



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

August 18, 1999

Telephone: 703-324-3151

FAX: 703-324-3926

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Jonathan P. Rak, Esquire
Wilkes, Artis, Hedrick and Lane, Ctd.
11320 Random Hills Road - Suite 600
Fairfax, Virginia 22030-6042

RE: Rezoning Application
Number RZ 1998-DR-049

Dear Mr. Rak:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 26, 1999, granting Rezoning Application Number RZ 1998-DR-049 in the name of Ralph B. Evans, to rezone certain property in the Dranesville District from the R-3 District to the PDH-5 District, subject to the proffers dated July 26, 1999, on subject parcel 30-1 ((1)) 37, 38, 38B, 39, 41, 42, 42B and 92, consisting of approximately 24.14 acres.

The Board also approved the Conceptual Development Plan: the Planning Commission having previously recommended approval of Final Development Plan FDP 1998-DR-049 on June 24, 1999, subject to the Board's approval of RZ 1998-DR-049.

The Board also:

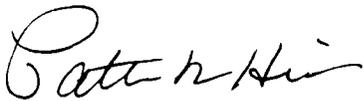
- **Waived the limitation on the length of private streets.**
- **Waived the service drive requirement on Dolly Madison Boulevard.**
- **Modified the transitional screening and barrier requirements adjacent to Lot 60.**
- **Modification of the transitional screening and barriers internal to the property.**

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- **Approved a variance to allow that \$955 per unit be used for implementation of trails in the Pimmit Run area.**
- **Directed that the Department of Public Works and Environmental Services allow the existing Enterprise Avenue to remain a stub street without a cul-de-sac and with pedestrian only access to Evans Farm Property.**

Sincerely,



Patti M. Hicks
Deputy Clerk to the Board of Supervisors
NV/ns

cc: Chairman Katherine K. Hanley
Supervisor-Dranesville District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Fred R. Beales, Supervisor Base Property, Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Ellen Gallagher, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPW&ES
DPW&ES - Bonds & Agreements
Frank Edwards, Department of Highways - VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES
Barbara J. Lippa, Exceutive 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 26th day of July, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-DR-049

WHEREAS, Ralph B. Evans filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-3 District to the PDH-5 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

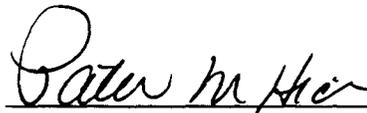
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the PDH-5 District, and said property is subject to the use regulations of said PDH-5 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

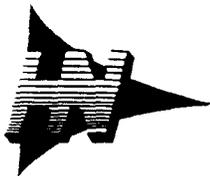
BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 26th day of July, 1999.



Patti M. Hicks

Deputy Clerk to the Board of Supervisors



HUNTLEY, NYCE & ASSOCIATES, LTD.

SURVEYING - CIVIL ENGINEERING - LAND PLANNING

7202 Poplar Street, Unit E

Annandale, Virginia 22003

Local (703) 750-3490. Fax (703) 642-5936

DIRECTORS

CHAIRMAN OF THE BOARD

CHARLES J. HUNTLEY

PRESIDENT

LESTER O. NYCE P.E.

VICE PRESIDENT

ROBERT L. SPROLES P.E.

LEGAL DESCRIPTION

"EVANS FARM"

THE LANDS OF

EVANS FARM INN CORPORATION

FIRST VIRGINIA BANK

OLD DOMINION BANK

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
AUG 18 1998
ZONING EVALUATION DIVISION

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF DOLLEY MADISON BOULEVARD, ROUTE #123, WIDTH VARIES, SAID POINT BEING THE NORTHWESTERLY CORNER OF CITY OF FALLS CHURCH.

THENCE DEPARTING THE SOUTHERLY RIGHT-OF-WAY OF DOLLEY MADISON BOULEVARD AND WITH THE WESTERLY LINE OF CITY OF FALLS CHURCH S 40°36'15" E 201.67 FEET TO A POINT IN THE WESTERLY LINE OF BROYHILLS MCLEAN ESTATES SUBDIVISION.

THENCE WITH THE WESTERLY AND SOUTHERLY LINES OF BROYHILLS MCLEAN ESTATES SUBDIVISION S 19°41'35" W 668.61 FEET TO A POINT; N 86°57'55" E 281.46 FEET TO A POINT IN THE WESTERLY LINE OF A THIRTY FOOT OUTLET ROAD.

THENCE DEPARTING THE SOUTHERLY LINE OF BROYHILLS MCLEAN ESTATES SUBDIVISION AND WITH THE WESTERLY LINE OF THE THIRTY FOOT OUTLET ROAD S 03°47'24" E 145.14 FEET TO A POINT, SAID POINT BEING THE NORTHEASTERLY CORNER OF MOHAMMED MOOSAVI.

THENCE DEPARTING THE WESTERLY LINE OF THE THIRTY FOOT OUTLET ROAD AND WITH THE NORTHERLY LINES OF MOHAMMED MOOSAVI AND MICHAEL MARKOVIC S 86°51'59" W 199.76 FEET TO A POINT, SAID POINT BEING THE NORTHWESTERLY CORNER OF MICHAEL MARKOVIC AND THE NORTHEASTERLY CORNER OF LONG V. NGUYEN.

THENCE WITH THE NORTHERLY LINE OF LONG V. NGUYEN S 87°02'19" W 130.00 FEET TO A POINT IN THE EASTERLY LINE OF PRAGMATICS INC., SAID POINT BEING THE NORTHWESTERLY CORNER OF LONG V. NGUYEN.

THENCE WITH THE EASTERLY, NORTHERLY AND WESTERLY LINES OF PRAGMATICS INC. N 14°40'29" E 20.34 FEET TO A POINT; S 83°24'36" W 76.42 FEET TO A POINT; S 03°48'00" E 466.38 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY OF CHAIN BRIDGE ROAD, ROUTE #3547, WIDTH VARIES, SAID POINT BEING THE SOUTH-WESTERLY CORNER OF PRAGMATICS INC.

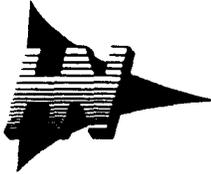
THENCE WITH THE NORTHERLY RIGHT-OF-WAY OF CHAIN BRIDGE ROAD S 82°59'28" W 253.53 FEET TO A POINT; S 83°12'57" W 176.52 FEET TO A POINT; S 81°01'38" W 138.25 FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF KATHARINE PETERS.

THENCE DEPARTING THE NORTHERLY RIGHT-OF-WAY OF CHAIN BRIDGE ROAD AND WITH THE EASTERLY AND NORTHERLY LINES OF KATHARINE PETERS N 19°14'30" W 307.9 FEET TO A POINT; N 76°22'22" E 96.02 FEET TO A POINT; N 16°27'37" W 277.39 FEET TO A POINT; S 70°43'26" W 125.00 FEET TO A POINT IN THE EASTERLY LINE OF RETIREMENT RESIDENCE INCORPORATED, SAID POINT BEING THE NORTHWESTERLY CORNER OF KATHARINE PETERS.

THENCE WITH THE EASTERLY AND NORTHERLY LINES OF RETIREMENT RESIDENCE INCORPORATED N 19°16'34" W 163.66 FEET TO A POINT; N 53°55'19" W 199.98 FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF PARCEL "A" LEWINSVILLE SQUARE AND THE NORTHERNMOST CORNER OF RETIREMENT RESIDENCE INCORPORATED.

THENCE WITH THE EASTERLY LINE OF PARCEL "A" LEWINSVILLE SQUARE N 53°51'32" W 85.71 FEET TO A POINT IN THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY OF DOLLEY MADISON BOULEVARD, SAID POINT BEING THE NORTHEASTERLY CORNER OF PARCEL "A" LEWINSVILLE SQUARE.

THENCE WITH THE SOUTHERLY RIGHT-OF-WAY OF DOLLEY MADISON BOULEVARD N 61°04'49" E 129.98 FEET TO A POINT; N 64°31'47" E 646.60 FEET TO A POINT; N 64°14'44" E 103.52 FEET TO A POINT; N 67°25'04" E 151.33 FEET TO A POINT; N 62°46'58" E 181.65 FEET TO A POINT; N 62°21'48" E 150.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 24.1202 ACRES OF LAND.



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THE LAND OF
FIRST VIRGINIA BANK
OLD DOMINION BANK
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY OF DOLLEY MADISON BOULEVARD, ROUTE #123, WIDTH VARIES, SAID POINT BEING A COMMON CORNER.

THENCE DEPARTING THE NORTHERLY RIGHT-OF-WAY OF DOLLEY MADISON BOULEVARD AND WITH THE SOUTHERLY LINE OF FAIRFAX COUNTY BOARD OF SUPERVISORS N 33°25'00" E 53.86 FEET TO A POINT ON THE WESTERLY LINE OF LANGLEY SCHOOL, INCORPORATED.

THENCE WITH THE WESTERLY LINE OF LANGLEY SCHOOL, INCORPORATED S 56°35'09" E 32.51 FEET TO A POINT ON THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY OF DOLLEY MADISON BOULEVARD.

THENCE WITH THE NORTHERLY RIGHT-OF-WAY OF DOLLEY MADISON BOULEVARD S 64°31'40" W 62.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 875 SQUARE FEET OF LAND.

PROFFERS
RZ 1998-DR-049
DATED: JULY 26, 1999

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950 as amended, the undersigned Applicant/Owner for both themselves and their successors and assigns (hereinafter "Applicant"), file for a zoning map amendment and final development plan approval for property identified as Tax Map Reference 30-1((1)) 37, 38, 38B, 39, 41, 42, 42B and 92 (Subject Property) and hereby agree to the following proffers, provided the Fairfax County Board of Supervisors (the Board) approves the rezoning of the Subject Property to the PDH-5 zoning district:

1. Development Plan

1.1 Development of the Subject Property shall be in substantial conformance with the CDP/FDP, prepared by Huntley, Nyce, & Associates, dated July 23, 1998, revised through May 3, 1999, consisting of seven sheets.

1.2 Pursuant to paragraph 4 of Section 16-403 of the Ordinance, minor modifications of the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant may revise the width or depth of lots and units shown on the CDP/FDP without requiring approval of an amendment to the CDP/FDP, provided that such changes are in conformance with the Ordinance, are in substantial conformance with the CDP/FDP, and do not increase the total number of units, decrease the amount of open space, except as provided in paragraph 5.2, below, decrease the ratio of parking spaces per unit, or move any residential unit more than five feet closer to any exterior property boundary.

2. Transportation

2.1 The Applicant shall construct public street and entrance improvements on Dolley Madison Boulevard (Route 123) as approved by VDOT and DPWES and shown conceptually on the attached CDP/FDP; these improvements shall include right and left hand turn lanes and acceleration lanes at the project's entrances. The Applicant shall also dedicate in fee simple to the Board the land area 35 feet from the centerline of Chain Bridge Road (Route 3547) for right-of-way purposes at the time of final site plan/subdivision plan approval or upon demand by the Board, whichever comes first. The Applicant shall construct or bond for construction frontage improvements, as approved by VDOT and DPWES within the dedicated right-of-way along Chain Bridge Road at the time of final site plan/ subdivision plan approval.

2.2 At the time of the approval of a final site plan/subdivision plan for a first phase of development, the Applicant shall provide a monetary contribution for the entire cost of the installation of a traffic signal on Chain Bridge Road (Route 3547) at a location between Westmoreland Street and Great Falls Road. The amount of such contribution shall be approved by DPWES. After the issuance of the final residential use permit within the project and prior to the final bond release, the Applicant will conduct a warrant study for such traffic signal and

submit the study to VDOT and DPWES. If traffic warrants are not met to justify the installation of subject traffic signal at the time of bond release, the contribution shall become available for use by Fairfax County for traffic improvements in the McLean area.

3. Affordable Dwelling Unit Program

3.1 The Applicant shall comply with the Affordable Dwelling Unit (ADU) program as set forth in Part 8 of Article 2 of the Fairfax County Zoning Ordinance. The number of ADUs to be provided may be reduced by the Applicant based on the adoption of a future amendment to the provisions of the ADU Ordinance. Subject to agreement between the parties, the ADU requirement may be met through construction of elderly housing units by the Lewinsville Retirement Residence on land sold to the Lewinsville Retirement Residence by the Applicant for One Dollar (\$1.00) as shown in Alternative 1 or 2 on the CDP/FDP. If the above agreement does not take place, the affordable dwelling unit requirement shall be satisfied with the provision of multi-family dwelling units which shall be distributed in at least two of the three multi-family buildings shown on the CDP/FDP unless the ADUs are made a part of the Lewinsville Retirement Residence as shown in Alternatives 1 and 2 on the FDP, in which case, the ADUs may be in one building. The Applicant will not pursue a modification to the requirements of the ADU program that would allow a monetary contribution to the Fairfax County Housing Trust Fund in lieu of providing the required ADUs.

4. Erosion and Sediment Control and Stormwater Management

4.1 In order to minimize siltation in the pond on the Evans Mill Pond property, the applicant shall provide additional erosion and sediment control measures over and above those required by the Public Facilities Manual (PFM) subject to the approval of the Director of DPWES. These enhancements may include the location of additional sediment control measures at one or more of the following locations: around the existing pond on the Property, between the pond and the pipe located under Route 123, and between the pipe under Route 123 and the stormwater management pond located on the Evans Mill Pond property. Prior to commencement of any land disturbing activities on the Property, Applicant shall conduct a bathymetric survey on the eastern portion of the Evans Mill Pond stormwater management pond. Following completion of land disturbing activities, the Applicant shall conduct a second bathymetric survey. If siltation in the Evans Mill Pond stormwater management pond exceeds normal deposition of sediments without construction activity, as determined by DPWES, the Applicant will, at its expense, remove the siltation prior to the release of the Applicant's Conservation Bond.

4.2 The Applicant shall provide on-site stormwater management and Best Management Practices (BMPs) in accord with the requirements of the Public Facilities Manual and the Chesapeake Bay Preservation Ordinance. The farm pond existing on the Subject Property shall be modified to accommodate these facilities as required by DPWES, subject to the following: The Applicant may drain and reconstruct the farm pond and/or enlarge the area of the pond, provided such enlargement shall not conflict with the tree save designations shown on the CDP/FDP and provided that, to the maximum extent possible, the character of the existing

referenced parcel to request access. A copy of the notice shall be included with the first submission of the site plan/subdivision plan.

5.5 The land adjacent to Lewinsville Presbyterian Church (the "Church") shall be used as a parking lot for Lewinsville Retirement Residence, as shown on the CDP/FDP. If the Applicant is unable to reach agreement with the Church or Lewinsville Retirement Residence, if access to the parking area cannot be obtained across Tax Map No. 30-3-001-60, or if Lewinsville Retirement Residence is unable to obtain the necessary approvals for the parking lot, the land shall be used as open space.

5.6 Although the streets within the project will be private, all pedestrian areas within the project shall remain open to the general public during daylight hours at a minimum and any other times as determined by the homeowners' association. The pedestrian areas shall be encumbered by a pedestrian access easement, subject to reasonable rules and restrictions.

5.7 The Applicant shall provide trash receptacles at the two bus stops on Chain Bridge Road which shall be maintained and emptied by the homeowners' association.

6. Tree Preservation

6.1 For the purpose of maximizing tree preservation, the Applicant shall prepare a tree preservation and transplantation plan. The tree preservation and transplantation plan for the entire property shall be reviewed by the Urban Forestry Branch of DPWES as part of the submission of the first site plan or subdivision plan, and prior to the demolition of any existing structures or any construction activities on the Subject Property. This plan shall provide for the preservation of specific trees as shown on the CDP/FDP. The Urban Forestry Branch may require modifications to the grading plan to the extent said modifications do not alter the number of dwelling units shown on the CDP/FDP, reduce the size of the units, or require the installation of retaining walls greater than two feet in height.

A. The tree preservation plan shall include a tree survey prepared by an arborist certified by the International Society of Arboriculture, showing the locations, size, species and approximate dripline of all the existing trees as shown on the CDP/FDP. The tree preservation plan shall include a condition analysis performed by a certified arborist, using the methods described in the latest edition of the "Guide for Plant Appraisal," published by the International Society of Arboriculture. This information shall be provided on the tree preservation plan.

B. After completion of the tree survey and condition analysis, the certified arborist shall consult with the Applicant's design engineer to determine the appropriate placement for homes on the lots in order to maximize tree preservation. The limits of clearing and grading will be determined at this time to minimize tree root disturbance. The tree preservation plan shall be submitted with, and become a part of, the site plan or subdivision plan and the overlot grading plans, whichever is appropriate. The placement of all utilities, both public and private, shall be considered in light of the submission of the tree preservation plan.

pond shall be retained subject to the approval of the Director of DPWES after consultation with the Urban Forestry Branch of DPWES. Appropriate materials will be planted to supplement the existing vegetation around the pond in compliance with the "Interim Policy Regarding Tree Preservation and Planting In and Around Stormwater Management Ponds" adopted by the Board on March 8, 1999. These materials shall be in addition to those shown on the CDP/FDP.

4.3 In order to enhance water quality in the existing farm pond, the applicant shall provide additional water-quality protection measures over and above those required by the PFM subject to the approval of the Director of DPWES. These measures may include, but are not limited to one of the following: installation of forebays, creation of a shallow shelf planted with wetland species under the permanent pool of the pond, use of mechanical separators in the storm drainage system, and/or creation of water falling situations to increase oxygen in the water.

5. Streets and Parking

5.1 The Applicant shall construct private streets in conformance with the Public Facilities Manual, except that the following minimum road widths may be allowed as listed on the CDP/FDP subject to the approval of the Director of DPWES: 18-foot wide travelways; 14-foot wide pavement in alleys; and eight-foot wide parallel parking lanes. Walkways shall be provided in the general locations depicted on the CDP/FDP. Private streets and alleys will be maintained by the homeowners' association.

5.2 The Applicant may increase the number of parking spaces above the number shown on the CDP/FDP, provided that the addition of parking spaces do not 1) decrease the total percentage of open space provided within the project below 31 percent; 2) adversely affect any tree save or open space areas; or 3) reduce the total number of trees to be planted and provided that the additional parking spaces are in substantial conformance with the CDP/FDP.

5.3 The Applicant will use best efforts to obtain the right-of-way necessary from lots 65, 66, and 135 on Enterprise Avenue to construct a permanent cul-de-sac to VDOT standards at the existing terminus of Enterprise Avenue. If the necessary right-of-way can be obtained, the Applicant will, at its expense, construct the cul-de-sac.

5.4 Should Tax Map Parcel 30-3((1))-60 be subdivided for residential use, then access to the private streets on the Subject Property will be allowed only if the entire parcel becomes subject to a recorded declaration that requires a per unit pro rata contribution for private street maintenance and that imposes the same architectural standards as those restricting the Property in these proffers. In addition, the Applicant will provide the owner of the above-referenced lot with access to the private streets for the existing single family residence only, provided that the owner of the lot submits a written request for access to the Applicant, prior to the Applicant's submission of a site plan/subdivision plan to the County DPWES. The Applicant shall provide a written notice to the owner of the above-referenced parcel offering such access at least 30 days prior to the first submission of the site plan/subdivision plan. This notice shall include a reasonable deadline (not less than 30 days) for the owner of the above-

6.2 Tree healthcare measures shall be a part of the tree preservation plan. Specific tree preservation activities such as root pruning, vertical and horizontal mulching, mycorrhizae treatment and crown maintenance shall be required where existing trees will be heavily impacted by construction activities.

6.3 The location of trees identified as candidates for transplanting shall be noted on the tree preservation plan and will be coordinated with the Urban Forestry Branch. Trees identified for transplanting shall be moved prior to the commencement of any clearing or demolition activities. If necessary, the transplanting may occur after the initial stages of clearing and grading, if this is appropriate as determined by the Urban Forestry Branch, but must commence immediately thereafter. Transplanted trees and shrubs may be substituted for landscaping shown on the development plan. The tree preservation plan must also contain a description of how the transplanted trees will be cared for both during storage, if applicable, and after final planting.

6.4 All trees shown to be preserved on the tree preservation plan shall be protected by fencing a minimum of four feet in height during construction. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any work being conducted on the site, including the demolition of any existing structures. The tree preservation plan may call for special tree protection measures where individual trees or groups of trees will be impacted on more than two sides. The certified arborist shall monitor the installation of the tree protection fencing and verify in writing that it has been installed prior to the demolition of any existing structures. In addition, the certified arborist shall monitor the construction work and tree preservation efforts in order to ensure that the commitments made on the tree preservation plan are fulfilled.

6.5 The demolition of existing structures shall be conducted in such a manner as to minimize the impact on individual trees and groups of trees to be preserved.

7. Architecture and Landscaping

7.1 The illustrative architectural drawings attached hereto as Exhibit A are provided to show the design intent of the proposed single-family, townhouse and multi-family buildings. The front elevations shall be generally consistent in character and quality with the illustrations. Specific features, such as the exact location and size of windows, doors, shutters and roofline are subject to modification with final engineering and architectural design. The applicant may also substitute different elevations provided that the new elevations are generally consistent in terms of character and quality with the illustrations as determined by the Director of DPWES.

7.2 The side and rear elevations of the single-family, townhouse, and multi-family buildings shall be constructed primarily with the same material as the front elevations and shall generally be consistent with the quality and character of the illustrations.

7.3 The typical foundation planting plans shown on the CDP/FDP are illustrative in nature. The final foundation planting plans shall be generally consistent in character and quality with the typical illustrations.

7.4 Street trees shall be planted in the general locations shown on the CDP/FDP. Trees to be planted in tree wells as shown on the CDP/FDP will be provided with the minimum planting areas established in the Public Facilities Manual. Design of tree wells shall be approved by the Urban Forestry Branch.

7.5 The Applicant shall construct a brick wall, generally six feet in height, along the eastern boundary of the Property as shown on the CDP/FDP.

7.6 The Applicant shall provide landscaping adjacent to the Lewinsville Square townhouses as shown on the CDP/FDP.

8. Open Space and Recreation

8.1 Two of the existing structures identified on the CDP/FDP as the Millhouse and Stonehouse shall be preserved, provided that alterations may be made for accessibility, safety, and structural integrity. The Stonehouse may, at the Applicant's discretion, be converted to meeting room or office for an on-site community manager.

8.2 All open space areas, including the existing farm pond, Millhouse, and Stonehouse shown on the CDP/FDP shall be dedicated and conveyed to the homeowners' association.

8.3 The existing farm pond and Millhouse shall be accessible to both the residents of the Subject Property and the general public during daylight hours at a minimum and any other times as determined by the homeowners' association. This area will be encumbered by a public access easement, subject to reasonable rules and restrictions.

8.4 The Applicant shall make a monetary contribution to the Fairfax County Park Authority of \$955.00 per dwelling unit for recreation improvements within the McLean area prior to the issuance of a building permit for each unit. If the Board approves a variance pursuant to Section 16-401(8)(B), these funds shall be designated for the acquisition and construction of trails in the McLean area and shall be contributed to the Board of Supervisors.

8.5 Prior to the issuance of a residential use permit for the 50th dwelling unit, the Applicant shall design and construct the following improvements to Lewinsville Park, subject to the approval of the Fairfax County Park Authority:

A. Improve the gravel area west of the existing parking lot to provide a paved parking lot of approximately 48 spaces. Applicant improvements shall be limited to clearing, grading, paving section, curb stops, bollards, and stabilization of disturbed area.

B. Improve the existing playground adjacent to the garden plots. Applicant improvements shall be limited to removing the existing retaining wall, replacing the existing benches and picnic tables, relocating the asphalt trail, grading associated with these improvements, modifications to the playground border and surface associated with these improvements, and the stabilization of all disturbed areas.

8.6 The Applicant shall grant a public access trail easement for the trail along Dolley Madison Boulevard for those portions located on the Subject Property.

8.7 Applicant shall restore areas disturbed for placement of utilities, if different from that shown on the CDP/FDP, as determined by DPWES.

8.8 Prior to the issuance of a residential use permit for the 25th dwelling unit, the Applicant shall contribute \$100,000 to the McLean Revitalization Corporation for streetscape amenities, such as streetlights, in the McLean Community Business Center.

9. Noise Reduction

9.1 Applicant shall use building materials with characteristics to achieve a minimum average interior noise level of 45 dBA Ldn for all units (if any) located within the projected 65-70 dBA Ldn highway noise impact area for Dolley Madison Boulevard (Route 123) and Chain Bridge Road (Route 3547).

1. All units located between the 65-70 dBA Ldn highway noise impact contours (For Dolley Madison Boulevard: 65 dBA Ldn - 250 feet from centerline; 70 dBA Ldn - 120 feet from centerline and for Chain Bridge Road 65 dBA Ldn - 125 feet from centerline; 70 dBA Ldn - 60 feet from centerline) may achieve the average interior noise levels using the following acoustical techniques:

- A. Exterior walls shall have a laboratory STC rating of a least 39.
- B. 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.
- C. Measures to seal and caulk between exterior wall surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

2. As an alternative, the Applicant may submit to the Department of Planning and Zoning (DPZ) and DPWES an acoustical engineering study which will specify those building materials to be used to ensure that building interior sound levels will not be in excess of 45 dBA Ldn for all of those residential units delineated on the CDP/FDP within the above-referenced areas. The study methodology shall be acceptable to DPZ.

3. In order to reduce exterior noise levels in affected rear and/or side yards to 65 dBA Ldn or less, one or more noise barrier shall be provided. Barrier(s) shall be of a height sufficient to break all lines of sight between a line eight feet above the centerline of the highway and a plane six feet above the ground in the affected outdoor recreation areas. The barrier(s) shall be architecturally solid from the ground up and shall contain no gaps. The Applicant may use gates between garage units as sound mitigation, provided that gates are flush with a step on the interior of the lot and the gates swing out towards an alley. A berm, architecturally solid wall, or berm and wall combination may be used to provide the required level of noise mitigation. The Applicant may incorporate privacy fencing within the noise barrier, provided that such fencing will meet the above guidelines.

10. Energy Efficiency

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

11. Use of Garages

11.1 Garages will be used only for the purposes that will not interfere with the intended purpose of a garage, which is the parking of vehicles and the location of certain utilities. A restrictive covenant to that effect running to the homeowners' association and Fairfax County, approved by the County Attorney, shall be recorded among the land records of the Fairfax County in conjunction with or prior to the Deed of Dedication and Subdivision. Prior to entering into any contract of sale, prospective purchasers of homes shall be notified in writing of this covenant.

12. Construction

12.1 Construction access from Enterprise Avenue shall be prohibited; except that construction access from Enterprise Avenue shall be allowed for the construction of utility lines and pedestrian trails that connect to Enterprise Avenue, the construction of a wall between the Property and Broyhill Estates, and any improvements to Enterprise Avenue required by VDOT.

12.2 The Applicant shall provide rodent control through extermination in and around all existing structures prior to their demolition.

13. Homeowners' Association and Disclosures

13.1 The Applicant shall form a homeowners' association for the Subject Property, as approved by the County Attorney. In the event one of the multi-family dwelling buildings is consolidated into the Lewinsville Retirement Residence as shown on Alternative 1 or Alternative 2 of Sheet 3 of the Final Development Plan, that portion of the Subject Property may be exempted from assessments, architectural controls, or other restrictions of the association documents.

13.2 Prior to entering into any contract of sale, prospective purchasers of homes within the Subject Property shall be notified in writing of 1) future homeowners' association responsibility for the maintenance of the private streets and alleys, stormwater management and BMP facilities and adjacent open space area, and the Millhouse and Stonehouse structures; 2) accessibility of the pond, Millhouse, and pedestrian areas for the general public, as set forth herein; 3) potential access for Parcel 60 as specified in paragraph 5.4, above; and 4) the requirement of the homeowner's association to maintain the trail around the pond and the trash receptacles at the bus stops along Chain Bridge Road. The Applicant shall require that purchasers acknowledge receipt of this information in writing. A covenant, setting forth the maintenance responsibility of the private streets, trash receptacles, stormwater management and BMP facilities, and accessibility of the farm pond, Millhouse, Stonehouse, and pedestrian areas for the general public, by the homeowners' association shall be recorded among the land records of Fairfax County. Each deed of conveyance shall expressly contain these disclosures.

SIGNATURE PAGES FOLLOW

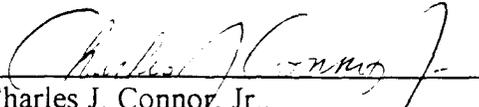
TITLE OWNER
PARCEL 30-1-((1))-38B

EVANS FARM INN CORP.

By: 
Ralph B. Evans,
President

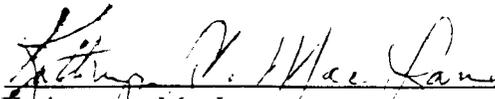
TITLE OWNER
PARCELS 30-1-((1))-37, 38,39, 41, 42, and 92

EVANS SOUTH LIMITED PARTNERSHIP
By: FIRST VIRGINIA BANK, TRUSTEE

By: 
Charles J. Connor, Jr.,
Vice President and Senior Trust Officer

CONTRACT PURCHASER

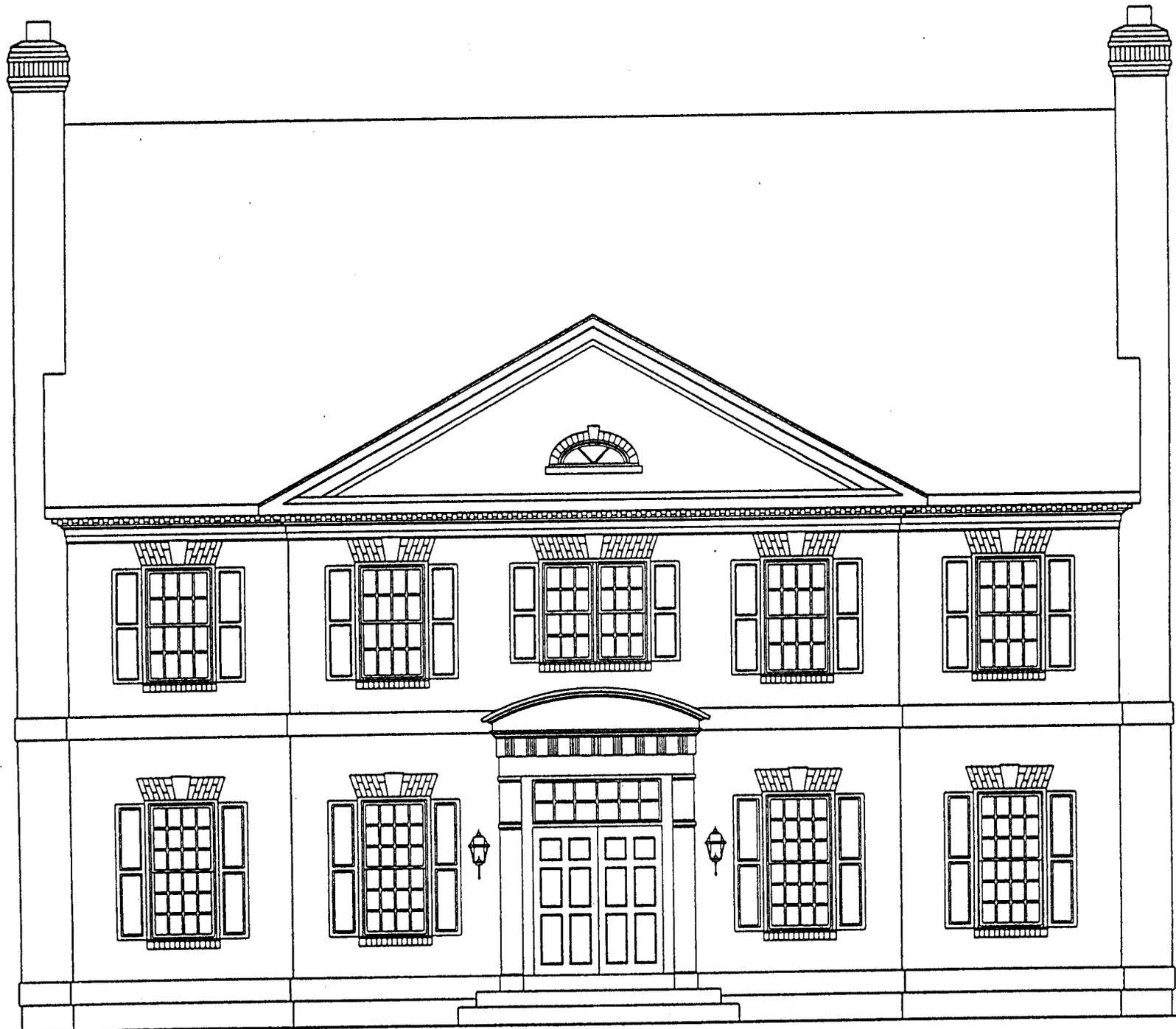
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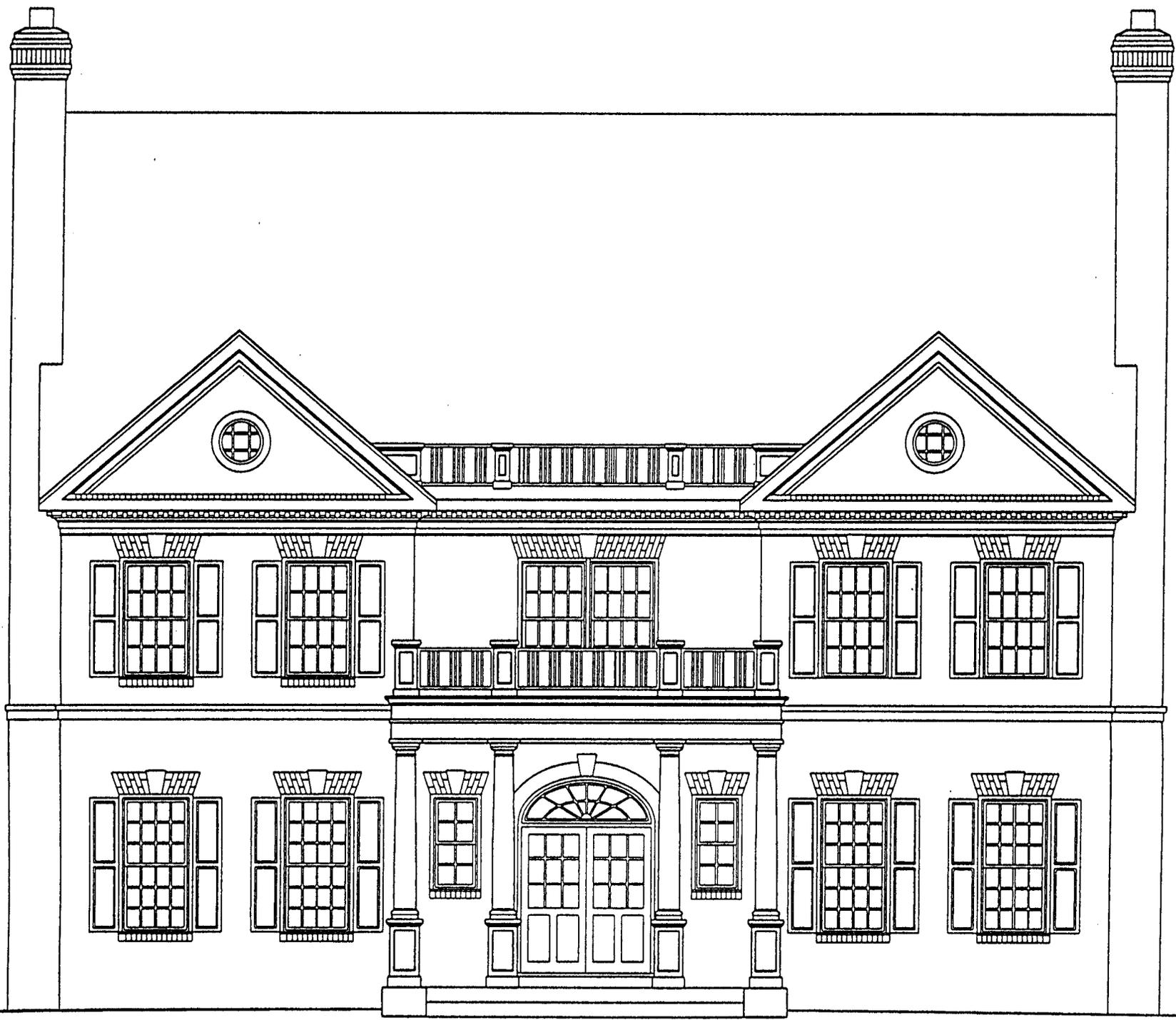
BY: 
Kathryn A. MacLane,
Executive Vice President

124652v20













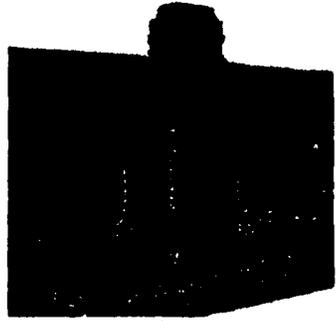
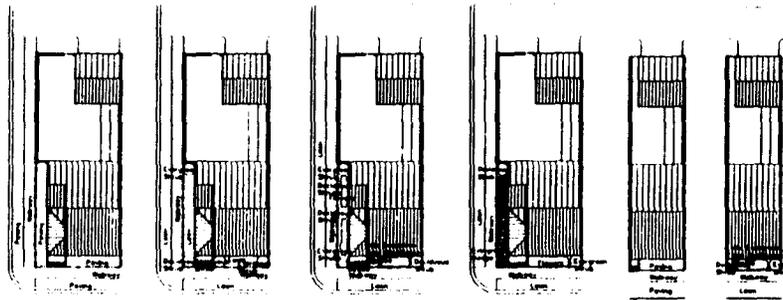




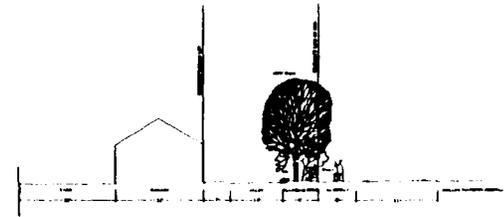




TOWNHOUSE UNITS



WALL DETAIL - ALONG EAST PROPERTY LINE

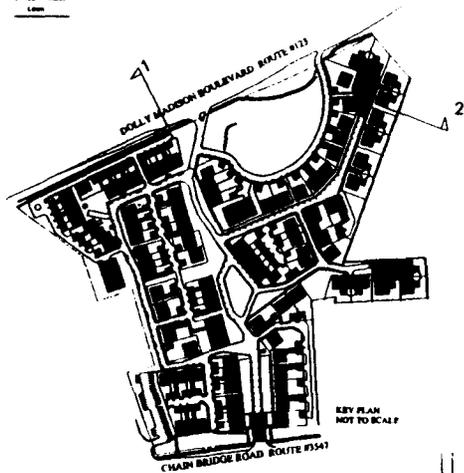
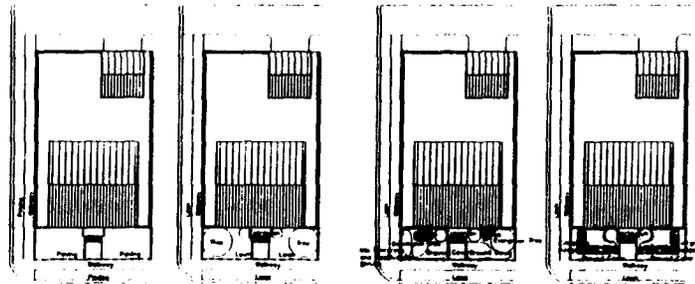


SECTION 1
NOT TO SCALE

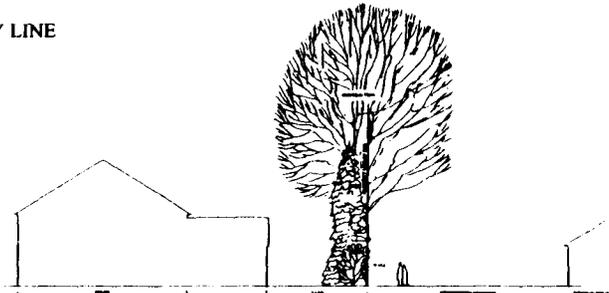
(EXACT WALL AND/OR FENCE LOCATION TO BE DETERMINED AT SITE PLAN)

NOTES
1) TYPICAL FOUNDATION PLANTING
ARE ILLUSTRATIVE IN NATURE. EXACT
FOUNDATION PLANTING PLANS TO BE
DETERMINED AT FINAL SITE PLAN.

TYPICAL FOUNDATION PLANTING PLANS



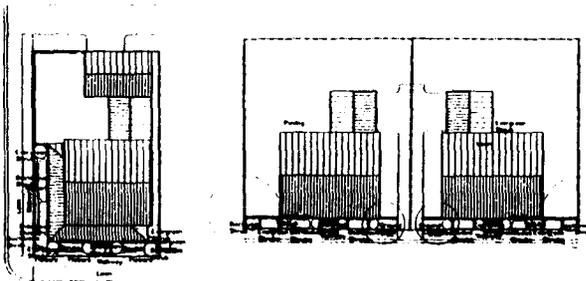
KEY PLAN
NOT TO SCALE



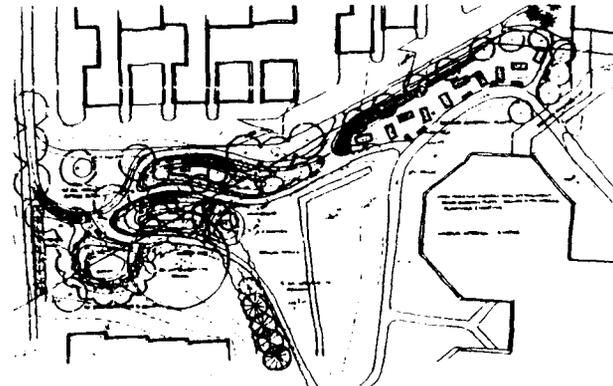
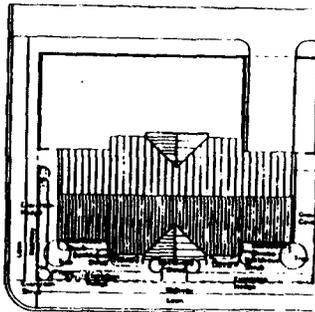
SECTION 2
NOT TO SCALE

(EXACT WALL AND/OR FENCE LOCATION TO BE DETERMINED AT SITE PLAN)

SINGLE FAMILY DETACHED UNITS



MULTI-FAMILY UNITS



LANDSCAPE DETAIL - NW CORNER OF SITE

HUNTLEY, NICE & ASSOCIATES, LLC
ARCHITECTS • ENGINEERS • LAND PLANNERS
10000 WOODBURN DRIVE, SUITE 200
FAIRFAX COUNTY, VIRGINIA 22033
TEL: 703.441.1100
WWW.HNA-ARCHITECTS.COM



EVANS FARM
DRAKESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

DETAILS

SCALE	NONE
DATE	07-12-08
BY	MS/CHS
CHECKED BY	MS/CHS
DESIGNED BY	MS/CHS
PLANNED BY	MS/CHS
LANDSCAPED BY	MS/CHS
CONTRACT NO.	
SHEET	7 OF 7
FILE NO.	
PL - 2537	

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

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 07/26/99

APPLICATION NUMBER: RZ 98-D-049

DRANESVILLE DISTRICT

APPLICANT: RALPH EVANS

STAFF: BRAHAM

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: R- 3

ACRES: 24.14

PROPOSED:

PDH- 5
24.14

ACTION:

PDH- 5
24.14

TOTAL ACRES

24.14

TOTAL ACRES

24.14

MAP NUMBERS

030-1- /01/ /0037- ,0038- ,0038-B ,0039- ,0041
030-1- /01/ /0042- ,0042-B ,0092-

REMARKS:

ZONING MAP AMENDMENT

RZ 98-D-049

ZONING DISTRICT DATA

ZONING DISTRICT: PDH- 5

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
MFD	144	24.14			18	18
	-----	-----	-----	-----	---	---
TOT	144	24.14	5.97		18	18

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-D-049

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
3H ADJ DEVEL-ACCESS/NO ACCESS/CONDS	1Z OTHER - GENERAL
4Z OTHER - ENVIRONMENT	2Z OTHER - LAND USE
2Z OTHER - LAND USE	2H RECREATION FACIL/SITES
2Z OTHER - LAND USE	2G DEDICATION: HOMEOWNRS OPEN SPACE
2Z OTHER - LAND USE	1Z OTHER - GENERAL
3D ACCESS CONTROL	3I PARKING/LOADING
7A OTHER MISCELLANEOUS - SEE FILE	1Z OTHER - GENERAL
4I ENERGY CONSERVATION	4E NOISE ATTENUATION
2Z OTHER - LAND USE	1Z OTHER - GENERAL
1Z OTHER - GENERAL	4Z OTHER - ENVIRONMENT

\$0	00/00/00
\$0	00/00/00
\$0	00/00/00
\$0	00/00/00

REMARKS:

NO CONSTRUCTION ACCESS FROM ENTERPRISE AVENUE

RECEIVED 7/26/99
DEPARTMENT OF PLANNING AND ZONING
JUL 19 1999

5:00 p.m. Item - RZ-1998-DR-049 - RALPH B. EVANS
Dranesville District

ZONING EVALUATION DIVISION

On Thursday, June 24, 1999, the Planning Commission voted 10-1 (Commissioner Coan opposed; Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors that RZ-1998-DR-049 be approved, subject to the execution of proffers dated June 24, 1999.

The Commission voted 10-1 (Commissioner Coan opposed; Commissioner Alcorn absent from the meeting) to approve FDP-1998-DR-049, subject to the Board of Supervisors' approval of RZ-1998-DR-049.

The Commission also voted 9-2 (Commissioners Coan and Harsel opposed; Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors approval of the:

- 1) waiver of the limitation on the length of private streets;
- 2) waiver of the service drive requirement on Dolly Madison Boulevard;
- 3) modification of the transitional screening and barrier requirements adjacent to Lot 60; and
- 4) modification of the transitional screening and barriers internal to the property.

The Commission further voted 10-1 (Commissioner Harsel opposed; Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors approval of a variance to allow that \$955 per unit be used for implementation of trails in the Pimmit Run area.

Planning Commission Meeting
June 24, 1999
Verbatim Excerpts

RZ-1998-DR-049 - RALPH B. EVANS

Decision Only During Commission Matters
(Public Hearing held on May 20, 1999)

Commissioner Downer: Well, I guess I'm as ready as I'm going to get. Tonight we are here to make a decision on an application in the Dranesville District from Ralph B. Evans, and it's to rezone 24 acres in McLean between Dolley Madison and Chain Bridge Road from the current R-3 zoning to a proposed PDH-5. And before we get into the intricacies of the case, I'd like to go back a little in history for those that may not have been here back in the 50s.

Chairman Murphy: Mrs. Harsel was here.

Commissioner Downer: Mrs. Harsel was here. All right. Back in the 50s, the commercial growth that was coming in, and Mr. Byers will probably remember this, was being concentrated in the Route 1 corridor. And the Supervisors down in the Mt. Vernon area were getting very concerned. They wanted the commercial growth spread out over the County more. At that point, McLean did not want commercial growth. They wanted to stay as a residential area. They liked their farms, their open space and so forth. And a large controversy arose over this. And at that time, the Supervisors finally came to a compromise that they would allow commercial growth to go into what is now the Tysons area, but a line was drawn, a very firm, strong line, that no commercial was to come over what is now Lewinsville and Great Falls Street, or now the Dulles Toll Road. And the McLean people fought very, very hard to accomplish that. And they did. And from the time I came on the Planning Commission, the first thing I was shown was no commercial over the Dulles Toll Road. That's the barrier. The Supervisors from Mt. Vernon and down in the Route 1 corridor area had wanted the commercial to go down Dolley Madison, down toward where CIA is now and end at 193. And the people of McLean did not want that. So that's sort of a background that's going to lead up to where we are today. And one of the things that really concerned me, was why was the Evans Farm Inn never put in the Comprehensive Plan? Why was it never recognized? Why did it only appear on the Plan map with the residential density on there? And I've spent two days talking with people who were activists or on staff or involved in that process. And during that time, let me tell you, that Bayard Evans had arrived. He had been down in the Williamsburg area working on restaurants and setting them up and he came up to Arlington in 1939 with \$2,000 in his pocket and he opened a restaurant called the Evans Coffee Shop in Arlington. It still exists and it's known today as the Alpine Restaurant. Apparently, Bayard had some problems with his landlord in getting some things repaired and he was talking about finding another location. And one of the customers who came in had quite a bit of acreage in McLean on what was now -- what is Chain Bridge Road. Dolley Madison didn't exist then. Since Bayard started buying this property, five acres at a time, one acre at a time and the title abstract shows it took him a long time to save the money and buy up the pieces of

this property. In 1957 Bayard applied to open a tea house. And he got permission and started building. But before he built, he went to the bank for a loan, I learned today, and the bank wouldn't give him a loan because he was 57 years old and too old to start a new business. He persevered, he was successful, and he was able, through a couple of banks, to get the money he needed to get started, and he opened his tea house which opened in 1958. He then tried to expand on the tea house and I'll get to that later; I want to go a little more into what was going on at that time. Bayard Evans was from Scranton, Pennsylvania, as was Gerry Halpin of the West Group, and Rudy Seely. The Ulfelders' owned a very large farm at what now is the West Gate -- West Park property, and Rudy Seely married the Ulfelder's daughter, Martha. And in 1961, Rudy Seely had merged with West Group; they had formed a partnership with Gerry Halpin and they purchased the Ulfelder property. So we had three men, young -- well, not young at that stage, middle-aged, I'll say, who had known each other since boyhood and were very close friends and worked together. We've heard how Bayard always wanted to preserve historic properties. And that is true. He headed up the McLean Historical group. He worked very hard to preserve Colvin Mill and he worked with Rufus Phillips to do that. So, we've heard from so many of these people in the hearings that we've had, that I'm trying to give a little background. Bayard ran a pig farm on what's Evans Farm Inn and Ralph, after school, would go to the Arlington Restaurant, gather all the leftovers, and from the grocery stores, and would go home and feed the pigs. This was before the restaurant got to the size it is now. They grew their produce there. They raised their farm animals, their herbs, their flowers and they still do that today for use in the restaurant. In 1975, Rufus Phillips was on the Board of Supervisors and he came up with a program called the PLUS Program. And that was his brain child and he spearheaded it through the County. And the PLUS group, and I can't speak for every area of the County because I don't remember, but the PLUS group in McLean was headed up, for the greater McLean area, by Lila Richards, and for Central McLean by Maya Huber, and they worked for 18 months on trying to come up with language of what they wanted properties to be in the McLean area. Prior to that, in 1966, there had been a master plan for McLean which divided McLean into four segments. The segments that covered the Evans Farm and Broyhill property, back in '66, on the Lynwood's-- east of Lynwood toward Broyhill, was planned at 3.5 dwelling units an acre, and west of Lynwood towards Lewinsville was planned for 10. The PLUS Program came in and wanted to downplan Bayard Evans' property. And we got a letter, which I'm going to quote a couple of things out of, from Bayard Evans that was written in July of 1975 to Jean Packard, Chairman of the Board of Supervisors. And in that letter, Bayard is objecting, very strenuously, to this downplanning. And he writes: "We are astonished to see that not only does the Plan fail to recognize the commercial use of the restaurant, but downplans parts of the land from 3-4 units per acre to 2-3 and designates the heart of our property, north of Dolley Madison Boulevard, as park land." Now that park land is what are the Evans Mill Pond townhomes across Dolley Madison now. "The Plan as proposed is totally inappropriate. Any sensible Plan should recognize the commercial use that in fact exists at the restaurant and in keeping with the commercial and quasi-commercial property surrounding the area, encourage development of the Evans Farm Inn property surrounding the restaurant zone in as an intense a use as possible, such as townhouses at 10 unit

village density. To further destroy the potential of the land, by acquiring park land when park land is so abundant in the immediate vicinity, seems irresponsible and indeed arbitrary and capricious." Now that letter is what triggered my wanting to know what it was downplanned from, why was he so upset. And from what I've been able to ascertain from that time period was Ralph very much wanted the Inn put into the Comprehensive Plan. He wanted it recognized for commercial use. The citizens then had drawn their line at the Dulles Toll Road or Lewinsville/Great Falls and did not want to put the Inn in the Comprehensive Plan because then they would have to recognize the commercial use. So the Inn was ignored. And if you'll recall, when we deal with the Comprehensive Plan in other areas, we'll see if there is a historic house, or a stream valley, or something significant on the property and the Plan also addresses it and what to do if that use ever ceases. But in this case it was so puzzling to me that nothing was in the Plan and for 25 years, nothing's been put in the Plan. And since the PLUS plan, we've had Planning Horizons in '89 and '90, Herb Becker chaired the McLean. I was on the Herndon side with Mark Wallenstein as chair. Vivian Lyons was the chair of the whole there, and there again, nothing was put in the Plan. Evans Farm was sort of ignored. Now in 1974, the Evans' decided they would like to expand the use of the Evans Farm and put in a pub. And they went to the BZA and they asked for permission to put in the pub and they also asked to put in a farmer's market so they could sell produce on Dolley -- Dolley Madison was in then -- along Dolley Madison. And the BZA said: "We'll let you have your pub, but you are never to come back again and ask for any other additional use for this Inn." On the farmer's market, they approved it, but they put a restriction on it and they said: "You may only sell produce that is grown in Fairfax County." The Evans had wanted to sell cider, apples and other produce which didn't come from Fairfax County. So they waited to try and decide what they'd try and do and they appealed a year and a half later to the BZA asking for an extension on the farmer's market, and they were told no. So the farmer's market never got built. In the meantime, McLean was growing. Growth was coming. Bayard was aware of this, and he very much then decided he wanted to plan his property for development. And according to a reporter who has been here a long time, Bayard was talking about still building his property and he wanted the ten units per acre. He had never intended, from what I learned, to preserve this property. The restaurant was an interim use. He couldn't get commercial zoning, he couldn't add on, and in the meantime his taxes were rising. His cost of maintaining the farm had gone up considerably. Last year Ralph Evans' taxes were \$90,000 a year. He didn't qualify for an A&F District because way back when you had to have 50 acres or more and then we dropped to 25, he was at 24. When we dropped it to 20 in 1990, he had a commercial use over part of it, so he still didn't qualify. So he got no break in his real estate taxes for all of these years. The cost of maintaining the farm, of course, went up. Mr. Evans tells me that he's paying approximately \$170,000 a year just to maintain the grounds. In the meantime, the money was going towards maintenance, toward increased salaries, toward real estate taxes and there wasn't a lot of money left over to bring the Inn up to Code, or make needed improvements, so the Inn started going down in quality and deteriorating. This year Mr. Evans' taxes jumped up another 30 percent and the restaurant can't support this. So we have, in effect, taxed Mr. Evans off of his property, just like we have almost every farm

in Fairfax County. It's very sad, but we've done this. So what we're here tonight to discuss isn't saving the farm. That isn't an option for us. What we're here to look at is the current R-3 zoning. Is that the appropriate zoning? To let them go in by right under R-3 to see what they can do, or look at the PDH-5 which they've proposed and say: "Which is the better of the two?" Now I'm going to ask Peter Braham if they were to develop by right, what do you think we would be looking at in regard to streets, tree save, open space and the pond?

Mr. Peter Braham: A -- excuse me. You would be looking at a standard subdivision layout of R-3, very similar to what has occurred in Broyhill. The amount of tree save would not be at issue because they would be coming in as by right. They could meet tree cover with the landscaping that would be proposed on the lots rather than by preserving trees, although there is incentive to preserve trees. You would have public streets throughout with the 50 foot right-of-ways. The developer could choose to retrofit -- the pond has a water quality feature, however, if it remains a wet pond, it would not be maintained by the County. It would have to be maintained by the homeowners, so it is likely it would be converted to a dry pond down in much the same location. So a lot of the features that we have with this proposal would likely not occur by a by-right review of a subdivision plan through the Office of Site Development Services.

Commissioner Downer: Thank you. When I came in to meet with you a couple of days ago to discuss this in great depth, you made a very interesting statement to me, one that I have never heard in the seven years I've been on the Planning Commission. And you said to me that when many of the plans come in they are not always very fine tuned. There are a lot of problems that have to be worked out with the applicant, the developer, and the citizens get involved and they don't like things. But this one was different. And you said to me that this was one of the best fine tuned plans that you had ever seen come into this County and you gave me a list of reasons of why you said that. And I know you didn't write them down, but I did. I'd like to read them back so that the citizens can hear what we talked about, and the Planning Commission, and then see what your comments might be. Number 1 was the tree save. And you claimed the utility lines were predesigned to save the trees. The detached homes on the plan backed to existing detached homes with lots that were comparable as far as widths. They had well organized open space creating a treed spine road through the middle of the property. The water quality measures are vastly greater than what we usually get and you mentioned an aeration device for the waterfall island in the middle of the pond which will help purify it. And you mentioned a shallow shelf in the pond for wetland species. You mentioned the tree save in front and on the edges of the pond; the tree save around the periphery of the property; the architectural features including house designs and pavement treatments were already planned and in there. And then when they dropped from PDH-8 down to PDH-5, they took that open space and instead of adding it to their open space, they're providing parking for Lewinsville Presbyterian Church, who desperately needs parking. The other thing that you said to me was -- because I asked you -- was the complaints on the Broyhill side that they were above the maximum allowed density. And you said the maximum allowed density with ADUs

would be 4.8, going from 3 to 4, times 20 percent, equals 4.8, and they are at 4.4, so they are below the density that's allowed on that side. You also then -- we got into a discussion about PDH-5 versus PDH-8. Under PDH-8 where they first came in, the open space required was 22 percent. They were at over 31 and a half percent. When they dropped to PDH-5 for some strange reason, the open space declined to 31 percent. So we have a lower density, but a higher open space requirement, which I don't understand how that happened. Maybe some of you can shed some insight on that. I don't know. And so, in your opinion, this was an outstanding plan that didn't need a whole lot of tinkering. You were very impressed. Can you comment on that?

Mr. Braham: Well, it's one of the things that struck me when I first got this plan to look at. It was the level of planning that had gone into it beforehand. And then when meeting with the applicant, and how they described where they took a look at the topo, they designed the plan into the topo rather than redesigning the topography to fit their proposed layout. That's very different. By retaining the existing topography to the extent possible that enables a lot of tree save around the periphery and along the spine road. One of the striking features of the plan to me was the way they organized the open space and connected the small pocket parks they had proposed where tree save was occurring; providing tree save along that spine road to create a avenue -- statement for the development all tying down to retaining that existing pond. Typically, when we are looking at plans, the open space is gathered along the edges of the property. Lots of time it's in strips along the edge of the property or it involves land that is very difficult to develop and lots of time we are negotiating to get pathways into that open space so that the future residents there can access that open space. Those kinds of concerns were not things I had to discuss with this particular applicant. And it was -- that difference is very striking to my mind. It is contrary to the typical process we go through. It is atypical to the process we go through.

Commissioner Downer: I guess this has not been one of the easier cases. McLean's had a lot of very controversial ones. We've had over the years a lot of park issue cases. But growth is here. We're getting more and more businesses. Look at Tysons and what was proposed and planned with the Tysons Task Force to happen there along the Dulles Toll Road. The Evans Farm property is located very close to Tysons. It's right outside. It's very close to the new Metro rail stop that's being proposed. The applicant is target marketing this as a gated community for empty nesters. From what they've told me they have had over 300 people put their name on a list that if this gets approved, they would like to be called and be shown floor plans and have an opportunity to buy there. I asked several of the people who I had heard from that wanted to buy there, if the gates were important to them, because I knew that some people had objected very strenuously to the gates. I was told by everyone I talked to that if the gates were taken down they would not buy there. The gates were extremely important to them. They liked the services that go along with the gates. They like the security of knowing that trucks just can't wander in and strange vehicles wander in. It's open on foot. It's not a walled community. The pond in the front has a road around it for parking and will be for public use. There is access from

the parking lot for the church. And that brought up another interesting question that came up. There's a little strip of land between the parking lot and the church that belongs to parcel 60, Mrs. Peters' property. That property was originally part of Evans. When the Presbyterian Church years ago decided to tear down their manse, Mr. Evans bought it for ten dollars and had it moved onto this piece of ground. He gave it to his daughter Caroline and after she married John VanWagoner they moved to Great Falls and it was sold to Mrs. Peters who still resides there. The applicant did go talk with Mrs. Peters. The church did too. On the contract when the land was sold, apparently there was a provision that this was a joint access entrance and easement there, however I don't know if anything was ever recorded officially. So the church has prepared an easement with Mrs. Peters which has either been sent or being sent to her attorney for her review. And she has agreed that they have shared this for 20 some years and they will continue to share it. So I think that obstacle is gone. Tonight we see a change in the proffers. I had said to the applicant that being that they were asking for their recreation money to go to the purchase and completion of trails along Pimmit Run, that I'd really like to see some improvements made to Lewinsville Park, which is directly across Chain Bridge. So the applicant met with the Park Authority. They went over. They had offered to build another soccer field. The master plan doesn't call for another soccer field, so that would entail going through the Park policy and public hearings. So tonight what we're seeing on Proffer b under 8 here, that -- well actually it's before -- under 8.4 where they made the monetary contribution on the trails -- they've changed it from the McLean Chapter of the Potomac River Greenway Coalition, to the Board of Supervisors. The money will go to Board for the Board to decide how. And of course this is the money they're going after -- the T21 funds, hoping to quadruple so that they would have almost \$600,000 for acquisition of property and trails along Pimmit Run. 8.5 says: "Prior to the issuance of a residential use permit for the 50th dwelling unit, the applicant shall design and construct the following improvements to Lewinsville Park, subject to the approval of the Fairfax County Park Authority: Improve the gravel area west of the existing parking lot to provide a paved parking lot of approximately 48 spaces. Applicant improvements shall be limited to clearing, grading, paving section, curb stops, bollards, and stabilization of disturbed area." The area that they are going to extend is not toward the residences. It towards the side, away from the residences. So it will not take out any trees or affect the homes there. And B: "Improve the existing playground adjacent to the garden plots." When they went over to the site they found that the Park Authority had just replaced all the tot lot equipment which they had been willing to do. So what they are going to do instead, they found a berm with a retaining wall that was in very bad condition and they are going to fix that berm and move the seating that was on that berm over -- under some trees that it will be shaded seating and then they are going to add trees around the tot lot. So what they say is : "Applicant improvements shall be limited to removing the existing retaining wall, replacing the existing benches and picnic tables, relocating the asphalt trail, grading associated with these improvements, modifications to the playground border and surface associated with these improvements, and the stabilization of all disturbed areas." So that was the change to the proffers that we received this evening. In my deliberations, I looked at R-3 and I looked at some of our typical R-3 projects that we've had, and then I looked at this plan. I talked to some people

on the street and I said: "You know, if you had a choice of the subdivision that's here versus one that has proffers and conditions and saves trees and has a mixed use," and we went through the pros and cons, "what would you think?" The RZ with the proffers and improvements had appeal once you talked one-on-one with almost everyone I talked to. This has been very tough. I would love to save the farm. I love going through there -- driving through there. But that isn't our option tonight. So with that, Mr. Chairman, I'm going to MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT RZ-1998-DR-049 BE APPROVED, SUBJECT TO THE EXECUTION OF THE PROFFERS DATED JUNE 24, 1999.

Commissioners Koch and Byers: Second.

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

Commissioner Coan: Yes, Mr. Chairman?

Chairman Murphy: Mr. Coan.

Commissioner Coan: First, I'd like to point out that in Proffer 3, the word "multi" is spelled "mutli" on the margin about eight lines down -- Proffer 3.1. I take it that we are still dealing with private streets in a gated community.

Commissioner Downer: Absolutely. I don't want to lose those trees along Lynwood. That is part of the whole heritage there.

Commissioner Coan: Why would we lose the trees along Lynwood?

Commissioner Downer: Because the width for the clearing and grading for a public street would take out all those trees. Those are huge trees with root systems that extend up to the existing road.

Commissioner Coan: What is the distance between the trees?

Commissioner Downer: I'd have to ask the applicant. I know they measured, but I don't know exactly what it is. I do know that if you looked at your video and saw the car going down, you would see there wasn't much room.

Commissioner Coan: I drove it. I drove it.

Commissioner Downer: You drove it. So you didn't need to see the video.

Commissioner Coan: No. I didn't watch the video. I didn't have time to. But I appreciate your providing it to me.

Commissioner Downer: Oh, no. The Coalition provided it.

Commissioner Coan: What is -- I know where it came from. What is the distance between trees? Mr. Braham, do you know?

Mr. Braham: I'd have to measure it.

Commissioner Coan: This is what concerns me, is that the whole justification for the private streets and gates is that we can't put a public street in there, and I'm told the reason is we'll cut trees down. But no one seems to have the information.

Commissioner Downer: I think the applicant does. I had asked them to get that for us.

Mr. Braham: In scaling it off, it's about 40-50 feet from the center of the tree to the center of the tree.

Commissioner Coan: So we could have a 26 foot street in there and a 40 foot right-of-way.

Mr. Braham: Physically, however, in terms of putting that roadway in, it is likely that it would do considerable more damage to the trees than would be done with the private road.

Commissioner Coan: Why is that?

Mr. Braham: The additional width in the pavement section --

Commissioner Coan: What is the proposed pavement section for the private street?

Commissioner Hall: Mr. Chairman?

Chairman Murphy: Ms. Hall.

Commissioner Hall: Can I interject something here real quick? From personal experience, we had a beautiful tree in the front of our house and when we put the driveway in we cut around the tree to save the tree. We went through a great deal of trouble to do this and we thought we were doing a great job, but when you get close to these roots and these trees, that tree rewarded us by falling down right between our two cars.

Commissioner Coan: At least it missed them.

Commissioner Hall: Yes, but not by much. When you start getting close to those roots of those old trees, you are asking for trouble.

Commissioner Coan: I still -- there's going to be a street there.

Mr. Braham: In this area, the applicant is putting in a street width of 18 feet which will include parking along one side.

Commissioner Coan: The 18 feet will include the parking lanes too? Or will there be parking lanes besides the 18 feet?

Mr. Braham: I misspoke. It's no parking along that part of the roadway.

Commissioner Coan: So there's 18 feet worth of street there?

Mr. Braham: Eighteen feet worth of street in the area where the trees are primarily.

Commissioner Coan: And was any effort made to seek --

Mr. Braham: They are going to be following the existing driveway and using its width, so there is going to be minimal disturbance to the trees.

Commissioner Coan: And that could not be done with a public street?

Mr. Braham: Again, you're talking about additional width in the pavement section.

Commissioner Coan: Well, the reason I -- I know I sort of sound like a broken record on this, but I find I keep being told you can't do this, you can't do that. Last night we found out that you could have narrow -- you have a less wide cul-de-sac on a street of up to 25 houses. That's the first time I've heard about that. No one on staff has ever told that to me. And Ms. Downer found that out in conjunction -- and I think that's a very significant change from a 30 foot wide cul-de-sac down from a 44 foot wide cul-de-sac. I think that we're caught up with this whole concept of private streets and I think -- and the reason I asked the question about the gated community was, of course, everyone wants to be private. I mean, what are we going to be, become a Balkanization of our County? I think this is absolutely inappropriate and --

Commissioner Byers: Vote against it.

Commissioner Coan: I will vote against it, Mr. Byers. But I think I have the right to discuss the matter. We listened to Ms. Downer giving us a history, going back to the 1930's, and I think I at least should have an opportunity to present my case on this matter too.

Chairman Murphy: Further discussion of the motion?

Commissioner Harsel: Mr. Chairman?

Chairman Murphy: Ms. Harsel.

Commissioner Harsel: Mr. Braham, how -- I'm looking at this little thing in my staff report. How many trees along this thing are we going to be using, because when I look here I seem them by the pond, or by something there, but other than that I see tree stamps for trees to be planted. So I think in fairness to Mr. Coan, how many actual trees along this road are we going to be saving? If you don't know, just say you don't know, and we'll move on.

Mr. Braham: I don't know right off hand, however, if you take a look at the plan, the trees, as you're coming in from Rt. 123, there is a row of trees along the western side that will be saved. Up in the center portion of the site where that island area is, this results in the saving of the trees in that island and around that island. The jagged edge lines that you see, those are trees that are -- they are going to try to save if they can. So there will be a considerable number of trees saved along there. The exact number, I cannot give you.

Chairman Murphy: Further discussion of the motion?

Commissioner Wilson: Mr. Chairman?

Chairman Murphy: Ms. --

Commissioner Wilson: I just want to mention that that was an issue I was very interested in, just having gone through the Zoning Ordinance change on the existing vegetation, and I do want to say that the applicant went through and went far beyond what is required by the existing vegetation requirement and actually did a full fledged tree survey. One of the things that a number of commenters, particularly the Chamber of Commerce, was opposed to at the time of our Zoning Ordinance change. But they went through and they conducted a full fledged tree inventory which I have a copy of here. It's a quarter of an inch thick. They also produced a full map showing all of the trees on the site. The trees that they are going to save, trees that they are going to try to save, but that are a little questionable, and those that are going to come down either because of age, health, or they just can't be saved one way or another. And there is a significant amount of large scale old trees, new trees. To me, looking at the map, they really did go out of their way to try to save as many of the old trees and the big trees as they possibly could. It just so happens that a lot of these trees happen to exist right now, right along the existing driveway through the site. And that was one of the problems as it was explained to me. I'm very, very sensitive to the public street issue as Mr. Coan is. But I think in this case, given the amount of work they went into to try to identify the trees and which ones they are going to try to save, they are going to have a very good development for it. Even if I don't like the private streets themselves. Thank you.

Chairman Murphy: All those in favor of the motion --

Commissioner Coan: Mr. Chairman? I have something further to say, if I might.

Chairman Murphy: Go ahead.

Commissioner Coan: I am not opposed to this development. I am not opposed to the density of this development. I remember when there wasn't any Evans Farm Inn and I don't consider this a historic property. It's a very nice property and it's been very friendly to the community, but I don't consider it a historic property. Perhaps the old Evans Coffee Shop which is now the Alpine down at Glebe Road and Lee Highway might be considered historic, at least by age. I am concerned, and therefore, I would have supported this proposal if we did not have the private streets. Or I might have even considered it with private streets if it was not gated. But I don't think we need more exclusion in this County. And therefore, that's why I'm opposed to this.

Chairman Murphy: Further discussion of the motion?

Commissioner Palatiello: Mr. Chairman?

Chairman Murphy: Mr. Palatiello.

Commissioner Palatiello: Mr. Chairman, I was not present the evening that the Commission conducted its public hearing on this application, but I did view the video tape of the entire hearing. And I did additionally view the video tape that was provided to us by the citizens' group. I just wanted to make a couple of very brief comments. One, I want to commend Ms. Downer. I think the people of the Dranesville District are very fortunate to have her as a Planning Commissioner. As we all know, she pours her heart into all of these controversial cases and she's done it again here this evening. And I know that this is not an easy decision for any of us, particularly for Ms. Downer. I think a lot of people in Fairfax County, and in fact the entire region, have a real fondness for Evans Farm Inn. We all brought our kids there. We've all been to weddings there. A lot of us have a lot of attachment to it. But I think the history that Ms. Downer shared with us this evening is very relevant and I think really you have to look at any attachments against that history. One of the things that I thought of in my mind is what if this was zoned PDH-5 and PDH-8 and the Evans family came in 1999 and said: "We want to build a restaurant on land that's zoned residential." I think the Commission would have been here until 3:00 o'clock the next afternoon, not 3:00 o'clock in the morning, with people of McLean saying: "Don't commercialize, don't commercialize, this is a residential area." When I read through the staff report before the hearing and listened to the debates during the hearing, the one thought that occurred to me, even before the hearing, was I had two cases in my District. One was the Potomac Vegetable Farm that we heard last summer. It's the Blueberry Hill development, and we were able to save the farm part of that property. We also had a couple of years ago the Sherman property behind the Sheraton Hotel, which is the Ashgrove home, which is a historic home in Fairfax County. It was once owned and was once the residence of Lord Fairfax himself. And we were able to save that as well. But I was impressed by the discussion during the public hearing and the comments that Mr. Braham had made in response to a question about whether the restaurant could be

saved and then develop the other portion. And Mr. Braham, I think you made the point that in order to meet the parking regulations of the County, a parking lot generally the size of a football field would have to be put in and that would negate a lot of the design features of this plan and the tree save features that Ms. Downer mentioned. So, the ability to save a greater portion of this, and I understand the mill pond and that area is being preserved, but the opportunity to preserve a greater portion of this just isn't practical and feasible. So I commend Ms. Downer for her hard work on this.

Chairman Murphy: I wanted to echo those sentiments. I was going to say it later on, but I think I'll just put it on the record now. And I've said it before, the people in the Dranesville District are very fortunate indeed to have Ms. Downer as their Planning Commissioner. I think Ms. Downer would have had to make a real compelling and overwhelming argument to get my vote to support a motion to the Board of Supervisors to deny this application. I think this application is extremely approvable on its own merits in its conformance with the Comprehensive Plan and its conformance with the Zoning Ordinance. It stands on its own merits. The extra dimensional part of the verbatim, as we've heard tonight, is the time that Ms. Downer took to do this tremendous historical research which put this whole issue in proper perspective. The one part I would like to add into the record, because she said the "PLUS Plan" and some might not understand that the "PLUS Plan" that she alluded to that Mr. Phillips and Ms. Richards and Mr. Beckner (sic) and former -- Becker, rather, and former Planning Commissioner Maya Huber were involved in, stands as an acronym. And it stands for "planned land use system." And the PLUS Plan was, in fact, the basis and the foundation for the Comprehensive Plan that we know today. That's where it all started. And that's the Plan that this application is in conformance with. So I commend you for all your efforts. All those in favor of the motion to recommend to the Board of Supervisors to approve RZ-1998-DR-049, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Coan: No.

Chairman Murphy: Motion carries, Mr. Coan votes no. Ms. Downer.

Commissioner Downer: Thank you, Mr. Chairman. And thank you for your very nice comments, you and Commissioner Palatiello. I MOVE THAT THE PLANNING COMMISSION FURTHER APPROVE THAT FDP-1998-DR-049 BE APPROVED, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ-1998-DR-049.

Commissioners Koch and Byers: Second.

Chairman Murphy: Seconded by Mr. Koch and Mr. Byers. Is there a discussion of that motion? All those in favor of the motion to approve FDP-1998-DR-048, subject to the

Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Coan: No.

Chairman Murphy: Motion carries. Mr. Coan votes no. Ms. Downer.

Commissioner Downer: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE REQUESTED WAIVER OF THE LIMITATION ON THE LENGTH OF PRIVATE STREETS BE GRANTED; THAT THE REQUESTED WAIVER OF THE SERVICE DRIVE REQUIREMENT ON DOLLEY MADISON BOULEVARD BE GRANTED; THAT THE REQUESTED MODIFICATION OF TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ADJACENT TO LOT 60 BE GRANTED AND THAT THE REQUESTED MODIFICATION OF TRANSITIONAL SCREENING AND BARRIERS INTERNAL TO THE PROPERTY BE GRANTED.

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?

Commissioners Coan and Harsel: No.

Chairman Murphy: Ms. Harsel and Mr. Coan vote no. Ms. Downer.

Commissioner Downer: I have one more motion. That is, THAT THE PLANNING COMMISSION RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF A VARIANCE TO ALLOW THAT \$955 PER UNIT WOULD BE USED FOR THE IMPLEMENTATION OF TRAILS IN THE PIMMIT RUN AREA.

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 Harsel: No.

Chairman Murphy: Motion carries. Ms. Harsel votes no.

Commissioner Harsel: What are you voting, Mr. Coan, yes or no?

Commissioner Coan: Aye.

Chairman Murphy: All right. Ms. Harsel is the only no vote in the last motion. Thank you very much.

Commissioner Byers: Good job.

Commissioner Downer: I'd like to thank everybody, the Coalition, the citizens of McLean. I know how emotional this is for all of us, including me. We spent a lot time, a lot of hours on this. And I'm sure many of you will not be happy, but saving the farm was not something that we could do here, and I think I said that once before. However, I think that we have a first rate developer. I think that the West*Group has proven to us by their developments at Tysons that they do an outstanding job. They save trees, they preserve greenspace. I think as far as a developer goes, we could not ask for a better developer for this project. And I know they'll do us proud. I thank all of you.

Chairman Murphy: Let me just add one thing. I think we ought to -- I'm sure you do too, but you're caught up in the emotion of this -- thank Pete Braham for doing an outstanding job as staff. There were a lot of questions coming in from all over and I think he deserves a round of applause. Thank you very much.

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(The first and second motions carried by a vote of 10-1 with Commissioner Coan opposed; Commissioner Alcorn absent from the meeting.)

(The third motion carried by a vote of 9-2 with Commissioners Coan and Harsel opposed; Commissioner Alcorn absent from the meeting.)

(The fourth motion carried by a vote of 10-1 with Commissioner Harsel opposed; Commissioner Alcorn absent from the meeting.)

LBG