FAIRFAX COUNTY
VIRGINIA

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
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Fairfax, Virginia 22035-0072

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July 14, 2000

Robert A. Lawrence, Esquire
Reed Smith Hazel and Thomas, LLP
3110 Fairview Park Drive - Suite 1400
Falls Church, Virginia 22042-4505

RE: Rezoning Application
Number RZ 1998-SP-062

Dear Mr. Lawrence:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on June 26, 2000, granting Rezoning Application Number RZ 19998-SP-062 in the name of Centex Homes, to rezone certain property in the Springfield District from the R-1 District to the R-2 District (to permit cluster residential development), subject to the proffers dated June 9, 2000, on subject parcels 89-4 ((1)) 24, 25, 26; 89-4 ((2)) 14, 15, Pt. 16, Pt. 17B; 90-3 ((2)) 1, 1A, and 20 feet private outlet road, consisting of approximately 28.71 acres.

The Board directed that the site plan be returned to the Planning Commission for review and recommendation prior to the approval by the Department of Public Works and Environmental Services.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley
Supervisor-Springfield 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
Thomas Conry, Dept. Mgr. - GIS - 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

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 June, 2000, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-SP-062

WHEREAS, Centex Homes filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the R-2 District, and

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

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

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

Be, and hereby is, zoned to the R-2 District, and said property is subject to the use regulations of said R-2 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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

GIVEN under my hand this 26th day of June, 2000.

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

PROFFERS

RZ 1998-SP-062
Centex Homes
Presidential Hills

June 9, 2000

Pursuant to Section 15-2.2303A of the 1950 Code of Virginia, as amended, the undersigned hereby proffer the following conditions provided the Subject Property is rezoned as proffered herein. For the purpose of these proffers, the term "Applicant" or "Developer" refers to the undersigned or their successors or assigns.

1. **Development Plan:** Subject to the provisions of Section 18-204 of the Zoning Ordinance, the Subject Property shall be developed in substantial conformance with the Generalized Development Plan ("GDP") entitled, "Centex Presidential Hills," prepared by Dewberry and Davis, revised as of May 15, 2000.

2. **Limits of Clearing and Grading:** The Applicant shall conform to the limits of clearing and grading shown on the GDP, subject to minor modifications for the installation of necessary trails, utility lines, sanitary sewer facilities and stormwater management facilities (exclusive of any additional stormwater management ponds) as approved by the Department of Public Works and Environmental Services ("DPWES").

    a. At the time of grading plan review for the subdivision, the Applicant shall revise the limits of clearing and grading, or designate limits of clearing and grading in addition to those shown on the GDP, in areas where it is economically feasible to increase the survivability of trees designated for preservation or save additional trees without precluding construction of the project in accordance with the GDP, including but not limited to, the specific density and general development configuration shown thereon.

b. Prior to any clearing and grading on-site, the Applicant's engineer shall mark the limits of clearing and grading in the field and the final limits of clearing shall be confirmed in the field by the Urban Forester. All trees shown to be preserved on the tree preservation plan shall be protected by fencing during construction. All clearing within the property boundaries of the site shall be limited to the final limits of clearing and grading, subject to minor modifications as specified in this proffer. The fencing shall be installed prior to the performance of any clearing and grading activities on the site, including the demolition of any existing structures and clearing for Phase I, Erosion and Sediment Controls. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the tree preservation/ landscaping plan. Materials and installation of tree protection fencing shall constitute a four (4) foot high, orange plastic fence attached to six (6) foot steel posts, driven eighteen (18) inches into the ground and placed no further than six (6) feet apart. The tree protection fencing shall be made clearly visible to all construction personnel. Silt fencing shall be installed as needed to prevent silt from being deposited in any tree preservation area.

c. If any trails, utility lines, or stormwater management facilities are required to be located within the area protected by the limits of clearing and grading, they shall be located in coordination with the Urban Forestry Division and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES, and subject to County Urban Forester approval. This requirement applies to, but is not limited to the sanitary sewer line located in the open space adjacent to Accotink Creek. The exact location and alignment of the proposed sanitary sewer lines that are represented on the graphic east of Beechwood Drive may be adjusted to minimize disturbance to the Environmental Quality Corridor ("EQC"), as determined by the Urban Forestry Division. At the time of determination of the exact location and alignment of this line, areas for stockpiling outside of depicted limits of clearing and grading shall be located if determined to be necessary by the Urban Forestry Division. If said areas are determined by

the Urban Forestry Division, these areas shall be located in such a way so as to minimize disturbance of quality vegetation, subject to the approval of the Urban Forestry Division. After completion of the installation of the sanitary sewer line, the Applicant shall implement a revegetation plan within the cleared easement area to provide stability for the steep slopes. This revegetation plan shall also be subject to Urban Forester approval. Any violation of the limits of clearing and grading or methods and restrictions determined by the Urban Forestry Division shall constitute disturbance. If, for any reason, the limits of clearing and grading, as shown on the GDP, are not adhered to, replacement trees shall be provided for all disturbed areas that are shown to be preserved on the GDP, exclusive of utility easements, roadways and buildings. Replacement trees shall consist of a combination of large deciduous trees, 2-2.5 inches in caliper and understory trees a minimum six (6) feet in height, planted in all save areas that are disturbed outside of easements. The number of trees to be planted shall be based on the amount of tree cover area lost, as approved by the Urban Forestry Division. All species selected shall be native tree species.

d. The Applicant shall provide a tree preservation plan prepared by a certified arborist, in coordination with the submitting engineer. The tree preservation plan shall be submitted as part of the first and all subsequent submissions of the subdivision plans, for review and approval by the Urban Forestry Division. The tree preservation plan shall consist of a tree inventory which includes the location, species, size, crown spread and condition rating percent of all trees twelve (12) inches in diameter and greater, twenty (20) feet to either side of the limits of clearing and grading throughout the entire site. The condition analysis shall be prepared using methods outlined in the eighth edition of *The Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees chosen for preservation shall be incorporated into the tree preservation plan.

Tree preservation activities include, but are not limited to, crown pruning, root pruning, mulching and fertilization, as may be recommended by the certified arborist and approved by the Urban Forester.

e. Potentially hazardous trees and trees not worthy of preservation, as determined by the Urban Forestry Division and the Applicant's certified arborist, shall be removed. The Urban Forester will review the limits of clearing, following the initial clearing operation, to identify and mark any potentially hazardous trees for removal. The removal of scattered trees along the limits of clearing and grading shall incur no penalty or requirement for replacement trees. Where the density of any tree preservation area is significantly reduced by the removal of undesirable or potentially hazardous trees, replacement trees may be required, as specified in Proffer 2.d. The Applicant's certified arborist shall be included in this review of the limits.

f. The Applicant shall provide a reforestation plan for the open space area adjacent to, but not occupied by, the proposed SWM/BMP pond and the open space area, between Lot 3 and Beechwood Drive. The reforestation plan shall be submitted as part of the tree preservation plan described in paragraph d above. The reforestation plan for these areas shall be reviewed by the Urban Forestry Division. The reforestation plan near the stormwater management/BMP pond shall provide additional vegetation to the maximum amount feasible under the DPWES planting policies proximate to stormwater management ponds and the plan shall contain an appropriate selection of species based on soil conditions, water availability and light levels. As necessary, soils shall be tested and treated to ensure seedling survival, as approved by the Urban Forestry Division. The reforestation plan shall include all information required by the Urban Forestry Division, including but not limited to timing, methods of installation and long-term maintenance commitments to ensure establishment.

g. The Applicant shall provide and implement a tree relocation plan prepared by a certified arborist. The tree relocation plan shall be

provided with the first and all subsequent submissions of the subdivision plan and it shall include the following:

(1) a listing of trees suitable for relocation (general species and sizes;

(2) the approximate current location of the trees;

(3) notes indicating time of year that trees shall be relocated and timing relative to other activities occurring on-site;

(4) notes specifying materials and methods for the preparation, relocation, and follow-up maintenance designed to enhance the survivability of the relocated trees; and

(5) the location of designated planting sites. Proposed planting sites may include locations within designated tree preservation areas subject to the approval of the Urban Forester.

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

4. **Park Dedication:** Concurrently with recordation of the record plat, the Applicant shall dedicate in fee simple the contiguous open space area west of Accotink Creek eastward to Beechwood Drive, as shown on the GDP, to the Board of Supervisors for public park purposes. Said dedication shall be subject to an ingress and egress easement for the owner of Lot 3 and any easements that are necessary to provide storm and sanitary sewer outfalls for the development. The easements shall be subject to the review and approval of the County Attorney.

5. **Park Facilities:** The Applicant will construct a six foot (6') wide asphalt trail adjacent to Accotink Creek in an alignment to be approved by DPWES and the Urban Forestry Division so as to minimize disturbance to the EQC. Said trail will be constructed at the same time

as the sanitary sewer line in the EQC is constructed and located within the sanitary sewer line to the extent feasible subject to the approval of DPWES.

6. **Recreational Facilities:** Prior to Subdivision Plan approval, the Applicant shall contribute $43,116.00 to the Fairfax County Park Authority for the maintenance, acquisition and development of park and recreational facilities in the general vicinity of the subject property.

7. **Hooes Road Construction/Dedication:** The Applicant shall dedicate right-of-way in fee simple twenty-six feet (26') from centerline along the frontage of Hooes Road at the time of subdivision plan approval or upon demand of the Board of Supervisors, whichever event first occurs. The Applicant shall construct a right turn deceleration lane from Hooes Road into the site in the area depicted on the GDP. Upon demand by the Board of Supervisors, the Applicant shall provide ancillary easements to fifteen (15) feet parallel to Hooes Road along the Hooes Road frontage of the subject property.

8. **Transportation Improvements:** Prior to issuance of the 29th single family detached residential use permit on the site, the Applicant shall contribute $28,000.00 into an escrow fund to be managed by Fairfax County's Department of Transportation. The money shall be utilized for transportation improvements in the general vicinity of the Subject Property, as determined appropriate by that Department.

9. **Homeowners' Association:** The Applicant shall establish a homeowners' association for the proposed development to manage and maintain the common areas within the development, including the open space areas, the off-street parking areas and all other community-owned land and improvements (including the private street serving the Affordable Dwelling Units). The provisions of this proffer shall not be applicable to outlots A or B (as shown on the GDP), or the area to be dedicated to the Board of Supervisors for park purposes pursuant to proffer no. 4 above.

10. **Stormwater Management:**

a. In order to ensure that stormwater runoff from the property shall not increase the frequency and magnitude of flooding of downstream structures along Outfall #1, as identified on the attached Exhibit "A," the Applicant shall design the on-site stormwater management pond such that the post-development peak of the two (2) and ten (10) year discharges from this pond shall not exceed predevelopment conditions. In addition, the Applicant shall provide stormwater detention for the storm event associated with incipient flooding of the shed downstream of Beechwood Drive on Outfall #1 such that the post development water surface elevation at the shed is less than the predevelopment water surface elevation for that particular storm event. The incipient flood event shall be defined by a recurrence interval associated with the flood elevation equal to the lowest grade adjacent to the shed under existing development conditions. This shall be achieved by using appropriate hydrologic modeling techniques as provided in the Fairfax County Public Facilities Manual ("PFM") and as approved by DPWES.

b. To ensure that stormwater runoff from the property shall not cause erosion within the outfall channel identified as Outfall #2 on the attached Exhibit "A," the Applicant shall design the site so as to divert all drainage from Beechwood Drive as well as the area on-site located west of Beechwood Drive, that is currently draining to Outfall #2. Said drainage shall be diverted to Outfall #1. The remaining drainage, which still runs through Outfall #2, shall be conveyed down the slope using erosion control measures which have been approved by DPWES and the Urban Forestry Division.

c. (1) In order to ensure that the stormwater runoff from the property, including the runoff diverted from Outfall #2, as referenced in paragraph b above, shall not exacerbate erosion within the channel identified as Outfall #1, the Applicant shall determine the incipient erosion storm event and provide stormwater management control sufficient to reduce both incipient erosion shear stresses to below

predevelopment conditions and incipient flooding peak discharge to below predevelopment conditions. A channel outfall analysis generally consistent with the attachment entitled "Outfall Adequacy" shall be performed to determine hydrologic conditions associated with incipient erosion and channel flooding storm events, subject to the review and approval of DPWES. Any off-site downstream monitoring activities shall be subject to off-site property owner permission at no cost to the Developer. The Developer shall diligently pursue property owner permission to gain access to the outfall for the purpose of monitoring and shall provide sufficient documentation to DPWES demonstrating that such efforts have been pursued.

(2) If, based on results of the channel outfall analysis or other information provided to DPWES during the subdivision plan review process, it is determined by DPWES: (a) that erosive conditions currently exist along one or more sections of the outfall; and (b) that stormwater runoff from the property will exacerbate erosion within one or more sections of the outfall (due to an increased frequency and/or duration of flows at velocities that approach the velocity associated with the incipient erosion storm event), then the Applicant shall ensure adequacy of outfall by providing channel stabilization measures for those sections of Outfall #1 that experience increased erosion as a direct result of the development. To the extent feasible, subject to DPWES approval, biological stabilization measures using native species of vegetation shall be stressed. Said stabilization measures shall be installed, provided the Applicant receives the necessary easement or letter of permission from the applicable property owner, at no cost to the Applicant. The Applicant shall diligently pursue property owner permission to gain access to Outfall #1 for the purpose of providing said stabilization measures and shall provide sufficient documentation to DPWES demonstrating that such efforts have been pursued.

d. Applicant's obligations under this proffer #10 shall cease and terminate on the date that Fairfax County accepts the stormwater management pond for maintenance by the County.

11. **ADUs:** The architecture of the Affordable Dwelling Units ("ADUs") shall generally conform with the elevations set forth on Sheet 2 of 2 of the GDP.

12. **Sidewalks:** A sidewalk shall be provided along the frontage of Lots 1 and 2, and southward along the frontage of the open space in front of Lot 3. Sidewalks shall also be provided in front of the Affordable Dwelling Units providing pedestrian connections to the nearest public street sidewalk.

13. **Stub Street:** A temporary barricade shall be installed where the stub street ends as shown on the GDP south of and adjacent to Lot 40. In addition, a sign will be conspicuously placed at this location stating that this area will be the site of a future extension of the road by others to provide an interparcel connection. Both the barricade and the sign will remain in place until the future road connection is made. Prior to entering into any contract of sale with any purchaser, the Applicant shall notify all prospective purchasers in writing that this interparcel connection is anticipated. In addition, the Homeowners' Association documents delivered at settlement shall provide written notification that this interparcel connection is anticipated.

14. **Fence:** A six (6) foot high wooden fence may be provided along the rear lot lines of Parcels 23 and 24 that are contiguous with the open space area around the stormwater management pond. If provided, this fence shall be located so as to preserve existing vegetation to the extent feasible, as determined by DPWES and subject to County Urban Forester approval.

15. **Driveways:** No driveway connections shall be made to Hooes Road from Lots 26 through 29.

16. **Signs:** All signs posted by the Applicant shall comply with the requirements of Article 12 (Signs) of the Zoning Ordinance.

17. **Counterparts:** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

[Signatures on the next pages or counterparts]

Attachment - Exhibit "A"

Owners of Tax Map 89-4 ((1)) Parcel 26:

Thomas R. Griffiths

Joyce K. Palmer

Owners of Tax Map 89-4 ((2)) Parcel 14:

Kathleen R. Fannon, Trustee

Kathleen R. Fannon, Trustee

TRUSTEE

Thomas Jensen Fannon, Trustee

TRUSTEE

Karen Markham Mayer, Trustee

Mary Ellen Feeney for the
Estate of William R. Feeney

By: Mary Ellen Feeney, EXECUTRIX

Mary Ellen Feeney, Executrix

Mary Ellen Feeney

Mary Ellen Feeney

Owner of Tax Map 89-4 ((2)) Parcel 15:

David E. Meier

David E. Meier

Owners of Tax Map 89-4 ((2)) Parcel 16:

Larry G. Johnson

Larry G. Johnson

Judith L. Johnson

Judith L. Johnson

Owner of Tax Map 89-4 ((2)) Parcel 17B:

Jeanne A. Hadge

Owners of Tax Map 90-3 ((2)) Parcel 1A:

William A. Plissner

Lenore H. Plissner

Owners of Tax Map 90-3 ((2)) Parcel 1

Christopher F. McArdle

Elizabeth P. McArdle

Applicant:

Centex Homes, a Nevada General Partnership

By: Centex Real Estate Corporation,
Managing General Partner

By: _____
Robert K. Davis, Division President

Owner of 20 Foot Outlet Road between Tax Map 89-4 ((1)) Parcel 24 and 89-4 ((2)) Parcel 14

Estate of Dorothy Fannon

By: _____ III Executor

Francis H. Fannon, III, Executor

_____ Executor

Thomas Julian Fannon, Executor

Contract Purchaser of Tax Map 89-4 ((1)) Parcel 26 (part)

_____
John T. Breslin

Mary H Breslin
_____
Mary H. Breslin

Owners of Tax Map 89-4 ((1)) Parcel 24:

Paul D. Sun

John D. Sun

David D. Sun

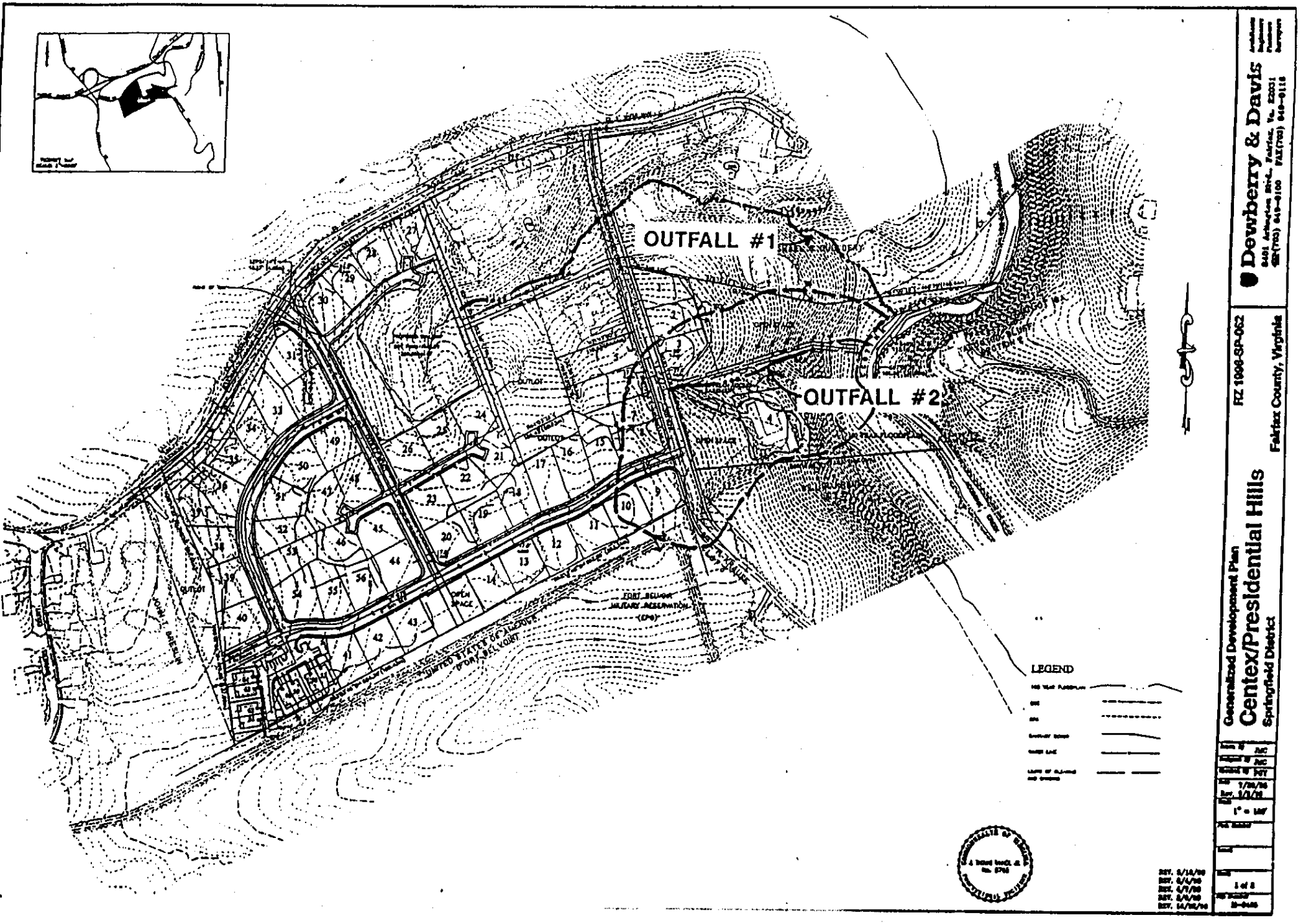
Owners of Tax Map 89-4 ((1)) Parcel 25:

Emmett G. Conway, Jr.

Winnie W. Conway

Winnie W. Conway

EXHIBIT A


OUTFALL #1
OUTFALL #2
LEGEND
Dewberry & Davis
Generalized Development Plan
Centex/Presidential Hills
Springfield District
Fairfax County, Virginia
FZ 1996-SP-062

Outfall Adequacy
RZ 1998-SP-062

Goals: To determine incipient erosion and channel flooding storm events and provide Storm Water Management Control sufficient to reduce both incipient erosion shear stresses to below pre-development conditions and incipient flooding peak discharge to below pre-development conditions. Also to show that pre-development flooding of downstream properties is not exacerbated for the incipient flood event.

Channel Outfall Data and Scope of Work:

1) Cross-sectional analyses - monumented surveyed cross-sections - may be set at specific location points as indicated by DPWES not to exceed 6 along the outfall reach. Cross-sectional surveys should be shown on a scale of 1"=1' vertical and "1=2' horizontal. Enough detail is required to depict major slope breaks and depositional features. This information is required for both physical profiling, as well as input data for use in the HecRas (or equivalent) model.

2) Data collected may include stream channel horizontal slope, bed material sieve analysis for determination of d50 or pebble count equiv. method, x-sectional geometry and elevation and roughness characteristics for Manning's roughness estimation. A specific procedure for determination of Manning's roughness coefficient should be provided by DPWES.

Steps to perform work required by DPWES may include:

1) Perform physical qualitative stream stability survey along channel to select representative cross-sections for analysis, as approved by DPWES.

2) Monument and survey representative cross-sections within reaches for time-line study, subject to receiving permission from offsite property owners.

3) Categorize stream conditions at monumented cross-sections and throughout reach, using an approved qualitative stream assessment technique, such as Thorn and Easton Geomorphologic Reconnaissance procedure (or equivalent procedure).

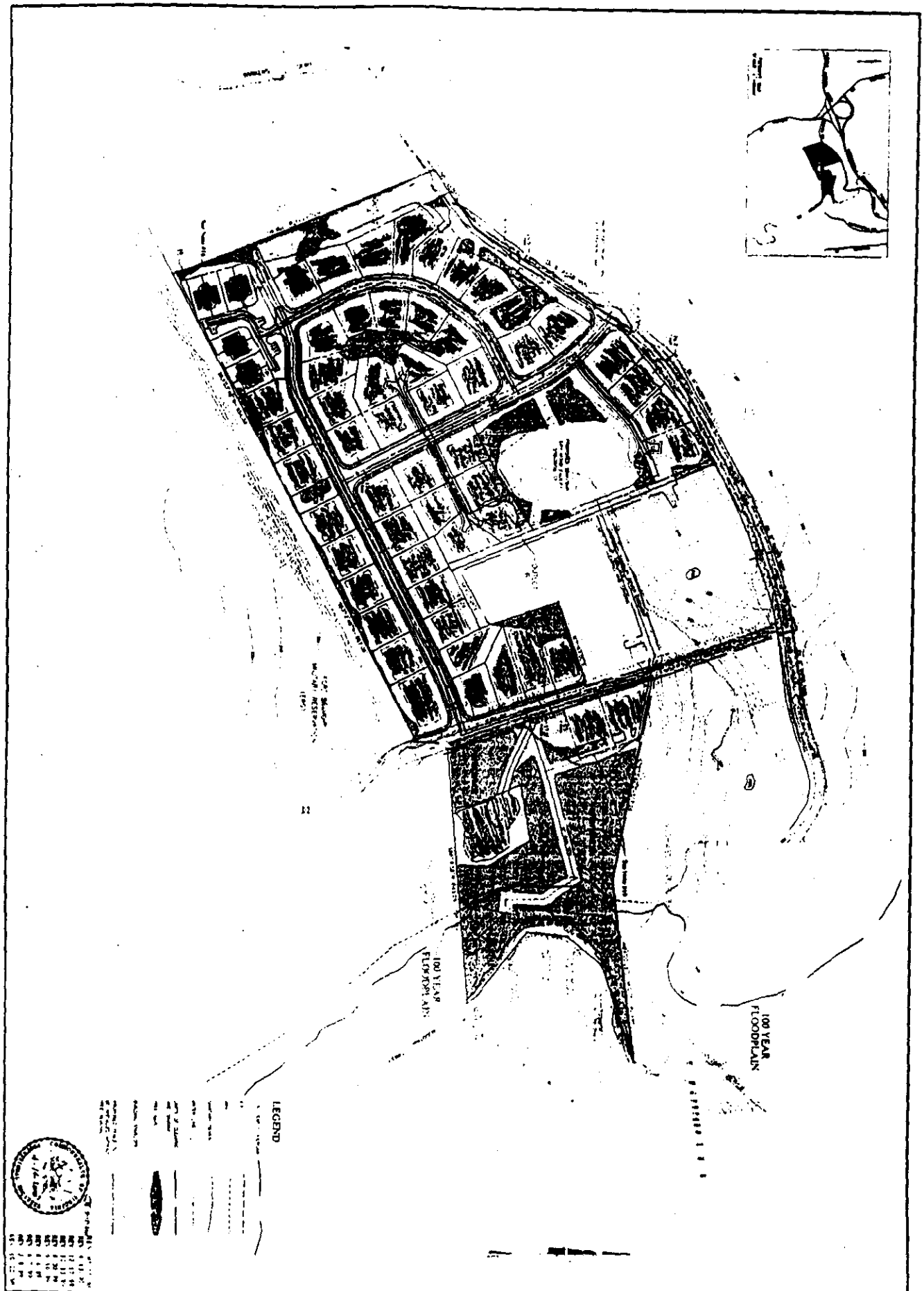
4) Interpret field data using both qualitative and quantitative procedures in order to provide information to aid in assessing the general physical condition of the outfall, such as degree of vegetative cover; bed and bank erosion condition and potential and median particle size estimation, using sieve analysis or pebble count method within riffles and pools to determine incipient erosion event and estimate degree of down-cutting. Equations will be approved by DPWES.

5) Flood history - hydrology and rainfall runoff relationship; look at flood magnitude and frequency of occurrence. Use TR-55 or HEC-1 to characterize rainfall-runoff relationship and estimate peak flows and volumes.

6) Look at hydraulic conditions - velocity, depth, and width for various depths of flow for both channel and overbank. Use TR-20 or HEC-2 to route runoff through channel and estimate design discharge at various points of interest throughout the watershed.

7) Bed and Bank analysis for sediment transport and stability - determine size, gradation, cohesiveness, and armoring. Pebble counts and sieve analyses may be used to estimate parameters and potential for exceedence of critical shear stress. Also, examine down-cutting potential using method approved by DPWES.

8) Incipient erosion - determine which flood will cause the existing natural erosion/deposition cycle to become fully erosive, and provide storm water control for said incipient storm up to the 2-year event, if required. Shields, Wieberg and Smith, or other appropriate method as approved by DPWES, may be used, depending on sediment gradation.



Generalized Development Plan

RZ 1998-SP-062

Centex/Presidential Hills

Springfield District

Dewberry & Davis