**Town Mayor**
Nathaniel O. Fontaine

**Town Council**
Vice Mayor David Steadman
Councilmember Chris Hornbaker
Councilmember Buck Smith
Councilmember Joy Pritz
Councilmember David Earl
Councilmember Renee’ Edmonston

**Ordinance No: 2021-10-0002: Approval of LVCU 2021-0002, Lovettsville Square South Phase II, to Permit a Single Building to Exceed 6,500 square feet in floor area.**

**MOTION:**

**SECOND:**

**WHEREAS**, Lovettsville Square South LLC has filed an application under Section 42-238(k)(5)(d) of the Lovettsville Zoning Ordinance to permit a single building to exceed 6,500 square feet of floor area; and

**WHEREAS**, the property located between Wood Aster lane and Berlin Turnpike is zoned Town Center Core on the Town Zoning Map and designated Town Center commercial on the Towns Land Use Plan; and

**WHEREAS**, the Planning Commission conducted a public hearing on October 6, 2021 following public notice as required by Virginia Code Section 15.2 2204, and forwarded a recommendation of approval subject to conditions of approval attached hereto; and

**WHEREAS**, the Town Council conducted a public hearing on October 21, 2021 following public notice as required by Virginia Code Section 15.2 2204; and

**WHEREAS**, the Town Council has concluded the Conditional Use Permit subject to the attached conditions of approval is consistent with the Town Comprehensive Plan and good zoning practices generally; and

**WHEREAS**, the approval, as conditioned, adequately addresses public health, safety, and welfare.

**NOW THEREFORE BE IT ORDAINED** by the Town of Lovettsville Town Council that LVCU 2021-0002, Lovettsville Square South Phase II, permitting a single building up to 13,840 square feet in floor area, is hereby approved in accordance with Section 42-33 of the Lovettsville Zoning Ordinance subject to the following conditions:

1. The building shall be in substantial conformance with Exhibit 1, the elevations titled: New Commercial Development for Lovettsville Square South, Design Development Building A, Lovettsville Town Square by Proffitt and Associates Architects and dated September 30, 2021.
2. Landscaping shall be in substantial conformance with Exhibit 2, the Lovettsville Square South Phase II, Landscape and Signage Plan, dated June 7, 2021, and prepared by Bowman as amended to replace the proposed Mountain Laurel shrubs behind Building A with Thuja Green Giant planted 5’ on centers and subject to changes during site plan review in accord with these conditions. Deciduous and evergreen trees planted along the rear elevation of Building A shall have a minimum planted height of 12 feet. The owner agrees to maintain these trees, shrubs, and plants in good health, and the owner agrees to replace any dead and diseased trees, shrubs, and plants.
3. The Town Attorney will review as to form an amended deed of easement prepared by the applicant (attachment 6). The amended deed of easement will contain provisions requiring the applicant to maintain Wood Aster Lane and limiting use of the Lane. When preparing the deed of easement, the applicant will revise the metes and bounds description to extend from Hammond Drive to the end of the existing paved travelway.
4. Wood Aster Lane may not be used for the parking of any vehicles, except for temporary, non-overnight parking for service vehicles making repairs to the Property or for emergency response vehicles. The Lane is not to be used for deliveries, except to the residences, or for public parking, such as overflow parking for businesses or events.
5. Exterior lighting on the rear of the Building A shall be downward directed, fully cut off, and shielded. The applicant will install lighting activated by motion within 8 to 10 feet of the rear of Building A so that lights are not on constantly.
6. Construction activity will be limited to Monday through Friday 7:00 AM to 8:00 PM. In the event of inclement weather delays, the schedule may be temporarily modified subject to Zoning Administrator approval and provided the HOA is informed no less than 24 hours in advance.
7. During construction, barrier fencing shall be installed to prevent people and debris from reaching Wood Aster Lane. The Lane will be inspected and cleared of dirt and debris at the end of each working day during construction.
8. Rainwater runoff from the Building A roof will be captured and used on site for irrigation and non-potable water applications.
9. Evergreen trees on the north side of Building A will be 10 to 12 feet tall at planting. All site plantings will be maintained in good health and replaced if diseased or dead by the owner.
10. Owner will maintain Wood Aster Lane, keeping the travelways reasonably free of trash and debris, removing snow and ice from the travelways, and repairing, resurfacing, and replacing the travelway.
11. Dumpsters will be enclosed by a building and roof of materials similar to the principal building and will use motorized roll up doors that will be closed when the dumpster is not in use.
12. Construction noise will adhere to Loudoun County noise standards.
13. The owner will provide the HOA with a construction schedule and will update the schedule on a regular basis so the HOA can inform residents in advance of the activity.
14. A minimum of twelve (12) Bike racks will be installed at various locations on the project.
15. The applicant has agreed to pay to the Town Center Homeowner’s Association, its proportionate share of the maintenance of the Town Center stormwater system based on the volume of stormwater leaving the commercial site in proportion to the total volume of stormwater entering the stormwater system using the SCS Rainfall Method developed by the United States Department of Agriculture - Natural Resources Conservation Service.

**VOTE**:

Ayes:

Nays:

Abstentions:

Absent for vote:

**APPROVED**:

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 NATHANIEL O. FONTAINE, MAYOR

**ATTEST**:

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CANDI CHOI, TOWN CLERK