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FAIRFAX COUNTY

VIRGINIA

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

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

August 31, 1999

Arthur J. Cohen
1927 Beulah Road
Vienna, Virginia 22182

RE: Rezoning Application
Number RZ 1999-HM-020

Dear Mr. Cohen:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on August 2, 1999, granting Rezoning Application Number RZ 1999-HM-020 in the name of Arthur J. and Carol R. Cohen, to rezone certain property in the Hunter Mill District from the R-1 District to the R-3 District, subject to the proffers dated July 30, 1999, on subject parcels 28-4 ((1)) 48 and 38-2 ((1)) 5, consisting of approximately 2.18 acres.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

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

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
SEP 7 1999
ZONING EVALUATION DIVISION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 2nd day of August 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 19989-HM-020

WHEREAS, Arthur J. and Carol R. Cohen filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the R-3 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 Hunter Mill District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the R-3 District; and said property is subject to the use regulations of said R-3 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 2nd day of August, 1999.

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

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PROFFERS

RZ 1999-HM-020

July 30, 1999

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, Arthur J. Cohen and Carol R. Cohen, their successors and assigns, and owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant") the Applicant in RZ 1999-HM-020, filed for property identified on the Fairfax County tax map as 28-4 ((1)) Parcel 48 and 38-2 ((1)) Parcel 5 (hereinafter referred to as the "Application Property"), agree 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 R-1 Zoning District to the R-3 Zoning District in conjunction with a Generalized Development Plan (GDP) for four single-family detached lots.

1. **GENERALIZED DEVELOPMENT PLAN (GDP)**

   a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP prepared by Cook & Miller dated May 26, 1999.

   b. Minor modifications from the GDP may be permitted when necessitated by sound engineering practices or other modifications which may be necessary as part of final engineering design in accordance with the Zoning Ordinance.

2. **TRANSPORTATION**

   a. Prior to subdivision plan approval or upon demand by Fairfax County, whichever occurs first, the Applicant shall dedicate and convey in fee simple to the Board, right-of-way along the Application Property's Beulah Road frontage as shown on the GDP.

   b. The Applicant shall reserve right-of-way along the Beulah Road frontage of Lots 1 and 2 measured 30 feet from centerline for future dedication and conveyance in fee simple to the Board at time of road project funding.

3. **TREE SAVE AND PRESERVATION**

   a. The Applicant shall contract with an arborist certified by the International Society of Arboriculture to prepare a tree preservation plan for the entire Application Property to be submitted as part of the first subdivision plan submittal. The tree preservation plan shall, inter alia, show individual trees to be preserved, the limits of clearing, and the easements, all as indicated on the GDP, and shall be reviewed and approved by the Urban Forestry Branch. The certified arborist responsible for preparation of the

tree preservation plan shall be referred to as the Project Arborist. The tree preservation plan shall consist of a tree inventory which includes the location, species, size crown spread and condition rating percent of all proffered trees and all trees 12 inches or greater in diameter, measured 4½ feet from the ground, within 20 feet on either side of the limits of clearing and grading shown on the GDP. The condition analysis shall be prepared using methods outlined in the eighth edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be incorporated into the tree preservation plan. Activities should include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.

b. All trees shown to be preserved on the tree preservation plan shall be protected by fencing during construction. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the tree preservation/landscaping plan. Tree protection will be six-foot high temporary chain link fencing attached to steel posts driven 18 inches into the ground, placed no further than 10 feet apart, of sufficient height to stabilize the fence.

The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to the performance of any clearing and grading activities on the site, including the demolition of any existing structures. All tree preservation activities, including installation of the tree protection fencing, shall be performed under the supervision of the Project Arborist. Prior to the commencement of any clearing, grading, or demolition activities on the site, the Project Arborist shall verify in writing that the tree protection fence has been properly installed.

c. The demolition of existing features and structures shall be conducted in such a manner as to minimize the impact on individual trees and groups of trees to be preserved. These methods are to be included in the tree preservation plan. The Project Arborist shall monitor the construction work and direct and supervise tree preservation efforts in order to ensure that the commitments made on the tree preservation plan are fulfilled.

d. The Applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the preconstruction meeting. Before or during the preconstruction meeting and prior to final approval of the tree preservation plan, the Applicant shall walk (the "walk-through") the limits of clearing and grading with an Urban Forestry Branch representative and the Project Arborist to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees as identified by the

Urban Forestry Branch representative that are not likely to survive construction due to their proximity to disturbance will also be identified at this time and the Applicant be given the option of removing them as part of the clearing operation. Any tree designated for removal at the edge of the limits of clearing and grading and within the tree preservation area shall be removed using chain saws. The stump shall be cut as close to ground in a manner causing as little disturbance as possible to the tree preservation area.

e. At the time of subdivision plat approval, and as a requirement separate from their requirements under the PFM for a conservation agreement and deposit and for bonds and surety for physical site improvements, the Applicant, as security for designated trees, will post a corporate surety bond (or a letter of credit, at Applicant's sole option) payable to the County of Fairfax in the amount assigned as the replacement value of the designated trees, but in an amount not to exceed U.S. $25,000.00. The form of the corporate surety bond (or letter of credit, if Applicant so elects) shall be subject to approval by the County Attorney. The replacement value of each designated tree shall be determined according to the methods contained in the latest edition of the Valuation of Landscape Trees, Shrubs, and Other Plants published by the International Society of Arboriculture. This bond shall secure the replacement of only the designated trees that die or are dying due to acts of negligence by the Applicant, or its agents and contractors, during clearing, grading, and construction of dwellings on the Application Property. This bond shall be released at the same time as the bond for physical site improvements is released. Any funds received by Fairfax County pursuant to this paragraph shall be utilized solely for providing the replacement value of any designated trees damaged in violation of this paragraph, and any funds received that are in excess of this amount shall be returned to the Applicant. Replacement of trees by the County shall be in accordance with the guidelines of the PFM. This bond shall not be called by Fairfax County unless prior written notice by the Urban Forestry Branch, identifying with particularity the dead or dying trees and the alleged cause, is delivered to the Applicant, who shall have a 30-day period from the date of receipt of such notice to replace such trees, in accordance with the guidelines of the PFM, before the bond can be called.

4. LANDSCAPING

a. Landscaping as shown on the landscape plan sheet of the GDP shall be planted within the yards prior to the issuance of the corresponding Residential Use Permit (RUP) for the lot containing the plant material, subject to approval by the Urban Forester.

b. A staggered row of white pine trees planted 12 feet on center shall be provided along the Application Property's southern property line.

5. STORMWATER MANAGEMENT

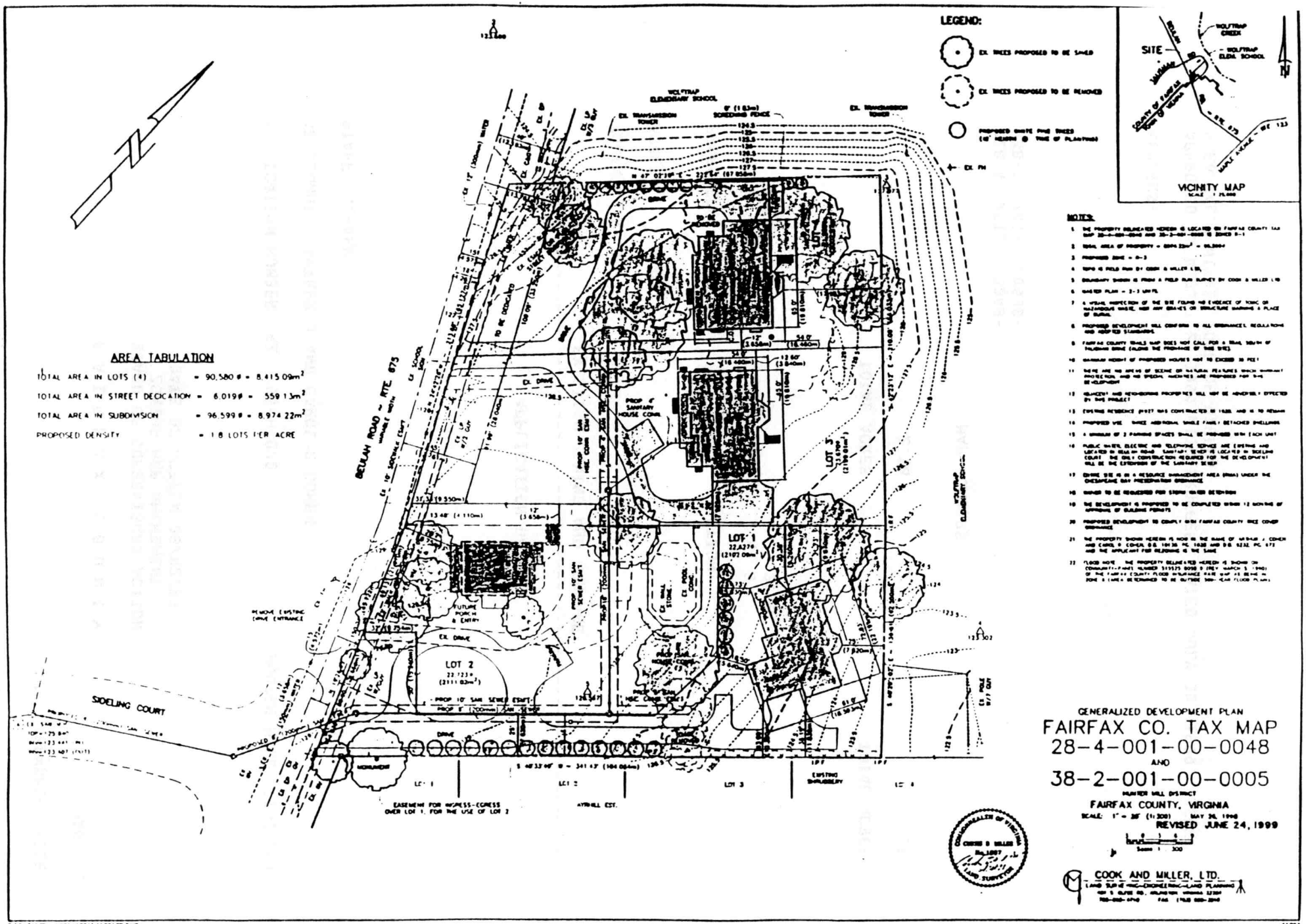
a. The Applicant intends to apply for a waiver of on-site stormwater management. The Applicant understands that if the stormwater management waiver is denied, a proffered condition amendment may be required by the Board to reflect on-site stormwater management prior to subdivision plan approval.

6. Prior to the issuance of the first RUP, the Applicant shall contribute the sum of $1,800 to the Fairfax County Park Authority for improvements to a nearby park in the Hunter Mill District and the sum of $3,000 to the Wolftrap Elementary School for the student arts, recreation or technology programs .

ARTHUR J. COHEN, Title Owner

Carol R. Cohen

CAROL R. COHEN, Title Owner



GENERALIZED DEVELOPMENT PLAN

FAIRFAX CO. TAX MAP 28-4-001-00-0048 AND 38-2-001-00-0005

HUNTER MILL DISTRICT

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20' (1:300) MAY 26, 1998

REVISED JUNE 24, 1999

Scale 1 : 300

COOK AND MILLER, LTD.
LAND SURVEYING-ENGINEERING-LAND PLANNING