



# 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

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March 9, 2000

Carson Lee Fifer, Jr., Esquire  
McGuire, Woods, Battle & Boothe, L.L.P.  
1750 Tysons Boulevard - Suite 1800  
McLean, Virginia 22102-3915

RE: Rezoning Application  
Number RZ 1998-PR-026

Dear Mr. Fifer:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on February 7, 2000, granting Rezoning Application Number RZ 1998-PR-026 in the name of Christopher Management, Incorporated, to rezone certain property in the Providence District from the R-1 District to the PDH-4 District, subject to the proffers dated February 3, 2000, on subject parcel 39-4 ((1)) 123A, 154, 155, 156, 157, 158, and a portion of the public right-of-way for Railroad Street to be vacated and/or abandoned (under Section 15.2-2272 (2) of the Code of Virginia) consisting of approximately 12.70 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan FDP 1998-PR-026 on February 2, 2000, subject to the Board's approval of RZ 1998-PR-026.

**The Board also:**

- **Waived the 200 foot setback from the right-of-way of an interstate highway (I-495).**
- **Waived the requirement for frontage improvements along Morgan Lane.**

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

RZ 1998-PR-026

March 9, 2000

- 2 -

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 7<sup>th</sup> day of February, 2000, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1998-PR-026

WHEREAS, Christopher Management, Incorporated 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-4 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

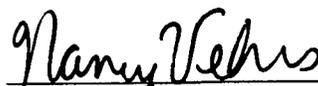
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PDH-4 District, and said property is subject to the use regulations of said PDH-4 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

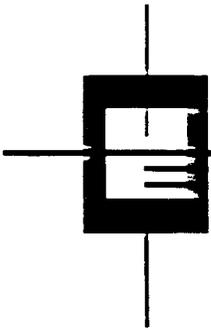
BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 7<sup>th</sup> day of February, 2000.



Nancy Vekris

Clerk to the Board of Supervisors



# Urban Engineering & Associates, Inc.

7712 LITTLE RIVER TURNPIKE  
ANNANDALE, VIRGINIA 22003

Tel: (703) 642-8080  
Fax: (703) 642-8251

J. EDGAR SEARS, JR., P.E., C.L.S., R.T.A.  
Principal  
BARRY B. SMITH, P.E.  
Principal  
ERIC S. SIEGEL, P.E.  
Principal

PHILLIP A. BLEVINS, C.L.S.  
Associate  
JEFFREY L. GILLILAND, P.E.  
Associate  
DAVID T. McELHANEY, P.E.  
Associate

**Description of  
the Properties of  
Elmer B. White, et ux.; Arnold Eller;  
The Mary I. Eller Estate; Daniel G. Anderson, et ux.;  
Morgan Chase Associates, L.L.C.;  
a Portion of South Railroad Street,  
and a Portion of North Railroad Street  
to Be Rezoned to PDH-4**

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING

**APR 6 1999**

**ZONING EVALUATION DIVISION**

**PARCEL 'A':**

Beginning at a point on the easterly right-of-way of Morgan Street, width varies, said point being the northerly corner of the property of Idylwood General Partnership as acquired in Deed Book 7126 at Page 1567 among the land records of Fairfax County, Virginia; thence departing said point and running with said line of Morgan Street

North 23° 45' 00" East, 1,069.88 feet to a point on the southerly line of North Railroad Street, 40.00 feet wide; thence departing Morgan Street and running with said line of North Railroad Street

South 57° 30' 30" East, 379.25 feet to a point; thence through North Railroad Street

North 32° 29' 30" East, 20.00 feet to a point on the northerly line of said North Railroad Street; thence with North Railroad Street

South 57° 30' 30" East, 118.35 feet to a point on the westerly right-of-way line of the Capital Beltway, Route 495, width varies; thence departing North Railroad Street and running with the westerly lines of said Route 495

South 14° 25' 37" West, 169.64 feet to a point; thence

South 32° 29' 30" West, 208.21 feet to a point; thence

South 57° 30' 30" East, 59.79 feet to a point; thence

South 19° 00' 20" West, 132.23 feet to a point; thence

South 40° 52' 30" West, 318.32 feet to a point; thence

South 01° 00' 30" East, 165.20 feet to a point on the northerly right-of-way of Idylwood Road, Route 695, width varies; thence departing Route 495 and running with Idylwood Road

South 65° 55' 30" West, 21.35 feet to a point being the easterly corner of the property of Spessard, Deed Book 7999, Page 224; thence departing Idylwood Road and running with said Spessard

North 01° 00' 30" West, 173.96 feet to a point; thence with Spessard and continuing with the northerly lines of the properties of Thomas and Knapp; Pathfinder Associates, L.P.; and said Idylwood General Partnership

North 88° 57' 30" West, 486.73 feet to the point of beginning, containing 483,934 square feet or 11.10960 acres, more or less.

**PARCEL 'B':**

Beginning at the point of intersection of the easterly right-of-way of Sandburg Street and the southerly right-of-way of North Railroad Street, 40 feet wide; thence departing said point as established and running with said southerly right-of-way of North Railroad Street

South 80° 36' 00" East, 193.18 feet to a point; thence

516.92 feet along the arc of a curve deflecting to the right having a radius of 1,457.70 feet and a chord bearing and distance of South 70° 26' 28" East, 514.22 feet to a point; thence running with the westerly right-of-way of Morgan Lane

South 23° 45' 00" West, 40.22 feet to a point; thence running with the northerly line of South Railroad Street, 40 feet wide

506.92 feet along the arc of a curve deflecting to the left having a radius of 1,417.70 feet and a chord bearing and distance of North 70° 21' 23" West, 504.22 feet to a point; thence

North 80° 36' 00" West, 203.42 feet to a point on said easterly right-of-way of Sandburg Street; thence running with said Sandburg Street

North 23° 45' 00" East, 41.29 feet to the point of beginning, containing 28,409 square feet or 0.65218 acres, more or less.

**PARCEL 'C':**

Beginning at a point being the intersection of the easterly right-of-way of Arden Street and the southerly right-of-way line of North Railroad Street, 40 feet wide; thence running with said southerly line of North Railroad Street

South 80° 36' 00" East, 732.87 feet to a point on the westerly right-of-way line of Sandburg Street; thence running with said westerly line of Sandburg Street

South 23° 45' 00" West, 41.29 feet to a point; thence running with the northerly line of South Railroad Street, 40 feet wide

North 80° 36' 00" West, 732.87 feet to a point on said line of Arden Street; thence running with said Arden Street

North 23° 45' 00" East, 41.29 feet to the point of beginning, containing 29,315 square feet or 0.67297 acres, more or less.

**PARCEL 'D':**

Beginning at a point being the intersection of the southerly line of North Railroad Street, width varies and the westerly right-of-way line of Arden Street; thence running with said line of Arden Street

South 23° 45' 00" West, 41.29 feet to a point; thence running with the northerly line of South Railroad Street, 40 feet wide

North 80° 36' 00" West, 278.49 feet to a point on an easterly line of Railroad Tree Corporation; thence running with said Railroad Tree Corporation

North 09° 24' 00" East, 40.00 feet to a point; thence running with the southerly line of North Railroad Street

South 80° 36' 00" East, 288.72 feet to the point of beginning, containing 11,344 square feet or 0.26042 acres, more or less.

## **PROFFERS**

**Rezoning #RZ/FDP1998-PR-026**

**February 3, 2000**

Pursuant to Section 15 2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 39-4-((1))-154, 155, 156, 157, 158, 123-A pt. (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDH-4 District is granted. In the event said application request is denied, these proffers shall be null and void. The Owners and Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The proffered conditions are:

### GENERAL

1. Subject to the proffers and the provisions of Section 16-403 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan ("CDP") and Final Development Plan ("FDP"), prepared by Urban Engineering dated January 1998 and revised through January 31, 2000. Notwithstanding the submission for processing of any applications, plans, or plats in furtherance of the development of the application property, the Applicant acknowledges that no such application plan or plat shall be approved by Fairfax

County until or unless the vacation of the right-of-way proposed as part of the application property is approved by the Board of Supervisors and is final. In the event that such vacation is not approved by the Board of Supervisors, or in the event Board approval is overturned by a court of competent jurisdiction, any development of the application property under the PDH-4 District shall require a proffered condition amendment and the Applicant acknowledges that such amendment may result in a loss of density. The Applicant hereby waives any right to claim or assert a taking or any other cause of action that otherwise may have arisen out of a Board decision to deny in whole or in part the right-of-way vacation request.

2. The development shall consist of a maximum of 36 single family detached residential units. The size, width, and location of the building footprints shown on the CDP/FDP are conceptual and, except as provided for by these proffers, may be modified. That and other modifications to the CDP/FDP shall be permitted in accordance with the requirements of Section 16-403 of the Zoning Ordinance. Proposed Lots 17-36 shall have a minimum side yard of four feet. Proposed Lots 1-16 shall have a minimum of 14 feet between units and a minimum distance from the rear of the dwelling to the lot line of 16 feet.

3. The architecture of the approved units and streetscaping (to include fencing and landscaping) along Morgan Lane (Lots 1-16) shall be in substantial conformance with the renderings contained as Sheet 10 of the CDP/FDP package, including window types, architectural detailing and roof lines. Any lighting on the subdivision's identification sign shall be external with bulbs that are shielded in order to prohibit glare on adjoining properties. All street lights shall be shielded to prevent extraneous glare in accordance with the design shown on the CDP/FDP.

4. The Applicant shall establish a homeowners association for the purpose of maintaining common areas and any private streets within the development. In conjunction with the appropriate subdivision review processes, private streets and common areas shall be dedicated to the homeowners association.

5. The Applicant shall include language in its Declaration of Covenants, Conditions and Restrictions which: (a) prohibits the conversion of garages into any use other than the parking of vehicles; (b) discloses that the Capital Beltway, which forms the eastern boundary of the site, is the subject of an ongoing study as to its potential widening, that travel lanes could be located closer to the application property than currently exist and that, as a result, additional means of sound attenuation may be installed in the future by others, and that there may be changing noise impacts from the Capital Beltway; and (c) discloses the existence of private streets throughout the community. All private streets on the Application Property shall be constructed with a pavement section, thickness and material which conforms with Public Facilities Manual (PFM) standards as determined by the Department of Public Works and Environmental Services (DPW&ES). Purchasers shall be advised prior to entering into a contract of sale that the homeowners association shall be responsible for the cost associated with the maintenance of the private streets in the development. The appropriate homeowners association documents shall specify that the homeowners association is responsible for the maintenance of any private streets. Prior to site plan approval, the language of the Declaration of Covenants, Conditions and Restrictions shall be subject to review and approval by the County Attorney. As part of this required disclosure, the Applicant shall provide each purchaser with a copy of the then most current VDOT plan for the widening of the Capital Beltway. Prior to subdivision plan approval, the Plan used as part of the initial disclosure shall be approved by the Fairfax County

Department of Transportation and/or the Zoning Administrator or her designee. In the event that prior to the sale of any dwelling, the plan for the widening of the Capital Beltway is amended subsequent to subdivision plan approval, the disclosure requirements within the Declaration of Covenants, Conditions and Restrictions shall be amended to reflect the most current plan. Any proposed amendment to the disclosure requirement subsequent to subdivision plan approval shall be first reviewed and approved by the Zoning Administrator or her Designee in accordance with the requirements of these proffers.

6. To assist the homeowners association in providing for the maintenance of private streets, prior to bond release, the Applicant shall provide the homeowners association with funds in the amount of \$8,000 which shall be placed in a street reserve fund. This required contribution shall be subject to inflationary adjustments from the date of rezoning approval to the date the money is placed in the required street reserve fund based on the Construction Cost Index contained in the Engineering News Record.

7. Consistent with the design and geometry shown on the CDP/FDP, it is the Applicant's intention to construct the principal street extending south from Railroad Street to the alleyway serving Lots 17-21 as a public street. The Applicant's first subdivision plan submission shall reflect this public street configuration and the applicant shall be responsible for requesting all approvals needed from Fairfax County and/or VDOT to construct the proposed public street. In the event the requirements of VDOT and/or Fairfax County require reasonable modifications to the general street configuration shown on the CDP/FDP, the Applicant shall be obligated to make such modifications provided the number of approved lots is not decreased and the resultant development remains in substantial conformance with the CDP/FDP as determined by the Department of Planning and Zoning. In the event VDOT and Fairfax County determine that it is

not possible to design a public street configuration in a way that is in substantial conformance with the CDP/FDP and available options for waivers or modifications of street design standards are deemed exhausted, then and only then may the Applicant develop the principal street as a private street in accordance with the standards prescribed by Proffer 5 above.

### TRANSPORTATION

8. At the time of subdivision plan review, or on demand, which first occurs, the Applicant shall dedicate at no cost in fee simple to the Board of Supervisors and/or VDOT, the right-of-way located generally parallel to I-495 as shown on the CDP/FDP as "dedication for right-of-way." The Applicant hereby reserves advance density credit pursuant to Paragraph 5 of Section 2-308 of the Ordinance for all eligible dedication required herein.

9. The Applicant shall dedicate to the Fairfax County Board of Supervisors, in fee simple, on demand, or at the time of subdivision plan approval, whichever first occurs, that 10' wide area located on the north side of Parcel 123A as shown on the CDP/FDP.

10. The Applicant shall reconstruct the intersection of Oak Street and Morgan Lane so as to improve the vertical alignment of the intersection; toward this end, funds escrowed through proffered conditions made by previous developers and earmarked for the improvement of this intersection or the improvement of Oak Street may be made available to the Applicant. The final design of any such intersection improvement shall be subject to review and approval by VDOT and DPWES. The improvements required by this proffer shall be located entirely within the existing right-of-way. In the event that: (1) DPWES and/or VDOT conclude that the improvement to the vertical alignment of the intersection cannot be performed within the existing right-of-way; or (2) it is demonstrated that the construction cost of the intersection improvement exceeds the cost associated with providing frontage improvements to Morgan Lane

consistent with the recommendations of the Comprehensive Plan, the requirements of the Zoning Ordinance or subdivision Ordinance and to a standard required by the PFM along the unimproved portion of the application property's frontage to Morgan Lane (approximately 410 linear feet from the terminus of Morgan Lane to the southern property line), hereinafter referred to as the "construction costs", the Applicant's proffer obligation may be fulfilled, as determined by DPWES at final site plan approval, by placing the construction costs in escrow so as to provide funds for VDOT, or others, to complete improvements to the intersection. If applicable, the amount of the construction costs shall be determined by DPWES at site plan review in accordance with the County's current bond price estimate.

11. At the time of subdivision plat approval, the Applicant shall either agree to install and bond or escrow funds in an amount not to exceed \$3,000.00 for traffic calming device(s) as approved by VDOT for installation at or near the intersection of Oak Street and Morgan Lane.

#### ENVIRONMENTAL

12. Stormwater management shall be provided for the property in accordance with Fairfax County requirements or as otherwise may be waived, modified or approved by DPW&ES. In order to assist in addressing any off-site stormwater management deficiencies, subject to approval by the Board of Supervisors and/or DPWES, the pro-rata funds required to be contributed in connection with the subdivision review and approval process shall be targeted for potential upstream or downstream areas serving improvements in the watershed of the application property to potentially include, but not be limited to, installation of new ponds or detention facilities or making upgrades to existing facilities.

13. In order to restore a natural appearance to the proposed stormwater pond in the southeastern corner of the site, a landscape plan shall be submitted as part of the first submission

of the subdivision plan showing extensive landscaping in all possible planting areas of the pond. in keeping with the planting policies of DPWES.

14. In order to provide additional tree cover and screening, a landscape plan shall be submitted as part of the first submission of the subdivision plan showing a mix of evergreen and deciduous trees to be planted in the tree save area along the eastern property line. The existing vegetation and supplemental landscape trees shall provide the equivalent of Transitional Screening 1 in this tree save area. The landscaping shall be designed and field located in consultation with the Urban Forestry Branch to ensure that existing trees and their root systems are not damaged by the supplemental plantings.

15. Prior to final subdivision plan approval, the Applicant shall demonstrate to DPWES and DPZ that exterior noise levels within the yards and outdoor recreational areas of the approved lots are reduced to a level of 65 dBA or less based on final site grades and final topographic conditions. In order to mitigate outdoor noise to a level of 65dBA, prior to the issuance of the first Residential Use Permit (RUP), the Applicant shall construct a noise attenuation wall in the location generally shown on the CDP/FDP. The design and materials used in this wall shall conform to standards established by VDOT as needed to mitigate exterior noise, as generated by traffic at the time of subdivision plan approval, to a level of 65dBA or less in consideration of final site grades and topography, and shall be of a design that permits the later relocation of the wall by Fairfax County and/or VDOT, if so desired. The Applicant further agrees that upon its completion, this sound wall and the property on which it is constructed shall be dedicated to Fairfax County and/or VDOT, at no cost, and on demand. In the event Fairfax County and/or VDOT do not indicate a desire to receive the dedication, the wall shall remain on private property. As to lot 16, the Applicant shall provide exterior noise attenuation through a

method acceptable to the neighboring off-site property owner and DPWES. As to lots 34, 35 and 36, the Applicant shall either provide a noise study that demonstrates compliance with the exterior noise standard, provide individual or separate mitigation at the lots or extend the noise wall as required to satisfy the standard, subject to the review and approval of DPWES.

16. In order to reduce the a maximum interior noise to a level of approximately 45 dBA Ldn, all units located between 65-70 dBA Ldn highway noise impact contours shall employ the following measures:

- (a) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
- (b) Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than 20% of any facade, they shall have the same laboratory STC rating as walls.
- (c) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission; and

In order to reduce the maximum interior noise to a level of approximately 45 dBA Ldn, all units located between the 70-75 dBA Ldn highway noise impact contours shall employ the following measures:

- (a) Exterior walls should have a laboratory sound transmission class (STC) rating of at least 45.
- (b) Doors and windows should have a laboratory STC rating of at least 37. If windows constitute more than 20% of any facade, they should have the same laboratory STC rating as walls.

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

The Applicant may pursue other methods of mitigating interior noise or provide additional means for mitigating noise in outdoor areas than those described herein if it can be demonstrated, through an independent noise study for review and approval by DPWES, in consultation with DPZ, that these methods will be effective in reducing exterior noise levels to 65 dBA Ldn or less and interior noise levels to 45 dBA Ldn or less. This flexibility shall in no way diminish the Applicant's obligation to provide the sound wall described in Proffer 15.

17. At subdivision plan review, the Applicant shall demonstrate to the satisfaction of DPWES that exterior noise in the yards and open space areas generally associated with or adjacent to Lots 16 and 36 is mitigated to 65dBA or less. If necessary to meet this requirement, the Applicant shall provide additional landscaping or sound attenuation measures beyond that shown on the CDP/FDP to potentially include, but not be limited to:

- (a) Additional fencing or landscaping along the eastern or southern boundary of Lot 16.
- (b) Additional fencing or landscaping along or around the eastern boundary of Lot 36;
- (c) A potential extension of the sound wall to the west toward the terminus of North Railroad Street, subject to receiving any necessary easements and/or related permission.

Any fencing required pursuant to this proffer shall be designed in a manner that compliments the final architecture of the approved units.

## LANDSCAPING

18. Landscaping shall be provided in substantial conformance with the overall quality and quantity of plantings identified in the landscaping concepts shown on the CDP/FDP. Landscaping shown along the southern lot line on the CDP/FDP shall be reviewed by the Urban Forester and supplemented as determined necessary by the Urban Forester so as to ensure an effective year-round screen.

19. The specific type, number and placement of plantings and landscaping shall be determined at the time of subdivision plan approval, subject to review and approval of a landscape plan by the Urban Forester, DPW&ES. If, during the process of subdivision plan review, any new landscaping shown on the CDP/FDP cannot be installed or any landscaping shown in tree save areas is removed, in order to locate utility lines, trails, etc., as determined necessary by the Director, DPW&ES, then an area of additional landscaping of equivalent value, as determined by Urban Forester, DPW&ES, shall be substituted at an alternate location on the site.

## LIMITS OF CLEARING AND GRADING

20. The approximate limits of clearing and grading shown on the CDP/FDP and required pursuant to these proffers shall be considered maximum limits. Similarly, for the purpose of preparing final grading plans, the rear lot lines of Lots 14-16 shall be considered the limits of clearing and grading in the southwestern corner of the Property.

A certified arborist shall be retained by the Applicant to prepare a tree preservation plan to be reviewed by the Urban Forestry Branch as part of the first subdivision plan submission. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches or greater in

diameter. in the twenty (20) feet area adjacent to the proposed limits of clearing and grading for the entire site. The condition analysis shall be prepared using methods outlined in the latest edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing consisting of a four (4) foot high, fourteen (14) gauge welded wire fence, attached to six (6) foot steel posts, which are driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, shall be erected at the limits of clearing and grading as shown on the subdivision plan's Phase I and II erosion and sediment control sheets in all areas

The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of tree protection fencing shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify, in writing, that the tree protection fence has been properly installed. If any tree(s) in the protected areas are accidentally or otherwise removed, the Applicant shall plant replacement tree(s) as directed by the Fairfax County Urban Forester.

The demolition of existing features and structures shall be conducted in a manner that minimizes the impact on individual trees and groups of trees to be preserved as approved by the Urban Forestry Branch. These methods shall be described in detail on the tree preservation plan. Once final limits of tree preservation/open space areas are established pursuant to these proffers,

there shall be no removal of vegetation in those areas except for the removal of dead or dying trees and the installation of necessary public utilities. Any such utility crossings shall be designed and engineered in the least disruptive manner possible. In the southwest corner of the property, any utilities shall be located adjacent to the southern lot line and be designed and engineered to be sensitive to the existing vegetation using methods which have the potential to reduce the width of the necessary easement, including but not limited to: those methods used and approved by the Fairfax County Park Authority, linear construction, or trench boxes, as determined feasible and appropriate by DPWES.

#### RECREATION

21. At the time of subdivision plan review, the Applicant shall demonstrate that the proposed on-site recreational amenities generally shown on the CDP/FDP have a value equivalent to \$955 00 per market rate dwelling unit as required, by Article 6 of the Zoning Ordinance. The Applicant may offset the actual cost of the two gazebos up to an amount that provides a payment to the Fairfax County Park Authority (FCPA) of at least Twenty-Five Thousand Dollars (\$25,000)

22. To provide opportunities for passive recreation, the portion of the Tax Map 39-4-((1))-123-A pt. generally located west of Morgan Lane and east of Gallows Road and not dedicated for public right of way under proffer 8, shall be dedicated at no cost and in fee simple to the Fairfax County Board of Supervisors at subdivision plan approval. As part of this dedication, right-of-way needed to provide access to Railroad Street from Fourth Place, shall be dedicated to the Board of Supervisors or its assigns in fee simple.

23. Funds for two (2) interpretive marker signs, with a total cost not to exceed two-thousand (\$2,000) dollars, shall be provided for that portion of Parcel 123A which is to be

dedicated to the Fairfax County Park Authority at the time of subdivision plan approval. The actual amounts for the required signs shall be determined by the Park Authority prior to subdivision plan approval.

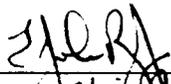
ENERGY EFFICIENCY

24. 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 DPW&ES, for either gas or electric energy systems as may be applicable.

These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement

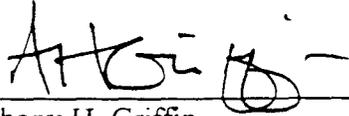
CONTRACT PURCHASER  
Tax Map 39-4-((1)), 154, 155,  
156, 157, 158

CHRISTOPHER MANAGEMENT, INC.

By:   
Its: President

OWNER OF PORTION OF RAILROAD STREET  
TO BE VACATED

FAIRFAX COUNTY BOARD OF SUPERVISORS

By:   
\_\_\_\_\_  
Anthony H. Griffin,  
County Executive

OWNER, TAX MAP NUMBER 39-4-((1))-156  
THE ESTATE of MARY I. ELLER

By: \_\_\_\_\_  
Name: Willard Eller Co. ET.  
Its: \_\_\_\_\_

OWNER, TAX MAP NUMBER 39-4-((1))-156  
THE ESTATE of MARY I. ELLER

By: \_\_\_\_\_  
Name: Mary I. Eller & Co - Ex  
Its: \_\_\_\_\_

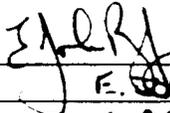
OWNER, TAX MAP NUMBER 39-4-((1))-154  
IRENE H. WHITE

*Irene H. White*

---

Name: IRENE H. WHITE

OWNER, TAX MAP NUMBER 39-4-((1))-123.A pt.  
MORGAN CHASE ASSOCIATES, LLC

By:   
Name: F. JOHN REGAN JR  
Its: MEMBER

OWNER, TAX MAP NUMBER 39-4-((1))-155  
ARNOLD ELLER, JR.

A handwritten signature in cursive script, appearing to read "Arnold Eller, Jr.", written over a horizontal line.

Name: ARNOLD ELLER, JR.

OWNER, TAX MAP NUMBER 39-4-((1))-157. 158  
DANIEL G. and BERNICE E. ANDERSON

*Daniel G. Anderson*

Name: DANIEL G. ANDERSON

*Bernice E. Anderson*

Name: BERNICE E. ANDERSON

## PROPOSED DEVELOPMENT CONDITIONS

FDP 1998-PR-026  
(Christopher Management – Morgan Chase)

JANUARY 13, 2000

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 1998-PR-026 for residential development located at Tax Map 39-4 ((1)) 123A pt., -154, -155, -156, -157, -158 (inclusive of a portion of existing Railroad Street right-of-way) [2321 Morgan Lane, 7817 and 7825 Railroad Street], staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. No Residential Use Permits shall be issued until the noise attenuation wall has been constructed.
2. No clearing and grading shall occur in the Environmental Quality Corridor.
3. SWM/BMP facilities shall be located outside of the area shown to be reserved and/or dedicated for public right-of-way.
4. **Parking shall be provided on one side of North Railroad Street.**
5. **Where driveways are counted toward required parking, said driveways shall be of a length which permits vehicles to be parked within the driveway with no overhang over the sidewalk.**
6. **In order to prevent noise build-up due to acoustical reflection, any additional noise fences beyond that shown on the CDP/FDP shall incorporate acoustical absorption.**

CONCEPTUAL DEVELOPMENT PLAN  
 FINAL DEVELOPMENT PLAN  
 (CDP/FDP)

# MORGAN CHASE

Providence District  
 Fairfax County, Virginia

FEBRUARY, 1998  
 REVISED JULY 29, 1998  
 REVISED SEPTEMBER 8, 1998  
 REVISED OCTOBER 8, 1998  
 REVISED MARCH 12, 1999  
 REVISED APRIL 2, 1999  
 REVISED JUNE 16, 1999  
 REVISED AUGUST 16, 1999  
 REVISED OCTOBER 13, 1999  
 REVISED NOVEMBER 30, 1999  
 REVISED JANUARY 5, 2000  
 REVISED JANUARY 31, 2000

DRAWING LIST

SHEET #	TITLE
1	COVER SHEET
2	NOTES
3-4	CDP/FDP LAYOUT
5-6	REZONING PLAN
7-9	LANDSCAPE PLAN
10	ARCHITECTURAL ELEVATION

CIVIL ENGINEER:

**U E A**  
 URBAN ENGINEERING & ASSOC. INC.  
 CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS  
 1774 LITTLE WOOD LANE  
 ANNAPOLIS, MARYLAND 20704-4400

PREPARED FOR:

CHRISTOPHER MANAGEMENT, INC.  
 11100 MAIN STREET, SUITE 400  
 FARMERS BURKE CENTER  
 (703) 844-8800 FAX (703) 844-8800

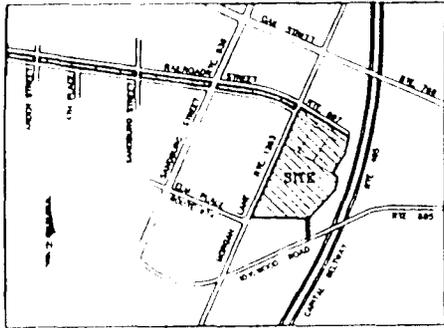
ARCHITECT:

**S N Y D E R • E G B U E**  
 Associates, Inc.  
 ARCHITECTS • INTERIORS • EXTERIORS • LANDSCAPE ARCHITECTS  
 8800 PROCTOR DRIVE, SUITE 100  
 FAIRFAX, VIRGINIA 22031  
 703-210-0441 FAX 703-210-0440

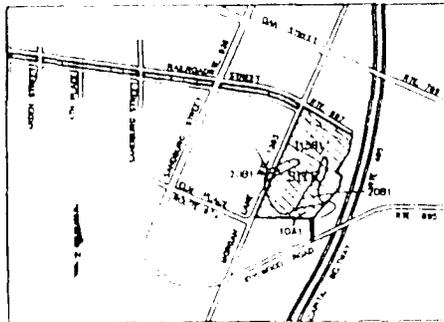
LANDSCAPE ARCHITECT:

**STUDIO 39**  
 Landscape Architecture, PC  
 1000 WOODBURN DRIVE  
 SUITE 100  
 FALLS CHURCH, VIRGINIA 22044  
 703-271-1100 FAX 703-271-1100





VICINITY MAP  
SCALE: 1" = 500'



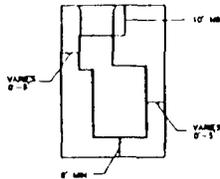
SOIL MAP  
SCALE: 1" = 500'

SOIL ID NUMBER	SUBSTRATE NAME	FOUNDATION SUPPORT	SUBSURFACE DRAINAGE	SOIL STABILITY	DESIGN POTENTIAL	GEOTECHNICAL REPORT NO.	PROB. SW. MIN. CLASS.
11301	FAIRFAX GRANULES LOAM	OK	NATURAL	GOOD	MODERATE	NO	3
7081	MEADOWLANDS	FIRM	NATURAL	GOOD	MODERATE	NO	3
1041	CLAY	FIRM	NATURAL	POOR	MODERATE	NO	3

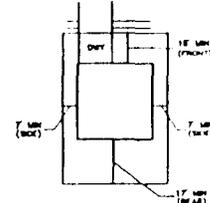
TYPICAL LOT/UNIT DETAIL

NOT TO SCALE

OPTION 1



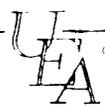
OPTION 2



NOTES

- THE SUBJECT PROPERTY IS LOCATED ON FAIRFAX COUNTY TAX MAP 36-4 (11) PARCELS 154-158 & 153A, AND A PORTION OF THE EXISTING RAILROAD STREET RIGHT OF WAY.
- SEE THE RECORDING PLAN INCORPORATED IN THIS SET FOR THE PROPERTY OWNERS BY PARCEL. THE CONTRACT OWNER FOR PARCELS 154-158 & 153A OF FAIRFAX COUNTY TAX MAP NUMBER 36-4 (11) IS CHRISTOPHER MANAGEMENT, INC.
- THERE ARE NO FLOODED PLANS ON THE SUBJECT PROPERTY AS DESIGNATED BY THE FEDERAL INSURANCE ADMINISTRATION OR THE UNITED STATES GEOLOGICAL SURVEY. THERE ARE NO RESIDUAL PROTECTION AREAS (RPAs) ON THE SUBJECT PROPERTY ACCORDING TO THE FAIRFAX COUNTY RPA MAPS.
- THERE ARE NO KNOWN GRUBS OR OBJECTS OR STRUCTURES MARKING PLACES OF BURIAL WITHIN THE SITE.
- THE PROPOSED SLOPE IS WITHIN THE RANGE AS RECOMMENDED BY THE FAIRFAX COUNTY COMPREHENSIVE LAND USE PLAN (3 TO 4 CHALLENGE UNITS PER ACRE).
- THE PROPOSED DEVELOPMENT ON THE SUBJECT PROPERTY WILL NOT CAUSE ANY ADVERSE EFFECT ON ADJACENT OR ADJOINING PROPERTIES.
- ALL EXISTING STRUCTURES LOCATED ON THE PROPOSED SITE WILL BE DEMOLISHED AND ALL EXISTING UTILITIES WILL EITHER BE UTILIZED OR RELOCATED AS WILL BE DETERMINED WITH THE FINAL ENGINEERING PLANS.
- THIS DEVELOPMENT WILL CONFORM TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS, OR IF AN ADOPTED ORDINANCE OR STANDARD IS SOUGHT BY APPLICANT, SUCH SHALL BE SPECIFICALLY NOTED WITH THE APPLICATION FOR SUCH MODIFICATION.
- THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES LOCATED ON THIS SITE AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 191.22 & 191.224 AND 261.11. HAZARDOUS WASTE AS SET FORTH IN COMMERICAL OR INDUSTRIAL DEPARTMENT OF WASTE MANAGEMENT OR 191.201-11. HAZARDOUS WASTE MANAGEMENT REGULATIONS, AND/OR PESTICIDE PRODUCTS AS OUTLINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 261. TO BE GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF ON SITE AND THE SIZE AND CONTENTS OF ANY EXISTING OR PROPOSED STORAGE TANKS OR CONTAINERS.
- THIS EXISTING TOPOGRAPHY WAS INTERPOLATED FROM 1"=500' SCALE FAIRFAX COUNTY TOPOGRAPHIC MAPS.
- THIS PROJECT IS TO BE DEVELOPED IN A SINGLE PHASE.
- THE BUILDING FOOTPRINTS REPRESENTED HEREON ARE APPROXIMATE. THE BUILDING FOOTPRINTS MAY BE INCREASED OR DECREASED AND/OR THE NUMBER OF RESIDENTIAL UNITS MAY BE DECREASED SO LONG AS THE OPEN SPACE PROVIDED IN THE TABLES AND THE MINIMUM DIMENSIONS TO THE PERMANENT LOT LINES AS SHOWN ON THIS PLAN ARE NOT VIOLATED.
- PARKING WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 11 OF THE ZONING ORDINANCE. SEE TABLES ON SHEET 3.
- IN ACCORDANCE WITH PARAGRAPH 3 OF SECTION 18-324 OF THE ZONING ORDINANCE, WHICH REFERS TO THE SITE'S DIMENSIONS AND FOOTPRINTS AND LOCATIONS OF BUILDINGS, SIDEWALKS, TRAILS AND UTILITIES MAY OCCUR WITH FINAL ENGINEERING AND DESIGN WITHOUT NEEDING AN AMENDMENT TO THIS PLAN.
- THE LOTS OF CLEARING AND GRADING AND THE LANDSCAPED OPEN SPACE AREA REPRESENTED ON THE GRAPHIC ARE PRELIMINARY AND SUBJECT TO FINAL MEASUREMENT AT THE TIME OF FINAL ENGINEERING AND DESIGN. LANDSCAPING AND TREE CARE CONSISTING OF A COMBINATION OF PLANTING AND DECORATIVE TREES WILL BE PROVIDED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF ARTICLE 11.
- SUBJECT TO ANY LIMIT CONDITIONS, IT IS COMMONLY UNDERSTOOD THAT CONTINUATION OF THE PROPOSED DEVELOPMENT WILL COMMENCE AS SOON AS ALL NECESSARY COUNTY APPROVALS AND PERMITS ARE OBTAINED.
- PUBLIC WATER AND SEWER SHALL BE PROVIDED. ALL OTHER PUBLIC UTILITIES SHALL BE PROVIDED TO THE SITE BY EXTENSION OF EXISTING SERVICE IN THE AREA. SOLID WASTE REMOVAL SHALL BE PROVIDED BY PRIVATE CONTRACTOR.
- THE DEVELOPER RESERVES THE RIGHT TO LOCATE TEMPORARY CONSTRUCTION/STAGING TRAILERS ON THE SITE IN ACCORDANCE WITH COUNTY REQUIREMENTS.
- PARCELS 154-158 & 153A TO BE CONVEYED TO BOARD OF SUPERVISORS FOR PUBLIC USE AND PRESERVED AS OPEN SPACE TREE PLANTING AND PASTURE RECREATION.

PLAN DATE  
11/11/99  
11/11/99  
11/11/99  
11/11/99  
11/11/99



URBAN ENGINEERING & ASSOC., INC.  
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS  
7712 LITTLE RIVER TURNPIKE  
ANNANDALE, VIRGINIA 22003 (703) 642-8080



NOTES AND TABULATIONS  
MORGAN CHASE  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE AS SHOWN  
C1/7/4  
DATE NOVEMBER 1999

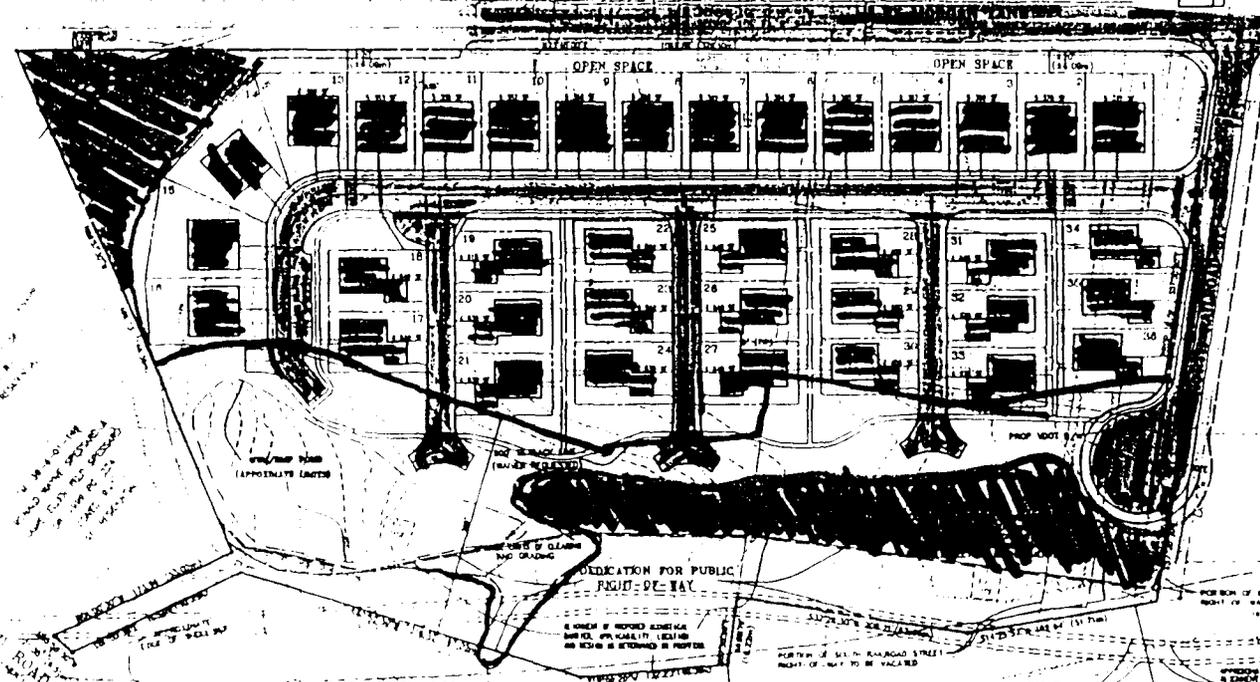
SHEET  
2  
OF  
10  
FILE NO.  
MDC-1007

REVISION APPROVED BY DIVISION OF DESIGN REVIEW

TM 30-4-28  
 KINGS CLEN - SECTION 2  
 DB 8082 PG 112  
 DB 8077 PG 147  
 ZONED R-4  
 USE: RESIDENTIAL  
 PARCEL A1

KINGS CLEN - SECTION 1  
 DB 8084 PG 1810  
 DB 8214 PG 1045  
 ZONED R-4  
 USE: RESIDENTIAL

FRANK E. DALMON  
 TM 30-4-011-181  
 (LW 8080 PG 1500)



NOTES:  
 1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.  
 2. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.  
 3. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.  
 4. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.  
 5. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

TM 30-4-011-181  
 PARCELS OF  
 THE DUNN LIVING CENTER  
 DB 8080 PG 15  
 ZONED R-4  
 USE: RESIDENTIAL

TM 30-4-011-181  
 PARCELS OF  
 THE DUNN LIVING CENTER  
 DB 8080 PG 15  
 ZONED R-4  
 USE: RESIDENTIAL

**PARKING LABELLER**

TOTAL # OF UNITS	36
PARKING SPACES PER UNIT	1.5
TOTAL PARKING SPACES	54
SURFACE	1
OPEN SPACES	32
CARAVAN SPACES	30 (2-7)
TOTAL	63 (2-7)

FINAL PARKING COUNT SUBJECT TO CHANGE WITH FINAL ENGINEERING PLANS

**ZONING AND AREA LABELLER**

TOTAL AREA (BASED ON DESIGNS)	12.70 AC
EXISTING ZONING	R-4
PROPOSED ZONING	R-4
OPEN SPACES PROPOSED	6.2 AC OR 33.18 (20% REQUIRED)
PROPOSED LOTS	36 SINGLE FAMILY DETACHED UNITS
DENSITY	36 UNITS PG - 2.83 UNITS/AC
AVERAGE LOT AREA	25.18 SF

CAPITAL BELTWAY 1-495  
 WITH VARIET

**REQUESTED WAIVERS:**

\* 200 FOOT SETBACK DISTANCE FROM I-495 RIGHT-OF-WAY  
 REQUIRED PER ZONING ORDINANCE SECTION 2-414-2, FOR  
 PROPOSED UNITS ON LOTS 27 AND 36

**PLAN DATE**

11 30 99
12 1 99
01 04 00
01 31 00

**URBAN ENGINEERING & ASSOC. INC.**  
 CIVIL ENGINEERS - LANDSCAPE ARCHITECTS - LAND SURVEYORS  
 7712 LITTLE RIVER TURNPIKE  
 ANNANDALE, VIRGINIA 22003 (703) 842-8080



ALTERNATE LAYOUT  
**MORGAN CHASE**  
 PROVIDENCE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

SCALE 1" = 60'  
 C.I. METRIC TOPO  
 DATE NOVEMBER 1999

1985
10
FILE NO. MDC 1007

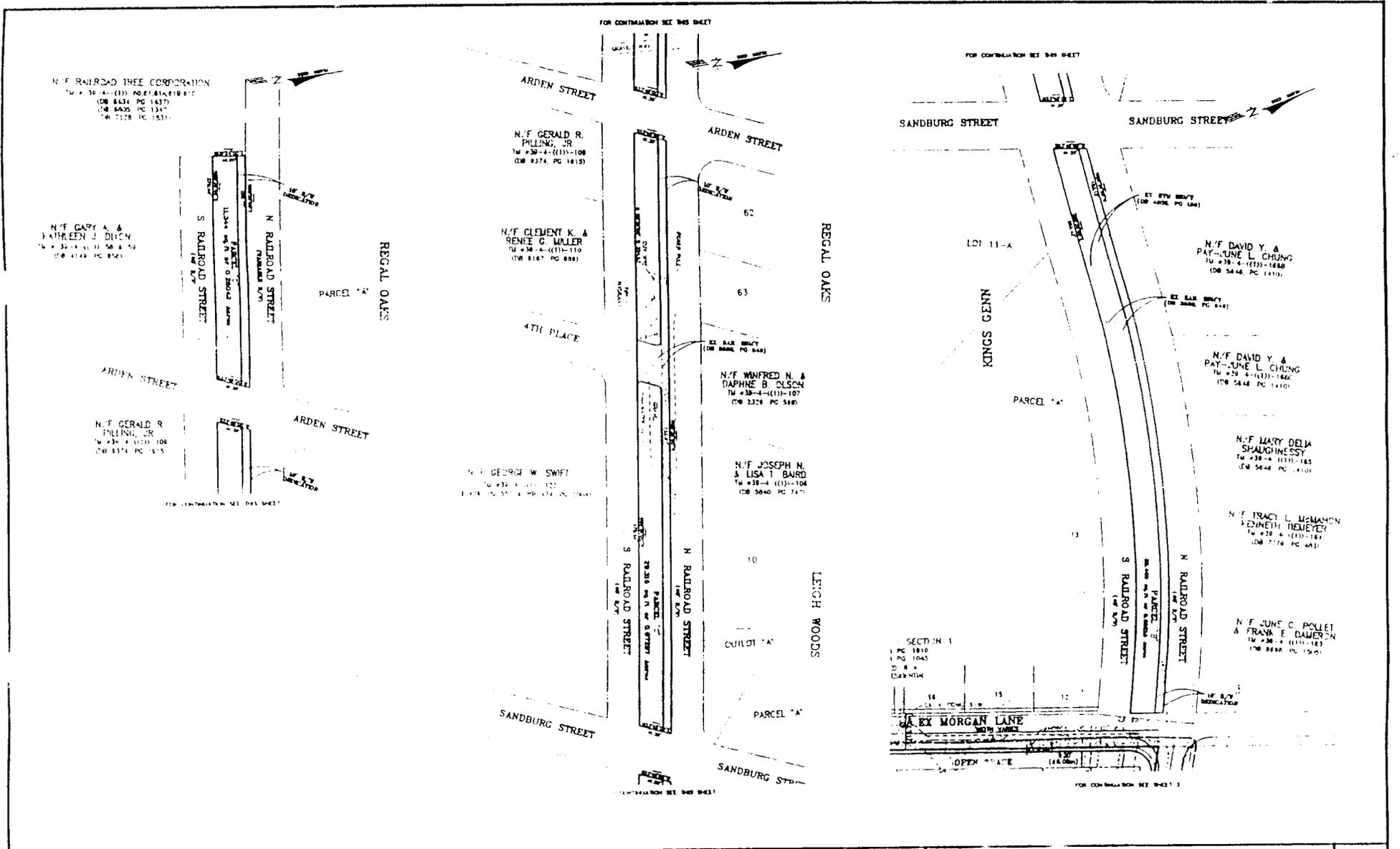
REVISION APPROVED BY DIVISION OF DESIGN REVIEW











DATE	REVISION	REVISION APPROVED BY DIVISION OF DESIGN REVIEW

PLAN DATE
11-30-88
02-17-89
03-01-89
03-17-89
04-11-89

**URBAN ENGINEERING & ASSOC., INC.**  
 PL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS  
 7712 LITTLE RIVER TURNPIKE  
 ANNANDALE, VIRGINIA 22003 (703) 642-8080



CDP/POD LAYOUT  
**MORGAN CHASE**  
 PROVIDENCE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE 1" = 80' C1 E DATE NOVEMBER 1990

SHEET	4
OF	10
FILE NO	MISC-1007

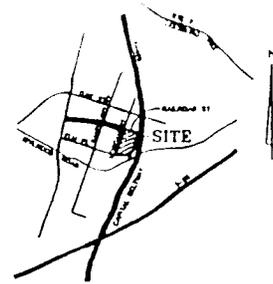
**NOTES**

- THE PROPERTIES DESCRIBED HEREIN ARE LOCATED ON FAIRFAX COUNTY TAX MAP NUMBER 30-4-(11)- PARCELS 154, 156, 157, 158, AND 152A, A PORTION OF SOUTH RAILROAD STREET AND A PORTION OF NORTH RAILROAD STREET.
- BLANKET BOUNDARIES AS SHOWN IS BASED ON AVAILABLE RECORDS AND INFORMATION PROVIDED BY TITLED SURVEYS AND DOES NOT REPRESENT A FIELD SURVEY SUBJECT TO URBAN (304)154, AND ASSOCIATES, INC.
- TOTAL AREA OF REZONING 12.70 ACRES.
- PROPOSED ZONING R-1.
- A TITLE REPORT HAS NOT BEEN PROVIDED. THIS REPORT MAY REFLECT RIGHT-OF-WAY EASEMENTS OR OTHER CIRCUMSTANCES AFFECTING THE PROPERTY SHOWN.

**AREA TABULATION**

TOTAL AREA PARCEL A - 111096 AC. (443.54 AC.R.)	142 AC.R. 30-4-(11)-PARCEL 154-156, SOUTH RAILROAD STREET (UNIMPROVED) OR A PORTION THEREOF, 1/3 PORTION OF NORTH RAILROAD STREET (UNIMPROVED)
TOTAL AREA PARCEL B - 63279 AC. (250.45 AC.R.)	142 AC.R. 30-4-(11)-123A(PORION OF)
TOTAL AREA PARCEL C - 63279 AC. (250.45 AC.R.)	142 AC.R. 30-4-(11)-123A(PORION OF)
TOTAL AREA PARCEL D - 63279 AC. (250.45 AC.R.)	142 AC.R. 30-4-(11)-123A(PORION OF)
TOTAL CUMULATED AREA - 1270 AC. (5033.01 AC.R.)	

FOR CONTINUATION SEE SHEET 6



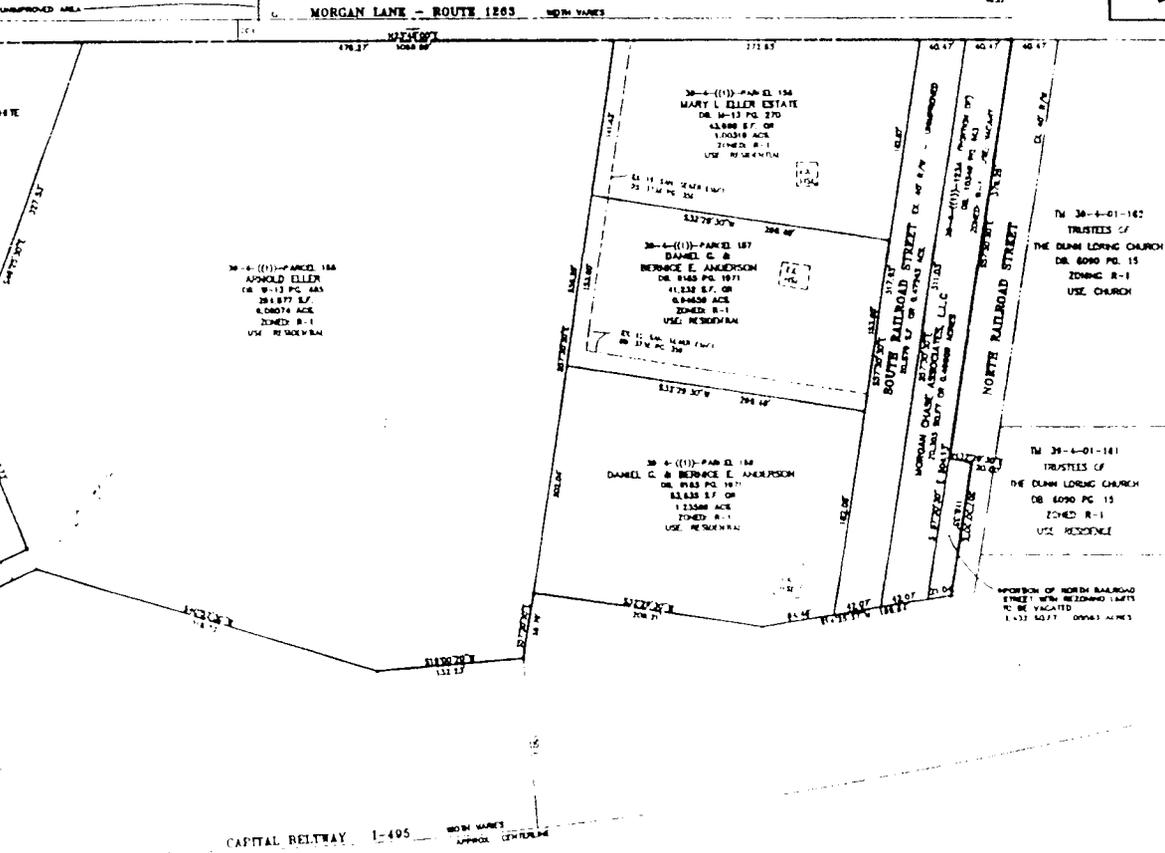
**KINGS GLEN - SECTION 2**  
 DB 8402 PG 712  
 DB 8977 PG 147  
 ZONED R-4  
 USE RESIDENTIAL  
 PARCEL A1

**KINGS GLEN - SECTION 1**  
 DB 5884 PG 1810  
 DB 8214 PG 1043  
 ZONED R-4  
 USE RESIDENTIAL

LOT 12



**VICINITY MAP**  
SCALE 1" = 2000'



<p><b>URBAN ENGINEERING &amp; ASSOCIATES, INC.</b>          CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS          7712 LITTLE RIVER TURNPIKE          ANNANDALE, VIRGINIA 22003 (703) 842-8080</p>	PLAN DATE	REZONING PLAT	SHEET 6 OF 10  FILE NO. MSL-1007
	1-20-98	THIS PROPERTY OF ELMER B. & IRENE H. WHITE, DB 837 PG 72, ARNOLD ELLEN, DB W-13 PG 488, MARY L. ELLEN ESTATE, DB M-13 PG 270, DANIEL C. & BERNICE E. ANDERSON, DB 9185 PG 1971, MORGAN CHASE ASSOC. LLC, DB 10349 PG 683, A PORTION OF SOUTH RAILROAD STREET AND A PORTION OF NORTH RAILROAD STREET	
	2-12-98		
	7-29-98		
	8-28-98		
10-08-98	PROVIDENCE DISTRICT	FAIRFAX COUNTY, VIRGINIA	
03-12-99	SCALE 1" = 50'	C1 N/A	DATE JAN 1998
03-30-99			





4:30 p.m. Item - RZ-1998-PR-026 - CHRISTOPHER MANAGEMENT, INC.  
Providence District

On Wednesday, February 2, 2000, the Planning Commission voted 7-0-2 (Commissioners Koch and Moon abstaining; Commissioner Murphy not present for the vote; Commissioners Alcorn and Hall absent from the meeting) to recommend that the Board of Supervisors approve RZ-1998-PR-026 and the conceptual development plan, subject to execution of the proffers dated January 28, 2000.

The Planning Commission then voted 5-2-2 (Commissioners Byers and Harsel opposed; Commissioners Koch and Moon abstaining; Commissioner Murphy not present for the vote; Commissioners Alcorn and Hall absent from the meeting) to recommend that the Board of Supervisors waive the requirement for a 200-foot setback from the right-of-way of an interstate highway.

The Commission next voted 7-0-2 (Commissioners Koch and Moon abstaining; Commissioner Murphy not present for the vote; Commissioners Alcorn and Hall absent from the meeting) to recommend that the Board of Supervisors waive the requirement for frontage improvements along Morgan Lane.

The Planning Commission approved FDP-1998-PR-026, subject to the development conditions dated January 13, 2000 and subject to Board approval of RZ-1998-PR-026 and the conceptual development plan, by a vote of 6-0-3 (Commissioners Byers, Koch and Moon abstaining; Commissioner Murphy not present for the vote; Commissioners Alcorn and Hall absent from the meeting).

Planning Commission Meeting  
February 2, 2000  
Verbatim Excerpts

RZ-1998-PR-026 - CHRISTOPHER MANAGEMENT, INC.  
FDP-1998-PR-026 - CHRISTOPHER MANAGEMENT, INC.

Decision Only During Commission Matters  
(Public Hearing was held on 9/30/99)

Commissioner Smyth: I have a decision only. We have certainly been through a great deal of time and effort with this particular application. This is Christopher Management, RZ-1998-PR-026 and FDP-1998-PR-026. The Planning Commission has discussed this thoroughly and in view of the Commission's comments, and my own concerns particularly as well, we have gone through the application the last couple of weeks and made a number of changes which I think take care of our concerns to the best of our ability, and I will be moving approval of this. If you received your package, you will see that in the covering letter, there is a list of the changes that have been made. I would be happy to summarize if anyone hasn't had a chance to look at this. Otherwise, I won't take the Commission's time on it. Does anyone have any questions? There are a number of things that we looked at again and made adjustments to. First of all, the primary concern here was the 200 foot setback from the right-of-way. This is a major issue when you are talking about the possible widening of the Beltway. Now we have only one house that has a corner within the setback and that is because of a very irregular point there on the setback line. The houses that are adjacent to it are basically out of the setback even though they are actually closer to the Beltway. It also takes a sliver of a garage -- not exactly a big point. Then we have a whole issue of the 495 widening. The latest information on the flyover puts it actually closer to the Beltway and further away from the homes. My best guess on that would be a matter of about 25-30 feet. So the flyover will not be as close as we had originally anticipated. The other 12 lane option that you will see in your packet is the 12 lane barrier-separated HOV which was last week's worst case scenario in my other case. It is not on this one. But on this option you will find that the widening would only take a minimal amount of land beyond the current right-of-way line. The VDOT sound wall that the applicant is proffering is one that the applicant is designing so that it will be movable if need be. We'll have the H beams to hold the panels and it can be moved, if it is deemed that it is not in exactly the right place -- always a good possibility. But where they are putting it should be the worst case scenario for it to be. On the street -- I had asked them to look at making the main street in the development a public street. They have done this. It will be of the proper width to have parking on one side. It has been given a review by VDOT and VDOT has given it a nod, saying this should not be a problem. There is also parking now on one side of the street on Railroad. They have that at the proper width and the cul-de-sac on Railroad will meet the Fire Marshal's standard. It will also provide a place for school buses to turn around. Currently there is none in that area. The school children have to wait for the bus up at Oak and Morgan which is a dreadful intersection. There will also be a gazebo at the entrance of the development for the children to wait for the bus. Now, let's see. I had also raised the issue of provision for additional external sound mitigation on lots 16, 34, 35 and 36 which

are at the edges of the sound wall. The applicant went back to his consultant on the noise study and what they have agreed to do is to provide extra mitigation there, should it be needed, and the forms that they are looking at are included in the proffers. But for your information, now we're talking about a possible extension of the VDOT sound wall on the north end where lots 34, 35 and 36 are, so that might go beyond the cul-de-sac if they can get the right-of-way to do this -- the permission for the right-of-way. And otherwise they will take other measures that will be needed in terms of fencing on these lots -- not the best option. The VDOT wall would be better. On lot 16 the proffer is stated so that, as a matter of fact, it may have been just handed out tonight --the proffer is stated that the sound mitigation there will probably be fencing if it is needed, but it will be subject to the approval of the adjoining property owner as well as Public Works, so that the property owner can be assured that there will not be deflective noise from the sound wall, and also will have a say in what it looks like. One of the other issues that I raised in this is drainage. It is a very serious problem over in this area. I have talked to the engineer here and I am satisfied that what they are planning to do will have the most minimal impact on the problems that we can possibly hope for. But in the process of all of this, we have looked at the bigger picture again, and Supervisor Connolly has sent a letter to Public Works asking them to look at a larger project to mitigate the problems and drainage there and I think that this may provide the impetus for it. I don't know if anyone else has any other questions. The neighboring homeowners association, Kings Glen, has looked at these revisions and has okayed them. And so I'm open to any other questions, discussions.

Commissioner Downer: I do, Mr. Chairman, have a question.

Vice Chairman Byers: Ms. Downer.

Commissioner Downer: I'm just quickly looking at your tree preservation proffer.

Commissioner Smyth: Yes.

Commissioner Downer: Is there, because I wasn't as concerned about this last night when I read this, as I am today. Is there anything in there that says if inadvertently trees come down that are supposed to be saved, that they will be replaced in a manner satisfactory to the Urban Forester?

Commissioner Smyth: I don't believe there was anything specifically stated to that effect. They are proffering on their plan to do a great deal of plantings.

Commissioner Downer: Plantings to maximize survivability. I see that and the fences. But what happens if the trees come down?

Commissioner Smyth: Mr. Fifer, do you have a response?

Carson Lee Fifer, Esquire: Mr. Chairman, there is language --

Vice Chairman Byers: Would you identify yourself?

Mr. Fifer: Yes, sir. Lee Fifer. I'm not Ernest Hemingway or Robert E. Lee. I'm with McGuire Woods. The proffers provide on page 12 and I'm reading from the black line version, which I believe you all have, that expressly requires the preservation -- the adherence to the preservation plan. I don't think there is language that specifies the type of replanting that would be done, but because we are proffering to that particular plan, if there were any inadvertent removal, it would be our obligation to reestablish that. We will be happy to make that clear between now and the Board of Supervisors hearing.

Commissioner Downer: I would like to make sure that you have language saying you're willing to do that, since I just had a very bad incident today in my District.

Mr. Fifer: We would be happy to clarify that and add language to make that clear, because that's what we intend.

Commissioner Downer: All right. And that would be before you would go to the Board?

Mr. Fifer: That would be before the Board hearing.

Commissioner Downer: What is your Board date?

Mr. Fifer: Monday.

Commissioner Downer: Okay.

Mr. Fifer: So we'll do it tomorrow.

Commissioner Downer: All right. I would just like to also state that I started out being very, very opposed to this case. I thought it was probably one of the most awful ones I had seen, and you've come a long way. You really have. I have to commend you for what you've done and how you've worked with the Commission and the citizens. I'll have to say I am going to support it. You're putting in a sound wall, you've moved the houses out of the 200 foot setback, except for two little corners, and you're offering to do more to mitigate sound if you have to. For that reason I will support it.

Mr. Fifer: Thank you.

Commissioner Wilson: Mr. Chairman?

Vice Chairman Byers: Ms. Wilson.

Commissioner Wilson: I want to follow up on the tree preservation proffer.

Vice Chairman Byers: I would remind the Commission members we're on verbatim.

Commissioner Wilson: Yes. Tree preservation and then I have a question about the parking. I appreciate Ms. Downer's comment about the tree preservation, but what I still don't see here is an actual commitment to preserve any trees. We had the same issue come up. We've had it come up a couple of times. You are proffering to prepare a tree preservation plan which consists of a tree survey, meaning you're going to mark some trees, but it doesn't say anything about actually preserving any.

Mr. Fifer: Our limits of clearing show that we do say that all trees to be preserved on the tree preservation plan shall protected by fencing and --

Commissioner Wilson: But that's only with respect to what's in the limits of clearing as I understand it. Are you planning to go beyond the limits of clearing at all?

Mr. Fifer: We have some utilities that would run from the pond area along what is approximately the southern lot line in order to -- a stormwater drainage pipe in order to get to the drainage in that area. But we have no other utilities crossing open space? Is that correct?

Commissioner Wilson: Let me just make sure that I'm clear on what I'm saying. You've got limits of clearing that you've already designated on your plan?

Mr. Fifer: Correct.

Commissioner Wilson: Which generally those aren't to be disturbed unless you have some utility requirements that need to be located because they can't be located anyplace else. Then you're going to do a tree survey of trees 12 inches or greater in the 20 foot area adjacent to the limits of clearing, which I think means either side of the limits of clearing, but there's no commitment to preserve any trees outside the limits of clearing. Is that correct?

Mr. Fifer: Given the type of development this is, it's unlikely that we would be able to preserve much outside the limits of clearing. Let me -- please identify yourself.

Commissioner Wilson: The reason why I'm asking this is because you've already got -- as I understand it, you already need to have your limits of clearing marked and protect those areas. So all you're really offering here is to protect, by putting up some additional tree protection fencing around trees that are already in the limits of clearing. You're not committing to do it for any other trees. Is that right?

Mr. David McElhany: To respond to your question, that is correct. We would be providing the tree preservation fencing coincident with the limits of clearing and grading that are depicted on the exhibits on sheet 3. There would be no internal trees, when I say internal trees, within the area where the buildings are shown, etc., are proposed to be preserved, just due to the nature of the type of project that we have here.

Commissioner Wilson: I just wanted to make sure that we're clear, because you've already got limits of clearing so that in effect you're not going beyond your limits of clearing in any way. You're not committing to anything beyond that?

Mr. McElhany: That's correct.

Commissioner Wilson: With respect to the parking, your parking tabulation on page 3 shows -- I think it's a total of 108 parking spots it looks like -- somewhere on there. You're counting driveway spaces for only 32 units. Which units will not have driveways out of the 36 units?

Commissioner Smyth: May I explain that while they're looking?

Commissioner Wilson: Certainly.

Commissioner Smyth: My understanding is that staff put a minimum length on the driveway to count it for parking. They all have driveways, but not all of them have the minimum length that staff specified, so they could not count them for parking.

Commissioner Wilson: Okay. But then they have only got four surface parking spots which I would presume would be for the four units that don't have enough --

Commissioner Smyth: They also have parking along one side of the main street and along one side of Railroad Street now.

Commissioner Wilson: Okay. But do we have a tabulation on how many spots will be available there in those places?

Commissioner Smyth: They aren't marked.

Mr. McElhany: We don't have it tabulated in such a format that identifies on a per unit basis where those parking spaces for each individual unit would be. All the units do have two car garages. I believe all but two or three units have at least 18 foot long driveways, so the surface driveways would be there as well to allow four spaces per unit plus the parking alongside the public roadway would be in addition to those spaces I just described to you. I believe the units that do not have the 18 foot length, and it was fairly close, so

we opted, just to be conservative, were the units close to North Railroad Street, 34, 35 and 36, I believe. But you can see from the overall tabulation that we considerably exceed the minimum parking requirement.

Commissioner Wilson: Right, that's if you consider the two-car garages and the driveways, but there is no -- as I understand it -- there is no internal on-street parking other than the four spots and however many parking spots you end up getting out of Railroad Street -- along Railroad Street.

Mr. McElhaney: As well as parking that would occur alongside the public road -- the main road that enters into the site. That's a 28 foot wide roadway which VDOT permits parking on one side.

Commissioner Wilson: Okay. Great. Thank you very much.

Vice Chairman Byers: Ms. Smyth.

Commissioner Smyth: Yes, sir. All right. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ-1998-PR-026 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS DATED JANUARY 28, 2000.

Commissioner Kelso: Second.

Vice Chairman Byers: Seconded by Mr. Kelso. Is there any discussion? All in favor of the motion to recommend to the Board of Supervisors approval of RZ-1998-PR-026 and the CDP, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioner Koch: Abstain. Not present for the public hearing.

Vice Chairman Byers: Mr. Koch abstains, not present for the hearing. Motion passes.  
Ms. Smyth.

Commissioner Moon: Mr. Chairman? Could I also abstain? Public hearing was held way before my appointment.

Vice Chairman Byers: Okay.

Commissioner Smyth: Mine too. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-1998-PR-026, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 13, 2000, AND TO THE BOARD'S APPROVAL OF RZ-1998-PR-026 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Kelso: Second.

Vice Chairman Byers: Seconded by Mr. Kelso. Any discussion? All in favor of the motion to approve FDP-1998-PR-026, say aye.

Commissioners: Opposed?

Commissioners Koch and Moon: Abstain.

Vice Chairman Byers: Mr. Koch, Mr. Moon and the Chairman abstain.

Commissioner Smyth: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUESTED WAIVER OF THE 200 FOOT SETBACK FROM THE RIGHT-OF-WAY OF AN INTERSTATE HIGHWAY, namely the Beltway.

Commissioner Kelso: Second.

Vice Chairman Byers: Seconded by Mr. Kelso. Any discussion?

Commissioner Harsel: Mr. Chairman?

Vice Chairman Byers: Ms. Harsel.

Commissioner Harsel: I will be voting no on this one because of the setback and I usually -- some day we are going to regret that. I heard your explanation, but I will come in at this stage and vote no on the setback.

Vice Chairman Byers: Any other discussion? Mr. Palatiello.

Commissioner Palatiello: Just to clarify again for the record, this is on that one small portion of one lot?

Commissioner Smyth: And the sliver of the garage on the other.

Vice Chairman Byers: One house, one garage.

Commissioner Smyth: Yes.

Vice Chairman Byers: Any other discussion? All in favor of the motion to recommend the Board approve a requested waiver of the 200 foot setback from the right-of-way of an interstate highway, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioner Harsel: No.

Commissioners Koch and Moon: Abstain.

Vice Chairman Byers: Ms. Harsel and the Chairman vote no. Mr. Moon, Mr. Koch abstain. Motion carries. Ms. Smyth.

Commissioner Smyth: Yes, sir. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUESTED WAIVER OF FRONTAGE IMPROVEMENTS ALONG MORGAN LANE.

Commissioner Kelso: Seconded by Mr. Kelso. Any discussion? All in favor of the motion to recommend that the Board approve the waiver of the frontage improvements along Morgan Lane, say aye.

Commissioners: Aye.

Commissioners Koch and Moon: Abstain.

Vice Chairman Byers: Opposed? Motion carries. Mr. Moon and Mr. Koch abstain. Ms. Smyth, you've got one more, I believe.

Commissioner Smyth: I am not going to do that.

Vice Chairman Byers: All right.

Commissioner Smyth: But I just want to double check with staff to be sure I have covered everything that I need to. Thank you. I'm finished.

Vice Chairman Byers: All right. Thank you very much.

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(The first motion carried by a vote of 7-0-2 with Commissioners Koch and Moon abstaining; Commissioner Murphy not present for the vote; Commissioners Alcorn and Hall absent from the meeting.)

(The second motion carried by a vote of 6-0-3 Commissioners Byers, Koch, and Moon abstaining; Commissioner Murphy not present for the vote; Commissioners Alcorn and Hall absent from the meeting.)

(The third motion carried by a vote of 5-2-2 with Commissioners Byers and Harsel opposed; Commissioners Koch and Moon abstaining; Commissioner Murphy not present for the vote; Commissioners Alcorn and Hall absent from the meeting.)

(The fourth motion carried by a vote of 7-0-2 with Commissioners Koch and Moon abstaining; Commissioner Murphy not present for the vote; Commissioners Alcorn and Hall absent from the meeting.)

LBR

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

BOARD OF SUPERVISORS ACTION  
ZONING MAP AMENDMENT  
DATE OF ACTION 02/07/00

APPLICATION NUMBER: RZ 98-P-026

PROVIDENCE DISTRICT

APPLICANT: CHRISTOPHER MANAGEMENT, INC.

STAFF: LEWIS

APPLICATION DATA



EXISTING ZONING AND ACREAGE

ZONING: R- 1

ACRES: 12.70

PROPOSED:

PDH- 4  
12.70

ACTION:

PDH- 4  
12.70

TOTAL ACRES

12.70

TOTAL ACRES

12.70

MAP NUMBERS

039-4- /01/ /0123-A ,0154- ,0155- ,0156- ,0157  
039-4- /01/ /0158-

REMARKS:

ZONING MAP AMENDMENT

RZ 98-P-026

ZONING DISTRICT DATA

ZONING DISTRICT: PDH- 4

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD	36	12.70				

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TOT	36	12.70	2.83			

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-P-026

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
3Z OTHER - TRANSPORTATION	3Z OTHER - TRANSPORTATION
3B RIGHT-OF-WAY: DEDICATION/RESERV	3C FACIL: CONSTR/REALGN/WIDEN/EXPND
3F PEDESTRIAN FACILITY/TRAIL	4Z OTHER - ENVIRONMENT
4Z OTHER - ENVIRONMENT	4Z OTHER - ENVIRONMENT
4Z OTHER - ENVIRONMENT	2Z OTHER - LAND USE
2Z OTHER - LAND USE	2Z OTHER - LAND USE
2Z OTHER - LAND USE	2Z OTHER - LAND USE
2D DEDICATION: B.O.S.	2I ARCHITECTURE
1Z OTHER - GENERAL	1Z OTHER - GENERAL
4Z OTHER - ENVIRONMENT	4B TREES/COUNTY ARBORIST

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: