



FAIRFAX COUNTY

ZED
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

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May 7, 2003

Elizabeth D. Baker, Land Use Coordinator
Walsh, Colucci, Stackhouse, Emrich & Terpak, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

RE: Rezoning Application Number RZ 2002-HM-035
(Concurrent with PCA 79-C-037-4)

Dear Ms. Baker:

Required funds having been paid by the applicant in accordance with the procedures established by the Board of Supervisors for rezoning of commercial or industrial land within the Route 28 Tax District to residential use, enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 7, 2003, granting, as proffered, effective May 7, 2003, Rezoning Application Number RZ 2002-HM-035 in the name of Coppermine Associates LC and Dulles Tech, LC, from the PDC, C-3 and I-4 Districts to the I-4 and PDH-12 Districts, subject to the proffers dated April 7, 2003, located north of Coppermine Road, east and west of River Birch Road (Tax Map 15-4 ((1)) 10 part, 19, 20, 35 and 16-3 ((1)) 32B) in the Hunter Mill District.

The Conceptual Development Plan was approved as part of the Board of Supervisors' approval of RZ 2002-HM-035, the Planning Commission having previously approved Final Development Plan Application FDP 2002-HM-035, subject to conditions dated March 26, 2003, on March 27, 2003, and subject to the Board's approval of RZ 2002-HM-035

In addition, the Board:

- **Modified the transitional screening and barrier requirements along the perimeter of the site and between the residential and public uses to permit the landscaping and barriers depicted on the Conceptual Development Plan/Final Development Plan.**

May 7, 2003

- **Waived the 600-foot maximum length limitation on private streets.**
- **Waived the loading space requirements.**
- **Waived the 200 square foot backyard requirement for single family attached units.**

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley
Supervisor Hudgins, Hunter Mill District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Enforcement Branch
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Thomas Conry, Dept. Mgr. – GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPWES
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES
Frank Edwards, Department of Highways - VDOT
Joyce Evans, Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
James Patteson, Director, Facilities Mgmt. Div., DPWES
Barbara J. Lippa, Executive Director, Planning Commission
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools
Barbara J. Lippa, Deputy Executive Director, Planning Commission

RECEIVED
Department of Planning & Zoning
MAY 09 2003
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 7th day of April, 2003 the following ordinance was adopted effective May 7, 2003. (Funds required by State Law having been paid by the applicant in accordance with the procedures established by the Board of Supervisors for rezoning of commercial or industrial land within the Route 28 Tax District to residential use):

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2002-HM-035
(CONCURRENT WITH PCA 79-C-037-4)

WHEREAS, Coppermine Associates LC and Dulles Tech, LC filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the PDC, C-3 and I-4 Districts to the I-4 and PDH-12 Districts, 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 I-4 and PDH-12 Districts, and said property is subject to the use regulations of said I-4 and PDH-12 Districts, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(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 7th day of April, 2003.



Nancy Velts
Clerk to the Board of Supervisors

BC Consultants

Planners · Engineers · Surveyors · Landscape Architects

June 18, 2002

BC Project Number: 02034.01

Page 1 of 4

DESCRIPTION OF EXISTING I-4 ZONE COPPERMINE CROSSING HUNTER MILL DISTRICT FAIRFAX COUNTY, VIRGINIA

Being a portion of the properties acquired by Dulles Tech L.C. as recorded in Deed Book 11177 at Page 840 among the land records of Fairfax County, Virginia and being more particularly described in two (2) parts as follows;

Part One:

Beginning for the same at a point lying on the Easterly line of Coppermine Associates LLC. as recorded in Deed Book 11435 at Page 180 said point also being the Southerly corner of the land of Merrybrook Run, Limited Partnership as recorded in Deed Book 11653 at Page 838, thence binding and running with the Southeasterly line of said Merrybrook Run;

- 1.) North 38° 42' 09" East, 241.14 feet to a point being the Southeasterly corner of the land of California State Teachers Retirement System as recorded in Deed Book 11329 at Page 1594, thence binding and running with the Southerly lines of said land the following Seven (7) courses and distances;
- 2.) South 48° 52' 42" East, 30.63 feet to a point, thence;
- 3.) South 64° 07' 42" East, 140.00 feet to a point, thence;
- 4.) South 37° 07' 42" East, 56.00 feet to a point, thence;
- 5.) South 51° 07' 42" East, 144.00 feet to a point, thence;
- 6.) South 66° 33' 34" East, 154.72 feet to a point, thence;
- 7.) South 58° 18' 31" East, 36.52 feet to a point, thence;

The BC Consultants, Inc.
12600 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
(703) 449-8100 (703) 449-8108 (Fax)
www.bccon.com

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Department of Planning & Zoning

AUG 23 2002

Zoning Evaluation Division

COPPERMINE CROSSING

PROFFERS

RZ 2002-HM-035

April 7, 2003

" " Pursuant to Section 15.2-2303(a), Code of Virginia, 1950 as amended, and subject to the Board of Supervisors approving a rezoning to the PDH-12 District for property identified as Tax Map 15-4 ((1)) part 10, 19, 20, 35 and 16-3 ((1)) 32B (hereinafter referred to as the "Application Property"), Coppermine Associates LLC (owner of Tax Map 15-4 ((1)) part 10) and Dulles Tech L.C. (owner of Tax Map 15-4 ((1)) 20, 19, 35 and 16-3 ((1)) 32B), the Applicants in RZ 2002-HM-035 proffers for themselves, their successors and assigns the following conditions. In the event that this Application is approved, any previous proffers for the Application Property are hereby deemed null and void and hereafter shall have no effect on the Application Property.

Development Plan

1.
 - A. Development of the Application Property shall be in substantial conformance with the Conceptual Plan/Final Development Plan (CDP/FDP Plat) prepared by The BC Consultants, Inc., consisting of nineteen (19) sheets dated August 16, 2002 through March 10, 2003, which CDP/FDP proposes a maximum of 632 dwelling units.
 - B. Development of Land Bay A (Tax Map 15-4 ((1)) part 10) is governed by two (2) alternative CDP/FDPs. The CDP/FDP shown on Sheets 1 through 15 shows a maximum of 348 multi-family residential units and a clubhouse/leasing center. As an alternative, the CDP/FDP shown on Sheet 16 indicates development of a maximum of 165 single-family attached units on parcel part 10. The Applicants may pursue either CDP/FDP at their sole discretion.
 - C. Development of Land Bay B (Tax Map 16-2 ((1)) 32B, 15-4 ((1)) 19, 20 and 35) is governed by two (2) alternative CDP/FDPs. The CDP/FDP shown on Sheet 19 shows a maximum of 272 units in Land Bay B and will be the plan used for development if at time of site plan approval of the units affected by the Chesapeake Bay Preservation Ordinance (CBPO) are not granted an Resource Protection Area (RPA) exception. The CDP/FDP shown on Sheets 1-15 shows a maximum of 284 multi-family units in Land Bay B and is the Applicant's preferred plan. Land Bay B shall be developed under this 284-unit plan if allowed under the CBPO via an RPA exception or Ordinance revision in effect at the time of site plan approval of units affected by the CBPO.
2. Notwithstanding that the CDP/FDP is presented on nineteen (19) sheets and said CDP/FDP is the subject of Proffer 1 above, it shall be understood that the CDP shall be

the entire plan shown on Sheets 2, 3 and 4 or alternatively for parcel part 10 shown on Sheet 16 and alternatively for parcels 32B, 19, 20 and 35 as shown on Sheet 19, relative to the points of access, the maximum number of dwelling units, the amount of open space, the general location and arrangement of buildings and parking, and the peripheral setbacks. The Applicants or successors have the option to request a FDPA for elements other than the CDP elements including converting front load townhouses on Land Bay A to rear load townhouses 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 in conformance with the approved CDP and proffers.

3. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted as determined by the Zoning Administrator. The Applicants or successors shall have the flexibility to modify the layouts shown on Sheets 3-4, or alternatively Sheets 16 and 19, of the CDP/FDP without requiring approval of an amended FDP provided such changes are in substantial conformance with the FDP as determined by the Department of Planning and Zoning ("DPZ") and do not increase the number of dwelling units, decrease the amount of open space, or decrease the setback from the peripheries.
4. Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 5 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein, including road dedications, park dedications and school dedications, or as may be required by Fairfax County or Virginia Department of Transportation ("VDOT") at the time of site plan approval.

Transportation

5. At the time of site plan approval, or upon demand by Fairfax County, whichever shall occur first, each Applicant shall dedicate and convey in fee simple to the Board right-of-way along the Application Property's Coppermine Road frontage adjacent to that site plan measuring forty-five (45) feet from the existing centerline as shown on Sheet 15 of the CDP/FDP plus additional land as needed for turn lanes. The Applicants shall construct improvements along the Coppermine Road frontage of the Application Property with the development of each Land Bay, including curb, gutter and sidewalk with curb face set a minimum of thirty-five (35) feet from existing centerline. With the development of Land Bay A, the Applicants shall construct a left turn lane and right turn lane treatment as shown on the CDP/FDP on Coppermine Road at Land Bay A's proposed entrance, which may require additional dedication and will be provided in fee simple by the Applicants. Additionally, at the time of site plan review for each Land Bay, the Applicants shall coordinate with the Department of Public Works and Environmental Services ("DPWES") and VDOT and provide appropriate transitions from the four (4)-lane section of Coppermine Road to the sections of Coppermine Road that exist across the cemeteries located adjacent to the Application Property as determined by DPWES. The improvements associated with each Land Bay shall be placed "in service"

(but not necessarily accepted by VDOT) prior to the issuance of the 75th Residential Use Permit ("RUP") for each Land Bay.

If permitted by DPWES, the cost of frontage improvements along Land Bay A's Coppermine Road frontage west of the proposed western entrance may be escrowed by the Applicants in an amount to be determined by DPWES. Construction of, or the escrowing of funds of these improvements, shall occur prior to the issuance of the 75th Residential Use Permit ("RUP") for Land Bay A.

6. The internal site entrance to Land Bay A shall be constructed as shown on Sheet 3 of the CDP/FDP to accommodate two lanes entering, and two lanes exiting the Land Bay. However, if the Applicants elect to implement the alternate plan shown on Sheet 16, the Land Bay A entrance shall be constructed as shown on Sheet 16, with one (1) lane entering and one (1) lane exiting the Land Bay.
7. At the time of first site plan approval for Land Bay A, the Applicants shall contribute \$25,000 towards the design and installation of a traffic signal at the intersection of Coppermine Road and Sunrise Valley Road. The contribution shall be adjusted upward or downward, based on changes to the Construction Cost Index published in the Engineering News Record occurring subsequent to the date of the rezoning approval and up to the date of payment.
8. The Applicants shall construct two (2) bus shelters on the Application Property at locations to be determined at the time of site plan approval by the Fairfax County Department of Transportation. One bus shelter shall be provided along Land Bay A's Coppermine Road frontage. A second bus shelter shall be provided within Land Bay B on either Coppermine Road or River Birch Road. The bus shelters shall be the typical open type and construction shall be limited to the concrete pad and the shelter itself. No bus turn outs or special lanes shall be provided by the Applicants. The bus shelters shall be constructed by the Applicant along whose frontage the shelter is to be located and shall be completed prior to the issuance of the 75th Residential Use Permit (RUP) on its portion of the Application Property. The bus shelters and trash cans shall be maintained by the adjacent homeowners association or rental management company. Purchasers shall be advised in writing prior to entering into a contract of sale that the homeowners association shall be responsible for the maintenance of the bus shelters. The homeowners association documents shall specify that the homeowners association is responsible for the maintenance of the bus shelters.
9. The use of mass transit, ride-sharing and other transportation strategies shall be utilized in the multifamily rental component of Land Bay A, to reduce single occupancy vehicular (SOV) traffic during peak hours. Tenants shall be advised of this transportation strategy development condition. Transportation coordination duties shall be carried out by a designated property manager(s) or transportation management coordinator(s). The transportation strategies management position may be a part of other duties assigned to

the individual(s). The transportation management strategies shall be implemented after sixty percent (60%) of the RUPs for Land Bay A, have been issued.

The Applicants shall designate an individual to act as the transportation coordinator (property management staff person) for Land Bay A whose responsibility will be to implement the transportation management strategies in coordination with the Fairfax County Department of Transportation. Strategies may include the following:

- A. Participation in the Fairfax County Ride Share Program;
- B. Dissemination of Ridesharing information in residential lease packages;
- C. Making ridesharing display maps and forms available to tenants in each building;
- D. Providing amenities for bicycle storage;
- E. Sidewalk system designed to encourage/facilitate pedestrian circulation.
- F. Participation in a shuttle service

One year after the transportation management strategies are implemented, the Applicants shall conduct a survey of residents, visitors and employees to determine the transportation characteristics of building tenants and employees. This survey will form the basis of the transportation management program for Land Bay A.

10. All private streets shall be constructed with materials and depth of pavement consistent with public street standards in accordance with the Public Facilities Manual, as determined by DPWES. The Applicants shall be responsible for the maintenance of all private streets. The Applicants shall provide for establishment of a Reserve Fund to be used as funding for maintenance of the private streets with the establishment of any homeowners association(s) for the Application Property. Purchasers shall be advised in writing prior to entering into a contract of sale that the HOA will be responsible for the maintenance of the private streets. The HOA documents shall expressly state that the HOA shall be responsible for the maintenance of the private streets serving that HOA's development area.

School Dedication

11. Within thirty (30) days of the first site plan approval for either Land Bay A or Land Bay B, whichever occurs first, the Applicants shall dedicate the approximate 14.38 acres shown on the CDP/FDP as "Proposed School Dedication" to Fairfax County for use as an elementary school site. If the site plans are abandoned prior to approval, or are not being diligently processed to approval, or have not been submitted for review, the Applicants will dedicate the school site, within (90) days of demand by the Fairfax County School Board ("School Board").

The Applicants shall provide stormwater management for the school site at no cost to the Fairfax County School Board by the following methods:

- a. Land Bay A shall provide stormwater management for its portion of the school site in its on-site pond, unless waived, and
 - b. Land Bay B shall provide stormwater management in the existing off-site pond located within Dulles Technology Park.
- 12." All of the existing improvements on the proposed school site which cannot be utilized for the school as determined by the Fairfax County School Board shall be removed within six (6) months of the School Board's determination of what existing improvements should be removed. If, for some reason, the improvements are removed by the School Board, the Applicants shall reimburse the School Board for its costs.

Architectural/Landscaping Details

13. The architectural design of the dwelling units shall be in general character with the elevations shown on Sheets 13, 14, or alternatively on Sheet 18 of the CDP/FDP, as determined by DPWES. The Applicants reserve the right to refine the elevations as a result of final architectural design, so long as the character and quality of design remains consistent with those shown.
14. A landscape plan shall be submitted as part of each site plan(s) and shall be coordinated with and approved by the Urban Forester. This plan shall be in general conformance with the landscape concepts plan as to quantity and quality as shown on Sheets 5 and 6, or alternatively on Sheet 16 and 19 of the CDP/FDP, as determined by DPWES.

Sidewalk/Trails

15. The Applicants shall provide sidewalks along the Coppermine Road frontage, both sides of River Birch Drive, the entrance roads into the site and throughout the Application Property linking buildings as shown on Sheet 9 or alternatively as shown on Sheet 16 of the CDP/FDP. Such construction shall occur commensurate with the development of each Land Bay.
16. The Applicants shall construct an eight (8) foot wide asphalt trail within the Merrybrook Run stream valley area, inclusive of the area to be dedicated for a school site and park use for each Land Bay as shown on the CDP/FDP. This includes the trail within the area to be dedicated for park use as described in Proffer 21 and the trail within the area to be dedicated for school use as described in Proffer 11. A public access easement shall be recorded on the portion of the trail to be built on each Land Bay on the future school site. At the time of site plan review, the trail shall be field located to minimize disruption to existing trees as determined by the Urban Forester and adjusted to coincide with trails on adjacent properties. The Applicants shall coordinate with DPWES and the Park Authority to assure coordinated trail connections with trails planned on Tax Map 15-4 ((5)) 3 and Tax Map 16-3 ((1)) 6.

17. In addition to the on-site pedestrian trail/sidewalk connections depicted on the CDP/FDP, curb and gutter and a five (5) foot concrete trail/sidewalk shall be constructed across the frontage of Tax Map Parcel 15-4 ((1)) 18 (cemetery) to connect with the existing sidewalk located on Tax Map Parcel 15-4 ((1)) 16A with the development of Land Bay B. Curb and a five (5) foot concrete trail/sidewalk shall be constructed across the frontage of Tax Map Parcel 15-4 ((1)) part 10 (cemetery) to connect with the existing sidewalk located on Tax Map Parcel 15-4 ((2)) 16 with the development of Land Bay A. These off-site improvements are subject to (i) obtaining approval from the owners of Tax Map Parcel 15-4 ((1)) 18 and 15-4 ((1)) part 10 and/or VDOT, as required; and (ii) obtaining all off-site easements and/or necessary right-of-way to construct said improvements at no cost for the easement or right-of-way to the Applicants. The Applicants shall use their best efforts to obtain the required permission from the owners and if permission is not granted the Applicants from the owners of Tax Map Parcel 15-4 ((1)) 18 and 15-4 ((1)) pt. 10 and/or VDOT, the Applicants shall demonstrate to the satisfaction of DPWES the failed attempts to acquire the required permission.

Environment

18. Outdoor lighting fixtures used to illuminate residential parking areas and walkways shall not exceed twenty (20) feet in height, shall be of low intensity design and shall utilize full cut-off fixtures which shall focus directly on the Application Property.
19. If lighted, signage shall be internally lighted or directed downward.
20. Unless waived or modified by DPWES, the Applicants shall provide stormwater detention and Best Management Practices as required by the Public Facilities Manual (PFM). If approval of the stormwater management waiver for a portion of Land Bay B or the modifications required for the proposed underground facilities on Land Bay A, or viable alternatives are not approved by DPWES, the Applicants shall seek an administrative interpretation to provide on-site surface stormwater management pond(s). The Applicants acknowledge that such stormwater management facilities may eliminate some of the dwelling units now shown on the CDP/FDP.

If permitted and subject to approval by DPWES, the exact location of the underground detention shall be determined at the time of site plan. The maintenance of the underground facilities shall be the responsibility of the Applicants and its successors. Purchasers shall be advised in writing prior to entering into a contract of sale that the HOA will be responsible for the maintenance of the stormwater management facilities. The HOA documents shall set forth, among other things, the maintenance responsibility for the stormwater management ponds.

21. Within thirty (30) days of site plan approval, the area within that site plan depicted on the CDP/FDP as Park Dedication, shall be conveyed in fee simple to Fairfax County as a continuation of, and addition to, the Merrybrook Run Stream Valley Park. This park area shall include a conservation easement to ensure that it not be disturbed except as shown on the CDP/FDP and to the extent disturbance may be necessary to provide utility service, stormwater management, and trail construction. Utilities and trails shall be installed in the least disruptive manner possible considering cost and engineering as determined by the Urban Forestry Division.

22. A tree preservation plan shall be submitted as part of the site plan in conformance with the tree save areas shown on the CDP/FDP. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches in diameter and greater within fifteen (15) feet outside of the limits of clearing and grading. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing using four foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, shall be erected at the limits of clearing and grading as shown on the CDP/FDP. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. Three (3) days prior to the commencement of any clearing, grading, or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

The Applicants shall strictly conform to the limits of clearing and grading as shown on the CDP/FDP subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails outside of the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by the Urban Forester, DPWES. A replanting plan shall be developed and implemented, subject to approval by the Urban Forester, for any areas outside of the limits of clearing and grading that must be disturbed.

The limits of clearing and grading shall be marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the limits of clearing and grading shall be walked with an Urban Forestry Division representative 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 removed as part of the clearing operation.

23. All units constructed on the Application Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES for either electric or gas energy homes, as applicable.
24. If required by DPWES, a geotechnical engineering study shall be submitted to DPWES for review and approval prior to final site plan approval, and recommendations generated by the study shall be implemented, as required by DPWES.

Miscellaneous

25. The Applicants shall comply with the Affordable Dwelling Unit (ADU) Program as set forth in Section 2-801 of the Zoning Ordinance unless modified by the ADU Advisory Board.

If the Applicants elect to develop Land Bay A with multi-family dwelling units, all ADUs required for the Application Property shall be located within the multi-family units on Land Bay A. In the event the Applicants elect to develop Land Bay A with single family attached units or develop the Application Property in a manner resulting in no requirement to construct ADUs, the Applicants shall: a) make a cash contribution to the Fairfax County Housing Trust Fund in the amount equal to one half percent (1/2 %) of the average sales price of each for sale unit or one-half percent (1/2 %) of the total development cost for any rental portion of the development; b) make said contribution for each Land Bay prior to the issuance of the first building permit for each Land Bay; and c) provide one (1) ADU unit on Land Bay B with the contribution of Land Bay B to the Housing Trust Fund reduced by the sales price of the land associated with one dwelling unit sold by the Applicants to the lot buyer of Land Bay B, as demonstrated by a fully ratified contract of sale.

26. The Applicants shall provide prepayment of taxes that would be attributable to each Land Bay as currently zoned in accordance with the formula and provisions as adopted by the Board of Supervisors for optional residential development within the Route 28 Tax District. The prepayment of taxes shall be made within thirty (30) days of the Board of Supervisors approval of this proffered condition amendment.
27. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 of Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site by the Applicants or at the Applicants' direction to assist in the initial sale

or rental of residential units on the Application Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Application Property to adhere to this proffer.

28. Prior to final bond release for Land Bay B, an approximate one-half (0.5) acre area delineated on the CDP/FDP shall be conveyed in fee simple to the adjacent Beacon Hill Baptist Church at no cost. The Applicants shall construct a multi-purpose court on the land to be conveyed to the church, and shall record an easement granting the future homeowners association for Land Bay B the right to use the multi-purpose court. The remaining area of the conveyance may be utilized for parking or play areas for the church without the need for a proffered condition amendment, conceptual development plan amendment or final development plan amendment.
29. The Applicants shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreational facilities for the residential uses. The Applicants shall receive credit for the on-site recreational facilities which shall include, but not be limited to:
 - A. A swimming pool and a community center with exercise facilities and stream valley trail for the development of Land Bay A with multi-family dwellings, or alternatively a tot lot, benches, and stream valley trail for development of Land Bay A with single-family attached dwellings; and,
 - B. A multi-use court to be conveyed to Beacon Hill Baptist Church, stream valley trail, tot lot, gazebo and picnic tables on Land Bay B.
30. A covenant shall be recorded which provides that townhouse 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 and the Fairfax County Board of Supervisors. Purchasers shall be advised in writing of the use restriction prior to entering into contract of sale.
31. All driveways on the Application Property shall be a minimum of eighteen (18) feet in length from the garage door to the sidewalk.
32. The Applicants shall, with the development of Land Bay A, construct a fence similar to the fence detail depicted on Sheet 12 of the CDP/FDP plat along its common property boundary with the cemetery located on 15-4 ((1)) part 10.
33. 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 in the same instrument.

34. These proffers will bind and inure to the benefit of the Applicants and his/her successors and assigns.

35. The individual sections within the Application Property may be subject to Proffered Condition Amendments without joinder and/or consent of the other property owner of the other sections/buildings. The one-half acre area to be dedicated to the church from Land Bay B may be subject to Proffered Condition Amendments and Final Development Plan Amendments without joinder and/or consent of the property owners/residents of Land Bay A and Land Bay B.

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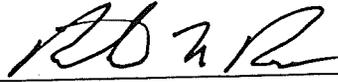
[SIGNATURES BEGIN ON NEXT PAGE]

PROFFERS
RZ 2002-HM-035

CO-APPLICANT/TITLE OWNER OF
TAX MAP 15-4 ((1)) 10

COPPERMINE ASSOCIATES LLC

By: Lincoln No. 2173, Inc., its Managing Member



By: Richard N. Rose
Its: Vice President

[SIGNATURES CONTINUED ON NEXT PAGE]

PROFFERS
RZ 2002-HM-035

CO-APPLICANT/TITLE OWNER OF
TAX MAP 15-4 ((1)) 20, 19, 35 AND
16-3 ((1)) 32B

DULLES TECH L.C.

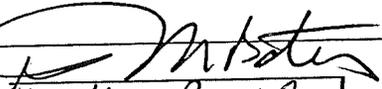

By: James W. Todd
Its: Manager/Member

[SIGNATURES CONTINUED ON NEXT PAGE]

PROFFERS
RZ 2002-HM-035

CONTRACT PURCHASER OF
TAX MAP 16-3 ((1)) 32B; 15-4 ((1)) 19 pt., 20, 35 pt.

WASHINGTON HOMES, INC. OF VIRGINIA

By: 
Its: Vice President

[SIGNATURES END]

FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2002-HM-035

March 26, 2003

If it is the intent of the Planning Commission to approve FDP 2002-HM-035 for a residential development at Tax Maps 15-4 ((1)) 10 pt, 19, 20, 35 and Tax Map 16-3 ((1)) 32B, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the property shall be in substantial conformance with the nineteen (19) sheets of the CDP/FDP entitled "Coppermine Crossing", prepared by BC Consultants dated August 16, 2002, as revised through March 10, 2003.
2. A Barrier Type E or F shall be provided along the boundary of the residential development, outside the floodplain, adjacent to the proposed school site. A gap in the fence may be permitted to permit trail connections to the school site as depicted on the CDP/FDP.
3. The emergency turnarounds shown on the CDP/FDP shall not be deleted at site plan and the emergency turnarounds shall be signed to indicate that no parking is permitted.
4. The homeowner's association documents and leasing agreements shall contain a notification that the site is in close proximity to the International Airport at Dulles and within one (1) mile of the 60 dbl noise contour and that the dwelling units may experience airport noise.
5. Supplemental understory plantings shall be provided along the western boundary of the site adjacent to Tax Map 15-4 ((2)) 16 and the southern boundary adjacent to Tax map 15-4 ((1)) 16A to provide a year round screen between the residential development and the adjacent non-residential uses, as determined by the Urban Forester.
6. The elementary school site shall be in general accordance with the CDP/FDP; however, the layout may be modified without the requirement for a CDPA/FDPA. The elementary school site minimum periphery setbacks and general location of the entrances shall not be modified; however, the internal layout, including the location and composition of the recreational fields may be modified without a CDPA/FDPA, as determined by the Director of Zoning Evaluation Division, Planning and Zoning.
7. The dedication of the school site shall be in fee simple and free of all liens

and encumbrances, except those approved by the Fairfax County School Board.

8. Prior to dedication of the school site, any existing topsoil stockpiles shall be removed by Coppermine Associates, L.L.C. and Dulles Tech, L.C. unless the Fairfax County School Board agrees to accept the stockpiles.
9. Prior to dedication, any necessary wetland permits shall be obtained by Coppermine Associates, L.L.C. and Dulles Tech, L.C. for the proposed school site.

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

COPPERMINE CROSSING

PCA 79-C-037-4 AND RZ 2002-HM-035
PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN (PCA/CDP/FDP)

FAIRFAX COUNTY, VIRGINIA

ISSUE DATE: 8-16-02
REVISED SEPTEMBER 18, 2002
REVISED NOVEMBER 6, 2002
REVISED DECEMBER 8, 2002
REVISED JANUARY 13, 2003
REVISED FEBRUARY 14, 2003
REVISED MARCH 10, 2003



VICINITY MAP
SCALE 1" = 200'

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