



FAIRFAX COUNTY

DPZ
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

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June 23, 1999

Francis A. McDermott, Esquire
Hunton and Williams
1751 Pinnacle Drive – Suite 1700
McLean, Virginia 22102

RE: Rezoning Application
Number RZ 1998-SP-068

Dear Mr. McDermott:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on June 7, 1999, granting Rezoning Application Number RZ 1998-SP-068 in the name of Batal Builders - Center Road, L.C., to rezone certain property in the Springfield District from the R-1 District to the R-4 District (to permit cluster residential development), subject to the proffers dated May 25, 1999, on subject parcel 79-3 ((6)) 2, 3, 4, 4A, 5 and 6, consisting of approximately 12.15 acres.

The Board also directed that the Director of the Department of Public Works and Environmental Services approve a modification of the County's minimum standards for public street cul-de-sacs to allow construction of the public street cul-de-sac within this development in accordance with Virginia Department of Transportation's minimum subdivision street standards for a circular turn-around.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors
NV/ns

RZ 1998-SP-068
June 23, 1999

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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
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

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 7th day of June, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-SP-068

WHEREAS, Batal Builders – Center Road, L.C. 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-4 District (cluster residential development); 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-4 District (cluster residential development); and said property is subject to the use regulations of said R-4 District (cluster residential development); 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 7th day of June, 1999.



Nancy Vehrs

Clerk to the Board of Supervisors



RZ-1998-SP-068 BATAL BUILDERS-CENTER ROAD, L.C.
PROFFER STATEMENT
FEBRUARY 26, 1999
MARCH 22, 1999
APRIL 12, 1999
APRIL 13, 1999
APRIL 28, 1999
MAY 25, 1999

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Board of Supervisors' approval of rezoning application RZ-1998-SP-068, as proposed, for rezoning from the R-1 District to the R-4 (Cluster) District, Center Road, L.C. (the "Applicant"), for its successors and assigns, hereby proffers that development of Tax Map Parcels 79-3-((6))-2, 3, 4, 4A, 5 and 6 (the "Property"), containing approximately 12.146 acres, shall be in accordance with the following proffered conditions:

1. Substantial Conformity. Subject to provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in substantial conformance with the Generalized Development Plan prepared by BC Consultants, dated November 6, 1998, as revised through May 25, 1999 (the "GDP"), as further modified by these proffered conditions.
2. Minor Modifications to Design. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, the Applicant may make minor adjustments to the GDP, if such changes are in substantial conformance with the GDP and these proffers, and if the changes do not increase the total number of units, decrease the minimum amount of open space, or decrease the amount of landscaping along the Property lines or in common open space areas.
3. Maximum Density. A maximum of thirty-eight (38) dwelling units shall be permitted on the Property.
4. Right-of-Way Dedication. All right-of-way dedicated in conjunction with these proffers and as depicted on the GDP shall be conveyed to the Board of Supervisors in fee simple upon demand by the County or at the time of recordation of the final subdivision plat, whichever occurs first.
5. Center Road Improvements. The Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to 30 feet from the presently existing centerline along the Center Road frontage of the Property as depicted on the GDP. In addition, as depicted on the GDP, the Applicant shall construct frontage improvements across the Property's Center Road frontage, including curb, gutter and sidewalk, twenty-two (22) feet from the presently existing centerline of Center.

6. Rolling Road Improvements. As depicted on the GDP, the Applicant shall dedicate right-of-way and construct an extension of the existing southbound right turn deceleration lane along the Rolling Road frontage of the Property to meet minimum VDOT length standards subject to the design speed for Rolling Road.
7. Limits of Clearing and Grading. The Applicant shall conform to the approximate limits of clearing and grading shown on the GDP, subject to installation of utilities, if necessary, as approved by the Department of Public Works and Environmental Services ("DPWES"). The utilities will be installed in the least disruptive manner possible, to the maximum extent feasible given engineering and cost constraints, in consultation with the County Urban Forester. A replanting plan, for the specific purpose of stabilization of areas located within the limits of clearing and grading that must be disturbed for the installation of utilities, will be developed and implemented, as approved by the County Urban Forester.
8. Environmental Quality Corridor and Open Space Areas. All common open space and the Environmental Quality Corridor ("EQC") as depicted on the GDP shall be conveyed to a private homeowners' association at the time of recordation of the final subdivision plat. All common open space areas shall be maintained by said private homeowners' association. The EQC shall not be disturbed except for (i) the installation of utilities, if necessary, as approved by DPWES, (ii) for removal of debris, (iii) for removal of dead, dying and diseased trees or; (iv) for selective maintenance to remove noxious and poisonous weeds as determined by a certified arborist. A replanting plan, for the specific purpose of stabilization of areas located within the limits of clearing and grading that must be disturbed for the installation of utilities will be developed and implemented, as approved by the County Urban Forester.
9. Landscaping. Subject to approval by the County Urban Forester, landscaping shall be provided as generally shown on the GDP.
10. Tree Save Areas. All tree save areas designated to be preserved on the GDP shall be protected by temporary fencing, a minimum of four (4) feet in height, placed at the dripline of trees to be preserved, or at the limits of clearing and grading, whichever is greater. The fencing shall be installed prior to any clearing or grading work being conducted on site and signage affirming "Tree Save Area - Do Not Disturb" shall be provided on the temporary fencing and made clearly visible to all construction personnel. In consultation with a certified arborist, the Applicant shall pursue additional tree preservation efforts, to the extent feasible subject to final grading considerations, in the area behind lots 11 through 23.
11. Heritage Resources. The Applicant will notify the County Archaeologist a minimum of 14 days prior to any grading or disturbance of the site. The Applicant shall permit the County Archacologist to recover any artifacts that are exposed during construction, with the understanding that this action will not interfere with or delay construction.

12. Energy Conservation. All homes constructed on the Property shall meet the thermal standards 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.
13. Residential Noise Attenuation. The Applicant shall use building materials with characteristics, pursuant to commonly accepted industry standards, to achieve a maximum interior noise level of 45 dBA Ldn as follows:
 - A. All residential units located within 100 feet of the centerline of Rolling Road which are impacted by highway noise levels of between 70 and 75 dBA Ldn and not otherwise shielded by structures or topography shall have the following acoustical attributes: Exterior walls shall have a laboratory STC rating of at least 45; doors and windows shall have a laboratory STC rating of at least 37. If windows constitute more than twenty percent (20%) of any facade, they should have the same laboratory STC as walls. 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.
 - B. All residential units located within 210 feet of the centerline of Rolling Road which are impacted by highway noise levels of between 65 and 70 dBA Ldn and not otherwise shielded by structures or topography shall have the following acoustical attributes: Exterior walls shall have a laboratory STC rating of at least 39; 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 should have the same laboratory STC as walls. 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.
 - C. In order to achieve a maximum exterior noise levels of 65dBA within rear yards of units located along Rolling Road, noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, shall be provided for those rear yard areas that are unshielded by topography or structures. If acoustical fencing or walls are used, they should be architecturally solid from ground up with no gaps or openings and of sufficient height to adequately shield the impacted area from the source of noise.
 - D. As an alternative to "A", "B" or "C," above, the Applicant may elect to have a refined acoustical analysis performed, subject to approval of DPWES, to verify or amend the noise levels and impact areas set forth above and/or to determine which units may have sufficient shielding from topography or structures to permit a reduction in the mitigation measures prescribed above; or to determine minimum STC ratings for exterior walls, windows, and doors.
14. Removal of Debris. During clearing and grading, the Applicant will remove debris (e.g. tires and household appliances) from the EQC in the least disruptive manner possible given engineering and cost constraints. Any areas within the EQC disturbed

due to the long term presence of debris or the removal of debris shall be stabilized with the application of straw, mulch, grass seed, whips, wild flowers and/or a mix of native vegetation seeds.

15. Buffer. If the Applicant's request for a modification to the County's PFM standard for the cul-de-sac serving Lots 1-10 is approved, allowing construction of a cul-de-sac meeting VDOT minimum standards, the Applicant shall maintain a 15' tree save/vegetated buffer area adjacent to proposed lots 2, 3, 4 and 5. This area shall be maintained in a conservation easement running to the benefit of the HOA and Fairfax County and recorded among the land records of Fairfax County at the time of record plat recordation. The two substantial oak trees located to the rear of proposed lot 2 shall be included within the area subject to the conservation easement.
16. Density Credit. All intensity of use attributable to land areas dedicated and conveyed to the Board of Supervisors pursuant to these proffers shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the subject Property.
17. Successors and Assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon, Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.
18. Counterparts. To facilitate this execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to the Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

[SIGNATURES ON THE FOLLOWING PAGES]

BATAL BUILDERS-CENTER ROAD, L.C.
Applicant

By: *John M. Batal*
Name: JOHN M BATAL
Title: Manager

ESTATE OF BEATRICE R. HENDERSON
Title Owner of Parcel 79-3-((6))-2

By: *Kenneth N. Henderson*
Kenneth Neal Henderson
Co-Executor

By: *Timothy A. Henderson*
Timothy A. Henderson
Co-Executor

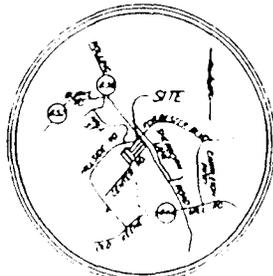
*Maureen Falkenstein, by
John M. Batal, agent and
attorney-in-fact.*

MAUREEN FALKENSTEIN,
BY JOHN M. BATAL, AGENT AND
ATTORNEY-IN-FACT
Title Owner of Parcel 79-3-((6))-3
(formerly known of record as Maureen Lyon)

Rosie Khatchi
ROSIE KHATCHI
Title Owner of Parcels 79-3-((6))-4, 4A and 5

CENTER ROAD, L.P.
Title Owner of Parcel 79-3-((6))-6

By: Robert D. Angelis
Name: ROBERT D. Angelis
Title: partner

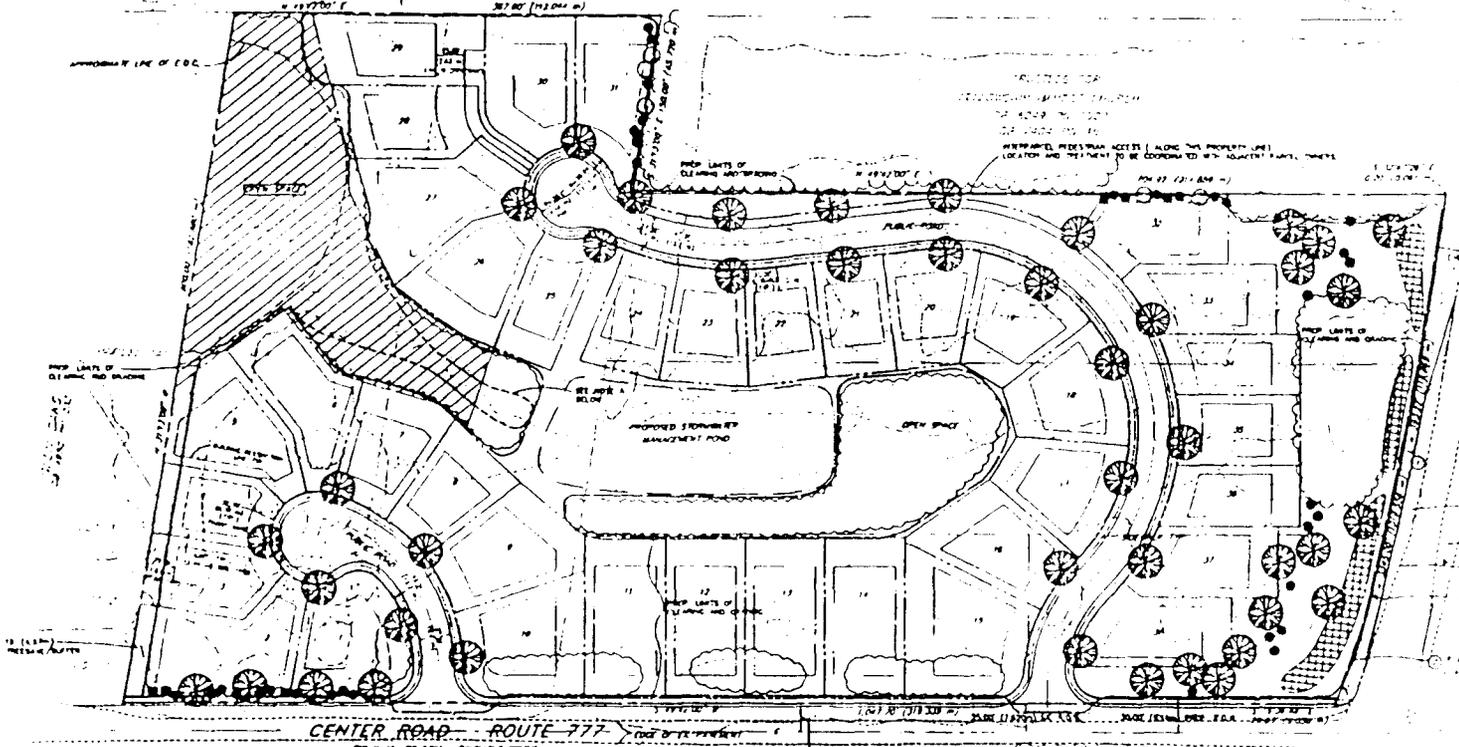


VICINITY MAP
SCALE 1" = 100'

ROLLING ROAD ROUTE 619
100' PROPERTY SETBACK (SEE C-201) (MINIMUM)

- LEGEND
- PROPOSED DECIDUOUS TREE SPACE
 - PROPOSED EVERGREEN TREE SPACE
 - PROPOSED EVERGREEN TREE
 - EXISTING TREE
 - TREE SET BACK
 - 10' SET BACK TO OPEN SPACE
 - PROPOSED LIMIT OF CLEARING AND OPENING
 - APPROXIMATE LOCATION OF UNDERGROUND WATER

NOTES:
PROPOSED LIMITS OF CLEAR AND OPENING IS ADOPTION OF THE
TAMM COUNTY PUBLIC FACILITIES MANUAL'S MINIMUM STANDARDS FOR A
PUBLIC STREET OR DE-SAC (PARKING) TO ROOT'S SURROUNDING
STREET REQUIREMENTS FOR A CIRCULAR PARKING (EA. OF SAC) IS DENIED



CURVE TABLE						
CURVE	ARC	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	1341.00' (409.336 m)	263.27' (80.200 m)	1341.00' (409.336 m)	263.27' (80.200 m)	270.00° (113.299°)	90.00° (40.714°)
2	1341.00' (409.336 m)	263.27' (80.200 m)	1341.00' (409.336 m)	263.27' (80.200 m)	270.00° (113.299°)	90.00° (40.714°)

RECEIVED
 OFFICE OF COMPREHENSIVE PLANNING
 ZONING EVALUATION DIVISION
 MAY 21 1988