

FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2006-SU-025

September 26, 2007

If it is the intent of the Planning Commission to approve Final Development Plan FDP 2006-SU-025, to permit mixed use development, on property located at Tax Map 44-1 ((01)) 06, 6B, 6C, 6D and right-of-way for Newbrook Drive, to be vacated, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. A Phase I archaeological survey shall be conducted on portions of Land Bays B, C, D, and/or E of the property within boundaries established by the Park Authority's Cultural Resource Management and Protection Section (CRMPS), with comment by the applicant. Such study or studies shall utilize a scope of work provided by CRMPS and shall be completed prior to any land disturbing activities within the study area. If any archaeological resources are found in the Phase I survey and it is deemed appropriate by CRMPS, Phase II assessment shall be done, using a scope of work provided by CRMPS. If any sites are determined to be significant by CRMPS, then either they will be left undisturbed or Phase III data recoveries shall be performed in accordance with a scope provided by CRMPS. Any areas disturbed which are outside of the proffered limits of clearing shall be restored as approved by Urban Forest Management, DPWES. Any Phase III scopes will provide for public interpretation of the results. Draft and final archaeological reports produced as a result of Phase I, II and/or III studies shall be submitted for approval to CRMPS.
2. Prior to any land disturbing activities in Land Bay D, an archaeological study shall be conducted in the area adjacent to the cemetery to determine if burials extend beyond the modern cemetery boundaries shown on the CDP/FDP. The scope of this study shall be coordinated with the Park Authority's Cultural Resource Management and Protection Sections (CRMPS). Any areas beyond the current, known limits of the cemetery in which human remains are found shall be included in the cemetery for the purposes of this condition, and shall be treated in accordance with applicable state law. The discovery of human remains is subject to the provisions set forth in the Virginia Antiquities Act, Code of Virginia 10.1-2305.

The cemetery (including any additional burial sites around the periphery) may be relocated as noted on the CDP/FDP in accordance with all applicable state laws. If the cemetery remains on the property, to protect the cemetery during construction activities, prior to the initiation of clearing

and grading on Land Bay D, temporary chain-link fencing shall be installed around the perimeter of the cemetery. This fencing shall consist of 6-8 foot tall 14-gauge welded wire with 10-12 foot wide panels, attached to steel posts that can be clamped together and set in concrete block "foundations." Said temporary fencing shall remain in place until completion of construction in the immediate area, when the Applicant shall provide around the cemetery a 4 foot tall, decorative metal fence, landscaping around the perimeter and a fiberglass imbedded historical marker commemorating the cemetery. A public access easement shall be provided to the cemetery, and the cemetery shall be maintained by the Applicant, which obligation shall be provided for in the appropriate documents.