FAIRFAX COUNTY
VIRGINIA

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

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

April 22, 1999

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-HM-020
(Amended Ordinance - Number Only)

Dear Mr. Martin:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on March 8, 1999 granting Rezoning Application Number RZ 1998-HM-020 in the name of Coscan Brookfield Homes, to rezone certain property in the Hunter Mill District from the R-1 District to the PDH-1 District subject to the proffers dated January 28, 1999, on subject parcels 6-4 ((1)) 74A, 78; 11-2 ((1)) 12 and 17, consisting of approximately 49.14 acres.

The Board also approved the Conceptual Development Plan subject to the proffers dated January 28, 1999; the Planning Commission having previously approved FDP 1998-HM-020 on January 28, 1999; subject to the Board's approval of RZ 1998-HM-020 and the Conceptual Development Plan, and subject to the development conditions.

In addition, the Board:

- **Waived the 600 foot limitation on the length of private streets;**

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March 23, 1999

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In addition, the Board:

- **Waived the 600 foot limitation on the length of private streets;**

- **Waived the requirement for construction of a service drive along the Route Seven frontage of the site;**

- **Modified the transitional screening requirements along the east, west, and south boundaries of the child care center in favor of that shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP); and**

- **Waived the barrier requirement along the eastern property boundary of the child care center.**

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley
Supervisor-Hunter Mill 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
Fred R. Beales, Supervisor Base Property, 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
Barbara J. Lippa, Deputy Executive Director, Planning Commission
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES
Office for Children, Department of Family Services
Health Department

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 8th day of March, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-HM-020

WHEREAS Coscan Brookfield 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 to the PDH-1 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 Hunter Mill District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PDH-1 District, and said property is subject to the use regulations of said PDH-1 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 8th day of March, 1999.

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

EXHIBIT "A"

RECEIVED
OFFICE OF COMPREHENSIVE PLAN
MAR 2 6 1998
ZONING EVALUATION DIVISION

DESCRIPTION OF
PART OF THE PROPERTY OF

WARREN K. MONTOURI, TRUSTEE

DEED BOOK 5637 PAGE 1362
DEED BOOK 5637 PAGE 1367
DEED BOOK 6086 PAGE 1627
DEED BOOK 6357 PAGE 506

DRANESVILLE MAGESTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

Being a portion of the property acquired by Warren K. Montouri, trustee, from (i) Rita Gregory and Aliki M. Bryant by Deed dated March 5, 1982 and recorded in Deed Book 5637 at Page 1362; (ii) Maria P. Cantonis and George Cantonis by Deed dated March 5, 1982 and recorded in Deed Book 5637 at Page 1367; (iii) Margaret J. Coomber and George F. Coomber by Deed dated January 15, 1985 and recorded in Deed Book 6086 at Page 1627; and (iv) from Virginia Gray Gay and Robert V. Gay by Dee dated April 18, 1986 and recorded in Deed Book 6357 at page 506, all among the land records of Fairfa County, Virginia.

Beginning for the same at a point in the center of Old Reston Avenue ,State Route No. 620 (variable width), said point marking the beginning of the first, or North 60°22' West, 265.4' line of the land conveyed to Warren K. Montouri, Trustee, by Deed duly recorded in Deed Book 6357 at Page 506 thence running with the centerline of Old Reston Avenue ;

1. South 26°49'52" West, 93.208 m [305.80'] to a point ; thence departing the centerline of said road and running with the northerly line of the land conveyed to Bruce and Bessie Trickett by Deed duly recorded in Deed Book H15 at Page 196 among the aforesaid Land Records:

2. North 62°54'08" West, 136.490 m [447.80'], passing over an iron pipe found at 4.913m [16.12'], tc an iron pipe found, said point being the northwesterly corner of said Trickett; thence running with the northwesterly line of Trickett and continuing with the northwesterly line of a second parcel of land conveyed to Bruce and Bessie Trickett by Deed duly recorded in Deed Book 1632 at page 575 and the northwesterly line of the land conveyed to Harry and Mary Saville by Deed duly recorded i Deed Book 2085 at Page 76, all among the aforesaid Land Records:

3. South 27°01'51" West, 197.047m [646.48'] to a point in the line of the Trustees of the Christian Fellowship Church as duly recorded in Deed Book 6169 at Page 320, said point being the southwesterly corner of Saville; thence departing the line of Saville and running with the northerly lines of said Christian Fellowship Church the following three (3) courses and distances:

4. North 76°06'47" West, 69.928m [229.42'] to an iron pipe found; thence

5. North 39°54'45" West, 178.926m [587.03'] to a 25 inch poplar tree found in the bank of a stream; thence

6. North 70°06'58" West, 85.385m [280.13'], passing over an iron pipe at 84.484m [277.18'], to a point in the easterly line of Lot 18, Stuart Hills, duly platted and recorded in Deed Book 10198 at Page 1346, among the aforesaid land records; thence departing said Christian Fellowship Church and running with the easterly line of said Stuart Hills:

7. North 04°09'39" West, 244.160m [801.05'] to an iron pipe found, said point being the northeasterly corner of Lot 10, Stuart Hills; thence running with the northerly line of Stuart Hills:

8. North 85°21'45" West, 107.033m [351.16'] to an iron pipe found, said point being the southeasterly corner of the land conveyed to Kenneth R. and Christine K. Harnage by Deed duly recorded in Deed Book 5172 at Page 21 among the aforesaid Land Records; thence departing said Stuart Hills and running with the easterly and northerly lines of Harnage:

9. North 02°00'10" West, 44.887m [147.27'] to an iron t-bar found; thence

10. North 84°08'35" West, 93.026m [305.20'], passing over an iron pipe found at 88.226m [289.45'] to a point in the easterly right-of-way line of Stuart Road – State Road No. 680 (variable width), said point being an approximate distance of 3.561m [11.68'] from the centerline of the existing pavement thereof and being a corner to the land conveyed to Mack R. Farr, by deed duly recorded in Deed Book 17565 at Page 1780 among the aforesaid Land Records, thence departing said easterly right-of-way line and running with the land of Farr

11. North 03°33'11" West, 99.386m [326.07'] to a point in the southerly right-of-way line of Sugarland Road – State Route No. 604 (variable width), said point being an approximate distance of 7.620m [25.00'] from the existing centerline thereof; thence departing said line of Farr and running with said southerly side of Sugarland Road;

12. 25.628m [84.08'] along the arc of a curve to the left, having a radius of 226.089m [741.76'] and a chord bearing and distance of North 73°53'57" East, 25.614m [84.04'] to an iron pipe found, said point being the northwesterly corner of the land conveyed to James L. and Agnes T. Crouch, Trustees, by Deed duly recorded in Deed Book 9460 at Page 836, among the aforesaid Land Records; thence departing Sugarland Road and running with the southwesterly line of Crouch;

13. South 65°47'12" East, 199.682m [655.12'] to an iron pipe found, said point marking the end of the South 60°24'10" East, 694.04' line of the land conveyed to Warren K. Montouri by Deed duly recorded in Deed Book 5637 at Page 1367 and being the southeasterly corner of said Crouch; thenc departing Crouch and running with the outline of an apparent gap in title between the lands conveyed to Warren K. Montouri by Deed duly recorded in Deed Book 6086 at Page 1627 and in Deed Book 5637 at Page 1367 , and the land conveyed to the aforesaid Crouch (Deed Book 9460 a Page 836), the land conveyed to James L. and Irene Crouch, Trustees, by Deed duly recorded in Deed Book 9460 at Page 840, and the land conveyed to James L. and Irene Crouch, Trustees, by Deed duly recorded in Deed Book 9460 at Page 844, all among the aforesaid Land Records and als with the South 17°50'40" West, 81.51 foot line of said Montouri (Deed Book 5637 at Page 1367);

14. South 12°28'22" West, 24.861m [81.56'] to a stone found; thence continuing with said apparent g: in title and with the northwesterly line of said Montouri (Deed Book 6086 at Page 1627);

15. North 18°26'09" East, 137.368m [450.68'] to a point in the southerly line of Leesburg Pike, State Route No. 7 (variable width) as shown on State Right-of-Way Project Plan No. 0007-029-105-RW-201; thence running with said southerly line of Route No. 7 the following three (3) courses and distances:

16. South 48°46'31" East, 48.725m [159.86'] to a point; thence

17. South 71°26'21" East, 46.948m [154.03'] to a concrete monument found (disturbed); thence

18. South 58°18'21" East, 213.771m [701.35'] to a point, said point being the northwesterly corner of the land conveyed to Warren K. Montouri, Trustee, by Deed duly recorded in Deed Book 5637 at Page 1372; thence departing said southerly line of State Route No. 7 and running with the northwesterly line of said Montouri;

19. South 30°38'03" West, 33.723m [110.64'] to a point; thence running with the southerly line of said Montouri, and continuing with the southerly line of the land conveyed to Exxon Corp. by Deed duly recorded in Deed Book 4319 at Page 504, among the aforesaid land records;

20. South 59°21'57" East, 127.724m [419.04'] to an iron pipe found; thence running with the southerly lines of said Exxon Corp. and continuing with the southerly lines of a second parcel of land conveyed to Exxon Corp. by Deed duly recorded in Deed Book 2666 at Page 140, among the aforesaid Land Records;

21. South 52°48'12" East, 124.531m [408.57'] to an iron pipe found, said point being the southeasterly corner of the aforesaid Exxon Corp. and being in the Northwesterly line of the land Conveyed to Th Southland Corporation by Deed duly recorded in Deed Book 6277 at Page 639 among the aforesaid Land Records; thence departing said Exxon Corp. and running with the northwesterly line of said Southland Corporation and continuing with the northwesterly line of the lands conveyed to Saah an Saah by Deed duly recorded in Deed Book 6277 at Page 656, all among the aforesaid land records;

22. South 27°53'31" West, 71.202m [233.60'] to a point, said point being the northwesterly corner of the aforesaid Saah and Saah; thence continuing with and extending the southwesterly lines of said Saah and Saah:

23. South 66°49'08" East, 80.860m [265.29'] to the point of beginning and containing 198,865.2 squar meters (2,140,567 square feet or 49.14065 acres) of land.

PROFFERS

GREAT FALLS WOODS

RZ 98-HM-020

January 28, 1999

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, Coscan Brookfield Homes, (hereinafter referred to as the "Applicant") for the owners, themselves, successors and assigns, in RZ 98-HM-020 (the "Application"), filed for property identified as Tax Map 6-4((1))-74A & 78 and 11-2((1))-12 & 17 (hereinafter referred to as the "Application Property") agrees to the following proffers, provided that the Board of Supervisors approves the Application.

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 VIKA, Incorporated, dated March 24, 1998 and revised through October 1, 1998 consisting of four (4) sheets.

2. Final Development Plan Amendment. Notwithstanding the fact that the 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 3 but only relative to the points of access, the total number, general location and type of units, the amount of open space and the location of common open space areas, and the limits of clearing and grading. The Applicant has the option of requesting a Final Development Plan Amendment ("FDPA") for elements other than the aforementioned 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 layouts 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 amount of open space.

4. Recreational Facilities. The Applicant shall expend a minimum of $955 per dwelling unit for the development of both active and passive recreation facilities, amenities and trails as identified on the CDP/FDP. A children's play area, to include a variety of equipment appropriate for school age children, shall be provided in the location shown on the CDP/FDP for the tot lot. Such facilities shall be constructed concurrent with the development of the Application Property. If the actual expenditure for such facilities does not equal a minimum of $955 per dwelling unit, the Applicant shall contribute the difference to the Park Authority

for development of park facilities in the area on a per unit basis at the time of building permit approval.

5. Fairfax County Park Authority Contribution. In addition to Proffer # 4, above, at the time of building permit approval, the Applicant shall contribute $200.00 per dwelling unit to the Fairfax County Park Authority for offsite recreational facilities in the vicinity of the Application Property. Using the Board of Supervisors' approval date of the rezoning application as the base date, this amount shall be adjusted according to the consumer Cost Index as published in the *Engineering News Record* by McGraw-Hill.

6. Dedication of Right-of-Way. Applicant shall dedicate and convey in fee simple to the Board right-of-way along the Application Property's frontages, as shown on the CDP/FDP, as follows:

   a. Thirty-five (35) feet from the centerline of the existing Reston Avenue;

   b. A minimum of 114 feet from the centerline of the existing Leesburg Pike; and

   c. Fifty-six (56) feet from the centerline of the existing Stuart Road.

   d. Fifty-six (56) feet from the centerline of the existing Sugarland Road.

   Dedication shall be made at time of subdivision plan approval or upon demand from Fairfax County, whichever shall first occur. At the time of subdivision plan approval, Applicant shall grant an ancillary easement to the Board of fifteen (15) feet parallel to the right-of-way dedicated by the Applicant along the Application Property's Leesburg Pike frontage for temporary construction and/or maintenance of improvements made within such right-of-way.

7. Construction. Subject to VDOT and DPW&ES approval, the Applicant shall construct frontage improvements to Reston Avenue measuring twenty-six (26) feet from centerline within the dedicated right-of-way as shown on the CDP/FDP concurrent with the development of the Application Property.

8. Off-site Improvements.

   a. The Applicant shall reconstruct the existing, temporary cul-de-sac on Hanna Overlook Court as a permanent cul-de-sac concurrent with the development of the Application Property.

b. The Applicant shall construct improvements to the existing dry cleaning establishment located at 1110 Reston Avenue, to the north of the proposed entrance to the Application Property. Such improvements shall include the renovation of the existing building facade, landscaping improvements along the Reston Avenue frontage, and other site improvements to complement the entrance to the Application Property. Such improvements shall be constructed prior to the issuance of a non-residential use permit for the Child Care Center and shall be in general conformance with the concepts depicted on Exhibit A attached hereto.

9. Private Streets. The private streets identified on the CDP/FDP as "Access Road A" and "Court A" shall be constructed of materials and to a depth of pavement consistent with Section 7-502 of the Public Facilities Manual.

10. Emergency Access Easement. The Applicant shall provide a fifteen (15) foot emergency access easement adjacent to the southern lot line of Lot 36, extending from "Access Road A" to the western property line as shown on the CDP/FDP (the "Access Easement"). The Applicant shall improve the Access Easement with "Grass-crete" or similar material concurrent with the development of the Application Property. The Applicant shall extend such material off-site within the existing, adjacent VDOT right-of-way to connect with Hanna Overlook Court. The Access Easement shall be established for the purpose of providing emergency access between the proposed development and the Stuart Hills Subdivision. Vehicular passage for purposes other than emergency access shall be prohibited.

11. Trails. The Applicant shall construct the trail shown on the CDP/FDP along the Application Property's Reston Avenue frontage concurrent with frontage improvements to Reston Avenue. The Applicant shall contribute to an escrow account, at the time of subdivision plan approval, funds sufficient to pay for the construction of the trails shown on the CDP/FDP along the Application Property's Leesburg Pike, Stuart Road and Sugarland Road frontages, in an amount determined by DPW&ES. Fairfax County shall have the right to receive such funds, upon demand, for purposes of paying the actual construction costs of such trails.

12. 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.

13. Stormwater Management. The Applicant shall provide stormwater management (SWM) and best management practices (BMPs) in accordance with the requirements of DPW&ES at the time of subdivision plan approval. In the event that on-site SWM is waived by DPW&ES, the western-most area designated on the CDP/FDP for on-site SWM may be provided as

additional lot area and/or open space, and the eastern-most area designated on the CDP/FDP for on-site SWM shall be provided as undisturbed open space area. In such event, the Applicant shall not be required to provide the SWM pond buffers shown on the CDP/FDP as a double row of medium to large evergreen trees.

14. Lot Lines. The Applicant reserves the right to make minor adjustments to the internal lot lines of the proposed subdivision at the time of subdivision plan submission based on final house locations and building footprints, provided that the overall density and open space is not changed. The Applicant shall maintain peripheral setback lines as shown on the CDP/FDP.

15. Limits of Clearing and Grading. The Applicant shall generally conform to the limits of clearing and grading as shown on the CDP/FDP, subject to modifications for the installation of trail(s), utility lines and/or road crossings, if necessary, as approved by DPW&ES. Any trail(s) and/or utility lines located within areas 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 DPW&ES, and, if feasible, disrupted areas outside the easement shall be revegatated.

16. Landscaping and Open Space. Applicant shall provide landscaping on the Application Property using a combination of existing and proposed vegetation. Street trees and peripheral landscaping shall be provided by the applicant as shown on the CDP/FDP. The exact location of the proposed plantings may be modified as necessary for the installation of utilities in coordination with the Urban Forester.

17. Tree Preservation. The Applicant shall preserve those trees located in the area designated on the CDP/FDP as "tree save area." To the extent, if any, such area is modified as a result of final engineering, an equivalent area to that modified shall be substituted on the site as determined by the Urban Forester.

In addition, for the purposes of maximizing the preservation of trees on individual lots, the Applicant shall retain an arborist certified by the International Society of Arboriculture to consult on the preparation of a tree preservation plan. The tree preservation plan (the "Plan") shall be submitted as part of the final subdivision plan and house location plans and shall be coordinated with and approved by the Urban Forestry Branch of DPW&ES. The Plan shall 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. The Urban Forester may require modifications to the Plan to the extent such modifications do not alter the number of dwelling units as shown on the CDP/FDP, reduce the size of the proposed units, significantly alter the location of the

units on their respective lots, require an FDPA or require the installation of retaining walls greater than two (2) feet in height.

The Plan shall include the following elements:

- A pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved.

- The trees designated to be saved shall be protected by fencing, a minimum of four (4) feet in height, placed at the dripline of trees to be preserved, or at the limits of clearing and grading, whichever is greater. The fencing shall be installed prior to the commencement of clearing and grading activities. 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 Plan.

- In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed units on the application property may be modified at time of final engineering to enhance specific tree preservation.

18. Environmental Quality Corridor (EQC). The area(s) designated on the CDP/FDP as EQC shall remain as undisturbed open space. Such EQC area(s) shall not be disturbed except for trails, utility lines and road crossings as shown on the CDP/FDP, and no structures or fences shall be constructed within the EQC.

19. Homeowners Association. The Applicant shall establish a homeowners association ("HOA") for the proposed development to own, manage and maintain the open space including the EQC areas, the private streets, the recreational facilities and all other community owned land and improvements. Purchasers shall be advised in writing prior to entering into a contract of sale that the HOA shall be responsible for the maintenance of all such improvements. The HOA documents shall specify that the HOA is responsible for the maintenance of such improvements. The HOA documents shall require that trees in areas designated as EQC will not be disturbed except for removal of diseased, dead or dying trees as approved by the Urban Forester.

Specifically, the HOA documents shall provide notice to prospective purchasers of the private streets in the development and the extent to which such streets shall be gated and access to or on them controlled. Such documents shall further provide notice to prospective purchasers that the HOA is and shall be solely responsible for the maintenance of the private streets, the gates and guard houses, and other related improvements and that each homeowner's HOA

fees shall reflect such expenses. Such documents shall further provide notice to prospective purchasers that neither the County nor VDOT is or shall be responsible for such maintenance. Prior to the issuance of the residential use permit for the thirty-sixth unit, the Applicant shall resurface the private streets. In addition, in order to ensure adequate funding for such maintenance during the initial period of the HOA, the Applicant shall contribute to the HOA, prior to turning over control of the HOA, funds sufficient to pay for the cost of a subsequent resurfacing of the private streets as determined by DPW&ES. Once contributed, such funds shall be managed by and in the sole discretion of the governing body of the HOA.

20. Residential Noise Attenuation.

a. The Applicant shall use building materials with characteristics pursuant to commonly accepted industry standards to achieve a maximum interior noise level of 45 dBA Ldn for all units located within 1,650 feet of the centerline of Leesburg Pike which are impacted by highway noise levels between 70 and 65 dBA Ldn noise contours and not otherwise shielded by structures or topography. Such units shall have the following acoustical attributes: Exterior walls shall have a laboratory STC rating of at least 39; Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than twenty percent (20%) of any facade, they should have the same laboratory STC as walls. Measures to seal and caulk between exterior wall surfaces shall 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 in rear yards located within 65 and 70 dBA Ldn noise contours, noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, shall be provided for those outdoor recreation areas, including rear yards, that are unshielded by topography or structures. If acoustical fencing or walls are used, they should be architecturally solid from ground up with no gaps or openings (except where necessary to provide for a gate, drainage or utilities), and they should be of sufficient height to adequately shield the impacted area from the source of noise.

c. As an alternative to "a" or "b", above, the Applicant may elect to have an acoustical analysis performed to verify or amend the noise levels and impact areas set forth above and/or to determine which units may have sufficient shielding from vegetation and other structures to permit a reduction in the mitigation measures prescribed above; or to determine minimum STC ratings for exterior walls, windows, and doors. Such analysis shall be coordinated with the Department of Planning and Zoning and subject to approval by DPW&ES.

21. Fire Station Preemptive Signalization. The Applicant shall, prior to the issuance of the thirty-sixth residential use permit, contribute $15,000 to an escrow account to pay for the actual cost of constructing a preemptive signal at the intersection of Leesburg Pike and Reston Avenue in conjunction with the proposed construction of the North Point Fire Station. Fairfax County shall have the right to receive such funds, upon demand, for purposes of paying the actual construction costs of such signalization. Using the Board of Supervisors' approval date of the rezoning application as the base date, this amount shall be adjusted according to the consumer Cost Index as published in the *Engineering News Record* by McGraw-Hill.

22. Child Care Center. The Applicant shall provide a child care center as generally shown on the CDP/FDP. The maximum daily enrollment shall be limited to 160 students and the business hours of operation shall be no longer than from 6:00 a.m. to 7:00 p.m. Other programs such as parent conferences, staff training, etc. may occur at times other than the business hours of operation. Transitional screening and barriers shall be provided adjacent to the Child Care Center as shown on the CDP/FDP. Landscaping and other amenities shall be provided as shown on the CDP/FDP. The architecture of the child care center shall be residential in character, and building materials and colors shall be compatible with the proposed residential units.

23. Historical Marker. The Applicant shall install an historical marker, commemorating the site as part of the Battle of Dranesville, in a location and of a content that is mutually agreeable to the Applicant and the Park Authority. The marker shall be installed prior to the issuance of the thirty-sixth residential use permit.

24. Housing Trust Fund Contribution. At the time of final subdivision plan approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one percent (1%) of the projected sales price of the house to be built on each lot to assist Fairfax County's low and moderate income housing goals. The projected sales price shall be determined by the applicant in consultation with the Fairfax County Department of Housing and Community Development (HCD) and DPW&ES. The timing and amount of such contribution may be modified at the Applicant's sole discretion based on the adoption of a future amendment to the formula adopted by the Board of Supervisors.

25. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and his/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.

27. 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 substantially 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.

(SIGNATURES BEGIN ON NEXT PAGE)

J:\COSCAN\8655\PROFFERS.020
February 4, 1999

APPLICANT/CONTRACT PURCHASER
COSCAN BROOKFIELD HOMES

By: _____
Name: Robert C. Hubbell
Its: PRESIDENT

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNER
Warren K. Montouri, TRUSTEE

By: Warren K. Montouri, Trustee
Name: Warren K. Montouri, Trustee

FINAL DEVELOPMENT PLAN CONDITIONS
FDP 1998-HM-020

October 7, 1998

If it is the intent of the Planning Commission to approve RZ 1998-HM-020, staff recommends that such approval be subject to the following conditions:

1. Development of the application property shall be in substantial conformance with the Final Development Plan prepared by Vika Engineering dated March 24, 1998 and revised to October 1, 1998, entitled "Great Falls Woods" consisting of four sheets and these conditions.

2. A minimum building setback of 25 feet shall be provided for Lots 35 and 36 from the shared lot line with Lot 10 of the adjacent Stuart Hills Subdivision.

3. An average lot size of 22,200 square feet shall be maintained within the entire development; however the minimum lot size shall be 16,000 square feet. Notwithstanding the above, Lots 33, 35 and 36 shall be a minimum of 25,000 square feet in size.

4. The maximum number of children permitted in the play area for the child care center shall be limited to not more than 60 children at any one time.

5. The child care center shall be subject to the regulations of Chapter 30 of the Code or Title 63.1, Chapter 10 of the Code of Virginia as applicable.

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

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 03/08/99

APPLICATION NUMBER: RZ 98-H-020 HUNTER MILL DISTRICT

APPLICANT: COSCAN BROOKFIELD HOMES

STAFF: JOHNSON

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: R- 1

ACRES: 49.14

PROPOSED:	ACTION:
PDH- 1	PDH- 1
49.14	49.14
TOTAL ACRES	TOTAL ACRES
49.14	49.14

MAP NUMBERS

006-4- /01/ /0074-A ,0078-
011-2- /01/ /0012- ,0017-

REMARKS:

ORIGINAL PC HEARING SCHEDULED FOR OCTOBER 21, 1998. HEARING DEFERRED UNTIL DECEMBER 9, 1998

ZONING MAP AMENDMENT

RZ 98-H-020

ZONING DISTRICT DATA

ZONING DISTRICT: PDH- 1

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD	48	48.00				
---	---	---	---	---	---	---
TOT	48	48.00	1.00			

PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

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

REMARKS:

ZONING MAP AMENDMENT

RZ 98-H-020

CONDITION/CONTRIBUTION DATA

COND CODE	DESCRIPTION	COND CODE	DESCRIPTION
4Z	OTHER - ENVIRONMENT	1Z	OTHER - GENERAL
3F	PEDESTRIAN FACILITY/TRAIL	4Z	OTHER - ENVIRONMENT
3Z	OTHER - TRANSPORTATION	3Z	OTHER - TRANSPORTATION
3Z	OTHER - TRANSPORTATION	2Z	OTHER - LAND USE
2H	RECREATION FACIL/SITES	2Z	OTHER - LAND USE
2Z	OTHER - LAND USE	5E	CONTRIBUTION-HOUSING *SEE BELOW
4B	TREES/COUNTY ARBORIST	4E	NOISE ATTENUATION
4Z	OTHER - ENVIRONMENT	4H	LANDSCAPING
4F	STREAM VALLEY/EQC/FLOODPLAIN	4Z	OTHER - ENVIRONMENT
4Z	OTHER - ENVIRONMENT	4G	TRANSITN *SCRN/BARRIER:WAIVE/MOD

CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
	3Z	$15,000	X	01/01/01	
	2Z	$9,600	X	01/01/01	
		$0		00/00/00	
		$0		00/00/00	

REMARKS:

HISTORIC MARKER COMMEMORATING THE BATTLE OF DRANESVILLE. MARKER INST
ALLED PRIOR TO ISSUANCE OF 36TH RUP.

GREAT FALLS WOODS

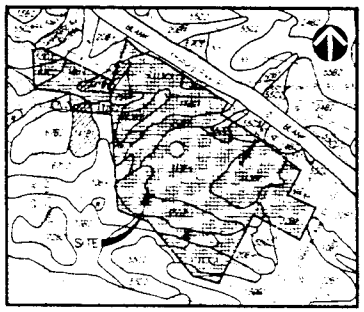
CONCEPTUAL / FINAL DEVELOPMENT PLAN

HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA

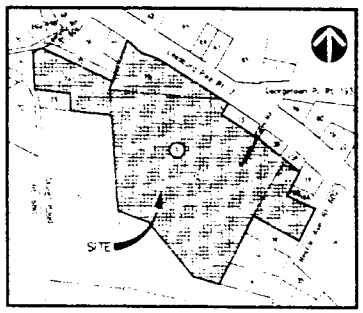
RZ-98-HM-020

SHEET INDEX

1. COVER SHEET
2. NOTES/TABULATIONS
3. CONCEPTUAL/FINAL DEVELOPMENT PLAN
4. LANDSCAPE PLAN



SOIL MAP
SCALE 1"=500'
(METRIC 1 : 6000)



VICINITY MAP
SCALE: 1"=500'
(METRIC 1 : 6000)

SOILS DATA

[illegible] NUMBER	SERIES NAME	FOUNDATION SUPPORT	SUBSURFACE DRAINAGE	[illegible]	[illegible]
[illegible]	WORSHAM	POOR-W	POOR-B,W	[illegible]	SLIGHT
[illegible]	[illegible]	MARGINAL-W	FAIR-B,W	[illegible]	MODERATE
[illegible]	MEADOWVILLE	MARGINAL-W	FAIR-B,W	[illegible]	MODERATE
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	SEVERE
[illegible]	FAIRFAX [illegible]	FAIR-F	GOOD-F	[illegible]	SEVERE
[illegible]	[illegible]	GOOD	GOOD	[illegible]	SEVERE
[illegible]	PENN FSL	FAIR-R	GOOD	[illegible]	SEVERE
[illegible]	PENN [illegible]	POOR-R	GOOD-R	GOOD	SEVERE
[illegible]	FAIRFAX (GR SILT)	FAIR-F	GOOD-F	GOOD	MODERATE
[illegible]	MANCOAN	FAIR-F	GOOD	GOOD	MODERATE
14'	ROCK LAND (ORANGE)	MARGINAL	MARGINAL	GOOD	MODERATE

OWNER

MR. WARREN K. MONTOURI, TR
2440 VIRGINIA AVENUE NW
SUITE 801
WASHINGTON DC. 20037

APPLICANT/DEVELOPER

COSCAN/WASHINGTON, INC
8521 LEESBURG PIKE
SUITE 200
VIENNA, VIRGINIA
CONTACT: MR. NEIL PATEL
(703)356-9090

ENGINEER

VIKA, INC.
8180 GREENSBORO DRIVE
SUITE 200
MCLEAN, VIRGINIA 22102
CONTACT: MR. JOHN AMATETTI, PE
(703) 442-7800

LANDSCAPE ARCHITECT/PLANNER

LAND DESIGN CONSULTANTS, INC.
8569-E SUDLEY ROAD
MANASSAS, VIRGINIA 20110
CONTACT: MR. PAUL R. JEANNIN, JR, CLA
(703) 631-8387

7/31/98

REV DEC 1, 1998
REV SEPT 1, 1998
REV JULY 31, 1998
REV JUNE 11, 1998

MARCH 24, 1998
SHEET 1 OF 4

NOTES

[illegible]

REQUESTED WAIVERS AND MODIFICATIONS

1. IN ACCORDANCE WITH ARTICLE 11-302 PARAGRAPH 1 A WAIVER OF THE 600 FOOT MAXIMUM LENGTH FOR PRIVATE STREETS IS REQUESTED
2. IN ACCORDANCE WITH ARTICLE 13-304 PARAGRAPH 3 A MODIFICATION OF THE TRANSITIONAL SCREENING AROUND THE CHILD CARE CENTER EAST, SOUTH AND WEST PROPERTY LINES IS HEREBY REQUESTED TO THAT WHICH IS SHOWN ON THIS PLAN SEE LANDSCAPE NOTES NOTE 2 AND SCREENING MODIFICATION ON SHEET 4
3. IN ACCORDANCE WITH ARTICLE 13-304 PARAGRAPH 12 A WAIVER OF THE BARRIER REQUIREMENT ALONG THE EAST SIDE OF THE CHILD CARE CENTER IS HEREBY REQUESTED
4. APPLICANT REQUESTS A WAIVER TO PROVIDE AN ESCROW IN LIEU OF CONSTRUCTION FOR THE TRAILS ALONG LEESBURG PIKE, FAIRFAX PARKWAY ROAD AND SCHLAPP ROAD
5. APPLICANT REQUESTS A WAIVER OF THE LEESBURG PIKE, FFPT TO SERVICE ROAD

SITE TABULATIONS

EXISTING ZONING	R-1
PROPOSED ZONING	PDH-1
TOTAL GROSS AREA	2,142,587 SQ FT (49.1965 AC OF 49.1965 ACRES) (19.89852 HA)
USE	48 SINGLE FAMILY DETACHED (25% DUELLING NO PLUS 1 FOR CHILD CARE CENTER LOT)
MAXIMUM DENSITY PERMITTED	1.0DU/AC (49.1 REF ACRES) (2.0DU/AC)
PROVIDED	1.0DU/AC (49.1 REF ACRES) (2.0DU/AC) SEE BELOW FAR FOR CHILD CARE CENTER
OPEN SPACE REQUIRED	20% OF 2.142 ACRES = 0.428 HA
PROVIDED	35% OF 15.00 ACRES (6.0608 HA) (15.00 ACRES (6.0608 HA) DEVELOPED)
AREA OF STREET DEDICATION	0.86 ACRES (0.3481 HA)
AREA OF PRIVATE STREET PARCELS	0.27 ACRES (0.1074 HA)
MINIMUM LOT AREA REQUIRED	N/A
PROVIDED	16,000 SQ FT (1,486 SQ M)
AVERAGE LOT AREA PROVIDED	22,206 SQ FT (2,063 SQ M)

RESIDENTIAL DEVELOPMENT STANDARDS

MINIMUM LOT WIDTH REQUIRED	NONE
MINIMUM FRONT YARD REQUIRED	NONE
PROVIDED	19' (5.8M)
MINIMUM SIDE YARD REQUIRED	NONE
PROVIDED	5' (1.5M)
MINIMUM REAR YARD REQUIRED	NONE
PROVIDED	25' (7.6M)
MAXIMUM BUILDING HEIGHT	35' (10.7M) SINGLE FAMILY DETACHED

SETBACKS PERIMETER

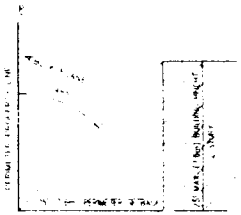
FARM REQUIREMENTS PERIMETER	(SEE DETAIL ON THIS SHEET)
NON RESIDENTIAL DEVELOPMENT (CHILD CARE CENTER)	
LOT SIZE PROVIDED	1.4 ACRES (0.56 HA)
MAXIMUM BUILDING HEIGHT	25 DEGREES (SEE BULK PLANE DETAIL THIS SHEET)
FAR PERMITTED	N/A
FAR PROVIDED	0.165

PARKING TABULATION (SINGLE FAMILY):

PARKING SPACES REQUIRED (2 SINGLE FAMILY DETACHED)	96
PARKING SPACES PROVIDED (2 SINGLE FAMILY DETACHED)	96

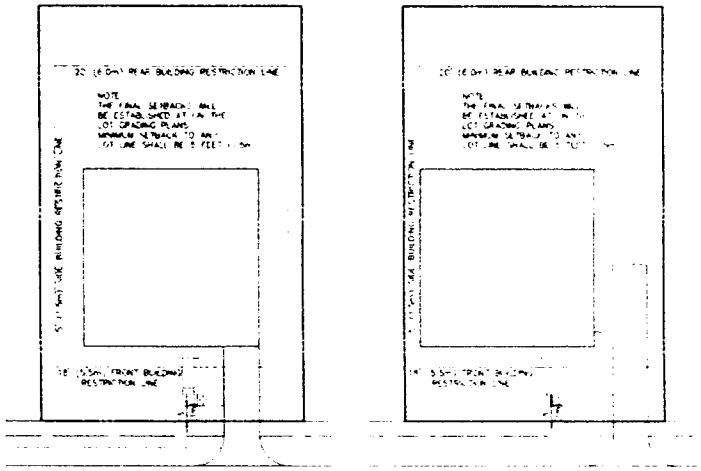
PARKING TABULATION (CHILD CARE CENTER):

PARKING SPACES REQUIRED	26 SPACES (0.15 PER CHILD X 180 CHILDREN)
PROVIDED	26 SPACES (INCLUDES HANDICAP SPACES)
HANDICAP SPACES REQUIRED	2 SPACES
PROVIDED	2 SPACES (VAN SPACES PROVIDED)
LOADING SPACES REQUIRED	N/A



PERIMETER BULK PLANE DETAIL
REAR OF CHILD CARE CENTER

NOT TO SCALE



TYPICAL LOT LAYOUTS

NOT TO SCALE

TREE COVER CALCULATIONS

TOTAL SITE AREA = 2,142,677 SQ FT (198,974 SQ M)

DEDUCTIBLE = 48 LOTS @ 10,000 SQ FT (929 SQ M) = 480,000 SQ FT (44,616 SQ M)

DEDUCTIBLE (BUILDING FOOTPRINT) = 8,000 SQ FT (743 SQ M)

ADJUSTED SITE AREA = 1,662,677 SQ FT (154,615 SQ M)

20% TREE COVER REQUIRED = 332,535 SQ FT (30,923 SQ M)

EXISTING TREE COVER PRESERVED (12.5%) = 208,000 SQ FT (19,328 SQ M)

TREE COVER TO BE PLANTED (PARTIAL) = 43,535 SQ FT (4,046 SQ M)

TREE COVER REQUIREMENTS ARE MET

TREE COVER TO BE PLANTED AS TABULATED HEREIN:

TREE COVERAGE SHOWN ON SHEET 3 OF 5

52 LARGE DECIDUOUS STREET TREES - 2.5" TO 3" (6.4 CM TO 7.6 CM) CALIPER, 250 SQ FT EACH (23 SQ M)

56 MEDIUM/LARGE EVERGREEN TREES - 8' (2.4 M) HEIGHT, 75 SQ FT EACH (7 SQ M)

TREE COVERAGE SHOWN ON SHEET 4 OF 5 @ DAY CARE AND ENTRY FEATURE

48 SHADE TREES - 2.5" TO 3" (6.4 CM TO 7.6 CM) CALIPER, 250 SQ FT EACH (23 SQ M)

42 FLOWERING TREES - 8' TO 10' (2.4 M TO 3 M) HEIGHT, 40 SQ FT EACH (4 SQ M)

22 LARGE EVERGREEN TREES - 6' TO 8' (1.8 M TO 2.4 M) HEIGHT, 125 SQ FT EACH (12 SQ M)

66 MEDIUM EVERGREEN TREES - 6' TO 8' (1.8 M TO 2.4 M) HEIGHT, 75 SQ FT EACH (7 SQ M)

67 SMALL EVERGREEN TREES - 5' TO 6' (1.5 M TO 1.8 M) HEIGHT, 75 SQ FT EACH (7 SQ M)

LANDSCAPE NOTES:

1. TREE COVERAGE CALCULATIONS INCLUDE INTERIOR AND PERIMETER PARKING LOT LANDSCAPING FOR THE CHILD CARE CENTER AND IS PROVIDED TO MEET ZONING ORDINANCE
2. IN ACCORDANCE WITH THE ZONING ORDINANCE, TRANSITIONAL SCREENING ONE WITH BARRIER (6' OR 1.8 M) REQUIRED AROUND THE PERIMETER OF THE CHILD CARE CENTER, AS SHOWN ON SHEET 4. THE APPLICANT REQUESTS A WAIVER/MODIFICATION OF THE TRANSITIONAL SCREENING ORDINANCE BY THE BEARS OF SUPERVISORS TO THAT SHOWN ON SHEET 4. THE APPLICANT BELIEVES A TALLER MORE MATURE SCREEN WITH APPROPRIATE PLANT SPACING WILL BETTER SATISFY THE INTENT OF THE ZONING ORDINANCE. THE DECIDUOUS TREES WILL PROVIDE GREATER HEIGHT AND SHADE DURING THE SUMMER MONTHS IN ADDITION TO ADDED TEXTURE AND ATTRACTIVE FALL COLORS.

THE APPLICANT RESERVES THE RIGHT TO APPLY FOR ANY FUTURE WAIVER/MODIFICATION OF THE BARRIER REQUIREMENT

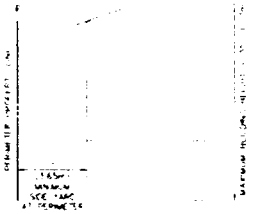
PRIVATE ROAD NARRATIVE

THE PRIVATE ROAD SHALL BE IN THE FORM OF AN EASEMENT RESERVED AS A SEPARATE PARCEL. THE REAR LOT PROPERTY LINES SHALL TERMINATE AT THE PARCEL LINE OF THE PRIVATE ROAD.

MAINTENANCE OF THE PRIVATE ROAD SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. THE PLANNING FOR THE COSTS ASSOCIATED WITH THE MAINTENANCE AND REPAIR/REPLACEMENT OF THE PRIVATE ROAD SHALL BE INCLUDED AND WITH THE ASSOCIATION BUDGET WHICH SHALL INCLUDE SPECIFIC BUDGET LINE ITEMS FOR THE PRIVATE ROADS MAINTENANCE AND REPAIR/REPLACEMENT.

IN ADDITION, THE ASSOCIATION DOCUMENTS SHALL CLEARLY STATE THAT THE PRIVATE ROAD IS NOT STATE MAINTAINED, BUT THE SOLE RESPONSIBILITY OF THE ASSOCIATION.

ALL OF THE HOMES (47), INCLUDING HOMES ON THE PUBLIC ROAD, BUT EXCLUDING LOT 48, IN THE GREAT FALLS WOODS COMMUNITY SHALL BE RESPONSIBLE FOR THEIR PRO-RATA SHARE OF THE MAINTENANCE AND REPAIR/REPLACEMENT OF THE PRIVATE ROAD.



PERIMETER SINGLE FAMILY
SIDE YARD SETBACK DETAIL

NOT TO SCALE

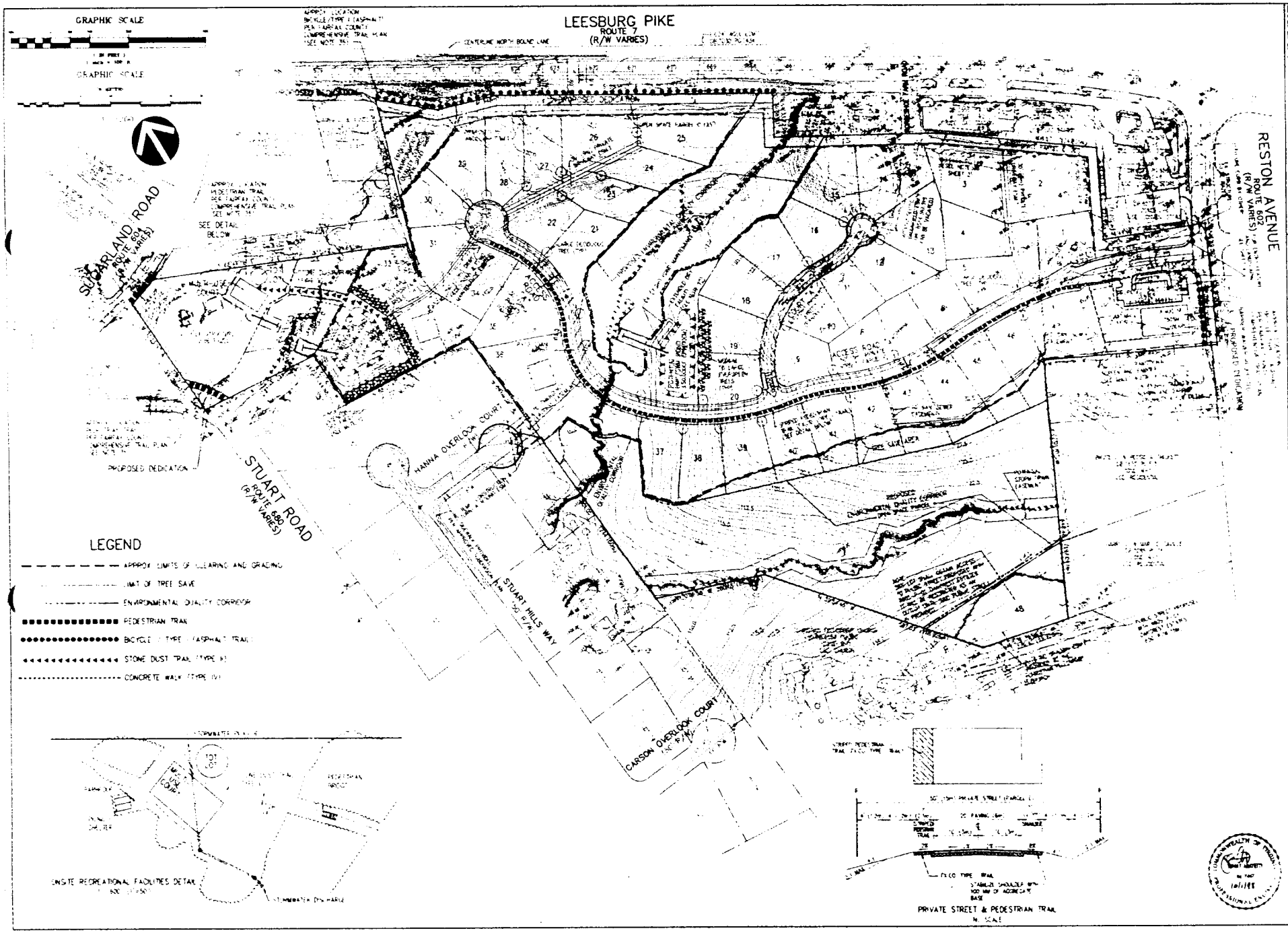
PERIMETER SINGLE FAMILY
REAR YARD SETBACK DETAIL

NOT TO SCALE

VIKA

GREAT FALLS WOODS
HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA

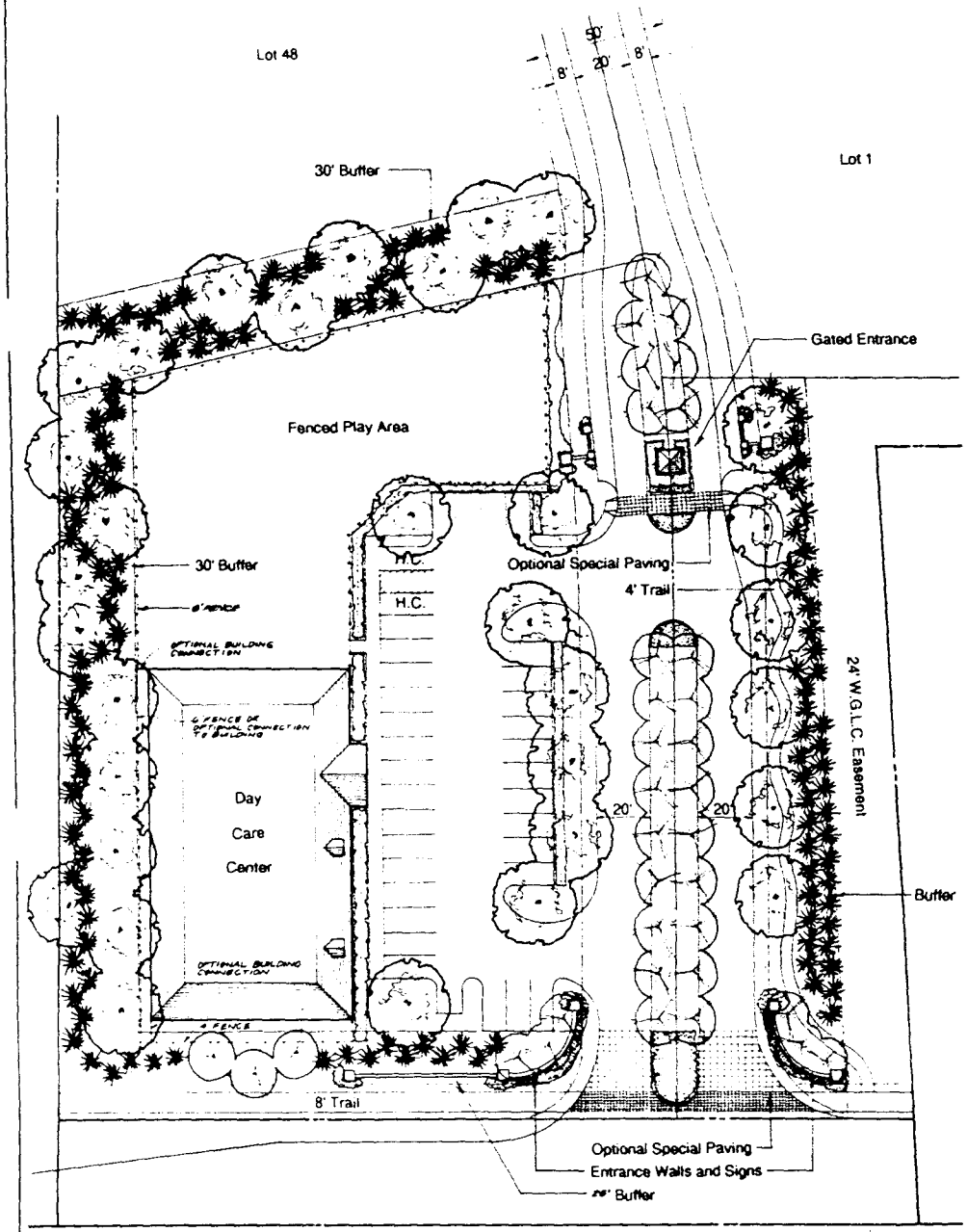
NOTES, TABULATIONS AND DETAILS


GRAPHIC SCALE
LEESBURG PIKE
ROUTE 7
(R/W VARIES)
SUGARLAND ROAD
ROUTE 604
(R/W VARIES)
STUART ROAD
ROUTE 680
(R/W VARIES)
RESTON AVENUE
ROUTE 602
(R/W VARIES)
HANNA OVERLOOK COURT
STUART HILLS WAY
CARSON OVERLOOK COURT
PROPOSED DEDICATION
SEE DETAIL BELOW
LEGEND
APPROX. LIMITS OF CLEARING AND GRADING
LIMIT OF TREE SAVE
ENVIRONMENTAL QUALITY CORRIDOR
PEDESTRIAN TRAIL
BICYCLE (TYPE I) ASPHALT TRAIL
STONE DUST TRAIL (TYPE II)
CONCRETE WALK (TYPE IV)
ONSITE RECREATIONAL FACILITIES DETAIL
PRIVATE STREET & PEDESTRIAN TRAIL
N. SCALE
GREAT FALLS WOODS
HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA
CONCEPTUAL / FINAL
DEVELOPMENT PLAN
3 OF 4

GREAT FALLS WOODS

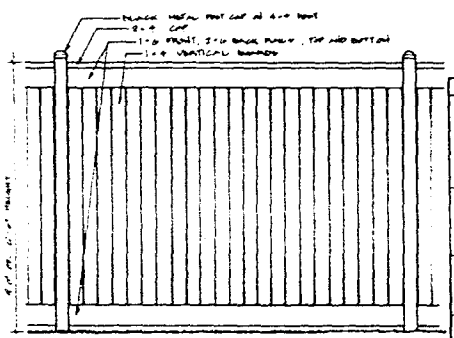
ENTRANCE AND GATEWAY SKETCH PLAN

SCALE 1" = 20' 8/3/98 LPDG



Cross Section at Gated Entrance

Cross Section at Main Entrance



Solid Privacy Fence Detail

LEGEND

SYMBOL	PLANT MATERIAL	QUANTITY	SIZE
	SHADE TREE	32	2 1/2" - 3" Cal
	ORNAMENTAL TREE	34	8' - 10' Ht
	EVERGREEN TREE	128	6' - 8' Ht
	SHRUB AND/OR FLOWER MASS	N.A.	N.A.

REV OCT. 1, 1998
REV SEPT. 1, 1998
REV JULY 31, 1998

3/8/99

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
FEB 25 1999
ZONING EVALUATION DIVISION

5:00 p.m. Item - RZ-1998-HM-020 - COSCAN BROOKFIELD HOMES
Hunter Mill District

On Thursday, January 28, 1999, the Planning Commission voted 7-0-4 (Commissioners Coan, Downer, Hall, and Wilson abstaining; Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors approval of RZ-1998-HM-020 and the conceptual development plan, subject to the execution of proffers consistent with those dated January 28, 1999.

The Commission vote 7-0-4 (Commissioners Coan, Downer, Hall, and Wilson abstaining; Commissioner Alcorn absent from the meeting) to approve FDP-1998-HM-020, subject to the Board's approval of the rezoning and conceptual development plan and subject to the development conditions dated October 7, 1998.

The Commission also voted 7-1-3 (Commissioner Coan opposed; Commissioner Downer, Hall, and Wilson abstaining; Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors approval of the waiver of the 600-foot limitation on the length of private streets.

The further voted 7-0-4 (Commissioners Coan, Downer, Hall, and Wilson abstaining; Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors:

1) waiver of the service drive requirement along the Route 7 frontage of the site;

2) modification of the transitional screening requirements along the east, west, and south boundaries of the child care center in favor of that shown on the CDP/FDP.

Finally, the Commission voted 6-0-5 (Commissioners Coan, Downer, Hall, Harsel, and Wilson abstaining; Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors approval of a waiver of the barrier requirement along the eastern property boundary of the child care center.

Planning Commission Meeting
January 28, 1999
Verbatim Excerpts

RZ-1998-HM-020 - COSCAN BROOKFIELD HOMES
FDP-1998-HM-020 - COSCAN BROOKFIELD HOMES

Decision Only During Commission Matters
(Public hearing held on December 12, 1998)

Commissioner Palatiello: We had a discussion last evening on a decision only carried over from last year on an application by Coscan Brookfield Homes. We had revised proffers contained in a staff addendum that was distributed last evening. And with his keen legal eye, Mr. Coan noticed a phrase in three of the proffer paragraphs that raised some concern. And as a result we further deferred decision until this evening. You have before you a memorandum from Ms. Johnson with revised proffers from the applicant before us. You will notice that all of that language with regard to the easements and as to whether or not the cost would be borne by the applicant or the owner of the property from which the easement would be obtained; that is all stricken. So these are clearly proffered obligations being put forward by the applicant. And that should resolve the issues that we raised last night. And I want to hasten to say that I was taken a bit by surprise by that language because it had not been in the discussion that we had had earlier. And, quite honestly, I had not focused attention on those particular sentences until Mr. Coan brought them to our attention. And I do not want to, for a moment, ascribe any ulterior motive or any adverse motive on the part of the applicant or his attorney. I know that this was put forward in good faith and there was just a simple language problem and a minor misunderstanding. So if I came on a little strong last evening, I apologize for that. However, the 24-hour delay on this caused me to continue to contemplate in my own mind some aspects of this application that I had had some concerns about from the very beginning. And I have received some phone calls and quite a bit of mail about it. This is a request for a PDH-1 zoning rather than the current R-1 zoning, and as the result of the request for a P District -- in a P District, secondary uses that are permitted includes quasi-public and institutional uses such as day care centers. And that indeed is what is suggested as requested in this particular application. The criteria in the Zoning Ordinance for a planned development district says that a PDH District is established: ". . . to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. The district regulations are designed to ensure ample provision and efficient use of open space, to promote high standards in the layout, design and construction of residential development and to promote a balanced development of mixed housing types." I'll be honest, I went back to staff and we discussed this today and I actually asked staff to do some kind of "what if" scenarios. And we have a staff report that now recommends approval and I said to staff: "What if I were to recommend denial? Make for me the best argument you can on why this should be denied." And staff did put together some points for me and I reviewed them and, after a lot of deliberation, I came to the conclusion that I did not believe that the issues that staff put together at my request were strong enough to merit denial. The issue that I was most concerned about and the issue that a number of the neighbors around this property are concerned about is the location of a child care

center in what is otherwise predominately a residential community, although the day care center would be somewhat contiguous to a dry cleaner and a 7-Eleven as you move up to Route 7. The issues that staff raised had primarily to do with things like attempts at further consolidation, but I went back to the Comprehensive Plan language and there was not a requirement for further consolidation in this particular area. The purpose of the P District as articulated by the applicant is for environmental protection, for efficient use of open space, for preservation of trees, of stream valleys and the like. And that indeed is accomplished in this particular application. In the Zoning Ordinance, Article 16, on development plans, the standards for planned developments include: "The planned development shall be of such a design that will result in a development achieving the stated purpose and intent of planned development district more than would development under a conventional zoning district." And certainly when you look at the plan -- and I think the applicant has a color rendering of the plan -- if you wouldn't mind coming down and putting it at the podium so the Commission might be able to see it, I think the Commission will be able to appreciate the amount of open space that's being preserved, tree save that is going to be accomplished, and EQC that will be set aside. And in fact this will result in higher level of design than would otherwise be provided under a conventional zoning district. The third standard is: "The planned development shall efficiently utilize the available land and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features." And again, as you can see, in my judgment at least, that is achieved. There were two other primary issues. The child care center itself in a residential community is the major concern of some of the neighbors. I think Mr. Guinaw has some maps that he can put up for us, but the fact is that in the greater Reston area, as well as in other parts of the County, there are indeed a number of child care center located in residential communities, where they are surrounded, either entirely or significantly by residences. And I think we have some tax maps that show some individual examples as well. So I think there is a precedent. I think it has been established that the uses are harmonious; they do work well together. The other associated issue that had been raised by a number of folks that wrote to me and to whom I spoke with was traffic on Reston Avenue. This section of Reston Avenue formerly was the primary access point between Route 7 and Reston; and that was until Reston Parkway was built. And Reston Avenue is not utilized at all nearly to the extent it formerly was. At the end of Reston Avenue, it currently connects with a short section of Wiehle Avenue. That section of Wiehle Avenue will be extended, at least in the short term, to Fairfax County Parkway, perhaps ultimately further out to Dranesville Road. That construction will commence rather soon, as will the construction of the Fairfax County Parkway from Sunset Hills Road out to Route 7. It is my belief that when that infrastructure is in place, the use of Reston Avenue as a cut-through will diminish significantly. And therefore any impact that the traffic, trip generation by the child care center might have, I think is more than offset by the declining traffic that will be experienced by Wiehle Avenue and Fairfax County Parkway being completed in the northern part of Hunter Mill District and on into the Dranesville District. So that addresses the major issues. I would point out again that the original denial recommendation on the part of staff was because of the earlier set of proffers not committing to the full one percent contribution to the Housing Trust Fund. The applicant

has revised that. The revised proffers do now commit to the full one percent and the staff recommendation on this is now for approval. And again the issue that was raised last night has been stricken in its entirety, so that too has been resolved.

Commissioner Coan: Mr. Chairman, I wonder if I could make a statement to that issue that Mr. Palatiello just brought up.

Chairman Murphy: Mr. Coan.

Commissioner Coan: I too appreciate this applicant increasing its commitment for affordable housing from half a percent to one percent, but I think they sort of undermine that by new language they also added that says if it should change sometime in the future, they don't have to do it. The actual language is: "The timing and amount of such contribution may be modified at the applicant's sole discretion, based on the adoption of future amendment to the formula adopted by the Board of Supervisors." Now I've dealt with this issue before and people have said to me: "Well, isn't it fair that if it changes, they should be able to change their obligation?" Well, my response to that is: "I've seen no applicant come in to accept more onerous conditions if it should be changed with respect to any other matter of similar import." And I am disturbed by that. I appreciate the increase, but I am disturbed by the addition of this language which I think is unfortunate. I guess it just makes more money for lawyers, like me, to come in to make motions to change things that we thought we had in place from a previous period of time. And I have another concern I would like to -- I am still concerned about the private street that goes way, way back, almost a mile, I think, or is it more than a mile? And I understand that there's a way to get out in an emergency; hopefully there is. At least we don't have the escape clause, as it were, in the proffers we had last night before us, which I appreciate Mr. Palatiello getting changed, but I don't think it is wise to have a long dead end street like this. We have one of them in my community, my area, called Hill Place -- or Hill Street and it goes and it goes and it goes and all of the sudden you're nowhere. And that's to stop so-called cut-through traffic, but as I've said many times in the past, if we continue to cul-de-sac the County, we'll have more and more pressure to do the sort of thing that I talked about last night, and that is to deal with the pressures on the major arterials and interstate highways and come up with spaghetti bowls and mixing bowls and things of that nature, whereas -- because that's the only way people have to get from here to there is on those major streets. And I think it's a mistake to allow this to occur.

Commissioner Palatiello: Mr. Chairman, let me just make a comment. I think you've raised three good issues, Mr. Coan. Let me take them kind of in reverse. The first one, I thought you were going to start talking about Hill Street blues. The private road issue. We had very long deliberations, and I tried as hard as I could to get this as a private road, and in fact between the time that we had the public hearing and when we brought this back last evening, the applicant -- I happened to be out of town at the time -- but the applicant, and Supervisor Dix's office and VDOT had a meeting and we tried as much as we could to get VDOT to agree to accept this into the public system with modified design standards which

this applicant wants to implement in order to save trees, in order to provide a much more attractive streetscape, and VDOT just would not go along with it. And if this were built as a public street to ordinary VDOT standards, we would not have as nearly an environmentally sensitive community and not as aesthetically attractive community because the width, the grades and the angles would have necessitated a significant additional amount of tree loss. With regard to the housing trust fund issue, let me make one point. I share your concern. There is a bit of a difference with this particular type of issue and the ADU issue. This is in conformance with the Board policy. This is not an Ordinance requirement. And I think we're on very tenuous ground on this entire issue, and I'm surprised it has not -- speaking of creating work for attorneys -- but I'm surprised this has not been challenged in the courts. I really question whether we really have the authority to insist upon this. I don't know, Mr. Walsh, whether you want to address that issue or not or you want to stay out of this, but I would just state for the record, that's a very open question at this point. So, that being the case, I really don't begrudge the applicant from saying that if at some point before their RUPs are issued, that the Board changes the policy, that there might be some relief. If it were a statutory provision, that might be one issue, but this is not based on a statutory or Ordinance requirement. It's simply an adopted Board policy which, quite candidly, I think is taking the easy way out from the Board's standpoint. If we're going to make this the law of the County, then we ought to put it in the law and not just do it as some sort of loosey, goosey Board policy.

Commissioner Coan: Well, with that regard, I think it's part and parcel of the P District situation where the Board has some discretion as to what it does or doesn't do.

Commissioner Palatiello: With this particular issue, it makes no difference whether it's in a P District or not. Even if they -- for example, if they came in for an R-1 cluster and the applicant was not asking for an increase in density, staff would say: "Well, you're at the high end of the Plan range, you've got to make a contribution." And the cluster in that case would be solely for the purpose of trying to save trees or come up with a different design.

Commissioner Coan: Mr. Chairman?

Commissioner Palatiello: It would not be for the purpose of trying to increase the density. I do think -- let me add one other point, if I may, Mr. Byers.

Commissioner Byers: Mr. Chairman, could I interrupt just a moment. I would remind both gentlemen that we're on verbatim.

Commissioner Palatiello: But the point I would make is that I think it's useful to have this on verbatim because the Board is going to see this discussion and maybe it will raise the consciousness of the Board that they may need to take further action on this issue.

Commissioner Coan: Well, just briefly, the issue comes up in several instances when we

have contributions or ADUs and I think it's unfortunate that that is allowed to proceed, because, as I say, what's goose for the gander is sauce or whatever the heck that saying is, I forget. What's good for the goose is good for the gander. It should run both ways and unfortunately I haven't seen any applicant's falling all over themselves to subject themselves to tougher conditions as they might be imposed, such as, what if we increased -- as we did recently -- the per unit contribution to parks? That's all I have to say.

Commissioner Palatiello: Mr. Chairman, with that, I would MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-1998-HM-020 AND THE CONCEPTUAL DEVELOPMENT PLAN SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 28, 1998 (sic).

Commissioners Byers and Thomas: Second.

Chairman Murphy: Seconded by Mr. Byers and Mr. Thomas. Is there a discussion of the motion?

Commissioners Hall and Downer: Mr. Chairman?

Chairman Murphy: Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. I'll be abstaining from this vote as I missed this public hearing also.

Chairman Murphy: Ms. Downer.

Commissioner Downer: Yes, I was out of the room for this hearing, so I'll be abstaining also.

Chairman Murphy: Okay.

Commissioner Wilson: Likewise, Mr. Chairman, I will be abstaining.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-HM-020, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Downer, Hall, Wilson: Abstain.

Commissioner Coan: I abstain, Mr. Chairman.

Chairman Murphy: Motion carries. Ms. Wilson, Mr. Coan, Ms. Hall and Ms. Downer abstain. Mr. Palatiello.

Commissioner Palatiello: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-1998-HM-020, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN AND SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 7, 1998.

Commissioners Byers and Thomas: Second.

Chairman Murphy: Seconded by Mr. Byers and Mr. Thomas. Is there a discussion of that motion? All those in favor of the motion to approve FDP-1998-HM-020, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Coan, Downer, Hall, Wilson: Abstain.

Chairman Murphy: Motion carries. Same abstentions.

Commissioner Palatiello: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 600-FOOT LIMITATION ON THE LENGTH OF PRIVATE STREETS.

Commissioners Byers and Thomas: Second.

Chairman Murphy: Seconded by Mr. Byers and Mr. Thomas. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Coan: No.

Commissioners Downer, Hall, Wilson: Abstain.

Chairman Murphy: Motion carries. Same abstentions, except now Mr. Coan votes no.

Commissioner Palatiello: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE REQUIREMENT FOR CONSTRUCTION OF A SERVICE DRIVE ALONG THE ROUTE 7 FRONTAGE OF THE SITE.

Commissioners Byers and Thomas: Second.

Chairman Murphy: Seconded by Mr. Byers and Mr. Thomas. Discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Coan, Downer, Hall, Wilson: Abstain.

Chairman Murphy: Motion carries. Same abstentions.

Commissioner Palatiello: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE EAST, WEST AND SOUTH BOUNDARIES OF THE CHILD CARE CENTER IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioners Byers and Thomas: Second.

Chairman Murphy: Seconded by Mr. Byers and Mr. Thomas. Discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Coan, Downer, Hall, Wilson: Abstain.

Chairman Murphy: Motion carries. Same abstentions.

Commissioner Palatiello: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE EASTERN PROPERTY BOUNDARY OF THE CHILD CARE CENTER.

Commissioners Byers and Thomas: Second.

Chairman Murphy: Seconded by Mr. Byers and Mr. Thomas. Discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Coan, Downer, Hall, Harsel, Wilson: Abstain.

Chairman Murphy: Motion carries. Same abstentions, except this time we'll add Mrs. Harsel.

Commissioner Palatiello: Thank you, Mr. Chairman, and I want to thank Leslie Johnson for all of her excellent assistance and hard work on this application. I would also thank the applicant and his counsel for their assistance.

Chairman Murphy: Thank you very much.

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(The first and second motions carried by a vote of 7-0-4 with Commissioners Coan, Downer, Hall and Wilson abstaining; Commissioner Alcorn absent from the meeting.)

(The third motion carried by a vote of 7-1-3 with Commissioner Coan opposed; Commissioners Downer, Hall and Wilson abstaining; Commissioner Alcorn absent from the meeting.)

(The fourth and fifth motions carried by a vote of 7-0-4 with Commissioners Coan, Downer, Hall and Wilson abstaining; Commissioner Alcorn absent from the meeting.)

(The sixth motion carried by a vote of 6-0-5 with Commissioners Coan, Downer, Hall, Harsel and Wilson abstaining; Commissioner Alcorn absent from the meeting.)

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