

THE COURTS AND RIDGES AT ASHBURN NEIGHBORHOOD COMMERCIAL CENTER

Conditions of Approval dated August 30, 2006

1. The proposed modifications shall be developed in substantial conformance with the Zoning Modification Plat prepared by Urban Engineering & Associates, Inc., dated October 2005, revised through July 5, 2006, and the Loudoun County Zoning Ordinance. Approval of this application does not relieve the Applicant of any Zoning Ordinance, Codified Ordinance, or any other regulatory requirement except as modified.

2. Zoning Ordinance modifications shall be in accordance with the Requested Zoning Ordinance Modifications as listed below:

ZO § 4-109(D) Site Planning – External Relationships and ZO § 4-110(J) Site Planning – Internal Relationships	To reduce the minimum 75-foot open space buffer with Type 3 Buffer Yard to a minimum 4-foot open space buffer with Type 3 Buffer Yard provided off-site on Outlet Parcel A-N along Claiborne and Gloucester Parkways.
ZO § 4-205(C)(1)(a) Lot Requirements – Neighborhood Center	To reduce the minimum yard required between parking lots and road rights of way from 25 feet to 20 feet.
ZO § 4-205(C)(2) Lot Requirements – Adjacent to Residential Districts	To reduce the required 100-foot setback between a commercial center parking lot and a residential lot to a minimum of 4 feet; reduce the minimum 100-foot setback between a commercial center building and a residential lot to a minimum of 42 feet; and reduce the minimum 100-foot setback between a commercial center loading and refuse area and a residential lot to a minimum of 29 feet.
ZO § 5-659(A) Specific Uses – Drive-thru Facilities	To eliminate the Type 4 Rear Buffer Yard including structure required along Claiborne and Gloucester Parkways, and to reduce the Type 4 Rear Buffer Yard including structure to a Type 3 Side Buffer Yard along the Recreation Center Parcel.
ZO § 5-1405(B) Buffer Yard and Screening and ZO § 5-1407(A) Buffer Yard and Screening	To permit the location of required landscape buffers and screening off-site, within Outlet Parcel A-N along Claiborne and Gloucester Parkways.
ZO § 5-1413(A)(2) Parking Lot Landscaping	To permit plantings as shown on the Landscaping Plan.
ZO § 5-1413(C)(1)(a) Peripheral Parking Lot Landscaping	To reduce the required 10-foot width of the landscaping strip between the parking lot edge and the abutting residential property line to a minimum 8 feet on the western edge and 4 feet on the southern edge of the property.

<p>ZO § 5-1405(A), ZO § 5-1414(A) and ZO § 5-1414(B) Buffer Yards and Screening</p>	<p>To reduce the required Type 3 rear yard buffer with structure to a Type 3 rear yard buffer without structure along Gloucester Parkway, and to reduce the required 20-foot Type 3 side yard buffer to a variable width Type 3 side yard buffer along the Recreation Center parcel. To reduce the required Type 3 rear yard buffer with structure, to a Type 3 rear yard buffer without structure along Gloucester Parkway.</p>
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Sidewalk

3. Prior to obtaining an occupancy permit for a permanent building on the Property, the Applicant shall have completed construction of a sidewalk, a minimum of 4 feet in width, along the property’s Susan Leslie Drive frontage.

Cash Contribution

4. The Applicant shall provide a cash contribution to the Courts & Ridges at Ashburn Association (the “HOA”) in the amount of \$15,000.00. Said cash contribution shall be used, at the discretion of the HOA, for any use that mitigates the impact of the proposed neighborhood commercial center, including, but not limited to, the purchase and installation of landscaping along the property line shared by the recreation center and neighborhood commercial center, the installation of stop signs or speed limit signs on Susan Leslie Drive, the installation of fencing in the vicinity of Susan Leslie Drive or the recreation center, speed humps and cross walks on roads affected by the neighborhood commercial center, and other traffic calming measures decided upon by the HOA. The Applicant shall provide evidence to the County of this \$15,000.00 contribution prior to obtaining the first zoning permit for the commercial property.

Speed Hump

5. Prior to the Applicant’s final release from bond and so long as a written request is made by the HOA, the Applicant shall install on Susan Leslie Drive one speed hump. The HOA shall submit to the Applicant its written request no later than ~~January~~ February 1, 2007, and shall specify the exact location on Susan Leslie Drive of the speed hump. In no event shall the speed hump be located adjacent to the neighborhood commercial center property. Once the speed hump is completed, it shall be maintained by the HOA, as part of the HOA’s maintenance of Susan Leslie Drive.

Cross Walk

6. Prior to the Applicant’s final release from bond and so long as a written request is made by the HOA, the Applicant shall install on Susan Leslie Drive one cross walk and two stop signs, or such other signage as may be directed by the HOA. The HOA shall submit to the Applicant its written request no later than ~~January~~ February 1, 2007, and shall specify the exact location on Susan Leslie Drive of the cross walk and signage. Once the cross walk and signage is ~~completed~~ installed, it shall ~~become the property of and responsibility of maintained by~~ become the property of and responsibility of maintained by the HOA, and shall be maintained as part of the HOA’s maintenance of Susan Leslie Drive.

Construction Process

7. At the written request of the HOA to be received no later than November 1, 2006, the Applicant shall install a temporary sign at the intersection of Gloucester Parkway and Laurel Ridge Drive, indicating that construction traffic may not enter the Courts and Ridges at Ashburn from Gloucester Parkway. The sign shall be removed prior to the Applicant's final release from bond.

In addition, at the written request of the HOA, the Applicant shall erect a barricade on Susan Leslie Drive, at a location just south of the Neighborhood Commercial Center's southernmost entrance. The purpose of the barricade will be to force construction traffic to access the Neighborhood Commercial Center from Claiborne Parkway, and not through the community. The Applicant shall remove any barricades no earlier than such time when construction activity is complete, and no later than such time when the first occupancy permit for a permanent building on the commercial property is issued.

8. During the construction period, the Applicant shall provide written notice to the HOA prior to the occurrence of any blasting on the site. Notice shall be mailed at least 72 hours in advance, and shall include the day and approximate time of the required blasting. Any blasting shall be performed in accordance with vibration and noise performance standards set forth in the Revised 1993 Zoning Ordinance, Section 5-1500.

9. Construction activity shall be limited to Monday through Friday, between the hours of 7:00 a.m. and 6:00 p.m.

Signage

10. ~~Prior to obtaining an occupancy permit for a permanent building on the Property, the applicant shall install~~ ~~two double-sided 'children at play' caution signs shall be installed on the commercial property~~ within the landscape buffer, close to the travelway, along Susan Leslie Drive. ~~The signs shall be installed in a location as specified as directed~~ by the HOA in a written request ~~submitted to the applicant~~ no later than ~~January-February 1, 2007~~. If no ~~information location~~ is ~~provided-specified~~ by the HOA ~~by February 1, 2007~~, ~~then the applicant shall install~~ the first sign ~~shall be placed~~ near the intersection of Claiborne Parkway ~~and Susan Leslie Drive~~, and ~~shall install~~ the second sign ~~shall be placed~~ near the Recreation Center boundary.

11. ~~Prior to obtaining an occupancy permit for a permanent building on the Property, t~~The Applicant shall install a sign at each exit for the Neighborhood Commercial Center which states, "Left turn only, except for residents," or a substantially similar statement.

Landscaping

12. The applicant shall assume the Buffer Yard maintenance, repair and replacement responsibilities upon the Outlot Parcel A-N, pursuant to a maintenance agreement with the owner of the Outlot Parcel A-N, which agreement shall establish responsibility for landscape upkeep and shall be subject to County review and approval prior to site plan approval. The Applicant shall provide a draft maintenance agreement prior to site plan approval.

13. A landscape easement shall be placed upon Outlot Parcel A-N to establish a permanently eased area to be used for the required buffering and screening for the property along Gloucester and Claiborne Parkways. The applicant shall obtain such easement prior to first site plan approval.

14. Canopy trees planted on the Property along the Recreation Center property line shall be a minimum of 3-inch caliper, and Ornamental or Understory trees planted on the Property along the Recreation Center property line shall be a minimum of 10 feet in height.

15. The applicant shall provide a minimum of 100% of the required 65 shrubs and 100% of the required 17 understory trees as evergreens on the property along the Recreation Center boundary.