



FAIRFAX COUNTY

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

V I R G I N I A

November 4, 1999

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

Keith C. Martin, Esquire
Walsh, Colucci, Stackhouse,
Emrich and Lubeley, P.C.
2200 Clarendon Boulevard - 13th floor
Arlington, Virginia 22201-3359

RE: Rezoning Application
Number RZ 1999-MA-006

Dear Mr. Martin:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 25, 1999, granting Rezoning Application Number RZ 1999-MA-006 in the name of The Ryland Group, Incorporated, to rezone certain property in the Mason District from the C-4 District and Highway Corridor Protection Overlay District to the PDH-12 District and Highway Corridor Protection Overlay District, subject to the proffers dated September 29, 1999, on subject parcel 72-2 ((1)) 44B consisting of approximately 4.21 acres.

The Conceptual Development Plan was approved: the Planning Commission having previously approved the Final Development Plan FDP 1999-MA-006 on October 13, 1999, subject to the Boards' approval of RZ 1999-MA-006 and development conditions dated October 13, 1999..

The Board also waived the 600-foot maximum length of private streets.

Sincerely,

Nancy Velrs
Clerk to the Board of Supervisors

NV/ns

RZ 1999-MA-006
November 4, 1999

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cc: Chairman Katherine K. Hanley
Supervisor-Mason 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
Thomas Conry, Dept. Mgr. - GIS - 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, Executive 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 25th day of October, 1999, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1999-MA-006**

WHEREAS. The Ryland Group Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the C-4 District and Highway Corridor Protection Overlay District to the PDH-12 District and Highway Corridor Protection Overlay 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 Mason District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PDH-12 District and Highway Corridor Protection Overlay District, and said property is subject to the use regulations of said PDH-12 District and Highway Corridor Protection Overlay 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 25th day of October, 1999.



Nancy Vehr

Clerk to the Board of Supervisors



PROFFERS

RZ/FDP 1999-MA-006

September 29, 1999

Pursuant to Section 15.2-2303(A) Code of Virginia, 1950 as amended, The Ryland Group, Inc., their successors and assigns, and owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), in RZ 1999-MA-006, filed for property identified on Fairfax County tax map as 72-2 ((1)) Parcel 44B (hereinafter referred to the "Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the C-4 Zoning District to the PDH-12 Zoning District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for 45 single-family attached dwelling units.

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

- a. Subject to the provisions of Section 16-403 of the Fairfax County Zoning Ordinance (hereinafter referred to as "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the CDP/FDP, prepared by Dewberry & Davis, dated September 28, 1999. The CDP shall constitute the entire plan relative to the points of access, total number of units, the general location of residential lots, amount and location of common open space areas, and landscaping.
- b. Final Development Plan Amendment. The Applicant shall have the option to request Final Development Plan Amendments (FDPA) from the Planning Commission for portions of the plan in accordance with provisions set forth in Section 16-402 and 16-403 of the Zoning Ordinance. Pursuant to paragraph 4 of Section 16-403 of the Zoning Ordinance, the Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without requiring approval of an amended CDP/FDP, provided such modifications are in substantial conformance with the CDP/FDP as determined by the Zoning Administrator, agents or assigns, and neither increase the total number of units nor decrease the amount of open space.
- c. The illustrative architectural renderings as shown on the CDP/FDP are provided to illustrate the design intent of the proposed single-family attached units. The front elevations of the units depicted shall be generally consistent in terms of character and quality with the illustration, and the materials on the exterior of the units will consist of a mix of masonry, brick, stone or siding. The specific features, such as, the exact location of windows, doors, shutters, number of stories and roof line and other architectural details are subject to modification with final engineering and architectural design.

2. TRANSPORTATION -

- a. Prior to entering into a contract of sale, prospective purchasers of the single-family attached units shall be notified in writing by the Applicant of the maintenance responsibility of the private streets and open space surrounding the single-family

attached units and shall acknowledge receipt of this information in writing. The Applicant shall record a covenant setting the maintenance responsibility of the private streets and open space by the Homeowner Association (HOA) among the land records of Fairfax County. Each Deed of Conveyance shall expressly contain these disclosures.

- b. All of the private streets shall be constructed by the Applicant to pavement thickness standards of public streets as set forth in the Public Facilities Manual, subject to approval by the Department of Public Works and Environmental Services (DPWES).
- c. At the time of site plan approval or upon demand from the Virginia Department of Transportation (VDOT) or DPWES whichever occurs first, the Applicant shall dedicate and convey to the Board a 15-foot wide temporary construction easement along the Application Property's North Chambliss Street frontage.
- d. The Applicant shall install street lights along the interior street system as shown on the CDP/FDP.
- e. The Applicant shall construct a right-turn deceleration lane along the Application Property's North Chambliss Street frontage into the development's entrance.
- f. At time of site plan approval, the Applicant shall record among the land records of Fairfax County Virginia in a form as approved by the County Attorney a public access easement at the interparcel connection along the Property's northern property line connecting to the Lincolnia Senior Center.
- g. Prior to entering into a contract of sale, prospective purchasers of the single-family attached units shall be notified in writing by the Applicant of the potential closure of the southern entrance onto Beauregard Street and the relocation of a site entrance to the northern site frontage on Chambliss Street at such time that an interchange is constructed at Beauregard Street. The Applicant shall only be required to dedicate and convey ingress/egress and temporary construction easement at these two locations and shall not be required to escrow the funds for the closure and opening of these entrances.
- h. Prior to the issuance of the 20th RUP, the Applicant shall construct travel lane and parking lot improvements on the Lincolnia Senior Center property as shown on the CDP/FDP in order to provide interparcel access to the application property from North Chambliss Street. In the event these improvements require zoning approval by the Board of Supervisors on the Lincolnia Senior Center property and the Board denies an application for such zoning approval and/or the necessary ingress/egress and temporary construction easements are not dedicated by the Board at no cost to the Applicant, then the travel aisle and parking improvements shall not be required and the Applicant will utilize the existing ingress/egress easement across the Lincolnia

Senior Center property serving the application property. The Applicant shall not be responsible for any stormwater management improvements as may be required on the Lincolnia Senior Center property in conjunction with these improvements.

- i. All purchasers of units shall be notified in writing that the main entrance along Beauregard Street may, in the future, be limited to right-in and right-out vehicular movements only.

3. RECREATION -

- a. The Applicant shall construct a gazebo and trails in the central open space as shown on the CDP/FDP.
- b. The Applicant shall construct a sitting area in the southern open space adjacent to the stormwater management (SWM) pond subject to final design of the SWM facility and approval of DPWES.
- c. The Applicant shall request the dedication of a public access easement from the Board of Supervisors across the contiguous Board owned property, prior to site plan approval. Subject to the provision of necessary permission or easements, at no cost to the Applicant, the Applicant shall construct a trail from the Application Property through Board owned property and a trail around the adjacent playing field behind the Lincolnia Senior Center. In the event these improvements require zoning approval by the Board of Supervisors on the Lincolnia Senior Center property and the Board denies an application for such zoning approval and/or the necessary trail and temporary construction easements are not dedicated by the Board at no cost to the Applicant, then the trail improvements shall not be required and the Applicant will contribute the value of these improvements to the Fairfax County Park Authority.
- d. The value of the above contributions and improvements shall be documented as to satisfaction of paragraph 2 of Section 6-110 of the Zoning Ordinance, as determined by the Director, DPWES.
- e. Any monetary amount representing the difference between \$955.00 per unit and the value of the above-referenced off-site trail recreational facilities shall be contributed to the Fairfax County Park Authority for recreational improvements to the playing field behind the Lincolnia Senior Center.

4. ENVIRONMENTAL -

- a. In order to achieve the maximum interior noise level of 45 dBA Ldn, the Applicant proffers that all residential units impacted by highway noise having levels between 65 and 70 dBA Ldn (220 feet from centerline of Beauregard Street and 520 feet from centerline of Route 236) shall have the following acoustical attributes:

- (1) Exterior walls shall have a laboratory Sound Transmission Class (STC) of at least 39. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (2) Doors and windows will have a laboratory Sound Transmission Class (STC) of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (3) Adequate measures to seal and caulk between surfaces will be provided.
- b. In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation measures such as acoustical (architecturally solid, no gaps) fences, walls, earthen berms, or combinations thereof shall be provided for open space areas unshielded by topography or built structures as determined by DPWES.
 - c. As an alternative to the above, the Applicant may elect to have a refined acoustical analysis performed subject to approval by DPWES, to verify or amend the noise levels and impact area set forth above and/or to determine which units may have sufficient shielding to permit a reduction in the mitigation measures prescribed above or which may include alternative measures to mitigate noise impact on the site.
 - d. The Applicant shall construct a stormwater management pond meeting Best Management Practices (BMP) requirements of the Public Facilities Manual (PFM) in the location as shown on the CDP/FDP.

5. LANDSCAPING AND OPEN SPACE -

- a. At time of site plan submission, the Applicant shall submit a comprehensive landscaping plan in substantial conformance with landscaping as shown on the CDP/FDP to the Urban Forester for review and approval. The comprehensive landscaping plan shall include native species as recommended by the Urban Forester. The exact location of the proposed planting may be modified as necessary by the Urban Forester, DPWES for the installation of utilities.
- b. A 20-foot wide landscaped buffer with wooden fence barrier shall be provided along the southern and western property line as shown on the CDP/FDP.

6. HOUSING TRUST FUND -

- a. At time of site plan approval, the Applicant shall contribute funds equaling one percent of the aggregate sales price of the total number of units to Fairfax County Housing and Redevelopment Authority for a contribution to the Housing Trust Fund to meet the Count's low and moderate income housing needs.

7. GEOTECHNICAL STUDY -

- a. If required by DPWES at time of site plan submission, the Applicant shall submit a geotechnical soil study for County review and approval.

8. GARAGE CONVERSION -

- a. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction 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, which shall be established, and the Fairfax County Board of Supervisors. Prospective purchasers shall be advised in writing by the Applicant of the use restriction prior to entering into a contract of sale.

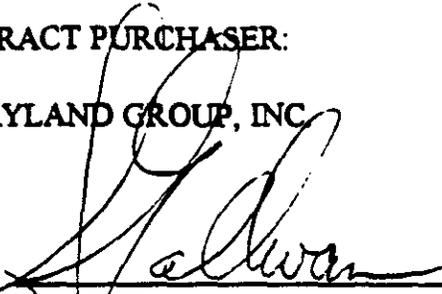
[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

Proffers
RZ/FDP 1999-MA-006
Page 6

CONTRACT PURCHASER:

THE RYLAND GROUP, INC

By:



Scott Gallivan
Operational Vice President

TITLE OWNER:

BEAUREGARD REALTY, INC.

By: Richard R. Wojcik
Richard R. Wojcik

Title: Vice President



APPROVED DEVELOPMENT CONDITIONS

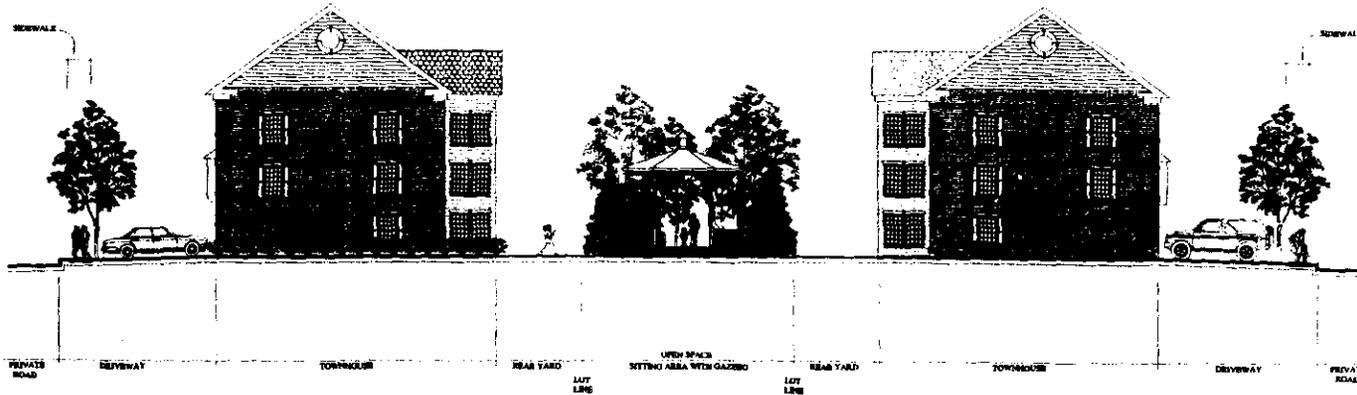
FDP 1999-MA-006

October 13, 1999

If it is the intent of the Planning Commission to approve FDP 1999-MA-006 located at Tax Map 72-2 ((1)) 44B, the staff recommends that the approval be subject to the following development conditions:

1. Development of the subject property shall be in conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan entitled "Conceptual/Final Development Plan, Ryland/Landmark," prepared by Dewberry and Davis, and dated January 12, 1999 as revised through September 28, 1999.
2. A comprehensive landscape plan which includes diverse native species, inclusive of groundcover, shrubs and trees, shall be submitted at the time of site plan review for review and approval by the Urban Forestry Branch of DPWES. At a minimum, landscaping shall be consistent with the quality, quantity and locations depicted on Sheet 1 of the FDP, as determined by the Urban Forestry Branch of DPWES.
3. In addition to the proposed travel lane depicted on the CDP/FDP, improvements to the Lincolnia Senior Center property (Tax Map 72-2 ((1)) 43), shall include: a net gain of approximately 13 parking spaces; paved pedestrian connections from the new parking spaces west to the existing paved surface; and the replacement of any trees removed because of the proposed construction, along the Chambliss Street frontage, as determined by DPWES in coordination with the Lincolnia Senior Center.





SITTING AREA WITH GAZEBO

SECTION D - D'

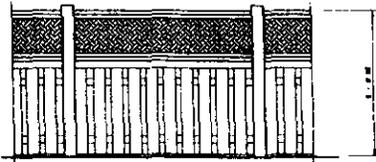


BEAUREGARD STREET FRONTAGE ELEVATION

SECTION E - E'

REV. 06/28/99
 REV. 9/20/99
 REV. 00/06/99

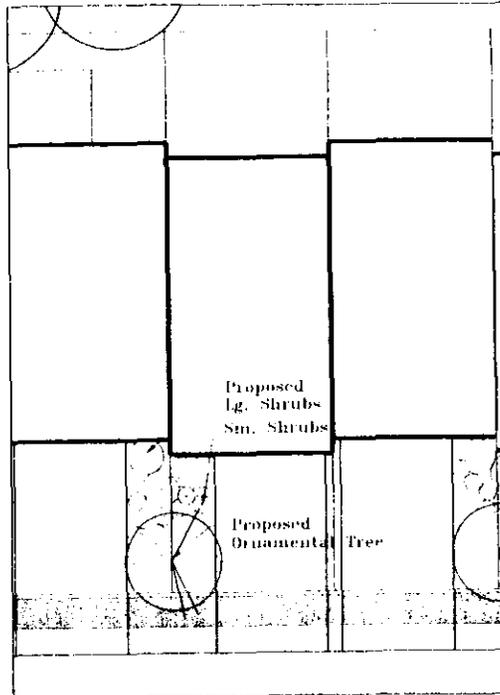
PLANNING DEPARTMENT
 15119



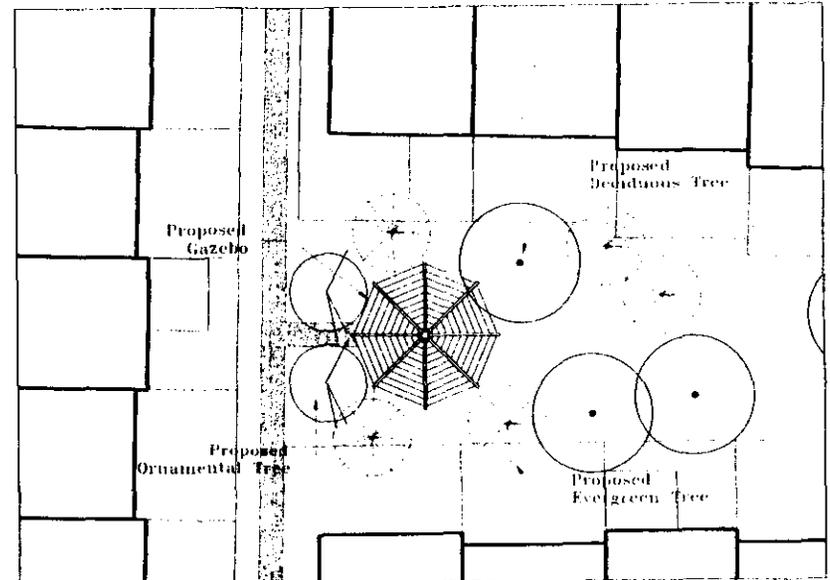
BOARD ON BOARD FENCE WITH LATTICE
 EXACT LOCATION WITH RESPECT TO PROPERTY PERIMETER TO BE DETERMINED AT FINAL SITE PLAN
 NO SCALE



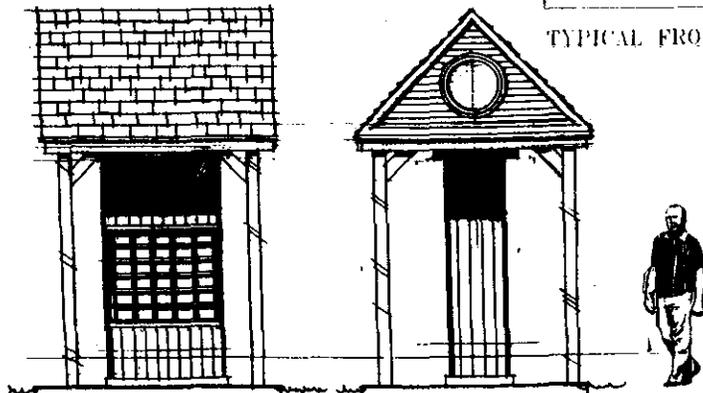
MASONRY WALL/ENTRY FEATURE WITH INTEGRAL SIGNAGE
 EXACT LOCATION WITH RESPECT TO PROPERTY PERIMETER TO BE DETERMINED AT FINAL SITE PLAN
 NO SCALE



TYPICAL FRONT YARD
 No Scale



SEATING AREA WITH GAZEBO
 No Scale



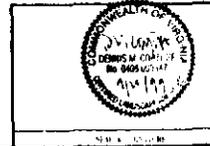
MAIL BOX KIOSK
 NO SCALE

PROPOSED TYPICAL STREET LIGHTS



TYPICAL TOWNHOUSE ELEVATION
 NO SCALE

THE HARDSCAPE ELEMENTS AND BUILDING ELEVATIONS REPRESENTED ON THIS SHEET ARE PRELIMINARY. THEY ARE PRESENTED TO ILLUSTRATE THE GENERAL CHARACTER AND ARCHITECTURAL THEME OF THE PROPOSED DEVELOPMENT PROGRAM. THE ELEMENTS AND ELEVATIONS WILL BE REFINED AND SUBJECT TO MINOR MODIFICATIONS WITH FINAL ENGINEERING AND ARCHITECTURAL DESIGN.



REV. 9/28/99
 Rev. 9/20/99
 Rev. 06/05/99
 Rev. 06/02/99
 Rev. 05/03/99