



# FAIRFAX COUNTY

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

V I R G I N I A

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

August 20, 1999

Keith C. Martin, Esquire  
Walsh, Colucci, Stackhouse  
Emrich and Lubeley, P.C.  
2200 Clarendon Boulevard  
Arlington, Virginia 22201-3359

RE: Rezoning Application  
Number RZ 1999-BR-008

Dear Mr. Martin:

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-BR-008 in the name of Transamerican Construction, to rezone certain property in the Braddock District from the R-1 District to the R-2 District, subject to the proffers dated July 16, 1999, on subject parcel 58-4 ((1)) 38A, consisting of approximately 2.06 acres.

Sincerely,

Patti M. Hicks  
Deputy Clerk to the Board of Supervisors

PMH/ns

RZ 1999-BR-008

August 20, 1999

- 2 -

cc: Chairman Katherine K. Hanley  
Supervisor-Braddock District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Fred R. Beales, Supervisor Base Property, Mapping/Overlay  
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation  
Ellen Gallagher, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPW&ES  
DPW&ES - Bonds & Agreements  
Frank Edwards, Department of Highways - VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING  
AUG 31 1999  
ZONING EVALUATION DIVISION

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1999-BR-008

WHEREAS, Transamerican Construction filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the R-2 District; and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

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

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

Be, and hereby is, zoned to the R-2 District, and said property is subject to the use regulations of said R-2 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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

GIVEN under my hand this 26<sup>th</sup> day of July, 1999.



Patti M. Hicks

Deputy Clerk to the Board of Supervisors



**PROFFERS****RZ 1999-BR-008****July 16, 1999**

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, Transamerican Construction, their successors and assigns, and owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), the Applicant in RZ 1999-BR-008, filed for property identified on the Fairfax County tax map as 58-4 ((1)) 38A (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves the rezoning of the Application Property from the R-1 Zoning District to the R-2 Zoning District in conjunction with a Generalized Development Plan (GDP) for four single-family detached lots.

**1. GENERALIZED DEVELOPMENT PLAN**

- a. Subject to the provisions of Section 18-204 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 GDP prepared by VIKA, Inc. dated June 8, 1999.
- b. Minor modifications from the GDP may be permitted when necessitated by sound engineering practices or other modifications which may be necessary as part of final engineering design in accordance with the Zoning Ordinance.
- c. All of the houses shall be located a minimum of 50 feet from the rear lot line.

**2. TRANSPORTATION**

- a. Prior to the issuance of the 4th Residential Use Permit (RUP), the Applicant shall construct curb and gutter within the right-of-way along the Application Property's Weirich Road frontage.

**3. TREE SAVE AND PRESERVATION**

- a. At the time of Subdivision Plan review, the Applicant shall designate on the Subdivision Plan the limits of clearing and grading consistent with the GDP to be observed during construction and, in addition, will designate any individual trees to be preserved on the lots. Such designation shall be subject to approval by the Urban Forestry Branch and shall not reduce the number of dwelling units. The limits of clearing and grading shall not extend closer than twenty (20) feet to the western property line of the Application Property to preserve the existing trees along that property line, subject to modification by the Urban Forestry Branch to permit the removal of diseased and undesirable trees, as determined by the Urban Forestry Branch, to enhance tree preservation on the site.

Proffers  
RZ 1999-BR-008  
Page 2

- b. In addition prior to Subdivision Plan approval, a replacement value shall be assigned by the Urban Forester or an independent arborist approved by the Urban Forestry Branch to all healthy trees measuring ten (10) inches or larger in diameter which are designated to be preserved on the lots under the tree preservation plan approved by the Urban Forestry Branch. The limits of clearing and grading as shown on the GDP may be modified by the Urban Forestry Branch to permit the removal of diseased and undesirable trees, as determined by the Urban Forestry Branch, to enhance tree preservation on the site. At the time of Subdivision Plat approval, Applicant, or its successors, and assigns, shall post in increments, as defined below, a cash bond or a letter of credit payable to the County of Fairfax in such an amount assigned as replacement value by the Urban Forestry Branch to ensure replacement of the designated trees. The calculated replacement value shall be reviewed and approved by the Urban Forester 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 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, and the amount of an incrementally posted cash bond or letter of credit will not exceed the sum of such assigned values or Ten Thousand Dollars (\$10,000.00). In the event the bond or letter of credit is called by Fairfax County for tree replacement, another bond or letter of credit of equal value will be posted within thirty (30) days of request by Fairfax County. The total dollar value of the bonds or the letters of credit shall not exceed the total established replacement value of the designated trees under the tree preservation plan approved by the Urban Forestry Branch as part of the Subdivision Plan approval.
- c. During construction, the Urban Forester and project arborist shall periodically inspect the project and determine if any of the designated individual trees are dead or dying due to acts of negligence of the Applicant or are due directly to the development of the project. The Applicant may then draw funds from the cash bond or letter of credit in order to remove and replace such dead or dying trees according to the assigned value as defined in the Valuation of Landscape Trees, Shrubs and Other Plants of such dead or dying trees.
- d. Any funds received by Fairfax County pursuant to this Proffer shall be utilized solely to replace designated trees to be saved on the Application Property.
- e. The letter of credit or cash bond will be released simultaneously when the Conservation Deposit for the subdivision is released.
- f. Landscaping as shown on the GDP shall be planted within the rear yards prior to the issuance of the corresponding RUP for the lot containing the plant material.

Proffers  
RZ 1999-BR-008  
Page 3

**4. STORMWATER MANAGEMENT**

- a. The Applicant shall apply for a waiver of on-site stormwater management in order to preserve trees in the southwestern corner. Unless waived by DPWES, the Applicant may utilize bio-retention measures which are designed to maximize tree save and minimize land disturbance within the Application Property in lieu of a stormwater management pond as shown on the GDP to satisfy Public Facilities Manual standards, as approved by the Department of Public Works.

**5. PARK AUTHORITY CONTRIBUTION**

- a. Prior to the issuance of the 1st RUP, the Applicant shall contribute the sum of \$2,400.00 to the Starlit Ponds HOA for improvements to the existing tot lot area in the Starlit Ponds development.

**6. HOUSING TRUST FUND**

- a. At time of Subdivision Plan approval, the Applicant shall contribute 1% of the aggregate sales price of the units to Fairfax County for the County's housing trust fund for the provision of affordable housing.

**7. CONSTRUCTION VEHICLES**

All construction vehicles shall access the Application Property via Olley Lane and not via Pickett Road.

**[SIGNATURES BEGIN ON FOLLOWING PAGE]**

Proffers  
RZ 1999-BR-008  
Page 4

CONTRACT PURCHASER/APPLICANT:

TRANSAMERICAN CONSTRUCTION

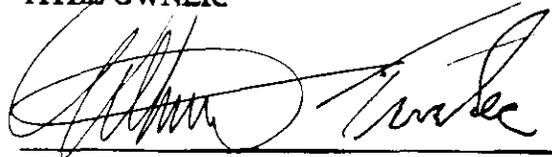
By. 

Arthur L. Walters, President

Proffers  
RZ 1999-BR-008  
Page 5

---

TITLE OWNER:



ARTHUR L. WALTERS, TRUSTEE







