

## **FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS**

**FDPA 82-P-069-1-15**

**October 25, 2007**

If it is the intent of the Planning Commission to approve a high-rise residential development located at Tax Map 45-4 ((1)) 25E1 pt. and 25E2 pt., staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions as they pertain to this site.

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitled "Fair Lakes Land Bay VI-A" prepared by Dewberry & Davis LLC and Davis Carter Scott consisting of six sheets dated February 27, 2007 as revised through October 22, 2007.
2. LID measures shall be incorporated into the final site design, including surface parking areas, as determined feasible by the applicant and DPWES at the time of site plan review.
3. The areas depicted as "existing vegetation to be preserved" shall remain as permanently undisturbed vegetation except for (1) the removal of dead, dying and/or diseased vegetation as approved by UFM, and/or (2) other disturbances to the extent approved by DPWES. Any vegetation removed within these areas shall be replaced with native plant species as approved by Urban Forest Management.
4. The use of cellar space shall be limited to the principle use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of cellar space shall be parked as required in Article 11 of the Zoning Ordinance.
5. The proposed trail connection along the north side of Fair Lakes Parkway shall be sited in cooperation with UFM in a manner which will preserve the maximum amount of the existing vegetation line.
6. Any landscaping proposed in the FDPA that cannot be installed as a result of Final Sight Distance Engineering shall be installed elsewhere on the site with equal type and quality as approved by Urban Forest Management.

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

**Waiver #005727-WPFM-013-1 Conditions**

Fair Lakes Land Bay VI-A  
PCA 82-P-069-20  
October 15, 2007

1. The underground facilities shall be constructed in accordance with the development plan as modified by these conditions and approved by the Director of the Department of Public Works and Environmental Services (DPWES).
2. The underground facilities shall be located as shown on the approved CDPA/FDPA, as determined by DPWES.
3. The underground facilities shall be constructed of reinforced concrete products only and incorporate safety features, including locking manholes and doors, as determined by DPWES at the time of construction plan submission.
4. The underground facilities shall be constructed with a minimum interior height of 72" to facilitate maintenance.
5. The underground facilities shall be privately maintained and shall not be located in a County storm drain easement.
6. A private maintenance agreement, as reviewed and approved by the Fairfax County Attorney's Office, shall be executed and recorded in the Land Records of the County. The private maintenance agreement shall be executed prior to final plan approval.

The private maintenance agreement shall address:

- County inspection and all other issues as may be necessary to insure that the facilities are maintained by the Condominium Owners Association (COA) in good working condition acceptable to the County so as to control stormwater generated from the development of the Fair Lakes Land Bay VI-A site.
- A condition that the applicant, property owners, their successors or assigns shall not petition the County to take future maintenance or replace the underground facilities.
- Establishment of a reserve fund, for future replacement of the underground facilities.
- Establishment of procedures to follow to facilitate inspection by the County, i.e. advance notice procedure, whom to contact, who has the access keys, etc.
- A condition that the property owners provide and continuously maintain, liability insurance. The typical liability insurance amount is at least \$1,000,000, against claims associated with underground facilities.
- A statement that Fairfax County shall be held harmless from any liability associated with the facilities.

7. Operation, inspection and maintenance procedures associated with the underground facilities shall be incorporated in the site construction plan, private maintenance agreement, and COA documents which insure safe operation, inspection and maintenance of the facilities.
8. A financial plan for the COA, to finance regular maintenance and full life cycle replacement costs, shall be established prior to final subdivision plat approval. A separate line item in the COA annual budget for operation, inspection and maintenance shall be established. A reserve fund for future replacement of the underground facilities shall also be established to receive annual deposits from the members of the property owners association based on the initial construction costs and an estimated 50-year lifespan for concrete products.
9. Prior to final construction plan approval, the applicant shall escrow sufficient funds for the benefit of the property owner association which will cover a 20-year maintenance cycle of the underground facilities. These monies shall not be made available to the COA until after final bond release.
10. All future purchasers of any of the Fair Lake Land Bay VI-A units shall be advised prior to entering into a contract of sale, as well as within the recorded property owner association documents, that the COA is responsible for the operation, inspection, maintenance and replacement of the underground facilities.
11. The owner and its successors and assigns shall disclose, as part of the chain of title, to all future property owners, the presence of the underground stormwater facilities and the COA responsibility for operation, inspection, maintenance and replacement of such facilities, by including the following language within the deed for each unit and the record plat:

**"The owner and its successors and assigns are responsible for the operation, inspection, maintenance and replacement of the underground stormwater facilities as set forth in the COA documents and a private maintenance agreement entered into with the County."**