



County of Fairfax, Virginia

March 12, 2008

STAFF REPORT ADDENDUM

APPLICATION RZ/FDP 2007-MV-011

MOUNT VERNON DISTRICT

APPLICANT: Carrhomes, LLC

PRESENT ZONING: R-1

REQUESTED ZONING: PDH-2

PARCEL(S): 99-4 ((1)) 32 & 33

ACREAGE: 7.46 acres

DENSITY: 1.47 dwelling units per acre (du/ac)

OPEN SPACE: 50%

PLAN MAP: Residential; 1-2 du/ac

PROPOSAL: Rezone the subject site from the R-1 District to the PDH-2 District to permit development of 11 single-family detached dwelling units.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2007-MV-011 and the associated Conceptual Development Plan subject to proffers consistent with those contained in Attachment 1.

Staff recommends approval of FDP 2007-MV-011 subject to the proposed development conditions contained in Attachment 2.

O:\SWILLIR\ZRZ-FDP 2007-MV-011 Carrhomes LLC\Staff Report\Addendum.doc

Staff recommends that PFM standard for a typical section for undivided streets be modified to permit the 47-foot wide right-of-way to taper to 44 feet in width in order to align the proposed public street with the existing right-of-way as depicted on the CDP/FDP.

Finally, staff recommends that Sect. 2-0103.2 of the PFM be modified to allow four of the 11 proposed lots (or 36%) to be pipestem lots.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application

RZ 2007-MV-011

Applicant: CARRHOMES, LLC
Accepted: 04/04/2007
Proposed: RESIDENTIAL
Area: 7.46 AC OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect:
Located: WEST SIDE OF TELEGRAPH ROAD
APPROXIMATELY 100 FEET NORTH OF ITS
INTERSECTION WITH NEWINGTON ROAD

Zoning: FROM R- 1 TO PDH- 2
Overlay Dist:
Map Ref Num: 099-4 /01/ /0032 /01/ /0033

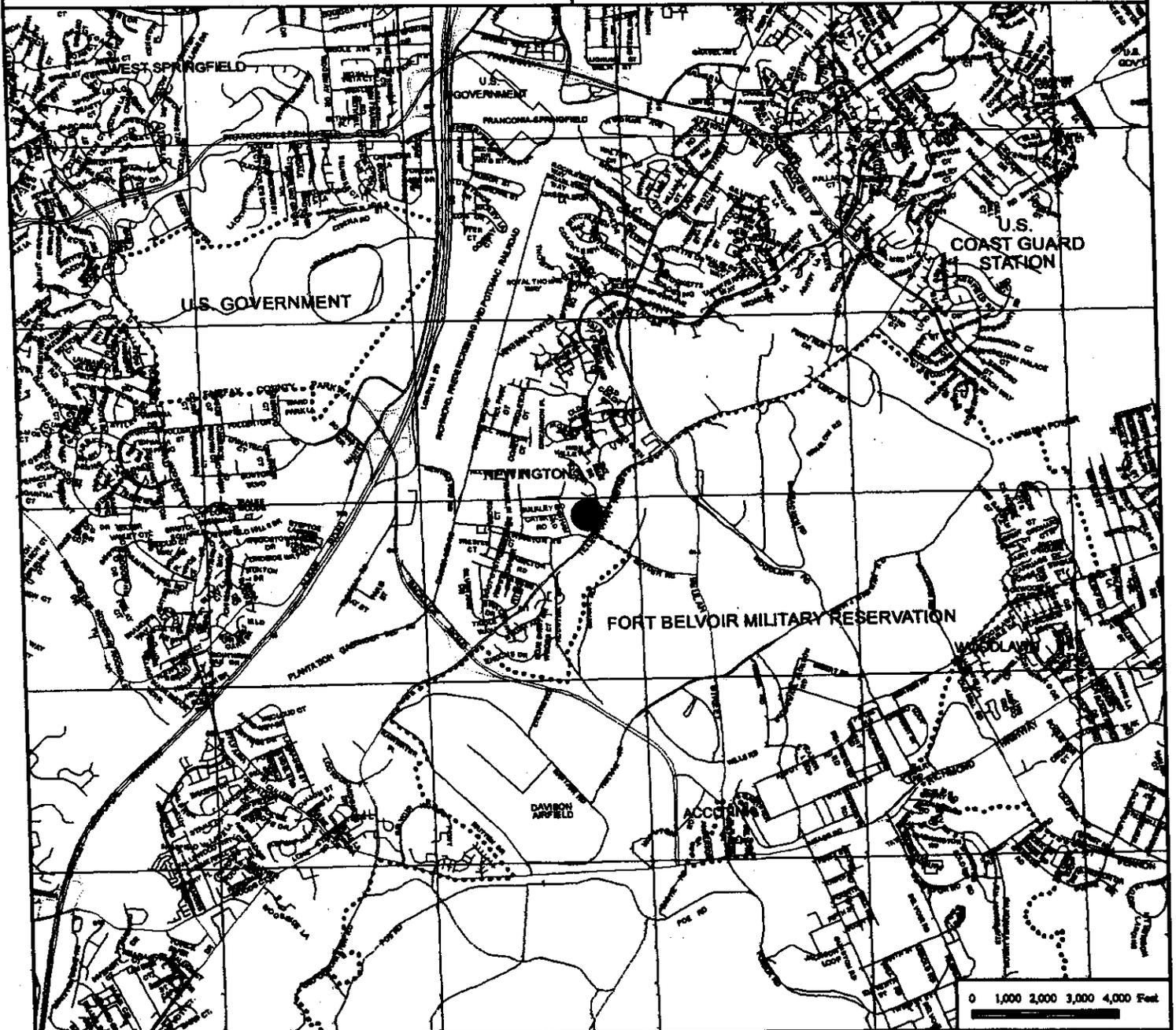
Final Development Plan

FDP 2007-MV-011

Applicant: CARRHOMES, LLC
Accepted: 04/04/2007
Proposed: RESIDENTIAL
Area: 7.46 AC OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect:
Located: WEST SIDE OF TELEGRAPH ROAD
APPROXIMATELY 100 NORTH OF ITS
INTERSECTION WITH NEWINGTON ROAD

Zoning: PDH- 2
Overlay Dist:
Map Ref Num: 099-4 /01/ /0032 /01/ /0033



Rezoning Application

RZ 2007-MV-011

Applicant: CARRHOMES, LLC
Accepted: 04/04/2007
Proposed: RESIDENTIAL
Area: 7.46 AC OF LAND, DISTRICT - MOUNT VERNON

Zoning Dist Sect:
Located: WEST SIDE OF TELEGRAPH ROAD
APPROXIMATELY 100 FEET NORTH OF ITS
INTERSECTION WITH NEWINGTON ROAD

Zoning: FROM R- 1 TO PDH- 2
Overlay Dist:
Map Ref Num: 099-4 /01/ /0032 /01/ /0033

Final Development Plan

FDP 2007-MV-011

Applicant: CARRHOMES, LLC
Accepted: 04/04/2007
Proposed: RESIDENTIAL
Area: 7.46 AC OF LAND, DISTRICT - MOUNT VERNON

Zoning Dist Sect:
Located: WEST SIDE OF TELEGRAPH ROAD
APPROXIMATELY 100 NORTH OF ITS
INTERSECTION WITH NEWINGTON ROAD

Zoning: PDH- 2
Overlay Dist:
Map Ref Num: 099-4 /01/ /0032 /01/ /0033



LEATHERLAND EXISTING CONDITIONS PLAN

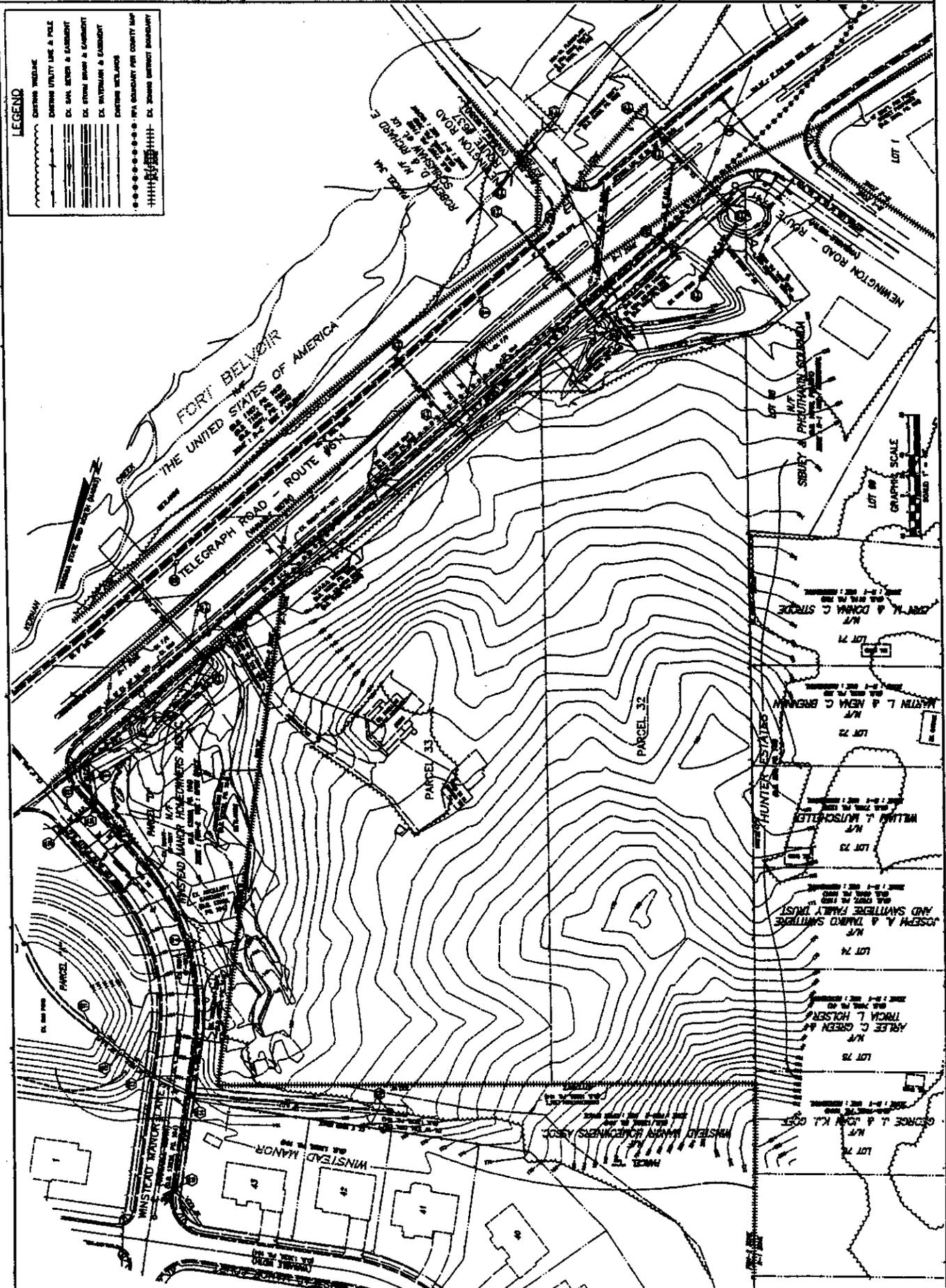
PLANNING DISTRICT
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA



CPJ
Charles P. Johnson & Associates, Inc.
PLANNING DISTRICT
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA

LEGEND

- CURRENT TRAILING
- CURRENT UTILITY USE & POLE
- D.I. SAN. SEWER & DRAINAGE
- D.I. STREET LIGHTS & CABLES
- D.I. WATERMAIN & CABLES
- D.I. POWER LINES
- D.I. PROPERTY PER COUNTY MAP
- D.I. ZONING DISTRICT BOUNDARY



EXISTING VEGETATION INVENTORY
LEATHERLAND
MOUNT KENNON DISTRICT
FARMY COUNTY, WISCONSIN



DATE	NO. OF SHEETS	SHEET NO.
1978	10	10
1979		
1980		
1981		
1982		
1983		
1984		
1985		
1986		
1987		
1988		
1989		
1990		
1991		
1992		
1993		
1994		
1995		
1996		
1997		
1998		
1999		
2000		
2001		
2002		
2003		
2004		
2005		
2006		
2007		
2008		
2009		
2010		
2011		
2012		
2013		
2014		
2015		
2016		
2017		
2018		
2019		
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		
2039		
2040		
2041		
2042		
2043		
2044		
2045		
2046		
2047		
2048		
2049		
2050		
2051		
2052		
2053		
2054		
2055		
2056		
2057		
2058		
2059		
2060		
2061		
2062		
2063		
2064		
2065		
2066		
2067		
2068		
2069		
2070		
2071		
2072		
2073		
2074		
2075		
2076		
2077		
2078		
2079		
2080		
2081		
2082		
2083		
2084		
2085		
2086		
2087		
2088		
2089		
2090		
2091		
2092		
2093		
2094		
2095		
2096		
2097		
2098		
2099		
2100		

Charles P. Johnson & Associates, Inc.
LAND SURVEYING ENGINEERS
REGISTERED PROFESSIONAL ENGINEERS
1000 W. WISCONSIN ST., MILWAUKEE, WIS. 53233
TELEPHONE: 442-1111
FAX: 442-1112

SIGNIFICANT TREES

Tree #	COMMON NAME	APPROX. HEIGHT	APPROX. DBH	APPROX. AGE	APPROX. DATE	APPROX. LOCATION	APPROX. COMMENTS
1	Red maple	15	10	10	1975	100	Edge of wooded area
2	White oak	20	12	15	1975	105	Edge of wooded area, edge of road
3	Black oak	25	14	20	1975	110	Edge of wooded area, edge of road
4	White oak	30	16	25	1975	115	Edge of wooded area, edge of road
5	Black oak	35	18	30	1975	120	Edge of wooded area, edge of road
6	White oak	40	20	35	1975	125	Edge of wooded area, edge of road
7	Black oak	45	22	40	1975	130	Edge of wooded area, edge of road
8	White oak	50	24	45	1975	135	Edge of wooded area, edge of road
9	Black oak	55	26	50	1975	140	Edge of wooded area, edge of road
10	White oak	60	28	55	1975	145	Edge of wooded area, edge of road
11	Black oak	65	30	60	1975	150	Edge of wooded area, edge of road
12	White oak	70	32	65	1975	155	Edge of wooded area, edge of road
13	Black oak	75	34	70	1975	160	Edge of wooded area, edge of road
14	White oak	80	36	75	1975	165	Edge of wooded area, edge of road
15	Black oak	85	38	80	1975	170	Edge of wooded area, edge of road
16	White oak	90	40	85	1975	175	Edge of wooded area, edge of road
17	Black oak	95	42	90	1975	180	Edge of wooded area, edge of road
18	White oak	100	44	95	1975	185	Edge of wooded area, edge of road
19	Black oak	105	46	100	1975	190	Edge of wooded area, edge of road
20	White oak	110	48	105	1975	195	Edge of wooded area, edge of road
21	Black oak	115	50	110	1975	200	Edge of wooded area, edge of road
22	White oak	120	52	115	1975	205	Edge of wooded area, edge of road
23	Black oak	125	54	120	1975	210	Edge of wooded area, edge of road
24	White oak	130	56	125	1975	215	Edge of wooded area, edge of road
25	Black oak	135	58	130	1975	220	Edge of wooded area, edge of road
26	White oak	140	60	135	1975	225	Edge of wooded area, edge of road
27	Black oak	145	62	140	1975	230	Edge of wooded area, edge of road
28	White oak	150	64	145	1975	235	Edge of wooded area, edge of road
29	Black oak	155	66	150	1975	240	Edge of wooded area, edge of road
30	White oak	160	68	155	1975	245	Edge of wooded area, edge of road
31	Black oak	165	70	160	1975	250	Edge of wooded area, edge of road
32	White oak	170	72	165	1975	255	Edge of wooded area, edge of road
33	Black oak	175	74	170	1975	260	Edge of wooded area, edge of road
34	White oak	180	76	175	1975	265	Edge of wooded area, edge of road
35	Black oak	185	78	180	1975	270	Edge of wooded area, edge of road
36	White oak	190	80	185	1975	275	Edge of wooded area, edge of road
37	Black oak	195	82	190	1975	280	Edge of wooded area, edge of road
38	White oak	200	84	195	1975	285	Edge of wooded area, edge of road
39	Black oak	205	86	200	1975	290	Edge of wooded area, edge of road
40	White oak	210	88	205	1975	295	Edge of wooded area, edge of road
41	Black oak	215	90	210	1975	300	Edge of wooded area, edge of road
42	White oak	220	92	215	1975	305	Edge of wooded area, edge of road
43	Black oak	225	94	220	1975	310	Edge of wooded area, edge of road
44	White oak	230	96	225	1975	315	Edge of wooded area, edge of road
45	Black oak	235	98	230	1975	320	Edge of wooded area, edge of road
46	White oak	240	100	235	1975	325	Edge of wooded area, edge of road
47	Black oak	245	102	240	1975	330	Edge of wooded area, edge of road
48	White oak	250	104	245	1975	335	Edge of wooded area, edge of road
49	Black oak	255	106	250	1975	340	Edge of wooded area, edge of road
50	White oak	260	108	255	1975	345	Edge of wooded area, edge of road
51	Black oak	265	110	260	1975	350	Edge of wooded area, edge of road
52	White oak	270	112	265	1975	355	Edge of wooded area, edge of road
53	Black oak	275	114	270	1975	360	Edge of wooded area, edge of road
54	White oak	280	116	275	1975	365	Edge of wooded area, edge of road
55	Black oak	285	118	280	1975	370	Edge of wooded area, edge of road
56	White oak	290	120	285	1975	375	Edge of wooded area, edge of road
57	Black oak	295	122	290	1975	380	Edge of wooded area, edge of road
58	White oak	300	124	295	1975	385	Edge of wooded area, edge of road
59	Black oak	305	126	300	1975	390	Edge of wooded area, edge of road
60	White oak	310	128	305	1975	395	Edge of wooded area, edge of road
61	Black oak	315	130	310	1975	400	Edge of wooded area, edge of road
62	White oak	320	132	315	1975	405	Edge of wooded area, edge of road
63	Black oak	325	134	320	1975	410	Edge of wooded area, edge of road
64	White oak	330	136	325	1975	415	Edge of wooded area, edge of road
65	Black oak	335	138	330	1975	420	Edge of wooded area, edge of road
66	White oak	340	140	335	1975	425	Edge of wooded area, edge of road
67	Black oak	345	142	340	1975	430	Edge of wooded area, edge of road
68	White oak	350	144	345	1975	435	Edge of wooded area, edge of road
69	Black oak	355	146	350	1975	440	Edge of wooded area, edge of road
70	White oak	360	148	355	1975	445	Edge of wooded area, edge of road
71	Black oak	365	150	360	1975	450	Edge of wooded area, edge of road
72	White oak	370	152	365	1975	455	Edge of wooded area, edge of road
73	Black oak	375	154	370	1975	460	Edge of wooded area, edge of road
74	White oak	380	156	375	1975	465	Edge of wooded area, edge of road
75	Black oak	385	158	380	1975	470	Edge of wooded area, edge of road
76	White oak	390	160	385	1975	475	Edge of wooded area, edge of road
77	Black oak	395	162	390	1975	480	Edge of wooded area, edge of road
78	White oak	400	164	395	1975	485	Edge of wooded area, edge of road
79	Black oak	405	166	400	1975	490	Edge of wooded area, edge of road
80	White oak	410	168	405	1975	495	Edge of wooded area, edge of road
81	Black oak	415	170	410	1975	500	Edge of wooded area, edge of road
82	White oak	420	172	415	1975	505	Edge of wooded area, edge of road
83	Black oak	425	174	420	1975	510	Edge of wooded area, edge of road
84	White oak	430	176	425	1975	515	Edge of wooded area, edge of road
85	Black oak	435	178	430	1975	520	Edge of wooded area, edge of road
86	White oak	440	180	435	1975	525	Edge of wooded area, edge of road
87	Black oak	445	182	440	1975	530	Edge of wooded area, edge of road
88	White oak	450	184	445	1975	535	Edge of wooded area, edge of road
89	Black oak	455	186	450	1975	540	Edge of wooded area, edge of road
90	White oak	460	188	455	1975	545	Edge of wooded area, edge of road
91	Black oak	465	190	460	1975	550	Edge of wooded area, edge of road
92	White oak	470	192	465	1975	555	Edge of wooded area, edge of road
93	Black oak	475	194	470	1975	560	Edge of wooded area, edge of road
94	White oak	480	196	475	1975	565	Edge of wooded area, edge of road
95	Black oak	485	198	480	1975	570	Edge of wooded area, edge of road
96	White oak	490	200	485	1975	575	Edge of wooded area, edge of road
97	Black oak	495	202	490	1975	580	Edge of wooded area, edge of road
98	White oak	500	204	495	1975	585	Edge of wooded area, edge of road
99	Black oak	505	206	500	1975	590	Edge of wooded area, edge of road
100	White oak	510	208	505	1975	595	Edge of wooded area, edge of road
101	Black oak	515	210	510	1975	600	Edge of wooded area, edge of road
102	White oak	520	212	515	1975	605	Edge of wooded area, edge of road
103	Black oak	525	214	520	1975	610	Edge of wooded area, edge of road
104	White oak	530	216	525	1975	615	Edge of wooded area, edge of road

BACKGROUND

The applicant requests approval of a rezoning of 7.46 acres from the R-1 District to the PDH-2 District to permit the development of 11 single family detached dwelling units at an overall density of 1.47 dwelling units per acre (du/ac), with 50% of the site retained as open space. Access to the development is proposed to be provided by a public street connecting to Winstead Manor Lane at the northeastern boundary of the site with a cul-de-sac near the western portion of the subject site. A privately maintained pipestem driveway extending south from the cul-de-sac will provide access to proposed Lots 6 – 9.

DISCUSSION

On January 9, 2008, the original staff report for the subject application was published containing proposed proffers dated December 27, 2007. Since the time of the publication of the original staff report, the applicant has submitted revised proposed proffers dated March 6, 2008, which are included in Attachment 1. The Final Development Plan Conditions proposed by staff have also been revised, based on the revisions made to the proposed proffers. The changes, which have been highlighted, do not alter staff's recommendations on this application.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

As proposed, staff believes that the proposed PDH-2 development satisfies the P-District General Standards and meets the intent of the Comprehensive Plan Residential Development Criteria. However, staff would continue to recommend that the applicant provide information regarding the proposed exterior noise mitigation for Lots 8 through 11.

Recommendation

Staff recommends approval of RZ 2007-MV-011 and the associated Conceptual Development Plan, subject to proffers consistent with those contained in Attachment 1.

Staff recommends approval of FDP 2007-MV-011, subject to the proposed development conditions contained in Attachment 2.

Staff recommends that PFM standard for a typical section for undivided streets be modified to permit the 47-foot wide right-of-way to taper to 44 feet in width in order to align the proposed public street with the existing right-of-way as depicted on the CDP/FDP.

Finally, staff recommends that Sect. 2-0103.2 of the PFM be modified to allow four of the 11 proposed lots (or 36%) to be pipestem lots.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

ATTACHMENTS

1. Draft Proffers (highlighted copy and clean copy)
2. Final Development Plan Conditions (highlighted copy and clean copy)

DRAFT PROFFERS

Carrhomes, LLC

RZ 2007-MV-011

~~February 6~~ March 6, 2008

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Carrhomes, LLC (hereinafter referred to as the Applicant"), for itself, successors and assigns in RZ 2007-MV-011, filed for property identified as Tax Map 99-4 ((1)) 32 and 33, (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-2 District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for residential development. These proffers shall replace and supersede any previous proffers approved on the Application Property.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN -

- a. Subject to the provisions of Section 16-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the CDP/FDP, consisting of nine (9) sheets prepared by Charles P. Johnson & Associates, Inc. dated January 18, 2007 and revised through February 4, 2008.
- 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, building footprints, and utility locations, provided that there is no decrease to the amount and location of open space, tree-save preservation, limits of clearing and grading, landscaping, minimum and average lot sizes, or distances to peripheral lot lines as dimensioned on the CDP/FDP.

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 for a public street to serve the residential community as shown on the CDP/FDP. Dedication shall be made at time of recordation of the final subdivision plat.

- b. Subject to VDOT and DPWES approval, the Applicant shall construct a public street to serve the residential community within the dedicated right-of-way, as shown on the CDP/FDP. Pipestem driveways shall be maintained by the homeowners association established for the Application Property. Said maintenance responsibilities and public pedestrian easements as applicable shall be disclosed to initial prospective purchasers prior to entering into a contract of sale, and shall be disclosed in the homeowners association documents.
- c. The Applicant shall construct a five (5) foot wide concrete sidewalk on both sides of the street within the dedicated right-of-way as shown on the CDP/FDP. The width of the sidewalk may vary as necessary to transition to an existing four (4) foot sidewalk located in the adjacent community.
- d. All construction traffic shall use Winstead Manor Drive to access the Application Property and not Telegraph Road. All construction personnel, including contractors, shall be informed of this restriction.
- e. Wash racks shall be installed at the access point to the Application Property to clean construction vehicles of dirt and debris prior to exiting the Application Property. Applicant shall clean Winstead Manor Drive at the access point to the Application Property on a weekly basis, or more frequently if reasonably required, to remove accumulated dirt and debris. Further, Applicant shall clean Telegraph Road in proximity to the Application Property as reasonably required to remove accumulated dirt and debris, subject to receipt of any necessary permission from VDOT.
- f. Rights-of-way adjacent to the Application Property shall not be used for the storage of construction materials. Any vehicles or construction equipment temporarily parked on rights-of-way adjacent to the Application Property, which shall only occur prior to the installation of the access to the Application Property, shall be delineated with traffic cones or other similar safety measures.
- g. Once the access to the Application Property has been installed, the Applicant shall not stage construction vehicles on adjacent rights-of-way, and construction personnel shall be directed to park on the Application Property. In all events, a travelway shall remain open to ensure safe passage of vehicles during construction. All deliveries to the Application Property shall be conducted on-site.
- h. The Applicant shall provide written notification to all subcontractors under contract to perform construction work on the Application Property that states: "School bus stops are located in proximity to the property under construction. Drive slowly and stay alert to protect children."

- i. The Applicant shall use best efforts, as demonstrated to DPWES at time of subdivision plan approval, to temporarily relocate the existing school bus stop on Telegraph Road to the intersection of Winstead Manor Lane and Winstead Manor Court during construction on the Application Property.
- j. During development of the Application Property, the telephone number and e-mail address of the site superintendent who will be present on-site during construction shall be provided to the President of the Winstead Manor Homeowners Association, and the President of the Newington Civic Association.
- k. 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 or as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of subdivision plat approval.

3. LANDSCAPING AND OPEN SPACE -

- a. Applicant shall provide landscaping on the Application Property as generally shown on the CDP/FDP. Said landscaping shall incorporate native species to the extent feasible, including Valley Forge American Elm trees or a similar disease resistant Elm. The landscape plan shall be reviewed and approved by the Urban Forest Management Division (UFMD).
- b. In addition to the landscaping shown on the CDP/FDP, the Applicant shall plant native ornamental grasses and shrubs between the proposed stormwater management pond and Telegraph Road. Said plantings shall be provided to the extent possible as permitted by the regulations of DPWES and the restrictions of existing easements.
- c. The tree save-preservation-designation areas shown on the CDP/FDP shall not be developed with any structures and shall remain as undisturbed open space, subject to a recorded conservation easement as shown on the CDP/FDP running to the benefit of Fairfax County, in a form approved by the County Attorney, which prohibits removal of trees except those which are dead, diseased, noxious or hazardous. Parcel A shall be owned and maintained by the homeowners' association established for the development. The homeowners' association covenants shall contain clear language delineating the tree save-preservation-designation areas subject to a conservation easement, and the restrictions within those areas.
- d. The subdivision plan submitted by the Applicant shall provide for the management and treatment of harmful or invasive plants that occur in the areas to be left undisturbed. The management plan shall be submitted for review and approved by the Urban Forest Management Division (UFM), and shall incorporate generally accepted industry standards for removal and management of invasive plants.

- e. Notwithstanding the landscaping plan detail provided on the CDP/FDP, the Applicant shall install one (1) ornamental tree in the rear of each proposed lot in lieu of two (2) ornamental trees in the front yard. The tree shall be located to avoid potential conflicts with future decks.
- f. The Applicant shall minimize tree and plant removal/damage on the wetland areas shown on the CDP/FDP. In the event that streambank erosion occurs as determined by DPWES, the Applicant shall restore the streambank channel with plantings and other techniques as recommended by DPWES.

4. TREE DESIGNATION -

A tree preservation plan shall be submitted as part of the first and all subsequent subdivision submissions as follows:

- a. Tree Designation Plan. The tree designation plan shall be prepared by a professional with experience in the preparation of tree designation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of UFM. The tree designation 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, and 15 feet to either side of the limits of clearing and grading shown on the CDP/FDP. The tree designation 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 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 trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan. The use of motorized equipment in the forested portion that is protected by the limits of clearing and grading for each phase of the project shall be limited to hand-operated equipment such as chainsaws, wheel barrows, rakes, and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless previously approved by UFM. The landscape plan submitted as part of the subdivision plan shall conform to the Tree Designation Plan, as determined by UFM. Minor modifications may be permitted by UFM to the extent that these do not change the designations of individual trees, or result in significant physical impacts to the areas designated to be left undisturbed. If more than five years have elapsed since the date of approval of this rezoning application and a subdivision plan has not been approved, a revised tree survey that identifies the trunk location, species, size, crown

spread and condition analysis rating for all individual trees to be preserved and conserved, as well as all on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ - feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 20 feet outside of the approved limits of clearing and grading shall also be submitted for review and approval by UFM. Based upon the updated information on the status and health of trees to be preserved and conserved, modifications to the Tree Designation Plan may be approved by UFM. If a revised Tree Designation Plan is submitted, the Applicant shall also submit concurrently an updated monetary value for each tree surveyed that is located within the areas designated to be left undisturbed. The monetary values shall be determined using the Trunk Formula Method contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, and as further defined under proffer 4e., Monetary Value of Trees-Tree Bond.

Trees to be conserved. The Applicant shall take necessary steps and actions to ensure the long-term survival, and continuing structural integrity and health of trees designated on the Tree Designation Plan to be conserved. However, if for reasons related to lawfully executed construction practices on the Application Property and/or changes to the environment brought about by these construction activities, but not resulting from wrongful or negligent acts on the part of the Applicant or the Applicant's agents, these trees are found to be dead, dying, diseased, or hazardous (as determined by UFM at or prior to the final release of the project bond) the Applicant shall:

1. provide for the removal of above ground portions of the trees;
2. provide for the restoration of any understory plant and soil conditions damaged during their removal (as determined by UFM); and
3. provide for the restoration of the associated loss in canopy coverage in accordance with the tree cover guidance found in the PFM in the event the canopy coverage on the Application Property is reduced below that required on the CDP/FDP.

If wrongful or negligent acts on the part of the Applicant or the Applicant's agents caused in whole or in part, these trees to be found to be dead, dying, diseased, or hazardous, as determined by UFM at, or prior to, the final release of the project bond, in addition to the removal and/or restoration requirements identified above, the Applicant shall provide remuneration by paying a sum equal to the monetary value of that tree or trees as identified in the approved Tree Designation Plan into the Mount Vernon District's Tree Preservation and Planting Fund for use within the Mount Vernon Magisterial District on or off the Application Property as determined by UFM after consultation with the District Supervisor. In addition, Fairfax County may

use other legal remedies at its disposal related to non-compliance, including, but not limited to the fact that a Proffered Condition Amendment may be required if any proposed remedies are not in substantial conformance with the proffers, as determined by the Zoning Administrator.

Trees to be removed. The Applicant shall remove the trees designated on the Tree Designation Plan to be removed during initial clearing and grading activities in a manner approved by UFM.

- b. Tree Preservation Walk-Through. 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 a UFM representative to discuss where adjustments to the clearing limits can be made 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 specifically by UFM in writing 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 the adjacent trees and associated understory vegetation and soil conditions.
- c. Tree Protection Fencing, Signage and Site Monitoring. ~~All trees shown to be preserved on the tree designation plan shall be protected by a tree protection fencing in the form of 4 foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by UFM. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the GDP/FDP. Trenching for the fence shall not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.~~

~~———— All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. Nothing contained in these Proffers shall preclude approval of a grading plan to allow demolition of the existing structure prior to subdivision plan approval. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM and the Mount Vernon District Supervisors office, 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 UFM. All individual trees to be conserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage as set forth below. Tree protection fencing that is four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by UFM, shall be erected at the limits of clearing and grading shown on CDP/FDP. Trenching for the fence shall not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. Nothing contained in these proffers shall preclude approval of a grading plan to allow demolition of the existing structure prior to subdivision plan approval. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is required to be conserved. At least three days prior to the commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFM and the District Supervisor shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas to be left undisturbed have been correctly delineated. UFM shall provide written notice within three days to the Applicant as to whether or not the areas have been delineated correctly. If it is determined by UFM that the areas are not delineated correctly, no grading or construction activities shall occur on the Application Property until the delineation is corrected and field verified by UFM.

The Applicant shall provide signs that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the tree protection fencing. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to left undisturbed.

At all times during the installation of tree protection fencing and during any clearing or removal of trees, vegetation, or structures, or transplanting of trees or vegetation on the site, or other similar activities, a representative of the Applicant who is a certified arborist or landscape architect shall be present to monitor the process and ensure that the activities are conducted in accordance with the proffers and as approved by UFM. The monitoring schedule shall be described and detailed in the Tree Designation Plan and shall be reviewed and approved in writing by UFM.

- d. Demolition of Existing Structures. The demolition of existing structures on the Application Property shall be conducted in a manner approved in writing by UFM, that minimizes impact on individual trees and/or groups of trees that are required to be saved. The Applicant shall gain written approval from UFM as evidenced by signature on the approved grading plan prior to seeking a demolition permit from ~~Fairfax County~~DPWES.

~~A pre-demolition meeting shall be conducted with UFM, the Applicant and its contractor, which shall occur prior to any demolition work. A Project Arborist representing the Applicant shall be on-site during all demolition activities.~~

- e. Monetary Values of Trees-Tree Bond. The monetary value of the trees 12" or larger located with twenty (20) feet outside of the limits of clearing and grading shown on the CDP/FDP shall be determined using the Trunk Formula Method contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, and shall be subject to review and approval by UFM. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings. The Site rating component shall be equal to at least 80%. The combined total of monetary values identified in the approved Landscape Plan for trees designated to be conserved shall serve as a baseline sum in determining the amount of the Tree Bond, as discussed below:

Tree Bond: A letter of credit or a cash escrow equal to one half (50%) of the total monetary value of trees to be designated to be preserved and conserved as identified above shall be placed with DPWES. The sum of the Tree Bond shall be determined at subdivision plan submission. The letter of credit shall be prepared in a manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Designation Plan, and to ensure the undisturbed areas identified on the approved CDP/FDP are preserved. In the alternative, the cash escrow shall be held by the County as an escrow that can be used by the County to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Designation Plan, and to ensure the undisturbed areas identified on the approved CDP/FDP are preserved.

If the Applicant fails to complete any work identified in the approved tree designation plan, then DPWES may use the Tree Bond to accomplish the required work. If DPWES must use all or part of the Tree Bond to accomplish the outstanding work, then the Applicant will replenish the Tree Bond to its full amount. If the Applicant fails to replenish the Tree Bond to its full amount, then the Tree Bond may be used by DPWES to its full amount.

Any escrow remaining in the Tree Bond shall be released along with the project's final bond-release, or sooner, if approved in writing by UFM.

5. PARKS AND RECREATION -

- a. Pursuant to Paragraph 2 of Section 6-110 and Paragraph 2 of Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall contribute the sum of One Thousand Five Hundred Dollars (\$1,500.00) per approved lot to the Fairfax County Park Authority at time of subdivision plan approval for outdoor recreation facilities, expansion and/or maintenance of Levelle Dupelle Park, which is located in the vicinity of the Application Property.
- b. At time of subdivision plan approval, the Applicant shall contribute the sum of five thousand dollars (\$5,000.00) to the Fairfax County Park Authority, in addition to the amount described in Proffer 5.a., for recreation facilities, expansion, and/or maintenance of Levelle Dupelle Park, which is located in the vicinity of the Application Property.

6. SCHOOL CONTRIBUTION -

Applicant shall contribute the sum of twenty-three thousand, two hundred sixty dollars (\$23,260.00) to the Fairfax County Board of Supervisors for capital improvements to Fairfax County Schools serving this development. Said contribution shall be payable at time of subdivision plan approval for the Application Property.

7. STORMWATER MANAGEMENT - BEST MANAGEMENT PRACTICES

- a. The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP) in a location as generally shown on the CDP/FDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless modified by DPWES. In the event that on-site stormwater management or BMPs are modified by DPWES, modification of the SWM/BMP pond shown on the CDP/FDP shall not require the approval of a proffered condition amendment or an amendment to the CDP/FDP, provided that any change is in substantial conformance with the proffers and CDP/FDP as determined by the Department of Planning and Zoning (DPZ). Any open space resulting from any modification shall remain as open space. Said modifications shall not substantially alter the lot layout configuration or the location of the retaining wall and landscaping as shown on the CDP/FDP.
- b. A landscape plan shall be submitted as part of the first and subsequent submissions of the subdivision plans and shall provide additional landscaping around and within the SWM facility in accordance with the planting policies of DPWES.

- c. The Applicant shall strictly adhere to the limits of clearing and grading shown on the CDP/FDP during installation of the SWM facility and shall not adversely impact trees located off-site from the Application Property.

8. EROSION AND SEDIMENTATION CONTROL -

- a. Subject to the approval of DPWES, Applicant shall design, as an integral part (phase I) of the initial erosion and sediment control plan, a sediment basin located at the site of the proposed permanent SWM pond. All clearing and earthwork necessary for the construction of this basin shall be included in the initial phase I construction and shall not exceed the limits of clearing and grading as shown on the CDP/FDP. No other clearing and grading operations, other than those required for other sediment and erosion control practices on-site shall be permitted until basin is operational for sediment control purposes.
- b. Subject to the approval of DPWES, Applicant shall direct as much on-site disturbed areas to the sediment basin during all phases of construction as is reasonably possible, as determined by DPWES, and shall show such drainage areas on the phase I erosion and sediment control plans.
- c. Once rough grade has been achieved on any portion of the Application Property, that area shall be hydroseeded to meet or exceed the Fairfax County standards for critical slope areas as set forth in the Public Facilities Manual (PFM) with an appropriate seed mixture and mulched to prevent erosion during storms.

9. AFFORDABLE HOUSING -

At the time of final subdivision plat approval for the Application Property, the Applicant shall contribute to the Fairfax County Housing Trust Fund one-half of one percent (1/2%) of the estimated sales price of each new dwelling for the provision of affordable housing. The estimated sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development (HCD) and the DPWES. The timing and amount of this contribution may be modified at the Applicant's sole option based on the adoption of a future amendment to the formula adopted by the Board of Supervisors.

10. DESIGN -

- a. Applicant shall construct the residential dwellings as conceptually shown on the CDP/FDP. The fronts of the residential dwelling units shall include a majority of brick, masonry, stone or other comparable materials. Architectural features may include dormers, gables, bay windows and porches. The rear facades of proposed

Lots 9 through 11 shall have architectural treatments, such as window trim, dormers, gables, and bay windows, similar to the front of the house.

- b. A minimum front yard of eighteen (18) feet, a minimum side yard of seven (7) feet, and a minimum rear yard of twenty-five (25) feet shall be provided for all proposed residential dwelling units, exclusive of Zoning Ordinance extensions permitted in Article 2 for bay windows, chimneys, decks, stairs, stoops and similar features.
- c. A minimum driveway length of eighteen (18) feet from the property line to the garage door shall be provided for all proposed residential dwelling units.
- d. All residential dwellings constructed on the Application Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES for either electric or gas energy systems. This shall include the use of energy star appliances.
- e. All residential dwellings shall be constructed with low volatile organic compound paint and carpet.
- f. All proposed residential dwelling units shall have a maximum height of thirty-five (35) feet as defined by the Zoning Ordinance.
- g. Applicant shall include an option in its marketing materials for purchasers to select universal design features to be incorporated into the residential dwelling at time of construction.
- h. Applicant shall construct the residential dwelling units on the Application property utilizing the principles identified in the National Association of Home Builders (NAHB) Green Home Building Guidelines as adopted by NAHB and/or the Northern Virginia Building Industry Association (NVBIA). Applicant shall achieve a green building rating of silver or better for each home constructed. In the event that NAHB Green Home Building Guidelines have not been adopted at time of subdivision plan approval, the Applicant shall utilize the draft principles as available as of the date of this rezoning approval or other similar standards as reviewed and approved by DPWES.

11. GEOTECHNICAL -

- a. Prior to subdivision plan approval, the Applicant shall submit a Geotechnical Report to DPWES for the Application Property as required by DPWES, for review and approval, and shall implement the recommendations outlined in the approved study, including additional measures recommended by DPWES.

- b. Should the implementation of the recommendations outlined in the approved study result in substantial modifications to the lot layout shown on the CDP/FDP, the Applicant shall submit a proffered condition amendment/final development plan amendment application to DPZ. Said application shall be reviewed and approved prior to commencement of construction.
- c. Applicant shall strictly adhere within five feet to the limits of clearing and grading as shown on the CDP/FDP as amended by the tree designation plan, except for the installation of utilities, ~~including water~~, as determined by final engineering. In order to preserve these limits, the Applicant shall implement a variety of techniques as reviewed and approved by DPWES and UFM. The design and placement of all utilities shall consider the tree designation plan and protection of forested open space conservation easements, to the greatest extent possible. Retaining walls, if constructed, shall have a facade of stone or masonry as shown on the CDP/FDP. Retaining walls may be terraced and shall be landscaped. Retaining walls in excess of four (4) feet shall include handrails and guardrails as required by DPWES.

12. NOISE ATTENUATION -

Applicant shall achieve an interior noise level of approximately 45 dBA Ldn in all units located within 190 feet from the centerline of Telegraph Road in the area identified as having levels between 65 through 70 dBA Ldn. All units within this impacted area will have the following acoustical attributes as determined by DPWES:

- a. Exterior walls shall have a laboratory Sound Transmission Classification (STC) of at least 39.
- b. Doors and windows shall have an STC of at least 28. If glazing constitutes more than 20 percent of any façade, they shall have the same laboratory STC ratings specified for exterior walls.
- c. Adequate measures to seal and caulk between surfaces shall be provided.

Applicant shall achieve an exterior noise level of approximately 65 dBA Ldn for the rear yards of all units adjacent to Telegraph Road. If necessary, in order to achieve an exterior noise level of approximately 65 dBA, the Applicant shall install a solid wooden fence, with no gaps or openings, in the location as shown on the CDP/FDP.

Nothing herein shall be construed to restrict or otherwise limit the use of balconies, patios or decks on residential units.

The Applicant reserves the right to pursue additional methods of mitigating highway noise impacts that can be demonstrated, through an independent noise study as reviewed and

approved by DPZ, that these methods will be effective in reducing interior noise levels to approximately 45 dBA Ldn or less, and exterior noise levels to approximately 65 dBA Ldn or less.

13. HERITAGE RESOURCES -

Prior to any land disturbing activities on the Application Property, Applicant shall conduct a Phase I archaeological study of the Application Property, and provide the results of such study to the Park Authority Cultural Resources Management and Protection Section (CRMPS). The study shall be conducted by a qualified archaeological professional approved by CRMPS, and shall be reviewed and approved by CRMPS within a reasonable time period so as to not delay construction. The Phase I study shall be performed in accordance with a scope provided by CRMPS. The study shall be completed prior to subdivision plat recordation.

There shall be no land disturbing activities on the Application Property until the Phase I study has been reviewed and approved by CRMPS. If any archeological resources are found by the Phase I study and determined to be potentially significant, then the Applicant shall conduct a Phase II archeological study. The Phase II study data recovery shall be performed in accordance with a scope provided by CRMPS. Archeological reports produced as a result of the Phase I and/or Phase II studies shall be submitted for approval to CRMPS. Said approval process shall be completed within a reasonable time period so as to not delay construction.

14. MISCELLANEOUS -

- a. Applicant shall install three (3) purple martin houses on the Application Property in proximity to the SWM pond. The location and design of said houses shall be coordinated with appropriate representatives of ~~the Fairfax County Park Authority~~ DPWES.
- b. Applicant shall notify the Mount Vernon District Supervisor's Office in writing of any interpretation requests submitted to the Zoning Administrator when said interpretation is submitted, any waivers or PFM modifications requested under Chapter 101 of Fairfax County Code or the PFM when said waivers or modifications are submitted to DPWES, and of any major subdivision plan revisions when submitted to DPWES.
- c. These proffers shall bind and inure to the benefit of the Applicant and his or her successors and assigns.

- d. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.
- e. All of the improvements described herein shall be constructed concurrent with development of the Application Property.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

{A0136732.DOC / 1 Proffers 3-6-08 (blk) 000003 000061}

APPLICANT/CONTRACT PURCHASER OF TAX MAP
99-4 ((1)) 32 AND 33

CARRHOMES, LLC

By: Carr Management, Inc., its Manager

By: Thomas E. Jordan
Its: President

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF TAX MAP 99-4 ((1)) 32 AND 33

**THE TRUST COMPANY OF VIRGINIA,
SUCCESSOR TRUSTEE OF THE MARY ANN
G. LEATHERLAND FAMILY TRUST**

**By: Thomas R. Harrison
Its: Senior Vice President**

[SIGNATURES END]

DRAFT PROFFERS

Carrhomes, LLC

RZ 2007-MV-011

March 6, 2008

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Carrhomes, LLC (hereinafter referred to as the Applicant"), for itself, successors and assigns in RZ 2007-MV-011, filed for property identified as Tax Map 99-4 ((1)) 32 and 33, (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-2 District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for residential development. These proffers shall replace and supersede any previous proffers approved on the Application Property.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN -

- a. Subject to the provisions of Section 16-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the CDP/FDP, consisting of nine (9) sheets prepared by Charles P. Johnson & Associates, Inc. dated January 18, 2007 and revised through February 4, 2008.
- 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, building footprints, and utility locations, provided that there is no decrease to the amount and location of open space, tree preservation, limits of clearing and grading, landscaping, minimum and average lot sizes, or distances to peripheral lot lines as dimensioned on the CDP/FDP.

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 for a public street to serve the residential community as shown on the CDP/FDP. Dedication shall be made at time of recordation of the final subdivision plat.

- b. Subject to VDOT and DPWES approval, the Applicant shall construct a public street to serve the residential community within the dedicated right-of-way, as shown on the CDP/FDP. Pipestem driveways shall be maintained by the homeowners association established for the Application Property. Said maintenance responsibilities and public pedestrian easements as applicable shall be disclosed to initial prospective purchasers prior to entering into a contract of sale, and shall be disclosed in the homeowners association documents.
- c. The Applicant shall construct a five (5) foot wide concrete sidewalk on both sides of the street within the dedicated right-of-way as shown on the CDP/FDP. The width of the sidewalk may vary as necessary to transition to an existing four (4) foot sidewalk located in the adjacent community.
- d. All construction traffic shall use Winstead Manor Drive to access the Application Property and not Telegraph Road. All construction personnel, including contractors, shall be informed of this restriction.
- e. Wash racks shall be installed at the access point to the Application Property to clean construction vehicles of dirt and debris prior to exiting the Application Property. Applicant shall clean Winstead Manor Drive at the access point to the Application Property on a weekly basis, or more frequently if reasonably required, to remove accumulated dirt and debris. Further, Applicant shall clean Telegraph Road in proximity to the Application Property as reasonably required to remove accumulated dirt and debris, subject to receipt of any necessary permission from VDOT.
- f. Rights-of-way adjacent to the Application Property shall not be used for the storage of construction materials. Any vehicles or construction equipment temporarily parked on rights-of-way adjacent to the Application Property, which shall only occur prior to the installation of the access to the Application Property, shall be delineated with traffic cones or other similar safety measures.
- g. Once the access to the Application Property has been installed, the Applicant shall not stage construction vehicles on adjacent rights-of-way, and construction personnel shall be directed to park on the Application Property. In all events, a travelway shall remain open to ensure safe passage of vehicles during construction. All deliveries to the Application Property shall be conducted on-site.
- h. The Applicant shall provide written notification to all subcontractors under contract to perform construction work on the Application Property that states: "School bus stops are located in proximity to the property under construction. Drive slowly and stay alert to protect children."

- i. The Applicant shall use best efforts, as demonstrated to DPWES at time of subdivision plan approval, to temporarily relocate the existing school bus stop on Telegraph Road to the intersection of Winstead Manor Lane and Winstead Manor Court during construction on the Application Property.
- j. During development of the Application Property, the telephone number and e-mail address of the site superintendent who will be present on-site during construction shall be provided to the President of the Winstead Manor Homeowners Association, and the President of the Newington Civic Association.
- k. 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 or as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of subdivision plat approval.

3. LANDSCAPING AND OPEN SPACE -

- a. Applicant shall provide landscaping on the Application Property as generally shown on the CDP/FDP. Said landscaping shall incorporate native species to the extent feasible, including Valley Forge American Elm trees or a similar disease resistant Elm. The landscape plan shall be reviewed and approved by the Urban Forest Management Division (UFMD).
- b. In addition to the landscaping shown on the CDP/FDP, the Applicant shall plant native ornamental grasses and shrubs between the proposed stormwater management pond and Telegraph Road. Said plantings shall be provided to the extent possible as permitted by the regulations of DPWES and the restrictions of existing easements.
- c. The tree preservation-designation areas shown on the CDP/FDP shall not be developed with any structures and shall remain as undisturbed open space, subject to a recorded conservation easement as shown on the CDP/FDP running to the benefit of Fairfax County, in a form approved by the County Attorney, which prohibits removal of trees except those which are dead, diseased, noxious or hazardous. Parcel A shall be owned and maintained by the homeowners' association established for the development. The homeowners' association covenants shall contain clear language delineating the tree preservation-designation areas subject to a conservation easement, and the restrictions within those areas.
- d. The subdivision plan submitted by the Applicant shall provide for the management and treatment of harmful or invasive plants that occur in the areas to be left undisturbed. The management plan shall be submitted for review and approved by the Urban Forest Management Division (UFM), and shall incorporate generally accepted industry standards for removal and management of invasive plants.

- e. Notwithstanding the landscaping plan detail provided on the CDP/FDP, the Applicant shall install one (1) ornamental tree in the rear of each proposed lot in lieu of two (2) ornamental trees in the front yard. The tree shall be located to avoid potential conflicts with future decks.
- f. The Applicant shall minimize tree and plant removal/damage on the wetland areas shown on the CDP/FDP. In the event that streambank erosion occurs as determined by DPWES, the Applicant shall restore the streambank channel with plantings and other techniques as recommended by DPWES.

4. TREE DESIGNATION -

A tree preservation plan shall be submitted as part of the first and all subsequent subdivision submissions as follows:

- a. Tree Designation Plan. The landscape plan submitted as part of the subdivision plan shall conform to the Tree Designation Plan, as determined by UFM. Minor modifications may be permitted by UFM to the extent that these do not change the designations of individual trees, or result in significant physical impacts to the areas designated to be left undisturbed. If more than five years have elapsed since the date of approval of this rezoning application and a subdivision plan has not been approved, a revised tree survey that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual trees to be preserved and conserved, as well as all on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ - feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 20 feet outside of the approved limits of clearing and grading shall also be submitted for review and approval by UFM. Based upon the updated information on the status and health of trees to be preserved and conserved, modifications to the Tree Designation Plan may be approved by UFM. If a revised Tree Designation Plan is submitted, the Applicant shall also submit concurrently an updated monetary value for each tree surveyed that is located within the areas designated to be left undisturbed. The monetary values shall be determined using the Trunk Formula Method contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, and as further defined under proffer 4e., Monetary Value of Trees-Tree Bond.

Trees to be conserved. The Applicant shall take necessary steps and actions to ensure the long-term survival, and continuing structural integrity and health of trees designated on the Tree Designation Plan to be conserved. However, if for reasons related to lawfully executed construction practices on the Application Property and/or

changes to the environment brought about by these construction activities, but not resulting from wrongful or negligent acts on the part of the Applicant or the Applicant's agents, these trees are found to be dead, dying, diseased, or hazardous (as determined by UFM at or prior to the final release of the project bond) the Applicant shall:

1. provide for the removal of above ground portions of the trees;
2. provide for the restoration of any understory plant and soil conditions damaged during their removal (as determined by UFM); and
3. provide for the restoration of the associated loss in canopy coverage in accordance with the tree cover guidance found in the PFM in the event the canopy coverage on the Application Property is reduced below that required on the CDP/FDP.

If wrongful or negligent acts on the part of the Applicant or the Applicant's agents caused in whole or in part, these trees to be found to be dead, dying, diseased, or hazardous, as determined by UFM at, or prior to, the final release of the project bond, in addition to the removal and/or restoration requirements identified above, the Applicant shall provide remuneration by paying a sum equal to the monetary value of that tree or trees as identified in the approved Tree Designation Plan into the Mount Vernon District's Tree Preservation and Planting Fund for use within the Mount Vernon Magisterial District on or off the Application Property as determined by UFM after consultation with the District Supervisor. In addition, Fairfax County may use other legal remedies at its disposal related to non-compliance, including, but not limited to the fact that a Proffered Condition Amendment may be required if any proposed remedies are not in substantial conformance with the proffers, as determined by the Zoning Administrator.

Trees to be removed. The Applicant shall remove the trees designated on the Tree Designation Plan to be removed during initial clearing and grading activities in a manner approved by UFM.

- b. Tree Preservation Walk-Through. 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 a UFM representative to discuss where adjustments to the clearing limits can be made 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 specifically by UFM in writing 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 the adjacent trees and associated understory vegetation and soil conditions.

- c. Tree Protection Fencing, Signage and Site Monitoring. All individual trees to be conserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage as set forth below. Tree protection fencing that is four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by UFM, shall be erected at the limits of clearing and grading shown on CDP/FDP. Trenching for the fence shall not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. Nothing contained in these proffers shall preclude approval of a grading plan to allow demolition of the existing structure prior to subdivision plan approval. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is required to be conserved. At least three days prior to the commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFM and the District Supervisor shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas to be left undisturbed have been correctly delineated. UFM shall provide written notice within three days to the Applicant as to whether or not the areas have been delineated correctly. If it is determined by UFM that the areas are not delineated correctly, no grading or construction activities shall occur on the Application Property until the delineation is corrected and field verified by UFM.

The Applicant shall provide signs that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the tree protection fencing. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to left undisturbed.

At all times during the installation of tree protection fencing and during any clearing or removal of trees, vegetation, or structures, or transplanting of trees or vegetation on the site, or other similar activities, a representative of the Applicant who is a certified arborist or landscape architect shall be present to monitor the process and ensure that the activities are conducted in accordance with the proffers and as approved by UFM. The monitoring schedule shall be described and detailed in the

Tree Designation Plan and shall be reviewed and approved in writing by UFM.

- d. Demolition of Existing Structures. The demolition of existing structures on the Application Property shall be conducted in a manner approved in writing by UFM, that minimizes impact on individual trees and/or groups of trees that are required to be saved. The Applicant shall gain written approval from UFM as evidenced by signature on the approved grading plan prior to seeking a demolition permit from DPWES.

- e. Monetary Values of Trees-Tree Bond. The monetary value of the trees 12" or larger located with twenty (20) feet outside of the limits of clearing and grading shown on the CDP/FDP shall be determined using the Trunk Formula Method contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, and shall be subject to review and approval by UFM. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings. The Site rating component shall be equal to at least 80%. The combined total of monetary values identified in the approved Landscape Plan for trees designated to be conserved shall serve as a baseline sum in determining the amount of the Tree Bond, as discussed below:

Tree Bond: A letter of credit or a cash escrow equal to one half (50%) of the total monetary value of trees to be designated to be preserved and conserved as identified above shall be placed with DPWES. The sum of the Tree Bond shall be determined at subdivision plan submission. The letter of credit shall be prepared in a manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Designation Plan, and to ensure the undisturbed areas identified on the approved CDP/FDP are preserved. In the alternative, the cash escrow shall be held by the County as an escrow that can be used by the County to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Designation Plan, and to ensure the undisturbed areas identified on the approved CDP/FDP are preserved.

If the Applicant fails to complete any work identified in the approved tree designation plan, then DPWES may use the Tree Bond to accomplish the required work. If DPWES must use all or part of the Tree Bond to accomplish the outstanding work, then the Applicant will replenish the Tree Bond to its full amount. If the Applicant fails to replenish the Tree Bond to its full amount, then the Tree Bond may be used by DPWES to its full amount.

Any escrow remaining in the Tree Bond shall be released along with the project's final bond-release, or sooner, if approved in writing by UFM.

5. PARKS AND RECREATION -

- a. Pursuant to Paragraph 2 of Section 6-110 and Paragraph 2 of Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall contribute the sum of One Thousand Five Hundred Dollars (\$1,500.00) per approved lot to the Fairfax County Park Authority at time of subdivision plan approval for outdoor recreation facilities, expansion and/or maintenance of Levelle Dupelle Park, which is located in the vicinity of the Application Property.
- b. At time of subdivision plan approval, the Applicant shall contribute the sum of five thousand dollars (\$5,000.00) to the Fairfax County Park Authority, in addition to the amount described in Proffer 5.a., for recreation facilities, expansion, and/or maintenance of Levelle Dupelle Park, which is located in the vicinity of the Application Property.

6. SCHOOL CONTRIBUTION -

Applicant shall contribute the sum of twenty-three thousand, two hundred sixty dollars (\$23,260.00) to the Fairfax County Board of Supervisors for capital improvements to Fairfax County Schools serving this development. Said contribution shall be payable at time of subdivision plan approval for the Application Property.

7. STORMWATER MANAGEMENT - BEST MANAGEMENT PRACTICES

- a. The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP) in a location as generally shown on the CDP/FDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless modified by DPWES. In the event that on-site stormwater management or BMPs are modified by DPWES, modification of the SWM/BMP pond shown on the CDP/FDP shall not require the approval of a proffered condition amendment or an amendment to the CDP/FDP, provided that any change is in substantial conformance with the proffers and CDP/FDP as determined by the Department of Planning and Zoning (DPZ). Any open space resulting from any modification shall remain as open space. Said modifications shall not substantially alter the lot layout configuration or the location of the retaining wall and landscaping as shown on the CDP/FDP.
- b. A landscape plan shall be submitted as part of the first and subsequent submissions of the subdivision plans and shall provide additional landscaping around and within the SWM facility in accordance with the planting policies of DPWES.

- c. The Applicant shall strictly adhere to the limits of clearing and grading shown on the CDP/FDP during installation of the SWM facility and shall not adversely impact trees located off-site from the Application Property.

8. EROSION AND SEDIMENTATION CONTROL -

- a. Subject to the approval of DPWES, Applicant shall design, as an integral part (phase I) of the initial erosion and sediment control plan, a sediment basin located at the site of the proposed permanent SWM pond. All clearing and earthwork necessary for the construction of this basin shall be included in the initial phase I construction and shall not exceed the limits of clearing and grading as shown on the CDP/FDP. No other clearing and grading operations, other than those required for other sediment and erosion control practices on-site shall be permitted until basin is operational for sediment control purposes.
- b. Subject to the approval of DPWES, Applicant shall direct as much on-site disturbed areas to the sediment basin during all phases of construction as is reasonably possible, as determined by DPWES, and shall show such drainage areas on the phase I erosion and sediment control plans.
- c. Once rough grade has been achieved on any portion of the Application Property, that area shall be hydroseeded to meet or exceed the Fairfax County standards for critical slope areas as set forth in the Public Facilities Manual (PFM) with an appropriate seed mixture and mulched to prevent erosion during storms.

9. AFFORDABLE HOUSING --

At the time of final subdivision plat approval for the Application Property, the Applicant shall contribute to the Fairfax County Housing Trust Fund one-half of one percent (1/2%) of the estimated sales price of each new dwelling for the provision of affordable housing. The estimated sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development (HCD) and the DPWES. The timing and amount of this contribution may be modified at the Applicant's sole option based on the adoption of a future amendment to the formula adopted by the Board of Supervisors.

10. DESIGN -

- a. Applicant shall construct the residential dwellings as conceptually shown on the CDP/FDP. The fronts of the residential dwelling units shall include a majority of brick, masonry, stone or other comparable materials. Architectural features may include dormers, gables, bay windows and porches. The rear facades of proposed

Lots 9 through 11 shall have architectural treatments, such as window trim, dormers, gables, and bay windows, similar to the front of the house.

- b. A minimum front yard of eighteen (18) feet, a minimum side yard of seven (7) feet, and a minimum rear yard of twenty-five (25) feet shall be provided for all proposed residential dwelling units, exclusive of Zoning Ordinance extensions permitted in Article 2 for bay windows, chimneys, decks, stairs, stoops and similar features.
- c. A minimum driveway length of eighteen (18) feet from the property line to the garage door shall be provided for all proposed residential dwelling units.
- d. All residential dwellings constructed on the Application Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES for either electric or gas energy systems. This shall include the use of energy star appliances.
- e. All residential dwellings shall be constructed with low volatile organic compound paint and carpet.
- f. All proposed residential dwelling units shall have a maximum height of thirty-five (35) feet as defined by the Zoning Ordinance.
- g. Applicant shall include an option in its marketing materials for purchasers to select universal design features to be incorporated into the residential dwelling at time of construction.
- h. Applicant shall construct the residential dwelling units on the Application property utilizing the principles identified in the National Association of Home Builders (NAHB) Green Home Building Guidelines as adopted by NAHB and/or the Northern Virginia Building Industry Association (NVBIA). Applicant shall achieve a green building rating of silver or better for each home constructed. In the event that NAHB Green Home Building Guidelines have not been adopted at time of subdivision plan approval, the Applicant shall utilize the draft principles as available as of the date of this rezoning approval or other similar standards as reviewed and approved by DPWES.

11. GEOTECHNICAL -

- a. Prior to subdivision plan approval, the Applicant shall submit a Geotechnical Report to DPWES for the Application Property as required by DPWES, for review and approval, and shall implement the recommendations outlined in the approved study, including additional measures recommended by DPWES.

- b. Should the implementation of the recommendations outlined in the approved study result in substantial modifications to the lot layout shown on the CDP/FDP, the Applicant shall submit a proffered condition amendment/final development plan amendment application to DPZ. Said application shall be reviewed and approved prior to commencement of construction.
- c. Applicant shall strictly adhere within five feet to the limits of clearing and grading as shown on the CDP/FDP as amended by the tree designation plan, except for the installation of utilities, as determined by final engineering. In order to preserve these limits, the Applicant shall implement a variety of techniques as reviewed and approved by DPWES and UFM. The design and placement of all utilities shall consider the tree designation plan and protection of forested open space conservation easements, to the greatest extent possible. Retaining walls, if constructed, shall have a facade of stone or masonry as shown on the CDP/FDP. Retaining walls may be terraced and shall be landscaped. Retaining walls in excess of four (4) feet shall include handrails and guardrails as required by DPWES.

12. NOISE ATTENUATION -

Applicant shall achieve an interior noise level of approximately 45 dBA Ldn in all units located within 190 feet from the centerline of Telegraph Road in the area identified as having levels between 65 through 70 dBA Ldn. All units within this impacted area will have the following acoustical attributes as determined by DPWES:

- a. Exterior walls shall have a laboratory Sound Transmission Classification (STC) of at least 39.
- b. Doors and windows shall have an STC of at least 28. If glazing constitutes more than 20 percent of any façade, they shall have the same laboratory STC ratings specified for exterior walls.
- c. Adequate measures to seal and caulk between surfaces shall be provided.

Applicant shall achieve an exterior noise level of approximately 65 dBA Ldn for the rear yards of all units adjacent to Telegraph Road. If necessary, in order to achieve an exterior noise level of approximately 65 dBA, the Applicant shall install a solid wooden fence, with no gaps or openings, in the location as shown on the CDP/FDP.

Nothing herein shall be construed to restrict or otherwise limit the use of balconies, patios or decks on residential units.

The Applicant reserves the right to pursue additional methods of mitigating highway noise impacts that can be demonstrated, through an independent noise study as reviewed and

approved by DPZ, that these methods will be effective in reducing interior noise levels to approximately 45 dBA Ldn or less, and exterior noise levels to approximately 65 dBA ldn or less.

13. HERITAGE RESOURCES -

Prior to any land disturbing activities on the Application Property, Applicant shall conduct a Phase I archaeological study of the Application Property, and provide the results of such study to the Park Authority Cultural Resources Management and Protection Section (CRMPS). The study shall be conducted by a qualified archaeological professional approved by CRMPS, and shall be reviewed and approved by CRMPS within a reasonable time period so as to not delay construction. The Phase I study shall be performed in accordance with a scope provided by CRMPS. The study shall be completed prior to subdivision plat recordation.

There shall be no land disturbing activities on the Application Property until the Phase I study has been reviewed and approved by CRMPS. If any archeological resources are found by the Phase I study and determined to be potentially significant, then the Applicant shall conduct a Phase II archeological study. The Phase II study data recovery shall be performed in accordance with a scope provided by CRMPS. Archeological reports produced as a result of the Phase I and/or Phase II studies shall be submitted for approval to CRMPS. Said approval process shall be completed within a reasonable time period so as to not delay construction.

14. MISCELLANEOUS -

- a. Applicant shall install three (3) purple martin houses on the Application Property in proximity to the SWM pond. The location and design of said houses shall be coordinated with appropriate representatives of DPWES.
- b. Applicant shall notify the Mount Vernon District Supervisor's Office in writing of any interpretation requests submitted to the Zoning Administrator when said interpretation is submitted, any waivers or PFM modifications requested under Chapter 101 of Fairfax County Code or the PFM when said waivers or modifications are submitted to DPWES, and of any major subdivision plan revisions when submitted to DPWES.
- c. These proffers shall bind and inure to the benefit of the Applicant and his or her successors and assigns.
- d. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

- e. All of the improvements described herein shall be constructed concurrent with development of the Application Property.

» **[SIGNATURES BEGIN ON THE FOLLOWING PAGE]**

{A0137093.DOC / 1 Proffers 3-6-08 (cin) 000003 000061}

APPLICANT/CONTRACT PURCHASER OF TAX MAP
99-4 ((1)) 32 AND 33

CARRHOMES, LLC

By: Carr Management, Inc., its Manager

By: Thomas E. Jordan
Its: President

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER OF TAX MAP 99-4 ((1)) 32 AND 33

THE TRUST COMPANY OF VIRGINIA,
SUCCESSOR TRUSTEE OF THE MARY ANN
G. LEATHERLAND FAMILY TRUST

By: Thomas R. Harrison
Its: Senior Vice President

[SIGNATURES END]

FINAL DEVELOPMENT PLAN CONDITIONS**FDP 2007-MV-011****January 9, 2008**
March 11, 2008

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2007-MV-011 for residential development located at Tax Map 99-4 ((1)) 32 and 33, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

- ~~1. Minor adjustments may be made to the layout, internal lot lines, and lot sizes so long as the minimum and average lot sizes are not decreased.~~
2. Setbacks on individual lots, as depicted on the FDP, shall not be decreased.
- ~~3. The rear facades of Lots 9 through 11 shall include a majority of brick, masonry, stone or other comparable materials and may include architectural features such as dormers, gables, and bay windows.~~
4. Prior to approval of the subdivision plan, a noise study shall be submitted for the review and approval of the Department of Planning and Zoning (DPZ) regarding current and future noise impacts on the site from Telegraph Road. This study shall be conducted with the attached guidelines and demonstrate to the satisfaction of DPZ that none of proposed residential units will be located in any areas, which are impacted by future noise levels 75 dBA or greater. Should the study result in any modifications to the site design which are not in substantial conformance with the FDP, then a PCA/FDPA shall be required.
- ~~5. A replacement value shall be determined for those trees within the tree save areas, as designated on the FDP. These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall take into consideration the age and size of the trees and shall be determined according to the methods contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by Urban Forest Management, DPWES.~~

~~At the time of subdivision plan approval, a cash bond or letter of credit payable to the County of Fairfax shall be posted to ensure replacement of the designated trees that die or are dying due to normal construction~~

~~activities permitted on the approved plan. Any trees shown to be preserved on the Tree Preservation Plan that die or are dying due to construction activities NOT permitted on the approved plan shall be replaced with trees of equivalent species and size and the bond monies for said trees shall not be refunded. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees.~~

~~If, at the time of final bond release, trees are found to be dead or dying despite adherence to approved construction activities by Urban Forest Management, DPWES, the cash bond or letter of credit shall be used as necessary to plant similar size and species, or species appropriate to the site, in consultation with Urban Forest Management, DPWES, and the developer's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement.~~

~~Any funds remaining in the letter of credit or cash bond will be released two years from the date of release of the project's conservation escrow, or sooner, if approved by Urban Forest Management, DPWES.~~

FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2007-MV-011

March 11, 2008

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2007-MV-011 for residential development located at Tax Map 99-4 ((1)) 32 and 33, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Setbacks on individual lots, as depicted on the FDP, shall not be decreased.
2. Prior to approval of the subdivision plan, a noise study shall be submitted for the review and approval of the Department of Planning and Zoning (DPZ) regarding current and future noise impacts on the site from Telegraph Road. This study shall be conducted with the attached guidelines and demonstrate to the satisfaction of DPZ that none of proposed residential units will be located in any areas, which are impacted by future noise levels 75 dBA or greater. Should the study result in any modifications to the site design which are not in substantial conformance with the FDP, then a PCA/FDPA shall be required.