



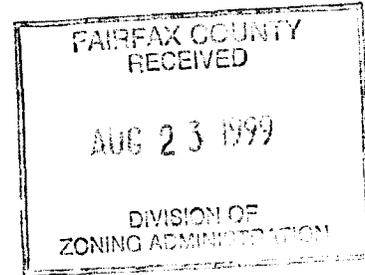
FAIRFAX COUNTY

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
TTY: 703-324-3903

August 4, 1999



Robert A. Lawrence, Esquire
Hazel and Thomas, P.C.
3110 Fairview Park Drive - Suite 1400
Falls Church, Virginia 22042-4505

RE: Rezoning Application
Number RZ 1998-SU-025

Dear Mr. Lawrence:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 12, 1999, granting Rezoning Application Number RZ 1998-SU-025 in the name of Centex Homes, to rezone certain property in the Sully District from the I-5 District to the PDH-12 District subject to the proffers dated June 22, 1999, on subject parcel 56-2 ((1)) 72, consisting of approximately 31.25 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approve of Final Development Plan FDP 1998-SU-025 on May 19, 1999, subject to the Board's approval of RZ 1998-SU-025.

The Board also:

- **Waived the 200 square foot privacy yard for the Mews Townhouse units.**
- **Waived the 600 foot maximum length of private streets.**

RZ 1998-SU-025

August 4, 1999

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- **Waived the service drive requirement along Route 29 in favor of the escrow of funds equal to the cost of construction.**
- **Modified the transitional screening requirement and waived the barrier requirements along the southern property line in favor of that shown on the Conceptual Development Plan/Final Development Plan.**

Sincerely,



Nancy Vehrs

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
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
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES
Barbara J. Lipa, 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 12th day of July, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-SU-025

WHEREAS, Centex Homes filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the I-5 District to the PDH-12 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-12 District; and said property is subject to the use regulations of said PDH-12 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 12th day of July, 1999.



Nancy Veers

Clerk to the Board of Supervisors

March 12, 1998
BC Project No.: 98014.01

**DESCRIPTION OF
PROPOSED PDH-12 ZONE
ON THE PROPERTY OF
SAMUEL P. & IRMA B. WARREN
SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA**

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAR 16 1998

ZONING EVALUATION DIVISION

Being all of the land conveyed to Samuel P. and Irma B. Warren as recorded among the land records of Fairfax County, Virginia in Deed Book 5632 at Page 1690 and being more particularly described as follows:

Beginning for the same at a point on the Northerly right-of-way line of Lee Highway Route 29 (variable width) said point also being the Southeasterly corner of the land of Neville R. McKay, et al as recorded in Deed Book 7726 at Page 1613, thence leaving said right-of-way, binding and running with the Easterly line of said McKay et.al.

- 1.) North 10° 31' 00" West, 552.61 feet (168.436 m) to a point lying on the Southeasterly line of the land of Benjamin M. Smith Jr. & Jack W. Carney, Trustees, as recorded in Deed Book 1877 at Page 151 thence binding and running with a portion of said line.
- 2.) North 35° 32' 00" East, 976.45 feet (297.622 m) to a point being the Southwesterly corner of the land of K.R. Augst, Jr. and Otis R. Pool, Trustees as recorded in Deed Book 5083 at Page 745, thence leaving the land of Smith Jr. and Carney, Trustees binding and running with the Southwesterly line of said Augst, Jr. and Pool Trustees and also with the land of Ridgetop Corporation, Inc. as recorded in Deed Book 7322 at Page 1051
- 3.) South 79° 22' 00" East 949.59 feet (289.435 m) to a point on the Northwesterly line of the land Weissberg Investment Corp. as recorded in Deed Book 7958 at Page 1113, thence binding and running with said Northwesterly line

- 4.) South $16^{\circ} 45' 40''$ West 1007.20 Feet (306.995 m) to a point on the aforementioned Northerly right-of-way line of Lee Highway Route 29 (variable width), thence binding and running with the Northerly right-of-way line of said Lee Highway the (4) four following courses and distances
- 5.) 489.22 feet (149.115 m) along the arc of a curve deflecting to the left with a radius of 28,700 feet (8747.760 m) and a chord bearing and distance of South $80^{\circ} 08' 28''$ West, 489.22 feet (149.114 m) to a point, thence
- 6.) South $79^{\circ} 39' 10''$ West 87.83 feet (26.771 m) to a point, thence
- 7.) South $81^{\circ} 56' 40''$ West, 250.20 feet (76.261 m) to a point, thence
- 8.) South $77^{\circ} 44' 40''$ West, 300.17 feet (91.492 m) to the point of beginning containing 31.24970 acres (12.64636 ha) of land.

This description was prepared without the benefit of a title report which may reveal or discover easements and/or rights-of-way not described herein.

June 22, 1999

PROFFERS
Centex Homes

Pursuant to Section 15.2-2303A of the Code of Virginia (1950 as amended), the applicant and owner hereby proffer to develop the subject property in accordance with the following conditions, provided the Board of Supervisors rezones the subject property to the PDH-12 Zoning District as proffered. For the purpose of these proffers, the term "Developer" or "Applicant" refers to the applicant herein, their successors or assigns, unless otherwise specified. In the event this application is approved, any previous proffers for the subject property are rendered null and void and superseded by the proffers contained herein.

1. **Development Plan.** Subject to the provision of Section 16-403 of the Zoning Ordinance, development of the property shall be in conformance with the plan entitled "Conceptual/Final Development Plan, Warren Property" ("CDP/FDP"), prepared by BC Consultants, Sheets 1-4 and 6-14, revised as of April 15, 1999, and Sheet 5 revised as of April 29, 1999.

2. **Minor Deviations.** Pursuant to paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications to the CDP/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 CDP/FDP, provided such changes are in substantial conformance with the CDP/FDP as determined by the Zoning Administrator and neither increase the total number of units nor decrease the following: amount of open space, the amount of tree preservation, or the location of common open space areas, or distances to peripheral lot lines. Such changes may include, but are not limited to, adjusting the size and location of building footprints, revising the width of units, shifting the number of single family attached units from one group of units to another and providing garage or non-garage units.

3. **Final Development Plan Amendment.** Notwithstanding that the CDP/FDP is presented on fourteen (14) 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(s) 2-4A relative to the points of access, the total number and general location and type of units, amount of open space, the general location of the recreational facilities, location of common open space areas and buffers, and limits of clearing and grading. The Applicant has the option to request a Final Development Plan Amendment ("FDPA")

for elements other than CDP elements from the Planning Commission for all or a part 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.

4. **Energy Conservation.** All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by the Department of Public Works and Environmental Services ("DPWES"), for either electric or gas energy systems, as applicable.

5. **Limits of Clearing and Grading.** The Developer shall conform to the limits of clearing and grading shown on the CDP/FDP subject to modifications for the necessary installation of trails, utility lines and stormwater management facilities as approved by DPWES. On the first submission for site plan review, the Developer shall designate limits of clearing and grading, in addition to those shown on the CDP/FDP, in areas where it is economically feasible to save additional trees without precluding construction of the project in accordance with the CDP/FDP, including but not limited to, the specific density and general development configuration shown thereon. Prior to any clearing and grading on-site, the final limits of clearing shall be confirmed in the field by the Urban Forester. If any trails, utility lines, or stormwater management facilities are required to be located within the area protected by the limits of clearing and grading, they shall be located and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES, and subject to County Urban Forester approval. If any trees within the area designated to be preserved are destroyed as a result of the Developer's construction activities, the Developer will provide appropriate replacement trees in terms of species, size and quantity as determined by the Urban Forestry Branch pursuant to Section 12-403 of the Public Facilities Manual.

6. **Noise Attenuation Government Center Parkway.** With reference to Government Center Parkway, the Developer shall provide the following noise attenuation measures:

- a. The Applicant shall use building materials with characteristics pursuant to commonly accepted industry standards in order to achieve a maximum interior noise level of 45 dBA Ldn, the Developer proffers that all residential units with facades that will be directly exposed to noise generated from traffic on Government Center Parkway, shall have the following acoustical attributes:

- (1) Exterior walls will have a laboratory sound transmission class of STC of at least 39. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (2) Doors and windows will have a laboratory sound transmission class of STC of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (3) Adequate measures to seal and caulk between surfaces will be provided.
- b. The Applicant shall use building materials with characteristics pursuant to commonly accepted industry standards in order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation measures such as acoustical (architecturally solid, no gaps) fencing, walls, earthen berms, or combinations thereof, shall be provided for rear yards, unshielded by topography or built structures, as determined by DPWES. If acoustical fencing or walls are used, they shall be architecturally solid from the ground up and shall contain no gaps or openings except for those required for walkways or other points of access, in which case a gate or staggered opening will be provided. If staggered openings are provided, overlap of staggering will be sufficient to block all lines of sight between the highway and areas to be protected. The structures employed shall be of sufficient height to adequately shield the impacted area from the source of noise, as determined by DPWES. At the Applicant's discretion, the noise barrier(s) may be incorporated into privacy fencing.
- c. As an alternative to "a," "b," or "c" above, the Developer may elect to have a refined acoustical analysis performed, subject to approval of DPWES, to verify or amend the noise levels and impact areas set forth above and/or to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above.

7. **Noise Attenuation Lee Highway.** With reference to Lee Highway (Route 29), the Developer shall provide the following noise attenuation measures:

- a. The Applicant shall use building materials with characteristics pursuant to commonly accepted industry standards in order to achieve a maximum interior noise level of 45 dBA Ldn, the Developer proffers that all residential units impacted by highway noise having levels between 65 and 70 dBA Ldn, (which is estimated to be an area within 1065 feet from centerline) shall have the following acoustical attributes:
 - (1) Exterior walls will have a laboratory sound transmission class of STC of at least 39. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (2) Doors and windows will have a laboratory sound transmission class of STC of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (3) Adequate measures to seal and caulk between surfaces will be provided.

- b. The Applicant shall use building materials with characteristics pursuant to commonly accepted industry standards in order to achieve a maximum interior noise level of 45 dBA Ldn, the Developer proffers that all residential units impacted by highway noise levels between 70 and 75 dBA Ldn, (which is estimated to be an area within 335 feet from centerline) shall have the following acoustical attributes:
 - (1) Exterior walls will have a laboratory sound transmission class (STC) of at least 45.
 - (2) Doors and windows will have a laboratory sound transmission class (STC) of at least 37. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.

- (3) Adequate measures to seal and caulk between surfaces will be provided.
- c. The Applicant shall use building materials with characteristics pursuant to commonly accepted industry standards in order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation measures such as acoustical (architecturally solid, no gaps) fencing, walls, earthen berms, or combinations thereof, shall be provided for patio areas, unshielded by topography or built structures, as determined by DPWES. If acoustical fencing or walls are used, they shall be architecturally solid from a point no more than one inch from the ground up and shall contain no gaps or openings except for those required for walkways or other points of access, in which case a gate or staggered opening will be provided. The structures employed shall be of sufficient height to adequately shield the impacted area from the source of noise, as determined by DPWES. At the Applicant's discretion, the noise barrier(s) may be incorporated into privacy fencing.
- d. As an alternative to "a," "b," or "c" above, the Developer may elect to have a refined acoustical analysis performed, subject to approval of DPWES, to verify or amend the noise levels and impact areas set forth above and/or to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above.

8. **Asbestos**. If DPWES determines that a potential health risk exists due to the presence of asbestos-containing rock on the Subject Property, the Applicant shall:

- a. Take appropriate measures as determined by the Health Department to alert all construction personnel as to the potential health risks.
- b. Commit to appropriate construction techniques as determined by DPWES, in coordination with the Health Department, to minimize this risk. Such techniques may include, but are not limited to, dust suppression measures during all blasting and drilling activities, covered transportation of removed material presenting this risk and appropriate disposal of removed materials presenting this risk.

9. **Recreational Facilities/Amenities.** The Applicant shall comply with paragraph 2 of Section 6-110 of the Zoning Ordinance by providing a minimum expenditure of \$955 per dwelling unit, excluding Affordable Dwelling Units (ADUs), for developed recreational facilities by providing the following facilities as shown on the CDP/FDP.

Individual Land Bays

- Pedestrian pathways/trails
- One swimming pool
- Two (2) tot lots
- Central park

In the event that the amount expended for these recreational facilities does not equate to the minimum expenditures required under paragraph 2 of Section 6-110, the Applicant shall be entitled to apply the funds expended by the Applicant for recreational facilities in the Neighborhood Park and the Off-Site Community Park as a credit against said minimum expenditure requirement.

10. **Homeowners Association.** In connection with the development of the Application Property, an umbrella organization or recreational association (“Recreational Association”), to include the Application Property; the Carney-Smith Property which is subject to RZ 1998-SU-041 (“Carney-Smith Property”) and the Pool property which is subject to RZ 1998-SU-057 (“Timber Ridge”) shall be created. The responsibility of the Recreation Association shall include but not be limited to funding and maintenance of the swimming pool/clubhouse to be located on the Application Property and funding and/or construction of other recreational facilities proposed within the neighborhood park to be located on the Application Property and the Carney-Smith Property and any facilities which may be constructed within the proposed off-site community park located on Tax Map 55-3 ((1)) Parcel 26. The swimming pool/clubhouse to be located on the Association Property shall be available to all of the residents of the proposed developments except for the multi-family units that are approved pursuant to RZ 1998-SU-040.

Individual neighborhoods (Lands Bays and/or development projects) may be subject to individual community associations established for the care, operation and maintenance of that individual development or Land Bay such as private streets, parking, sidewalks, pedestrian trails, common open space areas and recreational facilities. The Applicant shall establish a homeowners' association to own, manage and maintain the

open space including the tree save areas, the private streets, the recreational facilities and all other community owned land and improvements.

11. **Neighborhood Park.** The Applicant shall dedicate to the Fairfax County Park Authority approximately two (2) acres, as shown on Sheet 7 of the CDP/FDP for a portion of a community neighborhood park. The neighborhood park is to be located on the Application Property as shown on the CDP/FDP and on the Carney-Smith Property. The neighborhood park is to consist of the following facilities:

North of Government Center Parkway

- The regional stormwater management facility
- One (1) playground
- Three (3) picnic tables and a gazebo
- Six (6) foot wide asphalt trail as shown on the CDP/FDP

South of Government Center Parkway

- One (1) multi-purpose court
- One (1) tennis court
- One (1) play area with asphalt parking lot for fifteen (15) parking spaces
- Six (6) foot wide asphalt trail
- Pedestrian access (sidewalk) adjacent to driveway to recreation area

The Applicant shall construct only the facilities located on the south side of Government Center Parkway as shown on the CDP/FDP. The facilities located on the north side of Government Center Parkway are to be constructed by others. The facilities located on the south side of Government Center Parkway shall be constructed by the Applicant at such time as the appropriate funding is available from the Recreational Association or prior to the issuance of the RUP which represents seventy-five percent (75%) of the total number of dwelling units, whichever event first occurs. The neighborhood park shall be dedicated to the Fairfax County Park Authority subsequent to the construction of the proposed recreational facilities.

12. **Transportation.**

A. **Route 29, Lee Highway.**

- i. **Dedication.** Subject to Virginia Department of Transportation (“VDOT”) and DPWES approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way from the existing centerline of Route 29 along the Application Property frontage of Route 29, as shown on the CDP/FDP together with all necessary ancillary and temporary construction and grading easements, provided said easements shall not preclude the Applicant from developing the subject property as shown on the CDP/FDP. Dedication shall be made at the time of final record plat approval for the land bay adjacent to Route 29 or upon demand from Fairfax County, whichever occurs first.
- ii. **Construction.** Provided all costs for design and construction are credited against the Fairfax Center Area Roadway Contribution, referenced in paragraph 15 hereinafter, the Applicant shall construct a left turn lane on Route 29 for left turns into Ridgetop Road and a third westbound lane along the frontage of Route 29.
- iii. **Funding.** In lieu of constructing a service drive on Route 29, the Applicant shall, at the time of final site plan approval for the 313th unit (75% of the total number of units) or upon request based upon a funded roadway improvement project, whichever occurs first, escrow with DPWES funds in an amount equal to the total estimated cost of the following improvements to Route 29, as determined by DPWES:
 - a. A twenty-six (26) foot wide service drive with curb, and gutter on the north side of Route 29 along the subject property frontage.
 - b. An eight (8) foot wide asphalt trail along the Application Property frontage.

The cost of said improvements shall be estimated by the Applicant's engineers, subject to said estimate being approved by the DPWES.

B. Ridgetop Road.

- i. **Dedication.** Subject to VDOT and DPWES approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the Application Property frontage of Ridge Top Road, as shown on the CDP/FDP. Dedication shall be made at time of final record plat approval or upon demand from Fairfax County, whichever occurs first.
- ii. **Construction.**
 - a. The Applicant shall manage the construction of a four (4) lane undivided section of Ridgetop Road along the Application Property frontage provided: the Applicant receives the execution of a satisfactory cost sharing agreement and funding by the owner of Tax Map 56-2 ((1)) Parcel 37 as well as dedication of that portion of Parcel 37 providing necessary right-of-way and ancillary easements.
 - b. The Applicant shall diligently pursue approval of the cost sharing agreement and funding and dedication from the owner of Parcel 37. If unsuccessful, the Applicant shall provide documentation of said efforts to DPWES. In the event that a satisfactory cost sharing agreement with the owner of Parcel 37 is not timely executed and funding and dedication is not timely provided, i.e., by the time of the Applicant's site plan approval, then, in lieu of said full section, the Applicant shall construct Ridgetop Road from Lee Highway to the entrance to the subject property on Ridgetop Road as shown on the CDP/FDP, subject to modifications that may be required if dedication of right-of-way and provision of ancillary easements are

not made by the owner of Parcel 37. Further, in this event, the Applicant shall escrow sufficient funds for one-half (1/2) of the construction costs of the remaining portion of a four (4) lane undivided Ridgetop Road along the Application Property frontage extending north of said entrance. Said sum shall be estimated by the Applicant's engineers, subject to said estimate being approved by DPWES and said estimated sums shall be paid to the County in escrow.

- c. In the event the aforementioned cost sharing agreement with the owner of Parcel 37 is not executed, the Applicant shall construct to VDOT standards a half-section of Ridgetop Road along the Application Property frontage from the site entrance northwards, provided the owner of Parcel 37 provides the necessary right-of-way dedication and easements as may be required by the Applicant and/or VDOT. The Applicant shall maintain the half section of the roadway until such time as the full section of the roadway is constructed by others and is accepted into the VDOT system.
- d. At a minimum the construction referenced in paragraph b above, shall be completed with base paving prior to the issuance of the first residential use permit ("RUP"), for the subject property.

C. Government Center Parkway extension.

- i. **Dedication.** Subject to VDOT and DPWES approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the Application Property frontage of Government Center Parkway, as shown on the CDP/FDP. Dedication shall be made at the time of final record plat approval, or upon demand from Fairfax County, whichever occurs first.

ii. **Construction.**

- a. The Applicant shall manage the construction of a four (4) lane divided section of Government Center Parkway along the Application Property frontage provided: the Applicant receives the execution of a satisfactory cost sharing agreement and funding by the owner of Tax Map 56-2 ((1)) Parcel 6 as well as timely dedication of that portion of Parcel 6 providing necessary right-of-way and ancillary easements.
- b. In the event that a satisfactory cost sharing agreement with the owner of Parcel 6 is not executed by the time of site plan approval of the applicable section adjacent to the Government Center Parkway and funding and dedication of right-of-way and provision of ancillary easements are not timely provide, i.e., by the time of the Applicant's site plan approval, then, in lieu of constructing the full section, the Applicant shall construct, subject to VDOT approval, a half section of Government Center Parkway along the frontage of the Subject Property as shown on the CDP/FDP. The Applicant shall maintain the roadway until such time as the full section of the roadway is constructed and is accepted into the VDOT system.
- c. As an alternative to the above, but only in the event that the Applicant cannot obtain the necessary approvals required for a or b above, the Applicant may escrow with DPWES funds in an amount equal to the estimated cost for a half-section of Government Center Parkway along the Applicant Property frontage. Said sum shall be estimated by the Applicant's engineers, subject to said estimate being approved by DPWES.
- d. The funds for Government Center Parkway shall be a credit against the Applicant's Fairfax Center Area Road Fund contribution, if such is specifically approved by the Board of Supervisors.

- e. The construction and/or posting of escrow referenced in paragraphs “a”, “b”, or “c” above, as applicable, shall be completed with base paving or the funds posted prior to issuance of the 313th Residential Use Permit (“RUP”) for the subject property.

13. **Roads in Use.** The Applicant shall construct all public streets in accordance with VDOT standards. For purposes of these proffers, “construct” shall mean that the committed road improvement is open to public traffic, whether or not accepted into the State system. Acceptance of roads by VDOT into its roadway system prior to bond release shall be diligently pursued by the Applicant.

14. **Density Credit.** All density related to all eligible street dedications is hereby reserved pursuant to paragraph 4 of Section 2-308 of the Zoning Ordinance.

15. **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 credits for all creditable expenses, as determined by the Fairfax County Department of Transportation, Fairfax County DPWES and the Board of Supervisors, and subject to proffer 12(C)(ii)(d). Affordable dwelling units shall not be a factor in the computation of the contribution amount.

16. **Turn Lanes.** The Applicant shall construct right and left turn lanes at the site entrances on Ridgetop Road and Government Center Parkway as required by DPWES and VDOT.

17. **Traffic Signal.** At the time of the first site plan approval, the Developer shall escrow with DPWES the sum of \$35,000.00 toward the installation of a traffic signal at Lee Highway and Ridgetop Road. This escrow shall expire five (5) years from the final bond release for the Application Property if no signal is warranted and, at that time, all escrowed funds shall be released to the Applicant upon request by the Applicant.

18. **Stormwater Management.** Stormwater management and Best Management Practices shall be coordinated with neighboring property owners through construction of a regional pond D-77 off-site. If the regional pond is not completed before commencement of construction on-site, temporary stormwater management facilities shall be provided on-site outside the tree save area, as shown on the CDP/FDP. Stormwater runoff shall be conveyed to the regional pond in a manner that will minimize the potential for stream bank erosion upstream of the pond, as determined by DPWES.

19. **Heritage Resources.** The Applicant shall contract for a Phase I archaeological survey for the Application Property. If a Phase II archaeological survey is found necessary by the County archaeologist, that study shall be performed by the Applicant, provided the performance of said survey does not interfere with or delay Applicant's construction schedule. If a Phase III archaeological study is found necessary, then the Applicant shall contract for completion of such study provided that performance of said survey does not interfere with or delay the Applicant's construction schedule. The combined cost of both the Phase II and Phase III archaeological surveys shall not exceed the sum of \$15,000.00.

20. **Affordable Dwelling Units (ADUs).** The Applicant shall comply with the Affordable Dwelling Unit ("ADU") program as set forth in Part 8 of Article 2 of the Zoning Ordinance. 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. The ADUs shall be located and dispersed within the multiple family buildings of the residential development.

21. **Environmental Quality Corridor (EQC).** The Applicant shall convey the EQC, as depicted on the CDP/FDP, to the Fairfax County Park Authority for public park purposes at or prior to the time of recordation of the final record plat for each section adjacent to the EQC. The EQC shall not be disturbed except for the trails and utility lines shown on the CDP/FDP. A conservation easement may be placed on some or all of the open space retained by the Homeowner's Association if necessary to meet the BMP requirements of the Public Facilities Manual. If any trails, utility lines, or stormwater management facilities (limited to drainage pipes and/or outfall structures) are required to be located within the EQC area, they shall be located and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES, and subject to County Urban Forester approval. 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.

22. **Swimming Pool Discharge.** The discharge process for the swimming pool on-site shall conform with the following guidelines.

- All waste water resulting from the cleaning and draining of the pool shall meet the appropriate level of water quality prior to discharge. The Applicant will follow procedures established to ensure that pool water is properly neutralized prior to being discharged during draining or cleaning operations. The recommended method involves adding sufficient amounts of lime or soda ash to the acid cleaning solution to achieve a pH approximately equal to that of the receiving

stream. Virginia water quality standards require pH of discharges into most receiving waters to fall between 6.0 and 9.0. In addition, the standard for dissolved oxygen shall be attained prior to the release of pool water. This requires a minimum concentration of 4.0 milligrams per liter.

- If the water being discharge from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it will be allowed to stand so that most of the solids settle our prior to being discharged.
- In order to ensure that high levels of chlorine are not discharged into the surface water system, pool water shall not be chlorinated prior to backwashing and/or discharge.

23. **Pedestrian Trails.** The Applicant shall provide the following pedestrian trails/sidewalks within public access easements:

- a. A five (5) foot wide concrete sidewalk shall be provided along the Applicant's frontage on the south side of Government Center Parkway.
- b. A six (6) foot wide asphalt trail shall be provided within the community park as generally shown on the CDP/FDP.

The trail shall be co-located with utilities, where feasible, and the trail shall be located, designed, and constructed to minimize impacts to the EQC, as approved by the Fairfax County Park Authority.

24. **Private Streets.** The private streets shall be constructed in conformance with Public Facilities Manual standard TS-5A with a minimum thirty (30) foot easement and a minimum twenty-four (24) foot pavement width. Said private streets shall be constructed of materials and depth of pavement consistent with Section 7-502 of the Public Facilities Manual. 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 all the private streets in the development. The homeowners' association documents shall specify that the homeowners' association is responsible for the maintenance of the private streets.

25. **Architecture/Building Landscaping.** The building elevations and typical landscaping for the proposed single-family attached units and multi-family units shall be generally in character with the conceptual elevations and typical landscaping details as shown on sheets 11, 12 and 13 of the CDP/FDP, or of a comparable quality as determined by DPWES.

26. **Design Detail.** The design details shown on Sheets 8, 9 and 10 submitted with the CDP/FDP, are provided to illustrate the design intent and overall community organization of the proposed development. Landscaping and on-site amenities shall be generally consistent in terms of character and quantity with the illustrations and details presented on these sheets. Specific features such as exact locations of plantings, driveways, sidewalks to individual units etc., are subject to modification with final engineering and architectural design. Landscaping and on-site amenities shall include but not be limited to the following features:

- a. Landscaped entry features shall be provided at the site's entrances at Ridgetop Road and Government Center Parkway to include entrance monumentation and/or signage, ornamental trees and shrubs as illustratively shown on Sheet 8.
- b. Streetscaping along Government Center Parkway shall be provided, as generally shown on the CDP/FDP and Sheet 6A.
- c. A Central Park, passive recreational area, as generally shown on Sheet 10 of the CDP/FDP.
- d. Deciduous shade trees located within the common open space areas shall be a minimum of 2 1/2 inch caliper.

27. **Government Center Parkway Streetscape.** In order to assure design compatibility between the proposed residential developments known as the Carney-Smith Property (RZ 1998-SU-040), the Augst-Pool Property (RZ 1998-SU-057) and the Application Property, the Applicant shall implement the design elements along Government Center Parkway in accordance with the Government Center Parkway Streetscape Plan prepared by The BC Consultants shown on Sheet 6A of the CDP/FDP which include the following:

- A. **Street Furniture.** Benches shall be provided along Government Center Parkway. The benches along Government Center Parkway shall be of a compatible style with the Augst-Pool and Carney-Smith properties as shown on the Streetscape Plan.

- B. **Entrance Features.** Landscaped entry features shall be provided at the entrance to the proposed development from Government Center Parkway to include ornamental trees and shrubs as shown on the streetscape plan. This entrance shall include a landscape design which is compatible with and complimentary to the landscaping at the entrances to the Augst-Pool and Carney-Smith properties.
- C. **Lighting.** Lighting along Government Center Parkway shall be provided as shown on the streetscape plan.
- D. **Landscaped Median.** Street trees and/or seasonal ornamental landscaping shall be planted within the median of Government Center Parkway as shown on the streetscape plan, subject to VDOT approval.
- E. **Shade Trees.** The deciduous shade trees along Government Center Parkway shall be a minimum of three (3) inch caliper.

28. **Design Coordination with Parcel 6.** The Applicant shall provide benches, mailbox kiosks, landscape entrance features in a style compatible with the Augst-Pool Property (Parcel 6). Signage at the entrance shall be compatible with the entrance signage for the Augst-Pool Property in terms of materials, i.e., similar brick color and similar pre-cast elements. Compatibility shall be determined by the Applicant in consultation with the owners of the Augst-Pool property.

29. **Severability.** Any of the single-family attached or the multi-family 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 are not the subject of such a PCA shall otherwise remain in full force and effect.

30. **Use of Garages.** A covenant shall be recorded which provides that garages shall only be used for purposes that will not interfere with the intended purpose of garages (e.g., parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the homeowners' association, which shall be established, and the Fairfax County Board of Supervisors. Purchasers shall be advised of the use restriction prior to entering into a contract of sale.

31. **Offsite Community Park.** The Applicant shall escrow funds with an escrow agent satisfactory to Fairfax County, or with DPWES, at the time of record plat approval for the first section of the Property, in the amount of \$175,000.00 for construction by others of the athletic fields to be constructed on Tax Map 55-3 ((1)) Parcel 26. If the escrow is not posted with DPWES, proof of the posting of the escrow shall be provided to DPWES. Should the Recreation Association not have been formed at that time, the Applicant shall escrow the funds with DPWES. The escrow agreement will authorize these funds to be released to the entity performing the construction of the recreational facilities in the off-site community park pursuant to the proffers in RZ 1998-SU-041 upon receipt by the escrow agent of invoices for construction of the facilities. This contribution amount shall be subject to inflationary adjustments based upon the Construction Cost Index of the Engineering News Record from the period one (1) year from the date of approval of this rezoning by the Board of Supervisors, to the actual date of payment. In the event that the Developer in RZ 1998-SU-041 is prepared to go forward with construction of the off-site Community Park facilities prior to the Applicant's record plat approval, and Fairfax County advances the funds for said construction or the athletic fields have been constructed by Fairfax County, the Applicant shall reimburse Fairfax County at the time of record plat approval provided, however, said reimbursement shall not exceed the total amount of contribution proffered herein.

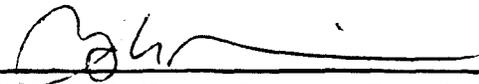
32. **Counterparts.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

(Signatures on the following pages)

Applicant:

Centex Homes, a Nevada General Partnership

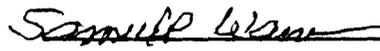
By: Centex Real Estate Corporation
Managing General Partner

By: 

Robert K. Davis, Division President

Centex Homes
Proffers RZ 1998-SU-025
Page 20

Owner of Tax Map Reference 56-2((1)) Parcel 72



Samuel P. Warren

J:\DATA\CLIENT\14\14309\01\PROF5-6.CLN
5/11/99 04:15

APPROVED DEVELOPMENT CONDITIONS

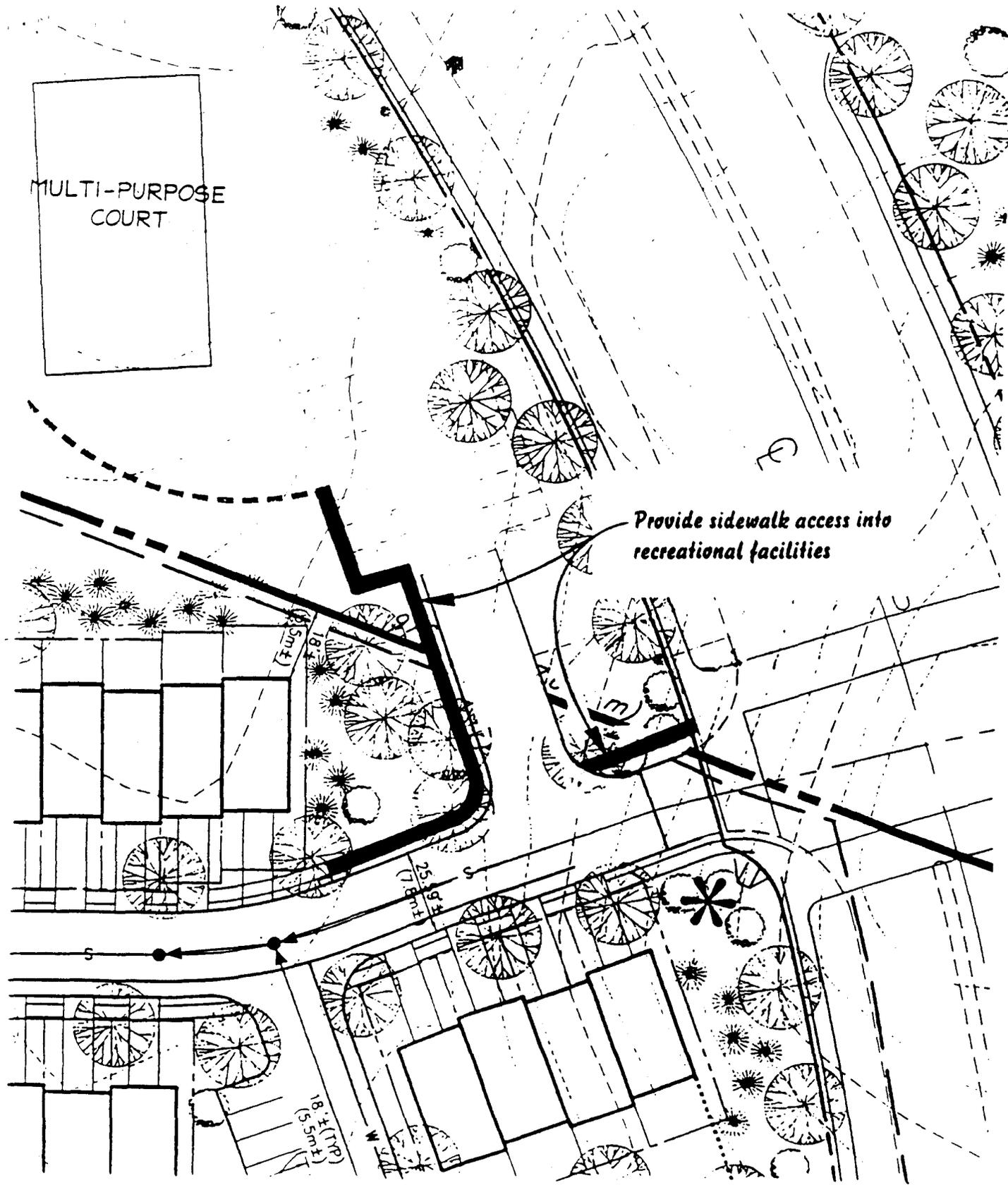
FDP 1998-SU-025

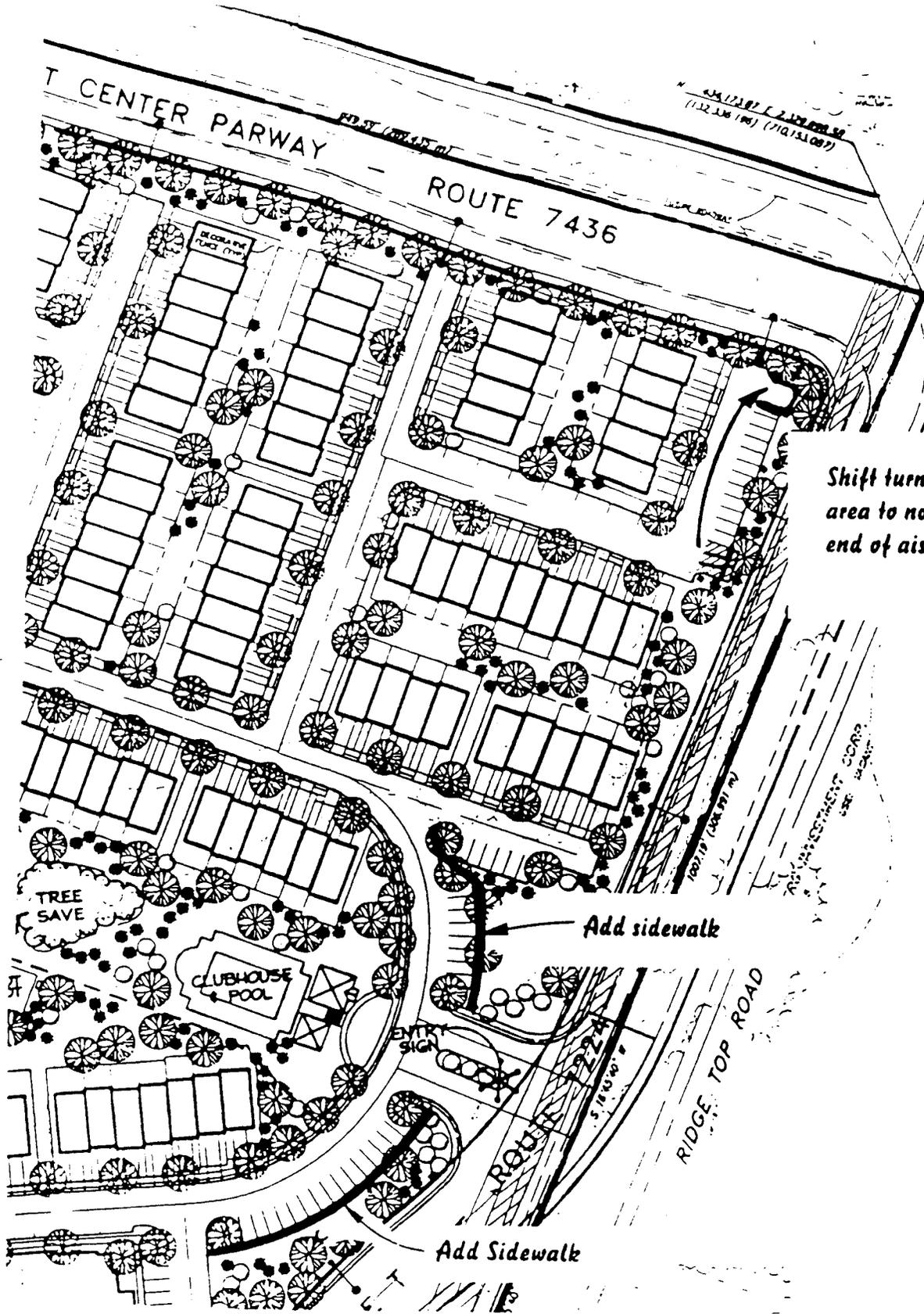
May 18, 1999

If it is the intent of the Planning Commission to approve FDP 1998-SU-025 located at Tax Map 56-2 ((1)) 72, the staff recommends that the approval be subject to 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 "Warren Property," consisting of 16 sheets and prepared by BC Consultants, and dated March 1998 as revised through April 15, 1999.
2. At time of planting, all large evergreen trees planted on-site shall be a minimum of 7 feet in height. Deciduous trees shall have a minimum 2.5 - 3 inch caliper at time of planting. Landscaping shall be consistent with the quality, quantity and locations depicted on Sheets 6 and 6A of the FDP, as determined by the Urban Forestry Branch of DPW & ES.
3. A lighting plan shall be submitted to DPWES at the time of site plan review to ensure that glare is minimized and that lighting fixtures feature full-cutoff shielding. All on-site lighting shall be directed downward and inward, to prevent light spilling onto adjacent properties. Maximum height of all light poles on site shall not exceed 12 feet.
4. Sidewalks shall be provided as depicted on Attachments 1 and 2, as determined by DPWES and vehicle turnarounds as depicted on Attachment 3, shall be provided if required by DPWES pursuant to the Public Facilities Manual.
5. A westbound right turn lane shall be constructed on Rt. 29 at Ridge Top Road at such time as Ridge Top Road is extended to intersect with Rt. 29, provided the necessary right of way and all ancillary easements are provided by the owner of Tax Map Parcel 56-2 ((1)) 37. The applicant shall diligently pursue the acquisition of the right of way and ancillary easements necessary for the construction of the right turn lane, as determined by DPWES. If the necessary right of way and ancillary easements are not provided for the construction of the right turn lane, the applicant shall escrow funds with DPWES in an amount equal to the estimated cost of the right turn lane. Said sum shall be estimated by the Applicant's engineers, subject to said estimate being approved by DPWES.
6. In order to maximize tree preservation on the subject property, a tree preservation plan, shall be submitted to and approved by the Urban Forestry Branch of DPWES prior to site plan approval. Trees designated for preservation shall be coordinated with the Urban Forestry Branch of DPWES. The tree preservation plan shall include a tree survey which identifies trees that have potential to be saved within 25 feet of either side of the EQC line. The tree preservation plan shall be prepared by an arborist certified by the International Society of Arboriculture, and show the location, size, species and actual dripline of all existing trees 10 inches in diameter and larger and all landscape trees and shrubs in good condition which are located generally within 25 feet of each side of the future clearing limits. As part of the tree preservation plan preparation, the certified arborist shall conduct a condition

analysis, using the method described in the "Guide for Plant Appraisal," eighth edition, published by the International Society of Arboriculture.





Shift turn around
area to north
end of aisle

Add sidewalk

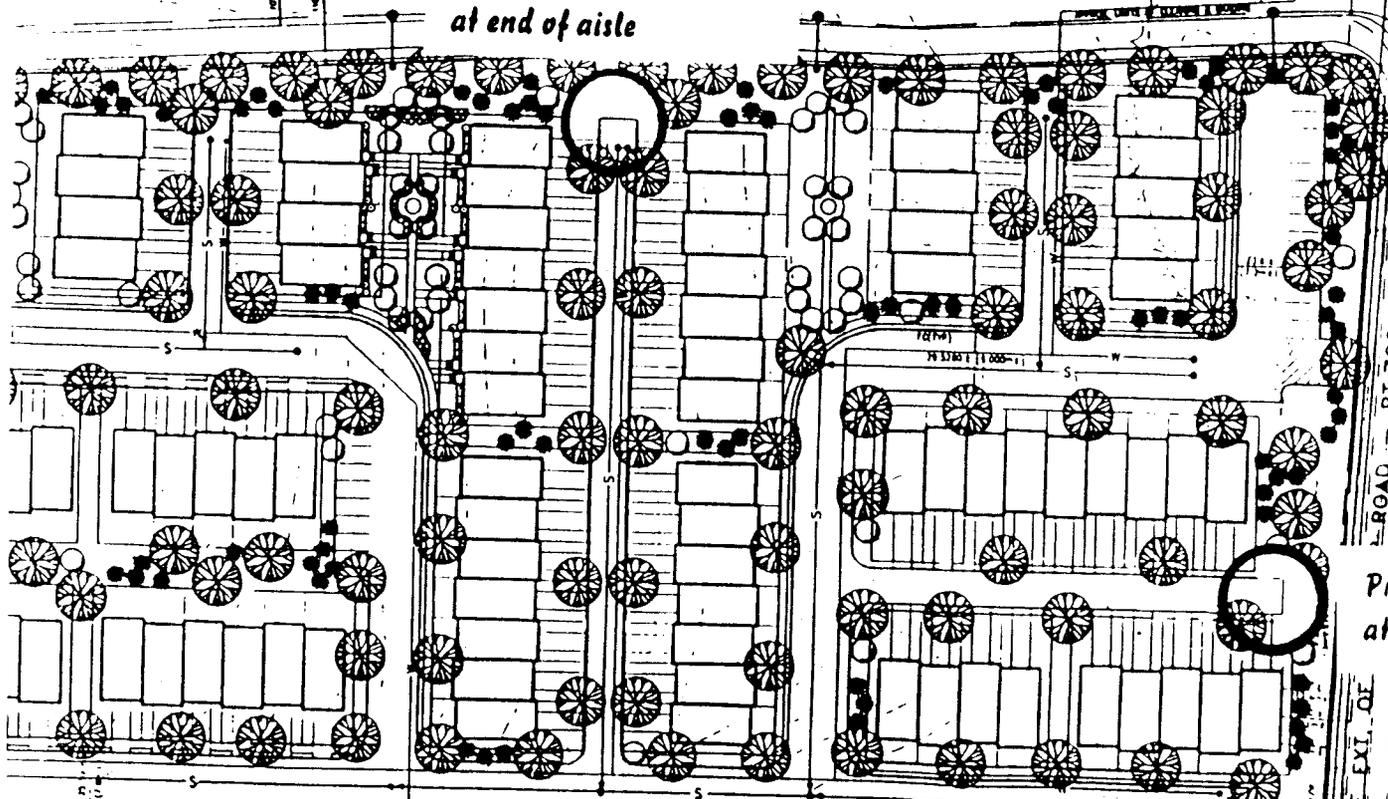
Add Sidewalk

W.R. ROBERT, JR. &
OTIS R. POOL, TRUSTEES
APPROVED 1-4 USE 1968

GOVERNMENT CENTER PARKWAY

ROUTE 7436
(110' R.O.W.)

Provide "Y" turn around
at end of aisle



Provide "Y" turn around
at end of aisle

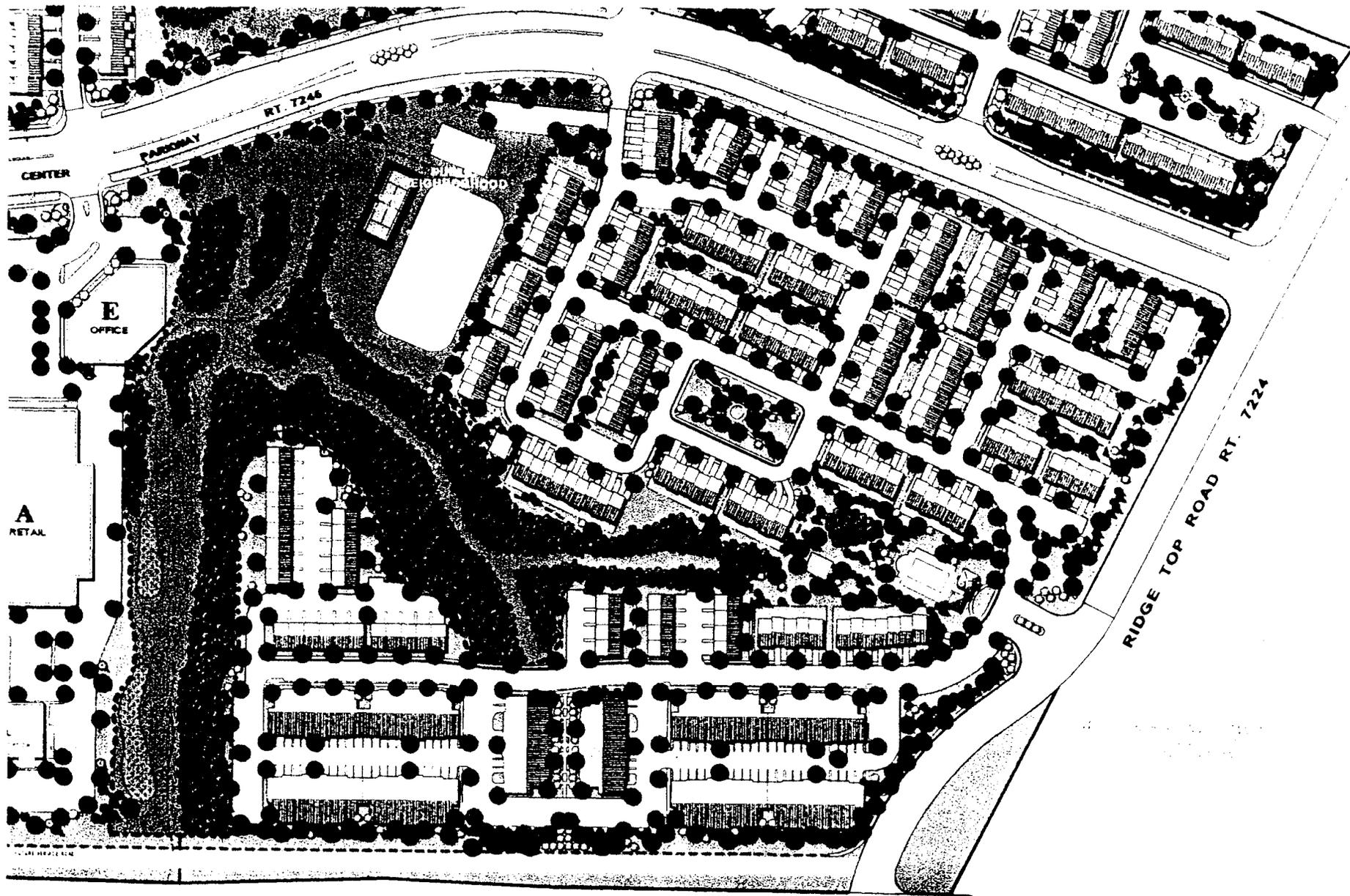
DEVELOPMENT PLAN ALTERNATIVE

N 414 121.87 (122.136.15)
E 2.1278.098.58 (1712.153.08)

FUTURE EXH. OF

100/719 (208 BY)

APPROVED BY THE BOARD OF SUPERVISORS



HIGHWAY - ROUTE 29

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

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 07/12/99

APPLICATION NUMBER: RZ 98-Y-025

SULLY

DISTRICT

APPLICANT: CENTEX HOMES

STAFF: JOHNSON

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: I- 5

ACRES: 31.25

PROPOSED:

PDH-12
31.25

ACTION:

PDH-12
31.25

TOTAL ACRES

31.25

TOTAL ACRES

31.25

MAP NUMBERS

056-2- /01/ /0072-

REMARKS:

ZONING MAP AMENDMENT

RZ 98-Y-025

ZONING DISTRICT DATA

ZONING DISTRICT: PDH-12

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
MFD	418	31.25			37	37
-----	-----	-----	-----	-----	---	---
TOT	418	31.25	13.38		37	37

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-Y-025

CONDITION/CONTRIBUTION DATA

COND CODE	DESCRIPTION	COND CODE	DESCRIPTION
7A	OTHER MISCELLANEOUS - SEE FILE	7A	OTHER MISCELLANEOUS - SEE FILE
7A	OTHER MISCELLANEOUS - SEE FILE	7A	OTHER MISCELLANEOUS - SEE FILE
3F	PEDESTRIAN FACILITY/TRAIL	1A	GENERALIZED DEVEL PLAN
3Z	OTHER - TRANSPORTATION	4Z	OTHER - ENVIRONMENT
4B	TREES/COUNTY ARBORIST	4P	LIGHTING
4H	LANDSCAPING	1Z	OTHER - GENERAL
1B	CONCEPTUAL DEVEL PLAN	1Z	OTHER - GENERAL
1Z	OTHER - GENERAL	3Z	OTHER - TRANSPORTATION
3Z	OTHER - TRANSPORTATION	3Z	OTHER - TRANSPORTATION
3B	RIGHT-OF-WAY: DEDICATION/RESERV	3Z	OTHER - TRANSPORTATION

CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	

REMARKS:

IN FAVOR OF ESCROW OF FUND EQUAL TO COST OF CONSTRUCTION



PLEASE TYPE
OR PRINT IN BLACK INK

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR ZONING MAP AMENDMENT

APPLICATION NO. RZ1998-54-025
(Assigned by Staff)

FDP 1998-54-025 PETITION

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

I (We), Centex Homes, the applicant(s),
petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, by
reclassifying from the I-5 District to the PDR-12
District the property described below and outlined in red on the Zoning Section Sheet(s)
accompanying and made a part of this application.

PROPERTY DESCRIPTION

1. LEGAL DESCRIPTION:
See attached.

Lot(s)	Block(s)	Subdivision	Deed Book	Page No.
56-2	1		72	31.25 ac.

Map No.	Double Circle No.	Single Circle No.	Parcel(s)/Lot(s) No.	Total Area(Ac. or Sq.Ft.)
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3. POSTAL ADDRESS OF PROPERTY: (If any)
#212 Ridge Top Road

4. ADVERTISING DESCRIPTION: (Ex. South of Rt. 236, 1000 feet west of Rt. 274)
North side of Lee Highway (Rt. 29) approximately 1200 feet west of its
intersection with Waples Mill Road (Rt. 665)

5. PRESENT USE: Vacant

6. PROPOSED USE: Residential

7. SUPERVISOR DISTRICT: 5ULLY

The name(s) and address(s) of owner(s) of record shall be provided on the affidavit form attached and made part of this application.

The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

Robert A. Lawrence, Esquire
Type or Print Name of Applicant or Agent

Robert A. Lawrence
Signature of Applicant or Agent

3110 Fairview Park Drive, P.O. Box 12001, Falls Church, Virginia 22042
Address

(703) 641-4284

Telephone No. Home Work

Please provide name and telephone number of contact person if different from above.

DO NOT WRITE IN THIS SPACE

Date application received: _____

Application Fee Paid: \$ _____

Date application accepted: _____

Form RZ (10/89)