

**Glass, Susan**

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**From:** Glass, Susan  
**Sent:** Friday, November 30, 2012 5:01 PM  
**To:** Patrick Veltri (pveltri@bowmanconsulting.com)  
**Cc:** Klassen, Dawn; Glassmoyer, Chris D.; 'davidpittman@templebaptistchurch.org'; Cody Francis; Chikalard, Haisam; Griffin, Kelly; Dozier, Nicole  
**Subject:** FW: Morley Corner Trail Exhibit  
**Attachments:** Morley Trail Adjustment Sketch.pdf

Patrick,

I reviewed the attached sketch that you provided which shows the revised alignment of the Waxpool Road Trail. The trail is being constructed pursuant to Morley Corner Temple Baptist Church, ZMAP 2009-0006, Proffer IV.B (refer to proffer text below). The Waxpool Road Trail is depicted on the site plan for the project, STPL-2010-0037, which is conditionally approved.

**B. Waxpool Road Trail**

The Owner shall provide a 10-foot wide asphalt multi-modal trail located within a maximum 14-foot wide public access easement along Waxpool Road, in the general location shown on the CDP. Such trail shall be constructed in two (2) segments with one segment constructed in conjunction with the Phase I site plan for the portion of the trail located west of the Property entrance driveway along Waxpool Road and the other segment constructed in conjunction with the Phase II site plan for the portion of the trail located east of the Property entrance driveway along Waxpool Road. The Owner shall grant a public access easement necessary to accommodate said trail to the County, in form as approved by the County Attorney, at no public cost. An easement for that portion of the trail located west of the Property entrance driveway along Waxpool Road shall be granted in conjunction with the approval of the Phase I site plan, and an easement for that portion of the trail located east of the Property entrance driveway along Waxpool Road shall be dedicated in conjunction with the approval of the Phase II site plan. The trail, once constructed, shall be maintained by the POA required by Proffer VII, below, and the Declaration of Covenants applicable to the POA shall impose said maintenance obligation upon the POA.

The County is constructing improvements to Waxpool Road adjacent to Morley Corner. The County's project includes the installation of a traffic signal at the intersection of Ashburn Village Boulevard and Waxpool Road and necessitates the installation of a pole for the traffic signal within a portion of the approved trail alignment. In order to accommodate the traffic signal, you have proposed revising the alignment of a small portion of the trail to construct it within the right-of-way of Waxpool Road. VDOT has reviewed the sketch and approved the proposed trail alignment.

I also reviewed the proposed sketch and find that it substantially conforms with the Waxpool Road Trail depicted on sheet 4 of the approved Concept Development Plan. Section 6-1209(F) defines substantial conformance as follows. The revised alignment is a reasonable adjustment that is necessitated by the installation of the traffic signal. Although Proffer IV.B contemplated the 10' trail to be constructed within a 14' public easement, a portion of the trail can be constructed within the right-of-way.

**(F) Substantial Conformance Defined.** For the purpose of this

Section, substantial conformance shall be determined by the Zoning Administrator and shall mean that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.

I asked the County's Engineering staff how the trail revision should be shown on the site plan. Their direction is to red line the modification on the as-built.

*Susan Glass*  
Proffer Manager  
Zoning Administration  
703-777-0251

**THIS PROFFER DETERMINATION HAS BEEN ASSIGNED APPLICATION #ZCOR-2012-0177**

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, November 30, 2012, and such proffers may be amended by a subsequent Zoning Concept Plan Amendment.

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

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

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**From:** Patrick Veltri [<mailto:pveltri@bowmanconsulting.com>]

**Sent:** Tuesday, November 27, 2012 3:02 PM

**To:** Glass, Susan

**Cc:** Klassen, Dawn; Glassmoyer, Chris D.; David Pittman ([DavidPittman@templebaptistchurch.org](mailto:DavidPittman@templebaptistchurch.org)); Cody Francis

**Subject:** Morley Corner Trail Exhibit

Susan,

Please find attached the exhibit for the trail adjustment at the Northwest corner of AV Blvd and Waxpool as discussed this afternoon. I am also sending the same exhibit to Imad at VDOT to see if I can get his blessing on the trail adjustment.

**Patrick Veltri, P.E.**  
**Bowman Consulting**

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