



County of Fairfax, Virginia

November 21, 2007

STAFF REPORT

APPLICATION FDPA 2000-MV-019

MOUNT VERNON DISTRICT

APPLICANT: Jefferson at Laurel Highlands, L. P.

PRESENT ZONING: PDH-12

PARCEL(S): 107-2 ((12)) G

ACREAGE: 10.96 acres

DENSITY: 9.51 du/ac for Laurel Highlands

OPEN SPACE: 7 acres (65%)

PLAN MAP: 8-12 du/ac

PROPOSAL: Add a 5,500 sq. ft. clubhouse & site modifications

STAFF RECOMMENDATIONS:

Staff recommends that FDPA 2000-MV-019 be approved subject to the proposed development conditions contained in Appendix 1.

Staff further recommends that the previously granted modification of the transitional screening requirement and waiver of the barrier requirements between Section 3 and the adjacent single family attached dwelling units be reaffirmed.

Staff further recommends that the previously granted modification of the requirements of Sect. 2-414 requiring a 200 foot setback from an interstate highway be re-affirmed to allow the parking structure, but not the multi-family buildings, in Section 3 of Laurel Highlands to be within 200 feet of Interstate 95.

N:\WPDOCS\Other Cases\FDPA 2000-MV-019, Laurel Highlands\cover.doc

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/

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.

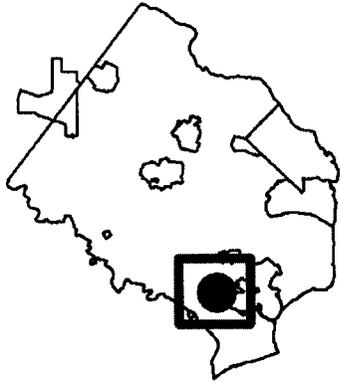
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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).

Final Development Plan Amendment

FDPA 2000-MV-019

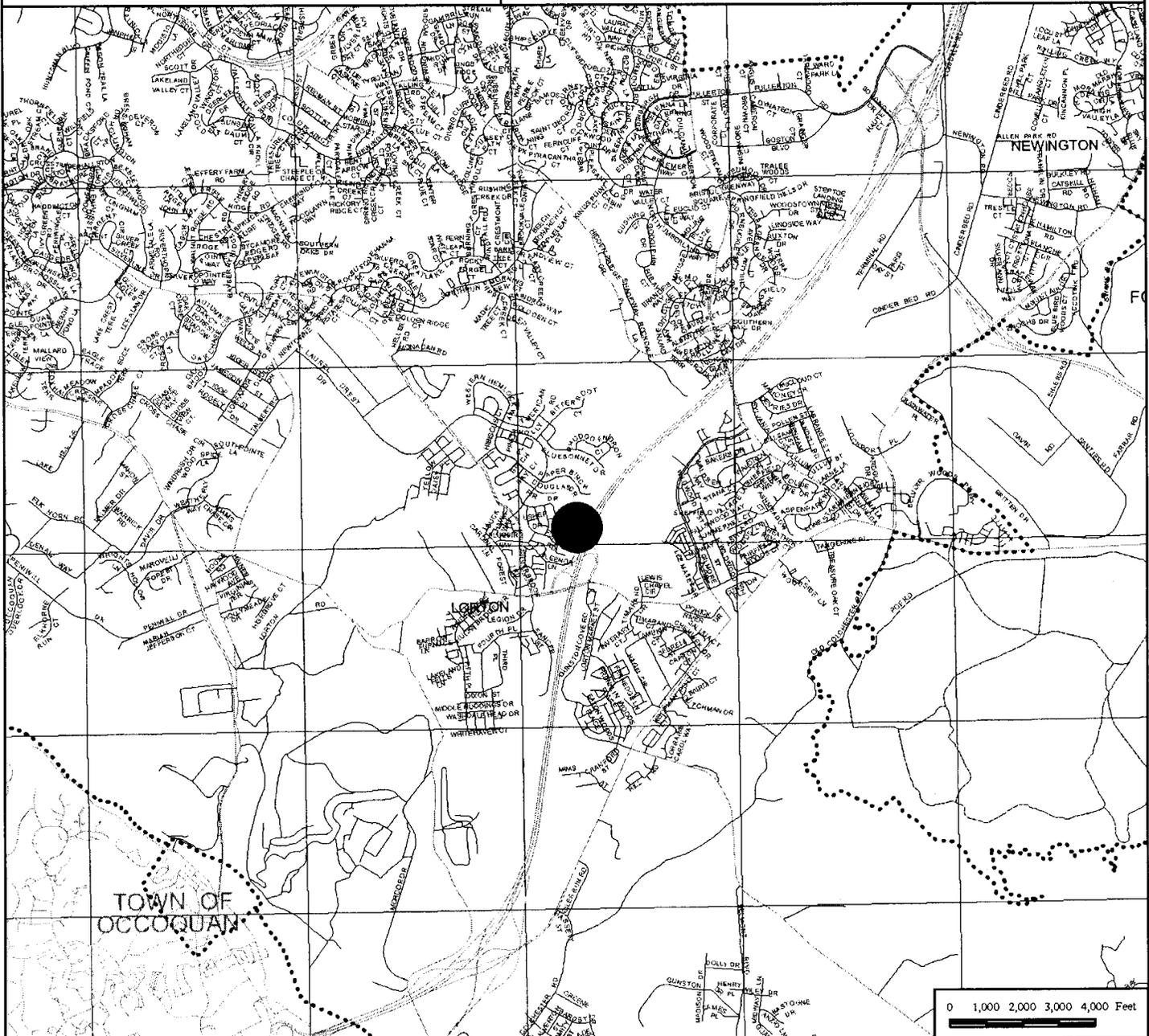


Applicant: JEFFERSON AT LAUREL HIGHLANDS, L.P.
Accepted: 10/25/2007
Proposed: AMEND FDP FOR RZ 2000-MV-019
PREVIOUSLY APPROVED FOR RESIDENTIAL
DEVELOPMENT TO PERMIT SITE MODIFICATIONS

Area: 10.96 AC OF LAND; DISTRICT - MOUNT VERNON

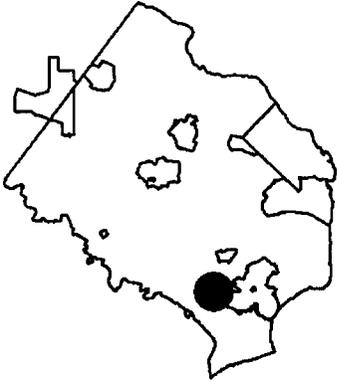
Zoning Dist Sect:
Located: WEST SIDE OF HENRY G. SHIRLEY MEMORIAL
HIGHWAY AND EAST OF SILVERBROOK ROAD
AT THE TERMINUS OF MCCAULEY WAY

Zoning: PDH-12
Overlay Dist:
Map Ref Num: 107-2- /12/ / G



Final Development Plan Amendment

FDPA 2000-MV-019

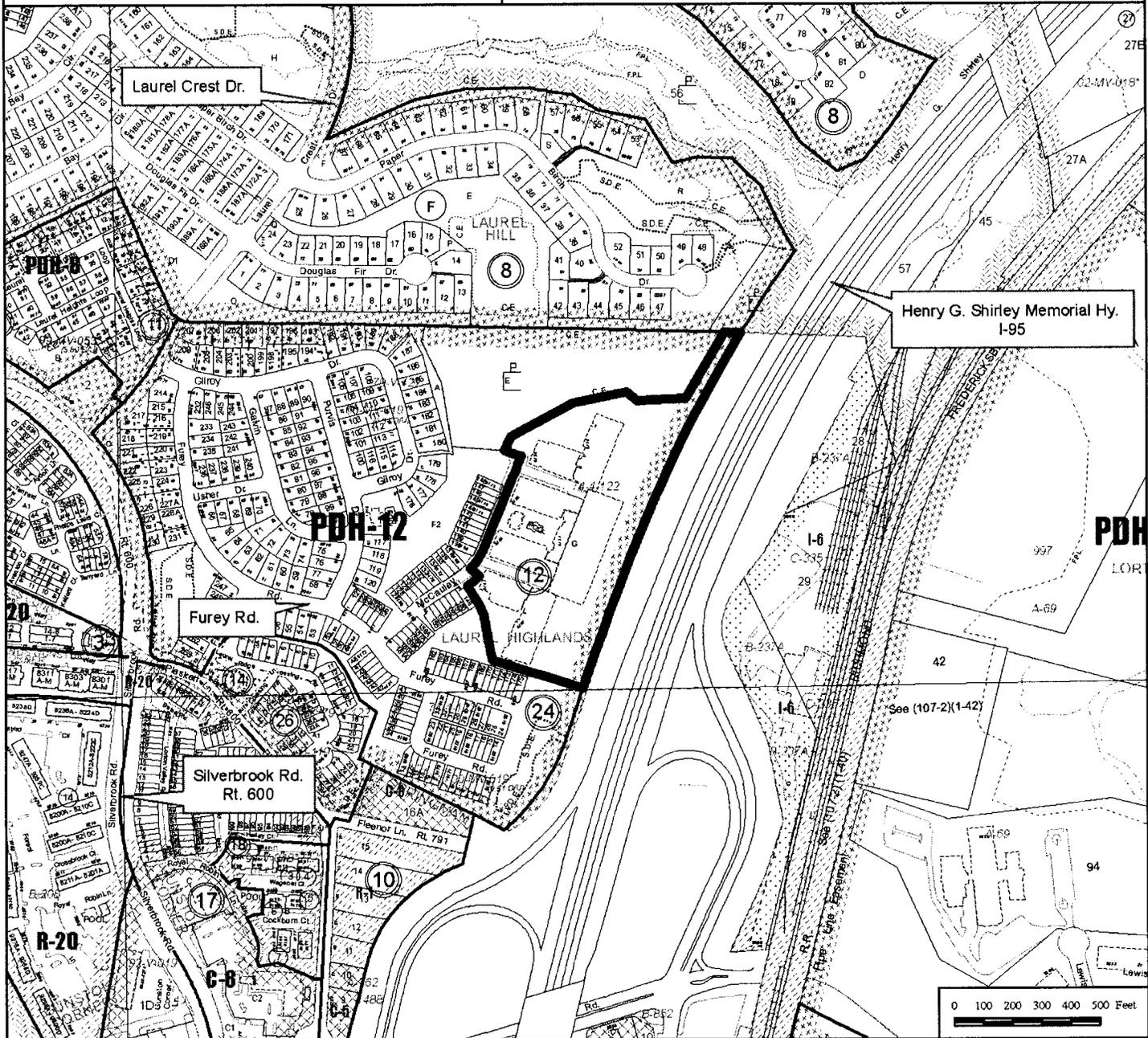


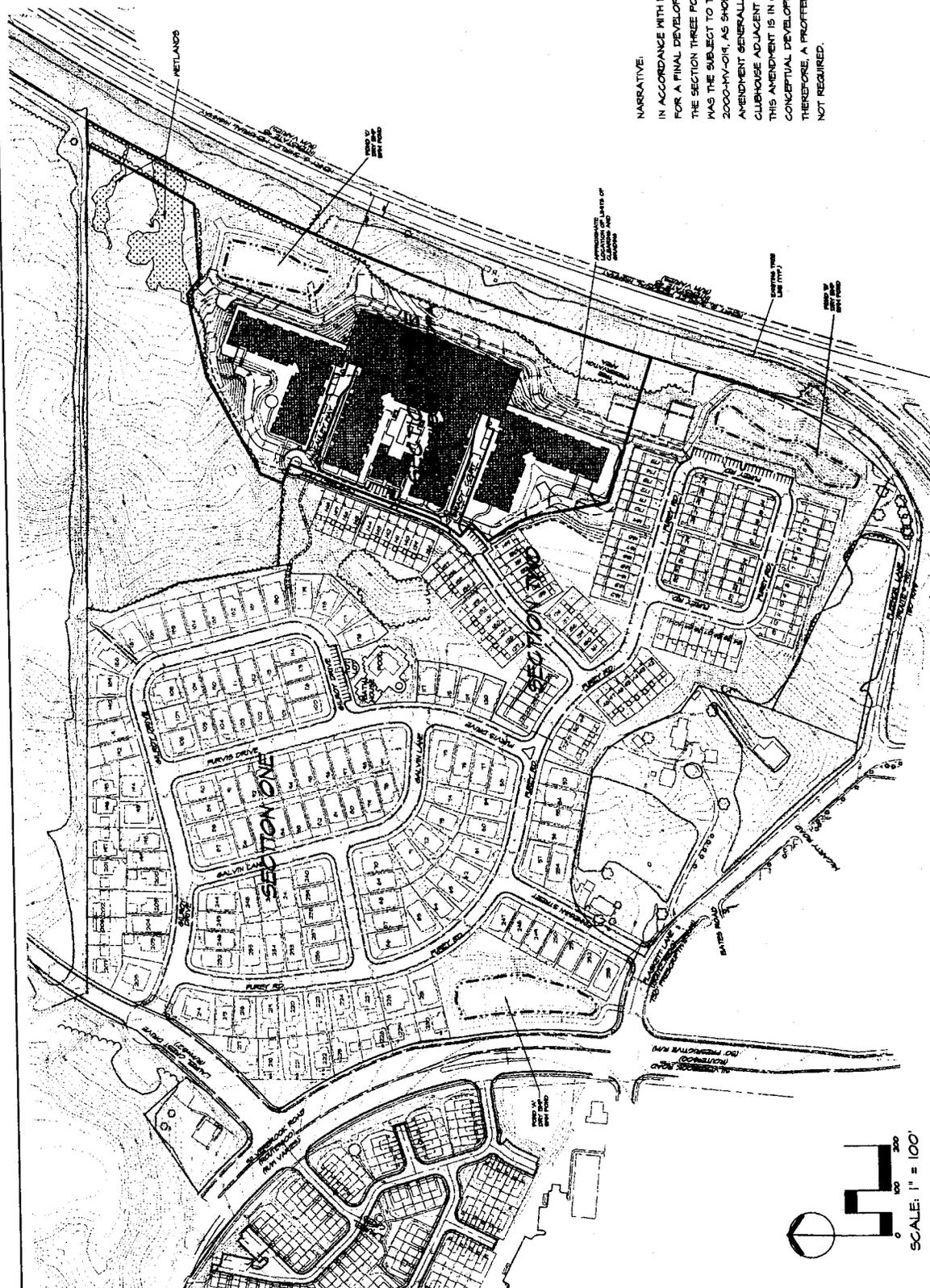
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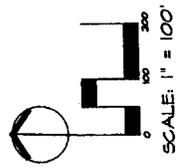
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AT THE TERMINUS OF MCCAULEY WAY

Zoning: PDH-12
Overlay Dist:
Map Ref Num: 107-2- /12/ / G





NARRATIVE:
 IN ACCORDANCE WITH PROFFER 1G, THIS APPLICATION IS FOR A FINAL DEVELOPMENT PLAN AMENDMENT FOR ONLY THE SECTION THREE PORTION OF THE OVERALL SITE THAT WAS THE SUBJECT TO THE ORIGINAL REZONING RZ 2000-HV-019, AS SHOWN ABOVE. THE CONTENTS OF THE AMENDMENT GENERALLY ENTAIL THE ADDITION OF A CLUBHOUSE ADJACENT TO THE POOL WITHIN SECTION THREE. THIS AMENDMENT IS IN CONFORMANCE WITH THE APPROVED CONCEPTUAL DEVELOPMENT PLAN AND PROFFERS. THEREFORE, A PROFFER CONDITION AMENDMENT (PCA) IS NOT REQUIRED.



DESIGN	PHRA	SURVEY	PHRA
DRAWN	PHRA	DATE	SEPT 28, 2007
CHECKED	PHRA	SCALE	1"=100'
SHEET	2	FILE NO.	104-1-4-1

Patton Harris Rust & Associates, pc
 Engineers, Surveyors, Planners, Landscape Architects.
 14532 Lee Road
 Suite 100
 Fairfax, VA 22033
 F 703.448.9714

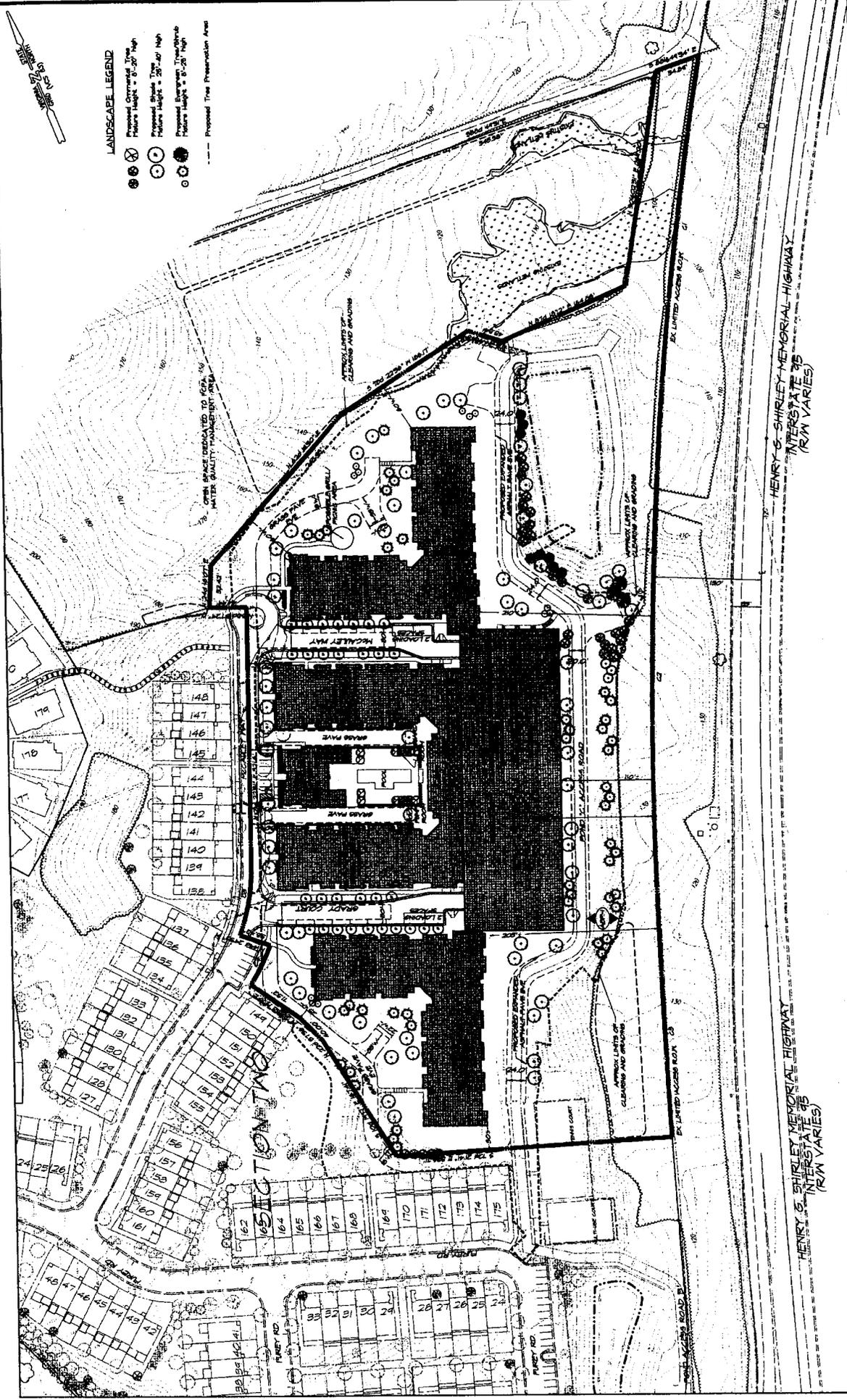
PHRA

OVERALL PLAN

PROJECT: FINAL DEVELOPMENT PLAN AMENDMENT
LAUREL HIGHLANDS SECTION THREE
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VA.



NO.	LANDSCAP ADDED/RELANED DEFINED DESCRIPTION	DATE	SCALE	REVISION
1	LANDSCAP ADDED/RELANED DEFINED	11.14.07	SCALE	



DESIGN	YB	OTHERS
DRAWN	SHD	DATE
CHECKED	DHS	SCALE
SHEET	4 OF 5	FILE NO.

Patton Harris Rust & Associates, PC
 Engineers, Surveyors, Planners, Landscape Architects
 14532 Lee Road
 Chantilly, VA 20151-1879
 T 703.448.8700
 F 703.448.8714

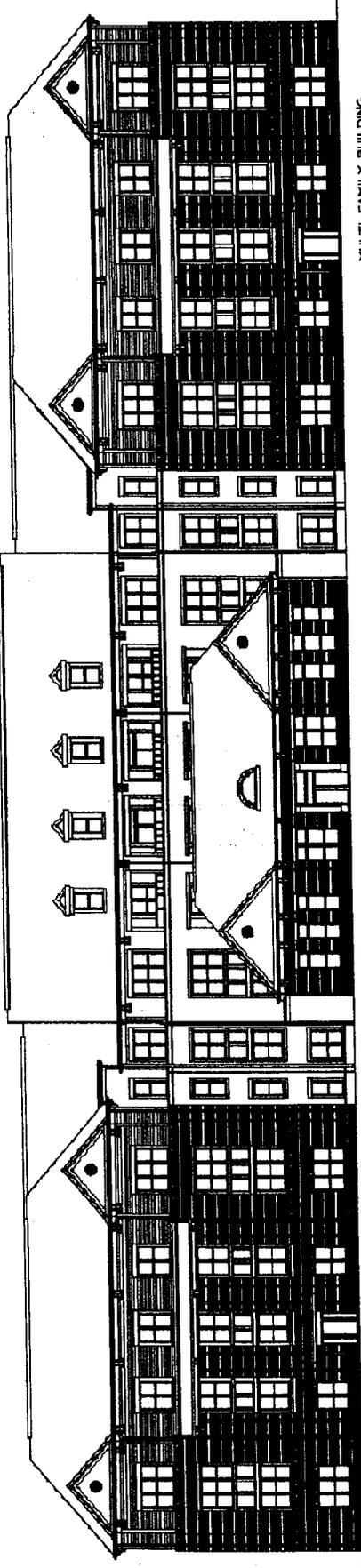
PHRA

PCA/FDPA LANDSCAPE PLAN

PROJECT: FINAL DEVELOPMENT PLAN AMENDMENT
**LAUREL HIGHLANDS
SECTION THREE**
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VA



NO.	LANDSCAPE ADDED/REMOVED	DATE	BY	REASON	REVISION
1	LANDSCAPE ADDED/FINE LINES DEFINED	11/14/04	SHD	REVISION	REVISION

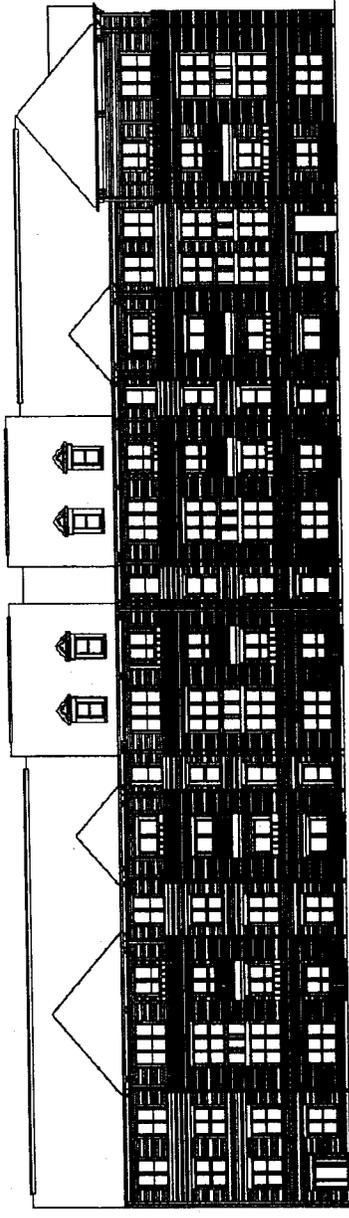


CLUBHOUSE
WEST ELEVATION

MULTI-FAMILY BUILDING

MULTI-FAMILY BUILDING

MULTI-FAMILY BUILDING



MULTI-FAMILY BUILDING
SIDE ELEVATION

NO.	DESCRIPTION	DATE	BY	CHKD	APP'D	DATE
1	LANDSCAPE ADDED, PINE LAKES DETAIL	11.14.07	CAH			



PROJECT: FINAL DEVELOPMENT PLAN AMENDMENT
LAUREL HIGHLANDS
 SECTION THREE
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VA.

BUILDING ELEVATIONS

PHRA
 Patton Harris Rust & Associates, PC
 Engineers, Surveyors, Planners, Landscape Architects
 14532 Lee Road
 Mount Vernon, VA 22121-1679
 T 703.449.6700
 F 703.449.6714

DESIGN OTHERS	OTHERS	OTHERS
DATE	DATE	DATE
SCALE	SCALE	SCALE
SHEET	SHEET	SHEET
5 OF 5	5 OF 5	N/A
		FILE NO. 06-4-4-1

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

DESCRIPTION OF THE APPLICATION

This application has been filed to allow a 5,500 sq. ft. clubhouse to be added within Section 3 of Laurel Highlands, the portion approved for multi-family dwellings. The accepted proffers state that a recreation center could be included within this portion of the site; however, upon review of the initial request through the denial of a proffer interpretation by staff, the proposed location was found to not be in conformance with the final development plan. A pool pump building and lifeguard building are shown adjacent to the pool. The Final Development Plan Amendment filed also reflects minor modifications that were previously approved as proffer interpretations. The footprints of the three multi-family buildings have also been reduced in size resulting in an overall increase in the amount of open space within this section to approximately 7 acres or 64 percent of the site. The application also reduces the number of proposed dwelling units by 34, from 323 to 289.

A reduced copy of the proposed Final Development Plan Amendment is included in the front of this report. The proposed development conditions are included as Appendix 1. The applicant's affidavit is Appendix 2 and the applicant's statements regarding the application are included as Appendix 3. Appendix 4 contains a reduction of the proffered CDP/FDP for RZ/FDP 2000-MV-019, the original approval for Laurel Highlands. Appendix 5 includes the accepted proffers for RZ/FDP 2000-MV-019. Appendix 6 includes the proffer interpretation letters associated with this portion of Laurel Highlands, which are reflected on the submitted FDPA.

The application property is zoned PDH-12 and approval of a Final Development Plan Amendment must be in conformance with the General Standards and the Design Standards found in Part 1 of Article 16, Development Plans, of the Zoning Ordinance. The most relevant standards are contained in the Excerpts from the Zoning Ordinance found in Appendix 7.

LOCATION AND CHARACTER

The application property covers the 10.96 acres identified as Section 3 of Laurel Highlands. Section 3 is located in the northeastern corner of Laurel Highlands, adjacent to I-95 to the east. It is currently vacant and has been cleared for the development of the three multi-family buildings approved pursuant to RZ/FDP 2000-MV-019. The stormwater management facility in the northeast corner of Section 3 has been constructed. Access to Section 3 is via a private street, McCauley Way, which was built as part of the development of Laurel Highlands.

With the exception of Section 3, Laurel Highlands is largely complete. Laurel Highlands was approved for a total of 573 dwelling units consisting of 144 Single Family Detached Dwelling Units, 106 Single Family Attached Dwelling Units and

323 Multi-Family Dwelling Units on 57 acres for an overall density of 10.05 du/ac. This application includes 289 multi-family dwelling units. The portion of Laurel Highlands to the north of this application property is open space consisting of a wetlands area that was proffered to be preserved and dedicated to the Park Authority. To the north and south of Section 3 Laurel Highlands was developed with single family attached dwelling units in a townhouse layout. A second recreation facility along with tennis and other courts were proffered to be provided within the single family portions of Laurel Highlands and have been constructed.

Laurel Highlands is located to the north of Plaskett Lane and Fleenor Lane (another townhouse community and a telecommunications facility are located along Plaskett Lane), Silverbrook Road on the west, Laurel Crest Drive and the subdivision known as Laurel Hill on the north and I-95 on the east. The area across I-95 that is not part of the interchange with Lorton Road has been developed with the Amtrak Autotrain terminal.

BACKGROUND

RZ/FDP 2000-MV-019:

On May 21, 2001, the Board of Supervisors approved RZ 2000-MV-019, subject to proffers. The Planning Commission previously approved the associated Final Development Plan (FDP), subject to the Board of Supervisors approval of the rezoning application. This approval also included a modification of the transitional screening yard and barrier requirements between the multi-family dwellings and the adjacent single family attached dwelling units. A copy of the accepted proffers is included in Appendix 4 and a reduced copy of the proffered CDP/FDP is included in Appendix 5.

Section 3 Proffer Interpretations (see Appendix 6):

On August 20, 2003, a proffer interpretation was issued to grant administrative approval to allow a 1,810 sq. ft. bathhouse and office in a fourteen foot tall building and resultant changes to the open space in front of the central multi-family building, include a fifth level within the parking garage while retaining the same footprint and height, and to make changes to the loading spaces.

On December 22, 2006, a proffer interpretation was issued to grant administrative approval to allow a retaining wall with the SWM facility located between the northernmost multi-family building and I-95. This approval required that landscaping be installed around the pond and along the required access road.

On September 10, 2007, a request for administrative approval of a 5,500 sq. ft., 40 foot tall recreation building in the open space area between the two wings of the central U-shaped building was denied. The filing of this application is to seek approval of this request. The request was denied because the proposal was found to not be in substantial conformance with the approved Final Development Plan.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	IV
Planning District:	Lower Potomac Planning District
Planning Sector:	Lorton South-Route 1 Community Planning Sector
Land Unit/Sub-unit:	Land Unit A/Sub-unit A2

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the property. On page 64 of the Lower Potomac Planning District of the 2007 edition of the Area IV Plan, under the heading, "Recommendations," under the sub-heading "Land Use," the Plan states:

Land Unit A

This 135-acre land unit is located north of Lorton Road between I-95 and the D.C. Department of Corrections site. There are a few scattered homes within Land Unit A but the area is largely undeveloped.

Sub-unit A2

Sub-unit A2 is generally located east of realigned Silverbrook Road, south of the D.C. Department of Corrections site and north of Fleenor Lane. Sub-unit A2 is planned for residential use at 8-12 dwelling units per acre provided that the following site-specific conditions are met:

- Density of the Sub-unit should transition down to the low-end of the range in areas adjacent to the D.C. Department of Corrections;
- Substantial buffering should be provided between all portions of property lines and the D.C. Department of Corrections site;
- Consolidated or coordinated development should take place to straighten Silverbrook Road, achieve a Silverbrook Road/Lorton Road/Sanger Street intersection at an adequate distance from the Shirley Highway ramps and allow easy access to the realigned Silverbrook Road; and
- Substantial contribution towards transportation improvements should be provided, including improvements to the railroad/ Lorton Road underpass.

The Comprehensive Plan Map shows this property to be planned for 8-12 du/ac.

ANALYSIS

Final Development Plan Amendment (Reduction at front of staff report)

Title of FDPA:	Laurel Highlands Section 3
Prepared By:	Patton Harris Rust & Associates, pc

Original and Revision Dates:

Sealed by David Steigler on
November 14, 2007

FDPA (Laurel Highlands Section 3)	
Sheet #	Description of Sheet
1 of 5	Cover Sheet with Notes, Tabulations, Soils Map and Locator Map
2 of 5	Overall Plan showing all of Laurel Highlands
3 of 5	Plan showing Section 3
4 of 5	Landscape Plan for Section 3
5 of 5	Building Elevations

The layout for Section 3 of Laurel Highlands shown on the submitted FDPA is the same general layout shown on the proffered CDP/FDP associated with the approval of RZ/FDP 2000-MV-019 with the proposed 5,500 sq. ft. recreation building proposed by this application added within Section 3. Three multi-family buildings are shown on the proffered CDP/FDP consisting of a central U-shaped building that is flanked by two L-shaped buildings. As noted above, the proposed number of dwelling units has been reduced from 323 to 289. The footprints of each of the three multi-family buildings are slightly smaller than that shown on the proffered CDP/FDP, leading to an increase in open space in this section from approximately 6 acres to 7 acres. The tabulations of the FDPA reiterate the requirement for 16 affordable dwelling units (ADUs) to be provided within Section 3 in order to fulfill the ADU requirement for Laurel Highlands. The proposed 5,500 sq. ft. community recreation is shown in the central portion of the U-shaped building. The front façade of the community recreation building is flush with the ends of the U with the pool located behind that building. The other difference between the proffered CDP/FDP is the stormwater management facility located behind the northernmost of the three multi-family buildings. It has grown in size as reflected in the proffer interpretation on this subject, and the retaining wall above this pond and the landscaping required pursuant to the interpretation are shown.

Land Use Analysis

The proposal to add a recreation building to Section 3 of Laurel Highlands does not affect the conformance of this development with the recommendations of the Comprehensive Plan.

Environmental Analysis

The proposed development conditions include the standard language regarding the proper discharge of pool waters. There are no environmental issues associated with this application.

Transportation Analysis

There are no transportation issues associated with this application.

ZONING ORDINANCE PROVISIONS (Appendix 7)

The proposal to add a 5,500 sq. ft. community recreation building is, as noted above, contemplated by the proffers accepted with the approval of RZ 2000-MV-019. However, the extent of the proposed facility in the middle of the central U-shaped building was determined to not be in substantial conformance with the open character of the space between the wings of this central building shown on the approved FDP. The pending application was filed to gain approval of the proposed 40 foot tall 5,500 sq. ft. recreation building. The addition of the proposed recreation building does not affect the manner in which Laurel Highlands complies with the applicable provisions of the Planned Development Housing (PDH) District. Nor does it affect the manner in which Laurel Highlands complies with the General Standards (Sect. 16-101) or the Design Standards (Sect. 16-102) of Part 1 of Article 16, Development Plans.

Waivers/Modifications

This application includes a request to reaffirm the previously approved waivers and modifications that affect this portion of Laurel Highlands. These include:

- A modification of the transitional screening yard requirement and a waiver of the barrier requirement between the multi-family buildings and the adjacent single family attached dwelling units within Laurel Highlands pursuant the provisions of Par. 5 of Sect. 304; and,
- A waiver of the requirements of Sect. 2-415 requiring a two hundred foot setback between an interstate highway and a residential building. The parking structure is attached to the multi-family buildings by a walkway making the parking structure part of the residential buildings with regard to the setback requirements of the Zoning Ordinance. The multi-family buildings all meet the two hundred foot setback, however, the parking garage is within the required setback from an interstate highway.

Staff recommends that these waivers and modifications be re-affirmed because the circumstances that warranted their previous approval remain in effect.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The proposal to add a 5,500 sq. ft. community recreation building is in substantial conformance with the proffers associated with the approval of RZ 2000-MV-019 and does not affect the manner in which Laurel Highlands complied with the applicable recommendations of the Comprehensive Plan or with the applicable provisions of the Zoning Ordinance.

Recommendations

Staff recommends approval of FDPA 2000-MV-019 subject to the development conditions contained in Appendix 1.

Staff further recommends that the previously granted modification of the transitional screening requirement and waiver of the barrier requirements between Section 3 and the adjacent single family attached dwelling units be reaffirmed.

Staff further recommends that the previously granted modification of the requirements of Sect. 2-414 requiring a 200 foot setback from an interstate highway be re-affirmed to allow the parking structure, but not the multi-family buildings, in Section 3 of Laurel Highlands to be within 200 feet of Interstate 95.

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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Final Development Plan Development Conditions
2. Affidavit
3. Applicant's Statements
4. Reduction of the Proffered CDP/FDP for RZ 2000-MV-019
5. Proffers for RZ 2000-MV-019
6. Proffer Interpretations for Laurel Highlands
7. Selected Excerpts from the Zoning Ordinance
8. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

November 21, 2007

FDPA 2000-MV-019

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDPA 2000-MV-019 for residential development on property located at Tax Map 107-2 ((12)) G, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Any plan submitted pursuant to final development plan shall be in substantial conformance with the approved final development plan amendment entitled Jefferson at Laurel Highlands, prepared by PHR&A and sealed by David Stiegler on November 14, 2007. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 16-403 of the Zoning Ordinance.

REZONING AFFIDAVIT

DATE: November 5, 2007
 (enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/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 97856a

in Application No.(s): FDPA 2000-MV-019
 (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)
Jefferson at Laurel Highlands, L.P. Agents: Aaron C. Liebert Peter M. Rosen	600 E. Colinas Boulevard, Suite 1800 Las Colinas, Texas 75039	Applicant/Title Owner of Tax Map 107-2 ((12)) G
Patton Harris Rust & Associates, PC Agents: David H. Steigler Helman A. Castro	14532 Lee Road Chantilly, Virginia 20151	Engineers/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 Attachment to Par. 1(a)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(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 Abby C. Denham Tara E. Wiedeman Sara V. Mariska Elizabeth D. Baker 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: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(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)

Patton Harris Rust & Associates, PC
14532 Lee Road
Chantilly, Virginia 20151

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)

Thomas D. Rust
Jeffrey E. Frank

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: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(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)

{ Jefferson at Laurel Highlands GP, LLC
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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)

2. Jefferson at Laurel Highlands Holdings, L.P., Sole Member

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

Robert D. Page, President & COO; Ronald D. Ingram, Sr EVP, Chief Administrative Officer & Asst Secretary; Frank B. Schubert, Jr., Sr. EVP, CFO, Secretary & Treasurer; James A. Fadley, EVP & Asst Secretary; John F. O'Connor, III, EVP & Asst Secretary; Clayton Parker, EVP; Kirk Motsenbocker, EVP; Vanessa J. Hoffman, SVP; Scot M. McLaughlin, SVP & Asst Secretary; Gus A. Villalba, Divisional SVP; James W. Morgan, Jr., VP & Asst Secretary; Tom Kavanagh, AVP;continued

(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 Attachment to Par. 1(b)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(enter County-assigned application number (s))

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

Jefferson at Laurel Highlands GP, LLC [officers, continued]
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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)

=====

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

Janine Steiner, SVP & Asst Sec; Ilene J. Greiner, AVP; Robert J. McCullough, Area VP; Lynn Read, AVP

=====

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: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(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)

Jefferson at Laurel Highlands, L.P.
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

(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**)

- 1 Jefferson at Laurel Highlands GP, LLC, Sole General Partner
- 2 Jefferson at Laurel Highlands Holdings, L.P., Sole 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 Attachment to Par. 1(c)

DATE: November 5, 2007

(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019

(enter County-assigned application number (s))

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

2 Jefferson at Laurel Highlands Holdings, L.P.
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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

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

JPI/F Funding GP, LLC, General Partner
(owns less than 10% of Jefferson at Laurel
Highlands, L.P.)

5 JPI/F Funding Company, L.P., Limited
Partner

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

Rezoning Attachment to Par. 1(c)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(enter County-assigned application number (s))

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

3 JPI/F Funding Company, L.P.
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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

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

JPI/F, LLC, General Partner (owns less
than 10% of Jefferson at Laurel Highlands,
L.P.)

4 JPI Multifamily Holding LP, Limited
Partner

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

Rezoning Attachment to Par. 1(c)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(enter County-assigned application number (s))

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

4 JPI Multifamily Holding LP
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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

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

5 JPI Multifamily Investments L.P., Limited
Partner

JPI Partners GP LLC, General Partner
(owns less than 10% of Jefferson at Laurel
Highlands, L.P.)

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

Rezoning Attachment to Par. 1(c)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(enter County-assigned application number (s))

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

5 JPI Multifamily Investments L.P.,
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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

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

New GP, LLC, General Partner (owns less than 10% of Jefferson at Laurel Highlands, L.P.)

6 JPI/H Limited Partnership, Limited Partner

7 JPI Principals, LP, Limited Partner

JPI Executives/Eastern Division LP, Limited Partner (owns less than 10% of Jefferson at Laurel Highlands, L.P.)

JPI Executives/Western Division LP, Limited Partner (owns less than 10% of Jefferson at Laurel Highlands, L.P.)

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

Rezoning Attachment to Par. 1(c)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(enter County-assigned application number (s))

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

7 JPI Principals, LP
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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

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

JPI Principals GP, LLC, General Partner
(owns less than 10% of Jefferson at Laurel
Highlands, L.P.)

8 JPI/R Funding Company, L.P., Limited
Partner

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

Rezoning Attachment to Par. 1(c)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(enter County-assigned application number (s))

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

Ⓞ JPI/H Limited Partnership
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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

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

Carmil II LLC, General Partner (owns less than 10% of Jefferson at Laurel Highlands, L.P.)

/Ⓞ F&K Miller Family, L.P., Limited Partner

! JPI/H2 Limited Partnership, Limited Partner

Carmil Capital Corporation, Limited Partner (owns less than 10% of Jefferson at Laurel Highlands, L.P.)

Robert D. Page, Limited Partner
Ronald D. Ingram, Limited Partner
Frank B. Schubert, Jr., Limited Partner
Stan T. Waldrop, Limited Partner

JPI Texas Development, Inc., Limited Partner (owns less than 10% of Jefferson at Laurel Highlands, L.P.)

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

Rezoning Attachment to Par. 1(c)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856 a

for Application No. (s): FDPA 2000-MV-019
(enter County-assigned application number (s))

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

F&K Miller Family, L.P.
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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

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

F&K Miller Family GP LLC, General
Partner (owns less than 10% of Jefferson at
Laurel Highlands, L.P.)

Barbara K. Miller, Limited Partner

J. Frank Miller, III Marital Trust f/b/o
Barbara K. Miller, Limited Partner

Miller's Children's Trust f/b/o John F.
Miller, IV, Julia C. Miller, Thomas S.
Miller, Elizabeth R. Miller, George T.
Miller, Patrick O. Miller, Limited Partner

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

Rezoning Attachment to Par. 1(c)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(enter County-assigned application number (s))

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

/1 JPI/H2 Limited Partnership
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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

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

Carmil Capital Corporation, General
Partner (owns less than 10% of Jefferson at
Laurel Highlands, L.P.)

/0 F&K Miller Family, L.P., Limited Partner

Robert D. Page, Limited Partner
Ronald D. Ingram, Limited Partner
Frank B. Schubert, Jr., Limited Partner

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

Rezoning Attachment to Par. 1(c)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(enter County-assigned application number (s))

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

8 JPI/R Funding Company, L.P.
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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

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

JPI/R Funding GP, LLC, General Partner
(owns less than 10% of Jefferson at Laurel
Highlands, L.P.)

RREEF Management Company (owns less
than 10% of Jefferson at Laurel Highlands,
L.P.), Limited Partner

9 JPI Realty Funding, LP, Limited Partner

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

Rezoning Attachment to Par. 1(c)

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(enter County-assigned application number (s))

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

⁹ JPI Realty Funding, LP
600 E. Colinas Boulevard, Suite 1800
Las Colinas, Texas 75039

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

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

JPI Partners GP, LLC (owns less than 10%
of Jefferson at Laurel Highlands, L.P.),
General Partner

Robert D. Page, Limited Partner
Frank B. Schubert, Jr., Limited Partner
Ronald D. Ingram, Limited Partner

¹⁰ F&K Miller Family, L.P., Limited Partner

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

REZONING AFFIDAVIT

DATE: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(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: November 5, 2007
(enter date affidavit is notarized)

97856a

for Application No. (s): FDPA 2000-MV-019
(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.)
None

(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

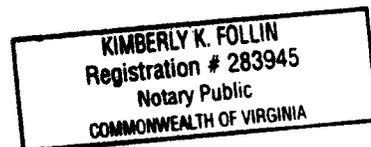
Lynne J. Strobel, attorney/agent

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

Subscribed and sworn to before me this 5 day of November 2007, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2007





Lynne J. Strobel
 (703) 528-4700 Ext. 5418
 lstrobel@arl.thelandlawyers.com

**WALSH COLUCCI
 LUBELEY EMRICH
 & WALSH PC**
 October 4, 2007

RECEIVED
 Department of Planning & Zoning

OCT 09 2007

Zoning Evaluation Division

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

Re: FDPA 2000-MV-019
 Applicant: Jefferson at Laurel Highlands, L.P.

Dear Ms. Coyle:

Please accept the following as a statement of justification for a final development plan amendment application on approximately 10.96 acres zoned to the PDH-12 District.

The Applicant is the owner of approximately 10.96 acres located in the Mount Vernon Magisterial District, which are identified among the Fairfax County tax map records as 107-2 ((12)) G (the "Subject Property"). The Subject Property is part of a larger development known as Laurel Highlands that was rezoned by the Board of Supervisors in a single rezoning action. The rezoning from the R-1 District to the PDH-12 District is referenced as RZ 2000-MV-019, and was approved subject to proffers, dated May 18, 2001. The proffers require, among other things, development of the Subject Property in substantial conformance with the Conceptual/Final Development Plan (CDP/FDP). The approval permits a total of five hundred forty-two (542) residential dwelling units comprised of single-family detached, single-family attached and multi-family dwelling units. A majority of the single-family detached, single-family attached and infrastructure improvements have already been constructed. The Subject Property is approved for development of the multi-family portion of Laurel Highlands. The Applicant is requesting the approval of a clubhouse that will serve the Subject Property, and minor modifications to the multi-family building footprints.

A clubhouse on the Subject Property is permitted in accordance with Proffer 4, approved in conjunction with RZ 2000-MV-019. The proffer states the following: "Additional recreation facilities may be provided for the multi-family portion of the application property in proximity to the multi-family units." Therefore, specific recreation facilities were not required to be shown on the approved CDP/FDP for the multi-family portion of the development. A clubhouse containing approximately 1,800 square feet was previously approved on the Subject Property by a letter of interpretation, dated August 22, 2003. Subsequent to the issuance of the letter of interpretation, the Applicant acquired the Subject Property and decided to construct the approved multi-

family residential buildings as apartments. Apartments typically have greater and more varied amenities, and therefore, an increase in the size of the clubhouse is necessary. It was determined that the prior administrative approval for an 1,800 square foot clubhouse and pool building could not be administratively increased to 5,500 square feet. Therefore, the Applicant has filed this Final Development Plan Amendment.

As neither the proffers nor the CDP/FDP identified a clubhouse building, it is only necessary to amend the Final Development Plan. This is supported by proffer I.C., which specifically states that the CDP shall be the entire plan shown on Sheet 2 of the CDP/FDP relative to the points of access, open space and the total number and general location and type of units. Further, proffer I.C. provides for the option to request Final Development Plan Amendments for elements other than CDP elements from the Planning Commission for all or a portion of the CDP/FDP. Therefore, the Applicant's request is consistent with the approved proffers.

The Applicant proposes a clubhouse and pool building as an amenity to the residents of the Subject Property. The Applicant's proposal is shown on the submitted Final Development Plan, and is described as follows:

- The size of the clubhouse is approximately 5,500 square feet. The increased size of the facility will provide a more substantial amenity for the residents, and will include a fitness center, theater, pub, and business center, as well as management offices. In addition, there will be a pool equipment room and a lifeguard room, each approximately only 100 square feet and located on the eastern side of the pool courtyard. All of these facilities will be more usable by the residents.
- The location of the clubhouse between the wings of the four (4) story multi-family buildings will not visually impact adjacent property owners.
- The clubhouse will be one (1) story in height and therefore shielded by the multi-family buildings.
- The emergency vehicle access road around the clubhouse/pool area remains the same as previously administratively approved, without modification.
- The site modifications associated with the clubhouse result in an overall increase in open space on the Subject Property of approximately 16,200 square feet or 3.4 percent.

The Applicant also proposes minor modifications to the multi-family building footprints. These modifications do not increase the size of the buildings or generate additional parking requirements. Additionally, the modifications, including those to the

October 4, 2007

Page 3

clubhouse, will not reduce the effectiveness of the approved transitional screening, buffering or landscaping associated with the Subject Property. The Applicant's proposal will simply provide for enhanced amenities that will benefit the future residents of the multi-family portion of the Laurel Highlands development.

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Planning Commission at your earliest convenience. As always, I appreciate your cooperation and assistance.

Very truly yours,

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


Lynne J. Strobel

LJS/mw

cc: Peter Rosen
David Steigler
Martin D. Walsh

{A0126300.DOC / 1 Statement of Justification 10-4-07 000507 000068}



FAIRFAX COUNTY

APPENDIX 4

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

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

June 1, 2001.

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

RE: Rezoning Application
Number RZ 2000-MV-019

Dear Ms. Strobel:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on May 21, 2001, granting Rezoning Application Number RZ 2000-MV-019 in the name of Washington Homes, Incorporated, to rezone certain property in the Mount Vernon District from the R-1 District to the PDH-12 District, subject to the proffers dated May 18, 2001, located west of I-95 and east of Silverbrook Road at its intersection with Plaskett Lane, Tax Map 107-1 ((1)) 2; 107-2 ((1)) 30 - 32, 34 - 39; and 107-4 ((1)) 6 consisting of approximately 57.0 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan FDP 2000-MV-019 on March 29, 2001, subject to the Board's approval of RZ 2000-MV-019.

The Board also:

- **Modified the transitional screening yard requirements along the southern boundary and adjacent to parcel 33.**
- **Waived the barrier requirements along the southern property in favor of a fence enclosing the privacy yards for the single family attached dwelling units along that boundary and referenced in the proffers.**

RZ 2000-MV-019
June 1, 2001

- 2 -

- Waived the limitation on the length of private streets.
- Modified requirements of Section 2-414 of the Zoning Ordinance to allow the parking garage attached to the multi-family buildings to be located in the required 200-foot setback from an interstate highway.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley
Supervisor-Mount Vernon District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPWES
DPWES - Bonds & Agreements
Frank Edwards, Department of Highways - VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
James Pattenon, Director, Facilities Mgmt. Div., DPWES
Barbara J. Lipa, Executive Director, Planning Commission

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
JUN 8 2001

ZONING EVALUATION DIVISION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 21st day of May, 2001, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2000-MV-019

WHEREAS, Washington Homes, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the PDH-12 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

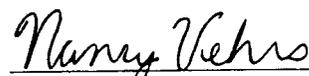
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Mount Vernon District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PDH-12 District, and said property is subject to the use regulations of said PDH-12 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 21st day of May, 2001.



Nancy Vehrs

Clerk to the Board of Supervisors

PROFFERS

WASHINGTON HOMES, INC.

RZ 2000-MV-019

May 18, 2001

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, the owners and Washington Homes, Inc. (hereinafter referred to as the "Applicant"), for themselves, their successors, and assigns in RZ 2000-MV-019, filed for property identified as Tax Map 107-1 ((1)) 2, 107-2 ((1)) 30, 31, 32, 34, 35, 36, 37, 38, and 39, and 107-4 ((1)) 6 (hereinafter referred to as the "Application Property"), hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-12 District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for residential development.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN -

- a. Development of the Application Property shall be in substantial conformance with the CDP/FDP, consisting of eight sheets prepared by Patton, Harris, Rust & Associates, P.C. dated April 10, 2000 and revised through March 19, 2001.
- b. Pursuant to Paragraph 4 of Section 16-403 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"), minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments up to 5% to the mix of unit types relative to the proposed single family attached and single family detached units, and to make minor adjustments to the layout, building orientation, internal lot lines, off-lot parking, and lot sizes of the proposed subdivision at time of subdivision plat or site plan submission based on final house locations, grading, building footprints, utility locations, and final engineering design, provided that such adjustments do not increase the total number of units nor decrease the amount and location of open space, tree save, parking, or distances to peripheral lot lines.
- c. Notwithstanding that the CDP/FDP is presented on eight sheets and said CDP/FDP is the subject of Proffer 1a. above, it shall be understood that the CDP shall be the entire plan shown on Sheet 2 relative to the points of access, open space and the total number and general location of units and type of units. The Applicant has the option to request Final Development Plan Amendments ("FDPA") for elements other than CDP elements from the Planning Commission for all of or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if the amendment is in conformance with the approved CDP and proffers.

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- d. Applicant shall provide access to the adjacent parcel identified as 107-2 ((1)) 33 ("Parcel 33") as shown on the CDP/FDP as the "Alternative Plan for Plaskett Lane" subject to receipt of all necessary easements, temporary and permanent, and the execution of a private agreement addressing issues of landscaping and architectural treatment on the side of the Parcel 33 lots which are adjacent to the private street and reasonable signage easements, which private agreement shall be pursued in good faith at time of subdivision plat or site plan submission. Documentation of efforts to reach an agreement shall be submitted to DPWES upon request. Said access shall connect to a private street 36' wide within a 50' wide right of way and subject to mutual access agreements. Minor modifications to the location of the roadway and actual point of access may be permitted at time of final engineering. In the alternative, if necessary easements are not granted, applicant shall provide Parcel 33 access to the private street network shown on the CDP/FDP in a location within Applicant's discretion subject to Public Facilities Manual Standards and DPWES approval.
- e. Notwithstanding that shown on the CDP/FDP, a stormwater management pond shall be constructed by others on that property identified as 107-1 ((1)) 2 ("Parcel 2") for the benefit of the property subject to RZ 1999-MV-053 by its applicant as per a private agreement between the Applicant and the developer of Parcel 2. Such agreement shall be pursued in good faith at time of subdivision plat or site plan submission for the Application Property. Documentation of efforts to reach an agreement shall be submitted to DPWES upon request. As an alternative, Applicant may construct units as shown on the CDP/FDP if 1) RZ 1999-MV-053 is not approved, 2) an alternative site for RZ 1999-MV-053 SWM/BMP Pond is approved by DPWES, 3) a waiver of SWM/BMP requirements for RZ 1999-MV-053 is granted by DPWES, or 4) applicant of RZ 1999-MV-053 fails to enter into a private agreement to allow for the construction of the SWM Pond on Parcel 2 with the Applicant.

2. TRANSPORTATION -

- a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of approximately forty-five (45) feet from the design centerline along the Application Property's Silverbrook Road frontage as shown on the CDP/FDP. Dedication shall be made at time of recordation of the first subdivision plat or site plan, or upon demand from either Fairfax County or VDOT, whichever shall first occur.

- b. Subject to VDOT and DPWES approval, the Applicant shall construct frontage improvements to Silverbrook Road measuring approximately thirty-five (35) feet from design centerline within the dedicated right-of-way as shown on the CDP/FDP.
- c. Access Road
 - i. Subject to VDOT and DPWES approval, Applicant shall dedicate to the Board of Supervisors in fee simple sufficient property to allow for the construction of a fifty-two (52) foot roadway within a seventy (70) foot public right-of-way as shown on the CDP/FDP. (the "Access Road")
 - ii. Said Access Road shall serve as a joint access to the Application Property and the community to the north (subject to RZ 1999-MV-053, known as the Wheeler Property, and identified among the Fairfax County tax map records as 107-1((1))1). Right of way dedication shall be made at time of recordation of the first subdivision plat or site plan for the Application Property or the Wheeler Property, or upon demand from either Fairfax County or VDOT, whichever shall occur first.
 - iii. Should RZ 1999-MV-053 not be approved by the Board of Supervisors, Applicant shall make all reasonable efforts to acquire the property necessary for the construction of the Access Road as shown on the CDP/FDP. In the event the Applicant is not able to acquire the right-of-way and associated utility and construction easements necessary for the Access Road, Applicant shall submit a written request to Fairfax County to acquire the right-of-way and associated utility and construction easements by means of its condemnation powers. In conjunction with such request, the Applicant shall forward to the appropriate County agency: (1) plat, plans and profiles showing the necessary right-of-way and/or easements to be acquired; (2) an appraisal, prepared by an independent appraiser approved by the County, of the value of the property to be acquired and of all damages, if any, to the residue; (3) a sixty (60) year title search certificate of the property to be acquired; and (4) cash in an amount equal to appraised value of the property and of all damages to the residue. In the event the owner of the property is awarded more than the appraised value of the property and of the damages to the residue in a condemnation suit, the amount of the award in excess of cash amount shall be paid to the County by the Applicant within fifteen (15) calendar days of said award. It is understood that

all other costs incurred by the County in acquiring the property shall be paid to the County by the Applicant upon demand. Prior to and during the contemplated condemnation proceedings described above, the Applicant, its successors and assigns, shall be permitted to submit, process and receive approval of subdivision plat(s) or site plan(s) and development permits for other portions of the Application Property as described herein.

- iv. The Access Road described herein may be the subject of a public improvement plan processed separately. Said public improvement plan may be processed concurrently with subdivision plat(s) or site plan(s) for other portions of the Application Property.
 - v. Building permits shall not be requested for residential development until such time as the Access Road is bonded. This limitation shall not preclude the Applicant from clearing, grading and the installation of utilities on the Application Property in accordance with approved plans subject to a temporary access to Silverbrook Road. The Access Road shall be constructed to base pavement and open to traffic prior to the issuance of any Residential Use Permits for the Application Property. This shall not be construed as a requirement that the Access Road has been final paved or accepted for State maintenance. Access Road shall be completed and accepted for State maintenance prior to bond release.
 - vi. The Access Road described herein shall tie into existing Silverbrook Road at a planned median break as shown on the CDP/FDP.
- d. The private streets shown on the CDP/FDP shall be constructed of materials and depth of pavement consistent with the Public Facilities Manual Standards for public streets. Purchasers shall be advised of the requirement to maintain private streets and estimated costs prior to entering into a contract of sale. This requirement to maintain the street as constructed and the estimated maintenance costs shall be included in the homeowners association documents prepared for the Application Property.
- e. Applicant shall provide written notice to initial prospective contract purchasers of the temporary nature of the cul-de-sac at the terminus of the Access Road and its future extension with sidewalks to the property identified as tax map 106-4 ((1)) 54. The homeowners' association documents shall also include said notification. A sign shall

be installed at the terminus stating that the access road will be extended in the future. Applicant shall grade the area for the future extension as reasonably as possible to the property line without installation of a retaining wall. Applicant shall escrow with DPWES an amount, as determined by DPWES in accordance with current Fairfax County bonding prices, equivalent to the cost of a future extension as may be located on the Application Property. During the final engineering, the proposed road elevations shall consider the off-site topography to the north in order to ensure the ability to extend the road, and designed grade line shall be established at the future road centerline for approximately 300 feet past the property line.

- f. Applicant shall install a bus shelter concurrent with construction of the proposed single-family detached units within the dedicated right-of-way of realigned Silverbrook Road in a location to be determined by the Department of Transportation in coordination with the Applicant at time of subdivision plat approval for the proposed single-family detached units. This proffer shall not require individual bus turn-outs or special lanes.
- g. At time of subdivision plat approval for the proposed single-family detached units, Applicant shall contact the Fairfax County School Board to coordinate the relocation of the existing Fairfax County public school bus stop in the vicinity of the Application Property to ensure child safety at Applicant's cost. Said coordination shall consist of the submission of a written request to the Fairfax County School Board requesting evaluation of the existing public school bus stop and an offer to relocate said stop at the expense of the Applicant. Said written request shall include a specific period of time during which a response is required. If requested to do so, Applicant shall relocate the bus stop within sixty (60) days of receipt of request. This proffer shall not require individual bus turn-outs or special lanes or acquisition of property. Should a request from the Fairfax County School Board to relocate the public school bus stop not be received at time of final bond release for the single family detached units, there shall be no further obligations under this proffer.
- h. Subject to VDOT and DPWES approval, Applicant shall construct a left turn lane from Silverbrook Road to Plaskett Lane as shown on the CDP/FDP.
- i. On or before final bond release for the proposed development, and as a condition thereto, Applicant shall deposit into an escrow account, owned and controlled by the homeowners' association established for the proposed development, the amount of

fifteen thousand dollars (\$15,000.00). This escrow shall be utilized by the homeowners association for future maintenance of the private streets within the community. Using the Board of Supervisors approval date of the rezoning application as the base date, the payment amount shall be adjusted in accordance with the Construction Cost Index at time of payment.

- j. The Applicant shall construct an eight (8) foot wide asphalt trail within the dedicated right-of-way of Silverbrook Road as shown on the CDP/FDP. Said trail shall be constructed concurrent with the improvements to Silverbrook Road.
- k. The Applicant shall construct trails and concrete sidewalks within the Applicant's residential development as shown on the CDP/FDP. In addition, a pedestrian connection shall be provided from Fleenor Lane to the parcel to be dedicated to the Fairfax County Park Authority as described herein. Said connection may utilize those areas identified as access roads to maintain proposed SWM ponds. A pedestrian public access easement shall be granted over said trails and sidewalks.
- l. Applicant reserves density credit as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications described herein or as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of subdivision plat and/or site plan approval.
- m. Initial purchasers shall execute a disclosure memorandum at time of contract acknowledging that the homeowners association, and the owner of the multi-family residential dwelling units, shall be responsible for their pro-rata share of the maintenance of all of the private streets in the development. The homeowners association documents shall specify that the homeowners association is responsible for the maintenance of the private streets.
- n. Applicant shall provide a bike storage facility that holds a minimum of twelve (12) bikes in proximity to the multi-family portion of the Application Property.
- o. Applicant shall contribute to the Board of Supervisors the sum of Five Hundred Dollars (\$500.00) per market rate for sale approved single family detached and single family attached residential dwelling unit at time of subdivision plat or site plan approval for road improvements in the Lorton area. The contribution shall be made to the Lorton Area Road Fund. Using the Board of Supervisor's approval date of the rezoning

application as a base date, the payment amount shall be adjusted in accordance with the Construction Cost Index at time of payment.

- p. The Applicant shall stripe a crosswalk at the intersection of Plaskett Lane and Silverbrook Road to facilitate pedestrian access. Applicant shall provide signs, in coordination with, and as approved by, VDOT, to facilitate pedestrian access at this intersection.
- q. To minimize the number of vehicles accessing Plaskett Lane, prior to the issuance of any Residential Use Permits for the single family attached or multifamily units on the Application Property, Applicant shall install a concrete "pork chop" island to create a right turn movement at the intersection of the streets where the single-family attached units transition to detached units, which is south of the recreation amenity area shown on the CDP/FDP. Subsequent to the issuance of the last building permit within the Application Property, at the option of the Applicant or successor, the pork chop island may be removed upon approval by VDOT and Fairfax County DOT of a traffic study or studies prepared by the Applicant or successors. The pork chop may be removed if it is determined by said traffic study that the pork chop is ineffective at minimizing the number of vehicles accessing Plaskett Lane, or that alternatives presented in the study are equally as, or more effective than, the pork chop, or an unsafe condition is created at the Access Road due to increased traffic. A copy of the study and all correspondence related thereto prepared by the Applicant or successor shall be provided to the Gunston Corner Homeowners Association when that material is transmitted to VDOT and Fairfax County.
- r. All major construction traffic (i.e. heavy duty machinery and/or dump trucks) will be limited to access on Silverbrook Road only. No construction vehicles shall be parked on Plaskett Lane.

3. LANDSCAPING AND OPEN SPACE -

- a. Applicant shall provide landscaping on the Application Property as generally shown on the CDP/FDP. Final selection of tree species shall be made at time of subdivision plat or site plan approval based on availability of plant material. Applicant shall endeavor to utilize tree species native to the area. Applicant shall incorporate magnolia trees in the landscaping installed at the entrances to the Application Property.

- b. At the time of subdivision plat or site plan review, the Applicant shall designate the limits of clearing and grading, as generally shown on the CDP/FDP, to be observed during construction on the subdivision plat or site plan. The Applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Division as part of the first subdivision plat or site plan submission. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches or greater in diameter ten (10) feet to either side of the proposed limits of clearing and grading for the tree save area shown on the CDP/FDP. The condition analysis shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization. Such measures shall not reduce the number or alter the size of proposed dwelling units.
- c. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence, silt fence or diversion dikes. Tree protection fencing shall be erected at the limits of clearing and grading for all tree save areas. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the Application Property, including the demolition of any existing structures. The installation of tree protection fence shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fence has been properly installed.
- d. Applicant shall provide plantings equivalent to transitional screening 1 to supplement existing vegetation adjacent to property identified as tax map 107-4((1))3, subject to the approval of the Urban Forestry Division.
- e. As necessary and subject to the approval of DPWES, Applicant may record a conservation easement at time of first subdivision or site plan approval, subject to minor necessary encroachments for grading, and the installation of trails and utilities. Applicant shall dedicate an area in the northeast corner of the Application Property, and identified as "preservation area" on the CDP/FDP, in fee simple containing approximately 6.2 acres to the Fairfax County Park Authority concurrent with recordation of the conservation easement.

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- f. Subject to the approval of VDOT, Applicant shall relocate the proposed sanitary sewer easement shown on the CDP/FDP that is in proximity to the preservation area described above to a location within the VDOT right of way. At time of the first subdivision plat or site plan approval, Applicant shall provide evidence to DPWES of the request submitted to VDOT and its response, which shall include the reasons for the proposed relocation.
- g. Applicant shall minimize runoff from the proposed development at the limits of disturbance of the proposed development above the preservation area to avoid erosion of existing slopes as shown on the CDP/FDP. Means for runoff control during the construction phase of the project shall include diversion dikes, or other means approved by DPWES, and drainage swales, or other methods approved by DPWES, for the ultimate condition.
- h. Applicant shall provide landscaping on individual lots consistent with the typical landscape details shown on the CDP/FDP.
- i. Applicant shall use all reasonable efforts up to an expenditure of Ten Thousand Dollars (\$10,000.00) in construction and preservation activities (exclusive of engineering and designs costs) to preserve existing trees shown within a tree save area in proximity to the westernmost stormwater management pond on the CDP/FDP. The Applicant shall determine, in coordination with the Urban Forester, whether it is possible to save these trees at time of final engineering. Should the Applicant not be able to preserve existing trees, trees shall be planted in this area at time of construction, which shall include the transplantation of trees from other areas of the Application Property, at an expense not to exceed Ten Thousand Dollars (\$10,000.00). Transplanted trees shall be a minimum of two and one-half inches in caliper.
- j. Subject to the receipt of the necessary easements, Applicant shall plant a minimum of six evergreen trees, a minimum of six (6) feet in height at time of planting along Plaskett Lane, with at least two of the evergreens on property located immediately across from Application Property's access to Plaskett Lane to provide additional screening. Evergreen trees shall be planted along Plaskett Lane subject to existing conditions including privacy fences, right-of-way and utilities, and may be located on Application Property. This proffer shall not be construed as an obligation to relocate right-of-way or utility lines, or to maintain trees in the future that are not located on the Application Property. Trees shall be planted concurrent with the installation of

landscaping on the Application Property. Documentation of efforts to obtain easements shall be submitted to DPWES upon request.

4. PARKS AND RECREATION -

Pursuant to Paragraph 2 of Section 6-110 and Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall expend the sum of Nine Hundred Fifty-Five Dollars (\$955.00) per approved dwelling unit for on-site recreation facilities which will include, but not be limited to: a bath house, pool(s), a multi-purpose court, a tennis court, trails (exclusive of the trail along Silverbrook Road), and a tot lot as shown on the CDP/FDP. Additional recreation facilities may be provided for the multi-family portion of the Application Property in proximity to the multi-family units. The balance of any funds not expended on-site shall be contributed to the Fairfax County Park Authority for the maintenance and/or acquisition of recreation facilities located in the vicinity of the Application Property.

5. STORMWATER MANAGEMENT -

- a. The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP) as determined by DPWES in the locations as generally shown on the CDP/FDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless waived or modified by DPWES. In the event that on-site stormwater management is waived or modified by DPWES, removal or modification of the SWM ponds shown on the CDP/FDP shall not require the approval of a proffered condition amendment or an amendment to the CDP/FDP. Should one or more of the proposed SWM ponds be waived or modified by DPWES, that area not utilized as a SWM pond shall remain as open space owned by the homeowners association established for the community, subject to the installation of utilities in the least disruptive manner.
- b. In no event shall the SWM pond and outfall located in the northeast corner of the Application Property be constructed within the preservation area identified on the CDP/FDP.
- c. In order to restore a natural appearance to the proposed SWM ponds, a landscape plan shall be submitted at time of subdivision plat or site plan submission showing

landscaping, in addition to that shown on the CDP/FDP, around the ponds to the greatest extent possible in keeping with the planting policies of DPWES.

- d. In order to minimize siltation and erosion impacts downstream of the Application Property, Applicant shall install super-silt fencing in specific location(s) as approved by DPWES prior to and for the duration of any land disturbing activity.

6. NOISE ATTENUATION -

- a. Prior to final subdivision plat or site plan approval, the Applicant shall provide a revised noise analysis based on final site grades and future traffic volumes to DPWES for review and approval in accordance with the established guidelines for noise analysis at time of rezoning approval. The noise analysis shall utilize standard measures to evaluate noise, and shall demonstrate that exterior noise levels for both ground and upper story levels of any unit does not exceed DNL 75 dBA and that exterior noise within the privacy yards and outdoor recreational areas are reduced to below DNL 65 dBA.
- b. For privacy yards and outdoor recreational areas exposed to noise levels above DNL 65 dBA but below DNL 70dBA, solid wood privacy fences shall be considered as a sound attenuation measure. These fences shall conform with Zoning Ordinance regulations. The applicant must demonstrate to DPWES and DPZ satisfaction that the fences are of sufficient design and height to adequately shield the impacted areas from the source of the noise.
- c. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within a highway noise impact zone of DNL 65-70 dBA shall employ the following acoustical treatment measures:
 - i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
 - ii. Doors and windows shall have a laboratory STC rating of at least 28 unless windows constitute more than 20% of any façade exposed to noise levels of DNL 65 dBA or above. If glazing constitutes more than 20% of an exposed facade, then the windows should have a STC rating of at least 39.
 - iii. 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.

- d. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within a highway noise impact zone of DNL 70-75 dBA shall employ the following acoustical treatment measures:
 - i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45.
 - ii. Doors and windows shall have a laboratory STC rating of at least 37 unless windows constitute more than 20% of any façade exposed to noise levels of DNL 65 dBA or above. If glazing constitutes more than 20% of an exposed façade, then the windows should have an STC rating of at least 45.
 - iii. 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.
- e. Applicant shall not construct residential units within any areas that exceed DNL 75 dBA as shown in the noise analysis unless appropriate noise mitigation measures are provided as approved by DPWES, to bring noise levels to DNL 75 or less. Exterior noise mitigation measures may include a sound attenuation wall and/or berm-wall combination, subject to DPWES and DPZ approval. The wall or berm-wall shall be built of materials acceptable to VDOT and shall be located near the edge of the right-of-way for I-95 or in an alternative location as approved by DPWES. The structure must be architecturally solid from the ground up with no gaps or openings and of sufficient height to adequately shield the impacted areas from the source of the noise. The wall shall conform to the height requirements of the Zoning Ordinance or Applicant shall apply for and receive approval of a variance from the Board of Zoning Appeals.
- f. Nothing herein shall be construed to restrict or otherwise limit the use of balconies, patios or decks on residential units. All balconies of multifamily units facing Interstate 95, and not screened by the parking structure, shall be enclosed.

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- g. No residential units shall be constructed within 200 feet of the Interstate 95 (South) right-of-way as shown on the CDP/FDP. This restriction shall not apply to garages or other non-residential structures.

7. AFFORDABLE HOUSING -

Applicant shall comply with the Affordable Dwelling Unit (ADU) program as set forth in Part 8 of Article 2 of the Zoning Ordinance. The number of ADUs to be provided may be reduced based on the adoption of a future amendment to the provisions of the ADU Ordinance. Affordable dwelling units shall be provided within the multi-family portion of the development.

8. HERITAGE RESOURCES -

- a. Prior to any land disturbing activities on the Application Property, Applicant shall conduct a Phase II archaeological study on that area identified on the Application Property as Site 107-2#P21. The studies shall be performed by a qualified archaeological professional approved by the Fairfax County Heritage Resources Branch ("Heritage Resources"). The results shall be reviewed and approved by Heritage Resources. In the event that a Phase III archaeological study is warranted on this site, Applicant shall conduct said study at a cost not to exceed Ten Thousand Dollars (\$10,000.00).
- b. Prior to any land disturbing activities on the Application Property, Applicant shall provide access to the Application Property to Heritage Resources to conduct archaeological studies on the Application Property, provided that said studies shall not interfere with the proposed construction schedule of the Application Property or affect the number of lots or lot layout as shown on the CDP/FDP. Access shall be allowed for Heritage Resources to conduct such studies for a period up to six months from the final date of this rezoning approval unless otherwise mutually agreed to by the Applicant and Heritage Resources. The Applicant shall provide notification to Heritage Resources of the final date of this rezoning approval within one week of its approval. The Applicant shall also make the Application Property available to Heritage Resources for monitoring during construction for the purpose of recovering any artifacts that may be exposed. Said studies shall not interfere with the construction schedule of the Application Property.

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- c. The Applicant shall retain ownership of all artifacts found on the Application Property. Applicant shall offer any artifacts found on the Applicant Property to Heritage Resources prior to discarding.

9. MISCELLANEOUS -

- a. Each reference to Applicant in this proffer statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, assigns and/or developer(s) of the Application Property or any portion of the Application Property.
- b. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.
- c. The Access Road shall be constructed as described herein. All other improvements shall be phased to be constructed with each phase of the development of the Application Property.
- d. The Applicant shall establish a homeowners' association for the proposed development to own, manage and maintain the open space including the common tree save areas, and all other community owned land and improvements. Restrictions placed on the use of the open space/buffer areas, and maintenance responsibilities of the homeowners association, including maintenance of sidewalks and private streets, shall be disclosed to all prospective homeowners in a disclosure memorandum at time of contract execution and included in the homeowners association documents.
- e. A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the homeowners association, which shall be established, and the Fairfax County Board of Supervisors. Purchasers shall be advised of the use restriction prior to entering into contract of sale. This restriction shall also be included in the homeowners association documents.
- f. If requested by DPWES during site plan review, the Applicant shall have a geotechnical study of the Application Property prepared by a geotechnical engineer,

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shall submit the report to DPWES for review and approval and shall implement the recommendations outlined in the approved study.

- g. Homes constructed on the Application Property shall meet thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DPWES, for either electrical or gas energy systems.
- h. That portion of the Application Property currently identified as tax map 107-1 ((1)) 2 may be the subject of a separate subdivision plat submitted by others to be reviewed and approved by DPWES.
- i. Applicant shall contribute the sum of One Thousand Two Hundred Dollars (\$1,200.00) per approved market rate for sale single family detached unit and Seven Hundred Fifty (\$750.00) per approved single family attached unit to Fairfax County for the construction of the proposed South County Secondary School as stated in the 2001 Capital Improvement Program. Said contribution shall be made payable to the Fairfax County Board of Supervisors at time of site plan and/or subdivision plat approval for each section of residential development.
- j. 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 Application Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Application Property to adhere to this proffer.
- k. The façade of the dwelling unit located on proposed Lot 252 facing Plaskett Lane shall be similar to the front façade, and shall be designed to include no less than three architectural features such as windows, doors and/or brick, stucco or stone facing reaching at least the height of the first floor level.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

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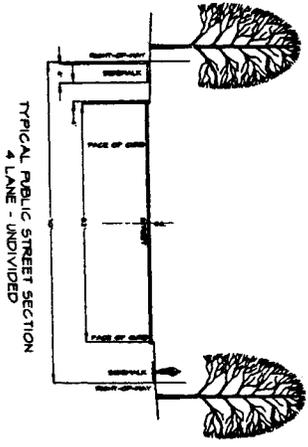
APPLICANT/CONTRACT PURCHASER:

WASHINGTON HOMES, INC.

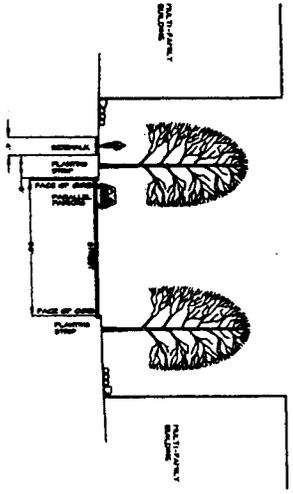
By: 

Name: TOM FELLEGO

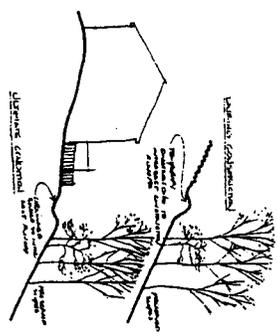
Title: PRESIDENT HOMEBUILDING + C.O.O.



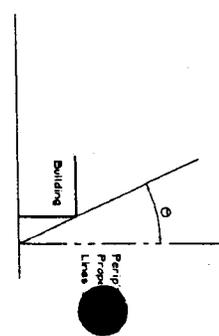
TYPICAL PUBLIC STREET SECTION
4 LANE - UNDIVIDED



TYPICAL STREET SECTION FOR MULTI-FAMILY
PARKING GARAGE ACCESS ROAD



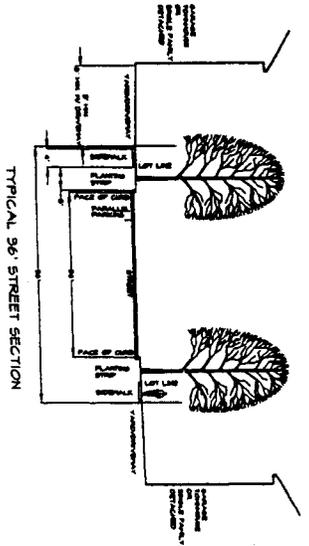
EXISTING SLOPE PROTECTION/ DRAINAGE EXHIBIT
SEE SHEET 10



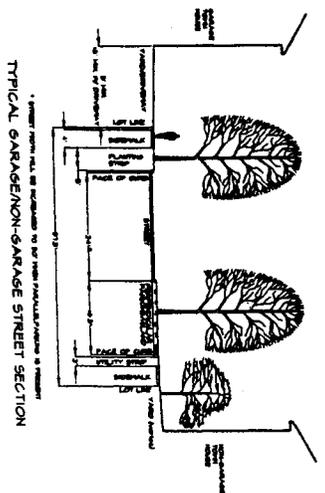
ANGLE OF BULK PLANE DETAIL

Single Family Detached	2 30'
Single Family Attached	2 25'
Multi Family	2 25'

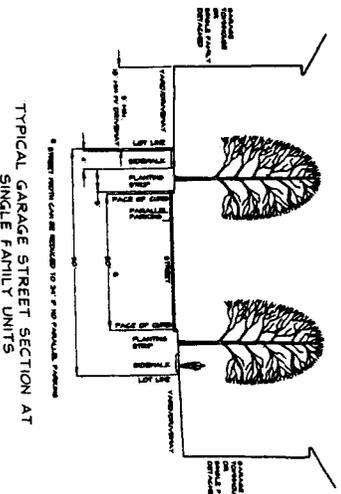
(In conformance with the comparables R-12 ADU zoning district)



TYPICAL 36' STREET SECTION

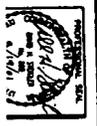


TYPICAL GARAGE-NON-GARAGE STREET SECTION



TYPICAL GARAGE STREET SECTION AT
SINGLE FAMILY UNITS

1	Technical Support	02/08/01	PT	DMS
2	Reviewed at Level	01/12/01	SA	DMS
3	Reviewed at Level	01/12/01	SA	DMS
4	Reviewed at Level	11/11/00	SA	DMS
5	Reviewed at Level	11/11/00	SA	DMS
6	Reviewed at Level	11/11/00	SA	DMS
7	Reviewed at Level	11/11/00	SA	DMS
8	Reviewed at Level	11/11/00	SA	DMS
9	Reviewed at Level	11/11/00	SA	DMS
10	Reviewed at Level	11/11/00	SA	DMS
11	Reviewed at Level	11/11/00	SA	DMS
12	Reviewed at Level	11/11/00	SA	DMS

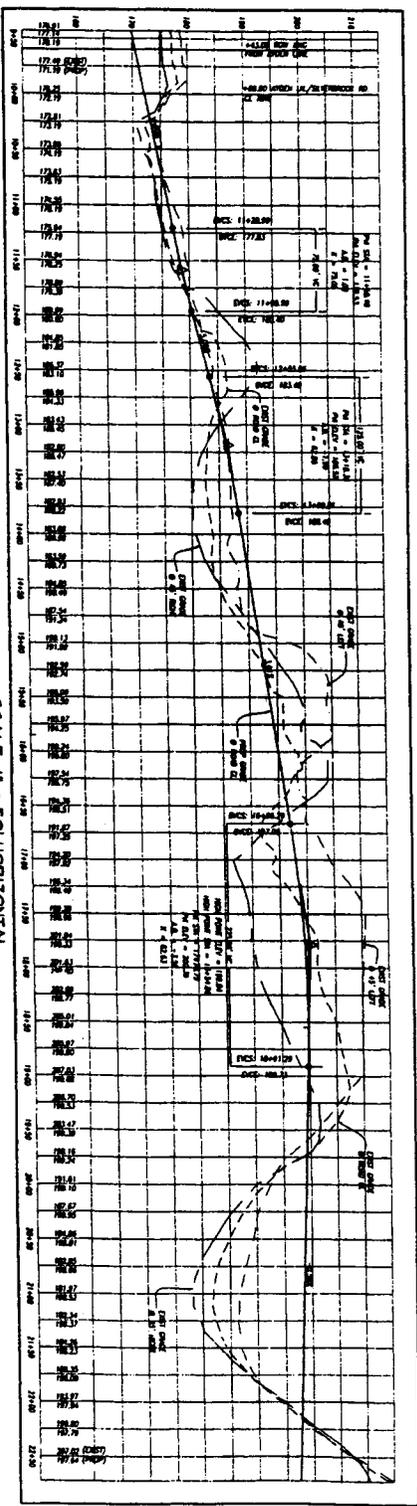
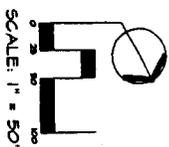
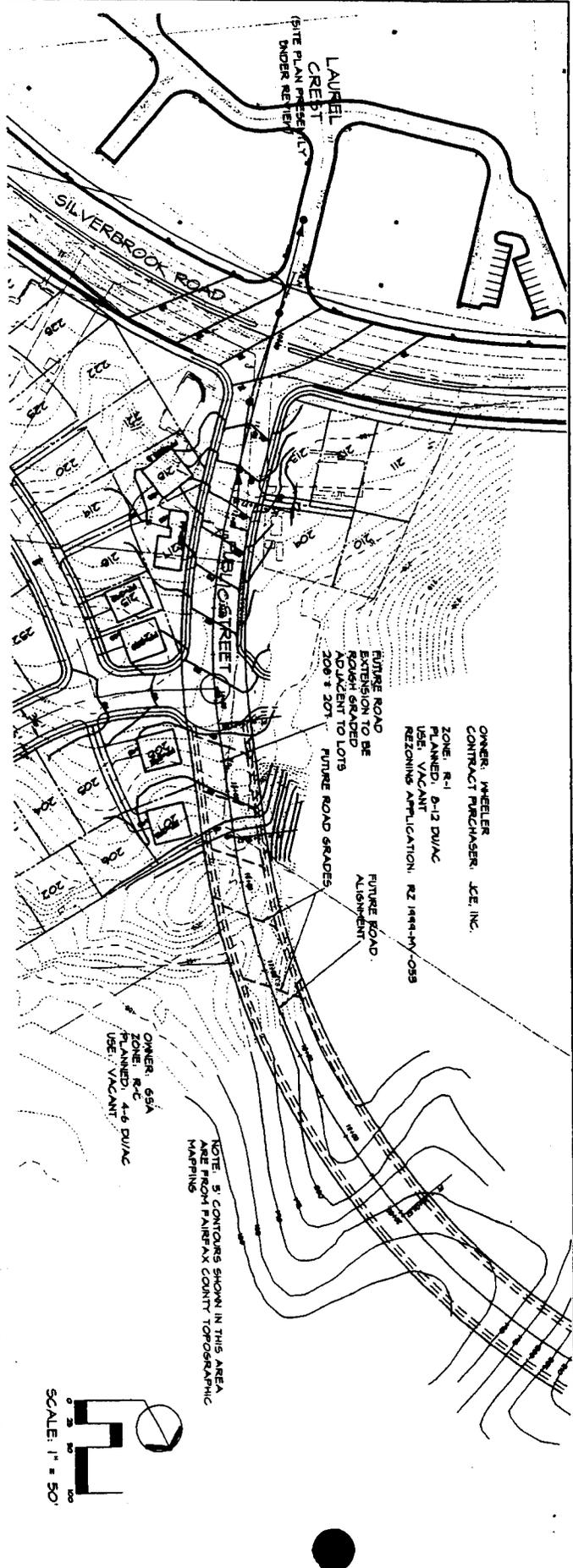


PROJECT: WASHINGTON HOMES
SILVERBROOK ROAD
UNIVERSAL DISTRICT

DETAILS



DESIGNER	PH&A	DATE	APRIL 10, 2000
DRAWN	PJS	SCALE	N/A
CHECKED	DMS	DATE	
PROJECT		FILE NO.	



1	Pre-Design	01/15/01	01/15/01	01/15/01	01/15/01
2	Site Plan	02/15/01	02/15/01	02/15/01	02/15/01
3	Final Design	03/15/01	03/15/01	03/15/01	03/15/01
4	Construction	04/15/01	04/15/01	04/15/01	04/15/01
5	Final Review	05/15/01	05/15/01	05/15/01	05/15/01
6	Final Approval	06/15/01	06/15/01	06/15/01	06/15/01
7	Final Construction	07/15/01	07/15/01	07/15/01	07/15/01
8	Final Closeout	08/15/01	08/15/01	08/15/01	08/15/01
9	Final As-Built	09/15/01	09/15/01	09/15/01	09/15/01
10	Final Record	10/15/01	10/15/01	10/15/01	10/15/01
11	Final Closeout	11/15/01	11/15/01	11/15/01	11/15/01
12	Final As-Built	12/15/01	12/15/01	12/15/01	12/15/01
13	Final Record	01/15/02	01/15/02	01/15/02	01/15/02
14	Final Closeout	02/15/02	02/15/02	02/15/02	02/15/02
15	Final As-Built	03/15/02	03/15/02	03/15/02	03/15/02
16	Final Record	04/15/02	04/15/02	04/15/02	04/15/02
17	Final Closeout	05/15/02	05/15/02	05/15/02	05/15/02
18	Final As-Built	06/15/02	06/15/02	06/15/02	06/15/02
19	Final Record	07/15/02	07/15/02	07/15/02	07/15/02
20	Final Closeout	08/15/02	08/15/02	08/15/02	08/15/02
21	Final As-Built	09/15/02	09/15/02	09/15/02	09/15/02
22	Final Record	10/15/02	10/15/02	10/15/02	10/15/02
23	Final Closeout	11/15/02	11/15/02	11/15/02	11/15/02
24	Final As-Built	12/15/02	12/15/02	12/15/02	12/15/02
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26	Final Closeout	02/15/03	02/15/03	02/15/03	02/15/03
27	Final As-Built	03/15/03	03/15/03	03/15/03	03/15/03
28	Final Record	04/15/03	04/15/03	04/15/03	04/15/03
29	Final Closeout	05/15/03	05/15/03	05/15/03	05/15/03
30	Final As-Built	06/15/03	06/15/03	06/15/03	06/15/03
31	Final Record	07/15/03	07/15/03	07/15/03	07/15/03
32	Final Closeout	08/15/03	08/15/03	08/15/03	08/15/03
33	Final As-Built	09/15/03	09/15/03	09/15/03	09/15/03
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35	Final Closeout	11/15/03	11/15/03	11/15/03	11/15/03
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37	Final Record	01/15/04	01/15/04	01/15/04	01/15/04
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40	Final Record	04/15/04	04/15/04	04/15/04	04/15/04
41	Final Closeout	05/15/04	05/15/04	05/15/04	05/15/04
42	Final As-Built	06/15/04	06/15/04	06/15/04	06/15/04
43	Final Record	07/15/04	07/15/04	07/15/04	07/15/04
44	Final Closeout	08/15/04	08/15/04	08/15/04	08/15/04
45	Final As-Built	09/15/04	09/15/04	09/15/04	09/15/04
46	Final Record	10/15/04	10/15/04	10/15/04	10/15/04
47	Final Closeout	11/15/04	11/15/04	11/15/04	11/15/04
48	Final As-Built	12/15/04	12/15/04	12/15/04	12/15/04
49	Final Record	01/15/05	01/15/05	01/15/05	01/15/05
50	Final Closeout	02/15/05	02/15/05	02/15/05	02/15/05



PROJECT: WASHINGTON HOMES
SILVERBROOK ROAD
MT. VERNON DISTRICT
FAIRFAX COUNTY, VA

PLAN AND PROFILE
COLLECTOR ROAD



DESIGN	PHRA	DATE	DEC 12, 2000
CHECKED	DWB	SCALE	1" = 50'
SHEET	0 OF 3	TITLE	DC0411



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290

Fax (703) 324-3924

V I R G I N I A

August 22, 2003

David H. Steigler, RLA, AICP
Director of Planning
Patton Harris Rust & Associates, pc
14532 Lee Road
Chantilly, Virginia 20151-1679

Re: RZ/FDP 2000-MV-019, Laurel Highlands, Multi-Family Dwelling Units

Dear Mr. Steigler:

This is in response to your letter of July 23, 2003 as revised by the replacement letter dated August 15, 2003, requesting an interpretation of the proffered Conceptual/Final Development Plan (CDP/FDP) accepted by the Board of Supervisors in conjunction with the approval of RZ/FDP 2000-MV-019. As I understand it, your letter contains three inquiries related to the three multi-family buildings located in one portion of the area covered by this zoning case. The multi-family buildings are located in the eastern portion of the 57 acre application property and near I-95. Each of your three inquiries will be addressed separately below. A copy of the above referenced letter and reductions of the plans you have submitted are attached.

As I understand it, your first question addresses proposed changes to the open space areas in front of and between the two wings of central multi-family building, which is U-shaped. You propose to change those areas:

- By shifting some of the 14 parking spaces shown on the CDP/FDP in front of the U-shaped building to the parking garage located behind that building
- By increasing the amount of landscaped open space along McCauley Way;
- By providing a vehicle turn-around at the 90 degree bend in McCauley Way;
- And by adding a bathhouse/office in the area between the building's wings.

As noted in your letter, these items are interconnected. The proposed bathhouse/office is intended to provide an identifiable location where visitors and delivery persons can make inquiries. The office function would be to provide a place for first time visitors and/or deliverymen to make inquiries. This is necessary because all access to the three residential

buildings will be from the parking garage located on the behind the buildings and not from McCauley Way, the private street in front of the multi-family buildings. Therefore, individual units may be difficult to find by first time visitors and deliverymen. In addition, the office/bathhouse building would provide screening of the pool area from McCauley Lane and would provide a location for the showers and locker room for the pool.

Further, since all access to the multi-family buildings will be from the parking garage and not from McCauley Way, some of the fourteen parking spaces in front of the U-shaped building are proposed to be relocated to the parking garage behind that building and the majority of that area converted to open space. Five parking spaces are to be retained in front of the office/bathhouse to serve as temporary parking while a visitor or deliveryman makes inquiries at the office. In addition, to further increase the amount of landscaped open space in this area, the drop off lane is proposed to be removed. To retain the ability for a vehicle to turn-around in this area, in lieu of the drop off lane, a circle is proposed at the end of McCauley Way. The circle is to include a landscaped island.

With regard to the first request, it is my determination that the proposed changes to add an office/bathhouse building, provide a turn-around at the end of McCauley Way and increase the amount of open space in front of the building are in substantial conformance with the proffered CDP/FDP. As noted in your letter of August 15, 2003 the amount of landscaped open space in this area increases. It should be noted that because the bathhouse is located in the center of a U-shaped building is fully shielded from any property not included in RZ/FDP 2000-MV-019 and no other dwellings have been built in Laurel Highlands, notice of adjoining property owners regarding the addition is not necessary because no adjoining property owners are affected by this request.

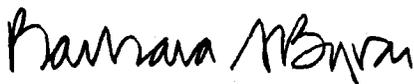
As I understand it, your second question addresses whether the proposed parking garage is in substantial conformance with the parking garage shown on the proffered CDP/FDP. The parking garage shown on the CDP/FDP is shown in plan view with the notations that it will be four levels, 65 feet tall and contain the elevators serving the residents. The garage on the CDP/FDP is also shown with a narrow separation between the garage and the central U-shaped residential building. The garage that you now propose would be located immediately adjacent to that residential building and has the ramps included in the individual parking levels, including a half level terrace at the lowest level. Your letter notes that the levels have been designed so that a level of parking is provided with each of the five levels within the residential buildings; the additional level is required to provide parking at the ratio established on the CDP/FDP; the floor of the top level of parking is located approximately 55 feet above grade; and, the proposed parking garage is similarly setback from I-95 as the one shown on the CDP/FDP. The number of parking spaces in the garage has been increased to accommodate the parking shifted from in front of the central U-shaped building and to accommodate the required parking for the five units shifted into the multi-family building pursuant to Proffer Number 1b, which allows minor adjustments to the mix of units, and because five units have been shifted from Parcel 35 to allow that

area to be developed as a stormwater management facility pursuant to Proffer Number 1e. As noted on the plans of the proposed garage, the revised relationship of the garage and the buildings allows for a third connection from the garage to the residential building (the CDP/FDP shows two connections). It is my determination that the proposed changes to the parking garage are in substantial conformance with the proffered CDP/FDP provided that the height of the parking garage is 65 feet or less.

As I understand it, your third inquiry is related to the second, in that it requests that the loading spaces be allowed to be located outside of the garage and on the roadways on either side of the central buildings where emergency turn-arounds were shown. You have stated that the turn-arounds are no longer required by the Fire Marshal. It is my determination that the proposed relocation of the loading spaces is in substantial conformance with the CDP/FDP.

These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this letter, please feel free to contact Peter Braham at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/N:\ZED\BRAHAM\WPDOCS\ACTION\LAUREL HIGHLAND MULTI.DOC

Attachments: A/S

cc: Gerry Hyland, Supervisor, Mount Vernon District
John Beyers, Planning Commissioner, Mount Vernon District
Michelle Brickner, Director, Office of Site Development Services, DPWES
John Crouch, Chief, Zoning Permit Review Branch, ZAD, DPZ
Angela Rodeheaver, Chief, Site Analysis Section, Department of Transportation
Bonds and Agreements Branch, Office of Site Development Services, DPWES
File: RZ/FDP 2000-MV-019, PI 0304-050

RECEIVED
Department of Planning & Zoning
AUG 18 2003
Zoning Evaluation Division

July 23, 2003
Revised August 15, 2003

Ms. Barbara Byron
Director, Zoning Evaluation Division
Office of Comprehensive Planning
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22035

**Re: Letter of Interpretation Request
Laurel Highlands (aka Washington Homes at Silverbrook Road)
RZ 2000-MV-019
Tax Map 107-2 ((1)) parcel 30, 31, and 32; 107-4 ((1)) parcel 6
PHR+A 10641-1-3**



VIRGINIA OFFICES:

Chantilly
Bridgewater
Leesburg
Virginia Beach
Woodbridge

LABORATORY:

Chantilly

MARYLAND OFFICES:

Columbia
Frederick
Germantown
Hollywood

WEST VIRGINIA
OFFICE:

Martinsburg

T 800.550.PHRA
T 703.449.6700
F 703.449.6713
14532 Lee Road
Chantilly, VA
20151-1679

Dear Ms Byron:

Patton Harris Rust & Associates, pc (PHR+A) is representing Washington Homes in the site engineering/land planning of Laurel Highlands, a residential project located on Silverbrook Road in Lorton, Virginia. The project consists of a mix of residential products (single family detached, attached and multifamily units types) on approximately 57 acres. The site was rezoned in May 2001 to PDH-12 and is subject to proffers including a proffered Conceptual/Final Development Plan.

Presently, site plans are approved for the public road improvements, the single family detached section and the townhouse section. The site plan for the multi-family section, the subject of this letter, is presently being reviewed and processed in second, final submission.

We have identified three (3) areas on the proposed plan that are a deviation from the approved development plan:

1. proposed bathhouse and related open space,
2. modifications to the proposed parking structure, and
3. surface loading spaces.

We hereby request a *Letter of Interpretation* from you on these issues. The details for each improvement, as well as our justification for favorable consideration, are provided below. For the record, this is our second submission

of our second Letter of Interpretation on these issues. The initial letter was submitted to you on April 2, 2003. A second letter was submitted on July 18, 2003 after meeting with staff on July 8, 2003. This revised letter addresses staff's concerns given to us the week of August 4th.

Proposed Bathhouse

A small pool bathhouse has been added to the courtyard area (please refer to the enclosed Landscape Plan.) The proposed bathhouse is a one-story structure, approximately 1810 square feet in gross floor area. The additional floor area introduced by the bathhouse represents a 0.4% increase to the overall gross floor area for the multi-family phase (501,400 square feet as shown on the site plan; the development plan does not specify floor area, only dwelling units.) This is significantly below the 1.0% allowed by Article 18-204 5. A. (6) (b). Per Article 10-102 26, pool bathhouses are a permitted accessory structure.

The addition of the bathhouse is needed to provide a functioning and operational multi-family project. Besides the pool bathhouse function that it provides for the adjacent pool (showers, lockers bathrooms, etc.), the building will include a central administrative office function and a small gatherings place. The building will be used by the multi-family phase only. Another pool and club/bath house is located in the center of the overall subdivision for use by the single family detached and town houses.

The proposed bathhouse is supportive to the pool and the multi-family units, and will not increase the intensity of the use that is shown on the proffered plan. On the proffered plan, the bathhouse and office uses were anticipated to occur within the footprints of the residential buildings. The proposed bathhouse as a separate building in a visible, central location is a result of the refinement of the design for this phase of the project, and is merely shifting activities that would have occurred with the main building to a separate structure. This "separation" of uses is an improvement to the design.

The separate building will provide the following advantages from that shown on the CDP/FDP:

- The bathhouse will serve as a central "check-in" location for visitors and delivers to get oriented to the complex. The main entrances to the residential buildings are located out of view in the garage which has controlled access. The new building will serve as an "information depot" for first time visitors, delivery, and service persons to avoid confusion for building access. Employees can direct them to visitor parking or loading spaces that are located elsewhere on the site (It should be noted that directional site signage will be used to also assist visitors find parking and building entrances.)

PHR+A

- The bathhouse will provide screening and privacy for the pool area from the adjacent town houses to increase the quality of the open space for its users.
- The bathhouse will humanize the scale of the pool, courtyard area, and surrounding open spaces. Without the one story building to bring the scale of the space down to a comfortable human scale, the area would be dominated by the four story residential buildings and feel uncomfortable for outdoor activities.

The overall parking requirements for the multi-family section will not increase with addition of this building. The same parking ratio, 2.11 spaces per unit, is provided from that shown on the proffered plan. This is above the County's minimum parking requirement of 1.6 spaces per unit. It was envisioned during the rezoning that the surplus in spaces would cover spaces needed for pool and office employees.

PHR+A

To compensate for the reduction in open space created by the new building, the parking and pavement areas in this area have be modified. The head-in parking has been reduced from 13 spaces shown on the development plan to five (5) spaces located directly in front of the bathhouse. The displaced parking spaces are now proposed in the parking structure. The previously proposed "lay-by lane" shown on the development plan has been deleted. To provide turn-around capabilities on this travel lane, a cul-de-sac is now proposed at the end of the travel lane. This is a more logical location of a turn-around, at the terminus of the common travel way.

These parking and pavement changes resulted in approximately 2,816 square feet of new open space. This exceeds the open space lost by the new building footprint by approximately 1,006 square feet (2,816 square feet minus 1,810 square feet.) This additional open space is in a high impact area, located between the single family attached and multi-family uses. It will allow for street trees (tall shade trees) to be planted along the travel way which will soften the four story residential buildings from the townhouses across the street. We believe the changes made to this area by the additional bathhouse building and open space are substantial improvements to the development.

Parking Structure

The proposed parking structure is composed of five levels: four full levels plus a basement, or terrace, level that is approximately one third (1/3) the footprint of the total parking structure. The development plan identifies the proposed parking structure as having four levels.

The additional basement level is needed to meet the required parking. Without the basement level, parking would be deficient by approximately 50 spaces.

The basement parking level is necessary to provide parking for the residences on the same level as their unit. The attached residential building has five floors adjacent to the parking structure, with a level of structured parking servicing each level. Without the basement parking structure level, the lowest basement units would have to park on a different level, which would be an inconvenience for the users.

The height of the proposed parking structure is approximately 54.3 feet (measured from highest elevation of the parking surface for the top level of 199.7 to the average finished grade of 145.4). This is less than 65 feet, which is the maximum height shown for the parking structure on the approved development plan. Additionally, the location of the parking structure, including the setback from I-95, has not changed from that shown on the approved development plan. Therefore, no change in bulk, mass or orientation will occur with this proposed condition.

The additional basement level will not deleteriously impact adjacent property owners, as the proposed parking structure faces Interstate 95 and is not visible from any existing or future residences. The proposed tree preservation area (existing tree buffer) between the proposed parking structure and I-95 will not change from the condition shown on the approved development plan.

We would like to also point out that the narrow gap, shown on the development plan between the parking structure and the residential building, has been deleted with the final architectural design. The elimination of the gap and the short connections will not compromise or degrade the quality of the project as perceived on the development plan. With the rezoning of the project, the Board of Supervisors modified the requirement of Section 2-414 of the Zoning Ordinance to allow the parking garage attached to the residential buildings to be located in the required 200 foot setback from an interstate highway, in this case I-95.

Loading Spaces

The development plan indicates that the loading spaces would be provided within the parking structure. During the detailed design of the parking structure and the adjacent site areas, it became apparent that it was more practical to provide these spaces outside the parking structure due to the additional truck height, weight, and turning movements required for trucks. In response to these issues, the loading spaces are proposed along the approaching travel ways, immediately adjacent to the parking structure. In this location, the development plan shows emergency vehicle turn-arounds, which, it turns out, are not needed. Consequently, there is no loss to landscaped open space, landscape screening or buffering from the development plan. The new location of the loading spaces will not be visible from the adjacent parcels, as the proposed residential building will shield the view of trucks using the space.



In summary, these changes are in response to improvements to the design and layout that were unforeseeable during the preparation, and review, of the development plan. Therefore, for the justification provided above, we request your administrative approval of these proposed improvements.

Your favorable consideration would be greatly appreciated. Unfortunately, the timing to resolve these issues is critical in order for our client to stay on schedule. Any efforts to expedite your review would be also greatly appreciated. Should you need additional information, or have any questions on the contents of this letter during your review, feel free to call me at (703) 449-6700.

Respectfully Submitted,
PATTON HARRIS RUST & ASSOCIATES
A Professional Corporation

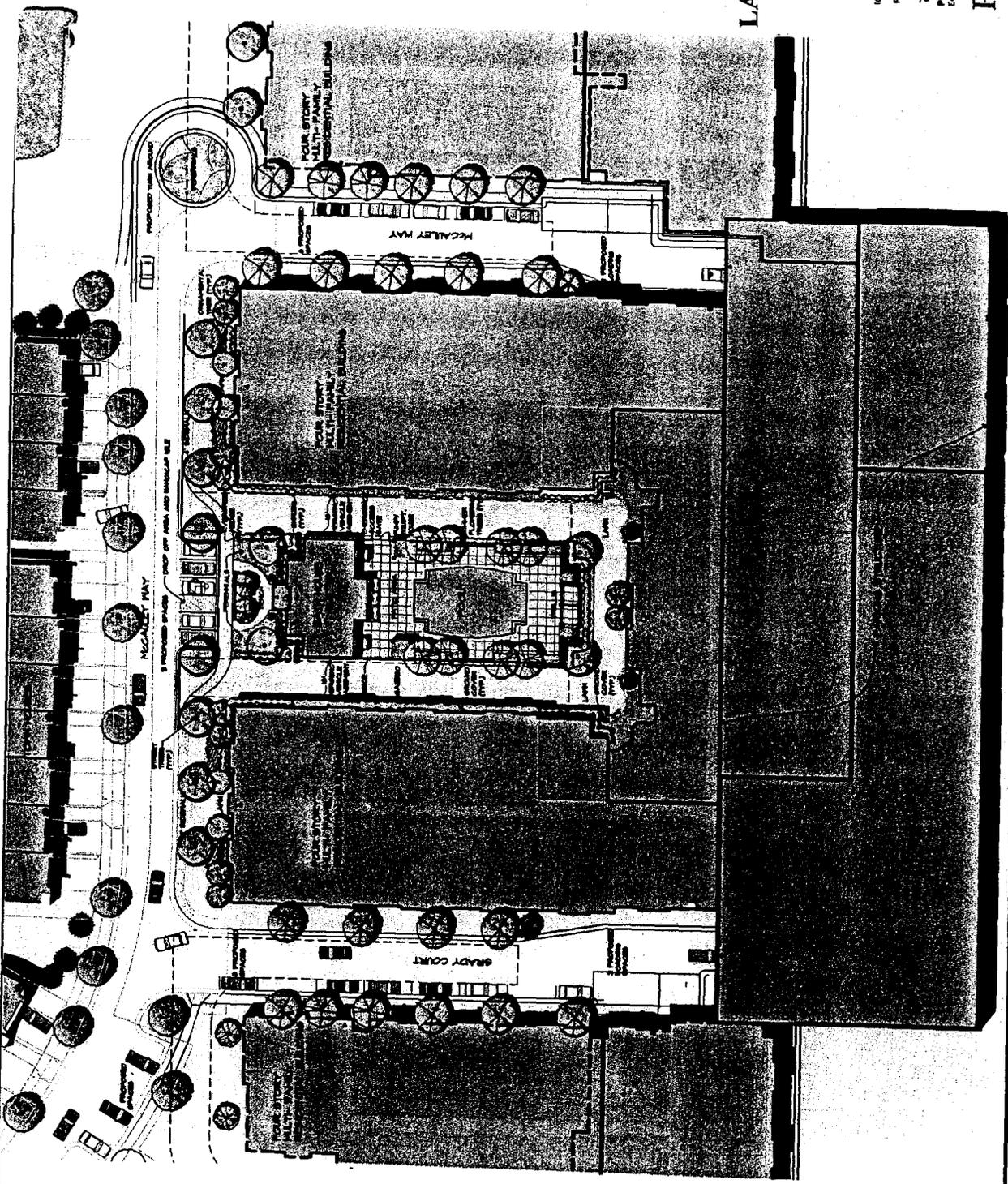
PHR+A



David H. Steigler, RLA, AICP
Director of Planning
P:\project\10641\1-3\eng\admin\corres\LOI Byron 8-15-03.doc

cc Dennis Quinn – Washington Homes, Inc.
Mark Tajnai – PHR+A

Enclosures:
Revised *Bathroom Elevations* Exhibit
Revised *Bathroom Exhibit*, showing plan layout and landscaping.

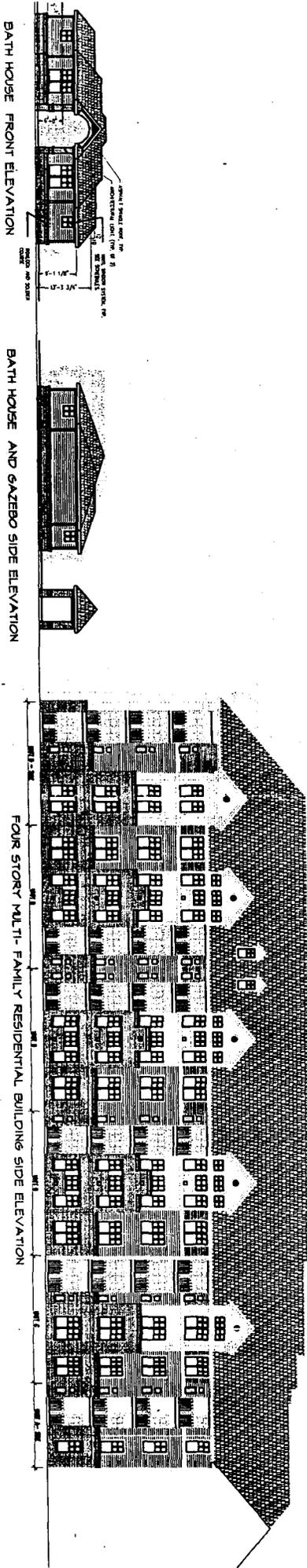


INTERPRETATION PLAN
 Application No. RT 200-030 Staff FB
 Control No. RT 0304-030
 Approved: (ES) NO IN PART (circle one)
 RESPONSE LETTER DATED 5/22/03

**BATH HOUSE
 EXHIBIT**
LAUREL HIGHLANDS
SECTION THREE
 FAIRFAX COUNTY, VIRGINIA

10041-1-3
 P-200-REB SHEET 1 OF 1
 July 24, 2003
 Revised August 15, 2003
 Patton Harris Rust & Associates, PC
 Engineers, Surveyors, Planners, Landscape Architects
 1433 Lee Road
 Chesler, VA 20101-1878
 T 703.448.8700
 F 703.448.8714

PHRA



BATH HOUSE ELEVATIONS

LAUREL HIGHLANDS

FAIRFAX COUNTY, VIRGINIA

INTERPRETATION PLAN
 Application No. R2 2000-11-01A Staff BB
 Control No. DI 0304 050
 Approved: YES NO IN PART (circle one)
 SEE RESPONSE LETTER DATED 8/2/03
2 of 2

Patton Harris Rust & Associates, PC
 Engineers, Surveyors, Planners, Landscape Architects

PHRA+
 14532 Lee Road
 Chantilly, VA 20151-1679
 T 703.448.6700
 F 703.448.6714


 0 6' 12' 24'
 SCALE: 1" = 24'-0"
 July 29, 2003
 Revised August 15, 2003

10641-1-3
 P-200-SECT
 SHEET 1 OF 1
 July 29, 2003
 Revised August 15, 2003



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

December 22, 2006

Robert Lamborn, CLA
Senior Landscape Artist
Patton Harris Rust & Associates
14532 Lee Road
Chantilly, VA 20151-1679

Re: Interpretation for RZ 2000-MV-019, Laurel Highlands Section 3, Retaining Wall at Stormwater Management Pond, 107-2 ((12)) G

Dear Mr. Lamborn:

This is in response to your letters of November 3, 2006, December 5, 2006, and December 14, 2006 (attached) requesting an interpretation of the proffered Conceptual/Final Development Plan (CDP/FDP) accepted by the Board of Supervisors in conjunction with the approval of RZ/FDP 2000-MV-019. As I understand it, the question is whether the retaining walls proposed to be located adjacent to the stormwater management facility in Section 3 of Laurel Highlands are in substantial conformance with the proffered CDP/FDP. This determination is based on the plan attached to your letter of December 14, 2006, entitled Wall Location at Pond Access Road and prepared by PHR+A, which is dated November 3, 2006 as revised through December 14, 2006.

A stormwater management facility is shown on the proffered CDP/FDP in the eastern part of Section 3, between the northernmost multi-family building and I-95. There are two proposed retaining walls associated with this portion of the site that were not shown on the proffered CDP/FDP. The limits of clearing and grading are shown on the CDP/FDP as a tree preservation line. A line, consisting of large dashes depicts the limits of the dam structure. The SWM facility shown on the portion of the exhibit identified as "Proposed Condition" is within the area shown for the SWM pond on the proffered CDP/FDP, including the limits of the dam structure. The first retaining wall is to be located between the pond and the adjacent multi-family building. This wall extends approximately 220 feet along the western side of the stormwater management facility and is up to 13 feet in height. The access road for the pond is located adjacent to and north of this wall. The second retaining wall is to be located at the northeast corner of the building and is intended to provide a transition between the grades around the building and an emergency vehicle turn-around at the end of the access road along

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

Mr. Lamborn
Page 2

the SWM pond. This wall bends around the turn-around and is approximately 80 feet in length and up to 13 feet tall. Some landscaping is shown on the sketch plan for these walls between the pond and the access road.

Proffer Number 5 on page 10 of the accepted proffers requires that the stormwater management ponds be landscaped to provide a natural appearance. However, while some limited landscaping is shown on the sketch plan submitted with the interpretation request, it is clear that there is limited area to provide additional landscaping. In addition, the access road wraps around the pond and appears to extend further than is required by the County.

It is my determination that the proposed retaining walls are in substantial conformance with the proffers for RZ/FDP 2000-MV-019 provided that trees are planted on either side of the access road to the maximum extent feasible as determined by Urban Forestry Management, that the length of the pond access road is limited to the maximum extent permitted by DPWES and constructed with permeable paving material to the extent permitted by DPWES. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Peter Braham at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/N:WPDOCS\ACTION\LAUREL HIGHLANDS WALL SWM SECT 3.DOC

Attachments: A/S

cc: Gerry Hyland, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: RZ 2000-MV-019, Imaging

December 14, 2006

VIA HAND DELIVERY

RECEIVED
Department of Planning & Zoning

DEC 14 2006

Zoning Evaluation Division

Mr Peter Braham
Fairfax County Planning & Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

PHR+A

Re: **Laurel Highlands, Section 2**
Proposed Retaining Wall at SWM Pond LOI Exhibit
Fairfax County SP #1485-SP-01
RZ 2000-MV-019

CORPORATE:
Chantilly

VIRGINIA OFFICES:
Bridgewater
Chantilly
Charlottesville
Fredericksburg
Leesburg
Newport News
Virginia Beach

Winchester
Woodbridge

LABORATORIES:
Chantilly
Fredericksburg

MARYLAND OFFICES:
Baltimore
Columbia
Frederick
Germantown
Hollywood

PENNSYLVANIA OFFICE:
Allentown

WEST VIRGINIA
OFFICE:
Martinsburg

Laurel Highlands, Section 3
Proposed Retaining Wall at Emergency Access / Pond Maintenance Road LOI Exhibit
Fairfax County SP #1485-SP-01
RZ 2000-MV-019
PHR+A # 10641-1-12

Dear Peter,

As per your e-mail to me on Monday, we have added additional landscaping along I-95 since we are unable to add it near the ponds due to the restrictive planting easements which extend to the I-95 right-of-way in front of the Section 2 and 3 ponds. We have extended the plantings south from the Section 3 pond and north from the section 2 ponds until we get to point beyond the ends of the parking garage. Overall, we have added 25 shade trees, 12 flowering trees and 59 evergreen trees for a total of 96 trees. Please also note that, as part of the currently approved Section 3 landscape plan, we had proposed 12 shade trees, 4 evergreen trees and 20 flowering trees for a total of 36 trees along the western edge of the Section 3 pond. Overall, a total of 138 trees have been proposed to address the proffers. We believe that this amount of landscaping would have provided sufficient landscaping for both the Section 2 and 3 ponds were it not for the restrictive planting easements associated with the dam embankments.

Thanks again for your assistance in processing these Letters of Interpretation. Please call if you have any additional questions regarding the exhibits.

T 800.550.PHRA
T 703.449.6700
F 703.449.6713
14532 Lee Road
Chantilly, VA
20151-1679

December 14, 2006

Mr. Peter Braham

Laurel Highlands Section 2 Retaining Wall

Page 2 of 2

Sincerely,

PATTON HARRIS RUST & ASSOCIATES



Robert Lamborn, CLA

Senior Landscape Architect

Enclosure: Section 2 and Section 3 Exhibits

PHR+A

Cc: Fred Tamani - K. Hovnanian Homes
Mike Shahidi - K. Hovnanian Homes
Younes Belamquaddam - PHR+A

December 5, 2006

VIA HAND DELIVERY

Mr Peter Braham
Fairfax County Planning & Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning

DEC 05 2006

Zoning Evaluation Division

PHR+A

Re: **Laurel Highlands, Section 2**
Proposed Retaining Wall at SWM Pond LOI Exhibit
Fairfax County SP #1485-SP-01
RZ 2000-MV-019

CORPORATE:
Chantilly

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Laurel Highlands, Section 3
Proposed Retaining Wall at Emergency Access / Pond Maintenance Road LOI Exhibit
Fairfax County SP #1485-SP-01
RZ 2000-MV-019
PHR+A # 10641-1-12

Winchester
Woodbridge

Dear Peter,

LABORATORIES:
Chantilly
Fredericksburg

MARYLAND OFFICES:
Baltimore
Columbia
Frederick
Germantown
Hollywood

PENNSYLVANIA OFFICE:
Allentown

WEST VIRGINIA
OFFICE:
Martinsburg

As per our telephone conversation yesterday, we have revised the Letter of Interpretation exhibits for Section 2 and Section 3 and have enclosed four copies of each exhibit for your review. We have labeled the various easements, showed the storm drainage utilities, used different symbols for the asphalt emergency access and gravel pond maintenance roads and added additional landscaping in Section 2 around the storm water management pond per the proffers. Because the restrictive planting easement surrounding the Section 2 pond embankment extends to the I-95 right-of-way, we have added approximately 13 shade trees, 14 evergreen trees and 3 flowering trees along the western, southern and northern sides of the pond.

On the Section 3 exhibits, the additional planting along the western side of the pond that was approved as part of the site plan is now shown.

Thanks for your assistance in processing these Letters of Interpretation. Please call if you have any additional questions regarding the exhibits.

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T 703.449.6700
F 703.449.6713
14532 Lee Road
Chantilly, VA
20151-1679

December 5, 2006
Mr. Peter Braham
Laurel Highlands Section 2 Retaining Wall
Page 2 of 2

Sincerely,
PATTON HARRIS RUST & ASSOCIATES



Robert Lamborn, CLA
Senior Landscape Architect

PHR+A

Enclosure: Section 2 and Section 3 Exhibits

Cc: Fred Tamani - K. Hovnanian Homes
Mike Shahidi - K. Hovnanian Homes
Younes Belamquaddam - PHR+A

November 3, 2006

VIA HAND DELIVERY

Ms. Barbara Byron
Director of Zoning Evaluation Division
Fairfax County Planning & Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

Re: *Laurel Highlands, Section 2*
Proposed Retaining Wall at SWM Pond
Fairfax County SP #1485-SP-01
RZ 2000-MV-019
PHR+A # 10641-1-12

RECEIVED
Department of Planning & Zoning
NOV 03 2006
Zoning Evaluation Division



Dear Ms. Byron

CORPORATE:

Chantilly

VIRGINIA OFFICES:

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Leesburg
Newport News
Virginia Beach

Winchester
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Baltimore
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Germantown
Hollywood

PENNSYLVANIA OFFICE:

Allentown

WEST VIRGINIA OFFICE:

Martinsburg

Patton Harris Rust & Associates, as agents of the owners, K. Hovnanian Homes, request an interpretation that a proposed retaining wall adjacent to the pond maintenance access road is in substantial conformance with the approved CDP/FDP. Per Section 16-403, Paragraph 4, that allows minor modifications in response to issues of topography, layout, design and vehicular circulation, the attached Wall Location Exhibit shows a comparison of the preliminary pond design that was shown on the approved CDP/FDP compared to the currently proposed design.

The proposed design requires accessing the pond maintenance road from the proposed street grades at Furey Road. While the CDP/FDP provided a preliminary pond access road layout, it did not anticipate the final street grades of Furey Road. To provide the pond maintenance road starting at the proposed grades of Furey Road and to maintain the required SWM pond storage volumes, a wall (Wall "C") approximately 130+/- feet long and ranging in height from approximately 2.5 to 7.5 feet tall is required along the pond maintenance road. The height of the wall is towards the stormwater management pond and will not be seen by nearby residences due to a sound wall being built along the uphill side of the pond.

As shown by the proposed section, the wall will be a cast in place retaining wall with a form cast stone facing. Wall "C" will be approximately 12" above the grade of the pond access road with a 42" high picket railing adjacent to, or incorporated into, the wall for safety purposes.

We believe that the proposed plan is in substantial conformance with the CDP/FDP, will not have any adverse affects on nearby residences and meets the criteria for a minor

T 800.550.PHRA

T 703.449.6700

F 703.449.6713

14532 Lee Road

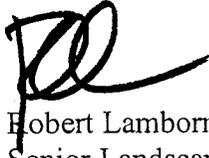
Chantilly, VA

20151-1679

November 3, 2006
Ms Barbara Byron
Laurel Highlands Section 2 Retaining Wall
Page 2 of 2

modification in response to issues of topography, layout design and vehicular circulation.
Please call us if there are any questions or need additional information.

Sincerely,
PATTON HARRIS RUST & ASSOCIATES



Robert Lamborn, CLA
Senior Landscape Architect

PHR+A

Enclosure: Wall Location Exhibit

Cc: Peter Braham - Fairfax County Planning and Zoning
Fred Tamani - K. Hovnanian Homes
Mike Shahidi - K. Hovnanian Homes
Younes Belamquaddam - PHR+A

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County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

September 10, 2007

David H. Steigler, CLA, AICP
Patton Harris Rust & Associates
14532 Lee Road
Chantilly, VA 20151-1679

Re: Interpretation for Laurel Highlands Section 3; RZ 2000-MV-019,
Clubhouse/Management Offices, 107-2 ((12)) G

Dear Mr. Steigler:

This is in response to your letter of July 16, 2007, (copy attached) requesting an interpretation of proffered Conceptual/Final Development Plan accepted by the Board of Supervisors in conjunction with the approval of RZ/FDP 2000-MV-019. As I understand it, the question is whether the proposed 5,500 sq. ft. clubhouse and management offices building shown on the plan attached to your letter is in substantial conformance with the proffered CDP/FDP. This determination is based on the plan attached to your letter of July 16, 2007, entitled Clubhouse Exhibit and prepared by Patton Harris Rust & Associates which is dated July 13, 2007.

Your letter requests administrative approval of an expansion of the clubhouse to be located within the central open space between two wings of the multi-family building approved for this portion of Laurel Highlands. Your letter correctly notes that administrative approval was granted for a 1,800 sq. ft. pool and clubhouse building in response to a previous letter of interpretation. The request contained in your letter of July 16, 2007 to place a 5,500 square foot building in the same location will be reviewed against the proffers and proffered CDP/FDP accepted by the Board of Supervisors with the approval of RZ 2000-MV-019. The Zoning Ordinance states that all administrative approvals, site plans, construction permits and other similar actions undertaken subsequent to that approval must be in substantial conformance with the approval of the rezoning through the public hearing process. Accordingly, the analysis of this pending request is based on the proffered CDP/FDP associated with the approval of RZ/FDP 2000-MV-019.

The proffered CDP/FDP for Laurel Highlands shows the area between the two building wings where the 5,500 square foot clubhouse is proposed to be located as open space that includes a pool. A building is not shown on the CDP/FDP in this location. Your

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12055 Government Center Parkway, Suite 801
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Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

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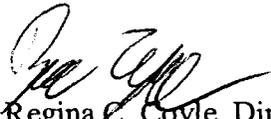
David H. Steigler

Page 2

letter also notes that the size of the multi-family buildings is proposed to be reduced by approximately 94,000 sq. ft. and the amount of open space is increasing by approximately 16,200 sq. ft. However, the proposed layout for the proposed 5,500 sq. ft. clubhouse has the effect of extending the building across the area shown on the proffered CDP/FDP as open space. This has the effect of changing the character of the development. Therefore, it is my determination that the proposed 5,500 sq. ft. clubhouse and management office is not in substantial conformance with the proffered CDP/FDP. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding this interpretation, please feel free to contact Peter Braham at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division, DPZ

RCC/O:\PBRAHA\WPDOCS\ACTION\LAUREL HIGHLANDS CLUBHOUSE ENLARGEMENT.DOC

Attachments: A/S

cc: Gerry Hyland, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Plan Control, Land Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin
File: RZ/FDP 2000-MV-019, PI 0707 073, Imaging, Reading



**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com

August 23, 2007

Via E-mail and First Class Mail

Peter Braham
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Laurel Highlands - Section 3
Letter of Interpretation for Clubhouse Revision
RZ 2000-MV-019/Site Plan 1485-SP-01

Dear Mr. Braham:

On July 16, 2007, David Steigler, of Patton Harris Rust & Associates, submitted a request for the approval of minor modifications to Section 3 of Laurel Highlands. Mr. Steigler proposed modifications to the layout and design of the multi-family residential buildings and the clubhouse that will serve the community. Please accept this letter to supplement that submission. The information contained herein is consistent with our discussion on Monday.

The owner and developer of Section 3, Laurel Highlands, is Jefferson at Laurel Highlands, L.P. (the "Owner"). The Owner will construct the approved multi-family residential buildings as apartments, in lieu of condominiums, as originally contemplated. Apartments typically have greater and more varied amenities, and therefore, an increase in the size of the clubhouse is proposed. A clubhouse is permitted in accordance with Proffer 4, approved in conjunction with RZ 2000-MV-019. The proffer states the following: "Additional recreation facilities may be provided for the multi-family portion of the Application Property in proximity to the multi-family units." Therefore, specific recreation facilities were not required to be shown on the approved Conceptual/Final Development Plan (CDP/FDP) for the multi-family portion of the development. A clubhouse, however, is a standard amenity provided for a multi-family residential community.

PHONE 703 528 4700 | FAX 703 525 3197 | WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA | 2200 CLARENDON BLVD., THIRTEENTH FLOOR | ARLINGTON, VA 22201-3359

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

ATTORNEYS AT LAW

In order to address your concerns regarding the clubhouse size, please consider the following:

- The view of the clubhouse is screened on three sides by the multi-family residential buildings. The overall building mass and bulk from the street frontage where the clubhouse is visible is reduced with the Owner's revised proposal. Each multi-family building wing adjacent to the proposed clubhouse has been reduced in width by approximately ten (10) feet, from approximately ninety (90) feet to approximately eighty (80) feet. This reduction in building width (20 feet) is greater than the increase in width of the clubhouse, from approximately fifty-six (56) feet to approximately seventy-five (75) feet. In terms of massing, the proposal reduces four-story structures by twenty (20) feet in width and increases a one-story structure by nineteen (19) feet in width, a significant reduction to the overall building mass facing the street. Note that the reduction of each of the four wings results in an overall reduction in building frontage of about forty (40) feet.
- The height of the multi-family building has been reduced. Previously, the highest point of the roof was sixty-four (64) feet, and is now proposed at fifty-eight (58) feet.
- The height of the clubhouse will continue to be one-story.
- The emergency vehicle access road around the clubhouse/pool area remains the same, without modification.
- The overall open space on the site has been increased by 16,200 square feet, or 3.4%.
- The proffer does not indicate a minimum or maximum size for the amenity space. The Owner is increasing the amenities to the residents by including a fitness center, a clubroom, a movie theatre, a private terrace and a business center/café. In order to provide this, the residential building footprints have been decreased significantly.

As demonstrated above, the overall building bulk and mass, as visible to the rest of the Laurel Highlands community, is decreased with the Owner's

August 23, 2007
Page 3

proposal. In addition, please note that the residential townhomes located opposite the multi-family building have not yet been constructed or sold. This area will be used by the Owner as a construction staging area, and will be developed after the multi-family residential buildings are completed.

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call. I would appreciate your consideration of the information contained herein prior to reaching a conclusion on the proposal.

Very truly yours,

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



Lynne J. Strobel

LJS/mw

cc: Aaron Liebert
Cathy Moy
David Steigler
Martin D. Walsh

July 16, 2007

VIA HAND DELIVERY

Ms. Regina Coyle
Fairfax County Planning & Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning
JUL 16 2007
Zoning Evaluation Division



Re: **Laurel Highlands Section Three**
Letter of Interpretation for Clubhouse Revision
RZ 2000-MV-019 / SP #1485-SP-01
PHR+A # 10641-6-1

CORPORATE:
Chantilly

VIRGINIA OFFICES:
Chantilly
Charlottesville
Fredericksburg
Harrisonburg
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Newport News
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Woodbridge

LABORATORIES:
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WEST VIRGINIA
OFFICE:
Martinsburg

T 800.550.PHRA
T 703.449.6700
F 703.449.6713
14532 Lee Road
Chantilly, VA
20151-1679

Dear Ms. Coyle:

Patton Harris Rust & Associates (PHR+A) is requesting approval of a minor modification through a letter of modification for Laurel Highlands, Section Three on behalf of the owner, Jefferson at Laurel Highlands, L.P. We are hereby requesting an interpretation that the proposed revision to the clubhouse is in substantial conformance with the approved Conceptual Development Plan/Final Development Plan and proffers, and the subsequent, previously approved Letter of Interpretation (LOI) dated August 22, 2003 (copy enclosed for your reference). Per Section 16-403, Paragraph 4 that allows minor modifications in response to issues of layout and design, the attached Clubhouse Exhibit shows a comparison of the design that was shown on the previously approved LOI and the currently proposed design.

The previously approved CDP/FDP and LOI were designed as for-sale condominiums; however, changes in market conditions have prompted the current owners to change to for-rent apartments, which typically have greater common amenities and smaller units than for-sale housing. The proposed clubhouse is larger (5,500+/- square feet verses 1,800+/- square feet shown on the previous LOI). The increased size of the facility will provide a more substantial amenity for the residents, including a fitness center, theater, pub, and business center, as well as management offices. In addition, there will be a pool equipment room and a lifeguard room, each approximately 100 sf and located on the eastern side of the pool courtyard.

The location of the proposed clubhouse is unchanged from the previously approved LOI. Due to this shielded location between the wings of the four-story multi-family buildings, we believe adjacent property owners will not be affected by this change.

The owner is also significantly reducing the overall footprints of the multi-family buildings, which will more than offset the increase in the size of the clubhouse, pool equipment room, and lifeguard room, and result in a net increase in open space. The proposed multi-family building footprints are approximately 94,000 square feet, or 17%

less than those shown on the approved CDP/FDP. This results in an overall increase of open space of approximately 16,200 square feet, which equates to a 3.4% increase in open space for Section Three.

The adjacent pool and deck has also been modified from the previously approved LOI, again, to address the current market conditions. The overall deck and pool area has been enlarged from 5,400+/- square feet to 7,500+/- square feet. The shape of the pool has been reconfigured to provide a lap/exercise pool and to provide more space for residents to sit by the pool.

Additional street trees are proposed along the garage entrance drives to compensate for the reduction in proposed shade trees around the pool. The reduction of overhead canopy trees adjacent to the pool is based on the practical matter of reducing maintenance associated with the tree leaves, as well as to allow more residents to enjoy the outdoor pool deck. We believe ample shade will be provided by the adjacent buildings, as well as the proposed trellis located in this area.

A picnic area and grill is shown along the north side of the most northern building. The owner would like the option to install these tables and grill as an additional amenity as generally shown on the enclosed exhibit.

In accordance with the limitations of the Zoning Ordinance, the owner does not propose additional units that would increase the intensity or parking requirement. Additionally, the minor modifications requested do not reduce the effectiveness of the approved transitional screening, buffering, or landscaping. No changes to bulk, mass, orientation of location of buildings are proposed which adversely impact the relationship of the development or adjacent property. It should be noted that, even though the proposed clubhouse is larger than that previously shown, no size limitations were established by the proffers of the CDP/FDP. Lastly, no additional clearing and grading is proposed for the storm water management facility.

In summary, we believe that the proposed clubhouse and related changes result in a better plan than that shown on the previously approved LOI because of the increase in amenity spaces, increase in open space, and increase in street trees. This plan provides an enhanced amenity without compromising the design and setbacks of the approved CDP/FDP.



July 16, 2007
Ms Regina Coyle
Laurel Highlands Section Three - Clubhouse Revision
Page 3 of 3

Your consideration in this matter would be greatly appreciated. Should you have any questions, or need additional information, please call me at (703) 449-6700.

Sincerely,
PATTON HARRIS RUST & ASSOCIATES



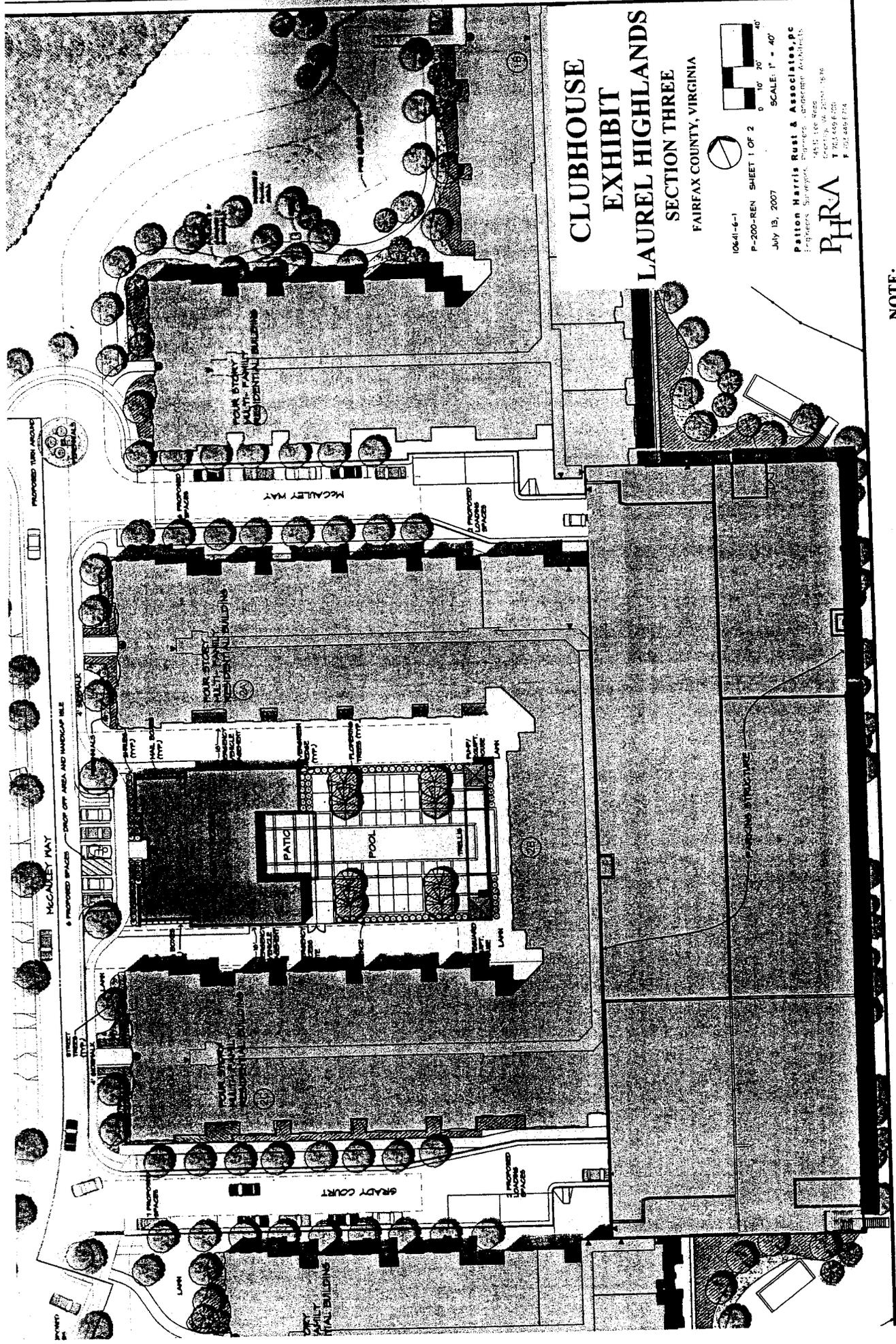
David H. Steigler, CLA, AICP
Director of Planning and Landscape Architecture



Enclosure: Clubhouse Plan Exhibit and Clubhouse Elevation Exhibit
Approved CDP/FDP
Approved Proffers
Approved LOI

Cc: Peter Braham - Fairfax County Planning and Zoning
Cathy Moy, JPI
Younes Belamquaddam - PHR+A

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**CLUBHOUSE
EXHIBIT
LAUREL HIGHLANDS
SECTION THREE**
FAIRFAX COUNTY, VIRGINIA

106-41-6-1
P-200-REN SHEET 1 OF 2
July 13, 2007
Scale: 1" = 40'
PHRA
Patton Harris Rust & Associates, PC
Professional Services, PLLC
1445 Lee Road
Suite 200
Falls Church, VA 22041-1816
T 703.469.6200
F 703.469.6714

NOTE:
THIS PLAN IS CONCEPTUAL AND SUBJECT TO
MODIFICATIONS BASED ON FINAL-SITE DESIGN.

PROPOSED CONCEPTUAL CLUBHOUSE EXHIBIT

SELECTED EXCERPTS FROM THE ZONING ORDINANCE

ARTICLE 6

PLANNED DEVELOPMENT DISTRICT REGULATIONS

PART 1 6-100 PDH PLANNED DEVELOPMENT HOUSING DISTRICT

6-101 Purpose and Intent

The PDH District is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. The district regulations are designed to insure ample provision and efficient use of open space; to promote high standards in the layout, design and construction of residential development; to promote balanced developments of mixed housing types; to encourage the provision of dwellings within the means of families of low and moderate income; and otherwise to implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

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 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.

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		