



FAIRFAX
COUNTY

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

V I R G I N I A

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

May 26, 1999

Michael J. Giguere, Esquire
McGuire, Woods, Battle & Boothe LLP
8280 Greensboro Drive - Suite 900
McLean, Virginia 22102-3892

RE: Rezoning Application
Number RZ 1998-SU-047

Dear Mr. Giguere:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on May 10, 1999 granting Rezoning Application Number RZ 1998-SU-047 in the name of Pulte Home Corporation, to rezone certain property in the Sully District from the R-1 District and Water Supply Protection Overlay District to the R-1, R-8 Districts and Water Supply Protection Overlay District, subject to the proffers dated March 30, 1999 on subject parcels 45-4 ((1)) 3, 4A, 5, 10; and 45-4 ((5)) A consisting of approximately 19.44 acres.

Sincerely,

Nancy Venrs
Clerk to the Board of Supervisors

NV/ns

RZ 1998-SU-047

May 26, 1999

- 2 -

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 Acq. & Planning Div.. Park Authority
District Planning Commissioner
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
JUN 11 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 10th day of May, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-SU-047

WHEREAS, Pulte Home Corporation filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District and Water Supply Protection Overlay District to the R-1, R-8 Districts and Water Supply Protection Overlay 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, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the R-1, R-8 Districts and Water Supply Protection Overlay District, and said property is subject to the use regulations of said R-1, R-8 Districts and Water Supply Protection Overlay 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 10th day of May, 1999.



Nancy Vehrs

Clerk to the Board of Supervisors

June 29, 1998

**DESCRIPTION OF
THE PROPERTY OF
JOHN M. ROHRBAUGH ET AL
SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point on the northerly terminus of the easterly line of North Lake Drive (Route 7130), said point marking the most northerly corner of Parcel "A-1", Section 1A, Fair Lakes; thence with the terminal line of North Lake Drive and continuing with the easterly line of Parcel "A-2", Section 1A, Fair Lakes N 68° 19' 38" W, 187.66 feet and N 12° 40' 26" W, 586.99 feet to a point; thence with the easterly line of Parcel "A-2" and continuing with the southwesterly line of Lee Jackson Memorial Highway (Route 50) the following courses: N 27° 24' 09" E, 245.38 feet; S 60° 37' 05" E, 5.26 feet; S 68° 14' 48" E, 150.33 feet; S 64° 25' 57" E, 251.00 feet; S 14° 26' 26" W, 52.80 feet; S 73° 15' 10" E, 82.57 feet; N 16° 42' 50" E, 15.01 feet; S 69° 28' 01" E, 97.20 feet and S 64° 39' 14" E, 118.85 feet to a point; thence with the southwesterly line of Lee Jackson Memorial Highway and continuing with the westerly line of Leader Nursing and Rehabilitation Center of Virginia, Inc. and with the westerly line of Fairfax County Board of Supervisors property S 07° 45' 57" W, 647.00 feet and S 05° 55' 10" E, 312.02 feet to a point on the northeasterly line of the said Parcel "A-1"; thence with the northeasterly line of Parcel "A-1" N 72° 56' 47" W, 349.08 feet and N 11° 16' 16" W, 307.29 feet to the point of beginning, containing 13.36 acres of land.

All being more particularly described on a plat attached hereto and made a part hereof.

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June 29, 1998

DESCRIPTION OF
PARCEL "A"
OAKWOOD ESTATES
SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA

Beginning at a point on the westerly line of Fairfax County Parkway (Route 7100), said point marking the most southern corner of Fair Lakes Partnership; thence with the westerly lines of Parcel "B", Oakwood Estates the following courses: N 66° 17' 49" W, 480.64 feet; N 12° 46' 43" W, 442.98 feet and N 51° 18' 28" E, 435.08 feet to a point on the westerly line of Fair Lakes Partnership; thence with the westerly line of Fair Lakes Partnership S 12° 28' 29" E, 918.90 feet to the point of beginning, containing 6.08 acres of land.

All being more particularly described on a plat attached hereto and made a part hereof.

c:\wpdocs\mijich\oakwooda.des

4:30 PM AG-ENI

May 10, 1999

**PULTE HOME CORPORATION
PROFFERS
FOR THE LEONARD/ROHRBAUGH PROPERTY
Rezoning # RZ 1998-SU-047
March 30, 1999**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 45-4-((1))-3, 4, 5A, 5, 10 and 45-4-((5))-A (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said rezoning request for the R-1 and R-8 Districts is granted. In the event said application request is denied, these proffers shall be null and void. The Applicant, for itself, its successors and assigns, agrees that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. These proffered conditions, if accepted, supersede all proffers existing on the Property. The proffered conditions are:

GENERAL

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development will be in substantial conformance with the submitted Generalized Development Plan ("GDP") containing 10 sheets and prepared by Dewberry and Davis and Studio 39 dated July 8, 1998 and revised through March 26, 1999.

2. The development shall consist of a maximum of 112 single family attached residential units. The size, width, and location of the building footprints shown on the GDP are conceptual and the Applicant reserves the right to modify the size and location of the building footprints, or develop a lesser number of lots, in accordance with the requirements of Section 18-204 of the Zoning Ordinance, provided that such modifications are in substantial conformance with the GDP and do not result in a reduction in the amount of open space, parking, setbacks, or tree preservation areas shown on the submitted GDP.

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

4. The Applicant shall subject all private streets in the community to a public access easement in order to allow ingress/egress to and from North Lake Drive through the Property. Said easement shall be of a content and form approved by the County Attorney.

5. The Applicant shall include language in its Declaration of Covenants, Conditions and Restrictions which: (a) discloses the future local street connection between North Lake Drive and the abutting property to the east; (b) discloses the existence of the public access easement required by Proffer 4; (c) prohibits the conversion of garages into any use other than the parking of vehicles; and (d) discloses the existence of private streets throughout the community. The appropriate homeowners association documents shall specify that the homeowners association is responsible for the maintenance of the private streets.

6. The private streets on the Application Property shall be constructed with a pavement section, thickness and material which conforms with Public Facilities Manual (PFM) standards as determined by the Department of Public Works and Environmental Services (DPWES).

7. Purchasers shall be advised in writing prior to entering into a contract of sale of the existence of: (1) the public access easement through the Property; (2) the future local street connector between North Lake Drive and property to the east; (3) the existence of private streets within the community and that the homeowners association shall be responsible for the maintenance of all the private streets in the development; and (4) the prohibition on conversions of garages to bedrooms or living areas.

TRANSPORTATION

8. To provide for an interparcel connection to the east, the Applicant shall perform the following:

- (a) The right-of-way associated with this public street connection and generally shown on the GDP shall be dedicated in fee simple to the Fairfax County Board of Supervisors on demand or at site plan approval, whichever first occurs.
- (b) The Applicant shall engineer and construct the interparcel connector road shown on the GDP in accordance with standards and requirements of DPWES and VDOT.
- (c) Landscaping between this public street connection and the existing development to the south shall be provided as shown on the GDP.

9. At time of final site plan approval, the Applicant shall provide a contribution to the Fairfax

Center Area Road Fund in accordance with fund guidelines. Using Board of Supervisors approval as the base date, this cash contribution shall be adjusted accordingly to the construction cost index as published in the *Engineering News Record* by McGraw-Hill.

10. Subject to VDOT and County approval, the Applicant shall remove the non serviceable portions of the existing service drive along Route 50 west of the existing entrance into the Property. If removed, the pavement associated with the non serviceable portion of the service drive shall be removed and the area graded and landscaped in a manner generally consistent with the landscape concepts depicted on the GDP.

ENVIRONMENTAL

11. Stormwater management shall be provided for the property in accordance with Best Management Practice ("BMP") standards in accordance with Fairfax County requirements or as otherwise may be approved by DPWES. Native species of vegetation shall be planted along the edge and within the basin of the proposed pond as determined appropriate by the Urban Forester and DPWES at site plan review.

12. Prior to final site plan approval, the Applicant shall demonstrate to DPWES and DPZ that exterior noise levels within the privacy yards and outdoor recreational areas of the approved townhouse lots are reduced to 65 dBA or less based on final site grades. The Applicant shall provide a sound attenuation wall and earthen berm/wall combination having a minimum combined height of approximately 12-14 feet and a location/design that is in substantial conformance with that shown on the GDP and Exhibit 1 of these proffers, provided that the height of both the berm and wall and/or location of each may be adjusted if warranted based on refined noise analyses or final site grades and engineering. The wall shall be architecturally solid from the ground up with no gaps or openings.

The noise attenuation wall shall be equipped with a gate to provide access to existing and planned trails. The gate shall be architecturally solid from the ground up, with no gaps or openings when closed. The final height of the berm/noise attenuation wall shall be in conformance with the requirements of the Zoning Ordinance. In the event it is determined that the necessary height of the noise attenuation wall does not conform to the requirements of the Zoning Ordinance, the Applicant shall be responsible for securing approval of a variance application from the Board of Zoning Appeals.

Consistent with the GDP and the analysis contained in the Noise Study prepared by Polysonics Corp. dated December 31, 1998, and any revisions to the noise analysis made as a result of changes in final site grade, all residential structures shall be located outside of the areas of the site impacted by highway noise above 75 dBA.

In order to achieve a maximum interior noise level of 45 dBA Ldn, all units located between 65-70 dBA Ldn highway noise impact contours (beyond 240 feet from centerline) shall have the following acoustical attributes:

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

In order to achieve a maximum interior noise level of 45 dBA Ldn, all units located between the 70-75 dBA Ldn highway noise impact contours (within 240 feet from centerline of Lee Jackson Highway) should have the following acoustical attributes:

- (a) Exterior walls should have a laboratory sound transmission class (STC) rating of at least 45.
- (b) Doors and windows should have a laboratory STC rating of at least 37. If windows constitute more than 20% of any façade, they should have the same laboratory STC rating as walls.
- (c) Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

The Applicant may pursue other methods of mitigating highway noise than those described herein if it can be demonstrated, through an independent noise study for review and approval by DPWES, in consultation with DPZ, that these methods will be effective in reducing exterior noise levels to 65 dBA Ldn or less and interior noise levels to 45 dBA Ldn or less, or that noise impacts are less than forecasted by County Staff.

LANDSCAPING

13. Landscaping shall be provided in substantial conformance with the quality and quantity of plantings identified in the landscaping concepts shown on the GDP. Trees identified on the GDP as large deciduous trees shall have a minimum caliper of 2 1/2 inches and large evergreen trees shall have a planted height of six (6) feet. The specific type, number and placement of plantings and landscaping shall be determined at the time of site plan approval, subject to review and approval of

a landscape plan by the Urban Forester, DPWES, submitted with the first site plan submission. If, during the process of site plan review, any landscaping shown on the GDP is removed in order to locate utility lines, trails, etc., then an area of additional landscaping of equivalent value, as determined by Urban Forester, DPW&ES, may be substituted at an alternate location on the site, provided, however, that along the western and southern property line, the installation of utilities shall not disturb the 25' wide undisturbed buffer shown on the GDP. The provision of the buffer on the southern property line shall be subject to final approval of the configuration of interparcel connector by VDOT and DPWES. In the event VDOT or DPWES require any adjustment to the road alignment which, in any way, reduces the available buffer area from that shown on the GDP, the Applicant shall use best efforts to provide the number of plantings and/or amount of landscaping shown on the GDP within the available area. Within the area of the EQC, as generally shown on the GDP, there shall be no clearing or grading with the exception of that required to install the sound wall, trail, and utility lines, which are generally perpendicular to the EQC area. Any clearing or grading required for these facilities shall be done in the least disruptive manner possible. For trees within the 25 foot buffers on the west and south as shown on the GDP, in the event any tree trimming is required, or if a tree is located directly on the 25' wide clearing line and cannot be saved, then the tree shall be trimmed or felled with a hand held chain saw. Under no circumstances shall clearing or grading equipment be allowed in these 25 foot wide buffers.

14. For the purposes of maximizing the preservation of existing trees on the site, the Applicant shall prepare a tree preservation/landscape plan at the time of site plan review. The tree preservation/landscape plan shall correspond to the limits of clearing and grading and landscape concepts identified on the GDP, be submitted as part of the first site plan submission and shall be

reviewed and approved by the Urban Forestry Branch prior to the approval of the site plan. This plan shall provide for the preservation of specific quality trees or stands of trees located on the property without precluding the development shown on the GDP.

15. Subject to the approval of the Urban Forestry Branch and/or DPWES, the Applicant shall perform the following measures relating to tree preservation in areas outside the identified limits of clearing and grading on the property:

- (a) For the purposes of maximizing the preservation of trees in common areas and on individual lots, the Applicant shall prepare a tree preservation plan which shall include three items: (1) a tree survey; (2) a tree condition analysis as discussed in paragraph (b) below; and (3) a description of prescribed treatments to be performed prior to initial clearing and grading through the time of final bond release to ensure long term tree preservation. Treatments shall include, but not be limited to, pre-construction root pruning and crown pruning, crown cleaning, vertical and horizontal mulching and protective fencing. The tree preservation plan shall be submitted to the Urban Forestry Branch of DEM for review and approval as part of the site plan submission
- (b) The tree preservation plan shall include a tree condition analysis, prepared by an arborist certified by the International Society of Arboriculture, for all existing specimen trees and all trees 8 inches in diameter and larger whose trunks lay within 20 feet of either side of the proposed limits of clearing and grading as depicted on the GDP. The certified arborist shall conduct the condition analysis, using the method described in the "Guide for Plant

Appraisal," eighth edition, published by the International Society of Arboriculture. This information shall be provided as part of the tree preservation plan.

- (c) After completion of the condition analysis, the certified arborist shall consult with the Applicant's design engineer to determine the final limits of clearing in a way that maximizes opportunities for tree preservation. The final placement of all utilities including public and private utilities, shall be considered at this time.
- (d) All trees shown to be preserved on the tree preservation plan shall be protected by fencing, a minimum of four feet in height, placed at the dripline of the trees to be preserved. For the tree preservation areas along the western and southern property line, the required protective fencing shall be of a wire mesh type. The fencing shall be installed prior to any work being conducted on the site, including the demolition of any existing structures or fences and shall be made clearly visible to all construction personnel. In addition, the certified arborist shall monitor the construction work and tree preservation efforts in order to ensure that the commitments made, through the submission and approval of the tree preservation plan, are fulfilled.

AFFORDABLE HOUSING

16. The Applicant shall provide Affordable Dwelling Units (ADUs) in accordance with the requirements of Article 2 of the Zoning Ordinance. In the event that, prior to issuance of a building permit for approval of units in any section of the approved development, the Board of Supervisors

amends the current Zoning Ordinance requirements for fulfilling affordable housing objectives, the Applicant reserves the right to comply with the Ordinance requirements in effect at that time.

In the event the requirements of the ADU Ordinance change in a way that requires fewer ADU units, units currently allocated to the ADU program may be converted to market rate units if in substantial conformance with the GDP. If in substantial conformance with the GDP, such conversion shall not require a PCA amendment application.

RECREATION

17. At the time of site plan approval, the Applicant shall contribute \$750.00 for each market rate unit to the Fairfax County Park Authority. This contribution shall be used to provide recreational facilities at Dorforth Park, or similar existing or planned public park sites that serve the application property. Using Board of Supervisors approval as a base date, this contribution shall be adjusted to the construction cost index published in the Engineering News Record by McGraw-Hill.

18. The Applicant shall: (1) at time of first site plan approval, dedicate tax map parcel 45-4-((5))-A in fee simple to the Park Authority for public park purposes; and (2) construct or provide the following on-site design amenities as generally shown on the detail sheets of the GDP: (a) street furniture; and (b) street lighting; and (c) entrance features. The entrance feature signs located the southern end of the site shall be of a double faced design and shall also be used to announce entry into the North Lakes Village for south-bound travelers through the Applicant's project.

ENERGY EFFICIENCY

19. All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes, or its equivalent as determined by DPW&ES, for either gas or electric energy systems as may be applicable.

COMMUNITY COORDINATION

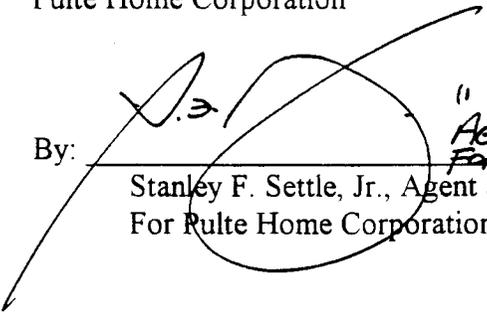
20. Notice and documents of all development related activity on the site shall be provided to a duly appointed representative for North Lake Village. Such notice shall include, but not be limited to, copies of all site plans, landscape plans and related filings with Fairfax County or VDOT that impact the property. A representative of the North Lake Village community shall be provided with an opportunity to review flagging and fencing of tree save areas prior to the beginning of clearing.

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

CONTRACT PURCHASER:

Pulte Home Corporation

By:


Stanley F. Settle, Jr., Agent and Attorney-in-Fact
For Pulte Home Corporation

"
AGENT AND ATTORNEY IN FACT
FOR PULTE HOME CORPORATION

Owners Tax Map 45-4-((1))-3

John M. Rohrbaugh

Jeanette E. Rohrbaugh

Owners Tax Map 45-4-((1))-4

Leona K Watts

Leona K. Watts

Douglas D Watts

Douglas D. Watts

Riley B Watts

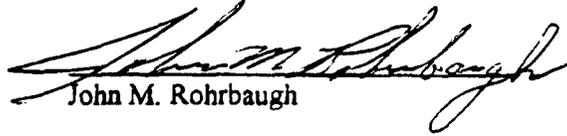
Riley B. Watts

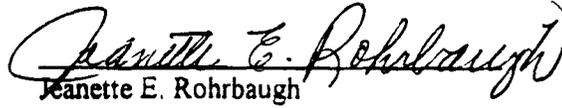
Owners Tax Map 45-4-((1))-4A

Charles Leonard

Dottie W. Leonard

Owners Tax Map 45-4-((1))-3


John M. Rohrbaugh


Jeanette E. Rohrbaugh

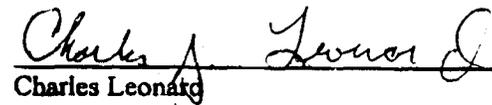
Owners Tax Map 45-4-((1))-4

Leona K. Watts

Douglas D. Watts

Riley B. Watts

Owners Tax Map 45-4-((1))-4A


Charles Leonard


Dottie W. Leonard

~~Owners Tax Map 45-4-((1))-5~~

~~_____
Dorsey W. Rohrbaugh~~

~~Owners Tax Map 45-4-((1))-10~~

~~*Ricky Thomas Harrison*~~

~~_____
Ricky Thomas Harrison~~

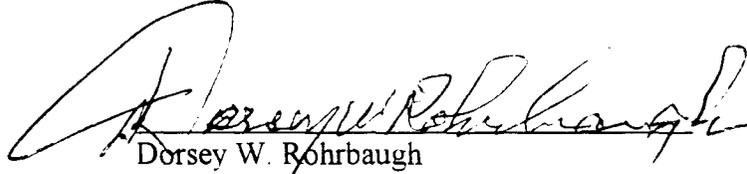
~~Owners Tax Map 45-4-((5))-A~~

~~Rohrbaugh Company, L.L.C.~~

~~By: _____~~

~~Dorsey W. Rohrbaugh, Member~~

Owners Tax Map 45-4-((1))-5



Dorsey W. Rohrbaugh

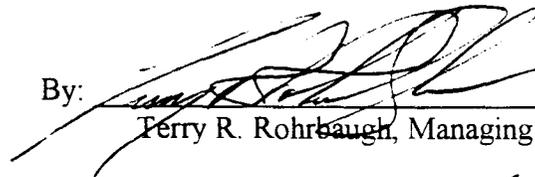
Owners Tax Map 45-4-((1))-10

Ricky Thomas Harrison

Owners Tax Map 45-4-((5))-A

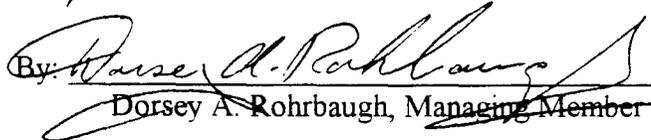
Rohrbaugh Company, L.L.C.

By:



Terry R. Rohrbaugh, Managing Member

By:



Dorsey A. Rohrbaugh, Managing Member

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

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 05/10/99

APPLICATION NUMBER: RZ 98-Y-047 SULLY DISTRICT
APPLICANT: PULTE HOME CORPORATION
STAFF: JOHNSON

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: R- 1 R- 1
ACRES: 13.36 6.08

PROPOSED:

ACTION:

R- 8 R- 1 R- 1 R- 8 R- 1
13.36 6.08 13.36 6.08

TOTAL ACRES
19.44

TOTAL ACRES
19.44

MAP NUMBERS

045-4- /01/ /0003- ,0004- ,0004-A ,0005- ,0010

REMARKS:

APPLICATION REZONES 13.36 AC TO THE R-8 DISTRICT AND 6.08 AC TO THE R-1 DISTRICT FOR A PUBLIC PARK

ZONING MAP AMENDMENT

RZ 98-Y-047

ZONING DISTRICT DATA

ZONING DISTRICT: R- 8

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFA	112	13.36			14	14

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TOT	112	13.36	8.38		14	14

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-047

ZONING DISTRICT DATA

ZONING DISTRICT: R- 1

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
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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-047

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
1Z OTHER - GENERAL	3C FACIL: CONSTR/REALGN/WIDEN/EXPND
3Z OTHER - TRANSPORTATION	3Z OTHER - TRANSPORTATION
3Z OTHER - TRANSPORTATION	3Z OTHER - TRANSPORTATION
3B RIGHT-OF-WAY: DEDICATION/RESERV	3Z OTHER - TRANSPORTATION
4Z OTHER - ENVIRONMENT	4Z OTHER - ENVIRONMENT
2Z OTHER - LAND USE	2Z OTHER - LAND USE
2Z OTHER - LAND USE	2E DEDICATION: PARKLAND
5Z OTHER - MODERATE PRICED HOUSING	4B TREES/COUNTY ARBORIST
4H LANDSCAPING	4Z OTHER - ENVIRONMENT
4E NOISE ATTENUATION	7A OTHER MISCELLANEOUS - SEE FILE

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:

5/10/99

4:30 p.m. Item - RZ-1998-SU-047 - PULTE HOME CORPORATION
Sully District

On Thursday, April 8, 1999, the Planning Commission voted 10-0-2 (Commissioners Coan and Harsel abstaining) to recommend to the Board of Supervisors approval of RZ-1998-SU-047, subject to the execution of proffers consistent with those dated March 30, 1999.

Planning Commission Meeting
April 8, 1999
Verbatim Excerpts

RZ-1998-SU-047 - PULTE HOME CORPORATION

Decision Only During Commission Matters
(Public Hearing held on March 24, 1999)

Commissioner Koch: Two weeks ago we held a hearing for Pulte Home Corporation, for a rezoning of 19.44 acres at a strategic and visible location at the intersection of Route 50 and the Fairfax County Parkway in the Fair Lakes area. The application is for the R-8 District to permit 112 single family attached units, including ADU units, and to rezone 6.08 acres to the R-1 District, with proffers to allow this parcel to be dedicated for public park purposes. You may remember that there was a large number of concerned citizens who attended the hearing, but had only one person speak in support of the application. I thank them for that as they got their position known and expressed while taking a minimum of the Commission's time that night. This parcel is an infill parcel and I intend to move favorably, but before I do I think it would be helpful for me to review the major issues associated with this case. This property is governed by very clear Comprehensive Plan language, including one of the more unusual requirements I have seen which stipulates that to achieve a certain high end bonus density, the applicant is required to acquire nearly seven acres of off-site land and dedicate the land to the Park Authority. Interestingly, the Plan language does not allow the applicant to obtain the standard full density credit that he would normally be allowed for such a park dedication. The applicant originally filed without including this seven acre parcel, but at staff's encouragement they acquired the property and amended their application to include it. The acquisition and dedication of the off-site property solves a long standing County problem. The market value of this off-site parcel is in excess of \$300,000. In addition, the Plan also stipulates that the central portion of the subject property is to construct an important link in a connector road which, as its name implies, provides a vital linkage between numerous existing and planned communities in the northern portion of the Fair Lakes development. In my view, the County needed to achieve five objectives from this application. First, ensure that the applicant provides an overall quality of development consistent with that exhibited throughout Fair Lakes which is a signature project in both the County and Sully District. Two, provide the required ADU units which the applicant has done in a superior fashion by scattering the units and creating the illusion that the ADU units are a part of the group where they are located. Three, provide for a crucial interparcel connector road. Four, provide for the addition to the park and recreational stock for this part of Fair Lakes. And five, perhaps most importantly, be sensitive to and compatible with the existing, established North Lake Village community to the south and immediately adjacent to the subject property. Having worked with the community on other projects within Fair Lakes, I can tell you that this community takes review very seriously. As indicated in the staff report, there are several technical concerns raised by citizens and staff and several editorial changes which needed to be made to the proffers. Specifically, staff had raised concerns about the proposed density, the timing of the construction of the connector road, and an enhanced contribution to off-site parks and recreational needs. Last week revised proffers were distributed to the Commission addressing all the technical issues, including the timing of the interparcel road connection.

The new proffers also doubled the previous proposed contribution for off-site park purposes to \$500 per unit. However, staff still felt that this was not sufficient. As to park issues, I think it is important to note that the applicant has proffered a package having a value in excess of \$350,000. To put this contribution in context, this is a request for a conventional R-8 zoning and, if this were a planned development district, we would be applying the standard Zoning Ordinance park and recreational contribution requirements which would result in a contribution of approximately \$94,000 or 73 percent less than the \$350,000 amount proffered in this application. Despite this fact, the applicant has verbally agreed to further increase their contribution to \$750 per unit. At this time, Mr. Chairman, I'd like Mr. Giguere to come up and verify that verbally.

Chairman Murphy: Mr. Giguere, please.

Michael Giguere, Esquire: Mr. Chairman, ladies and gentlemen of the Commission, my name is Mike Giguere. I am representing the applicant, Pulte Home Corporation, in this request. In response to Commissioner Koch's request, I agreed -- I have seen the error of my ways. I have seen the light and we will increase the contribution to \$750 per unit due to the persuasiveness of Commissioner Koch and the always ladylike but persistent and tenacious aggressive behavior of Leslie Johnson, who encouraged me to increase the ante. Thank you.

Commissioner Byers: Mr. Chairman?

Chairman Murphy: Thank you for introducing at least seven new words into our vocabulary, Mr. Giguere. Mr. Byers.

Commissioner Byers: I'd just like to ask Mr. Giguere -- can you straighten your arm yet?

Mr. Giguere: With therapy. It was voluntary.

Chairman Murphy: It was a voluntary proffer. It's wonderful doing business in the Fairfax County we all know and love. Mr. Koch.

Commissioner Koch: As to the density concerns raised in the staff report, I have reviewed the design and density carefully and this application has been reviewed extensively by the North Lake Village community. As I indicated earlier, North Lake Village brings extensive planning and zoning experience to the table and has been actively and intimately involved in developing all the plans for Fair Lakes and the Fairfax Center area. After they reviewed this proposal and the applicant addressed their concerns, they now support the project. I am convinced that all issues related to density and planning are appropriately addressed. In summary, based on the efforts made by the community, the applicant, and staff, I believe the five objectives I articulated have been met and the application merits a recommendation of approval from the Commission. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF

RZ-1998-SU-047, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 30, 1999.

Commissioner Byers: Second.

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

Commissioner Hall: Mr. Chairman, I'm afraid I'm going to have to abstain, having missed the public hearing.

Commissioner Coan: Mr. Chairman, I'm abstaining too. I was not present for this public hearing.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-SU-047, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Coan and Hall: Abstain.

Chairman Murphy: Motion carries. Mr. Coan and Ms. Hall abstain. Thank you very much.

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(The motion carried by a vote of 10-0-2 with Commissioners Coan and Hall abstaining.)

GLW