



FAIRFAX COUNTY

James

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
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Fairfax, Virginia 22035-0072

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November 15, 2000

Keith C. Martin, Esquire
Walsh, Colucci, Stackhouse, Emrich and Lubeley, P.C.
2200 Clarendon Boulevard – 13th Floor
Arlington, Virginia 22201-3359

RE: Special Exception Application
Number SE 00-D-019

Dear Mr. Martin:

At a regular meeting of the Board of Supervisors held on October 30, 2000, the Board approved Special Exception Application Number SE 00-D-019 in the name of The Holladay Corporation, located at Tax Map 29-1 ((1)) 51 and 51A for establishment of a R-1 Cluster Subdivision pursuant to Sections 3-105 and 9-615 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Chapter 101, of the County Code, Subdivision Provisions. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "Lewinsville Road", prepared by VIKA, Inc., as revised through October 11, 2000, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

4. If a waiver of the stormwater management facility is approved and a stormwater management pond is not required on-site, the applicant shall dedicate the area depicted with a SWM/BMP facility and all of the surrounding open space west of Lots 1, 2, and 3 to the Fairfax County Board of Supervisors for park purposes. Such open space, if dedicated, shall be subject to a conservation easement, as described in Condition #7 below. In that case, a driveway a maximum of 12 feet wide and 20 feet long, constructed of materials to be determined by DPWES and the Dranesville District Supervisor's office, extending from Lewinsville Road into the site in the general location of the access road to the SWM/BMP shown on the Special Exception Plat, or in alternate location shown on the subdivision plan and approved by the Dranesville District Supervisor's office, shall be constructed by the applicant for the use of the Fairfax County Park Authority to park a vehicle while maintaining the historic site area. The driveway shall be field located to minimize disturbance to existing trees, subject to DPWES approval. If a waiver of the stormwater management facility is not approved and a stormwater management pond is constructed, the access road to the facility for County maintenance purposes shall be available for use by the Park Authority to access the historic site area.
5. Prior to the issuance of the first RUP, the open space area located along the western site frontage adjacent to Lot 1 shall be dedicated in fee simple to the Fairfax County Board of Supervisors for park purposes for the purpose of preserving historic remains and providing a vegetative buffer to the property from Lewinsville Road. Although not shown on the Special Exception Plat, a fence or wall which meets Zoning Ordinance standards may be constructed along the boundary of Lot 1 to separate it from the dedicated area.
6. Open space located along the eastern site frontage and along the DAAR shall be conveyed to the homeowner's association and shall be subject to a conservation easement as described in Condition #7 below. With the exception of removing diseased, dead, noxious, invasive, or dying vegetation, these areas shall remain undisturbed open space and vegetative buffers. The homeowner association documents shall state the restrictions against tree removal, dumping of trash, construction of structures, or any other use of the common open space that interferes with its function as a natural, vegetated buffer.
7. The open space areas located along the entire Lewinsville Road frontage and that within 200 feet of the DAAR shall be subject to a conservation easement 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 and prohibits structures from being located within it. Signage related to the historic remains (referenced in Condition 15 below) and a fence or barrier around the historic foundation may be located in the open space area proposed to be dedicated to the County for park purposes, subject to the above restrictions regarding tree removal. In addition, if minor modifications to the final location of the trail along Lewinsville Road are necessary in order to minimize damage to trees, as referenced in Condition #8 below, a portion of the trail may encroach into this area, as approved by the Urban Forester. If a waiver of stormwater management is approved and the triangular-shaped open space area located west of Lots 1, 2, and 3 is dedicated to the County, that area shall be subject to the conservation easement described above. The Homeowner's Association covenants will contain clear language delineating the areas subject to a conservation easement, the restrictions within those areas, and the responsibilities of individual homeowners.

8. Sidewalks shall be constructed on both sides of the new street. A 6 foot wide Type II stone dust or asphalt trail within a public trail easement shall be constructed along the Lewinsville Road frontage, subject to DPWES approval. The final location of the trail shall be determined in the field and may be modified in order to minimize damage to trees located along the Lewinsville Road frontage, subject to Urban Forestry approval. The Park Authority Cultural Resource Protection Staff shall be notified five days before initial clearing for the trail in order to monitor the initial ground disturbance and to recover any artifacts or other data that may be uncovered.
9. Limits of clearing and grading consistent with the Special Exception Plat, to be observed during construction subject to the installation of necessary utilities, shall be designated on the subdivision plat. The limits of clearing and grading shall be subject to review and approved by the Urban Forestry Branch. Prior to the pre-construction meeting, the applicants shall walk the limits of clearing and grading with an Urban Forestry Branch representative, Park Authority Cultural Resource Protection staff and the applicant's certified arborist to determine where minor adjustments to the clearing limits can be made, if necessary and where practical, to protect preservation area and property line trees, without reducing the size of a house, adversely affecting surface drainage and/or the preclusion of the installation of site utilities on an efficient basis.

The limits of clearing and grading shall be fenced prior to construction, as recommended by the Urban Forester, and such fencing shall remain in place on each lot during construction of the dwelling unit. Notwithstanding that shown on the Special Exception Plat, the building envelopes may not extend beyond the limits of clearing and grading.

10. A tree preservation plan which includes a tree condition analysis shall be submitted for review and approval by the Urban Forestry Branch concurrent with the first submission of the subdivision plans. The tree preservation plan shall include a tree survey which describes the location, species, size, dripline and condition of all trees 12 inches or greater in diameter within ten (10) feet on either side of the limits of clearing and grading. The condition analysis shall be prepared by a certified arborist using the eighth edition of The Guide for Plant Appraisal. Specific tree preservation activities shall be incorporated into the tree preservation plan, including but not limited to, tree pruning, root pruning, mulching, fertilization, etc.
11. All trees shown to be preserved on the tree preservation plan shall be protected by chain link fencing a minimum of four feet in height to be placed at the dripline of the trees to be preserved as shown on the Special Exception Plat. The tree protection fencing shall be made clearly visible to all construction personnel and shall contain signs which label the protected areas as "Tree Save Areas", as approved by the Urban Forester. The fencing shall be installed prior to any site disturbance or construction work being conducted on the application property. The certified arborist shall monitor the installation of the tree protection fencing and verify in writing that it has been installed prior to construction. In addition, the certified arborist shall monitor the construction work and tree preservation efforts in order to ensure that the commitments made on the tree preservation plan are fulfilled.
12. Right-of-way dedication and frontage improvements as shown on Exhibit A shall be provided by the developer, subject to DPWES approval.
13. Prior to approval of the subdivision plan a refined acoustical analysis shall be submitted to DPWES which evaluates noise impacts on the site from both Lewinsville Road and the DAAR. The applicant shall abide by the performance standards resulting from the analysis to ensure that interior noise levels do not exceed a maximum DNL 45 dBA and exterior noise levels in rear yards do not exceed DNL 65 dBA, as approved by DPWES. It is understood that in order to comply with the above, noise walls or fences not depicted on the Special Exception Plat which meet Zoning Ordinance requirements may need to be installed.

14. For six (6) months from the date of the Board's approval of this special exception, the Park Authority may enter Lots 1 and 2 for the purpose of studying three (3) historic sites which have been identified by the Park Authority. During this time the Park Authority may remove artifacts or other objects found in association with the historic sites.
15. At the time of subdivision plan approval, the applicant shall contribute the sum of \$1,000.00 to the Park Authority for signage to be installed on the subject site in the dedicated area located along the Lewinsville Road frontage.
16. Within 60 days of the Board's approval of the Special Exception, a Phase I archaeological survey of the cellar and three (3) additional sites located on proposed Lot 1 shall be conducted and submitted to the Fairfax County Park Authority.
17. An area approximately thirty (30) feet wide, located along the western boundary of Lot 3 and an area approximately fifty (50) feet wide located along the western boundary of Lot 4, shall be subject to a conservation easement running to the benefit of Fairfax County which prohibits removal of trees except those which are dead, diseased, or hazardous and prohibits structures from being located within it. It should be noted that the conservation easement shall not preclude activities required in order to install utilities within the 15 foot sanitary sewer easement which is depicted between Lots 3 and 4 on the Special Exception Plat, subject to Urban Forestry approval. The existence and terms of the conservation easement shall be disclosed in writing to prospective purchasers and within HOA documents, prior to the sale of the lots.
18. The landscaped area located at the front and eastern side of Lot 10 shall be planted with a mixture of large deciduous and evergreen trees which are classified as Virginia native plants by the Virginia Native Plant Society at Blandy State Arboretum. Evergreen trees shall consist primarily of hollies and other broad leafed evergreens, subject to Urban Forestry approval.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the subdivision has been recorded in the land records of Fairfax County, or unless additional time is approved by

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the Board of Supervisors. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also waived the trail requirement in favor of a six-foot wide type II stone dust or asphalt trail along the Lewinsville Road frontage and approve reduced frontage improvements as shown on Exhibit A of the Development Conditions.

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley
Supervisor - Dranesville District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Frank Jones, Assistant Chief, PPRB, DPZ
Audrey Clark, Director, BPRD, DPW&ES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Robert Moore, Trnsprt'n. Planning Div., Department of Transportation
Ellen Gallagher, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPW&ES
DPW&ES – Bonds & Agreements
Department of Highways, VDOT
Land Acq. & Planning Div., Park Authority
District Planning Commissioner

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Attachment

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