



# FAIRFAX COUNTY



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

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February 3, 2000

Mary Catharine Puskar, Esquire  
Walsh, Colucci, Stackhouse  
Emrich and Lubeley, PC  
2200 Clarendon Boulevard – 13<sup>th</sup> Floor  
Arlington, Virginia 22201-3359

RE: Rezoning Application  
Number RZ 1999-SU-028

Dear Ms. Puskar:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on January 10, 2000, granting Rezoning Application Number RZ 1999-SU-028 in the name of Centex Homes, to rezone certain property in the Sully District from the R-1 District and Water Supply Protection Overlay District to the PDH-3 District and Water Supply Protection Overlay District, subject to the proffers dated December 6, 1999, on subject parcels 55-1 ((3)) 41, Pt. 41A, 42, Pt. 42A, 43, Pt. 43A (formerly 55-1 ((3)) 41, 42, 43); 55-1 ((5)) 1, 2; 55-1 ((1)) 3A and 4, consisting of approximately 23.70 acres.

The Conceptual Development Plan was approved: the Planning Commission having previously approved Final Development Plan Application FDP 1999-SU-028 on December 9, 1999, subject to the Board's approval of RZ 1999-SU-028, and subject to the development conditions dated November 10, 1999.

**The Board also:**

- **Waived the 600-foot maximum private street length requirement.**

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February 3, 2000

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- **Modified the transitional screening requirements and waived the barrier requirements along the north and south property lines adjacent to the affordable dwelling units to that shown on the Conceptual Development Plan/Final Development Plan.**

Sincerely,



Nancy Velts  
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley  
Supervisor-Sully District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay  
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation  
Ellen Gallagher, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPW&ES  
DPW&ES - Bonds & Agreements  
Frank Edwards, Department of Highways - VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES  
Barbara J. Lippa, 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 10<sup>th</sup> day of January, 2000, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1999-SU-028**

WHEREAS, Centex Homes 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-3 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-3 District and Water Supply Protection Overlay District, and said property is subject to the use regulations of said PDH-3 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 10<sup>th</sup> day of January, 2000.



Nancy Vehr

Clerk to the Board of Supervisors

**RECEIVED**

DEPARTMENT OF PLANNING AND ZONING

AUG 4 1999

**BC Consultants**

Planners · Engineers · Surveyors · Landscape Architects

August 3, 1999

BC Project #: 97025.11

ZONING EVALUATION DIVISION

**DESCRIPTION OF  
PROPOSED PDH-3 ZONE  
HERBERT PROPERTY  
SULLY DISTRICT  
FAIRFAX COUNTY, VIRGINIA**

Being an assemblage of the lands of the following: Tilghman Limited Partnership and John T. Hazel Jr. as recorded in Deed Book 7851 at Pages 1212 and 1217, Ryland B. and Gladys V. Kearns as recorded in Deed Book 3255 at Page 309, Anatole I. Berest and Margaret M. Assaturian as recorded in Deed Book 9193 at Page 1243 and Deed Book 2382 at Page 180, Doris Louella Williams Cochran as recorded in Deed Book 1254 at Page 39, Frank A. Parrott as recorded in Deed Book 6067 at Page 319 and Deed Book 7104 at Page 1731, and a portions of Parcels A, B, and C formerly Herbert Road (vacated) as recorded in Deed Book 10874 at Page 676 all among the Land Records of Fairfax County, Virginia and being more particularly described as follows:

Beginning at a point on the Westerly right-of-way line of Stringfellow Road, Route 645, variable width, said point being the southeasterly corner of Lot 3 Cecil D. Hylton Subdivision Number 2 as recorded in Deed Book 722 at Page 57, thence running with said right-of-way line of Stringfellow Road the following three (3) courses and distances:

- 1.) South 13° 15' 48" East 200.00 feet (60.960 meters) to a point, thence
- 2.) North 76° 44' 12" East 10.00 feet (3.048 meters) to a point, thence
- 3.) South 13° 14' 44" East 652.35 feet (198.837 meters) to a point being the northeasterly corner of The Gill Partnership L.P. as recorded in Deed Book 10368 at Page 1635, then running with the northerly line of The Gill Partnership L.P.
- 4.) South 88° 53' 41" West 278.23 feet (84.805 meters) to a point, thence running with the westerly line of The Gill Partnership L.P. and continuing with the westerly line of Lot 1 of Westside Subdivision Section One as recorded in Deed Book 1328 at Page 536

Herbert Property  
August 3, 1999  
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- 5.) South  $13^{\circ} 38' 29''$  East 418.62 feet (127.596 meters) to a point being the northeasterly corner of Lot 44 Centerville Hills Subdivision Section Four as recorded in Deed Book 1236 at Page 125, thence running with the northerly line of said Lot 44 and continuing the same with Parcel D (formerly Herbert Road, vacated, as recorded in Deed Book 10874 at Page 676
- 6.) South  $70^{\circ} 19' 01''$  West 751.42 feet (229.032 meters) to a point on the easterly line of Parcel B of the division of Lot 18, Section 1 and Parcel E, Section 4 Centerville Hills Subdivision as recorded in Deed Book 2030 at Page 35, thence running with said easterly line of Parcel B
- 7.) North  $19^{\circ} 40' 59''$  West 104.36 feet (31.808 meters) to a point, thence leaving said Easterly line of Parcel B and running in, through, over, and across Parcels C, B, and A, of vacated Herbert Road said lines also being the Easterly right-of-way of future Marshall Crown Road the following three (3) courses and distances.
- 8.) 208.33 feet (63.499 meters) along the arc of a curve deflecting to the left and having a radius of 426.57 feet (130.020 meters) and a chord bearing and distance North  $05^{\circ} 41' 31''$  West 206.27 feet (62.870 meters) to a point, thence
- 9.) North  $19^{\circ} 40' 59''$  West 320.00 feet (97.536 meters) to a point thence
- 10.) 207.70 feet (63.306 meters) along the arc of a curve deflecting to the left having a radius of 426.57 feet (130.020 meters) and a chord bearing and distance North  $33^{\circ} 37' 53''$  West 205.65 feet (62.683 meters) to a point said point lying on the Easterly line of Parcel A of the aforementioned Division of Lot 18, Section 1 and Parcel E, Section 4 Centerville Hill Subdivision, thence running with the Easterly line of the said Parcel A

Herbert Property  
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- 11.) North 18° 54' 09" West 379.12 feet (115.557 meters) to a point on the southerly right-of-way line of Northbourne Drive, variable width, (formerly Parcel D Poplar Tree Estates Section Seven as recorded in Deed Book 7754 at Page 485), thence running with said right-of-way line of Northbourne Drive the following two (2) courses and distances
- 12.) North 49° 18' 51" East 47.72 feet (14.544 meters) to a point, thence
- 13.) North 36° 16' 31" East 16.50 feet (5.029 meters) to a point being the westerly most corner of the Fairfax County Park Authority as recorded in Deed Book 7032 at Page 453, thence running with the southerly and a portion of the easterly line of said Park Authority the following two (2) courses and distances
- 14.) South 82° 36' 39" East 946.28 feet (288.426 meters) to a point, thence
- 15.) North 26° 26' 06" West 412.05 feet (125.592 meters) to a point being the southwesterly corner of Lot 3 of the aforementioned Cecil D. Hylton Subdivision Number 2, thence running with the southerly line of Lot 3
- 16.) North 76° 44' 12" East 288.77 feet (88.017 meters) to the point of beginning containing 23.7073 acres (9.5940 hectares) according to the Fairfax County assessment records

This description was prepared without the benefit of a title report which may reveal or discover easements and/or right-of-ways not described hereon.

## PROFFERS

### CENTEX HOMES/ADDITION TO FAIR LAKES CROSSING

RZ 1999-SU-028

December 6, 1999

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, Centex Homes (hereinafter referred to as the "Applicant") for the owners, themselves, successors and assigns in RZ 1999-SU-028, filed for property identified as Fairfax County Tax Map 55-1 ((1)) 3A, 4; 55-1 ((3)) 41, 41A, 42, 42A, 43, 43A; 55-1 ((5)) 1, 2 (hereinafter referred to as the "Application Property"), proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-3 District.

1. Development Plan. Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP") prepared by BC Consultants consisting of five (5) sheets dated March 16, 1999 and revised through September 23, 1999.
2. Final Development Plan Amendment. Notwithstanding that the CDP/FDP is presented on five (5) sheets and said CDP/FDP is the subject of Proffer No. 1 above, it shall be understood that the CDP shall be the entire plan shown on Sheet 1 relative to the points of access, the total number and general location of units and type of units, amount of open space, the general location of common open space areas, 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 of 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.
3. Minor Deviations. 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 tree preservation; the location of common open space areas; or distances to peripheral lot lines.
4. Stringfellow Road.
  - a. Subject to the Virginia Department of Transportation ("VDOT") and Department of Public Works & Environmental Services ("DPWES") approval, the Applicant shall dedicate and convey in fee simple to the Board

of Supervisors right-of-way up to a width of 56 feet from the existing centerline of Stringfellow Road along the Application Property frontage of Stringfellow Road as shown on the CDP/FDP. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from either Fairfax County or VDOT, whichever occurs first. The Applicant shall grant temporary construction and grading easements to the Board of Supervisors up to a maximum of fifteen (15) feet parallel to the right-of-way dedicated by the Applicant for Stringfellow Road. Said easements shall be granted by the Applicant at time of final subdivision plat approval or upon demand of Fairfax County or VDOT and shall not preclude the Applicant from developing the Application Property as shown on the CDP/FDP.

- b. At the time of final subdivision plat approval, the Applicant shall escrow with DPWES funds in an amount equal to the total estimated cost of constructing one-half of a four lane divided roadway along the Application Property's Stringfellow Road frontage. Said sum shall be estimated by the Applicant's engineer subject to said estimate being approved by DPWES. The total estimated cost shall not include, and the Applicant shall not be responsible for, any costs associated with the relocation of utilities along Stringfellow Road. These escrowed funds shall be a credit towards the Applicant's Fairfax Center Area Roadway contribution.

5. Veronica Road.

- a. Dedication. Subject to VDOT and DPWES approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way for a portion of Veronica Road as shown on the CDP/FDP for future construction by others. Dedication shall be made at time of recordation of the final subdivision plat or upon demand by Fairfax County, whichever occurs first.
- b. Funding. At time of final subdivision plat approval, the Applicant shall escrow with DPWES funds in an amount equal to the total estimated cost for that portion of Veronica Road located on the Application Property.

6. Northbourne Drive. Subject to the permission and granting of necessary easements at no cost to the Applicant by Fairfax County Park Authority ("FCPA"), at the time of final subdivision plat approval, the Applicant shall construct a standard sidewalk along the Northbourne Drive frontage of Tax Map 55-1 ((1)) 29 which is owned by the FCPA. The sidewalk is to be maintained by FCPA. If the necessary easements

are not granted at time of final subdivision plat approval, the Applicant shall have no further obligations under this proffer.

7. Traffic Calming Measures. At the time of subdivision approval, the Applicant shall escrow \$10,000.00 with VDOT or DPWES for the express purpose of compensating VDOT or Fairfax County for the cost of installing traffic calming measures or other transportation measures on Northbourne Drive.
8. Interparcel Access to Parcels 3, 4, and 5. The Applicant shall construct interparcel access to the property identified as Tax Map 55-1 ((5)) 3 and 4 and 55-1 ((1)) 5 ("Parcels 3, 4, and 5") as generally shown on the CDP/FDP for access to the future development of Parcels 3, 4, and 5. The purchasers shall be advised in writing prior to entering into contract for sale of the interparcel access. The homeowners' association documents shall acknowledge this interparcel access as well.
9. Fairfax Center Area Roadway Contribution. The Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the "Procedural Guidelines" adopted by the Board of Supervisors on November 22, 1982, as amended, subject to credit for all creditable expenses, as determined by the Fairfax County Department of Transportation and DPWES.
10. Density Credit. Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of subdivision plan approval.
11. Landscaping. Landscaping, seating area and an entry feature will be provided as generally as shown on the "Entrance Sign Detail" and "Typical Streetscape Plan" illustrations depicted on Sheets 3 and 4 of the CDP/FDP.
12. Environmental Quality Corridor (EQC). If requested by the FCPA, the Applicant shall convey in fee simple to the FCPA, for public park purposes, the EQC and the open space area generally located on Tax Map 55-1 ((5)) 1, 2; 55-1 ((1)) 3A as depicted on the CDP/FDP at or prior to the time of recordation of the final record plat for each section adjacent to the EQC. If this area is not conveyed to the FCPA, it shall be conveyed to the homeowners' association. The EQC shall not be disturbed except for trails, utility lines and the road crossing which may be necessary as determined by DPWES. To the extent possible, as determined by DPWES, utility crossings of the EQC shall be collocated with the road crossing. The trail shown within the EQC shall be field located in consultation with the Urban Forestry Branch in order to minimize clearing and grading. A conservation easement may be placed on some or all of the

open space if necessary to meet the BMP requirements of the Public Facilities Manual. A replanting plan shall be developed and implemented, as approved by the County Urban Forester for any areas located within the EQC that must be disturbed due to the installation of utility lines and trails. However, any plantings to be located in a utility easement is subject to approval by the appropriate utility company.

13. Noise.

- a. In order to achieve a maximum interior noise level to a level of approximately 45 dBA Ldn within that area impacted by highway noise from Stringfellow Road having levels between 65 and 70 dBA Ldn noise contours, which is estimated to be within 205 feet of the existing centerline of Stringfellow Road, the Applicant shall construct the proposed dwelling units with the following acoustical measures to mitigate the impact of highway noise:

**Construction materials and techniques known to have physical properties or characteristics suitable to achieve an STC of at least 39 for exterior walls;**

Doors and windows shall have laboratory STC rating of at least 28. If windows constitute more than 20 percent of any facade, they should have the same laboratory STC rating for walls.

Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

- b. In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation measures such as earthen berms or privacy fencing shall be provided for any portion of the rear and/or side yard that is unshielded by topography or built structures. The berm or fencing shall be solid and of sufficient height to adequately shield the impacted area from the source of noise, as determined by DPWES.
- c. As an alternative, the Applicant may, at its sole discretion, have a refined acoustical analysis performed to determine if there is sufficient shielding to permit a reduction or elimination in the mitigation measures prescribed above, subject to approval by DPWES.
- d. Nothing herein shall be construed to restrict or otherwise limit the use of decks, balconies or patios and all other permitted accessory uses on residential units.

14. **Stormwater Management.** The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMPs) in the 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 waived or modified by DPWES. In the event that on-site stormwater management is waived by DPWES, the Applicant shall maintain this area as open space.
  
15. **Affordable Dwelling Units (ADUs).** The Applicant shall provide eight (8) affordable dwelling units as shown on CDP/FDP. The front facades of the ADUs shall be constructed of brick. The architectural treatment in terms of color, trim detail and style of the ADUs shall be compatible with the proposed market rate units as determined by DPWES. The number of ADUs to be provided may be reduced based on the adoption of a future amendment to the provisions of the ADU ordinance.
  
16. **Blasting.** If blasting is required, and before any blasting occurs on the Application Property, the Applicant or its successors will insure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats shall be implemented. In addition, the Applicant or its successors shall:
  - a. Retain a professional consultant to perform a preblast survey of each house or residential building, to the extent that any of these structures are located within one hundred fifty (150) feet of the blast site.
  - b. Require his consultant to request access to house, buildings, or swimming pools that are located within said 150 foot range if permitted by owner, to determine the pre-blast conditions of these structures. The Applicant's consultants will be required to give adequate notice of the scheduling of the pre-blast survey.
  - c. Require his consultant to place seismographic instruments prior to blasting to monitor the shock waves. The Applicant shall provide seismographic monitoring records to County agencies upon their request.
  - d. Upon receipt of a claim of actual damage resulting from said blasting, the Applicant shall cause his consultant to respond expeditiously by meeting at the site of the alleged damage to confer with the property owner. The Applicant will require subcontractors to maintain necessary liability insurance to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity.

17. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading shown on the CDP/FDP subject to the installation of trails and utility lines, if necessary, as approved by DPWES. The trails and utility lines located within the area protected by the limits of clearing and grading shall be located and installed in the least disruptive manner possible considering cost and engineering, as determined by DPWES. At time of site plan submission, a replanting plan shall be developed and implemented, as approved by the Urban Forestry Branch of DPWES, for any areas within the areas protected by the limits of clearing and grading that are disturbed due to the installation of utility lines and trails.
  
18. Tree Preservation. For the purpose of maximizing the preservation of trees on individual lots, the Applicant shall retain a certified arborist to prepare a tree preservation plan for such portions of the property. The tree preservation plan shall be submitted to the County Urban Forestry Branch of DPWES for review and approval as part of the subdivision plan submission. The plan shall be coordinated with and approved by the County Urban Forester and shall provide for the preservation of specific quality trees or stands of trees on individual lots to the extent reasonably feasible without precluding the development of a typical home and yard on each of the lots shown on the CDP/FDP. The County Urban Forester may require modifications of such plans to the extent that these modifications do not alter the number of dwelling units shown on the CDP/FDP, reduce the size of the proposed units, or significantly move their location on the lot. The tree preservation plan shall include the following elements:
  - A. Tree survey which shows the location, size, species, condition and dripline of all trees 12" in diameter and larger whose trunks lay within 20 feet of either side of the limits of clearing and grading. The condition analysis shall be conducted by a certified arborist using the methods outlined in the most recent version of the Guide for Plant Appraisal.
  - B. All tree save areas designated to be preserved on the tree preservation plan shall be protected by fencing, a minimum of four (4) feet in height, placed at the dripline of trees to be preserved. The fencing shall be installed prior to any work being conducted on the site and signage affirming "Tree Save Area-Do Not Disturb" shall be provided on the temporary fence and made clearly visible to all construction personnel.
  - C. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.

Additionally, the Homeowners Association covenants shall require that trees in open space areas will not be disturbed except for the removal of dead, dying or otherwise

hazardous trees and selective maintenance to remove noxious and poisonous weeds as determined by the Urban Forester.

19. **Recreational Facilities.** The Applicant shall comply with Paragraph 2 of Section 6-110 and with Section 16-404 of the Zoning Ordinance by providing a mix of on-site improvements and cash contributions equivalent to a total of \$955.00 per unit. A trail and benches shall be provided as shown on the CDP/FDP. The balance of the funds not used on-site shall be contributed to the FCPA for the maintenance, acquisition, or development of park and recreational facilities serving residents of the Sully District and the Application Property.
20. **Energy Conservation.** All homes constructed on the property shall meet the thermal standards of the Virginia Power Energy Saver Program for energy efficient homes, or its equivalent, as determined by DPWES, for either electric or gas energy systems.
21. **Park and Ride Disclosure.** If the park and ride facility is not under construction at the time of execution of sales contracts for the initial sale of residential units, the Applicant shall disclose in its sales contract to purchasers of residential units that a VDOT park and ride facility is planned adjacent to the southeastern boundary of the Application Property.
22. **Severability.** Any of the sections may be subject to a Proffered Condition Amendment ("PCA") without joinder and/or consent of the other sections, if such PCA does not affect any other sections. Previously approved proffered conditions applicable to the section (s) which is not the subject of such a PCA shall otherwise remain in full force and effect.
23. **Homeowners Association.** The Applicant shall incorporate the Application Property into the Fair Lakes Crossing Homeowners Association to own, manage and maintain the open space, private streets, recreational facilities and all other community owned land and improvements. In the event that the Application Property is not incorporated into the Fair Lakes Crossing Homeowners Association, the Applicant shall establish a homeowners association to own, manage and maintain the open space, private streets, recreational facilities and all other community owned land and improvements.
24. **Private Streets.** The proposed private street shall be designed and constructed in order to minimize clearing and grading within the EQC, as determined by the Urban Forestry Branch. The private street shall be constructed in conformance with Public Facilities Manual standards. Purchasers shall be advised in writing prior to entering into a contract of sale that the homeowners' association shall be responsible for the maintenance of the private street in the development. The Applicant shall provide in the homeowners' association documents a covenant which will require the homeowners' association to budget for, and fund, sufficient reserves to pay for ongoing maintenance, and necessary repair and replacement, of all private streets. The homeowners' association documents shall further provide that any one owner in

the association shall have the right to enforce these obligations by any proceeding, including a proceeding at law, and that such owner would be entitled to any and all costs expended in the enforcement of such obligations.

25. Successor and Assigns. These proffers will bind and inure to the benefit of the Applicant and his or her successors and assigns.
26. Counterparts. 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.

[SIGNATURES BEGIN ON NEXT PAGE]

Proffers  
RZ 1998-SU-028

CONTRACT PURCHASER OF TAX MAP 55-1  
((3)) 41, 41A, 42, 42A, 43, 43A; 55-1 ((5)) 1, 2 and  
55-1 ((1)) 3A, 4

CENTEX HOMES  
A Nevada General Partnership

By: Centex Real Estate Corporation  
A Nevada Corporation  
Its Managing Partner

A handwritten signature in black ink, appearing to read "R. K. Davis", written over a horizontal line.

Robert K. Davis

Its: Division President

[SIGNATURES CONTINUE ON NEXT PAGE]

Proffers  
RZ 1998-SU-028

Title Owners of Tax Map 55-1 ((3)) 41, 41A

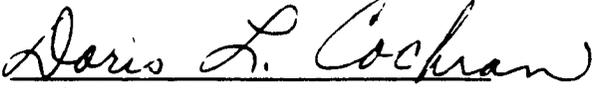
*Margaret M. Assaturian*  
\_\_\_\_\_  
Margaret M. Assaturian

*Anatole I. Berest,*  
*by Margaret M. Assaturian*  
*Attorney in fact*  
\_\_\_\_\_  
Anatole I. Berest, by Margaret M. Assaturian,  
Attorney-in-fact

[SIGNATURES CONTINUE ON NEXT PAGE]

Proffers  
RZ 1998-SU-028

Title Owner of Tax Map 55-1 ((3)) 42, 42A

  
Doris Louella W. Cochran

[SIGNATURES CONTINUE ON NEXT PAGE]

Proffers  
RZ 1998-SU-028

Title Owner of Tax Map 55-1 ((3)) 43, 43A

  
Frank A. Parrott

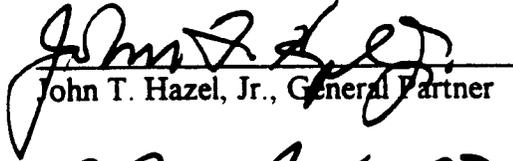
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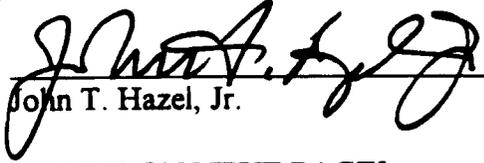
Proffers  
RZ 1998-SU-028

Joint Title Owner of Tax Map 55-1 ((5)) 1, 2 and  
55-1 ((1)) 3A

Tilghman Limited Partnership

By:

  
John T. Hazel, Jr., General Partner

  
John T. Hazel, Jr.

[SIGNATURES CONTINUE ON NEXT PAGE]

Proffers  
RZ 1998-SU-028

Title Owners of Tax Map 55-1 ((1)) 4

Ryland B. Kearns by Gladys Kearns  
Ryland B. Kearns  
att'y in fact

Gladys V. Kearns  
Gladys V. Kearns

[END SIGNATURES]

## PROPOSED DEVELOPMENT CONDITIONS

FDP 1999-SU-028

November 10, 1999

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 1999-SU-028 from the R-1 District to the PDH-3 District for residential development located at Tax Map 55-1 ((5)) 1, 2; 55-1 ((1)) 3A, 4; 55-1 ((3)) 41, 41A pt., 42, 42A pt., 43, 43A pt., (formerly 55-1 ((3)) 41, 42, 43), 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 conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan entitled "Conceptual/Final Development Plan, Addition to Fair Lakes Crossing", prepared by: BC Consultants and dated March 16, 1999, as revised through September 23, 1999.
2. A pedestrian connection within a public access easement shall be provided through the development to Stringfellow Road, to permit access to the nearby Fair Lakes Shopping Center, as determined by DPWES.
3. The architecture of all of the proposed units, including Affordable Dwelling Units (ADUs), shall be consistent with that shown on Sheet 4 of the CDP/FDP, as determined by DPWES. Landscaping shall be consistent with that shown on Sheets 1, 3 and 4 of the CDP/FDP, as determined by the Urban Forester.
4. Reforestation proposed along Stringfellow Road shall be in accordance with the PFM and shall be coordinated with the Urban Forestry Branch, DPWES.
5. To the maximum extent possible, as determined by DPWES, utility crossings of the EQC shall be co-located with the road crossing, and installed in the least disruptive manner possible considering cost and engineering, as determined by DPWES.
6. If the proposed asphalt trail connecting the development to the VDOT park and ride facility to the south is not constructed at the time of construction of this development, the applicant shall escrow adequate funds, as determined by DPWES, for the future construction of the trail with DPWES.
7. Access easements shall be provided along the private road to the townhouse portion of the development in order to provide for interparcel access to Parcels 3 and 4 to the north and Parcel 5 to the south.

8. The proposed SWM facility shall be located to receive/control increased runoff from the proposed development. An adequate outfall analysis and stormwater routing shall consider the entire upstream watershed and shall extend beyond the downstream Melville Lane stream crossing, as determined by DPWES.
9. The site and BMPs shall be designed such that peak flow of the 2 and 10 year storms associated with the site are reduced to 50% of pre-development flows, if determined to be desirable by DPWES. The SWM facility shall be designed to compensate for the controlled runoff from the ADU development and Parcels 3, 4 and 5, if determined necessary by DPWES.
10. If it is determined that any disturbance, including road or utility construction, is necessary within the gas pipeline easement located along the west side of Stringfellow Road, documentation from the pipeline company shall be provided to DPWES at the time of site plan review which indicates that the proposed disturbance is acceptable to the gas pipeline company.

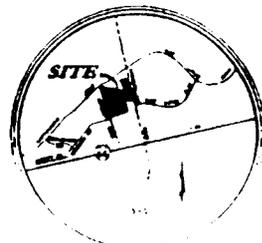
CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	108.27 (130.00m)	204.47 (254.00m)	108.27 (130.00m)	204.47 (254.00m)	N 89°12'1" W	172°38'58"
2	108.27 (130.00m)	204.47 (254.00m)	108.27 (130.00m)	204.47 (254.00m)	N 89°12'1" W	172°38'58"

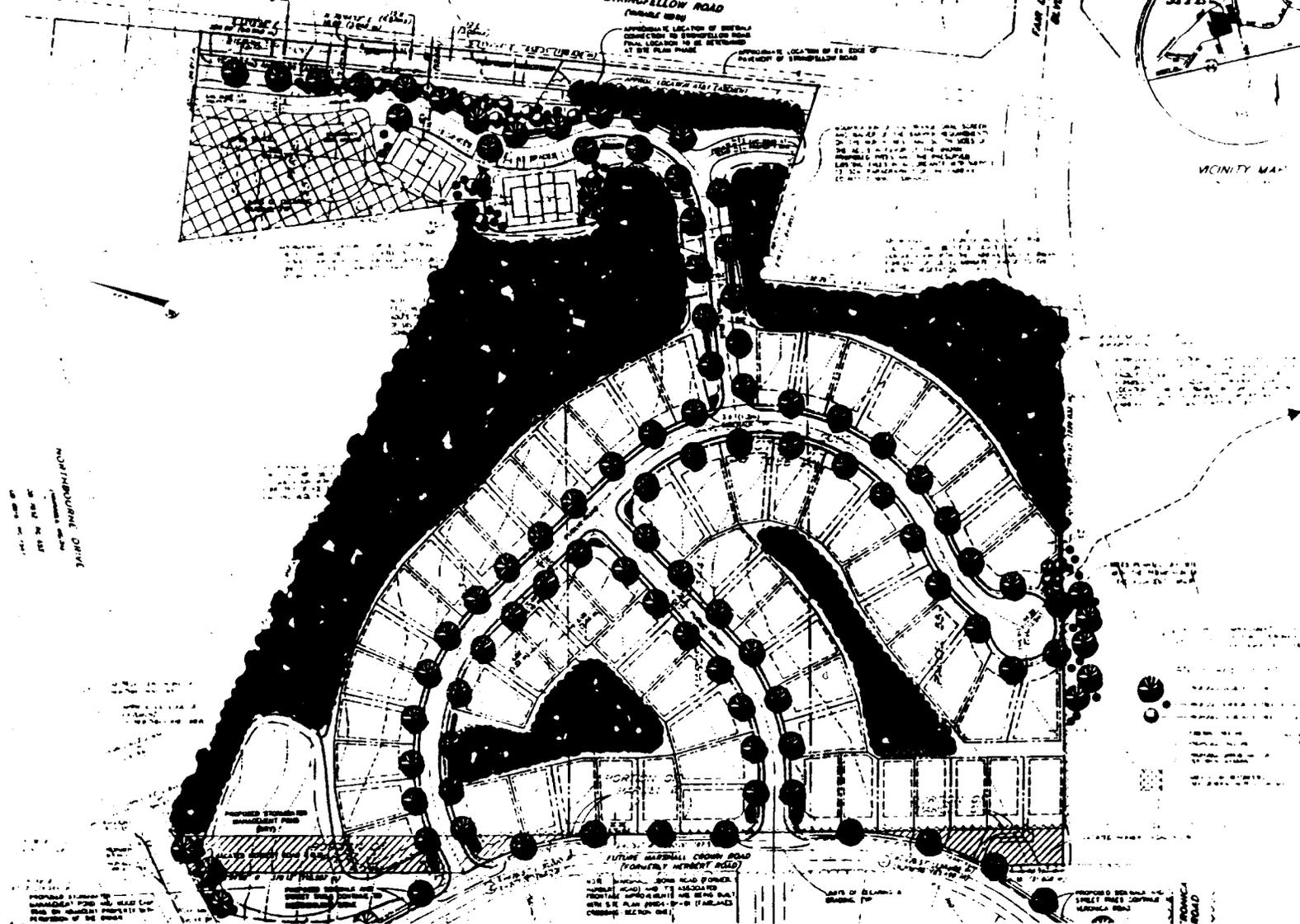
STRINGFELLOW ROAD  
(PROPOSED 60%)

APPROXIMATE LOCATION OF INTERMEDIATE CONNECTION TO STRINGFELLOW ROAD  
FINAL LOCATION TO BE DETERMINED AT THE PLANS STAGE

APPROXIMATE LOCATION OF E.S. EDGE OF PROPOSED 60% STRINGFELLOW ROAD



LOCALITY MAP



NEIGHBOURING DRIVE

PROPOSED SERVICE LANE (SHADED) FOR ACCESS TO THE PROPOSED 60% STRINGFELLOW ROAD

FUTURE MARGINAL CROSS ROAD (FORMERLY HERBERT ROAD)

LAND OF CLARENCE (SHADED)

PROPOSED SERVICE LANE (SHADED) FOR ACCESS TO THE PROPOSED 60% STRINGFELLOW ROAD

**BC Consultants**  
 100-1100 16th Street, Vancouver, BC V6P 1K1  
 Tel: 604-271-1100 Fax: 604-271-1101  
 www.bcconsultants.com



CONCEPTUAL LAYOUT OF DEVELOPMENT PLAN  
 ADDITION TO FAIR LAKES CROSSING

DATE: 10/10/2013  
 SCALE: 1:1000  
 SHEET: 1 OF 1  
 PROJECT: 100-1100 16th Street, Vancouver, BC V6P 1K1

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

BOARD OF SUPERVISORS ACTION  
ZONING MAP AMENDMENT  
DATE OF ACTION 01/10/00

APPLICATION NUMBER: RZ 99-Y-028

SULLY

DISTRICT

APPLICANT: CENTEX HOMES

STAFF: JOHNSON

APPLICATION DATA

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EXISTING ZONING AND ACREAGE

ZONING: R- 1

ACRES: 23.70

PROPOSED:

PDH- 3  
23.70

ACTION:

PDH- 3  
23.70

TOTAL ACRES

23.70

TOTAL ACRES

23.70

MAP NUMBERS

055-1- /01/ /0003-A ,0004-  
055-1- /03/ /0041- ,0041-A P,0042- ,0042-A P,0043  
055-1- /03/ /0043-A P  
055-1- /05/ /0001- ,0002-

REMARKS:

