



FAIRFAX COUNTY

APPLICATION FILED: May 5, 2000
APPLICATION AMENDED: November 3, 2000
PLANNING COMMISSION: February 15, 2000
BOARD OF SUPERVISORS: Not Scheduled

V I R G I N I A

February 8, 2000

STAFF REPORT ADDENDUM

APPLICATION RZ/FDP 2000-MV-019

MOUNT VERNON DISTRICT

APPLICANT:	Washington Homes, Inc.
PRESENT ZONING:	R-1
REQUESTED ZONING:	PDH-12
PARCEL(S):	107-1 ((1)) 2; 107-2 ((1)) 30, 31, 32, 34, 35, 36, 37, 38, 39; 107-4 ((1)) 6
ACREAGE:	57.00
DENSITY:	10.05 du/ac
OPEN SPACE:	20 acres (35 percent)
PLAN MAP:	8-12 du/ac
PROPOSAL:	Develop 573 Dwelling Units Consisting of 144 Single Family Detached Dwelling Units, 106 Single Family Attached Dwelling Units and 323 Multi-Family Dwelling Units

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2000-MV-019 subject to the execution of the draft proffers contained in Attachment 2 and approval of the Conceptual Development Plan.

Staff further recommends that the Final Development Plan be approved by the Planning Commission subject to the development conditions contained in Attachment 3.

Staff further recommends that the transitional screening yard requirement be modified along the southern boundary and abutting Parcel 33.

Staff further recommends that the barrier requirement be waived along the southern boundary in favor of a wall that encloses the privacy yards for the single family attached dwelling units along that boundary and referenced in the proffers.

Staff further recommends that the limitation on the length of private streets be waived.

Staff further recommends that the requirement of Sect. 2-414 that residences be located a minimum of 200 feet from the edge of the right-of-way for an interstate highway be waived with regard to the portion of the parking garage located closer than 200 feet of the right-of-way for I-95.

It should be noted that the main/trunk sewer lines serving this property may be inadequate. Should the Board approve this application, that approval in no way guarantees that sewer capacity will be available to serve this site when the property is developed.

It should be noted that it is not the intent of the 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 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.



BACKGROUND

The December 28, 2000, Staff Report for this development proposal written for the previously scheduled January 11, 2001, Planning Commission public hearing, recommended approval of RZ 2000-MV-019 subject to the draft proffers contained in Appendix 1. The staff report also recommended approval of the Final Development Plan subject to development conditions. The staff report noted several suggested areas of improvement to the application. After the publication of the Staff Report, the Planning Commission public hearing was deferred to February 15, 2001.

The applicant has submitted a revised combined Conceptual/Final Development Plan and a revised proffer statement. A reduction of the revised CDP/FDP is included as Attachment 1 and the revised proffer statement is included as Attachment 2. Revised Proposed Final Development Plan Development Conditions are included as Attachment 3. A redlined set of proffers comparing the set in Attachment 2 with the set contained in Appendix 1 of the Staff Report is contained in Attachment 4. A locator map is included as Attachment 5.

DISCUSSION

One of the primary reasons for the deferral was to allow staff, the applicant for this case and the applicant for RZ/FDP 1999-MV-053, an adjacent application, to continue negotiations regarding the widening of Silverbrook Road across the frontage of the application property for RZ 1999-MV-053. This zoning case and RZ/FDP 1999-MV-053 are linked because access to both properties is via an "Access Road" that is to be built along the common boundaries between the two applications. While staff recommended approval of this case, staff recommended denial of RZ/FDP 1999-MV-053 due to a number of outstanding issues. The primary reason for the recommendation was the lack of a commitment to widen Silverbrook Road in accordance with the recommendations of the Comprehensive Plan. In addition to identifying Silverbrook Road to be improved to a four (4) lane divided roadway, the Plan text applicable to this sub-unit of the Lorton-South Route 1 Community Planning Sector states, "Consolidated or coordinated development should take place to straighten Silverbrook Road . . ." At the time of preparation of this addendum, the issues related to the widening of Silverbrook Road along the frontage of RZ/FDP 1999-MV-053 remain unresolved.

These two cases, RZ/FDP 1999-MV-053 and RZ 2000-MV-019, are linked because they share the same access point from Silverbrook Road. Silverbrook Road is planned to be widened to a four lane divided facility. In this area, only two median break locations are acceptable, one at the existing intersection with Plaskett Lane and the second at the proposed location of the "Access Road." There is insufficient distance between these two points to install a third intersection. Further, while for this application property does have access to Plaskett Lane, that access is too close to the intersection with Silverbrook Road. Further, it is inappropriate to direct the traffic from the proposed 573 dwelling units onto Plaskett Lane. Therefore, it is desirable for both of these cases (RZ 2000-MV-019 and

RZ 1999-MV-053) be approved concurrently with the appropriate inter-linked commitments to ensure the construction of the "Access Road." If the issues associated with RZ 1999-MV-053 cannot be resolved and that zoning application is denied, the proffers for this case, RZ 2000-MV-019 must ensure that the "Access Road" is available for traffic prior to the issuance of building permits for the construction of any of the proposed dwelling units.

Revised Conceptual/Final Development Plan for RZ/FDP 2000-MV-019

The following changes were made to the CDP/FDP:

- The overall number of units proposed was reduced by thirteen (13) to 573 dwelling units. The number of single family detached dwelling units was increased to 144 and the number of single family attached dwelling units was decreased to 106. The number of multi-family dwelling units was not changed; 323 multi-family dwelling units are proposed.
- The change in the mix of dwelling units was achieved by converting the block in the center of the single family detached housing area from attached to detached dwelling units. With this change the northwestern third of the application property is all single family detached dwelling units.
- A note has been added to the CDP/FDP to allow the five units located north of the "Access Road" to be replaced with a stormwater management pond serving the development proposed pursuant to RZ 1999-MV-053. This land is Tax Map Parcel 2 and is identified on the CDP/FDP for this case as the "Spaulding Property." The latest CDP/FDP for RZ 1999-MV-053 shows the "Spaulding Property" as the site for the stormwater management facility for the proposed development pursuant to RZ 1999-MV-053.
- The layout of the lots within the portion of the site devoted to detached dwelling units has been changed to have the lots on the ends of the blocks front onto those streets rather than having all the units along the roadway face in a similar direction.
- The layout of the lots for the detached units proposed adjacent to Silverbrook Road has been changed to add two pipestem lots at the southern end of that section of housing.
- The amount of land devoted to the recreation center has been reduced and single family detached units have been added on either side of the recreation center.
- An additional townhouse building with four (4) units has been added across from the proposed multi-family buildings.
- Sidewalks have been added to the travel aisle leading to the parking garage for the multi-family dwelling units. This change is also shown in section view on the Details included on Sheet 3.
- The tennis court displaced by the additional townhouse building has been relocated to the area between the townhomes and Interstate 95.
- A detail for the area adjacent to Silverbrook Road has been added to the detailed single family detached lot layouts on Sheet 6. This detail shows the

dwelling units adjacent to Silverbrook Road fronting onto that street, with vehicular access to the lots provided from the internal streets. A similar feature is shown in a detail for the proposed units on Parcel 2 located north of the "Access Road."

- A second detail layout for the single family detached units along the northern boundary has been added. Option B shows a proposed layout with the units along that boundary fronting to the north, should that be feasible given the layout of any future development along that boundary.

Issues Identified in the Staff Report

The issues identified in the December 28, 2000 staff report regarding RZVFDP 2000-MV-019 are listed below with the applicant's response following each issue:

1. The five dwelling units located north of the "Access Road" and adjacent to Silverbrook Road on Tax Map Parcel 2 should be eliminated and the stormwater management facility for RZ 1999-MV-053 built in this location as shown on the current CDP/FDP for RZ 1999-MV-053.

While the CDP/FDP still includes these proposed lots, a note has been included on the plan stating that this area may be used as a stormwater management facility for the adjacent development. As noted in the staff reports regarding both of these cases, staff recommends that Parcel 2 be made part of the development proposed by RZ 1999-MV-053 to have the "Access Road" serve as the boundary between the two projects and likely homeowner associations and so that the five units could be located away from Silverbrook Road and the traffic noise associated with that facility. The CDP/FDP for RZ 1999-MV-053 shows the stormwater management facility. However, the draft proffers do not address the circumstance under which the pond could be located there and the CDP/FDP for RZ 1999-MV-053 does not include a proposed alternative.

2. The area of significant vegetation near the southwestern corner of the property should be preserved.

The revised CDP/FDP designates this area a "Possible Tree Save Area." The proffers commit the applicant to an expenditure of up to \$10,000 to save these trees. However, it is not clear what this money would be directed to, engineering design or actual measures at the time of construction to save this area of trees. This partially addresses this issue but does not ensure that this area of significant vegetation would ultimately be saved.

3. The draft proffers for this case and RZ-1999-MV-053 should be revised to address the issues of timing associated with the construction of the "Access Road" and having the stormwater management facility for RZ 1999-MV-053 located "offsite."

The revised proffer statement includes provisions for the applicant to request that the County condemn the necessary right-of-way for the "Access Road" at the applicant's expense. The draft proffer also states that site plan approval may proceed during the period when this issue is being resolved. While the proffer states that the right-of-way from the application property would be dedicated with the approval of the first subdivision plat or upon demand of the County or VDOT, the proffer does not preclude the development from going forward without construction of the "Access Road." If the "Access Road" is not constructed, all 573 of the proposed dwelling units would be accessed via the temporary access onto Plaskett Lane. The temporary connection to Plaskett Road is located too close to its intersection with Silverbrook Road and Plaskett Lane and is not planned to be improved to handle this level of traffic. To address this contingency, the draft proffers commit that none of the units would be constructed until the "Access Road" is built and available for use.

4. The open space area in the northeast corner of the property to be preserved should be dedicated to the Board of Supervisors for park purposes.

The revised proffer statement has addressed this issue.

5. The draft proffers should be revised to provide an escrow for the removal of the temporary cul-de-sac at the end of the "Access Road" and to extend that roadway to the property line.

The draft proffer statement includes a commitment to escrow funds for the extension of the "Access Road" to the property line, thereby obviating the need for that proposed Final Development Plan Development Condition. However, the revised draft proffers include a caveat that the grading would only be completed if a retaining wall is not required. This caveat should be stricken from the proffer statement.

Additional Revisions to the Draft Proffers

In addition to the issues identified above, the draft proffer statement has been revised as follows:

- A commitment to place a sign noting that the road is to be continued to the north at the temporary cul-de-sac on the "Access Road" has been added.
- A pedestrian access easement has been proffered to be placed on the sidewalks within the property.
- A commitment to coordinate the relocation of the existing school bus stop on Silverbrook Road to ensure child safety has been included.
- A contribution of \$500.00 per single family dwelling unit has been proffered for the construction of schools or other public facilities associated with schools. The

proffers state that if this funding has not been utilized by the time of final bond release for the project, the money would be returned to the applicant.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The additional material submitted by the applicant has partially addressed some of the outstanding issues raised in the staff report. In addition, the proposed revisions to the CDP/FDP raise other issues.

- The area of significant vegetation in the southwestern portion of the property should be saved; the preservation of this area should not be a possibility subject to a limited expenditure of \$10,000.
- The revised site for the recreation center is too constrained. One of the adjacent proposed single family detached lots should be incorporated into that facility to make the amount of land devoted to that facility larger.
- The draft proffer statement should be revised to include the requirement regarding privacy fences contained in the proposed development conditions.

Recommendations

Staff recommends approval of RZ 2000-MV-019 subject to the execution of the draft proffers contained in Attachment 2 and approval of the Conceptual Development Plan.

Staff further recommends that the Final Development Plan be approved by the Planning Commission subject to the development conditions contained in Attachment 3.

Staff further recommends that the transitional screening yard requirement be modified along the southern boundary and abutting Parcel 33.

Staff further recommends that the barrier requirement be waived along the southern boundary in favor of a wall that encloses the privacy yards for the single family attached dwelling units along that boundary and referenced in the proffers.

Staff further recommends that the limitation on the length of private streets be waived.

Staff further recommends that the requirement of Sect. 2-414 that residences be located a minimum of 200 feet from the edge of the right-of-way for an interstate highway be waived with regard to the portion of the parking garage located closer than 200 feet of the right-of-way for I-95.

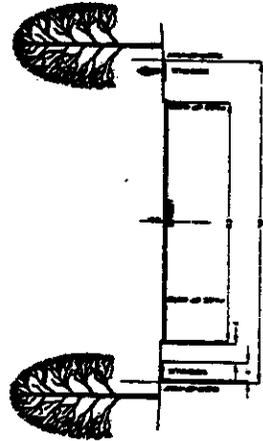
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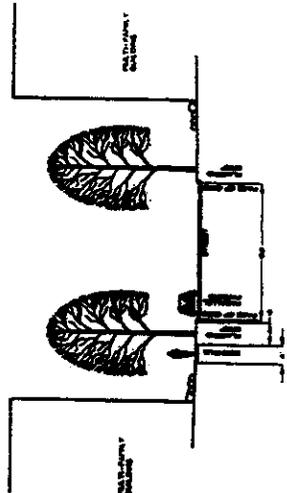
It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

ATTACHMENTS

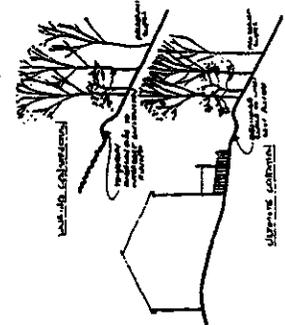
1. Reduction of the Revised CDP/FDP
2. Draft Proffer Statement
3. Proposed Development Conditions
4. Redlined Proffer Statement Comparing Attachment 2 with Appendix 1 of the Staff Report
5. Locator Map



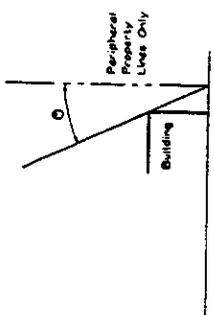
TYPICAL PUBLIC STREET SECTION
4 LANE - UNDIVIDED



TYPICAL STREET SECTION FOR MULTI-FAMILY
PARKING GARAGE ACCESS ROAD



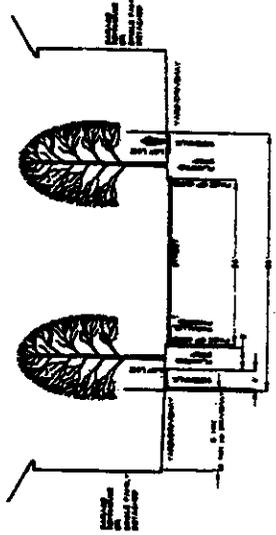
EXISTING SLOPE PROTECTION/DRAINAGE EXHIBIT
NOT TO SCALE



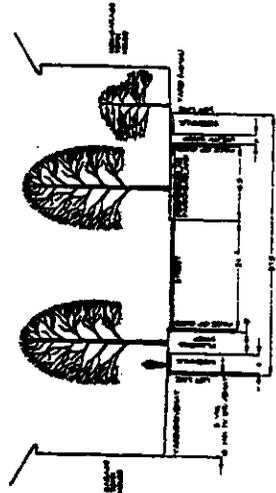
ANGLE OF BULK PLANE DETAIL

Single Family Detached 2 30'
Single Family Attached 1 25'
Multi-Family 1 25'

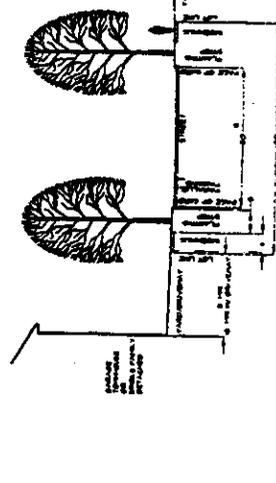
(in conformance with the comparable
R-12 ADU zoning district)



TYPICAL 88' STREET SECTION



TYPICAL GARAGE/NON-GARAGE STREET SECTION



TYPICAL GARAGE STREET SECTION AT
SINGLE FAMILY UNITS

1	Project Name	11/15/11	11/15/11	11/15/11
2	Project Location	11/15/11	11/15/11	11/15/11
3	Project Number	11/15/11	11/15/11	11/15/11
4	Project Status	11/15/11	11/15/11	11/15/11
5	Project Manager	11/15/11	11/15/11	11/15/11
6	Project Engineer	11/15/11	11/15/11	11/15/11
7	Project Designer	11/15/11	11/15/11	11/15/11
8	Project Checker	11/15/11	11/15/11	11/15/11
9	Project Approver	11/15/11	11/15/11	11/15/11
10	Project Date	11/15/11	11/15/11	11/15/11

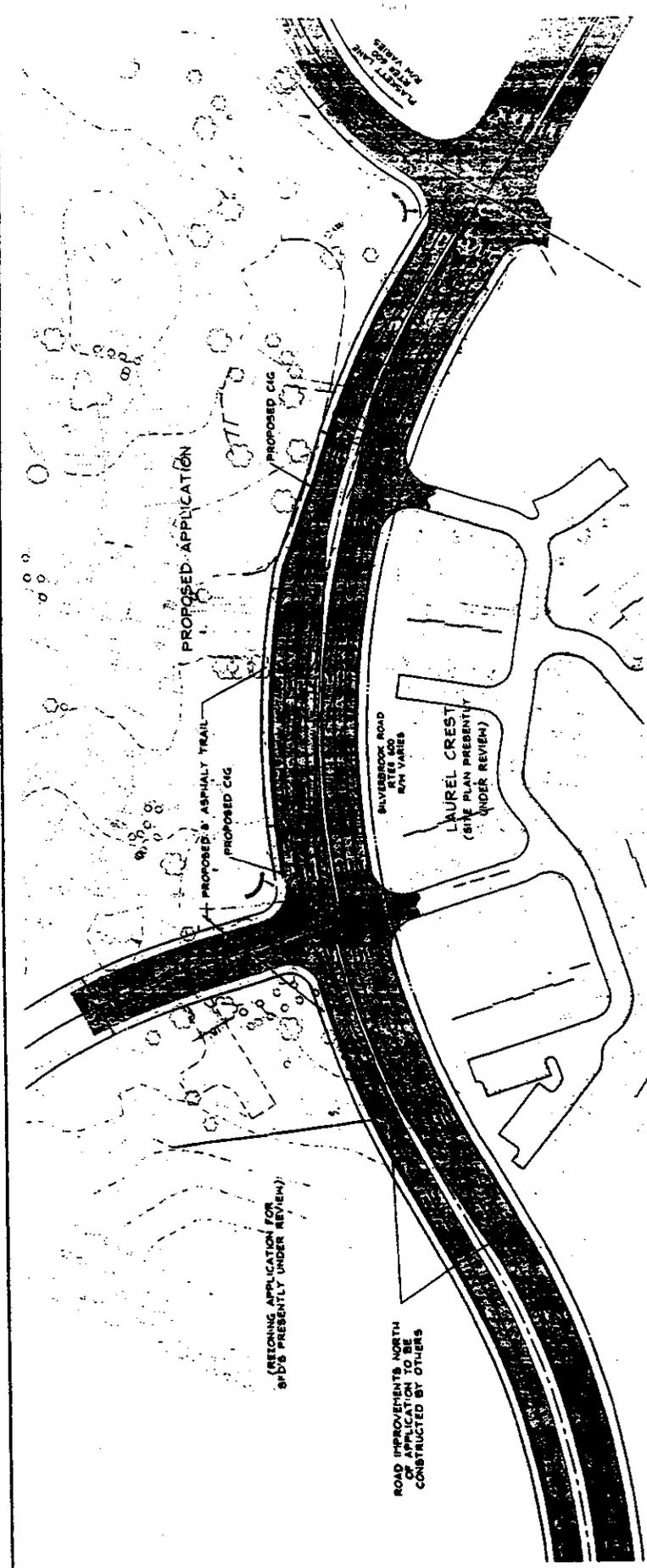


WASHINGTON HOMES
SILVERBROOK ROAD
MT. VERNON DISTRICT
PAMUNKEY COUNTY, VA

DETAILS

PHRA
Professional Home & Real Estate Appraisers
11111 PHRA DRIVE
PAMUNKEY COUNTY, VA 22441
TEL: 540-338-1111
WWW.PHRAVA.COM

PROJECT	P.A.B.	DATE	APRIL 10, 2011
DESIGNER	P.A.B.	SCALE	N/A
CHECKER	D.M.B.	DATE	11/15/11
APPROVER	B. G. B.	DATE	11/15/11



PROPOSED ROAD IMPROVEMENTS

THIS PLAN IS FOR ROAD IMPROVEMENT INFORMATION ONLY

NO.	DESCRIPTION	DATE	BY	CHECKED	DATE
1	DESIGNED	11/17/04	...	...	...
2
3
4
5

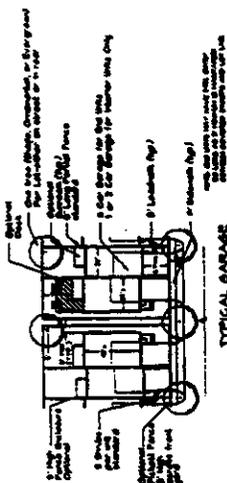


NEAR WASHINGTON HOMES
SILVERBROOK ROAD
 MT. VERNON DISTRICT
 FAIRFAX COUNTY, VA

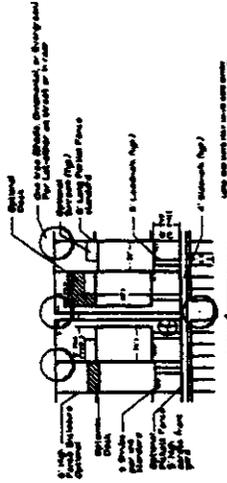
SILVERBROOK ROAD PLAN

PHRA
 Planning & Engineering
 1000 North Dulles Avenue, Suite 100
 Herndon, VA 22061
 Phone: 703.441.1111
 Fax: 703.441.1111

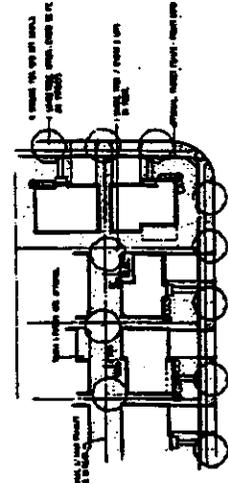
REVISION	DATE	BY	DESCRIPTION
1	04/10/04	...	...
2	...	...	...
3	...	...	...
4	...	...	...



TYPICAL GARAGE TOWNHOME LAYOUT

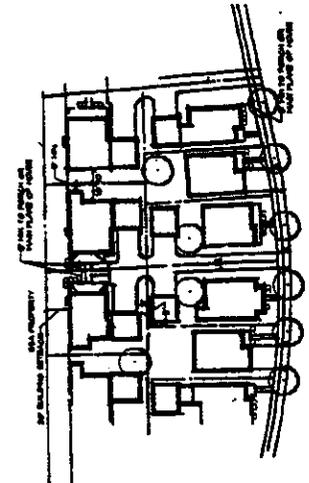


TYPICAL NON-GARAGE TOWNHOME LAYOUT



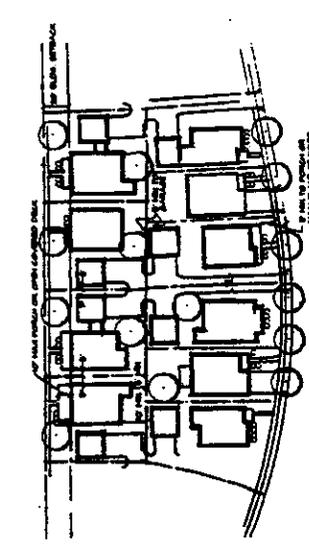
TYPICAL SINGLE FAMILY DETACHED STREET LAYOUT

NOTE: THE INFORMATION SHOWN ON THIS SHEET IS CONCEPTUAL AND FOR ILLUSTRATIVE PURPOSES ONLY. THE INFORMATION REPRESENTS THE GENERAL CHARACTER AND THEME OF THE PROPOSED DEVELOPMENT AND LANDSCAPE FEATURES. THE DESIGN IS SUBJECT TO MINOR MODIFICATION WITH FINAL ENGINEERING, ARCHITECTURE, AND LANDSCAPE DESIGN.



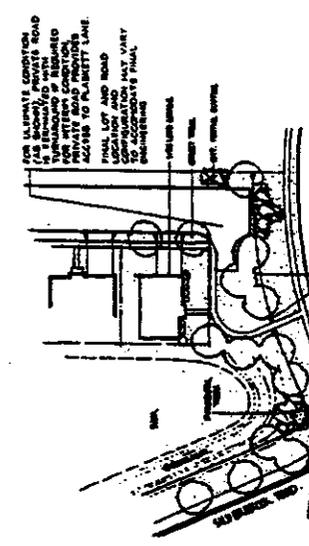
OPTION A

TYPICAL DETAILS FOR LOTS ALONG NORTH PROPERTY LINE

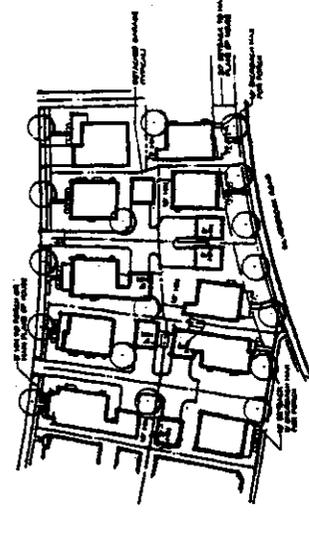


OPTION B

TYPICAL DETAILS FOR LOTS ALONG NORTH PROPERTY LINE



SILVERBROOK ROAD/ASSET LANE INTERSECTION



TYPICAL LOT DETAILS

- 1. NUMBER OF LOTS AND LOT SHAPES MAY VARY. SEE
- 2. FINAL LOT LINES MAY BE ALLOWED AS LONG AS
- 3. BUILDING FOOTPRINTS ARE MAINTAINED AS SHOWN.
- 4. BUILDING FOOTPRINTS SHALL BE MAINTAINED AS SHOWN.
- 5. CONSTRUCTION OF THIS DEVELOPMENT IS SUBJECT TO
- 6. APPROVAL BY THE LOCAL GOVERNMENT.
- 7. THIS SHEET IS FOR INFORMATION ONLY.

Dan Anderson Community Design Studio
 808 Centerville Road
 (Chesapeake, VA 23041)

DATE	PHASE	BY
APRIL 10, 2000	P.L.B.	
DATE	PHASE	BY
DATE	PHASE	BY
DATE	PHASE	BY

PHR&A

Professional Engineers
 Professional Surveyors
 Professional Landscapers
 Professional Architects

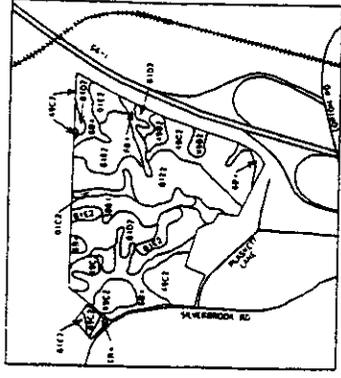
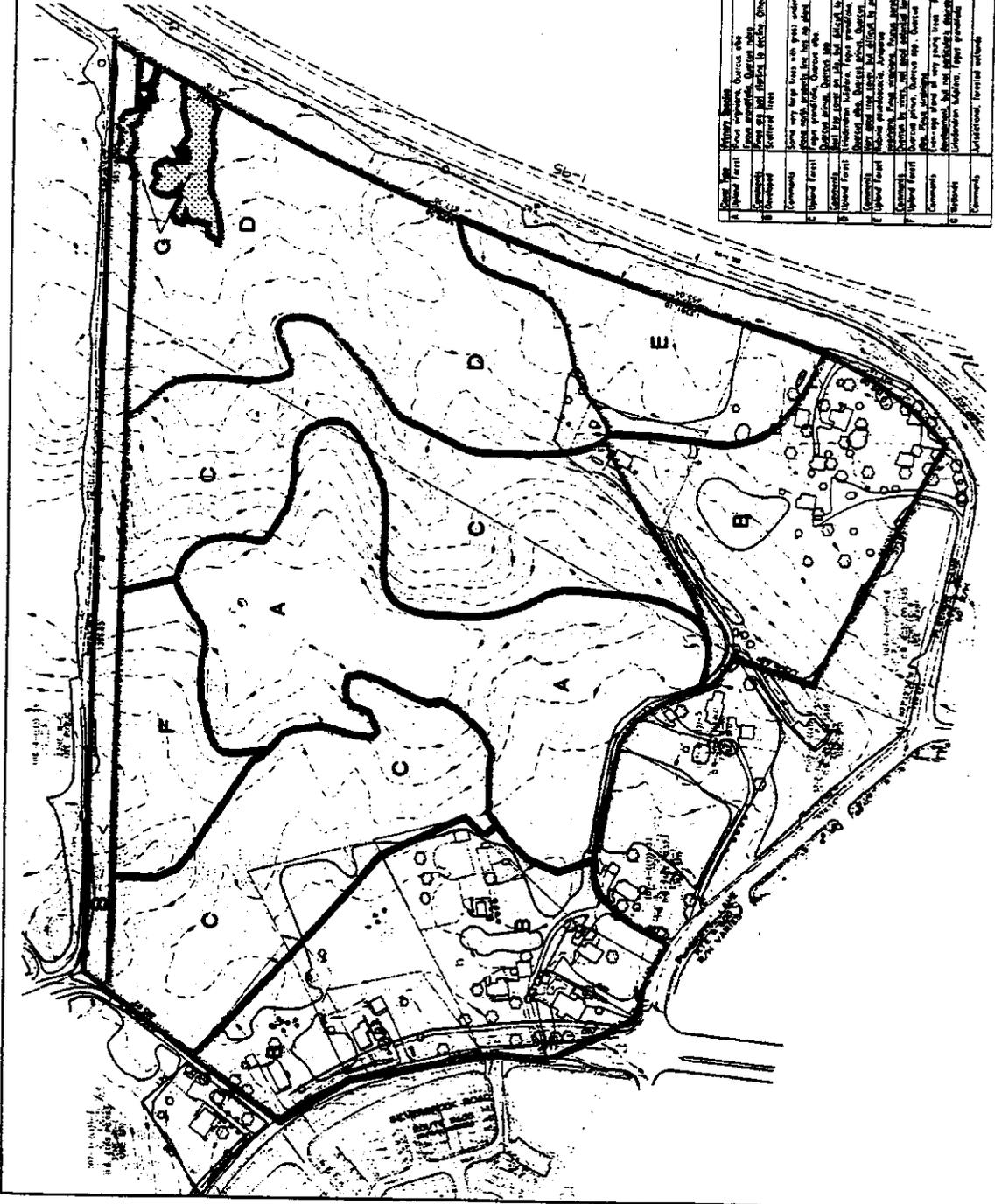
1000 N. 10th St., Suite 100
 Norfolk, VA 23510
 (757) 622-1111

DETAILS

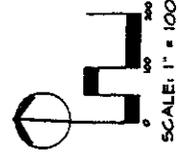
WASHINGTON HOMES AT SILVERBROOK ROAD
 MT. VERNON DISTRICT
 FAIRFAX COUNTY, VA



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	04/10/00	P.L.B.
2	REVISION	04/10/00	P.L.B.
3	REVISION	04/10/00	P.L.B.
4	REVISION	04/10/00	P.L.B.
5	REVISION	04/10/00	P.L.B.
6	REVISION	04/10/00	P.L.B.
7	REVISION	04/10/00	P.L.B.
8	REVISION	04/10/00	P.L.B.
9	REVISION	04/10/00	P.L.B.
10	REVISION	04/10/00	P.L.B.



SOILS MAP (Reference: Fairfax County Soils Maps)
 4B1 Medium Fine Sand, Loam
 4B2 Medium Fine Sand, Loam, Indurated Phase
 4C1 Fine Sand, Loam, Indurated Phase
 4C2 Fine Sand, Loam, Indurated Phase
 4D1 Heavy Clay, Loam, Indurated Phase
 4D2 Heavy Clay, Loam, Indurated Phase
 4E2 Heavy Clay, Loam, Indurated Phase



Soil No.	Soil Name	Soil Description	Soil Color	Soil Texture	Soil Structure	Soil Use
4B1	Medium Fine Sand, Loam	Very fine to fine sand, loam, silty, brown to yellowish brown, friable, non-sticky, non-plastic.	10YR 5/1-6/1	loam	medium to fine	low to medium
4B2	Medium Fine Sand, Loam, Indurated Phase	Very fine to fine sand, loam, silty, brown to yellowish brown, friable, non-sticky, non-plastic, indurated.	10YR 5/1-6/1	loam	medium to fine	low to medium
4C1	Fine Sand, Loam, Indurated Phase	Fine to medium sand, loam, silty, brown to yellowish brown, friable, non-sticky, non-plastic, indurated.	10YR 5/1-6/1	loam	medium to fine	low to medium
4C2	Fine Sand, Loam, Indurated Phase	Fine to medium sand, loam, silty, brown to yellowish brown, friable, non-sticky, non-plastic, indurated.	10YR 5/1-6/1	loam	medium to fine	low to medium
4D1	Heavy Clay, Loam, Indurated Phase	Very fine to fine sand, loam, silty, brown to yellowish brown, friable, non-sticky, non-plastic, indurated.	10YR 5/1-6/1	loam	medium to fine	low to medium
4D2	Heavy Clay, Loam, Indurated Phase	Very fine to fine sand, loam, silty, brown to yellowish brown, friable, non-sticky, non-plastic, indurated.	10YR 5/1-6/1	loam	medium to fine	low to medium
4E2	Heavy Clay, Loam, Indurated Phase	Very fine to fine sand, loam, silty, brown to yellowish brown, friable, non-sticky, non-plastic, indurated.	10YR 5/1-6/1	loam	medium to fine	low to medium

WASHINGTON HOMES
SILVERBROOK ROAD
 MT. VERNON DISTRICT
 FAIRFAX COUNTY, VA

PHIRA
 PROFESSIONAL LANDSCAPE ARCHITECTS
 1000 N. WEST ST., SUITE 100
 ARLINGTON, VA 22201
 TEL: 703-261-1100
 FAX: 703-261-1101

EXISTING VEGETATION & SOILS MAP

NO.	DATE	BY	REVISION
1	01/15/00	PHIRA	ISSUED
2	01/15/00	PHIRA	REVISED
3	01/15/00	PHIRA	REVISED
4	01/15/00	PHIRA	REVISED
5	01/15/00	PHIRA	REVISED
6	01/15/00	PHIRA	REVISED
7	01/15/00	PHIRA	REVISED
8	01/15/00	PHIRA	REVISED
9	01/15/00	PHIRA	REVISED
10	01/15/00	PHIRA	REVISED

**PROPOSED DEVELOPMENT CONDITIONS
STAFF REPORT ADDENDUM**

February 8, 2001

FDP 2000-MV-019

If it is the intent of the Planning Commission to approve Final Development Plan FDP 2000-MV-019 for residential development on property located at Tax Maps 107-1 ((1)) 2; 107-2 ((1)) 30, 31, 32, 34, 35, 36, 37, 38, 39; 107-4 ((1)) 6, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Privacy fences shall be provided at the rear of the yards for all single family attached dwelling units located near the southern property boundary. This privacy fence shall be a minimum of six (6) feet in height.
2. The dwelling units located along Silverbrook Road shall not have direct access to that roadway. The access for those lots shall be in a manner similar to that shown on the typical lot details depicted on Sheet 6 of the FDP.

Proffers
RZ 2000-MV-019

OWNER: Tax Map 107-4 ((1)) 6

Benjamin D. Leigh, Agent and Attorney-in-fact for
LEATHERS FLEENOR COMPANY

Proffers
RZ 2000-MV-019

OWNER: Tax Map 107-2 ((1)) 39

Benjamin D. Leigh, Agent and Attorney-in-fact for
BRYAN R. SCHULTZ

Benjamin D. Leigh, Agent and Attorney-in-fact for
MARTHA B. SCHULTZ

Proffers
RZ 2000-MV-019

OWNER: Tax Map 107-2 ((1)) 37 and 38

GLENN W. HALL

MARGARET H. MAHON

Proffers
RZ 2000-MV-019

OWNER: Tax Map 107-2 ((1)) 36

DAVID A. WEASE

JENNIFER L. WEASE

Proffers
RZ 2000-MV-019

OWNERS: Tax Map 107-2 ((1)) 35

CHARLES A. HARROVER

Proffers
RZ 2000-MV-019

OWNERS: Tax Map 107-2 ((1)) 34

JOHN E. COWLES, Trustee

OWNERS: Tax Map 107-2 ((1)) 32

Benjamin D. Leigh, Agent and Attorney-in-fact for
KENNETH BLUNT, JR.

Benjamin D. Leigh, Agent and Attorney-in-fact for
LUCILLE BLUNT

Benjamin D. Leigh, Agent and Attorney-in-fact for
JOHN D. BLUNT

Benjamin D. Leigh, Agent and Attorney-in-fact for
JANET M. BLUNT

Benjamin D. Leigh, Agent and Attorney-in-fact for
LETHA M. PATERMATER

Benjamin D. Leigh, Agent and Attorney-in-fact for
JOSEPH L. ROGERS

Benjamin D. Leigh, Agent and Attorney-in-fact for
AUDREY D. ROGERS

Proffers
RZ 2000-MV-019

OWNERS: Tax Map 107-2 ((1)) 31

ZANE C. FLEENOR

CINDY M. FLEENOR

Proffers
RZ 2000-MV-019

OWNER: Tax Map 107-2 ((1)) 30

Benjamin D. Leigh, Agent and Attorney-in-fact for
CENTURION DEVELOPMENT CORPORATION

Proffers
RZ 2000-MV-019

OWNER: Tax Map 107-1 ((1)) 2

DOUGLAS C. SPALDING

LESLEY A. SPALDING

Proffers
RZ 2000-MV-019

APPLICANT/CONTRACT PURCHASER:

**HOVNANIAN ENTERPRISES, INC., successor in interest to
WASHINGTON HOMES, INC.**

By: _____

Name: _____

Title: _____

entering into contract of sale. This restriction shall also be included in the homeowners association documents.

- f. If requested by DPWES during site plan review, the Applicant shall have a geotechnical study of the Application Property prepared by a geotechnical engineer, shall submit the report to DPWES for review and approval and shall implement the recommendations outlined in the approved study.
- g. Homes constructed on the Application Property shall meet thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DPWES, for either electrical or gas energy systems.
- h. That portion of the Application Property currently identified as tax map 107-1 ((1)) 2 may be the subject of a separate subdivision plat to be reviewed and approved by DPWES. For purposes of subdivision plat approval, issuance of building permits and residential use permits, and bond release, only those proffers identified herein as 1a., 1b., 1c., 2a., 2c., 2e., 2k., 2l., 3a., 4, 9d. shall be applicable.
- i. Applicant shall contribute the sum of Five Hundred (\$500.00) per approved market rate for sale single family attached unit and single family detached unit to Fairfax County for the construction of schools, or other public facilities associated with schools, in the Lorton-South Area. Said contribution shall be made to Fairfax County, and placed in an interest bearing escrow account at time of issuance of building permits for each section of residential development. Should the Fairfax County Board of Supervisors fail to identify and approve a school site(s) and allocate necessary funding at time of bond release for each section, said escrowed amount shall be returned together with accrued interest to the Applicant.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

the number of lots or lot layout as shown on the CDP/FDP. Access shall be allowed for Heritage Resources to conduct such studies for a period up to six months from the final date of this rezoning approval unless otherwise mutually agreed to by the Applicant and Heritage Resources. The Applicant shall also make the Application Property available to Heritage Resources for monitoring during construction for the purpose of recovering any artifacts that may be exposed. Said studies shall not interfere with the construction schedule of the Application Property.

- c. The Applicant shall retain ownership of all artifacts found on the Application Property.

9. MISCELLANEOUS -

- a. These proffers shall bind and inure to the benefit of the Applicant and his or her successors and assigns.
- b. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.
- c. The improvements described herein shall be phased to be constructed with each phase of the development of the Application Property.
- d. The Applicant shall establish a homeowners association for the proposed development to own, manage and maintain the open space including the common tree save areas, and all other community owned land and improvements. Restrictions placed on the use of the open space/buffer areas, and maintenance responsibilities of the homeowners association, including maintenance of sidewalks and private streets, shall be disclosed to all prospective homeowners in a disclosure memorandum at time of contract execution and included in the homeowners association documents.
- e. A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of 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, which shall be established, and the Fairfax County Board of Supervisors. Purchasers shall be advised of the use restriction prior to

located near the edge of the right-of-way for I-95 or in an alternative location as approved by DPWES. The structure must be architecturally solid from the ground up with no gaps or openings and of sufficient height to adequately shield the impacted areas from the source of the noise.

- f. Nothing herein shall be construed to restrict or otherwise limit the use of balconies, patios or decks on residential units. All multifamily units with balconies facing Interstate 95, and not screened by the parking structure, shall be enclosed.
- g. No residential units shall be constructed within 200 feet of the Interstate 95 (South) right-of-way as shown on the CDP/FDP. This restriction shall not apply to garages or other non-residential structures.

7. **AFFORDABLE HOUSING -**

Applicant shall comply with the Affordable Dwelling Unit (ADU) program as set forth in Part 8 of Article 2 of the Zoning Ordinance. The number of ADUs to be provided may be reduced based on the adoption of a future amendment to the provisions of the ADU Ordinance. Affordable dwelling units shall be provided within the multi-family portion of the development.

8. **HERITAGE RESOURCES -**

- a. Prior to any land disturbing activities on the Application Property, Applicant shall conduct a Phase II archaeological study on that area identified on the Application Property as Site 107-2#P21. The studies shall be performed by a qualified archaeological professional approved by the Fairfax County Heritage Resources Branch ("Heritage Resources"). The results shall be reviewed and approved by Heritage Resources. In the event that a Phase III archaeological study is warranted on this site, Applicant shall conduct said study at a cost not to exceed Ten Thousand Dollars (\$10,000.00).
- b. Prior to any land disturbing activities on the Application Property, Applicant shall provide access to the Application Property to Heritage Resources to conduct archaeological studies on the Application Property, provided that said studies shall not interfere with the proposed construction schedule of the Application Property or affect

areas from the source of the noise.

- c. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within a highway noise impact zone of DNL 65-70 dBA shall employ the following acoustical treatment measures:
 - i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
 - ii. Doors and windows shall have a laboratory STC rating of at least 28 unless windows constitute more than 20% of any façade exposed to noise levels of DNL 65 dBA or above. If windows constitute more than 20% of an exposed façade, then the windows shall have a STC rating of at least 39.
 - iii. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.
- d. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within a highway noise impact zone of DNL 70-75 dBA shall employ the following acoustical treatment measures:
 - i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45.
 - ii. Doors and windows shall have a laboratory rating of at least 37 unless windows constitute more than 20% of any façade exposed to noise levels of DNL 65 dBA or above. If windows constitute more than 20% of an exposed façade, then the windows shall have an STC rating of at least 45.
 - iii. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.
- e. Applicant shall not construct residential units within any areas that exceed DNL 75 dBA as shown in the noise analysis unless appropriate noise mitigation measures are provided as approved by DPWES. Noise mitigation measures may include a sound attenuation wall and/or berm-wall combination, subject to DPWES and DPZ approval. The wall or berm-wall shall be built of materials acceptable to VDOT and shall be

5. STORMWATER MANAGEMENT -

- a. The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP) in the locations as generally shown on the CDP/FDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless waived or modified by DPWES. In the event that on-site stormwater management is waived or modified by DPWES, removal or modification of the SWM ponds shown on the CDP/FDP shall not require the approval of a proffered condition amendment or an amendment to the CDP/FDP.
- b. The SWM pond and outfall located in the northeast corner of the Application Property shall be constructed to be outside of the preservation area identified on the CDP/FDP.
- c. Should one or more of the proposed SWM ponds be waived or modified by DPWES, that area not utilized as a SWM pond shall remain as open space owned by the homeowners association established for the community, subject to the installation of utilities.
- d. In order to restore a natural appearance to the proposed SWM ponds, a landscape plan shall be submitted at time of site plan submission showing landscaping, in addition to that shown on the CDP/FDP, around the ponds to the greatest extent possible in keeping with the planting policies of DPWES.

6. NOISE ATTENUATION -

- a. Prior to final site plan approval, the Applicant shall provide a revised noise analysis based on final site grades and future traffic volumes to DPWES. The noise analysis shall utilize standard measures to evaluate noise, and shall demonstrate that exterior noise levels for both ground and upper story levels of any unit does not exceed DNL 75 dBA and that exterior noise within the privacy yards and outdoor recreational areas are reduced to below DNL 65 dBA.
- b. For privacy yards and outdoor recreational areas exposed to noise levels above DNL 65 dBA but below DNL 70dBA, solid wood privacy fences may be considered as a sound attenuation measure. The applicant must demonstrate to DPWES and DPZ satisfaction that the fences are of sufficient design and height to adequately shield the impacted

VDOT right-of-way. At time of site plan approval, Applicant shall provide evidence of the request submitted to VDOT, which shall include the reasons for the proposed relocation.

- g. Applicant shall control runoff from the proposed development at the top of the preservation area to avoid erosion of existing slopes as shown on the CDP/FDP. Means for runoff control during the construction phase of the project shall include diversion dikes, or other means approved by DPWES, and drainage swales, or other methods approved by DPWES, for the ultimate condition.
- h. Applicant shall provide landscaping on individual lots consistent with the typical landscape details shown on the CDP/FDP.
- i. Applicant shall use all reasonable efforts up to an expenditure of Ten Thousand Dollars (\$10,000.00) in construction and preservation activities to preserve existing trees shown within a possible tree save area in proximity to the westernmost stormwater management pond on the CDP/FDP. The Applicant shall determine, in coordination with the Urban Forester, whether it is possible to save these trees at time of final engineering. Should the Applicant not be able to preserve existing trees, trees shall be planted in this area at time of construction, which may include the transplantation of trees from other areas of the Application Property, at an expense not to exceed Ten Thousand Dollars (\$10,000.00) .

4. PARKS AND RECREATION –

Pursuant to Paragraph 2 of Section 6-110 and Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall expend the sum of Nine Hundred Fifty-Five Dollars (\$955.00) per approved lot for on-site recreation facilities which will include, but not be limited to: a bath house, pool(s), a multi-purpose court, a tennis court, trails, and a tot lot as shown on the CDP/FDP. Additional recreation facilities may be provided for the multi-family portion of the Application Property. The balance of any funds not expended on-site shall be contributed to the Fairfax County Park Authority for the maintenance and/or acquisition of recreation facilities located in the vicinity of the Application Property.

- b. At the time of subdivision plan review, the Applicant shall designate the limits of clearing and grading, as generally shown on the CDP/FDP, to be observed during construction on the subdivision plan. The Applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Division as part of the first subdivision plan submission. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches or greater in diameter ten (10) feet to either side of the proposed limits of clearing and grading for the tree save area shown on the CDP/FDP. The condition analysis shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization. Such measures shall not reduce the number or alter the size of proposed dwelling units.
- c. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence, silt fence or diversion dikes. Tree protection fencing shall be erected at the limits of clearing and grading for all tree save areas. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the Application Property, including the demolition of any existing structures. The installation of tree protection fence shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fence has been properly installed.
- d. Applicant shall provide plantings equivalent to transitional screening 1 to supplement existing vegetation adjacent to property identified as tax map 107-4((1))3.
- e. Applicant shall record a conservation easement at time of first subdivision plan approval on the northeastern corner of the Application Property to preserve the wetlands and environmental sensitive area designated to be saved on the CDP/FDP, subject to minor encroachments for grading, and the installation of trails and utilities. Applicant shall dedicate an area containing approximately 6.2 acres to the Fairfax County Park Authority concurrent with recordation of the conservation easement.
- f. Subject to the approval of VDOT, Applicant shall relocate the proposed sanitary sewer easement shown on the CDP/FDP in proximity to the conservation easement within the

- j. The Applicant shall construct an eight (8) foot wide asphalt trail within the dedicated right-of-way of Silverbrook Road as shown on the CDP/FDP. Said trail shall be constructed concurrent with the improvements to Silverbrook Road.
- k. The Applicant shall construct trails and concrete sidewalks within the Applicant's residential development as shown on the CDP/FDP. A pedestrian access easement shall be granted over said trails and sidewalks.
- l. 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 described herein or as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of subdivision plat approval.
- m. Purchasers shall execute a disclosure memorandum at time of contract acknowledging that the homeowners association shall be responsible for the maintenance of all of the private streets in the development. The homeowners association documents shall specify that the homeowners association is responsible for the maintenance of the private streets.
- n. Applicant shall provide a bike storage facility in proximity to the multi-family portion of the Application Property.
- o. Applicant shall contribute the sum of Five Hundred Dollars (\$500.00) per market rate for sale approved single family detached and single family attached residential dwelling unit to DPWES at time of site plan approval. The contribution shall be applied to transportation improvements in the area to specifically include Silverbrook Road in the immediate vicinity of the Application Property, including a possible traffic signal at the intersection of Plaskett Lane and Silverbrook Road, subject to the receipt of necessary VDOT warrants.

3. **LANDSCAPING AND OPEN SPACE -**

- a. Applicant shall provide landscaping on the Application Property as generally shown on the CDP/FDP. Final selection of tree species shall be made at time of subdivision plan approval based on availability of plant material. Applicant shall endeavor to utilize tree species native to the area.

acquired; and (4) cash in an amount equal to the appraised value of the property and of all damages to the residue. In the event the owner of the property is awarded more than the appraised value of the property and of the damages to the residue in a condemnation suit, the amount of the award in excess of cash amount shall be paid to the County by the Applicant within fifteen (15) calendar days of said award. It is understood that all other costs incurred by the County in acquiring the property shall be paid to the County by the Applicant upon demand. Prior to and during the contemplated condemnation proceedings described above, the Applicant, its successors and assigns, shall be permitted to submit, process and receive approval of site plan(s) and development permits for other portions of the Application Property as described herein.

- iii. The access road described herein may be the subject of a public improvement plan processed separately by the Applicant. Said public improvement plan may be processed concurrently with site plan(s) for other portions of the Application Property.
 - iv. Building permits shall not be issued for residential development until such time as the public improvement plan for the access road is bonded. This limitation shall not preclude the Applicant from clearing, grading and the installation of utilities on the Application Property in accordance with approved plans and if applied for by the Applicant subject to a temporary access to Silverbrook Road. The access road shall be constructed and open to traffic prior to the issuance of any Residential Use Permits for the Application Property. This shall not be construed as a requirement that the access road has been accepted for State maintenance.
 - v. The access road described herein shall tie into existing Silverbrook Road as shown on the CDP/FDP.
- d. The private streets shown on the CDP/FDP shall be constructed of materials and depth of pavement consistent with the Public Facilities Manual Standards for public streets.
 - e. Applicant shall provide written notice to contract purchasers of the temporary nature of the cul-de-sac at the terminus of the access road and its future extension with sidewalks

to the property identified as tax map 106-4 ((1)) 54. A sign shall be installed at the terminus stating that the access road will be extended in the future. Applicant shall grade the area of the future extension as reasonably as possible to the property line without installation of a retaining wall. Applicant shall escrow with DPWES an amount equivalent to the cost of a future extension as may be located on the Application Property. During the final engineering, the proposed road elevations shall consider the off-site topography to the north and designed grade line shall be established at the future road centerline for approximately 300 feet past the property line.

- f. Applicant shall install a bus shelter within the dedicated right-of-way of realigned Silverbrook Road in location to be determined by the Department of Transportation in coordination with the Applicant at time of subdivision plat approval for the proposed single family detached units. This proffer shall not require individual bus turn-outs or special lanes.
- g. At time of subdivision plat approval for the proposed single family detached units, Applicant shall coordinate the relocation of the existing Fairfax County public school bus stop in conjunction with the Fairfax County School Board to ensure child safety. Said coordination shall consist of the submission of a written request to the Fairfax County School Board requesting evaluation of the existing public school bus stop and an offer to relocate said stop at the expense of the Applicant. This proffer shall not require individual bus turn-outs or special lanes. Should a request to relocate the public school bus stop not be received at time of final bond release for the single family detached units, there shall be no further obligations under this proffer.
- h. Subject to VDOT and DPWES approval, Applicant shall construct a left turn lane from Silverbrook Road to Plaskett Lane as shown on he CDP/FDP.
- i. On or before final bond release for the proposed development, and as a condition thereto, Applicant shall deposit into an escrow account, owned and controlled by the homeowners association established for the proposed development, the amount of Fifteen Thousand Dollars (\$15,000.00). This escrow shall be utilized by the homeowners association for future maintenance of the private streets within the community.

and convey in fee simple to the Board of Supervisors right-of-way up to a width of approximately forty-five (45) feet from the design centerline along the Application Property's Silverbrook Road frontage as shown on the CDP/FDP. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from either Fairfax County or VDOT, whichever shall first occur.

- b. Subject to VDOT and DPWES approval, the Applicant shall construct frontage improvements to Silverbrook Road measuring approximately thirty-five (35) feet from design centerline within the dedicated right-of-way as shown on the CDP/FDP.
- c. Subject to VDOT and DPWES approval, Applicant shall dedicate sufficient property to allow for the construction of a fifty-two (52) foot roadway within a seventy (70) foot public right-of-way as shown on the CDP/FDP.
 - i. Said roadway shall serve as a joint access to the Application Property and the community to the north (subject to RZ 1999-MV-053 and known as the Wheeler Property). Access to Silverbrook Road shall be located at a planned median break. The cost of construction of the roadway shall be shared as mutually agreed to between the Applicant and the developer of the Wheeler Property. Dedication shall be made at time of recordation of the first subdivision plat for the Application Property or the Wheeler Property, or upon demand from either Fairfax County or VDOT, whichever shall occur first.
 - ii. Should RZ 1999-MV-053 not be approved by the Board of Supervisors, Applicant shall make reasonable efforts to acquire the property necessary for the construction of the joint access road as shown on the CDP/FDP. In the event the Applicant is not able to acquire the right-of-way and associated utility and construction easements necessary for the access road, Applicant shall submit a written request to Fairfax County to acquire the right-of-way and associated utility and construction easements by means of its condemnation powers. In conjunction with such request, the Applicant shall forward to the appropriate County agency: (1) plat, plans and profiles showing the necessary right-of-way and/or easements to be acquired; (2) an appraisal, prepared by an independent appraiser approved by the County, of the value of the property to be acquired and of all damages, if any, to the residue; (3) a sixty (60) year title search certificate of the property to be

DRAFT PROFFERS

WASHINGTON HOMES, INC.

RZ 2000-MV-019

February 7, 2001

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Washington Homes, Inc. (hereinafter referred to as the "Applicant"), for the owners, themselves, successors, and assigns in RZ 2000-MV-019, filed for property identified as Tax Map 107-1 ((1)) 2, 107-2 ((1)) 30, 31, 32, 34, 35, 36, 37, 38, and 39, and 107-4 ((1)) 6 (hereinafter referred to as the "Application Property"), hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-12 District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for residential development.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN -

- a. Development of the Application Property shall be in substantial conformance with the CDP/FDP, consisting of eight sheets prepared by Patton, Harris, Rust & Associates, P.C. dated April 10, 2000 and revised through January 17, 2001.
- b. Pursuant to Paragraph 4 of Section 16-403 of the Fairfax County Zoning Ordinance (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 mix of unit types relative to the proposed single family attached and single family detached units, and to make minor adjustments to the layout, building orientation, internal lot lines, off-lot parking, and lot sizes of the proposed subdivision at time of subdivision plat submission based on final house locations, grading, building footprints, utility locations, and final engineering design.
- c. Notwithstanding that the CDP/FDP is presented on eight sheets and said CDP/FDP is the subject of Proffer 1a. above, it shall be understood that the CDP shall be the entire plan shown on Sheet 2 relative to the points of access, open space and the total number and general location of units and type of units. The Applicant has the option to request Final Development Plan Amendments ("FDPA") 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, if the amendment is in conformance with the approved CDP and proffers.

2. TRANSPORTATION -

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate

DRAFT PROFFERS

WASHINGTON HOMES, INC.

RZ 2000-MV-019

February 7, 2001

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2. TRANSPORTATION -

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate

and convey in fee simple to the Board of Supervisors right-of-way up to a width of approximately forty-five (45) feet from the design centerline along the Application Property's Silverbrook Road frontage as shown on the CDP/FDP. Dedication shall be made at time of recordation of the final subdivision plat or upon demand from either Fairfax County or VDOT, whichever shall first occur.

- b. Subject to VDOT and DPWES approval, the Applicant shall construct frontage improvements to Silverbrook Road measuring approximately thirty-five (35) feet from design centerline within the dedicated right-of-way as shown on the CDP/FDP.
- c. Subject to VDOT and DPWES approval, Applicant shall dedicate sufficient property to allow for the construction of a fifty-two (52) foot roadway within a seventy (70) foot public right-of-way as shown on the CDP/FDP.
 - i. Said roadway shall serve as a joint access to the Application Property and the community to the north (subject to RZ 1999-MV-053 and known as the Wheeler Property). Access to Silverbrook Road shall be located at a planned median break. The cost of construction of the roadway shall be shared as mutually agreed to between the Applicant and the developer of the Wheeler Property. Dedication shall be made at time of recordation of the first subdivision plat for the Application Property or the Wheeler Property, or upon demand from either Fairfax County or VDOT, whichever shall occur first.
 - ii. Should RZ 1999-MV-053 not be approved by the Board of Supervisors, Applicant shall make reasonable efforts to acquire the property necessary for the construction of the joint access road as shown on the CDP/FDP. In the event the Applicant is not able to acquire the right-of-way and associated utility and construction easements necessary for the access road, Applicant shall submit a written request to Fairfax County to acquire the right-of-way and associated utility and construction easements by means of its condemnation powers. In conjunction with such request, the Applicant shall forward to the appropriate County agency: (1) plat, plans and profiles showing the necessary right-of-way and/or easements to be acquired; (2) an appraisal, prepared by an independent appraiser approved by the County, of the value of the property to be acquired and of all damages, if any, to the residue; (3) a sixty (60) year title search certificate of the property to be

acquired; and (4) cash in an amount equal to the appraised value of the property and of all damages to the residue. In the event the owner of the property is awarded more than the appraised value of the property and of the damages to the residue in a condemnation suit, the amount of the award in excess of cash amount shall be paid to the County by the Applicant within fifteen (15) calendar days of said award. It is understood that all other costs incurred by the County in acquiring the property shall be paid to the County by the Applicant upon demand. Prior to and during the contemplated condemnation proceedings described above, the Applicant, its successors and assigns, shall be permitted to submit, process and receive approval of site plan(s) and development permits for other portions of the Application Property as described herein.

iii. The access road described herein may be the subject of a public improvement plan processed separately by the Applicant. Said public improvement plan may be processed concurrently with site plan(s) for other portions of the Application Property.

iv. Building permits shall not be issued for residential development until such time as the public improvement plan for the access road is bonded. This limitation shall not preclude the Applicant from clearing, grading and the installation of utilities on the Application Property in accordance with approved plans and if applied for by the Applicant subject to a temporary access to Silverbrook Road. The access road shall be constructed and open to traffic prior to the issuance of any Residential Use Permits for the Application Property. This shall not be construed as a requirement that the access road has been accepted for State maintenance.

v. The access road described herein shall tie into existing Silverbrook Road as shown on the CDP/FDP.

d. The private streets shown on the CDP/FDP shall be constructed of materials and depth of pavement consistent with the Public Facilities Manual Standards for public streets.

e. Applicant shall provide written notice to contract purchasers of the temporary nature of the cul-de-sac at the terminus of the access road and its future extension with sidewalks

to the property identified as tax map 106-4 ((1)) 54. A sign shall be installed at the terminus stating that the access road will be extended in the future. Applicant shall grade the area of the future extension as reasonably as possible to the property line without installation of a retaining wall. Applicant shall escrow with DPWES an amount equivalent to the cost of a future extension as may be located on the Application Property. During the final engineering, the proposed road elevations shall consider the off-site topography to the north and designed grade line shall be established at the future road centerline for approximately 300 feet past the property line.

- f. Applicant shall install a bus shelter within the dedicated right-of-way of realigned Silverbrook Road in location to be determined by the Department of Transportation in coordination with the Applicant at time of subdivision plat approval for the proposed single family detached units. This proffer shall not require individual bus turn-outs or special lanes.
- g. At time of subdivision plat approval for the proposed single family detached units, Applicant shall coordinate the relocation of the existing Fairfax County public school bus stop in conjunction with the Fairfax County School Board to ensure child safety. Said coordination shall consist of the submission of a written request to the Fairfax County School Board requesting evaluation of the existing public school bus stop and an offer to relocate said stop at the expense of the Applicant. This proffer shall not require individual bus turn-outs or special lanes. Should a request to relocate the public school bus stop not be received at time of final bond release for the single family detached units, there shall be no further obligations under this proffer.
- h. Subject to VDOT and DPWES approval, Applicant shall construct a left turn lane from Silverbrook Road to Plaskett Lane as shown on he CDP/FDP.
- i. On or before final bond release for the proposed development, and as a condition thereto, Applicant shall deposit into an escrow account, owned and controlled by the homeowners association established for the proposed development, the amount of Fifteen Thousand Dollars (\$15,000.00). This escrow shall be utilized by the homeowners association for future maintenance of the private streets within the community.

- j. The Applicant shall construct an eight (8) foot wide asphalt trail within the dedicated right-of-way of Silverbrook Road as shown on the CDP/FDP. Said trail shall be constructed concurrent with the improvements to Silverbrook Road.
 - k. The Applicant shall construct trails and concrete sidewalks within the Applicant's residential development as shown on the CDP/FDP. A pedestrian access easement shall be granted over said trails and sidewalks.
 - l. 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 described herein or as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of subdivision plat approval.
 - m. Purchasers shall execute a disclosure memorandum at time of contract acknowledging that the homeowners association shall be responsible for the maintenance of all of the private streets in the development. The homeowners association documents shall specify that the homeowners association is responsible for the maintenance of the private streets.
 - n. Applicant shall provide a bike storage facility in proximity to the multi-family portion of the Application Property.
 - o. Applicant shall contribute the sum of Five Hundred Dollars (\$500.00) per market rate for sale approved single family detached and single family attached residential dwelling unit to DPWES at time of site plan approval. The contribution shall be applied to transportation improvements in the area to specifically include Silverbrook Road in the immediate vicinity of the Application Property, including a possible traffic signal at the intersection of Plaskett Lane and Silverbrook Road, subject to the receipt of necessary VDOT warrants.
3. LANDSCAPING AND OPEN SPACE -
- a. Applicant shall provide landscaping on the Application Property as generally shown on the CDP/FDP. Final selection of tree species shall be made at time of subdivision plan approval based on availability of plant material. Applicant shall endeavor to utilize tree species native to the area.

- b. At the time of subdivision plan review, the Applicant shall designate the limits of clearing and grading, as generally shown on the CDP/FDP, to be observed during construction on the subdivision plan. The Applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Division as part of the first subdivision plan submission. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches or greater in diameter ten (10) feet to either side of the proposed limits of clearing and grading for the tree save area shown on the CDP/FDP. The condition analysis shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization. Such measures shall not reduce the number or alter the size of proposed dwelling units.
- c. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence, silt fence or diversion dikes. Tree protection fencing shall be erected at the limits of clearing and grading for all tree save areas. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the Application Property, including the demolition of any existing structures. The installation of tree protection fence shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fence has been properly installed.
- d. Applicant shall provide plantings equivalent to transitional screening 1 to supplement existing vegetation adjacent to property identified as tax map 107-4((1))3.
- e. Applicant shall record a conservation easement at time of first subdivision plan approval on the northeastern corner of the Application Property to preserve the wetlands and environmental sensitive area designated to be saved on the CDP/FDP, subject to minor encroachments for grading, and the installation of trails and utilities. Applicant shall dedicate an area containing approximately 6.2 acres to the Fairfax County Park Authority concurrent with recordation of the conservation easement.
- f. Subject to the approval of VDOT, Applicant shall relocate the proposed sanitary sewer easement shown on the CDP/FDP in proximity to the conservation easement within the

VDOT right-of-way. At time of site plan approval, Applicant shall provide evidence of the request submitted to VDOT, which shall include the reasons for the proposed relocation.

- g. Applicant shall control runoff from the proposed development at the top of the preservation area to avoid erosion of existing slopes as shown on the CDP/FDP. Means for runoff control during the construction phase of the project shall include diversion dikes, or other means approved by DPWES, and drainage swales, or other methods approved by DPWES, for the ultimate condition.
- h. Applicant shall provide landscaping on individual lots consistent with the typical landscape details shown on the CDP/FDP.
- i. Applicant shall use all reasonable efforts up to an expenditure of Ten Thousand Dollars (\$10,000.00) in construction and preservation activities to preserve existing trees shown within a possible tree save area in proximity to the westernmost stormwater management pond on the CDP/FDP. The Applicant shall determine, in coordination with the Urban Forester, whether it is possible to save these trees at time of final engineering. Should the Applicant not be able to preserve existing trees, trees shall be planted in this area at time of construction, which may include the transplantation of trees from other areas of the Application Property, at an expense not to exceed Ten Thousand Dollars (\$10,000.00).

4. **PARKS AND RECREATION -**

Pursuant to Paragraph 2 of Section 6-110 and Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall expend the sum of Nine Hundred Fifty-Five Dollars (\$955.00) per approved lot for on-site recreation facilities which will include, but not be limited to: a bath house, pool(s), a multi-purpose court, a tennis court, trails, and a tot lot as shown on the CDP/FDP. Additional recreation facilities may be provided for the multi-family portion of the Application Property. The balance of any funds not expended on-site shall be contributed to the Fairfax County Park Authority for the maintenance and/or acquisition of recreation facilities located in the vicinity of the Application Property.

5. **STORMWATER MANAGEMENT -**

- a. The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP) in the locations as generally shown on the CDP/FDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless waived or modified by DPWES. In the event that on-site stormwater management is waived or modified by DPWES, removal or modification of the SWM ponds shown on the CDP/FDP shall not require the approval of a proffered condition amendment or an amendment to the CDP/FDP.
- b. The SWM pond and outfall located in the northeast corner of the Application Property shall be constructed to be outside of the preservation area identified on the CDP/FDP.
- c. Should one or more of the proposed SWM ponds be waived or modified by DPWES, that area not utilized as a SWM pond shall remain as open space owned by the homeowners association established for the community, subject to the installation of utilities.
- d. In order to restore a natural appearance to the proposed SWM ponds, a landscape plan shall be submitted at time of site plan submission showing landscaping, in addition to that shown on the CDP/FDP, around the ponds to the greatest extent possible in keeping with the planting policies of DPWES.

6. NOISE ATTENUATION -

- a. Prior to final site plan approval, the Applicant shall provide a revised noise analysis based on final site grades and future traffic volumes to DPWES. The noise analysis shall utilize standard measures to evaluate noise, and shall demonstrate that exterior noise levels for both ground and upper story levels of any unit does not exceed DNL 75 dBA and that exterior noise within the privacy yards and outdoor recreational areas are reduced to below DNL 65 dBA.
- b. For privacy yards and outdoor recreational areas exposed to noise levels above DNL 65 dBA but below DNL 70dBA, solid wood privacy fences may be considered as a sound attenuation measure. The applicant must demonstrate to DPWES and DPZ satisfaction that the fences are of sufficient design and height to adequately shield the impacted areas from the source of the noise.
- c. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within a highway noise impact zone of DNL 65-70 dBA shall employ the following acoustical

areas from the source of the noise.

- c. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within a highway noise impact zone of DNL 65-70 dBA shall employ the following acoustical treatment measures:
 - i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
 - ii. Doors and windows shall have a laboratory STC rating of at least 28 unless windows constitute more than 20% of any façade exposed to noise levels of DNL 65 dBA or above. If windows constitute more than 20% of an exposed façade, then the windows shall have a STC rating of at least 39.
 - iii. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.
- d. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within a highway noise impact zone of DNL 70-75 dBA shall employ the following acoustical treatment measures:
 - i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45.
 - ii. Doors and windows shall have a laboratory rating of at least 37 unless windows constitute more than 20% of any façade exposed to noise levels of DNL 65 dBA or above. If windows constitute more than 20% of an exposed façade, then the windows shall have an STC rating of at least 45.
 - iii. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.
- e. Applicant shall not construct residential units within any areas that exceed DNL 75 dBA as shown in the noise analysis unless appropriate noise mitigation measures are provided as approved by DPWES. Noise mitigation measures may include a sound attenuation wall and/or berm-wall combination, subject to DPWES and DPZ approval. The wall or berm-wall shall be built of materials acceptable to VDOT and shall be

approved by DPWES. The structure must be architecturally solid from the ground up with no gaps or openings and of sufficient height to adequately shield the impacted areas from the source of the noise.

- f. Nothing herein shall be construed to restrict or otherwise limit the use of balconies, patios or decks on residential units. All multifamily units with balconies facing Interstate 95, and not screened by the parking structure, shall be enclosed.
- g. No residential units shall be constructed within 200 feet of the Interstate 95 (South) right-of-way as shown on the CDP/FDP. This restriction shall not apply to garages or other non-residential structures.

7. **AFFORDABLE HOUSING -**

Applicant shall comply with the Affordable Dwelling Unit (ADU) program as set forth in Part 8 of Article 2 of the Zoning Ordinance. The number of ADUs to be provided may be reduced based on the adoption of a future amendment to the provisions of the ADU Ordinance. Affordable dwelling units shall be provided within the multi-family portion of the development.

8. **HERITAGE RESOURCES -**

- a. Prior to any land disturbing activities on the Application Property, Applicant shall conduct a Phase II archaeological study on that area identified on the Application Property as Site 107-2#P21. The studies shall be performed by a qualified archaeological professional approved by the Fairfax County Heritage Resources Branch ("Heritage Resources"). The results shall be reviewed and approved by Heritage Resources. In the event that a Phase III archaeological study is warranted on this site, Applicant shall conduct said study at a cost not to exceed Ten Thousand Dollars (\$10,000.00).
- b. Prior to any land disturbing activities on the Application Property, Applicant shall provide access to the Application Property to Heritage Resources to conduct archaeological studies on the Application Property, provided that said studies shall not interfere with the proposed construction schedule of the Application Property or affect the number of lots or lot layout as shown on the CDP/FDP. Access shall be allowed

Property available to Heritage Resources for monitoring during construction for the purpose of recovering any artifacts that may be exposed. Said studies shall not interfere with the construction schedule of the Application Property.

- c. The Applicant shall retain ownership of all artifacts found on the Application Property.

9. MISCELLANEOUS -

- a. These proffers shall bind and inure to the benefit of the Applicant and his or her successors and assigns.
- b. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.
- c. The improvements described herein shall be phased to be constructed with each phase of the development of the Application Property.
- d. The Applicant shall establish a homeowners association for the proposed development to own, manage and maintain the open space including the common tree save areas, and all other community owned land and improvements. Restrictions placed on the use of the open space/buffer areas, and maintenance responsibilities of the homeowners association, including maintenance of sidewalks and private streets, shall be disclosed to all prospective homeowners in a disclosure memorandum at time of contract execution and included in the homeowners association documents.
- e. A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of 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, which shall be established, and the Fairfax County Board of Supervisors. Purchasers shall be advised of the use restriction prior to entering into contract of sale. This restriction shall also be included in the homeowners association documents.
- f. If requested by DPWES during site plan review, the Applicant shall have a geotechnical study of the Application Property prepared by a geotechnical engineer,

shall submit the report to DPWES for review and approval and shall implement the recommendations outlined in the approved study.

- g. Homes constructed on the Application Property shall meet thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DPWES, for either electrical or gas energy systems.
- h. That portion of the Application Property currently identified as tax map 107-1 ((1)) 2 may be the subject of a separate subdivision plat to be reviewed and approved by DPWES. For purposes of subdivision plat approval, issuance of building permits and residential use permits, and bond release, only those proffers identified herein as 1a., 1b., 1c., 2a., 2c., 2e., 2k., 2l., 3a., 4, 9d. shall be applicable.
- i. Applicant shall contribute the sum of Five Hundred (\$500.00) per approved market rate for sale single family attached unit and single family detached unit to Fairfax County for the construction of schools, or other public facilities associated with schools, in the Lorton-South Area. Said contribution shall be made to Fairfax County, and placed in an interest bearing escrow account at time of issuance of building permits for each section of residential development. Should the Fairfax County Board of Supervisors fail to identify and approve a school site(s) and allocate necessary funding at time of bond release for each section, said escrowed amount shall be returned together with accrued interest to the Applicant.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**REZONING APPLICATION /
RZ 2000-MV-019**

**FINAL DEVELOPMENT PLAN
FDP 2000-MV-019**

FILED 05/05/00
AMENDED 11/03/00

WASHINGTON HOMES, INC.

TO REZONE: 57.00 ACRES OF LAND; DISTRICT - MT VERNON

PROPOSED: REZONE FROM THE R-1 DISTRICT TO THE PDM-12 DISTRICT

LOCATED: EAST OF SILVERBROOK RD, APPROXIMATELY 200 FEET NORTH OF INTERSECTION OF SILVERBROOK RD AND PLASKETT LANE

ZONING: R-1
TO: PDM-12

MAP REF OVERLAY DISTRICT(S):

107-1- /01/ /0002-				
107-2- /01/ /0030-	.0031-	.0032-	.0034-	.0035
107-2- /01/ /0036-	.0037-	.0038-	.0039-	
107-4- /01/ /0006-				

FILED 05/05/00
AMENDED 11/03/00

WASHINGTON HOMES, INC.
FINAL DEVELOPMENT PLAN

PROPOSED: RESIDENTIAL DEVELOPMENT

APPROX. 57.00 ACRES OF LAND; DISTRICT - MT VERNON

LOCATED: EAST OF SILVERBROOK ROAD, APPROXIMATELY 200 FEET NORTH OF INTERSECTION OF SILVERBROOK ROAD AND PLASKETT LANE

ZONING: PDM-12

OVERLAY DISTRICT(S):

MAP REF 107-1- /01/ /0002-				
107-2- /01/ /0030-	.0031-	.0032-	.0034-	.0035
107-2- /01/ /0036-	.0037-	.0038-	.0039-	
107-4- /01/ /0006-				

