

DEVELOPMENT CONDITIONS

SE 2014-DR-052

June 2, 2015

With the approval of SE 2014-DR-052 located at 11801 Leesburg Pike [Tax Map 6-3 ((1)) (1) 33, 33A] to permit a cluster subdivision pursuant to Sect. 3-104 and 9-615 of the Fairfax County Zoning Ordinance, the Board of Supervisors conditioned the approval by requiring conformance with the following development conditions.

GENERAL:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat, as qualified by these development conditions.
3. A copy of this Special Exception shall be posted in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax.
4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled *Summerhouse Landing*, prepared by Paciulli Simmons & Associates, dated August 4, 2014 as revised through February 11, 2015, consisting of eleven sheets and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

HOMEOWNERS ASSOCIATION:

5. Prior to record plat approval, a Homeowners' Association (HOA) shall be established in accordance with Sect. 2-700 of the Zoning Ordinance for the purpose of, among other things, establishing the necessary residential covenants governing the use and operation of common open space and other facilities of the approved development, maintenance of BMP facilities, and to provide a mechanism for ensuring the ability to complete the maintenance obligations, including an estimated budget for such common maintenance items.
6. Prior to entering into a contract of sale, home purchasers shall be notified in writing by the Applicant, or its successors or assigns, of maintenance

responsibility for the BMP facilities, common area landscaping, tree preservation areas, and any other open space amenities and shall acknowledge receipt of this information in writing. Furthermore, home purchasers shall be notified in writing by the Applicant, or its successors or assigns, in the HOA governing documents that any addition to a house or extension into the minimum yard requirements of the Fairfax County Zoning Ordinance is subject to the limitations of Section 2-412 of the Fairfax County Zoning Ordinance. The HOA governing documents shall also notify homeowners and the HOA of the lots and HOA property located within the Dranesville Tavern Historic Overlay District. Such notification shall include a disclosure that certain additions to property within the Dranesville Tavern Historic Overlay District are subject to the review of the Fairfax County Architectural Review Board.

TRANSPORTATION:

7. The existing Woody's Golf Range shall permanently terminate the commercial use operation by a date certain of November 1st, 2015.
8. Upon completion of the realigned western entrance to the application site off of Leesburg Pike by VDOT, the closure of the existing use on the site, and prior to its use as a construction entrance, barriers shall be erected on the western entrance to prevent vehicles from entering the site from Leesburg Pike.
9. The existing entrance to Leesburg Pike across from Redberry Court constructed with VDOT Project NFO 0007-029-128, C501 shall be used as the construction vehicle entry subject to VDOT approval. A construction access plan shall be provided by the Applicant for the review and approval by VDOT and DPWES. Construction traffic signage and traffic barricades shall be installed to prevent non-construction vehicles from using this entrance point. The Applicant shall coordinate with VDOT on the type of signage and barriers to be installed. The traffic barricades may be removed during the construction hours listed in development condition number 30 below. When construction is completed, the Applicant shall close this driveway entrance. For the entire duration the construction entrance along Route 7 remains open, the future entrance on Sugarland Road shall not be used for land development construction traffic associated with the development of the Property.
10. Prior to issuance of the last RUP or five years from the commencement of construction, whichever occurs first, and pursuant to VDOT Project NFO 0007-029-128, C501, the Leesburg Pike entrance shall be removed. This removal shall be subject to VDOT review and approval and other improvements needed to cease operation of the entrance and its access, including the following improvements, unless completed by others:
 - a. Removal of the right turn lane from eastbound Leesburg Pike at Redberry Court; if constructed by VDOT.

- b. Removal of signal equipment for that vehicle approach and necessary recalibration of the signal operation at the Leesburg Pike and Redberry Court intersection;
 - c. Completion of the shared use path along Leesburg Pike;
 - d. Installing any necessary guardrail and end treatments;
 - e. Removal of any roadway and driveway(s) not needed after construction of the residential development is complete;
 - f. Revegetation of the area at the former entrance to Leesburg Pike;
 - g. Establishment of a trail connection from the Leesburg Pike shared use path to the application property via an internal 6-foot wide asphalt trail, as shown on the SE Plat;
 - h. Landscaping along the northern boundary of the application property contiguous to Leesburg Pike, in conformance with what is shown on the SE Plat, and subject to VDOT approval.
11. Upon closure of the construction entrance, the entrance on Sugarland Road shall be the sole entrance into the development. There shall be no driveways along Sugarland Road.
12. Prior to issuance of the first RUP, frontage improvements shall be provided along the site's Sugarland Road frontage to include a road pavement section to accommodate a 4-foot wide bike lane, curb and gutter, and a 5-foot wide concrete sidewalk. The pavement section, curb and gutter, and sidewalk shall match the existing improvements at the eastern property boundary of the site.
13. At the time of the recordation of the first record plat, all internal streets shall be dedicated, without encumbrances and in fee simple, to the Board of Supervisors, as generally shown on the SE Plat. The internal streets, which shall be public, will be constructed in accordance with VDOT public street standards. These public streets are subject to review and approval of VDOT and DPWES.

STORMWATER:

14. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be provided in the areas designated on the Special Exception Plat in accordance with the Public Facilities Manual and the Chesapeake Bay Preservation Ordinance subject to approval by DPWES.
15. After establishing the HOA pursuant to these development conditions, written materials describing the approved BMPs and how to maintain the BMP facilities, in accordance with the PFM and County guidelines, shall be provided to the HOA by the Applicant.

NOISE ATTENUATION:

16. With reference to Leesburg Pike, noise in interior areas of new residential structures shall not exceed 45 dBA Ldn and noise in rear yards shall not exceed 65 dBA Ldn. The following noise attenuation measures shall be provided:
 - a. In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, all new residential structures impacted by highway noise having levels between 65 and 70 dBA Ldn shall have the following acoustical attributes:
 - 1) Exterior walls shall have a laboratory sound transmission class ("STC") of at least 39.
 - 2) Doors and glazing shall have a laboratory STC of at least 28. If glazing constitutes more than twenty percent (20%) of any façade, they shall have the same laboratory STC rating as walls.
 - 3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
 - b. In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, all new residential structures impacted by highway noise having levels greater than 70 dBA Ldn shall have the following acoustical attributes:
 - 1) Exterior walls shall have a laboratory sound transmission class ("STC") of at least 45.
 - 2) Doors and glazing shall have a laboratory STC of at least 37. If glazing constitutes more than twenty percent (20%) of any façade, they shall have the same laboratory STC rating as walls.
 - 3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
 - c. In order to achieve a maximum exterior noise level of approximately 65 dBA Ldn in rear yards, an architecturally solid acoustical wall with no gaps or openings (except as may be necessary for drainage) shall be provided for those lots whose rear yards will be impacted by highway noise levels having greater than 65 dBA Ldn. Alternative exterior noise mitigation may be employed if such measures are low maintenance and shown by a refined acoustical analysis (discussed in the next condition) to adequately mitigate existing and future exterior noise levels to 65 dBA Ldn. Where necessary, utilities or drainage lines may cross under the noise wall. The HOA shall be responsible for the maintenance of the acoustic measures as provided in development condition number 5 hereinabove.

- d. Prior to subdivision plan approval, a refined acoustical analysis shall be performed by a qualified acoustical consultant (the “Noise Study”) which provides recommendations for noise mitigation based on final site grading, model design, roadway improvements, and a twenty-four hour onsite noise measurement for Leesburg Pike to verify or amend the noise levels and impact areas set forth above to revise interior noise attenuation measures and/or to revise exterior noise mitigation. The refined acoustical analysis and revisions to noise attenuation measures is subject to the approval of the Department of Planning and Zoning.

GREEN BUILDING:

17. In support of energy conservation and green building techniques; the Applicant, in consultation with the Environment and Development Review Branch (EDRB) of Department of Planning and Zoning (DPZ), shall seek certification for this development from one of the following programs that offers third party review of “green building” or energy efficient measures. The Applicant shall have sole discretion to choose the program that will be utilized.
 - a. Certification in accordance with the Earth Craft House Program as demonstrated through documentation provided to DPWES and EDRB prior to the issuance of a RUP; or
 - b. Certification in accordance with the National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to DPWES and EDRB from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for each dwelling; or
 - c. Certification in accordance with the National Association of Home Builders (NAHB) National Green Building Program, Bronze level, as demonstrated through submission of a copy of the “Green Certificate” issued by NAHB in accordance with its “Green Certificate Program” prior to the issuance of the RUP for each dwelling.

LANDSCAPE:

18. Invasive Plant Management Plan: An Invasive Plant Management Plan shall be submitted as part of the first and all subsequent subdivision plan submissions to address how invasive plants will be managed at levels that do not endanger the long-term ecological functionality of vegetation within tree preservation areas, subject to the review and approval of the Urban Forest Management Division, DPWES.
19. Tree Preservation: A Tree Preservation plan shall be submitted for review and approval as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a Certified Arborist or Registered

Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater located within the first 25 feet of the undisturbed area from the limits of clearing and grading and the first 10 feet from the limits of clearing in the disturbed area shown on the SE Plat for the entire site. The tree survey shall also include the location, species, size, crown spread and condition rating percentage of all trees 8 inches in diameter and greater located along Sugarland Road within the first 25 feet of the undisturbed area from the limits of clearing and grading and the first 10 feet from the limits of clearing in the disturbed area shown on the SE Plat for the entire site. The Sugarland Road area should be planted with year-round vegetation that includes a mix of shrubs, deciduous trees and evergreen trees, with size, configuration and species to be determined in conjunction with UFM, and in general conformance with the SE Plat.

The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plat and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

20. Tree Preservation Walk-Through: The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made, if any, to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
 - a. A Communications Committee comprised of representatives of nearby communities shall be formed for the purpose of allowing community input to the Dranesville Supervisor's office during the tree preservation walk-through and

shall provide a point of contact to the Dranesville District Supervisor's office prior to site plan submittal.

- b. The Applicant and UFMD shall work in consultation with the Dranesville District Supervisor and the Communications Committee (as defined above) during the walk-through in an effort to preserve trees along Sugarland Road and to provide additional trees in conformance with the SE Plat.
21. Limits of Clearing and Grading: The limits of clearing and grading shall be strictly adhered to as shown on the SE Plat, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE Plan, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
 22. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

23. Root Pruning: The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the submitted plan. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects

affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

24. Site Monitoring: During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as per specific development conditions and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work adjacent to any vegetation to be preserved, tree preservation efforts and landscape installation, in order to ensure conformance with all tree preservation and landscaping development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

25. Landscaping Plan: Site plans or subdivision plans submitted for the development shall include a landscape plan as generally shown on the SE Plat. Tree species and planting sites are set forth on the SE Plat, subject to revision as may be approved by the Urban Forest Management Division (UFMD).

Prior to installation of plants to meet requirements of the approved landscape plan, the Contractor/Developer shall coordinate a pre-installation meeting on site with the landscape contractor and a representative of the County Urban Forest Management Division (UFMD). Any proposed changes to the location of planting, size of trees/shrubs, and any proposed plant substitutions for species specified on the approved plan shall be reviewed at this time and must be approved prior to planting. The installation of plants not specified on the approved plan, and not previously approved by UFMD, may require submission of a revision to the landscape plan or removal and replacement with approved material, prior to bond release. UFMD shall be contacted (703-324-1770) a minimum of three (3) days prior to the meeting on site.

26. Reforestation Planting in the RPA: In reforestation areas within the RPA, the soil throughout the area shall be amended with 3-6 inches of organic matter and thoroughly tilled to a depth of 12-inches before planting. Tree seedlings and shrubs shall be planted in contiguous mulched beds. The mulched bed shall consist of a minimum of 2 inches of organic mulch that shall be placed on the topsoil layer at final grade. Plant stock, seedlings and shrubs shall be planted with 4-foot tall tubes or other means necessary to protect from deer browsing.

Planting of nursery stock, tree seedlings, woody shrubs and woody seed mix must be well established prior to release of the conservation deposit. The conservation deposit will be held for a minimum of two years after the initial installation of the plantings and returned to the Applicant thereafter.

CONTRIBUTIONS:

27. Prior to the issuance of the last RUP, a minimum expenditure of \$893 per new resident for a total of \$83,049 shall be made to the Fairfax County Park Authority for the establishment and/or enhancement of public facilities within the service area of the Property. This contribution is intended for improvements at the nearby Dranesville Tavern Park. This contribution shall be offset by the cost of providing recreational facilities, including the trail connection to Route 7 and any contribution made to the Dranesville Tavern in lieu of funds for the Historical Roadside Marker (as described in Condition 28). The total offset shall not exceed \$40,000.
28. Subject to the Fairfax County History Commission approving Sugarland Road for a Historical Roadside Marker prior to the issuance of the last RUP, the Applicant shall contribute \$2,500 to Fairfax County to be used by Fairfax County for the purchasing and placement of a Fairfax County Historical Roadside Marker along Sugarland Road. If Sugarland Road has not been approved for a Historical Roadside Marker by the Fairfax County History Commission prior to the issuance of the last RUP, the \$2,500 shall be used for the benefit of the Dranesville Tavern.

CONSTRUCTION ACTIVITY:

29. During development of the subject site, the telephone number of the site superintendent that shall be present on-site during construction shall be located on site in a conspicuous location and be provided to the Dranesville District Supervisor's Office.
30. Outdoor construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. No outdoor construction activities shall be permitted on Sundays or on federal holidays. Construction vehicle access shall be permitted via the existing entrance to Leesburg Pike across from Redberry Court, as described in the Transportation development conditions above. The site superintendent shall notify all employees and subcontractors of these hours of operation, the construction vehicle access point, and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish. The Applicant shall provide updated construction schedules to the adjacent HOAs and the Dranesville Supervisors Office. This development condition applies to the original construction only and not to future additions and renovations by homeowners.

31. The staging and parking of construction vehicles shall occur on the application property, including personal vehicles utilized by construction workers. No parking shall occur on adjacent roadways.

ARCHITECTURE:

32. The facades of Lots 1-6 and 30 facing Sugarland Road shall be constructed of materials that are of a proportional quality to those used on the front façade of houses within the development, including similar decorative elements and window treatments. In addition, any air condition units within these yards shall be screened from view of Sugarland Road.
33. All houses shall be constructed to allow a minimum 400 square foot deck or addition to be constructed adjacent to the house within the setback lines.
34. The architecture of the units shall be in general conformance with that depicted on the SE Plat.
35. Prior to subdivision plan approval, the Applicant or its successors or assigns shall return to the Fairfax County Architectural Review Board for review of the subdivision plan and architecture with respect to the portion of the site located in the Dranesville Tavern Historic Overlay District.

MISCELLANEOUS:

36. Subject to receiving all necessary waivers, modifications, plan approvals and permits from VDOT and FCDOT, the Applicant shall construct the pedestrian connection as shown on the attached Exhibit A prior to the issuance of the first RUP. The Applicant shall submit and diligently pursue all waiver and modification requests necessary to construct the pedestrian connection as shown on Exhibit A as part of its Subdivision Plan submission. Should the Applicant not receive all necessary waivers, modifications, plan approvals or permits to construct the pedestrian connection as shown in Exhibit A within a year from the date of the Applicant's Subdivision Plan submission, the Applicant shall, in lieu of construction of the pedestrian connection shown on Exhibit A, contribute \$30,000 to Fairfax County for the purpose of improvements in the general vicinity of the application site. The Applicant shall contact the Dranesville District Supervisor's office at least 90 days prior to the end of the one year approval and permit period to inform the Supervisor on the status of such approvals and permits.
37. Subject to the Applicant constructing the pedestrian connection shown on Exhibit A and VDOT approval, the Applicant, upon completion of the pedestrian connection shown on Exhibit A, shall paint two crosswalks across Sugarland Road. The first crosswalk shall be located at the intersection of Clinch Road and Sugarland Road and the second crosswalk shall be located at the intersection of Safa Street and Sugarland Road.

38. Subject to receiving all necessary waivers, modifications, plan approvals and permits from VDOT and FCDOT, the Applicant shall pave or add gravel to the area shown on the attached Exhibit B prior to the issuance of the first RUP. The applicant shall submit and diligently pursue all waiver and modification requests necessary to pave the area shown on Exhibit B as part of its Subdivision Plan submission. Should the applicant not receive all necessary waivers, modifications, plan approvals or permits to pave or add gravel to the area shown in Exhibit B within a year from the date of the Applicant's Subdivision Plan submission, the Applicant shall, in lieu of paving or adding gravel to the area shown on Exhibit B, contribute \$5,000 to Fairfax County for the purpose of improvements in the general vicinity of the application site. The Applicant shall contact the Dranesville District Supervisor's office at least 90 days prior to the end of the one year approval and permit period to inform the Supervisor on the status of such approvals and permits.
39. Despite note 27 on the Special Exception Plat, no gathering area shall be provided by the applicant on the application site. The Applicant has agreed to other improvements mentioned above in lieu of providing the gathering area.
40. In the event that the construction entrance located at Route 7 is closed prior to the completion of land development activity, all construction vehicles with three or more axles that are associated with land development activities on the Property shall not use the Sugarland Road entrance from 6:30 a.m. to 8:45 a.m. and from 2:00 p.m. to 4:45 p.m.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit (Non-RUP) through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this Special Exception shall take effect upon approval by the Board of Supervisors.