



APPLICATION FILED: February 8, 2007
PLANNING COMMISSION DECISION ONLY: July 26, 2007
APPLICATION AMENDED: August 24, 2007
PLANNING COMMISSION: October 11, 2007
BOARD OF SUPERVISORS: October 15, 2007 @ 3:00 PM

County of Fairfax, Virginia

September 27, 2007

STAFF REPORT ADDENDUM II

APPLICATION RZ/FDP 2007-SU-005

SULLY DISTRICT

APPLICANT:	John J. Schlick
PRESENT ZONING:	R-1
REQUESTED ZONING:	PDH-2
PARCEL(S):	35-2 ((1)) 38
ACREAGE:	2.11 ac
FAR/DENSITY:	1.42 du/ac
PLAN MAP:	Residential; 0.5-1 du/ac with option for 2 du/ac
PROPOSAL:	To rezone from the R-1 District to the PDH-2 District to permit residential development of three single-family detached units at a density of 1.42 du/ac.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2007-SU-005, subject to the execution of proffers consistent with those contained in Attachment 1.

Staff recommends approval of FDP 2007-SU-005.

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Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

Staff recommends approval of a modification of the 10 foot wide trail requirement in favor of the existing 8 foot wide asphalt trail along West Ox Road.

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

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application

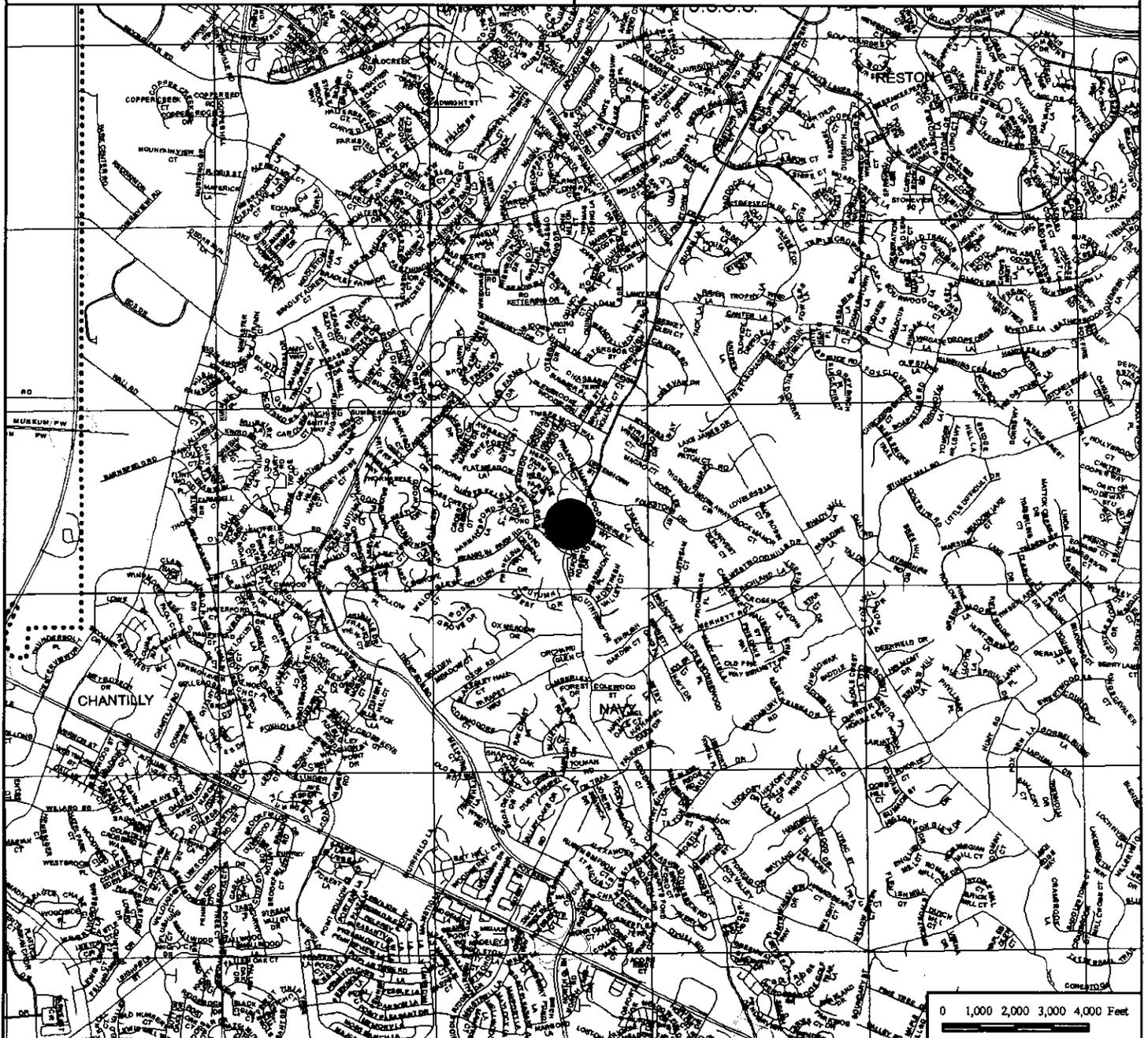
RZ 2007-SU-005

Applicant: JOHN J. SCHLICK
Accepted: 02/08/2007- AMENDED 05/08/2007 08/24/2007
Proposed: RESIDENTIAL
Area: 2.11 AC OF LAND; DISTRICT - SULLY
Zoning Dist Sect:
Located: WEST SIDE OF WEST OX ROAD
APPROXIMATELY 700 FEET NORTH OF
FRANKLIN FARM ROAD
Zoning: FROM R- 1 TO PDH- 2
Overlay Dist:
Map Ref Num: 035-2- /01/ /0038

Final Development Plan

FDP 2007-SU-005

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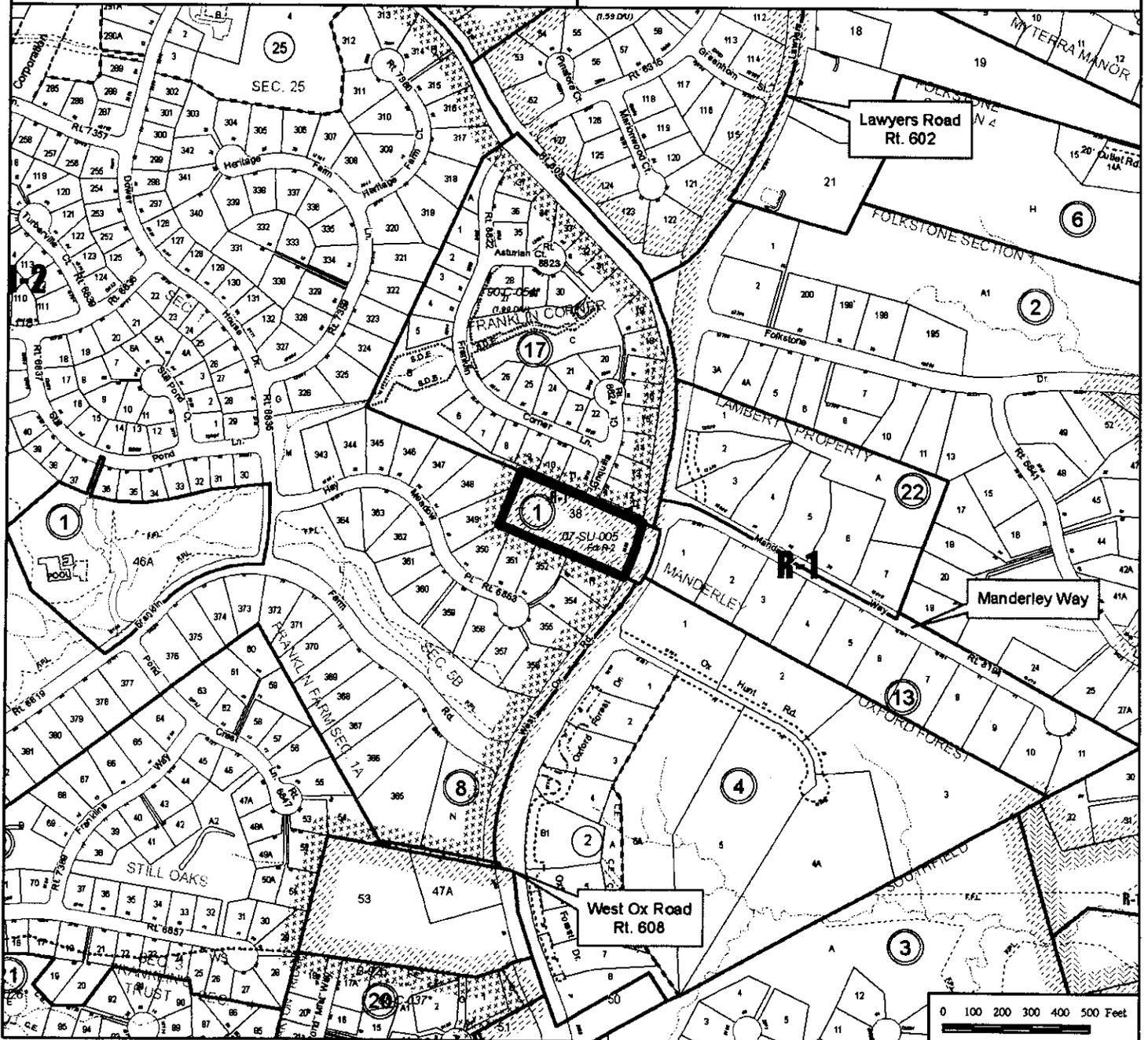
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BACKGROUND

On June 27, 2007, a staff report recommending approval to rezone the subject property (2.11 acres) from R-1 to the R-2 District to permit the development of 3 single-family detached dwelling units at an overall density of 1.42 dwelling units/acre (du/ac) was published. A staff report addendum was published on July 11, 2007 to clarify proffers included in the original staff report. The Planning Commission public hearing was held on July 11, 2007.

At the hearing, the Planning Commission expressed concerns about a proposed retaining wall on Lot 2 and the bio-retention filters proposed for stormwater management. The Planning Commission deferred the application to July 26, 2007, for decision only to allow time for the applicant to address the concerns. Since the public hearing, the applicant met with staff and the Sully District Supervisor to discuss design options for stormwater management on the site. It was determined that a dry pond was necessary to adequately address stormwater management and that an amendment to the application was necessary.

DISCUSSION

As a result of the discussions concerning the appropriate measures for stormwater management and difficulties in providing the proposed SWM pond while meeting the minimum yard/setback requirements for a conventional R-2 District, the application was revised to request approval of a PDH-2 District, to continue to permit the development of three single-family detached dwelling units at an overall density of 1.42 du/ac.

Description of Combined CDP/FDP (Attachment 2)

Title of CDP/FDP:	"3068 West Ox Road"
Prepared by:	Walter L. Phillips, Inc.
Original/Revision Dates:	September 29, 2006 as revised through August 23, 2007

The CDP/FDP consists of six sheets:

Sheet 1 – is the title sheet; it includes general information such as General Notes, Sheet Index, Tabulations, Soils Map and Data, etc.

Sheet 2 – Depicts the proposed Site Layout

Sheet 3 – Depicts the Conceptual Landscape Plan with Legend and Tree Cover Calculations

Sheet 4 – Existing Vegetation Map

Sheet 5 – Preliminary Stormwater Management/BMP Computations

Sheet 6 – Outfall Analysis

This application yields the same density, and depicts the same access point and general layout design as the previous application for the R-2 District. The applicant modified the previous application to include:

- Removal of four (4) individual bio-retention filters;
- Provision of a dry pond to meet stormwater management requirements;
- Removal of the 2 to 8 foot high retaining wall on Lot 2 located adjacent to the southern property line;
- Shift in the location of Lot 2 to the east;
- Addition of a 6-foot high board on board fence for the rear yard and side yard for Lot 3 and rear yard for Lot 2; and
- Addition of a 2 to 3 foot high retaining wall on Lot 1;

Staff has determined that the application continues to meet the residential development criteria. A review of the Zoning Ordinance P-District standards follows.

ZONING ORDINANCE PROVISIONS (Attachment 4)

P-District Standards

The requested rezoning of the 2.11 acre site to the PDH-2 District must comply with the applicable regulations of the Zoning Ordinance found in Article 6, Planned Development Housing Regulations and Article 16, Development Plans, among others.

Article 6

Sect. 6-101 Purpose and Intent

This section states that the PDH District is established to encourage innovative and creative design, to ensure ample provision and efficient use of open space; to promote balanced development of mixed housing types and to encourage the provision of affordable dwelling units.

One of the primary challenges for infill development is to successfully integrate a compatible development into an established neighborhood, without affecting the overall character or functionality of the existing community. This challenge becomes even greater when the proposed infill site is comprised of a small, unusually-configured and/or highly-impacted property. While these properties do not always provide the opportunity for highly innovative design techniques, they do often employ creative adaptations of the conventional zoning districts, which require a "P" District designation to implement. This is the case with this proposal, which is relatively small (just over two acres in size), is long and narrow in configuration and contains a substantial variation in the existing topography,

relatively extensive tree cover and noise impacts for the portion of the site adjacent to West Ox Road. The development proposes 3 single-family attached dwelling units at a density of 1.42 du/ac, on lot sizes which slightly exceed those of adjacent subdivisions to the north, west and south. The CDP/FDP indicates that 25% of the site will remain as open space, which exceeds the minimum PDH-2 requirement of 20% minimum open space. The proposed open space will include the stormwater management pond, two tree preservation areas along the northern property line and supplemental landscaping throughout the site as shown on the CDP/FDP. The proposed dwelling units will be pulled as far as possible from the frontage of West Ox Road, and buffered with a combination of solid fencing and supplemental landscaping to maximize the visual buffers for both the future residents and traffic along West Ox Road, as well as to provide adequate noise attenuation measures for the residences. Staff believes that the proposed site design integrates well with the Franklin Corner subdivision to the north with regard to its architectural design, scale, and compatibility of housing type.

Sect. 6-107 (Par. 1) Minimum District Size

This section states that a minimum of two acres is required for approval of a PDH District. The area of this rezoning application is 2.11 acres. Therefore, this standard has been satisfied.

Sect. 6-109. Maximum Density

This section states that the maximum density for the PDH-2 District is 2 dwelling units per acre (du/ac). The applicant proposes a density of 1.42 du/ac; therefore, this standard has been satisfied

Sect. 6-110. Open Space

Par. 1 requires a minimum of 20% open space for a PDH-2 District without ADUs. Par. 2 requires recreational facilities be provided in the amount of \$1,500/unit. The application proposes to dedicate 25% of the site as open space. The applicant has also proffered to provide the required monetary contribution to the FCPA. This standard has been satisfied.

Article 16

Sect. 16-101 General Standards

Standard 1 requires conformance with the Comprehensive Plan recommendations. The Comprehensive Plan designates the subject property for residential development at a density of 0.5-1.0 dwelling units per acre (du/ac) with an option for 2 du/ac. The proposed residential density of 1.42 du/ac is

within the recommended density range in the Plan. In addition, the proposal meets the conditions identified in the Plan for the optional density, which recommends a residential development with single family detached units that are accessed from points other than West Ox Road. The applicant proposes a residential development that includes three single family detached dwelling units, landscaping along the perimeter of the subject property to screen the development from West Ox Road, and an access point from Jonquilla Court located to the north of the subject property within the Franklin Corner subdivision. The additional Plan condition for substantial parcel consolidation is not applicable in this application since no vacant parcels are adjacent to the subject property. In addition, the adjacent parcels are zoned PDH-2, and developed according to the Plan. Staff believes that this application meets the Plan conditions and proposes a logical extension of the adjacent residential development pattern to the north and south. In addition, the applicant has proposed similarly designed residences that are compatible in scale, design, and lot size with the adjacent developments to the north and south. Therefore, this standard has been satisfied.

Standard 2 requires that the proposed design achieve the stated purposes of the PDH district more than would development under a conventional zoning district. The P-District affords applicants flexibility in both unit types and bulk regulations. Using this flexibility, the applicant has offered a functional and cohesive design that integrates the site with the existing Franklin Corner subdivision to the north and provides supplemental landscaping throughout the site and a dry pond for stormwater management, which would be difficult to accomplish on this site using a conventional zoning district. In staff's evaluation, this standard has been satisfied.

Standard 3 requires protection and preservation of scenic assets. As previously noted, aside from the two tree preservation areas along the northern boundary line, the majority of the site will be cleared and re-graded. On Sheet 3 of the CDP/FDP, the applicant has indicated that the required tree coverage will be met. The applicant has proffered to provide a tree preservation plan, a tree bond, various tree protection measures, and to work with UFM to save additional trees on the site that merit preservation. In addition, the applicant has proffered to a more detailed landscape plan consistent with the quality and quantity of supplemental vegetation shown on the CDP/FDP and as approved by Urban Forest Management at the time of site plan approval. As such, staff believes that this standard has been satisfied.

Standard 4 requires a design which prevents injury to the use of existing development and does not deter development of undeveloped properties. There are no undeveloped properties in the immediate vicinity of the application property. As previously discussed, the applicant is proposing to develop three single family detached residences which will be similar in type, scale, appearance and proportion of materials to those in the adjacent subdivisions.

There are also small landscaped buffers, incorporating tree preservation areas where possible, located along the property boundaries to the north and south, which will soften the new development somewhat for the existing homes. Staff believes that this standard has been satisfied.

Standard 5 requires that adequate transportation and other public facilities are or will be available to serve the proposed use. All access will be from an extension of the existing cul-de-sac to the north, and the applicant is proposing to petition to join the Franklin Corner HOA, to further coordinate the development (including responsibilities for stormwater management) in the long term. Adequate public facilities are available and the applicant has made appropriate monetary contributions to offset potential impacts to area schools and parks. Therefore, this standard has been satisfied.

Standard 6 requires that coordinated linkages among internal facilities and services as well as connections to major external facilities and services be provided at a scale appropriate to the size of the development. The CDP/FDP depicts a new residential development with one access point from Jonquilla Court, which immediately terminates in a cul-de-sac. The applicant has proffered right of way dedication within the site for the cul-de-sac and has committed to scarify and remove the pavement of the temporary turnaround on Jonquilla Court in the Franklin Corner subdivision. Three single family detached dwelling units are proposed to face the new cul-de-sac. 5-foot wide sidewalks are shown along the edge of the cul-de-sac to connect the proposed subdivision to existing sidewalks in Franklin Corner and to provide an opportunity for pedestrian access to the site from the north. Staff believes this standard has been satisfied.

Sect. 16-102 Design Standards

Design Standard 1 states that in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. The most similar conventional zoning district to the applicant's proposal is the R-2 District, which requires minimum yards of 35 feet (front), 15 feet (side) and 25 feet (rear) with an average lot area of 18,000 square feet. The applicant's PDH-2 development proposes building restriction lines with minimum yards of 20 feet (front), 8 feet (side) and 25 feet (rear), with an average lot size of 19,979 square feet. As was previously stated, the applicant originally filed a request for R-2 conventional zoning on the property, with essentially the same layout, and the same lot yield. In order to better address stormwater management concerns, the applicant re-designed the SWM/BMP facilities to provide a more traditional SWM dry pond; in order to accommodate this design, the lot sizes needed to shift slightly and are no longer able to meet the requirements for the R-2 District, although the tabulations and overall layout remain unchanged. Staff believes that, in this instance, the P District is applicable, and that this standard is satisfied.

Design Standard 2 states that, other than those regulations specifically set forth in Article 6 for a particular P District, the open space, off-street parking, loading, sign and all other similar regulations of the Ordinance shall have general application. As previously discussed in this addendum, all such regulations have been met or exceeded with this application.

Design Standard 3 states that streets and driveways shall be designed to generally conform to the Ordinance and other applicable County regulations. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes and mass transportation facilities. As previously stated, the sole access to the proposed development will be from the extension of the existing cul-de-sac to the north, which includes the provision of sidewalks around the new bulb and connecting to the Franklin Corner development to the north. Open Space exceeds the Ordinance minimum for the PDH District, and the site is served by adequate public facilities. There is no immediate access to mass transportation existing in the area; the applicant continues to request that a waiver of the 10 foot wide trail requirement along West Ox Road be granted, in favor of the existing 8 foot wide asphalt trail.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff continues to believe that the proposal meets the conditions identified in the Plan for the optional density of 2 du/ac, and satisfies the General and Design Standards necessary to justify a P District. The applicant proposes a residential development that includes three single family detached dwelling units, landscaping along the perimeter of the subject property to screen the development from West Ox Road and adjacent lots, and an access point from Jonquilla Court located to the north of the subject property within the Franklin Corner subdivision. Staff believes that this proposal is in harmony with the Comprehensive Plan and meets all applicable provisions of the Zoning Ordinance.

Staff Recommendations

Staff recommends approval of RZ 2007-SU-005, subject to the execution of proffers consistent with those contained in Attachment 1 of this report.

Staff recommends approval of FDP 2007-SU-005.

Staff recommends approval of a modification of the 10 foot wide trail requirement in favor of the existing 8 foot wide asphalt trail along West Ox Road.

It should be noted that it is not the intent of 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. The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

ATTACHMENTS

1. Draft Proffers
2. Revised CDP/FDP Plans
3. Affidavit
4. Zoning Ordinance Provisions (P District Standards)

**JOHN J. SCHLICK
RZ/FDP 2007-SU-005
PROFFERS**

September 27, 2007

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the Property Owner and the Applicant, John J. Schlick, for themselves and their successors and assigns (hereinafter referred to as the "Applicant"), proffer that the development of the parcel under consideration identified on the Fairfax County Tax Maps as Tax Map reference 35-2((1))38 (hereinafter referred to as the "Property"), will be in accordance with the following conditions, if and only if the Application RZ/FDP 2007-SU-005 rezoning the Property from the R-1 District to the PDH-2 District is approved by the Board of Supervisors. The Proffered Development Conditions are as follows:

I. DEVELOPMENT PLAN

1. Subject to the proffers and provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved Conceptual/Final development plan are permitted, the development shall be in substantial conformance with the Conceptual/Final Development Plan (CDP/FDP) prepared by Walter L. Phillips, Incorporated, dated August 23, 2007.

2. Minor Modifications. Minor modifications from what is shown on the CDP/FDP and these Proffers, which may become occasioned as a part of final architectural and engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in §16-403 of the Zoning Ordinance.

3. Lot Yield. The development shall consist of a maximum of three (3) single-family detached units.

4. Annexation into HOA. Prior to record plat approval, the Applicant shall either: 1) annex the development into the Franklin Corner HOA in accordance with §2-700 of the Zoning Ordinance for the purpose of establishing the necessary residential covenants governing the design and operation of the approved development and to provide a mechanism for ensuring the ability to complete certain maintenance obligations and other provisions noted in these

proffer conditions or, 2) form a new Homeowner's Association for the development for the specific purpose of maintaining the common open space in the outlot as shown on the CDP/FDP. In either case, residential covenants shall be recorded which disclose to the residents of the HOA the maintenance obligations of the open space.

5. Escalation. All monetary contributions required by these proffers shall be adjusted upward or downward based on changes to the Consumer Price Index (CPI), as reported by the U.S. Department of Labor's Bureau of Labor Statistics occurring subsequent to the date of rezoning approval and up to the date of payment.

6. Architectural Compliance. The architectural design of all units shall be of the same quality, general appearance, style and proportion of materials as the abutting houses in Franklin Corner and Franklin Farm. At the time of building permit, the Applicant shall submit pictures to DPWES to demonstrate conformance with this proffer.

7. Retaining Walls.

a. No retaining walls greater than three feet (3') in height shall be permitted on the Property unless shown and specified to a greater height on the CDP/FDP. The Applicant further reserves the right to not construct retaining walls shown on the CDP/FDP if not warranted based on final engineering.

b. An architectural surface treatment shall be used on the face of any retaining walls. The surface treatment shall be either predominantly or a combination of a mix of stone aggregate, special forming, or scoring, special mix of textures or polymer paint materials, bricks, screening materials, pre-cast concrete, architectural embellishments and/or other treatments that are compatible with and complement the building architecture and materials as approved by DPWES.

8. Right-of-Way Dedication and Improvements along Jonquilla Court.

a. At the time of subdivision plat recordation, or upon demand by VDOT or Fairfax County, whichever occurs first, the Applicant shall dedicate, at no cost to Fairfax County and in fee simple to the Board, the right-of-way within the site for a cul-de-sac termination of Jonquilla Court, as generally shown on the CDP/FDP. Prior to issuance of the first RUP for the approved units, the Applicant shall construct the cul-de-sac as shown on the CDP/FDP.

b. Prior to the issuance of the first RUP, the Applicant shall scarify and remove the pavement on the temporary turnaround on Jonquilla Court within the lot identified as Tax Map 35-2((17))12. Applicant shall regrade the scarified corner and replace top soil and sod to the satisfaction of UFM.

c. Any escrowed funds contributed for the temporary turnaround by the developer of Franklin Corner shall be made available for the removal of the temporary turnaround after the Applicant provides evidence that the turnaround has been removed.

9. Construction Entrance. Subject to the issuance of a VDOT permit, the Applicant shall utilize the existing driveway along West Ox Road as a temporary construction vehicle entrance during all phases of clearing and grading, utility installation, construction of the cul-de-sac, and delivery of foundation materials. Upon commencement of construction of the foundation of the home on Lot 3, this construction entrance will be permanently closed and all access to the site including construction will be via Jonquilla Court. During all phases of construction, all construction vehicles shall be parked on site and prohibited from parking on Jonquilla Court and adjoining public streets.

II. ENVIRONMENTAL

10. Low Impact Development (LID) Stormwater Management Facilities and Best Management Practices. The Applicant shall implement LID stormwater management techniques to control the quantity and quality of stormwater runoff from the Property as determined by DPWES. LID stormwater management facilities/Best Management Practices (BMPs) shall be provided within the three (3) individual lots and one (1) outlot per PFM standards. Adequate outfall for all of the lots and the outlot shall be demonstrated to the satisfaction of DPWES. If it cannot be demonstrated that there is adequate outfall, then no subdivision plan shall be approved. The Applicant shall disclose in writing to prospective purchasers of Lots, the maintenance responsibilities for these facilities.

11. Off-Site Easements. No Subdivision plan shall be approved unless and until the Applicant demonstrates to the satisfaction of the County, that it has obtained the necessary rights and permission to install the off-site drainage infrastructure shown on the subdivision plan. If the applicant cannot demonstrate these rights, and any alternative solution is not in substantial conformance with the CDP/FDP, a PCA may be required which may result in a loss of density.

12. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the CDP/FDP. If, during the process of subdivision plan review, any new landscaping shown on the CDP/FDP cannot be installed in order to locate utility lines or trails, then an area of additional landscaping consisting of trees and/or plant material of a similar type and equal size shall be substituted at an alternate location on the Property, subject to approval by the Urban Forest Management (UFM).

13. Energy Conservation. All homes on the Property shall meet the thermal guidelines of the CABO Model Energy Program for energy-efficient homes, or its equivalent as determined by DPWES, for either gas or electric energy systems as may be applicable.

III. TREE PRESERVATION

14. Tree Preservation Plan In order to protect and preserve the group of co-owned trees located north of the northern property line as depicted on the CDP/FDP, the Applicant shall submit a Tree Preservation plan in connection with the first and all subsequent submissions of the subdivision plan. 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 shall be subject to the review and approval of UFM, DPWES. 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 ten inches (10") in diameter and greater, and twenty-five feet (25') to either side of the limits of clearing and grading around the tree preservation area depicted on the CDP/FDP. Such tree survey shall be limited to trees located on the subject Property, and the co-owned trees along the northern property line as depicted on the CDP/FDP. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation and those additional areas in which trees can be preserved as a result of final engineering. 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. Specific tree preservation activities that will maximize the survivability of any tree located on the Property identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

15. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be

preserved including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Removal of any vegetation, if any, or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, is prohibited without approval of the UFM Division, DPWES.

The use of equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaw, wheel barrows, rake and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM, DPWES.

16. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a UFM, DPWES representative to determine whether adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading. Any such adjustments shall be implemented, provided they do not result in the loss of any residential lot or substantial changes to the engineering/grading of the lot. Trees that are identified specifically by UFM in writing as dead or dying within the tree preservation area located on the Property may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation, as approved by the UFM.

17. Limits of Clearing and Grading. The Applicant shall conform substantially to the limits of clearing and grading as shown on the CDP/FDP, subject to allowances specified in Proffer 17 above to save trees identified by the UFM, and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities in areas protected by 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 UFM, DPWES. A replanting plan shall be developed and implemented, subject

to approval by UFM, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities.

18. Tree Protection Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four foot (4') high, fourteen (14) gauge welded wire attached to six foot (6') steel posts driven eighteen inches (18") into the ground and placed no further than ten feet (10') apart or, super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading as shown on the demolition and phase I & II erosion and sediment control sheets, as may be modified by the Proffer pertaining to "Root Pruning" below. All tree protection fencing around the aforementioned tree preservation area shall be installed after the tree preservation walk-through meeting but prior to any demolition and clearing and grading activities. In connection with demolition activities, only that fencing proximate to the demolition activity shall be required, prior to demolition. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Five (5) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no demolition, grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES.

19. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFM, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of eighteen inches (18").
- Root pruning shall take place prior to any clearing and grading.

- Root pruning shall be conducted with the supervision of a certified arborist.
- A UFM, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

20. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Property, an agent or representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The Sully District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting.

21. Tree Value Determination. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees ten inches (10") in diameter or greater located within twenty-five feet (25') of the outer edge of the limits of clearing and grading around the tree preservation area depicted on the CDP/FDP and shall include trees located on adjoining properties. These trees and their value shall be identified on the Tree Preservation Plan. The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the *Guide for Plan Appraisal* published by the International Society of Arboriculture, subject to review and approval by UFM, DPWES.

22. Tree Bonds. At the time of subdivision plan approval, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined pursuant to Proffer 21 that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the bonded trees. The cash bond shall consist of 33% of the amount of the letter of credit.

At any time prior to final bond release, should any bonded trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of an equivalent size, species and/or canopy cover, as approved by UFM. In addition to this replacement obligation, the

Applicant shall also make a payment equal to the value of any bonded tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. At the time of approval of the final RUP, the Applicant shall be entitled to request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount equal to 20% of the total amounts originally committed. Any funds remaining in the letter of credit or cash bond will be released two (2) years from the date of release of the Applicant's property's conservation escrow, or sooner, if approved by UFM, DPWES.

IV. RECREATION

23. a. Park Authority Contributions: The Applicant shall contribute \$4,720 to the Fairfax County Park Authority (FCPA), prior to the issuance of the first RUP on the Property, for use at off-site recreational facilities intended to serve the future residents, as determined by FCPA in consultation with the Supervisor for the Sully District.

b. Pursuant to Article 6-110 of the Zoning Ordinance, the Applicant shall contribute \$1500 per unit to FCPA for off-site recreational facilities.

V. OTHER

24. Temporary Signage. 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 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or at the Applicant's direction to assist in the initial marketing and sale of homes on the subject Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer.

25. School Contribution. A contribution of \$23,260 shall be made to the Board designated for capital equipment or improvements for schools that the residents of the proposed development will attend, at the discretion of the Sully District School Board member. The required contribution shall be made at the time of, or prior to, subdivision plan approval.

26. Affordable Dwelling Units. Prior to the issuance of the first building permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one half of

one percent (1/2%) of the value of all the units approved on the property. The one half of one percent (1/2%) contribution shall be based on the aggregate sales price of all the units subject to the contribution, as if those units were sold at the time of issuance of the first building permit. The projected sales price shall be determined by the Applicant through an evaluation of the sales prices of comparable units the area, in consultation with the Fairfax County Department of Housing and Community Development (HCD) and DPWES.

27. Phase 1 Archaeological. Prior to any land disturbing activities on the Property, Applicant shall conduct a Phase I archaeological study on the Property and provide the results of such study to Cultural Resources Management and Protection Section of the Fairfax County Park Authority (CRMPS). The study shall be conducted by a qualified archaeological professional. If the Phase I study concludes that an additional Phase II study of the Property is warranted, the Applicant shall complete said study and provide the results to CRMPS. If the Phase II study concludes that additional Phase III evaluation and/or recovery is warranted, the Applicant shall also complete said work in consultation and coordination with CRMPS.

28. Noise Attenuation.

a. In order to reduce interior noise to a level of approximately 45 dBA Ldn, for the residential unit on proposed Lot 3, the unit shall be constructed with the following acoustical measures:

- Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45.
- Doors and glazing shall have a laboratory STC rating of at least 37 unless glazing constitutes more than 20% of any façade exposed to noise levels of Ldn 70 dBA or above.
- If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of at least 45.
- 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.

b. In order to reduce exterior noise levels in the rear or side yard of proposed Lot 3 to a level of approximately 65 dBA Ldn, a six foot tall solid wooden fence with no gaps or openings, except for utility easement crossing, shall be constructed on the rear or side yard of Lot 3, as may be applied by DPWES.

29. Garages and Driveways. The Applicant shall place a covenant on each residential lot that prohibits the use of the garage for any purpose which would preclude motor vehicle storage. This covenant shall be in a form approved by the County Attorney and shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board of Supervisors. The HOA documents shall expressly state this use restriction. The driveway provided for each unit shall be a minimum of eighteen (18) feet in length to permit the parking of two (2) vehicles without overhanging onto the sidewalk. Garages shall be designed to accommodate two (2) vehicles.

30. Existing Wells. Existing wells on the site shall be identified, capped, and abandoned subject to review and approval by the Health Department, prior to the demolition of existing structures on the Property.

[Signatures begin on the following page]

APPLICANT:

John J. Schlick
(Contract Purchaser of Tax Map No. 35-2((1))38)

By: _____

TITLE OWNER:

B. Joseph A. Wells

By: _____

3068 WEST OX ROAD

SULLY DISTRICT - FAIRFAX COUNTY, VIRGINIA

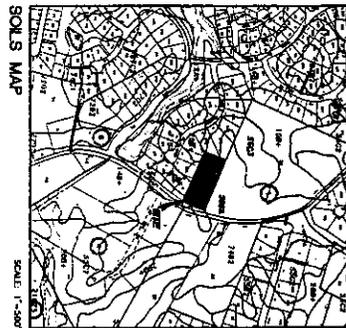
CONCEPTUAL/FINAL DEVELOPMENT PLAN

NOTES

1. COVER SHEET, SEE PLAN 2000 WEST OX ROAD, REVISION 01, 2007.
2. THE PROJECT AREA ON THIS PLAN IS SHOWN ON THE 2000 WEST OX ROAD, REVISION 01, 2007.
3. THE SITE IS GENERALY ZONED R-1, RESIDENTIAL, ONE-FAMILY UNIT PER ACRE. THE ZONING REGULATIONS REQUIRE THE SITE BE ZONED TO THE R-1. THE PROJECT AREA IS ZONED TO THE R-1.
4. THE ROADWAY AND UTILITY PROVISIONS ARE FROM A FIELD SURVEY BY WALTER L. PHILLIPS, INC. CONDUCTED IN 2006. THE ROADWAY AND UTILITY PROVISIONS ARE FROM A FIELD SURVEY BY WALTER L. PHILLIPS, INC. CONDUCTED IN 2006.
5. THERE ARE EXISTING RESIDENTIAL USES (AS SHOWN ON THE 2000 WEST OX ROAD, REVISION 01, 2007) SURROUNDING THE PROJECT AREA. THE PROJECT AREA IS ZONED TO THE R-1.
6. THE PROJECT AREA IS ZONED TO THE R-1.
7. THE PROJECT AREA IS ZONED TO THE R-1.
8. THE PROJECT AREA IS ZONED TO THE R-1.
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17. THE PROJECT AREA IS ZONED TO THE R-1.
18. THE PROJECT AREA IS ZONED TO THE R-1.
19. THE PROJECT AREA IS ZONED TO THE R-1.
20. THE PROJECT AREA IS ZONED TO THE R-1.
21. THE PROJECT AREA IS ZONED TO THE R-1.
22. THE PROJECT AREA IS ZONED TO THE R-1.

MODIFICATION REQUESTED

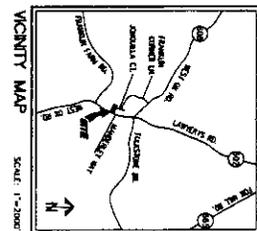
1. REQUEST A MODIFICATION OF THE UTILITY PROVISIONS TO SHOW TO SHOW THE EXISTING UTILITY PROVISIONS AND REQUEST MODIFIED TO SHOW...



SOILS MAP
SCALE: 1"=50'

SOILS DATA

SOIL TYPE	AREA (SQ. FT.)	PERCENTAGE	SOIL TYPE	AREA (SQ. FT.)	PERCENTAGE
CLAY	1000	100%	CLAY	1000	100%
SAND	0	0%	SAND	0	0%
SILT	0	0%	SILT	0	0%
GRAVEL	0	0%	GRAVEL	0	0%



VICINITY MAP
SCALE: 1"=200'

ZONING TABULATION

EXISTING ZONING	PROPOSED ZONING	REASON	COMMENTS
R-1	R-1	CONFORMS TO ZONING REGULATIONS	
R-1	R-1	CONFORMS TO ZONING REGULATIONS	
R-1	R-1	CONFORMS TO ZONING REGULATIONS	

SHEET INDEX

1. COVER SHEET
2. CONCEPTUAL/FINAL DEVELOPMENT PLAN
3. CONCEPTUAL LANDSCAPE PLAN
4. EXISTING VEGETATION MAP
5. PRELIMINARY SWM/BMP COMPUTATIONS
6. DRAINAGE ANALYSIS

CONCEPTUAL/FINAL DEVELOPMENT PLAN

COVER SHEET
3068 WEST OX ROAD
 SULLY DISTRICT
 FAIRFAX COUNTY, VIRGINIA

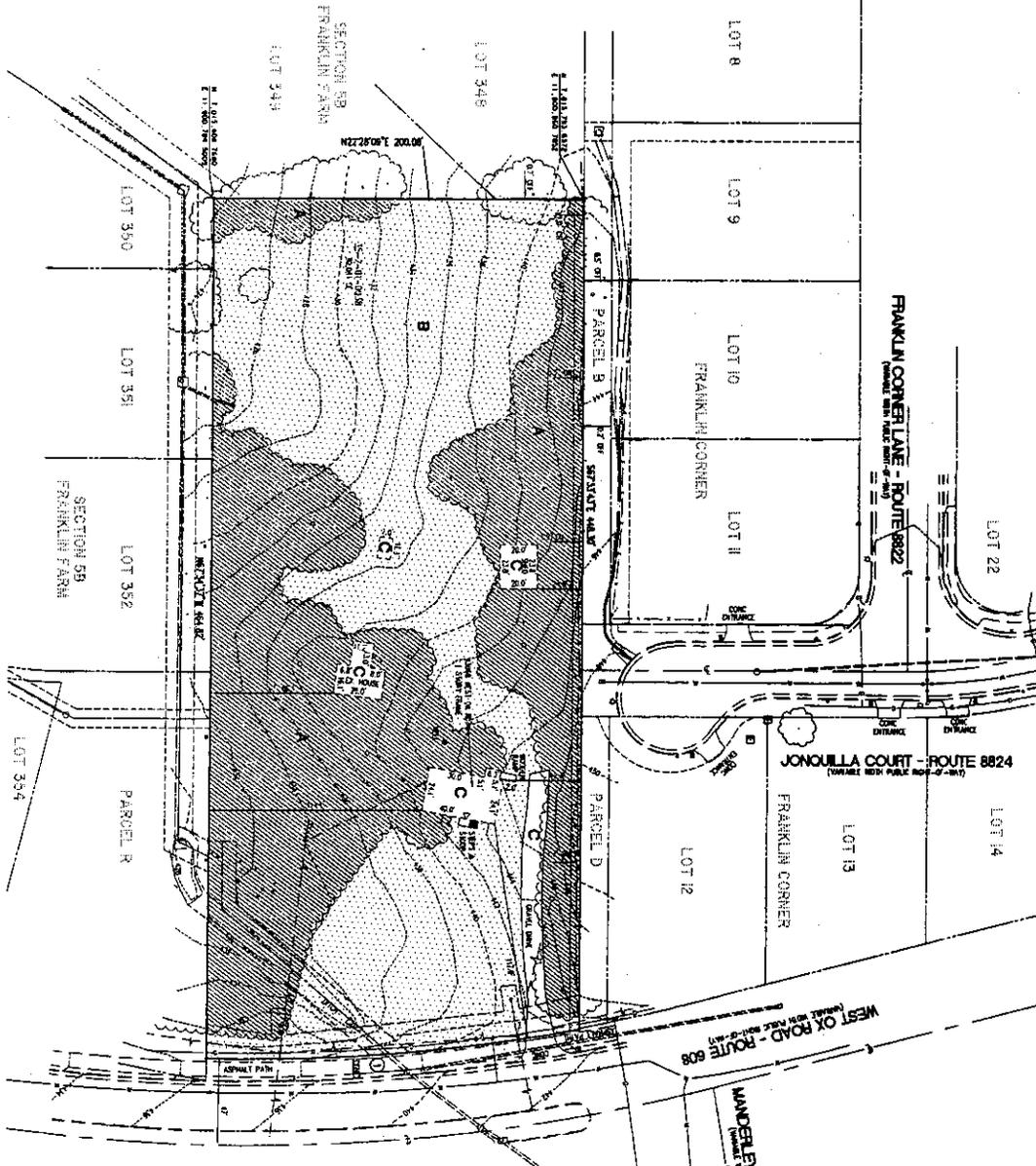
REVISION APPROVED BY				
NO.	DESCRIPTION	DATE	BY	APPROVED

WALTER L. PHILLIPS
 INCORPORATED
 CIVIL ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
 207 PARK AVENUE FALLS CHURCH, VIRGINIA 22046
 (703) 832-8983 FAX (703) 832-8301
 WWW.WLPHINC.COM



CURVE TABLE

CHORD	ARC	ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	ANGLE	CHORD BEARING	CHORD LENGTH
1	1	1	1	1	1	1	1	1



EXISTING VEGETATION MAP INFORMATION

KEY	CODE TYPE	PRIMARY	SUCCESSIONAL STAGE	CONDITION	ACREAGE	COMMENTS
A	UPLAND FOREST	HAIR PINE & LUMBER	ONE-TEN SUB-CRINAL	GOOD	1,000 AC	
B	UPLAND FOREST	HAIR PINE & LUMBER	ONE-TEN SUB-CRINAL	POOR	1,000 AC	
C	WETLAND	N/A	N/A	N/A	4,381.5 AC	NOT MAINTAINED, OVERGROWN WITH WEEDS, BRUSH AND BURNED

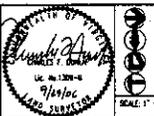
TOTAL SITE AREA: 5,381.5 AC

CONCEPTUAL/FINAL DEVELOPMENT PLAN

EXISTING VEGETATION MAP
3068 WEST OX ROAD
 SULLY DISTRICT
 FAIRFAX COUNTY, VIRGINIA

REVISION APPROVED BY

NO.	DESCRIPTION	DATE	REV. BY	APPROVED	DATE



WALTER L. PHILLIPS
 INCORPORATED
 CIVIL ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
 207 PARK AVENUE FALLS CHURCH, VIRGINIA 22048
 (703) 632-6165 FAX (703) 632-1901 WWW.WLPHINC.COM

REZONING AFFIDAVIT

DATE: September 24, 2007
 (enter date affidavit is notarized)

I, Keith C. Martin, Agent, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 94865c

in Application No.(s): RZ/FDP 2007-SU-005
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
John J. Schlick	2400 41st Street NW, #504 Washington, D.C. 20007	Applicant/Contract Purchaser TM 35-2 ((1)) 38
B. Joseph A. Wells	3068 West Ox Road Herndon, VA 20171	Title Owner TM 35-2 ((1)) 38
Sack Harris & Martin, P.C. Keith C. Martin Wanda S. Suder	8270 Greensboro Drive, Suite 810 McLean, VA 22102	Attorneys/Agents Agent
Walter L. Phillips, Incorporated Jenifer L.T. Hornback	207 Park Avenue Falls Church, VA 22046	Engineers/Agents Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

REZONING AFFIDAVIT

DATE: September 24, 2007
 (enter date affidavit is notarized)

94865c

for Application No. (s): RZ/FDP 2007-SU-005
 (enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
 Sack Harris & Martin, P.C.
 8270 Greensboro Drive, Suite 810
 McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

James M. Sack
 Robert A. Harris, IV
 Keith C. Martin

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

DATE: September 24, 2007
(enter date affidavit is notarized)

94865c

for Application No. (s): RZ/FDP 2007-SU-005
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Walter L. Phillips Incorporated
207 Park Avenue
Falls Church, VA 22046

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
Terrance M. Anderson
Brian G. Baillargeon
Edward L. Johnson
Jeffrey J. Stuchel

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: September 24, 2007
(enter date affidavit is notarized)

94865c

for Application No. (s): RZ/FDP 2007-SU-005
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

None.

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: September 24, 2007
(enter date affidavit is notarized)

948656

for Application No. (s): RZ/FDP 2007-SU-005
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: September 24, 2007
(enter date affidavit is notarized)

94865er

for Application No. (s): RZ/FDP 2007-SU-005
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

Sack Harris & Martin, P.C. held a fundraiser for Connolly for Chairman, the value of which exceeded \$100.
Sack Harris & Martin, P.C. plans to hold a fundraiser for the Friends of Joan Dubois, the value of which exceeds \$100.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

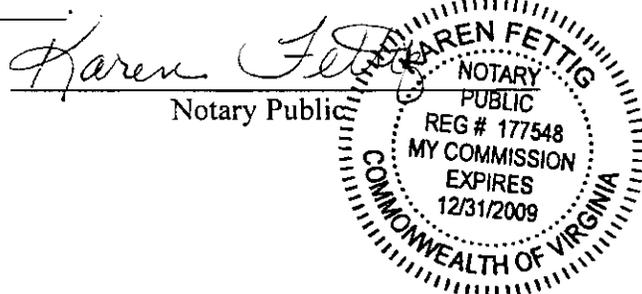
WITNESS the following signature:

(check one) [] Applicant [x] Applicant's Authorized Agent

Keith C. Martin, Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 24th day of September 2007, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 12.31.09



ARTICLE 16

DEVELOPMENT PLANS

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 **General Standards**

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 **Design Standards**

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening

FAIRFAX COUNTY ZONING ORDINANCE

provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.