



FAIRFAX COUNTY

DP2
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
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August 31, 1999

H. Kendrick Sanders, Esquire
H. Kendrick Sanders Law Offices
3905 Railroad Avenue - 200-N
Fairfax, Virginia 22030

RE: Rezoning Application
Number RZ 1998-DR-035

Dear Mr. Sanders:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on August 2, 1999, granting Rezoning Application Number RZ 1998-DR-035 in the name of Edgemoore Homes LLC, to rezone certain property in the Dranesville District from the R-2 District to the PDH-2 District, subject to the proffers dated July 29, 1999, on subject parcel 40-1 ((1)) 18, consisting of approximately 3.50 acres.

The Conceptual Development Plan was approved: the Planning Commission having previously approved Final Development Plan Application FDP 1998-DR-035 on July 29, 1999, subject to the development conditions dated August 2, 1999, and subject to the Board's approval of RZ 1998-DR-035.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

RZ 1998-DR-035
August 31, 1999

- 2 -

cc: Chairman Katherine K. Hanley
Supervisor-Dranesville 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

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
SEP 7 1999
ZONING EVALUATION DIVISION

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 2nd day of August 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-DR-035

WHEREAS, Edgemoore Homes LLC filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-2 District to the PDH-2 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

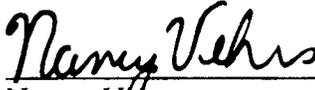
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the PDH-2 District; and said property is subject to the use regulations of said PDH-2 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 2nd day of August, 1999.



Nancy Vehrs

Clerk to the Board of Supervisors

PACIULLI, SIMMONS & ASSOCIATES, LTD.

1821 Michael Faraday Drive, Reston, Virginia 20190-5348
Telephone (703) 742-7870 • FAX 742-9641 • PSALTD@aol.com

OFFICES LOCATED IN FAIRFAX AND LOUDOUN COUNTIES, VIRGINIA

Howell B. Simmons, PE, LS
Joseph G. Paciulli, LS
Edward R. Addicott, PE

Peter J. Rigby, Jr., PE
S. Jackson Williams, PE
Tod Kolankewicz
Ervin J. Bedker, CLA, CPAg, PWS
Mark W. Baker, CLA

J. Owens Berry
1875-1903

Joseph Berry
1903-1958

Orlo C. Paciulli, Jr.
1958-1980

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAY 22 1998

ZONING EVALUATION DIVISION

May 14, 1998
LEGAL DESCRIPTION
OF THE LANDS OF
JAREN G. VAN DEN HEUVEL
TAX MAP 40-1-((1))-18
FAIRFAX COUNTY, VIRGINIA

BEGINNING at a point, said point being on the southerly line of lot 5, Brookside Manor and also being the northeasterly most corner of lot 3, Hillside Subdivision; thence leaving said point and running along with the southerly line of Brookside Manor subdivision.

- (1) S 50° 15' 23" E 635.50' to a point, said point being on the westerly side of Idylwood Road, a variable right of way; thence continuing with the said westerly side of Idylwood Road.
- (2) S 39° 44' 37" W 240.00' to a point; thence leaving the aforesaid Idylwood Road and running on Hillside Drive, a 52' right of way.
- (3) N 50° 15' 23" W 635.99' to a point; thence leaving the aforesaid Hillside Drive and running with the easterly line of the aforesaid Hillside Subdivision, passing through an iron pipe found 26.33' and 239.83' from said point.
- (4) N 39° 51' 36" E 240.00' to the point of beginning, containing 152.579 square feet, more or less.

PROFFERS
RZ 98-D-035
EDGEMOORE HOMES, L.L.C.
July 29, 1999

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, and Section 18-204 of the Fairfax County Zoning Ordinance, the undersigned, as the Applicant and Owner in the above-referenced Rezoning Application and the owners of the Property (the "Property") which is the subject matter thereof, hereby proffer for themselves, their successors and assigns that the development of the Property will be subject to the following terms and conditions should the same be rezoned to PDH-2:

1. **PROFFERED CDP/FDP**

The Property shall be developed in substantial conformance with the Conceptual/Final Development Plan dated 11/12/98, revised to 1/4/99, certified 6/25/99, prepared by Paciulli, Simmons and Associates, Ltd. The Applicant does not intend by this proffer to waive the right to make minor engineering modifications permitted and/or rendered necessary by environmental regulations, the subdivision ordinance, the zoning ordinance, or the Public Facilities Manual, as approved by the Department of Public Works and Environmental Services (DPWES).

2. **LIMITS OF CLEARING AND GRADING**

The Applicant shall substantially conform to the limits of clearing and grading shown on the CDP/FDP, subject to modification for the installation of trails, stormwater management facilities, fences and utilities and the like and to facilitate tree preservation, as approved by the Urban Forester and DPWES. Clearing limits around trees shall be marked on the ground with filter fabric, fences or berms, or equivalent visible demarcation prior to clearing and grading and at all times during construction. Notwithstanding any limits of clearing and grading shown on the CDP/FDP, clearing and grading around any trees shown to be preserved shall not extend into the drip lines of such trees, as determined by the Urban Forester. Any utility lines outside the limits of clearing and grading shall be located and installed in the least disruptive manner possible, considering cost and engineering, as determined by the Urban Forester, as provided in 3. Below.

3. **TREE PRESERVATION/LANDSCAPING**

- a. The applicant has voluntarily conducted a tree survey of the Property which has been submitted as part of the CDP/FDP. The CDP/FDP depicts trees to be preserved during construction. In addition, the Applicant shall submit a tree preservation plan to the Urban Forestry Branch for review and approval as part of the subdivision submission and prior to the demolition of any existing structure. The tree preservation plan shall include a tree condition analysis, prepared by a certified International Society of Arboriculture arborist, for all existing specimen trees and all trees 12 inches or more in diameter whose trunks are near the depicted limits of clearing and grading.
- b. The certified arborist and the Applicant's design engineer shall consult with regard to the placement of homes and utilities in order to maximize tree preservation. Such efforts shall not cause a reduction in the number of dwelling units or their size, or require the installation of retaining walls greater than two feet in height.
- c. Demolition of existing structures shall be conducted in a manner so as to minimize adverse impacts on trees to be preserved.
- d. If any trees designated to be preserved cannot be preserved, an equivalent area of replacement trees shall be provided in accordance with the 1995 Public Facilities Manual, after consultation with the Urban Forester. Replacement trees shall be of an oak species and shall be of a minimum three- inch caliper.
- e. The driplines of all trees designated to be preserved shall be protected by conspicuous fencing of a minimum of 4 feet in height prior to any construction work on the site, with signage stating "no disturbance area".
- f. In addition to any other landscaping provisions, at least one 3" caliper shade tree shall be planted in the front yards of Lots 2, 3 and 5. Adjacent lots shall not have the same species.

4. **OPEN SPACE/HOA OBLIGATIONS**

The open space shall be conveyed to a Homeowner's Association to be formed as approved by the County Attorney. The HOA shall be responsible for the ownership and maintenance of the open space area. The open space area shall be the subject of a conservation easement and/or a restrictive covenant, as approved by the County Attorney prohibiting the removal of existing trees, except those determined by a certified arborist to be dead, dying or diseased beyond remediation. No dumping of trash or erection of structures in the

open space shall be permitted. Prospective purchasers of homes shall be advised of these requirements in writing prior to contract execution.

5. **ENERGY SAVER PROGRAM**

All homes shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes (or its equivalent), as determined by DPWES, for either electric or gas energy systems.

6. **NOISE ATTENUATION**

A noise study by a professional noise engineer will be performed for review and approval by DPWES for highway noise affecting Lots 1 and 2 from Idylwood Road, and if noise attenuation is required an interior noise level of 45 dBA/Ldn and exterior noise level of 65 dBA/Ldn shall be achieved, through the following or equivalent techniques, as approved by DPWES:

(a) Exterior walls shall be brick facade or have a laboratory Sound Transmission Classification (STC) of at least 39.

(b) Doors and windows shall have an STC of at least 28. If windows constitute more than 20 per cent of any facade, they shall have the same laboratory STC ratings specified for exterior walls.

(c) Areas between surfaces will be fully sealed and caulked.

(d) Exterior noise above 65 dBA/Ldn, in rear yard areas, if any, will be attenuated by techniques such as privacy yard fences solid to the ground.

7. **PUBLIC STREETS**

Dedication of right-of-way and construction of improvements shall be provided as shown on the CDP/FDDP, as approved by OT/VDOT.

8. **HOUSE COMPATIBILITY**

Homes on the Property shall be constructed in a design and with materials compatible with existing adjoining Brookside Manor.

9. **UNDERGROUND UTILITIES**

On-site utility lines will be placed underground at Applicant's cost.

10. HOUSE FRONT SETBACKS

The front yard setbacks of dwellings shall be varied so that no two adjacent dwellings shall be in line with each other.

11. RECREATIONAL FACILITIES

Per Section 6-110 of the Zoning Ordinance, in lieu of on-site recreational facilities, a contribution of \$955 per lot shall be made at the time of final subdivision plan approval to the Fairfax County Park Authority for improvements to park facilities in the ~~vicinity of the Property~~, as determined by the Park Authority.
Mount Royal Park

12. LOT 2 DRIVEWAY

The driveway for Lot 2 shall access to Hillside Drive only.

13. IDYLWOOD ROAD FENCE/WALL

No privacy-type fence or wall ^{greater than four feet in height} will be constructed on the Idylwood Road frontage of the Property. Homeowners may construct fences as permitted by the Zoning Ordinance.

ASMA
ASMA

BINDING EFFECT

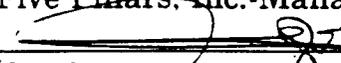
THESE PROFFERS SHALL BE BINDING UPON THE APPLICANT AND OWNERS AND THEIR SUCCESSORS AND ASSIGNS.

SIGNATURE PAGE FOLLOWS

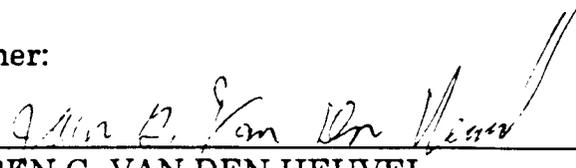
Applicant:

Edgemoore Homes LLC

By: Five Pillars, Inc.-Managing Member

By: 
YAHYA M. AL-HUSSAINI Vice President

Owner:


JAREN G. VAN DEN HEUVEL

edrhompri.DOC

RECEIVED
DEPARTMENT OF PLANNING AND ZONING

AUG 2 1999

DEVELOPMENT CONDITIONS

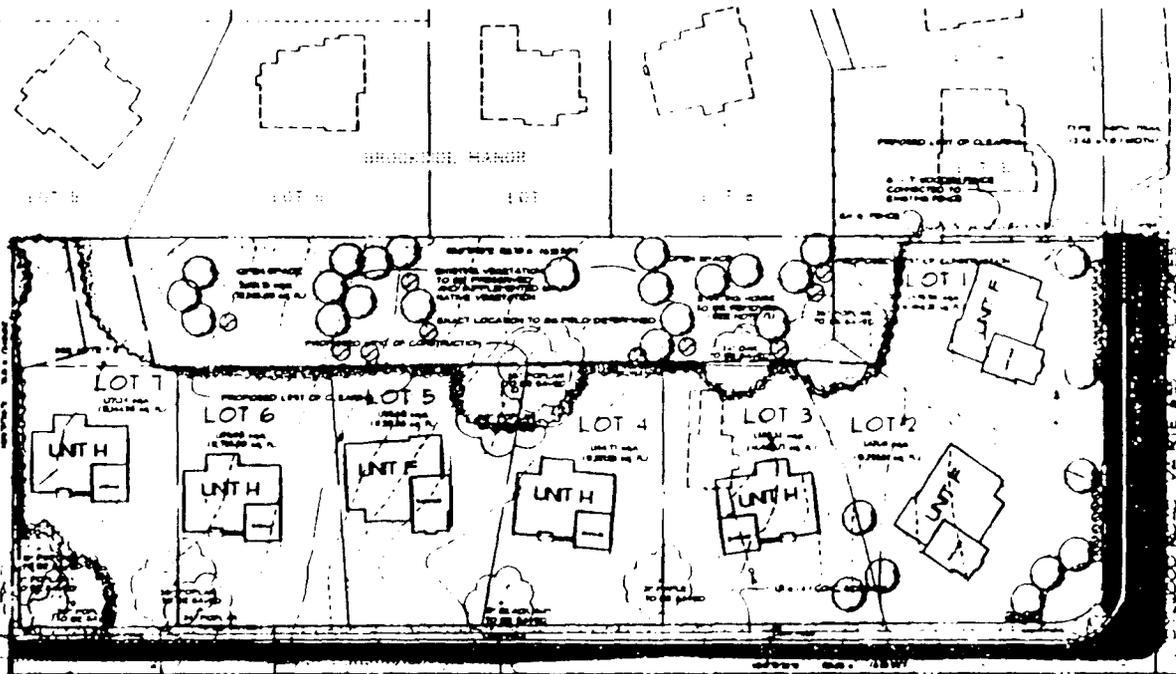
CDP 1998-DR-035

AUGUST 2, 1999

1. Any solid-appearing fence or wall, as permitted by the Zoning Ordinance, which is constructed along the Idylwood Road frontage of either lots 1 and/or 2, shall not exceed 4 feet in height, shall be set back to allow for the installation of a staggered row of landscaping and shall be softened by the use of appropriate landscape material and shrubbery including but not limited to azaleas, small evergreens, ornamentals and a mixture of similar vegetation and plantings. This restriction shall be incorporated into the restrictive covenants of the Homeowner's Association. If the applicant constructs said wall or fence, a landscaping plan detailing these improvements shall be submitted to the Urban Forestry Branch for review and approval.

NOTES

1. THE PROPERTY DEPICTED ON THIS PLAN IS LOCATED ON THE MAP TO AN UNLAWFUL DATE.
2. THE PROPERTY IS CURRENTLY ZONED R-1.
3. THE DEVELOPER HAS OBTAINED THE NECESSARY PERMITS AND APPROVALS FROM THE BOARD OF ZONING ADJUSTMENTS AND THE BOARD OF SUPERVISORS.
4. THE CONTRACT PURCHASER, BROOKSIDE APARTS, INC., HAS AGREED TO PROVIDE THE NECESSARY UTILITIES AND SERVICES TO THE PROPOSED UNITS.
5. THE CONTRACT PURCHASER HAS AGREED TO PROVIDE THE NECESSARY LANDSCAPING AND OPEN SPACE TO THE PROPOSED UNITS.
6. THE CONTRACT PURCHASER HAS AGREED TO PROVIDE THE NECESSARY PARKING AND STORAGE SPACE TO THE PROPOSED UNITS.
7. THE CONTRACT PURCHASER HAS AGREED TO PROVIDE THE NECESSARY SECURITY AND SAFETY MEASURES TO THE PROPOSED UNITS.
8. THE CONTRACT PURCHASER HAS AGREED TO PROVIDE THE NECESSARY MAINTENANCE AND REPAIRS TO THE PROPOSED UNITS.
9. THE CONTRACT PURCHASER HAS AGREED TO PROVIDE THE NECESSARY INSURANCE AND LIABILITY COVERAGE TO THE PROPOSED UNITS.
10. THE CONTRACT PURCHASER HAS AGREED TO PROVIDE THE NECESSARY LEGAL AND FINANCIAL SERVICES TO THE PROPOSED UNITS.



ZONING TABULATIONS

NET AREA OF SITE	1.00 AC
NET AREA OF UNITS	1.00 AC
NET AREA OF OPEN SPACE	1.00 AC
NET AREA OF PARKING	1.00 AC
NET AREA OF STORAGE	1.00 AC
NET AREA OF SECURITY	1.00 AC
NET AREA OF MAINTENANCE	1.00 AC
NET AREA OF LIABILITY	1.00 AC
NET AREA OF LEGAL	1.00 AC
NET AREA OF FINANCIAL	1.00 AC

SUPPLEMENTAL LANDSCAPING FOR OPEN SPACE

- 1. PROPOSED OPEN SPACE PLANTING - 10' x 10' x 10'
- 2. PROPOSED OPEN SPACE PLANTING - 10' x 10' x 10'
- 3. PROPOSED OPEN SPACE PLANTING - 10' x 10' x 10'
- 4. PROPOSED OPEN SPACE PLANTING - 10' x 10' x 10'
- 5. PROPOSED OPEN SPACE PLANTING - 10' x 10' x 10'
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- 8. PROPOSED OPEN SPACE PLANTING - 10' x 10' x 10'
- 9. PROPOSED OPEN SPACE PLANTING - 10' x 10' x 10'
- 10. PROPOSED OPEN SPACE PLANTING - 10' x 10' x 10'

BROOKSIDE APARTS AND APARTMENTS LTD
 BROOKSIDE PLAN
 DEVELOPMENT PLAN
 DEVELOPMENT PLAN
 ATTACHMENT 2

**FINAL DEVELOPMENT PLAN
DEVELOPMENT CONDITIONS**

FDP 1999-DR-035

JULY 27, 1999

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 1999-DR-035 from the R-2 District to the PDH-2 District for residential development located at Tax Map 40-1 ((1)) 18, staff recommends that the Planning Commission condition the approval by requiring substantial conformance with the following conditions:

1. The minimum yard requirements of the R-2 cluster district shall be met at the periphery of the development, as determined by the Director, DPWES. This condition shall not prohibit varying the front yard setbacks as described in Proffer #10.

8/2/99

4:30 p.m. Item - RZ-1998-DR-035 - EDGEMOORE HOMES LLC
Dranesville District

On Thursday, July 29, 1999, the Planning Commission voted unanimously to recommend that the Board of Supervisors approve RZ-1998-DR-035, subject to execution of the proffers dated July 29, 1999 with the following modification:

At the end of Proffer No. 11, replace the phrase "improvements to park facilities in the vicinity of the property, as determined by the Park Authority" with the words "improvements to Mount Royal Park".

The Planning Commission also unanimously voted to approve FDP-1998-DR-035, subject to the Board's approval of RZ-1998-DR-035, the Conceptual Development Plan and the development conditions dated July 27, 1999.

Planning Commission Meeting
July 29, 1999
Verbatim Excerpts

RZ-1998-DR-035 - EDGEMOORE HOMES LLC
FDP-1998-DR-035 - EDGEMOORE HOMES LLC

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Ms. Downer.

Commissioner Downer: Thank you. We've had the history. I think all of us remember this case. It wasn't that long ago, and Ms. Braun was a speaker at that hearing, and it's very nice to have them come back and be supportive. And I especially want to thank Edgemore for coming back with this. I think it's a wonderful solution that makes the neighbors happy and hopefully can give you what you need to go forward. So, Mr. Chairman, I'm going to RECOMMEND THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ-1998-DR-035, SUBJECT TO THE EXECUTION OF PROFFERS DATED JULY 29, 1999, AND WITH A CHANGE TO PROFFER #11 ON THE LINE THAT SAYS: ". . . SUBDIVISION PLAN APPROVAL TO THE FAIRFAX COUNTY PARK AUTHORITY FOR IMPROVEMENTS" TO "MOUNT ROYAL PARK."

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. We're doing the rezoning first. All those in favor of the motion to recommend to the Board of Supervisors to approve RZ-1998-DR-035, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Downer.

Commissioner Downer: Thank you very much, Mr. Chairman. I also MOVE THAT THE PLANNING COMMISSION APPROVE FDP-1998-DR-035, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ-1998-DR-035 AND THE CDP, AND SUBJECT TO THE FDP DEVELOPMENT CONDITIONS DATED JULY 27, 1999.

Commissioner Coan: Second.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Coan and Mr. Byers. Is there a discussion of that motion? All those in favor of the motion to approve FDP-1998-DR-035, subject to the Board's approval of the rezoning and conceptual development plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Downer: Thank you. I just --

Commissioner Coan: Mr. Chairman? Oh, I'm sorry. Go ahead.

Commissioner Downer: I'd just like to give a special thank you to Mary Ann Godfrey who worked very hard on this and worked with Edgemore and Ken Saunders, and to the citizens who were a delight to work with. They were very responsive and just a real pleasure to meet and work with. Thank you.

//

(The motions carried unanimously.)

GLW/map