. Further, it will be difficult to measure the reduction of energy and water usage without a baseline measurement or a specific threshold to achieve. If the proffer is retained, Staff recommends that the Owner commit to all the measures instead of a minimum of three. This commitment warrants further discussion.

Applicant Response:

Comment noted. The Applicant has committed to all of the measures listed in the proffer. Please see the enclosed proffer statement.

9. Proffer IV.L. Open Space Easements for Archaeological Sites. In accordance with the County Archeologist's referral dated April 30, 2024, Staff recommends including the County Archeologist in the review of the deed to ensure that the deed does not prevent future archeological excavation. See "Recommended Revisions to the April 12, 2024, Proffer Statement".

Applicant Response:
Revised as recommended.

10. Proffer IV.M. Habitat Study. In consultation with the Natural Resources Team (NRT), it is recommended that the applicant use the County's Habitat Study Proffer Template (See Attached).

Applicant Response:
As noted above, the Applicant is committing to perform a habitat study. This habitat study is drafted in a form that complies with previously approved habitat study proffers. It should be noted that NAIOP and NVBIA have provided a formal letter on this issue to the County in an effort to resolve this issue and properly state which State and Federal agencies are responsible for reviewing a habitat study. Please see the enclosed letter and proffer statement.

11. Proffer IV.N. Solar Tree and Solar/Wind Light Poles. Staff recommends that a minimum number of solar/wind light poles be provided. Staff also recommends a timing mechanism for bonding and installation.

Applicant Response:
Revised as recommended. Please see the enclosed proffer statement.

12. Proffer V.B. Internal Pedestrian Connections. As noted above, DTCI recommends a shared use path along Sycolin Road. Staff recommends a commitment to connect the shared use path if provided, to the internal pedestrian network.

Applicant Response:
As noted above, the Applicant has committed to provide a cash contribution to the County for the future construction of the shared use path.

13. Proffer V.D. Recreation Trail Easement. Staff has provided suggestions in the attached "Recommended Revisions to the April 12, 2024, Proffer Statement", which are more current and consistent with other recommended commitments for natural trails along Sycolin Creek.

Applicant Response:
Revised as recommended.

CONCEPT DEVELOPMENT PLAN:

14. The CDP must reflect compliance with the specific Revised 1993 Zoning Ordinance regulations, otherwise the applicable requirements will be determined at time of CPAP or site plan. Please revise the CDP as recommended in the attached "Recommended Revisions to the April 12, 2024, Proffer Statement".

Applicant Response:

Comment noted. References to the specific Revised 1993 Zoning Ordinance regulations that apply to the subject property have been revised throughout the enclosed plan set.

DEPARTMENT OF PLANNING & ZONING – ZONING ADMINISTRATION (Jacob Hambrick, Senior Planner, 04/30/2024 – 05/01/2024)

CONCEPT DEVELOPMENT PLAN:

Page [1] 01 COVER SHEET
Revise the last sentence to state that the property is being "reviewed" under the Revised 1993 Loudoun County Zoning Ordinance. Update all similar notes throughout the rezoning application, Statement of Justification and Proffer Statement.

Applicant Response:

Note 01 on Sheet 01 and Note 1 on Sheet 03A of the enclosed plan set have been revised to state this application is being "processed" under the Revised 1993 Loudoun County Zoning Ordinance.

Page [1] 01 COVER SHEET
Revise the note to state that the property is being rezoned to IP under the "Loudoun County Zoning Ordinance", not the Revised 1993 Loudoun County Zoning Ordinance.

Applicant Response:

The Planning Commission public hearing legal advertisement states the following: "The applicant seeks to rezone an 81.17-acre portion of the larger 467.1-acre property to the Industrial Park Zoning District in order to develop data center and utility substation uses. The application is being processed under the Revised 1993 Loudoun County Zoning Ordinance pursuant to the Loudoun County Zoning Ordinance Grandfathering Resolution, dated December 13, 2023."

In accordance with this legal advertisement language, the Applicant will retain its references to the PD-IP district in the plan set.

Page [5] 03A GENERAL NOTES & DETAILS
Ensure the Landscape Open Space calculation is accurate, based on the indicated "Buildable Area" (SF/AC). Provide the entire calculation to include the "Buildable Area".
Applicant Response:
The buildable area is provided in Note 02 under site/zoning data requirements and the calculation is now in Note 12 under site/zoning data requirements on Sheet 03A of the enclosed plan set.

Page [5] 03A GENERAL NOTES & DETAILS
Pursuant to Section 5-664(E)(2), any front yard abutting a collector or arterial road must include a Road Corridor Type 3 Buffer. Revise Note 13.1 to state the required buffer as a 20' Type 3 Road Corridor Buffer. Note that all required plant units must be provided on a 6-foot earthen berm. Update all necessary sheets.

Applicant Response:
A 20-foot-wide Type 3 Enhanced Road Corridor Buffer is now being provided along the Sycolin Road frontage of the subject property. Please see Sheet 03 and detail on Sheet 05A of the enclosed plan set.

Page [4] 03 CONCEPT DEVELOPMENT PLAN
Show and label the required Road Corridor Buffer along the Shreve Mill Road frontage. Revise accordingly.

Applicant Response:
A Type 1 Road Corridor Buffer has now been identified along Shreve Mill Road. Please see Sheet 03 of the enclosed plan set. The Applicant notes that this road corridor buffer is located in an area with utility and construction easements, but the proposed TCA will serve as an effective vegetated buffer to the subject property from Shreve Mill Road.

Page [5] 03A GENERAL NOTES & DETAILS
Provide the entire calculation for the F.A.R. Revise accordingly.

Applicant Response:
The calculation for the FAR based on net site area has been provided on Note 08 of site/zoning data requirements on Sheet 03A of the enclosed plan set.

Page [5] 03A GENERAL NOTES & DETAILS
Provide the entire calculation for the Lot Coverage. Revise accordingly.

Applicant Response:
The calculation for the Lot Coverage based on net site area has been provided on Note 10 of site/zoning data requirements on Sheet 03A of the enclosed plan set.

Page [5] 03A GENERAL NOTES & DETAILS
Remove the Zoning Ordinance references from the General Notes, as they are only stating that the requirements of the Zoning Ordinance will be met. Revise accordingly.

***Applicant Response*: General notes on Sheet 03A have been revised accordingly.**

Page [4] 03 CONCEPT DEVELOPMENT PLAN
The Applicant is now proposing a "Substation Location" use in addition to the Data Center use. Will this be a "utility substation, dedicated", a "utility substation, distribution", or a "utility substation, transmission" use. Provide the proposed type of "utility substation". Once the type of utility substation is determined, update the Proffer Statement and the Statement of Justification.

***Applicant Response*:**
The Applicant is coordinating with Dominion Energy regarding the power routing in the area and the appropriate designation for the on-site substation in relation to the surrounding distribution lines. Further information will be provided on the substation designation upon confirmation with Dominion Energy.

Page [4] 03 CONCEPT DEVELOPMENT PLAN
Revise to a 20-foot Type 3 Road Corridor Buffer, based on the proposed "data center" use being adjacent to a major collector road.

***Applicant Response*:**
An enhanced Type 3 Road Corridor Buffer has been provided along the Sycolin Road frontage. Please see Sheet 03 of the enclosed plan set.

Page [4] 03 CONCEPT DEVELOPMENT PLAN
Zoning Administration staff mistakenly stated that PIN 236-38-7331 was rezoned from JLMA-20 to IP by way of ZMAP-2022-0022. ZMAP-2022-0022 has not been approved and continues to be under County review. Therefore, provide the required setbacks and buffers based on PIN 236-38-7331 being zoned JLMA-20. Revise accordingly and update any necessary calculations as well as revise the zoning district for PIN 236-38-7331.

***Applicant Response*:**
The setbacks against PIN 236-38-7331 have been revised accordingly. Please see Sheet 03 of the enclosed plan set.

Page [5] 03A GENERAL NOTES & DETAILS
Provide the breakdown of the 28.23 acres of Open Space. Revise accordingly.

Applicant Response:

Open Space tabulations have been revised to list the area of open space in the TCA, the electric easement, and the remaining area of general open space. Please see Sheets 03A and 04 of the enclosed plan set.

Page [6] 04 OPEN SPACE PLAN

Provide information regarding the "Variable Width Electric Esmt." and the types of power lines that will be placed within the easement area. If above-ground power lines are anticipated, then Zoning Administration questions whether the easement area can be counted towards the overall open space area to meet the recommended plan policy of 50 percent open space. Zoning Administration defers further comment to Community Planning

Applicant Response:

The Applicant met with staff on June 5, 2024 to discuss the issue, and it was agreed upon that the easement area can count towards open space with the implementation of pollinator meadows and/or other intermittent plantings as shown on Sheet 05A of the enclosed plan set. The open space calculation has been revised to include the area of easement area being counted towards open space.

Page [5] 03A GENERAL NOTES & DETAILS

If the Applicant desires to be "grandfathered" under the buffer requirements of the Revised 1993 Zoning Ordinance, the Applicant must show the location of the Buffer Yards, the widths of the Buffer Yards, number of plant units per 100 feet (100-foot typical detail) of right-of-way, and the required minimum number of plant units to be provided within each Buffer Yard Type. Revise the CDP accordingly.

Applicant Response:

All required buffers per the Revised 1993 Zoning Ordinance and the widths/number of plant units per 100 feet are provided. Please see Sheets 03 and 03A. Typical details have been provided on Sheet 05A of the enclosed plan set.

Statement of Justification Comments:

1. II Property Background. It should be noted that Steep Slopes and Floodplain areas, within the CDP area, will be reviewed for conformance with the standards contained within the Revised 1993 Loudoun County Zoning Ordinance, however, any future impacts to these areas will be reviewed under the current Loudoun County Zoning Ordinance.

Applicant Response:

The Statement of Justification already states that the Steep Slopes and Floodplain areas will be reviewed for conformance with the standards contained within the Revised 1993 Zoning Ordinance. The Applicant notes that references to future impacts and regulations are unnecessary to state within this document.

2. V. Transportation. Ensure that the Statement of Justification is updated with the most recent trip generation information and accurately reflects the proposed use of data center and/or utility substation, as well as the maximum building square footage of the data center use.

Applicant Response:

An updated Trip Generation Memorandum dated May 22, 2024 has been provided to staff reconciling the proposed trips with the other application materials to show 2,121,661 square feet of data center. It is noted that the proposed trips are lesser than those previously analyzed in the January 5, 2024 Traffic Impact Study; hence, as discussed with DTCI staff at the June 5, 2024 meeting, no further updates to the traffic study or statement of justification are required.

Proffer Statement Comments:

1. Proffer I.A. Sheet 03A must be a proffered sheet. Revise to include Sheet 03A.

Applicant Response:

Revised as recommended. Please see the enclosed proffer statement.

2. Proffer II.A. The Applicant is committing to a Data Center use and is committing to certain building design elements. In order to better evaluate the building design, Zoning Administration recommends the Applicant to provide building elevations demonstrating the proffered building design elements.

Applicant Response:

As previously noted, the Applicant cannot commit to building elevations at this time since an end user has not been identified. The Applicant has committed to significant building and site design measures to address County staff's recommendations.

3. Proffer IV. N. Zoning Administration recommends the Applicant commit to a minimum number of "Solar Facilities". Revise as necessary.

Applicant Response:

Revised as recommended. Please see the enclosed proffer statement.

DEPARTMENT OF BUILDING AND DEVELOPMENT – NATURAL RESOURCES (Alexander Darr, Natural Resources Engineer, 05/02/2024)

Natural Resources:

Recommendations:

1) Staff appreciates the delineation of proposed reforestation in the floodplain of Sycolin Creek. However, due to the potential for frequent flooding in the location of those plantings, as well as the proposed proximity to the channel, NRT staff requests that the

reforestation proffer be amended to include a 10 -year monitoring period, with commitment to maintaining the targeted stocking density with supplemental plantings throughout the maintenance period. The commitment to reforestation is commendable, however the risk to planting success posed by flooding is significant and justifies enhanced monitoring efforts. Staff is happy to meet with the applicant to discuss this recommendation.

Comment Addressed

2) **Repeat Comment:** The property contains a portion of and drains to Sycolin Creek. Sycolin Creek has been listed by the Department of Environmental Quality (DEQ) as impaired for recreational use. There is a 2009 Countywide Stream Assessment Project data point downstream from the project site on Sycolin Creek that shows the stream as suboptimal habitat and stressed for benthic organisms. The goal of River and Stream Corridor Resources Strategy 2.3 in the 2019 General Plan is to protect and improve stream quality and watershed health by decreasing the amount of stormwater runoff and pollutants from reaching local waters. Consistent with the River and Stream Corridor Resources Strategy 2.3 Action B and Strategy 2.4 Action A in Chapter 3 of the 2019 General Plan, Staff recommends that enhanced pollutant control strategies, environmental site design techniques, and innovative stormwater management practices are implemented on site. Staff recommends that the stormwater management approach incorporate Low Impact Development (LID) and/or other non-structural BMP(s) to maintain pre-development runoff volume rates and achieve pollutant reductions on site. (FSM 5.200.B)

a. Staff request information on how stormwater will be implemented onsite. Staff requests additional information on stormwater management plans for the proposed development.

Staff appreciates the additional information provided in terms of the potential stormwater outfall, but notes that the outfall does not intersect the channel of Sycolin Creek. Staff request additional information regarding the strategy that will be used to outfall stormwater from the site and encourages innovative strategies to limit impacts to the creek and floodplain such as the use of a step pool conveyance or other such creative measures. Staff additionally notes that given the addition of a substation location to the site layout, that further attention be given to water quality, runoff, and mitigation of the environmental impacts caused by this facility.

Applicant Response:

The Applicant met with County staff on June 5, 2024 to discuss stormwater management concerns. Based on that discussion, the Applicant has now revised the CDP to indicate a 50-foot zone around the proposed outfall location to be reserved for stormwater management purposes and to exclude a portion of reforestation area. Please see Sheet 03 of the enclosed plan set. The Applicant will pursue innovative strategies for stormwater management design, as proffered,

that may include step pool conveyance or other such creative measures, and such practices shall be demonstrated at time of final site plan. Please see the enclosed proffer statement.

3) Consistent with the River and Stream Corridor Resources Strategy 2.2 Action B Policies of the 2019 General Plan, the 50-foot River and Stream Corridor Resource (RSCR) Management Buffer is applicable to the application.

   a. Staff recommends a proffer commitment based on the RSCR Management Buffer Proffer Template. Per the CDP submitted, "storm water will be adequately conveyed to the adjacent Major Floodplain" Staff is unclear on how this will be achieved without impacting areas within the RSCR buffer as stated in the response to the comments submitted for the previous submission of this application. Further clarification of stormwater management for this site is requested, as is inclusion of proffer language consistent with the following comment.

      i. Staff further recommends the following be included with the supplied RSCR proffer

         1. Reforestation proposed to mitigate RSCR encroachments will be in addition to any reforestation previously outlined on the approved CDP. Any areas proposed for reforestation to mitigate these disturbances shall be greater than or equal to the total area disturbed within RSCR buffer.

Comment Addressed.

4) **Repeat Comment:** The impact of the proposed project on wildlife habitats, travel corridors and access to streams and water sources through preservation is a matter of consideration as part of this zoning application. Consistent with Strategy 6.2 of the 2019 General Plan, Staff recommends conserving wildlife habitats on site.

   a. Please consider committing to increased preservation of contiguous stands of mature hardwood forest in order to meet the site's open space requirements in order to conform to these general plan policies.

Applicant Response:

The Applicant has now revised the buildable area of the site to exclude all portions of the very steep slopes near the site entrance, and the entrance configuration has been revised to avoid these areas as well as limit the amount of existing wetland/swale encroachment. Please see Sheets 03 and sheet 06 of the enclosed plan set. The Applicant has already increased the tree conservation area significantly in this area during the second submission and cannot increase it further without impacting the entrance area.

5) **Repeat Comment:** Consistent with Strategy 1.1 Action F and Strategy 6.1 Actions B and C of the 2019 Loudoun County General Plan, staff recommends the following pertaining to Natural Heritage and threatened species potentially on the subject parcel:

a. Because there is potential for wood turtle habitat on site, as referenced in T&E documentation letters, staff requests a commitment to a habitat study to determine presence or absence of this habitat.

Staff appreciate inclusion of a proffer related to wood turtle habitat study, but do not support the proffer language included with the 4th submission, please refer to template provided by proffer administration, and revise with language in line with that template.

Applicant Response:

As noted above, the Applicant is committing to perform a habitat study. This habitat study is drafted in a form that complies with previously approved habitat study proffers. It should be noted that NAIOP and NVBIA have provided a formal letter on this issue to the County in an effort to resolve this issue and properly state which State and Federal agencies are responsible for reviewing a habitat study. Please see the enclosed letter and proffer statement.

6) **Repeat Comment:** The Concept Development Plan submitted with this application suggests a site entrance that would heavily impact forested wetlands, stream corridor habitat, mature forest specimen trees, and areas of steep slopes. Staff respectfully requests an environmentally sensitive approach to site design, access, open space, and circulation that avoids, or limits impacts to these sensitive natural areas.

Comment Retained at 4th Submission, significant natural areas are impacted by this application including wetlands, very steep slopes, and specimen trees, natural resources staff do not support the design as proposed, particularly the site access and location of the substation in an area of mature hardwood forest.

Staff continues to recommend a more environmentally sensitive site design that significantly reduces impacts to streams, steep slopes, and forests.

Applicant Response:

Please see the above responses regarding stormwater management treatment and site entrance design.

7) Staff notes that the General Plan guidelines for the Transitional Light Industrial place type calls for 50% open space measured as a percentage of the total site area, please remove references to the 'Draft Loudoun County Zoning Ordinance' as this legislative application is being reviewed under the Revised 1993 Zoning Ordinance.

Comment Addressed

DEPARTMENT OF PLANNING & ZONING – COUNTY ARCHAELOGIST (Steve Thompson, County Archaelogist, Community Planning, 04/30/2024)

1. Staff 3rd Submission Comment (2/5/2025):
Proffer IV.K; Evaluation and Protection of Archaeological Site 44LD1964 **Amendments made to Proffer IV.K providing protection to 44LD1964 address staff's 2nd submission comments**. However, staff notes that the applicant's proposed right-of-way dedication along the south side of Shreve Mill Road proposed by the applicant (CDP Sheet 3; Proffer III.E) intersects the north side of site 44LD1964, which is otherwise protected from disturbance by this proffer. **Staff recommends that the applicant undertake a Phase II significance evaluation of, at least, this portion of 44LD1195 and, if warranted, Phase III data recovery excavations prior to its dedication to the County**.

   Applicant's Response:
   This application is completely avoiding impact to the area being dedicated along the south side of Shreve Mill Road. The area being dedicated has been provided per the request of the County. Accordingly, the Applicant does not believe a commitment to conduct Phase II, and possibly Phase III data recovery excavations, is an appropriate cost since there is no proposed impact to this area.

   Comment Status:
   Staff accepts the applicant's explanation. **This comment has been resolved.**

2. Staff 3rd Submission Comment (2/5/2025):
Revision of Concept Development Plan - **Please revise General Note #9 on the CDP to include the July 2023 revision date for Dovetail's Phase I archaeological survey report**.

   Applicant's Response:
   Revised as recommended.

   Comment Status:
   This comment has been resolved.

3. New Item: Proffer IV.L, Open Space Easements for Archaeological Sites.
Staff appreciates **the applicant's voluntary addition of Proffer IV.L, Open Space Easements for Archaeological Sites**, which will extend additional protection to sites 44LD1195 and 44LD1964 in the form of open space easements across both site areas. **Staff respectfully requests that the applicant modify the language of Proffer IV.L to**

explicitly allow archaeological excavation within both site areas upon approval of an archaeological work plan by the County Archaeologist.

Applicant Response:

Revised as recommended. Please see the enclosed proffer statement.

We hope the responses provided in this letter appropriately address the planning commission and County staff comments. Please feel free to contact me if you have any questions or comments.

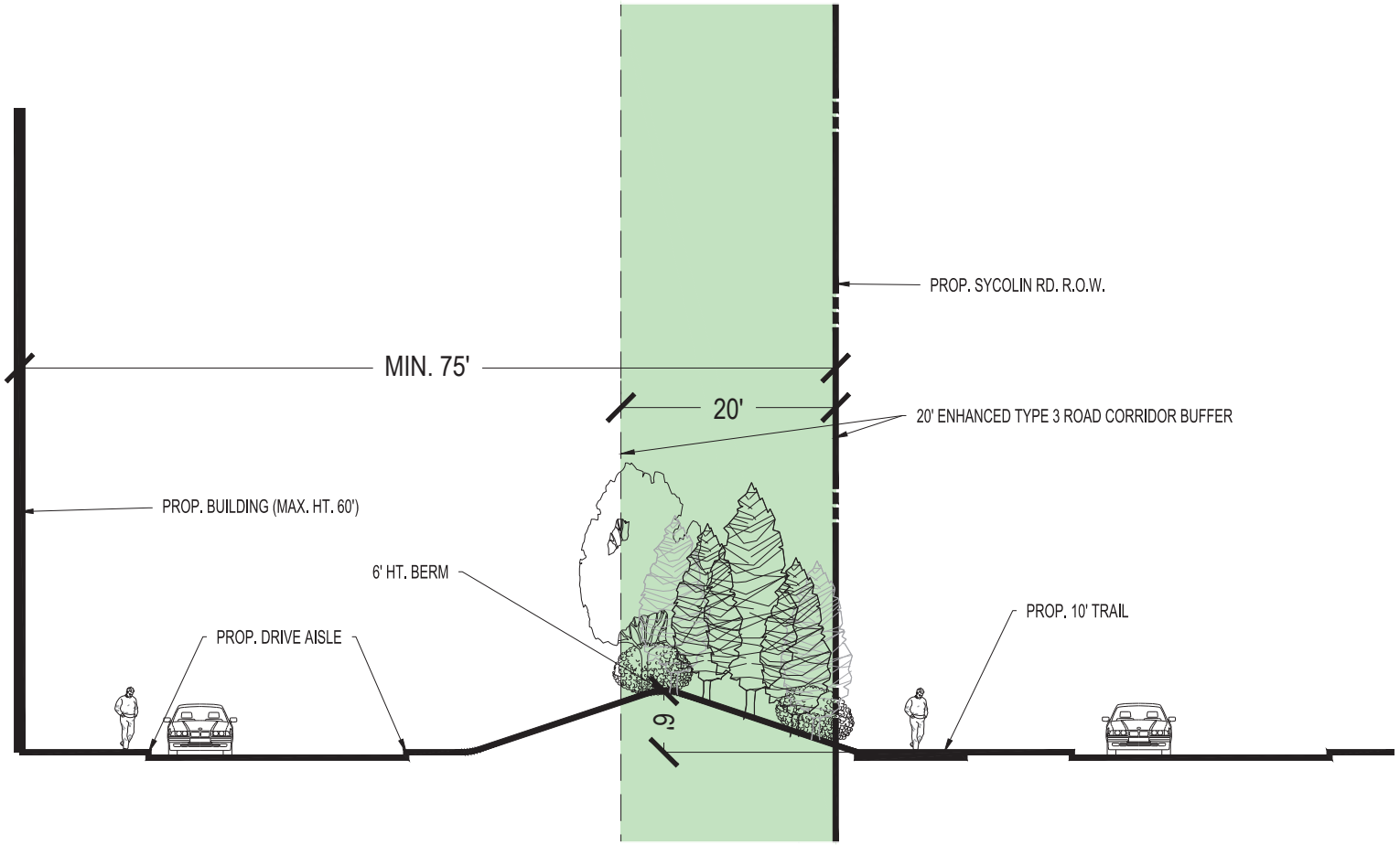
Sincerely,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

Sashenka J. Brauer

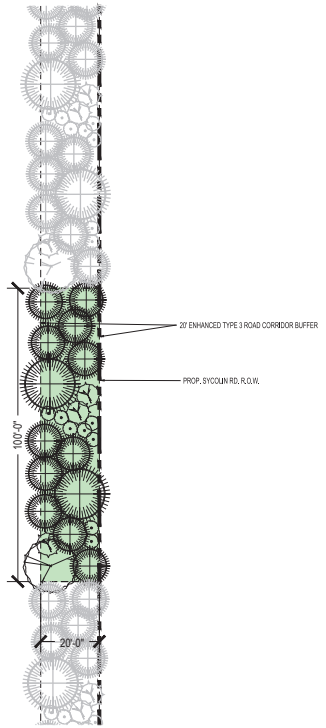
Enclosures: Updated Proffer Statement
Updated Plan Set
Applicant Responses to Proffer Management Comments
NVBIA/NAIOP Letter re: Habitat Study Proffer Language
Sycolin Road Buffer Section Exhibit
Sycolin Road Shared Use Path Bond Estimate

cc: Charles S. Kuhn, JK Land Holdings II
Charles Yudd, JK Land Holdings II
Clayton Tock, Urban, Ltd.
Erin B. Steel, Gorove/Slade Associates, Inc.
Avi Sareen, TNT Environmental, Inc.
J. Randall Minchew, Esq., Walsh, Colucci, Lubeley & Walsh, P.C.
Michael G. Romeo, AICP, Walsh, Colucci, Lubeley & Walsh, P.C.
Morgan E. Hadlock, Esq., Walsh, Colucci, Lubeley & Walsh, P.C.



01 TYPICAL SECTION: SYCOLIN ROAD
1" = 10'

PLANT UNITS REQUIRED PER Z.O. TABLE 5-1403(D) (TYPE 3 ROAD CORRIDOR BUFFER)	95 P.U./100 L.F.
ADDITIONAL ENHANCED PLANT UNITS	15 P.U./100 L.F.
TOTAL PLANT UNITS PROVIDED	110 P.U./100 L.F.



02 20' ENHANCED TYPE 3 ROAD CORRIDOR BUFFER
1" = 20'

LEGEND

- LARGE DECIDUOUS TREE
- SMALL DECIDUOUS TREE
- EVERGREEN TREE
- SHRUBS

NOTE: IN ORDER TO CREATE A NATURALISTIC BUFFER AGAINST THE PUBLIC ROAD, THE EXACT LOCATIONS AND QUANTITIES OF PROPOSED PLANTINGS MAY BE ADJUSTED THROUGHOUT THE BUFFER.

Sycolin Road Section

urban

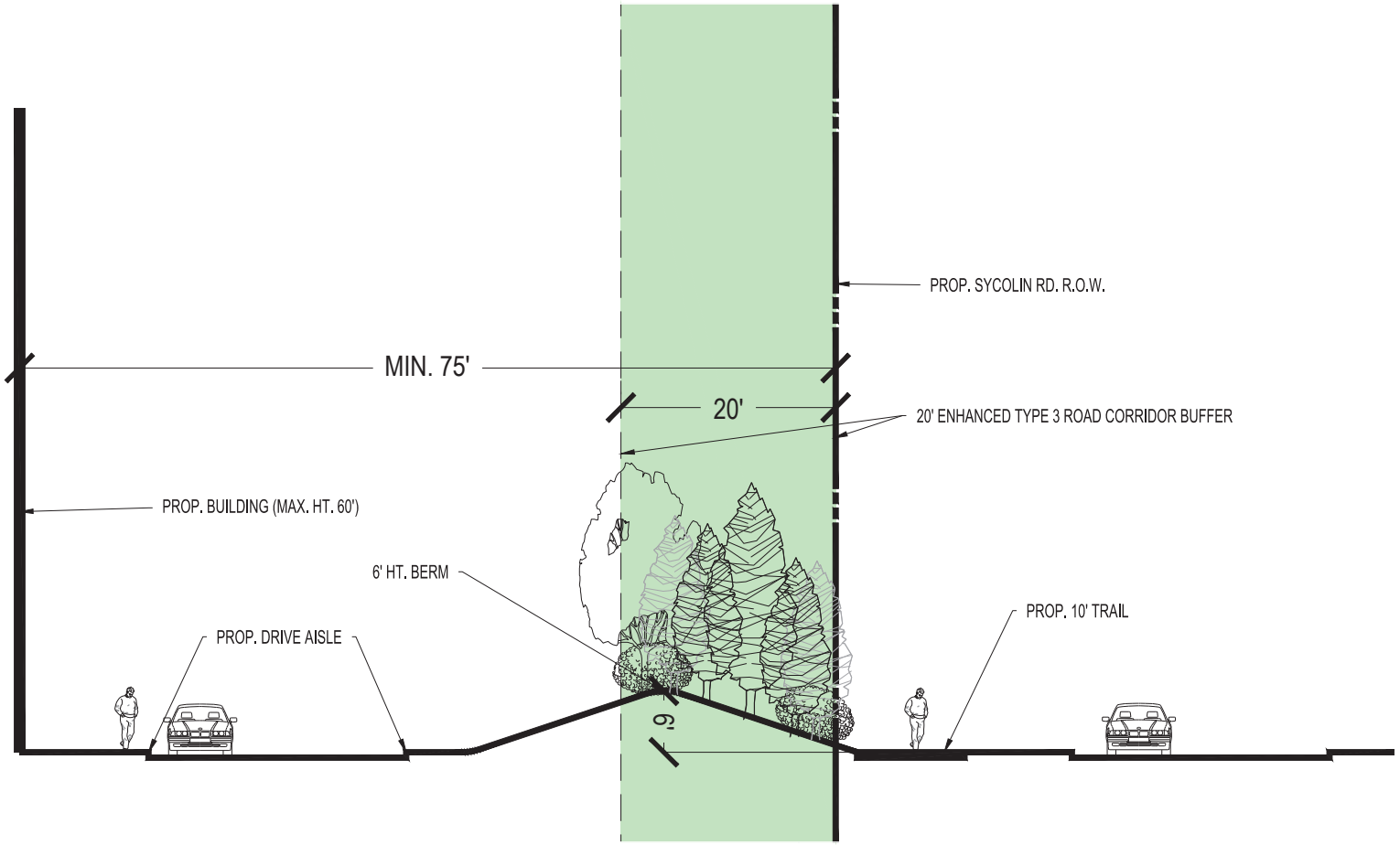
Greenlin Park

Fairfax County, Virginia

0 5' 10' 20' 40'

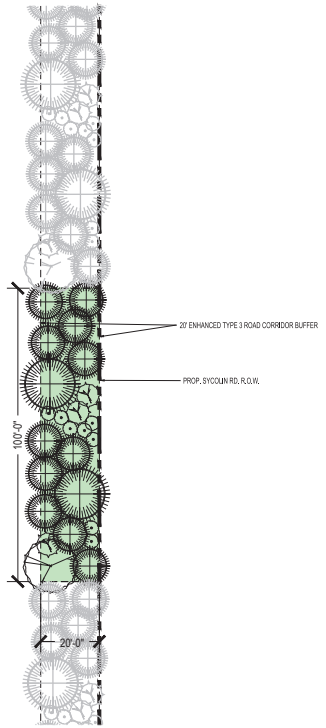
June 7, 2024

Urban, Ltd. – z:\JOBS\JK-Commonk\B-Engineering\Entitlement\GDP-FDP-SPEX\Exhibit\2024.06.06 Section exhibit.dwg [Pres 24x36L] June 07, 2024 - 12:25pm chorton



01 TYPICAL SECTION: SYCOLIN ROAD
1" = 10'

PLANT UNITS REQUIRED PER Z.O. TABLE 5-1403(D) (TYPE 3 ROAD CORRIDOR BUFFER)	95 P.U./100 L.F.
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02 20' ENHANCED TYPE 3 ROAD CORRIDOR BUFFER
1" = 20'

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- LARGE DECIDUOUS TREE
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Sycolin Road Section

urban

Greenlin Park

Fairfax County, Virginia

0 5' 10' 20' 40'

June 7, 2024

Urban, Ltd. – z:\JOBS\JK-Commonk\B-Engineering\Entitlement\GDP-FDP-SPEX\Exhibit\2024.06.06 Section exhibit.dwg [Pres 24x36L] June 07, 2024 - 12:25pm chorton

COUNTY OF LOUDOUN, VIRGINIA
STPL UNIT PRICE LIST - EFFECTIVE JANUARY 1, 2023

Prepared by/Firm:			DATE:	
Project Name:		Project Number:		
ITEM	UNIT	UNIT COST	QUANTITY	ITEM TOTAL
MOBILIZATION				
Mobilization	LS	$12,440.00		
Field Office	EA	$3,490.00		
Job Sign	EA	$1,340.00		
EARTHWORK				
Borrow, Buy & Load, Structural & Non-Structural Fill	CY	$35.00		
Rock, Hoe Ram & Blast	CY	$55.00		
Unsuitable Material, Load and Haul, Dump Charge	CY	$40.00		
Site Grading	SY	$1.25		
Regular Bulk used as Fill	CY	$4.50		
Clear and Grub	AC	$13,600.00		
LANDSCAPING				
Seeding, fertilizing, soil treatment and watering	SY	$3.00		
Sodding, fertilizing, soil treatment and watering	SY	$8.50		
Shrubs 12" - 18”	EA	$70.00		
Shrubs 24”	EA	$90.00		
Deciduous Trees 1"- 2" Caliper	EA	$860.00		
Deciduous Trees 3"- 4" Caliper	EA	$1,650.00		
Evergreen Trees 6' ht	EA	$300.00		
Evergreen Trees 8' ht	EA	$580.00		
Evergreen Trees 10'-12 ' ht	EA	$1,130.00		
Tree Protection Fencing	LF	$10.25		
STORM DRAINAGE - PIPES				
Rock Excavation in Trench (Blast)	CY	$110.00		
Rock Excavation in Trench (Hoe Ram)	CY	$220.00		
Trench De-watering	LF	$4.00		
Select Backfill 0-6' deep, up to 24" Pipe	LF	$30.00		
RCP Class III & IV, 12" to 21"	LF	$100.00		
RCP Class III & IV, 24" to 30"	LF	$140.00		
RCP Class III & IV, 33" to 48"	LF	$240.00		
RCP Class III & IV, 54" to 66"	LF	$420.00		
RCP Class III & IV, 72" to 84"	LF	$570.00		
RCP Class III Elliptical, 18" to 30" Equivalent	LF	$190.00		
RCP Class III Elliptical, 36" to 48" Equivalent	LF	$370.00		
RCP Class III Elliptical, 60" Equivalent	LF	$650.00		
HDPE 8" - 12"	LF	$50.00		
HDPE 15" - 30"	LF	$120.00		
HDPE 36" - 48"	LF	$200.00		
HDPE 60"	LF	$290.00		
STORM DRAINAGE - END SECTIONS & END WALLS				
End Section ES-1 Concrete 12"- 36" Pipes	EA	$1,480.00		
End Section ES-1 Concrete 42"- 60" Pipes	EA	$3,410.00		
End Wall Round Pipes 12"- 36"; Precast (EW-1)	EA	$2,540.00		
End Wall Round Pipes 12"- 36", CIP (EW-1)	EA	$2,230.00		
End Wall Elliptical 18"- 24" Pipe Equiv. Precast (EW-1A)	EA	$1,470.00		
End Wall Elliptical 30"- 36" Pipe Equiv. Precast (EW-1A)	EA	$1,930.00		
End Wall Elliptical 42" Pipe Equiv., Precast (EW-1A)	EA	$2,990.00		
End Wall Elliptical 18"- 24" Pipe Equivalent, CIP (EW-1A)	EA	$1,510.00		
End Wall Elliptical 30"- 36" Pipe Equivalent, CIP (EW-1A)	EA	$2,430.00		
End Wall Elliptical 42" Pipe Equivalent, CIP (EW-1A)	EA	$3,370.00		
End Wall Round Pipes 42"- 60"; Precast (EW-2)	EA	$7,500.00		
End Wall Round Pipes 72"- 84", Precast (EW-2)	EA	$12,470.00		

Project Name:		Project Number:		
ITEM	UNIT	UNIT COST	QUANTITY	ITEM TOTAL
End Wall Round Pipes 42"- 60"; CIP (EW-2)	EA	$8,950.00		
End Wall Round Pipes 72"- 84", CIP (EW-2)	EA	$14,470.00		
End Wall Elliptical 48" Pipe Equivalent, CIP (EW-2A)	EA	$8,820.00		
End Wall Round 42"- 48" Pipes, Precast (EW-2PC)	EA	$7,410.00		
End Wall Double 2-12" to 2-24" Pipes Precast (EW-6PC)	EA	$2,610.00		
End Wall Double 2-30" to 2-36" Pipes Precast (EW-6PC)	EA	$4,690.00		
STORM DRAINAGE MANHOLES & DROP INLETS				
Standard Manhole (MH-1) 6' Depth W/Frame & Cover	EA	$5,590.00		
Standard Manhole (MH-1), Depth Below 6'	VF	$230.00		
Std Precast Manhole (MH-2) 6' Depth W/Frame & Cover	EA	$5,100.00		
Std Precast Manhole (MH-2), Depth Below 6'	VF	$240.00		
CIP & Precast Drop Inlet 48", 12"-24" Pipes	EA	$7,690.00		
Curb Drop Inlet, Precast, 12"- 30" Pipes	EA	$7,460.00		
Curb Drop Inlet, Precast, 36"- 48" Pipes	EA	$10,020.00		
Yard or Drop Inlet (DI-6A) & (DI-6B) 12”- 24” Pipe Inlet (H=8’)	EA	$5,860.00		
Yard or Drop Inlet (DI-6C) & (DI-6D) 30”- 48” Pipe Inlet (H=10’)	EA	$7,200.00		
(DI-7B) Type III Top 12”-42” Pipe Inlet (H=10’)	EA	$7,790.00		
STORM DRAINAGE - CULVERTS				
Single Box Culvert 4'x4'	LF	$450.00		
Single Box Culvert 5'x5'	LF	$520.00		
Single Box Culvert 6'x6'	LF	$640.00		
Single Box Culvert 8'x8'	LF	$870.00		
Single Box Culvert 10'x10'	LF	$1,070.00		
Oversized Single Box Culvert 12'x6' to 12'x8'	LF	$1,390.00		
Oversized Single Box Culvert 12'x10' to 12'x12'	LF	$1,640.00		
Standard Wing for Box Culvert (1 Side Only) 4' High	EA	$860.00		
Standard Wing for Box Culvert (1 Side Only) 5' High	EA	$1,290.00		
Standard Wing for Box Culvert (1 Side Only) 6' High	EA	$1,720.00		
Standard Wing for Box Culvert (1 Side Only) 8' High	EA	$3,170.00		
Standard Wing for Box Culvert (1 Side Only) 10' High	EA	$4,210.00		
Gravity Wing for Box Culvert (1 Side Only) 4' High	EA	$1,080.00		
Gravity Wing for Box Culvert (1 Side Only) 5' High	EA	$1,660.00		
Gravity Wing for Box Culvert (1 Side Only) 6' High	EA	$2,190.00		
Gravity Wing for Box Culvert (1 Side Only) 8' High	EA	$3,730.00		
Gravity Wing for Box Culvert (1 Side Only) 10' High	EA	$4,440.00		
Std Wing for Oversized Box Culvert (BBC-W) 6' High	EA	$1,670.00		
Std Wing for Oversized Box Culvert (BBC-W) 8' High	EA	$2,780.00		
Std Wing for Oversized Box Culvert (BBC-W) 10' High	EA	$4,160.00		
Std Wing for Oversized Box Culvert (BBC-W) 12' High	EA	$6,070.00		
STORM DRAINAGE - MISCELLANEOUS				
Connection to Existing Structures 12”- 60” Pipe	EA	$2,090.00		
Plug Pipe 6”- 36”	EA	$430.00		
Plug Pipe 42”- 60”	EA	$690.00		
Standard Pipe Underdrain	LF	$20.50		
Rip Rap Dry, Class I - III, 18” Depth	SY	$80.00		
Filter Fabric Class I - III	SY	$4.25		
Gabions (No Excavation) Mattress, Revetment, & Wall	CY	$220.00		
Paved Ditch, 4" Concrete (Non-reinforced)	SY	$95.00		
Paved Ditch, 4" Bituminous Concrete	SY	$45.00		
STREET CONSTRUCTION				
Bituminous Concrete (Base, Intermediate, & Top + Coat)	SY	$7.00		
Depth of Pavement Section (Inches)	IN			
Aggregate Material Base Type I	SY	$2.50		
Depth of Aggregate (Inches)	IN			
Soil Stabilization, Cement or Lime 6" (6%)	SY	$20.00		
Milling & Paving (Bituminous Concrete)	SY	$25.00		

Project Name:			Project Number:	
ITEM	UNIT	UNIT COST	QUANTITY	ITEM TOTAL
Shoulder Type I, Aggregated Base 4”	SY	$15.00		
Reinforced Concrete, 8"-9" deep, 6"-9" Gravel	SY	$180.00		
Curb & Gutter (CG2, CG-3, CG6, & CG7)	LF	$30.00		
Curb Cut, CG-12 Detectable Surface	EA	$1,300.00		
Commercial Entrances (CG-11 & CG-13)	SY	$90.00		
Residential Driveway C&G/SW	EA	$2,420.00		
Standard Driveway, No Curb	SY	$75.00		
W Beam, Weak Post GR-8	LF	$55.00		
MB-4 (L=37’-6”); Type I MB-5 (L=27’-1")	EA	$3,810.00		
Guardrail Terminal Type I GR-8 (L=25’)	EA	$3,210.00		
Guardrail Terminal Type II, GR-8 & MB-5 (L=13’-6”)	EA	$1,730.00		
SIDEWALKS & TRAILS				
Sidewalk-Concrete 4”, No Base	SY	$55.00		
Sidewalk-Bituminous Concrete, 2” with 4” Base	SY	$40.00		
Handrail 3 Rail 1-1/4” #4 Finish	LF	$140.00		
Trails-Wood chip, 4’ wide (Inc. Exc.&Grading)	SY	$20.00		
Trail- Bituminous 6’-10' wide	SY	$75.00		
MISCELLANEOUS SITE IMPROVEMENTS				
Timber Wall (Ht=6' or Less)	LF	$310.00		
Concrete Gravity (Ht=6' or Less)	LF	$550.00		
Concrete Gravity (Ht over 6')	LF	$960.00		
Fence (Standard, Board, Chain Link)	LF	$50.00		
Farm Fence (H=5’) FR-3A	LF	$35.00		
Tot Lot (Includes Surface & Equipment)	EA	$14,010.00		
Trash enclosure - Wood/Brick 6' High	EA	$6,760.00		
Reinforced Concrete Pad 6" to 8"	SY	$150.00		
Fire Suppression Tank (30,000 gallon), Dry Hydrant, Signage	EA	$125,000.00		
Striping 4" width (VDOT Type B)	LF	$2.50		
Concrete Wheel Stops	EA	$90.00		
Parking Lot Striping	EA	$50.00		
Sign Island	EA	$850.00		
Traffic Barricade - TB-1	LF	$60.00		
Street Name Signs	EA	$560.00		
Traffic Control Signs	EA	$480.00		
Street Light (pole, bracket, light)	EA	$5,600.00		
Bus Shelter	EA	$26,790.00		
SURVEYING				
Steel Pipe Property Corner Marker Incl. Survey	EA	$300.00		
ROW Monuments Surveyed in Place	EA	$740.00		
As Built (Record Drawings)	EA	$9,880.00		
SPECIAL ITEMS				
Street Acceptance Package	LS	$11,070.00		
FEMA Processing LOMR/CLOMR	EA	$10,240.00		
Manufactured BMPs	LS	See Note 1		
Non-Manufactured SWM BMP Facilities	LS	See Note 2		
Signalization	LS	See Note 3.		
		SUBTOTAL:		
		10% CONTINGENCIES:		
		TOTAL AMOUNT=		

The Amount to be Posted for Site plans is 35% of the Total Estimate= _____

Proffered/Conditioned Items to be Bonded at 100% Value

Project Name:		Project Number:		
ITEM	UNIT	UNIT COST	QUANTITY	ITEM TOTAL
Proffer Conditions (ZMAP/ZCPA/SPEX):		Project Number:		
ITEM	UNIT	UNIT COST	QUANTITY	ITEM TOTAL
MOBILIZATION				
Mobilization	LS	$12,440.00		
Field Office	EA	$3,490.00		
Job Sign	EA	$1,340.00		
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Aggregate Material Base Type I	SY	$2.50		
Depth of Aggregate (Inches)	IN			

Project Name:		Project Number:		
ITEM	UNIT	UNIT COST	QUANTITY	ITEM TOTAL
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Curb & Gutter (CG2, CG-3, CG6, & CG7)	LF	$30.00		
Curb Cut, CG-12 Detectable Surface	EA	$1,300.00		
Commercial Entrances (CG-11 & CG-13)	SY	$90.00		
Residential Driveway C&G/SW	EA	$2,420.00		
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Sidewalk-Concrete 4”, No Base	SY	$55.00		
Sidewalk-Bituminous Concrete, 2” with 4” Base	SY	$40.00		
Handrail 3 Rail 1-1/4” #4 Finish	LF	$140.00		
Trails-Wood chip, 4’ wide (Inc. Exc.&Grading)	SY	$20.00		
Trail- Bituminous 6’-10' wide	SY	$75.00	4555	$341,625.00
MISCELLANEOUS SITE IMPROVEMENTS				
Timber Wall (Ht=6' or Less)	LF	$310.00		
Concrete Gravity (Ht=6' or Less)	LF	$550.00		
Concrete Gravity (Ht over 6')	LF	$960.00		
Fence (Standard, Board, Chain Link)	LF	$50.00		
Farm Fence (H=5’) FR-3A	LF	$35.00		
Tot Lot (Includes Surface & Equipment)	EA	$14,010.00		
Trash enclosure - Wood/Brick 6' High	EA	$6,760.00		
Reinforced Concrete Pad 6" to 8"	SY	$150.00		
Fire Suppression Tank (30,000 gallon), Dry Hydrant, Signage	EA	$125,000.00		
Striping 4" width (VDOT Type B)	LF	$2.50		
Concrete Wheel Stops	EA	$90.00		
Parking Lot Striping	EA	$50.00		
Sign Island	EA	$850.00		
Traffic Barricade - TB-1	LF	$60.00		
Street Name Signs	EA	$560.00		
Traffic Control Signs	EA	$480.00		
Street Light (pole, bracket, light)	EA	$5,600.00		
Bus Shelter	EA	$26,790.00		
SURVEYING				
Steel Pipe Property Corner Marker Incl. Survey	EA	$300.00		
ROW Monuments Surveyed in Place	EA	$740.00		
As Built (Record Drawings)	EA	$9,880.00		
SPECIAL ITEMS				
Street Acceptance Package	LS	$11,070.00		
FEMA Processing LOMR/CLOMR	EA	$10,240.00		
Manufactured BMPs	LS	See Note 1		
Non-Manufactured SWM BMP Facilities	LS	See Note 2		
Signalization	LS	See Note 3.		
			SUBTOTAL:	$341,625.00
			10% CONTINGENCIES:	$34,162.50
			TOTAL AMOUNT=	$375,787.50

Overall Total (35% Items + 100% Items) $376,000.00

Project Name:			Project Number:	
ITEM	UNIT	UNIT COST	QUANTITY	ITEM TOTAL

July 11, 2023

Mr. Daniel Galindo
Director
Loudoun County Department of Planning and Zoning
1 Harrison Street, SE
PO Box 7000
Leesburg, Virginia 20177

Re: Wildlife Habitat Proffer Template Memorandum

Dear Mr. Galindo:

We are in receipt of the Wildlife Habitat Proffer Template Memorandum, dated May 16, 2023 ("Memorandum"). The purpose of this letter is to help identify the concerns of the development community in relation to the Wildlife Habitat Proffer Template ("Habitat Proffer Template") suggested by Loudoun County ("County") that is included as an attachment to the Memorandum.

The development community regularly incorporates the County's suggested proffer template language into its "voluntary" proffer statements. This has become a relatively common practice among applicants to resolve issues identified by County staff during their review of legislative applications. The development community has also become accustomed to performing habitat studies and species surveys since the early 2000s, when the County incorporated policies in the Revised General Plan to address rare species and communities. The 2019 General Plan includes policies supporting the protection of natural heritage resources, including rare, threatened and endangered plant and animal species. The development community broadly understands and shares these goals, but has significant concerns related to the specific language incorporated into the Habitat Proffer Template and the County's identification of it as an outstanding issue if the exact wording is not adopted by an applicant as part of its "voluntary" proffer statement.

Even though the County has adopted policies in the 2019 General Plan that support the protection of natural heritage resources, the Memorandum does not fully identify how permitting works with state and federal agencies. Most notably, the Habitat Proffer Template creates a scenario in which the County can make conflicting determinations to that of state and federal agencies. The state and federal agencies have the expertise, resources, data, and authority that enables them to make these determinations. The 2019 General Plan expresses the importance of habitat preservation, but acknowledges the authority and role of other governmental agencies: *"Ensure that the study of natural heritage resources is conducted by qualified research organizations such as the VDCR and VDGIF, and develop implementation strategies for the preservation of identified natural heritage resources." (2019 General Plan, NHR Strategy 6.1, Action C).* The development industry is concerned that the Habitat Proffer Template language, while well-intentioned, takes a step too far in assuming the authority of the specialized state and federal agencies charged with making these determinations.

The ability to make these determinations is based on the authority provided in Section 7 of the Endangered Species Act ("ESA") for federally listed species. Specifically, Section 7(a)(1) of the ESA charges federal agencies to aid in the conservation of listed species, and Section 7(a)(2) requires the agencies to ensure their activities are not likely to jeopardize the continued existence of federally listed species or destroy or adversely modify designated critical habitat. Section 7(a)(2) "requires federal agencies to consult with the U.S. Fish and Wildlife Service ("USFWS") to ensure that actions they fund, authorize, permit, or otherwise carry out will not jeopardize the continued existence of any listed species or adversely modify designated critical habitats." Regarding the authority of the Department of Wildlife Resources ("DWR"), they are "a consulting agency" under the U.S. Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and they provide environmental analysis of projects or permit applications coordinated through the Virginia Department of Environmental Quality ("DEQ"), the Virginia Marine Resources Commission, the Virginia Department of Transportation, the Federal Energy Regulatory Commission, the U.S. Army Corps of Engineers, and other state or federal agencies. Their role in these procedures is to "determine likely impacts upon wildlife resources and **habitats** [emphasis added], and to recommend appropriate measures to avoid, reduce, or compensate for those impacts."

Furthermore, the County does not have the authority to supersede the federal government's determinations during review of a requested Clean Water Act permit. Under the doctrine of preemption, which stems from the Supremacy Clause of the Constitution of the United States (Article VI, Clause 2), federal law preempts state law as the supreme law of the land. Loudoun County, as a political subdivision of the Commonwealth of Virginia, is further limited by the "Dillon Rule" which is a legal principle that local governments have only those powers to enact and promulgate laws that the General Assembly has clearly granted to them. Taken together, these legal principles set forth clear parameters for local governments to abide within. Any regulation—such as the proposed Habitat Proffer Template—whereby the County could interfere with federal regulatory powers by coming to a different conclusion than the federal agency tasked with making these determinations, would directly conflict with these legal principles. Accordingly, these species determinations are outside the scope of authority granted to the County.

From a practical perspective, the language of the Habitat Proffer Template raises significant concerns:

- The Habitat Proffer Template appears to require an applicant to perform a species-specific survey, even if the applicable state and federal agencies conclude that no such survey is required: *"If the County or any of the Other Review Agencies finds that a species-specific survey is warranted due to the land disturbing activities on the Property that may affect the [wood turtle] habitat, the Owner shall perform this species specific survey and submit it to the County and the respective Other Review Agency that requested a species-specific survey be performed for review and approval prior to the approval of the first site plan, including any site plan amendment, and construction plans and profiles for the Property, whichever is first in time."* In such a case, the County is substituting its judgment for that of the applicable state and federal agencies (and the expert opinion of the biologists and botanists employed by those agencies), and it is not clear how, or under what authority the County would make its own "approval" of such a survey, if the "Other Review Agencies" do not require or perform that review;

- Even if potentially suitable habitat is present on a site, it does not mean that a protected species has or will ever use it – all-inclusive language protecting an area considered as habitat is not appropriate;
- If the state and federal agencies have no concerns about a habitat or species, why would the habitat need to be avoided? For example, all forested habitat is potential habitat for the federally endangered northern long eared bat, but the USFWS already has a process in place for addressing these forested areas;
- If the County does require mitigation measures or impact avoidance after a legislative approval, it could cause conflicts with the substantial conformance of an approved application; and
- If mitigation measures are deemed appropriate, implementing them before the approval of the first grading permit may not be possible given the logistics of developing a project.

The Memorandum states that County staff met with representatives of DEQ, the Department of Conservation Resources ("DCR"), and DWR. The development community has also had discussions with representatives of state and federal agencies as part of the ongoing discussion related to the Habitat Proffer Template. These state and federal agencies share the County's desire to protect habitat and have offered to share their data of known locations of threatened and endangered species; however, they have voiced concerns about the County potentially making determinations about given species that they do not agree with or support. As you can imagine, this possible contradiction of determinations creates problems for the development community. The Habitat Proffer Template not only enables these contradictions to occur, but largely forces many applications toward this outcome by way of the language contained in the Habitat Proffer Template.

To prevent these contradictions from occurring, the development community has offered proffer language that supports the creation of habitat studies with the ultimate decision-making authority residing with state and federal agencies, regardless of the need for formal coordination during the Section 401/404 process. The County can provide input to the state and federal agencies related to mitigation measures and species-specific recommendations with the ultimate decision-making authority residing with state and federal agencies. This approach creates a clear decision-making framework that will prevent contradictory determinations yet allow for meaningful input from County staff. This framework is based on the existing authority of state and federal agencies to make these determinations and it reflects the expertise and database access that the state and federal agencies possess.

The debate over the Habitat Proffer Template has persisted for far too long. Rather than having the debate continue for many more years, it would be best for all interested parties to find a resolution. The Memorandum does not resolve this issue, but it can serve as a helpful tool in working toward a solution. The development community's concerns are not about whether habitats should be protected; developers are clearly willing to make proffered commitments to ensure that this occurs. However, the concern is that the Habitat Proffer Template misstates the County's proper authority, and does not permit the appropriate state and federal authorities to make the substantive judgment calls, as the applicable law and the 2019 General Plan contemplates.

Before rushing to request the development community voluntary provide the Habitat Proffer Template language in the Memorandum, the development community recommends setting up a work group with representatives of the development community, County staff, DWR, DCR, DEQ, and the USFWS. This work group will serve to provide valuable insight into the issues identified in this letter and could result in an overall agreement between County staff and industry on the proper template language.

We look forward to our continued dialogue and hopeful resolution of this matter. Thank you for considering our comments.

Sincerely,

Matthew Lawrence, PE, LEED AP
NVBIA Loudoun Chapter President

John Mosgrove
Co-Chair, NAIOP Loudoun
Government Relations Subcommittee

Bill Junda
Co-Chair, NAIOP Loudoun
Government Relations Subcommittee

Deborah L. Rosenstein
NVBIA CEO

Martha Marks
President
NAIOP Northern Virginia

cc: Chair Randall and Members of the Board of Supervisors
Chair Frank and Members of the Planning Commission
Tim Hemstreet, County Administrator
Leo Rogers, County Attorney
Courtney Sydnor, Senior Deputy County Attorney
Charles Yudd, Deputy County Administrator
Erin McLellan, Deputy County Administrator
Joe Kroboth, Assistant County Administrator