



# 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  
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August 4, 1999

Susan K. Yantis, Land-Use Coordinator  
Walsh, Colucci, Stackhouse,  
Emrich and Lubeley, P.C.  
2200 Clarendon Boulevard  
Arlington, Virginia 22201-3359

RE: Rezoning Application  
Number RZ 1998-SU-041  
(Concurrent with RZ 1998-SU-040 and SE 98-Y-038)

Dear Ms. Yantis:

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-041 in the name of Jack W. Carney and Benjamin M. Smith, Jr., Trustees, to rezone certain property in the Sully District from the PDH-5 District to the PDH-12 District subject to the proffers dated June 17, 1999, on subject parcel 56-2 ((1)) Pt. 69A, consisting of approximately 63.05 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan FDP 1998-SU-041 on May 19, 1999, subject to the Board's approval of RZ 1998-SU-041.

The Board also:

- Waived the 600 foot maximum length of private streets.
- Waived the requirement for construction of a service drive along Route 29 in favor of an escrow of funds equal to the cost of construction.

RZ 1998-SU-041

August 4, 1999

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- **Modified the transitional screening requirement and waiver of the barrier requirements along the southern property line in favor of that shown on the Conceptual Development Plan/Final Development Plan.**
- **Stated that development of the neighborhood park to be generally in conformance with the sketch dated July 7, 1999.**

Sincerely,



Nancy Vehrs

Clerk to the Board of Supervisors

NV/ns

Attachment

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 12<sup>th</sup> day of July, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1998-SU-041  
(CONCURRENT WITH RZ 1998-SU-040 AND SE 98-Y-038)

WHEREAS, Jack W. Carney and Benjamin M. Smith, Jr., Trustees filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the PDH-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

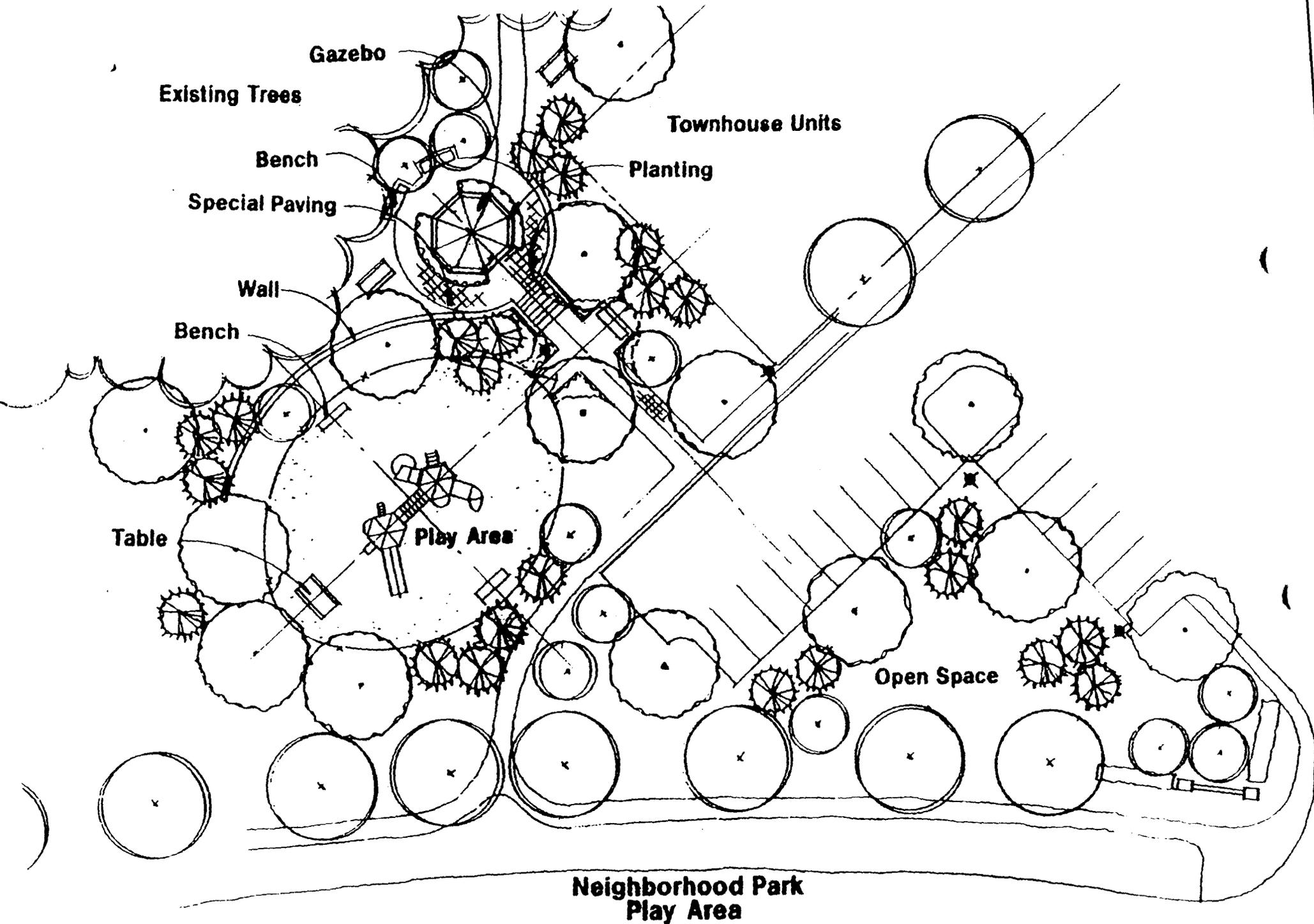
BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 12<sup>th</sup> day of July, 1999.



Nancy Vehrs

Clerk to the Board of Supervisors



Gazebo

Existing Trees

Bench

Special Paving

Wall

Bench

Table

Play Area

Townhouse Units

Planting

Open Space

Neighborhood Park  
Play Area

Carney-Smith Property

# **BC Consultants**

*Planners · Engineers · Surveyors · Landscape Architects*

December 22, 1998

BC Project No.: 98000.01

**RECEIVED**

DEPARTMENT OF PLANNING AND ZONING

**DESCRIPTION OF  
PROPOSED PDH-12 ZONE  
CARNEY-SMITH PROPERTY  
SULLY DISTRICT  
FAIRFAX COUNTY, VIRGINIA**

DEC 4 1999

ZONING EVALUATION DIVISION

Being a portion of the property now in the names of Benjamin M. Smith, Jr. and Jack W. Carney, Trustees as recorded in Deed Book 1877 at Page 151 among the Land Records of Fairfax County, Virginia 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 Second Fairfax Center Association Limited Partnership as recorded in Deed Book 7338 at Page 485, thence leaving said right-of-way binding and running with the Easterly and Southerly lines of the said land the two (2) following courses and distances.

1. North 11° 41' 02" West 520.00 feet (158.496 meters) to a point; thence,
2. North 50° 29' 41" East 274.86 feet (83.777 meters) to a point on the Southerly right-of-way of Government Center Parkway Route 7436 (variable width) as recorded in Deed Book 7126 at Page 1517 and Deed Book 7578 at Page 1839, thence binding and running with said right-of-way the three (3) following courses and distances.
3. 247.16 feet (75.335 meters) along the arc of a curve deflecting to the left and having a radius of 1097.00 feet (334.366 meters) and a chord bearing and distance of North 53° 35' 05" East 246.64 feet (75.176 meters) to a point; thence,
4. North 42° 52' 12" West 13.32 feet (4.059 meters) to a point; thence,
5. North 50° 29' 41" East 214.03 feet (65.236 meters) to a point; thence running with the Terminus of the aforementioned Government Center Parkway and also with the Southeasterly line of Carriage Park Condominium as recorded in Deed Book 7706 at Page 1713 ,

6. North 21° 09' 52" East 699.72 feet (213.275 meters) to a point; thence running with the Northeasterly line of the aforementioned Carriage Park Condominium and also with the land of the Board of Supervisors of Fairfax County as recorded in Deed Book 7578 at Page 1811
7. North 27° 09' 15" West 350.70 feet (106.893 meters) to a point being the Southerly corner to another parcel of land in the name of The Board of Supervisors of Fairfax County as recorded in Deed Book 7126 at Page 1517, thence binding and running with the Southeasterly line of said Board of Supervisors
8. North 33° 46' 48" East 569.58 feet (173.608 meters) to a point being the Southeasterly corner of the land of Fairfax Corner Association L.C. as recorded in Deed Book 9324 at Page 64 said point also being the Southwesterly corner to the land of Fairfax Corner Association Limited Partnership as recorded in Deed Book 10039 at Page 1201, thence leaving said point binding and running with the Southerly line of said Fairfax Corner Association Limited Partnership and the Southerly lines of parcels "D" and "F" as delineated on a plat of subdivision entitled "Random Hills" as recorded in Deed Book 9046 at Page 97 and Deed Book 9319 at Page 1727 and also with the Southerly line of Parcel "A" as delineated on a plat of subdivision entitled "Ridge Top Terrace" as recorded in Deed Book 9440 at Page 419
9. South 87° 14' 06" East 1864.25 feet (568.223 meters) to a point being the Northerly corner to the land of K.R. Augst, Jr. and Otis R. Pool Trustees as recorded in Deed Book 5083 at Page 745, thence binding and running with the Westerly line of said Augst and Pool and also with a portion of a Westerly line of Samuel P. and Irma B. Warren as recorded in Deed Book 5632 at Page 1690
10. South 35° 32' 00" West 1628.72 feet (496.433 meters) to a point, thence leaving said Warren and running through the property of said Smith & Carney the following six (6) courses and distances

11. North 14° 05' 25" East 618.63 feet (188.557 meters) to a point, thence
12. 135.51 feet (41.303 meters) along the arc of a curve deflecting to the left having a radius of 800.00 feet (243.840 meters) and a chord bearing South 64° 33' 55" West 135.35 feet (41.254 meters) to a point, thence
13. South 59° 42' 46" West 275.17 feet (83.870 meters) to a point, thence
14. 201.76 feet (61.496 meters) along the arc of a curve deflecting to the right having a radius of 806.63 feet (245.861 meters) and a chord bearing South 66° 52' 42" West 201.23 feet (61.335 meters) to a point, thence
15. South 74° 02' 37" West 577.17 feet (175.922 meters) to a point, thence
16. South 15° 57' 23" East 998.55 feet (304.358 meters) to a point on the aforementioned Northerly right-of-way of Lee Highway, thence binding and running with said right-of-way the following three (3) courses and distances
17. South 79° 37' 56" West 368.80 feet (112.409 meters) to a point; thence,
18. South 80° 43' 12" West 391.79 feet (119.418 meters) to a point; thence,
19. South 78° 18' 58" West 369.59 feet (112.651 meters) to the point of beginning, containing 63.05794 acres (25.51864 hectares) 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.

PROFFERS

CARNEY-SMITH (RESIDENTIAL)

RZ 1998-SU-041

June 17, 1999

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, Jack W. Carney, Trustee and Benjamin M. Smith, Jr. Trustee, (hereinafter referred to as the "Applicant") for the owners, themselves, successors and assigns, in RZ 1998-SU-041, filed for property identified as Tax Map 56-2 ((1)) 69A part; (hereinafter referred to as the "Application Property"), agree to the following proffers, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-12 District. In the event this application is approved, any previous proffers for the Application Property are hereby deemed null and void and hereafter shall have no effect on the Application Property.

1. **Development Plan.** Development of the Application Property shall be in substantial conformance with the Conceptual/Final Development Plan (CDP/FDP) prepared by The BC Consultants consisting of 20 sheets dated June, 1998 as revised through April 16, 1999.
2. **Minor Deviations.** Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from 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, agents or assigns 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 not be limited to, adjusting the size and location of building footprints, revising 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 20 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) 2-5 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 of 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. **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.
- One swimming pool for the multiple family units.
- One (1) clubhouse/leasing office with exercise facilities, business center and community room for the multiple family units.
- One tot lot

In the event the amount expended for these recreational facilities does not equate to \$955 per unit, the Applicant shall contribute the excess funds to the "Recreational Association" to be created as referenced in Proffer 9 towards the construction of the Neighborhood Park and/or community park facilities described in Proffers 22 and 30 below.

5. **Private Streets.** The private streets shall be constructed in conformance with Public Facilities Manual standards. 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.
6. **Storm Water Management.** Storm Water Management (SWM) and Best Management Practices (BMPs) requirements for the Application Property shall be provided in the Regional Pond D-77 (the "Pond") in the general location shown on the CDP/FDP subject to the following:
  - A. At the time of final site plan approval or when deemed appropriate by DPWES, the Applicant shall dedicate and convey in fee simple to the Fairfax County Park Authority subject to easements necessary for construction and maintenance to the Applicant and/or Board of Supervisors, the land shown on the CDP/FDP needed for construction of the Pond as an embankment-only dry pond and all easements necessary to access and maintain the Pond as determined by Department of Public Works and Environmental Services ("DPWES") and the Maintenance and Stormwater Management Division.
  - B. The Applicant shall construct the Pond as an extended dry storm water control facility in accordance with plans and specifications approved by DPWES provided that the

Board of Supervisors enters into a written agreement with the Applicant, in a form and substance reasonably acceptable to the Applicant and to the Board of Supervisors, under which the Board of Supervisors will: (a) own the Pond, (b) maintain the Pond in accordance with the standard level of maintenance provided by Fairfax County for regional storm water management ponds, and (c) reimburse the Applicant for costs over and above normal on-site detention requirements from standard pro rata share contributions pursuant to terms in the written agreement. The actual cost of the pond will equal the total costs incurred by the Applicant in connection with the construction of the pond and its acceptance by the County, including, without limitation, the cost of design, engineering, substantiated direct overhead and construction. The actual cost will not include the value of the land conveyed for the pond and its ancillary easements. Any costs reasonably necessary, as determined by DPWES, to accommodate all lots adjacent to the pond as shown on the CDP/FDP, including deepening the basin and/or fill to raise the elevations of lots, shall be included in the actual cost of the pond for reimbursement purposes.

- C. The construction contract for the pond will be competitively bid and awarded to the lowest responsible, responsive bidder. This procurement process shall be monitored by DPWES. The Applicant shall require all subcontractors to document, through invoices, canceled checks, quantity take-offs, and other information as required by DPWES, the actual cost of the pond. The reasonableness of all reimbursable costs shall be mutually agreed upon by DPWES.
  - D. The Applicant shall bond the Pond with, or prior to, site plan approval of the first section of the residential portion of the Application Property.
7. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading shown on the CDP/FDP subject to the installation of trails and utility lines, if necessary, as approved by DPWES. The trails and utility lines located within the area protected by the limits of clearing and grading shall be located and installed in the least disruptive manner possible considering cost and engineering, as determined by DPWES. At time of site plan submission, a replanting plan shall be developed and implemented, as approved by the Urban Forestry Branch of DPWES, for any areas within the areas protected by the limits of clearing and grading that are disturbed due to the installation of utility lines and trails.
8. 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 6, 16, and 17 of the CDP/FDP, or of a comparable quality as determined by DPWES.

9. Homeowners Association. In connection with the development of the Application Property, an umbrella organization or recreational association ("Recreational Association"), to include a portion of the Application Property (Land Bays C & D); the Warren Property which is subject to RZ 1998-SU-025 ("Warren Property") and the Augst-Pool property which is subject to RZ 1998-SU-057 ("Timber Ridge") shall be created. The responsibility of the Recreation Association shall be the funding and maintenance of the swimming pool/clubhouse to be located on the Warren Property and funding and/or construction of other recreational facilities proposed within the neighborhood park to be located on the Application Property and the Warren Property. The swimming pool/clubhouse to be located on the Warren Property is to be available to all of the residents of the proposed developments, with the exception of Land Bay A of the Application Property.

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.

10. Use of Garages. A covenant shall be recorded which provides that garages shall only be used for a purpose 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.

11. Transportation.

A. Route 29, Lee Highway.

- 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 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. Said easements shall not preclude the Applicant from developing the Application Property as shown on the CDP/FDP. Dedication shall be made at the time of recordation of the final subdivision plat approval for the land bay adjacent to Route 29 or upon demand from Fairfax County, whichever occurs first.
- ii. Construction. The Applicant shall construct a left turn lane on Route 29 at its intersection with Monument Drive; a third westbound lane along the

Application Property's Lee Highway frontage; and signal improvements at Lee Highway and Monument Drive as required by Fairfax County and/or VDOT. Construction of these improvements shall occur no later than at the time of final site plan approval for the 650th unit.

- iii. **Funding.** In lieu of constructing a service drive and a trail along Route 29, the Applicant shall, at the time of final site plan approval for the 650th unit (88% of the total number of units) if not already done pursuant to RZ 1998-SU-040 or upon request by Fairfax County based upon a funded roadway project for Route 29, 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 26-foot wide service drive with curb, sidewalk and gutter on the north side of Route 29 along Application Property frontage.
  - b. A 8-foot wide asphalt trail along the Application Property frontage.

Said sum shall be estimated by the Applicant's engineers, subject to said estimate being approved by the DPWES.

- iv. This construction and funding for improvements to Lee Highway as described above shall be a credit against the Applicant's Fairfax Center Area Road Fund contribution.

**B. Monument Drive.**

- i. **Dedication.** Subject to VDOT and DPWES approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors those portions of the Monument Drive right-of-way, as shown on the CDP/FDP, to accommodate construction of a four-lane divided roadway. Applicant acknowledges the right-of-way width for Monument Drive shall be up to 114 feet. Dedication shall be made at time of recordation of the first subdivision plat or upon demand from Fairfax County, whichever occurs first.
- ii. **Design and Construction.**
  - 1. The Applicant shall be responsible for the design of Monument Drive. Monument Drive shall be designed to a 70 Kph design standard and shall be designed to VDOT standards.

2. The Applicant shall manage the construction of 4 lanes of Monument Drive from the northern property line of the Application Property to and including at-grade improvements to Route 29, subject to the timely execution of a satisfactory cost-sharing agreement with the County prior to the Board of Supervisors approval of this rezoning application.
  3. The Applicant shall construct Monument Drive prior to the issuance of the first RUP.
- iii. Future Interchange. The Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way for an interchange at the intersection of Lee Highway and Monument Drive. Said dedication shall be in accordance with the right-of-way delineated on the CDP/FDP. The Applicant, shall upon request from VDOT and/or Fairfax County, dedicate the aforesaid area when the interchange design as specified above has been partially funded for construction. If said interchange is deleted from the County's Comprehensive Plan or not adopted by the Virginia Commonwealth Transportation Board, this proffer shall be null and void. Prior to dedication, Applicant shall be permitted to utilize said area for signage and open space.
  - iv. Possible Roadway Connection. The Applicant, if requested by the Carriage Park Homeowners Association, shall provide necessary easements within the proposed open space area located west of Monument Drive in order to provide a possible roadway connection as depicted on the CDPA 86-W-001-2/FDPA 86-W-001-2 revised through June 24, 1988, from the Carriage Park Community to Monument Drive.
- 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 for the extension of Government Center Parkway as a four (4)-lane divided roadway as shown on the CDP/FDP. Dedication shall be made at time of final record plat approval for each section adjacent to the roadway or upon demand from Fairfax County, whichever occurs first.

ii. Construction.

- a. Government Center Parkway from its existing terminus from the west to Monument Drive.

Prior to the issuance of the first RUP for the multiple family units in Land Bay A, the Applicant shall construct Government Center Parkway extension as a four-(4) lane divided roadway from its existing terminus on the adjacent Government Center Property to and including its intersection with Monument Drive, subject to the timely execution of a satisfactory cost-sharing agreement with the County prior to the Board of Supervisors approval of this rezoning application. Said roadway shall be constructed within up to 110-foot right-of-way.

- b. Government Center Parkway between entrance to Land Bay D and eastern property line.

Prior to issuance of the first RUP in Land Bay D, the Applicant shall construct the portion of Government Center Parkway from the eastern property line westward to the first entrance serving the townhouse land bay east of EQC as a four lane divided roadway. Said roadway shall be constructed within up to 110 feet of right-of way.

- c. Government Center Parkway between entrance to Land Bay B and entrance to Land Bay D.

Prior to the issuance of the RUP for 75% of the total number of units, or prior to the issuance of the first RUP in Land Bay D in the event that Government Center Parkway is open to traffic east and west of Land Bay D, the Applicant shall construct the remaining portion of Government Center Parkway extension between the entrance to Land Bay B and the entrance to Land Bay D as a four lane divided roadway across the EQC. Said roadway shall be constructed within up to 110-foot right-of-way.

12. Roads in Use. The Applicant shall construct Monument Drive and Government Center Parkway 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 shall be diligently pursued by the Applicant and shall occur prior to final bond release.

13. Density Credit. All density related to all eligible street and public park dedications is hereby reserved pursuant to Paragraph 4 of Section 2-308 of the Zoning Ordinance.
14. 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 DPWES and in accordance with proffer 11 and the cost-sharing agreement between the County and the Applicant.
15. Turn Lanes. The Applicant shall construct right and left turn lanes on Monument Drive and Government Center Parkway as required by DPWES and VDOT along the Application Property's frontage.
16. Energy Conservation. Homes on the property shall meet thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DPWES, for either electrical or gas energy systems.
17. Design Detail. The design details shown on Sheets 9-14 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 intersections of Monument Drive/Government Center Parkway and Monument Drive/Rt. 29 to include entrance monumentation and/or signage, ornamental trees and shrubs as illustratively shown on Sheets 10 and 11.
  - B. A linear park, thirty-five feet (35') in width, shall be provided along the east side of Monument Drive which is located north of Government Center Parkway as generally shown on the CDP/FDP and Sheet 10. The linear park shall consist of a trail, street trees at a minimum of 3 inch caliper and benches on the east side of Monument Drive.
  - C. Street trees and/or seasonal ornamental landscaping shall be planted within the median of Monument Drive subject to VDOT approval.
  - D. Pedestrian lighting shall be provided along Monument Drive and along the pedestrian pathway system. The Applicant shall submit a lighting plan to DPWES at time of site plan(s) to identify the specific locations and types of the lighting to be provided.

Lighting shall be provided at intervals and shielded as appropriate to assure a well lighted pedestrian system.

- E. A total of twelve (12) benches shall be provided within and distributed among the linear park along Monument Drive, the pedestrian pathway system and neighborhood park.
18. Affordable Dwelling Units (ADUs). The Applicant shall comply with the 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. It shall be understood that the ADUs shall be located and dispersed within the multiple family buildings of the residential development.
19. Environmental Quality Corridor (EQC). The Applicant shall convey in fee simple to the Fairfax County Park Authority for public park purposes, the EQC as depicted on the CDP/FDP at or prior to the time of recordation of the final record plat for each section adjacent to the EQC or when deemed appropriate by DPWES. The EQC shall not be disturbed except for construction of Government Center Parkway and the trails and utility lines which may be necessary as set forth in Proffer 7. The Applicant shall design and construct the Government Center Parkway crossing as shown on the CDP/FDP to minimize clearing and grading within the EQC to the extent feasible. A conservation easement may be placed on some or all of the open space if necessary to meet the BMP requirements of the Public Facilities Manual. At time of site plan submission, a replanting plan shall be developed and implemented, as approved by the County Urban Forester for any areas located within the EQC that are disturbed due to the installation of utility lines and trails.
20. Swimming Pool Discharge. All waste water resulting from the cleaning and draining of the pool located on the site shall contain a minimum dissolved oxygen concentration of 4.0 milligrams per liter prior to discharge. The Applicant shall neutralize pool waters to a PH from 6.0 to 9.0 prior to discharge. Sufficient amounts of lime or soda ash shall be added to achieve a PH of approximate equal to that of the receiving stream.

If the water being discharged from the pool is discolored or contains a high level of suspended solids that could effect the clarity of the receiving stream, it shall be allowed to stand so that most of the solids settle prior to being discharged.

21. Noise.

A. Lee Highway.

- (1). 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 within that area impacted by highway noise from Lee Highway, (Route 29), which is estimated to be within 180 feet of the existing centerline of Route 29, having levels between 70 and 75 dBA Ldn noise contours, the Applicant shall construct the proposed dwelling units with the following acoustical measures to mitigate the impact of highway noise:

Construction materials and techniques known to have physical properties or characteristics suitable to achieve an STC of at least 45 for exterior walls;

Doors and windows shall have a laboratory STC rating of at least 37. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC as walls.

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

- (2). 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 within that area impacted by highway noise from Lee Highway having levels between 65 and 70 dBA Ldn noise contours which is estimated to be within 385 feet of the existing centerline, the Applicant shall construct the proposed dwelling units with the following acoustical measures to mitigate the impact of highway noise:

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

Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC as walls.

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

B. Government Center Parkway and Monument Drive.

- (1). 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 within that area impacted by highway noise from Government Center Parkway and Monument Drive having levels between 65 and 70 dBA Ldn noise contours, the Applicant shall construct the proposed dwelling units which have facades with doors and windows that will be directly exposed to noise generated from Government Center Parkway and Monument Drive with the following acoustical measures to mitigate the impact of highway noise:

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

Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC as walls.

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

- (2). In order to achieve a maximum exterior noise level of 65 dBA Ldn in rear yard areas of townhouses in Land Bays C and D which are located adjacent to Government Center Parkway and Monument Drive, noise attenuation measures such as acoustical fencing, walls, earthen berms or combinations thereof shall be provided for any rear yards that are unshielded by topography or built structures. 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.

Nothing herein shall be construed to restrict or otherwise limit the use of decks, balconies, or patios and all other permitted accessory uses on residential units.

As an alternative to paragraph A and B above, the Applicant may, at its sole discretion, have a refined acoustical analyses performed in coordination with the County planning staff to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above, subject to approval by the DPWES.

22. Neighborhood Park. The Applicant shall dedicate and convey in fee simple to the Fairfax County Park Authority approximately 10 acres, including the EQC, as shown on Sheet 2 of the CDP/FDP for a portion of a neighborhood park ("Neighborhood Park"). The Neighborhood Park is to be located on the Application Property as shown on the CDP/FDP and on the Warren Property. The Neighborhood Park is to consist of the following facilities:

North of Government Center Parkway

- One 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 multi-purpose court
- One tennis court
- One play area with gravel parking lot for 10 parking spaces
- Six (6) foot wide asphalt trail

The Applicant shall construct the facilities located on the north side of Government Center Parkway as shown on the CDP/FDP prior to the issuance of the first RUP in Land Bay D or 87% of the total number of dwelling units whichever event occurs first. The facilities located on the south side of Government Center Parkway are to be constructed by others. The neighborhood park shall be dedicated to the Fairfax County Park Authority subsequent to the construction of the proposed recreational facilities.

23. Construction Measures

- A. The Applicant agrees to take reasonable measures to minimize construction traffic on the existing portion of Government Center Parkway to the west of the Application Property. The Applicant shall notify all contractors to utilize Route 29 to the entrance on Monument Drive for construction vehicles. Signage shall be posted along the existing portion of Government Center Parkway west of the Application Property prohibiting construction traffic.

- B. The Applicant agrees to take reasonable measures which are consistent with the standards of construction in Fairfax County to maintain Government Center Parkway and Carriage Park streets, sidewalks, buildings and storm water ponds free from dirt, gravel, construction materials and debris at all times and will clean these areas as often as necessary at its expense to assure compliance. Should dry weather cause excessive dirt and dust, the Applicant agrees to apply water consistently to the construction site.
  - C. The Applicant agrees that construction and delivery of construction materials on any portion of the Applicant Property, including road construction on Government Center Parkway and Monument Drive, shall be limited to the hours prescribed by the Fairfax County Noise Ordinance.
  - D. The Applicant shall take reasonable measures to monitor and control pests resulting from construction and agrees to remove, trap or eradicate pests at its expense in accordance with County policies.
24. 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 on the north side of Government Center Parkway and shall extend offsite to Runabout Lane to the west.
  - B. A five (5) foot wide concrete sidewalk shall be provided on the south side of Government Center Parkway.
  - C. An eight (8) foot wide asphalt trail shall be provided on the east side of Monument Drive north of Government Center Parkway.
  - D. A five (5) foot wide concrete sidewalk shall be provided on the east side of Monument Drive south of Government Center Parkway.
  - E. A six (6) foot wide asphalt trail shall be provided within the neighborhood park as generally shown on the CDP/FDP.

The trails shall be co-located with utilities, where feasible, and the trails shall be located, designed, and constructed to minimize impacts to the EQC. In addition, the Applicant shall coordinate the location of any trails within the EQC with the Fairfax County Park Authority (FCPA).

25. Government Center Parkway Streetscape. In order to assure design compatibility between the Application Property and the proposed residential developments known as the Warren Property which is subject to RZ 1998-SU-025 ("Warren Property") and the Augst-Pool property which is subject to RZ 1998-SU-057 ("Timber Ridge"), the Applicant shall implement the design elements along Government Center Parkway in accordance with the

Government Center Parkway Streetscape Plan prepared by BC Consultants shown on Sheet 8 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 Warren Property and Timber Ridge developments 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. These entrances shall include a landscape design which is compatible with and complementary to the landscaping at the entrances to the Warren Property and Timber Ridge developments.
  - C. Lighting. Lighting along Government Center Parkway shall be provided generally 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. Trail. A five (5)-foot wide concrete sidewalk shall be provided along the north side of Government Center Parkway as shown on the streetscape plan. A five (5)-foot wide concrete sidewalk shall be provided on the south side of Government Center Parkway as shown on the streetscape plan.
  - F. Shade Trees. The deciduous shade trees along Government Center Parkway shall be a minimum of 2 ½ -3 inch caliper.
26. Design Coordination with Warren Property and Timber Ridge. The Applicant shall provide benches, mailbox kiosks, landscape entrance features in a compatible style as the Warren Property and Timber Ridge. Signage at the entrance shall be compatible with the entrance signage for the Warren Property and Timber Ridge in terms of materials i.e., similar brick color and similar pre-cast elements.
27. Severability. Any of the single-family attached or the multi-family sections may be subject to a Proffered Condition Amendment without joinder and/or consent of the other sections, if such PCA does not affect any other sections. Previously approved proffered conditions applicable to the section(s) which is not the subject of such a PCA shall otherwise remain in full force and effect.
28. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

29. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in same instrument.
30. Offsite Community Park.
- I. The Applicant shall construct three (3) rectangular athletic fields in accordance with FCPA Level 3 standards (the "Athletic Fields") and a gravel parking lot for 100 cars with entrances and travel lanes on property owned by the Board of Supervisors identified on Tax Map 55-3 ((1))26 (the "Property") subject to the following:
- a. The Applicant's expenses for construction of the above Athletic Fields shall be a maximum of \$175,451.00, subject to inflationary adjustments based upon the Construction Cost Index of the Engineering News Record from the period of one (1) year from the date of the approval of the rezoning application by the Board of Supervisors, to the actual date of payment. Any excess funds not utilized for onsite recreational facilities as required by Paragraph 2 of Section 6-110 of the Zoning Ordinance may be utilized towards this \$175,451.00.
- b. The remaining funds necessary to complete the construction of the above Athletic Fields are anticipated to be available from the Warren Property and Timber Ridge through their respective contributions to an escrow agent or DPWES. In the event the estimated costs as prepared by the Applicant, subject to the approval by the FCPA, for the construction of the Athletic Fields, exceed \$408,000.00 which represents the contributions proffered on behalf of the Applicant, Warren Property and Timber Ridge Property, the Applicant shall request the remaining funds necessary to construct the said facilities from Fairfax County.
- c. In addition, the Applicant shall be responsible to obtain site plan approval for the Athletic Fields but shall not be responsible to obtain any other necessary permits and approvals which may include, but not be limited to Zoning, 2232 review or amendments thereto, wetlands, etc. All required permits and approvals shall be obtained in a timely manner so the Applicant can satisfy this proffer. The Applicant shall be permitted access to the property for the purpose of studying, testing and engineering the Property for preparation for the submission of a site plan and the Property shall be made available to the Applicant with no outstanding environmental issues or clean-up of unsuitable materials.
- II. The Applicant shall construct the Athletic Fields prior to the issuance of the RUP which represents 51% of the total number of dwelling units within Land Bays C and D of the Application Property if paragraphs Ib and Ic above are satisfied. If Par. Ib

is not satisfied, and Fairfax County provides the remaining necessary funding to the Applicant to complete the construction of the Athletic Fields, subject to future reimbursement from the Warren Property and Timber Ridge Property, the Applicant shall construct the Athletic Fields.

In the event that the cost for the construction of the Athletic Fields estimated by the Applicant, subject to the approval by FCPA, is to be above \$408,000.00 and funds in excess of the \$408,000.00 or any remaining funds as referenced above are not available from Fairfax County and/or necessary permits and approvals, with the exception of the site plan which is the Applicant's responsibility, are not satisfied as set forth above prior to issuance of the RUP which represent 51% of the total number of dwelling units within Land Bays C and D of the Application Property, then the Applicant shall escrow the \$175,451.00 to an escrow agent or DPWES for construction of the Athletic Fields by others. The Applicant shall provide documentation to DPWES to demonstrate that said funds have been provided to an escrow agent. In lieu of escrowing the \$175,451.00 to an escrow agent or DPWES, the Applicant may elect to delete a portion of the Athletic Fields as approved by FCPA so that the total cost toward construction of the Athletic Fields does not exceed \$408,000.00.

In the event the Athletic Fields are constructed by Fairfax County, the Applicant shall reimburse Fairfax County at time of issuance of the RUP which represents 51% of the total number of units within Land Bays C and D of the Application Property, provided, however, said reimbursement shall not exceed the total amount of contribution proffered herein.

It is understood that the Applicant intends to submit the site plan for the Athletic Fields on a timely basis and to complete the construction of the Athletic Fields no later than 12 months from the approval of necessary permits to construct the Athletic Fields. However, in the event that delays occur in the processing and/or the approval of the site plan and/or permits it shall be understood that the time frames and issuance of RUPs set forth above may be modified if mutually agreed to between the Applicant and the Department of Planning and Zoning at the necessity of a Proffered Condition Amendment.

- III. In addition, the Applicant will manage the installation of an irrigation system for the Athletic Fields if Fairfax County desires that an irrigation system be constructed concurrent with the construction of the Athletic Fields by the Applicant. In that case, Fairfax County shall provide to the Applicant, within 60 days of the Applicant's written notification to Fairfax County of the intent to submit a site plan, specifications and commitment to funding on behalf of Fairfax County for the irrigation system prior to site plan submission for the Athletic Fields. The Applicant shall be responsible for the incremental costs associated with the installation of the irrigation system.

31. Stormwater Management for Land Bay A. The Applicant shall convey stormwater run-off from Land Bay A into the proposed regional stormwater management facility in a manner that will not result in any clearing to the proposed open space area located in the northwestern quadrant of the intersection of Monument Drive and Government Center Parkway as may be approved by DPWES. This shall not preclude any necessary clearing and grading within this area for the installation of other utilities pursuant to Proffer 7.
32. Antennas. The construction of telecommunication towers or antennas shall be restricted to those facilities which serve the residents of the Application Property.
33. Lighting. Any parking lot lighting and security lighting shall be fully shielded and directed downward to minimize off-site glare to adjacent existing residential uses. The Applicant shall submit a lighting plan to DPWES at time of site plan(s) to identify the specific locations and types of lighting to be provided.
34. Parking. The Applicant agrees to ensure that users of the Applicant Property are notified that parking at Carriage Park and/or the Ellipse are for the exclusive use of Carriage Park and/or the Ellipse residents and guests. In the event that automobiles from the Application Property park at Carriage Park or the Ellipse, the Applicant acknowledges that such automobiles will be subject to the enforcement of the parking regulations including towing at the automobile owner's expense.
35. Land Bay A (Multiple Family).
  - A. The Applicant reserves the flexibility to provide a gate around the perimeter of Land Bay A. There shall be no gates permitted around the perimeter of any other land bays.
  - B. The Applicant shall provide an easement within Land Bay A to the western property line for the purposes of emergency access only. Said emergency access shall be provided by others at such time as Federalist Way is closed to Lee Highway, Route 29, by others. However, this easement shall not be required in the event that administrative approval by the Zoning Administration or a Proffered Condition Amendment application for the Ellipse which is identified as Fairfax County Tax Map 56-1 ((15)) 3 is approved in order to allow the existing access to Lee Highway, Route 29, to be maintained.

(SIGNATURES BEGIN ON NEXT PAGE)

Carney-Smith (Residential)  
Proffers RZ 1998-SU-041

APPLICANT/TITLE OWNER

*Jack W. Carney, Trustee*  
Jack W. Carney, Trustee

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Benjamin M. Smith, Jr., Trustee

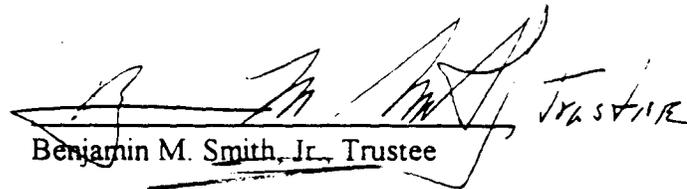
(SIGNATURES CONTINUE ON FOLLOWING PAGE)

Carney-Smith (Residential)  
Proffers RZ 1998-SU-041

APPLICANT/TITLE OWNER

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Jack W. Carney, Trustee



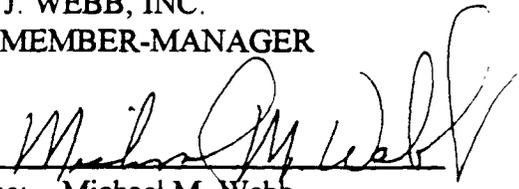
Benjamin M. Smith, Jr., Trustee

(SIGNATURES CONTINUE ON FOLLOWING PAGE)

Carney-Smith (Residential)  
Proffers RZ 1998-SU-041

CONTRACT PURCHASER

FAIRFAX CENTER, L.L.C.  
BY: WEBB DEVELOPMENT, L.L.C.  
ITS MEMBER-MANAGER  
BY: J. WEBB, INC.  
ITS MEMBER-MANAGER

By:   
Name: Michael M. Webb  
Its: President/Chairman

[END SIGNATURES]

## APPROVED DEVELOPMENT CONDITIONS

FDP 1998-SU-041

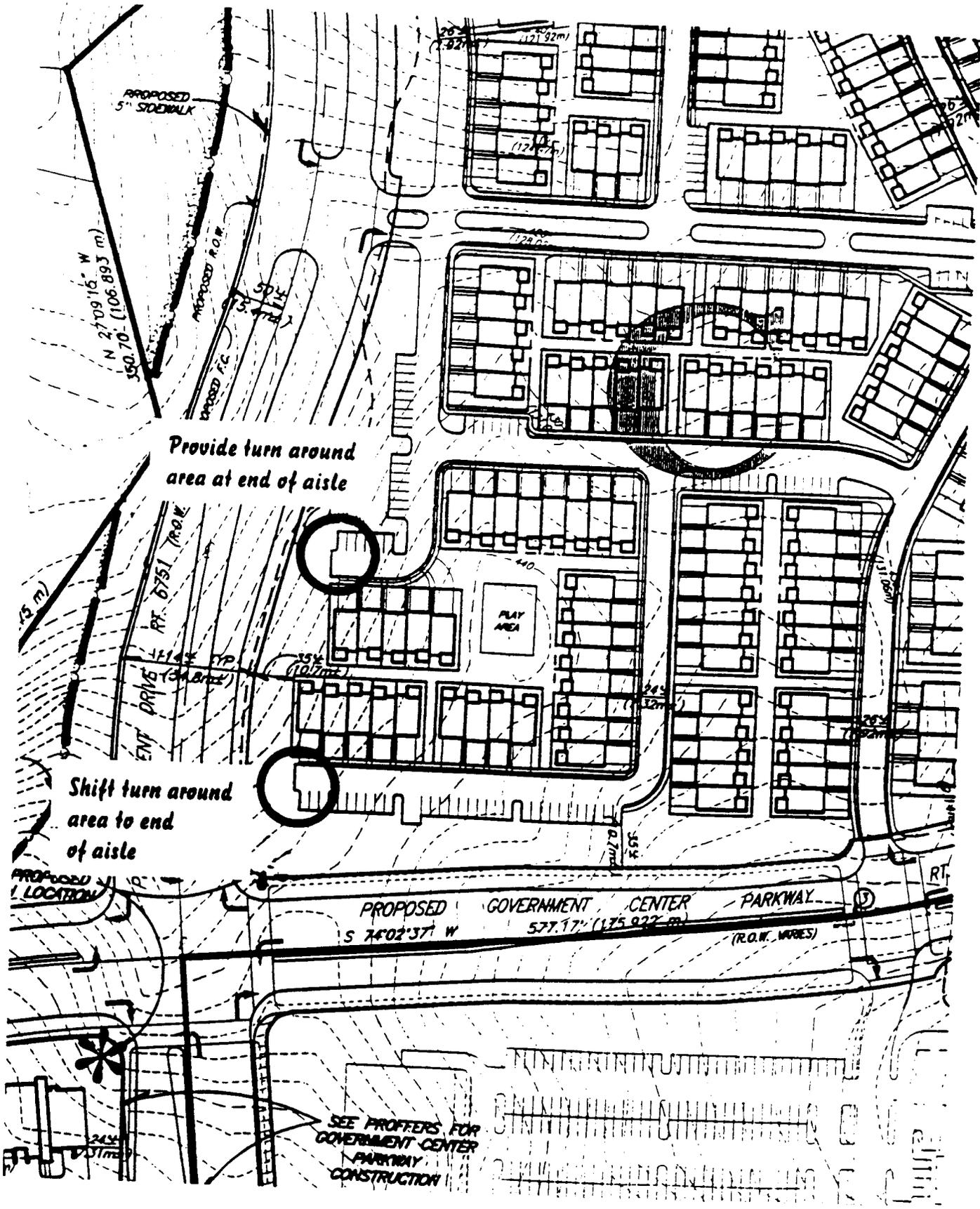
May 19, 1999

If it is the intent of the Planning Commission to approve FDP 1998-SU-041 located at Tax Map 56-2 ((1)) 69 pt., 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 "Carney Smith," prepared by BC Consultants, and dated June 1998 as revised through April 16, 1999.
2. In order to maximize tree preservation in Land Bays C and D, a tree preservation plan for Land Bays C and D, 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. However, additional tree preservation shall not preclude the development as shown on the FDP or require extraordinary construction measures such as, but not limited to, the installation of retaining walls greater than two feet in height. 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.
3. 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. Landscaping shall be consistent with the quality, quantity and locations depicted on Sheets 7-9 and 12-16 of the FDP, as determined by the Urban Forestry Branch of DPWES.
4. All on-site lighting, including wall-pack style security lights, shall feature full-cutoff shielding so that all glare is minimized, and shall be directed downward and inward, to prevent light spilling onto adjacent properties. The use of ground mounted spot lights to illuminate signs or buildings shall be prohibited on site. The maximum height of all light poles on site shall not exceed 12 feet. To further unify and integrate the overall development, the residential and commercial developments shall feature a single lighting fixture style, excluding security

lighting, as determined by DPWES.

5. Vehicle turnarounds shall be provided at the end of travel aisles, as depicted on Attachment 1, if required by DPWES pursuant to the Public Facilities Manual.
6. In order to provide access to the retail development, sidewalk connections shall be provided between the multi-family portion of the development and the adjacent retail development (RZ 1998-SU-040), as determined by DPWES.
7. If gates are provided within the noise barriers provided for exterior noise mitigation along Government Center Parkway or Monument Drive, the barriers shall be architecturally solid, with no gaps or openings, when the gates are closed. If staggered openings are provided, the overlap provided by the staggering shall be sufficient to block all lines of sight between the highway and the rear yard area.



PROPOSED  
5" SIDEWALK

N 27°09'16" W  
350.70' (106.893 m)

PROPOSED P.O.W.  
PROPOSED P.C.

Provide turn around  
area at end of aisle

ENT DRIVE RT. 0751 (R.O.W.)  
44142 SPD (34.8 mph)

Shift turn around  
area to end  
of aisle

PROPOSED  
LOCATION

PROPOSED GOVERNMENT CENTER PARKWAY  
S 74°02'37" W 577.17' (175.922 m) (R.O.W. VARIES)

SEE PROFFERS FOR  
GOVERNMENT CENTER  
PARKWAY  
CONSTRUCTION



MATCHLINE SEE SHEET 1 OF 20

AREA TO BE DEDICATED TO  
FAIRFAX COUNTY PARK AUTHORITY

TREE SAVE  
AREA

TREE SAVE  
AREA

TENNIS  
COURT

MULTI-PURPOSE  
COURT

UNDEVELOPED  
RECREATIONAL OPEN SPACE

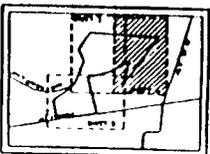
PLAY  
AREA

PEDESTRIAN  
CROSSWALK  
DRAINAGE  
FEATURES  
(SEE DETAILS)

PROPOSED  
WATER PARCEL ACCESS

**LEGEND:**

-  PROPOSED LANDSCAPE
-  PROPOSED FLOOD PLAIN LIMITS
-  PROPOSED SITE LIMITS
-  TREE SAVE AREAS
-  PROPOSED ASPHALT TRAILS
-  PROPOSED SIDEWALK
-  PROPOSED LIMITS OF CLEARING & GRADING



**SHEET INDEX**

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-041 SULLY DISTRICT  
APPLICANT: JACK W. CARNEY AND BENJAMIN M. SMITH  
STAFF: JOHNSON

APPLICATION DATA

-----  
EXISTING ZONING AND ACREAGE

ZONING: PDH- 5  
ACRES: 58.98

PROPOSED:

PDH-12  
58.98

ACTION:

PDH-12  
58.98

TOTAL ACRES

58.98

TOTAL ACRES

58.98

MAP NUMBERS

056-2- /01/ /0069-A P,0070- ,0071-

REMARKS:

CONCURRENT WITH RZ 1998-SU-040/SE 98-Y-038 ASSOCIATED WITH RZ 1998-S  
U-025 AND RZ 1998-SU-057 TO THE EAST

ZONING MAP AMENDMENT

RZ 98-Y-041

ZONING DISTRICT DATA

ZONING DISTRICT: PDH-12

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
MFD	734	63.05			79	79
-----	-----	-----	-----	-----	---	---
TOT	734	63.05	11.64		79	79

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-041

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
7A OTHER MISCELLANEOUS - SEE FILE	7A OTHER MISCELLANEOUS - SEE FILE
4H LANDSCAPING	1A GENERALIZED DEVEL PLAN
3F PEDESTRIAN FACILITY/TRAIL	4E NOISE ATTENUATION
4Z OTHER - ENVIRONMENT	4B TREES/COUNTY ARBORIST
4P LIGHTING	1Z OTHER - GENERAL
3Z OTHER - TRANSPORTATION	1B CONCEPTUAL DEVEL PLAN
3I PARKING/LOADING	2Z OTHER - LAND USE
3F PEDESTRIAN FACILITY/TRAIL	1Z OTHER - GENERAL
1Z OTHER - GENERAL	4E NOISE ATTENUATION
4Z OTHER - ENVIRONMENT	4F STREAM VALLEY/EQC/FLOODPLAIN

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:

5/24/99

5:00 p.m. Items - RZ-1998-SU-040 - JACK CARNEY AND BENJAMIN SMITH, TRUSTEES  
RZ-1998-SU-041 - JACK CARNEY AND BENJAMIN SMITH, TRUSTEES  
SE-98-Y-038 - JACK CARNEY AND BENJAMIN SMITH, TRUSTEES  
Sully District

On Wednesday, May 19, 1999, the Planning Commission voted 10-0-1 (Commissioner Wilson abstaining; Commissioner Palatiello absent from the meeting), except as otherwise noted, to recommend to the Board of Supervisors the following actions pertinent to the subject applications:

1) approval of RZ-1998-SU-040, subject to the execution of proffers consistent with those dated April 29, 1999;

2) approval of SE-98-Y-038, subject to the proposed development conditions dated May 19, 1999, amended as follows:

-- delete the last sentence in Condition #4;

-- delete Condition #5;

-- change Condition #20 to read: "Signage for the service mini-mart shall be limited to a pump island. Signage shall be permitted on the service station canopy consisting of non-illuminated company identification and logo signs not to exceed 20 square feet per sign for the sign area. No back lighting of the service station canopy shall be permitted."

(Vote was 9-0-2, with Commissioners Byers and Wilson abstaining);

3) waiver of the requirement for construction of a service drive along Route 29 in favor of an escrow of funds equal to the cost of construction;

4) modification of the transitional screening requirements and waiver of the barrier requirements along the north, east, west and south property lines in favor of that shown on the GDP/SE plat;

5) approval of RZ-1998-SU-041, subject to the execution of proffers consistent with those dated May 18, 1999, and the addition to Proffer 23D of the word "pests" after "...agrees to remove, trap or eradicate...";

6) waiver of the 600 foot maximum length of private streets (Vote was 9-0-2, with Commissioners Coan and Wilson abstaining);

7) waiver of the requirement for the construction of a service drive along Route 29 in favor of an escrow of funds equal to the cost of construction;

5/24/99 BOS recommendations  
CARNEY, et al  
p.2

8) modification of the transitional screening requirement and waiver of the barrier requirements along the southern property line in favor of that shown on the CDP/FDP;

9) approval of RZ-1998-SU-057, subject to the execution of proffers consistent with those dated May 18, 1999;

10) waiver of the 200 square foot privacy yard for the ADUs and waiver of the 600 foot maximum length of private streets (Vote was 8-1-2, with Commissioner Byers opposed; Commissioners Coan and Wilson abstaining);

11) approval of RZ-1998-SU-025, subject to the execution of proffers consistent with those dated May 16, 1999;

12) waiver of the 200 square foot privacy yard for the Mews Townhouse units (Vote was 8-0-1, with Commissioners Byers and Coan opposed; Commissioner Wilson abstaining);

13) waiver of the service drive requirement along Route 29 in favor of the escrow of funds equal to the cost of construction;

14) waiver of the 600 foot maximum length of private streets (Vote was 9-0-2, with Commissioners Coan and Wilson abstaining);

15) modification of the transitional screening requirement and waiver of the barrier requirements along the southern property line in favor of that shown on the CDP/FDP.

The Planning Commission also voted 10-0-1 (Commissioner Wilson abstaining; Commissioner Palatiello absent from the meeting) to approve:

1) FDP-1999-SU-041, subject to the proposed development conditions dated May 19, 1999, and subject to the Board's approval of RZ-1998-SU-041;

2) FDP-1998-SU-057, subject to the proposed development conditions dated April 29, 1999, and subject to the Board's approval of RZ-1998-SU-057; and,

3) FDP-1998-SU-025, subject to the proposed development conditions dated May 18, 1999, and subject to the Board's approval of RZ-1998-SU-025.

Planning Commission Meeting  
May 19, 1999  
Verbatim Excerpts

RZ-1998-SU-041 - JACK W. CARNEY, TRUSTEE AND BENJAMIN M. SMITH, JR., TRUSTEE  
FDP-1998-SU-041 - JACK W. CARNEY, TRUSTEE AND BENJAMIN M. SMITH, JR., TRUSTEE  
RZ-1998-SU-040 - JACK W. CARNEY, TRUSTEE AND BENJAMIN M. SMITH, JR., TRUSTEE  
SE-98-Y-038 - JACK W. CARNEY, TRUSTEE AND BENJAMIN M. SMITH, JR., TRUSTEE  
RZ-1998-SU-025 - CENTEX HOMES  
FDP-1998-SU-025 - CENTEX HOMES  
RZ-1998-SU-057 - COSCAN WASHINGTON, INC.  
FDP-1998-SU-057 - COSCAN WASHINGTON, INC.

Decision Only During Commission Matters  
(Public Hearing held on May 5, 1999)

Commissioner Koch: The public hearing for the rezoning application for the Smith Carney property which is subject to RZ-1998-SU-040 and RZ-1998-SU-041, and SE-98-Y-038 in the Warren property on behalf of the Centex Homes, which is subject to RZ-1998-SU-025, and the Coscan Washington, Inc. Timber Ridge property, which is subject to RZ-1998-SU-057, were the subject of a public hearing held on May 5, 1999. At that time I deferred the decision on these applications in order to resolve some minor outstanding issues. Over the past two weeks, the applicants have continued to work with staff and it is my understanding that the applicants delivered revised proffers to the members of the Planning Commission yesterday. However, staff went ahead and incorporated some of those changes into the ones that we received tonight with the exception of three which I'll explain and I'll read into my motion tonight. The applications are the results of many months of working with the applicants, staff, myself and Supervisor Frey's office as well as other adjacent property owners, and it is my pleasure to move forward with these cases tonight. All three of these applications are in conformance with the Comprehensive Plan and provide significant and valuable public benefits. Specifically, the Carney Smith property has agreed to provide a regional stormwater management pond which will provide stormwater retention and BMPs for approximately 225 acres within the Fairfax Center area. In addition, this property will provide for the completion of the final portion of Monument Drive and Route 29. The three applicants have worked together in order to provide for the extension of Government Center Parkway to Ridge Top Road. The Timber Ridge property and Warren property will provide for the extension of Ridge Top Road to Route 29. The completion of Monument Drive, Government Center Parkway and Ridge Top Road are vital links in the transportation system within the Fairfax Center area. In addition, funding for future improvements to Route 29 will also be provided. The applicant further coordinated on the construction of a neighborhood public park which will include a playground, tennis, multi-purpose courts, picnic area, play area and an extensive trail system. There will be approximately 19 acres dedicated to the Fairfax County Park Authority which will provide for the continuation of the County's environmental quality corridor system. In addition, the applicants have worked together to coordinate the design of the proposed developments which will enhance the overall quality of the Fairfax Center area. Finally, the applicants have agreed to fund, and the Carney Smith property will manage, the construction of three

athletic fields on property owned by the County in order to provide a community park which is of significant public benefit for the western portion of Fairfax County.

Mr. Chairman, before I go into my 19 (sic) motions on these cases, I would like to thank staff, specifically Susan Johnson and the applicant, and specifically Susan Yantis, and Bill McMenamin, whose "can do" attitude has, I think, brought us to this point today. I didn't think we were going to get here, but we did. Mr. Chairman, first, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF APPLICATION RZ-1998-SU-040, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 29, 1999.

Commissioner Byers: Second.

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

Commissioner Coan: Mr. Chairman, which one was this?

Chairman Murphy: 040.

Commissioner Coan: 040.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-SU-040, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries

Commissioner Wilson: Abstain. I wasn't here at that public hearing, Mr. Chairman.

Chairman Murphy: Okay. Can we say that you are going to abstain throughout?

Commissioner Wilson: Yes.

Chairman Murphy: All right.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF APPLICATION SE-98-Y-038, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 19, 1999 AMENDED AS FOLLOWS:

ON NO. 4, I'M GOING TO DELETE THE LAST SENTENCE STARTING WITH "PLANTINGS" AND ENDING WITH "URBAN FORESTER." The reason for this, Mr. Chairman, is that staff would prefer that the streetscape be continued down past the shopping area, and I think I've seen, especially along Route 50,

when we over plant along shopping centers, they have no visibility and they have a problem. Sully Place is, I think a good example of that. So they are going to plant and they are going to be very nice plantings, except it is not going to be as thick as possibly other places. So I'm going to take that sentence out.

I'M GOING TO REMOVE NO. 5 WHICH IS THE HOURS OF OPERATION FOR THE RETAIL AND OFFICE USES NOT LISTED IN ANOTHER PLACE IN THE CONDITIONS because I think it is unreasonable to restrict the hours of the offices and I'm not quite sure how we would enforce such a restriction.

And finally, Mr. Chairman, No. 20 deals with the signage for the service station, and staff did not want any kind of a logo on the canopy and I think that's pretty standard practice for service stations and the applicant has agreed not to illuminate such a logo. He's just going to put on the canopy the name of the station. So, 20 WILL READ: "SIGNAGE FOR THE SERVICE MINI-MART SHALL BE LIMITED TO A PUMP ISLAND. SIGNAGE SHALL BE PERMITTED ON THE SERVICE STATION CANOPY CONSISTING OF NON-ILLUMINATED COMPANY IDENTIFICATION AND LOGO SIGNS NOT TO EXCEED 20 SQUARE FEET PER SIGN FOR THE SIGN AREA. NO BACK LIGHTING OF THE SERVICE STATION CANOPY SHALL BE PERMITTED." That's the last change.

Chairman Murphy: Is there a second to the motion?

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE-98-Y-038, with the development conditions as amended by Mr. Koch, say aye.

Commissioners: Aye.

Commissioner Byers: Abstain.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains. Mr. Byers abstains.

Commissioner Koch: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE REQUIREMENT FOR CONSTRUCTION OF A SERVICE DRIVE ALONG ROUTE 29 IN FAVOR OF AN ESCROW OF FUNDS EQUAL TO THE COST OF CONSTRUCTION.

RZ-1998-SU-041, FDP-1998-SU-041, RZ-1998-SU-040 and SE-98-Y-038  
RZ-1998-SU-025 and FDP-1998-SU-025  
RZ-1998-SU-057 and FDP-1998-SU-057

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Commissioner Byers: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS AND WAIVER OF THE BARRIER REQUIREMENTS ALONG THE NORTH, EAST, WEST AND SOUTH PROPERTY LINES IN FAVOR OF THAT SHOWN ON THE GDP/SE PLAT.

Commissioner Byers: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF APPLICATION RZ-1998-SU-049 (sic), SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 18, 1999.

Chairman Murphy: I think it should be 41.

Commissioner Koch: What did I say?

Chairman Murphy: 49. Seconded by Mr. Byers. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-SU-041, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-1998-SU-41 (sic), SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 19, 1999 AND SUBJECT TO THE BOARD'S APPROVAL OF RZ-1998-SU-041.

RZ-1998-SU-041, FDP-1998-SU-041, RZ-1998-SU-040 and SE-98-Y-038  
RZ-1998-SU-025 and FDP-1998-SU-025  
RZ-1998-SU-057 and FDP-1998-SU-057

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Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of that motion? All those in favor of the motion to approve FDP-1998-SU-041, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Byers: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Coan: Abstain.

Chairman Murphy: Motion carries. Mr. Coan abstains. Ms. Wilson abstains.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE REQUIREMENT FOR THE CONSTRUCTION OF A SERVICE DRIVE ALONG ROUTE 29 IN FAVOR OF AN ESCROW OF FUNDS EQUAL TO THE COST OF CONSTRUCTION.

Commissioner Byers: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL

RZ-1998-SU-041, FDP-1998-SU-041, RZ-1998-SU-040 and SE-98-Y-038  
RZ-1998-SU-025 and FDP-1998-SU-025  
RZ-1998-SU-057 and FDP-1998-SU-057

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SCREENING REQUIREMENT AND WAIVER OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN PROPERTY LINE IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Byers: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains.

Commissioner Koch: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF APPLICATION RZ-1998-SU-057, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 18, 1999.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors to approve RZ-1998-SU-057, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-1998-SU-057, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED APRIL 29, 1999, AND SUBJECT TO THE BOARD'S APPROVAL OF RZ-1998-SU-057.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of that motion? All those in favor of the motion to approve FDP-1998-SU-057, subject to the Board's approval of the rezonings, say aye.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 200 SQUARE FOOT PRIVACY YARD FOR THE ADUs AND APPROVAL OF THE WAIVER OF THE 600 FOOT MINIMUM(sic) LENGTH OF PRIVATE STREETS.

RZ-1998-SU-041, FDP-1998-SU-041, RZ-1998-SU-040 and SE-98-Y-038  
RZ-1998-SU-025 and FDP-1998-SU-025  
RZ-1998-SU-057 and FDP-1998-SU-057

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Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Byers: No.

Commissioner Coan: Abstain.

Chairman Murphy: Motion carries. Mr. Byers votes no. Ms. Wilson and Mr. Coan abstain.

Commissioner Koch: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF APPLICATION RZ-1998-SU-025, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 16, 1999.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-SU-025, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP-1998-SU-025, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 18, 1999, AND SUBJECT TO THE BOARD'S APPROVAL OF RZ-1998-SU-025.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of the motion? All those in favor of the motion to approve FDP-1998-SU-025, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains.

RZ-1998-SU-041, FDP-1998-SU-041, RZ-1998-SU-040 and SE-98-Y-038  
RZ-1998-SU-025 and FDP-1998-SU-025  
RZ-1998-SU-057 and FDP-1998-SU-057

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Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 200 SQUARE FOOT PRIVACY YARD FOR THE MEWS TOWNHOUSE UNITS.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Byers and Coan: No.

Chairman Murphy: Motion carries. Mr. Coan votes no. Mr. Byers votes no. Ms. Wilson abstains.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE 600 FOOT MAXIMUM LENGTH OF PRIVATE -- no, I already did that one. I'm sorry -- WAIVER OF THE REQUIREMENT FOR THE CONSTRUCTION OF THE SERVICE DRIVE ALONG ROUTE 29 IN FAVOR OF THE ESCROW OF FUNDS EQUAL TO THE COST OF CONSTRUCTION.

Commissioner Byers: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Wilson abstains.

Commissioner Koch: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Byers: The waiver.

Chairman Murphy: Approval of the waiver.

Commissioner Koch: WAIVER. Right.

Chairman Murphy: Seconded by --

Commissioner Coan: Which one was this on?

Commissioner Koch: This is on 025.

Commissioner Coan: All right. Thank you.

Chairman Murphy: Is there a second to the motion?

Commissioner Byers: Second.

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

Commissioners: Aye.

Commissioners Coan and Wilson: Abstain.

Chairman Murphy: Opposed? Motion carries. Mr. Coan and Ms. Wilson abstain.

Commissioner Koch: And Mr. Chairman, finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND WAIVER OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN PROPERTY LINE IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Byers: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Wilson: Abstain.

Chairman Murphy: Motion carries. Ms. Wilson abstains.

Commissioner Koch: Did I do them all?

Chairman Murphy: Easy for you to say. Okay. I know it's a very complex application, but I think that's the way --

Commissioner Coan: 41?

Chairman Murphy: Yes, that was the first one or second one.

Commissioner Coan: That's the one I asked about and I was told it was 040 we were working on.

Chairman Murphy: Well, 040 was the first one and then we did 041 which Mr. Koch erroneously called 049.

Commissioner Coan: Mr. Chairman, I'd like to make a statement about 041. I'm not sure it's in the other or not, but there is in there in Proffer 18 that 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. I know I'm a voice in the wilderness on this, but I just want to make my point again that I've never seen any applicant say that he will take anything tougher if it changes, so I don't think they should be allowed to take anything lesser. And I know staff disagrees with me on this, but I'll continue to make that point. And further, I would like to point out that the proffer has a change that was added -- and this is why I asked the question. I thought we had not done 41. It talks about -- in Proffer 23D -- it says: "The applicant shall take reasonable measures to monitor and control pests resulting from construction and agrees to remove, trap or eradicate at its expense in accordance with County policies." Agrees to remove, trap or eradicate what?

Commissioner Koch: Pests.

Commissioner Coan: Doesn't say pests. I'd just point out that maybe they mean Planning Commissioners or staff or something. It's a language problem and perhaps the applicant will clear that up before it goes to the Board.

Chairman Murphy: Without objection, let's add "PESTS" to that.

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(All motions carried by a vote of 10-0-1 with Commissioner Wilson abstaining;  
Commissioner Palatiello absent from the meeting, with the following exceptions:

The second motion carried by a vote of 9-0-2 with Commissioners Byers and Wilson abstaining; Commissioner Palatiello absent from the meeting.

The seventh motion carried by a vote of 9-0-2 with Commissioners Coan and Wilson abstaining; Commissioner Palatiello absent from the meeting.

The twelfth motion carried by a vote of 8-1-2 with Commissioner Byers opposed;  
Commissioners Coan and Wilson abstaining; Commissioner Palatiello absent from the meeting.

RZ-1998-SU-041, FDP-1998-SU-041, RZ-1998-SU-040 and SE-98-Y-038  
RZ-1998-SU-025 and FDP-1998-SU-025  
RZ-1998-SU-057 and FDP-1998-SU-057

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The fifteenth motion carried by a vote of 8-2-1 with Commissioners Byers and Coan opposed; Commissioner Wilson abstaining; Commissioner Palatiello absent from the meeting.

The seventeenth motion carried by a vote of 9-0-2 with Commissioners Coan and Wilson abstaining; Commissioner Palatiello absent from the meeting.)

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