



FAIRFAX COUNTY

2ED

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

V I R G I N I A

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

September 27, 2002

Lynne J. Strobel, Esquire
Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

RE: Special Exception Amendment Application
Number SEA 00-Y-018

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on September 23, 2002, the Board approved Special Exception Amendment Application Number SEA 00-Y-018 in the name of Brookfield Pleasant View, LLC, generally located on the south side of Braddock Road approximately 1,500 feet east of the Braddock Road/Pleasant Valley Road intersection in Sully District, Tax Map 43-1 ((2)) 1 - 20; 30 - 40; 43-3 ((4)) 21 - 29 (all formerly 43-1 ((1)) 12 Pt.), to modify the development condition that requires a historical marker to be placed within the approved cluster subdivision, pursuant to Sections 3-C04 and 9-615 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

**Conditions marked with an asterisk (*) are conditions from the previously approved Special Exception (SE 00-Y-018). The following conditions supercede the previous conditions.*

- *1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
- *2. This Special Exception Amendment is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
- *3. This Special Exception Amendment is subject to the provisions of Chapter 101 of the County Code, Subdivision Provisions. Any plat submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the Special Exception Plat entitled, "The Pleasant Valley Road Properties", prepared by Planning

and Development Services, Inc., and dated March 30, 2000 as revised through June 21, 2000, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

- *4. Right and left turn lanes shall be constructed into the site's entrance if determined necessary by VDOT at the time of subdivision plan review.
- *5. At the time of subdivision plan approval, Parcel A which abuts the proposed lots to the south and west and consists of approximately 141 acres, as shown on the Special Exception Amendment Plat, shall be dedicated to the Fairfax County Park Authority (FCPA) in fee simple for use as a park subject to the installation of utilities and easements, including stormwater management, if necessary. Such conveyance shall be subject to a recorded covenant running to the benefit of the Board of Supervisors in a form approved by the Office of the County Attorney stating that the use of Parcel A shall be restricted to passive recreation facilities.
- *6. Unless waived, stormwater management and Best Management Practices shall be provided as determined by DPWES in accordance with the Public Facilities Manual (PFM).
- *7. Irrespective of the widths of the internal streets shown on the Special Exception Plat, the widths of internal subdivision streets shall be minimized, consistent with PFM and VDOT standards, as determined by DPWES, to enable road sections that do not include curb and gutter, such as open ditch designs, to be provided.
- *8. For each phase of development, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements planned for that phase shall be submitted to DPWES, including the Urban Forestry Branch, for review and approval. The extent of clearing and grading for each phase of construction shall be the minimum amount necessary, as determined by DPWES. Prior to any land disturbing activities for each phase of construction, a pre-construction conference shall be held between the DPWES and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, and the erosion and sedimentation control plan to be implemented during construction. The applicant shall retain the services of a certified arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the applicant shall walk the limits of clearing and grading with an Urban Forester and the developer's certified 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 that are not likely to survive construction due to their species and/or their proximity to disturbance, will also be identified at this time and the developer shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal, at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw and the stump shall be left in place to avoid damage to the surrounding trees. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees.

- *9. In addition to the limits of clearing and grading shown on the Special Exception Plat, tree preservation areas on individual lots beyond those shown on the Special Exception Plat shall be provided where feasible and desirable in coordination with the Urban Forestry Branch at the time of review and approval of the subdivision plan or grading plan for each phase of development. Areas on individual lots where the preservation of such additional trees is to be provided shall be identified and delineated with limits of clearing and grading on the subdivision plan. At the time of first submission of the subdivision plan or grading plan for any phase of development that includes residential lots, a tree preservation plan shall be provided for review and approval by the Urban Forestry Branch, and shall be implemented as approved by that Branch. The tree preservation plan shall include a tree survey for the area subject to that phase of development, which describes the location, species, size, accurate dripline, and condition of the trees to be preserved on individual lots, as well as all trees 12 inches in diameter or greater that are located 25 feet of either side of the limits of clearing and grading. The condition analysis shall be prepared by a certified arborist, using the most current edition of "The Guide for Plant Appraisal". Specific tree preservation activities shall be reflected in the tree preservation plans, including methods to be implemented to ensure preservation through the construction process.
- *10. The applicant shall allow the County access to the Property for the purpose of conducting a rare plant survey and transportation plan on the portion of the site to be cleared for the proposed development. The survey shall be conducted by the County within 90 days of approval of the Special Exception by the Board of Supervisors. Transplanting activities, determined to be feasible, shall be conducted by County Staff with the prior permission of the owner(s) of the property and within a mutually acceptable time frame. Such study or transplanting activities shall not delay or interfere with the issuance of permits or construction activity.
- *11. A wetland delineation performed by a qualified consultant to determine the extent to which, if any, wetlands are located with the proposed development envelop, shall be submitted to DPWES at the time of the subdivision plan submission. Should any wetlands be determined to be on site, measures to ensure protection of the wetlands from disturbance to the extent feasible, as determined by DPWES, shall be included on the subdivision plan.

*12. In order to achieve maximum interior noise level of approximately DNL 45 dBA, for all dwelling units located between the DNL 65 – 70 dBA highway noise impact contours, (120 feet from centerline of Braddock Road), the following measures shall be employed:

- Exterior walls shall have a laboratory sound transmission class of at least 30.
- Doors and glazing shall have a laboratory STC rating of at least 28. If glazing constitutes more than 20% of any façade it shall have the same laboratory STC as walls.
- Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

In order to achieve a maximum exterior noise level of 65 dBA DNL, noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof shall be provided for those outdoor recreation areas, including rear yards, that are unshielded by topography or built structures. If acoustical fencing or walls are used, they shall be architecturally solid from the ground up, with no gaps or openings. All fences must meet Zoning Ordinance height restrictions. The applicant may pursue other methods of mitigating highway noise if it can be demonstrated, through an independent noise study for review and approval of DPWES, that these methods will be effective in reducing exterior noise levels to DNL 65 dBA or less and interior noise levels to DNL 45 dBA or less.

- *13. The applicant shall contribute the sum of \$44,276.51 to the Fairfax County Park Authority at time of subdivision plan approval in lieu of constructing an 8 foot wide asphalt trail along the stream within the Elklick Run Stream Valley. These funds shall be applied to construction of trails in the area as determined by FCPA in conjunction with the Sully District Representative to the Countywide Non-Motorized Transportation Committee.
- *14. Prior to bond release, an 8 foot wide, Type I asphalt trail shall be constructed within a 12 foot wide trail easement along the frontage of Pleasant Valley Road, in coordination with the FCPA trails planner.
- *15. Any subdivision identification signs within the cluster subdivision shall be constructed in accordance with Article 12 of the Zoning Ordinance.
- *16. If blasting is required, and before any blasting occurs on the property, the applicant or its successors shall ensure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without

limitation the use of blasting mats, shall be implemented. In addition, a professional consultant shall be retained to perform a pre-blast survey of each house or residential building, to the extent that any of these structures are located within one hundred fifty (150) feet of the blast site. The consultant shall request access to houses, buildings, or swimming pools that are located within said 150 foot range if permitted by the owner, to determine the pre-blast conditions of these structures. The consultants shall give adequate notice of both the scheduling of the pre-blast survey, and of the blasé event itself. The consultant shall place seismographic instruments prior to blasting to monitor the shock waves. These seismographic monitoring records shall be provided to County agencies upon request. Upon receipt of a claim of actual damage from said blasting, the applicant shall meet at the site of the alleged damage to confer with the property owner within 15 days. All subcontractors shall maintain liability insurance to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity, as determined by the pre- and post-blast surveys.

- *17. Right-of-way up to a width of 56 feet from the existing centerline along the Pleasant Valley Road frontage of the property including ancillary easements as depicted on the Special Exception Plat, and up to a width of 45 feet from the existing centerline along the Braddock Road frontage of the property including ancillary easements as depicted on the Special Exception Plat, shall be dedicated to the Board of Supervisors at the time of subdivision plan approval, or upon demand, whichever occurs first.
- *18. The limits of clearing and grading along the eastern property line shall result in a setback of approximately one hundred (100) feet to the property line as shown on the Special Exception Plat. At the time of subdivision plan approval, the area within the setback shall be placed within a conservation easement, in a form approved by the County Attorney, for the benefit of a homeowners association to be established by the applicant, or to Fairfax County if a homeowners association is not established. Disturbance of this area for the installation of necessary utilities shall be minimized and disturbed areas shall be re-vegetated as shown on the Special Exception Plat, as determined by the Urban Forestry Division.
- *19. During clearing and grading, debris (e.g. tires, etc.) shall be removed from the site in the least disruptive manner possible given engineering and cost constraints. Any areas disturbed, due to the long term presence of debris or the removal of debris shall be re-vegetated, as determined by DPWES.
- 20. Prior to issuance of any additional RUP's, the \$3,000.00 contribution posted to escrow by Brookfield Washington on August 10, 2001 for the purpose of constructing a historical marker shall be transferred to the Fairfax County Park Authority, Resource Management Division, Resource Stewardship Section's proffer fund for use in emergency or other heritage resource conservation projects within the adjacent Hunter/Hacor Acquisition and adjacent park property.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) days after the date of approval unless the terms of development condition #20 have been fulfilled. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Patti M. Hicks
Deputy Clerk to the Board of Supervisors

RECEIVED
Department of Planning & Zoning

OCT 03 2002

Zoning Evaluation Division

PMH/ns

cc: Chairman Katherine K. Hanley
Supervisor Frey, Sully District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Enforcement Branch
John Crouch, Deputy, Zoning Enforcement Branch, ZPRB
Audrey Clark, Director, BPRD, DPWES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
DPWES - Bonds & Agreements
Department of Highways, VDOT
Land Acq. & Planning Div., Park Authority
District Planning Commissioner

APPROVED DEVELOPMENT CONDITIONS

SEA 00-Y-018

September 19, 2002

If it is the intent of the Board of Supervisors to approve SEA 00-Y-018, generally located on the south side of Braddock Road approximately 1,500 feet east of the Braddock Road/Pleasant Valley Road intersection in Sully District [43-1 ((2)) 1-20, 30-40; 43-3 ((4)) 21-29 (all formerly 43-1 ((1)) 12 Pt.)] to modify the development condition that requires a historical marker to be placed within the approved cluster subdivision, pursuant to Sect. 3-C04 and 9-615 of the Fairfax County Zoning Ordinance, the Staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

** Conditions marked with an asterisk (*) are conditions from the previously approved special exception (SE 00-Y-018). The following conditions supersede the previous conditions.*

- *1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
- *2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
- *3. This Special Exception is subject to the provisions of Chapter 101 of the County Code, Subdivision Provisions. Any plat submitted pursuant to this Special Exception shall be in substantial conformance with the Special Exception Plat entitled, "The Pleasant Valley Road Properties", prepared by Planning and Development Services, Inc., and dated March 30, 2000 as revised through June 21, 2000, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
- *4. Right and left turn lanes shall be constructed into the site's entrance if determined necessary by VDOT at the time of subdivision plan review.
- *5. At the time of subdivision plan approval, Parcel A which abuts the proposed lots to the south and west and consists of approximately 141 acres, as shown on the Special Exception Plat, shall be dedicated to the Fairfax County Park Authority (FCPA) in fee simple for use as a park

subject to the installation of utilities and easements, including stormwater management, if necessary. Such conveyance shall be subject to a recorded covenant running to the benefit of the Board of Supervisors in a form approved by the Office of the County Attorney stating that the use of Parcel A shall be restricted to passive recreation facilities.

- *6. Unless waived, stormwater management and Best Management Practices shall be provided as determined by DPWES in accordance with the Public Facilities Manual (PFM).
- *7. Irrespective of the widths of the internal streets shown on the Special Exception Plat, the widths of internal subdivision streets shall be minimized, consistent with PFM and VDOT standards, as determined by DPWES, to enable road sections that do not include curb and gutter, such as open ditch designs, to be provided.
- *8. For each phase of development, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements planned for that phase shall be submitted to DPWES, including the Urban Forestry Branch, for review and approval. The extent of clearing and grading for each phase of construction shall be the minimum amount necessary, as determined by DPWES. Prior to any land disturbing activities for each phase of construction, a pre-construction conference shall be held between the DPWES and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, and the erosion and sedimentation control plan to be implemented during construction. The applicant shall retain the services of a certified arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the applicant shall walk the limits of clearing and grading with an Urban Forester and the developer's certified 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 that are not likely to survive construction due to their species and/or their proximity to disturbance, will also be identified at this time and the developer shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal, at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw and the stump shall be left in place to avoid damage to the surrounding trees. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees.

- *9. In addition to the limits of clearing and grading shown on the Special Exception Plat, tree preservation areas on individual lots beyond those shown on the Special Exception Plat shall be provided where feasible and desirable in coordination with the Urban Forestry Branch at the time of review and approval of the subdivision plan or grading plan for each phase of development. Areas on individual lots where the preservation of such additional trees is to be provided shall be identified and delineated with limits of clearing and grading on the subdivision plan. At the time of first submission of the subdivision plan or grading plan for any phase of development that includes residential lots, a tree preservation plan shall be provided for review and approval by the Urban Forestry Branch, and shall be implemented as approved by that Branch. The tree preservation plan shall include a tree survey for the area subject to that phase of development, which describes the location, species, size, accurate dripline, and condition of the trees to be preserved on individual lots, as well as all trees 12 inches in diameter or greater that are located 25 feet of either side of the limits of clearing and grading. The condition analysis shall be prepared by a certified arborist, using the most current edition of "The Guide for Plant Appraisal". Specific tree preservation activities shall be reflected in the tree preservation plans, including methods to be implemented to ensure preservation through the construction process.
- *10. The applicant shall allow the County access to the Property for the purpose of conducting a rare plant survey and transportation plan on the portion of the site to be cleared for the proposed development. The survey shall be conducted by the County within 90 days of approval of the Special Exception by the Board of Supervisors. Transplanting activities, determined to be feasible, shall be conducted by County Staff with the prior permission of the owner(s) of the property and within a mutually acceptable time frame. Such study or transplanting activities shall not delay or interfere with the issuance of permits or construction activity.
- *11. A wetland delineation performed by a qualified consultant to determine the extent to which, if any, wetlands are located with the proposed development envelop, shall be submitted to DPWES at the time of the subdivision plan submission. Should any wetlands be determined to be on site, measures to ensure protection of the wetlands from disturbance to the extent feasible, as determined by DPWES, shall be included on the subdivision plan.
- *12. In order to achieve maximum interior noise level of approximately DNL 45 dBA, for all dwelling units located between the DNL 65 – 70 dBA highway noise impact contours, (120 feet from centerline of Braddock Road), the following measures shall be employed:

extent that any of these structures are located within one hundred fifty (150) feet of the blast site. The consultant shall request access to houses, buildings, or swimming pools that are located within said 150 foot range if permitted by the owner, to determine the pre-blast conditions of these structures. The consultants shall give adequate notice of both the scheduling of the pre-blast survey, and of the blasé event itself. The consultant shall place seismographic instruments prior to blasting to monitor the shock waves. These seismographic monitoring records shall be provided to County agencies upon request. Upon receipt of a claim of actual damage from said blasting, the applicant shall meet at the site of the alleged damage to confer with the property owner within 15 days. All subcontractors shall maintain liability insurance to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity, as determined by the pre- and post-blast surveys.

- *17. Right-of-way up to a width of 56 feet from the existing centerline along the Pleasant Valley Road frontage of the property including ancillary easements as depicted on the Special Exception Plat, and up to a width of 45 feet from the existing centerline along the Braddock Road frontage of the property including ancillary easements as depicted on the Special Exception Plat, shall be dedicated to the Board of Supervisors at the time of subdivision plan approval, or upon demand, whichever occurs first.
- *18. The limits of clearing and grading along the eastern property line shall result in a setback of approximately one hundred (100) feet to the property line as shown on the Special Exception Plat. At the time of subdivision plan approval, the area within the setback shall be placed within a conservation easement, in a form approved by the County Attorney, for the benefit of a homeowners association to be established by the applicant, or to Fairfax County if a homeowners association is not established. Disturbance of this area for the installation of necessary utilities shall be minimized and disturbed areas shall be re-vegetated as shown on the Special Exception Plat, as determined by the Urban Forestry Division.
- *19. During clearing and grading, debris (e.g. tires, etc.) shall be removed from the site in the least disruptive manner possible given engineering and cost constraints. Any areas disturbed, due to the long term presence of debris or the removal of debris shall be re-vegetated, as determined by DPWES.
- 20. Prior to issuance of any additional RUP's, the \$3,000.00 contribution posted to escrow by Brookfield Washington on August 10, 2001 for the purpose of constructing a historical marker shall be transferred to the Fairfax County Park Authority, Resource Management Division, Resource

Stewardship Section's proffer fund for use in emergency or other heritage resource conservation projects within the adjacent Hunter/Hacor Acquisition and adjacent park property.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) days after the date of approval unless the terms of development condition #20 have been fulfilled. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.