

DEVELOPMENT CONDITIONS

FDPA 82-P-069-5-2

October 3, 2006

If it is the intent of the Planning Commission to approve FDPA 82-P-069-5-2, for the development of 13 townhouses, located in the northwest quadrant of Fair Lakes Parkway and West Ox Road, Tax Map 56-1 ((8)) 2, the staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

- 1) Development of the subject property shall be in substantial conformance with the approved FDPA entitled "RCV/Fair Lakes Land Bay VI-E," prepared by Dewberry & Davis LLC, consisting of four (4) sheets, dated May 4, 2006, as revised through September 11, 2006, and these conditions. Minor modifications to the approved FDPA may be permitted pursuant to Par. 4, 5 and 6 of Sect. 16-403 of the Zoning Ordinance.
- 2) A covenant shall be placed on each unit that prohibits the use of the garage for any purpose which would preclude motor vehicle storage. This covenant shall be in a form approved by the County Attorney and shall be recorded among the land records of Fairfax County prior to the sale of each unit and shall run to the benefit of the HOA and to the Board of Supervisors. The HOA documents shall expressly state this use restriction. The driveway provided for each unit shall be a minimum of eighteen (18) feet in length to permit the parking of two (2) vehicles without overhanging onto the sidewalk. Garages shall be designed to accommodate two (2) vehicles.
- 3) The exterior design and building materials used in construction of the townhouses shall have brick on all front elevations and all of the end units shall have a brick wraparound similar to the units at East Market (Tax Map 56-1 ((1)) 76, 77). The elevations shall be in substantial conformance with that shown on Sheet 4 of the FDPA.
- 4) Prior to site plan approval, the Applicant and/or its owners, successors and assigns shall contribute \$500 per unit to the Fairfax County Park Authority for its use in establishing and maintaining Patriot Park in the Springfield District.
- 5) No plan or plat shall be approved by Fairfax County unless and until a re-delineation of the Resource Protection Area (RPA) proposed as part of the FDPA is submitted by the Applicant and/or its owners, successors and assigns, approved by DPWES and is final. In the event that such re-delineation of the RPA is not approved by DPWES, any development of the 1.14 acre portion of the Application Property subject to the FDPA 82-P-069-5-2 Springfield District shall require a Final Development Plan Amendment which may result in loss of density.

- 6) At the time of site plan approval, a conservation easement to preserve the segment of the Manassas Gap Railroad which is located on Tax Map Parcel 56-1 ((8)) 2, shall be dedicated to Fairfax County in fee simple in conformance with that area depicted on the FDPA, in a form approved by the County Attorney. The designated open space shall be maintained as passive open space and no play equipment, fences, above ground structures of any type, or storage of materials shall be permitted within the designated open area.
- 7) All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

- 8) a) A tree preservation plan shall be submitted as part of the public improvement plan/site plan submission(s) for the 1.14 acre portion of the Application Property. The tree preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of Urban Forest Management (UFM). The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, located on the 1.14 acre portion of the Application Property, are located up to 25 feet to either side of the limits of clearing and grading shown on the CDP/FDP for the areas adjacent to the 1.14 acre portion of the Application Property. At a minimum, the tree preservation plan shall provide for the preservation of those areas shown for tree preservation on the CDP/FDP. 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 any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.
- b) All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved, including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Removal of any vegetation, if any, or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of UFM. The use of equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaw, wheel barrows, rake and shovels. Any work that requires the use of equipment, such as skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM.
- c) The services of a certified arborist or landscape architect shall be retained to have the limits of clearing and grading in the areas of tree preservation marked with a continuous line of flagging prior to the walk-through meeting with the UFM to be held prior to any clearing and grading. During the tree

preservation walk-through meeting, the certified arborist or landscape architect shall walk such limits of clearing and grading with an UFM representative to determine 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; provided, however, that no adjustment shall be required that would affect the location and/or design of the development, including a requirement for additional retaining walls in excess of two feet in height. Trees within the preservation areas 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 adjacent trees and associated understory vegetation and soil conditions.

- d) The limits of clearing and grading shall be strictly conformed to, as shown on the CDP/FDP, subject to allowances specified in these development conditions and for the installation of fences, utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install fences, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
- e) All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas as shown on the Phase I & II erosion and sediment control sheets, as may be modified by the development condition below. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, the UFM-DPWES 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.

- f) Root pruning shall be performed as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the respective public improvement/site plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following: (1) root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches; (2) root pruning shall take place prior to any clearing and grading; (3) ~~root pruning shall be conducted with the supervision of a certified arborist;~~ and (4) a UFM representative shall be informed when all root pruning and tree protection fence installation is complete.
- g) During any clearing or tree/vegetation removal in the areas adjacent to the tree preservation areas, a representative of the Developer shall be present to monitor the process and ensure that the activities are conducted as conditioned and approved by UFM. The services of a certified arborist or landscape architect shall be retained to monitor on-site all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation conditions, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM.
- h) A professional arborist with experience in plant appraisal shall be retained to determine the replacement value of all trees 10 inches in diameter or greater located on the 1.14 acre portion of the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective public improvement/site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.
- i) At the time of the respective public improvement/site plan approvals, a cash bond and a letter of credit payable to the County of Fairfax shall be posted to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with development condition above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the Bonded Trees. The cash bond shall consist of 33% of the amount of the letter of credit. At any time prior to final bond release, should any Bonded Trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant and/or its owners, successors and assigns shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFM. In addition to this replacement obligation, the Applicant and/or its owners, successors and assigns shall also make a payment equal to the value of any Bonded Tree that is dead or dying or

improperly removed due to unauthorized activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond, the amount remaining in the tree bonds required by this development condition shall be returned and/or released to the Applicant and/or its owners, successors and assigns.

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