FAIRFAX COUNTY

VIRGINIA

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

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

September 1, 1999

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

RE: Rezoning Application
Number RZ 1999-SU-005
(AMENDED –LETTER ONLY)

Dear Mr. McDermott:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 26, 1999, granting Rezoning Application Number RZ 1999-SU-005 in the name of Winchester Homes, Incorporated, to rezone certain property in the Sully District from the R-1 District; Highway Corridor Overlay and Water Supply Protection Overlay Districts to the PDH-8 District; Highway Corridor Overlay and Water Supply Protection Overlay Districts, subject to the proffers dated June 24, 1999, on subject parcel 45-4 ((1)) 12, 13A, 14, 15, 16, 17, 18, 19, 20, and 21, consisting of approximately 20.85 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan FDP 1999-SU-005 on June 24, 1999, subject to the Board's approval of RZ 1999-SU-005 and the Conceptual Development Plan, and subject to the Final Development Conditions dated June 24, 1999.

The Board also waived the 600 foot limitation on the length of private streets.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

NVns

cc: Chairman Katherine K. Hanley
Supervisor-Sully 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
Barbara J. Lippa, Exceutive Director, Planning Commission

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 26th day of July, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1999-SU-005

WHEREAS, Winchester Homes, 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; Highway Corridor Overlay and Water Supply Protection Overlay Districts to the PDH-8 District; Highway Corridor Overlay and Water Supply Protection Overlay Districts; 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 Sully District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PDH-8 District; Highway Corridor Overlay and Water Supply Protection Overlay Districts; and said property is subject to the use regulations of said PDH-8 District; Highway Corridor Overlay and Water Supply Protection Overlay Districts; and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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

GIVEN under my hand this 26th day of July, 1999.

Patti M. Hicks
Deputy Clerk to the Board of Supervisors

RZ-1999-SU-005 WINCHESTER HOMES, INC - Dorforth Property
PROFFER STATEMENT

April 8, 1999
May 12, 1999
May 21, 1999
May 27, 1999
June 2, 1999
June 24, 1999

Pursuant to Section 15.2-2303(A) of The Code of Virginia, as amended, and subject to the Board of Supervisors' approval of RZ-1999-SU-005, as proposed, for rezoning from the R-1, WS and HC to PDH-8, WS and HC Districts, the owners and Winchester Homes, Inc. (the "Applicant"), for themselves and their successors and assigns, hereby proffer that development of Tax Map Parcels 45-4-((1)) 12, 13A, 14 - 21 (the "Property"), containing approximately 20.8461 acres shall be in accordance with the following proffered conditions:

1. Substantial Conformity. The Property shall be developed in substantial conformance with the Conceptual Development Plan and Final Development Plan ("CDP/FDP") consisting of three (3) pages prepared by BC Consultants, entitled Dorforth Property, dated December 1998, revised through June 22, 1999 and as further modified by these proffered conditions.

2. Final Development Plan Amendment. Notwithstanding that the CDP/FDP consists of three (3) sheets and said CDP is the subject of Proffer 1 above, it shall be understood that (i) the CDP shall consist of the entire plan relative to the general layout, points of access, location of streets, the maximum number of units, general limits of clearing and grading and the general location of open space; and (ii) the Applicant has the option to request a Final Development Plan Amendment ("FDPA") from the Planning Commission in accordance with Section 16-402 of the Zoning Ordinance with respect to the remaining elements.

3. Minor Modifications to Design. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the approved FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the FDP provided such changes are in substantial conformance with the CDP/FDP and proffers and do not increase the total number of units or decrease the minimum amount of open space.

4. Maximum Density. A maximum of 123 single family attached dwelling units shall be permitted on the Property, which shall include up to eight (8) affordable dwelling units provided in accordance with Part 8, Article 2 of the Zoning Ordinance.

5. Limits of Clearing and Grading. The Applicant shall conform to the approximate limits of clearing and grading shown on the CDP/FDP subject to the installation of utilities, trails, if necessary, as approved by the Department of Public Works and Environmental Services ("DPW&ES"). Any necessary disturbance shall be accomplished in the least disruptive manner possible. Any area located within the limits of clearing and grading that must be disturbed due to the installation of trails, utilities shall be replanted with the application of straw, mulch, grass seed and/or a mix of native vegetation seeds.

6. Landscaping and Design Amenities. Landscaping shall be consistent with the quality, quantity and the locations shown on Sheets 1 and 3 of the CDP/FDP. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans submitted for review and approval by the County Urban Forester, DPW&ES at the time of site plan review. Site amenities including the entry sign, light posts, benches, the gazebo, the cemetery fence, and the mailbox shall be of a quality consistent with the illustratives shown on Sheet 2 of the CDP/FDP.

7. Environmental Quality Corridor and Resource Protection Areas. The Environmental Quality Corridor ("EQC") and Resource Protection ("RPA") areas designated on the CDP/FDP shall be not be disturbed except for the installation of trails, roads, and utility lines as shown on the CDP/FDP or as otherwise provided herein, as deemed necessary and approved by DPW&ES. Any necessary disturbance shall be accomplished in the least disruptive manner possible given engineering, cost and site design constraints. Any areas within RPA or EQC areas that must be disturbed due to the installation of trails, roads, utilities shall be replanted with the application of straw, mulch, grass seed and/or a mix of native vegetation seeds, with the exception of areas specifically designated for revegetation on the CDP/FDP, addressed in Proffer #8.

8. Revegetation of Specific EQC and RPA Areas. The Applicant will revegetate areas disturbed during construction and located within the EQC or RPAs indicated by striping on the CDP/FDP, with native species in accordance with Section 12.0808.72 of the Public Facilities Standards Manual (PFM) as approved by the Urban Forester.

9. Fairfax Center Area Road Fund Contribution. At the time of final site plan approval, the Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the "Procedural Guidelines" adopted by the Fairfax County Board of Supervisors (variously hereafter the "Board" or the "County") on November 22, 1[illegible]2, as amended, subject to credit for all creditable expenses, as determined by the Fairfax County Department of Transportation ("DOT") and DPW&ES.

10. Right-of-Way Dedication. All right-of-way dedicated in conjunction with these proffers and as depicted on the CDP/FDP shall be conveyed to the Board in fee simple upon demand by the County or at the time of recordation of the record plat, whichever occurs first, and shall be subject to Proffer 25 regarding reservation of development intensity to the residue of the subject Property.

11. Fields Brigade Road Improvements. In accordance with the CDP/FDP, the Applicant shall dedicate and convey in fee simple to the Board up to fifty-two (52) feet of right-of-way for the portion of Fields Brigade Road/Meadow Field Drive located on the subject Property. Further, the Applicant shall construct a standard two-lane road section on the subject Property within said fifty-two (52) feet of right-of-way, with curb, gutter and sidewalk on-site as depicted on the CDP/FDP. The Applicant shall also construct, using funds escrowed in RZ 93-Y-038, Proffer 6, a standard two-lane road section conforming to Site Plan # 9072-SP-02, from the Property's southwestern boundary to the existing terminus of Fields Brigade Road within public right-of-way dedicated in conjunction with RZ 93-Y-038. The Applicant may also use the $10,550 escrowed in RZ 93-Y-038, Proffer 4, for either construction of the extension of Fields Brigade Road or construction of the Sub-Unit Connector Road. The extension of Fields Brigade/Meadow Field Drive will be designed to minimize disturbance to the EQC area; disturbed areas will be replanted in accordance with Proffer 8.

12. Sub-Unit Connector Road Improvements. As depicted on the CDP/FDP, the Applicant shall dedicate and convey in fee simple to the Board up to fifty-two (52) feet of right-of-way for the proposed connector road between Fields Brigade Road and North Lake Drive (the "Connector Road"):

a. The Applicant shall also construct a standard two-lane section of the Connector Road on-site extending from the future Fields Brigade Road for a distance of approximately 240 feet, as depicted on the CDP/FDP.

b. Additionally, the Applicant shall construct the on-site stream crossing portion of the Connector Road to the property line of the Property ("Stream Crossing"), subject to (i) all necessary off-site grading easements having been obtained by the Board from the adjacent "Manor Care" property owner and from the owners of Tax Map Parcels 45-4-((1))-24C and 45-4-((1))33, and/or having been provided to Applicant by the Board; (ii) Applicant being able either to connect the aforesaid Stream Crossing construction to the extension of the Connector Road by others across the "Manor Care" frontage in existing dedicated right-of-way, or to erect a barricade in lieu of a temporary cul-de-sac at the western terminus of Applicant's aforesaid Stream Crossing construction; (iii) if requested by Applicant, Applicant's being reimbursed by the Board for Applicant's reasonable cost, as determined by DOT and/or DPW&ES, of any portion of the aforesaid Stream Crossing construction by Applicant on the property of others; and (iv) vacation and/or abandonment, as is necessary, of the access easement across the Property which serves the Board's Tax Map Parcel 45-4-((1))-13.

c. In the alternative, should any necessary grading easements not be available at the time Applicant is prepared to construct the aforesaid Connector Road Stream Crossing, the Applicant shall escrow funds, in an amount determined to be appropriate by DPW&ES, for completion by others of the on-site portion of the Connector Road Stream Crossing at such time as the off-site portion of the Connector Road is constructed by others on or across the frontage of the adjacent "Manor Care" property, Tax Map Parcel 45-4-((1)) 6A.

d. The Applicant may use the $10,550 escrowed in RZ 93-Y-038, Proffer 4, for either construction of the extension of Fields Brigade Road or construction of the Sub-Unit Connector Road.

13. Park Dedication. At the time of recordation of the record plat, the Applicant shall dedicate and convey in fee simple the approximately 6.3± acres of property designated as Public Park on Sheet 1 of the CDP/FDP and more specifically identified as the Stream Valley Park on Sheet 3 of the CDP/FDP to the Board for public recreation purposes. This dedication shall be subject to Proffer 25 regarding reservation of development intensity to the residue of the subject Property, and shall be further subject to the right to construct the trail referenced in Proffer 15(A) herein.

14. Neighborhood Park. At the time of recordation of the record plat, the Applicant shall dedicate and convey in fee simple the approximately .44± acres of property designated as the Neighborhood Park on the CDP/FDP ("Neighborhood Park") to the Board for public recreation purposes. This dedication shall be subject to Proffer 25 regarding reservation of development intensity to the residue of the subject Property.

15. Recreational Facilities. The Applicant shall comply with Paragraph 2 of Section 6-110 and with Section 16-404 of the Zoning Ordinance by providing improvements within the designated Neighborhood Park located on the Property and on adjacent Property owned by the Board as follows:

A. The Applicant shall construct recreational improvements equal in value to $955 per market rate unit, not to exceed a total value of $109,825. Said recreational improvements shall include: (i) within the Neighborhood Park the construction of a children's playground and landscaping consistent with the quality, quantity and the locations shown on Sheet 2 of the CDP/FDP; (ii)in consultation with the Fairfax County Park Authority (the "Park Authority"), one or more of the following improvements: (a) a gazebo with seating in the Neighborhood Park; (b) an asphalt trail in the Neighborhood Park in the general location depicted on the CDP/FDP; and (c) an asphalt trail in the Stream Valley/Public Park in the general location depicted on the CDP/FDP or in another location mutually agreed to by the

Applicant, the Park Authority and/or DPW&ES with preference given to locations that have previously been used as roads or driveways.

B. The location and type of recreational amenities constructed by the Applicant shall be in substantial conformance with the illustrative design of the Neighborhood Park as depicted Sheets 2 and 3 on the CDP/FDP, subject to final engineering and subject to approval by the Park Authority and/or DPW&ES at the time of site plan approval.

C. In the event the total value of recreational improvements constructed by the Applicant is less than the proffered $955 per market rate unit, the Applicant shall provide a cash contribution to the Park Authority for the remainder of the recreational facility contribution, to be used solely for recreational improvements in the Sully District, at the time of issuance of the first building permit for the final phase of the development.

16. Fence. To protect the Stewart cemetery located on Tax Map Parcel 45-4((1))21B from construction activities, the Applicant shall provide temporary fencing around the cemetery prior to clearing and grading, which fencing shall remain until completion of construction of units adjacent to the cemetery. Upon completion of all units and construction activity adjacent to the cemetery, the Applicant shall provide on the Applicant's property, (i) a 4' permanent decorative wrought iron fence around the perimeter of cemetery property of a quality and design consistent with the illustrative fence depicted on Sheet 2 of the CDP/FDP; and (ii) landscaping around the perimeter of the cemetery property.

17. Privacy Fence. Subject to right of entry from the adjacent Fair Ridge RA Addition HOA ("Adjacent HOA"), the Applicant shall extend, along the Property's eastern boundary, a wooden board on board privacy fence on the Adjacent HOA property, from its currently existing (i) northern terminus to a point opposite the northernmost townhouse unit in the Adjacent HOA, and (ii) southern terminus to the southeastern corner of the Applicant's Property. Each such fence extension shall be (i) as described above or to such lesser extent as may be requested by the Adjacent HOA; (ii) on the property of the Adjacent HOA; and (iii) maintained by the Adjacent HOA. The Applicant shall limit clearing and grading along the eastern Property boundary, to the extent possible given engineering costs and site design constraints, to preserve existing trees along said Property boundary.

18. Garages. The Applicant shall place a covenant on each garage unit that prohibits the conversion of the garage to any habitation use. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents and the residential sales contract to the original purchaser of each lot shall expressly state this use restriction.

19. Private Streets. All private streets will be constructed with materials and depth of pavement standards consistent with public street standards, as determined by DPW&ES. The HOA shall be responsible for the maintenance of all private streets. The HOA documents shall expressly state that the HOA shall be responsible for the maintenance of the private streets serving the development.

20. Energy Efficiency. 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 DPW&ES, for either electric or gas energy systems.

21. Stormwater Management Facility. The Applicant shall implement stormwater management techniques to control the quantity and quality of stormwater runoff from the Property and shall construct stormwater management facilities as depicted on the CDP/FDP, unless a waiver is granted by DPW&ES for the pond located nearest Route 50. The Applicant will grant an access easement for any constructed stormwater management facility to DPW&ES at the time of recordation of the record plat to provide access to the facility for maintenance purposes. At the time of recordation of the record plat, the Applicant shall convey the stormwater management facility parcel(s) to the Homeowners Association for stormwater management/BMP purposes. The HOA shall maintain all landscaping adjacent to any stormwater management facility.

22. Architectural Compatibility. ADU units shall have brick fronts and facades which shall be of an architectural style generally compatible with the market rate units in the development.

23. 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 with upper levels located within 410 feet of the centerline of Route 50 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 affected facade, they shall 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 with lower levels located within 440 feet of the centerline of Route 50 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 affected facade, they shall 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 Route 50, 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 shall 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, as determined through a noise study prepared by a qualified acoustical engineer for the approval of DPW&ES.

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 DPW&ES, 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.

24. Dorforth Drive. Subject to vacation and/or abandonment, as is appropriate, by the County of Dorforth Drive and of the access easement serving Tax Map Parcel 45-4-((1))-13 at the time of construction by Applicant on the Property and prior to bond release, the Applicant shall remove the portions of existing Dorforth Drive that will no longer be used for pedestrian trails or access. The Applicant will replant areas where pavement has been removed with the application of straw, mulch, grass seed and/or a mix of native vegetation seeds.

25. Density Credit. All intensity of use attributable to land areas dedicated and conveyed to the Board 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.

26. 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.

27. 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]

WINCHESTER HOMES, INC.,
Applicant

By: _____
Title: Christopher D. Collins, Vice President

_____
THERESA A. STONE
Title Owner of Parcel 45-4-((1))-12

_____
PHYLLIS RYDER (Surviving Tenant by the Entirety)
Title Owner of Parcel 45-4-((1))-13A

LITTIE MAE SPENCER (Surviving Tenant by the Entirety)
Title Owner of Parcel 45-4-((1))-14

BY: _____
RICHARD CROUCH, Agent and
Attorney-in-Fact for Littie Mae Spencer

Charles E. Thompson
_____
CHARLES E. THOMPSON
Title Owner of Parcel 45-4-((1))-15

WINCHESTER HOMES, INC.,
Applicant

By:_____
Title:_____

THERESA A. STONE
Title Owner of Parcel 45-4-((1))-12

PHYLLIS RYDER (Surviving Tenant by the Entirety)
Title Owner of Parcel 45-4-((1))-13A

LITTIE MAE SPENCER (Surviving Tenant by the Entirety)
Title Owner of Parcel 45-4-((1))-14

BY:_____
RICHARD CROUCH, Agent and
Attorney-in-Fact for Littie Mae Spencer

CHARLES E. THOMPSON
Title Owner of Parcel 45-4-((1))

WINCHESTER HOMES, INC.,
Applicant

By:_____
Title:_____

_____
THERESA A. STONE
Title Owner of Parcel 45-4-((1))-12

_____
PHYLLIS RYDER (Surviving Tenant by the Entirety)
Title Owner of Parcel 45-4-((1))-13A

LITTIE MAE SPENCER (Surviving Tenant by the Entirety)
Title Owner of Parcel 45-4-((1))-14

BY:_____
RICHARD CROUCH, Agent and
Attorney-in-Fact for Littie Mae Spencer

_____
CHARLES E. THOMPSON
Title Owner of Parcel 45-4-((1))-15

WINCHESTER HOMES, INC.,
Applicant

By:_____
Title:_____

_____
THERESA A. STONE
Title Owner of Parcel 45-4-((1))-12

_____
PHYLLIS RYDER (Surviving Tenant by the Entirety)
Title Owner of Parcel 45-4-((1))-13A

LITTIE MAE SPENCER (Surviving Tenant by the Entirety)
Title Owner of Parcel 45-4-((1))-14

BY: Little Mae Spencer by Richard Crouch Agent and attorney
RICHARD CROUCH, Agent and
Attorney-in-Fact for Littie Mae Spencer

_____
CHARLES E. THOMPSON
Title Owner of Parcel 45-4-((1))-15

HEIRS OF EDGAR HOWARD BURTON
Title Owners of Parcel 45-4-((1))-16, 19

BY: Josephine Anita Bourne
JOSEPHINE ANITA BOURNE

BY: _____
EDGAR LEE BURTON

BY: _____
JANE HOPE BEZZANT

BY: _____
JACQUELINE KAY BURTON

_____
WILLIAM F. ROSE
Co-Owner of Parcel 45-4-((1))-17

_____
MARJORIE A. ROSE,
Co-Owner of Parcel 45-4-((1))-17

_____
RICHARD E. FOTH
Title Owner of Parcel 45-4-((1))-18

HEIRS OF EDGAR HOWARD BURTON
Title Owners of Parcel 45-4-((1))-16, 19

BY: _____
JOSEPHINE ANITA BOURNE

BY: Edgar Lee Burton
EDGAR LEE BURTON

BY: _____
JANE HOPE BEZZANT

BY: Jacqueline Burton
JACQUELINE KAY BURTON

_____
WILLIAM F. ROSE
Co-Owner of Parcel 45-4-((1))-17

_____
MARJORIE A. ROSE,
Co-Owner of Parcel 45-4-((1))-17

_____
RICHARD E. FOTH
Title Owner of Parcel 45-4-((1))-18

HEIRS OF EDGAR HOWARD BURTON
Title Owners of Parcel 45-4-((1))-16, 19

BY:_____
JOSEPHINE ANITA BOURNE

BY:_____
EDGAR LEE BURTON

BY: Jane Hope Bezzant
JANE HOPE BEZZANT

BY:_____
JACQUELINE KAY BURTON

_____
WILLIAM F. ROSE
Co-Owner of Parcel 45-4-((1))-17

_____
MARJORIE A. ROSE,
Co-Owner of Parcel 45-4-((1))-17

_____
RICHARD E. FOTH
Title Owner of Parcel 45-4-((1))-18

HEIRS OF EDGAR HOWARD BURTON
Title Owners of Parcel 45-4-((1))-16, 19

BY:_____
JOSEPHINE ANITA BOURNE

BY:_____
EDGAR LEE BURTON

BY:_____
JANE HOPE BEZZANT

BY:_____
JACQUELINE KAY BURTON

WILLIAM F. ROSE
Co-Owner of Parcel 45-4-((1))-17

MARJORIE A. ROSE,
Co-Owner of Parcel 45-4-((1))-17

_____
RICHARD E. FOTH
Title Owner of Parcel 45-4-((1))-18

HEIRS OF EDGAR HOWARD BURTON
Title Owners of Parcel 45-4-((1))-16, 19

BY: _____
JOSEPHINE ANITA BOURNE

BY: _____
EDGAR LEE BURTON

BY: _____
JANE HOPE BEZZANT

BY: _____
JACQUELINE KAY BURTON

_____
WILLIAM F. ROSE
Co-Owner of Parcel 45-4-((1))-17

_____
MARJORIE A. ROSE,
Co-Owner of Parcel 45-4-((1))-17

Richard E. Foth
_____
RICHARD E. FOTH
Title Owner of Parcel 45-4-((1))-18

Howard Wallach

HOWARD WALLACH
Title Owner of Parcel 45-4-((1))-20

MIRSHED R. ZAROU
Co-Owner of Parcel 45-4-((1))-21

JAMILEH ZAROU
Co-Owner of Parcel 45-4-((1))-21

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Littie S. SPITZER, of 4100 Dorforth Drive, Fairfax, Virginia 22030, have made, constituted and appointed and by these presents do make, constitute and appoint Richard S. CROUCH, JR., of 8809 Brentsville Road, Manassas, Virginia 22111 my true and lawful attorney, for me and in my name, place and stead, to ask, demand, sue for, recover, and receive, of and from all estates, corporations, associations, and persons whatsoever, all and every sum or sums of money due and owing, or that may become due and owing to me on any and every account, whether due or to become due, and give receipts for the same, or at my said attorney's discretion, to compound or compromise for the same, and give discharges; to sign, seal, acknowledge and deliver any bond, promissory note, deed, deed of trust, mortgage, obligation, contract, or other paper; to encumber any property owned by me, real or personal, including hypothécation of stock or bonds, and to sign, seal, acknowledge and deliver any instruments necessary for such purpose or purposes; to endorse promissory notes, and the same to renew from time to time; to draw upon any bank or banks or any corporations, associations, or individuals for any sum or sums of money that may be to my credit, or which I may be entitled to receive, as I might or could do; to sell any part or parts of my real or personal estate, wheresoever situated, and to receive the rents from same, to make all necessary covenants, warranties, and assurances, including endorsement, transfer, and negotiation of certificates of corporate stock or other securities, and to sign, seal, acknowledge, and deliver the same; and to do all such other acts, matters, and things in relation to all or any part of or interest in property, estate, affairs, or business, of any kind or description, in the State of Virginia or elsewhere, as I myself might or could do if acting personally. And I hereby ratify and confirm all lawful acts done by virtue hereof. This power of attorney and the authority of my said attorney in fact shall not terminate on disability of the principal, either mental or physical, but shall continue and be exercisable pursuant to the provisions of Section 11-9.1 of the Code of Virginia of 1950, as amended.

WITNESS my hand and seal this 14th day of December, 19 88.

Littie S. Spitzer

Littie S. SPITZER

STATE OF Virginia
COUNTY OF Prince William, to-wit:

The foregoing Power of Attorney was acknowledged before me in my jurisdiction aforesaid by Littie S. SPITZER this 14th day of December, 19 88.

Rina W. Roszel

Notary Public

My Commission Expires: 21 April 1990

Case No.

HOWARD WALLACH
Title Owner of Parcel 45-4-((1))-20

MIRSHED R. ZAROU
Co-Owner of Parcel 45-4-((1))-21

JAMILEH ZAROU
Co-Owner of Parcel 45-4-((1))-21

FINAL DEVELOPMENT PLAN CONDITIONS

FDP 1999-SU-005

June 24, 1999

If it is the intent of the Planning Commission to approve Final Development Plan FDP 1999-SU-005 for residential development at Tax Map 45-4 ((1)) 12, 13A, 14-21, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the subject property shall be in substantial conformance with the Final Development Plan, prepared by BC Consultants dated November 1998 as revised through June 22, 1999, consisting of three sheets. Minor modifications to the approved FDP may be permitted pursuant to Par. 4 of Sect. 16-403 of the Zoning Ordinance.

2. A small freestanding sign which identifies the neighborhood park shall be installed along Fields Brigade Road/Meadow Field Road in a location to be determined in consultation with the Park Authority. The sign shall be in conformance with Park Authority standards for park identification signs.

3. A public access easement shall be recorded on the property to ensure public access to the Stewart cemetery through the application property.

4. All street lights and lights located along pedestrian walkways shall utilize full cut off shielding to minimize glare.

5. In accordance with PFM standards, unless waived or modified by DPWES, stormwater runoff from developed portions of the site shall be conveyed to the stormwater management BMP facilities shown on the CDP/FDP. In addition, landscaping, consisting of native species of vegetation, shall be provided in and around the stormwater management facilities as approved by the Urban Forester and DPWES.

6. If it is determined during site plan review that the "Possible Stormwater Management Pond" located near Route 50 is not required or if the applicant obtains a waiver or modification such that this stormwater management facility is not necessary, the Applicant, in conjunction with a certified

arborist, shall evaluate and incorporate additional tree save areas, to the extent feasible, in the area currently designated as "Possible Stormwater Management Pond." This condition shall not be interpreted to preclude development of the approved number of units.

7. Units sides adjacent to public streets shall incorporate features such as architectural trim and/or brick to enhance the streetscape.

8. There will be no inter-parcel access from the internal, private streets of the Property to the internal, private streets of the Fair Lakes Court development.

9. Trees to be planted by the Applicant in the southeast corner of the Property, behind Tax Map Parcels 45-4 ((14)) 74-76 of the Fair Lakes Court development, as shown on the CDP/FDP shall meet the following minimum requirements at the time of planting: (i) evergreen shall be a minimum of 10 feet tall; (ii) deciduous trees shall have a minimum 3½" caliper.

10. Upon removal of the presently existing temporary cul-de-sac terminating Fields Brigade Road, and subject to permission from the owner of Tax Map Parcel 45-4 ((1)) 32, the Applicant shall plant six (6) evergreens of a minimum height of 10 feet adjacent to Fields Brigade Road in the area of the removed temporary cul-de-sac.

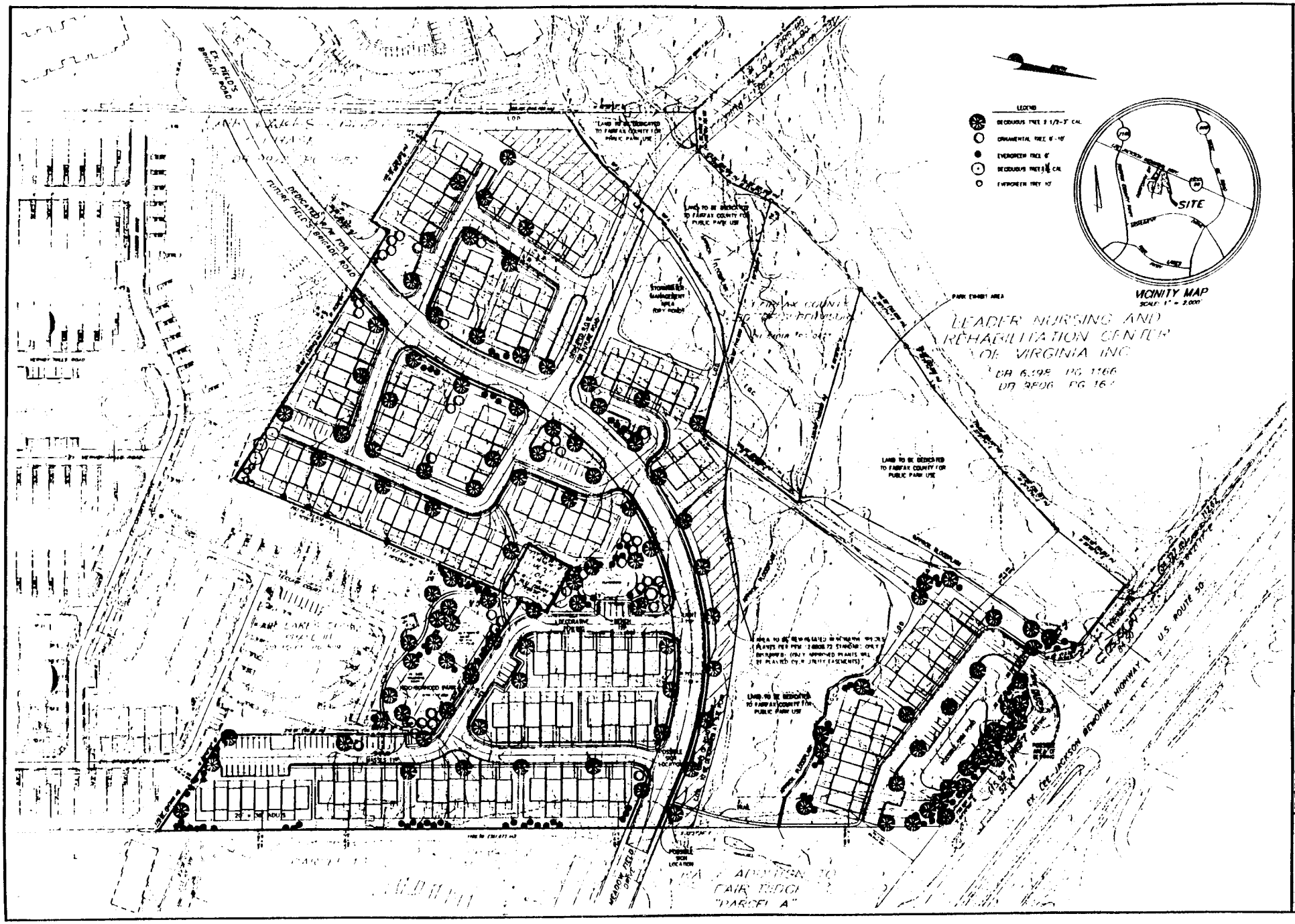
11. During the site plan review process the Applicant will seek VDOT approval to provide the following in immediate proximity to the previously existing temporary cul-de-sac on Fields Brigade Road: (i) pedestrian crossing signs in the public right-of-way of Fields Brigade Road; (ii) a painted crosswalk on Fields Brigade Road to align with the existing trail located on Tax Map Parcel 45-4 ((1)) 33.

12. The applicant shall use all reasonable efforts to preserve the specimen 30" diameter black walnut tree located adjacent to the RPA in the southwestern corner of the property. At the time of site plan submission the limits of clearing and grading adjacent to this tree shall be located in consultation with the Urban Forestry Branch, in order to ensure its survival through the construction process. The limits of clearing and grading shall be located no closer than 15 feet from the trunk of the tree on its eastern side, and shall be located at least as far from the trunk as the dripline on all other sides. Notwithstanding the limits of clearing noted above, if it is determined that further encroachment on the eastern side of the tree is unavoidable due to grading activities or activities associated with the demolition of the existing residence and/or construction of the proposed units, then further encroachment may be permitted as specifically approved by the Urban Forester.

Prior to and throughout construction, the tree shall be protected by chain link fencing a minimum of four feet in height, placed at the limits of clearing and grading. The fencing shall be installed prior to any land disturbing activities being conducted on-site, including the demolition of existing structures. Signage affirming, "Tree Save Area - Do Not Disturb" shall be provided on the fencing, and made clearly visible to all construction personnel.

The Applicant shall retain a certified arborist to prepare a tree preservation plan for the black walnut tree, to be submitted for review and approval by the Urban Forestry Branch at the time of first submission of the site plan. The plan shall include tree preservation activities designed to maximize the survivability of the tree. Such activities may include, but not be limited to, crown pruning, limb pruning,root pruning, mulching and fertilization.

This development condition shall not be construed to preclude development of the approved number of units or to require relocation or redesign of units or their appurtenances, reduction in the size of units, or the installation of a retaining wall in excess of four feet in height.



BC Consultants

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CONCEPTUAL/FINAL DEVELOPMENT PLAN

DORFORTH PROPERTY

FULLER DISTRICT
FAIRFAX COUNTY, VIRGINIA

BC REVISIONS	
REVISED 1/26/99	
REVISED 2/26/99	
REVISED 3/12/99	
REVISED 3/31/99	
REVISED 4/21/99	
REVISED 5/21/99	

CONTRACT PURCHASER
Washington Homes
12700 Fair Lakes Circle, Suite 200
Fairfax, Virginia 22033

DESIGNED BY: BLV
DRAWN BY: CAD
CHECKED BY: JHS
DATE: NOVEMBER, 1998
SCALE: 1" = 50'-0"
SHEET 1 OF 3
CO. NO. 0000-ZV-00
FILE NO. 97080.01
CADD NAME: FDORFTOP.DWG