



APPLICATION ACCEPTED: August 6, 2007
PLANNING COMMISSION: October 10, 2007
BOARD OF SUPERVISORS: October 15, 2007
@ 5:30 pm

County of Fairfax, Virginia

September 27, 2007

STAFF REPORT

APPLICATION PCA 2003-DR-058

DRANESVILLE DISTRICT

APPLICANT:	NVR, Inc. D/B/A Ryan Homes
PRESENT ZONING:	PDH-2
PARCEL(S):	10-4 ((1)) 1, 2A and 2B
ACREAGE:	11.99 acres
DENSITY:	1.67 du/ac
OPEN SPACE:	50%
PLAN MAP:	Residential, 2-3 du/ac
PROPOSAL:	Amend the proffers associated with RZ 2003-DR-058 to allow alternative architectural elevations for the approved single family detached homes.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 2003-DR-058, subject to the proffers contained in Appendix 1.

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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/

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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.

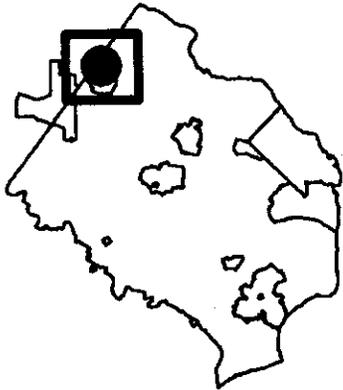
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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).

Proffered Condition Amendment

PCA 2003-DR-058



Applicant:
Accepted:
Proposed:

NVR, INC. D/B/A RYAN HOMES
08/06/2007
AMEND RZ 2003-DR-058 FOR DEVELOPMENT
OF 20 SINGLE FAMILY DETACHED HOMES TO
PERMIT MODIFICATION TO PROFFER 15

Area:

11.99 AC OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect:

Located:

NORTH OF THE TERMINUS OF WINTERWOOD
PLACE AND SOUTH OF THE TERMINUS OF
FANTASIA DRIVE

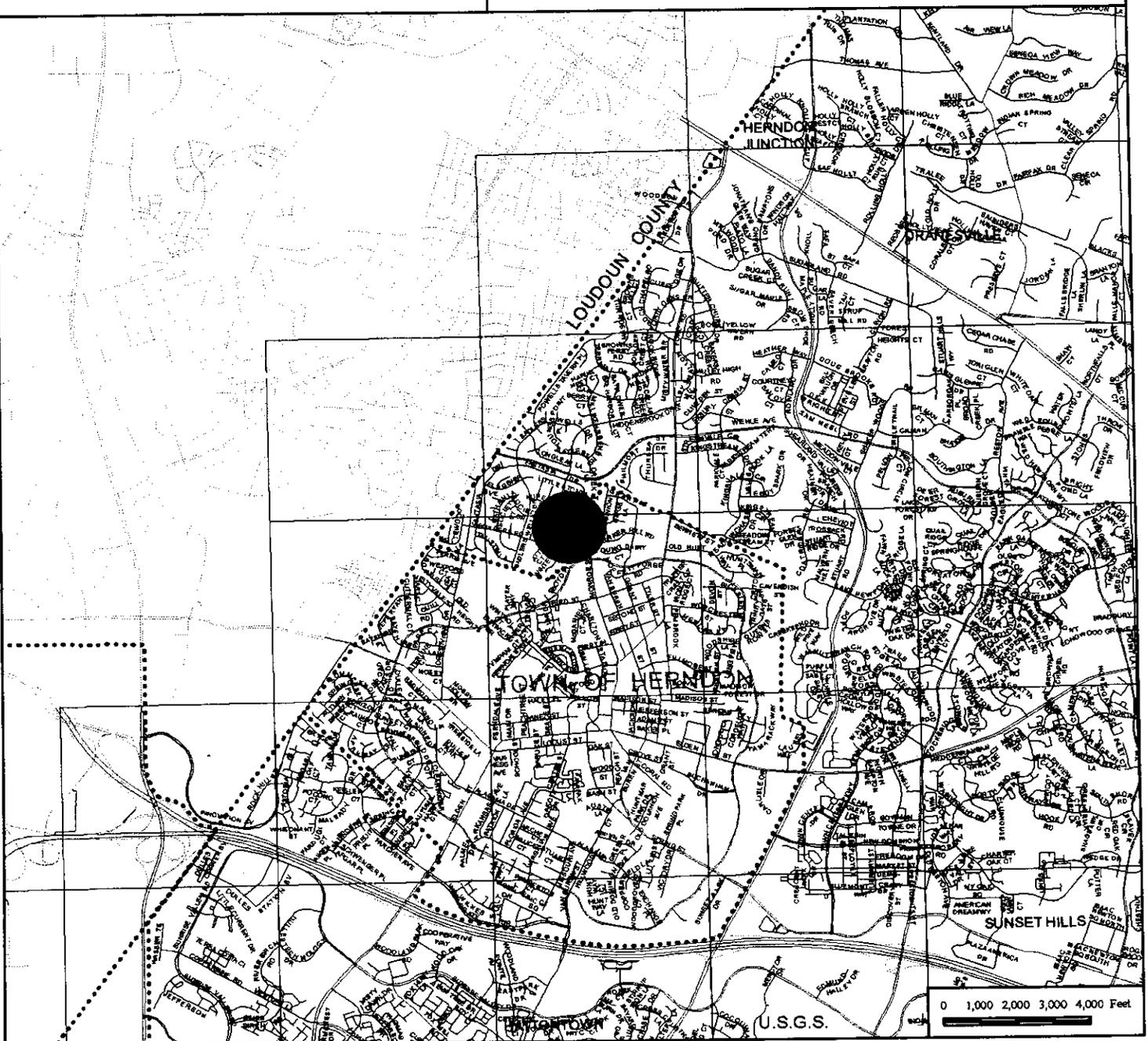
Zoning:

PDH- 2

Overlay Dist:

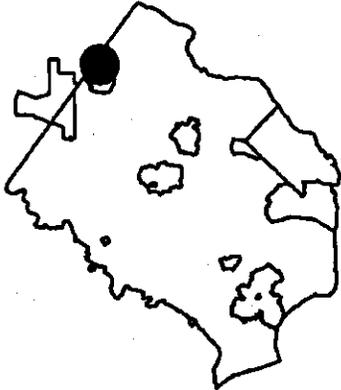
Map Ref Num:

010-4 /01/ /0001 /01/ /0002A
/01/ /0002B



Proffered Condition Amendment

PCA 2003-DR-058



Applicant:
Accepted:
Proposed:

NVR, INC. D/B/A RYAN HOMES
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AMEND RZ 2003-DR-058 FOR DEVELOPMENT
OF 20 SINGLE FAMILY DETACHED HOMES TO
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Area:

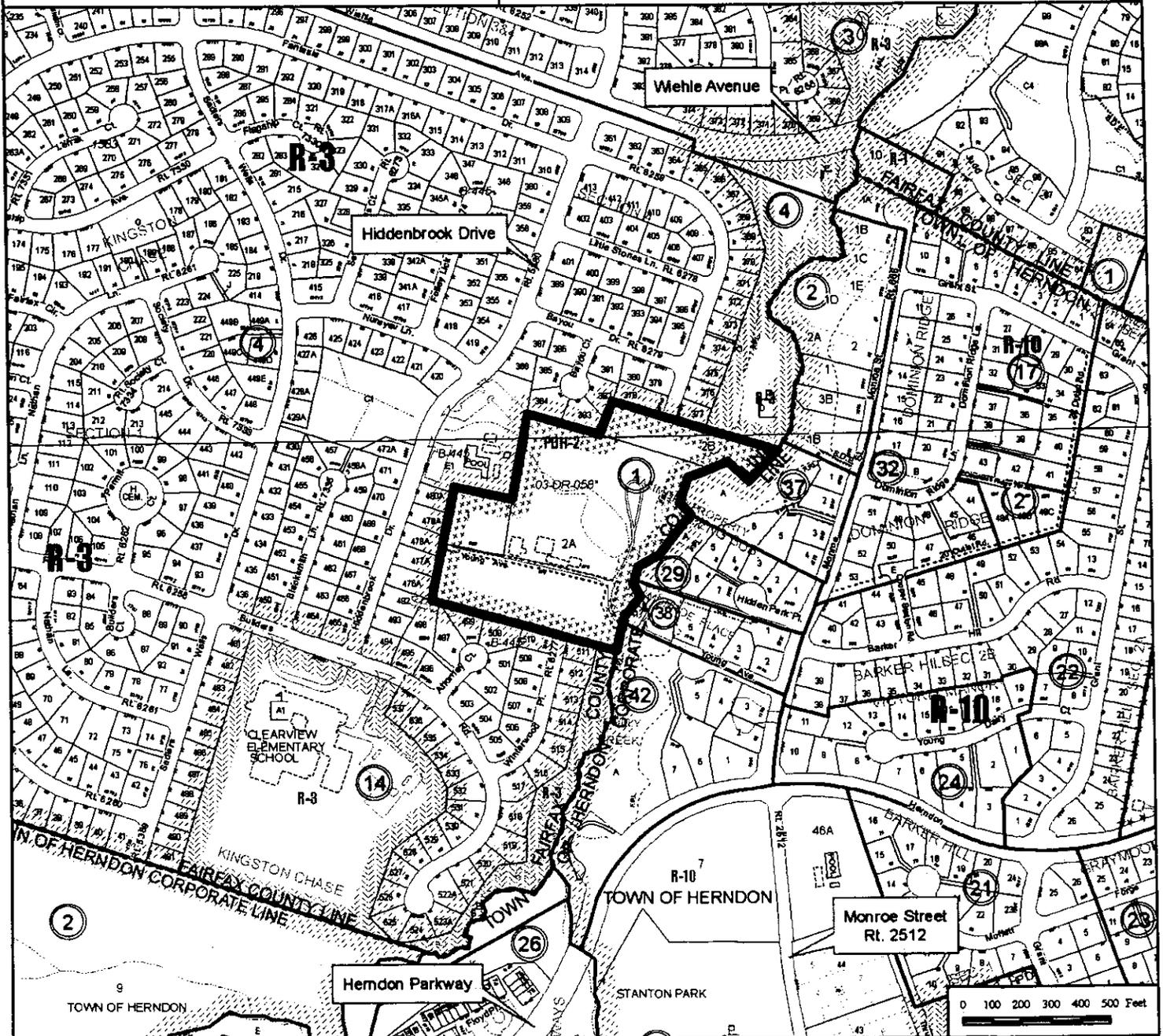
11.99 AC OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect:
Located:

NORTH OF THE TERMINUS OF WINTERWOOD
PLACE AND SOUTH OF THE TERMINUS OF
FANTASIA DRIVE

Zoning:
Overlay Dist:
Map Ref Num:

PDH- 2
/01- /0001 /01- /0002A
/01- /0002B



**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal: The applicant, NVR, Inc. D/B/A Ryan Homes, seeks approval of a text-only amendment to the proffers associated with RZ 2003-DR-058 to allow alternative architectural elevations for the approved single family detached homes.

Location: The site is located north of Winterwood Place, south of the terminus of Fantasia Drive, west of Folly Lick Branch, and immediately west of the Fairfax County/Town of Herndon boundary.

Acreage: 11.99 acres

Proposed Density: 1.67 du/ac

Associated Applications: none

Waivers Requested:

No new waivers are associated with this application. The applicant requests reaffirmation of the following waivers and modifications which were previously approved by the Board of Supervisors pursuant to RZ 2003-DR-058:

- Waiver of the 600 foot private street length
- Modification of the trail requirements to delete the stream valley trail south of Young Avenue in accordance with the previously approved CDP/FDP

LOCATION AND CHARACTER

Site Description:

The existing access to the 11.99 acre site is from Young Avenue, a private outlet road, to the east. That access is proposed to be closed to vehicular traffic and converted into a pedestrian trail. Access to the site will be from the existing stub streets to the north and south. The site contains one dwelling unit (on proposed Lot 4) which is to remain. The central and eastern portions of the site contain a Resource Protection Area (RPA), Environmental Quality Corridor (EQC), and 100-year floodplain; the RPA is the most extensive and includes those areas in

EQC and floodplain. The floodplain is limited to the Folly Lick Stream Valley and around the stormwater management facility. An existing farm pond is located within the central portion of the site. The RPA contains a farm pond and grassy vegetation. Folly Lick Branch is located along the eastern portion of the site; a stream channel located in the central portion of the site drains into Folly Lick. The property has been used as a horse farm for generations and there is limited vegetation on the site; however, there are a few trees located along the perimeter.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Residential; SFD (Kingston Chase)	R-3	Residential, 2-3 du/ac
Northeast	Stream Valley Park		
South	Residential; SFD (Kingston Chase)	R-3	Residential, 2-3 du/ac
Southeast	Stream Valley Park		
East	Open Space	Town of Herndon	Town of Herndon
West	Residential; SFD (Kingston Chase)	R-3	Residential, 2-3 du/ac

BACKGROUND

On July 26, 2004, the BOS approved RZ 2003-DR-058 with proffers to rezone the subject property from R-1 to PDH-2 to allow the development of 20 single family detached units and approval of a Final Development Plan. The Board also approved CBE #026338, which permits encroachment into the RPA to develop a SWM pond. Copies of the approved proffers and CDP/FDP can be found in Appendices 4 and 5. There are no other previous land use applications associated with the subject property.

A proffer interpretation was verbally explored to determine whether or not the applicant’s proposed architecture was in substantial conformance with the previously approved proffers. The proffer interpretation determined that that proposed architecture was not in substantial conformance with the previously approved proffers; therefore, the applicant has requested a Proffered Condition Amendment in order to allow the proposed architecture to be built.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III
Planning District:	Upper Potomac Planning District
Planning Sector:	UP4 – Greater Herndon Community Planning Sector
Plan Map:	Residential, 2-3 du/ac

In the *Fairfax County Comprehensive Plan, 2007 Edition, Area III, Upper Potomac Planning District, as amended through July 10, 2006, UP4 - Greater Herndon Community Planning Sector*, beginning on Page 97, the Plan states:

“The area (1a) north of the Town of Herndon and west of Sugarland Run is planned for residential development at 2-3 dwelling units per acre as shown on the Plan map.”

ANALYSIS**Approved Conceptual/Final Development Plan (see Appendix 5)**

This application is for a text-only amendment to the proffers. No revised CDP/FDP has been submitted with this application.

Proffered Condition Amendment

As the proposed architectural elevations do not match those approved with RZ 2003-DR-058, particularly with regard to the entry level grade and overall style of the dwelling unit, a PCA is required in order to permit the desired architectural elevations.

RESIDENTIAL DEVELOPMENT CRITERIA

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood and addressing land use issues, respecting the environment, addressing transportation impacts, addressing impacts on other public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing and, being responsive to the unique site specific considerations of the property. To that end, the following criteria are used in evaluating zoning requests for new residential development: Site Design (Development Criterion #1),

Neighborhood Context (Development Criterion #2), Environment (Development Criterion #3), Tree Preservation and Tree Cover Requirements (Development Criterion #4), Transportation (Development Criterion #5), Public Facilities (Development Criterion #6), Affordable Housing (Development Criterion #7), Heritage Resources (Development Criterion #8).

The criteria listed above were reviewed with RZ-2003-DR-058. The previous evaluation of the criteria still applies to this application as no changes to site layout are proposed with this application.

ZONING ORDINANCE PROVISIONS

Waivers/Modifications:

As previously discussed, no new waivers or modifications are proposed with this application. The applicant requests reaffirmation of the following waivers and modifications which were approved by the Board of Supervisors pursuant to RZ 2003-DR-058:

- Waiver of the 600 foot private street length
- Modification of the trail requirements to delete the stream valley trail south of Young Avenue in accordance with the previously approved CDP/FDP

Staff supports the continuation of all waivers and modifications previously approved by the Board of Supervisors.

Summary of Zoning Ordinance Provisions:

All applicable standards have been satisfied with the proposed proffers contained in Appendix 1.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the proffers contained in Appendix 1.

Staff Recommendations

Staff recommends approval PCA-2003-DR-058, subject to the proffers in Appendix 1. Staff also recommends that the waiver of the 600 foot private street length, as well as the modification of the trail requirements to delete the stream valley trail south of Young Avenue, be reaffirmed.

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.

APPENDICES

1. Draft Proffers
2. Rezoning Affidavit
3. Statement of Justification
4. Approved Proffers for RZ 2003-DR-058
5. Approved CDP/FDP for RZ 2003-DR-058
6. Glossary of Terms

PROFFERS

PCA 2003-DR-058

September 14, 2007

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the owners, and NVR, Inc. (hereinafter referred to as "Applicant") for themselves, their successors and assigns in PCA 2003-DR-058 filed for property identified as Tax Map 10-4 ((1)) 1, 2A and 2B (hereinafter referred to as the "Application Property") reaffirm previously approved proffers associated with RZ/FDP 2003-DR-058, dated July 15, 2004, except as amended below.

Proffer 15 shall be modified as follows:

15. The architecture shall generally conform with the illustrative architectural elevation as shown on the CDP/FDP page 4 or as shown on any of the elevations on Exhibit 1 attached to these proffers. Building materials shall include a mix of brick, conventional simulated wood siding and similar materials.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

OWNER

HERNDON CROSSING, LLC

By: 

Scott M. Herrick

Its: Managing Member

CONTRACT PURCHASER & APPLICANT

NVR, INC. d/b/a RYAN HOMES

By: _____

Its: _____

OWNER

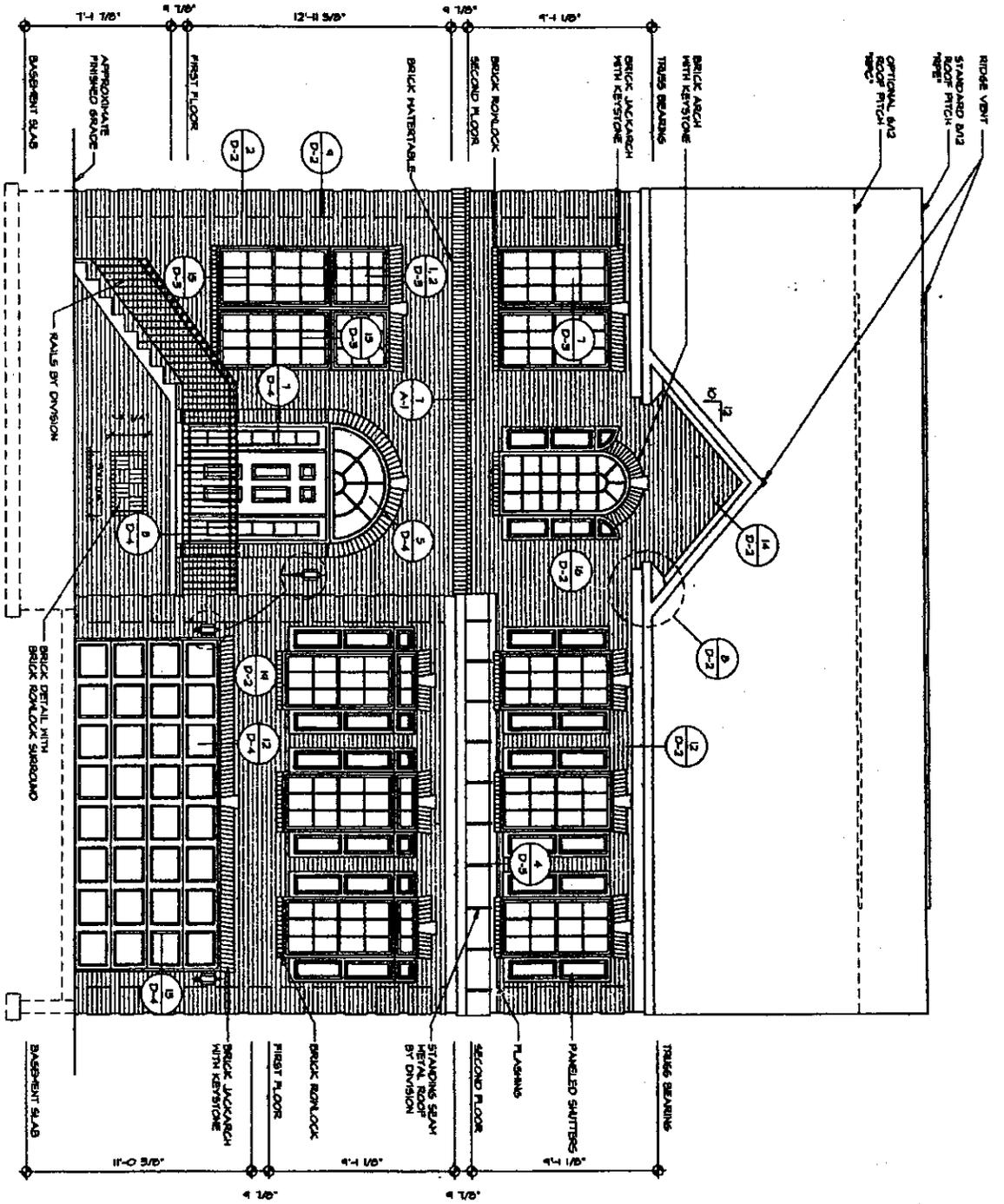
HERNDON CROSSING, LLC

By: _____
Scott M. Herrick
Its: Managing Member

CONTRACT PURCHASER & APPLICANT

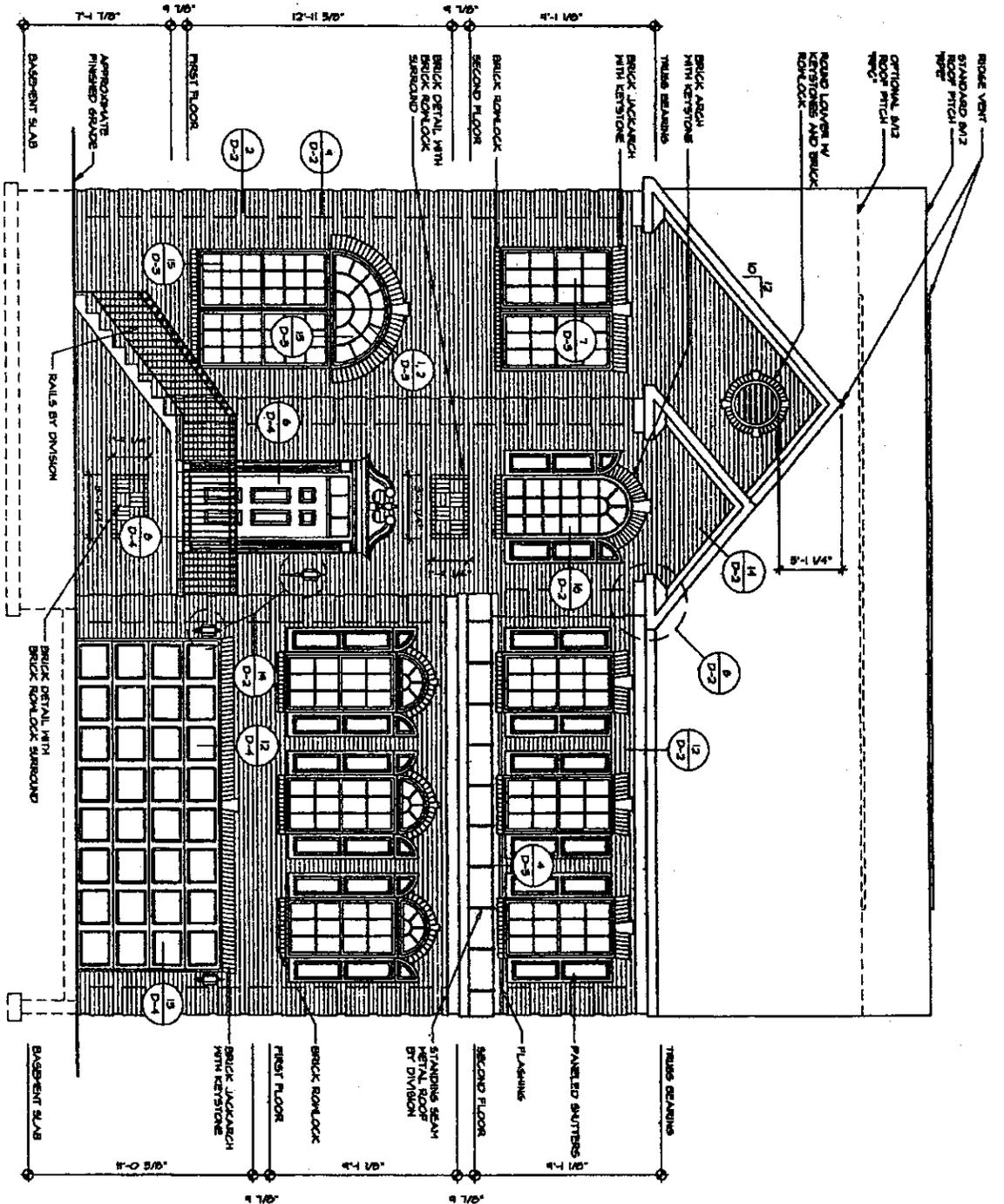
NVR, INC. d/b/a RYAN HOMES

By:  _____
Matt Beck
Its: Regional Vice President, Land



FRONT ELEVATION "A"

1
A1 SCALE: 1/8" = 1'-0"



1
SCALE: 1/4" = 1'-0"
FRONT ELEVATION "B"

REZONING AFFIDAVIT

DATE: September 17, 2007
 (enter date affidavit is notarized)

I, Elizabeth D. Baker, 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 969476

in Application No.(s): PCA 2003-DR-058
 (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)
NVR, Inc. d/b/a Ryan Homes Agents: L. Alan Shearer Jonathan M. Adler Joseph J. Khoriaty Matt Beck (nmi)	12600 Fair Lakes Circle, Suite 210 Fairfax, Virginia 22033	Applicant/Contract Purchaser of Tax Map 10-4 ((1)) 1, 2A, 2B
Herndon Crossing, LLC Agent: Scott M. Herrick John H. Thillmann	2700 S. Nelson Street Arlington, VA 22206	Title Owner of Tax Map 10-4 ((1)) 1, 2A, 2B

(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 Attachment to Par. 1(a)

DATE: September 17, 2007
(enter date affidavit is notarized)

969475

for Application No. (s): PCA 2003-DR-058
(enter County-assigned application number (s))

(NOTE): All relationships to the application are to 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)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Jason B. Heinberg Abby C. Denham Tara E. Wiedeman Elizabeth D. Baker Sara V. Mariska Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby		

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

REZONING AFFIDAVIT

DATE: September 17, 2007
(enter date affidavit is notarized)

969475

for Application No. (s): PCA 2003-DR-058
(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)
NVR, Inc. d/b/a Ryan Homes and NV Homes
12600 Fair Lakes Circle, Suite 210
Fairfax, Virginia 22033

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)
Publicly traded with no shareholders owning more than 10% of the stock.

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

Joseph J. Khoriaty, General Manager of Land; Dwight C. Schar, Chairman of the Board; Paul C. Saville, President and CEO; William J. Inman, President, Financial Services; Dennis M. Seremet, CFO, VP, Finance, Treasurer & Asst Secretary; Joseph P. Bleull, EVP; Robert M. Paul, SVP, Human Resources; James M. Sack, VP, General Counsel & Secretary; Kenneth A. Grigg, VP, Legal Affairs; Robert W. Henley, VP, Controller & Asst Secretary; Daniel D. Malzahn, VP, Planning; Darrell A. Carlisle, VP, Tax; Frank M. Stagno, VP & Asst Treasurer; David J. Whitaker, CIO; Eugene J. Bredow, Director, Internal Audit & Corp Governance;continued
(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 17, 2007
(enter date affidavit is notarized)

969476

for Application No. (s): PCA 2003-DR-058
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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)
David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

=====

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 17, 2007
(enter date affidavit is notarized)

969476

for Application No. (s): PCA 2003-DR-058
(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 17, 2007
(enter date affidavit is notarized)

969475

for Application No. (s): PCA 2003-DR-058
(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 17, 2007
(enter date affidavit is notarized)

969476

for Application No. (s): PCA 2003-DR-058
(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.)

Scott M. Herrick of Herndon Crossing, LLC donated in excess of \$100 through Cherokee Management, which is not a part of this application, to Chairman Gerry Connolly and Supervisors Joan DuBois, Penelope Gross and Sharon Bulova.
John H. Thillman of Herndon Crossing, LLC, donated in excess of \$100 to Chairman Gerry Connolly and Supervisors Sharon Bulova and Penelope Gross.
William A. Moran of NVR, Inc., donated in excess of \$100 to Chairman Gerry Connolly, Supervisor Michael Frey and Supervisor Joan DuBois.

(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:

Elizabeth D. Baker

(check one)

[] Applicant

[x] Applicant's Authorized Agent

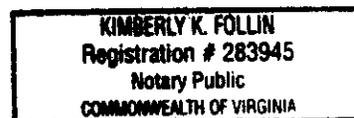
Elizabeth D. Baker, agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17 day of September 2007, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2007





Elizabeth D. Baker
Land Use Coordinator
(703) 528-4700 Ext. 5414
ebaker@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

RECEIVED
Department of Planning & Zoning

JUL 26 2007

July 26, 2007

Zoning Evaluation Division

Regina M. Coyle
Director, Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Request for Proffered Condition Amendment PCA 2003-DR-058 (the "PCA Application")
NVR, Inc. d/b/a Ryan Homes (the "Applicant" or "NVR")
Tax Map Reference: 10-4 ((1)) 1, 2A, and 2B (the "Subject Property")

Dear Ms. Coyle:

This letter serves as a statement of justification for the above-referenced PCA Application. This is a text-only amendment, and is requested in order to ensure that home elevations proposed by NVR are in conformance with the proffers.

The 11.99 acre Subject Property is zoned PDH-2, and is located west of Folly Lick Branch, immediately west of the Fairfax County/Town of Herndon boundary, and north of Winterwood Place. The Subject Property is currently undeveloped, but is approved for residential development pursuant to RZ 2003-DR-058.

Rezoning application RZ 2003-DR-058 was approved by the Board of Supervisors on July 26, 2004, subject to proffers dated July 15, 2004, for the development of twenty (20) single-family detached homes at a density of 1.67 dwelling units per acre. A copy of the approved proffers is enclosed for your convenient reference.

Originally rezoned by Landmark Property Development, LLC, the Subject Property is now under contract to NVR. NVR proposes to construct traditional, single family detached dwellings in keeping with the approved zoning for the site. However, the home elevations for NVR do not substantially conform to the proffered elevations from RZ 2003-DR-058; therefore, NVR is requesting approval of a "text-only" proffered condition amendment related to architectural design.

Pursuant to RZ 2003-DR-058's Proffer 1, the Subject Property is subject to an approved Conceptual Development Plan/Final Development Plan ("CDP/FDP"), prepared by Charles P. Johnson & Associates consisting of four sheets dated October 7, 2003 as revised through June 24, 2004. Sheet 4 of that CDP/FDP includes illustrative architectural elevations, a copy of which

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LOUDDON OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664

is enclosed. Architectural design is specifically addressed in Proffer 15. This proffer simply states:

"The architecture shall generally conform with the illustrative architectural elevation as shown on the CDP/FDP page 4, as determined by DPWES. Building materials will be a mix of brick, conventional simulated wood siding and similar materials."

The illustrative architectural elevations on Sheet 4 of the CDP/FDP depict two styles of traditional, single-family detached homes.

The Applicant's proposed building elevations maintain the traditional architectural style depicted on the CDP/FDP, but are slightly different. A copy of the proposed elevations is provided as Exhibit 1. The primary difference between the approved CDP/FDP elevations and elevations proposed for construction pursuant to the PCA is the relationship of the garage level and front door entry level to the grade.

To the best of our knowledge, the proposed PCA is in conformance with all applicable ordinances, regulations and adopted standards with few exceptions. The Applicant requests reaffirmation of the following previously approved waivers and modifications.

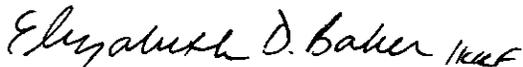
- Waiver of the 600 foot private street length; and
- Modification of the trail requirements to delete the stream valley trail south of Young Avenue in accordance with the previously approved CDP/FDP.

In summary, the Applicant seeks approval of an amendment to the proffers associated with RZ 2003-DR-058 to allow alternative architectural elevations for the approved single-family detached homes. The proposed elevations are similar in style to the previously approved elevations and are, in our opinion, in harmony with surrounding uses.

Thank you for your attention to this matter. Should you require any additional information, please contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Elizabeth D. Baker
Land Use Coordinator

Enclosures



Elizabeth D. Baker
Land Use Coordinator
(703) 528-4700 Ext. 5414
ebaker@arl.thelandlawyers.com

**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

RECEIVED
Department of Planning & Zoning

JUL 26 2007

July 26, 2007

Zoning Evaluation Division

Regina M. Coyle
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Proffered Condition Amendment
Applicant: NVR, Inc. d/b/a Ryan Homes (the "Applicant")
Waiver of Submission Requirements

Dear Ms. Coyle:

NVR, Inc. d/b/a Ryan Homes has filed an application for a proffered condition amendment (PCA) on property identified as Tax Map 10-4 ((1)) 1, 2A and 2B. The property was zoned PDH-2 via RZ 2003-DR-058 and is under contract by the Applicant.

This request proposes no changes to the building size or site layout. The PCA is filed in order to revise a proffer related to the architectural design. It involves a wording change and has no impact on the development plan. I hereby request a waiver of the CDP/FDP requirement since there are no proposed site changes or new construction.

Thank you for your attention to this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

Elizabeth D. Baker
Land Use Coordinator

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LOUDOUN OFFICE 703 737 3633 : PRINCE WILLIAM OFFICE 703 680 4664

JUL 26 2007

RZ/FDP 2003-DR-058

July 15, 2004

Zoning Evaluation Division

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, the owners, and Landmark Property Development, LLC (hereinafter referred to as "Applicant") for themselves, their successors and assigns in RZ/FDP-2003-DR-058 filed for property identified as Tax Maps 10-4 ((1)) Parcels 1, 2A & 2B (hereinafter referred to as the "Application Property"), proffer the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-2 District.

1 Development Plan:

Development of the Application Property shall be in substantial conformance with the Conceptual / Final Development Plan ("CDP/FDP") prepared by Charles P. Johnson & Associates consisting of four (4) sheets dated October 7, 2003 as revised through June 24, 2004.

2 Minor Modifications:

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.

3 Provision of Sidewalks and Private Streets:

Sidewalks shall be provided in the locations as generally shown on the CDP/FDP. Both the streets and sidewalks shall be constructed in conformance with the Public Facilities Manual [PFM] to design, depth of pavement and materials consistent with public street and sidewalk standards. The Applicants shall be responsible for the maintenance of all private streets and sidewalks until the HOA takes responsibility. 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 and sidewalks. The HOA documents shall expressly state that the HOA shall be responsible for the maintenance of the private streets and sidewalks serving that HOA's development area.

4 Energy Efficiency

All homes on the subject site 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.

5 Landscaping/Tree Save:

- A) Landscaping will be provided in substantial conformance with the landscape plan (Sheet 3 & 4) as determined by the Urban Forestry Division of DPWES. The applicant shall utilize native species in site landscaping wherever possible.
- B) The applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. 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.
- C) The tree preservation plan for the tree save area 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, located within twenty (20) feet of either side of the limits of clearing and grading shown on the CDP/FDP for the open space areas on the CDP/FDP and along perimeter of the site. The tree survey shall also include areas of clearing and grading not shown on the CDP/FDP resulting from engineering requirements, such as off-site clearing and grading for utilities or storm-water outfall. But not the trail on the Park Authority Property, 10-2 ((4)) Parcel D. 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 trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan. As recommended by the Urban Forester, the applicant agrees to root prune along the limits of clearing and grading adjacent to the white pines that will be preserved on the Northern, Western, and Southern portions of the site. Root pruning will also be conducted along the Western portions of the site wherever trees would be impacted by construction. Root pruning will be conducted with a trencher or vibratory plow to a depth of eighteen (18) inches. It shall take place prior to any clearing and grading or demolition of structures in the vicinity of said trees and shall be conducted under the supervision of a certified arborist.
- D) The Project Arborist in coordination with the Urban Forester shall also determine the replacement value of the healthy trees measuring ten (10) inches or larger in diameter located within the tree save area depicted on the CDP/FDP. These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall be determined according to the methods contained in the latest edition of the Guide for Plant Appraisal, subject to review and approval by the Urban Forestry Division. At time of site plan approval, the Applicant will post a cash bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the designated trees that die or are dying due to negligent construction activities. If trees are found to be dead or dying at time of final bond

release by an Urban Forestry Division Representative due to the Applicants negligent construction activities, the cash bond or letter of credit shall be used to plant similar species of species appropriate to the site, in consultation with Urban Forestry Division and Project Arborist.

- E) Tree protection fencing in the form of fourteen (14) gauge welded wire fencing four (4) feet in height attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet shall be provided along the tree save areas. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence, except super silt fence, shall be performed under the supervision of a certified arborist. Three 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.

6. Limits of Clearing and Grading:

- A) The applicant shall conform to the limits of clearing and grading shown on the CDP/FDP excepting trails and utility lines as deemed necessary by DPWES. Any trails and utility lines that may be within areas protected by limits of clearing and grading shall be located and installed in the least disruptive manner as possible as determined by the Urban Forestry Division. Those areas outside the permanent easements, disturbed for said installation, shall be replanted as determined by the Urban Forestry Division.
- B) The Applicant shall have limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. The applicant shall walk the limits of clearing and grading with an Urban Forestry Division representative to determine where minor adjustments may be made to the clearing limits to increase the survivability of trees at the edge of the limits of clearing and grading and the applicant shall make those changes. Any tree that is designated for removal within the tree preservation area or at the edge of the limits of clearing and grading shall be removed using a chain saw to avoid damage to surrounding trees.
- C) The EQC/RPA shall be preserved as open-space except for encroachment necessary for the installation of the storm water management facility, utility outfalls and trails. If encroachment is necessary for the installation of the storm water management facility, utility outfalls and trails it shall be done in the least disruptive manner as determined by DPWES and the Urban Forestry Division.

7. Homeowners' Association (HOA):

- A) The Applicant shall establish a HOA for the proposed development to own, manage and maintain all common community open spaces (other than those dedicated to the Park Authority), planting areas, private streets and community structures installed by the applicant. Prior to entering into a contract of sale, prospective purchasers of houses shall be notified, in writing by the Applicant, of said maintenance responsibilities. Said purchasers shall be required to acknowledge receipt of this information in writing. The applicant will establish an initial fund of \$5,000 for road maintenance to be put in escrow prior to final bond release. This information shall also be included in the HOA documents.
- B) The Applicant shall place a covenant on each residential lot, which provides that garages shall be used for purposes that will not interfere with their intended purpose (e.g. parking of vehicles). This covenant shall be recorded among the land records of Fairfax County prior to the sale of any lots and shall run to the benefit of the HOA and to the Board of Supervisors. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's Office. The HOA document shall expressly state this use restriction.

8 Housing Trust Fund:

At the time of the first building permit approval, a contribution shall be made to the Fairfax County Housing Trust Fund of 0.5% of the sales price of each single family dwelling except for the existing home on lot 4. The amount of said contribution shall be determined by the Department of Housing and Community Development.

9 Recreational/Public Facilities:

The Applicant proffers that the expenditure for recreational facilities will be a minimum of \$955.00 per residential unit (total of \$19,100) to be used for onsite recreation facilities (including the Gazebos); the remainder of the funds will go to the Kingston Chase HOA for use at their community center and pool (specifically for a new pool deck and possible second story on the clubhouse). In addition, the Applicant will donate another \$1,100 per DU (total of \$22,000) for use in revitalizing the Kingston Chase club house. The applicant will, at the invitation of the Kingston Chase HOA, pay for membership fees (at the current rate for the Kingston Chase Community) to join the Kingston Chase Community swimming pool for one year for each of the twenty (20) homes in this development. Thereafter, it will be the responsibility of individual home owners to decide whether to join.

10 Storm Water Management Facilities, BMP's:

The Applicant shall provide SWM and BMP in a location as generally shown on the CDP/FDP and in accordance with the requirements of the PFM and Chesapeake Bay Preservation Ordinance, unless modified or waived by DPWES.

The applicant shall provide an enhanced and extended detention pond. The BMP facility will be designed to accommodate the Folly Lick tributary sub watershed of 278 acres to provide BMP benefits for that portion of the watershed in Fairfax County unless BMPs have previously been provided and as required by the Chesapeake Bay Exception conditions as may be adopted by the Board of Supervisors, unless otherwise modified by DPWES

The applicant will utilize Low Impact Design (LID), wherever feasible as determined by DPWES, to minimize the amount of impervious area on the site, reduce discharge velocities leaving the site, increase time of concentration on the site, increase infiltration into the ground, and provide disconnection for runoff from impervious areas. The RPA shall be re-vegetated to achieve a native state as determined appropriate by the Urban Forestry Division. The re-vegetated areas will be composed of native species as determined by the Applicant's arborist and the Urban Forestry Division. Regardless of the landscaping plan on the CDP/FDP the landscaping within the RPA shall be provided in accordance with the Chesapeake Bay Preservation Ordinance ("CBPO") as stated in the Chesapeake Bay Exception (#026338) conditions as may be adopted by the Board of Supervisors and as determined by the Urban Forester and DPWES.

The Applicant will provide landscaping around the area that is cleared for the pond outfall in an amount and type to be determined by the Urban Forestry Division consistent with the Chesapeake Bay RPA exception report. The enhanced pond outfall shall be located and installed in the least disruptive manner feasible, as determined by DPWES, and subject to approval by DPWES and the Urban Forestry Division. Regardless of the landscaping plan on the CDP/FDP, the landscaping within the RPA shall be provided in accordance with the Chesapeake Bay Preservation Ordinance ("CBPO") as determined by the Urban Forester and DPWES. Clearing and grading for the enhanced stormwater pond will be minimized to the maximum extent feasible. If any off-site trees within the areas designated to be preserved are destroyed or irreparably damaged as a result of the Applicant's construction activities, as determined by the Urban Forestry Division, the Applicant will provide appropriate replacement trees in terms of species, size and quantity as determined by the Urban Forestry Division. The applicant shall install said landscaping in accordance with said plan, subject to Urban Forestry approval.

The temporary siltation erosion control facilities for use during on site grading and construction shall be located/sited in an area outside the RPA to the maximum extent feasible which will not require the removal of any additional trees.

11 School Contribution:

Prior to recordation of the record plat, the Applicant shall contribute \$20,000.00 to the Board of Supervisors for transfer to the Fairfax County School Board for modular classroom facilities at Herndon High School. If the modular classroom is no longer needed at the time of record plat then an item of similar value may be substituted as determined by the principal at the discretion of the Fairfax County School Board.

12. Fence:

The Applicant will remove the existing chain link fence around the property and install a fence with brick pillars to be located at the property corners of adjacent single family lots as depicted on the CDP/FDP. The fencing material will be solid wood planks, without spaces. The existing fence will not be removed until the new fence is ready to be installed. The understory branches and other material will be removed from the existing trees to allow the fence to be built.

13 Signs:

No temporary signs (including "popsicle" style paper or cardboard) 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 sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale of residential units on the property to adhere to this proffer.

14 Lighting:

All common area lighting except entry monumentation signage lighting (which must be directed upon the signs and not at the sky or road) shall be full cut off directed inward and downward to prevent light spilling onto adjacent properties; public street lighting shall be provided by use of full cut off luminaire fixtures in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.

15 Architectural Elevations:

The architecture shall generally conform with the illustrative architectural elevation as shown on the CDP/FDP page 4, as determined by DPWES. Building materials will be a mix of brick, conventional simulated wood siding and similar materials.

16: Trails:

On-Site: The Applicant will install the trails as depicted on the CDP/FDP. Both the Stream Valley Trail and the HOA on site trail around the pond will be constructed in accordance with the trail standards in the PFM. The trail around the pond may have gravel shoulders to accommodate maintenance access to the facility. A public access easement shall be provided over the on-site trail in a form acceptable to the Office of the County Attorney. The stream valley trail shall be designed to prevent vehicular access, other than Park Authority vehicles. Curb Cuts and lockable bollards shall be installed to regulate vehicular access to the trail.

Off-Site: The Applicant will construct a stream valley trail along the West side of Folly Lick Branch from the Applicants northern property line to the existing trail near Wiehle Ave Extended, a distance of approximately 1,500 feet. The trail will be constructed on Park Authority owned land to their specifications and only if all permits to construct are granted by the DPWES and Fairfax County Park Authority. If permits are not granted funds shall be escrowed for the trail construction in an amount determined by DPWES.

17. Blasting:

If blasting is required, and before any blasting occurs on the Application Property, the Applicant or its successors will insure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal shall be implemented. In addition, the Applicant or its successors shall:

- A) Retain a professional consultant to perform a pre-blast survey of each house or residential building located within two hundred fifty (250) feet of the blast site.
- B) Require his consultant to request access to house, buildings, or swimming pools that are located within said 250 foot range if permitted by owner, to determine the pre-blast conditions of these structures. The Applicant's consultants will be required to give adequate notice of the scheduling of the pre-blast survey. The Applicant shall provide all owners of structures entitled to pre-blast inspections of the name, address, and phone number of the blasting contractor's insurance carrier.
- C) Require seismographic instruments to be placed prior to blasting to monitor the shock waves. The Applicant shall provide seismographic monitoring records to County agencies upon their request.
- D) Notify residences within 250 feet of the blast site ten (10) days prior to blasting.
- E) Upon receipt of a claim of actual damage resulting from said blasting, the Applicant shall cause his consultant to respond within five (5) days by meeting at the site of the alleged damage to confer with the property owner and notify the

Office of the Fire Marshal. Any verified claims for damage due to blasting shall be expeditiously resolved.

- F) The Applicant will require blasting subcontractors to maintain necessary liability insurance to cover the costs of repairing any damages to structures that are directly attributable to the blasting activity.

18. Driveways:

Driveways shall be a minimum of eighteen (18) feet in length from the property line to the garage door.

19. Park Dedication:

At the time of subdivision plat recordation, Parcel A shall be dedicated to the Park Authority and conveyed in fee simple for park purposes. Prior to 1st RUP signage shall be provided indicating that the area is part of the Folly Lick Branch Stream Valley Park and that it is illegal to dump within it.

20. Lot 4:

No additions or accessory structures to Lot 4 shall be permitted that encroach into the RPA. Full disclosure of this restriction shall be noted on the record plat, referenced in the deed, and required in writing to all future purchasers of Lot 4.

21. Entry Feature:

Signage shall comply with Section 12-201 of the Zoning Ordinance. The maximum size of the entry feature shall be thirty (30) square feet and eight (8) feet in height, unless it takes the form of a brick or block pillar(s), which shall not exceed 2 ½ feet on a side and eight (8) feet in height.

22. Typical Lot Layout:

Regardless of the note on Sheet 4, the "Typical Lot Layout" dimensions shall be minimum yard setbacks. The side, rear and front yard setbacks listed on Sheet 3 of the CDP/FDP for Lots 3, 4, 5-7, 10 and 11 shall be minimum setbacks. In addition, Lots 6, 7 and 11 shall have minimum side yards of five feet. Extensions into the minimum yards shall be permitted in accordance with Sect. 2-412 of the Zoning Ordinance.

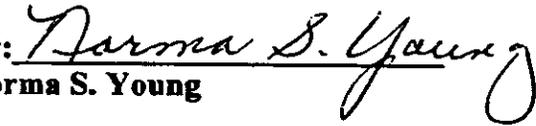
23. Successors and Assigns:

These Proffers will bind and inure to the benefit of the Applicant and his successors and assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.

**OWNER, Freeland G. Young
Tax Map 10-4 ((1)) P. 2-A, 2-B**

By: 
Freeland G. Young

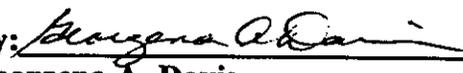
**OWNER, Norma S. Young
Tax Map 10-4 ((1)) P. 2-A, 2-B**

By: 
Norma S. Young

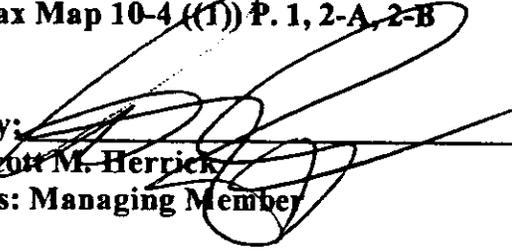
**OWNER, Ronald B. Davis
Tax Map 10-4 ((1)) P. 1**

By: 
Ronald B. Davis

**OWNER, Georgena A. Davis
Tax Map 10-4 ((1)) P.1**

By: 
Georgena A. Davis

**CONTRACT PURCHASER &
APPLICANT,
Landmark Property Development, LLC
Tax Map 10-4 ((1)) P. 1, 2-A, 2-B**

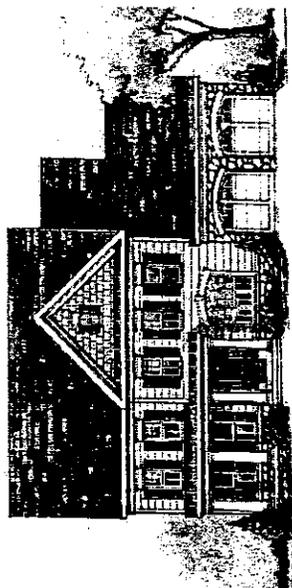
By: 
Scott M. Herrick
Its: Managing Member

CPJ
 Charles P. Johnson & Associates, Inc.
 ARCHITECTS
 1000 W. BROAD ST., SUITE 100
 FARMERS MARKET, VA. 22031-1000
 PHONE: 703-433-1111
 FAX: 703-433-1112
 E-MAIL: CPJ@CPJVA.COM
 WWW: WWW.CPJVA.COM

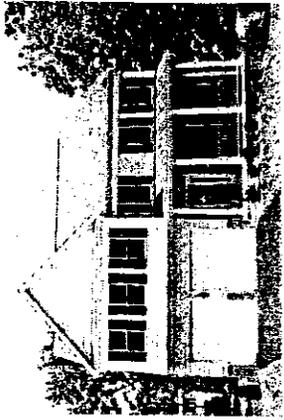
ELEVATIONS & DETAILS
YOUNG PROPERTY
 DRAWSVILLE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 87 2003-02-000



DATE	BY	NO.
10/1/03	CPJ	1
10/1/03	CPJ	2
10/1/03	CPJ	3
10/1/03	CPJ	4
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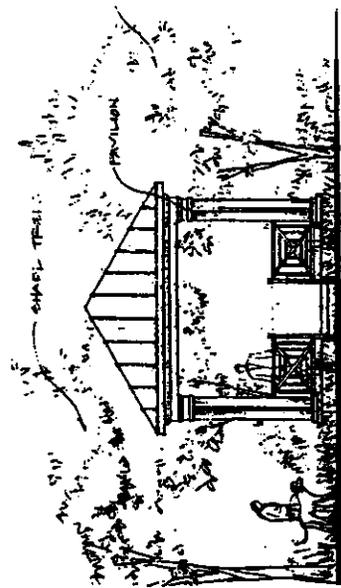


FOR LOTS 1-3, 6, 9, AND 10-12

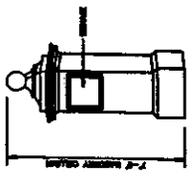


FOR LOTS 4-5 AND 11-15

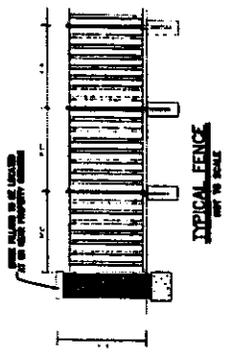
ILLUSTRATIVE ARCHITECTURAL ELEVATIONS



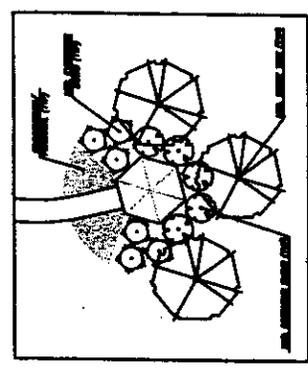
GAZEBO ELEVATION
NOT TO SCALE



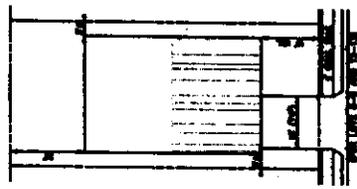
ENTRANCE COLUMN
NOT TO SCALE



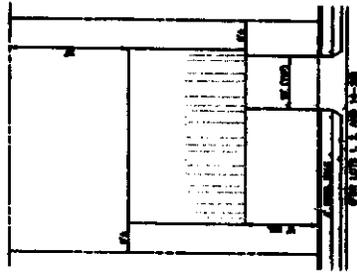
TYPICAL FENCE
NOT TO SCALE



GAZEBO LANDSCAPING
SCALE 1" = 4'



TYPICAL LOT LAYOUT
NOT TO SCALE



TYPICAL LOT LAYOUT
NOT TO SCALE

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of-way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		