



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

October 11, 2005

Paul R. Jeannin, Jr.  
Planning & Development Services, Inc.  
10012 Island Fog Court  
Bristow, VA 20136

Re: Interpretation for RZ/FDP 2004-MV-031, Ivy Development, L.C. (Mazello Cove): Tax  
Map 99-3 ((1)) 3: emergency vehicle turnaround

Dear Mr. Jeannin:

This is in response to your letter of September 1, 2005, requesting an interpretation of the proffers and Conceptual Development Plan (CDP) accepted by the Board of Supervisors and the Final Development Plan (FDP) approved by the Planning Commission in conjunction with approval of the above application. As I understand it, your question is whether removal of the emergency vehicle turnaround would be in substantial conformance with the development plan and proffers. According to your letter, the Fire Prevention Division of DPWES has now determined that the emergency vehicle turnaround is not necessary, even though it was requested during the rezoning. Your letter presents two different scenarios for use of the area currently shown as a turnaround and asks if either or both would be in substantial conformance with the zoning. This determination is based on your letter; the two attached concept sketches; review comments from the Fire Prevention Division, DPWES; and, the proffers. Copies of your letter and relevant exhibits are attached.

According to your letter, an emergency vehicle turnaround was provided at the western terminus of the internal private during the rezoning; however, during subdivision plan review the County Fire Prevention Division reviewed the site design and determined that emergency vehicles could use the "T" intersection to back up and turn around. You have submitted a copy of the review comments which recommends that the turnaround area be eliminated. It is my determination that removal of the emergency vehicle turnaround and the area converted to landscaped open space, as depicted on your Concept Sketch #1, would be in substantial conformance with the proffers and development plan.

As I understand it, Concept Sketch #2 presents a scenario in which the emergency vehicle turnaround is removed and replaced by the five (5) visitor parking spaces that were approved to be located directly south of Lot 1. With deletion of the vehicle turnaround area, Lot 1 is proposed to be shifted toward the south in order to increase the amount of open space at its rear.

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**Department of Planning and Zoning**  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290  
Fax 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

Paul R. Jeannin, Jr  
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It is my determination that the proposed removal of the emergency vehicle turnaround and relocation of visitor parking as depicted on Concept Sketch #2 is in substantial conformance with the proffers and development plan provided that additional evergreen plantings are provided between the visitor parking area and the rear lot line of Lot 1 to screen vehicles and headlights.

These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director  
Zoning Evaluation Division, DPZ

*BAB/MAG/O:\mgodfr\Proffer Interpretations PI\MazelloCove(RZ 2004-MV-031) turnaround..doc*

Attachments: A/S

cc: Gerald Hyland, Supervisor, Mount Vernon District  
John Byers, Planning Commissioner, Mount Vernon District  
Leslie Johnson, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ  
Michelle Brickner, Assistant Director, Office of Land Development Services, DPWES  
Angela Rodeheaver, Section Chief for Site Analysis, DOT  
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPZ  
File: RZ/FDP 2004-MV-031, PI 0509 147, Imaging, Reading File



Planning & Development Services, Inc.  
Land Planning • Feasibility Studies • Landscape Architecture

September 1, 2005

Mr. Kevin J. Guinaw, Branch Chief  
Special Projects / Applications Management Branch  
Zoning Evaluation Division  
Department of Planning & Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

RECEIVED  
Department of Planning & Zoning

SEP 08 2005

Zoning Evaluation Division

Re: Request for Interpretation  
RZ 2004-MV-031  
Applicant: Ivy Development, L.C.  
( a.k.a. Mazzello Cove - Fairfax County Subdivision # 6384-SD-01 )

Dear Kevin,

Please accept this letter as a request for an interpretation of proffers accepted by the Board of Supervisors in conjunction with the referenced rezoning application.

### **INTRODUCTION**

The Board of Supervisors approved RZ 2004-MV-031 at its hearing held on March 21, 2005. I have enclosed a copy of a letter issued by Nancy Vehrs, Clerk to the Board of Supervisors, confirming approval of this rezoning application. The property was rezoned from the R-1 district to the PDH-3 district subject to proffers, dated March 18, 2005, a copy of which is attached to Ms. Vehr's confirmation letter. A copy of the approved CDP / FDP layout is also enclosed.

### **BACKGROUND**

During the review of the rezoning application, the Applicant designed and provided an emergency vehicle turnaround at the western end of the onsite private street. The rezoning application was subsequently reviewed and approved by the Fairfax County. However, during the review of more detailed plans presented during subdivision plan review, the Fairfax County Fire Prevention Division determined that an emergency vehicle turnaround is really not necessary on this property. The reason for this determination is that emergency vehicles can back up and then turn around within the "T-intersection" of the private street. ( A copy of the Comment Letter from the Fire Prevention Division dated 7/6/05 is attached for your reference. )

September 1, 2005  
Mr. Kevin J. Guinaw, Branch Chief  
Re: Request for Interpretation  
RZ 2004-MV-031  
PAGE TWO

In response to this comment, I recently contacted Gary Buckley of the Fire Prevention Division ( 703-246-4806 ) and determined the following:

- 1) A turnaround is not necessary according to Mr. Buckley. The Applicant may remove it from the plan, with your approval, and thus it would not be built.
- 2) Mr. Buckley also informed me that it would be permissible if you determine that the turnaround must remain on the plan and thus be constructed.

**INTERPRETATION:**

The Applicant would prefer to remove the turnaround and thus increase the amount of open space located behind Lot 1. Additionally, there is an opportunity to slide the guest parking to the west which also helps to improve the siting of Lot 1. ( Note, that Staff, during review of the rezoning, had also expressed a desire for more open space behind Lot 1. ) Therefore, there are two scenarios for which we respectfully request your determination if either or both are in conformance with the proffers for the subject rezoning:

SCENARIO ONE: Remove the emergency vehicle turnaround (See Sketch # 1 attached.)

SCENARIO TWO: Remove the emergency vehicle turnaround and slide the guest parking spaces to the west (See Sketch # 2 attached.)

**CONCLUSION:**

We are pleased with the plan as it stands today, but also recognize that the comment to remove the turnaround has potentially enabled the two opportunities / scenarios presented above. To this end, we look forward to your response. As always, we appreciate all of your assistance and expertise with these matters.

Please contact me if you have any questions or require any additional information.

Sincerely,

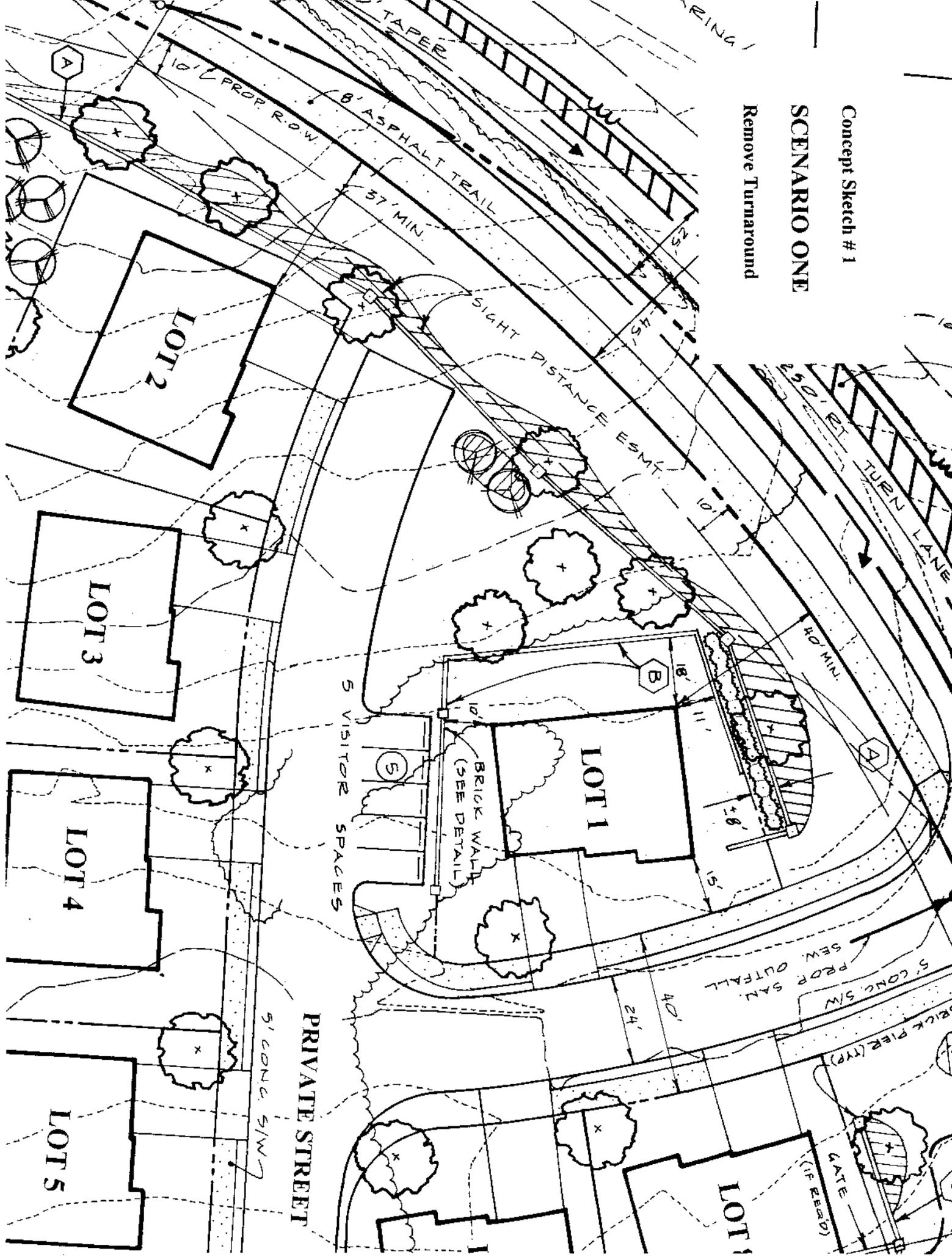


Paul R. Jeannin, Jr., CLA

Concept Sketch # 1

# SCENARIO ONE

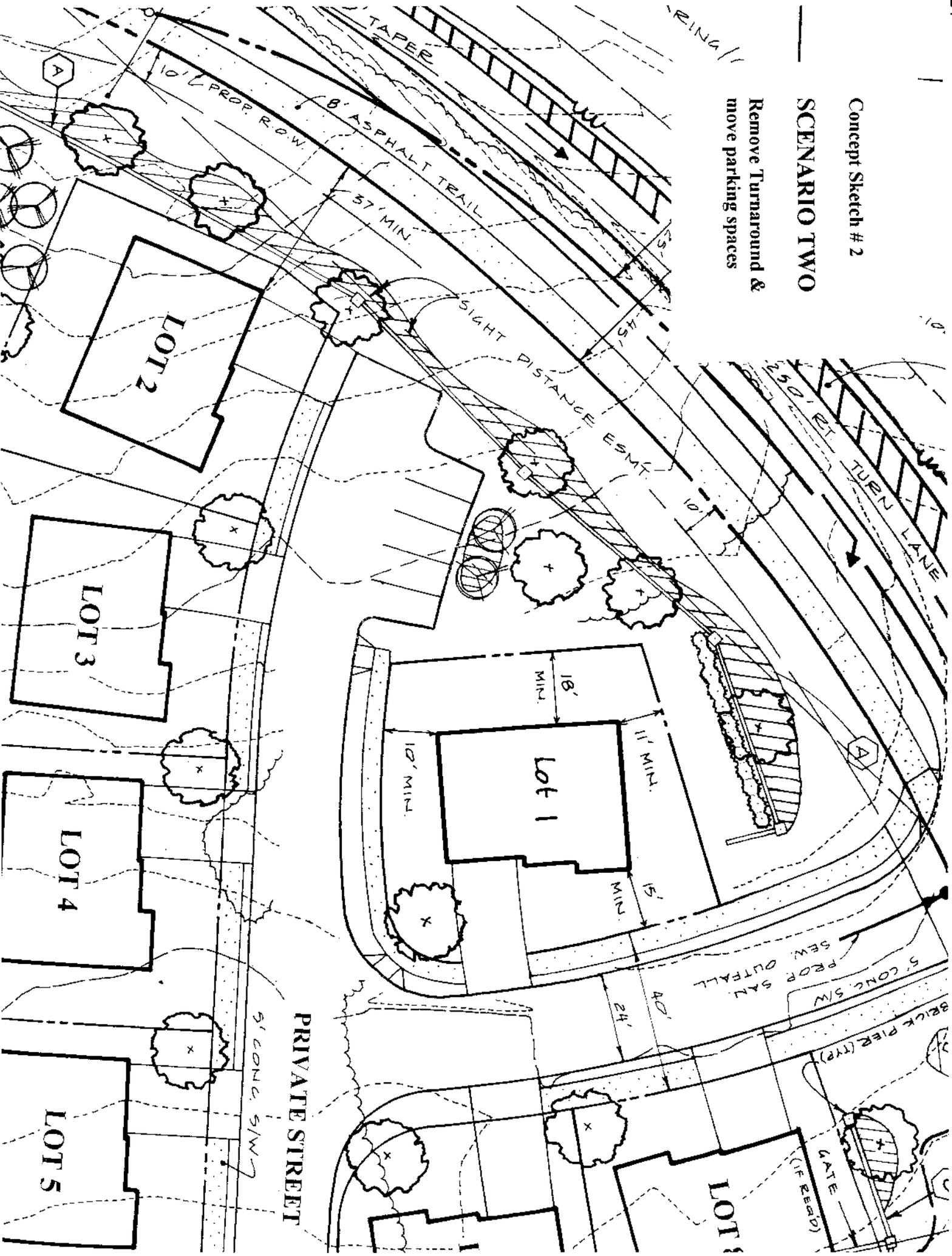
Remove Turnaround



Concept Sketch # 2

# SCENARIO TWO

Remove Turnaround & move parking spaces





ENGINEERING PLANS REVIEW SECTION  
 4100 Chain Bridge Rd, 3<sup>rd</sup> Floor  
 Fairfax, VA 22030-7001  
 703-246-4806



**SITE PLAN REVIEW FORM**

Current Public Facilities Manual

REVIEW TIME: 1.0

REVIEW TIME TO DATE: 1.0

COUNTY PLAN N° 6384-SD-001

PROJECT NAME/ADDRESS: MAZZELLO COVE

SUBMITTER NAME: OSDS/BOWMAN PHONE: 703-464-1000

Your plans were rejected on July 6, 2005 for the following reasons:

- 1. Provide County site plan number or waiver number (to be labeled on all plans).
- 2. Provide submitter name, address, phone number. USBC 109.5.1.
- 3. Provide building name, address. FXCO PFM, 2001, 9-0202.2C(9).
- 4. State "Type of Construction" (BOCA classification). PFM, TABLE 9.2.
- 5. State "Use Group" (BOCA classification). PFM 9-0202.2C(1).
- 6. State number of stories. PFM 9-0202.2C(10).
- 7. State building height in feet. PFM 9-0202.2C(10).
- 8. State foot print area of building. PFM 9-0202.2C(12).
- 9. State gross floor area of building. FXCO PFM, 2001, 9-0202.2C(12).
- 10. If firewalls are to be built, label hour rating. PFM, 9-0202.2C(11).
- 11. State on plan if building is to be sprinklered, fully or partially. FXCO PFM, 2001, 9-0202.2C(7).
- 12. Provide separate building data (items 4-11) for each building. Label this info "on the building" or in chart form.
- 13. If sprinklered, show fire department siamese connection(s), fire line locations and size of pipe. FXCO PFM, 2001 9-0202.2C.
- 14. Fire hydrants to be shown on site plan, water mains to be shown and size of pipe. FXCO PFM, 2001, 9-0202.2C.
- 15. Provide available fire flow at 20 p.s.i. and state source of information. FXCO PFM, 2001, 9-0202.2C.
- 16. Provide full fire flow test data - to include: static and residual hydrant pressures, g.p.m. flow, available fire flow at 20 p.s.i. Also, provide vicinity map showing hydrants used for test and connecting water line locations and sizes from test hydrants to proposed site, with elevations. 9-0202.2G(1).
- 17. Indicate fire lanes to be painted and signage to posted. FPC, 1996, SEC. 311. Make corrections as indicated.

See other side for additional comments

- \_\_\_\_\_ 18. Drive aisles, turnarounds, Siamese connections, fire lane access, depressed curbs, and fire hydrant locations shown on site plan sheets must match those shown on fire lane sheets.
- \_\_\_\_\_ 19. **INCLUDE WITH YOUR RESUBMITTAL OF THESE PLANS, THE MARKED-UP SHEETS FROM THIS SUBMITTAL.**
- \_\_\_\_\_ 20. See sheet \_\_\_\_\_ for additional comment.

ADDITIONAL COMMENTS

① Eliminate Grass-Crete Turn-Around Area.

② Relocate F.H. OUT of DEAD-END STREET AND MOVE CLOSER TO THE ENTRANCE of project OR ON THE MAIN DRIVE AREA.

③ Correct FIRE LANES AS SHOWN FOR SHEET 14.

FAILURE TO PROVIDE FULL INFORMATION FOR REVIEW WILL RESULT IN DELAYED PROCESSING

See comments, make correction and resubmit plans.

All inquires regarding building-site/fire flow issues are to be directed to the reviewer of record, 703-246-4806

All inquires regarding fire lane issues are to be directed to Marlene Moran, 703-246-4849.

PLEASE NOTE: Fire lane approval and installation is required prior to occupancy.

If you have additional questions please contact GARY BUCKLEY at 703-246-4806 or FAX at 703-691-1053.  
Reviewer





# FAIRFAX COUNTY

## OFFICE OF THE CLERK BOARD OF SUPERVISORS

12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

[www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm](http://www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm)

Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

Lynne J. Strobel, Esquire  
Walsh, Colucci, Lubeley, Emrich & Terpak, PC  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201-3359

May 12, 2005

RE: Rezoning Application Number RZ 2004-MV-031

Dear Ms. Strobel:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on March 21, 2005, granting Rezoning Application Number RZ 2004-MV-031 in the name of Ivy Development, LC to rezone certain property in the Mount Vernon District from R-1 District to the PDH-3 District, to permit residential development at a density of 2.57 dwelling units per acre (du/ac), located on the south side of Alban Road, approximately 550 feet west of I-95 (Tax Map 99-3 ((1)) 3), subject to the proffers dated March 18, 2005, consisting of approximately 3.12 acres.

The Board also approved the Conceptual Development Plan; the Planning Commission having previously approved Final Development Plan Application FDP 2004-MV-031 on February 17, 2005, subject to the Board's approval of RZ 2004-MV-031.

The Board also:

- Modified the Comprehensive Plan recommendation to provide right-of-way 56 feet from the centerline of Alban Road to that shown on the Conceptual and Final Development Plans.
- Waived the fence height limitation to permit the proposed sound mitigation wall along Alban Road to be a maximum of six feet in height and the wall at the rear of lots 7 and 8 to be a maximum of eight feet in height.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

RZ 2004-MV-031

May 12, 2005

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cc: Chairman Gerald E. Connolly  
Supervisor Gerald W. Hyland, Mount Vernon District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Leslie B. Johnson, Deputy Zoning Administrator for Zoning Permit Review Branch  
Thomas Conry, Dept. Mgr. – GIS - Mapping/Overlay  
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,  
Charles Strunk, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPWES  
Marie Langhorne, Plans & Document Control, OSDS, DPWES  
Deloris Harris, DPWES  
Department of Highways - VDOT  
Kirk Holley, Park Planning Branch Mgr., FCPA  
District Planning Commissioner  
Barbara J. Lippa, Executive Director, Planning Commission  
Jack Seamon, Acting, Director, Facilities Mgmt. Div., DPWES  
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 21st day of March, 2005, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 2004-MV-031

WHEREAS, Ivy Development, LC filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the PDH-3 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Mount Vernon District, and more particularly described as follows (see attached legal description):

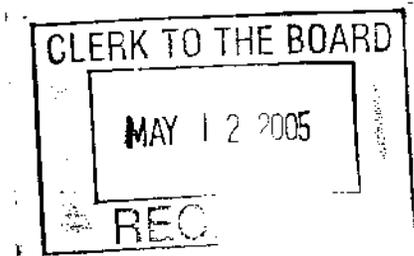
Be, and hereby is, zoned to the PDH-3 District, and said property is subject to the use regulations of said PDH-3 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., § 15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 21<sup>st</sup> day of March, 2005.



Nancy Yehrs  
Clerk to the Board of Supervisors



**PROFFERS**

**IVY DEVELOPMENT, LC**

**RZ 2004-MV-031**

**March 18, 2005**

Pursuant to Section 15.2-2303(A) Code of Virginia, 1950, as amended, the owner and Ivy Development, LC (hereinafter referred to as the "Applicant"), for themselves, their successors and assigns, in RZ 2004-MV-031 filed on property identified as Fairfax County tax map reference 99-3 ((1)) 3 (hereinafter referred to as the "Application Property"), hereby proffers to the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-3 District in conjunction with a Conceptual/Final Development Plan for residential development.

**1. CONCEPTUAL/FINAL DEVELOPMENT PLAN ("CDP/FDP")**

- a. Subject to the provisions of Section 16-204 of the Fairfax County Zoning Ordinance (hereinafter referred to the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the Conceptual/Final Development Plan (CDP/FDP), entitled "Alban Cove," containing five (5) sheets prepared by Planning & Development Services, Inc., dated June 23, 2004 as revised through January 31, 2005.
- b. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout, internal lot lines and lot sizes of the proposed subdivision at time of subdivision plan submission based on final house locations, final building footprints, utility locations and final engineering design, provided that such do not decrease the amount of open space, tree save area, or distances to peripheral lot lines, and do not result in encroachments within that area identified as RPA/EQC (Parcel B) on the CDP/FDP.
- c. Notwithstanding that the CDP/FDP is presented on five (5) sheets and said CDP/FDP is the subject of Proffer 1.a. above, it shall be understood that the CDP shall be limited to the point of access, location and amount of open space, limits of clearing and grading, and the total number and general location of units and type of units. The Applicant has the option to request Final Development Plan Amendments ("FDPAs") for elements other than CDP elements from the Planning Commission for all of, or a portion of, the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance.

## 2. TRANSPORTATION

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of forty-five (45) feet from the construction centerline and a minimum ten (10) foot wide ancillary construction easement along the Application Property's Alban Road frontage as shown on the CDP/FDP. Dedication and granting of easement shall be made at time of recordation of the final subdivision plat or upon demand of either Fairfax County or VDOT, whichever should first occur.
- b. Subject to VDOT and DPWES approval, the Applicant shall construct improvements along the Alban Road frontage which shall include a two hundred fifty(250) foot right turn lane with a one hundred (100) foot taper as shown on the CDP/FDP.
- c. Subject to VDOT and DPWES approval, the Applicant shall construct a modified left turn lane approximately fifty (50) feet in length with a seventy-five (75) foot taper. Final design shall be submitted by the Applicant to VDOT and DPWES at time of subdivision plan submission.
- d. The Applicant shall construct a five (5) foot wide sidewalk along the interior private street as shown on the CDP/FDP. At time of subdivision plat recordation, the Applicant shall record a public ingress-egress easement over the sidewalks as shown on the CDP/FDP. Said easement shall be in a form as reviewed and approved by the Fairfax County Attorney's Office, and recorded among the Fairfax County land records.
- e. In coordination with the Urban Forest Management Branch and the Fairfax County Park Authority, the Applicant shall construct an eight (8) foot wide asphalt trail on Parcel B as shown on the CDP/FDP. The location of the trail shall be field located prior to construction with a representative of the Urban Forest Management Branch to minimize disturbance of existing mature trees. Subject to the receipt of the necessary letters of permission and/or easements from the Fairfax County Park Authority, Applicant shall extend the trail to the south on property identified among the Fairfax County tax assessment records as 99-3 ((3)) K to connect to an existing trail. The location of the off-site trail shall be as generally shown on the CDP/FDP, with a final location selected in coordination with representatives of the Urban Forest Management Branch, the Fairfax County Park Authority, and the Springfield Oaks homeowners' association. The Applicant shall diligently pursue the letters of permission and/or easements described herein. Should the Applicant be unable to obtain said letters of permission and/or easements, evidence of attempts to obtain shall be submitted to DPWES, and funds equivalent to the cost of the trail connection shall be escrowed with Fairfax County for future construction.

- f. The Applicant shall construct an eight (8) foot wide asphalt trail along the Application Property's Alban Road frontage as shown on the CDP/FDP.
- g. The private street shown on the CDP/FDP shall be constructed of materials, depth and dimensions of pavement consistent with the Public Facilities Manual Standards for public streets. Purchasers shall be advised of the requirement to maintain the private street and the estimated costs prior to entering into a contract of sale. This requirement to maintain the street as constructed and the estimated maintenance costs shall be included in the homeowners' association documents prepared for the Application Property.
- h. The Applicant shall grant an easement to Fairfax County to ensure adequate sight distance of five hundred (500) feet at the Application Property's access to Alban Road. Said easement shall be in a form as reviewed and approved by the County Attorney and recorded among the Fairfax County land records at time of recordation of the final subdivision plat.
- i. Subject to the review and approval of VDOT, the Applicant shall install "No Parking" signs on the Application Property's Alban Road frontage.
- j. The Applicant shall locate all construction and/or sales trailers on the interior of the Application Property so as to discourage the parking of vehicles on Alban Road.
- k. The Applicant reserves density credit as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications described herein and as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of subdivision plan approval.
- l. All improvements described herein shall be constructed concurrently with the development of the Application Property

### **3. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES**

- a. The Applicant shall provide on-site stormwater management (SWM) and Best Management Practices (BMPs) facilities as shown on the CDP/FDP to satisfy detention and water quality requirements in accordance with the requirements of the Public Facilities Manual, DPWES, and Chapter 118 of the Fairfax County Code. The Applicant intends to request a modification of the required SWM dry pond from DPWES at the time of subdivision plan submission. If the modification is granted by DPWES, the Applicant shall utilize a low impact solution such as bio-retention facilities in the general location shown as Alternative 2 on Sheet 5 of the CDP/FDP, subject to review and approval by DPWES. Should the proposed SWM pond be modified by DPWES, that area not utilized for SWM shall remain as undisturbed open space owned by the homeowners association established for the community.

- b. If the SWM pond requirement is not modified, the proposed SWM dry pond shall be located as shown as Alternative 1 on Sheet 5 of the CDP/FDP and its perimeter shall be landscaped to the maximum extent feasible, as determined by the Urban Forest Management Branch, pursuant to the policy adopted by the Board of Supervisors, using native or other desirable hydrophilic vegetation species.
- c. If Alternative 1 is constructed, and prior to dedication of Parcel B pursuant to proffer 4.g., the Applicant shall install rip rap in proximity to the existing stream as shown on Sheet 5 of the CDP/FDP to minimize erosion.

#### 4. LANDSCAPING AND OPEN SPACE

- a. The Applicant shall submit a tree preservation plan 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 landscape architect, and reviewed and approved by the Urban Forest Management Branch. 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 that are twelve (12) inches or greater in diameter, and ten (10) feet to either side of the limits of clearing and grading shown on the CDP/FDP for the entire site. 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 CDP/FDP, and other 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 trees to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.
- b. All trees shown to be preserved on the tree preservation plan or identified in the field shall be protected by a tree protection fence. Tree protection fencing consisting 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, shall be erected at the limits of clearing and grading as shown on the demolition, phase I & phase II erosion and sedimentation control sheets in all areas.

The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of tree protection fencing, except super silt fence, shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the Urban Forest Management Branch and the District Supervisor shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed and the project's certified arborist or landscape architect shall verify

in writing that the tree protection fence has been properly installed. During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the tree protection fencing remains in place and the trees protected by said fencing are preserved. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions. The monitoring schedule shall be described and detailed in the tree preservation plan, and reviewed and approved by the Urban Forest Management Branch.

The demolition of existing features and structures shall be conducted in a manner that does not impact individual trees and groups of trees to be preserved as approved by the Urban Forest Management Branch.

- c. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forest Management Branch representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading or to preserve additional trees. This may result in an expansion of the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time, and the Applicant may be given the option of removing them as part of the clearing operation. Any tree that is designated for removal at the edge of the limits of clearing and grading or within the tree preservation area, shall be removed using a chain saw and done in a manner that avoids damage to surrounding trees. 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 the adjacent trees.
- d. The Applicant shall submit a detailed landscaping plan as part of the first and all subsequent plan submissions that is consistent with the location, quality and quantity of the landscaping shown on the CDP/FDP and these proffers. The landscaping plan shall utilize a variety of tree species of various sizes planted throughout the site. The native species may include, but are not limited to, white oak, red maple, red oak, American holly, American beech, willow oak, dogwood and others. Pursuant to the Public Facilities Manual ("PFM"), the Applicant shall receive additional tree cover credit if native and desirable trees comprise a minimum of 90% of all trees listed on site. The Applicant shall also receive additional tree cover credit for utilizing tree species and planting locations that are effective for energy conservation as determined by DPWES.
- e. The Applicant shall remove any dead, dying, or hazardous, on-site, co-owned and off-site trees adjacent to the limits of clearing and grading, and replace the lost tree canopy, as determined by the Urban Forest Management Branch. Off-site mitigation shall only

be conducted with permission of the appropriate off-site owner, which permission shall be diligently pursued as determined by DPWES. Prior to subdivision plan approval, a replacement value shall be assigned by the Urban Forest Management Branch to all healthy on-site, co-owned or off-site trees measuring twelve (12) inches or larger in diameter, which are located within ten (10) feet of the limits of clearing and grading as shown on the CDP/FDP. Trees recommended for removal on the tree preservation plan shall not be assigned a value. At the time of subdivision plan approval, the Applicant shall post cash or a letter of credit payable to the County of Fairfax to ensure removal and replacement of any such on-site, co-owned or off-site trees that are left dead, dying, or hazardous as a result of damage by normal construction activities, but not those harmed by construction activities that are not permitted by the approved tree preservation plan. The calculated replacement values shall be reviewed and approved by the Urban Forest Management Branch prior to posting the cash bond or letter of credit. The terms of the letter of credit shall be subject to approval by the County Attorney. The replacement value of each designated tree shall be determined by a certified arborist according to the methods contained in the latest edition of the *Valuation of Landscape Trees, Shrubs and Other Plants* published by the International Society of Arboriculture, subject to review and approval by the Urban Forest Management Branch, and the total amount of the cash bond, escrow or letter of credit shall not exceed the sum of \$10,000.00 (depending on amount of trees to be preserved), in addition to any conservation escrow that is required by the time of subdivision plan approval. From time to time, funds, or a portion thereof, may be drawn on the cash bond or letter of credit and expended for the purposes of this proffer. The remaining balance of the cash bond or letter of credit shall be refunded by Fairfax County at the time of final bond release. The replacement of trees by the County shall be in accordance with the guidelines of the Fairfax County Public Facilities Manual.

- f. As coordinated with the Urban Forest Management Branch, the Applicant, in consultation with its arborist, shall transplant trees, from that area of the Application Property to the west of proposed Lot 2 and shown to be cleared, to Parcel A, which is shown on the CDP/FDP. Trees to be transplanted shall be selected in consideration of size, health and species to maximize survivability. The maximum caliper of trees to be transplanted shall not exceed four (4) inches diameter at breast height. A tree transplantation plan shall be submitted at time of subdivision to address one or all of the following items, as determined by the Urban Forest Management Branch:
- the species and size to be transplanted;
  - the existing location of the trees;
  - the proposed final location of the trees;
  - the proposed time of year when the trees will be moved;
  - the transplanting methods to be used, including tree spade size;

- details regarding after-transplant care, including mulching and watering, and, if necessary, support measures such as cabling, guying or staking.

Transplanted trees that do not survive through the tree bond period, as defined in proffer 4.e., shall be replaced by species specified on the Plant List as listed on Sheet 3 of 5 of the CDP/FDP. The replacement trees shall be the caliper or height specified for said category of tree to meet the 10-year canopy requirement, as approved by the Urban Forest Management Branch and consistent with the tree transplantation plan and the landscape plan.

- g. The Applicant shall dedicate and convey in fee simple to the Fairfax County Park Authority that area identified as RPA/EQC (Parcel B) on the CDP/FDP. The area of the RPA/EQC is further shown on the "Resource Protection Area Plan," dated November 9, 2004, prepared by Wetland Studies and Solutions, Inc., and referenced as 6384-RPA-01-1. Said plan was approved by Fairfax County on December 15, 2004. Dedication shall be made at time of recordation of the final subdivision plat. The Applicant shall remove any debris or waste currently located within the proposed dedication area prior to dedication. Further, prior to dedication, and subject to the approval of the Urban Forest Management Branch and the Fairfax County Park Authority, the Applicant shall install supplemental plantings on Parcel B. The type and number of plantings shall be selected by the Urban Forest Management Branch in coordination with the Applicant.
- h. Except for a possible outfall for the stormwater management pond described in proffer 3.b., and a sanitary sewer connection to an existing facility as shown on the CDP/FDP, Applicant shall not install utilities within the RPA/EQC (Parcel B).
- i. Subject to the receipt of the necessary letters of permission and/or easements from applicable parties, the Applicant shall provide landscaping on the adjacent property owned by the Springfield Oaks homeowners' association and identified among the Fairfax County tax assessment records as 99-3 ((3)) J. Said landscaping shall include: seven (7) evergreen trees, seven feet (7') to eight feet (8') high; two (2) deciduous trees, three inch (3") caliper; four (4) evergreen trees, nine feet (9') to ten feet (10') high; and twenty-six (26) flowering shrubs, twenty-four inches (24") high. Trees shall be installed in coordination with representatives of the Springfield Oaks homeowners' association with a standard warranty from the plant nursery. Future maintenance of these trees shall be the responsibility of the Springfield Oaks homeowners' association.
- j. Subject to the receipt of the necessary letters of permission and/or easements from applicable parties, the Applicant shall install a one to two foot high landscaped berm along the southern property boundary that adjoins Springfield Oaks, Section 9. Said berm shall generally be located along that portion of Springfield Oaks, Section 9 that is adjacent to proposed Lots 2 through 6 and identified among the Fairfax County tax assessment records as 99-3 ((3)) J.

- k. The Applicant shall diligently pursue the letters of permission and/or easements as described in proffers 4.i. and 4.j. above. Should the Applicant be unable to obtain said letters of permission and/or easements, evidence of attempts to obtain shall be submitted to DPWES, and there shall be no further obligation under proffers 4.i. and 4.j.

## 5. NOISE ATTENUATION

- a. Interior noise shall be reduced to approximately 45 dBA Ldn, for all residential dwellings constructed on the Application Property and impacted by highway noise having levels between 65 and 75 dBA Ldn. Affected units shall have the following acoustical treatment measures:
  - i. Exterior walls shall have a laboratory Sound Transmission Classification (STC) of at least 39.
  - ii. Doors, windows and glazing shall have a laboratory STC rating of at least 28. If doors, windows and other glazed areas constitute more than 20 percent of any facade impacted by noise, they shall have the same laboratory STC ratings specified for exterior walls.
  - iii. Adequate measures to seal and caulk between surfaces shall be provided.
- b. The Applicant shall install solid walls and/or fences with brick piers flush to the ground with no gaps to reduce exterior noise within rear yards to approximately DNL 65 dBA. The maximum height of the walls/fences shall be no greater than shown on the CDP/FDP. At time of subdivision plan submission, the Applicant shall use its best efforts to reduce the height of the noise attenuation fences/walls shown on the CDP/FDP with the use of landscaped berms. In no instance shall the combined height of the fence and berm exceed eight (8) feet. The location of the walls/fences as shown on the CDP/FDP may be subject to only minor modification based on final engineering. If adequate noise mitigation can still be achieved to the satisfaction of DPWES at time of subdivision, the Applicant shall propose a gate or opening in the fence along the Application Property's Alban Road frontage. The gate or opening shall provide pedestrian access to the trail along the Application Property's Alban Road frontage.
- c. In the alternative, the Applicant reserves the right to pursue other methods of mitigating highway noise impacts, provided that these methods will be effective in reducing interior noise levels to approximately DNL 45 dBA, and exterior noise within rear yards to approximately 65dBA, as evidenced by the final analysis referenced herein.
- d. The Applicant shall submit a final acoustical analysis to demonstrate to the satisfaction of DPWES and DPZ prior to final subdivision plan approval that adequate noise mitigation measures have been provided based on final grades. The final acoustical analysis shall include cross sections of the Application Property identifying final house

locations and topography after site grading in relation to Alban Road and Interstate 95, and shall be conducted from the construction centerline of Alban Road.

- e. All residential dwellings that require interior or exterior noise attenuation shall be identified on the subdivision plan.

**6. PARKS AND RECREATION**

- a. The Applicant shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreation facilities for residential uses. The Applicant proffers a minimum expenditure for recreational facilities of Nine Hundred and Fifty-Five Dollars (\$955.00) per residential unit. The balance of any funds not expended on-site shall be contributed to the Fairfax County Park Authority at time of subdivision plan approval for facilities located in proximity to the Application Property.
- b. At time of subdivision plan approval, the Applicant shall contribute Twenty Thousand Dollars (\$20,000.00) to the adjacent Springfield Oaks homeowners' association for recreation facilities in the vicinity of the Application Property. This contribution shall be subject to the execution of a private agreement between the Applicant and the Springfield Oaks homeowners' association for the access and use of recreation facilities located within Springfield Oaks by residents of the proposed development. The terms of this agreement shall be included in the homeowners' association documents prepared for the Application Property. If an agreement cannot be reached prior to subdivision plan approval, as demonstrated to DPWES, there shall be no further obligation of the Applicant for the funds identified in this paragraph.
- c. In addition to the contribution noted in Proffer 6.a. above, at time of subdivision plan approval the Applicant shall contribute Six Thousand Six Hundred and Twenty-Five Dollars (\$6,625.00) to the Fairfax Count Park Authority for recreation facilities located in the vicinity of the Application Property.

**7. SCHOOL CONTRIBUTION**

Applicant shall contribute the sum of Twenty-Two Thousand Five Hundred Dollars (\$22,500.00) to the Fairfax County Board of Supervisors for capital improvements to schools serving the Application Property. Said contribution shall be payable prior to subdivision plan approval for the Application Property.

**8. AFFORDABLE HOUSING**

Prior to the issuance of the first building permit, the Applicant shall contribute a sum equaling one-half (1/2) percent of the aggregate sales price of each new single family dwelling unit to be constructed on the Application Property to the Fairfax County Housing Trust Fund to assist Fairfax County's low and moderate income housing goals.

## 9. DESIGN

- a. Applicant shall design the residential dwellings on the Application Property in substantial conformance with the architectural elevations as shown on Sheet 4 of the CDP/FDP. Final design shall be selected by the Applicant upon the submission of architectural drawings for building permits. The residential dwellings shall have brick or masonry front facades, exclusive of doors, windows, shutters and trim, and the sides of proposed Lots 1 and 8 facing Alban Road shall be brick or masonry, exclusive of doors, windows, shutters and trim. The sides of proposed Lots 1 and 8 facing Alban Road shall have architectural treatments, such as window trim and shutters, similar to the front of the house. A two car garage shall be provided for each residential dwelling. A minimum eighteen (18) foot long driveway, measured from the garage door to the nearest sidewalk face, shall be provided for each unit.
- b. There shall be a minimum side yard setback for each dwelling unit of seven (7) feet, and there shall be a total combined minimum setback for both side yards of fourteen (14) feet as illustrated on Sheet 4 of the CDP/FDP. Due to the configuration of Lots 1, 7 and 8, the sideyard setbacks are illustrated on Sheet 4 of the CDP/FDP. With the exception of Lot 7, chimneys, stoops, bay windows, and similar features may encroach within the minimum side yard setback, provided that no encroachments (other than fencing) shall be permitted within five (5) feet of any side yard lot line. There shall be no encroachments within the minimum side yard setbacks of Lot 7.
- c. There shall be a minimum rear yard setback of eighteen (18) feet for all proposed lots as illustrated on Sheet 4 of the CDP/FDP. Features such as decks and patios shall be permitted in any rear yard, but not closer than five (5) feet to the rear yard lot line.
- d. The rear elevations of proposed Lots 2 through 6 shall be varied to break up the visual appearance of the rear façades. Variations shall be coordinated with representatives of Springfield Oaks homeowners' association and may include different placement of bay windows, different orientations of rear windows, different window types, and varying architectural features.
- e. The Applicant shall clearly designate on-street parking spaces as reserved for visitors.
- f. All homes on the Application Property shall comply with the Council of American Building Officials ("CABO") Model Energy Code for energy efficient homes or its equivalent for electric or gas energy systems, as applicable.
- g. All lighting shall comply with Zoning Ordinance Article 14, Part 900, Outdoor Lighting Standards. Floodlights installed on the rears of the proposed homes shall have a maximum height of ten (10) feet, and shall be baffled to shield the light fixture from adjacent homes within the Springfield Oaks community.

- h. Windows of the dwelling units that face interior side yards shall either be offset from those of adjacent dwelling units, or shall be designed with special features (e.g. block glass, fenestration above eye level), which promote privacy while simultaneously permitting light into a room.
- i. The retaining walls constructed on the Application Property shall have a maximum height as shown on the CDP/FDP. The retaining walls shall be constructed of brick, stone, concrete and/or pre-cast concrete blocks except that the two foot high wall shown on the CDP/FDP to be located on proposed Lot 1 may be constructed of timber.

**10. HOMEOWNERS' ASSOCIATION**

- a. The Applicant shall establish a homeowners' association (HOA) for the proposed development to own, manage and maintain open space areas including the common tree save areas and all other community owned land and improvements, including the private street. Restrictions placed on the use of open space/buffer areas, the restrictions identified in proffers 9.a., 9.b., and 9.c., and the maintenance responsibilities of the HOA shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and included in the HOA documents.
- b. A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of the garages (e.g., parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the HOA and the Board. This restriction shall be stated in the HOA documents, and the initial purchasers shall be advised of the use restriction prior to entering into a contract of sale.

**11. SIGNAGE**

No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or off-site to assist in the initial sale of homes on the Application Property. Furthermore, the agents and employees involved in the marketing and sale of the residential units on the Application Property shall be directed to adhere to this proffer.

**12. NOTIFICATION**

The Applicant shall provide written notification to the President of the Springfield Oaks homeowners' association of any waivers or Public Facilities Manual modifications requested at time of subdivision plan submission.

**13. SUCCESSORS AND ASSIGNS**

These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

**14. COUNTERPARTS**

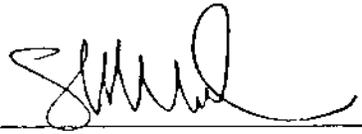
These proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document and all of which when taken together shall constitute not one in the same instrument.

*[SIGNATURES BEGIN ON THE FOLLOWING PAGE]*

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APPLICANT/CONTRACT PURCHASER

IVY DEVELOPMENT, L.C.

By: 

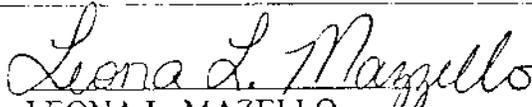
Stephen A. Bannister, President  
IVY DEVELOPMENT, L.C.

*[SIGNATURES CONTINUED ON NEXT PAGE]*

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TAX MAP 99-3 ((1)) 3

  
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JOSEPH A. MAZELLO, JR.

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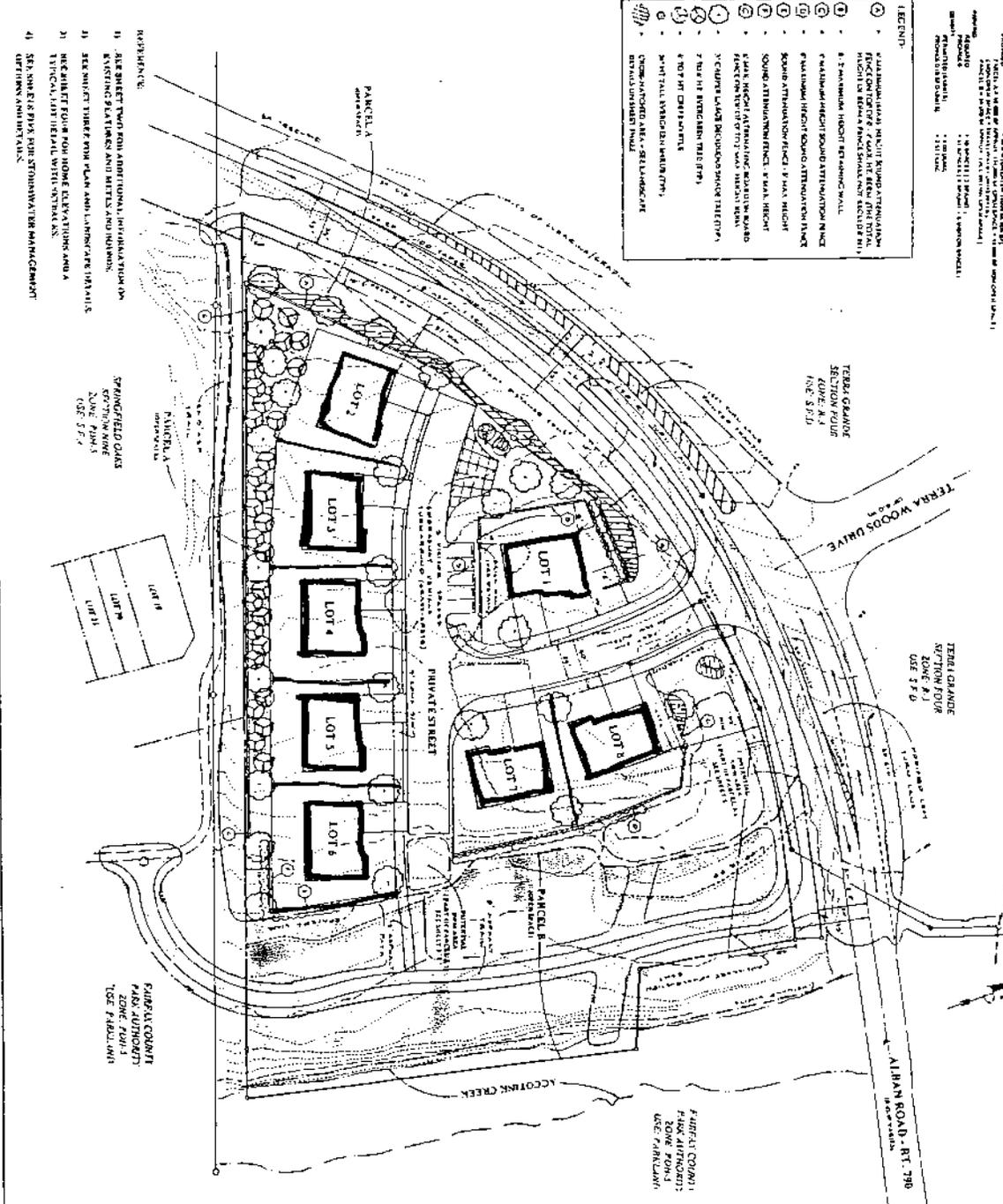
  
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LEONA L. MAZELLO

**[SIGNATURES END]**

**REVISIONS**

NO.	DATE	DESCRIPTION
1	11/11/88	PRELIMINARY DEVELOPMENT PLAN
2	11/11/88	REVISIONS TO DEVELOPMENT PLAN
3	11/11/88	REVISIONS TO DEVELOPMENT PLAN
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  - 51. 100" x 6" STUD WALL



**NOTICE TO CONTRACTORS**

THE PLANNING AND DESIGN SERVICES OF THE CONSULTANTS GROUP INCORPORATED HAS BEEN SELECTED TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PROJECT. THE PROJECT WILL BE CONSTRUCTED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PROVIDED HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SERVICES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND LABOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EQUIPMENT AND TOOLS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ACCOMMODATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MEALS AND DRINKS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CLOTHING AND SHOES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERSONAL EFFECTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MEDICAL SUPPLIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MEDICAL SERVICES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MEDICAL EQUIPMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MEDICAL SUPPLIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MEDICAL SERVICES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MEDICAL EQUIPMENT.

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**CONCEPTUAL / FINAL DEVELOPMENT PLAN**

**ALBAN COVE**

PLANNING & DEVELOPMENT SERVICES, INC.

1000 WEST 10TH AVENUE, SUITE 1000  
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JUNE 11, 1994  
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