



FAIRFAX COUNTY

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

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

October 28, 1998

Mr. Jack M. Wilbern, Jr.
Butz Wilbern
1493 Chain Bridge Road - Suite 101
McLean, Virginia 22101

RE: Rezoning Application
Number RZ 1998-HM-003
(AMENDED - LETTER ONLY)

Dear Mr. Wilbern:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on **September 14, 1998** granting Rezoning Application Number RZ 1998-HM-003 in the name of Mariette H. Newcomb, Hiu Newcomb Family LLC and Blueberry Hill LC, to rezone certain property in the Hunter Mill District from the R-A, R-E and R-1 Districts to the PDH-1 District, subject to the proffers dated September 2, 1998, on subject parcels 19-1 ((1)) 20V, 20Z; 19-1 ((3)) 1 and 3 consisting of approximately 29.3 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan Application FDP 1998-HM-003 on July 22, 1998 subject to Development Conditions dated July 8, 1998 and subject to the Board of Supervisors' approval of RZ 1998-HM-003 and the Conceptual Development Plan.

The Board also:

- Waived the service drive requirement along Route Seven and the 600 foot maximum length of public street requirement; and

RZ 1998-HM-003

October 28, 1998

2.

- Directed the Director of the Department of Public Works and Environmental Services (DPW&ES) to modify the design standards for a private street to permit the use of grass block pavers as depicted on the Final Development Plan.

Sincerely,



Nancy Vehrs

Clerk to the Board of Supervisors

NV/ns

cc: Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Fred R. Beales, Supervisor Base Property, Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Ellen Gallagher, Project Planning Section, Dept. of Transportation
Department of Public Works and Environmental Services
Frank Edwards - Department of Highways - VDOT
Land Acqu. & Planning Div., Park Authority
Planning Commission (District)
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES
Barbara J. Lipka, Deputy Executive Director, Planning Commission

BLUEBERRY HILL

Proffers

September 2, 1998

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950 as amended, Blueberry Hill, L.C., and Newcomb Family, L.L.C. and Mariette H. Newcomb (hereinafter referred to as the "Applicants") and the owners for themselves, successors and assigns in RZ/FDP 1998-HM-003, filed for property identified as Tax Map 1' ((1)) 20V, 20Z and 19-1 ((3)) 1V, 1Z, 3V, and 3Z, (hereinafter referred to as the "Application Property"), proffer the following, subject to the Board of Supervisors approval of a rezoning of the Application Property to the PD 1 Zoning District.

1. Combined Conceptual & Final Development Plan. Development of the Application Property shall be in substantial conformance with the combined Conceptual & Final Development Plan. (CDP/FDP), prepared by BC Consultants dated November, 1997, and revised through June 19, 1998 consisting of two sheets.
2. Minor Modifications. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the internal lot lines of the proposal subdivision at time of subdivision plat submission based on final house locations and building footprints.
3. Transportation.
 - a. Dedication. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPW&ES) approval, the Applicants shall dedicate and convey in fee simple to the Board of Supervisors the right-of-way, up to a width of one hundred and fourteen (114) feet along the frontage of Leesburg Pike as shown on the CDP/FDP. Dedication shall be made upon the time of recordation of the final subdivision plat or upon demand by VDOT, on or after final determination by VDOT of an application by the Applicants for a license to allow farming on the herein described right-of-way, whichever comes first.
 - b. Construction. Subject to VDOT and DPW&ES approval, the Applicant shall construct, prior to issuance of the first Residential Use Permit, as shown on the CDP/FDP, a deceleration lane with the right-of-way to be dedicated.
 - c. Ancillary easements. The Applicant shall grant to the Board of Supervisors temporary grading and construction easements up to a maximum of fifteen (15) feet parallel to the right-of-way dedicated by the Applicants, as shown on the CDP/FDP upon the time of recordation of the right of way discussed in Proffer 3a.
 - d. Street Access. Access to all homes on the Application Property shall be from an internal street system and shall not be directly from Leesburg Pike.
 - e. Spine Road Relocation. At such time as the Leesburg Pike road improvement project to construct a six (6) lane divided facility along the frontage of the Application Property is implemented and subject to the ability to align through parcel 20 to the east at no cost to the Applicant, the Applicant agrees to relocate the onsite portion only, of the spine road to the general location shown on the CDP/FDP. Within sixty (60) days of receipt of written notice to the Applicants by the Board of Supervisors of the availability of funding for the improvement project, the Applicants shall agree to vacate the spine road between the access to the farm stand and the point where the relocated road aligns with the spine road. Access to the farm stand shall remain from Leesburg Pike as reflected on the CDP/FDP.

- f. Alternate Subdivision Access. Should access to the subdivision at parcel Tax Map 19-1 ((3)) 9V, 9 become available to connect with Beulah Road, then the Applicant shall vacate that portion of the spine road between the access to the farm stand and approximately the stormwater management pond, as the pond is shown on the CDP/FDP. The onsite portion of the spine road shall then be located and constructed as necessary to access Beulah Road. [The relocation of the spine road shall be subject to approval by DOT and VDOT.] Access to the farm stand shall remain from Leesburg Pike as reflected on the CDP/FDP.
 - g. Trail. The Applicant shall construct a six (6) foot wide asphalt trail along the Application Property frontage of Leesburg Pike.
4. Density Credit. Advanced density credit shall be reserved as may be permitted by the provisions Paragraph 4 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications describe herein or as may be reasonably required by Fairfax County or VDOT at the time of final subdivision plat approval.
 5. Park Contribution. At time of subdivision plat approval, the Applicant shall contribute \$625.00 per residential unit to the Fairfax County Park Authority, in addition to proffer #10 herein, for off-site recreational facilities in the vicinity of the Application property. Using the Board of Supervisors' approval date of the rezoning application as the base date, this amount shall be adjusted according to the Consumer Cost Index as published in the Engineering News Record by McGraw Hill.
 6. Stormwater Management. If it is determined by DPW&ES at time of subdivision plat approval that the stormwater management area is not required, the land area indicated for such use shall be incorporated in the adjacent open space.
 7. Outlot A. The Applicants shall conform to the limits of clearing and grading shown on the CDP/FDP subject to the installation of utility lines, if necessary, as approved by DPW&ES. Any utility lines located in areas shown as not to be cleared or graded in Outlot A of the CDP/FDP shall be located and installed in the least disruptive manner possible considering cost and engineering. A replanting plan shall be developed and implemented, as approved by the Urban Forester (DPW&ES), for any wooded areas shown as not to be cleared or graded that must be disturbed by utilities in Outlot A. There shall be no other construction permitted in Outlot A.
 8. Commercial Component - Paragraphs 8.(a) thru 8.(f) below shall apply to the use and development of the Farm Market consisting of a maximum of 8,800 s.f. in commercial use on a parcel containing 25,799.5 s.f. (2,396.85 s.m.) and identified as Lot 23.
 - a. Use. The principal use of the area designated on the Plan as the Farm Market (the "Farm Market") will be retail sales (a permitted secondary use) restricted to goods that are customarily sold by a farm market, such as:
 - 1.) Farm products with no geographic restrictions, such as:
 - (a) Fruits, vegetables, grains, cider, herbs, tea, spices.
 - (b) Honey, syrup, jams, jellies, condiments, packaged fruit and vegetable products
 - (c) Pies, breads, cakes, and cookies both purchased and prepared on premises
 - (d) Eggs and dairy products
 - (e) Firewood
 - (f) Halloween items, such as pumpkins, pumpkin cutters and lights, gourds, corn stalks, straw and ceramic pumpkins

- 2.) Nurseries products, such as:
 - (a) Full line of garden center products, such as plants and cut flowers not necessarily grown on premises
 - (b) Plant supplies, such as soils, mulches and fertilizers
 - (c) Christmas items, such as trees, greens, candles and ornaments.

- 3.) Educational and outreach activities including tours, demonstrations and hayrides for schools, churches, camps and related visitors will be permitted.

- 4.) To prevent a single product or category of products from dominating products sold, the farm market will sell a general mix of products typically sold by the Farm Market, as listed above, and not permit the business to change to any other type of conventional store.

- b. Structures. The uses permitted in Sub-Paragraph 8.(a) above will be allowed during all phases of development of the Farm Market site. The existing building and site facilities, possibly with minor renovations, will constitute Phase I. For Phase II, the existing facilities may be rebuilt, renovated or otherwise improved, but in no case will more than the maximum area of 8,800 gross square feet be developed for this use including all buildings, outside sales areas and required parking. The timing of the phases will be determined by the Applicants.

- c. Consolidation into Lot 21. If the Farm Market ceases to operate for a continuous period of one year or more, other than because of fire or other casualty, the Applicants will consolidate the Farm Market (Lot 23) as part of the adjacent Lot 21 as indicated on the CDP/FDP approved pursuant to RZ/FDP 1998-HM-003.

- d. Other Uses Prohibited. Only those uses permitted in Sub-Paragraphs 8.(a).1, 2, 3 and 4 above shall be permitted on the Farm Market. All other uses on such area are prohibited.

- e. Access. Access will be maintained onto Leesburg Pike as shown on the CDP/FDP regardless of any relocation or vacation of the proposed spine road.

- f. Hours of operation. The Farm Market will not be open to the public before 8:00 a.m. or after 10:00 p.m.

9. Private Street. Purchasers shall be advised at the time of execution of a contract of sale that the homeowners association shall be responsible for the maintenance of the private street.

10. Recreational Facilities. Pursuant to Paragraph 2 of section 6-110 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide the following facilities as shown on the CDP/FDP:
 - a. One (1) clubhouse, labeled "Common House" on the CDP/FDP, which will include a variety of spaces, including community meeting, exercise and audio/visual rooms.
 - b. One (1) tot lot immediately adjacent to the Common House.

The Applicant proffers the minimum expenditure for the above listed amenities to be at least \$955 per new residential unit.

11. Existing Residences. The two existing residences on Lots 20 and 21 may remain, be refurbished or be replaced at the discretion of the Applicants.

12. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicants and their successors and assigns.

13. Counterparts. These proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but in same instrument.
14. Severability. Any of the sections may be subject to a Proffered Condition Amendment without joint and/or consent of the other sections, if such PCA does not affect any other sections. Previously approved Proffered Conditions applicable to the section(s) which is not the subject of such a PCA shall otherwise remain in full force and effect.
15. Disclosure. At the time of all home sales the entire text of these proffers, as accepted by the Board Supervisors, will be disclosed to potential purchasers
16. A&F District. The Applicants may re-apply, at a time of their choosing, for an Agricultural & Forest District using all or some of the following; Lots 20, 21, 22, 23, Outlot A and Outlot B, all as shown on CDP/FDP.

TITLE OWNERS OF TAX MAP

Mariette H. Newcomb

Mariette H. Newcomb-----member / manager

Mariette H. Newcomb

Mariette H. Newcomb -----member / manager
Hiu Newcomb Family, L.L.C.

Lani Ruth Newcomb

Lani Ruth Newcomb-----member / manager
Hiu Newcomb Family, L.L.C.

Hana Newcomb

Hana Newcomb -----member / manager
(aka Hana Carol Newcomb Groisser)
Hiu Newcomb Family, L.L.C.

Anna Newcomb Bradford

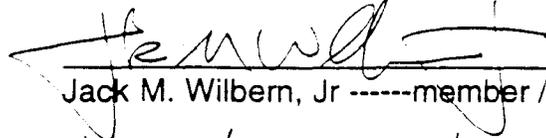
Anna Newcomb Bradford ---member / manager
Hiu Newcomb Family, L.L.C.

Charles Newcomb

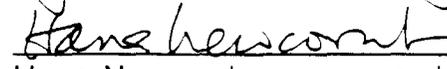
Charles Newcomb-----member / manager
Hiu Newcomb Family, L.L.C.

(SIGNATURES CONTINUE ON NEXT PAGE)

APPLICANT/CONTRACT PURCHASER
BLUEBERRY HILL, L.C.



Jack M. Wilbern, Jr -----member / manager



Hana Newcomb -----member / manager
(aka Hana Carol Newcomb Groisser)

FINAL DEVELOPMENT PLAN CONDITIONS
FDP 1998-HM-003

July 8, 1998

If it is the intent of the Planning Commission to approve RZ 1998-HM-003, staff recommends that such approval be subject to the following conditions:

1. Development of the application property shall be in substantial conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Final Development Plan 1998-HM-003 prepared by BC Consultants dated November, 1997 and revised through June 17, 1998, entitled "CDP/FDP Blueberry Hill" and these conditions.
2. Minimum yards shall be provided as tabulated on the CDP/FDP. Minor modifications to the yards may be permitted in order to maximize tree preservation on individual lots as may be recommended and approved by DEM/Urban Forester and as permitted; extensions into minimum yard requirements may be allowed pursuant to Sect. 2-415 of the Zoning Ordinance.
3. In order to address water quality and stormwater management issues, the applicant shall work in conjunction with DEM at the time of subdivision plan submission to determine if bioretention areas, in conjunction with the proposed SWM/BMP facilities are desirable or feasible for this proposed development and provide such facilities if determined desirable and feasible.
4. Subject to coordination with the Urban Forester (DEM), the following tree preservation measures shall be performed in the vicinity of the existing graveyard:
 - A tree preservation plan shall be prepared by an arborist certified by the International Society of Arboriculture to show the location, size, species and actual dripline of all existing trees 10 inches in diameter and larger and all landscape trees and shrubs in good condition within 25 feet of the future clearing limits. Part of this plan shall include a condition analysis to provide recommendations for treatments that will ensure the preservation of trees to be saved, in accordance with the "Guide for Plant Appraisal", eighth edition, published by the International Society of Arboriculture.
 - Trees designated to be saved shall be marked on the ground with plastic "crowd control" fencing or other similar demarcation prior to clearing and grading and at all times during construction. Signage affirming "restricted access" shall be provided on the temporary fence which shall be highly visible to construction personnel. The arborist contracted by the Applicant, in conjunction with the Urban Forester, shall monitor the construction of the proposed development to ensure consistency with the tree preservation plan.

18-501 COMMENTS:

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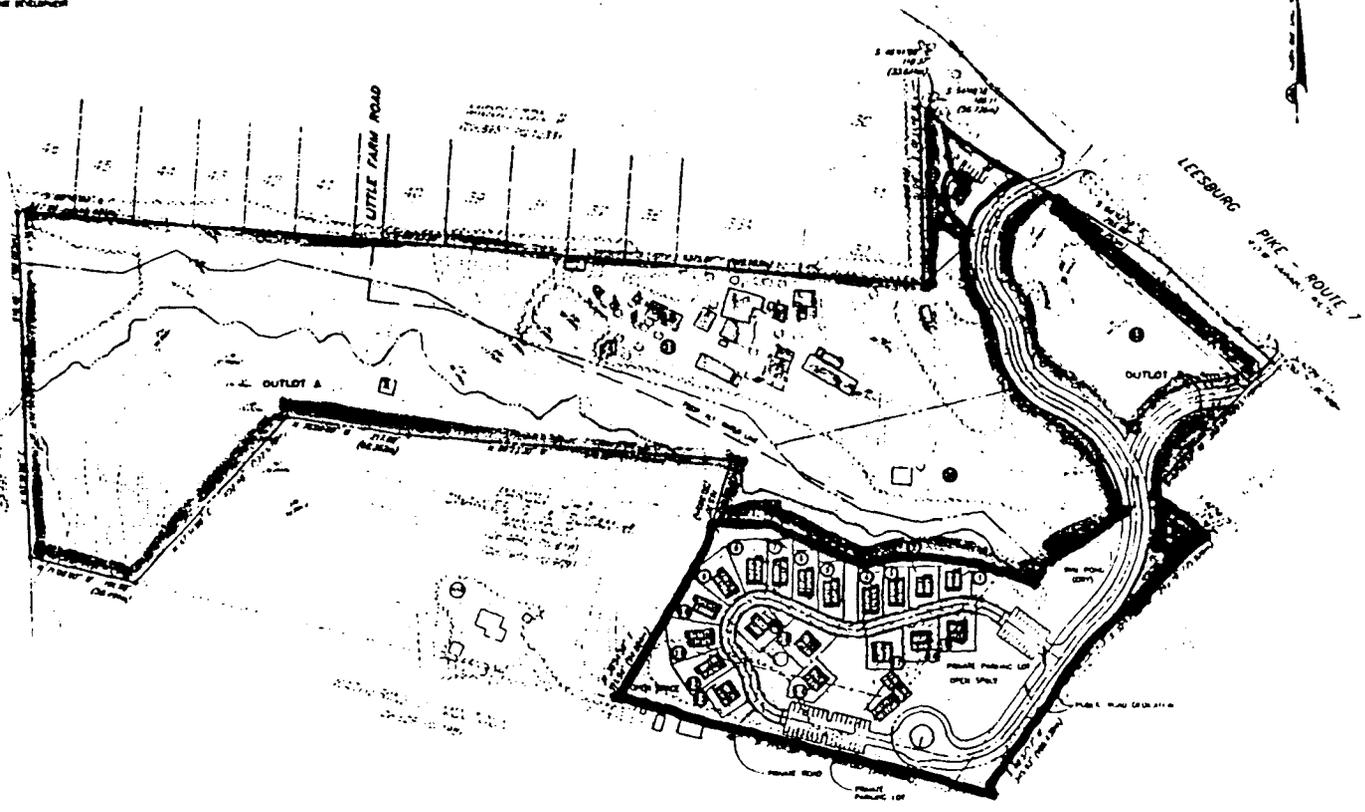
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LOT AREAS

LOT	AREA (sq ft)	AREA (sq m)	AREA (sq ft)	AREA (sq m)	
1	1,204.87	300.16	11	4,889.18	1,127.84
2	1,802.50	434.37	14	3,328.14	765.17
3	1,633.20	371.34	15	3,285.88	750.83
4	1,181.75	289.30	16	4,128.82	942.85
5	1,330.37	302.20	17	4,483.16	1,024.50
6	1,251.40	304.27	18	4,421.30	1,014.70
7	1,163.82	267.30	19	4,322.70	992.21
8	1,174.11	270.25	20	485,484.48	112,074.68
9	1,248.48	302.86	21	750,438.83	171,520.91
10	1,148.75	272.52	22	88,913.73	20,274.88
11	1,114.12	260.15	23	78,799.53	17,986.25
12	1,153.1	268.67	24/25/26	425,263.71	97,518.15

NOT DEVELOPED WITH LOT 11 750,000 sq ft (17,424.16 sq m)
 NOT DEVELOPED WITH LOT 11 182,000 sq ft (4,111.64 sq m) OR MORE
 ALL LOT AREAS ARE DOUBLE AND DOUBLE-LINING



F A I R F A X C O U N T Y

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 09/14/98

APPLICATION NUMBER: RZ 98-H-003 HUNTER MILL DISTRICT
APPLICANT: MARIETTE H. NEWCOMBE, HIU NEWCOMBE LLC
STAFF: DAVIS

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: R- A R- E R- 1
ACRES: 11.00 15.79 2.51

PROPOSED: ACTION:
PDH- 1 PDH- 1
29.30 29.30

TOTAL ACRES TOTAL ACRES
29.30 29.30

MAP NUMBERS

019-1- /01/ /0020-V ,0020-Z
019-1- /03/ /0001-V ,0001-Z ,0003-V ,0003-Z

REMARKS:

ZONING MAP AMENDMENT

RZ 98-H-003

ZONING DISTRICT DATA

ZONING DISTRICT: PDH- 1

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD	22	29.30				

TOT	22	29.30	.75			
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PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

USE	GFA	FAR	USE	GFA	FAR
COMMERICAL-GEN			PUBLIC/QUASI PUB		
HOTEL/MOTEL			OFFICE		
INDUSTRIAL-GEN			TRAN-UTIL-COMM		
CULT/EDU/RELG/ENT			RETAIL-EATING EST		
INDUST-WAREHOUSE			*****TOTAL*****		

REMARKS:

ZONING MAP AMENDMENT

RZ 98-H-003

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
3F PEDESTRIAN FACILITY/TRAIL	2Z OTHER - LAND USE
7A OTHER MISCELLANEOUS - SEE FILE	1Z OTHER - GENERAL
3E INTERNAL CIRCULATION	3H ADJ DEVEL-ACCESS/NO ACCESS/CONDS
3Z OTHER - TRANSPORTATION	3Z OTHER - TRANSPORTATION
3B RIGHT-OF-WAY: DEDICATION/RESERV	1Z OTHER - GENERAL
1B CONCEPTUAL DEVEL PLAN	1Z OTHER - GENERAL
1Z OTHER - GENERAL	2Z OTHER - LAND USE
2H RECREATION FACIL/SITES	3Z OTHER - TRANSPORTATION
2Z OTHER - LAND USE	2Z OTHER - LAND USE
2B USE RESTRICTION	4N RESTORATION

CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	

REMARKS:

Memo to the Board
September 14, 1998

4:30 PM

PUBLIC HEARING ON REZONING APPLICATION RZ 1998-HM-003 (MARIETTE H. NEWCOMB, HIU NEWCOMB FAMILY LLC AND BLUEBERRY HILL LC) TO REZONE APPROXIMATELY 29.3 ACRES FROM R-A, R-E AND R-1 TO THE PDH-1 DISTRICT - TO PERMIT RESIDENTIAL DEVELOPMENT AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, HUNTER MILL DISTRICT.

The Planning Commission recommended to the Board of Supervisors the following actions pertinent to this rezoning application:

- (1) Approval of RZ 1998-HM-003 and the Conceptual Development Plan, subject to the execution of proffers consistent with those contained in Appendix 1 of the Staff Report;
- (2) Waiver of the service drive requirement along Route 7; and
- (3) That it direct the Director of the Department of Public Works and Environmental Services to modify the design standards for a private street to allow the use of grass block pavers as indicated on the Final Development Plan (FDP).

The Commission also approved FDP 1998-HM-003, subject to the FDP conditions contained in Appendix 2 of the Staff Report and subject to the Board's approval of RZ 1998-HM-003, and the Conceptual Development Plan.

The Commission further recommended to the Board approval of a waiver of a 600-foot maximum length for a private road.

ENCLOSED DOCUMENTS:

None. Staff Report and Planning Commission recommendation previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division,
Department of Planning and Zoning (DPZ)
Kris Abrahamson, Branch Chief, Zoning Evaluation Division, DPZ

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9/14/98

4:30 p.m. Item - RZ-1998-HM-003 - MARIETTE H. NEWCOMB, HIU NEWCOMB
FAMILY L.P. AND BLUEBERRY HILL L.C.
Hunter Mill District

On Wednesday, July 22, 1998, the Planning Commission voted unanimously (Commissioners Byers and Downer absent from the meeting) to recommend to the Board of Supervisors the following:

- 1) approval of RZ-1998-HM-003 and the conceptual development plan, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report;
- 2) waiver of the service drive requirement along Route 7;
- 3) that it direct the Director of DPW&ES to modify the design standards for a private street to allow the use of grass block pavers as indicated on the FDP.

The Commission voted unanimously (Commissioners Byers and Downer absent from the meeting) to approve FDP-1998-HM-003, subject to the FDP conditions contained in Appendix 2 of the staff report and subject to the Board's approval of RZ-1998-HM-003, and the conceptual development plan.

The Commission further voted 9-0-1 (Commissioner Coan abstaining; Commissioners Byers and Downer absent from the meeting) to recommend to the Board of Supervisors approval of a waiver of a 600-foot maximum length for a private road.

Planning Commission Meeting
July 22, 1998
Verbatim Excerpts

RZ-1998-HM-003 - MARIETTE H. NEWCOMB, HIU NEWCOMB
FAMILY L.P. AND BLUEBERRY HILL L.C.
FDP-1998-HM-003 - MARIETTE H. NEWCOMB, HIU NEWCOMB
FAMILY L.P. AND BLUEBERRY HILL L.C.

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Palatiello.

Commissioner Palatiello: Thank you, Mr. Chairman. Let me first thank everyone who came out to speak and to again to thank everyone who came out and did not speak. I'm reminded that a farmer is a person who works the earth and has a good sense of humor. The thought also occurred to me as I heard the testimony this evening, that although I wasn't here, and I don't think Mrs. Harsel was on the Commission at the time --

Commissioner Harsel: That's a long time ago.

Commissioner Palatiello: -- but I'm sure that when Til Hazel came before this Commission and proposed Burke, and when Bob Simon came before this Commission and proposed Reston, there were a lot of people who said: "It ain't going to fly." I'm also reminded of the fact that I had a conversation with a prominent builder in this community who actually approached the Newcombs and Mr. Wilbern that wanted to buy this property after it was rezoned. So the question of financial viability, I think, has already been market tested. As was indicated in Ms. Abrahamson's response to my question, this is not the Economic Commission, this isn't the Finance Commission, this is the Planning Commission. One of the great things about our country is you have the right to try and succeed and you also have the right to try and fail. That's not a judgment to be made by this Commission this evening. This application in effect, downplans this property. I think when you look at what has been in the newspapers the last 48 hours about another major landmark farm in Fairfax County and what's going to happen to it, this application looks very attractive. The fact of the matter is that this is an application for 19 homes on a piece of property that could otherwise have 30 homes. VDOT and our Office of Transportation has looked at the traffic and has not identified outstanding issues. Certainly the impact of 19 homes versus 30 is less significant than what would otherwise be imposed here. I had this information of this survey and that was the reason why I pursued the line of questioning with Ms. Abrahamson and while Mr. Bilinski acknowledged the questions, with all due respect, I'm not sure that you listened to the answers. These are all issues that we have looked at long and hard over these months and in many cases, they're not planning issues and they are not within the purview of this Commission. I would also point out, for example, that the survey did not ask would you rather have 19 houses or 30 houses. I'm sure you would have gotten 80 or 90 percent of people say that they would rather have 19 than 30. So I think we have to look at the survey with a certain point of view. I would also point out, when you look at those photographs that were shown, that if Mr. Bilinski can hit a golf ball

from his home to the parking lot, then Tiger Woods is looking for a golf instructor, because as I scale it off the map, that's a thousand feet and that's a pretty good size drive. This is a plan that exceeds the requirements for tree cover; exceeds the requirements for open space. And I think if you asked citizens would you support a plan that did that, you'd get 80 or 90 percent who say yes, that's a good idea. I had my questions about this plan when Ms. Newcomb and Mr. Wilbern first visited me many months ago, and I consulted with staff quite extensively, and I really wondered whether in fact this was compatible -- whether this met the requirements of the Plan, whether it met the requirements of the Ordinance and in fact, it does. This is innovative, this is different, this is new to Fairfax County. But I think when you get the combination of innovative planning and the preservation of one of the -- as somebody mentioned -- the crown jewel of Fairfax County, I think this farm is one of them. And when you have a chance to preserve it, I think we should seize that opportunity. Mr. Wilbern and Ms. Newcomb did go -- as was indicated by several of the adjoining homeowners association representatives -- they went out and talked to everyone. That was something that we asked them to do early on. They even went -- Ms. Downer is not here this evening, but they went across Route 7 into the Dranesville District and talked to homeowners' associations there as well. I have a number of letters for and against this application. But included in the letters in favor are letters from all of the other nearby homeowners associations; a letter from Mr. Moutoux, the owner of the adjoining farm. And my understanding that Mr. Griffin, the other adjoining property owner to the east also now has no opposition to this application. In some respects, I kind of call this the "I gotcha" application, because this is not a conventional type of development, but I've looked long and hard and asked staff to look long and hard and this does meet every requirement of the Subdivision Ordinance; every requirement of the Zoning Ordinance and it does meet the density range spelled out in the Comprehensive Plan. For those reasons, Mr. Chairman, I would **MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF RZ-1998-HM-003 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX I OF THE STAFF REPORT.**

Commissioners Alcorn, Hall and Thomas: Second.

Chairman Murphy: Seconded by Mr. Alcorn, Ms. Hall and Mr. Thomas. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-HM-003 and the accompanying Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Palatiello.

Commissioner Palatiello: Mr. Chairman, I **MOVE THAT THE PLANNING COMMISSION APPROVE FDP-1998-HM-003, SUBJECT TO THE FINAL DEVELOPMENT PLAN**

CONDITIONS CONTAINED IN APPENDIX 2 AND SUBJECT TO THE BOARD'S APPROVAL OF RZ-1998-HM-003 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioners Alcorn and Thomas: Second.

Chairman Murphy: Seconded by Mr. Alcorn and Mr. Thomas. Is there a discussion of that motion? All those in favor of the motion to approve FDP-1998-HM-003, subject to the Board's approval of the Rezoning and Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Palatiello.

Commissioner Palatiello: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG ROUTE 7.

Commissioners Alcorn, Hall and Thomas: Second.

Chairman Murphy: Seconded by Mr. Alcorn, Ms. Hall and Mr. Thomas. Discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Palatiello.

Commissioner Palatiello: Ms. Abrahamson, I think there's a typo in the staff report. It's not a 600 foot minimum length on a private road. Isn't it a waiver of a -- Mr. Coan would really appreciate it if we had a minimum of 600 feet on a private road. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF A 600 FOOT MAXIMUM LENGTH FOR A PRIVATE ROAD.

Commissioners Thomas and Alcorn: Second.

Chairman Murphy: Seconded by Mr. Thomas and Mr. Alcorn. Discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Commissioner Coan: Abstain.

Chairman Murphy: Opposed? Motion carries. Mr. Coan quietly abstains.

Commissioner Palatiello: If nothing else, Mr. Coan is consistent. We have to grant him that. And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT THE DIRECTOR OF DEM (SIC) TO MODIFY THE DESIGN STANDARDS FOR A PRIVATE STREET TO ALLOW THE USE OF GRASS BLOCK PAVERS AS INDICATED ON THE FDP.

Commissioners Kelso and Alcorn: Second.

Chairman Murphy: Seconded by Mr. Thomas -- no, I'm sorry, Mr. Kelso and Mr. Alcorn. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Motion carries.

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(The first three motions carried unanimously with Commissioners Byers and Downer absent from the meeting.)

(The fourth motion carried by a vote of 9-0-1 with Commissioner Coan abstaining; Commissioners Byers and Downer absent from the meeting.)

(The fifth motion carried unanimously with Commissioners Byers and Downer absent from the meeting.)

LBG