



FAIRFAX COUNTY

DP2

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

V I R G I N I A

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

September 8, 1999

Mark G. Jenkins, Esquire
2071 Chain Bridge Road – Suite 400
Vienna, Virginia 22182-2622

RE: Rezoning Application
Number RZ 1998-**DR**-070
(AMENDED Letter only)

Dear Mr. Jenkins:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on August 2, 1999, granting Rezoning Application Number RZ 1998-DR-070 in the name of ALD Group, Incorporated, to rezone certain property in the Dranesville District from the R-1 District to the R-3 District, subject to the proffers dated July 22, 1999, on subject parcel 21-4 ((1)) 9, consisting of approximately 2.00 acres.

The Board also waived the Public Facilities Manual requirement to permit the minimum Virginia Department of Transportation standards for cul-de-sac radius and right-of-way width.

Sincerely,

Nancy Vehr
Clerk to the Board of Supervisors

NV/ns

RZ 1998-DR-070
September 8, 1999

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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

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
SEP 8 1999
ZONING EVALUATION DIVISION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 2nd day of August 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-DR-070

WHEREAS, ALD Group, Incorporated 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-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

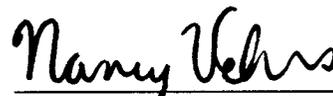
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the R-3 District; and said property is subject to the use regulations of said R-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 2nd day of August, 1999.



Nancy Velts

Clerk to the Board of Supervisors



PROFFERS

RZ 1998-DR-070

July 22, 1999

Pursuant to Section 15.2-2303(A), Code of Virginia (1950), as amended, Newton K. Deibert, as the title owner of the property identified as tax map 24-4-((1))-9 (the "Application Property"), which is the subject of the above-referenced rezoning application, for himself and his successors and assigns, and ALD Group, Inc., and its successors and assigns, as contract purchaser (collectively, the "Developer"), agree to the following proffers, provided that the Fairfax County Board of Supervisors approves a rezoning of the Application Property to the R-3 Zoning District for four (4) residential building lots:

1. (A) Subject to the provisions of §18-204 of the Fairfax County Zoning Ordinance (the "Ordinance"), development of the Application Property shall be in substantial conformance with the Generalized Development Plan ("GDP"), consisting of one (1) sheet, prepared by Gallifant, Hawes & Jeffers, dated April 14, 1998, and revised through June 1, 1999. As shown on the GDP, there shall be no more than four (4) residential building lots. In accordance with §18-204 of the Ordinance, minor modifications may be permitted, as approved by DPWES.

(B) The Developer shall apply for a waiver of on-site stormwater management and best management practices as required by §6-0300 and §6-0400 of the Fairfax County Public Facilities Manual ("PFM"). If these waivers are not granted, then the Developer shall apply for a Proffer Condition Amendment in order to incorporate into the GDP such on-site stormwater management and best management facilities, or other facilities or techniques, as may be required.

2. Developer shall dedicate, in fee simple, right-of-way approximately 25 feet from the centerline of existing Douglass Drive along the Application Property's frontage, as shown on the GDP. This dedication shall be made at time of subdivision plat approval or upon demand from Fairfax County, whichever shall first occur. Developer shall construct road improvements to Douglass Drive with face of curb set at approximately 18 feet from centerline of existing Douglass Drive, as shown on the GDP and as approved by the Virginia Department of Transportation ("VDOT"). These road improvements shall be constructed concurrent with the development of the Application Property.

3. Developer reserves density credit in accordance with the provisions of §2-308 of the Ordinance for all street dedications described in these Proffers, described on the GDP, or as may reasonably be required by Fairfax County or VDOT at the time of subdivision plat approval.

4. (A) The Developer shall contract with an arborist certified by the International Society of Arboriculture to prepare a tree preservation plan for the entire Application Property

(and in connection with the offsite easements on Lots 3 and 4, Langley Springs) to be submitted as part of the first subdivision plan submittal. The tree preservation plan shall, inter alia, show individual trees to be preserved, the limits of clearing, and the easements, all as indicated on the GDP, and shall be reviewed and approved by the Urban Forestry Branch. The certified arborist responsible for preparation of the tree preservation plan shall be referred to as the Project Arborist. The tree preservation plan shall consist of a tree inventory which includes the location, species, size, crown spread and condition rating percent of all proffered trees and all trees 12 inches or greater in diameter, measured 4 ½ feet from the ground, within 20 feet on either side of the limits of clearing and grading shown on the GDP. 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 designated for preservation shall be incorporated into the tree preservation plan. Activities should include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.

(B) All trees shown to be preserved on the tree preservation plan shall be protected by fencing during construction. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the tree preservation/landscaping plan. Tree protection will be six foot high temporary chain link fencing attached to steel posts driven 18 inches into the ground, placed no further than 10 feet apart, of sufficient height to stabilize the fence.

The tree protection fencing shall be made clearly visible to all construction personnel. 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. All tree preservation activities, including installation of tree protection fencing, shall be performed under the supervision of the Project Arborist. Prior to the commencement of any clearing, grading, or demolition activities on the site, the Project Arborist shall verify in writing that the tree protection fence has been properly installed.

(C) The demolition of existing features and structures shall be conducted in such a manner as to minimize the impact on individual trees and groups of trees to be preserved. These methods are to be included in the tree preservation plan. The Project Arborist shall monitor the construction work and direct and supervise tree preservation efforts in order to ensure that the commitments made on the tree preservation plan are fulfilled.

(D) The Developer shall have the limits of clearing and marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting and prior to final approval of the tree preservation plan, the Developer shall walk (the "walk through") the limits of clearing and grading with an Urban Forestry Branch representative and the Project Arborist to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees as identified by the Urban Forestry Branch representative that are not likely to survive construction due to their proximity to disturbance will also be identified at this time and the Developer be given the option of removing them as part of the clearing operation. Any tree designated for removal at the edge of the limits of clearing and grading and within the tree preservation area shall be removed using chain saws. The stump shall be cut as close to ground

level as practical. If a stump must be removed this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the tree preservation area.

(E) At least 14 calendar days prior to the walk through, Applicant shall notify in writing the owners of the properties abutting the Application Property of the date and time of the walk through. Receipt of notification will be confirmed by certified mail. Such owners or other designated representatives shall be permitted to attend and participate in the walk through. To facilitate the required notification, owners of the abutting properties shall provide the Applicant with the appropriate mailing address.

(F) In addition to the planting of new trees as shown on the GDP, Developer shall provide a buffer of suitable trees, 10 feet on center, on the Application Property within the area on the south side of the limit of clearing line on proposed Lot 3 that runs irregularly parallel to the Application Property's boundary with Lot 4, Langley Springs. The trees used for this buffer shall be selected from those listed in Chapter 12 of the Fairfax County Public Facilities Manual ("PFM") and shall be mutually acceptable to the Developer and the owner of Lot 4, Langley Springs. This shall be a landscape buffer and shall be so described in the final development plan (i.e., the subdivision plan) for the Application Property.

(G) (i) The Developer shall plant trees along the boundary with Lot 5 (Tax Map No. 21-4-((23))-5) and Lot 6 (Tax Map No. 21-4-((23))-6), Langley Springs, as indicated on the GDP.

(ii) In the area between the limits of clearing, as shown on the GDP, and the boundary with Lot 4 (Tax Map 21-4-((10))-4) and Lot 5 (Tax Map No. 21-4-((10))-5), the Cloisters (the "Cloisters Lots"), the Developer will plant a landscaping buffer and/or a six foot fence to help screen the Cloisters Lots. Any plant materials or fencing used will be selected by the owners of the Cloisters Lots in cooperation with the Developer and may include the following: (1) native evergreen understory plants; and/or (2) six foot hollies (e.g., Nellie Stevens) or other trees. These plants and trees are to be located to supplement the existing trees, either on the Application Property or the Cloister Lots near the boundary with the Application Property, the locations to be selected by owners of the Cloisters. The trees to be planted pursuant to this paragraph fulfill the requirement indicated in the GDP for new trees (17 in number) to be planted along the limits of clearing and grading running irregularly parallel to the Cloisters Lots boundaries.

Where there is substantial unvegetated space within the area described in the immediately preceding paragraph (primarily in the area near Lot 4, Cloisters), the trees to be planted shall be a variety of hardwood species (e.g., oak, maple, etc.). Minimum planting size of these trees shall be eight feet high or 2" in caliper planted approximately 15 feet on center. The maximum number of trees to be planted in accordance with this Section 4(G)(ii) shall be 17, the number indicated on the GDP.

(H) All tree preservation requirements as contained in these proffers shall pertain to all construction on the Application Property and to the installation of utilities in easements on abutting properties.

Any tree designated on the GDP as "save if possible" shall be removed only if determined to be in poor health by the Urban Forester. In all other cases, the Developer shall take the measures specified in these Proffers to protect and preserve trees so designated.

Subject to the agreement of the owners of Lots 3 and 4, Langley Springs, and to engineering requirements, the Developer agrees to adjust the alignment of the proposed sanitary and storm sewer easements on these lots as reasonably necessary to prevent damage to existing trees 12 inches in diameter or larger, measured 4 ½ feet from the ground. The Developer also agrees to replace in kind any shrubbery that is removed or damaged and to sod all areas disturbed by construction.

The location of the storm drainage easement and the sanitary sewer easement on the Application Property shall be substantially as shown on the GDP, but the exact location of clearing and grading for these easements will be determined in such a manner as to minimize the impact on trees that can be preserved. The limits of clearing as shown on the GDP delineate the maximum area to be cleared, subject to installation of utilities in a manner that minimizes impact on trees. If there are any trees within the limits of clearing that can reasonably be preserved, the Developer will make every reasonable effort to do so, consistent with the siting of dwellings on each lot and with installation of utilities.

Clearing and grading will be conducted under the direction and supervision of the Project Arborist in such a manner as to minimize the impact on individual trees and groups of trees to be preserved.

At least three business days prior to the start of clearing, the Developer agrees to notify the owners of the properties abutting the Application Property of the date(s) of such clearing. Receipt of notification shall be confirmed by the Developer.

(I) Prior to final subdivision plan approval and as part of the tree preservation plan, the Project Arborist shall assign a replacement value to trees measuring twelve (12) inches or larger in diameter, measured 4 ½ feet from the ground, that are either individually designated as "save" or "save if possible" on the GDP or are located beyond the limits of clearing and grading as shown on the tree preservation plan (the "designated trees"). This assignment of replacement values shall not include any dead or dying trees so identified as part of the tree preservation plan. At the time of subdivision plat approval, and as a requirement separate from their requirements under the PFM for a conservation agreement and deposit and for bonds and surety for physical site improvements, the Developer, as security for designated trees, will post a corporate surety bond (or a letter of credit, at Developer's sole option) payable to the County of Fairfax in the amount assigned as the replacement value of the designated trees, but in an amount not to exceed U.S. \$25,000.00. The form of the corporate surety bond (or letter of credit, if Developer so elects) shall be subject to approval by the County Attorney. The replacement value of each designated tree shall be determined according to the methods contained in the latest edition of the Valuation of Landscape Trees, Shrubs, and Other Plants published by the International Society of Arboriculture. This bond shall secure the replacement of only the designated trees that die or are dying due to acts of negligence by the Developer, or its agents

and contractors, during clearing, grading, and construction of dwellings on the Application Property. This bond shall be released at the same time as the bond for physical site improvements is released. Any funds received by Fairfax County pursuant to this paragraph shall be utilized solely for providing the replacement value of any designated trees damaged in violation of this paragraph 4(I), and any funds received that are in excess of this amount shall be returned to the Developer. Replacement of trees by the County shall be in accordance with the guidelines of the PFM. This bond shall not be called by Fairfax County unless prior written notice by the Urban Forestry Branch, identifying with particularity the dead or dying trees and the alleged cause, is delivered to the Developer, who shall have a 30 day period from the date of receipt of such notice to replace such trees, in accordance with the guidelines of the PFM, before the bond can be called.

(J) Subject to permission granted by the owner of Lot 17, Cloisters (Tax Map No. 21-4-((10))-17), Developer shall grade this property to assist in correcting ponding of water in the backyard.

(K) If deemed necessary based on site conditions, Developer will provide additional stabilization to erosion and sediment control fences or barriers during construction.

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Signature Page to Proffers
RZ 1998-DR-070

Developer:

ALD Group, Inc., Contract Purchaser

BY: 

Title: President

Date signed: July 22, 99

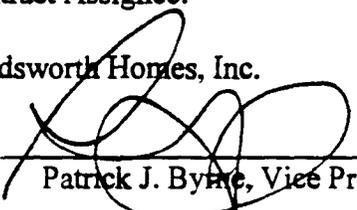

Newton K. Deibert, Title Owner

Date signed: July 22, 1999

~~[FINAL PAGE]~~ *pbj*

Contract Assignee:

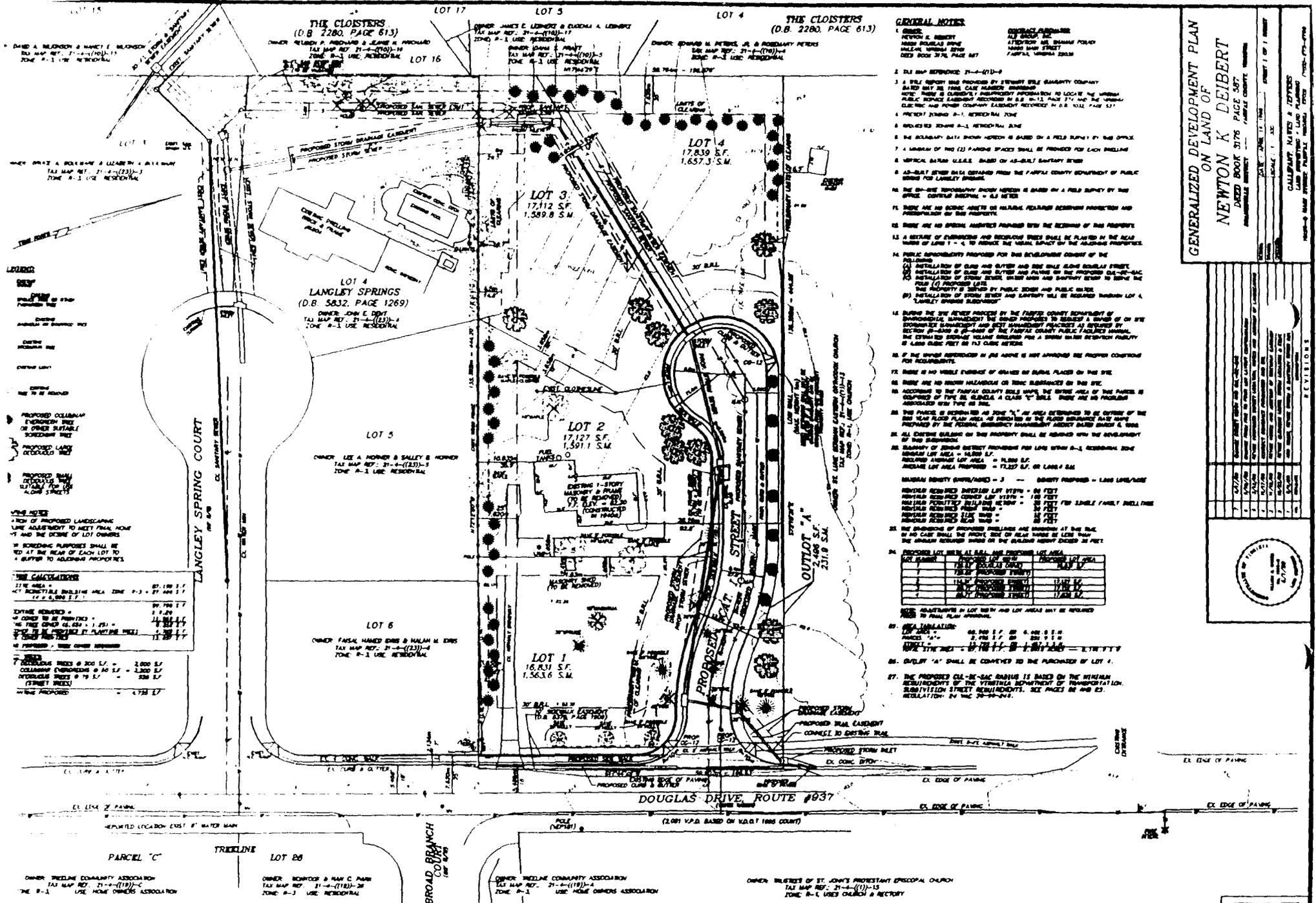
Chadsworth Homes, Inc.

BY: 

Patrick J. Byrne, Vice President

Date signed: July 27, 1999

[FINAL PAGE]



GENERAL NOTES

1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF FORT WORTH, TEXAS.
2. THE MAP REFERENCED IS 21-4-(11)-3.
3. A TITLE REPORT HAS BEEN PROVIDED BY STEWART TITLE GUARANTY COMPANY. SALES MAY BE MADE CASE BY CASE.
4. THERE IS AN EASEMENT FOR UTILITY PURPOSES IN LOT 4. THE UTILITY PUBLIC UTILITIES COMPANY HAS BEEN ADVISED BY LETTER DATED 11/11/11 AND THE UTILITY COMPANY HAS AGREED TO PROVIDE THE NECESSARY EASEMENT.
5. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF FORT WORTH, TEXAS, UTILITY CODES.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FORT WORTH, TEXAS.
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REVISIONS

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMITTING
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**GENERALIZED DEVELOPMENT PLAN
ON LAND OF
NEWTON K. DEIBERT**
DATED NOVEMBER 11, 2011
PAGE 307

