



FAIRFAX COUNTY

DPZ
OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151
FAX: 703-324-3926
TTY: 703-324-3903

September 4, 1998

Keith C. Martin, Esquire
Walsh, Colucci, Stackhouse,
Emrich and Lubeley, P.C.
2200 Clarendon Boulevard
Thirteenth Floor
Arlington, Virginia 22201-3359

RE: Rezoning Application
Number RZ 1998-SU-002

Dear Mr. Martin:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 27, 1998 granting Rezoning Application Number RZ 1998-SU-002 in the name of Coscan Washington, Incorporated to rezone certain property in the Sully District from the R-1 District and Water Supply Protection Overlay District to the PDH-2 District and Water Supply Protection Overlay District subject to the proffers dated July 10, 1998, on subject parcel 44-4 ((1)) 16A, 17 and 20 consisting of approximately 20.0 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan Application FDP 1998-SU-002 on June 10, 1998, subject to the Board of Supervisors' approval of RZ 1998-SU-002.

RZ 1998-SU-002
September 4, 1998

2.

The Board directed that the Acting-Director of the Department of Public Works and Environmental Services process the Subdivision Plan simultaneously with the consideration of the new Final Development Plan (FDP) which the applicant will be submitting, since the alignment of the street through the development is not in complete accord with the FDP which the Planning Commission previously approved.

(NOTE: The CDP/FDP was amended subsequent to Planning Commission approval; the revised FDP will be considered by the Planning Commission October 14, 1998.)

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

c: Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Fred R. Beales, Supervisor Base Property, Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Paul Eno, Project Planning Section, Dept. of Transportation
Department of Public Works and Environmental Services
Department of Highways - VDOT
Land Acq. & Planning Div., Park Authority
Planning Commission (District)
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES
Barbara J. Lipa, Deputy Executive Director, Planning Commission

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 27th day of July, 1998, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-SU-002

WHEREAS, Coscan Washington, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District, and Water Supply Protection Overlay District, to the PDH-2 District and Water Supply Protection Overlay District, and

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

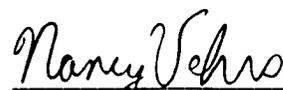
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the PDH-2 District and Water Supply Protection Overlay District, and said property is subject to the use regulations of said PDH-2 District and Water Supply Protection Overlay District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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

GIVEN under my hand this 27th day of July, 1998.



Nancy Vehrs

Clerk to the Board of Supervisors

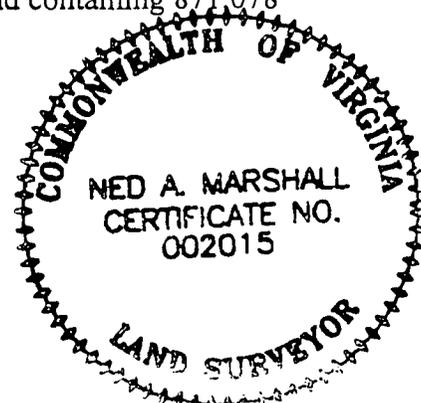


December 2, 1997
Metes and Bounds Description
Tax Map 44-1 ((1)) Parcels 16A, 17, & 20
Sully District
Fairfax County, Virginia

Beginning at an iron pipe found, said pipe being at the southwestern corner of said tract and a common corner to now or formerly Kowalski, deed book 7685 page 1938; thence running with Kowalski, N 06°30'25" W 734.45' (223.860m) to a rebar found in the line of now or formerly Lewis, deed book 1687 page 381; thence running with Lewis, S 76°37'12" E 768.20' (239.636m) to a stone found, a common corner to Sutton Oaks, Section 3, Parcel C; thence running with Sutton Oaks, Section 3, Parcel C and continuing with Lots 85 and 86, S 76°45'55" E 838.16' (255.473m) to an iron pipe found, a common corner to Poplar Tree Estates, Section 4, Lots 296; thence running with Poplar Tree Estates, Section 4, Lots 296, 297 and 298, S 75°06'31" E 304.87' (92.925m) to an iron pipe found, a common corner to now or formerly Tseng, deed book 6202 page 1199; thence running with Tseng, S 57°13'22" W 856.23' (260.980m) to an iron pipe found, in the line of now or formerly Darne, deed book 4880 page 838, on the south side of existing outlet road, deed book 2584 page 742 and deed book 2691 page 313; thence running with the outlet road 115.63' (35.244m) along the arc of a circle curving to the left, having a radius of 295.00' (89.916m), the chord bearing being N 41°24'53" W 114.89' (35.019m) to an iron pipe found, a corner to now or formerly Tseng, deed book 6202 page 1199; thence running with Tseng and crossing the outlet road to the north side, N 22°05'37" E 51.56' (15.714m) to an iron pipe found; thence running with the line of Tseng and the north side of the outlet road; 182.45' (55.610m) along the arc of a circle curving to the left, having a radius of 345.00' (105.156m), the chord bearing being N 70°02'59" W 180.33' (54.965m) to an iron pipe found; thence N 85°11'59" W 565.00' (172.212m); thence 184.53' (56.244m) along the arc of a circle curving to the left, having a radius of 310.00' (94.488m), the chord bearing being S 77°44'51" W 181.82' (55.418m) to an iron pipe found; thence 109.09' (33.252m) along the arc of a circle curving to the right, having a radius of 160.00' (48.768m), the chord bearing being N 80°13'41" W 106.99' (32.612m) to the point of beginning and containing 871,078 square feet or 19.9972 acres (80,926.1 square meters)

Given under my hand this 2nd day of December 1997

Ned A. Marshall 12/01/97
Ned A. Marshall, L.S. #002015



PROFFERS

RZ 1998-SU-002

July 10, 1998

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, Coscan Washington, Inc., and the owner's for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), the Applicant in RZ 1998-SU-002, filed for property identified on Fairfax County tax map as 44-4 ((1)) 16A, 17 and 20 (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the R-1 Zoning District to the PDH-2 Zoning District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for thirty-nine (39) residential single-family detached dwelling units.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN (CDP/FDP) -

- a. Development of the Application Property shall be in substantial conformance with the CDP/FDP, prepared by Land Design Consultants, dated November 1997 as revised through July 8, 1998.
- b. Notwithstanding that the CDP is presented on three (3) sheets and the CDP/FDP is the subject of proffer 1.a. above, it shall be understood that the CDP shall be the entire plan shown on Sheets 1, 2 and 3 relative to the points of access, the total number and general location of units and types, amount of open space, the general location of the recreational facilities, location of common open space areas and buffers, and limits of clearing and grading. The Applicant has the option to request a final development plan amendment ("FDPA") for elements other than CDP elements from the Planning Commission for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDP and proffers.
- c. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without requiring approval of an amended FDP provided such changes are in substantial conformance with the FDP as determined by the Zoning Administrator, agents or assigns, and neither increase the total number of units nor decrease the following: amount of open space; the amount of parking; the amount of tree preservation; the location of common open space areas; or distances to peripheral lot lines. Such changes may include, revising the width and or depth of the lots.

2. TRANSPORTATION -

- a. Applicant shall dedicate and convey in fee simple to the Board, right-of-way for public street purposes, as shown on the CDP/FDP. Dedication shall be made at time of subdivision plan approval or upon demand from Fairfax County, whichever shall first occur. Ancillary easements as may be required shall also be dedicated, as determined by DEM, at time of subdivision plan approval.
- b. Applicant shall notify all purchasers in the homeowner's association documents of possible, future interparcel access/public street connections and removal of the temporary cul-de-sac.
- c. The Applicant shall limit the hours of heavy equipment movement to and from the Property between 8:45 a.m. and 3:00 p.m., except that certain equipment movement will need to occur after hours due to the size of the equipment.
- d. Subject to VDOT approval, the Applicant will include in all subcontractor agreements the requirement for construction vehicles to only use Walney Road and Walney Park Drive as their access to the Property. The Applicant will post "No Construction Vehicles" signs at the entrance to the Wynmar development off Poplar Tree Road. The Applicant will post construction entrance signs, subject to VDOT approval, at the entrance along Walney Road.
- e. The subdivision plan will contain the following standard VDOT construction notes regarding as needed maintenance of existing public streets, which includes cleaning and maintenance:

"The developer is responsible for any damage to existing roads and utilities which occur as a result of project construction within or contiguous to existing right-of-way."

3. RECREATION -

- a. Open space of approximately 23% shall be provided, as shown on the CDP/FDP, and shall be utilized as passive and active recreational areas.
- b. Applicant shall construct recreation facilities including a multi-use court, two benches, three picnic tables, trails and landscaping as shown on the CDP/FDP. Improvements shall be constructed concurrent with the corresponding phase of the development of the Application Property. These facilities shall be located in order to maximize tree preservation, as determined by the Urban Forester.

- c. Prior to the issuance of the 20th RUP, Applicant shall contribute \$500.00 per unit to the Fairfax County Park Authority for recreational improvements in E.C. Lawrence Park.

4. LANDSCAPING AND OPEN SPACE -

- a. For the purposes of maximizing the preservation of trees on individual lots and within open space areas, the applicant shall retain a certified arborist to identify approximately 50 existing trees onsite which are suitable for transplanting primarily along the western boundary or other areas deemed appropriate by the Urban Forester. This identification will be coordinated during a site visit with the landscape architect and a Fairfax County Urban Forester prior to construction. After the site visit, a landscape plan shall be submitted with the subdivision plan for approval by the Urban Forestry Branch. This plan shall include the general location of where the transplanted trees will be located and an implementation plan designed in coordination with the Urban Forestry Branch. The actual transplanting shall occur during the early spring months only. This plan shall also provide for the preservation of specific quality trees or stands of trees located on individual lots which can be preserved without precluding the development of a typical home on each of the lots as shown on the CDP/FDP. DEM may require modifications to the landscape plan to the extent said modifications do not alter the number of dwelling units as shown on the CDP/FDP, reduce the size of the units or require the installation of retaining walls or tree wells.

Subject to the approval of the Urban Forester/DEM, the Applicant shall perform the following measures relating to tree preservation on the property prior to any land disturbing activities:

- Perform a pre-construction evaluation of the condition of trees to be saved and transplanted existing vegetation to determine the condition of the trees designated to be saved/transplanted.
- The trees designated to be saved shall be marked on the ground with a filter fabric fence or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming "restricted access" shall be provided on the temporary fence highly visible to construction personnel. The arborist contracted by the Applicant shall monitor the construction of the

proposed development to ensure consistency with the landscape/tree preservation plan.

- In addition, where practical, adjustments to the proposed grading and location of the proposed units on lots 13 through 20 of the application property will be modified at time of final engineering to enhance specific tree preservation in an effort to provide an approximately 50-foot wide undisturbed buffer in the area adjacent to the Sutton Oaks subdivision.

As a result of final engineering in the event the areas designated as tree save areas on the GDP are modified or cannot be preserved, equivalent tree save areas or equivalent landscaped areas shall be substituted on the site as determined by DEM.

- Any retaining walls required on Lots 21 and 22 shall be no higher than three feet.
 - The Applicant shall plant twenty 8-10 foot high evergreen trees along the rear of Lots 21 and 22 in areas cleared and graded.
- b. All open space areas shown on the CDP/FDP shall be dedicated and conveyed to a homeowners association.
- c. All open space areas shall remain undisturbed before, during and after development activity, except for necessary crossings for placement of trails and utilities, as approved by DEM. The trails and utility lines located within the areas protected by the limits of clearing and grading shall be located and installed in the least disruptive manner possible considering costs and engineering, as determined by DEM. A replanting plan shall be developed and implemented, as approved by DEM, for any areas within the areas protected by the limits of clearing and grading that must be disturbed.
- d. The HOA shall record and enforce a covenant in a form approved by the County Attorney which runs to the benefit of the Homeowners' Association which prohibits the storage of materials or any debris dumping within open space areas shown on the CDP/FDP.
- e. Applicant shall extend easements for sanitary sewer to adjacent properties as deemed appropriate by DEM at the time of subdivision plan review.

- f. The existing driveway on Lot 35 shall be removed and resodded/reseeded, prior to final bond release.

5. **AFFORDABLE HOUSING -**

At the time of final subdivision plat approval, the Applicant shall make a cash contribution to the Fairfax County Housing Trust Fund of one percent (1%) of the sales price of each unit in accordance with the Residential Cash Proffer Formula adopted by the Board of Supervisors on May 20, 1991, or as it may be reduced by future Board action.

6. **STORM WATER MANAGEMENT-**

- a. Applicant shall provide storm water management in accordance with the requirements of DEM at time of subdivision plan approval. Storm water management shall be designed to Best Management Practices in a location as generally shown on the CDP/FDP. In lieu of on-site SWM, Applicant may utilize an off-site facility, if it can be demonstrated that the off-site facility has sufficient capacity for the Application Property and said facility is available pursuant to written agreement by the off-site owner, as approved by DEM. In such event, the area shown on the CDP/FDP for SWM would remain as undisturbed open space. The Applicant reserves the right to apply for any future waiver/modification of the SWM/BMP requirements, subject to DEM approval.
- b. Applicant shall, during construction of the Project, remove any sediment from the adjacent SWM facility in the Wynmar development that occurred from construction activity.

7. **BLASTING -**

If blasting is required, and before any blasting occurs on the subject property, the developer will insure that the Fairfax County Fire Marshal has reviewed the blasting plan. All safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats, shall be implemented. In addition, the Developer shall:

- a. Retain a professional consultant to perform a pre-blast survey of all structures located within 150 feet of the property boundary including those on Tax Map 44-4 ((1)) 15 and 18;

- b. Require the consultant to request access to structures located within 150 feet of the blast site, including those on Tax Map 44-4 ((1)) 15 and 18, to determine the pre-blast conditions of these structures;
- c. Require the consultant to place seismographic instruments near these structures prior to blasting to monitor shock waves;
- d. Be fully insured to federal requirements;
- e. Repair any damages to structures located within 150 feet of the blast site , including those on Tax Map 44-4 ((1)) 15 and 18, which are directly attributable to the blasting activity; and
- f. Give twenty-four (24) hours advance notice to all abutting property owners, including those on Tax Map 44-4 ((1)) 15 and 18.

8. **SIGNAGE -**

- a. The Applicant shall coordinate with the Wynmar Homeowners Association on an acceptable marketing signage program. No temporary trailers or offsite marketing signage will be allowed without the Wynmar Homeowners Association's consent. The Applicant shall submit a marketing signage proposal to the Wynmar Homeowners Association for their review and approval prior to construction commencing.

9. **ARCHITECTURE -**

No houses shall be smaller or have fewer standard features than the homes in the adjoining Maple Hills Estates subdivision. The houses will be of similar architectural style and size with the Maples Hills Estates' houses.

10. **INGRESS-EGRESS EASEMENT**

The 50-foot ingress-egress easement serving the Jennell property (Tax Map 44-4 ((1)) 18) will not be obstructed in any manner.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

OWNERS:

TITLE OWNERS: TAX MAP 44-4 ((1)) 16A

Richard M. Touhey
Richard M. Touhey

Mary Lou Cboins-Touhey
Mary Lou Cboins-Touhey

TITLE OWNER: TAX MAP 44-4 ((1)) 17

David D. Blonar
David D. Blonar

TITLE OWNERS: TAX MAP 44-4 ((1)) 20

John Gerald Land
John Gerald Land

Beth B. Land
Beth B. Land

CONTRACT ASSIGNEE:

COSCAN WASHINGTON, INC.

By: [Signature]
Name: Richard J. Dewjers
Title: Vice President

CONTRACT PURCHASER:

IVY DEVELOPMENT, L.C.

By: Ivy Development L.C.
Name: Stephen A. Bannister, Manager
Title: Manager

J:\BANNISTER\8545\PROFFERS.8

FINAL DEVELOPMENT PLAN CONDITIONS**FDP 1998-SU-002****July 20, 1998**

If it is the intent of the Planning Commission to approve FDP 1998-SU-002, staff recommends that such approval be subject to the following conditions:

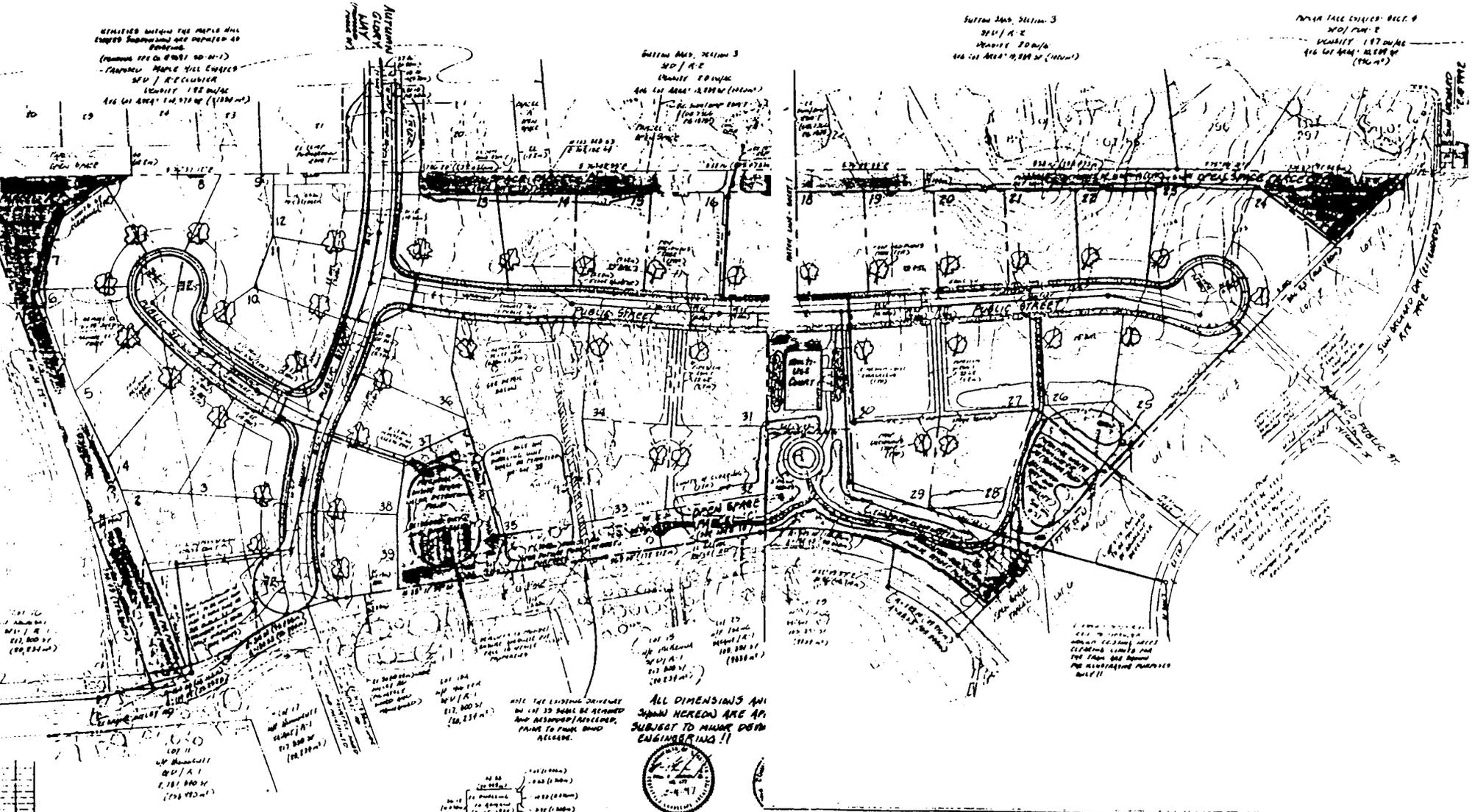
1. Development of the application property shall be in substantial conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan FDP 1998-SU-002 prepared by Land Design Consultants dated November, 1997 and revised through July 8, 1998, entitled "CDP/FDP Walney Woods Estates" and these conditions.
2. Minimum yards shall be provided as tabulated on the CDP/FDP. Minor modifications to the yards may be permitted in order to maximize tree preservation on individual lots as may be recommended and approved by DPW&ES/Urban Forester and as permitted extensions into minimum yard requirements are allowed pursuant to Sect. 2-415 of the Zoning Ordinance..
3. Sidewalks shall be provided on both sides of the public streets for the development.
4. In order to evaluate the viability of tree preservation areas depicted on the FDP, a tree survey and preservation plan shall be submitted for review and approval to DPW&ES/Urban Forester prior to approval of the overlot grading plan and prior to any land disturbing activities on site. Pursuant to the tree preservation proffer accepted with the rezoning application, any landscape plantings which are to be provided in lieu of preservation of identified tree(s) shall meet minimum PFM planting heights or calipers; the number and type of landscape plantings shall be determined by DPW&ES/Urban Forester.
5. Off-site stormwater management BMPs may be provided on the adjacent Parcel 24 provided that the additional capacity exists in the off-site pond without the need to substantially modify the pond design depicted on the GDP for the site (PCA 79-S-022) as may be determined by DPW&ES.

REVISIONS WITHIN THE MAPLE HILL
 CEMETERY AND ADJACENT AREAS
 (REVISIONS 176 TO 200) NO. 10-11
 - PROPERTY MAPLE HILL CHURCH
 S.W. / R.E. QUARTER
 QUANTITY 182 DW/AC
 416 AC AREA 14,272 SQ. (100M²)

SECTION 3
 20 / A-2
 QUANTITY 20 DW/AC
 416 AC AREA 14,272 SQ. (100M²)

SECTION 3
 20 / A-2
 QUANTITY 20 DW/AC
 416 AC AREA 14,272 SQ. (100M²)

SECTION 3
 20 / A-2
 QUANTITY 187 DW/AC
 416 AC AREA 14,272 SQ. (100M²)



ALL DIMENSIONS AND
 SPACING HEREON ARE AS
 SUBJECT TO MINOR DATA
 ENGINEERING !!



REVISED PLAN

F A I R F A X C O U N T Y

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 07/27/98

APPLICATION NUMBER: RZ 98-Y-002

SULLY

DISTRICT

APPLICANT: COSCAN WASHINGTON, INC.

STAFF: JAMES

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: R- 1

ACRES: 20.00

PROPOSED:

PDH- 2
20.00

ACTION:

PDH- 2
20.00

TOTAL ACRES

20.00

TOTAL ACRES

20.00

MAP NUMBERS

044-4- /01/ /0016-A ,0017- ,0020-

REMARKS:

ZONING MAP AMENDMENT

RZ 98-Y-002

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
3Z OTHER - TRANSPORTATION	1Z OTHER - GENERAL
3B RIGHT-OF-WAY: DEDICATION/RESERV	1Z OTHER - GENERAL
1B CONCEPTUAL DEVEL PLAN	2H RECREATION FACIL/SITES
2Z OTHER - LAND USE	3Z OTHER - TRANSPORTATION
2Z OTHER - LAND USE	4Z OTHER - ENVIRONMENT
1Z OTHER - GENERAL	2G DEDICATION: HOMEOWNRS OPEN SPACE
4Z OTHER - ENVIRONMENT	4D BUFFER
4B TREES/COUNTY ARBORIST	1Z OTHER - GENERAL
1Z OTHER - GENERAL	4Z OTHER - ENVIRONMENT
4Z OTHER - ENVIRONMENT	5E CONTRIBUTION-HOUSING *SEE BELOW

CONTRIB DATA:- CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
2Z	\$19,500	X	01/01/01	
	\$0		00/00/00	
	\$0		00/00/00	
	\$0		00/00/00	

REMARKS:

ZONING MAP AMENDMENT

RZ 98-Y-002

ZONING DISTRICT DATA

ZONING DISTRICT: PDH- 2

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD	39	20.00				

TOT	39	20.00	1.95			

PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

USE	GFA	FAR	USE	GFA	FAR
-----	-----	-----	-----	-----	-----

- COMMERICAL-GEN
- HOTEL/MOTEL
- INDUSTRIAL-GEN
- CULT/EDU/RELG/ENT
- INDUST-WAREHOUSE
- PUBLIC/QUASI PUB
- OFFICE
- TRAN-UTIL-COMM
- RETAIL-EATING EST
- *****TOTAL*****

REMARKS:



James C. Wyckoff, Jr. Executive Director
Barbara J. Lippa, Deputy Executive Director
Sara Robin Hardy, Chief, Administration Branch
Mary A. Pascoe, Clerk to the Commission

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

PLANNING COMMISSION
SUITE 330
12000 GOVERNMENT CENTER PARKWAY
FAIRFAX, VIRGINIA 22035-0042

(703) 324-2865
FAX (703) 324-3948
TTY (703) 324-7951

PLANNING COMMISSION
Peter F. Murphy, Jr., Chairman
John R. Byers, Vice Chairman
Suzanne F. Harsel, Secretary
Alvin L. Thomas, Parliamentarian

Walter L. Acorn
Carl A. S. Coan, Jr.
Judith W. Downer
Janet R. Hall
John W. Hunter
John B. Kelso
Ronald W. Koch
John M. Palatiello

October 15, 1998

Keith Martin, Esquire
Walsh, Colucci, Stackhouse, Emrich & Lubey
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

**RE: FDP-1998-SU-002 - Coscan Washington, Inc.
Sully District**

Dear Mr. Martin:

This letter will serve as your record of the Planning Commission's action on FDP-1998-SU-002, an application by Coscan Washington, Inc., in the Sully District.

On Wednesday, October 14, 1998, the Planning Commission voted 7-0-1 (Commissioner Hall abstaining; Commissioners Coan and Thomas not present for the vote; Commissioners Downer and Murphy absent from the meeting) to approve FDP-1998-SU-002, subject to the attached Final Development Plan Conditions dated July 20, 1998.

Also attached for your records is a copy of the verbatim excerpts from the Planning Commission's action on this application. If you need any additional information, please call me at 324-2865.

Sincerely,

Barbara J. Lippa, Deputy Director
Planning Commission Office

Attachments: A/S

cc: Michael Frey, Supervisor, Sully District
Ron Koch, Commissioner, Sully District
Kris Abrahamson, Branch Chief, ZED, DPZ
October 14, 1998 Date File
Y-2 File

Planning Commission Meeting
October 14, 1998
Verbatim Excerpts

FDP-1998-SU-002 - COSCAN WASHINGTON, INC.

After Close of Public Hearing

Commissioner Koch: Thank you, Mr. Chairman. This application is a straightforward request for approval of a Final Development Plan to permit development of 39 single family detached residential units at the density of 1.96 units per acre. The application has staff's favorable recommendation and continues to be in harmony with the Comprehensive Plan and the applicable Zoning Ordinance provisions. Mr. Chairman, I MOVE THAT WE APPROVE FDP-1998-SU-002, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT 3.

Commissioner Hunter: Second.

Vice Chairman Byers: Seconded by Mr. Hunter. Any discussion?

Commissioner Hall: I'm going to abstain because I missed the beginning of the hearing. Thank you.

Vice Chairman Byers: All in favor of the motion as articulated by Mr. Koch, say aye.

Commissioners: Aye:

Vice Chairman Byers: Opposed? Ms. Hall abstains. Motion carries. Mr. Koch? We have a rezoning also, or just the FDP?

Ms. Kristen Abrahamson: Just the FDP. The Board has already approved that.

Vice Chairman Byers: Why is the rezoning on the staff report then?

Ms. Abrahamson: Because this is actually an addendum we gave to the Board first. It's kind of a backwards action.

Vice Chairman Byers: Okay. Thank you very much.

//

(The motion carried by a vote of 7-0-1 with Commissioner Hall abstaining; Commissioners Coan and Thomas not present for the vote; Commissioners Downer and Murphy absent from the meeting.)

LBG

7/13/98

4:30 p.m. Item - RZ-1998-SU-002 - COSCAN WASHINGTON, INC.
Sully District

On Wednesday, June 10, 1998, the Planning Commission voted 6-2-2 (Commissioners Hall and Harsel opposed; Commissioners Coan and Downer abstaining; Commissioners Alcorn and Murphy absent from the meeting) to recommend to the Board of Supervisors approval of RZ-1998-SU-002, subject to the execution of draft proffers consistent with those dated June 10, 1998.

The Commission also voted 6-2-2 (Commissioners Hall and Harsel opposed; Commissioners Coan and Downer abstaining; Commissioners Alcorn and Murphy absent from the meeting) to approve FDP-1998-SU-002, subject to the proposed development conditions dated May 27, 1998 and subject to the Board's approval of RZ-1998-SU-002.

Planning Commission Meeting
June 10, 1998
Verbatim Excerpts

RZ-1998-SU-002 - COSCAN WASHINGTON, INC.
FDP-1998-SU-002 - COSCAN WASHINGTON, INC.

After Close of the Public Hearing

Vice Chairman Byers: The public hearing is closed; recognize Mr. Koch.

Commissioners Koch: Thank you, Mr. Chairman. This is a request to rezone the site from the R-1 to the PDH-2 District to permit development of 39 single family residential building lots at a density of 1.95 dwelling units per acre. The application has staff's favorable recommendation and is in conformance with the Comprehensive Plan. The applicant has a favorable recommendation from the West Fairfax County Citizens' Association Land Use Committee and is compatible with the approved density for similar residential development in the immediate surrounding area. From the testimony we heard tonight, it seems that the most concern was addressed to the access to the development. First of all, at this time, there is only one possible access to the site. In the future, when the surrounding land redevelops, there will be three additional access points. The bottom line is we must give the applicant access to his property and the Courts have ruled in the past that an application cannot be denied based upon the lack of public facilities. We were asked to defer this case tonight until such time as another access point is available and we heard the applicant explain what he thought the course of action his client would take if that happened. In addition, we heard about the covenants tonight and staff has pointed out to us that this is not a consideration that we can take into account when dealing with this application. I want to thank the citizens for coming out. I sympathize with many of their concerns. I agree with many of them, but our hands are tied. We have an application before us tonight that we have to move on and it is a good application. I don't think I heard too many comments dealing with the merits of the application. The Wnymar community came out and had some concerns. The applicant earlier on explained his revisions to the proffers and I believe they address the citizens' concerns. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ-1997-SU-002, SUBJECT TO THE EXECUTION OF DRAFT PROFFERS DATED JUNE 10TH, 1998.

Commissioner Thomas: Second.

Vice Chairman Byers: Seconded by Mr. Thomas. Is there any discussion?

Commissioner Hall: Mr. Chairman?

Vice Chairman Byers: Mrs. Hall.

Commissioner Hall: I am concerned about what Commissioner Koch just said. I think if it's already predetermined that the application is going to be approved, then I think there ought

to be a procedure and save the time of this Commission and the citizens and not have a public hearing. It does concern me, and maybe he's absolutely correct, but if it's already predetermined, then there's no need for this. So, that's just my concern.

Commissioner Koch: Mr. Chairman, I'd like to comment on that.

Vice Chairman Byers: Mr. Koch.

Commissioner Koch: Mr. McKenna is correct. I did tell him that I was more than likely going to approve this application tonight. And I did that for the following reason. I attended a homeowners association meeting. I heard all their concerns and I tried to address those concerns. I checked with staff with questions that I had. If I had heard something tonight that would have changed my opinion, I definitely would not approve this. I don't think any case is a done deal. I've seen many slam dunks, especially in the Lee District, come in here and go away. I'd hate to think anybody would think -- I'd hate for anybody to think that I prejudge these. This met all the criteria. Staff I think would be the first to tell you that this is a good application. It meets the criteria. It's a good plan and it's going to be a good addition to the neighborhood. The unfortunate thing is there is only one access point and I cannot deny or take any other action than I did tonight.

Commissioner Harsel: Mr. Chairman?

Vice Chairman Byers: Mrs. Harsel. Yes.

Commissioner Harsel: I'm getting ready. I'm preparing myself. I'm preparing myself the way a former Lee District person said. Mr. Koch is exactly right that on public facilities we cannot deny an application if the Plan has it in for one and two. However, we do have development residential criteria. It is a judgment call as to what of the ten development criteria are applicable and which ones are met. To come in at this level, you have to meet three-fourths of the criteria. I'm not going to waste time, but when I go through this, I view Development Condition No. 1 is applicable; No. 3 is applicable, No. 4 is applicable, No. 5, No. 6, No. 7, No. 8 and No. 10 are applicable. When I go back through and read them and assess them, I only find that three and a half are applicable (sic), that is not six. He must meet six. In my opinion, he does not meet enough development criteria, therefore, I will join Ms. Hall and vote against it.

Vice Chairman Byers: Mr. Hunter?

Commissioner Hunter: Thank you, Mr. Chairman. I just wanted to briefly address this whole issue of public hearing too. This is a Commission and there are 12 members on it and certainly the District Commissioner looks at this case in a bit more detail than the rest of us. But we all do prepare for these hearings and we do all listen to what the citizens say, so I think that a hearing in any instance is essential for this process to work. And I do think it does work.

Vice Chairman Byers: Other comments?

Commissioner Coan: Mr. Chairman?

Vice Chairman Byers: Mr. Coan.

Commissioner Coan: I'm really troubled by this application. I think that we have dismissed too readily the access problem here. I think we dealt with it in an unfortunate fashion in the adjoining Edgemoore, or whatever property lot 24 is concerned. I was troubled then. I don't think I voted against it, but I was troubled and I am more troubled now. I tend to agree with Mrs. Harsel that there are standards that have to be met, and one of them is transportation. And I don't think we've met the transportation standard here. I will say to the people that I don't think 39 houses is going to hurt any of you. I live on a street that has -- is three blocks long and has about 39 houses including two cul-de-sacs off of it, and we don't have a lot of traffic. We're not adversely impacted. But there is a neglect or a failure to address obvious access problems here and I'm just -- I'm very troubled by the piecemeal way in which we develop our County and the fact that everyone wants to protect his street, his subdivision from the adjoining streets and the adjoining subdivision and we ultimately wind up with what we've got here. We've got a piece of property that's -- I guess that's Sutton Oaks -- is that what it's called? It doesn't connect to anything here and I guess those people revel in that. And then we have the people come in from Poplar Tree and they fought against any connection when they were up here when the Edgemoore proposal was in here a few months or weeks or so ago. And then everyone complains about what happens out on Stringfellow Road and Poplar Tree Road and everybody gets pushed onto those roads and those no other way to get through here. And I think that we have a failure of planning and if our planning doesn't deal with anything but the Stringfellow and the Poplar Tree Roads, then there's something wrong with it. And I had this problem over in my community -- over in my area. We had 32 homes, I think it was, that wanted to be developed and good God, you'd think we were bringing downtown Washington into that community. Nevertheless, I think that this application doesn't truly address transportation issues and yet I can't vote against it, so I'm going to abstain. But I'm just trying to lay out the reasons for my concern.

Vice Chairman Byers: All right. Mrs. Downer.

Commissioner Downer: Thank you, Mr. Chairman. After hearing everybody tonight and listening to their concerns, I've driven over there during rush hour and I know how it is. What I don't know though, because I didn't have the staff report, I was away last week, earlier enough, is to go over there and see the gravel road for myself and drive over it. And I'm not ready to vote on this tonight. So I will be abstaining also because I don't feel comfortable with this as it stands for my own self.

Vice Chairman Byers: Well, Mr. Thomas, Palatiello and Kelso, do you want to make a comment? All right. If we're all out of comments, I'll close the public hearing and recognize Mr. Koch.

Commissioner Harsel: You already did that. He's made the motion.

Vice Chairman Byers: Oh, that's right. Yes, this is the discussion, isn't it?

Commissioner Harsel: Now we take a vote.

Vice Chairman Byers: All right. All in favor of the motion to approve RZ-1998-SU-002, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioners Hall and Harsel: No.

Commissioners Coan and Downer: Abstain.

Vice Chairman Byers: Mr. Coan, Mrs. Downer, Mrs. Harsel abstain --

Commissioner Harsel: No, no, I voted no.

Vice Chairman Byers: Mr. Coan, Mrs. Downer vote -- abstain. Mrs. Hall, Mrs. Harsel vote no. Motion carries. Mr. Koch.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-1998-SU-002, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 27TH, 1998, CONTAINED IN APPENDIX 1B OF THE STAFF REPORT.

Commissioner Thomas: Second.

Vice Chairman Byers: Seconded by Mr. Thomas. Any discussion? All in favor of the motion to approve FDP-1998-SU-002, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioners Hall and Harsel: No.

Commissioners Coan and Downer: Abstain.

Vice Chairman Byers: Same vote. Mr. Koch, do you have anything further?

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Commissioner Koch: No.

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(The motions carried by a vote 6-2-2 with Commissioners Hall and Harsel opposed;
Commissioners Coan and Downer abstaining; Commissioners Alcorn and Murphy absent
from the meeting.)

LBG