



FAIRFAX COUNTY

DP2
OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

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May 26, 1999

Sarah E. Hall, Esquire
Blankingship and Keith, PC
4020 University Drive – Suite 312
Fairfax, Virginia 22030

RE: Rezoning Application
Number RZ 1998-HM-053

Dear Ms. Hall:

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-HM-053 in the name of Irene C. Bettius, to rezone certain property in the Hunter Mill District from the R-1 and R-E Districts to the PDH-3 District, subject to the proffers dated April 6, 1999, on subject parcel 12-3 ((1)) 24 consisting of approximately 18.57 acres.

The Board also approved the Conceptual Development Plan; the Planning Commission having previously approved Final development Plan FDP 1998-HM-053 on March 24, 1999, subject to the Board's approval of RZ 1998-HM-053.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

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-HM-053

WHEREAS, Irene C. Bettius filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 an R-E Districts to the PDH-3 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

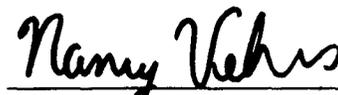
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the PDH-3 District, and said property is subject to the use regulations of said PDH-3 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 V. Vohrs

Clerk to the Board of Supervisors



RZ 1998-HM-053
Irene C. Bettius
April 6, 1999

PROFFERS

Pursuant to Section 15.2-2303A of the Code of Virginia, 1950, as amended, the undersigned proffers the following conditions provided the Board of Supervisors rezones the Subject Property to the PDH-3 District as proffered. For the purposes of these proffers, the term "Applicant" refers to Irene C. Bettius, her successors and assigns. The term "Subject Property" refers to the 18.57 acre property that is the subject of RZ 1998-HM-053.

1. Conceptual/Final Development Plan. Development of the Subject Property will be in conformance with the plan entitled "Conceptual Development Plan/Final Development Plan Irene Bettius Property (CDP/FDP)" consisting of six sheets dated August 18, 1998, last revised through March 9, 1999, and prepared by Huntley & Nyce Associates, Ltd. (the "Plan"). Pursuant to Paragraph 4 of Section 16-403 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"), minor deviations from the Plan may be permitted as determined by the Zoning Administrator.

LANDSCAPING

2. The Applicant shall conform to the limits of clearing and grading as shown on the Plan subject to the installation of necessary utilities. If it is necessary to locate utilities inside the limits of clearing and grading lines, those utilities shall be located and installed in the least disruptive manner reasonably possible, as determined by the Fairfax County Department of Public Works and Environmental Services (DPWES), taking into account cost and engineering considerations. A replanting plan subject to the approval of the Urban Forester shall be developed and implemented for any areas inside the limits of clearing and grading that are so disturbed. In addition, replanting of appropriate materials shall take place in the area west of the ingress-egress easement on either side of the sanitary sewer easement to be granted.

3. The Subject Property will be landscaped in conformance with the landscaping plan which is Sheet 3 of the Plan

("Landscaping Plan"). With respect to the landscaping shown along the public roads and the ingress-egress easement, the minimum caliper of the large deciduous shade trees will be 2 1/2 inches and their minimum height will be 6 feet. The entry into the Subject Property will be landscaped generally as shown on Sheet 5 of the Plan, and the recreational area will be landscaped generally as shown on Sheet 6 of the Plan.

4. At the time its first subdivision plan is submitted to DPWES, the Applicant shall submit to the Urban Forester for review and approval a transplanting plan which identifies those trees and shrubs on-site which are suitable for transplanting to supplement, as appropriate, the Save Tree Areas and the areas within the limits of clearing and grading, and the Applicant shall implement such plan. Prior to any land disturbing activity on-site the trees and shrubs to be transplanted shall be identified in the field and marked clearly with surveyor's flagging to ensure their preservation. During but prior to completion of clearing and grading, the Applicant shall provide transplanting equipment on-site for three (3) days and shall relocate trees and shrubs to be used for final landscaping of finished lots and/or supplementing existing vegetation in Save Tree Areas and areas inside the limits of clearing and grading lines. All labor in conjunction with the transplanting activity shall be provided by the Applicant.

5. To the maximum extent reasonably possible the stormwater management pond designated "SWM" on the Plan shall be designed and constructed so as to minimize disturbance to existing vegetation, as determined by the Urban Forester. In addition, the Applicant shall supplement the landscaping around the SWM pond with native species of vegetation approved by the Urban Forester and DPWES.

6. Parcels "A", "B", "C", "D", and "E" will be conveyed to a private homeowners association as open space.

TREE PRESERVATION

7. A tree preservation plan shall be submitted to the Urban Forester for review and approval as part of the first submission of the subdivision plan. No plans shall be approved or grading activities conducted on-site until a tree preservation plan has been approved. The tree preservation plan shall provide for the preservation of specific quality trees or

clusters of trees within the Save Tree Areas and the three Limits of Clearing and Grading areas shown on the Plan. The tree preservation plan shall include a tree condition analysis of all such trees prepared by an arborist certified by the International Society of Arboriculture. The plan shall also include recommendations for pre-construction treatment of trees to be preserved. Before any work is undertaken on the Subject Property, chain link fencing at least four (4) feet high shall be installed at the limits of clearing and grading and the limits of the Save Tree Areas. The certified arborist shall monitor the construction work and tree preservation efforts in order to ensure that the tree preservation plan is properly effectuated. In the event designated trees in the Save Tree Areas and within the Limits of Clearing and Grading areas do not survive construction, as determined by the Urban Forester, replacement trees of equivalent value shall be planted.

8. The homeowners association documents governing the Subject Property shall include language prohibiting the removal of healthy trees in the Save Tree Areas shown on the Plan without the express authorization of the Board of Directors of the Association.

9. The wood fence shown on the Plan along a portion of the boundaries of Parcel "A" and Parcel "B" shall be installed in the least disruptive manner reasonably possible and without large machinery in order to minimize impacts to vegetation. Otherwise, the Save Tree Areas shall remain undisturbed open space, and no utilities shall encroach into them.

AMENITIES

10. The Applicant will comply with Paragraph 2 of Section 6-101 of the Zoning Ordinance regarding the provision of on-site recreational facilities. To satisfy this requirement, the Applicant will construct a multipurpose court, an observation deck, and trails generally as shown on Sheets 2 and 6 of the Plan. Neither the multipurpose court nor the observation deck shall be lighted. An eight (8) foot wide asphalt trail will be constructed along Baron Cameron Avenue and behind the SWM pond. The other trails shall be at least four (4) feet wide. Final determination of trail location and design will be made by DPWES at the time of preliminary subdivision plat approval. The trails, multipurpose court, and observation deck will be fully constructed prior to the issuance of 51% of the building permits for residences on the Subject Property. To the extent the cost

of constructing the multipurpose court, the observation deck, and the four foot wide trails is less than \$40,110 (42 x \$955), the Applicant shall contribute an amount representing the difference to the Fairfax County Park Authority prior to the issuance of 51% of the building permits for residences on the Subject Property.

11. A sidewalk four (4) feet wide will be provided along both sides of all public roads to be constructed on the Subject Property, as shown on the Plan.

12. The Applicant will construct the entrance feature generally as shown on Sheet 5 of the Plan at the Baron Cameron Road entrance into the Subject Property prior to the issuance of the first building permit. The Applicant shall also install in the area of the observation deck and the multipurpose court amenities similar to the those shown on Sheet 6 of the Plan at such time as the observation deck and multipurpose court are constructed.

TRANSPORTATION

13. Subject to approval by the Virginia Department of Transportation ("VDOT") the Applicant shall construct a median break in Baron Cameron Avenue at the entrance to the Subject Property, left turn lanes for eastbound and westbound traffic on Baron Cameron Avenue, and a right turn deceleration lane on Baron Cameron Avenue at the entrance to the Subject Property. The respective lengths of the left and right turn lanes shall be acceptable to VDOT.

14. An emergency access to Tunwell Stable Court shall be constructed of Geoblock or other material deemed appropriate by DPWES on Parcel "C", generally as shown on the Plan. The access shall be maintained by the homeowners association, which will own Parcel "C". The emergency access shall be chained off or otherwise appropriately blocked to prevent its use by vehicles other than in emergency situations. The existence of the emergency access within Parcel "C" will be noted in the homeowners association documents and in the contracts for the initial sales of the 42 lots shown on the Plan to the first purchasers of homes on those lots.

15. At such time as the property identified on the Fairfax County Tax Map as 12-3((1))-22 ("Parcel 22") is redeveloped, the Applicant shall, provided (a) an appropriate right of way is

dedicated through the strip of land separating the Subject Property and Parcel 22, and (b) interparcel access between Parcel 22 and the Subject Property is proffered or required in conjunction with the redevelopment of Parcel 22, dedicate and convey in fee simple to the Board of Supervisors of Fairfax County for public street purposes the 43.3 foot wide area identified on the Plan as Parcel "D" (RESERVED FOR FUTURE DEDICATION FOR PUBLIC STREET PURPOSES). The Applicant shall also grant appropriate construction and/or slope easements. This obligation shall be noted in the homeowners association documents and shall be disclosed in the contracts for the initial sales of Lots 36 through 42 to the first purchasers of homes on those lots.

16. All streets shall be public except the driveway which shall be constructed in the ingress-egress easement identified as "INGRESS-EGRESS ESM'T" on Lot 18. This driveway shall be maintained by the owners of Lots 17 through 21. This fact shall be disclosed in the homeowners association documents and in the contracts for the initial sales of Lots 17 through 21 to the first purchasers of homes on those lots.

17. Residences shall be set back at least 25 feet from the northeast property line of Lots 18 through 23, the northern property line of Lots 25 through 28 and the eastern boundary of Lots 29, 30, and 39. The residences on Lots 40 and 41 shall be set back at least 12 feet from their eastern lot lines.

NOISE MITIGATION

18. In order to achieve a maximum exterior noise level of 65 dBA in the rear yards of those lots located within the 65 to 70 dBA Ldn contours when the Subject Property is developed, the Applicant shall install a wood fence at least six (6) feet high along the rear property lines of Lots 1 through 5, 41, and 42. The fence will be architecturally solid with no gaps or openings. The Applicant shall demonstrate to the satisfaction of DPWES, through submission of a refined acoustical analysis prepared by an acoustical engineer, that the proposed fence or some other noise attenuation measure will reduce the exterior noise levels in the rear yards of lots within the 65 to 70 dBA Ldn contours to a maximum of 65 dBA.

19. In order to achieve maximum interior noise levels of 45 dBA Ldn within that area impacted by highway noise from Baron Cameron Avenue between 70 and 75 dBA Ldn noise contours, the

Applicant shall construct the proposed residences within 150 feet of the centerline of Baron Cameron Avenue to have the following acoustical attributes:

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

20. In order to achieve maximum interior noise levels of 45 dBA Ldn within that area impacted by highway noise from Baron Cameron Avenue between 65 and 70 dBA Ldn noise contours, the Applicant shall construct the proposed residences within 540 feet of the centerline of Baron Cameron Avenue to have the following acoustical attributes:

- a. Exterior walls will have a laboratory sound transmission class (STC) rating of at least 39;
- b. Doors and windows will have a laboratory STC rating of at least 28. 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 will follow methods approved by the American Society for Testing and Materials to minimize sound.

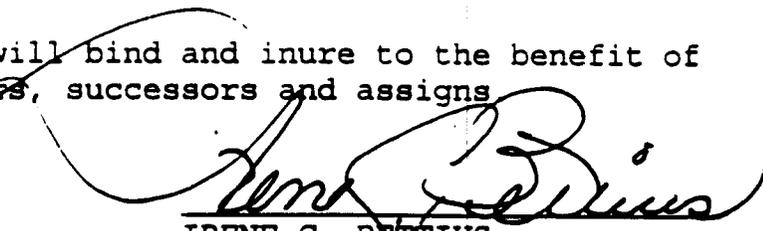
21. As an alternative to the noise mitigation measures set out in Paragraphs 18,19, and 20 above, the Applicant may submit to DPWES for review and approval a refined acoustical analysis which demonstrates that established Fairfax County standards may be achieved through the implementation of other noise attenuation measures and/or which justifies a reduction in the proffered mitigation measures.

CONTRIBUTION TO FAIRFAX COUNTY'S LOW AND MODERATE INCOME HOUSING GOALS

22. To assist in the achievement of Fairfax County's low and moderate income housing goals, at the time of subdivision plan approval the Applicant shall contribute to the Fairfax County Housing Trust Fund an amount equal to .5% of the projected base sales price of each residential unit to be constructed on the Subject Property. The projected base sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development and DPWES.

BINDING EFFECT

23. These proffers will bind and inure to the benefit of the Applicant and her heirs, successors and assigns


IRENE C. BETTIUS

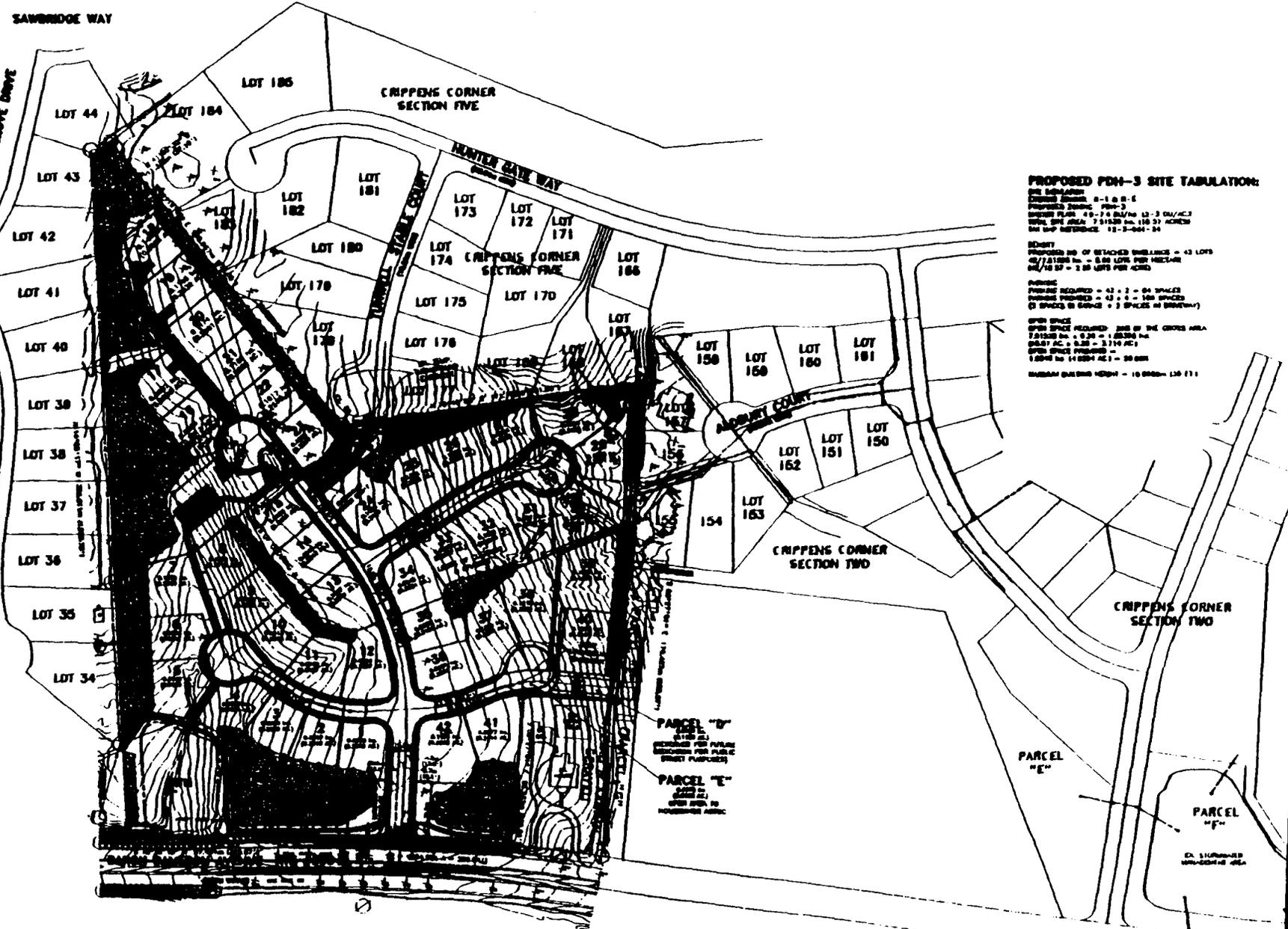


SAWBRIDGE WAY

LOWWOOD GROVE DRIVE

RESTON SECTION 71

OLD QUINCY LANE



PROPOSED PDH-3 SITE TABULATION:

SITE ADDRESS: 0-1 & B-6
 PROPOSED ZONING: PDH-3
 PROPOSED PLANS: 4-2-1 & 2-2-2
 TOTAL SITE AREA: 7.5120 AC. (16.37 ACRES)
 MAP REFERENCE: 12-3-041-24

EXISTING PROPOSED NO. OF DETACHED DWELLINGS = 43 LOTS
 43/16.37 AC. = 2.62 LOTS PER ACRE
 43/16.37 = 2.62 LOTS PER ACRE

PARKING
 PARKING REQUIRED = 43 + 2 = 45 SPACES
 SPACES PROVIDED = 43 + 2 = 45 SPACES
 (2 SPACES IN GARAGE + 2 SPACES IN DRIVEWAY)

OPEN SPACE
 OPEN SPACE REQUIRED: 20% OF THE GROSS AREA
 7.5120 AC. x 0.20 = 1.5024 AC.
 GROSS AC. x 0.20 = 1.5024 AC.
 OPEN SPACE PROVIDED =
 1.5024 AC. (14,024 AC.) = 30.00%

MAXIMUM BUILDING HEIGHT = 10.0000-13.0 FT.

PARCEL "D"
 2.00 AC.
 RESERVED FOR PUBLIC
 STREET PURPOSES

PARCEL "E"
 2.00 AC.
 RESERVED FOR PUBLIC
 STREET PURPOSES

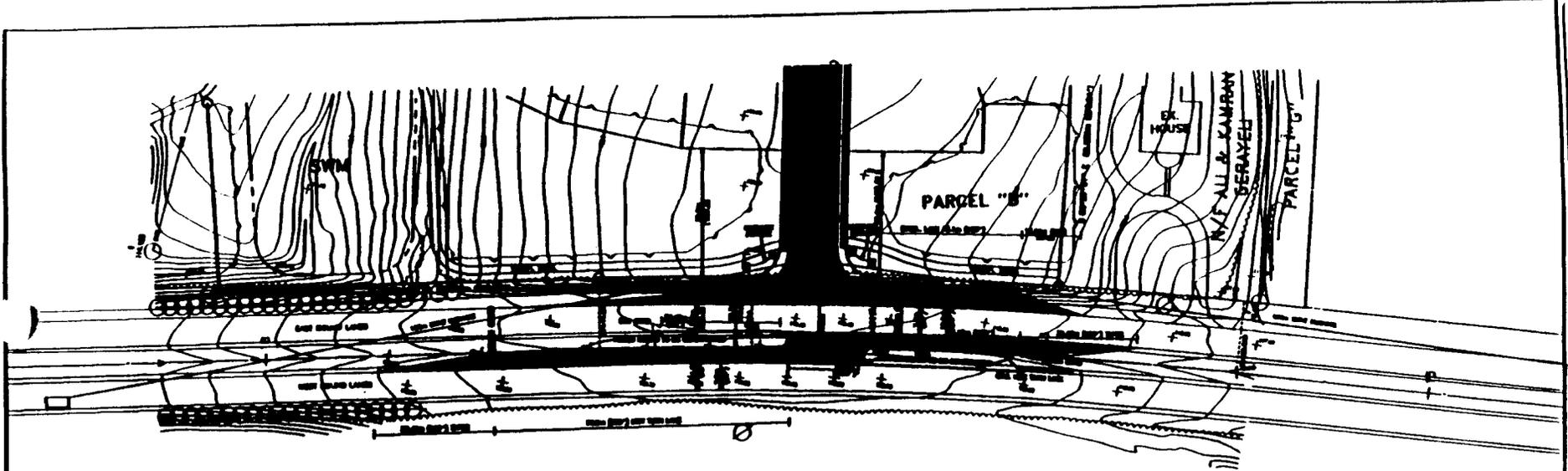
PARCEL "G"

PARCEL "F"

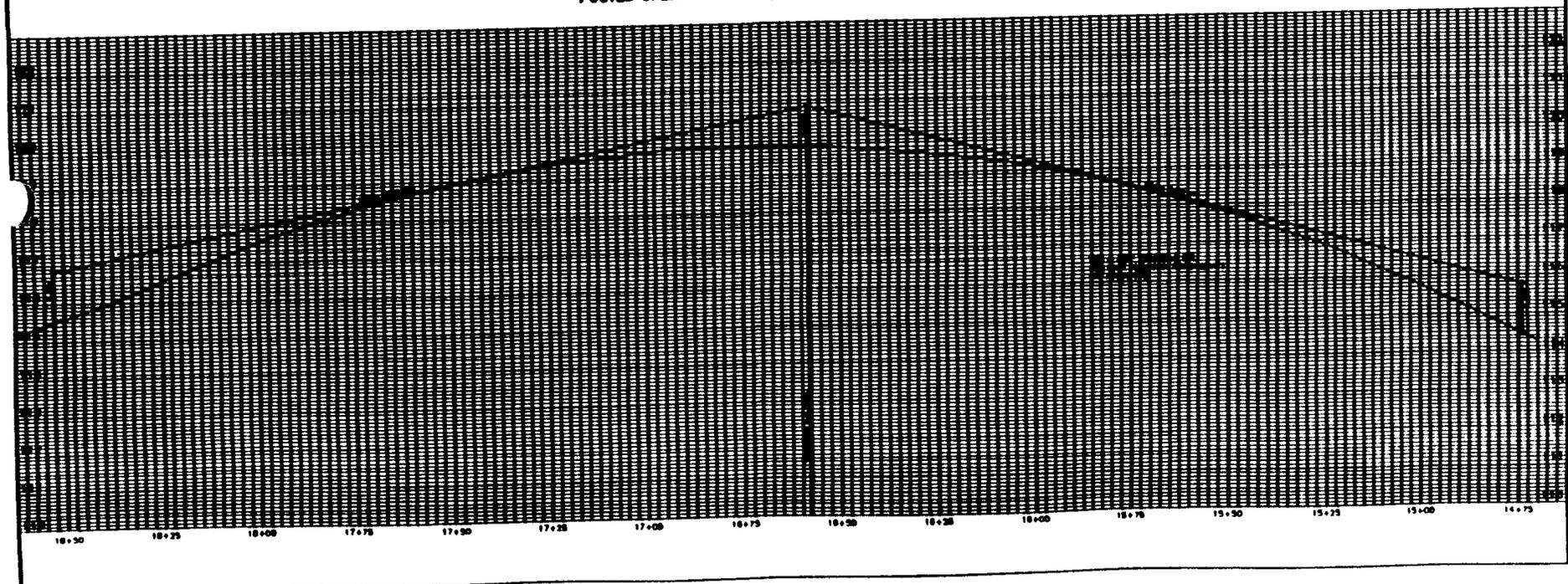


IRENE BETTIUS PROPERTY
 "LITTLE HILL DRIVE"
 HARRIS COUNTY, TEXAS
 COP/PTP

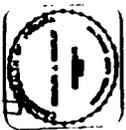
DATE	12-3-04
BY	...
REVISIONS	...
1	...
2	...
3	...



BARON CAMERON AVENUE RTE #606
(PLAN VIEW)
POSTED SPEED = 45 mile/hr OR 72 km/h



Property, Price & Acquisition List
 Parcel No. 100-10000-1-100-0000
 Parcel No. 100-10000-1-100-0000
 Parcel No. 100-10000-1-100-0000
 Parcel No. 100-10000-1-100-0000



IRENE BETTIUS PROPERTY
 HANCOCK HILL SUBDIVISION
 PRAIRIE COUNTY, MISSOURI
 COP / TOP - SIGHT DISTANCE

1	100	100	100
2	100	100	100
3	100	100	100
4	100	100	100
5	100	100	100
6	100	100	100
7	100	100	100
8	100	100	100
9	100	100	100
10	100	100	100

4 of 6
 100