



APPLICATION ACCEPTED: July 11, 2008
PLANNING COMMISSION: February 11, 2009
BOARD OF SUPERVISORS: not yet scheduled

County of Fairfax, Virginia

January 28, 2009

STAFF REPORT

REZONING APPLICATION RZ 2008-SP-012

SPRINGFIELD DISTRICT

APPLICANT:	11-7 Associates, LLC
PRESENT ZONING:	R-1
REQUESTED ZONING:	C-2
PARCEL(S):	56-2 ((1)) 66
ACREAGE:	2.09 acres
FAR/DENSITY:	0.22
OPEN SPACE:	30%
PLAN MAP:	Fairfax Center Area; Office, 0.25 FAR at the overlay level
PROPOSAL:	Request to rezone the property from the R-1 district to the C-2 district to permit a 30,000 sq. ft. office building.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2008-SP-012, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the construction of the on-road bicycle lane for Lee Highway.

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Staff recommends approval of a modification of the barrier requirement along the eastern property line to allow for a 4' high fence in lieu of a 7' high brick or architectural block wall.

Staff recommends approval of a modification of the 25' transitional screening yard on the eastern property line to allow a taper to a minimum of 12' along the cemetery property.

Staff recommends approval of a modification to allow a 2/3 reduction of the 35' transitional screening yard along the eastern edge of the property to allow a 12' screening yard along the residential parcels to the east.

Staff recommends approval of a modification of the barrier requirement along the eastern property line to allow for a 3' high screening/safety wall along the residential parcels to the east.

Staff recommends approval of a waiver of the 35' transitional screening yard and barrier requirement along the property's Lee Highway frontage.

Staff recommends approval of a modification to allow a 2/3 reduction of the required 25' transitional screening yard along the southern property line; a 7' high brick or architectural block wall will be provided.

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.

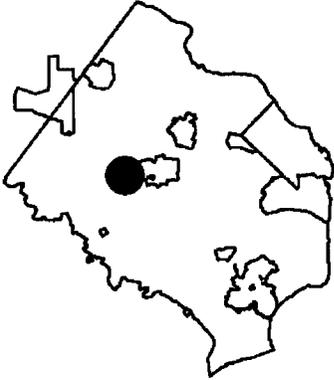
N:\RZ\RZ 2008-SP-012 11-7 Associates\11-7 Report Cover.doc



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

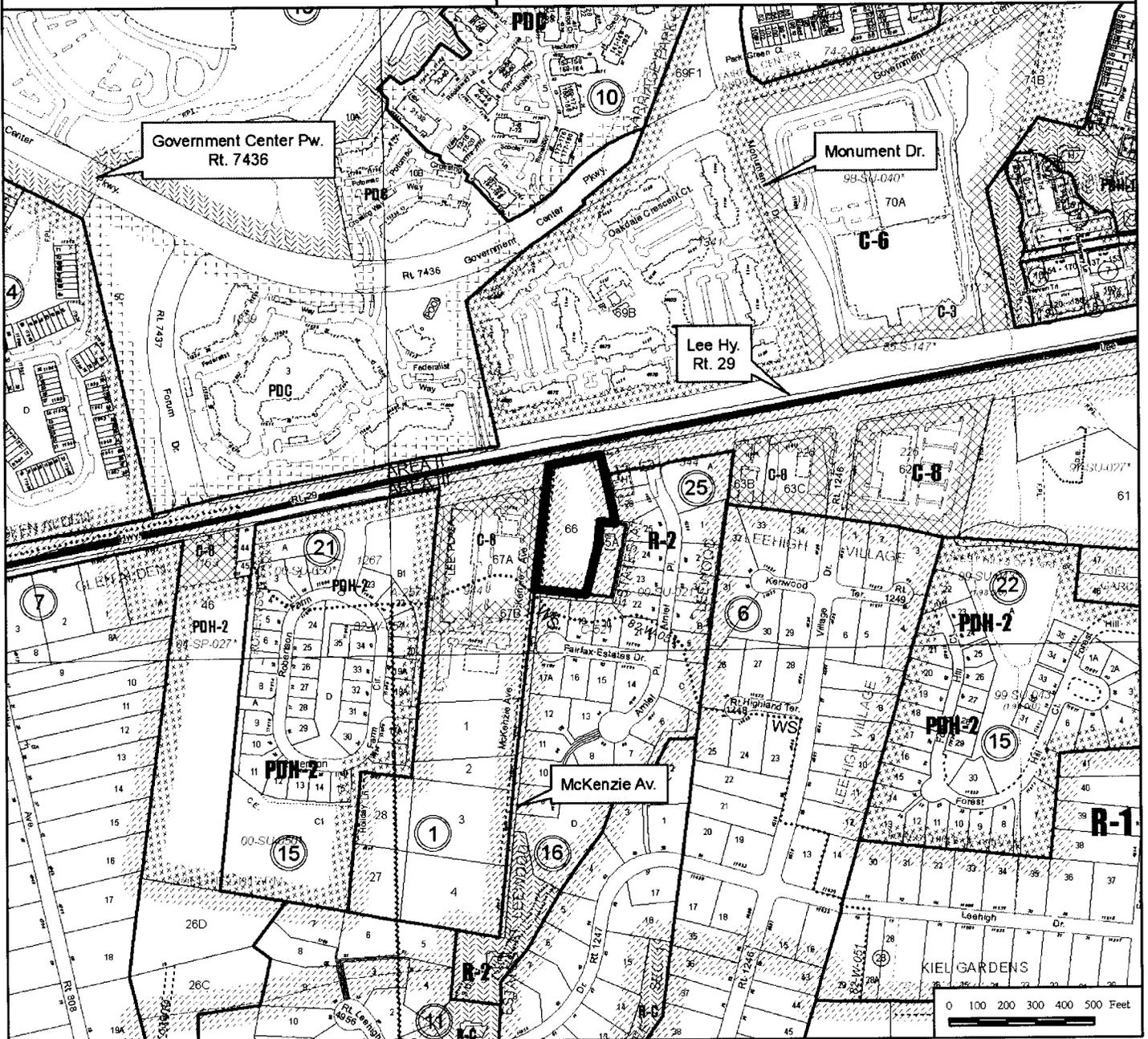
Rezoning Application

RZ 2008-SP-012



Applicant: 11-7 ASSOCIATES, LLC
 Accepted: 07/11/2008
 Proposed: COMMERCIAL
 Area: 2.09 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect: Located: SOUTH SIDE OF LEE HIGHWAY EAST OF ITS INTERSECTION WITH MCKENZIE AVENUE
 Zoning: FROM R- 1 TO C- 2
 Overlay Dist:
 Map Ref Num: 056-2- /01/ /0066



Project Number	07-536
Date	12/7/2005
Description	GENERAL DEVELOPMENT
Drawn By	FORMDESIGN
Checked By	
Date	

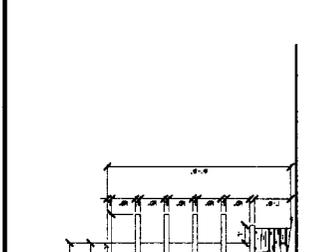
CLIENT APPROVAL
 SIGNATURE OF AUTHORIZED REPRESENTATIVE
 APPROVED BY: _____
 DATE: _____



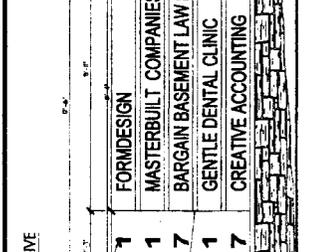
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 SPECIFICATIONS
 Sheet No. 01-010
 Date: 12/7/2005



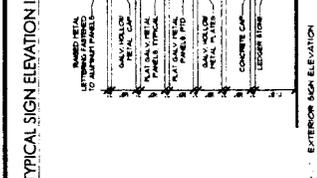
TYPICAL BENCH* ILLUSTRATIVE



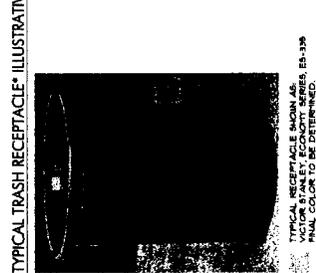
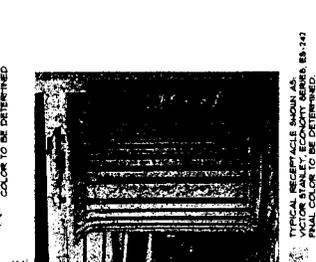
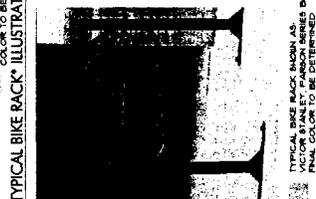
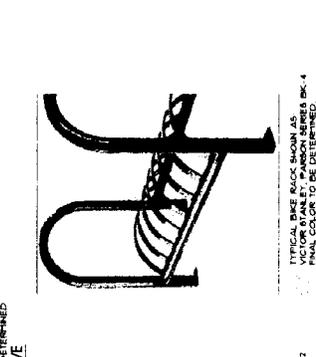
TYPICAL BENCH STYLE SHOWN AS VICTOR STANLEY EGGHOLT SERIES EB-747
 FINAL COLOR TO BE DETERMINED



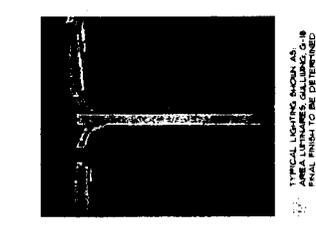
TYPICAL BIKE RACK SHOWN AS VICTOR STANLEY PARSON SERIES BK-4
 FINAL COLOR TO BE DETERMINED



TYP. DUMPSTER ENCLOSURE* ILLUSTRATIVE
 CURTAIN DOOR, CHAIN LINK



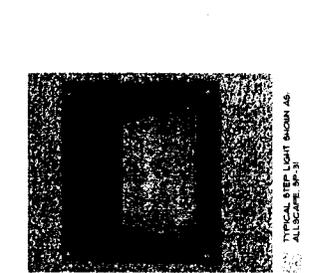
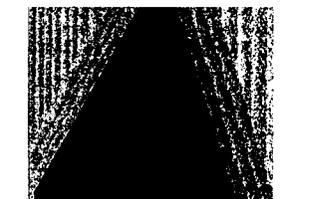
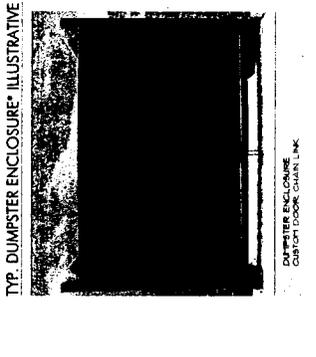
TYPICAL BIKE RACK SHOWN AS VICTOR STANLEY PARSON SERIES BK-4
 FINAL COLOR TO BE DETERMINED



TYPICAL LIGHTING SHOWN AS AREA LIGHTING'S GALLIANO G-18
 FINAL FINISH TO BE DETERMINED



TYPICAL LIGHTING SHOWN AS AREA LIGHTING'S GALLIANO G-18
 FINAL FINISH TO BE DETERMINED



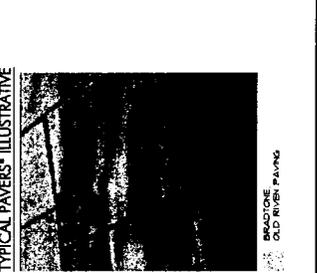
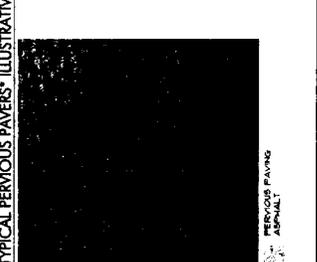
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 FINAL FINISH TO BE DETERMINED



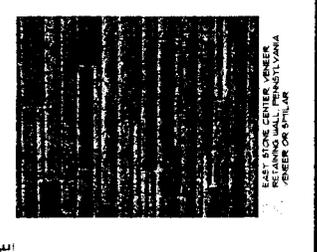
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TYPICAL LIGHTING SHOWN AS AREA LIGHTING'S GALLIANO G-18
 FINAL FINISH TO BE DETERMINED

*DISCLAIMER
 ALL MATERIALS SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY. ALL FINAL FINISHES AND COLORS TO BE DETERMINED AT THE TIME OF CONSTRUCTION AND/OR CHANGES IN MANUFACTURING OF PRODUCTS AT THE TIME OF CONSTRUCTION.

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FORMDESIGN

ARCHITECTS
INTERIORS

9649D MAIN STREET, FAIRFAX, VA 22031
703.503.5185 FAX: 703.503.5055
THE SHAPE OF THE WORLD TO COME

11717

LEE HIGHWAY BUILDING
11717 Lee Highway
Fairfax, VA 22031

Page Number

07-536

Name

Date

Drawn by

Checked by

Project

No.

Date

Description

CLIENT APPROVAL
SIGNATURE OF ARCHITECT/ENGINEER
DATE
SCALE

Sheet No.

SITE SECTIONS

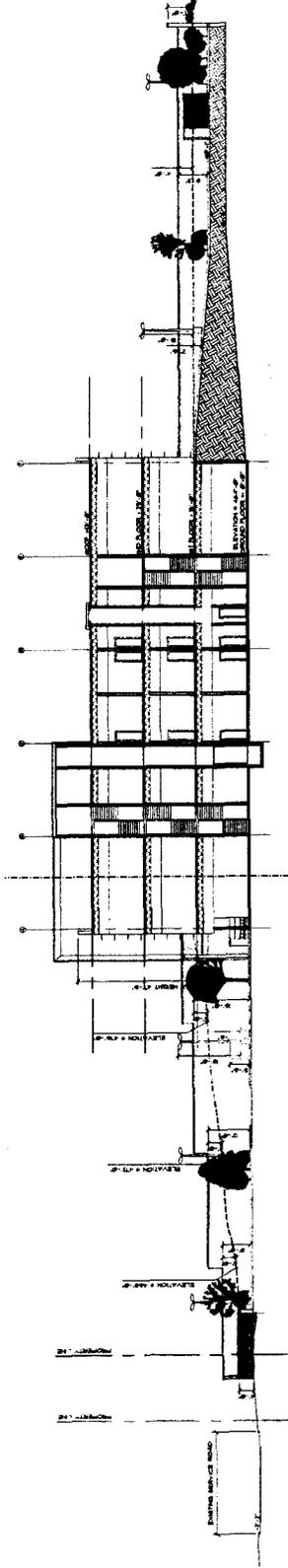
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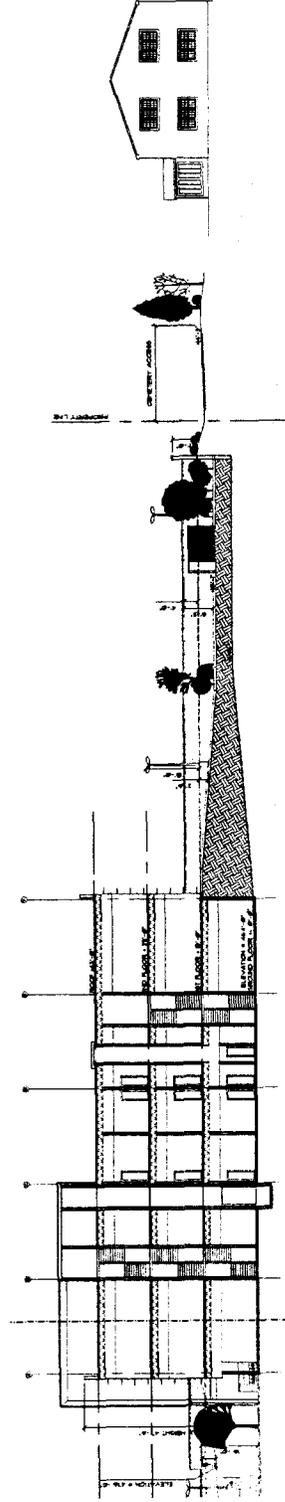
Date

Project No.

A-4



SITE SECTION.CC
1/8" = 1'



SITE SECTION.CC
1/8" = 1'

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

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, 11-7 Associates, LLC, requests approval to rezone approximately 2.09 acres presently zoned R-1 District (Residential, 1 dwelling unit per acre) to the C-2 District (Limited Office) for the development of a single office building. As proposed, 11717 Lee Highway will be developed as a three-story building housing the building's owners and additional tenants. The cumulative gross floor area (GFA) of the 2.09 acre site will be 30,000 square feet, at a floor area ratio (FAR) of 0.22.

Waivers Requested:

The applicant has requested the following waivers and modifications:

- Waiver of the construction of the on-road bicycle lane for Lee Highway. (In lieu of construction, the applicant has proffered to contribute to the Springfield District Walkway Fund.)
- Modification of the barrier requirement along the eastern property line (along the cemetery) to allow for a 4' high fence in lieu of a 7' high brick or architectural block wall.
- Modification of the 25' transitional screening yard on the eastern property line to allow a taper to a minimum of 12' along the cemetery property.
- Modification to allow a 2/3 reduction of the 35' transitional screening yard along the eastern edge of the property to allow a 12' screening yard along the residential parcels to the east.
- Modification of the barrier requirement along the eastern property line to allow for a 3' high screening/safety wall along the residential parcels to the east.
- Waiver of the 35' transitional screening yard and barrier requirement along the property's Lee Highway frontage.
- Modification to allow a 2/3 reduction of the required 25' transitional screening yard along the southern property line (a 7' high brick or architectural block wall will be provided.)

LOCATION AND CHARACTER

The subject property is 2.09 acres of vacant land located at 11717 Lee Highway in Sub-unit U1 of the Fairfax Center Area. The site is bounded by Lee Highway to the north, the Lee Plaza shopping center and an outlet road (McKenzie Avenue) to the west, single family residential properties and the Robertson-Kidwell family cemetery to the east, and single family residential properties to the south. McKenzie Avenue is the primary access point from Lee Highway to the cemetery property and the residential area south of the shopping center. The residential properties adjacent to the east and south of the site are a part of the Estates at Leewood subdivision, which was approved by the Board of Supervisors in June 2001. The site will be accessed from a proposed service drive extension that runs parallel to Lee Highway and provides the connection from the shopping center to the residential properties to the east. The topography of the site is dramatic; there is an approximately 20' grade change running north to south on the property. The existing tree canopy is in fair condition, but does not contain any specimen trees or outstanding vegetation that should be considered for preservation.

Direction	Use	Zoning	Plan
North	Multi-family residential	PDH-12	Fairfax Center
South	Outlet road, Single family residential	R-2	Fairfax Center
East	Single family residential, cemetery	R-2, R-1	Fairfax Center
West	Commercial (shopping center)	C-8	Fairfax Center

BACKGROUND

No previous land use applications are associated with the subject site; therefore, the property is not subject to any existing proffers or development conditions.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

- Plan Area:** Area III
- Planning Sector:** Fairfax Center Area, Sub-unit U1
- Plan Map:** Fairfax Center Area

In the Area III volume of the Comprehensive Plan, 2007 Edition, Fairfax Center Area, as amended through August 6, 2007, Land Unit Recommendations, pages 105-106, the Plan states:

“Sub-unit U1

This sub-unit contains retail, auto repair, and office uses in addition to vacant land and a cemetery. The retail uses should not be expanded or intensified. Redevelopment to office use at a maximum FAR of .25 is appropriate to be more compatible with the adjacent residentially planned areas. Any commercial development in this sub-unit should provide effective screening and buffering to adjacent residential uses through landscaping and other measures including architectural treatments on all sides of the structures. Adequate landscaping should also be provided along Route 29. The existing cemetery should be preserved and adequately buffered. Development of the area adjacent to Village Drive should be designed to allow for the development of the planned interchange of Monument Drive, Village Drive and Route 29.”

The site specific language for the subject parcel has been part of the Comprehensive Plan for the Fairfax Center Area since September 20, 1982. Since that time, the Plan has called for this site to be developed as office use at a .25 maximum FAR.

ANALYSIS

Generalized Development Plan (Copy at front of staff report)

Title of GDP: 11717 Lee Highway
 Prepared By: Walter Phillips, Inc.
 Original and Revision Dates: May 30, 2008 as revised through
 January 23, 2009

GDP SHEET INDEX	
Sheet #	Description of Sheet
1 of 11	Title Sheet, General Notes, Vicinity Map, Tabulations, Sheet Index
2 of 11	Existing Conditions Plan
3 of 11	Generalized Development Plan
4 of 11	Conceptual Landscape Plan
5 of 11	Preliminary SWM, BMP, and Outfall Analysis
6 of 11	Regional Pond #D77 information
7 of 11 (A1)	Site Furnishing and Material Details
8 of 11 (A2)	Site Section Key Plan
9 of 11 (A3)	Site Sections
10 of 11 (A4)	Site Sections
11 of 11 (A5)	Roof Study

The GDP depicts the following features:

Building and Architecture: The applicant proposes to develop a three-story, 40' tall, 30,000 square foot office building that will be constructed using a combination of muted gray and blue colored EFIS (Exterior Finish Insulation System), aluminum cladding, and multiple shades of glass. The building is 146' by 74' in dimension, and the two primary access points to the building will be along the northern and western sides of the building. The shorter side of the building will face north along Route 29. Due to the extreme topography on the site, in order to develop the building as proposed, the majority of the first level of the building will be below grade and is therefore considered cellar space. The FAR is 0.22.

Right-of-way Dedication: The GDP and the proffers reflect a right-of-way dedication of 13,885 square feet (119' from centerline) by the applicant that will accommodate the future planned improvement at Village Drive/Monument Drive and Route 29, as well as the 10' trail as required by the Comprehensive Plan. This area also includes land dedication an on-road bicycle lane, to which the applicant has proffered funds for its construction in the future.

Signage: Sheet 7 of the GDP depicts the sign that will be placed in the northeast corner near the site entrance. The sign will be monument style and comprised of stone, concrete, and metal. The applicant has proffered that all signage will conform to Article 12 of the Zoning Ordinance and that no illuminated signage will be placed on the eastern or southern façades of the building that face the residential properties.

Lighting: The GDP depicts several light fixtures and poles that will be provided on the property. The fixtures are a downward, cut-off style and will be focused to illuminate the sidewalks and parking/driving areas. In addition, the applicant has agreed to a 15-20' pole height in order to reduce the impact of the lights on the adjacent residential properties. The outdoor lighting will be on timers that will turn off at 11:00 pm. Building accent lighting will be directed towards the building surfaces, and all outdoor lighting will be designed to minimize glare.

Access and Parking: Access will be provided from an entrance onto the proposed service drive along Route 29. No interparcel access to the Lee Plaza shopping center is proposed. The existing access road to the north of the property, McKenzie Avenue, will remain unimproved until such time as Fairfax County or VDOT warrant its improvement. The GDP shows 108 parking spaces that are located on the northern, southern, and western sides of the building.

Sidewalks and Pedestrian Access: The applicant is providing the 10' trail along the Route 29 frontage as required by the Comprehensive Plan. In addition, the applicant has proffered to completing a missing section of off-site sidewalk that will provide the pedestrian connection from the shopping center to the property

and further east. A crosswalk is shown at the entrance to the site from the service drive, allowing pedestrians safe access to and from the site.

Open Space and Landscaping: Approximately 30% of the site will consist of open space. Ornamental plantings are shown within the Route 29 right-of-way and adjacent to the parking area in the northeast portion of the site. No landscaping is shown around the building entrance. Dense transitional screening plantings are shown along the eastern and southern property lines. Consistent with the design guidelines for the Comprehensive Plan, the landscape plan indicates that the deciduous trees will be a minimum of 3- 3.5 inches in caliper while the evergreen trees will be between 6-10 feet in height.

Stormwater Management: As stated on Sheet 5 of the GDP, the applicant intends to utilize Regional Pond D-77 for stormwater management and BMP for this property. Pond D-77 was designed to fulfill the BMP and stormwater management requirements for the watershed draining into it, which includes this site. The applicant will need to apply for a stormwater management waiver at time of site plan, and supplemental water quality controls may be required or provided at that time.

Land Use Analysis

The Comprehensive Plan guidance for this sub-unit recognizes the existing retail uses, and recommends that such retail uses not be expanded. Specific language also calls for commercial development to provide “effective screening and buffering to adjacent residential uses through landscaping and other measures including architectural treatments on all sides of the structures.” Additionally, the Plan states that “adequate landscaping should also be provided along Route 29” and that development should be “designed to allow for the development of the planned interchange of Monument Drive, Village Drive, and Route 29.”

No expansion of retail uses: The site is currently vacant/undeveloped, but has been planned for office use since 1982. Therefore, staff believes that the proposal to develop an office use on the property is in harmony with the Comprehensive Plan.

Adequate landscaping along Route 29: The applicant has provided landscaping along Route 29, as well as planting within the site’s boundary along the proposed trail. The landscaping includes a mix of deciduous, evergreen, and flowering trees as well as a mix of shrubs and groundcover. The trees will be planted at the maximum size allowed under the Public Facilities Manual, which will increase the immediate effectiveness of the plantings as a screening wall from Route 29. Staff believes that the landscaping shown on the GDP is

sufficient to address the Comprehensive Plan recommendations for the site, which includes both the Fairfax Center guidelines and the site specific language.

Accommodation of the planned interchange: The applicant has committed to dedicate land area as shown on the GDP that will accommodate the future interchange at Monument Drive/Village Drive and Route 29. Therefore, this issue is addressed.

Fairfax Center Checklist Analysis (Appendix 5)

The Fairfax Center Checklist is a tool utilized by staff in evaluating a zoning application for conformance with the Comprehensive Plan for the Fairfax Center Area. The Checklist contains transportation, environmental, site design, land use, and public facilities elements.

In order to justify development at the Overlay Level, this application must satisfy all applicable basic elements; all transportation elements relating to highway improvements (rights-of-way dedication, highway construction, and off-site roadway contributions) and ridesharing programs; all essential elements; and *either* three-fourths of the applicable minor elements and one-half of the applicable major elements, or the inclusion of all applicable minor elements and one-third of the major elements. Based on staff's analysis as found in Appendix 5, the application, as proffered, satisfies 94% of the basic elements, all applicable major elements, all applicable essential elements, and all applicable major transportation elements, justifying development at the Overlay Level.

Transportation Analysis (Appendix 6)

The applicant is dedicating approximately 13,883 square feet of land along the property's Lee Highway frontage and has committed to constructing the service drive and the 10' wide trail within this right-of-way. The Fairfax County Department of Transportation (FCDOT) requested that interparcel access be provided to the west. The applicant explored this option and provided feedback to County staff as to why an interparcel connection is not feasible at this location. Due to the topographical constraints of the property, in order to maintain McKenzie Avenue, and to address parking constraints, the applicant is unable to provide the requested interparcel access.

While previous versions of the GDP suggested the elimination of McKenzie Avenue, staff and the applicant have determined that the outlet road is best kept unimproved due to the legal questions surrounding the outlet road's ownership. As a result, the applicant has chosen to leave McKenzie Avenue as an access road to the parcels to the south.

In addition to right-of-way dedication and construction improvements, the applicant has contributed to the Fairfax Center Area Road Fund, as prescribed by FCDOT and in accordance with the Board of Supervisors policy.

The Comprehensive Plan shows an on-road bike lane along Lee Highway, and the applicant has requested a waiver of the construction of this bike lane. The request to waive construction was presented to the Trails and Sidewalks Committee, who support the waiver, provided that the applicant contribute to the Springfield District Walkway Fund for its future construction. The applicant has proffered to contribute the cost of the trail's construction to this fund; therefore, staff supports the construction waiver request. The Trails and Sidewalks Committee Recommendation can be found as part of Appendix 6.

FCDOT requested that the applicant provide a small off-site section of the trail along Lee Highway that will connect the proposed 10' wide trail along the frontage with the existing sidewalk on the shopping center site. The applicant has agreed, through their proposed proffers and as shown on the plan, to build this section of the trail. This section will complete the pedestrian connection from the subject property to the Lee Plaza shopping center.

Environmental Analysis (Appendix 7)

The Policy Plan recommends that projects seeking development at the overlay level in specially designated areas such as Fairfax Center attain basic LEED certification through the USGBC (or other comparable program with third-party certification). The policy supports the application of energy conservation, water conservation and other green building practices in the design and construction of new and redevelopment projects. Although County staff has suggested the building strive to attain certification at the Silver level, due to the site's location and constraints the applicant does not believe a Silver certification level is attainable. However, the applicant is intending to pursue LEED certification at the base level and anticipates this level is attainable given the goals of the project.

The applicant has proffered to the provision of a green building escrow that would be contributed to the county to support the implementation of environmental initiatives if the building fails to attain LEED certification. The applicant has also committed to the provision of documentation regarding LEED credits to be attained and the preparation of a LEED building maintenance reference manual, a copy of which would be provided to the Department of Planning and Zoning, Environment and Development Review Branch.

Urban Forest Management Analysis (Appendix 8)

Given the intensity of the grade changes on the site, preservation of trees is not a viable option given the amount of grading required to develop the site as proposed. Preservation areas less than 25' in width will not provide adequate conditions to sustain trees in a healthy and safe condition. UFM (Urban Forest Management) believes that the proposed plantings as shown on the GDP, and as proffered, will be suitable for the specific site conditions. There are no outstanding UFM issues.

Utilities Planning and Design Analysis (Appendix 9)

The Environmental and Site Review Division of the Department of Public Works and Environmental Services reviewed this application for stormwater management requirements. The applicant proposes to use the off-site existing Regional Pond D-77 for stormwater management. The applicant will need to submit a waiver request for on-site detention requirements at the time of site plan.

Sanitary Sewer Analysis (Appendix 10)

The application property is located in the Accotink Creek (M9) watershed and would sewer into the Norman C. Cole Pollution Control Plant. Based upon current and committed flow, an existing 8 inch line located in the street is adequate for the proposed use at this time.

Water Service Analysis (Appendix 11)

The Fairfax County Water Authority has reviewed this application and has indicated that adequate domestic water service is available at the site from existing 30-inch and 8-inch water mains located at the property. No issues from the proposed development were identified.

Fire and Rescue Analysis (Appendix 12)

The property is serviced by the Fairfax County Fire and Rescue Department Station #440, Fairfax Center. The subject property currently meets fire protection guidelines.

Park Authority Analysis (Appendix 13)

As noted in the site description, the subject property is located adjacent to a cemetery and has a moderate potential for significant archeological resources. It

was noted that it was possible that the historic boundaries of the cemetery do not include all of the graves associates with the cemetery.

As recommended by the Park Authority, the applicant completed an archeological survey for the site area adjacent to the cemetery. The study revealed no unmarked graves, and no additional investigation was recommended. The full archeological report and subsequent addendum are on file in the Department of Planning and Zoning.

ZONING ORDINANCE PROVISIONS

BULK STANDARDS (C-2 ZONING)		
Standard	Required	Provided
Lot Size	20, 000 sq. ft. (minimum)	91,188 sq. ft.
Lot Width	100 ft. (minimum)	213 ft.
Building Height	40 ft. (maximum)	40 ft.
Front Yard	30° ABP, no less than 25 ft. (25 ft.)	105 ft.
Rear Yard	25 ft. (minimum)	135 ft.
FAR	.50 (maximum)	0.22
Open Space	30%	30%
Parking Parking Spaces	108 spaces	108 spaces
Loading Spaces	1 space	1 space

Transitional Screening (TS) and Barrier Requirements		
Direction	Required	Provided
North	TS Type 1 ¹ Barrier D ² or F ⁴	Waiver ⁶ Waiver
South	TS Type 1 Barrier D, E ³ , or F	Modification ⁷ Modification
East	TS Type 2 ⁵ Barrier D or F	Modification Modification
West	None required	None required

1. Transitional Screening 1 shall consist of an unbroken strip of open space a minimum of 25 feet wide planted with: (1) One large evergreen tree with an ultimate height of 40 feet or greater for every 10 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet OR (2) With approval of the Director, one large deciduous tree with an ultimate height of 50 feet or greater for every 15 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet.
2. Barrier D shall consist of a 42-48 inch chain link fence and may be required by the Director to have inserts in the fence fabric, to be coated, or to be supplanted by trees and/or shrubs.
3. Barrier E shall consist of a 6' wall, brick, or architectural block faced on the side facing the existing use and may be required to be faced on both sides as determined by the Director.
4. Barrier F shall consist of a 6' high solid wood or otherwise architecturally solid fence.
5. Transitional Screening 2 shall consist of an unbroken strip of open space a minimum of 35 feet wide planted with: (1) One large evergreen tree with an ultimate height of 40 feet or greater for every 10 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet, plus one deciduous tree with an ultimate height of 50' or greater for each 30 linear feet OR (2) With approval of the Director, one large deciduous tree with an ultimate height of 50 feet or greater for every 15 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet., plus one small deciduous tree with an ultimate height of 20' or less for each 12 linear feet.
6. The applicant has requested a waiver of the transitional screening and barrier requirement for Lee Highway.
7. The applicant has requested a modification of the transitional screening and barrier requirements for the southern and eastern property lines in favor of the proposed landscaping, fencing, and walls as shown on the GDP and in accordance with Section 13-304 of the Zoning Ordinance.

Waivers/Modifications

- o *Waiver of the construction of the on-road bicycle lane for Lee Highway.*

The applicant has dedicated the land necessary for the construction of the bicycle lane and has proffered to contribute to the Springfield District Walkway Fund, (per the recommendation of the Trails and Sidewalks Committee) in lieu of construction. Staff does not object to the requested waiver.

- o *Modification of the barrier requirement along the eastern property line (along the cemetery) to allow for a 4' high fence in lieu of a 7' high brick or architectural block wall*

The applicant is requesting the modification in order to match the fence that already exists on the adjacent cemetery property. This modification will allow the applicant to complete the existing fencing and relocate the fence gate, at their expense, for the Robertson-Kidwell Cemetery. This modification will allow the applicant to improve the site's safety, security, and access, and also provide an architecturally interesting design, staff does not object to this modification.

- *Modification of the 25' transitional screening yard on the eastern property line to allow a taper to a minimum of 12' along the cemetery property.*

The applicant is requesting this modification due to topographical constraints and the narrow configuration of the property. In order to off-set the impacts due to the narrower width of the planting area, the applicant is providing significantly more plantings in this area than would be required by the Zoning Ordinance. Therefore, staff does not object to this modification.

- *Modification to allow a 2/3 reduction of the 35' transitional screening yard along the eastern edge of the property to allow a 12' screening yard along the residential parcels to the east.*

In accordance with Section 13-304 (4) of the Zoning Ordinance, the applicant is requesting a 2/3 reduction. In lieu of the reduced planting area, the applicant will provide a 7-15' high brick or architectural block wall (as shown on the GDP.) In addition, the applicant is providing the same or greater the amount of plant material in this reduced width. Therefore, staff does not object to this modification.

- *Modification of the barrier requirement along the eastern property line to allow for a 3' high screening/safety wall along the residential parcels to the east.*

In accordance with Section 13-304(4) of the Zoning Ordinance, the applicant is requesting a modification to allow a 3' high stepped screening/safety wall along the property line with Tax Map parcels 56-2 ((25)) 26 and H. Due to the exceptional grade change between the proposed building and the residential lots, staff does not object to this modification.

- *Waiver of the 35' transitional screening yard and barrier requirement along the property's Lee Highway frontage.*

The applicant is proposing to dedicate the land and construct the service drive along the Lee Highway frontage. Due to the lot configuration, the applicant does

not believe the provision of a full transitional screening yard and barrier along the site's frontage is feasible. Staff does not object to this wavier.

- o *Modification to allow a 2/3 reduction of the required 25' transitional screening yard along the southern property line; a 7' high brick or architectural block wall will be provided.*

In accordance with Section 13-304(4) of the Zoning Ordinance, the applicant will provide a 7' high brick or architectural block wall in lieu of the full transitional screening width. The proposed wall is 8.5' off of the property line and additional landscaping will be provided in this area. There is an access road that runs to the cemetery (Tax Map parcel 56-2 ((25)) G) which runs between the subject property and the residential lots to the south. This road is approximately 25' wide and has not been included in any buffer calculations. In addition, if the residential property owners consent, the applicant is willing to provide supplemental vegetation on their properties. Therefore, staff does not object to this modification.

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

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

Staff Recommendations

Staff recommends approval of RZ 2008-SP-012, subject to the execution of proffers consistent with those set forth in Appendix 1 of the Staff Report.

Staff recommends approval of a waiver of the construction of the on-road bicycle lane for Lee Highway.

Staff recommends approval of a modification of the barrier requirement along the eastern property line to allow for a 4' high fence in lieu of a 7' high brick or architectural block wall.

Staff recommends approval of a modification of the 25' transitional screening yard on the eastern property line to allow a taper to a minimum of 12' along the cemetery property.

Staff recommends approval of a modification to allow a 2/3 reduction of the 35' transitional screening yard along the eastern edge of the property to allow a 12' screening yard along the residential parcels to the east.

Staff recommends approval of a modification of the barrier requirement along the eastern property line to allow for a 3' high screening/safety wall along the residential parcels to the east.

Staff recommends approval of a waiver of the 35' transitional screening yard and barrier requirement along the property's Lee Highway frontage.

Staff recommends approval of a modification to allow a 2/3 reduction of the required 25' transitional screening yard along the southern property line; a 7' high brick or architectural block wall will be provided.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Plan Citations
5. Fairfax Center Checklist
6. Transportation Analysis
7. Environmental Analysis
8. Urban Forest Management Analysis
9. Utilities Planning and Design Analysis (DPWES)
10. Sanitary Sewer Analysis
11. Water Authority Analysis

APPENDICES

12. Fire and Rescue Analysis
13. Park Authority Analysis
14. Glossary of Terms

PROFFER STATEMENT

11-7 Associates, LLC
RZ 2008-SP-012

Tax Map Parcel 56-2-((1))-66

Revised January 23, 2009

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950 as amended, and Section 18-204 of the Zoning Ordinance of the County of Fairfax, Virginia, as amended as of the date hereof (“Zoning Ordinance”), the property owners and the applicant/contract purchaser (“Applicant”) in this rezoning, proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 56-2-((1))-66 (“Property”) will be developed in accordance with the conditions set forth below, if and only if, said rezoning request for the C-2 zoning district is granted by the Board of Supervisors of Fairfax County (“Board”). In the event said application is denied or the Board’s approval is overturned by a court of competent jurisdiction, these proffers shall be null and void. The property owners and the Applicant, for themselves, their successors and assigns agree that these proffers shall be binding on the future development of the Property, unless modified, waived or rescinded in the future by the Board in accordance with Fairfax County and State statutory procedures. The proffered conditions are as follows:

I. GENERALIZED DEVELOPMENT PLAN.

1. Substantial Conformance: The Property shall be developed in substantial conformance with the Generalized Development Plan, dated May 30, 2008, amended through January 23, 2009, titled "11717 Lee Highway Generalized Development Plan," prepared by Walter L. Phillips Incorporated, which consists of eleven (11) sheets (“GDP”), subject to minor engineering modifications as permitted by the Zoning Ordinance and subject to review and approval by the Department of Public Works and Environmental Services (“DPWES”).
2. Minor Modifications: In addition to that described above, pursuant to paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP

and these proffers may be permitted as determined by the Zoning Administrator.

3. Lighting: All parking lot and sidewalk lighting on the Property shall be in accordance with Part 9 of Article 14 of the Zoning Ordinance, and shall be focused downward and directly on parking/driving areas and sidewalks. All outdoor parking lot and sidewalk lighting, exclusive of security lighting, that is located along the Property's southern and eastern lines will be on timers that will turn off at 11:00 p.m. In order to minimize the appearance of the parking lot lighting the Applicant will use dark sky friendly luminaires to reduce any light pollution. Along the southern and eastern property lines, these "Gullwing" style light fixtures will be on poles not to exceed 15' in height. In addition, all building accent lighting will be directed towards the building surfaces. All lighting for outdoor signage will be designed to minimize glare. The Applicant shall submit an exterior lighting plan to DPWES at time of site plan review. Through a combination of the use of non-glare glass, tinted windows, and motion sensors on the interior lights, the Applicant will minimize the effect of the interior lighting of the building on the residential lots located to the south and east of the Property. The interior lighting system for all exterior facing offices will have natural light overrides, as well as motions sensors so that these lights will turn off during unoccupied hours.
4. Architectural Design: The final architectural design of the building shall be in substantial conformance with the general type, quality and proportion of materials depicted in the illustrative perspectives, elevations and sections shown on the GDP. More particularly, the building will incorporate elements that offer its occupants the latest in office amenities, including a state of the art low solar heat gain glass curtain wall system with double and triple glazing to optimize natural light and energy efficiency. In addition, a combination of 'brise-soleil' elements, vertical louvers and shaded and spandrel glass will be used. The 'brise-soleil' elements, louvers and other storefront elements will be a silver-grey in color to compliment the different shades of blue of the window glass. The building will have strong horizontal elements that unify it with the plane of the site and help to

keep the building proportional to the adjacent shopping center and other smaller structures that surround it. The silver-grey color of the building will coordinate with the grey stone of the retaining and privacy walls, as further shown on the GDP. All site fixtures will be match the silver-grey color of the building's storefront and other metal systems. The front pylon sign will sit on a stone base to integrate it into the design of the site.

5. Unifying Elements: All street furniture, including trash receptacles, tables, benches and lamp posts shall be consistent, both in terms of materials and design, throughout the Property and in quality and character with the illustrative examples included on the GDP.
6. Trash: All outdoor trash receptacles shall conform to the standards set forth in the Public Facilities Manual for the screening of such receptacles. The Applicant shall provide at least one (1) trash receptacle in the general vicinity of the outdoor seating and patio area(s), shall provide for the removal of the trash at least one (1) time per week from this area, and shall generally clean and clear the outdoor seating and patio area(s) of trash. The Applicant shall arrange for trash pick up from the dumpster one (1) to two (2) times per week and these pickups will occur on weekdays, no earlier than 7 a.m. and no later than 9 p.m.
7. Signage: All signage provided on the Property shall comply with Article 12 of the Zoning Ordinance. Any permanent freestanding signs shall be monument type and shall be generally located as shown on the GDP. Pole signs shall not be permitted on the Property. No illuminated signs shall be permitted on the façade of the building facing the residential lots on the southern and eastern sides of the Property. All directional signage shall be consistent, both in terms of materials and design with the illustrative example included on the GDP.
8. LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN ("LEED") CERTIFICATION: (a) The Applicant will include, as part of the site plan submission and building plan submission, a list of specific credits within the most current version of the U.S. Green Building Council's Leadership in Energy and

Environmental Design-New Construction (LEED[®]-NC) rating system, or other LEED rating system determined to be applicable to the building by the U.S. Green Building Council (“USGBC”), that the Applicant anticipates attaining. A LEED-accredited professional who is also a professional engineer or architect licensed to practice in the Commonwealth of Virginia will provide certification statements at both the time of site plan and the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED Certification of the project.

(b) Prior to site plan approval, the Applicant will submit documentation to the Environment and Development Review Branch of Department of Planning and Zoning (“DPZ”), regarding the U.S. Green Building Council’s preliminary review of design-oriented credits in the LEED program. This documentation should demonstrate how the building will attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED Certification. At the time of site plan approval, the Applicant will execute a separate agreement and post a “green building escrow” in the form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$197,000.00. This green building escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of LEED Certification, by the U.S. Green Building Council, under the most current version of the LEED-NC rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to submit documentation from the U.S. Green Building Council to the Environment and Development Review Branch of DPZ that the building has attained LEED Certification will be sufficient to satisfy this commitment. If the Applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED Certification within one (1) year of issuance of the non-RUP for the building, the green building escrow will be released to Fairfax County and will be posted to a fund within the Fairfax County budget supporting implementation of its environmental initiatives.

(c) Prior to approval of non-RUPs, the Applicant will provide to the Environment and Development Review Branch of the DPZ, a letter from a LEED[®]-accredited professional certifying that a green building maintenance reference manual has been prepared for use by future building occupants (including tenants of premises to be rented or leased), that this manual has been written by a LEED-accredited professional, that copies of this manual will be provided to all future building occupants and that this manual, at a minimum: (i) provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building; (ii) provides, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation; (iii) provides, as applicable, either or both of the following: (y) a maintenance staff notification process for improper functioning equipment; or (z) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants and caulks; and (iv) provides contact information that building occupants can use to obtain further guidance on each green building component. Prior to approval of non-RUPs, the Applicant will provide an electronic copy of the manual in pdf format to the Environment and Development Review Branch of the DPZ.

II. TRANSPORTATION/TRAILS.

1. Bicycles: A bicycle parking area shall be provided for the exclusive use of the tenants of the building and their visitors. At a minimum, one (1) bicycle rack with storage sufficient for at least ten (10) bicycles shall be provided.
2. Right-of-Way Dedication: The Applicant shall dedicate and convey to the Board, in fee simple, the land area shown on the GDP (consisting of approximately

13,885 square feet) for public street purposes, which includes adequate space for a future on-road bicycle lane. The dedicated land area shall be conveyed subject to all existing easements and other encumbrances. Dedication of such right-of-way shall be made prior to or concurrent with site plan approval, or upon demand by Fairfax County, whichever occurs first.

3. Lee Highway (Route 29) Improvements: Subject to Virginia Department of Transportation (“VDOT”) and DPWES approval, the Applicant shall: (a) construct a service drive within the proposed right-of-way area, in the location as generally shown on the GDP, along the Property’s Lee Highway frontage, to extend and connect said service drive to the existing service drive located to the east and west of the Property, (b) construct a ten (10) foot wide trail within the proposed right-of-way area, as generally shown on the GDP, and (c) complete the pedestrian connection between the existing sidewalk on the retail property located to the west of the Property to the proposed ten (10) foot wide trail referenced herein (said service drive, sidewalk and trail improvements are collectively referred to as the “Lee Highway Improvements”). The Lee Highway Improvements shall be constructed prior to the issuance of any non-RUP. For purposes of this proffer, “constructed” shall mean open and available for use by the public, but not necessarily accepted by VDOT into the state secondary road system for maintenance. To the extent the final trail location requires approval from any off-site owner and/or governmental agency, the Applicant shall diligently pursue such permission from any applicable owner and/or governmental agency, at no cost to the Applicant except for typical administrative fees and costs associated with the preparation, approval and recordation of deeds, plan and plats. If the Applicant is unable to obtain the necessary permission, and has demonstrated this to DPWES by the written submission of documented attempts to obtain said permission, the Applicant shall escrow the cost for such unconstructed trail improvement with DPWES, in an amount not to exceed \$6,000.00.
4. On-Road Bicycle Lane: In lieu of the construction of an on-road bicycle lane

along the Property's Lee Highway frontage, prior to the issuance of the first non-RUP, the Applicant shall contribute funds to the Springfield District Walkway Fund, in a form deemed appropriate by Fairfax County, equal to the cost of such constructed on-road bicycle lane in accordance with the prices listed in the Fairfax County Unit Price List.

5. Fairfax Center Area Road ("FCAR") Fund: The Applicant shall contribute to the FCAR Fund in accordance with the Procedural Guidelines adopted by the Board of Supervisors on November 22, 1982, as amended, as escalated, subject to credit for all creditable expenses as determined by Fairfax County Department of Transportation and/or DPWES.
6. Density Credit: Density credit shall be reserved for the Property as provided by Section 2-308 of the Zoning Ordinance for all dedications described herein and/or as shown on the GDP, or as may reasonably be required by Fairfax County, VDOT or others at the time of site plan review.

III. STORM WATER MANAGEMENT.

Storm water management for the Property is provided by Regional Pond D-77, which will accommodate both water quality and quantity requirements that will be generated by the Property. At the time of site plan review, if it is determined by Applicant to be feasible, the Applicant will provide additional low impact development ("LID") water quality measures. These measures shall include, but may not be limited to, pervious pavers, tree box filters, vegetated swales or a vegetated roof. Any additional measures that the Applicant provides will be designed and approved in coordination with DPWES.

IV. LANDSCAPING/FENCING.

1. Landscape Plan: The Property shall be developed in substantial accordance with the landscape plan, as generally shown on Sheet 4 of 11 of the GDP, subject to modification and review by the Urban Forest Management Division ("UFMD") of DPWES, as part of site plan review. The exact locations and species of plantings may be adjusted at site plan review and shall include the planting of native and

desirable tree and plant species suitable for the specific conditions and topography of the Property, in coordination with UFMD.

2. Fence/Supplemental Landscaping: Prior to the commencement of construction, the Applicant shall provide and install at its cost, a powder coated cast aluminum four (4) foot high fence along the property line running between the Property and the adjacent parcel known as Tax Map Reference 56-2-((25))-65A (“cemetery”). The Applicant shall maintain that portion of the fence that it installs. The fence to be installed shall match the four (4) foot fence existing along the eastern edge of the cemetery. In addition, the Applicant shall coordinate with a designated representative of the cemetery to relocate, at its cost, the existing gate to the existing four (4) foot high fence to an area that will allow for more efficient entrance into the cemetery of vehicles and equipment necessary for the cemetery use. The Applicant will contact a designated representative of the cemetery to determine if supplemental landscaping is desired by the representative of the cemetery and use its best efforts to coordinate the planting of the supplemental landscaping along the common fence line on the cemetery property, in an amount to be paid by Applicant, not to exceed \$1,000.00. In the event that such supplemental landscaping is determined to be desired, the Applicant shall install such low plantings along the eastern fence line. After installation, the Applicant shall have no further obligation for the maintenance, care or replacement of said supplemental landscaping. In addition, the Applicant shall make contact with and use its best efforts to coordinate with the owners of the residential lots known as Tax Map References 56-2-((25))-18A and 19A, to provide supplemental under plantings on said lots, in an amount to be paid by Applicant, not to exceed \$1,000.00 per lot. After installation, the Applicant shall have no further obligation for the maintenance, care or replacement of said supplemental landscaping. In the event that at the time of site plan review, the owners of said lots 18A and 19A have not worked in good faith with the Applicant to establish the desired under plantings, the Applicant shall provided to DPWES, written documentation of its attempts, this proffer, as it relates to the said lots, shall be considered null and void, and of no further effect.

V. SITE AMENITIES.

The Applicant shall provide the site amenities and outdoor seating and patio area(s) as generally depicted on Sheets 3 and 7 of the GDP, including a rooftop patio area. A roof garden will be provided in the rooftop patio area that will form a 'U' around the mechanical equipment. Any lighting in the rooftop patio area will be provided by wall packs along the interior of the parapet, and these lights will not be visible from the ground. No light poles will be placed on the rooftop. All mechanical equipment on the rooftop will be at the center of the roof behind a screen to shield it from the view of and minimize any sound to the adjacent properties. The exact elements that will comprise such amenities shall be determined at the time of site plan review.

VI. GENERAL PROVISIONS.

1. Successors and Assigns: These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns. Each reference to the "Applicant" in these proffers shall include and be binding upon the Applicant's successor(s) in interest and/or developer(s) of any portion of the Property.
2. Counterparts: These proffers may be executed in one or more counterparts, each of which when so executed shall be deemed an original document and all when taken together shall constitute but one and the same instrument.

Property Owners:

Ronald A. Deangelis

Leta G. Deangelis

Applicant/Contract Purchaser:

11-7 Associates, LLC

By: _____
Name: Dario Davies
Title: Managing Member

REZONING AFFIDAVIT

DATE: January 8, 2009
 (enter date affidavit is notarized)

I, David S. Houston, Agent for Applicant, 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 1008186

in Application No.(s): RZ 2008-SP-012
 (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)
11-7 Associates, LLC Agents: Robert B. Seidel Dario (nmi) Davies	9669 A Main Street Fairfax, Virginia 22031	Applicant/Contract Purchaser Tax Map: 56-2((1))66
Ronald A. Deangelis Leta G. Deangelis	3547 Half Moon Circle Falls Church, Virginia 22044	Title Owners Tax Map: 56-2((1))66
Walter L. Phillips, Inc. Agents: Jenifer L. T. Hornback Monica R. Westgate Charles F. Dunlap Jill C. Olinger	207 Park Avenue Falls Church, Virginia 22406	Agent/Engineer

(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: January 8, 2009
(enter date affidavit is notarized)

1008186

for Application No. (s): RZ 2008-SP-012
(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)
FormDesign, LLC Agent: Dario (nmi) Davies	9669 C Main Street Fairfax, Virginia 22031	Agent/Architect
Pillsbury Winthrop Shaw Pittman LLP Agents: David S. Houston, Esquire Melanie M. Reilly, Esquire	1650 Tysons Boulevard, Suite 1400 McLean, VA 22102	Agent/Attorney /For Applicant (See attachment 1(c) for additional partners)

(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: January 8, 2009
(enter date affidavit is notarized)

100818

for Application No. (s): RZ 2008-SP-012
(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)

11-7 Associates, LLC
9669 A Main Street
Fairfax, Virginia 22031

DESCRIPTION OF CORPORATION: (check one statement)

- [x] 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)

Robert B. Seidel, Managing Member
Dario (nmi) Davies, Managing Member

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

(check if applicable) [x] 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: January 8, 2009
(enter date affidavit is notarized)

1.008186

for Application No. (s): RZ 2008-SP-012
(enter County-assigned application number (s))

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

Walter L. Phillips, Inc.
207 Park Avenue
Falls Church, Virginia 22406

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)

Jeffrey J. Stuchel, President
Brian G. Baillergeon, Executive Vice President

=====

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)

FormDesign, LLC
9669 C Main Street
Fairfax, Virginia 22031

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)

Dario (nmi) Davies, Managing Member

=====

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 Attachment to Par. 1(b)

DATE: January 8, 2009
(enter date affidavit is notarized)

1008185

for Application No. (s): RZ 2008-SP-012
(enter County-assigned application number (s))

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

Barbara M. Rossotti S Corporation
2300 N Street, NW
Washington, DC 20037

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)

Barbara M. Rossotti, Sole Shareholder

=====

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

=====

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

=====

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

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

REZONING AFFIDAVIT

DATE: January 8, 2009
(enter date affidavit is notarized)

1008186

for Application No. (s): RZ 2008-SP-012
(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)

Pillsbury Winthrop Shaw Pittman LLP
1650 Tysons Boulevard, Suite 1400
McLean, Virginia 22102

(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)

- Akiyama, Shinya (nmi)
- Akiyama, Takeo (nmi)
- Alberg, James L.
- Anthoine, Robert (nmi)
- Antonoff, Rick B.
- Askey, Elizabeth P. (former)
- Atkins, William P.
- Azim-Khan, Rafi (nmi)
- Ball, Christopher R.
- Banks, Michael C.
- Barat, Scott E.
- Barbarosh, Craig A.
- Barr, Michael R.
- Barton, John L.
- Barufka, Jack S.
- Baum, Deborah B.

(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: January 9, 2009
(enter date affidavit is notarized)

1008186

for Application No. (s): RZ 2008-SP-012
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Pillsbury Winthrop Shaw Pittman LLP
1650 Tysons Boulevard, Suite 1400
McLean, Virginia 22102(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)

Baxter, David S.	Carr, Donald A.	Dougan, Hugh M.
Bebb, Richard S.	Carter, Lee C.	Downs, Gary P.
Becker, Craig A.	Cartmell III, Nathaniel M.	Dwyer, Maureen Ellen
Becker, Stephan E.	Cate, Jan H.	Dyer, Aaron S.
• Bevilacqua, Louis A.	Cawley, Jr., Thomas A.	Easton, John F.
Benton, Gary L. (former)	Chaffin, Thomas F.	Eckland, Todd W.
Blaylock, Richard L.	Chan, Joseph W. K.	Ehlers, Wesley C. J.
Blum, Brian M.	Charles, David J.	Eigner, Richard M.
Bodor, Brian R.	Chason, Craig E.	Elliott, Mark E.
Bonano, William E.	Chudy, James T.	Engel, John (nmi)
Bornstein, Ronald E.	Clemons, Howard L.	English, Jerone J.
Boro, Jr., Albert J.	Cohen, Richard G. (retired)	Epling, Richard L.
Borovas, George (nmi)	Coleman, C. Payson	Epting, John T.
Boulanger, Carol S.	Collins, Bryan P.	Ericson, Bruce A.
Bowers, William C.	Cranston, Mary B.	• Fagan, Joseph H.
Brand, Dulcie D.	Crichlow, David A.	Farabee, David R.
Brennan, Kerry A.	Croutch, Barbara L.	Farley, Mark L.
Brodie, Frederick A.	Crowley, Leo T.	Feola, Phil (nmi)
Brownell, Eileen L.	Culwell, J. Todd	Finkel, Evan (nmi)
• Bruner, Becky M.	Cynamon, David J.	Finnegan, Michael J.
Buerger, Christian A.	Danielson, Mark J.	Fischer, Nancy A.
Buffington, Kimberly L.	Davis, R.J.	Fishman, Eric (nmi)
Burke, Carol M.	deButts, Thomas M.	Flanagan, Sarah G.
Burke, Donovan W.	del Calvo, Jorge A.	Flanders, Edward (nmi)
Burke, William L.	Delaney, Jeffrey J.	Fleming, Ronald A.
Burks, Sylvia K.	Delling, Anthony R.	Flick, Scott R.
Burns, Timothy P.	Demarco, A. John	Fong, Kevin M.
Callan, Terrence A.	deRidder, Craig A.	Franklin, Richard S.
• Campbell, James (nmi)	Devine, Patrick J.	Freeman, William (nmi)
Campbell, Thomas A.	Dine, Karen B.	Frost, Claudia Wilson
Cannon, Jr., Anthon S.	Divola, Julie A.	Fry, Elizabeth H. W.
Carlin, Norman F.	Donaldson, Richard C.	Furbush, David M.
	Dottori, Mario F.	Galeno, Maria T.
		Garrett, K. Michael

(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: January 8, 2009
(enter date affidavit is notarized)

1008186

for Application No. (s): RZ 2008-SP-012
(enter County-assigned application number (s))

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

Pillsbury Winthrop Shaw Pittman LLP
1650 Tysons Boulevard, Suite 1400
McLean, Virginia 22102

(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**)

- | | | |
|------------------------------|-------------------------------|-------------------------------|
| Gassman, Barry K. | Hill, Thomas C. | Kendall, Joseph E. |
| Gaston, Jeremy J. | Hindus, Michael S. | Keyko, David G. |
| Gatto, James G. | Hird, Mike (nmi) | Kilpatrick, Donald G. |
| Gaukler, Paul A. | Hodges, Sue J. | Kim, Hakkyun (nmi) |
| Gillon, Peter M. | Hoehn, Marla A. | Kirkpatrick, Richard L. |
| Glassie, Jefferson Caffery | Hoinig, Lawrence L. | Knight, Jeffrey A. |
| Gould, Jay B. | Hoffman, Jean-Paul G. | Koeninger, David M. (former) |
| Granneman, Vernon H. | Hollaway, William R. (former) | Konvisser, Joshua B. |
| Graves, Anna M. | Hopmann, David E. | Kramer, Kevin T. |
| Gray, Robert W. | Horsch, Rachel B. | Kremer, Eric A. |
| Green, Blaine I. | Horton, William L. (former) | Kurz, William C. F. |
| Grenfell, John M. | Houston, David S. | La Prade, Jennie L. |
| Grill, Jeffrey B. | Hovey, Justin D. | Lamarre, David R. |
| Grosser, James M. | Huang, Annie H. | Lamb, Daniel G. |
| Grossman, Andrew B. | Hunt, Peter J. | Landau, Scott E. |
| Gump, Thomas K. | Huss, William R. | Landy, Charles J. |
| Haley, George P. | Hutchings, Jeffrey D. | Latham, Laura K. |
| Hallsten, Michelle R. | Huttler, Stephen B. | Laukenmann, Chris B. |
| Hannusch, Laura E. | Hyatt, Clifford C. | Lehrenbaum, Warren U. |
| Hansen, John T. | Iwanaga, Yuji (nmi) | Leopold Tilley, Allison M. |
| Harrell, Jeffrey S. (former) | Jacobs, Bruce D. | Lessard, Mark N. |
| Harrington, Clifford M. | Jacobs, Jerald A. | Lewis, David R. |
| Harrison, Ellen (nmi) | Jaffe, Michael Evan | Liebeskind, Richard (nmi) |
| Harvey, Sheila M. | Jaffer, David H. | Lindley, David M. |
| Hasson, Kirke M. | Jakopin, David A. | Lippitt, Raymond F. (retired) |
| Hayutin, David L. | James, Robert A. | Lo, Josephine S. |
| Hellerer, Mark R. | Jensen, John E. | Lombardi, Gabriella A. |
| Hernandez, E. Rico | Johnson, Greg L. | Loran, III, Thomas V. |
| Herr, Robert C. | Jones, Robert Childress | Lowell, Frederick K. |
| Hess, Adam R. | Kaile, Davina K. | Lynch Flick, Lauren (nmi) |
| Heuga, Michael P. | Kass, Michael J. | Lynch, Courtney M. |
| Hickey, Patrick | Kearns, Christine N. | |
| Hicks, J. Portis | Kee, Terry M. | |

(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: January 8, 2009
(enter date affidavit is notarized)

1008184

for Application No. (s): RZ 2008-SP-012
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Pillsbury Winthrop Shaw Pittman LLP
1650 Tysons Boulevard, Suite 1400
McLean, Virginia 22102(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)

MacLean, Matthew J.	• Nakahara, Toru (nmi)	Pope, Marcia L.
Maggio, Rick (nmi)	Nara, Fusae (nmi)	Potter, Patrick J.
Main, David C.	Newman, Dana P.	Poulos, John S.
Maller, Brant K.	Nishawala, Vipul Natwarlal	Pozzerle, Sergio A.
Mann, Kimberly V.	Niver, Margaret M.	Prince, Allison Carney
Margolis, Daniel R.	Nuchi, Lior O.	Prioleau, Florence W. (former)
Marshall, Patrick C.	O'Connor, Eileen J.	Pritchard, John F.
Masetti, Jim (nmi)	O'Donnell, Thomas P. (former)	Quinn, Kenneth P.
Mason, Miles S.	O'Neill, Jr., John H.	• Reddy, Harsha (nmi)
Matsubara, Kerne H. O.	Ogders, Richard W.	• Rhinelander, John b.
Matus, Wayne C.	Odrich, David G.	Richards, Glenn S.
Mauel, John G.	Oser, Aaron M.	Richardson, Christine L.
McCall, Jennifer Jordan	Otterbeck, Charlotta (nmi)	Richer, Diane Shapiro
McDiarmid, Bruce W.	• Ouimette, Michael (nmi)	Rishwain, James M.
McDonald, John M.	Owens, F. Joseph	Robbins, Robert B.
McKay, Jack (nmi)	Pacelli, Albert P.	Robertson, Peter D.
McNevin, Christopher J.	Park, JiJi (nmi)	Robinson, Walter J.
Meltzer, Steven L.	Patay, Christopher H.	• Rogers, George M.
Menotti, David E.	Patrikis, Ernest T. (former)	Roethe, James N. (former)
Metzger, Robert S.	Peck, Rodney R.	Romanow, Josh (nmi)
Miller, David L.	Peppers, Jerry P.	Rosegay, Margaret N.
Miller, Jr., J. Gregg	Perron, Edward A.	Rosenfeld, Richard M.
Miller, William C.	Peterson, Charles H.	Ross, Jeffrey S.
Milonas, E. Leo	Petkovic, Denis (nmi)	Ross, Jerry W.
Minnes, Frederick D.	Phelps, Robert C.	Rossotti, Barbara M.
Minnick, M. David	Pickrell, Greg L.	Rusmiser, Stephen R.
Modisette, Ruth (nmi)	Pierson, Stanley F.	Russo, Jonathan J.
Moeller, Elizabeth Vella	Pittman, Steuart L.	• Salaman, Christian A.
Moon, Alexander P.	Pivnick, Scott J.	Scheuneman, Christine A.
Moran, Theresa G. (former)	Plotz, Thomas J.	Schlaefler, Cindy V.
Morrissey, Richard (nmi)	Polidora, Roxane A.	Schmeltzer, Kathryn R.
Morton, Thomas D.		Schoknecht, Kim T.
Murphy, Michael (nmi)		Schultis, Lawrence A.

S Corp.

(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: January 8, 2009
(enter date affidavit is notarized)

1008186

for Application No. (s): RZ 2008-SP-012
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Pillsbury Winthrop Shaw Pittman LLP
1650 Tysons Boulevard, Suite 1400
McLean, Virginia 22102(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)

Schumaecker, Michael P.
Seff, James M.
Segal, Richard M.
Serota, Susan P.
Shaikh, Ayaz R.
Shapiro, Daryl M.
Shesmith, Thomas M.
Siegilitz, Frank E.
Silberg, Jay E.
Sirilla, George M.
Slattery, Robert V.
Snyder, David R.
Snyder, Glenn Q.
Sommer, Scott A.
Sorenson, Jacob R.
Soukup, Lynn A.
Sparks, Jr., Thomas E.
Spartz, Nathan M.
Spear, Robin L.
Spjut, Robert J.
Stanton, David L.
Steel, Michael J.
Stein, Jane W.
Stein, Sheryl E.
Strong, Andrew L.
Stubbs, Sam (nmi)
Sullivan, Robert E.
Swartz, Matthew (nmi)
Sweigart, Raymond L.
Taber, Kenneth W.
Thomas, Tom C.
Thoren-Peden, Deborah S.
Tiano, Joseph R.
Tiffany, Joseph R.
Tippetts, David R. (former)

Toering, Rick A.
Tomaszczuk, Alex D.
Travieso-Diaz, Matias F.
Tribble, Douglas R.
• Trock, Jennifer E.
• Tummonds, Paul (nmi)
• Utterback, Meg (nmi)
Van Buskirk, Ronald E.
Van Over, C. Joel
Vejvoda, Charles H.
Vesely, Jeffrey M.
Wainwright, C. Brian
Wall, Christopher R.
Wallan, Robert L.
Waller, William S.
Warden, Philip S.
Weber, Paula M.
Webster, Benjamin L.
Webster, Jan H.
• Weiner, Stephen A.
Weinstock, Robert N.
Westberg, Robert M.
Wetherell, John R.
White, Blair W.
White, Mark N.
White, Wendelin A.
Whitlock, Wayne M.
Whitney, Jonathan B.
Wilkins, James H.

Williams, Linda C.
Wise, Roger R.
Wolff, D. Craig
Wong, Brian M.
Wong, Stanton D.
Wright, Tim (nmi)
Wurzburg, Stephen M.
• Wyckoff, Peter H.
Yablon, Jeffery L.
Yaghmaie, Bo (nmi)
Yasuda, Hisayo (nmi)
Yates, Angela M.
Young, Patricia F.
Zahler, Robert E.
Zaitlen, Richard H.
Zaragoza, Richard R.
Zuckerman, Jeffrey R.

The above names are the only
partners in Pillsbury Winthrop Shaw
Pittman LLP

(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: January 8, 2009
(enter date affidavit is notarized)

1008186

for Application No. (s): RZ 2008-SP-012
(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: January 8, 2009
(enter date affidavit is notarized)

1008186

for Application No. (s): RZ 2008-SP-012
(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)

[Signature]
[] Applicant [x] Applicant's Authorized Agent

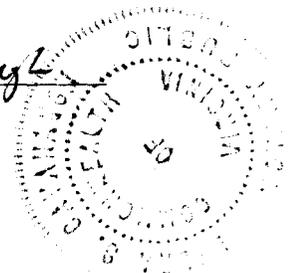
David S. Houston, Esquire, Agent for Applicant
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 8 day of January, 2009, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 8-31-2010

Registration No: 7012050



11-7 Associates, LLC**Rezoning Application****Statement of Justification**

Revised January 7, 2009

- I. Introduction. This rezoning application ("Application"), filed on behalf of the property owners and the contract purchaser, 11-7 Associates, LLC (hereinafter collectively the "Applicant") for the property located at 11717 Lee Highway, Fairfax and identified as Fairfax County Tax Map Parcel 56-2-((1))-66 ("Property"), requests approval of a rezoning of the Property from its current R-1 designation to the C-2 (Limited Office) district to allow the Property to be developed in substantial conformance with the Generalized Development Plan as prepared by Walter L. Phillips, dated May 30, 2008 and revised through December 11, 2008 ("GDP").
- II. Current Conditions. The Property is currently unimproved and vacant.
- III. Proposed Improvements/Contributions.

The following is a list of the specific improvements and contributions that are proposed by the Applicant:

- The dedication of approximately 13,885 square feet of right-of-way for a service drive and a ten (10) foot wide trail, within the right-of-way, along the Property's frontage on Lee Highway (as more particularly shown on the GDP).
- The construction of the service drive and the trail along the Property's frontage on Lee Highway (as more particularly shown on the GDP), and the construction of the connection between the proposed trail and the existing sidewalk located to the west of the Property.
- Due to the inappropriate and unsafe location of an on-road bicycle lane along the Property's frontage, rather than construct an on-road bicycle lane with the right-of-way to be dedicated, the Applicant will contribute funds to the Springfield District Walkway Fund, as more particularly set forth in the proffered conditions.
- The provision of outdoor amenities such as outdoor patio(s) and bench area(s) along the eastern side of the building and on the rooftop, for use by the tenants and their visitors.
- The Applicant will proffer to work with a designated representative of the Robertson cemetery, known as Tax Map Parcel 56-2-((25))-65A ("cemetery property"), located along the Property's eastern edge, to provide supplemental landscaping on the cemetery property in addition to the installation of and maintenance of a four (4) foot high powder coated cast aluminum fence (to match the existing fence). The Applicant will proffer to install the fence prior to the

commencement of its construction on the Property, in order to minimize any effect that the construction would have on the cemetery property. In addition, the Applicant will proffer to relocate the gate that exists on the current fence in order to better accommodate access to the cemetery property by those vehicles and equipment necessary for the cemetery use.

- The provision of a bicycle parking area for the use by the tenants of the building and their visitors. At a minimum, one (1) bicycle rack with storage sufficient for at least ten (10) bicycles will be provided.
- The Applicant will proffer to use its best efforts to work with the property owners of the two (2) residential parcels known as Fairfax County Tax Map Parcels 56-2-((25))-18A and 19A to provide supplemental landscaping on their property.

- IV. Type and Hours of Operation. The Applicant expects that standard office hours of approximately 7:30 a.m. to 7:30 p.m. will apply to this building and that there will be multiple tenants, rather than a single tenant user. The Applicant will use its commercially reasonable efforts to (i) arrange for trash pick up from the dumpster area no earlier than 7 a.m. and no later than 9 p.m., and (ii) to implement a weekly trash removal program for the outdoor seating and patio area(s) in order to minimize any blowing trash, or trash odors.
- V. Lighting. The Applicant will use commercially reasonable efforts to minimize the effect of both interior and outdoor lighting on the residential lots located at the southern and eastern sides of the Property. As more particularly set forth in the proffered conditions, these efforts will include having a timer on outdoor lights and the use of non-glare glass, blinds and tinted windows on the building's façade that faces these residential lots. The Applicant will proffer to prepare a lighting plan for the project.
- VI. Signage. In accordance with the GDP and the proffered conditions, any permanent freestanding signs on the Property will be monument type. Pole signs will not be permitted on the Property. In addition, in order to minimize any glare, no illuminated signs will be placed on the façade of the building that faces the residential lots to the south and east of the Property.
- VII. McKenzie Avenue. The Applicant has designed the project to allow the private outlet road, commonly referred to as "McKenzie Avenue" to remain as is, for so long as the Virginia Department of Transportation and Fairfax County allow.
- VIII. Description of Proposed Building. The Applicant proposes to construct a three (3) story (including a cellar) environmentally friendly green office building on the Property, and the Applicant anticipates, as more particularly set forth in the proffered conditions, attaining Leadership in Energy and Environmental Design (LEED) Certification for the building. It is anticipated that the Silver level of certification is unattainable on the site due the following reasons: (1) topographic constraints and the inability to gain credit points for using existing vegetation, (2) inability to gain credit points for the reuse of any existing structures, and (3) topographic constraints and the inability to gain credit points

for optimal building orientation. However, by attaining basic LEED Certification for the building, the Applicant will be providing a healthier work environment for the occupants, while at the same time reducing waste and conserving energy and water.

- IX. Site Design. The proposed layout provides for enhanced buffering of the residential neighborhoods by locating the majority of the on-site surface parking to the west of the Property adjacent to the neighboring commercial development. The proposed building is located close to Lee Highway (Route 29) to allow for visibility of the building from the street.
- X. Estimated Traffic Impact/Dedication of Right-of-Way and Extension of Service Drive. Attached to this Statement of Justification is a Memorandum from Walter L. Phillips, dated May 27, 2008, confirming that a Traffic Impact Analysis, pursuant to Section 15.2-2222.1 of the Code of Virginia and Chapter 527 of the 2006 Acts of Assembly, is not required with this rezoning application, as based on the 7th Edition Trip Generation ITE book, due to the estimated trips generated by the proposed use of the Property as office. In addition, as more particularly set forth in the proffered conditions, the Applicant is proposing to dedicate approximately 13,885 square feet of right-of-way along the Property's Lee Highway frontage and to construct the service road in order to connect it with those segments of the service road currently existing to the west and east of the Property. This will allow the completed service road to function, in the future, as a collector road when additional planned improvements are made to Lee Highway.
- XI. Archaeological Study. The Applicant has tendered to Fairfax County and to the Cultural Resource Management and Protection Section of Fairfax County, a study performed for it by ECS LLC, on July 1, 2007 and August 9, 2007 to determine if there are any graveshafts located on the Property. ECS prepared an Addendum Report dated October 22, 2008 ("ECS Report"), the purpose of which was to clarify both the methodology used in the study and the conclusions made. The ECS Report has been reviewed with both Fairfax County and representatives of the owners of the cemetery property. The conclusion made in the ECS Report is that, after a careful on-site analysis, there is no evidence of any graveshafts or human graves on the Property. Any anomalies that originally presented during the on-site study were determined by ECS to be such things as tree roots or fence posts. Nonetheless, ECS recommended that a twenty-five (25) foot buffer be maintained from the eastern property line of the Property to any building. In some areas, the buffer to be provided by the Applicant will be greater than twenty five (25) feet and some areas the buffer will taper down to twelve (12) feet. While a portion of the parking area will be located within the twenty-five (25) foot buffer recommended by ECS, this is justified by the conclusions in the ECS Report that nothing was found during the study in this area. A visual buffer will be maintained, however, by increased landscaping. Finally, while a six (6) foot walkway is shown on the GDP within a portion of the buffer area, there will be no excavation done in order to construct the walkway and it will effectively seal and protect this area from any encroachments.
- XII. Hazardous and Toxic Substances. To the best of the Applicant's knowledge, there are no hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355, hazardous waste as set forth in Commonwealth of

Virginia/Department of Waste Management Regulations VR 672-10-1, the Virginia Department of Environmental Quality Hazardous Waste Management Regulations, and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280 on the Property.

XIII. Requested Waivers/Modifications.

- As set forth above, the Applicant seeks a waiver of the construction of the on-road bicycle lane and in lieu thereof, will proffer to contribute an amount to be determined to the Springfield District Walkway Fund. The Property is located next to two (2) parcels that currently have constructed service drives and do not show or provide for an on-road bicycle lane. As such, due to the Property's location along a service drive, the area is not well suited for an on-road bicycle lane. Finally, the preliminary plans for the road improvements to Route 29 do not incorporate a bicycle lane, and therefore, there is no practical manner by which to provide for a safe on-road bicycle lane in this area of the roadway.
- Due to the topographical constraints of the Property and in order to maintain the outlet road, McKenzie Avenue and to prevent a loss of parking, the Applicant will be unable to provide interparcel access with the property located to its west. The Applicant's provisions for the dedication of right-of-way and the commitment to construct the service drive in the proposed right-of-way should alleviate this need.
- In accordance with Section 13-304(4) of the Zoning Ordinance, the Applicant is requesting that the Director allow a modification of the barrier requirement along the property line with the cemetery property to allow for a four (4) foot high powder coated cast aluminum fence in lieu of the seven (7) foot high brick or block architectural wall. This modification will allow the Applicant to provide a fence that matches the existing fence that is located along a portion of the cemetery's property, and it is the understanding of the Applicant, that this is the desire of the owners of the cemetery.
- In accordance with Section 13-304(4) of the Zoning Ordinance, the Applicant is requesting that the Director allow a modification of the twenty-five (25) foot transitional screening yard along that portion of the eastern property line running along the cemetery property, to allow the transitional screening yard to taper down to a minimum of twelve (12) feet. The Applicant is willing to provide supplemental landscaping on the cemetery property along the fence line, if so desired by the cemetery property owners. In addition, the Applicant is providing significantly more plantings and landscaping than required in order to offset any visual encroachment that the building may have. Due to the topographical constraints of the Property and its narrow configuration, and the fact that the Applicant has designed the site to accommodate the needs of the owners of the cemetery property, as well as those property owners who desire the continued existence of McKenzie Avenue (which necessitates grading and the installation of a retaining wall along McKenzie Avenue), the Applicant is unable to provide the full width of the transitional screening yard. While the width of the yard provided

is not the full amount required, the Applicant is providing the same or greater the amount of screening required under the Zoning Ordinance.

- In accordance with Section 13-304(4) of the Zoning Ordinance, the Applicant is requesting that the Director allow a 2/3 reduction of the thirty-five (35) foot transitional screening yard along the eastern edge of the Property to allow a twelve (12) foot screening yard adjacent to those properties known as Tax Map Parcels 56-2-((25))-26 and H. In support of this request for a modification, the Applicant is proposing to provide a seven (7) foot to fifteen (15) foot high brick or architectural block wall, as more particularly shown on the GDP. While the width of the yard provided is not the full amount required, the Applicant is providing the same or greater the amount of screening required under the Zoning Ordinance.
- In accordance with Section 13-304(2) of the Zoning Ordinance, the Applicant is requesting that the Director allow a modification of the barrier requirement to allow for a three (3) foot high stepped screening/safety wall along the property line with Tax Map Parcels 56-2-((25))-26 and H.
- In accordance with Section 13-304(2) of the Zoning Ordinance, the Applicant is requesting that the Director allow a waiver of the thirty-five (35) foot transitional screening yard and barrier requirement along the Property's frontage with Lee Highway. The Applicant is proposing to dedicate and construct the service drive along its frontage, as more particularly shown on the GDP, and therefore, due to the lot configuration, the provision of a full transitional screening yard and barrier along Lee Highway is not feasible.
- In accordance with Section 13-304(4) of the Zoning Ordinance, the transitional screening yard and planting requirements may be reduced by as much as two thirds (2/3rds) when the developer chooses to construct a seven (7) foot high brick or architectural block wall. This will be provided along the southern property line. The proposed wall is located approximately 8 ½ feet off the property line, with significant additional landscaping. There is an access road to the cemetery property, known as Tax Map Parcel 56-2-((25))-G, which runs between the Property and the residential lots to the south. This road is approximately twenty-five (25) feet, and has not been included in any buffer calculations by the Applicant. In addition, if desired, the Applicant is willing to provide supplemental vegetation, as more particularly set forth in the proffered conditions, with the consent of and for the owners of the residential lots known as Tax Map Parcels 56-2-((25))-18A and 19A. While the width of the yard provided is not the full amount required, the Applicant is providing the same or greater the amount of screening required under the Zoning Ordinance.

XIV. Conformance with the Comprehensive Plan and Zoning Ordinance. The proposed improvements to the Property are in accordance with the Fairfax County Comprehensive Plan ("Comprehensive Plan"), and in particular, with the recommendations for the Fairfax Center Area, as follows:

- The language in the Comprehensive Plan for this sub-unit (Unit U-1) provides that redevelopment to office is appropriate at a maximum FAR of .25 to be more compatible with the adjacent residential planned areas. The proposed office building will have an FAR of .22. The Comprehensive Plan further states that office applications shall provide effective screening and buffering to the adjacent residential and cemetery properties through landscaping and four-sided architectural treatment. The Applicant is proposing four-side architectural treatments to the proposed building. As set herein, the Applicant is requesting several modifications and waivers, and is providing architectural brick or block walls and a comprehensive landscaping and screening plan to mitigate any potential adverse impact to the adjacent residential neighborhood. The Applicant is providing plantings more densely than required under the Zoning Ordinance on the Property.
- The development of the Property as an office building should help to decrease or minimize any unsafe or criminal activity in the area by the inclusion of lighting on the Property, and the elimination of the brush and uncared for vegetation that currently exists.
- The property values of the neighboring residential lots will be maintained, if not increased, by the development of a high end office building. The site will be professionally landscaped and the site amenities, including benches, table, lamp posts, and signage will be an improvement to the current condition of the Property.
- Also, the proposed improvements to the Property will conform to all applicable regulations and standards for development under provisions of the Fairfax County Zoning Ordinance in the C-2 (Limited Office) district.

XV. Fairfax Center Area. In accordance with the Comprehensive Plan and in furtherance of the land use plan recommendations for the Fairfax Center Area, the following is a partial list of the Applicant's proposals:

- The provision of detailed and integrated design elements, as more particularly shown on the GDP, including a detailed entrance design to enhance the impression and identity of the building through the use of the proposed signage, plantings, lighting and screening techniques.
- An increase in the quality and character of the project as a whole through the use of unified street furnishings within the project.
- The use of creative architectural design for the proposed building to afford the maximum possible buffer along the eastern side of the Property, adjacent to the cemetery property.
- The use of energy conservative techniques by attaining LEED Certification.

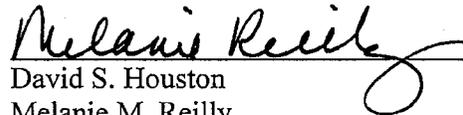
- The provision of well-located and well-landscaped safe parking areas.
- The provision of patio or plaza areas for use by the tenants.
- The provision of right-of-way dedication, road construction and off-site road contributions, all as more particularly set forth herein and in the proffered conditions.
- The use of additional landscaping throughout the Property above that required by the Zoning Ordinance.

For all of the aforementioned reasons, 11-7 Associates, LLC respectfully requests that the Staff and Planning Commission endorse, and the Board of Supervisors to approve, this request for a rezoning of the Property.

Respectfully submitted,

Pillsbury Winthrop Shaw Pittman, LLP

By:



David S. Houston

Melanie M. Reilly

Attorney for the Applicant

LAND UNIT U

CHARACTER

This land unit is located south of Route 29 across from the Fairfax County Government Center. Existing uses include a portion of the stable Leehigh subdivision, vehicle repair and service uses, and some vacant tracts. This area serves as a transition to the area to the south that is zoned R-C and planned for low density residential use in conformance with the Occoquan Basin Study recommendations.

RECOMMENDATIONS

Land Use

Sub-unit U1

This sub-unit contains retail, auto repair, and office uses in addition to vacant land and a cemetery. The retail uses should not be expanded or intensified. Redevelopment to office use at a maximum FAR of .25 is appropriate to be more compatible with the adjacent residentially planned areas. Any commercial development in this sub-unit should provide effective screening and buffering to adjacent residential uses through landscaping and other measures including architectural treatments on all sides of the structures. Adequate landscaping should also be provided along Route 29. The existing cemetery should be preserved and adequately buffered. Development of the area adjacent to Village Drive should be designed to allow for the development of the planned interchange of Monument Drive, Village Drive and Route 29.

Sub-unit U2

This sub-unit is planned for residential use at 2 dwelling units per acre at the overlay level. Adequate buffering should be provided for those parcels fronting on Route 29.

Existing spot commercially-zoned parcels along Route 29 should not be expanded or intensified. Redevelopment to uses which are more compatible to the adjacent planned residential areas should be encouraged.

LAND UNIT SUMMARY CHART – LAND UNIT U

<u>Sub-units</u>	<u>Approximate Acreage</u>		
U1	17		
U2	68		
<u>Land Unit</u>	<u>Recommended Land Use</u>	<u>Intensity/ FAR</u>	<u>Density Units/Acre</u>
Baseline Level			
U1, U2	RESIDENTIAL		1

LAND UNIT SUMMARY CHART – LAND UNIT U (continued)			
Intermediate Level			
U1	OFFICE	.15	
U2	RESIDENTIAL		1.5
Overlay Level			
U1	OFFICE	.25	
U2	RESIDENTIAL		2
Note: Part of these sub-units is within the Water Supply Protection Overlay District.			

LAND UNIT V

CHARACTER

This land unit is located south of Route 29 on either side of Shirley Gate Road. The planned intensities are greatest to the north and then taper down to the south where the area is planned for low density residential use in conformance with the findings of the Occoquan Basin Study. There are a variety of land uses in this land unit including retail, warehousing, housing, a mobile home park, and a Fairfax County Boys' Probation Home.

RECOMMENDATIONS

Land Use

Sub-unit V1

Parcels north of the right-of-way for the Manassas Gap Railroad or north of the Kiel Gardens subdivision are planned for residential use at 3 dwelling units per acre at the overlay level to provide for infill development that is compatible with the Deerfield Forest subdivision. The only exceptions to this recommendation are the commercially-zoned properties at the southwestern quadrant of Shirley Gate Road and Route 29, which are planned for low intensity office use at a maximum FAR of .25. However, much of this commercially-zoned area may be used to accommodate the planned interchange at Shirley Gate Road and Route 29. Any development of this area should not preclude the construction of the interchange.

Those parcels generally south of the railroad right-of-way are planned for residential use at 2 dwelling units per acre at the overlay level.

Land in the southeastern-most portion of this sub-unit is planned for residential uses within a density range of .1-.2 dwelling unit per acre. This conforms with the findings in the Occoquan

FAIRFAX CENTER CHECKLIST

Transportation Systems

Case Number:

RZ 2008-SP-012

Plan Date:

1/23/2009

Not

Comments

Satisfied

Essential

Applicable

Not Applicable

I. AREA WIDE BASIC DEVELOPMENT ELEMENTS

	Not Applicable	Applicable	Essential	Satisfied	Comments
A. Roadways					
1. Minor street dedication and construction	X				
2. Major street R.O.W. dedication		X	X	X	Route 29 dedication
B. Transit					
1. Bus loading zones with necessary signs and pavement; Bus pull-off lanes	X				
2. Non-motorized access to bus or rail transit stations	X				
3. Land dedication for transit and commuter parking lots	X				
C. Non-motorized Transportation					
1. Walkways for pedestrians		X	X	X	Comprehensive Plan Trail
2. Bikeways for cyclists		X	X	X	Contribution
3. Secure bicycle parking facilities		X		X	

II. AREA WIDE MINOR DEVELOPMENT ELEMENTS

A. Roadways					
1. Major roadway construction of immediately needed portions	X				
2. Signs	X				
B. Transit					
1. Bus shelters	X				
2. Commuter parking	X				
C. Non-motorized transportation					
1. Pedestrian activated signals	X				
2. Bicycle support facilities (showers, lockers)	X				
D. Transportation Strategies					
1. Ridesharing programs	X				
2. Subsidized transit passes for employees	X				

III. AREA WIDE MAJOR DEVELOPMENT ELEMENTS

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FAIRFAX CENTER CHECKLIST

Transportation Systems

Case Number:

RZ 2008-SP-012

Plan Date:

1/23/2009

Not

	Applicable	Not Applicable	Essential	Satisfied	Comments
A. Roadways					
1. Contribution towards major (future) roadway improvements		X	X	X	Fairfax Road Fund
2. Construct and/or contribute to major roadway improvements	X				
3. Traffic signals as required by VDOT	X				
B. Transit					
1. Bus or rail transit station parking lots	X				
C. Transportation Strategies					
1. Local shuttle service	X				
2. Parking fees	X				
D. Non-motorized Circulation					
1. Grade separated road crossings	X				

FAIRFAX CENTER CHECKLIST

Environmental Systems

Case Number: RZ 2008-SP-012

Plan Date: 1/23/2009

Case Number:

Plan Date:

Not
Applicable Applicable Essential Satisfied Comments

I. AREA-WIDE BASIC DEVELOPMENT ELEMENTS					
	Not Applicable	Applicable	Essential	Satisfied	Comments
A. Environmental Quality Corridors (EQC)					
1. Preservation of EQCs as public or private open space	X				
B. Stormwater Management (BMP)					
1. Stormwater detention/retention		X	X	X	
2. Grassy swales/vegetative filter areas		X		X	see proffers
C. Preservation of Natural Features					
1. Preservation of quality vegetation	X				
2. Preservation of natural landforms	X				
3. Minimize site disturbance as a result of clearing or grading limits	X				
D. Other Environmental Quality Improvements					
1. Mitigation of highway-related noise impacts	X				
2. Siting roads and buildings for increased energy conservation (Including solar access)	X				

II. AREA-WIDE MINOR DEVELOPMENT ELEMENTS					
	Not Applicable	Applicable	Essential	Satisfied	Comments
A. Increased Open Space					
1. Non-stream valley habitat EQCs	X				
2. Increased on-site open space	X				
B. Protection of Ground Water Resources					
1. Protection of aquifer recharge areas	X				
C. Stormwater Management (BMP)					
1. Control of off-site flows		X	X	X	
2. Storage capacity in excess of design storm requirements	X				
D. Energy Conservation					
1. Provision of energy conscious site plan		X		X	proffered LEED commitment

III. AREA-WIDE MAJOR DEVELOPMENT ELEMENTS

FAIRFAX CENTER CHECKLIST

Environmental Systems

Case Number:
Plan Date:

RZ 2008-SP-012
1/23/2009

Not

	Applicable	Not Applicable	Applicable	Essential	Satisfied	Comments
A. Innovative Techniques						
1. Innovative techniques in stormwater management	X					
2. Innovative techniques in air or noise pollution control and reduction	X					
3. Innovative techniques for the restoration of degraded environments	X					

FAIRFAX CENTER CHECKLIST

Provision of Public Facilities

Case Number:
Plan Date:

RZ 2008-SP-012
1/23/2009

Not

Applicable Applicable Essential Satisfied Comments

I. AREA-WIDE BASIC DEVELOPMENT ELEMENTS

	Applicable	Applicable	Essential	Satisfied	Comments
A. Park Dedications					
1. Dedication of stream valley parks in accordance with Fairfax County Park Authority policy	X				
B. Public Facility Site Dedications					
1. Schools	X				
2. Police/fire facilities	X				

II. AREA-WIDE MINOR DEVELOPMENT ELEMENTS

A. Park Dedications					
1. Dedication of parkland suitable for a neighborhood park	X				
B. Public Facility Site Dedication					
1. Libraries	X				
2. Community Centers	X				
3. Government offices/facilities	X				

III. AREA-WIDE MAJOR DEVELOPMENT ELEMENTS

A. Park Dedications					
1. Community Parks	X				
2. County Parks	X				
3. Historic and archeological parks	X				
B. Public Indoor or Outdoor Activity Spaces					
1. Health clubs	X				
2. Auditoriums/theaters	X				
3. Athletic fields/major active recreation facilities	X				

FAIRFAX CENTER CHECKLIST

Land Use - Site Planning

Case Number: RZ 2008-SP-012

Plan Date: 1/23/2009

Case Number: RZ 2008-SP-012

Plan Date: 1/23/2009

Not

Applicable Applicable Essential Satisfied Comments

I. AREA-WIDE BASIC DEVELOPMENT ELEMENTS					
	Applicable	Applicable	Essential	Satisfied	Comments
A. Site Considerations					
1. Coordinated pedestrian and vehicular circulation systems		X		X	off-site sidewalk connection
2. Transportation and sewer infrastructure construction phased to development construction	X				
3. Appropriate transitional land uses to minimize the potential impact on adjacent sites	X				
4. Preservation of significant historic resources		X		X	
B. Landscaping					
1. Landscaping within street rights-of-way		X		X	
2. Additional landscaping of the development site where appropriate		X	X	X	
3. Provision of additional screening and buffering		X			
II. AREA-WIDE MINOR DEVELOPMENT ELEMENTS					
A. Land Use/Site Planning					
1. Parcel consolidation	X				
2. Low/Mod income housing	X				
B. Mixed Use Plan					
1. Commitment to construction of all phases in mixed-use plans	X				
2. 24-hour use activity cycle encouraged through proper land use mix	X				
3. Provision of developed recreation area or facilities	X				

FAIRFAX CENTER CHECKLIST

Land Use - Site Planning

Case Number:

RZ 2008-SP-012

Plan Date:

1/23/2009

Not

	Applicable	Essential	Satisfied	Comments
III. AREA-WIDE MAJOR DEVELOPMENT ELEMENTS				
A. Extraordinary Innovation				
1. Site design	X			
2. Energy conservation	X			

FAIRFAX CENTER CHECKLIST

Detailed Design

Case Number:

RZ 2008-SP-012

Plan Date:

1/23/2009

Not

Applicable Applicable Essential Satisfied Comments

I. AREA-WIDE BASIC DEVELOPMENT ELEMENTS					
A. Site Entry Zone					
1. Signs		X	X	X	
2. Planting		X	X	X	
3. Lighting		X	X	X	
4. Screened surface parking		X	X	X	
B. Street Furnishings					
1. Properly designed elements such as lighting, signs, trash receptacles, etc.		X	X	X	

II. AREA WIDE MINOR DEVELOPMENT ELEMENTS					
A. Building Entry Zone					
1. Signs		X			X
2. Special planting		X			
3. Lighting		X			X
B. Structures					
1. Architectural design that complements the site and adjacent developments		X			X
2. Use of energy conservation techniques		X	X	X	LEED Certification
C. Parking					
1. Planting - above ordinance requirements		X			
2. Lighting		X	X	X	Lighting proffers
D. Other Considerations					
1. Street furnishing such as seating, drinking fountains		X			
2. Provision of minor plazas	X				

III. AREA WIDE MAJOR DEVELOPMENT ELEMENTS					

FAIRFAX CENTER CHECKLIST

Detailed Design

Case Number:

RZ 2008-SP-012

Plan Date:

1/23/2009

Not

A. Detailed Site Design	Applicable	Applicable	Essential	Satisfied	Comments
1. Structured parking with appropriate landscaping	X				
2. Major plazas	X				
3. Street furnishings to include structures (special planters, trellises, kiosks, covered pedestrian areas (arcades, shelters, etc.), Water features/pools, ornamental fountains, and special surface treatment	X				
4. Landscaping of major public spaces	X				

FAIRFAX CENTER CHECKLIST

Summary

Case Number:

RZ 2008-SP-012

Plan Date:

1/23/2009

I. BASIC DEVELOPMENT ELEMENTS

- | | |
|------------------------|-------------|
| 1. Applicable Elements | 16 |
| 2. Elements Satisfied | 15 |
| 3. Ratio | 0.94 |

II. MINOR DEVELOPMENT ELEMENTS

- | | |
|------------------------|-------------|
| 1. Applicable Elements | 10 |
| 2. Elements Satisfied | 7 |
| 3. Ratio | 0.70 |

III. MAJOR DEVELOPMENT ELEMENTS

- | | |
|------------------------|-------------|
| 1. Applicable Elements | 1 |
| 2. Elements Satisfied | 1 |
| 3. Ratio | 1.00 |

IV. ESSENTIAL DEVELOPMENT ELEMENTS

- | | |
|------------------------|-------------|
| 1. Applicable Elements | 14 |
| 2. Elements Satisfied | 14 |
| 3. Ratio | 1.00 |

V. MAJOR TRANSPORTATION DEVELOPMENT ELEMENTS

- | | |
|------------------------|-------------|
| 1. Applicable Elements | 1 |
| 2. Elements Satisfied | 1 |
| 3. Ratio | 1.00 |

VI. LOW/MODERATE INCOME HOUSING ELEMENT

yes

no



County of Fairfax, Virginia

MEMORANDUM

DATE: September 24, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

FILE: 3-4 (RZ 2008-SP-012)

SUBJECT: Transportation Impact

REFERENCE: RZ 2008-SP-012, 11-7 Associates, LLC
Traffic Zone: 1661
Land Identification: 56-2 ((1)) 66

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated May 30, 2008, and revised through September 12, 2008. The applicant proposes to rezone 2.09 acres of land from an R-1 District to a C-2 District for construction of an office building. The applicant is dedicating 119 feet from centerline and proposes construction of the service drive on Route 29 and the 10-foot trail.

- Note that the service drive will be one-way EB in the future. Therefore, an interparcel access easement to the west should be provided.
- The applicant should demonstrate the legal right to eliminate McKenzie Avenue.
- Applicant should contribute to the Fairfax Center Area Fund as prescribed.
- The Comprehensive Plan also shows on-road bike lanes.
- The trail should connect to the existing trail to the west.

AKR/LAH/lah

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Sheng Leu 
Facilities Planning Branch, DPZ

FILE: 08.10 (ZTW)

SUBJECT: Trail Waiver
RZ 2008-SP-012

DATE: November 6, 2008

This office has consulted with Lisa S. Willey, the Springfield District representative of the Trails and Sidewalks Committee to review the request to waive the construction of an on-road bike lane along the Route 29 frontage. We recommend that the request be approved with the condition that the applicant provides contribution to the Springfield District Walkway Fund for its future construction.

If you have any questions, please call me at extension 41272.

SJL

cc: Pam Nee, Environment and Development Review Branch, PD, DPZ
Lisa S. Willey, Trails and Sidewalks Committee



County of Fairfax, Virginia

MEMORANDUM

October 6, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PJH*
Environment and Development Review Branch, DPZ

SUBJECT: Environmental Assessment: RZ 2008-SP-012
11-7 Associates

This memorandum, prepared by Mary Ann Welton, AICP, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. Plan citations are followed by a discussion of concerns including a description of potential impacts that may result from the proposed development as depicted on the revised Generalized Development Plan (GDP) Plan dated September 12, 2008. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are in harmony with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 7-8, the Plan states:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques. . . .

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation.
- Where feasible, convey drainage from impervious areas into pervious areas. . . .
Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements.
- Encourage shared parking between adjacent land uses where permitted.
- Where feasible and appropriate, encourage the use of pervious parking surfaces in low-use parking areas.
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on page 10, the Plan states:

“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on page 16, the Plan states:

“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 17 and 18, the Plan states:

“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

Policy a: Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development.
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*).
- Optimization of energy performance of structures/energy-efficient design.
- Use of renewable energy resources.
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.

- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
- Reuse of existing building materials for redevelopment projects....

Policy b: Ensure that zoning proposals for nonresidential development and zoning proposals for multifamily residential development of four or more stories within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers and Transit Station Areas as identified on the Concept Map for Future Development incorporate green building practices sufficient to attain certification through the LEED program or its equivalent, where applicable, where these zoning proposals seek at least one of the following:

- Development in accordance with Comprehensive Plan Options;
- Development involving a change in use from what would be allowed as a permitted use under existing zoning;
- Development at the Overlay Level; or
- Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range. . .

Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system. ”

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the county's remaining natural amenities.

Stormwater Management/Best Management Practices (SWM/BMP): This application proposes a 30,000 square foot, three-story office building with a footprint of 10,000 square feet. The 2.09 acre subject property falls within the Difficult Run Watershed and the County's Chesapeake Bay Preservation Area. The stormwater management narrative indicates that the subject property drains to Fairfax County Regional Pond #D-77 and that this property is located

in sub-area X1. The narrative further states that both water quantity and quality control requirements will be accommodated for this development by Pond #D-77. According to the application, other controls may be provided to supplement water quality control at the time of site plan review. It would be desirable that any supplemental water quality controls on site be identified now during the rezoning review phase to demonstrate their accommodation with the proposed design of the site.

The outfall narrative on Sheet 5 of the development plan provides a description of the drainage pattern for the subject property and concludes that the receiving channels are adequate. Stormwater management and outfall adequacy requirements are subject to the review and the approval by the Department of Public Works and Environmental Services (DPWES).

Green Building Practices: The applicant is seeking to develop office use at the planned overlay level for this site in the Fairfax Center area. The Policy Plan recommends that such developments which are seeking development at the overlay level in specially designated areas such as Fairfax Center, attain basic Leadership in Energy and Environmental Design (LEED) certification through the U.S. Green Building Council or other comparable program with third party certification at a minimum. The office building should incorporate green building practices sufficient to attain basic LEED certification under the U.S. Green Building Council program. In support of attainment of LEED certification for the project, the applicant is encouraged to:

- Retain a LEED AP who is a professional engineer or architect licensed to practice in the Commonwealth of Virginia and will be a part of the project's design and construction team;
- Prior to approval of the site plan for the project, execute a separate agreement and post, a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$197,000 for the project. The provision of documentation from the U.S. Green Building Council that the project has attained LEED certification to the Environment and Development Review Branch of DPZ will be sufficient to satisfy this commitment. If the applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within one year of issuance of the non-Residential Use Permit (non-RUP) for the project, the escrow will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of County environmental initiatives.
- Include a list of specific credits within the most current version of a LEED rating system as part of the site plan and building plan submission; and
- Retain a professional engineer or architect licensed to practice in the Commonwealth of Virginia who will provide certification statements both at the time of site plan and building plan reviews confirming that the items on the list will meet at least the minimum number of points necessary to attain LEED certification of the project.

In order to ensure the long term viability of the green building measures, the applicant is encouraged to retain a LEED AP who will prepare a green buildings user's manual. The user's manual at a minimum should:

- Provide a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
- Provide, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
- Provide, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and
- Provide contact information that the building owner can use to obtain further guidance on each green building component.

Tree Preservation/Restoration: The subject property is heavily vegetated with a mix of dense deciduous and evergreen vegetation. The limits of clearing and grading shown on the current plan will effectively remove all existing vegetation. According to staff in the Forest Conservation Branch, DPWES, given the intensity of grade changes on this site in order to develop the site as shown on the GDP, preservation of trees is not a viable option. The GDP and a proposed proffer commits the applicant to providing tree cover to exceed the minimum requirement by over 200% through the planting of native and desirable tree and plant species suitable for the specific site conditions.

COUNTYWIDE TRAILS MAP:

The Countywide Trails Plan map depicts an onroad bike route along the site's Lee Highway frontage. The applicant proposes to dedicate right-of-way and to construct a 10-foot wide trail and service drive along Lee Highway. The applicant is requesting a waiver of the onroad bike route requirement on Lee Highway.

PGN: MAW



County of Fairfax, Virginia

MEMORANDUM

September 25, 2008

TO: Suzianne Battista, Staff Coordinator

FROM: Phyllis Wilson, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: 11717 Lee Highway, RZ 2008-SP-012

The site contains native mature trees of varied species. But the understory vegetation generally includes many non-native and invasive and noxious vines and plants.

Given the intensity of grade changes on this site in order to develop the site as shown on the CDP, preservation of trees is not a viable option. Preservation areas measuring less than 25' in width will not provide adequate conditions to sustain trees in a healthy and safe condition.

The CDP proposes planted tree cover to exceed the minimum requirement by over 200%. Per the provisions of Proffer #4, at time of site plan review, creation of a planted urban forested area, as shown on the CDP, will be created using native and desirable tree and plant species suitable for the specific site conditions.

PAW/
UFMID #: 139502





County of Fairfax, Virginia

MEMORANDUM

DATE: DEC 18 2008

TO: Suzie Battista, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Senior Stormwater Engineer *(QK)*
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Rezoning Application, RZ 2008-SP-012, 11-7 Associates, LLC Plan Dated December 11, 2008, LDS Project #25091-ZONA-001-3, Tax Map #056-2-01-0066, Springfield District, Difficult Run Watershed

We have reviewed the subject application and offer the following comments related to Stormwater Management (SWM):

Chesapeake Bay Preservation Ordinance

There is no Resource Protection Area on this parcel.

Floodplain

There is no floodplain on this parcel.

SWM

The applicant proposes to use the off-site existing Regional Pond D-77 for stormwater management for this project. The applicant needs to submit a waiver request for the on-site County Stormwater detention requirements.

Site Outfall

The applicant has provided a narrative.

If further assistance is desired, please contact me at 703-324-1720.

QK/mw

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Zoning Application Files

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359





County of Fairfax, Virginia

MEMORANDUM

DATE: August 13, 2008

TO: Staff Coordinator
Zoning Evaluation Division
Department of Planning & Zoning

FROM: Lana Tran (Tel: 703 324-5008)
Wastewater Planning & Monitoring Division
Department of Public Works & Environmental Services

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. RZ2008-SP-012
Tax Map No. 056-2-/01/ /0066

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

- The application property is located in the Accotink Creek (M9) watershed. It would be sewerred into the Noman M. Cole Pollution Control Plant (NMPCPCP).
- Based upon current and committed flow, there is excess capacity in the NMPCPCP at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
- An existing 8 inch line located in the street is adequate for the proposed use at this time.
- The following table indicates the condition of all related sewer facilities and the total effect of this application.

Sewer Network	Existing Use +Application		Existing Use + Application Previous Rezonings		Existing Use + Application + Comp Plan	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	---	<u>X</u>	---	<u>X</u>	
Submain	<u>X</u>	---	<u>X</u>	---	<u>X</u>	
Main/Trunk	<u>X</u>	---	<u>X</u>	---	<u>X</u>	
Interceptor	---	---	---	---		
Outfall	---	---	---	---		

- Other pertinent information or comments:

Department of Public Works and Environmental Services
Wastewater Planning & Monitoring Division
12000 Government Center Parkway, Suite 358
Fairfax, VA 22035-0052
Phone: 703-324-5030, Fax: 703-324-3946



Fairfax Water

FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

**PLANNING & ENGINEERING
DIVISION**

Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

July 28, 2008

Ms. Regina Coyle, Director
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

Re: RZ 08-SP-012
11717 Lee Highway

Dear Ms. Coyle:

The following information is submitted in response to your request for a water service analysis for the above application:

1. The property is served by Fairfax Water.
2. Adequate domestic water service is available at the site from existing 30-inch and 8-inch water mains located at the property. See the enclosed water system map. The Generalized Development Plan has been forwarded to Plan Control for distribution to the Engineering Firm, with comments pertaining to the proposed water system layout.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

If you have any questions regarding this information please contact Dave Guerra at (703) 289-6343.

Sincerely,



Traci K. Goldberg, P.E.
Manager, Planning Department

Enclosure



County of Fairfax, Virginia

MEMORANDUM

DATE: June 16, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Eric Fisher (246-3501)
Information Technology Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Rezoning Application
RZ 2008-SP-012

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #440, **Fairfax Center**
2. After construction programmed _____ this property will be serviced by the fire station _____
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is _____ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

Proudly Protecting and
Serving Our Community

Fire and Rescue Department
4100 Chain Bridge Road
Fairfax, VA 22030
703-246-2126
www.fairfaxcounty.gov





FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M



TO: Regina M. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Branch Manager.
Planning and Development Division *SS*

DATE: September 18, 2008

SUBJECT: RZ 2008-SP-012, 11717 Lee Highway
Tax Map Number(s): 56-2((1))66
Response to comments

Park Authority staff has no additional comments on this plan.

FCPA Reviewer: Patricia Rosend

Copy: Cindy Walsh, Director, Resource Management Division
Chron Binder
File Copy



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



TO: Regina M. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Branch Manager.
Planning and Development Division 

DATE: August 6, 2008

SUBJECT: RZ 2008-SP-012, 11717 Lee Highway
Tax Map Number(s): 56-2((1))66

BACKGROUND

The Park Authority staff has reviewed the above referenced plan. The applicant is proposing to utilize a regional stormwater pond in lieu of on-site stormwater management. The Fairfax County Park Authority's park, Carney Park is downstream of the regional storm facility and may be subject to increased stormwater runoff as a result of this application.

COMPREHENSIVE PLAN CITATIONS

1. Natural Resources (The Policy Plan, Objective 2, p. 6)

“Objective 2: Protect appropriate land areas in a natural state to ensure preservation of significant and sensitive natural resources. “

“Policy j: Minimize adverse impacts of development on water resources and stream valleys. “

“Policy k: Minimize the effects of storm water outfalls on parkland.”

2. Heritage Resources (The Policy Plan, Heritage Resources, Objective 1, p. 3)

“Objective 1: Identify heritage resources representing all time periods and in all areas of the County.”

“Policy a: Identify heritage resources well in advance of potential damage or destruction.”

3. Heritage Resources (Comprehensive Policy Plan, Heritage Resources Objective 3, page 4)

“Objective 3: Protect significant historical resources from degradation or damage and destruction by public or private action.”

ANALYSIS AND RECOMMENDATIONS

The applicant is proposing to convey the increased stormwater runoff to a regional stormwater pond downstream of park property. Staff would like the applicant to detain and treat any additional stormwater on their property to limit the impact of probable increased erosion on Carney Park.

The parcel is adjacent to an historic family cemetery which is located outside the southeastern boundary of the applicant's property. The property has a moderate potential for significant archeological resources. It is possible that the historic boundaries of the cemetery do not include all of the graves associated with the cemetery.

Staff recommends that the property be subjected to a tight interval Phase I archeological survey, using a scope of work provided by the Park Authority. Additionally, the boundary adjacent to the cemetery should be examined in greater detail for possible grave shafts/burials not included in the current cemetery boundaries. If such graves are located then they should be handled in accordance with State Law, which covers how human remains must be treated.

If any other archeological resources are found by the Phase I survey and determined to be potentially significant then a phase II assessment should be done. If any sites are determined by a Phase II to be significant then either they should be avoided or Phase III data recoveries should be performed in accordance with a scope provided by the Park Authority. Any Phase III scopes will provide for public interpretation of the results. Draft and final archeological reports produced as a result of Phase I, II and/or III studies should be submitted for approval to the Park Authority prior to submittal to DPW&ES.

FCPA Reviewer: Patricia Rosend

Copy: Cindy Walsh, Acting Director, Resource Management Division
Chron Binder
File Copy

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		