



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

June 7, 2010

Lynne Strobel, Esquire
Walsh Collucci, Emrich, Lubely & Walsh PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

James R. Holbein
6322 Timarron Cove Lane
Burke, VA. 22015

G. Kirk Curran
6320 Timarron Cove Lane
Burke, VA 22015

Dear Ms. Strobel:

On April 5, 1999, the Fairfax County Board of Supervisors approved RZ 1998-SP-054 subject to proffers dated March 15, 1999. Proffer #1 of those proffers (copy attached) requires development of the site in accordance with the Generalized Development Plan (GDP) revised through March 11, 1999 which depicts a wood chip trail to be located within a public pedestrian access easement located partially on Lot #17 and partially on Lot #18. The terms of the public access easement for this trail are recorded in the land records and depicted on the Timarron Cove Deed of Subdivision dated June 22, 2000 in conformance with the proffered GDP. On December 29, 2008, a proffer interpretation was issued which allowed stepping stones or other similar material to be used to delineate pedestrian access within the recorded public access easement.

As at least one of the necessary steps to achieve full compliance with the approved proffer has occurred, i.e., the recording of the Deed of Subdivision on June 22, 2000, which contains the trail easement, you are hereby requested to install the proffered woodchip trail or other pedestrian facility within the recorded trail easement as permitted pursuant to the previously issued proffer interpretation within sixty (60) days. If you have not done so, please coordinate with the Department of Public Works and Environmental Services (DPWES) to secure any required permits. Failure of the property owners to allow compliance with the proffer constitutes a violation of the Zoning Ordinance subject to enforcement action.

Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

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Integrity * Teamwork * Public Service



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

This request has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions or would like to discuss this matter please feel free to contact me at (703) 324-1250.

Sincerely,

Regina C. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

Attachments: A/S

cc: Pat Herrity, Supervisor, Springfield District
Peter J. Murphy, Planning Commissioner, Springfield District
Cynthia L. Tianti, Deputy County Attorney
Eileen McLane, Zoning Administrator
Michael Congleton, Deputy Zoning Administrator
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Plan Control, Land Development Services, DPWES
File: RZ 1998-SP-054; PCA 1998-SP-054



FAIRFAX COUNTY

242
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

August 5, 1999

Susan K. Yantis, Land-Use Coordinator
Walsh, Colucci, Stackhouse,
Emrich and Lubeley, P.C.
2200 Clarendon Boulevard
Thirteenth Floor
Arlington, Virginia 22201-3359

RE: Rezoning Application
Number RZ 1998-SP-054
(AMENDED - LETTER ONLY)

Dear Ms. Yantis:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 5, 1999 granting Rezoning Application Number RZ 1998-SP-054 in the name of Coscan Washington, Incorporated, to rezone certain property in the Springfield District from the R-1 District to the R-3 District (cluster residential) subject to the proffers dated March 15, 1999, on subject parcel 78-3 ((1)) 24 and 25 consisting of approximately 21.05 acres.

The Board also waived the sidewalk requirement along Burke Lake Road.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

RZ 1998-SP-054
August 5, 1999

- 2 -

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

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
AUG 17 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 5th day of April, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-SP-054

WHEREAS Coscan Washington, 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 (cluster residential); 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

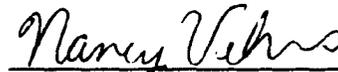
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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-3 District (cluster residential); and said property is subject to the use regulations of said R-3 District (cluster residential); 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 5th day of April, 1999.



Nancy Veffers

Clerk to the Board of Supervisors

PROFFERS

BURKE PROPERTY

RZ 1998-SP-054

March 15, 1999

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, Coscan Washington, Inc. (hereinafter referred to as the "Applicant") for the owners, themselves, successors and assigns in RZ 1998-SP-054, filed for property identified as Tax Map 78-3 ((1)) 24, 25 (hereinafter referred to as the "Application Property") agrees to the following proffers, provided that the Board of Supervisors approves the rezoning of the Application Property to the R-3 Cluster District.

1. Generalized Development Plan. Development of the Application Property shall be in substantial conformance with the Generalized Development Plan ("GDP"), prepared by Land Design Consultants dated September 14, 1998 and revised through March 11, 1999 consisting of two (2) sheets.
2. Minor Modifications. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the internal lot lines of the proposed subdivision at time of subdivision plan submission based on final house locations and building footprints provided such changes are in accordance with the GDP.
3. Burke Lake Road.
 - A. Dedication. Subject to Virginia Department of Transportation ("VDOT") and the Department of Public Works and Environmental Services ("DPWES") approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way in accordance with VDOT Project No. 0645-029-253-C503 along the Application Property's frontage of Burke Lake Road as shown on the GDP. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from Fairfax County, whichever occurs first.
 - B. Construction.
 - i. The Applicant shall construct an interim right turn deceleration lane measuring 200-feet in length with a 100-foot taper on Burke Lake Road within the dedicated right-of-way, as shown on the GDP.

- ii. The Applicant shall provide striping for a left turn lane utilizing the existing pavement on Burke Lake Road at the site entrance so long as there is no additional right-of-way necessary to construct this left turn lane.
 - iii. At time of subdivision plan approval, the Applicant shall escrow with DPWES funds in an amount equal to the cost of construction of the ultimate right and left turn lanes on Burke Lake Road into the site entrance which shall not exceed \$10,000.
4. Density Credit. Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be reasonably required by Fairfax County or VDOT at time of subdivision plan approval.
5. Storm Water Management. The Applicant shall provide storm water management ("SWM") and best management practices ("BMPs") in accordance with the requirements of the Public Facilities Manual and the Chesapeake Bay Preservation Ordinance unless waived by DPWES. The SWM/BMP dry pond shall be constructed in the general location as shown on the GDP. In the event the SWM/BMP facility is waived by DPWES, this area will be retained as open space.
6. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading as shown on the GDP.
7. Landscaping and Open Space.
 - a. For the purpose of maximizing the preservation of trees on individual lots, the Applicant shall retain a certified landscape architect to consult on the preparation of a tree preservation/landscape plan. The tree preservation/landscape plan shall be submitted prior to any the first subdivision plan which shall be reviewed and approved by the Urban Forestry Branch. This plan shall provide for the preservation of specific quality trees or stands of trees located on individual lots which can be preserved without precluding the development of a typical home on each of the lots as shown on the GDP. The Urban Forestry Branch and/or DPWES may require modifications to the landscape plan to the extent said modifications do not alter the number of dwelling units as shown on the GDP, reduce the size of the units or require the installation of retaining walls greater than two feet in height.

Subject to the approval of the Urban Forestry Branch and/or DPWES the Applicant shall perform the following measures relating to tree preservation on the property:

- Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved. The Applicant shall have the limits of clearing flagged prior to construction. Prior to construction, the Applicant shall walk the limits of clearing with a certified arborist, an Urban Forestry Branch representative and the landscape architect to determine where minor adjustments to the line may be made to ensure the preservation of trees in the tree save area.
 - The trees designated to be saved shall be marked on the ground with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming restricted access shall be provided on the temporary fence highly visible to construction personnel. The landscape architect contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the landscape/tree preservation plan.
 - The Applicant shall conform to the limits of clearing and grading as shown on the GDP subject to the installation of necessary utilities. If it is necessary to locate the utility lines within the limits of clearing and grading, those lines shall be located and installed in the least disruptive manner possible, considering cost and engineering. A replanting plan shall be developed and implemented for any areas within the limits of clearing and grading that must be disturbed.
 - In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed units on the Application Property may be modified at the time of final engineering to enhance specific tree preservation subject to DPWES approval.
 - As a result of final engineering in the event the areas designated as tree save areas on the GDP are modified or cannot be preserved, equivalent tree save areas or equivalent landscaped areas shall be substituted on the site as determined by the Urban Forestry Branch and/or DPWES.
- b. All open space areas shown on the GDP shall be dedicated and conveyed to a homeowners association and shall remain undisturbed before, during and after development activity, except for necessary crossings for placement of utilities and the Storm Water Management/Best Management Practices (SWM/BMP) pond, as approved by DPWES.
8. Supplemental Planting. The Applicant shall augment the existing trees which may be preserved with supplemental plantings as shown on the GDP to provide effective year round

screening on the rear yards of the proposed single family detached lots adjacent to the existing single family lots in the Burke Ridge, Wood Ridge communities, the abutting lots along Falling Brook Drive and lots in the Britford Community identified on Fairfax County Tax Map as 78-3 ((23)) 80, 81 and 82, subject to approval of the Urban Forester. Prior to subdivision plan submission, the Applicant shall coordinate with and provide copies of a draft proposed landscape plan for the periphery of the site to the contiguous property owners. The landscape plan will show supplemental plantings and existing vegetation that will be preserved as shown on the GDP.

9. Drainage. The drainage system for the Application Property will be designed so that the volume of surface water draining to contiguous lots to the west along Falling Brook Drive identified on Tax Map 78-3 ((16)) 11 and 12 and along Britford Drive identified on Fairfax County Tax Map as 78-3 ((23)) 80, 81 and 82 to the east is not increased. The Applicant shall design the proposed development so that any storm water run-off from the western portion of the Application Property shall be directed to the existing storm inlet located behind Tax Map 78-3 ((18)) Lot 29A of the Wood Ridge subdivision subject to approval by DPWES.
10. Construction Access. Construction access to the Application Property shall be limited to the proposed entrance on Burke Lake Road. Signage shall be posted at Wilmington Drive prohibiting construction traffic and enforcement shall be pursued aggressively by the Applicant. The Applicant shall notify all contractors of this restriction.
11. Wilmington Drive. The Applicant shall not open the access to the existing portion of Wilmington Drive until issuance of the final residential use permit ("RUP"). However, this shall not restrict the Applicant from constructing the necessary improvements to Wilmington Drive and erecting a barrier to prohibit thru-traffic until such time as this access is open to the public.
12. Noise. In order to achieve a maximum interior noise level of 45 dBA Ldn within that area impacted by highway noise from Burke Lake Road having levels between 65 and 70 dBA Ldn noise contours, which is within 165 feet of the existing centerline of Burke Lake Road, the Applicant shall construct the proposed dwelling units with the following acoustical measures to mitigate the impact of highway noise:

Construction materials and techniques known to have physical properties or characteristics suitable to achieve an STC of at least 39 for exterior walls;

Doors and windows shall have laboratory STC rating of at least 28. If windows constitute more than 20 percent of any facade, they should have the same laboratory STC rating for walls.

Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

In order to achieve a maximum exterior noise level of 65 dBA Ldn in the rear and side yard of the proposed dwelling unit on proposed Lot 1, noise attenuation measures such as earthen berms or privacy fencing shall be provided for any portion of the rear and/or side yard that is unshielded by topography or built structures. The berm or fencing shall be of sufficient height to adequately shield the impacted area from the source of noise, as determined by DPWES.

As an alternative, the Applicant may, at its sole discretion, have a refined acoustical analysis performed to determine if the proposed dwelling unit on Lot 1 may have sufficient shielding to permit a reduction or elimination in the mitigation measures prescribed above, subject to approval by DPWES.

Nothing herein shall be construed to restrict or otherwise limit the use of decks, balconies or patios and all other permitted accessory uses on residential units.

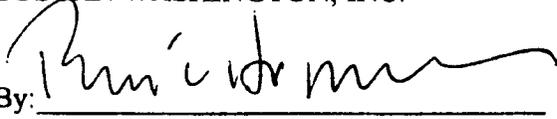
13. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.
14. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

JACOSCAN9210\PROF315.CLN

(SIGNATURES ON FOLLOWING PAGE)

PROFFERS
RZ 1998-SP-054

APPLICANT/TITLE OWNER
COSCAN WASHINGTON, INC.

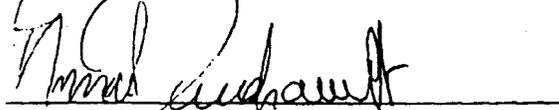
By: 

Name: Robert C. Hubbell

Its: PRESIDENT

PROFFERS
RZ 1998-SP-054

TITLE OWNER
THE ESTATE OF JACQUE SIMON MICHAULT
and the J.S. MICHAULT DECLARATION OF TRUST

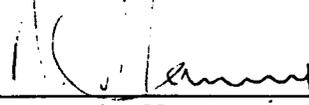


By: Patrick A. Michault
Its: Executor and Trustee

P MICHAULT
EXECUTOR AND TRUSTEE

PROFFERS
RZ 1998-SP-054

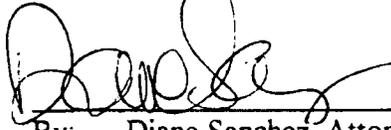
TITLE OWNER
THE ESTATE OF JACQUE SIMON MICHAULT
and the J.S. MICHAULT DECLARATION OF TRUST



By: Raymond Harvey
Its: Executor and Trustee

PROFFERS
RZ 1998-SP-054

TITLE OWNER
INGRID MICHAULT



By: Diane Sanchez, Attorney-in-Fact for Ingrid Michault

ATTORNEY IN FACT FOR INGRID MICHAULT

TITLE OWNER



RAE WINTER

State of Maryland
County of Prince George

On the 22nd day of March 1999
Rae Winter personally appeared before me
a Notary for the state of Maryland

Janice M. Fields

JANICE M. FIELDS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires *Sept 1, 2000*

TITLE OWNER
THE LIVING TRUST U.A.D. 3587 FOR THE
BENEFIT OF JAN WINTER

Rae Winter

By: Rae Winter
Its: Executrix and Trustee

*State of Maryland
County of Prince George*

On the 22nd day of March 1999

*Rae Winter personally appeared before me
a Notary Public for the State of
Maryland.*

Janice M. Fields

JANICE M. FIELDS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires

September 1, 2000

