



FAIRFAX COUNTY

APPLICATION FILED: January 13, 2005
APPLICATION AMENDED: May 24, 2005
PLANNING COMMISSION: July 13, 2005
PLANNING COMMISSION DECISION: October 19, 2005
BOARD OF SUPERVISORS: Not Scheduled

V I R G I N I A

October 14, 2005

STAFF REPORT ADDENDUM

APPLICATION RZ/FDP 2005-MV-001

MOUNT VERNON DISTRICT

APPLICANT: Brookfield Ridge Road, LLC

PRESENT ZONING: R-1

REQUESTED ZONING: PDH-2

PARCEL(S): 89-4 ((1)) 56, 57A and 69

ACREAGE: 11.04 acres

DENSITY: 1.81 du/ac

OPEN SPACE: 45%

PLAN MAP: Residential, 2-3 du/ac

PROPOSAL: Request to rezone to the PDH-2 District for the development of 20 single family detached dwelling units.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2005-MV-001, subject to the execution of proffers consistent with those in Attachment 1.

Staff recommends approval of FDP 2005-MV-001, subject to the proposed development conditions in Attachment 2 and the Board's approval of RZ 2005-MV-001 and the Conceptual Development Plan.

Staff recommends that a modification of the maximum percentage of pipestem lots be granted, to permit 30% pipestem lots.

Staff recommends denial of the request to modify the trail location required for the southern half of this site at this time.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application

RZ 2005-MV-001

Applicant: BROOKFIELD RIDGE ROAD, LLC
Filed: 01/13/2005- AMENDED 05/24/2005
Area: 11.04 AC OF LAND; DISTRICT - MOUNT VERNON
Proposed: RESIDENTIAL

Located: SOUTH OF RIDGE CREEK WAY NEAR ITS INTERSECTION WITH SHEPHERD RIDGEBROOK COURT

Zoning: FROM R- 1 TO PDH-2
Overlay Dist:
Map Ref Num: 089-4- /01/ /0056 /01/ /0057A /01/ /0069

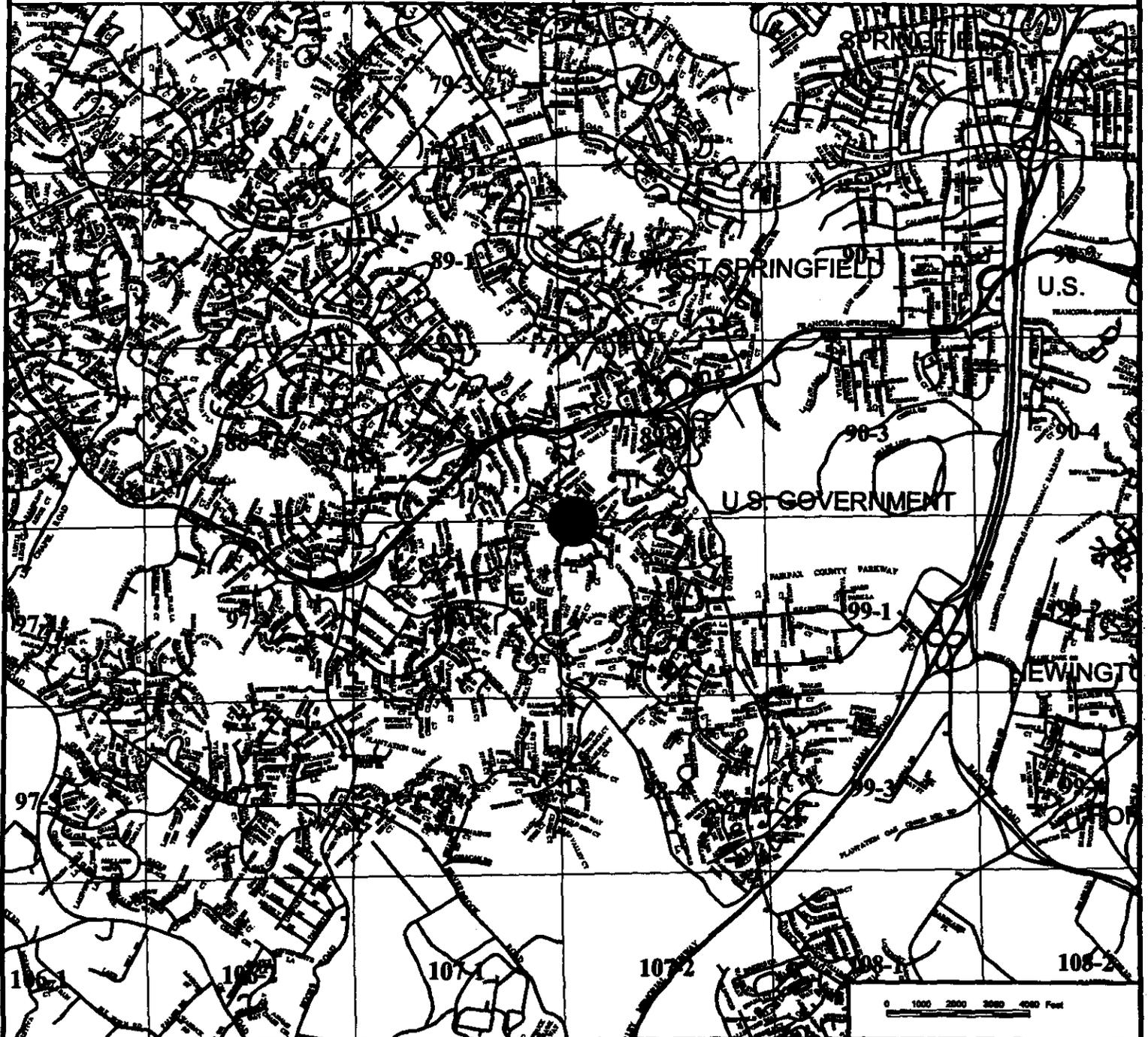
Final Development Plan

FDP 2005-MV-001

Applicant: BROOKFIELD RIDGE ROAD, LLC
Filed: 01/13/2005- AMENDED 05/24/2005
Area: 11.04 AC OF LAND; DISTRICT - MOUNT VERNON
Proposed: RESIDENTIAL

Located: SOUTH OF RIDGE CREEK WAY NEAR ITS INTERSECTION WITH SHEPHERD RIDGEBROOK COURT

Zoning: PDH- 2
Overlay Dist:
Map Ref Num: 089-4- /01/ /0056 /01/ /0057A /01/ /0069



Rezoning Application

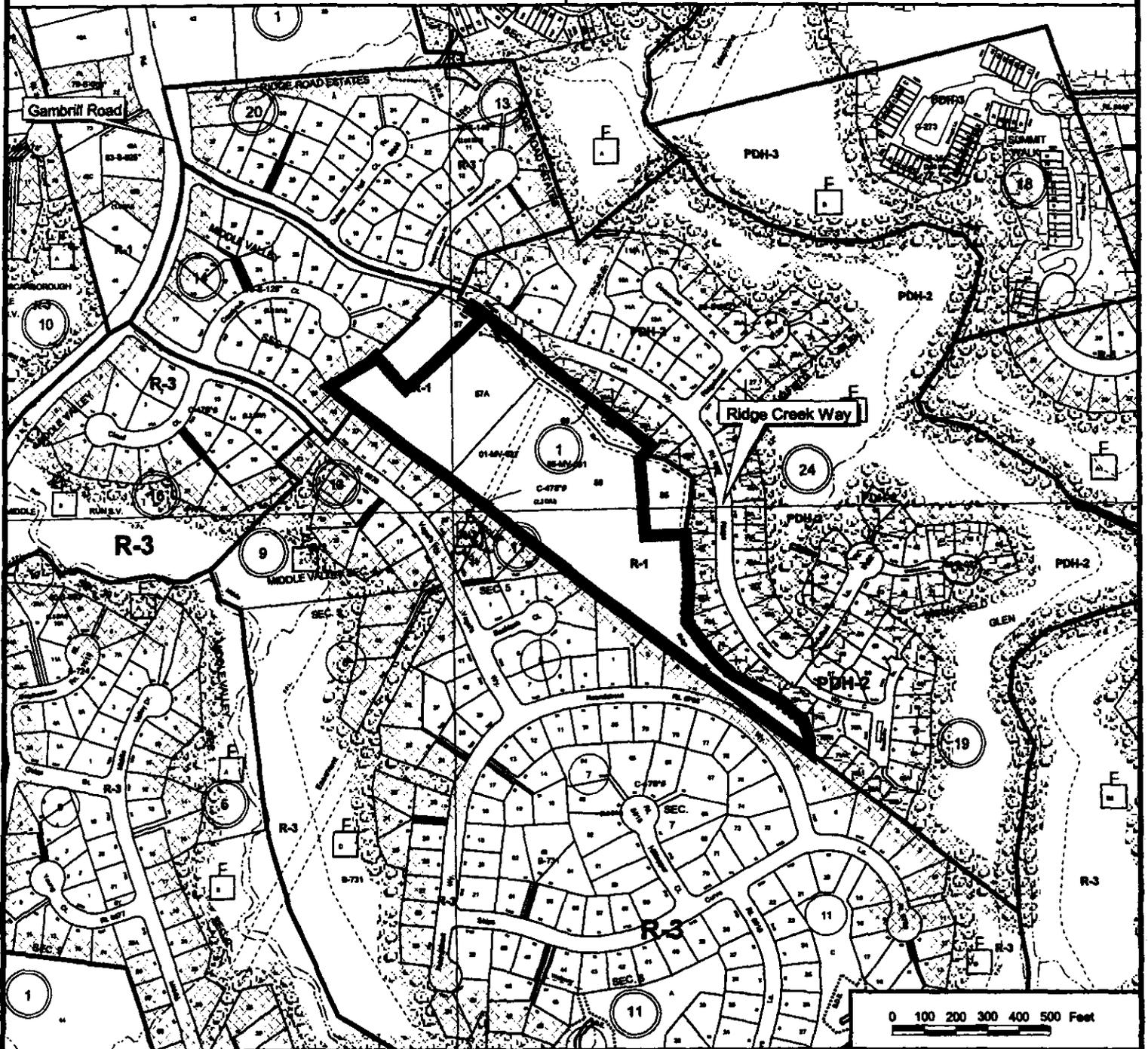
RZ 2005-MV-001

Applicant: BROOKFIELD RIDGE ROAD, LLC
Filed: 01/13/2005- AMENDED 05/24/2005
Area: 11.04 AC OF LAND; DISTRICT - MOUNT VERNON
Proposed: RESIDENTIAL
Located: SOUTH OF RIDGE CREEK WAY NEAR ITS INTERSECTION WITH SHEPHERD RIDGEBROOK COURT
Zoning: FROM R-1 TO PDH-2
Overlay Dist:
Map Ref Num: 089-4- /01/ /0056 /01/ /0057A /01/ /0069

Final Development Plan

FDP 2005-MV-001

Applicant: BROOKFIELD RIDGE ROAD, LLC
Filed: 01/13/2005- AMENDED 05/24/2005
Area: 11.04 AC OF LAND; DISTRICT - MOUNT VERNON
Proposed: RESIDENTIAL
Located: SOUTH OF RIDGE CREEK WAY NEAR ITS INTERSECTION WITH SHEPHERD RIDGEBROOK COURT
Zoning: PDH-2
Overlay Dist:
Map Ref Num: 089-4- /01/ /0056 /01/ /0057A /01/ /0069



GENERAL NOTES

1. THE PROPERTIES DELINEATED ON THIS SHEET ARE LOCATED ON FAIRFAX COUNTY TAX MAP # 04-4 (111) PARCELS 56, 57A & 58 AND ARE CURRENTLY OWNED BY: LARRY A. & BRIGGS E. C. REYNOLDS JR. (PARCEL 56 & 57A) AS RECORDED IN DEED BOOK 4402, PAGE 678. PARCEL 58 CONTAINING THE CEMETERY OWNED BY BRIDGEFIELD WASHINGTON, LLC AS RECORDED IN DB 4487, PAGE 796.
2. THE APPLICANT / CONTRACT PURCHASER: BRIDGEFIELD WASHINGTON, LLC 3850 EXECUTIVE PARK AVE, STE 300 FAIRFAX VA 22031 (571) 270-1400
3. THE BOUNDARY INFORMATION IS BASED ON A FIELD RUN SURVEY BY LAND DESIGN CONSULTANTS, INC.
4. THE TOPOGRAPHIC INFORMATION IS BASED ON AN AERIAL SURVEY CONDUCTED BY LAND DESIGN CONSULTANTS, INC. AT A 2' CONTOUR INTERVAL.
5. A TITLE REPORT HAS BEEN FURNISHED BY COMMERCIAL TITLE GROUP INC, COMMITMENT # 140, EFFECTIVE DATE 8-17-2008.
6. ALL CONSTRUCTION SHALL CONFORM TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS OF FAIRFAX COUNTY AND VDOT EXCEPT AS REQUESTED HEREIN. THE APPLICANT RESERVES THE RIGHT TO APPLY FOR ANY FUTURE CHANGE OR MODIFICATION AT THE TIME OF SUBDIVISION PLAN PREPARATION/SUBMISSION.
7. EROSION AND SEDIMENTATION CONTROL SHALL BE INSTALLED PRIOR TO ANY CLEARING, GRADING OR CONSTRUCTION AS PER REQUIREMENTS OF THE STATE OF VIRGINIA AND THE CODE OF FAIRFAX COUNTY.
8. LAND DESIGN CONSULTANTS, INC. IS NOT AWARE OF ANY UTILITY EASEMENTS WHICH EXIST ON THE SUBJECT PROPERTY WITH A WIDTH OF 20' OR MORE.
9. ALL UTILITIES INSTALLED AS PART OF THIS PROJECT SHALL BE PLACED UNDERGROUND.
10. AIR QUALITY PERMITS SHALL BE OBTAINED, IF REQUIRED, AND PROVIDED PRIOR TO ANY CLEARING, GRADING OR CONSTRUCTION.
11. THE SITE SHALL BE SERVED BY PUBLIC WATER AND SANITARY SEWER. ALL DWELLING UNITS WITHIN THIS DEVELOPMENT SHALL BE SERVED BY GRAVITY FLOW AS NO PUMPING SHALL BE ALLOWED.
12. THE COMPREHENSIVE PLAN RECOMMENDS DEVELOPMENT OF THE PROPERTY AS RESIDENTIAL AT A DENSITY OF 2-3 DWELLING UNITS PER ACRE.
13. A RESOURCE PROTECTION AREA (RPA) AS DEFINED BY FAIRFAX CO. DOES NOT EXIST ON THE SUBJECT PROPERTY. A RESOURCE MANAGEMENT AREA (RMA) AS DEFINED BY FAIRFAX CO. DOES EXIST ON THE SUBJECT PROPERTY.
14. A FLOOD OR MINOR FLOODPLAIN AS DESIGNATED BY THE FEDERAL INSURANCE ADMINISTRATION, USGS, OR FAIRFAX CO. DOES NOT EXIST ON THE SUBJECT PROPERTY.
15. AN ENVIRONMENTAL QUALITY CORRIDOR (EQC) AS DEFINED IN THE ADOPTED COMPREHENSIVE PLAN DOES NOT EXIST ON THE SUBJECT PROPERTY.
16. ON-SITE, PUBLIC STREETS SHALL BE CONVEYED IN FEE SIMPLE TO VDOT AND SHALL BE MAINTAINED BY SUCH METHODS AND MATERIALS USED SHALL CONFORM TO CURRENT COUNTY VDOT STANDARDS AND SPECIFICATIONS. THE ON-SITE PROPERTY SHALL BE CONSTRUCTED TO APPLICABLE COUNTY STANDARDS AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
17. A GEOTECHNICAL REPORT SHALL BE SUBMITTED BY FAIRFAX COUNTY CONCURRENTLY WITH THE FINAL SUBDIVISION PLAN, IF REQUIRED.
18. NO HAZARDOUS OR TOXIC SUBSTANCES TO BE GENERATED, UTILIZED, STORED, TREATED AND/OR DISPOSED OF HAVE BEEN OBSERVED ON THE SUBJECT PROPERTY.
19. DEVELOPMENT OF THIS PROJECT SHALL CONFORM AT SUCH TIME AS APPROPRIATE COUNTY APPROVALS HAVE BEEN OBTAINED AND SUBJECT TO THE DISCRETION OF THE OWNER/DEVELOPER.
20. A SIDEWALK IS REQUIRED IN ACCORDANCE WITH THE PUBLIC FACILITIES MANUAL AND SHALL BE PROVIDED INTERNALLY PER THE BAY.
21. OWNERSHIP AND MAINTENANCE OF THE OPEN SPACE PARCELS 'A' - 'E', AS DEPICTED ON THE CONCEPT, WITHIN THIS SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
22. THE APPLICANT SHALL CONSTRUCT EITHER 1 OR 2 EXTENDED DRY STORMWATER MANAGEMENT POUNDS TO MEET DETENTION AND BEST MANAGEMENT PRACTICES (BMPs) AS SHOWN ON THE CONCEPT. SEE SHEET 4 FOR ADDITIONAL INFORMATION.
23. PRIOR TO SUBDIVISION PLAN RECONSTRUCTION BUT CONCURRENT WITH THIS RECORDING APPLICATION, THE APPLICANT SHALL OBTAIN EASEMENTS AND RIGHT-OF-WAY OVER PARCEL 58 OF THE SPRINGFIELD GLEN SUBDIVISION FOR THE CONSTRUCTION OF THE PROPOSED ENTRANCE.
24. MINOR ADJUSTMENTS TO THE LOT LINES AND UTILITY LOCATIONS SHALL BE PERMITTED IN ACCORDANCE WITH THE FINAL GRADING AND UTILITY LAYOUT AND SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THAT PROVIDED HEREIN.

25. THE APPLICATION WILL PROVIDE FOR ONSITE PUBLIC IMPROVEMENTS OF SANITARY, STORM AND WATER UTILITIES AS WELL AS A PUBLIC STREET. SAID STREET STREET SHALL CONNECT TO RIDGE CREEK HAVEN, AN IMPROVED ROADWAY DESIGNED TO ACCOMMODATE THIS DEVELOPMENT. OFFSITE IMPROVEMENTS TO THE STORM SEWER LINES AND NEW SANITARY SEWER LINES WILL ALSO BE PROVIDED.
26. THE APPLICATION HAS BEEN DESIGNED WITH THE PRIMARY FOCUS OF MINIMIZING ITS IMPACT ON ADJACENT NEIGHBORS AS AN APERTY. BY THE CLUSTERING OF ACRES, TREE PRESERVATION AROUND THE PERIMETER OF THE PROPERTY, ADDITIONAL PLANTING ON SITE AND INSTALLATION OF ADDITIONAL STORM BOWNS, AS SHOWN ON SHEETS 2 & 3. THE APPLICANT HAS CREATED A DEVELOPMENT PLAN THAT PROTECTS NEIGHBORING PROPERTIES FROM ANY ADVERSE EFFECT AND REDUCES THE DRAINAGE INTO INDIVIDUAL LOTS TO THE MIDDLE VALLEY SUBDIVISION. POST DEVELOPMENT RUNOFF SHALL BE EQUAL TO OR LESS THAN PRE DEVELOPMENT RUNOFF TO THE MIDDLE VALLEY SUBDIVISION. UNDISTURBED AREAS TO THE EAST AND WEST; PRE DEVELOPMENT RUNOFF WILL BE EQUAL TO THE PRE DEVELOPMENT RUNOFF. NO CONCENTRATED FLOW WILL BE DIRECTED ONTO THE ADJACENT MIDDLE VALLEY SUBDIVISION.
27. THE APPLICANT HEREBY RESPECTFULLY REQUESTS THE BOARD OF SUPERVISORS MODIFY THE LOCATION OF THE TRAIL RESERVED ALONG THE EXISTING AT&T EASEMENT DUE TO THE SEVERE TOPOGRAPHIC CONSTRAINT IN A MANNER CONSISTENT WITH THE LOCATION DEPICTED HEREIN.
28. THE AREAS TO BE PRESERVED HAVE BEEN DEPICTED ON THE CONCEPT. THESE AREAS WILL BE PROTECTED DURING CONSTRUCTION THROUGH THE UTILIZATION OF TREE PROTECTION FENCING.
29. TREE PRESERVATION AROUND THE PERIMETER OF THE PROPERTY AND ADDITIONAL TREE PLANTINGS, AS SHOWN ON THE CONCEPT, WILL PROVIDE ASSOCIATE MEASURES OF SCREENING.
30. NO BUILDINGS OR STRUCTURES CURRENTLY EXIST ON THE SUBJECT PROPERTY.
31. LOT 55 WILL CONTINUE TO BE ACCESSED FROM AN EXISTING OUTLET ROAD. AT SUCH TIME AS THE OUTLET ROAD IS VACATED, LOT 55 WILL BE ACCESSED VIA THE PUBLIC STREET.
32. THE COMPONENTS OF A FURNISH DENSITY REDUCTION DO NOT APPLY.
33. THE APPLICANT PROPOSES TO CONSTRUCT A WROUGHT METAL OR SIMILAR MATERIAL FENCE AROUND THE EXISTING BURIAL SITE, AS SHOWN ON SHEET 2.
34. A CEMETERY EXISTS ON THE SUBJECT PROPERTY WHICH HAS BEEN IDENTIFIED AS VIRGINIA MECHANICAL SITE # 407483. THE PROPOSED DEVELOPMENT WILL NOT ENCOMPASS WITHIN THE EXISTING BURIAL SITE.



VICINITY MAP
1"=500'



SOIL MAP
1"=500'

SOIL INFORMATION

PARCEL #	SOIL #	SOIL NAME	PROBLEM CLASS	FOUNDATION SUBJECT	DRAINAGE	EROSION POTENTIAL	OTHER
PARCEL 56	10	SLENNVILLE	B	FAIR-B, M	MARG-H	MOD	----
PARCEL 57A	20	MESODONVILLE	B	FAIR-B, M	MARG-H	MOD	----
PARCEL 56 & 57A	60	APPLING	C	GOOD	GOOD	HIGH	----
PARCEL 57A & 58	65	LOULSBURG	C	GOOD	GOOD	HIGH	----

TABULATIONS

- TOTAL SITE AREA = 480,867 S.F. (10.9663 AC)
- EXISTING ZONING = R-1
- PROPOSED ZONING = PDN-2
- MINIMUM LOT AREA REQUIRED PROVIDED = NO REQUIREMENT / 28,100 S.F.
- AVERAGE LOT AREA REQUIRED PROVIDED = NO REQUIREMENT / 210,700 S.F.
- RANGE OF LOT SIZES = 28,100 S.F. - 219,800 S.F.
- MAX. BUILDING HEIGHT = 35 FT
- FURNISH PROPOSED YARDS: FRONT YARD = 10 FT, SIDE YARD = 5 FT, REAR YARD = 25 FT
- OPEN SPACE REQUIRED PROVIDED = 46,177 S.F. (20%) / 225,200 S.F. (46%)
- PARCELS A-E AND OUTLOT A TABULATION PROVIDED = 28,200 S.F. (4%)
- PARKING PROVIDED: 4 PER UNIT = 80 SPACES (2 IN GARAGE, 2 IN DRIVEWAY)
- DENSITY PERMITTED (20 SINGLE FAMILY DETACHED UNITS) 2.00 DU/AC PROPOSED (20 SINGLE FAMILY DETACHED UNITS) 1.81 DU/AC
- TREE COVER CALCULATIONS: SITE AREA = 480,867 S.F., TREE COVER REQUIRED (20%) = 96,173 S.F. (PER SHM OPTION #1), TREE COVER PRESERVED (1.25%) = 230,500 S.F.
- **TREE COVER SHALL BE MET**

SHEET INDEX

SHEET #	DESCRIPTION
1	COVER SHEET
2	CONCEPTUAL DEVELOPMENT PLAN / FINAL DEVELOPMENT PLAN
3	EXISTING VEGETATION MAP AND EXISTING CONDITIONS
4	STORMWATER MANAGEMENT DETAILS
5	HOUSE ELEVATIONS
5A	CROSS SECTION



CONCEPTUAL DEV.
PLAN/FINAL DEV.
PLAN

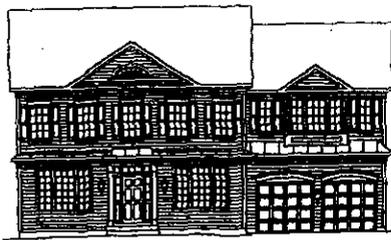
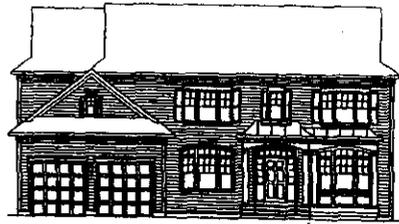
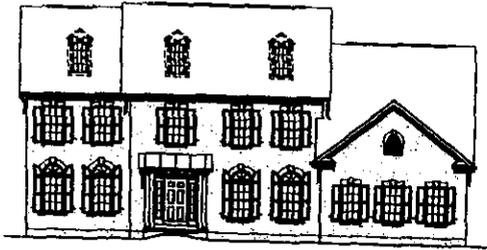
RENFRO PROPERTY
PREP. / VERIFY / CHECK / APPROVE

NO.	DATE	BY	DESCRIPTION
1	11/11/08	JM	PREPARED
2	11/11/08	JM	CHECKED
3	11/11/08	JM	APPROVED
4	11/11/08	JM	REVISION
5	11/11/08	JM	REVISION
6	11/11/08	JM	REVISION
7	11/11/08	JM	REVISION
8	11/11/08	JM	REVISION
9	11/11/08	JM	REVISION
10	11/11/08	JM	REVISION

I HEREBY CERTIFY THAT OTHER THAN THE SIGNATURE SHOWN HEREIN, NO OTHER CHANGES HAVE BEEN MADE.



SCALE: N/A
SHEET 1 OF 5
DATE: JUNE, 2008
DRAWN: JLM
CHECKED: JLM
FILE NUMBER: 41071-1-9-08



THIS SHEET IS FOR ILLUSTRATIVE PURPOSES BUT THE ELEMENTS PROVIDED WILL BE IN GENERAL CONFORMANCE WITH THAT SHOWN, AND AS SPECIFIED IN THE PROFFERS.

LAND DESIGN CONSULTANTS
 CONSULTANTS
 1001 S. SHELLEY ROAD MANASSAS, VIRGINIA 20108
 PHONE: 703.751.1001 FAX: 703.751.1001

HOUSE ELEVATIONS

RENFRO PROPERTY
 FRONT YARD DISTRICT
 FAIRFAX COUNTY, VIRGINIA

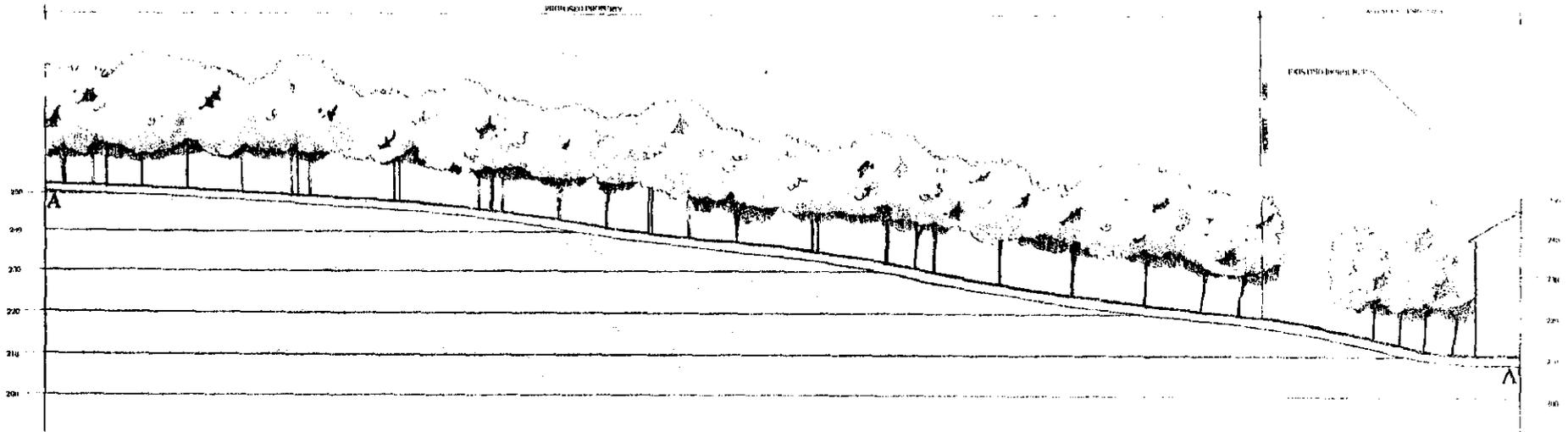
NO.	DATE	DESCRIPTION	BY	APPROVED BY	DATE
1		ISSUED FOR PERMITTING			
2		REVISION APPROVED SET			



SCALE: N/A

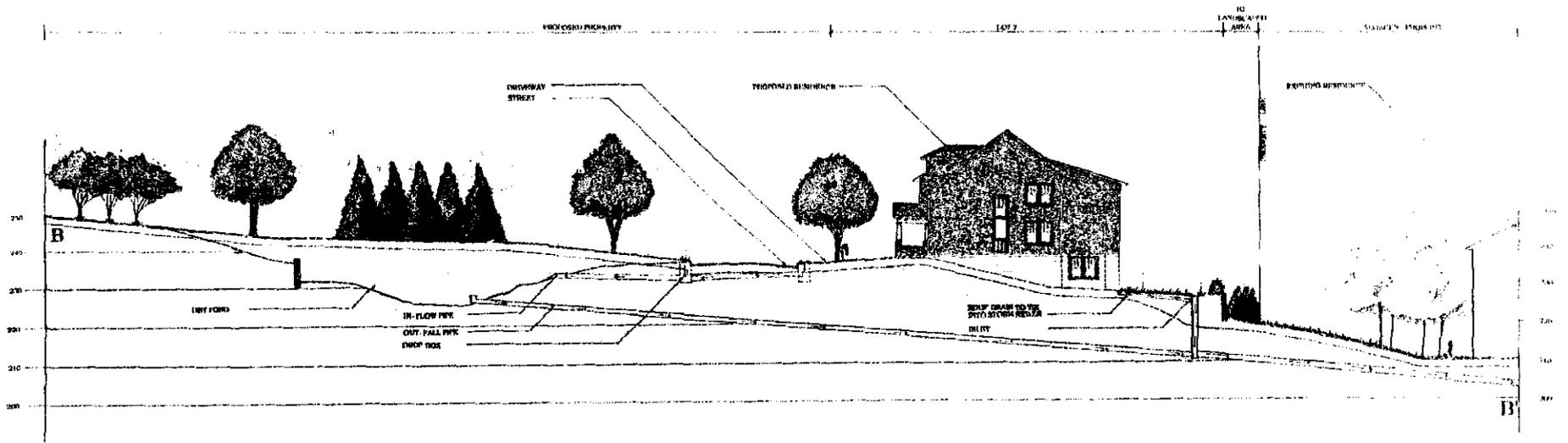
SHEET 5 OF 5

DATE: JUNE 2024
 DRAFT: CHECK: [initials]
 FILE NUMBER: 2007-1-0-00



SECTION A - A' EXISTING CONDITIONS

SCALE: 1" = 10'



SECTION B - B' PROPOSED CONDITIONS

SCALE: 1" = 10'

RENE-RO PROPERTY
Illustrative Sections

Scale: As Shown May 2005

BACKGROUND

RZ/FDP 2005-MV-001 is a request to rezone 11.04 acres located approximately 1000 feet east of Gambrell Road and south of Ridge Creek Way, from the R-1 District to the PDH-2 District. The Staff Report, which was published on June 29, 2005, recommended approval of the applicant's request to develop 22 single family detached residences on the property, at a density of 1.99 dwelling units/acre (du/ac), with 41% of the site remaining as open space. The Planning Commission held a public hearing on this application on July 13, 2005; in order to afford the applicant adequate time to address a number of concerns which were raised during the public hearing, the decision was deferred and is currently scheduled for October 19, 2005.

Since the public hearing, the applicants have submitted an amended CDP/FDP and revised proffers. A reduction of the revised plan is attached to the front of this addendum; the revised draft proffers are contained in Attachment 1.

DISCUSSION

Title of Combined CDP/FDP:	Renfro Property
Prepared by:	Land Design Consultants
Original and Revision Dates:	June 2004, as revised through September 22, 2005
Revised Draft Proffer Statement	October 14, 2005

The latest revision to the CDP/FDP reflects two major changes to the plans which have occurred since the publication of the staff report.

- 1) At the time the staff report was published, in an attempt to address the PFM requirement to honor the site's natural drainage divides, the applicant was proposing to accommodate stormwater management for the site through the use of two dry pond facilities; the primary pond located in the center of the site on Parcel D, and a second, smaller facility located on Parcel A in the westernmost portion of the property. When a development proposes to divert runoff across minor watershed divides, the construction plans must demonstrate that the diversion will not have an adverse effect on downstream properties, including, but not limited to, existing drainage problems, adequacy of outfall, overland relief, floodplains and Resource Protection Areas (RPAs). In the case of this application, the entire property is within the Pohick Creek watershed; therefore, any diversion of water within the boundaries of the site will continue to honor the major watershed boundary. Consequently, the applicant revised the development plans prior to the Planning Commission public hearing to show the pond on Parcel D as the sole proposed stormwater management facility, although the second pond continues to be shown in an alternative, with a proffered condition that the applicant would decide which pond alternative would be utilized at the time of subdivision plan submission,

subject to the approval of DPWES. Staff has no objection to the proposed revision, as it will not affect the applicant's obligations to meet other County requirements which include the necessity of providing adequate stormwater quality and quantity controls, overland relief and adequate outfall.

- 2) In response to the concerns expressed by the adjoining property owners both at the public hearing and at subsequent meetings, the applicant has revised the plans to delete two lots (previously Lots 7 and 8) which were located along the southern property line, immediately east and west of the Fairfax County Water Authority and Park Authority easements, which bisect the property. The CDP/FDP has been revised to delete the lot area of these parcels and add it into the area of Parcel C, which is open space. No other changes to the layout of the development result from this change, although the limits of clearing and grading have been adjusted in Parcel A to reflect the deletion of the pond; the open space tabulation increases from 41% to 45%; and the tree cover increases from 96,177 sq. ft. to 120,500 sq.ft. It should also be noted that, by dropping two lots and incorporating the area into open space, the application now exceeds the recommended percentage of pipestem lots (6 of the 20 lots, or 30% are pipestems; this exceeds the recommended percentage of 20%). Staff does not object to this request because there are no additional design impacts related to the increase in the number of pipestem lots; the basic layout of the project has not been changed, two lots were simply converted to open space.

In addition to the changes to the CDP/FDP, the applicant has revised the draft proffers, which are now dated October 5, 2005 to incorporate the following changes:

- 1) make editorial revisions throughout the proffers to reflect the newly revised lot and parcel designations resulting from the deletion of two lots;
- 2) commit to notify the Middle Valley Civic Association should an FDPA ever be filed;
- 3) commit to vacate and abandon a portion of an outlet road easement (which impacts a number of properties in the Springfield Glen community) prior to subdivision plan approval;
- 4) refine previous commitments concerning the construction of trails and trail connections;
- 5) commit to grant a trail easement to facilitate an off-site connection to Vogel's Way, and to escrow funds for the construction of that portion of the trail located on the application property;
- 6) establish a minimum caliper for replacement trees (2-2 1/2");
- 7) refine previous commitments concerning tree protection fencing;

- 8) provide a commitment that retaining walls adjacent to the Middle Valley community will not exceed four feet in height and provide a clarification that landscaping in this area will be located between the retaining wall and the property line to buffer the adjacent residential community;
- 9) clarify the intent to install a drainage pipe behind proposed Lots 1 – 3 to direct stormwater to the extended dry pond located on Parcel D;
- 10) commit to notify the Middle Valley Civic Association when the required dam breach analysis is submitted to DPWES;
- 11) commit to remove debris from existing storm sewer inlets to improve their function and, subject to the necessary permissions from the affected property owners, grade between Tax Map parcels 89-3 ((13)) 27 and 89-3 ((14)) 40 to improve the existing overland relief;
- 12) provide for the construction of an areaway behind the residence on Tax Map Parcel 98-2 ((11)) 21, in accordance with the applicable Code requirements, subject to the necessary permission of the property owner. Absent the property owner permission, the applicant has committed to escrow \$3000 for drainage improvements on Lot 21;
- 13) replace the existing storm drainage pipe located to the south of the property with a minimum 30" diameter concrete pipe from the proposed pond south to the point of discharge;
- 14) commit to a construction sequence and specific sedimentation control measures as recommended by an independent engineer; and
- 15) commit to notify the Middle Valley Civic Association when the subdivision plan is submitted.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Staff believes that all of the described changes are positive and that the application continues to remain in conformance with the Comprehensive Plan and the applicable requirements of the Zoning Ordinance.

Staff Recommendations

Staff recommends that RZ 2005-MV-001 be approved, subject to the execution of proffers consistent with those found in Attachment 1.

Staff recommends that FDP 2005-MV-001 be approved, subject to the proposed development conditions found in Attachment 2, and subject to the Board's approval of RZ 2005-MV-001 and the Conceptual Development Plan.

Staff recommends that a modification of the maximum percentage of pipestem lots be granted, to permit 30% pipestem lots.

Staff recommends that a modification of the trail requirement in the southern half of the site be denied at this time.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this addendum reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

ATTACHMENTS

- 1) Revised Draft Proffers
- 2) Revised Final Development Conditions

DRAFT PROFFERS

BROOKFIELD RIDGE ROAD, LLC

RZ 2005-MV-001

October 14, 2005

Deleted: July 13, 2005

Pursuant to Section 15.2-2303(A) Code of Virginia, 1950, as amended, the owners and Brookfield Ridge Road, LLC (hereinafter referred to as the "Applicant"), for themselves, their successors and assigns in RZ 2005-MV-001, filed on property identified as Fairfax County tax map reference 89-4 ((1)) 56, 57A and 69 (hereinafter referred to as the "Application Property") hereby proffers to the following, provided that the Board of Supervisors approves the rezoning of the Application Property to the PDH-2 District in conjunction with a Conceptual/Final Development Plan for residential development. If accepted, these proffers shall replace and supersede any previous proffers approved on the Application Property.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN ("CDP/FDP")

- a. Subject to the provisions of Section 16-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the CDP/FDP entitled "Renfro Property," containing five (5) sheets prepared by Land Design Consultants, dated January 26, 2005, as revised through September 22, 2005.
- b. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout, internal lot lines, and lot sizes of the proposed subdivision at time of subdivision plan submission based on final building footprints, utility locations and final engineering design, provided that such do not decrease the amount and location of open space, tree save areas, distances to peripheral lot lines, or change the access points.
- c. Notwithstanding that the CDP/FDP is presented on five (5) sheets and said CDP/FDP is the subject of Proffer 1.a. above, it shall be understood that the CDP/FDP shall be limited to the points of access, location and amount of open space, limits of clearing and grading, the total number and general location of residential units and type of units. The Applicant has the option to request Final Development Plan Amendments ("FDPAs") for elements other than CDP elements from the Planning Commission for all of, or a portion of, the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance. The President of the Middle Valley Civic Association shall be notified by certified mail of the submission of an application for an FDPA. Said notification shall be

Deleted: July 11, 2005

provided within ten (10) days of application submission and shall include the location where the application is available for review.

2. **TRANSPORTATION**

- a. The Applicant shall construct a public street with curb and gutter within the residential community as shown on the CDP/FDP.
- b. The private driveway constructed to serve proposed Lots ~~13-17~~, as shown on the CDP/FDP, shall be constructed to pavement thickness standards set forth in subdivision street regulations published in the Public Facilities Manual (PFM) standards as approved by the Department of Public Works and Environmental Services (DPWES). Nothing contained in this proffer shall be construed to require the developed property to meet other geometrical standards (e.g. width of pavement, horizontal geometry) published by VDOT. Deleted: 15-19
- c. The Applicant shall construct a five (5) foot wide sidewalk along both sides of the street within the residential development, as shown on the CDP/FDP.
- d. The Applicant reserves density credit as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications as may be reasonably required by Fairfax County or VDOT, whether such dedications occur prior to or at time of subdivision record plat approval.
- e. That portion of the outlet road adjacent to properties identified as tax map 98-2 ((19)) 73A1, 74A, 75A, 76A, 77, 78, 79A, 80A, and 81, and recorded in Deed Book Y-8 at page 567 among the Fairfax County land records, that serves property identified as tax map 89-4 ((1)) 55, and located on the Application Property within Parcel B and west of the right of way of the proposed public street as shown on the CDP/FDP, shall be vacated and abandoned prior to subdivision plan approval for the Application Property. Deleted: record
- f. The Applicant shall provide written notice to initial prospective contract purchasers of the possible future development of the property identified as tax map 89-4 ((1)) 55 with more than one house, and its access to the cul-de-sac as shown on the CDP/FDP. The homeowners' association documents shall also include said notification.
- g. The Applicant shall convey Outlot A as shown on the CDP/FDP, to the owner of the adjacent property identified as tax map 89-4 ((1)) 55 so that the cul-de-sac may be used for access. No density or open space associated with Outlot A shall be applied to the density and open space calculations shown on the CDP/FDP.

h. The Applicant shall construct a six (6) foot wide asphalt trail on the Application Property as shown on the CDP/FDP. Said trail shall connect to an existing trail located on properties identified as tax map 98-2 ((19)) 75A and 76A, which shall be resurfaced as part of construction. The Applicant shall diligently pursue acquisition of a trail easement, at a reasonable cost based upon the appraised value of the easement, across those properties identified as tax map 98-2 ((11)) (11) 4 and 5 to provide a complete connection from Ridge Creek Way to Roundabout Way. Should the Applicant acquire a trail easement, in a form reviewed and approved by the Fairfax County Attorney's Office and recorded among the Fairfax County land records, the Applicant shall construct a six (6) foot wide asphalt trail in accordance with Fairfax County standards, and request that the trail be accepted by Fairfax County into the trail system. The trail shall be located and constructed to maximize the preservation of the existing trees as coordinated with Urban Forest Management. If the Applicant is unable to acquire the necessary easement, at a reasonable cost as described herein, there shall be no further obligation to construct that portion of the trail not located on the Application Property and the Applicant shall escrow an amount, as determined by DPWES, equivalent to the cost of constructing that portion of the trail with DPWES at time of subdivision plat recordation. Evidence of attempts to acquire said easement shall be provided to DPWES at time of subdivision plan submission for the Application Property.

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i. The final location of the turnaround shown on the CDP/FDP in front of proposed Lot 14 shall be determined at time of subdivision plan submission in coordination with the Office of the Fire Marshal.

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~~j. At time of subdivision plat recordation, the Applicant shall grant a trail easement in a form approved by the County Attorney on Parcel C south of the proposed public street as shown on the CDP/FDP to facilitate an off-site connection to Vogels Way by others. The Applicant shall escrow funds for the construction of that portion of the trail located on the Application Property at time of subdivision plan approval.~~

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3. LANDSCAPING AND OPEN SPACE

a. The Applicant shall conform to the limits of clearing and grading as shown on the CDP/FDP subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails within the limits of clearing and grading, as shown on the CDP/FDP, they shall be located in the least disruptive manner possible as determined by Urban Forest Management. A replanting plan shall be developed and implemented, subject to approval by Urban Forest Management, for any areas within the limits of clearing and grading that must be disturbed. The replanting plan shall be outside of the utility easements as approved by DPWES.

b. The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such

as a certified arborist or landscape architect and reviewed and approved by Urban Forest Management.

- c. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of trees that are ten (10) inches or greater in diameter, and within twenty (20) feet to either side of the limits of clearing and grading shown on the CDP/FDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the CDP/FDP, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.
- d. All trees shown to be preserved on the tree preservation plan shall be protected by a tree protection fence, ~~and super silt fence as approved by Urban Forest Management.~~ The tree protection fence shall be four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, ~~and shall include orange (or similar bright color) plastic fence for visibility.~~ Tree protection fencing shall be erected at the limits of clearing and grading as shown on the demolition, Phase I and Phase II erosion and sedimentation control sheets.
- e. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forest Management representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees only at the edge of the limits of clearing and grading, and such adjustments shall be implemented, as long as said adjustments do not interfere with the improvements shown on the CDP/FDP. Trees that are identified specifically by Urban Forest Management, in writing, as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump is removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.
- f. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified

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arborist, and accomplished in a manner that minimizes harm to the existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, Urban Forest Management and the District Supervisor shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the Urban Forest Management.

- g. The Applicant shall submit a detailed landscaping plan as part of the first and all subsequent plan submissions that is consistent with the location, quality and quantity of landscaping shown on the CDP/FDP and these proffers. The landscaping plan shall utilize a variety of tree species of various sizes planted throughout the site. The native species, measuring at least two to two and one-half inches (2" - 2 1/2") in caliper, may include, but are not limited to, white oak, red maple, red oak, American holly, American beech, willow oak, dogwood and others. Pursuant to the PFM, the Applicant shall receive additional tree cover credit if native and desirable trees comprise a minimum of 90% of all trees listed on site. The Applicant shall also receive additional tree cover credit for utilizing tree species and planting locations that are effective for energy conservation as determined by DPWES.
- h. In order to protect co-owned trees from construction damage, the Applicant shall remove any dead, dying, or hazardous, on-site, and co-owned trees adjacent to the limits of clearing and grading that are damaged as a result of construction activities permitted on the approved plan and replace the lost tree canopy in accordance with the guidelines of the PFM. Off-site mitigation associated with co-owned trees shall only be conducted with permission of the appropriate off-site owner, which shall be diligently pursued and acknowledgment of receipt of notice to any co-owner shall be provided to DPWES. Prior to subdivision plat approval, a replacement value shall be assigned by Urban Forest Management to all healthy on-site or co-owned trees measuring ten (10) inches or larger in diameter, which are located within twenty (20) feet of the limits of clearing and grading as shown on the CDP/FDP. Trees recommended for removal on the tree preservation plan shall not be assigned a value. At the time of subdivision plan approval, the Applicant shall post cash or a letter of credit payable to the County of Fairfax to ensure removal and replacement of any on-site or co-owned trees that are left dead, dying, or hazardous as a result of damage by normal construction activities permitted on the approved plan. The calculated replacement values shall be reviewed and approved by the Urban Forest Management Branch prior to posting the cash bond or letter of credit. The terms of the letter of credit shall be subject to approval by the County Attorney. The replacement value of each designated tree shall be determined by a certified arborist 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, subject to review and approval by Urban Forest Management, and the total amount of the cash bond, escrow or letter of credit shall not exceed the replacement value as determined above, in addition to any conservation escrow that

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is required at the time of subdivision plan approval. From time to time, funds, or a portion thereof, may be drawn on the cash bond or letter of credit and expended for the purposes of this proffer. Any funds remaining in the letter of credit or cash bond will be released one year from the date of the issuance of the final residential use permit for the Application Property, or sooner, if approved by Urban Forest Management.

- i. Concurrent with development of the Application Property, the Applicant shall remove the existing turnaround located east of the site entrance as shown on the CDP/FDP. Subject to any restrictions of record, the area shall be landscaped with a minimum of three (3) native tree species measuring a minimum of two and one-half inches (2½") in caliper at time of planting, such as white oak, red maple, red oak, American holly, American beech, Willow oak and dogwood. The selection of species and number of plantings shall be coordinated with Urban Forest Management.

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- j. The retaining walls shown on the CDP/FDP to be located along the southern property line of the Application Property shall not exceed a height of four (4) feet. The landscaping to be provided in this area shall be installed between the retaining wall and the property line so as to buffer the adjacent residential community.

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4. PARKS AND RECREATION

- a. Pursuant to Paragraph 2 of Section 6-110 and Paragraph 2 of Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall expend, at a minimum, the sum of Nine Hundred and Fifty-five Dollars (\$955.00) per approved lot on recreation facilities, including escrows. Any funds not expended on site shall be contributed to the Fairfax County Park Authority for the provision of recreational facilities located in proximity to the Application Property at the time of subdivision plan approval.
- b. In addition to the recreation and/or contribution provided in proffer 4.a., at the time of subdivision plan approval, the Applicant shall contribute Eight Hundred and Fifty Dollars (\$850.00) per approved lot to the Fairfax County Park Authority for recreational facilities located in the vicinity of the Application Property. The Applicant shall receive credit for the construction costs associated with the off-site portion of the trail as described in proffer 2.h.

5. STORMWATER MANAGEMENT

- a. The Applicant shall provide stormwater management (SWM) extended dry pond(s) and Best Management Practices (BMPs) on the Application Property in the general location shown on the CDP/FDP, or as identified as SWM Option #2 as shown on the CDP/FDP, and in accordance with the requirements of the PFM and the Chesapeake Bay Preservation Ordinance, unless modified by DPWES. As shown on the CDP/FDP, the Applicant shall install a storm drainage pipe to collect runoff from

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the rear of Lots 1 through 3 to direct stormwater to the proposed extended dry pond located on Parcel D. SWM Option #2 shall only be selected by the Applicant if required by DPWES at time of subdivision plan submission. Any area not utilized as a SWM pond pursuant to any granted modifications shall remain as open space owned by the homeowners' association established for the community. Any increases to the size of the SWM pond(s) shown on the CDP/FDP may necessitate the need for approval of a proffered condition amendment.

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b. In accordance with State and local provisions, the Applicant shall not discharge surface drainage onto lower lying property (i.e., Middle Valley Subdivision) at a rate greater than the pre-development rate.

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c. In addition to the requirements of the PFM, the Applicant shall install a combination of swales and/or earthen berms to convey the overland drainage from the rear of proposed Lots 5 through 9 to the internal storm sewer system generally within the limits of the proposed storm sewer easement, as depicted on the CDP/FDP.

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d. In addition to the requirements of the PFM, the Applicant shall connect a series of roof drains/downspouts/underground pipes and tie these facilities into the proposed storm sewer system for proposed Lots 5 through 9 to minimize any drainage from the rear of the proposed roofs entering onto the downstream properties overland.

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e. In order to restore a natural appearance to the proposed stormwater management pond(s), a landscape plan shall be submitted as part of the first submission of the subdivision plan. The plan shall show the restrictive planting easement for the pond(s), and landscaping in all areas outside of that restrictive planting easement, to the maximum extent feasible in accordance with the planting policies of Fairfax County.

f. At time of subdivision plan submission, the Applicant shall submit a dam breach analysis as required by Section 6-1603.4 of the PFM for all proposed SWM ponds as approved by DPWES. The President of the Middle Valley Civic Association shall be notified by certified mail of the submission of the dam breach analysis to DPWES. Said notification shall be provided within ten (10) days of the analysis submission and shall include the location where the analysis is available for review.

g. Subject to the approval of DPWES, the Applicant shall install fencing, landscaping, or a combination thereof, around the perimeter of the SWM pond(s) as shown on the CDP/FDP to deter pedestrian access. Any fencing around the perimeter of the SWM pond(s) shall be located outside of the Fairfax County maintenance easement.

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h. The wall(s) shown in proximity to the pond located on Parcel D and shown on the CDP/FDP shall not exceed a height of six (6) feet.

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i. Relative to the outfall for the pond located on Parcel D as shown on the CDP/FDP, and as approved by DPWES, the Applicant shall improve the existing drainage swale/channel located on properties identified as tax map 98-1 ((9)) Z and 18 in accordance with the detail shown on the CDP/FDP. Improvements shall be in compliance with PFM standards and may include weirs, stone, rip-rap and/or similar materials relative to outfall improvements. Access to construct these improvements shall be provided within existing recorded easements located on those properties identified as tax map 98-1 ((9)) 17 and 18 or as otherwise negotiated with those property owners. The Applicant shall coordinate with the property owners regarding the time and duration of construction and restoration of any disturbed areas, including the replacement of shrubs and fencing, and reseeded of any disturbed lawn areas, and shall implement those measures agreed to subject to the approval of DPWES.

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j. Should a pond be located on Parcel A as shown on the CDP/FDP, and as approved by DPWES, the Applicant shall improve the outfall located on property identified as tax map 98-1 ((9)) Z, which is owned by the Fairfax County Park Authority. Improvements shall be consistent with the requirements of the PFM and Letter to Industry 03-10. Construction of improvements shall be subject to receipt of any necessary letter of permission from the Fairfax County Park Authority. The Applicant shall restore any disturbed areas, including the replacement of shrubs, and reseeded any disturbed lawn areas. Access to construct these improvements shall be provided from Vogels Way. The Applicant shall improve the outfall if required by DPWES as described herein regardless of whether SWM Option #2 is selected and there is no pond on Parcel A based on DPWES determination of adequate outfall.

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k. Applicant shall remove debris from existing storm sewer inlets located within easements on properties identified as tax map 89-3 ((13)) 27 (Lot 27) and 89-3 ((14)) 40 (Lot 40) to restore their function consistent with that shown on the approved subdivision plan for the Middle Valley Subdivision. Applicant shall reconstruct storm sewer inlets and end walls, as approved by DPWES, on Lot 27 and Lot 40 only to the extent possible within existing recorded easements, and consistent with that shown on the approved subdivision plan for the Middle Valley Subdivision. The Applicant shall coordinate with the owners of Lot 27 and Lot 40 regarding the time and duration of construction and the regrading and reseeded of any disturbed lawn areas, and shall implement those measures agreed to subject to the approval of DPWES. Restoration shall not include the installation of landscaping within easement areas.

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l. Subject to the receipt of any necessary letter of permission or temporary grading and construction easement from the owners of properties identified as tax map 89-3 ((13)) 27 (Lot 27) and/or 89-3 ((14)) 40 (Lot 40), at no cost, the Applicant shall grade between Lot 27 and/or Lot 40 to improve overland relief, subject to the approval of DPWES. Applicant shall submit a written request by certified mail to the owners of Lot 27 and Lot 40 asking for permission to enter and grade the

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property. The letter shall include a requirement to receive a written affirmative or negative response within thirty (30) days. If no response is received within forty-five (45) days of the date of the certified mailing, this shall be deemed to be a negative response. Evidence shall be provided to DPWES at time of subdivision plan review of Applicant's attempts to receive permission from the owners of Lot 27 and Lot 40.

m. In coordination with DPWES at time of subdivision plan approval, the Applicant shall construct the proposed extended dry SWM facility located on Parcel D on the CDP/FDP, beyond the minimum requirements of the PFM to control the one-year, twenty-four hour storm, as approved by DPWES in order to reduce any potential downstream erosion as a result of prolonged discharge from these facilities.

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n. Subject to the receipt of the necessary permission from the property owner, the Applicant shall construct an areaway at the rear of the existing dwelling located on property identified among the Fairfax County tax assessment records as 98-2 ((11)) 21 (Lot 21). The areaway shall be located and constructed in accordance with the applicable code requirements. The finished grade of the areaway shall be established a minimum of one (1) foot above the one hundred year water surface elevation as a safety factor as determined by the Applicant's engineer. The actual size, location and extent of the improvements shall be negotiated with the owner of Lot 21 and in accordance with building code requirements. Improvements, as negotiated with the owner of Lot 21, may include regrading and replacement of improvements, but shall not include a cash payment. The Applicant shall submit a written proposal by certified mail to the owner of Lot 21, including detailed engineering drawings, at time of subdivision plan submission for the Application Property. The letter shall include a requirement for a written affirmative or negative response within thirty (30) days. A willingness to enter into a negotiation process shall be deemed an affirmative response. The Applicant and the owner of Lot 21 shall complete negotiation of actual improvements within ninety (90) days of the receipt of an affirmative response, unless additional time is mutually agreed to by the parties. Construction shall be completed prior to the commencement of any land disturbing activities on the Application Property. If an agreement cannot be reached, as evidenced to DPWES, the Applicant shall escrow the sum of Three Thousand Dollars (\$3,000.00) with Fairfax County for future construction by others. The escrow shall be released only upon the submission of a written request by the owner of Lot 21 and shall be used solely for the construction of drainage improvements on Lot 21. If a negative response is received to the certified mailing, or if no response is received within forty-five (45) days of the certified mailing, the Applicant shall submit the escrow described herein and evidence of mailings to DPWES.

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o. Subject to the approval of DPWES, the Applicant shall replace the existing storm sewer pipe between off-site structures 14, 15, 16 and 17 as identified on the CDP/FDP with a minimum thirty (30) inch concrete pipe.

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6. CONSTRUCTION SEQUENCE/EROSION AND SEDIMENTATION CONTROL

The Applicant shall phase construction of improvements on the Application Property in the following order:

a. Construction of a double-tiered super silt fence adjacent to the Middle Valley Subdivision, specifically along the southern boundary of the Application Property (at the rear of proposed Parcel C, and lots 5-9) and along the limits of that property identified as tax map 98-2 ((11)) W. (Parcel W). The minimum distance between the fences shall be four (4) feet.

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b. Construction of a permanent storm sewer outfall within Parcel W to the proposed onsite stormwater management facility. The facility shall be constructed and stabilized to act as a temporary sediment basin. Clearing and grading shall be the minimum necessary for construction.

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c. Upon completion of the improvements identified in (a) and (b) above, a diversion dike shall be constructed and stabilized, which shall be generally located along the northern portion of the proposed public street, and a temporary sediment basin shall be generally located along the southern portion of the proposed public street. This shall allow the construction of the proposed public street, associated subsurface utilities, excluding the storm sewer located at the rear of proposed lots 5-6 and 7, and the grading for proposed lots 1-4 and 12-20.

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d. Once grade has been established for the areas identified above, and stabilization has occurred, the remainder of the Application Property, specifically, proposed lots 5-9, may be cleared and graded subject to the following:

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i. The contractor and Fairfax County inspector verify that the double-tiered super silt fence along the southern property boundary is in good condition and functioning properly. In the event that it requires repair, all repairs shall be completed prior to any grading in this area.

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ii. The retaining walls, if required based upon final engineering, shall be constructed and backfilled appropriately, and the clearing and grading in these areas shall be minimized to allow the construction of the retaining walls and adjacent storm sewer only. The retaining wall(s) located behind proposed lots 5-9 shall not exceed four (4) feet in height. Upon completion of the retaining walls, the Applicant shall commence installation of the storm sewer located at the rear of proposed lots 5 and 6 and the construction of the berm. The residue of the lots shall be cleared and the final grade established.

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7. HERITAGE RESOURCES

The Applicant shall retain a professional archaeologist to monitor the initial clearing and removal of topsoil from the Application Property. The archaeologist shall ensure that the Virginia Antiquities Act concerning the treatment of human burials is followed, adequate information is gathered and recorded if a potential domestic site associated with the cemetery is encountered, and that all artifact data which may be uncovered during initial site clearing is recovered. If potentially significant archaeological resources are discovered, the Applicant shall conduct Phase II testing, and, if necessary, Phase III data recovery, and forward these studies to the cultural resources protection section of the Fairfax County Park Authority for review.

8. AFFORDABLE HOUSING

At the time of first building permit approval, a contribution shall be made to the Fairfax County Housing Trust Fund for one-half percent (0.5%) of the sales price of each new single-family dwelling actually constructed on the Application Property to assist Fairfax County's low and moderate income housing goals.

9. SCHOOLS

Applicant shall contribute the sum of Thirty-seven Thousand Five Hundred Dollars (\$37,500.00) to the Fairfax County Board of Supervisors for capital improvements to schools located in the vicinity of the Application Property. Said contribution shall be payable prior to subdivision plat approval for the Application Property.

10. CEMETERY

The Applicant, by covenants and restrictions within the homeowners' association documents, shall provide the following:

- i. A fenced memorial plot around the located grave sites;
- ii. A memorial marker identifying the burial area; and
- iii. Perpetual maintenance of the cemetery area.
- iv. A public access easement to the cemetery.

In addition, landscaping, that is consistent with the location, quality and quantity of landscaping shown on the CDP/FDP, shall be installed by the Applicant around the perimeter of the cemetery. Potential purchasers shall be notified of the existence of the cemetery and maintenance obligations prior to entering into a purchase contract. This

information shall also be disclosed in the homeowners' association documents prepared in conjunction with development of the Application Property.

11. SITE MANAGEMENT

- a. The President of the Middle Valley Civic Association shall be notified by certified mail of the submission of a subdivision plan. Said notification shall be provided within ten (10) days of subdivision plan submission and shall include the location where the plan is available for review.
- b. Construction activity shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday; the hours between 8:00 a.m. and 7:00 p.m. on Saturday; and on Sunday, for interior work only, from 9:00 a.m. to 6:00 p.m. This proffer applies to the original construction only and not to future additions and renovations by homeowners.
- c. Following the completion of clearing and grading activities, all construction vehicles shall be parked within the Application Property. The area within the Application Property to be dedicated for public street purposes pursuant to these proffers may be used for such parking and for the construction entrance. For on-site construction, there shall be no construction vehicle parking on any off-site street.
- d. The Applicant shall inspect the adjacent subdivision access street on a daily basis, as required by DPWES and VDOT, and shall remove all mud, rocks, nails and other construction debris and shall wash those roads as required by VDOT and DPWES to remove dirt and debris.
- e. The Applicant shall install a construction vehicle wash rack at the construction access to the Application Property to clean construction vehicles of dirt and debris.
- f. The Applicant shall provide the name and telephone number of the construction site superintendent to the presidents of the Middle Valley Civic Association and Springfield Glen Homeowners' Association, and the Mount Vernon District Supervisor for matters of concern which may arise during construction.

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12. DESIGN

- a. The Applicant shall design the residential dwellings on the Application Property in general conformance with the architectural elevations as shown on Sheet 5 of the CDP/FDP. Final design shall be selected by the Applicant upon the submission of architectural drawings for building permits. Front façade materials may include brick, cementitious or wood siding (not vinyl or aluminum) or stone. A minimum two-car garage shall be provided for each residential dwelling. Garages may be front or side load.

- b. A minimum eighteen (18) foot long driveway, measured from the garage door to the nearest sidewalk base, shall be provided for each unit.
- c. There shall be a minimum side yard setback for each dwelling unit of seven (7) feet. Chimneys, stoops, bay windows, and similar features may encroach within the side yard setback, provided that no encroachments (other than fencing) shall be permitted within five (5) feet of any side yard lot line. Said restriction shall be included in the homeowners' association documents prepared in conjunction with the proposed development.
- d. There shall be a minimum rear yard setback of twenty-five (25) feet for all proposed lots. Features such as decks and patios shall be permitted in any rear yard, but no closer than five (5) feet to the rear yard lot line. Said restriction shall be included in the homeowners' association documents prepared in conjunction with the proposed development.
- e. All new homes constructed on the Application Property shall meet the thermal standards of the Council of American Building Officials ("CABO") Model Energy Program for energy efficient homes or its equivalent for electric or gas energy systems, as determined by DPWES.
- f. A covenant shall be recorded which provides a garage shall only be used for a purpose that will not interfere with the intended purpose of the garages, e.g., parking of vehicles. This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the homeowners' association in Fairfax County. Initial purchasers shall be advised of the use restriction prior to entering into contract of sale. Said use restriction shall be included in the homeowners' association documents prepared in conjunction with the proposed development.
- g. All lighting shall comply with Zoning Ordinance Article 14, Part 900, Outdoor Lighting Standards.

13. HOMEOWNERS' ASSOCIATION

The Applicant shall establish a homeowners' association for the proposed development, to own, manage, and maintain the open space areas, including the tree save areas, cemetery, and all other community owned land and improvements. Restrictions placed on the use of the open space/buffer areas, minimum setbacks, and the maintenance responsibilities of the homeowners' association, shall be disclosed to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale and included in the homeowners' association documents. The homeowners' association documents shall allow for the future inclusion of that property identified as tax map 89-4 ((1)) 55 and disclose that this property may redevelop with more than one house.

14. SIGNAGE

- a. No temporary signs (including "popsicle" style, paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance, and no signs, which are prohibited by Chapter 7 of Title 33.1, or Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or off-site to assist the initial sale of homes on the Application Property. Furthermore, the agents and employees involved in the marketing and sale of the residential units on the Application Property shall be directed to adhere to this proffer.
- b. All entry features installed on the Application Property shall be in accordance with the requirements of Article 12 of the Zoning Ordinance.

15. SUCCESSORS AND ASSIGNS

These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

16. COUNTERPARTS

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

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

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APPLICANT/CONTRACT PURCHASER
Tax Map 89-4 ((1)) 56, 57A and 69

BROOKFIELD RIDGE ROAD, LLC

By Brookfield Washington, LLC Its Sole Managing Member

By Brookfield Washington, Inc., Its Managing Member

Richard J. Dengler
Vice President

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[SIGNATURES CONTINUED ON NEXT PAGE]

TITLE OWNER
Tax Map 89-4 ((1)) 69

BROOKFIELD WASHINGTON, INC.

Richard J. Dengler
Vice President

[SIGNATURES CONTINUED ON NEXT PAGE]

TITLE OWNERS:
TAX MAP 89-4 ((1)) 56 and 57A

JAMES G. RENFRO, TRUSTEE

RACHEL E.C. RENFRO, TRUSTEE

[SIGNATURES END]

PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2005-MV-001

October 14, 2005

If it is the intent of the Planning Commission to approve FDP 2005-MV-001 for a single family detached development at Tax Map 89-4 ((1)) 56, 57A and 69, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the property shall be in substantial conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan entitled "Renfro Property", prepared by Land Design Consultants, dated June, 2004, as revised through September 22, 2005.

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.