



APPLICATION ACCEPTED: January 16, 2009
PLANNING COMMISSION: October 1, 2009
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

SEPTEMBER 16, 2009

STAFF REPORT

APPLICATION RZ/FDP 2009-LE-001
(in association with PCA/FDPA 1999-LE-036 and PCA 2000-LE-023)

LEE DISTRICT

APPLICANT(S): Tavares Family Limited Partnership

PRESENT ZONING: I-5

REQUESTED ZONING: PDH-5

PARCEL(S): 99-2 ((1)) 17 Pt., 18 and 19 Pt.

ACREAGE: 2.84 acres

DENSITY: 3.87 du/ac

OPEN SPACE: 56%

PLAN MAP: Industrial Use up to .35 FAR with option for 4-5 du/ac for Parcels 17, 18 and 19

PROPOSAL: The applicant seeks to rezone 2.84 acres from I-5 to PDH-5 to permit 11 single-family attached residences at a density of 3.87 du/ac. Access to the site is proposed via the extension of two private streets as proposed under PCA/FDPA 1999-LE-036. In addition, the applicant also seeks to retain .53 acres of area zoned I-5 for the development of a single structure for industrial uses as proposed under PCA 2000-LE-023.

Brenda J Cho

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



STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2009-LE-001 and associated Conceptual Development Plan, subject to the draft proffers contained in Appendix 1.

Staff recommends approval of FDP 2009-LE-001 subject to the Board of Supervisors approval of RZ 2009-LE-001 and the associated conceptual development plan.

Staff recommends that the 600 feet maximum length for a private street requirement for RZ/FDP 2009-LE-001 be waived.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the proffered Conceptual/Final Development Plan.

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.

O:\bcho00\RZ\RZ 2009_LE_001_&_FDP_2009_LE_001\Report Documents\Report_Cover_RZ



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).



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SEPTEMBER 16, 2009

STAFF REPORT

APPLICATION PCA/FDPA 1999-LE-036
(in association with RZ/FDP 2009-LE-001 and PCA 2000-LE-023)

LEE DISTRICT

APPLICANT(S): Tavares Concrete Company, Inc.

ZONING: PDH-5

PARCEL(S): 99-2 ((16)) Parcel B Pt.

ACREAGE: 1.30 acres

DENSITY: 4.48 du/ac with ADU's

OPEN SPACE: 63.8%

PLAN MAP: Single-Family Residential Use at 3-4 du/ac

PROPOSAL: The applicant seeks to amend the proffers, conceptual and final development plans for RZ/FDP 1999-LE-036 on a 1.30 acre portion of property in order to permit modifications to the plans and proffers. Specifically, the applicant seeks to extend two private streets across Parcel B pt. (currently depicted as open space) in order to provide access to the 11 single-family attached units proposed under RZ/FDP 2009-LE-001.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 1999-LE-036, subject to the draft proffers contained in Appendix 2.

Staff recommends approval of FDPA 1999-LE-036.

Brenda J Cho

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.

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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).



APPLICATION ACCEPTED: January 16, 2009
PLANNING COMMISSION: October 1, 2009
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

SEPTEMBER 16, 2009

STAFF REPORT

APPLICATION PCA 2000-LE-023
(in association with RZ/FDP 2009-LE-001 and PCA/FDP 1999-LE-036)

LEE DISTRICT

APPLICANT(S): Tavares Concrete Company, Inc.

ZONING: I-5

PARCEL(S): 99-2 ((1)) 17 Pt. and 19 Pt.

CURRENT ACREAGE: 3.36 acres

PROPOSED ACREAGE: .53 acres

DENSITY: .34 FAR

OPEN SPACE: 25%

PLAN MAP: Industrial Use up to .35 FAR with option for 4-5 du/ac for Parcels 17, 18 and 19

PROPOSAL: The applicant seeks to amend the proffers associated with RZ 2000-LE-023 in order to reduce the land area covered by these proffers from 3.36 acres to 0.53 acres and to permit site modifications to the proposed industrial development. The 2.84 acres, currently covered by RZ 2000-LE-023, are proposed to be rezoned from I-5 to PDH-5 for 11 single-family attached residences under associated application RZ/FDP 2009-LE-001.

Brenda J Cho

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



STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 2000-LE-023, subject to the draft proffers contained in Appendix 3.

Staff recommends that the transitional screening requirements along the eastern and northern lot lines of PCA 2000-LE-023 be modified to that shown on the plan.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the proffered Conceptual/Final Development Plan.

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.

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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 2009-LE-001

Applicant: TAVARES FAMILY LIMITED PARTNERSHIP
Accepted: 01/16/2009
Proposed: RESIDENTIAL
Area: 2.84 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: EAST SIDE OF CINDER BED ROAD
APPROXIMATELY 1,300 FEET NORTH OF ITS
INTERSECTION WITH HILL PARK DRIVE

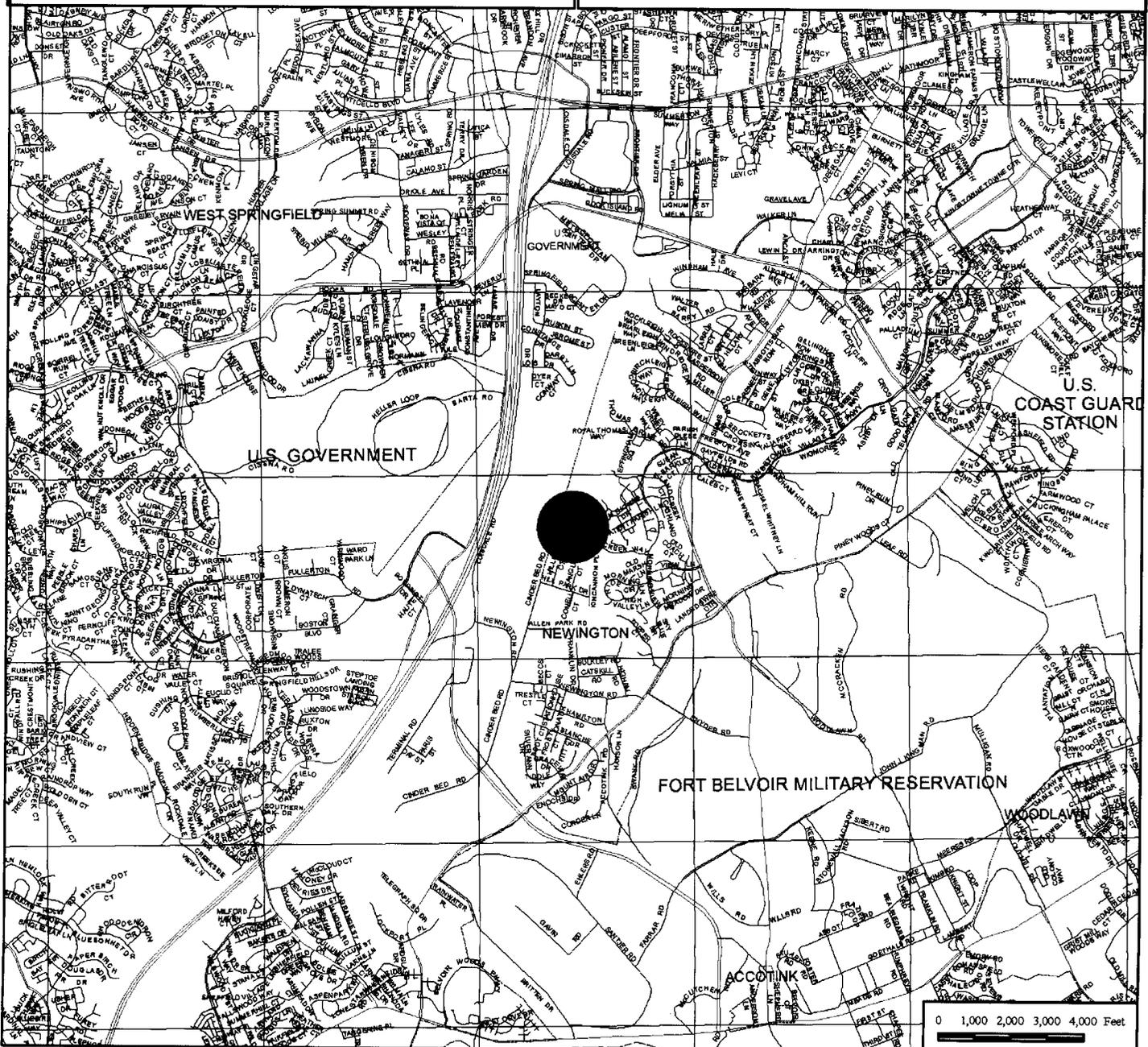
Zoning: FROM I- 5 TO PDH- 5
Overlay Dist:
Map Ref Num: 099-2- /01/ /0017 pt. /01/ /0018
/01/ /0019 pt.

Final Development Plan

FDP 2009-LE-001

Applicant: TAVARES FAMILY LIMITED PARTNERSHIP
Accepted: 01/16/2009
Proposed: RESIDENTIAL
Area: 2.84 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: EAST SIDE OF CINDER BED ROAD
APPROXIMATELY 1,300 FEET NORTH OF ITS
INTERSECTION WITH HILL PARK DRIVE

Zoning: PDH- 5
Overlay Dist:
Map Ref Num: 099-2- /01/ /0017 pt. /01/ /0018
/01/ /0019 pt.



Rezoning Application

RZ 2009-LE-001

Applicant: TAVARES FAMILY LIMITED PARTNERSHIP
Accepted: 01/16/2009
Proposed: RESIDENTIAL
Area: 2.84 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: EAST SIDE OF CINDER BED ROAD
APPROXIMATELY 1,300 FEET NORTH OF ITS
INTERSECTION WITH HILL PARK DRIVE

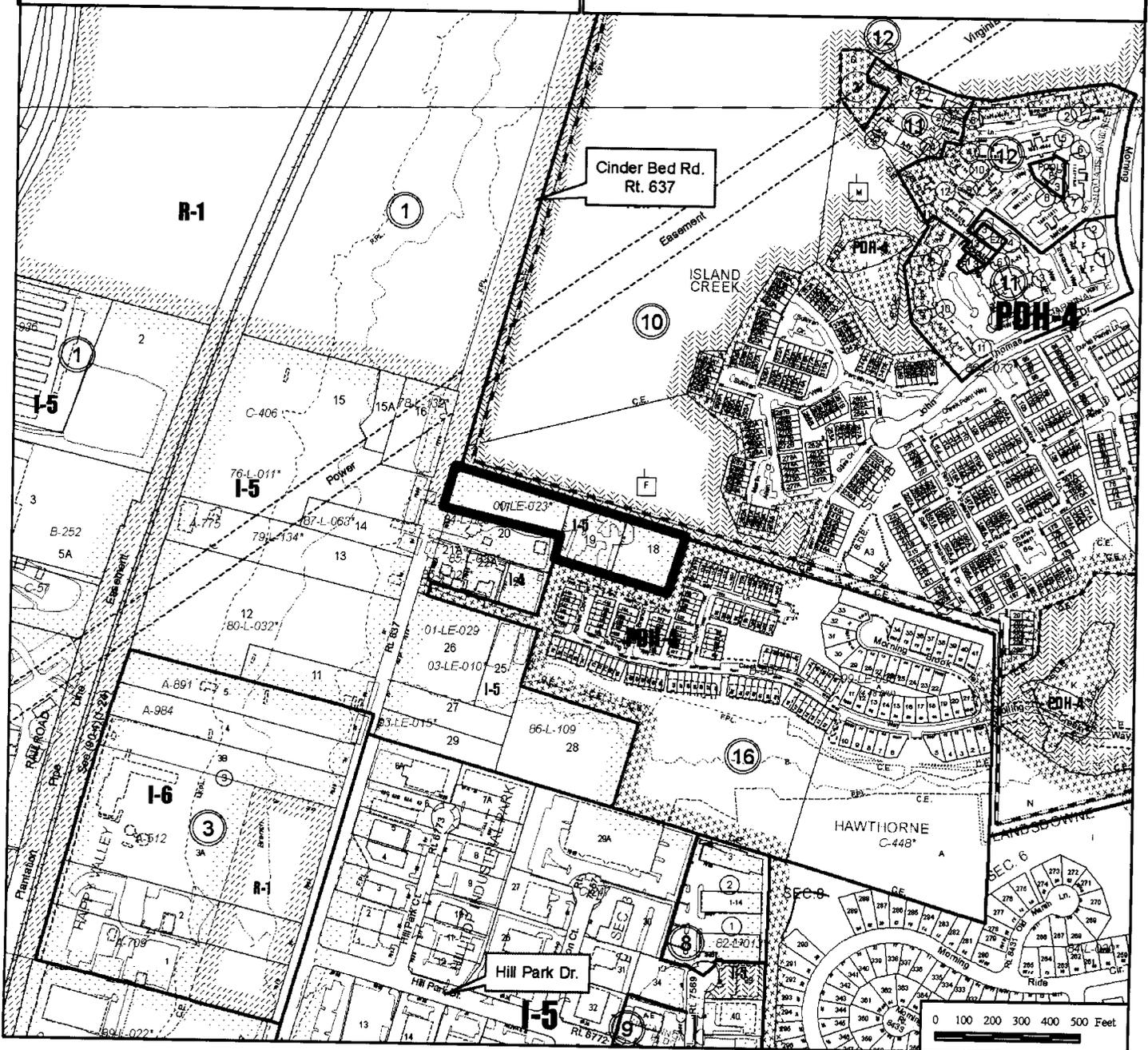
Zoning: FROM I- 5 TO PDH- 5
Overlay Dist:
Map Ref Num: 099-2- /01/ /0017 pt. /01/ /0018
/01/ /0019 pt.

Final Development Plan

FDP 2009-LE-001

Applicant: TAVARES FAMILY LIMITED PARTNERSHIP
Accepted: 01/16/2009
Proposed: RESIDENTIAL
Area: 2.84 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: EAST SIDE OF CINDER BED ROAD
APPROXIMATELY 1,300 FEET NORTH OF ITS
INTERSECTION WITH HILL PARK DRIVE

Zoning: PDH- 5
Overlay Dist:
Map Ref Num: 099-2- /01/ /0017 pt. /01/ /0018
/01/ /0019 pt.



Proffered Condition Amendment

PCA 1999-LE-036

Applicant: TAVARES CONCRETE COMPANY, INC.
Accepted: 01/16/2009
Proposed: AMEND RZ 1999-LE-036 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPEMENT TO PERMIT SITE MODIFICATIONS

Area: 1.3 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: EAST SIDE OF CINDER BED ROAD APPROXIMATELY 1,300 FEET NORTH OF ITS INTERSECTION WITH HILL PARK DRIVE AND AT THE TERMINUS OF AZALEA COVE TERRACE

Zoning: PDH- 4
Overlay Dist:
Map Ref Num: 099-2- /16/ / B pt.

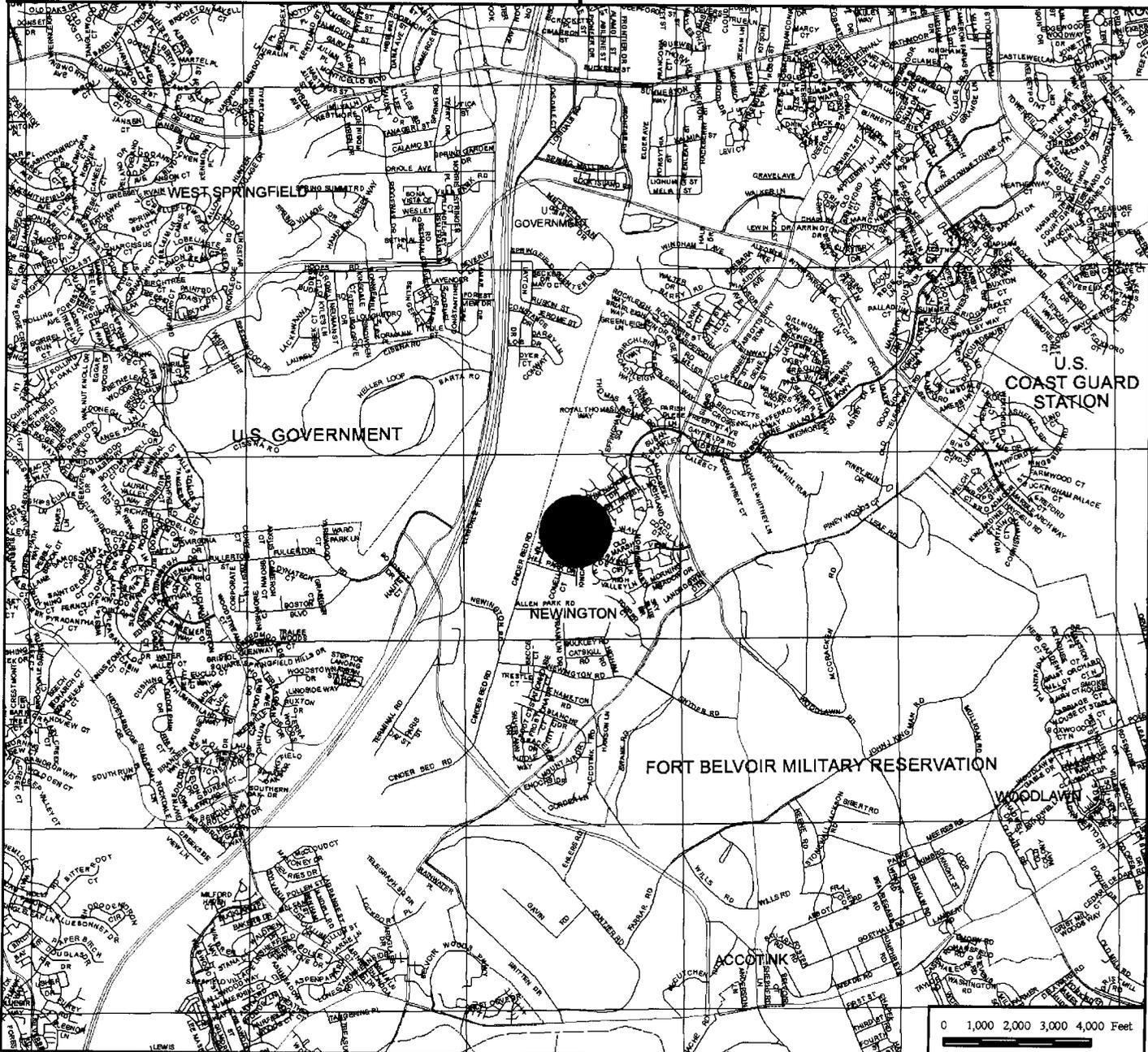
Final Development Plan Amendment

FDPA 1999-LE-036

Applicant: TAVARES CONCRETE COMPANY, INC.
Accepted: 01/16/2009
Proposed: AMEND RZ 1999-LE-036 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPEMENT TO PERMIT RESIDENTIAL DEVELOPEMENT

Area: 1.3 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: EAST SIDE OF CINDER BED ROAD APPROXIMATELY 1,300 FEET NORTH OF ITS INTERSECTION WITH HILL PARK DRIVE

Zoning: PDH- 4
Overlay Dist:
Map Ref Num: 099-2- /16/ / B pt.



Proffered Condition Amendment

PCA 1999-LE-036

Applicant: TAVARES CONCRETE COMPANY, INC.
Accepted: 01/16/2009
Proposed: AMEND RZ 1999-LE-036 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPEMENT TO PERMIT SITE MODIFICATIONS

Area: 1.3 AC OF LAND; DISTRICT - LEE

Zoning Dist Sect:

Located: EAST SIDE OF CINDER BED ROAD APPROXIMATELY 1,300 FEET NORTH OF ITS INTERSECTION WITH HILL PARK DRIVE AND AT THE TERMINUS OF AZALEA COVE TERRACE

Zoning: PDH- 4

Overlay Dist:

Map Ref Num: 099-2- /16/ / B pt.

Final Development Plan Amendment

FDPA 1999-LE-036

Applicant: TAVARES CONCRETE COMPANY, INC.
Accepted: 01/16/2009
Proposed: AMEND RZ 1999-LE-036 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPEMENT TO PERMIT RESIDENTIAL DEVELOPMENT

Area: 1.3 AC OF LAND; DISTRICT - LEE

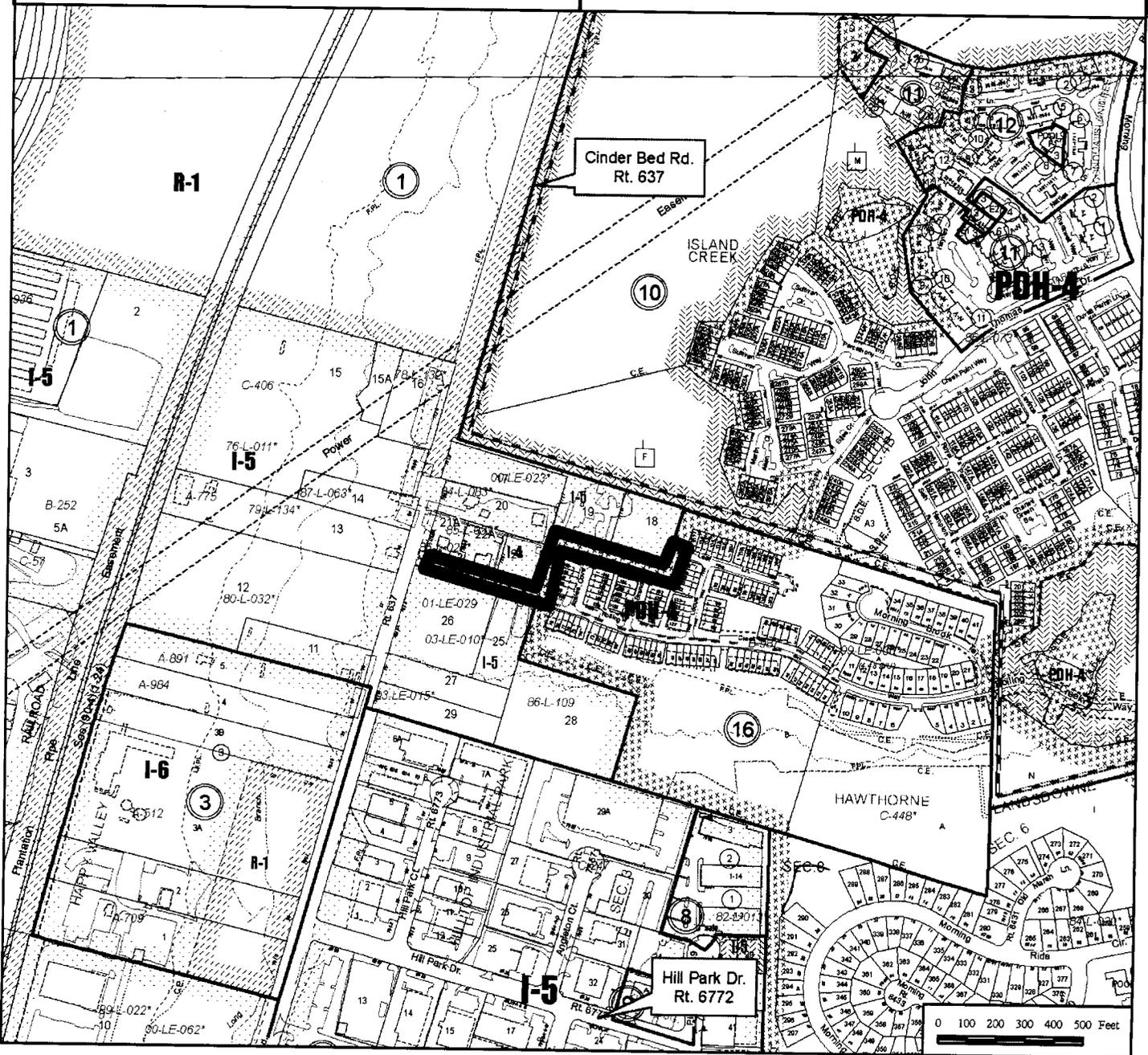
Zoning Dist Sect:

Located: EAST SIDE OF CINDER BED ROAD APPROXIMATELY 1,300 FEET NORTH OF ITS INTERSECTION WITH HILL PARK DRIVE

Zoning: PDH- 4

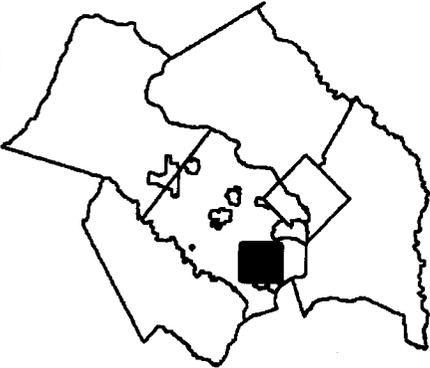
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Proffered Condition Amendment

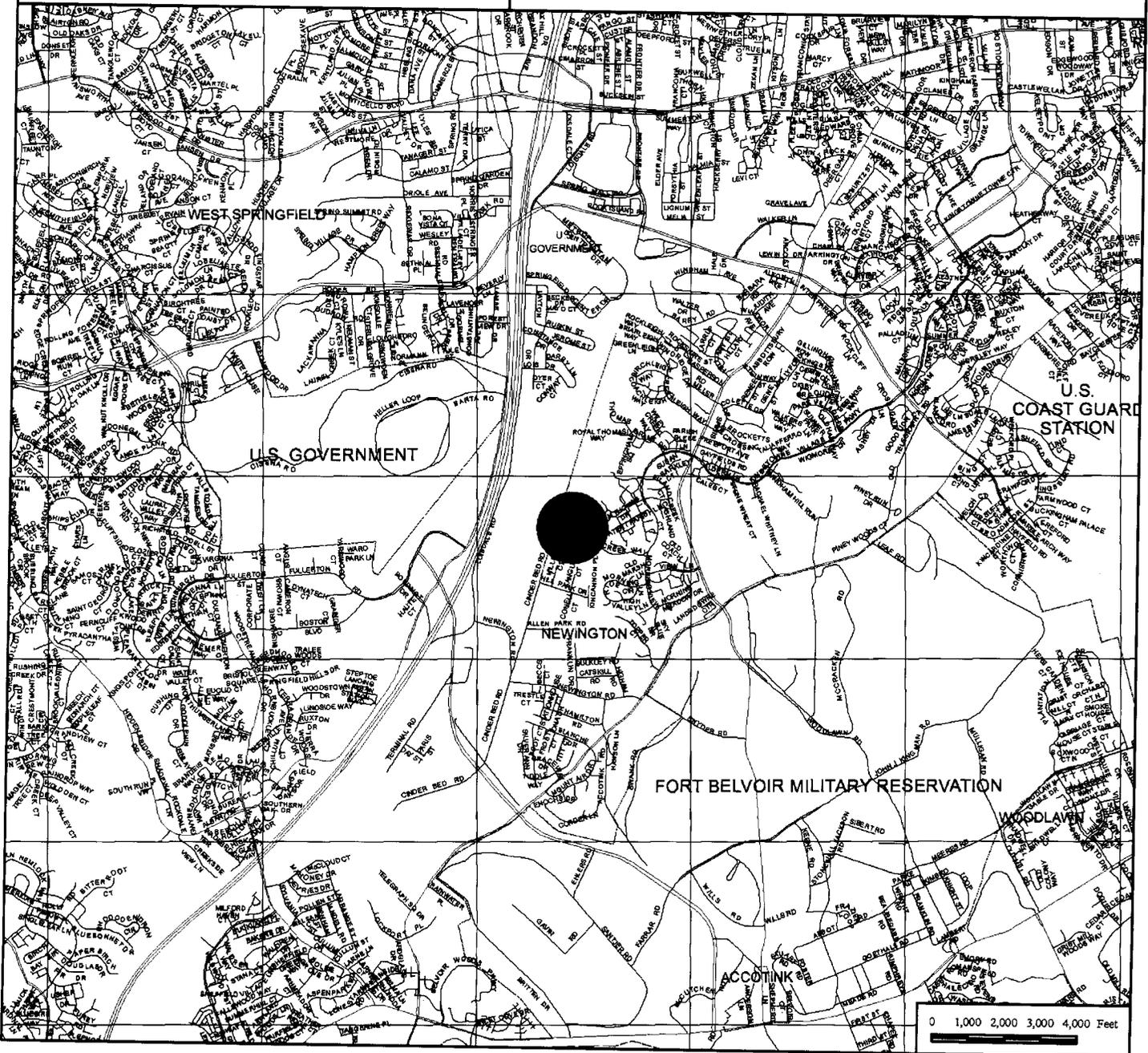
PCA 2000-LE-023



Applicant: TAVARES CONCRETE COMPANY, INC.
Accepted: 01/16/2009
Proposed: AMEND RZ 2000-LE-023 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPEMENT TO PERMIT RESIDENTIAL DEVELOPMENT

Area: 3.36 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: EAST SIDE OF CINDER BED ROAD APPROXIMATELY 1,300 FEET NORTH OF ITS INTERSECTION WITH HILL PARK DRIVE

Zoning: PDH- 5
Overlay Dist:
Map Ref Num: 099-2- /01/ /0017 pt. /01/ /0018 pt. /01/ /0019 pt.



Proffered Condition Amendment

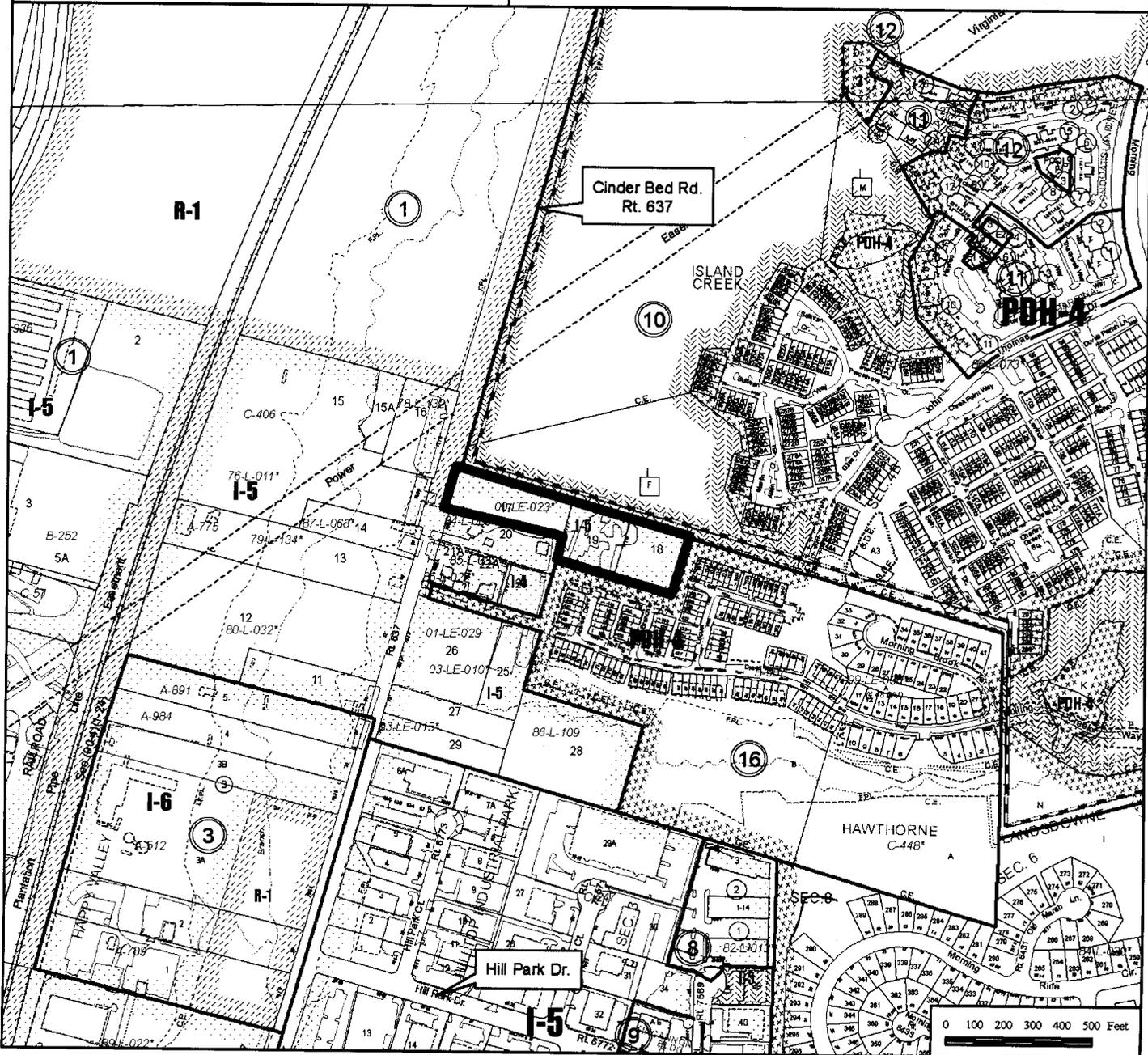
PCA 2000-LE-023

Applicant:
Accepted:
Proposed:

TAVARES CONCRETE COMPANY, INC.
01/16/2009
AMEND RZ 2000-LE-023 PREVIOUSLY
APPROVED FOR COMMERCIAL DEVELOPEMENT
TO PERMIT RESIDENTIAL DEVELOPMENT



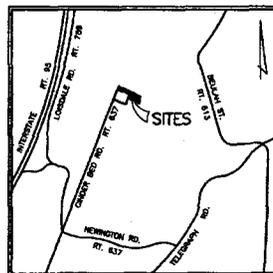
Area: 3.36 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: EAST SIDE OF CINDER BED ROAD
APPROXIMATELY 1,300 FEET NORTH OF ITS
INTERSECTION WITH HILL PARK DRIVE
Zoning: PDH- 5
Overlay Dist:
Map Ref Num: 099-2- /01/ /0017 pt. /01/ /0018 pt.
/01/ /0019 pt.



TAVARES CONCRETE COMPANY, INC.

Lee District Fairfax County, Virginia

**Partial Proffered Condition Amendment/Final Development Plan Amendment -
PCA/FDPA 1999-LE-036 (Existing PDH-4)
Proffered Condition Amendment - PCA 2000-LE-023 (I-5)
Rezoning/Final Development Plan - RZ/FDP 2009-LE-001 (PDH-5)**



VICINITY MAP
SCALE: 1" = 2,000'

**Applicant: (Proposed PDH-5 Portion)
Tavares Family Limited Partnership
8000 Cinder Bed Road
Lorton, VA 22079**

**Applicant: (Remaining I-5 Portion)
Tavares Concrete Company, Inc.
8000 Cinder Bed Road
Lorton, VA 22079**

Sheet Index

1. COVER SHEET
2. REZONING / FINAL DEVELOPMENT PLAN / PROFFERED CONDITION AMENDMENT - APPROVED AND PROPOSED DEVELOPMENT PLANS
3. REZONING / FINAL DEVELOPMENT PLAN / PROFFERED CONDITION AMENDMENT
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6. STORMWATER MANAGEMENT - BMP CALCULATIONS: TAVARES & HAWTHORNE
7. FOR INFORMATION ONLY
8. EXISTING VEGETATION MAP

Tavares Concrete Company, Inc.

**Partial Proffered Condition Amendment/Final Development Plan Amendment -
PCA/FDPA 1999-LE-036 (Existing PDH-4) /
Proffered Condition Amendment - PCA 2000-LE-023 (I-5) /
Rezoning/Final Development Plan - RZ/FDP 2009-LE-001 (PDH-5)**

SEALED



Revised September 11, 2009
Revised August 11, 2009
Revised May 22, 2009
Revised April 10, 2009

December 18, 2008

M-10728



Dewberry

Dewberry & Davis LLC
 1000 N. GLEBE ROAD, SUITE 200
 ARLINGTON, VA 22201
 TEL: 703.907.7000
 FAX: 703.907.7001
 WWW.DDBB.COM

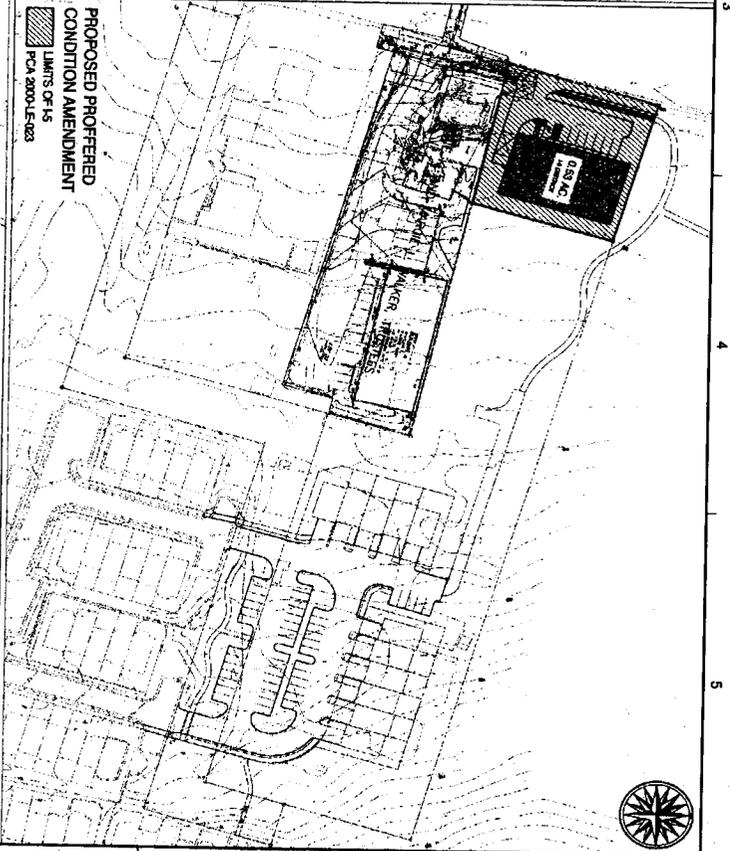
TAVARES CONCRETE COMPANY, INC.
 REZONING /
 FINAL DEVELOPMENT PLAN /
 PROFFERED CONDITION AMENDMENT
 LGE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



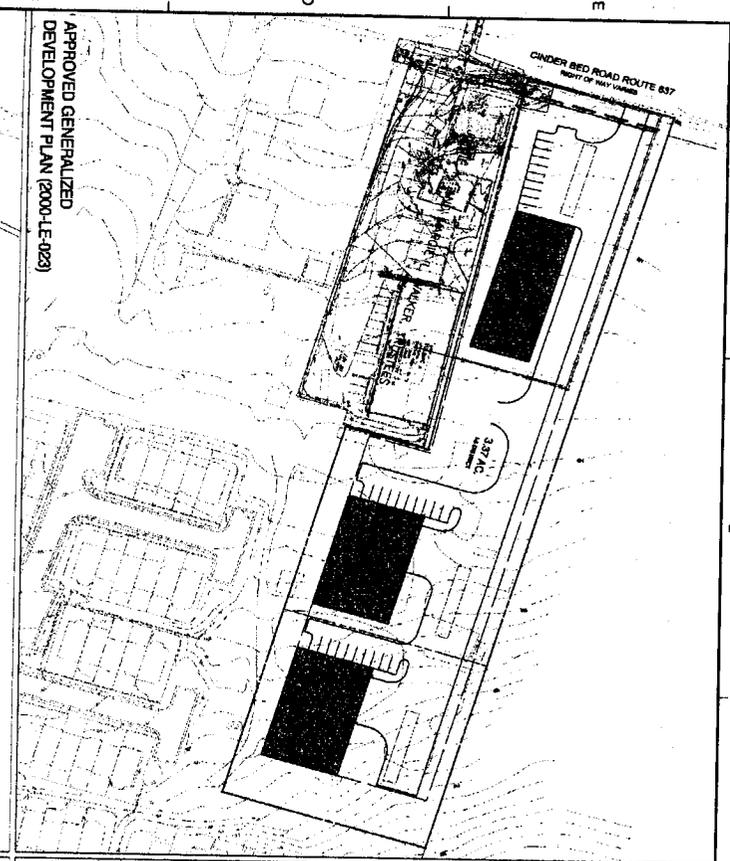
NO.	DATE	BY	DESCRIPTION
1	10/11/09	AMC	PRELIMINARY
2	10/11/09	AMC	REVISIONS
3	10/22/09	AMC	REVISIONS
4	10/22/09	AMC	REVISIONS

DESIGNED BY: AMC
 APPROVED BY: AMC
 CHECKED BY: AMC
 DATE: December 18, 2008
 TITLE: TAVARES CONCRETE COMPANY, INC.
 RZ / FDP / PCA
 Approved and Proposed Development Plans
 PROJECT NO: 2

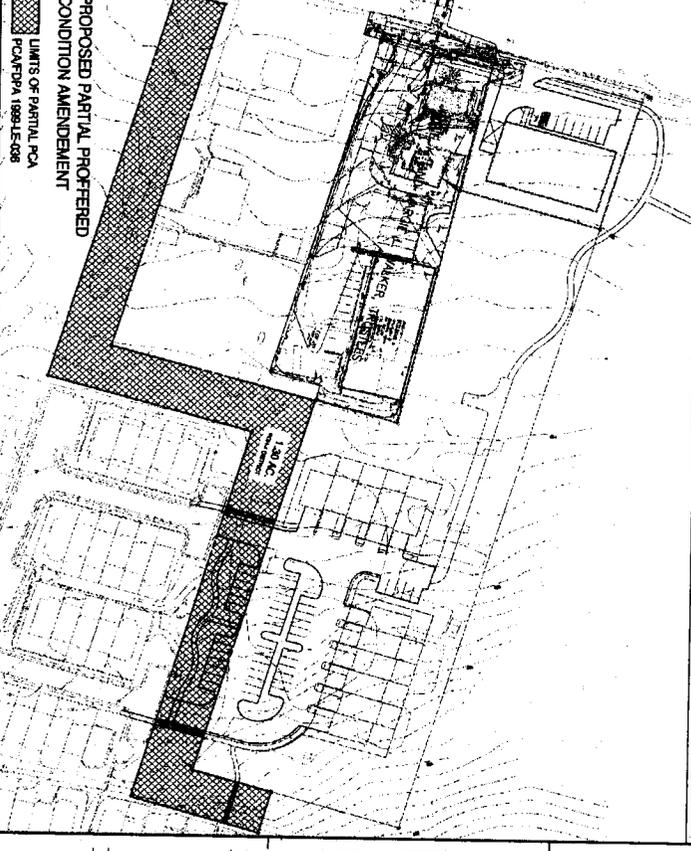
DATE: M-10728 2 of 8



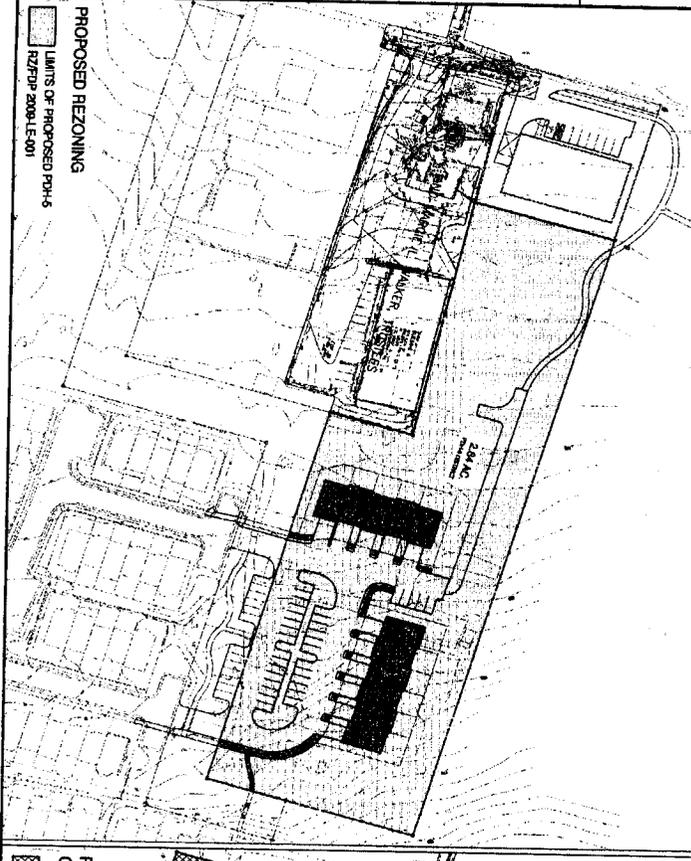
PROPOSED PROFFERED CONDITION AMENDMENT
 LIMITS OF 15'
 PCA 2000-LE-023



APPROVED GENERALIZED DEVELOPMENT PLAN (2000-LE-023)



PROPOSED PARTIAL PROFFERED CONDITION AMENDMENT
 LIMITS OF PARTIAL PCA
 PCA/FPA 1994-LE-008



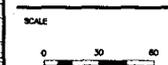
PROPOSED REZONING
 LIMITS OF PROPOSED PMA-5
 RZ/FDP 2004-LE-001

Dewberry & Davis LLC
 500 WASHINGTON BLVD
 FARMINGDALE, NY 11737
 TEL: 609.261.0000
 FAX: 609.261.0002
 www.dewberry.com

TAVARES CONCRETE COMPANY, INC.
 REZONING /
 FINAL DEVELOPMENT PLAN /
 PROFFERED CONDITION AMENDMENT
 USE DISTRICT:
 FAIRFAX COUNTY, VIRGINIA



KEY PLAN



No.	DATE	BY	Description
4	09.11.08	AWP	
3	08.11.08	AWP	
2	05.22.08	AWP	
1	04.10.08	AWP	

REVISIONS

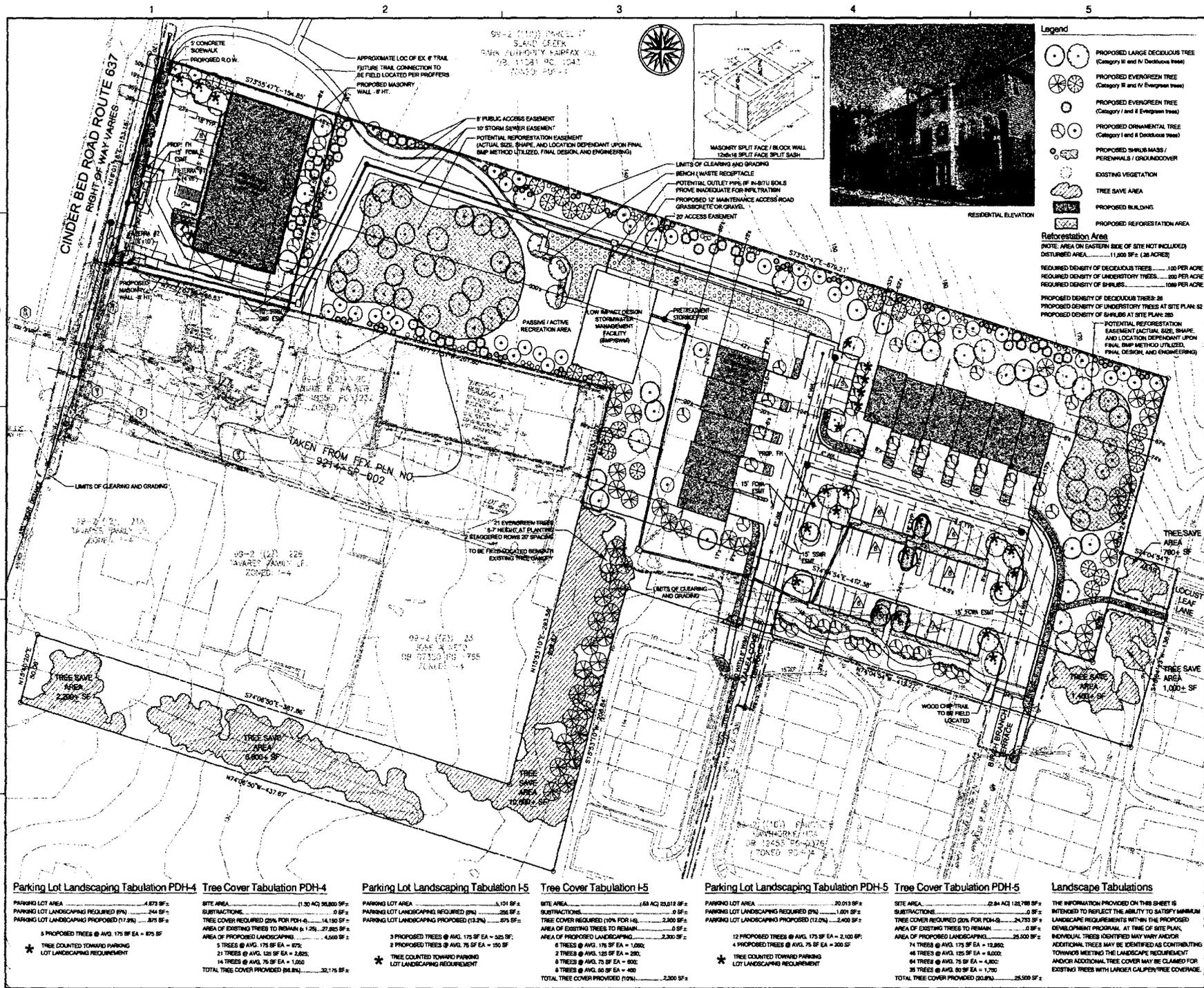
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 APPROVED BY: JME
 CHECKED BY: JME
 DATE: December 18, 2008

TITLE
TAVARES CONCRETE COMPANY, INC.
 RZ / FDP / PCA

PROJECT NO.

3

SHEET NO. 3 OF 8



Legend

- PROPOSED LARGE DECIDUOUS TREE (Category II and IV Deciduous trees)
- PROPOSED EVERGREEN TREE (Category II and IV Evergreen trees)
- PROPOSED EVERGREEN TREE (Category I and II Evergreen trees)
- PROPOSED ORNAMENTAL TREE (Category I and II Deciduous trees)
- PROPOSED SHRUB MASS / PERENNIALS / GROUNDCOVER
- EXISTING VEGETATION
- TREE SAVE AREA
- PROPOSED BUILDING
- PROPOSED REFORESTATION AREA

Reforestation Area
 NOTE: AREA ON EASTERN SIDE OF SITE NOT INCLUDED
 DISTURBED AREA: 11,900 SF ± (26 ACRES)
 REQUIRED DENSITY OF DECIDUOUS TREES: 100 PER ACRE
 REQUIRED DENSITY OF UNDERSTORY TREES: 300 PER ACRE
 REQUIRED DENSITY OF SHRUBS: 1000 PER ACRE
 PROPOSED DENSITY OF DECIDUOUS TREES: 30
 PROPOSED DENSITY OF UNDERSTORY TREES AT SITE PLAN: 62
 PROPOSED DENSITY OF SHRUBS AT SITE PLAN: 200

POTENTIAL REFORESTATION EASEMENT FACTOR, SIZE, SHAPE, AND LOCATION DEPENDANT UPON FINAL BMP METHOD UTILIZED. FINAL DESIGN, AND ENGINEERING.

A Parking Lot Landscaping Tabulation PDH-4 Tree Cover Tabulation PDH-4

PARKING LOT AREA	4,873 SF ±	SITE AREA	17,300 AC 39,800 SF ±
PARKING LOT LANDSCAPING REQUIRED (8%)	389 SF ±	SUBTRACTIONS	0 SF ±
PARKING LOT LANDSCAPING PROPOSED (17.9%)	871 SF ±	TREE COVER REQUIRED (20% FOR PDH-4)	14,150 SF ±
5 PROPOSED TREES @ AVG. 175 SF EA = 875 SF		AREA OF EXISTING TREES TO REMAIN @ 1.2%	27,185 SF ±
* TREE COUNTED TOWARD PARKING LOT LANDSCAPING REQUIREMENT		AREA OF PROPOSED LANDSCAPING	4,560 SF ±
		5 TREES @ AVG. 175 SF EA = 875	
		21 TREES @ AVG. 125 SF EA = 2,625	
		TOTAL TREE COVER PROVIDED (84.9%)	32,715 SF ±

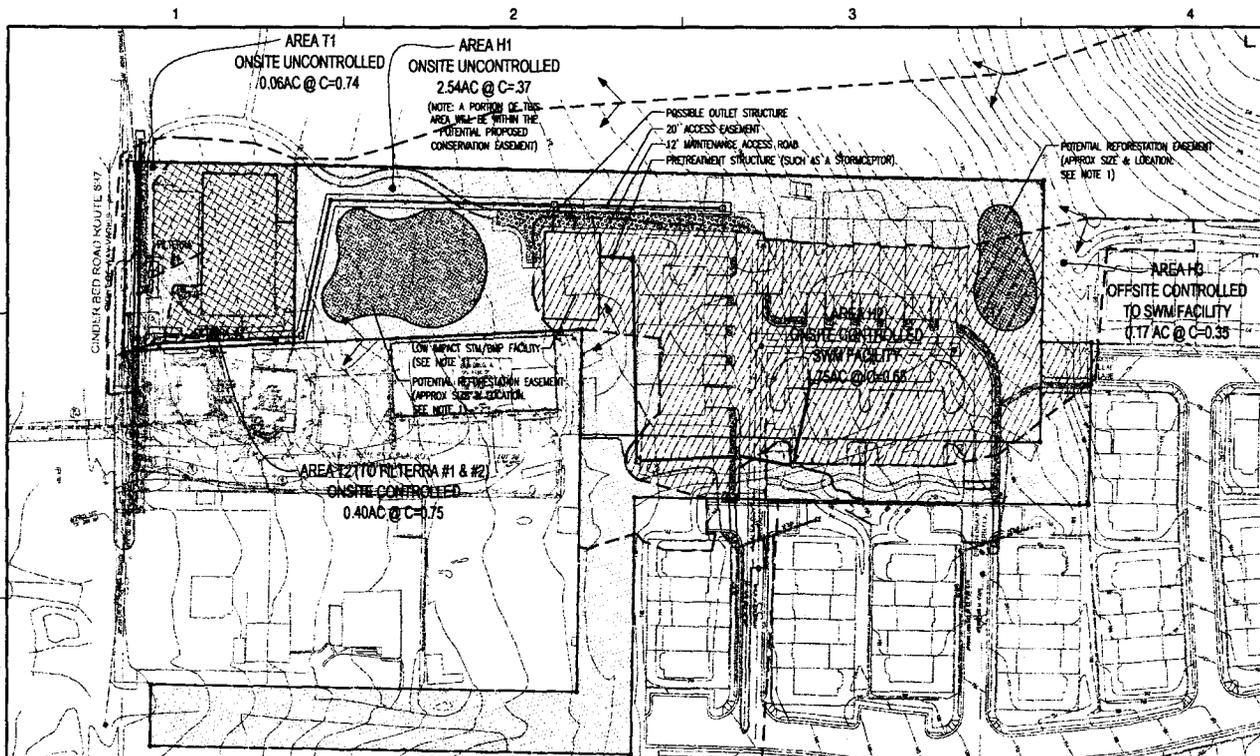
B Parking Lot Landscaping Tabulation F-5 Tree Cover Tabulation F-5

PARKING LOT AREA	5,171 SF ±	SITE AREA	18,912 AC 20,018 SF ±
PARKING LOT LANDSCAPING REQUIRED (9%)	465 SF ±	SUBTRACTIONS	0 SF ±
PARKING LOT LANDSCAPING PROPOSED (13.2%)	675 SF ±	TREE COVER REQUIRED (10% FOR F-5)	2,000 SF ±
3 PROPOSED TREES @ AVG. 175 SF EA = 525 SF		AREA OF EXISTING TREES TO REMAIN	0 SF ±
* TREE COUNTED TOWARD PARKING LOT LANDSCAPING REQUIREMENT		AREA OF PROPOSED LANDSCAPING	2,300 SF ±
		6 TREES @ AVG. 175 SF EA = 1,050	
		2 TREES @ AVG. 125 SF EA = 250	
		8 TREES @ AVG. 75 SF EA = 600	
		TOTAL TREE COVER PROVIDED (10%)	2,300 SF ±

C Parking Lot Landscaping Tabulation PDH-5 Tree Cover Tabulation PDH-5

PARKING LOT AREA	30,013 SF ±	SITE AREA	22,841 AC 128,788 SF ±
PARKING LOT LANDSCAPING REQUIRED (8%)	2,401 SF ±	SUBTRACTIONS	0 SF ±
PARKING LOT LANDSCAPING PROPOSED (12.0%)	3,602 SF ±	TREE COVER REQUIRED (20% FOR PDH-5)	24,753 SF ±
12 PROPOSED TREES @ AVG. 175 SF EA = 2,100 SF		AREA OF EXISTING TREES TO REMAIN	0 SF ±
* TREE COUNTED TOWARD PARKING LOT LANDSCAPING REQUIREMENT		AREA OF PROPOSED LANDSCAPING	25,500 SF ±
		74 TREES @ AVG. 175 SF EA = 12,950	
		48 TREES @ AVG. 125 SF EA = 6,000	
		38 TREES @ AVG. 75 SF EA = 2,850	
		TOTAL TREE COVER PROVIDED (20.9%)	25,500 SF ±

THE INFORMATION PROVIDED ON THIS SHEET IS INTENDED TO REFLECT THE ABILITY TO SATISFY MINIMUM LANDSCAPE REQUIREMENTS WITHIN THE PROPOSED DEVELOPMENT PROGRAM. AT TIME OF SITE PLAN, INDIVIDUAL TREES IDENTIFIED MAY VARY AND/OR ADDITIONAL TREES MAY BE IDENTIFIED AS CONTRIBUTING TOWARD MEETING THE LANDSCAPE REQUIREMENT AND/OR ADDITIONAL TREE COVER MAY BE CLAIMED FOR EXISTING TREES WITH LARGER CALIPER/TREE COVER.



SWM NARRATIVE - QUALITY REQUIREMENTS

QUALITY REQUIREMENTS FOR THE HAWTHORNE AND TAVARES PROPERTIES WILL BE FULFILLED INDEPENDENTLY. TAVARES WILL MEET ITS REQUIREMENTS WITH TWO FILTERBAS WHICH WILL PICK UP FLOW FROM THE ROOFDRAIN DOWNSPOUTS AND SURFACE GUTTER FLOW.

HAWTHORNE WILL USE THE PROPOSED LOW-IMPACT DESIGN SWM FACILITY SUCH AS A PERCOLATION TRENCH (OPTION A) OR A BIORETENTION FILTER (OPTION B). BOTH OPTIONS WILL ALSO UTILIZE REFORESTATION GASSEMENTS FOR ADDITIONAL BMP.

THESE METHODS MEET THE REQUIRED AOX PHOSPHORUS REMOVAL FOR THE SITE AND THEREFORE MEET THE BMP REQUIREMENTS FOR THE PROPOSED IMPROVEMENTS AS SHOWN BY THE CALCULATIONS ON THIS SHEET.

NOTES

- 1.) EXACT SIZES AND LOCATION OF THE LOW IMPACT DESIGN SWM/BMP FACILITY AND THE REFORESTATION EASEMENT ARE SUBJECT TO MODIFICATION BASED ON FINAL DESIGN AND ENGINEERING.
- 2.) THE TOTAL PHOSPHORUS REMOVED AS CALCULATED ON THIS SHEET IS SUBJECT TO CHANGE WITH THE FINAL DESIGN AND ENGINEERING, HOWEVER THE MINIMUM AOX REQUIREMENT SHALL BE MAINTAINED.

LEGEND

- HAWTHORNE PROP - CONTROLLED
- HAWTHORNE PROP - UNCONTROLLED
- TAVARES PROP - CONTROLLED
- TAVARES PROP - UNCONTROLLED
- OFFSITE PROP - CONTROLLED

HAWTHORNE (OPTION A):

PERCOLATION TRENCH: 70% EFFICIENCY
 SIZE: 80' x 34' x 10.5' (SEE NOTE 1)
 REFORESTATION EASEMENT: 70% EFFICIENCY
 SIZE: 5,500 SF (0.15 ACRES) (AS SHOWN ON THIS SHEET, SEE NOTE 1)

BMP Facility Design Calculation
 Plan Name: Hawthorne Option A
 Plan Number: 107
 Date: 08-08
 Engineer: Seth Boyles

BMP Narrative

1. Water Quality Narrative
 A wetland/bank and riparian corridor is proposed to address the BMP requirements for the proposed site. This design provides total phosphorus removal of 0.25, which exceeds the minimum 40% requirement for the proposed facility.

The best management practices for the site were outlined as indicated in the calculations on this sheet. Areas H1 and H2 are the Percolation Trench with total phosphorus of 0.25. The calculations reflect that the proposed trench and easement will provide a phosphorus removal of 0.25, which exceeds the minimum requirement. As a result, the proposed trench and reforestation easement will provide adequate BMP for the proposed improvements.

A. Wetland/bank and Riparian Corridor
 Part 1 - List all of the Subareas and T-C Values used in the BMP Calculations

Subarea	Area (Ac)	C Factor	Runoff (Inch)	Volume (Gals)	Phosphorus (Lbs)
Area H1 (Onsite Uncontrolled)	2.54	0.37	2.41	0.59	0.22
Area H2 (Onsite Uncontrolled)	1.17	0.33	0.12	0.04	0.01
Area T1 (Onsite Controlled)	0.06	0.74	0.17	0.04	0.01
Area T2 (Onsite Controlled)	0.40	1.75	0.17	0.12	0.04

B. Phosphorus Removal - "Chlorophyll Method"

The method for the site is the Chlorophyll Method as set forth in the "Chlorophyll Bay Method" for phosphorus removal calculations. The "Chlorophyll Bay Method" is addressed in Section 10 of the wetland. Please check with your local jurisdiction to determine what method to use.

Part 2 - Complete the Wetland Phosphorus T-C Factor for the Site

Subarea	Area (Ac)	C Factor	Runoff (Inch)	Volume (Gals)	Phosphorus (Lbs)
Area H1 (Onsite Uncontrolled)	2.54	0.37	2.41	0.59	0.22
Area H2 (Onsite Uncontrolled)	1.17	0.33	0.12	0.04	0.01
Area T1 (Onsite Controlled)	0.06	0.74	0.17	0.04	0.01
Area T2 (Onsite Controlled)	0.40	1.75	0.17	0.12	0.04

(B) Weighted Average T-C Factor: 0.994-0.94 0.48

Part 3 - Complete the total Phosphorus Potential for the Site

Subarea	Area (Ac)	C Factor	Runoff (Inch)	Volume (Gals)	Phosphorus (Lbs)
Area H1 (Onsite Uncontrolled)	2.54	0.37	2.41	0.59	0.22
Area H2 (Onsite Uncontrolled)	1.17	0.33	0.12	0.04	0.01
Area T1 (Onsite Controlled)	0.06	0.74	0.17	0.04	0.01
Area T2 (Onsite Controlled)	0.40	1.75	0.17	0.12	0.04
Total	4.17	0.82	2.67	0.75	0.27

Total Area going to the Facility = 1.88 Acres

HAWTHORNE (OPTION B):

BIORETENTION BASIN WITH OUTLET STRUCTURE: 60% EFFICIENCY
 SIZE: 70' x 50' x 6.5' (AS SHOWN ON THIS SHEET, SEE NOTE 1)
 REFORESTATION EASEMENT: 70% EFFICIENCY
 SIZE: 15,000 SF (0.36 ACRES) (NOTE: ENTIRE "REFORESTED AREA" AS SHOWN ON SHEET 3 WOULD BECOME CONSERVATION EASEMENT)

BMP Facility Design Calculation
 Plan Name: Hawthorne Option B
 Plan Number: 107
 Date: 08-08
 Engineer: Seth Boyles

BMP Narrative

1. Water Quality Narrative
 A wetland/bank and riparian corridor is proposed to address the BMP requirements for the proposed site. This design provides total phosphorus removal of 0.25, which exceeds the minimum 40% requirement for the proposed facility.

The best management practices for the site were outlined as indicated in the calculations on this sheet. Areas H1 and H2 are the BioRetention Basin with outlet structure of 0.60. The calculations reflect that the proposed basin and easement will provide a phosphorus removal of 0.25, which exceeds the minimum requirement. As a result, the proposed basin and reforestation easement will provide adequate BMP for the proposed improvements.

A. Wetland/bank and Riparian Corridor
 Part 1 - List all of the Subareas and T-C Values used in the BMP Calculations

Subarea	Area (Ac)	C Factor	Runoff (Inch)	Volume (Gals)	Phosphorus (Lbs)
Area H1 (Onsite Uncontrolled)	2.54	0.37	2.41	0.59	0.22
Area H2 (Onsite Uncontrolled)	1.17	0.33	0.12	0.04	0.01
Area T1 (Onsite Controlled)	0.06	0.74	0.17	0.04	0.01
Area T2 (Onsite Controlled)	0.40	1.75	0.17	0.12	0.04

B. Phosphorus Removal - "Chlorophyll Method"

The method for the site is the Chlorophyll Method as set forth in the "Chlorophyll Bay Method" for phosphorus removal calculations. The "Chlorophyll Bay Method" is addressed in Section 10 of the wetland. Please check with your local jurisdiction to determine what method to use.

Part 2 - Complete the Wetland Phosphorus T-C Factor for the Site

Subarea	Area (Ac)	C Factor	Runoff (Inch)	Volume (Gals)	Phosphorus (Lbs)
Area H1 (Onsite Uncontrolled)	2.54	0.37	2.41	0.59	0.22
Area H2 (Onsite Uncontrolled)	1.17	0.33	0.12	0.04	0.01
Area T1 (Onsite Controlled)	0.06	0.74	0.17	0.04	0.01
Area T2 (Onsite Controlled)	0.40	1.75	0.17	0.12	0.04

(B) Weighted Average T-C Factor: 0.994-0.94 0.48

Part 3 - Complete the total Phosphorus Potential for the Site

Subarea	Area (Ac)	C Factor	Runoff (Inch)	Volume (Gals)	Phosphorus (Lbs)
Area H1 (Onsite Uncontrolled)	2.54	0.37	2.41	0.59	0.22
Area H2 (Onsite Uncontrolled)	1.17	0.33	0.12	0.04	0.01
Area T1 (Onsite Controlled)	0.06	0.74	0.17	0.04	0.01
Area T2 (Onsite Controlled)	0.40	1.75	0.17	0.12	0.04
Total	4.17	0.82	2.67	0.75	0.27

Total Area going to the Facility = 1.88 Acres

TAVARES:

2 FILTERBAS

BMP Facility Design Calculation
 Plan Name: TAVARES
 Plan Number: 107
 Date: 08-08
 Engineer: Seth Boyles

BMP Narrative

1. Water Quality Narrative
 Two proposed filterbas will address required BMP requirements for the proposed site. The design provides a total phosphorus removal of 0.25, which exceeds the minimum 40% requirement for the proposed facility.

The best management practices for the site were outlined as indicated in the calculations on this sheet. Areas T1 and T2 are the Filterbas with total phosphorus of 0.25. The calculations reflect that the proposed filterbas will provide a phosphorus removal of 0.25, which exceeds the minimum requirement. As a result, the proposed filterbas will provide adequate BMP for the proposed improvements.

A. Wetland/bank and Riparian Corridor
 Part 1 - List all of the Subareas and T-C Values used in the BMP Calculations

Subarea	Area (Ac)	C Factor	Runoff (Inch)	Volume (Gals)	Phosphorus (Lbs)
Area T1 (Onsite Uncontrolled)	0.06	0.74	0.17	0.04	0.01
Area T2 (Onsite Uncontrolled)	1.17	0.33	0.12	0.04	0.01

B. Phosphorus Removal - "Chlorophyll Method"

The method for the site is the Chlorophyll Method as set forth in the "Chlorophyll Bay Method" for phosphorus removal calculations. The "Chlorophyll Bay Method" is addressed in Section 10 of the wetland. Please check with your local jurisdiction to determine what method to use.

Part 2 - Complete the Wetland Phosphorus T-C Factor for the Site

Subarea	Area (Ac)	C Factor	Runoff (Inch)	Volume (Gals)	Phosphorus (Lbs)
Area T1 (Onsite Uncontrolled)	0.06	0.74	0.17	0.04	0.01
Area T2 (Onsite Uncontrolled)	1.17	0.33	0.12	0.04	0.01

(B) Weighted Average T-C Factor: 0.994-0.94 0.48

Part 3 - Complete the total Phosphorus Potential for the Site

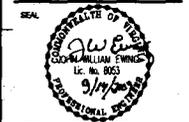
Subarea	Area (Ac)	C Factor	Runoff (Inch)	Volume (Gals)	Phosphorus (Lbs)
Area T1 (Onsite Uncontrolled)	0.06	0.74	0.17	0.04	0.01
Area T2 (Onsite Uncontrolled)	1.17	0.33	0.12	0.04	0.01
Total	1.23	0.53	0.29	0.08	0.02

Total Area going to the Facility = 1.88 Acres

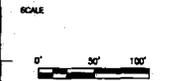


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TAVARES CONCRETE COMPANY, INC.
 CONCEPTUAL DEVELOPMENT PLAN / FINAL DEVELOPMENT AMENDMENT
 LEE COUNTY, VIRGINIA



KEY PLAN



No.	DATE	BY	Description
4	08.11.08	ARW	
3	08.11.08	ARW	
2	05.22.08	ARW	
1	04.10.08	ARW	

DESIGNED BY: ARW
 APPROVED BY: JRE
 CHECKED BY: JRE
 DATE: December 16, 2008

TITLE: TAVARES CONCRETE COMPANY, INC.
 CDP / FDP / PCA
 STORMWATER MANAGEMENT
 BMP CALCULATIONS - HAWTHORNE
 PROJECT NO.

6

EXISTING VEGETATION INVENTORY: PDH-4

COVER TYPE	PRIMARY SPECIES	SUCCESIONAL STAGES	CONDITION	ACREAGE	COMMENTS
EARLY SUCCESSIONAL FOREST	GREEN ASH SWEET OLM	NA	FAIR	49 AC	DECIDUOUS SHADE TREES
OPEN FIELD	NA	NA	FAIR	81 AC	REMS OF PREVIOUS DEVELOPMENT THAT HAS BEEN REMOVED. MEADOW GRASSER
TOTAL ACREAGE				130 AC	

EXISTING VEGETATION INVENTORY: I-5

COVER TYPE	PRIMARY SPECIES	SUCCESIONAL STAGES	CONDITION	ACREAGE	COMMENTS
EARLY SUCCESSIONAL FOREST	MAPLE SWEET OLM	NA	FAIR	208 AC	DECIDUOUS SHADE TREES
OPEN FIELD	NA	NA	FAIR	282 AC	REMS OF PREVIOUS DEVELOPMENT THAT HAS BEEN REMOVED. MEADOW GRASSER
TOTAL ACREAGE				490 AC	

EXISTING VEGETATION INVENTORY: PDH-5

COVER TYPE	PRIMARY SPECIES	SUCCESIONAL STAGES	CONDITION	ACREAGE	COMMENTS
EARLY SUCCESSIONAL FOREST	ONE SWEET OLM	NA	FAIR	22 AC	DECIDUOUS SHADE TREES
OPEN FIELD	NA	NA	FAIR	2.84 AC	REMS OF PREVIOUS DEVELOPMENT THAT HAS BEEN REMOVED. MEADOW GRASSER
TOTAL ACREAGE				2.84 AC	

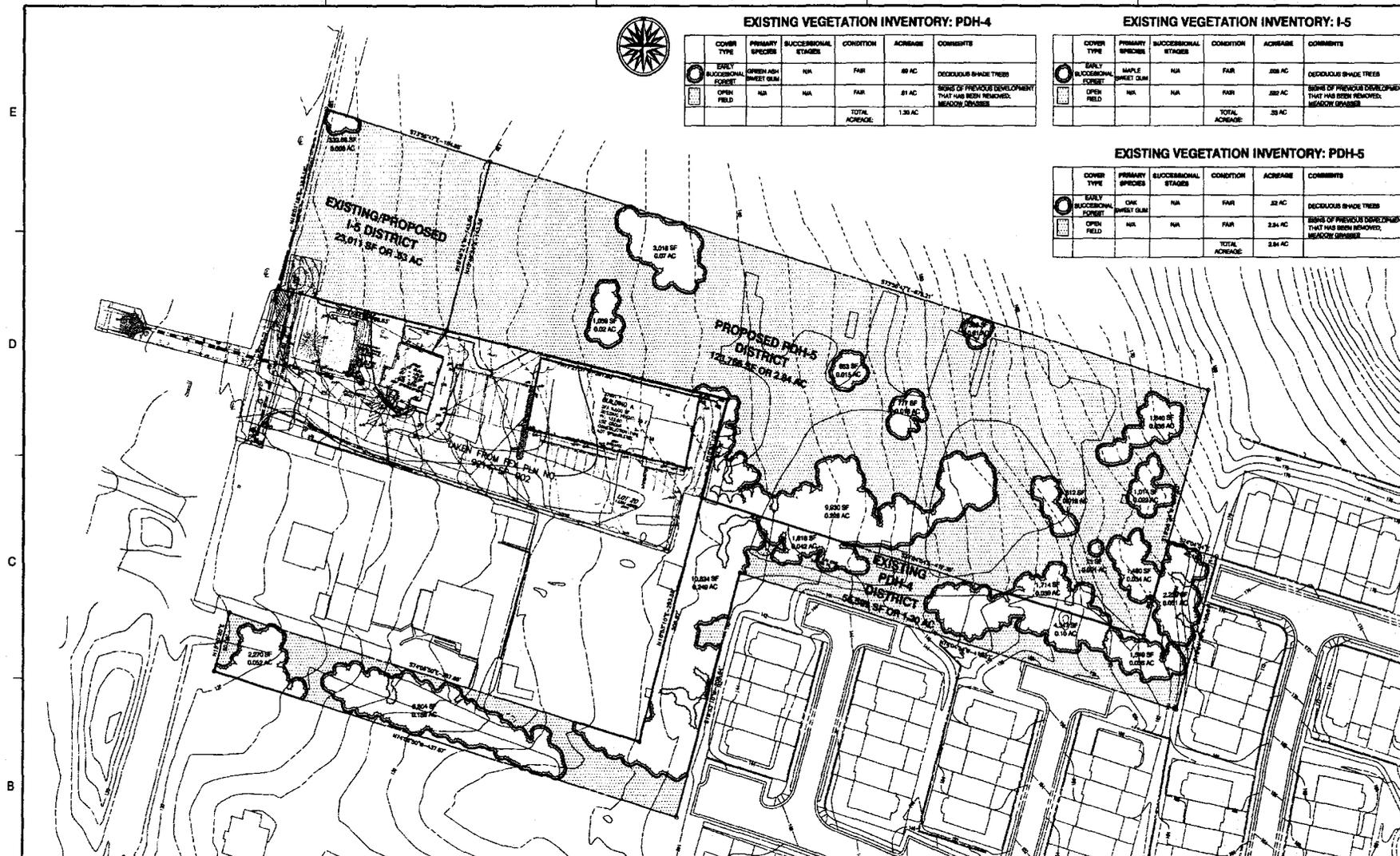


TABLE 12.3 TREE PRESERVATION TARGET CALCULATION: PDH-4

REQUIREMENTS	RESULTS
A PRE-DEVELOPMENT AREA OF EXISTING TREE CANOPY (FROM EXISTING VEGETATION MAP) =	29,861 SF
B PERCENTAGE OF GROSS SITE AREA COVERED BY EXISTING TREE CANOPY =	59,861 SF OF 58,899 = 52.8%
C PERCENTAGE OF 10-YEAR TREE CANOPY REQUIRED FOR SITE (TABLE 12.4) - SEE SHEET 3 =	29% = 14,150 SF
D PERCENTAGE OF THE 10-YEAR CANOPY REQUIREMENT THAT SHOULD BE MET THROUGH TREE PRESERVATION =	92.8% = 7,471 SF
E PROPOSED PERCENTAGE OF CANOPY REQUIREMENT THAT WILL BE MET THROUGH TREE PRESERVATION - SEE SHEET 3 =	27,825.1 SF
F HAS THE TREE PRESERVATION TARGET MINIMUM BEEN MET?	YES
G IF NO FOR LINE F, THEN A REQUEST TO DEVIATE FROM THE TREE PRESERVATION TARGET SHALL BE PROVIDED ON THE PLAN THAT STATES ONE OF MORE OF THE JUSTIFICATIONS LISTING IN 12-0907.3 ALONG WITH A NARRATIVE THAT PROVIDES A SITE-SPECIFIC EXPLANATION OF WHY THE TREE PRESERVATION TARGET CANNOT BE MET. PROVIDE A SHEET NUMBER WHERE THE DEVIATION REQUEST IS LOCATED.	
H IF STEP G REQUIRES A NARRATIVE, IT SHALL BE PREPARED IN ACCORDANCE WITH 12-0907.4	
I PLACE THIS INFORMATION PRIOR TO THE 10-YEAR TREE CANOPY CALCULATIONS AS PER INSTRUCTIONS IN TABLE 12.12	

TABLE 12.3 TREE PRESERVATION TARGET CALCULATION: I-5

REQUIREMENTS	RESULTS
A PRE-DEVELOPMENT AREA OF EXISTING TREE CANOPY (FROM EXISTING VEGETATION MAP) =	333.69 SF
B PERCENTAGE OF GROSS SITE AREA COVERED BY EXISTING TREE CANOPY =	333.69 OF 23,911 = 1.5%
C PERCENTAGE OF 10-YEAR TREE CANOPY REQUIRED FOR SITE (TABLE 12.4) - SEE SHEET 3 =	10% = 2,391 SF
D PERCENTAGE OF THE 10-YEAR CANOPY REQUIREMENT THAT SHOULD BE MET THROUGH TREE PRESERVATION =	1.5% = 36 SF
E PROPOSED PERCENTAGE OF CANOPY REQUIREMENT THAT WILL BE MET THROUGH TREE PRESERVATION - SEE SHEET 3 =	0 SF
F HAS THE TREE PRESERVATION TARGET MINIMUM BEEN MET?	NO
G IF NO FOR LINE F, THEN A REQUEST TO DEVIATE FROM THE TREE PRESERVATION TARGET SHALL BE PROVIDED ON THE PLAN THAT STATES ONE OF MORE OF THE JUSTIFICATIONS LISTING IN 12-0907.3 ALONG WITH A NARRATIVE THAT PROVIDES A SITE-SPECIFIC EXPLANATION OF WHY THE TREE PRESERVATION TARGET CANNOT BE MET. PROVIDE A SHEET NUMBER WHERE THE DEVIATION REQUEST IS LOCATED.	SHEET 7
H IF STEP G REQUIRES A NARRATIVE, IT SHALL BE PREPARED IN ACCORDANCE WITH 12-0907.4	
I PLACE THIS INFORMATION PRIOR TO THE 10-YEAR TREE CANOPY CALCULATIONS AS PER INSTRUCTIONS IN TABLE 12.12	

TABLE 12.3 TREE PRESERVATION TARGET CALCULATION: PDH-5

REQUIREMENTS	RESULTS
A PRE-DEVELOPMENT AREA OF EXISTING TREE CANOPY (FROM EXISTING VEGETATION MAP) =	22,938 SF
B PERCENTAGE OF GROSS SITE AREA COVERED BY EXISTING TREE CANOPY =	22,938 OF 123,786 = 18.2%
C PERCENTAGE OF 10-YEAR TREE CANOPY REQUIRED FOR SITE (TABLE 12.4) - SEE SHEET 3 =	20% = 24,763 SF
D PERCENTAGE OF THE 10-YEAR CANOPY REQUIREMENT THAT SHOULD BE MET THROUGH TREE PRESERVATION =	18.2% = 4,906 SF
E PROPOSED PERCENTAGE OF CANOPY REQUIREMENT THAT WILL BE MET THROUGH TREE PRESERVATION - SEE SHEET 3 =	0 SF
F HAS THE TREE PRESERVATION TARGET MINIMUM BEEN MET?	NO
G IF NO FOR LINE F, THEN A REQUEST TO DEVIATE FROM THE TREE PRESERVATION TARGET SHALL BE PROVIDED ON THE PLAN THAT STATES ONE OF MORE OF THE JUSTIFICATIONS LISTING IN 12-0907.3 ALONG WITH A NARRATIVE THAT PROVIDES A SITE-SPECIFIC EXPLANATION OF WHY THE TREE PRESERVATION TARGET CANNOT BE MET. PROVIDE A SHEET NUMBER WHERE THE DEVIATION REQUEST IS LOCATED.	SHEET 7
H IF STEP G REQUIRES A NARRATIVE, IT SHALL BE PREPARED IN ACCORDANCE WITH 12-0907.4	
I PLACE THIS INFORMATION PRIOR TO THE 10-YEAR TREE CANOPY CALCULATIONS AS PER INSTRUCTIONS IN TABLE 12.12	

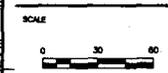


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TAVARES CONCRETE COMPANY, INC.
 REZONING / FINAL DEVELOPMENT PLAN / PROFFERED CONDITION AMENDMENT
 I-5 DISTRICT
 PAINFAX COUNTY, VIRGINIA



KEY PLAN



No.	DATE	BY	Description
4	09.11.09	AW	
3	08.11.09	AW	
2	05.22.09	AW	
1	04.10.09	AW	

APPROVED BY: JHE
 CHECKED BY: JHE
 DATE: December 18, 2008

TITLES
 TAVARES CONCRETE COMPANY, INC.
 RZ / FDP / PCA
 EXISTING VEGETATION MAP

PROJECT NO.

8

SHEET NO. 8 OF 8



-  Parcels
- Applications**
-  PCA 2000-LE-023
-  PCA/FDPA 1999-LE-036
-  RZ/FDP 2009-LE-001

**Tavares Concrete Company, Inc. and
Tavares Family Limited Partnership**

Not to scale

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

DESCRIPTION OF THE APPLICATIONS

The applicant, Tavares Family Limited Partnership, has filed a rezoning application RZ/FDP 2009-LE-001 on Tax Map Parcels 99-2 ((1)) 17 pt., 18 and 19 pt. to rezone a 2.84 acres site from the I-5 District to the PDH-5 District to permit the development of eleven (11) single-family attached residences. The applicant has also filed an associated application, PCA/FDPA 1999-LE-036, on Tax Map Parcel 99-2 ((16)) B part in order to provide access through the abutting single-family residential development of Hawthorne to the proposed development. Finally, there is an associated proffered condition amendment (PCA 2000-LE-023), filed by Tavares Concrete Company, Inc., to amend RZ 2000-LE-023 in order to reduce the land area encumbered by RZ 2000-LE-023 from 3.37 acres to 0.57 acres. Approval of PCA 2000-LE-023 would permit Parcel 18 and parts of Parcels 17 and 19 to be rezoned to PDH-5, as proposed under RZ/FDP 2009-LE-001. All three of the subject sites are currently vacant (see Exhibit A at the front of the staff report for a map of all three applications).

RZ/FDP 2009-LE-001

RZ/FDP 2009-LE-001 seeks to rezone 2.84 acres on Tax Map Parcels 99-2 ((1)) 17 pt., 18 and 19 pt. from the I-5 District to the PDH-5 District to permit the development of eleven (11) single-family attached residences. The property was rezoned to the I-5 District from the R-1 District under RZ 2000-LE-023 to permit industrial uses within three (3) buildings and temporary outdoor storage. The proposed density under RZ/FDP 2009-LE-001 will be 3.87 du/ac. 68 parking spaces and approximately 56% of open space will be provided. Access to the townhouses would be via the existing residential development (Hawthorne) to the south.

PCA/FDPA 1999-LE-036

The second application, PCA/FDPA 1999-LE-036, is a partial proffered condition amendment of RZ/FDP 1999-LE-036. It covers a 1.30 acre portion of the total 33.26 acres site encumbered by RZ/FDP 1999-LE-036. This original rezoning was approved on April 3, 2000, by the Board of Supervisors to rezone 33.26 acres from the I-4 District to the PDH-4 District to permit 41 single-family detached and 108 single-family attached dwellings, including 19 affordable dwelling units at a density of 4.48 du/ac with 60% open space. The site has been developed and is known as Hawthorne. Under PCA/FDPA 1999-LE-036, the proffers and final development plan for RZ 1999-LE-036 would be amended to extend two private streets (Azalea Cove Terrace and Birch Branch Terrace) from Hawthorn across Parcel B pt. (1.30 acres) to provide access to the single-family attached residential project on Parcels 17 pt., 18 and 19 pt. proposed under RZ/FDP 2009-LE-001. In addition, thirteen (13) surface parking spaces would be added to Parcel B pt. to provide additional parking spaces for the Hawthorne development.

PCA 2000-LE-023

RZ 2000-LE-023 was approved by the Board of Supervisors on April 8, 2002 to rezone Parcels 17, 18 and 19 from the R-1 District to the I-5 District to permit industrial uses including three (3) warehouse structures (each approximately 9,400 SF in size), as well as temporary outdoor storage, on 3.37 acres. Under PCA 2000-LE-023, the applicant proposes to reduce the land area covered by the RZ 2000-LE-023 to 0.53 acres so that Parcels 17 pt., 18 and 19 pt. can be developed with single-family attached residences as proposed under RZ/FDP 2009-LE-001. Part of Parcels 17 and 19 would remain 1-5 so that the applicant could continue to use the site for industrial purposes, including contractor's offices and shops and warehouse. Under PCA 2000-LE-023, the applicant proposes to build an 8,050 square feet, single-story (30 feet high) industrial structure on the 0.53 acre portion of Parcel 17. Eight (8) parking spaces will be provided on site, and access to the site would continue to be from Cinder Bed Road.

	Previously Approved RZ 2000-LE-023	Proposed PCA 2000-LE-023
Land Area	3.37 acres	.53 acres
Zoning	I-5 District	PDH-5 District
Warehouse Sq. Ft.	Approx. 9,400 each*	8,050 SF
Building Height	40 feet	30 feet
Parking	10 spaces	8 spaces
Open Space	54,624 SF (38%)	5,686 SF (25%)
FAR	0.20	0.34

* Three warehouses were previously approved, including two warehouses, each 9,500 SF in size, and one warehouse 9,300 SF in size.

LOCATION AND CHARACTER

The 3.36 acre application property (Parcels 17, 18 and 19 pt), which is the subject of RZ/FDP 2009-LE-001 and PCA 2000-LE-023, is currently vacant. The site is bounded by Cinder Bed Road to the east, the Island Creek single-family attached development and Fairfax County park space to the north, and the Hawthorne single-family detached and attached residential development to the south and east. Parcel 17 is directly accessible from Cinder Bed Road. Parcel 16 Pt., which is the subject site for PCA/FDPA 1999-LE-036, a part of the Hawthorne development, and serves as an access easement for Parcels 18 and 19. Parcel 16 is accessible by Morning View Lane, which connects directly to Beulah Street.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Fairfax County Park Space and Single-family Attached (Island Creek)	PDH-4	Industrial
South	Single-family Detached and Attached (Hawthorne)	PDH-4	Industrial
East	Single-family Detached and Attached (Hawthorne)	PDH-4	3-4 du/ac
West	Open Space and Industrial	I-5	Open Space

BACKGROUND (Appendices 6 and 7)

PCA 2000-LE-023

Site History:

On April 8, 2002, the Board of Supervisors granted approval of RZ 2000-LE-023 to rezone Parcels 17, 18 and 19 from the R-1 District to the I-5 District, subject to proffers dated February 21, 2002. The Board modified the transitional screening along the north property line and the portion of the south property line which abuts residential areas to permit a 25-foot wide strip of landscaping and also modified the barrier requirements along the portions of the northern and southern property lines in lieu of the existing board-on-board fence, as shown on the Generalized Development Plan. The 3.30 acre site, comprised of Parcels 17, 18 and 19, was approved for a FAR of .20 and 38% open space. Three (3) industrial buildings with a maximum height of 40' and 30 parking spaces were approved. The proposed buildings were 9,300 square feet (Parcel 17) and 9,500 square feet (Parcels 18 and 19) in size. Access to Parcel 17 would be directly from Cinder Bed Road, and Parcels 18 and 19 would mainly be accessed through an extension of an existing private street through the adjoining Hawthorne residential development. Emergency access would be permitted through the existing 50 foot wide access easement between the petitioned site and Hawthorne. Approved uses included contractor's offices and shops, light public utility uses, office, and warehousing. Temporary outdoor storage for two (2) year duration was also approved for Parcel 17.

PCA 1999-LE-036

Site History:

The Board of Supervisors approved RZ 1999-LE-036 (concurrent with PCA 86-L-073-3) on April 3, 2000, to rezone 33.26 acres [Tax Map Parcel 99-2 ((1)) 24] from the I-4 District to the PDH-4 District for the development of 41 single-family detached and 108 single-family attached dwellings, including 19 affordable dwelling units at a proposed density of 4.48 du/ac and 60% open space.

COMPREHENSIVE PLAN PROVISIONS

- Plan Area:** Area IV
- Planning District:** Springfield Planning District
- Planning Sector:** I-95 Industrial Area, Land Unit I;
S-6 Newington Community Planning Sector

In the Fairfax County Comprehensive Plan, Area IV, 2007 Edition, Springfield Planning District, as amended through January 26, 2009, I-95 Industrial Area, Land Unit I, on Page 24, the plan states the following:

Land Unit I

This land unit is located north of the Fort Belvoir Military Railroad and east of Cinder Bed Road. Existing uses including County school bus and Connector bus parking facilities and garage, a new industrial park, vacant land, and industrial uses exist next to older single-family residences. A single family residential attached and detached subdivision has been recently approved on Tax Map 99-2((1)) 24 which is adjacent to the land unit.

Industrial uses up to .35 FAR are planned for the area south of parcels 28 and 29.

The area along Long Branch next to Cinder Bed Road north of the Newington Garage is appropriate for industrial use, with substantial buffering and transitional open space required next to any remaining detached single-family residential units. The environmental constraints of the area associated with steep slopes, poor soil, and floodplains require strict conformance with environmental policies. The eastward boundary should generally follow the base of these slopes at an elevation of 165 feet to preserve the integrity of these highly erodible areas.

Tax Map 99-2((1)) Parcels 17, 20-23 and 25-29 include areas with environmental constraints and opportunities, including slopes, poor soils and a tributary. These parcels are also planned for industrial use up to .35 FAR subject to the following:

- Substantial vegetated buffers and screening should be provided adjacent to parcels planned or developed for residential use or public park use;*
- Outdoor storage and heavy industrial uses are prohibited; and*
- Access should occur only to Cinder Bed Road.*

If Parcels 99-2((1))18 and 19, which are addressed in the recommendations for S6 Newington Community Planning Sector, are proposed for residential use consistent with Plan guidance, some of Parcel 99-2((1))17 should be

consolidated with these parcels and used as open space with passive recreation facilities for the residential community.

In the Fairfax County Comprehensive Plan, Area IV, 2007 Edition, Springfield Planning District, as amended through January 26, 2009, S6-Newington Community Planning Sector, beginning on Page 72, the plan states the following:

9. *Parcel 24 (Tax Map 99-2((1))24) contains severe environmental constraints including steep slopes, poor soils, and floodplain associated with a tributary. Single-family residential development at 3-4 dwelling units per acre may be appropriate provided the following conditions are met:*

- *Vehicular access should only be via Morning View Lane;*
- *Preservation of the Environmental Quality Corridor both on Tax Map 99-2((1)) 24 as well as in conjunction with access via Morning View Lane;*
- *Maximization of tree save areas, especially on steep slopes;*
- *Compatibility with the adjoining communities of Island Creek and Landsdowne;*
- *Suitable buffering adjacent to the Landsdowne and Island Creek communities.*

Two adjacent parcels, Tax Map 99-2((1))18 and 19 may be developed for single family attached residential use at 3-4 dwelling units per acre if they are consolidated and subdivided such that their development can be integrated with the approved single family residential development on Tax Map 99-2((1))24, and if all vehicular access can be obtained through parcel 24 to Morning View Lane. Development at this density would be subject to all of the applicable development conditions outlined for residential use on Parcel 24.

As an option, parcels 99-2((1)) 18, 19 may be appropriate for single-family attached residential use at a density of 4-5 du/ac. Some of the industrial zoned parcel 99-2((1)) 17 may also be considered under this option. The following conditions should be met:

- *Consolidation of parcels 18, 19 is achieved, with any portion of parcel 17 that is included dedicated to open space. The open space should include amenities for passive recreation such as benches and trash receptacles, with trees and other vegetation located along the periphery to screen the adjacent industrial development;*
- *A 6 foot masonry wall is placed along any property line abutting industrial use;*

- *A commitment is made to restrict residential development to parcels 18 and 19 and the maximum number of units does not exceed 13;*
- *Sensitivity to environmental constraints of the property is demonstrated through appropriate measures to mitigate the presence of slippage prone soils;*
- *The residential development is integrated with the Hawthorne subdivision with access through the subdivision to Morning View Lane. Access to Cinder Bed Road is prohibited; and*
- *The architectural type, style and elements of the homes constructed are compatible with the existing homes in the Hawthorne subdivision.*

If residential development is not achieved, Tax Map 99-2((1))18 and 19 may be developed for industrial use up to .25 FAR. Vehicular access to Parcels 18 and 19 should be provided through Parcels 17 or 20. It is recommended that Parcels 18 and 19 consolidate with Parcel 17. The existing 50-foot access easement for Parcel 24 to Cinder Bed Road should not be utilized. Substantial vegetated buffers and screening should be provided adjacent to parcels planned or developed for residential use or public park use.

ANALYSIS

Partial Proffered Condition Amendment/Final Development Plan Amendment Plan, Proffered Condition Amendment Plan, Rezoning/Final Development Plan (Copy at front of staff report)

Title of Combined Plan: Tavares Concrete Company, Inc.
Prepared By: Dewberry & Davis LLC
Original and Revision Dates: December 18, 2008, as revised through September 11, 2009

Tavares Concrete Company, Inc., (PCA/FDPA, PCA, RZ/FDP)	
Sheet #	Description of Sheet
1 of 8	Cover Sheet, Sheet Index
2 of 8	Approved and Proposed Development Plans
3 of 8	Parking Lot Landscaping, Tree Cover and Landscape Tabulations
4 of 8	RZ / FDP / PCA Notes and Tabulation
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7 of 8	CDP / FDP / PCA Information Only
8 of 8	RZ / FDP / PCA Existing Vegetation Map

Site Layout: Under PCA 2000-LE-023, the applicant proposes an 8,050 square feet warehouse on that portion of Parcel 17 and Parcel 19 pt. abutting Cinder Bed Road; this warehouse will face along Cinder Bed Road. The proposed building is adjacent to Fairfax County parkland to the north of the site, industrially-zoned property to the south, and a proposed passive/active recreation area to the east. Measuring 30 feet in height, the single-story warehouse will have eight (8) parking spaces located in front of the building along Cinder Bed Road. Access to the site would be provided via a single access point along Cinder Bed Road. A six (6) feet tall masonry wall is proposed along the northern, eastern and southern boundaries of the property. A large passive/active recreation space proposed as part of RZ/FDP 2009-LE-001 will separate the warehouse from the proposed residences to the east.

Under RZ/FDP 2009-LE-001, eleven (11) new single-family attached residences are proposed in the northeast corner of the site on Parcels 18 and 19. Approximately 35 feet in height, the residences will be approximately 16 feet in width and 42 feet in length and have a two-car garage and driveway. A passive/active recreation space would be located in the western half of the property. Access to the site would be provided via the extension of two private streets (Azalea Cove and Birch Branch Terraces) from the abutting Hawthorne residential development to the south. Forty-six (46) surface parking spaces will be built for a total of 68 parking spaces on the residential site. In addition, each residence will have two (2) parking spaces, totaling 22 parking spaces. On-street parking is not proposed within the development.

The site area which is subject to PCA/FDPA 1999-LE-036 contains an existing fifty (50) foot wide access easement which has provided several properties with access to Cinder Bed Road, including Tax Map Parcels 99-2 ((1)) 18, 19, 22B and 23. (It should be noted, however, that several of these parcels have since vacated their rights to this access easement.) The 50-foot wide access easement also serves as a secondary emergency access point for the Hawthorne development to Cinder Bed Road. The easement, which is a part of Parcel B, is largely undeveloped. Under this proposal, it will remain so except for the portion of land which will be developed to extend the two 24-foot wide private streets of Azalea Cove Terrace and Birch Branch Terrace to the north to provide access to the single-family attached residential development proposed under RZ/FDP 2009-LE-001. In addition to these street connections, 13 surface parking spaces, a trail, and landscaping will be provided within the easement.

Landscaping: Under RZ/FDP 2009-LE-001 and PCA 2000-LE-023, the applicant proposes to provide an approximately 25 feet wide landscape buffer between the proposed warehouse and single-family attached residences. A six (6) feet tall masonry wall will also separate the two sites. There will be a mix of large deciduous, evergreen and ornamental trees in the buffer area, as well as shrubs. No existing vegetation (which consists mainly of brush) will be preserved.

Additional landscaping is proposed along the perimeter of the new residential development proposed under RZ/FDP 2009-LE-001, including new trees and groundcover along the northern, eastern and southern boundaries. Approximately 25 to 35 feet of landscaping will be provided along the northern boundary of the property bordering Fairfax County parkland. Along the eastern boundary next to Hawthorne, there will be approximately 65 feet of landscaping and tree save area. Adjoining the proposed recreation area to the south, there are ornamental and evergreen trees and other plantings proposed around the adjoining industrial site (Parcel 20), which is fenced. Between the proposed passive/active recreation area and the proposed industrial building on Parcels 17 pt. and 19 pt., there is an approximately 15 to 25 feet landscape buffer. To the east between Parcel 20 and the proposed new residences, approximately 35 of landscaping would be planted, including deciduous and evergreen trees. Reforestation is proposed for the middle of the recreation area. As part of the required interior parking lot landscaping, large deciduous, evergreen and ornamental trees will be planted within the parking lot.

Approximately 25,000 SF of existing trees will be preserved throughout the length of Parcel B pt. Additionally, within this parcel, there will be green space with a wood chip trail and ornamental trees and groundcover. Twenty-one (21) evergreen trees will be field located within Parcel B pt. under the existing tree canopy in order to provide additional screening between the existing residential development of Hawthorne from the industrial use on Parcel 23 to the west.

Access: The proposed warehouse on Parcels 17 pt. and 19 pt. (PCA 2000-LE-023) will be accessed directly from Cinder Bed Road. The proposed residential development on Parcels 17 pt., 18 and 19 pt. (RZ/FDP 2009-LE-001) will connect to two existing private streets within the Hawthorne residential development (Azalea Cove and Birch Branch Terraces). These two private streets then provide access to Rolling Creek Way (the main thoroughfare of the Hawthorne development), which runs westward from its connection to Morning View Lane. The existing 50 feet wide access easement that runs from Cinder Bed Road to the eastern portion of the site will continue to provide emergency access to and from Cinder Bed Road.

Pedestrian access to the warehouse (PCA 2000-LE-023) will be facilitated by a new five (5) foot wide concrete sidewalk along the Cinder Bed Road frontage of the warehouse site, which will connect to an existing trail through Fairfax County's park to the north via a future off-site trail connection. This connection will be field located as proffered and approximately six (6) feet wide. The park space, which serves an adjoining residential community (Island Creek), borders the entirety of northern boundary of the petitioned property. There will also be a paved sidewalk linking the new residential development (RZ/FDP 2009-LE-001) on the eastern portion of the petitioned site with the existing Hawthorne development. The Countywide Trails Plan shows a minor paved trail (four to seven feet asphalt or concrete trail) along Cinder Bed Road. The proposed trail connection will run north along the site and will also connect to the new

residential development via the proposed passive/active recreation area, linking to a proposed 20 feet wide access easement. New five (5) foot sidewalks are also proposed on the residential site.

Parking: Eight (8) parking spaces are proposed for the warehouse site, which meets the Zoning Ordinance requirement. Thirty (30) parking spaces are required for the 11 single-family attached residences proposed under RZ/FDP 2009-LE-001. The applicant plans to provide a total of 68 parking spaces, including 22 garage/driveway spaces and 46 surface parking spaces. These surface parking spaces will also serve the Hawthorne development as part of an agreement to provide access to the property through the Hawthorne site.

Road Improvements: As previously proffered under RZ 2000-LE-023, the applicant proposes to dedicate right-of-way of 35 feet from the centerline along Cinder Bed Road to the Board of Supervisors. The applicant also continues to proffer to construct Cinder Bed Road as a one-half section up to 26 feet from the centerline. A five (5) feet wide sidewalk, as well as curb and gutter, will be constructed along the Cinder Bed Road frontage of the site. The existing private street through Hawthorne will be extended through the residential development (proposed under RZ/FDP 2009-LE-001), and the street, which will remain privately owned, will be maintained by Hawthorne.

Open Space and Amenities: Under RZ/FDP 2009-LE-001, the applicant is retaining most of Parcel 17 and a portion of Parcel 19 for a proposed passive/active recreation area. The applicant intends to provide recreational facilities such as tot lots, gazebos and sitting areas, recreational trails and other similar amenities within this area to serve the property.

Stormwater Management: A new low impact design (LID) stormwater management facility is proposed for the site to provide detention and water quality. A potential conservation easement in the middle of the proposed passive/active recreation area on Parcel 17 is also proposed, which will be finalized in conjunction with the final BMP method utilized, final design and engineering.

Land Use Analysis (Appendix 8)

Overall, the proposed redevelopment satisfies the Comprehensive Plan language specific to the petitioned site. Parcels 17, 18 and 19 were rezoned from the R-1 District to the I-5 District when RZ 2000-LE-023 was approved on April 8, 2002. The site was approved for industrial uses in three (3) new buildings and temporary outdoor storage. The Comprehensive Plan provides an option for single-family attached residential use at 3-4 du/ac on Parcels 18 and 19 if they are consolidated and subdivided to allow integration with the approved single-family residential development and vehicular access through Parcel 24 (Hawthorne).

There is a second Plan option to develop Parcels 18 and 19 for single-family attached residential use at a density of 4-5 du/ac (with no more than a maximum of 13 units) if some portion of Parcel 17 is dedicated to open space. The applicant intends on satisfying the conditions for the second option, including building a six (6) foot high masonry wall along the property line adjoining an industrial use, limiting proposed residential development to 11 single-family attached dwellings, addressing slippage prone soils, and integrating the design of the development with the Hawthorne subdivision. Further analysis will be addressed through the Residential Development Criteria of Fairfax County's Policy Plan, Land Use (see Appendix 19).

Issue: Universal Design

Fairfax County has recently adopted a Universal Design Policy which encourages residential developments to incorporate Universal Design Elements.

Resolution:

The applicant has not committed to universal design for the new residential units. Due to possible massing limitations of the proposed single-family attached residences, the applicant has noted that many key universal design elements, such as a ground-level entrance and minimal stairs, may be difficult to implement. Nevertheless, staff believes that many interior features, such as ergonomic fixtures and wider doorways, may be utilized within the proposed dwellings. As plans are finalized for the residences, staff continues to encourage the applicant to actively consider incorporating aspects of Universal Design into the final design.

Issue: Architectural Design

The Comprehensive Plan language for this site states that "the architectural type, style and elements of the homes constructed on Parcels 18 and 19 should be compatible with the existing homes in the Hawthorne subdivision."

Resolution:

At this time, the applicant has not prepared schematic drawings or sketches of the proposed single-family attached residences' design, but has committed a proffer to demonstrate to Zoning Evaluation Division, Department of Planning Zoning that the new dwelling units will be compatible with the Hawthorne subdivision's existing homes. Staff believes this issue is resolved.

Issue: Use

The Comprehensive Plan language states that outdoor storage and heavy industrial uses are prohibited for Parcel 17 for industrial use up to .35 FAR.

Resolution:

Under RZ 2000-LE-023, Parcels 17, 18 and 19 were previously approved for a rezoning from the R-1 District to the I-5 District to permit industrial uses in three (3) new buildings and temporary outdoor storage. The applicant no longer proposes outdoor storage and has committed a proffer to prohibit outdoor storage. In addition, the applicant has proffered that only the following uses may take place on the site:

- Accessory uses and accessory service uses as permitted by Article 10;
- Contractor's offices and shops;
- Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501.
- Warehousing and associated retail establishments; and
- Wholesale trade establishments.

With this proffer limitation on permitted uses, staff believes the issue is resolved

Environmental Analysis (Appendix 8)

Issue: Marine Clay Soils

Per Par. 2 of Sect. 2-308 of the Zoning Ordinance, *the maximum density for a site as calculated on the gross area of the lot, except when thirty (30) percent or more of the total area of the lot is comprised of any or all of the following features:*

- A. *Floodplains and adjacent slopes in excess of fifteen (15) percent grade.*
- B. *Quarries.*
- C. *Marine Clays.*
- D. *Existing water bodies, unless a water body is a proposed integral design component of an open space system for a given development, in which case total density credit shall be calculated on such areas.*

When thirty (30) percent or more of the total area of the lot is comprised of any or all of the above features, then fifty (50) percent of the maximum permitted density shall be calculated for that area of the lot which exceeds thirty (30) percent of the total area of the lot. The fifty (50) percent density limitation shall apply, notwithstanding that such area may be used for open space, parks, schools, rights-of-way, utility easements or other designated uses as may be presented in the following paragraphs.

Resolution:

According to the official (1999 version) Fairfax County soils map (see Exhibit B and Appendix 14), 71% of the proposed PDH-5 portion of the petitioned property contains (2.02 acres of 2.84 acres). As such, per Par. 2 of Sect. 2-308, 41% of the total site area (1.17 acres) is subject to the 50% density penalty. This penalty results in the following allowable density:

1.17 acres at 2.5 du/ac =	2.93 dwelling units
<u>1.67 acres at 5.0 du/ac =</u>	<u>8.35 dwelling units</u>
2.84 acres	11.28 dwelling units

In order to conform to Zoning Ordinance Standards, the density penalty calculations are applied to the site by the applicant, and the applicant is proposing a maximum of 11 dwelling units on the site. Staff believes this issue is resolved.

Issue: Environmental Assessment

There is no floodplain, resource protection area (RPA) or a related environmental quality corridor (EQC) located on the subject property. However, the use history of the petitioned site indicates that several illegal uses may have operated on the site, including a storage yard. On August 9, 2000, a notice of violation was issued for the use of a storage yard and junk yard on Parcel 17, and several use violations were issued for uses on Parcel 18 and 19 from 1972 to 2000. Staff is concerned that the proposed residential uses on the site could disturb or be affected by any toxic or harmful industrial materials on site. As such, staff believes that a Phase I Environmental Assessment should be completed before site plan approval for review and approval by the Department of Public Works and Environmental Services (DPWES). Any harmful materials or products found on the site should be mitigated before residential development and recreational activity. Also, though there is no RPA boundary on the petitioned parcels, there is an RPA boundary along the Limits of Disturbance (LOD)'s western boundary.

Resolution:

A proffer requiring a Phase I Environmental Site Assessment is included, and the RPA boundary should be shown on the site plan before site plan approval. Staff believes this issue is resolved.

Transportation Analysis (Appendix 10)

With regard to the proposed industrial development (PCA 2000-LE-023), as requested by the Fairfax County Department of Transportation (FCDOT), the applicant proposes to dedicate right-of-way of 35 feet from the centerline

along Cinder Bed Road to the Board of Supervisors for a future expansion and improvement(s) along Cinder Bed Road. The applicant also plans to construct Cinder Bed Road as a one-half section up to 26 feet from the centerline. A five (5) feet wide sidewalk will be constructed along the Cinder Bed Road frontage of the site. Curb and gutter will be constructed on the site along Cinder Bed Road, as requested by the Virginia Department of Transportation (VDOT).

With regard to the proposed residential development (RZ/FDP 2009-LE-001), the applicant will connect the proposed residential development to an existing residential subdivision and its private street. A waiver for the 600 feet maximum length of a private street is requested since the existing private streets will be extended through the redeveloped site. The applicant has satisfied all outstanding transportation issues as identified by FCDOT and VDOT for all of the proposed applications.

Stormwater Management Analysis (Appendix 13)

Issue: Infiltration Trench and Conservation Credit

The applicant has proposed an infiltration trench for stormwater detention and quality for the Hawthorne residential development. In its review, the Department of Public Works and Environmental Services (DPWES) noted that even though the proposed trench is located in area with marine clay soils, the applicant had not included an infiltration test for review. The applicant originally proffered that should the proposed infiltration trench not be approved by DPWES, that a dry pond would be installed. However, DPWES has stated that a proposed dry pond instead of a trench is not feasible for the subject site. Finally, in order to further meet the water quality requirements, the applicant has requested a conservation easement for a portion of the site. DPWES has noted that the area proposed for conservation is devoid of trees or vegetation and as such, only a reforestation easement can be applied.

Resolution:

The applicant has proposed two (2) options for the site, including a percolation trench or a bioretention basin with outlet structure. Since the marine clay soils are poor in quality and marginal for infiltration, the proposed basin will allow any collected water to be piped and daylighted instead of infiltrated. The soils issue also affects the proposed dry pond alternative to the trench, and the applicant has proffered to remove the option for a dry pond. If the proposed percolation trench is not approved at site plan, then the applicant will provide an alternative such as the bioretention basin or other examples as determined by DPWES. With this commitment, this issue is resolved.

Residential Development Criteria

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, respecting the County's historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. The Board of Supervisors adopted the Residential Development Criteria as part of the Land Use Section of the Policy Plan in order to set standards for evaluating new residential development.

- **Site Design**: The applicant proposes consolidate three (3) parcels and one (1) portion of a parcel in conformance with the Comprehensive Plan recommendations (see Land Use analysis). The proposed layout of the redevelopment is logical and functional since the industrial and residential uses will be separated by a proposed open space/recreation area, which will separate the residential and industrial uses. The proposed new residential development will connect to an existing residential subdivision (Hawthorne), which provides convenient access to existing roads, utilities and amenities. New trails and sidewalks will run through the length of the site. An off-site future trail connection is proposed to connect both the new warehouse and residential development to an existing trail. Other amenities, such as sitting areas and tot lots, are proposed in the recreation area. New landscaping in the form of new plantings and preserved existing trees will be provided around the perimeter of the site and around the new warehouse and residential development.
- **Neighborhood Context**: The addition of eleven (11) single-family attached residences and an industrial structure to an area already developed with a mix of residential and industrial uses does not disrupt the neighborhood context. The proposed warehouse will be developed along Cinder Bed Road, where there are several industrial uses currently, and the new residential development will connect to an existing residential subdivision. The Comprehensive Plan language requires that the new residences be compatible with the adjoining residences, and the applicant has committed to developing a compatible development. No outdoor storage uses are proposed for the new industrial structure, and the types of permitted uses will be limited as proffered. Additionally, a masonry wall, which will measure six (6) feet in height, and approximately 30 feet of transitional screening will be provided along the boundary between the proposed industrial structure and residential development in order to mitigate any impacts that the industrial use may have on the future residences.
- **Environment**: As noted in the Environmental Analysis, the applicant has applied the density penalty to the relevant portions of the site due to the presence of marine clay soils on the site. The applicant has also proffered to

complete a Phase I Environmental Site Assessment before site plan approval to identify any possible toxic or hazardous materials to be mitigated before residential development. Due to the existing lack of trees in the recreation area, both a reforestation plan and a reforestation easement are proposed. A new low impact design (LID) stormwater management facility is proposed to serve the single-family attached residences for the site. The only outdoor lighting proposed consists of street lights in the parking lot areas and along the private street. Security lighting and other low-impact lighting measures for the safety and security of the residents may be included at site plan. The new residential development will be developed so as to connect with an existing residential development. This layout also ensures that the proposed residences are as far away from the industrial structure as possible. Also, in order to address any possible noise impacts from the warehouse will be mitigated by the landscaping and masonry wall proposed around the site, as well as a buffering passive/active recreation area proposed with the new residences.

- Tree Preservation and Tree Cover Requirements (Appendix 9): The applicant has applied for a deviation from the Tree Preservation Target for RZ/FDP 2009-LE-001 and PCA 2000-LE-023, and the Urban Forest Management Division (UFMD) does not object to these requests. Due to the proposed clearing and grading, provision of utilities, and the number of required parking spaces, the applicant is unable to meet the required Tree Preservation Target for the residential development site. Though the applicant will not be able to meet the Tree Preservation Target, the applicant will be able to satisfy Tree Cover requirements by planting many new deciduous and evergreen trees. The applicant has proffered to retain a professional arborist to determine the replacement value of all onsite and offsite trees eight (8) inches in diameter to be saved on the Tree Preservation Plan, as proffered. Tree cover requirements have been met on site. However, staff has noted that the plan must reflect ten (10)-year canopies of proposed landscape trees accurately and proffer language related to this piece has been included. A reforestation plan will also be submitted by the applicant.
- Transportation (Appendix 10): Two private streets from the existing Hawthorne residential development will be extended through to the proposed residential development. The extended private street will measure 24 feet in width. The Hawthorne residential subdivision will maintain the private street. A proposed 12-foot wide grasscrete or gravel path and a six (6) foot wide trail will connect to an existing six (6) foot wide trail through Fairfax County parkland to the north via a future, field located off-site trail connection. There will also be a paved sidewalk linking the new residential development on the eastern portion of the petitioned site with the existing Hawthorne development. New five (5) foot wide sidewalks are also proposed within the residential site.

- o Public Facilities (Appendices 11 - 17): The addition of residential uses impacts public facility systems, such as schools, parks, stormwater management and fire and rescue. Fairfax County Public Schools (FCPS) calculated a yield of four (4) students from the eleven (11) proposed townhouses and recommends a monetary contribution of \$46,192.00 to address capital improvements for Island Creek Elementary and Hayfield Secondary Schools (see Appendix 11). The applicant has proffered to contribute this amount to the Board of Supervisors for use at the Hayfield High School pyramid serving this future development prior to issuance of the first Residential Use Permit.

The Fairfax County Park Authority (FCPA) revised their monetary contribution amount to \$26,445 from a previously stated amount of \$31,225 to reflect the reduction in the number of proposed residences from 13 to 11 (see Appendix 12). Amenities such as tot lots, fitness center, sitting areas and other proposed recreational improvements are proposed for the recreation area, and if these amenities are not provided satisfactorily, the applicant will contribute \$1,500.00 per unit to FCPA for off-site recreational facilities. Additionally, the applicant has committed to building an off-site, six (6) foot wide trail connection that will be field located and connect to an existing trail through FCPA park space to the north of the recreation area and industrial structure. Additional sidewalks and trails are proposed for the new residential developments to encourage non-motorized accessibility through the site and to the adjoining neighborhoods of Hawthorne, Island Creek and Landsdowne. Public access easements are featured on the development plan. A new wood chip trail will be field located between the new residential development and the existing residential subdivision.

To meet stormwater management guidelines, the applicant has provided storm drainage computations and site outfall narratives for review (see Appendix 13). On the plan, there is a low impact design (LID) stormwater management facility proposed, as well as a pretreatment stormceptor. There are outstanding issues related to the proposed stormwater management system for the proposed warehouse and residences, but staff believes that the applicant will be able to address them before site plan (see the Stormwater Management Analysis).

Adequate sanitary sewer and water services can be provided on the site (see Appendices 15 and 16 respectively). The Fire and Rescue Department noted that the proposed development does not meet current fire protection guidelines without an additional facility since it is located .5 mile outside the fire protection guidelines (see Appendix 17). The nearest facility is Station #437 (Kingstowne). Though the site itself is half a mile outside the fire protection guidelines, emergency vehicles will be able to access the site through the existing private street (Morning View Lane) and through the existing access easement that connects Parcels 18 and 19 to Cinder Bed

Road and also serves as an emergency access for the Hawthorne residential development.

- o Affordable Housing: The applicant is proposing eleven (11) dwelling units, which is below the threshold of fifty (50) or more dwelling units at an equivalent density greater than one unit per acre, which triggers the Affordable Dwelling Unit (ADU) Program requirements. Due to the lack of dedicated ADUs for this site, staff recommended that the applicant contribute funds to the Fairfax County Housing Trust Fund at a sum equal to one half of one percent (.5%) of the projected sales price of each residential unit created by the record plat. At this time, no such commitment has been made.
- o Heritage Resources: No heritage resources have been identified or are known on the petitioned property.

ZONING ORDINANCE PROVISIONS

Zoning Chart for PCA 2000-LE-023

PCA 2000-LE-023, Bulk Standards I-5		
Standard	Required	Provided
Lot Size	20,000 sq.ft.	Approx. 22,792 sq.ft. (.53 acre)
Lot Width	100 ft. minimum	Approx. 153 ft.
Max. Building Height	75 ft.	30 ft.
Front Yard	45° angle of bulk plane, but not less than 40 ft.	Approx. 41 feet
Side	None	Between 8 – 20 feet
Rear Yard	None	Approx. 16 feet
FAR	.50	.34
Open Space	15% shall be landscaped open space	25%
Parking Spaces	A minimum of one (1) space per 1000 square feet of GFA = 8 spaces	8 spaces (including one handicapped space)
Transitional Screening		
North (Island Creek open space)	Transitional Screening 3 – 50 foot wide landscaping strip	TS 2 – 35 feet
East (proposed single-family attached residences)	Transitional Screening 3 – 50 foot wide landscaping strip	TS 2 – 35 feet
South (industrial)	No requirement	-----
West (industrial)	No requirement	-----

PCA 2000-LE-023, Bulk Standards I-5		
Standard	Required	Provided
Barrier		
North (Island Creek open space)	Barrier D, E or F (6 feet high)	Existing fence to be replaced with 6' masonry wall
East (proposed single-family attached residences)	Barrier D, E or F (6 feet high)	Existing fence to be replaced with 6' masonry wall
South (industrial)	No requirement	-----
West (industrial)	No requirement	-----

Zoning Chart for RZ 2009-LE-001

RZ/FDP 2009-LE-001, Bulk Standards PDH-5		
Standard	Required	Provided
Lot Size	(minimum) 2 acres	2.84 acres
Lot Area	No requirement provided that a privacy yard, of 200 square feet minimum, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a development plan.	Approx. 600 sq. ft. for each dwelling unit
Max. Building Height	N/A	35 ft.
Max. Density	5 dwelling units per acre = 13 units	3.87 du/ac (11 units)
Open Space	35% of the gross area (43,298 sq.ft.)	56% (68,116 sq.ft.)
Parking Spaces	2.7 spaces per unit = 30 spaces	68 parking spaces*
Interior Parking lot Landscaping	5% of parking lot with over 20 spaces	12%
Peripheral Parking lot Landscaping	4' (width) landscaping strip and at least 1 tree for each 50'	Yes
There are no transitional screening or barrier requirements for this use.		

* The applicant plans to provide a total of 68 parking spaces, including 22 garage/driveway spaces and 46 surface parking spaces on site. The surface parking spaces will be shared with the abutting Hawthorne neighborhood.

WAIVERS AND MODIFICATIONS

Waiver of the 600 feet maximum length for a private street requirement for RZ/FDP 2009-LE-001

Section 11-302 of the Zoning Ordinance does not permit private streets within a residential development to exceed 600 feet in length. The applicant requests a waiver of the 600 feet maximum length of private streets. The applicant is actually extending an existing private street that runs through the Hawthorne residential subdivision, and this street was previously approved for a waiver of the maximum length requirement. Hawthorne HOA will be responsible for maintaining the private street. Since the waiver supports the Residential Development Criteria for Neighborhood Context and Site Design, staff supports the requested waiver.

Deviation from the Tree Preservation Target Percentage for PCA 2000-LE-023 and RZ/FDP 2009-LE-001

The applicant requests a deviation from the tree preservation target and has provided a narrative to justify the request. Due to the clearing and grading required for the site, provision of utilities, and the number of required parking spaces, the applicant is unable to meet the required Tree Preservation Target for the residential development site. UFMD reviewed the deviation and does not object to its approval. Therefore, staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the plan and as proffered.

Modification of the transitional screening requirements along the eastern and northern lot lines of PCA 2000-LE-023 be modified to that shown on the plan

The applicant proposes to screen the proposed warehouse from adjoining residential properties with both landscaping and a six (6) feet high masonry wall along the shared property line. However, the required screening, which is an unbroken strip of open space with a mix of plantings at a minimum of 50 feet wide, cannot be provided the length of the site due to the lack of space for plantings (the site is only 0.53 acres in size). Par. 3 of Section 13-305 allows transitional screening to be modified where the building or the land between that building and the property has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques. Staff believes that combination of the proposed plantings and the masonry wall between the subject site and adjoining property lines will effectively mitigate any adverse visual or noise impact of the warehouse. Staff supports the requested modification to permit that which is shown on the plan.

OTHER ZONING ORDINANCE PROVISIONS

P-District Standards

The requested rezoning of the 2.84 acres site from the I-5 District to the PDH-5 District (RZ/FDP 2009-LE-001) must comply with the Zoning Ordinance guidelines found in Article 6, Planned Development District Regulations and Article 16, Development Plans.

Article 6

Sect. 6-101 Purpose and Intent

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

The applicant proposes to rezone 2.84 acres of vacant land from the I-5 District to the PDH-5 District to permit development of eleven (11) single-family attached dwelling units at an overall density of 3.87 dwelling units per acre. Due to the presence of marine clay soils on 71% of the petitioned property, the density penalty is applied to the proposed development. The new residential development will connect to an existing residential subdivision (Hawthorne), and proposed improvements such as new sidewalks, a large passive/active recreation area and trail connections are efficiently planned for the site. The proposed residential and industrial uses will be separated by a proposed passive/active recreation area but proposed sidewalks, trails and access easements will link the entire site together. Therefore, staff believes that the applicant's proposal meets the purpose and intent of the PDH District.

Sect. 6-107 Lot Size Requirements

This section states that a minimum of two acres is required for approval of a PDH District.

The area of this rezoning application is 2.84 acres. Therefore, this standard has been satisfied.

Sect. 6-109 Maximum Density

This section states that the maximum density for the PDH-5 District is 5 dwelling units per acre.

The applicant proposes a density of 3.87 du/ac. Therefore, this standard has been satisfied.

Sect 6-110 Open Space

Par. 1 of this section requires a minimum of 35% of the gross area as open space in the PDH-5 District. Par. 2 of this section requires that recreational amenities be provided in the amount of \$1,500/du.

The applicant proposes to retain 56% of the site as open space. Trails and recreational amenities such as tot lots and sitting areas are proposed for the large passive/active recreation area. The applicant has proffered to provide the required monetary contribution to the Fairfax County Park Authority if the recreational amenities are not satisfactorily provided by the applicant. This standard has been satisfied.

Article 16

Section 16-101 General Standards

General Standard 1 states that the planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.

The applicant proposes to rezone 2.84 acres of vacant land from the I-5 District to the PDH-5 District to permit development of eleven (11) single-family attached dwelling units at an overall density of 3.87 dwelling units per acre. Therefore, this standard has been satisfied.

General Standard 2 states that the planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.

As stated, the applicant has proposed a planned development that meets the stated purpose and intent of the planned development district more than required under a conventional zoning district. The flexibility of the Planned Development District regulations permits the cluster of proposed residences away from the proposed industrial structure. The flexibility also allows the new residential development to connect to an existing residential development (Hawthorne) which is zoned PDH-4 and a planned development district. On-site recreational amenities such as trails, compatible architecture and site design, and neighborhood context are other key reasons why the design is satisfactory. Therefore, staff believes that this standard has been satisfied.

General Standard 3 states that the planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.

The applicant is proposing 56% of open space and a reforestation easement in the middle of the recreation area. The applicant is seeking a deviation from Tree Preservation Target requirements due to the amount of land required for clearing and grading, utilities and other improvements, such as parking. However, the applicant proposes to meet the Tree Cover requirements by planting many new deciduous, evergreen and ornamental trees on the site. Over 24,000 square feet of tree save area will also be preserved along Parcel B Pt. Therefore, this standard has been satisfied.

Standard 4 states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan.

The surrounding development consists of single-family detached and attached residences to the north, east and south, as well as industrial uses along Cinder Bed Road to the east. The proposed industrial structure and use will be developed as far away as possible from the proposed residences, and six (6) foot tall masonry wall and an approximately 30-foot wide landscaping strip will further separate the industrial structure from the proposed recreation area and residential uses. In staff's opinion, the proposed residential development, which will connect to an existing residential subdivision, will not adversely impact the surrounding development. Therefore, staff believes that this standard has been satisfied.

Standard 5 states that the planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently developed.

The applicant has provided the requested right-of-way dedication and road improvements as requested by the FCDOT and VDOT. Other public facilities and utilities, such as fire protection, water and sanitary sewer can be provided to the site. Therefore staff believes that this standard has been satisfied.

Standard 6 states that the planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

The residential development will connect with an existing residential subdivision, which has a private street. The private street links to Morning View Lane, which connects directly to Beulah Street. There is also an access easement between the petitioned site and the adjoining residential development, which provide an emergency access to Cinder Bed Road as well. On the site, new sidewalks and trails will help connect residents of the new development with adjoining residential communities. Staff believes that this standard has been satisfied.

Section 16-102 Design Standards

Design Standard 1 states that in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

The most similar conventional zoning district to the applicant's proposal is the R-5 Residential District, which requires a minimum front yard of 20 feet, minimum side yard of eight (8) feet and a minimum rear yard of 25 feet. The minimum required lot width is 18 feet for single-family attached dwellings. The proposed single-family attached dwellings have a front yard setback of 18 to 20 feet, side yard setbacks of eight (8) feet (end units only), and 20 foot deep rear yards. The lot width is 24 feet, and each lot is approximately 1,900 square feet. Staff believes that this standard has been satisfied.

Design Standard 2 states that other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.

The applicant proposes that 56% of the petitioned site will remain as open space, and 68 parking spaces will be provided on site. Only 30 spaces are required, but the applicant is providing additional surface parking spaces to accommodate guest parking from the adjoining residential subdivision of Hawthorne. Any proposed signage will meet the signage guidelines of the Zoning Ordinance, as proffered. Staff believes that this standard has been satisfied.

Design Standard 3 states that streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

The private street through the existing Hawthorne residential development will be extended through the proposed residential development. The extended private street will measure 24 feet in width. The Hawthorne residential subdivision will maintain the private street. A proposed 12 foot wide grasscrete or gravel path and a six (6) foot wide trail will connect to an existing six (6) foot wide trail through Fairfax County parkland to the north via a future, field located off-site trail connection. There will also be a paved sidewalk linking the new residential development on the eastern portion of the petitioned site with the existing Hawthorne development. New five (5) foot sidewalks are also proposed on the residential site.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the proposed applications satisfy the Comprehensive Plan and Zoning Ordinance requirements, particularly the P District General Standards for the proposed residential development. The proposed warehouse along Cinder Bed Road suits the existing character of the street and area, and adequate parking, screening and landscaping will be provided on site. Proffers related to its use and storage will help minimize any possible adverse impacts of the use. The proposed residential development of eleven (11) single-family attached residences will connect to an existing residential subdivision and private street, which will be a complementary use to the area. Recreational amenities, such as a recreation area, and site connections, including new sidewalks and trails, will help tie the entire development together, including the separated industrial use, with the neighboring communities and park space. Additionally, the applicant has committed to reforestation and additional landscaping on the site, and though a tree preservation target deviation is requested, the existing trees will be examined and preserved if possible.

Staff Recommendations

Staff recommends approval of RZ 2009-LE-001 and the associated Conceptual Development Plan, subject to the draft proffers contained in Appendix 1.

Staff recommends approval of FDP 2009-LE-001, subject to the Board of Supervisors approval of RZ 2009-LE-001 and the associated conceptual development plan.

Staff recommends approval of PCA 1999-LE-036, subject to the draft proffers contained in Appendix 2.

Staff recommends approval of FDPA 1999-LE-036, subject to the Board of Supervisors approval of PCA 1999-LE-036.

Staff recommends approval of PCA 2000-LE-023, subject to the draft proffers contained in Appendix 3.

Staff recommends that the transitional screening requirements along the eastern and northern lot lines of PCA 2000-LE-023 be modified to that shown on the plan.

Staff recommends that the 600 feet maximum length for a private street requirement for RZ/FDP 2009-LE-001 be waived.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage for PCA 2000-LE-023 and RZ/FDP 2009-LE-001 in favor of the proposed landscaping shown on the proffered plan.

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.

APPENDICES

1. Draft Proffers for RZ 2009-LE-001
2. Draft Proffers for PCA 1999-LE-036
3. Draft Proffers for PCA 2000-LE-023
4. Affidavits
5. Statements of Justification
6. RZ 2000-LE-023 approved plan and proffers
7. RZ 1999-LE-036 approved plan and proffers
8. Land Use and Environmental Analysis
9. Urban Forest Management Analysis

APPENDICES (Continued)

10. Transportation Analysis
11. Fairfax County Public Schools Analysis
12. Fairfax County Park Authority Analysis
13. Stormwater Management Analysis
14. Geotechnical Analysis
15. Sanitary Sewer Analysis
16. Fairfax Water Authority Analysis
17. Fire and Rescue Analysis
18. Applicable Zoning Ordinance Provisions
19. Residential Development Criteria
20. Glossary of Terms

Proffers for Proposed PDH-5 Rezoning

RZ 2009-LE-001

Tavares Family Limited Partnership

September 11, 2009

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Owner/Applicant, in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 99-2((1))17 part, 18, 19 part (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said rezoning request for the PDH-5 Zoning District is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owner/Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the provisions of Article 16 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), prepared by Dewberry & Davis LLC, consisting of 8 sheets, dated December 18, 2008, revised through September 11, 2009.

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

3. Maximum Lot Yield. The development shall consist of a maximum of 11 single family attached units. Except as may be further qualified by these proffered conditions, minor modifications to the building envelopes including house location and sizes may be permitted in accordance with Section 16-403 of the Zoning Ordinance.

4. Establishment of HOA. The Owner/Applicant shall file and pursue an application for incorporation of the subject Property into Hawthorne, so that the subject Property can be governed by the bylaws and covenants of Hawthorne, including, without limitation, the provisions of pro rata maintenance contributions for the common facilities (including private streets) of Hawthorne and the subject Property. In the event that the Owner/Applicant's application for incorporation into Hawthorne is not accepted, the Owner/Applicant shall establish a Homeowners' Association for the proposed development to own, manage and maintain the open space areas all other community owned land and improvements.

5. Dedication to HOA. In conjunction with the appropriate site plan review process, open space, common areas, private street and amenities not otherwise conveyed or dedicated to the County shall be dedicated to the HOA and maintained by the same.

6. Disclosure. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicants of the maintenance responsibility for the private street, sidewalks, stormwater management facilities, retaining wall, common area landscaping and any other open space amenities and shall acknowledge receipt of this information in writing. The deeds of conveyance shall expressly contain these disclosures.

7. Garages/Driveways. A minimum of one (1) parking space shall be provided within the garage of each new dwelling unit. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the Board of Supervisors and the HOA and this restriction shall be included in the HOA documents. The minimum driveway length shall be 18 feet, measured from the front of the structure to the inside edge of the sidewalk, to permit the parking of vehicles without overhanging into the sidewalk.

8. Energy Conservation. All newly constructed dwellings on the Property shall meet the thermal guidelines of the CABO Model Energy Program for energy efficient homes, or its equivalent as determined by DPWES for either gas or electric energy systems, as may be applicable. The appliances utilized, including dishwashers, refrigerators and freezers, and clothes washers, shall be Energy Star Certified or an equivalent rating.

9. Signs. No temporary signs (including “popsicle” style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance and Chapter 7 of Title 33.1, and Chapter 8 of Title 46.2 of the Code of Virginia, shall be placed on or offsite by the Applicant or at the Applicant’s direction. The Applicant shall direct its agents and employees involved with the Property to adhere to this proffer.

10. Construction Access. There shall be no construction access through the Hawthorne subdivision. Construction access shall only be off of Cinder Bed Road.

11. Construction Hours. Construction shall only occur between the hours of 7:00 a.m. until 7:00 p.m. Monday through Friday, 8:00 a.m. until 6:00 p.m. on Saturday and 9:00 a.m. until 6:00 p.m. on Sunday. Construction activities shall not occur on the holidays of Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas, Easter, and New Years Day. The construction hours shall be posted on the property. The allowable hours of construction as specified in this proffer shall be listed within any contract with future sub-contractors associated with construction on the site.

12. Architecture. Prior to site plan approval, the Applicant shall demonstrate with the submission of photographs and elevations to the satisfaction of the Zoning Evaluation Division of the Department of Planning and Zoning that the new dwelling units are designed to be compatible with the existing homes in the Hawthorne subdivision in terms

of general architectural style, type and proportion of building materials and architectural elements as shown in the photograph on Sheet 3 of the CDP/FDP.

13. Street Lights. Street lights shall be provided in the parking lot areas and along the private drives in accordance with the provisions of Article 14 of the Zoning Ordinance.

II. TRANSPORTATION

14. Private Street. The private street, as shown on the plan, shall be constructed by the Applicant with materials and to the pavement thickness standard of public streets as set forth in the Public Facilities Manual (PFM), subject to DPWES approval. Prior to entering into a contract of sale, prospective purchasers shall be notified of the existence of the private street and the associated maintenance obligations required by these Proffered Conditions and such information shall be included in the HOA documents.
15. Sidewalks/Open Space Amenities. Five (5) foot wide concrete sidewalks shall be constructed as shown on the CDP/FDP in accordance with the PFM standards. Prior to entering into a contract of sale, prospective purchasers shall be notified of the existence of the sidewalks and any amenities constructed with the open space areas such as benches, gazebos and the associated maintenance obligations required by these Proffered Conditions and such information shall be included in the HOA documents.

16. Public Access Easements. A public access easement in a form approved by the County Attorney shall be placed on the private street and sidewalks within the approved development.

III. ENVIRONMENTAL

17. Stormwater Management Facilities and Best Management Practices Techniques.
Stormwater Management and Best Management Practices (BMP's) shall be provided through the use of an infiltration trench and filterras, as approved by DPWES, in the area shown on the CDP/FDP. An infiltration test shall be performed in the area of the proposed infiltration trench and shall be submitted for approval to DPWES at the time of site plan review. If this type of stormwater management/BMP facility is not approved by DPWES, then alternative means of SWM/BMP such as a bioretention basin with an outlet structure or other innovative low-impact design facility shall be provided and shall be landscaped to the maximum extent possible as determined by DPWES.
If approved by DPWES, the infiltration trench facility shall be maintained by the applicant, its successors and assigns, in accordance with the regulations of Fairfax County.
18. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP/FDP

19. Landscaping. Landscaping shall be consistent with the quality, quantity and general location shown on the Landscape Plan on Sheet 3 of the CDP/FDP. At the time of planting, the minimum caliper for deciduous trees shall be two and one-half (2.5) inches to three (3) inches and the minimum height for evergreen trees shall be seven (7) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans approved by Urban Forest Management at the time of site plan approval.

20. Geotechnical. Prior to site plan approval, if required by DPWES, and in accordance with the provisions of the Public Facilities Manual, a geotechnical study of the application Property shall be submitted to the Geotechnical Review Board through DPWES and shall incorporate appropriate engineering practices as recommended by the Geotechnical Review Board and DPWES to alleviate potential structural problems, to the satisfaction of DPWES. The recommendations of the Geotechnical Review Board shall be implemented.

21. Reforestation. A reforestation plan for (specify area(s) affected) shall be submitted concurrently with the first and all subsequent (specify preliminary site or subdivision) plan submissions for review and approval in writing by the Urban Forest Management Division (UFM), Fairfax County Department of Public Works and Environmental Services (DPWES), and shall be implemented as approved, and as field verified by UFM. The plan shall contain an appropriate size, quality and selection, of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation areas will have the following densities of plantings per acre: 100 deciduous

trees, 200 understory trees, and 1089 shrubs. The reforestation plan shall include, but not be limited to, the following:

- Plant list detailing species, sizes, quantities and stock type of trees and other vegetation to be planted
- Soil treatments and amendment, if necessary
- Mulching specifications
- Methods of installation
- Maintenance
- Mortality threshold
- Monitoring
- Replacement schedule

22. Conservation or Reforestation Easement. The conservation or reforestation easement area shown on the CDP/FDP Plat shall remain as undisturbed open space with the exception of permitted trails, seating areas, and other passive recreational amenities and shall be subject to a recorded conservation or reforestation easement as shown on the CDP/FDP plat running to the benefit of Fairfax County, in a form approved by the County Attorney, which prohibits the removal of trees except those which are dead, diseased, noxious/invasive or hazardous..

23. Phase I Environmental Assessment. Prior to site plan approval, the Applicant shall complete a Phase I Environmental Assessment, as approved by DPWES in consultation with the Department of Planning and Zoning (DPZ). If DPWES in consultation with DPZ determine that the findings of the Phase I Environmental Site Assessment indicate a need for remediation or further investigation, a Phase II Environmental Site Assessment shall be conducted prior to site plan approval. The notes contained within the approved Phase I and potentially Phase II report(s), as may be amended and approved by DPWES in consultation with DPZ, shall be incorporated into the plan of implementation required for approval by DPWES in consultation with DPZ.

IV. Recreation Facilities

24. Recreation Contribution. Pursuant to Sect. 6-409 of the Zoning Ordinance, regarding developed recreational facilities, the Applicant shall provide recreational facilities to serve the property. Per Sect. 6-409, recreational facilities such as tot lots, fitness courses, gazebos and sitting areas, recreational trails, walking paths and similar features may be used to fulfill this requirement in addition to the proposed off-site trail connection as shown on the CDP/FDP. In the event it is demonstrated that the proposed facilities do not have sufficient value, at the time of the issuance of the first Residential Use Permit, the Applicant shall contribute funds in the amount needed to achieve the overall proffered amount of \$1,500.00 per unit to the Fairfax County Park Authority for off-site recreational facilities intended to serve the future residents, as determined by the Fairfax County Park Authority in consultation with the Supervisor for the Lee District.

25. Park Authority Contribution. In addition to Proffer 24 above, the Applicant shall contribute \$26,445 to the Fairfax County Park Authority prior to the issuance of the first Residential Use Permit for park purposes and/or facilities in the area.
26. Trail. Prior to the issuance of the first Residential Use Permit, the Applicant shall construct a six foot wide asphalt trail connecting the proposed development to the existing trail within Island Creek Park in two segments as shown on the CDP/FDP. If the required easements for the construction of the trail are not granted at no cost (excluding associated processing fees) to the Applicant by the Park Authority, within ninety (90) days of a written request, the Applicant shall escrow funds equivalent to that required for construction based on the Unit Price Schedule and as approved by DPWES and shall be relieved of the obligation to construct the trail. Regardless of whether the trail is constructed or the escrow option be utilized, such amount shall be credited to that total amount of contribution referenced in Proffer 24 and 25.

V. SCHOOLS

27. Contribution. Prior to the issuance of the first Residential Use Permit, a contribution of a total of \$46,192 shall be made to the Board of Supervisors for use at the Hayfield High School pyramid serving this future development.

VI. ESCALATION

28. Escalation. All monetary contributions required by these proffers shall be adjusted upward or downward based on the percentage change in the annual rate of inflation as calculated by referring to the Consumer Price Index for all urban customers (CPI-U), (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics occurring subsequent to the date of rezoning approval and up to the date of payment. In no event shall an adjustment increase exceed the annual rate of inflation as calculated by the CPI-U.

VI. Successors and Assigns

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

VII. Counterparts

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE NEXT PAGE:

APPLICANT/TITLE OWNER OF
TM 99-2((1))18,19

TAVARES FAMILY LIMITED PARTNERSHIP

BY: _____
Armando J. Tavares, General Partner

TITLE OWNER OF
TM 99-2((1))17

TAVARES CONCRETE COMPANY, INC.

BY: _____
Armando J. Tavares

Proffers

PCA 99-LE-036

Tavares Concrete Company, Inc.

September 11, 2009

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Owner, in this proffered condition amendment proffers that the development of the parcel under consideration (1.3 acres) also known as Fairfax County Tax Map as Tax Map Reference 99-2((16))B, part (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said proffered condition amendment is granted. In the event said rezoning request is denied, these Proffered Conditions shall be null and void. The Owner, for themselves, their successors and assigns hereby reaffirms their responsibility for implementing and maintaining those previously approved proffers associated with RZ 99-LE-036 dated February 10, 2000 attached as Exhibit A. The Owner, for themselves, their successors and assigns also agrees that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. Both the Applicant, Tavares Concrete Company, Inc. and the Property Owner, Hawthorne Community Homeowners Association, acknowledge that a development agreement, dated August 14, 2008, exists between the two parties that requires the Applicant to construct the proposed improvements on the Property in accordance with the CDPA/FDPA and these additional proffers if the PCA application is approved. The additional Proffered Conditions applicable only to the Property on which the PCA application has been filed are:

1. Substantial Conformance. Subject to the provisions of Article 16 of the Fairfax County Zoning Ordinance (hereinafter referred to as the “Zoning Ordinance”), development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), prepared by Dewberry & Davis LLC, consisting of 8 sheets, dated December 18, 2008, revised through September 11, 2009.
2. Minor Modifications. Minor modifications from what is shown on the CDP/FDP and these Proffers, which may become occasioned as a part of final engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in Section 16-403 of the Zoning Ordinance.
3. Construction Access. Construction access for any improvements on the Property shall be from Cinder Bed Road through Lots 17, 18 and 19 and not through the Hawthorne subdivision.
4. Construction Hours. Construction shall only occur between the hours of 7:00 a.m. until 7:00 p.m. Monday through Friday, 8:00 a.m. until 6:00 p.m. on Saturday and 9:00 a.m. until 6:00 p.m. on Sunday. Construction activities shall not occur on the holidays of Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas, Easter, and New Years Day. The construction hours shall be posted on the property. The allowable hours of construction as specified in this proffer shall be listed within any contract with future sub-contractors associated with construction on the site.

5. Private Street. The private streets, as shown on the plan, shall be constructed by the Applicant with materials and to the pavement thickness standard of public streets as set forth in the Public Facilities Manual (PFM), subject to DPWES approval.

6. Sidewalks/Open Space Amenities. Five (5) foot wide concrete sidewalks and other amenities shall be constructed as shown on the CDP/FDP in accordance with the PFM standards. Irrespective of that shown on the CDPA/FDPA, the trail as shown between the existing townhouses in the Hawthorne subdivision and the proposed parking shall be constructed of wood chip or other porous material.

7. Public Access Easements. A public access easement in a form approved by the County Attorney shall be placed on the private streets, trails and sidewalks within the Property boundaries.

8. Landscaping. Landscaping shall be consistent with the quality, quantity and general location shown on the Landscape Plan on Sheet 3 of the CDP/FDP. At the time of planting, the minimum caliper for deciduous trees shall be two and one-half (2.5) inches to three (3) inches and the minimum height for evergreen trees shall be seven (7) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans approved by Urban Forest Management at the time of site plan approval.

9. Tree Preservation: The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and

narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 1/2 -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the CDPA/FDPA and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

10. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative and a representative from the Lee District Land Use Committee to

determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

11. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDPA/FDPA, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDPA/FDPA, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
12. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or

wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

13. Tree Appraisal: "The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 8 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest

edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

14. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan

submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

15. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

16. Emergency Access. The portion of the PCA property connecting to Cinder Bed Road which currently serves as emergency access for the Hawthorne subdivision will continue

to be used only for emergency access and shall be unobstructed for that purpose at all times.

Successors and Assigns

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

Counterparts

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE NEXT PAGE:

TITLE OWNER OF
TM 99-2((16))B, part

Hawthorne Community Homeowners Association,
Inc.

BY: _____
Kenya M. Gregory, President

APPLICANT
TAVARES CONCRETE COMPANY, INC.

BY: _____
Armando J. Tavares

PROFFERS

**RZ 1999-LE-036
Centex Homes - Hawthorne
February 10, 2000**

Pursuant to Section 15.2-2303A of the Code of Virginia (1950 as amended), the applicant hereby proffers to develop the subject property in accordance with the following conditions, provided the Board of Supervisors rezones the subject property to the PDH-4 Zoning District as proffered. For the purpose of these proffers, the term "Applicant" refers to the applicant herein, its successors or assigns.

1. **Conceptual/Final Development Plan:** Development of the property shall be in conformance with the plan entitled "Conceptual/Final Development Plan, Hawthorne ('CDP/FDP')," prepared by Dewberry and Davis, revised as of January 10, 2000.

2. **Final Development Plan Amendment:** Notwithstanding, the CDP/FDP is presented on one sheet and said CDP/FDP is the subject of Proffer 1 above, the CDP shall constitute the entire plan relative to the points of access, the total number and types of units and general location of residential lots and common open space areas, and buffering adjacent to Island Creek Subdivision on the northern property line. The Applicant shall have the option to request Final Development Plan Amendments ("FDPA") from the Planning Commission for portions of the Plan in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance.

3. **Energy Saver:** All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by the Department of Public Works and Environmental Services ("DPWES") for either electric or gas energy systems, as applicable.

4. **Limits of Clearing:** The Applicant shall conform to the limits of clearing and grading shown on the CDP/FDP, subject to modifications for the necessary installation of trails, utility lines and stormwater management facilities as approved by DPWES and the installation of supplemental landscaping as provided in paragraph 5 hereinafter. At the time of grading plan review, the Applicant shall designate limits of clearing and grading, in addition to those shown on the CDP/FDP, in areas where it is economically feasible to save additional trees without precluding construction of the project in accordance with the CDP/FDP, including but not limited to, the specific density and general development configuration shown thereon.

a. In order to preserve and protect the EQC, the limits of clearing and grading shall conform to the limits as shown on the CDP/FDP, subject to installation of utilities if necessary and, trails, if necessary, as approved by DPWES. If necessary, the trails and utilities outside the limits of clearing and grading will be located and installed in the least disruptive manner possible considering cost and engineering, as determined by the Urban Forester. A replanting plan in accordance with the Public Facilities Manual will be developed and implemented, as approved by the Urban Forester, for any areas outside the limits of clearing and grading that

must be disturbed. In addition, as shown on the CDP/FDP, several areas where clearing and grading will occur will be restored with a woody seed mix and appropriate tree plantings to encourage vegetative growth that will restore a natural appearance, as approved by the Urban Forestry Branch. Further, the Applicant will utilize the woody seed mix to restore the clearing and grading areas occurring off-site to accommodate the road connection to Morning View Lane.

b. Prior to any clearing and grading on-site, the final limits of clearing shall be confirmed in the field during the pre-construction meeting with the Applicant's certified arborist and the County Urban Forester. On the borders contiguous to Island Creek, tree protection fencing shall be erected at the limits of clearing and grading as shown on the tree preservation/landscaping plan. Materials and installation of tree protection fencing shall constitute a four (4) foot high, orange plastic fence attached to six (6) foot steel posts, driven eighteen (18) inches into the ground and placed no further than six (6) feet apart. The tree protection fencing shall be made clearly visible to all construction personnel. This fencing shall be maintained by the Applicant throughout the period of construction activities on this portion of the site. The fencing shall be installed prior to the performance of any clearing and grading activities on the site, including the demolition of any existing structures. If any trails, utility lines, or stormwater management facilities are required to be located within the area protected by the limits of clearing and grading; they shall be located and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES, and subject to County Urban Forester approval. If any trees within the area designated to be preserved are destroyed as a result of the Applicant's construction activities, the Applicant will provide appropriate replacement trees in terms of species, size and quantity as determined by the Urban Forestry Branch pursuant to Section 12-403 of the Public Facilities Manual.

c. The Applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Branch as part of the first site or subdivision plan submission, whichever comes first. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches in diameter and greater twenty (20) feet to either side of the proposed limits of clearing and grading and within other areas designated by the Urban Forestry Branch as potential save areas. The condition analysis shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching and fertilization. The installation of tree protection fencing shall be performed under the supervision of a certified arborist. Prior to commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fence referenced in paragraph b above, has been properly installed. A certified arborist shall monitor all construction work and tree preservation efforts in order to ensure conformance with the tree preservation plan. The monitoring schedule shall be described and detailed in the tree preservation plan which includes the submission of written reports to the Office of Site Development Services documenting all site monitoring visits and specifying any concerns associated with tree preservation issues.

5. **Buffer Area:**

a. **Landscaping/Tree Save:** In the buffer areas on the northern property line adjacent to Island Creek, the Applicant shall install supplemental landscaping in accordance with the landscaping plan attached hereto as Exhibit "A" (page 1 of 2, dated December 10, 1999, and page 2 of 2, revised as of January 5, 2000) and incorporated herein by reference. The Applicant shall adhere to the tree save line shown on the CDP/FDP along the northern property line adjacent to Island Creek. However, in no event shall the tree save area width be less than fifteen feet (15') from the Island Creek property line.

b. **Fence:** A six (6) foot high board fence shall be installed within the buffer area as generally shown on page 2 of 2 (above). The fence material shall be equivalent to the fence currently enclosing Island Creek subdivision on Beulah Street. The fence will be maintained by the Applicant in good repair. The fence will be located generally on a line no closer than ten (10) feet from and parallel to the property line with Island Creek. However, the fence will deviate around a cluster of existing trees as generally depicted on page 2 of 2. Two (2) existing clumps of evergreen trees (Clump #1 and Clump #2 as shown on Exhibit A, page 2 of 2) shall be preserved. In addition, the Applicant shall meander the fence to avoid destruction of trees six (6) inches in diameter or greater. However, no deviation will cause the fence to be located closer than ten (10) feet to the property line with Island Creek. The Applicant stipulates that any proposal to remove or relocate the fence after installation will require a Proffer Condition Amendment.

6. **Regional Stormwater Management Pond:** The Applicant shall construct the on-site Regional Stormwater Management Pond. Plans for the Regional Stormwater Management Pond shall be approved by DPWES and the cost of construction of the Pond fully bonded with Fairfax County prior to the recordation of the first residential subdivision plan for the subject property. Further, subject to approval by DPWES, the Applicant shall provide revegetation in the area cleared for the Regional Stormwater Management Pond pursuant to the guidelines that were approved by the Board of Supervisors.

7. **Stream Bank Stabilization:** To protect against future stream bank erosion in the immediate vicinity of the Island Creek Section 4 stormwater management pond outfall and at all proposed concentrated storm sewer discharge locations on-site, the Applicant shall provide suitable bio-stabilization, or other protective measures, subject to coordination with the Northern Virginia Soil & Water Conservation District ("NVSWCD") and approval by DPWES.

8. **Archeological Survey:** The Applicant shall obtain a Phase I Archeological Survey of the area of the subject property outlined on Exhibit "B" attached hereto. Said survey shall be provided to the County Archaeologist within ninety (90) days after rezoning of the subject property. If said area is determined to contain potentially significant information after the initial testing phase, additional archeological work at the Phase II or Phase III level will be conducted if the site can not be avoided by the proposed construction. If the Fairfax County History Commission determines that this site is of historical significance and that installation of a historic marker is justified, the Applicant shall contribute up to \$2,000 to be utilized for the acquisition and installation of this marker on the site at a location to be determined by the Applicant, in consultation with the Commission.

9. **Cinder Bed Road:** At the time of record plat approval, or upon demand by the Board of Supervisors, whichever event first occurs, the Applicant shall dedicate right-of-way forty-five (45) feet from centerline across the Cinder Bed Road frontage of the subject property.

10. **Construction Vehicle:** During the site development phase and subject to Virginia Department of Transportation ("VDOT") and DPWES approval, the Applicant shall direct all subcontractors to utilize the Cinder Bed Road entrance to the site for their construction vehicles (i.e., heavy equipment, dump trucks, etc.).

11. **Public Access:** No public ingress and egress to the development from Cinder Bed Road shall be allowed except for temporary access for construction vehicles as set forth in paragraph 10 above and permanent access for public emergency vehicles only. All other vehicular access to the site will be limited to a connection at Morning View Lane (Route 8424).

12. **Recreational Facilities:** Pursuant to Section 6-110 of the Zoning Ordinance, the Applicant shall provide recreational facilities based upon an expenditure of \$955 per dwelling unit for the total number of dwelling units that will be developed, less and except affordable dwelling units. A portion of these funds may be used off-site for recreational facilities on land owned by the Island Creek Homeowners Association, if the application property is incorporated into the Island Creek Homeowners Association and residents on the application property obtain full membership rights in the association. Any surplus in these funds, after allowances for on-site recreational facilities and off-site facilities at Island Creek (if any) pursuant to Section 6-110, shall be contributed to the Fairfax County Park Authority for use on recreational facilities in the general vicinity. If approved by the Park Authority and sufficient funds are available, the Applicant shall use these surplus funds to construct a dog run facility and a tot lot on Tax Map 99-2 ((10)) Parcel H and a trail and fence on Tax Map 99-2 ((10)) Parcel F as specified in paragraph 17 hereinafter.

13. **Traffic Signal:** At the time of the subdivision plan approval, the Applicant shall escrow with DPWES the sum of \$35,000 toward the installation of a traffic signal at View Lane (Route 8420) and Beulah Street (Route 613).

14. **Left Turn Lane:** Subject to VDOT approval, the Applicant shall restripe the existing pavement on Morning View Lane to provide a left turn lane into the site and channelization for the left turn lane, all as shown on Exhibit C (attached). In addition, and subject to VDOT approval, the Applicant shall provide striping for a pedestrian crosswalk near this intersection, as determined by VDOT.

15. **Garages:** Garages will be used only for purposes which will not interfere with intended purposes of the garages, which are the parking of vehicles and the location of certain utilities. A restrictive covenant to that effect, approved by the County Attorney, and running to the Homeowners' Association and Fairfax County, shall be recorded among the land records of Fairfax County in conjunction with or prior to the recordation of the Deed of Dedication and Subdivision and this limitation on the use of garages shall be set out in the Homeowners' Association documents.

16. **Homeowners' Association:** The Applicant shall establish a Homeowners' Association for the proposed development to own, manage, and maintain the open space areas including any private streets, the recreational facilities and all other community-owned land and

improvements. Prior to entering into a contract of sale, prospective purchasers of houses shall be notified in writing by the Applicant of the maintenance responsibility of the private streets and open space areas on the site and said purchasers shall be required to acknowledge receipt of this information in writing.

17. **Trail:** Provided sufficient surplus funds are available from the Applicant's recreational facilities expenditure requirements pursuant to Section 6-110 of the Zoning Ordinance and, pursuant to paragraph 12 above, and subject to receiving Fairfax County Park Authority approval, the Applicant shall provide a six (6) foot wide trail off-site as shown on the CDP/FDP connecting to the existing trail on Tax Map 99-2 ((10)) Parcel 7 at its location near Cinder Bed Road. The exact location and configuration of the trail shall be determined in consultation with the Park Authority to minimize clearing and grading. If any refuse piles are located within the proposed trail bed, the Applicant shall clear and remove said refuse piles. The Applicant shall seek a waiver of the asphalt surface requirement for this trail from the Park Authority. If granted, the Applicant shall provide a natural surface trail. Further, if approved by the Park Authority, and provided sufficient surplus funds are available in the Section 6-110 fund, the Applicant will install a six (6) foot high fence along the southern boundary of Tax Map 99-2 ((10)) Parcel F, adjacent to the northern boundaries of Tax Map 99-2 ((1)) Parcels 17, 18 and 19.

18. **Conservation Easement:** The Applicant shall create conservation easements, as defined below, for the tree save areas delineated on the CDP/FDP, and the restoration replanting areas designated on the CDP/FDP as the woody seed mix areas (the "Conservation Areas"). The Conservation Areas shall be shown on the subdivision record plat. At the time of subdivision plat approval, the Applicant shall record the conservation easements among the land records of Fairfax County in a form approved by the County Attorney. These easements shall be recorded to the benefit of the Board of Supervisors of Fairfax County, or in the alternative, another public entity approved by the Lee District Supervisor. These conservation easements shall also be disclosed in the Homeowners' Association Documents for the development. These easements shall prohibit the removal of trees, except for dead or dying trees, hazardous trees or for the installation of trails, utility lines, sewer lines, and storm drainage facilities, if necessary, as determined by DPWES. The determination that a given tree is dead, dying, or hazardous, shall be made by the Urban Forestry Branch of DPWES. If any trails, utility lines, sewer lines or storm drainage facilities are required to be located within the Conservation Areas, they shall be located and installed in the least disruptive manner feasible, as determined by DPWES, and subject to approval by the Director of DPWES.

19. **Counterparts:** These proffers may be executed in one or more counter parts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

Proffers

PCA 2000-LE-023

Tavares Concrete Company, Inc.

September 11, 2009

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Applicant/Owner, in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 99-2((1))17 part and 19 part (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said proffered condition amendment request for is granted. In the event said proffered condition amendment request is denied, these Proffered Conditions shall be null and void. The Owner/Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The following Proffered Conditions shall supersede all previously approved proffered conditions applicable to the property.

I. General

1. Generalized Development Plan. Subject to the provisions of Article 18 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Property shall be in substantial conformance with the Proffered Condition Amendment Plan (the "Plan") prepared by Dewberry & Davis LLC, consisting of 8 sheets, dated December 18, 2008, revised through September 11, 2009.

2. Minor Modifications. Minor modifications from what is shown on the Plan and these Proffers, which may become occasioned as a part of final architectural and/or engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in the Zoning Ordinance.
3. Floor Area Ratio. Floor area ratio on the Property shall not exceed 0.34.
4. Lighting. All outdoor lighting, if installed, shall be designed and located in accordance with the glare standards as set forth in Part 9 of Article 14 of the Zoning Ordinance. No freestanding lighting shall have poles that exceed 20 feet in height. All lighting shall have full cut-off fixtures that direct light downward onto the Property.
5. Landscaping. Landscaping on the Property shall be generally consistent with that shown on the Plan.
6. Masonry Wall. A masonry wall, six (6) feet in height shall be constructed as shown on the Plan, approximately sixteen (16) feet east of the proposed building.
7. Building. The building shall be constructed to have exterior facades that are at least 50% brick, architectural block, architectural precast concrete, glass, job cast architectural concrete or other similar quality material (collectively, "Architectural Block"). The eastern (rear) side of the building shall be constructed of Architectural Block and shall

not have any windows or doors. The maximum height of the building shall be thirty (30) feet.

8. Use. No heavy industrial uses shall be permitted. The application property shall only be developed with one or more of the following principal uses within a completely enclosed structure:

- a. Accessory uses and accessory service uses as permitted by Article 10;
- b. Contractor's offices and shops;
- c. Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501.
- c. Warehousing and associated retail establishments;
- d. Wholesale trade establishments.
- e. Office
- f. light public utility uses

9. Storage.

- a. No outdoor storage shall be permitted.
- b. Storage shall only be permitted inside the structure depicted on the GDP. In no event shall storage include the storage of items commonly found in junk yards (e.g. abandoned vehicles and discarded appliances).

- c. The restrictions and conditions applicable to storage use, as outlined above, shall not be applicable to parking of vehicles on the application property. Vehicles licensed for roadway use, which are used in conjunction with the principal uses operated on the Subject Property, may be stored outdoors provided these vehicles are parked in spaces designated on the approved GDP or approved site plan.

II. Transportation

7. Cinder Bed Road. At the time of site plan approval, the Applicant shall dedicate and convey in fee simple to the Fairfax County Board of Supervisors right-of-way measuring thirty-five (35) feet from the existing centerline along the Property's Cinder Bed Road frontage, as shown on the Plan with density reserved subject to the provisions of Par. 4 of Sect. 2-308 of the Zoning Ordinance. The Applicant shall construct Cinder Bed Road as a one-half section up to 26 feet from the centerline. The entrance to the Property shall be constructed pursuant to Virginia Department of Transportation standards. A five (5) foot wide concrete sidewalk and curb and gutter shall be constructed along the site's frontage as part of these frontage improvements.

III. Successors and Assigns

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

IV. Counterparts

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNERS AND APPLICANTS SIGNATURES TO FOLLOW ON THE NEXT PAGE:

TITLE OWNER OF
TM 99-2((1))17, part

TAVARES CONCRETE COMPANY, INC.

BY: _____
Armando J. Tavares



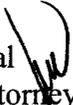
County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: September 1, 2009

TO: Brenda Cho, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bette R. Crane, Paralegal 
Office of the County Attorney

SUBJECT: Revised Affidavit
RZ/FDP 2009-LE-001
Applicant: Tavares Family Limited Partnership
PC Hearing Date: 10/1/09
BOS Hearing Date: Not yet scheduled

REF.: 103394

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 8/31/09, which bears my initials and is numbered 103394c, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Meredith Amonson, Planning Technician
Zoning Evaluation Division
Department of Planning and Zoning

REZONING AFFIDAVIT

AUG 31 2009

DATE: _____
(enter date affidavit is notarized)

I, Lori R. Greenlief, Land Use Planner, 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 103394c

in Application No.(s): RZ/FDP 2009-LE-001
(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)
Tavares Family Limited Partnership Agent: Kenneth B. Betz	8000 Cinder Bed Road Lorton, VA 22079	Applicant/Title Owner of Tax Map No. 99-2-((1))-18, 19 (part)
Tavares Concrete Company, Inc. Agent: Kenneth B. Betz	8000 Cinder Bed Road Lorton, VA 22079	Title Owner of Tax Map No. 99-2-((1))-17 (part)
Dewberry & Davis LLC Agent: Andrea R. Walstrom Lawrence A. McDennott (former)	8401 Arlington Boulevard Fairfax, VA 22031	Engineer/Agent

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: AUG 31 2009
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(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)
McGuireWoods LLP Agents: Carson Lee Fifer, Jr. Joanna C. Frizzell David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Lisa M. Chiblow Lori R. Greenlief Sheri L. Hoy	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

(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: AUG 31 2009
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(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)

Tavares Concrete Company, Inc.
8000 Cinder Bed Road
Lorton, VA 22079

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Armando J. Tavares

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

Armando J. Tavares, President/Secretary
Eloi P. Lourenco, Vice President

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

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

Rezoning Attachment to Par. 1(b)

DATE: AUG 31 2009
(enter date affidavit is notarized)

1033940

for Application No. (s): RZ/FDP 2009-LE-001
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, VA 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 SHAREHOLDER: (enter first name, middle initial, and last name)
The Dewberry Companies LC
James L. Beight
Dennis M. Couture

=====

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)
The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, VA 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)
Sidney O. Dewberry, Barry K. Dewberry, Karen S. Grand Pre, Thomas L. Dewberry, Michael S. Dewberry (former)
The Michael S. Dewberry Revocable Trust u/a/d 11/23/05 f/b/o The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry) and the Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)

=====

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

AUG 31 2009

DATE: _____
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(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)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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)

Equity Partners of McGuireWoods LLP

- | | | |
|-------------------------|-----------------------|-----------------------|
| Alphonso, Gordon R. | Beil, Marshall H. | Buchan, Jonathan E. |
| Anderson, Arthur E., II | Belcher, Dennis I. | Busch, Stephen D. |
| Anderson, Mark E. | Bell, Craig D. | Cabaniss, Thomas E. |
| Andre-Dumont, Hubert | Beresford, Richard A. | Cacheris, Kimberly Q. |
| Bagley, Terrence M. | Bilik, R. Eric | Cairns, Scott S. |
| Barger, Brian D. | Blank, Jonathan T. | Capwell, Jeffrey R. |
| Barnum, John W. | Boland, J. William | Cason, Alan C. |
| Barr, John S. | Brenner, Irving M. | Chaffin, Rebecca S. |
| Becker, Scott L. | Brooks, Edwin E. | Cobb, John H. |
| Becket, Thomas L. | Brown, Thomas C., Jr. | Cogbill, John V., III |

(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: AUG 31 2009
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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**)

- | | | |
|-------------------------------|----------------------------|----------------------------|
| Covington, Peter J. | Gordon, Alan B. | Krueger, Kurt J. |
| Cramer, Robert W. | Grant, Richard S. | Kutrow, Bradley R. |
| Cromwell, Richard J. | Greenberg, Richard T. | La Fratta, Mark J. |
| Culbertson, Craig R. | Grieb, John T. | Lias-Booker, Ava E. |
| Cullen, Richard (nmi) | Harmon, Jonathan P. | Lieberman, Richard E. |
| de Cannart d'Hamale, Emmanuel | Harmon, T. Craig | Little, Nancy R. |
| De Ridder, Patrick A. | Harmon, Yvette (nmi) | Long, William M. |
| Dickerman, Dorothea W. | Hartsell, David L. | Manning, Amy B. |
| DiMattia, Michael J. | Hayden, Patrick L. | Marianes, William B. |
| Dooley, Kathleen H. | Hayes, Dion W. | Marks, Robert G. |
| Dorman, Keith A. | Heberton, George H. | Marshall, Gary S. |
| Downing, Scott P. | Horne, Patrick T. | Marshall, Harrison L., Jr. |
| Edwards, Elizabeth F. | Hosmer, Patricia F. | Marsico, Leonard J. |
| Ey, Douglas W., Jr. | Hutson, Benne Cole | Martin, Cecil E., III |
| Feller, Howard (nmi) | Isaf, Fred T. | Martin, George Keith |
| Fennebresque, John C. | Jackson, J. Brian | Martinez, Peter W. |
| Foley, Douglas M. | Jarashow, Richard L. | Mason, Richard J. |
| Fox, Charles D., IV | Jeffcoat, Brenton D. | Mathews, Eugene E., III |
| France, Bonnie M. | Johnston, Barbara Christie | Mayberry, William C. |
| Freedlander, Mark E. | Kanazawa, Sidney (nmi) | McCallum, Steven C. |
| Fuhr, Joy C. | Katsantonis, Joanne (nmi) | McDonald, John G. |
| Getchell, E. Duncan, Jr. | Keenan, Mark L. | McElligott, James P. |
| Gibson, Donald J., Jr. | Kennedy, Wade M. | McElroy, Robert G. |
| Glassman, Margaret M. | King, Donald E. | McFarland, Robert W. |
| Glickson, Scott L. | King, Sally Doubet | McIntyre, Charles Wm. |
| Gold, Stephen (nmi) | Kittrell, Steven D. | McLean, J. Dickson |
| Goldstein, Philip (nmi) | Kratz, Timothy H. | McRill, Emery B. |

(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: AUG 31 2009
(enter date affidavit is notarized)

1033940

for Application No. (s): RZ/FDP 2009-LE-001
(enter County-assigned application number (s))

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

McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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**)

Muckenfuss, Robert A.
Murphy, Sean F.
Nesbit, Christopher S.
Nunn, Daniel B., Jr.
O'Grady, Clive R. G.
O'Grady, John B.
O'Hare, James P.
Oakey, David N.
Oostdyk, Scott C.
Padgett, John D.
Pankey, David H.
Parker, Brian K.
Phears, H.W.
Plotkin, Robert S.
Potts, William F., Jr.
Pryor, Robert H.
Pusateri, David P.
Rak, Jonathan P.
Rakison, Robert B.
Reid, Joseph K., III
Richardson, David L.
Riegle, Gregory A.
Rifken, Lawrence E.

Riley, James B., Jr.
Riopelle, Brian C.
Roberts, Manley W.
Robinson, Stephen W.
Rogers, Marvin L.
Rohman, Thomas P.
Rust, Dana L.
Satterwhite, Rodney A.
Scheurer, P. Christian
Schewel, Michael J.
Schill, Gilbert E., Jr.
Schmidt, Gordon W.
Sellers, Jane Whitt
Shelley, Patrick M.
Simmons, L. D., II
Simmons, Robert W.
Skinner, Halcyon E.
Slone, Daniel K.
Spahn, Thomas E.
Spitz, Joel H.
Stallings, Thomas J.
Steen, Bruce M.
Stein, Marta A.

Stone, Jacquelyn E.
Swan, David I.
Tackley, Michael O.
Tarry, Samuel L., Jr.
Thornhill, James A.
Tirone, Joseph G.
Vick, Howard C., Jr.
Viola, Richard W.
Wade, H. Landis, Jr.
Walker, John Tracy, IV
Walsh, James H.
Watts, Stephen H., II
Werlin, Leslie M.
Westwood, Scott E.
Whelpley, David B., Jr.
White, H. Ramsey, III
White, Walter H., Jr.
Williams, Steven R.
Wilson, Ernest G.
Wilson, James M.
Wren, Elizabeth G.
Young, Kevin J.
Younger, W. Carter

(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: AUG 31 2009
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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)

(Former Equity Partner List)

- | | | |
|---------------------------|--------------------------|------------------------|
| Anderson, Corby C. | Iselin, Benjamin B. | Summers, W. Dennis |
| Baril, Mary Dalton | McArver, R. Dennis | Suzumoto, Mark K. |
| Beane, John C. | McGoogan, E. Graham, Jr. | Swartz, Charles R. |
| Carter, Joseph C., III | Menges, Charles L. | Van Etten, David B. |
| Cordell, Stephen L. | Menson, Richard L. | Vaughn, Scott P. |
| Culbreth, James H., Jr. | Michels, John J., Jr. | Walker, Howard W. |
| Cutchins, Clifford A., IV | Middlebrooks, James G. | Wells, David M. |
| Dillon, Lee Ann | Milton, Christine R. | Whittemore, Anne Marie |
| Dimitri, James C. | Newman, William A. | Williamson, Mark D. |
| Douglass, W. Birch, III | Pilkington, Kathy L. | Wood, R. Craig |
| Dyke, James Webster, Jr. | Rappaport, Richard J. | Zirkle, Warren E. |
| Evans, David E. | Ricciardi, James P. | |
| Fifer, Carson Lee, Jr. | Russell, Deborah M. | |
| Freye, Gloria L. | Samson, Gary D. | |
| Germaise, Susan L. | Samuels, Lawrence R. | |
| Goodall, Larry M. | Sipprelle, Keith A. | |
| Grandis, Leslie A. | Smith, Stuart (nmi) | |

(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: AUG 31 2009
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(enter County-assigned application number (s))

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

Tavares Family Limited Partnership
8000 Cinder Bed Road
Lorton, VA 22079

(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**)

Armando J. Tavares (1%), General Partner

Stephanie R. Tavares (49.5%), Partner

Jeannette R. Tavares (49.5%), Partner

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

Rezoning Attachment to Par. 1(c)

DATE: AUG 31 2009
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(enter County-assigned application number (s))

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

The Michael S. Dewberry Revocable Trust u/a/d 11/23/05 f/b/o The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry) and the Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)
8401 Arlington Boulevard
Fairfax, VA 22031

(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**)

Beneficiaries:

The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry)

The Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)

(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: AUG 31 2009
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry)
8401 Arlington Boulevard
Fairfax, VA 22031

(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)

Beneficiaries: Stephanie A. Dewberry

(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: AUG 31 2009
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(enter County-assigned application number (s))

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

The Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)
8401 Arlington Boulevard
Fairfax, VA 22031

(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**)

(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: AUG 3 1 2009
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(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

AUG 3 1 2009

DATE: _____
(enter date affidavit is notarized)

103394c

for Application No. (s): RZ/FDP 2009-LE-001
(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:

L.R. Greenlief

(check one)

[] Applicant

[x] Applicant's Authorized Agent

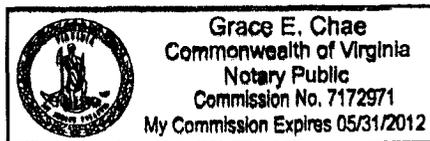
Lori R. Greenlief, Land Use Planner

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

Subscribed and sworn to before me this 31st day of August 2009, in the State/Comm. of Virginia, County/City of Fairfax

Grace E. Chae
Notary Public

My commission expires: 5/31/2012





County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: September 1, 2009

TO: Brenda Cho, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bette R. Crane, Paralegal 
Office of the County Attorney

SUBJECT: Revised Affidavit
PCA/FDPA 1999-LE-036
Applicant: Tavares Concrete Company, Inc.
PC Hearing Date: 10/1/09
BOS Hearing Date: Not yet scheduled

REF.: 103395

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 8/31/09, which bears my initials and is numbered 103395c, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Meredith Amonson, Planning Technician
Zoning Evaluation Division
Department of Planning and Zoning

REZONING AFFIDAVIT

DATE: AUG 31 2009
 (enter date affidavit is notarized)

I, Lori R. Greenlief, Land Use Planner, 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

103395e

in Application No.(s): PCA/FDPA 1999-LE-036
 (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)
Tavares Concrete Company, Inc. Agent: Kenneth B. Betz	8000 Cinder Bed Road Lorton, VA 22079	Applicant/Agent for Title Owner
Hawthorne Community Homeowners Association, Inc. Agent: Carol J. de la Torre (former) Kenya M. Gregory	c/o Armstrong Management Services, Inc. 3949 Pender Drive, Suite 205 Fairfax, VA 22030	Title Owner of Tax Map No. 99-2-((16))-B (part)
Dewberry & Davis LLC Agent: Andrea R. Walstrom Lawrence A. McDennott (former)	8401 Arlington Boulevard Fairfax, VA 22031	Engineer/Agent

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: AUG 31 2009
(enter date affidavit is notarized)

103395e

for Application No. (s): PCA/FDPA 1999-LE-036
(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)
McGuireWoods LLP Agents: Carson Lee Fifer, Jr. Joanna C. Frizzell David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Lisa M. Chiblow Lori R. Greenlief Sheri L. Hoy	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

(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: AUG 31 2009
(enter date affidavit is notarized)

103395c

for Application No. (s): PCA/FDPA 1999-LE-036
(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)

Tavares Concrete Company, Inc.
8000 Cinder Bed Road
Lorton, VA 22079

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Armando J. Tavares

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

Armando J. Tavares, President/Secretary
Eloi P. Lourenco, Vice President

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

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

Rezoning Attachment to Par. 1(b)

DATE: AUG 31 2009

103395c

(enter date affidavit is notarized)

for Application No. (s): PCA/FDPA 1999-LE-036

(enter County-assigned application number (s))

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

Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, VA 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 SHAREHOLDER: (enter first name, middle initial, and last name)

The Dewberry Companies LC
James L. Beight
Dennis M. Couture

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)

The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, VA 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)

Sidney O. Dewberry, Barry K. Dewberry, Karen S. Grand Pre, Thomas L. Dewberry, Michael S. Dewberry (former)
The Michael S. Dewberry Revocable Trust u/a/d 11/23/05 f/b/o The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry) and the Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)

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: AUG 31 2009

103395c

(enter date affidavit is notarized)

for Application No. (s): PCA/FDPA 1999-LE-036

(enter County-assigned application number (s))

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

Hawthorne Community Homeowners Association, Inc.
c/o Armstrong Management Services, Inc.
3949 Pender Drive, Suite 205
Fairfax, VA 22030

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)

Virginia non-stock company

=====

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

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

Kenya M. Gregory, President, Paul (nmi) Griffin, Director
Marissa (nmi) Alcalá, Secretary Carol J. de la Torre, Director
Andy (nmi) Hargreaves, Treasurer

=====

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: AUG 3 1 2009
(enter date affidavit is notarized)

103395c

for Application No. (s): PCA/FDPA 1999-LE-036
(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)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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)

Equity Partners of McGuireWoods LLP

- | | | |
|-------------------------|-----------------------|-----------------------|
| Alphonso, Gordon R. | Beil, Marshall H. | Buchan, Jonathan E. |
| Anderson, Arthur E., II | Belcher, Dennis I. | Busch, Stephen D. |
| Anderson, Mark E. | Bell, Craig D. | Cabaniss, Thomas E. |
| Andre-Dumont, Hubert | Beresford, Richard A. | Cacheris, Kimberly R. |
| Bagley, Terrence M. | Billik, R. Eric | Cairns, Scott S. |
| Barger, Brian D. | Blank, Jonathan T. | Capwell, Jeffrey R. |
| Barnum, John W. | Boland, J. William | Cason, Alan C. |
| Barr, John S. | Brenner, Irving M. | Chaffin, Rebecca S. |
| Becker, Scott L. | Brooks, Edwin E. | Cobb, John H. |
| Becket, Thomas L. | Brown, Thomas C., Jr. | Cogbill, John V., III |

(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: AUG 31 2009
(enter date affidavit is notarized)

103395c

for Application No. (s): PCA/FDPA 1999-LE-036
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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**)

- | | | |
|-------------------------------|----------------------------|----------------------------|
| Covington, Peter J. | Gordon, Alan B. | Krueger, Kurt J. |
| Cramer, Robert W. | Grant, Richard S. | Kutrow, Bradley R. |
| Cromwell, Richard J. | Greenberg, Richard T. | La Fratta, Mark J. |
| Culbertson, Craig R. | Grieb, John T. | Lias-Booker, Ava E. |
| Cullen, Richard (nmi) | Harmon, Jonathan P. | Lieberman, Richard E. |
| de Cannart d'Hamale, Emmanuel | Harmon, T. Craig | Little, Nancy R. |
| De Ridder, Patrick A. | Harmon, Yvette (nmi) | Long, William M. |
| Dickerman, Dorothea W. | Hartsell, David L. | Manning, Amy B. |
| DiMattia, Michael J. | Hayden, Patrick L. | Marianes, William B. |
| Dooley, Kathleen H. | Hayes, Dion W. | Marks, Robert G. |
| Dorman, Keith A. | Heberton, George H. | Marshall, Gary S. |
| Downing, Scott P. | Horne, Patrick T. | Marshall, Harrison L., Jr. |
| Edwards, Elizabeth F. | Hosmer, Patricia F. | Marsico, Leonard J. |
| Ey, Douglas W., Jr. | Hutson, Benne Cole | Martin, Cecil E., III |
| Feller, Howard (nmi) | Isaf, Fred T. | Martin, George Keith |
| Fennebresque, John C. | Jackson, J. Brian | Martinez, Peter W. |
| Foley, Douglas M. | Jarashow, Richard L. | Mason, Richard J. |
| Fox, Charles D., IV | Jeffcoat, Brenton D. | Mathews, Eugene E., III |
| France, Bonnie M. | Johnston, Barbara Christie | Mayberry, William C. |
| Freedlander, Mark E. | Kanazawa, Sidney (nmi) | McCallum, Steven C. |
| Fuhr, Joy C. | Katsantonis, Joanne (nmi) | McDonald, John G. |
| Getchell, E. Duncan, Jr. | Keenan, Mark L. | McElligott, James P. |
| Gibson, Donald J., Jr. | Kennedy, Wade M. | McElroy, Robert G. |
| Glassman, Margaret M. | King, Donald E. | McFarland, Robert W. |
| Glickson, Scott L. | King, Sally Doubet | McIntyre, Charles Wm. |
| Gold, Stephen (nmi) | Kittrell, Steven D. | McLean, J. Dickson |
| Goldstein, Philip (nmi) | Kratz, Timothy H. | McRill, Emery B. |

(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)

AUG 31 2009

DATE: _____
(enter date affidavit is notarized)

103395c

for Application No. (s): PCA/FDPA 1999-LE-036
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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**)

Muckenfuss, Robert A.
Murphy, Sean F.
Nesbit, Christopher S.
Nunn, Daniel B., Jr.
O'Grady, Clive R. G.
O'Grady, John B.
O'Hare, James P.
Oakey, David N.
Oostdyk, Scott C.
Padgett, John D.
Pankey, David H.
Parker, Brian K.
Phears, H.W.
Plotkin, Robert S.
Potts, William F., Jr.
Pryor, Robert H.
Pusateri, David P.
Rak, Jonathan P.
Rakison, Robert B.
Reid, Joseph K., III
Richardson, David L.
Riegle, Gregory A.
Rifken, Lawrence E.

Riley, James B., Jr.
Riopelle, Brian C.
Roberts, Manley W.
Robinson, Stephen W.
Rogers, Marvin L.
Rohman, Thomas P.
Rust, Dana L.
Satterwhite, Rodney A.
Scheurer, P. Christian
Schewel, Michael J.
Schill, Gilbert E., Jr.
Schmidt, Gordon W.
Sellers, Jane Whitt
Shelley, Patrick M.
Simmons, L. D., II
Simmons, Robert W.
Skinner, Halcyon E.
Slone, Daniel K.
Spahn, Thomas E.
Spitz, Joel H.
Stallings, Thomas J.
Steen, Bruce M.
Stein, Marta A.

Stone, Jacquelyn E.
Swan, David I.
Tackley, Michael O.
Tarry, Samuel L., Jr.
Thornhill, James A.
Tirone, Joseph G.
Vick, Howard C., Jr.
Viola, Richard W.
Wade, H. Landis, Jr.
Walker, John Tracy, IV
Walsh, James H.
Watts, Stephen H., II
Werlin, Leslie M.
Westwood, Scott E.
Whelpley, David B., Jr.
White, H. Ramsey, III
White, Walter H., Jr.
Williams, Steven R.
Wilson, Ernest G.
Wilson, James M.
Wren, Elizabeth G.
Young, Kevin J.
Younger, W. Carter

(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: AUG 31 2009
(enter date affidavit is notarized)

103395c

for Application No. (s): PCA/FDPA 1999-LE-036
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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**)

(Former Equity Partner List)

- | | | |
|---------------------------|--------------------------|------------------------|
| Anderson, Corby C. | Iselin, Benjamin B. | Summers, W. Dennis |
| Baril, Mary Dalton | McArver, R. Dennis | Suzumoto, Mark K. |
| Beane, John C. | McGoogan, E. Graham, Jr. | Swartz, Charles R. |
| Carter, Joseph C., III | Menges, Charles L. | Van Etten, David B. |
| Cordell, Stephen L. | Menson, Richard L. | Vaughn, Scott P. |
| Culbreth, James H., Jr. | Michels, John J., Jr. | Walker, Howard W. |
| Cutchins, Clifford A., IV | Middlebrooks, James. G. | Wells, David M. |
| Dillon, Lee Ann | Milton, Christine R. | Whittemore, Anne Marie |
| Dimitri, James C. | Newman, William A. | Williamson, Mark D. |
| Douglass, W. Birch, III | Pilkington, Kathy L. | Wood, R. Craig |
| Dyke, James Webster, Jr. | Rappaport, Richard J. | Zirkle, Warren E. |
| Evans, David E. | Ricciardi, James P. | |
| Fifer, Carson Lee, Jr. | Russell, Deborah M. | |
| Freye, Gloria L. | Samson, Gary D. | |
| Germaise, Susan L. | Samuels, Lawrence R. | |
| Goodall, Larry M. | Sipprelle, Keith A. | |
| Grandis, Leslie A. | Smith, Stuart (nmi) | |

(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: AUG 31 2009

1033950

(enter date affidavit is notarized)

for Application No. (s): PCA/FDPA 1999-LE-036
(enter County-assigned application number (s))

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

The Michael S. Dewberry Revocable Trust u/a/d 11/23/05 f/b/o The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry) and the Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)
8401 Arlington Boulevard
Fairfax, VA 22031

(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**)

Beneficiaries:

The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry)

The Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)

(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: AUG 31 2009

103395e

(enter date affidavit is notarized)
for Application No. (s): PCA/FDPA 1999-LE-036
(enter County-assigned application number (s))

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

Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry)
8401 Arlington Boulevard
Fairfax, VA 22031

(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)

Beneficiaries: Stephanie A. Dewberry

(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: AUG 31 2009

(enter date affidavit is notarized)

103395c

for Application No. (s): PCA/FDPA 1999-LE-036
(enter County-assigned application number (s))

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

The Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)
8401 Arlington Boulevard
Fairfax, VA 22031

(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)

(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

AUG 31 2009

DATE: _____
(enter date affidavit is notarized)

103395C

for Application No. (s): PCA/FDPA 1999-LE-036
(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: AUG 31 2009
(enter date affidavit is notarized)

103395c

for Application No. (s): PCA/FDPA 1999-LE-036
(enter County-assigned application number(s))

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[] Applicant

[x] Applicant's Authorized Agent

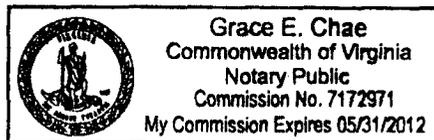
Lori R. Greenlief, Land Use Planner

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

Subscribed and sworn to before me this 31st day of August 20 09, in the State/Comm. of Virginia, County/City of Fairfax

Grace E. Chae
Notary Public

My commission expires: 5/31/2012





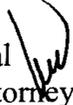
County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: September 1, 2009

TO: Brenda Cho, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bette R. Crane, Paralegal 
Office of the County Attorney

SUBJECT: Revised Affidavit
PCA 2000-LE-023
Applicant: Tavares Concrete Company, Inc.
PC Hearing Date: 10/1/09
BOS Hearing Date: Not yet scheduled

REF.: 103396

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 8/31/09, which bears my initials and is numbered 103396c, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Meredith Amonson, Planning Technician
Zoning Evaluation Division
Department of Planning and Zoning

REZONING AFFIDAVIT

DATE: AUG 3 1 2009
(enter date affidavit is notarized)

I, Lori R. Greenlief, Land Use Planner, 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 103396c

in Application No.(s): PCA 2000-LE-023
(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)
Tavares Concrete Company, Inc. Agent: Kenneth B. Betz	8000 Cinder Bed Road Lorton, VA 22079	Applicant/Title Owner of Tax Map No. 99-2-((1))-17
Tavares Family Limited Partnership Agent: Kenneth B. Betz	8000 Cinder Bed Road Lorton, VA 22079	Title Owner of Tax Map No. 99-2-((1))-18, 19
Dewberry & Davis LLC Agent: Andrea R. Walstrom Lawrence A. McDermott (former)	8401 Arlington Boulevard Fairfax, VA 22031	Engineer/Agent

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)
AUG 31 2009

DATE: _____
(enter date affidavit is notarized)

103396c

for Application No. (s): PCA 2000-LE-023
(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)
McGuireWoods LLP Agents: Carson Lee Fifer, Jr. Joanna C. Frizzell David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Lisa M. Chiblow Lori R. Greenlief Sheri L. Hoy	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent

(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: AUG 31 2009
(enter date affidavit is notarized)

103396c

for Application No. (s): PCA 2000-LE-023
(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)

Tavares Concrete Company, Inc.
8000 Cinder Bed Road
Lorton, VA 22079

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Armando J. Tavares

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

Armando, J. Tavares, President/Secretary
Eloi P. Lourenco, Vice President

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

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

Rezoning Attachment to Par. 1(b)

DATE: AUG 31 2009
(enter date affidavit is notarized)

103396c

for Application No. (s): PCA 2000-LE-023
(enter County-assigned application number (s))

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

Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, VA 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 SHAREHOLDER: (enter first name, middle initial, and last name)

The Dewberry Companies LC
James L. Beight
Dennis M. Couture

=====

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)

The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, VA 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)

Sidney O. Dewberry, Barry K. Dewberry, Karen S. Grand Pre, Thomas L. Dewberry, Michael S. Dewberry (former)
The Michael S. Dewberry Revocable Trust u/a/d 11/23/05 f/b/o The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry) and the Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)

=====

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: AUG 31 2009
(enter date affidavit is notarized)

103396c

for Application No. (s): PCA 2000-LE-023
(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)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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)

Equity Partners of McGuireWoods LLP

- | | | |
|-------------------------|-----------------------|-----------------------|
| Alphonso, Gordon R. | Beil, Marshall H. | Buchan, Jonathan E. |
| Anderson, Arthur E., II | Belcher, Dennis I. | Busch, Stephen D. |
| Anderson, Mark E. | Bell, Craig D. | Cabaniss, Thomas E. |
| Andre-Dumont, Hubert | Beresford, Richard A. | Cacheris, Kimberly Q. |
| Bagley, Terrence M. | Bilik, R. Eric | Cairns, Scott S. |
| Barger, Brian D. | Blank, Jonathan T. | Capwell, Jeffrey R. |
| Barnum, John W. | Boland, J. William | Cason, Alan C. |
| Barr, John S. | Brenner, Irving M. | Chaffin, Rebecca S. |
| Becker, Scott L. | Brooks, Edwin E. | Cobb, John H. |
| Becket, Thomas L. | Brown, Thomas C., Jr. | Cogbill, John V., III |

(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: AUG 31 2009
(enter date affidavit is notarized)

1037960

for Application No. (s): PCA 2000-LE-023
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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**)

- | | | |
|-------------------------------|----------------------------|----------------------------|
| Covington, Peter J. | Gordon, Alan B. | Krueger, Kurt J. |
| Cramer, Robert W. | Grant, Richard S. | Kutrow, Bradley R. |
| Cromwell, Richard J. | Greenberg, Richard T. | La Fratta, Mark J. |
| Culbertson, Craig R. | Grieb, John T. | Lias-Booker, Ava E. |
| Cullen, Richard (nmi) | Harmon, Jonathan P. | Lieberman, Richard E. |
| de Cannart d'Hamale, Emmanuel | Harmon, T. Craig | Little, Nancy R. |
| De Ridder, Patrick A. | Harmon, Yvette (nmi) | Long, William M. |
| Dickerman, Dorothea W. | Hartsell, David L. | Manning, Amy B. |
| DiMattia, Michael J. | Hayden, Patrick L. | Marianes, William B. |
| Dooley, Kathleen H. | Hayes, Dion W. | Marks, Robert G. |
| Dorman, Keith A. | Heberton, George H. | Marshall, Gary S. |
| Downing, Scott P. | Horne, Patrick T. | Marshall, Harrison L., Jr. |
| Edwards, Elizabeth F. | Hosmer, Patricia F. | Marsico, Leonard J. |
| Ey, Douglas W., Jr. | Hutson, Benne Cole | Martin, Cecil E., III |
| Feller, Howard (nmi) | Isaf, Fred T. | Martin, George Keith |
| Fennebresque, John C. | Jackson, J. Brian | Martinez, Peter W. |
| Foley, Douglas M. | Jarashow, Richard L. | Mason, Richard J. |
| Fox, Charles D., IV | Jeffcoat, Brenton D. | Mathews, Eugene E., III |
| France, Bonnie M. | Johnston, Barbara Christie | Mayberry, William C. |
| Freedlander, Mark E. | Kanazawa, Sidney (nmi) | McCallum, Steven C. |
| Fuhr, Joy C. | Katsantonis, Joanne (nmi) | McDonald, John G. |
| Getchell, E. Duncan, Jr. | Keenan, Mark L. | McElligott, James P. |
| Gibson, Donald J., Jr. | Kennedy, Wade M. | McElroy, Robert G. |
| Glassman, Margaret M. | King, Donald E. | McFarland, Robert W. |
| Glickson, Scott L. | King, Sally Doubet | McIntyre, Charles Wm. |
| Gold, Stephen (nmi) | Kittrell, Steven D. | McLean, J. Dickson |
| Goldstein, Philip (nmi) | Kratz, Timothy H. | McRill, Emery B. |

(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: AUG 31 2009
(enter date affidavit is notarized)

103396c

for Application No. (s): PCA 2000-LE-023
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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**)

- | | | |
|------------------------|-------------------------|-------------------------|
| Muckenfuss, Robert A. | Riley, James B., Jr. | Stone, Jacquelyn E. |
| Murphy, Sean F. | Riopelle, Brian C. | Swan, David I. |
| Nesbit, Christopher S. | Roberts, Manley W. | Tackley, Michael O. |
| Nunn, Daniel B., Jr. | Robinson, Stephen W. | Tarry, Samuel L., Jr. |
| O'Grady, Clive R. G. | Rogers, Marvin L. | Thornhill, James A. |
| O'Grady, John B. | Rohman, Thomas P. | Tirone, Joseph G. |
| O'Hare, James P. | Rust, Dana L. | Vick, Howard C., Jr. |
| Oakey, David N. | Satterwhite, Rodney A. | Viola, Richard W. |
| Oostdyk, Scott C. | Scheurer, P. Christian | Wade, H. Landis, Jr. |
| Padgett, John D. | Schewel, Michael J. | Walker, John Tracy, IV |
| Pankey, David H. | Schill, Gilbert E., Jr. | Walsh, James H. |
| Parker, Brian K. | Schmidt, Gordon W. | Watts, Stephen H., II |
| Phears, H.W. | Sellers, Jane Whitt | Werlin, Leslie M. |
| Plotkin, Robert S. | Shelley, Patrick M. | Westwood, Scott E. |
| Potts, William F., Jr. | Simmons, L. D., II | Whelpley, David B., Jr. |
| Pryor, Robert H. | Simmons, Robert W. | White, H. Ramsey, III |
| Pusateri, David P. | Skinner, Halcyon E. | White, Walter H., Jr. |
| Rak, Jonathan P. | Slone, Daniel K. | Williams, Steven R. |
| Rakison, Robert B. | Spahn, Thomas E. | Wilson, Ernest G. |
| Reid, Joseph K., III | Spitz, Joel H. | Wilson, James M. |
| Richardson, David L. | Stallings, Thomas J. | Wren, Elizabeth G. |
| Riegle, Gregory A. | Steen, Bruce M. | Young, Kevin J. |
| Rifken, Lawrence E. | Stein, Marta A. | Younger, W. Carter |

(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: AUG 31 2009
(enter date affidavit is notarized)

1033960

for Application No. (s): PCA 2000-LE-023
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 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**)

(Former Equity Partner List)

- | | | |
|---------------------------|--------------------------|------------------------|
| Anderson, Corby C. | Iselin, Benjamin B. | Summers, W. Dennis |
| Baril, Mary Dalton | McArver, R. Dennis | Suzumoto, Mark K. |
| Beane, John C. | McGoogan, E. Graham, Jr. | Swartz, Charles R. |
| Carter, Joseph C., III | Menges, Charles L. | Van Etten, David B. |
| Cordell, Stephen L. | Menson, Richard L. | Vaughn, Scott P. |
| Culbreth, James H., Jr. | Michels, John J., Jr. | Walker, Howard W. |
| Cutchins, Clifford A., IV | Middlebrooks, James. G. | Wells, David M. |
| Dillon, Lee Ann | Milton, Christine R. | Whittemore, Anne Marie |
| Dimitri, James C. | Newman, William A. | Williamson, Mark D. |
| Douglass, W. Birch, III | Pilkington, Kathy L. | Wood, R. Craig |
| Dyke, James Webster, Jr. | Rappaport, Richard J. | Zirkle, Warren E. |
| Evans, David E. | Ricciardi, James P. | |
| Fifer, Carson Lee, Jr. | Russell, Deborah M. | |
| Freye, Gloria L. | Samson, Gary D. | |
| Germaise, Susan L. | Samuels, Lawrence R. | |
| Goodall, Larry M. | Sippelle, Keith A. | |
| Grandis, Leslie A. | Smith, Stuart (nmi) | |

(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: AUG 31 2009
(enter date affidavit is notarized)

103396e

for Application No. (s): PCA 2000-LE-023
(enter County-assigned application number (s))

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

Tavares Family Limited Partnership
8000 Cinder Bed Road
Lorton, VA 22079

(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**)

Armando J. Tavares (1%), General Partner

Stephanie R. Tavares (49.5%), Partner

Jeannette R. Tavares (49.5%), Partner

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

Rezoning Attachment to Par. 1(c)

DATE: AUG 31 2009

(enter date affidavit is notarized)

103396c

for Application No. (s): PCA 2000-LE-023

(enter County-assigned application number (s))

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

The Michael S. Dewberry Revocable Trust u/a/d 11/23/05 f/b/o The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry) and the Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)
8401 Arlingotn Boulevard
Fairfax, VA 22031

(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**)

Beneficiaries:

The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry)

The Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)

(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)

AUG 31 2009

DATE: _____
(enter date affidavit is notarized)

103396c

for Application No. (s): PCA 2000-LE-023
(enter County-assigned application number (s))

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

The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry)
8401 Arlington Boulevard
Fairfax, VA 22031

(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)

Beneficiaries: Stephanie A. Dewberry

(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: AUG 31 2009
(enter date affidavit is notarized)

103396c

for Application No. (s): PCA 2000-LE-023
(enter County-assigned application number (s))

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

The Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry)
8401 Arlington Boulevard
Fairfax, VA 22031

(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)

(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: AUG 31 2009
(enter date affidavit is notarized)

1033960

for Application No. (s): PCA 2000-LE-023
(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: AUG 3 1 2009
(enter date affidavit is notarized)

103396c

for Application No. (s): PCA 2000-LE-023
(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:

L.R. Greenlief

(check one)

[] Applicant

[x] Applicant's Authorized Agent

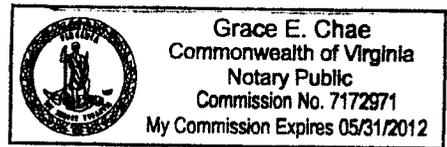
Lori R. Greenlief, Land Use Planner

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

Subscribed and sworn to before me this 31st day of August 20 09, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae
Notary Public

My commission expires: 5/31/2012



NARRATIVE STATEMENT OF JUSTIFICATION

Rezoning by Tavares Family Limited Partnership
Concurrent with a PCA application for the Hawthorne Subdivision and a PCA application
for the Tavares Property

December 22, 2008
Revised August 19, 2009

Pursuant to Section 18-204 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), Tavares Family Limited Partnership (the "Applicant"), hereby requests approval of a rezoning application from the I-5 to the PDH-5 District as further described below.

I. DESCRIPTION/BACKGROUND – Applicable to all three concurrent zoning applications

Tavares Concrete Company, Inc. and Tavares Family LP (together known as the "Applicant") owns three lots known as Tax Maps 99-2((1))17, 18 and 19, which are zoned I-5 pursuant to RZ 2000-LE-023. They are located adjacent to and north of the Hawthorne subdivision, a single family attached community. The Hawthorne subdivision was created pursuant to RZ 1999-LE-036, approved on April 30, 2000, which rezoned 33.26 acres of land from the I-4 District to the PDH-4 District. The Applicant would like to develop 2.84 acres of their property, the portion of the lots closest to Hawthorne, with single family attached units and leave a portion of the three lots, 0.53 acres, with its current zoning of I-5 in order to develop that portion with an office use. This proposed development will involve three concurrent zoning applications. One set of plans has been drafted for all three zoning applications since they are intricately tied together.

II. REQUEST

This particular application is a request to rezone 2.84 acres of the currently zoned I-5 land (specifically, Lot 18 and parts of Lot 17 and 19) to the PDH-5 District to allow the development of 11 single family attached dwellings. Sheet 3 of the plans shows the proposed development which consists of two sticks of townhouses and associated parking. The western area of the property has been specifically designed as a buffer between the proposed single family attached units and the proposed industrial development (discussed in the PCA application). The Cinder Bed Road area is a unique challenge given the large amount of industrial land in proximity to existing residential development. From a planning perspective and a use impact perspective, residential development on Lots 18 and 19 is much more compatible with the Hawthorne and Island Creek subdivisions than industrial uses for which it is currently zoned.

III. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Specific Plan Language

The property is located in the Newington Community Planning Sector (S6) of the Springfield Planning District in Area IV. The Plan language, contained on page 69, indicates that a portion of Lot 17 could be consolidated with Lots 18 and 19 and developed residentially. This option is subject to the following conditions:

1. Any portion of Lot 17 which is included in the residential development shall be designated as open space with amenities for passive recreation such as benches and trash receptacles, with trees and vegetation along the periphery to screen the adjacent industrial development. This area is designated on the CDP/FDP as passive recreation area. A solid masonry wall, discussed below is provided to screen the remainder of Lot 17. The Walker property to the south is currently under redevelopment. The site plan shows a wood fence and landscaping to soften the visual impact of the industrial development.
2. A 6-foot masonry wall is shown on the CDP/FDP.
3. The maximum number of units shall not exceed 11.
4. A geotechnical study will be submitted at the time of site plan review to ensure proper construction on any slippage prone soils.
5. The proposed residential development is integrated with and access is shown to the Hawthorne subdivision.
6. The Applicant will proffer that the architectural type, style and elements of the proposed homes will be compatible with the existing homes in the Hawthorne subdivision. The CDP/FDP contains a picture of the homes in the Hawthorne subdivision for reference.

Residential Development Criteria

1. Site Design
 - a. Consolidation – The proposed rezoning from the I-5 District to the PDH-5 District represented a consolidation of three properties to achieve a zoning mix (part PDH-5, part I-5) that is much more compatible with the surrounding mix of residential and industrial uses. The split zoning proposed meets the guidance for these parcels outlined in the Plan.
 - b. Layout – The layout is specifically designed to blend with the existing residential neighborhood even providing a pocket park and parking for the adjacent neighborhood. The layout itself is logical and functional for a single family attached neighborhood.

- c. Open space – The proposal includes a ½ acre of undisturbed open space as recommended in the Plan.
 - d. Landscaping – Appropriate landscaping is provided in all areas of the property.
 - e. Amenities – Several on site trails are provided for these 11 townhomes as well as the ½ acre of open space, partially reforested and an offsite trail connection to Island Creek Park..
2. Neighborhood Context
- The proposed development was specifically designed to blend into the existing Hawthorne townhouse community and the layout was discussed with the HOA. Pedestrian connections are provided to the existing development. The architectural style of the new homes will be similar to the existing homes on Birch Branch Terrace and Azalea Cove.
3. Environment
- a. Preservation – The three lots have been previously cleared and denuded for industrial uses. There is no natural environmental resources worthy of preservation. There is an area, however, of reforestation, a portion of which is in a conservation easement between the industrial property and the proposed townhouses.
 - b. Slopes and Soil – The layout has taken the existing slopes and soils into account.
 - c. Water Quality – Best Management Practices are provided.
 - d. Drainage – Adequate stormwater management facilities are provided.
 - e. Noise – No noise impacts are anticipated. Note that conversion of this property from I-5 to PDH-5 will erase any future noise impacts that could have resulted from the industrial zoning.
 - f. Lighting – County lighting standards will be met.
 - g. Energy – The property is not located in an area that is amenable for biking or walking to amenities. Paths are provided however to link to the existing neighborhood.
4. Tree Preservation and Tree Cover Requirements
- Again, the site has been cleared and denuded for prior industrial uses. Landscaping will be provided to restore tree cover to the property. An area of reforestation is shown between the proposed townhouses and the industrial area to

the west. A portion of the reforested area will be preserved in a conservation easement.

5. **Transportation**
The proposal includes two access points to the existing Hawthorne subdivision as recommended in the Comprehensive Plan.
6. **Public Facilities**
Proffers have been include to offset the impact to public facilities.
7. **Affordable Housing**
The proposal is not subject to the requirements of Article 2.
8. **Heritage Resources**
To the Applicant's knowledge, the site has no particular heritage resource significance.

IV. CONFORMANCE WITH THE ZONING ORDINANCE REQUIREMENTS

The proposed development meets the General Standards for a Rezoning to a Planned Development District specified in Sect. 16-101 of the Zoning Ordinance as discussed below as well as meeting the bulk regulations of the PDH-5 District and the parking and transitional screening/barrier requirements.

1. The planned development substantially conforms to the adopted Comprehensive Plan as discussed above.
2. Rezoning to a P District instead of a conventional district will allow the proposed development to blend seamlessly with the existing Hawthorne subdivision, also developed as a P District.
3. The property is currently zoned I-5 and has been used for industrial uses in the past. There is no quality vegetation or scenic assets to be preserved and/or maintained.
4. The planned development is designed as a seamless connection to the existing residential development to the east and south and therefore, will not pose an adverse impact to that property. The development/redevelopment of other industrially zoned properties in the area is not hinder by this proposal.
5. Necessary public facilities exist in the area and required utilities will be provided.
6. The proposed development is linked to the Hawthorne subdivision as recommended by the Comprehensive Plan. Additional parking is provided beyond the Zoning Ordinance requirement for the use of the future residents or the existing residents along Azalea Cove and Birch Branch Drives.

V. WAIVERS AND MODIFICATIONS

To the best of the Applicant's knowledge, the only waiver necessary is to the requirement that private roads be no more than 600 feet long. Since the proposed townhouse community will connect to existing the Hawthorne subdivision through their existing streets system and such a waiver was granted for the streets within Hawthorne, the same waiver is necessary for this proposal. It is noted that there is a fire access lane directly off of Cinder Bed Road which was specifically allocated as such during the rezoning of the Hawthorne subdivision. The proposed development complies with all applicable standards and regulations. There are no hazardous or toxic substances to be generated, utilized, stored treated, and/or disposed of on site

Respectfully submitted by

Lori Greenlief
McGuireWoods LLP
Agent for Applicant

NARRATIVE STATEMENT OF JUSTIFICATION

PCA/FDPA for Centex Homes (PCA 1999-LE-036)

By Tavares Concrete Company, Inc.

Concurrent with a RZ application and a PCA application for the Tavares Property

December 22, 2008

Revised August 19, 2009

Pursuant to Section 18-204 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), Tavares Concrete Company, Inc., (the "Applicant"), hereby requests approval of an amendment to the approved proffer conditions (the "Proffers") dated February 10, 2000 and changes to the Conceptual Development Plan/Final Development Plan (the "CDP/FDP") dated February 24, 1999, revised through January 10, 2000.

I. DESCRIPTION/BACKGROUND – Applicable to all three concurrent zoning applications

Tavares Concrete Company, Inc. and Tavares Family LP (together known as the "Applicant") owns three lots known as Tax Maps 99-2((1))17, 18 and 19, which are zoned I-5 pursuant to RZ 2000-LE-023. They are located adjacent to and north of the Hawthorne subdivision, a single family attached community. The Hawthorne subdivision was created pursuant to RZ 1999-LE-036, approved on April 30, 2000, which rezoned 33.26 acres of land from the I-4 District to the PDH-4 District. The Applicant would like to develop 2.84 acres of their property, the portion of the lots closest to Hawthorne, with single family attached units and leave a portion of the three lots, 0.53 acres, with its current zoning of I-5 in order to develop that portion with an office use. This proposed development will involve three concurrent zoning applications. One set of plans has been drafted for all three zoning applications since they are intricately tied together.

II. REQUEST

The Hawthorne subdivision rezoning (RZ 1999-LE-036) will have to be amended through a partial proffered condition amendment/final development plan amendment (PCA/FDPA) application to allow two road connections between the Hawthorne subdivision and the Tavares property, parking, a trail and plantings in an area currently shown as open space on the approved Conceptual Development Plan/Final Development Plan (CDP/FDP). The partial PCA application will involve 1.30 acres of land. The Comprehensive Plan for this area recommends that if Lots 18 and 19 develop with residential uses, access for those homes must be through the Hawthorne subdivision to Morning View Lane rather than to Cinder Bed Road through Lot 17. The approved CDP/FDP for the Hawthorne subdivision (RZ 1999-LE-036) shows the area adjacent to Lots 18 and 19 as open space. In order to connect to the Hawthorne subdivision, two street connections are proposed as shown on the proposed plan to Azalea Cove Terrace and to Birch Branch Terrace. Additionally, as a result of negotiations with the

Hawthorne Community Association, the Applicant has agreed to provide additional parking in that area and a trail with benches as well as a trail connection from Locust Leaf Lane and additional screening along the lot line abutting industrially zoned Lots 20 and 23. These elements are shown on Sheet 3 of the plans.

III. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Site Specific Language

The Comprehensive Plan recommends that the Hawthorne subdivision be developed as it has, residentially at 3-4 dwelling units per acre. Adding additional residential parking, a small park, a trail and screening will not compromise the existing conformance with the Comprehensive Plan. Further, by allowing the vehicular connection to Lots 18 and 19, Plan language regarding the development of those lots can be fulfilled.

Residential Development Criteria

At the time of the original rezoning for the Hawthorne subdivision, the development was found to have met the residential development criteria. The addition of two street connections, additional parking and a pocket park will not alter that conformance.

IV. CONFORMANCE WITH THE ZONING ORDINANCE REQUIREMENTS

The property was developed in accordance with the Zoning Ordinance requirements and the addition of the elements proposed in the open space will not hinder that conformance. The most significant of these is open space. The original open space provided as for the Hawthorne subdivision as calculated from both the CDP/FDP and the site plan is 64.2%. The CDP/FDP showed the amount tabbed at 60%. With the deduction for the proposed parking and access roads, the open space for Hawthorne subdivision is 63.8%, still over the 60% shown in the tab on the CDP/FDP.

The proposed proffered condition amendment application also satisfies the General Standards for a Rezoning to a Planned Development District specified in Sect. 16-101 of the Zoning Ordinance as stated below:

1. The changes to the planned development substantially conform to the adopted Comprehensive Plan as discussed above.
2. The changes to the planned development further the stated purpose and intent of the planned development district more than would development under a conventional zoning district.

3. There are no specific scenic assets or natural features in this area of the subdivision. Additional trees are proposed at the request of the Hawthorne Community Association to help screen the Hawthorne subdivision from existing and proposed industrial development along Cinder Bed Road.
4. The changes to the planned development certainly do not hinder the development of surrounding properties. As a matter of fact, the changes allow the development of the surrounding properties.
5. The changes to the planned development will not affect the existing provision of transportation, police and fire protection and other public facilities and utilities to the subdivision.
6. The changes to the planned development provide needed linkages.

V. MODIFICATION TO PROFFERS

Of the 19 proffers associated with the approval of RZ 1999-LE-036, only proffer 4 is affected by this application (other than Proffer 1 which is conformance with the plan). The changes to the open space area are proposed in this application do not affect the other proffers. Proffer 4 requires conformance with the limits of clearing and grading as shown on the CDP/FDP approved with RZ 1999-LE-036. The limits of clearing and grading are altered from this original plan on the proposed CDPA/FDPA to allow the road connections, parking, pocket park and trail.

V. WAIVERS AND MODIFICATIONS

To the best of the Applicant's knowledge, the proposed development complies with all applicable standards and regulations. There are no hazardous or toxic substances to be generated, utilized, stored treated, and/or disposed of on site

Respectfully submitted by

Lori Greenlief
McGuireWoods LLP
Agent for Applicant

NARRATIVE STATEMENT OF JUSTIFICATION

PCA/GDPA for Tavares Concrete Company, Inc (RZ 2000-LE-023)
By Tavares Concrete Company, Inc.
Concurrent with a PCA application for the Hawthorne Subdivision and a Rezoning
application for the Tavares Property

November 7, 2008
Revised August 19, 2009

Pursuant to Section 18-204 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), Tavares Concrete Company, Inc., (the "Applicant"), hereby requests approval of an amendment to the approved proffer conditions (the "Proffers") dated February 21, 2002 and changes to the Generalized Development Plan (the "GDP") dated April 25, 2000 revised through February 1, 2002.

I. DESCRIPTION/BACKGROUND – applicable to all three concurrent zoning applications

Tavares Concrete Company, Inc. and Tavares Family LP (together known as the "Applicant") owns three lots known as Tax Maps 99-2(1))17, 18 and 19, which are zoned I-5 pursuant to RZ 2000-LE-023. They are located adjacent to and north of the Hawthorne subdivision, a single family attached community. The Hawthorne subdivision was created pursuant to RZ 1999-LE-036, approved on April 30, 2000, which rezoned 33.26 acres of land from the I-4 District to the PDH-4 District. The Applicant would like to develop 2.84 acres of their property, the portion of the lots closest to Hawthorne, with single family attached units and leave a portion of the three lots, 0.53 acres, with its current zoning of I-5 in order to develop that portion with an office use. This proposed development will involve three concurrent zoning applications. One set of plans has been drafted for all three zoning applications since they are intricately tied together.

II. REQUEST

This PCA/GDPA application is a request to amend RZ 2000-LE-023 which established the I-5 zoning on all three of the Tavares lots. The PCA application request will be to reduce the land area governed under RZ 2000-LE-023 from 3.36 acres to 0.53 acres and allow a change in the Generalized Development Plan for the 0.53 acres. The original approved GDP showed three industrial buildings, one on each of the lots, with associated parking and access off of Cinder Bed Road. A graphic on Sheet 3 of the plans shows the approved GDP. The proffers include a commitment to the GDP as well as limitations on uses, FAR, parking, lighting access, outdoor storage, and other development elements. The purpose of this PCA/GDPA application is to reduce the land area zoned I-5 from 3.36 acres to 0.53 acres (just the

front portion of Lot 17 and a sliver of the pipestem portion of Lot 18) and the resultant development on the 0.53 portion. The amended GDP now shows just one office building of 8,000 square feet with associated parking on the new acreage of 0.53 acres.

III. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Lot 17 is located in the I-95 Industrial Area of the Springfield Planning District but it is also discussed in the Newington Community Planning Sector (S6) of the Springfield Planning District in Area IV. The Plan language as stated in the I-95 Industrial Area, indicates that Lot 17 is planned for industrial use at maximum FAR of 0.35 subject to the condition that buffers and screening be provided, outdoor storage and heavy industrial uses are prohibited and access should occur only from Cinder Bed Road. The Plan also indicates that a portion of Lot 17 could be consolidated with Lots 18 and 19 to be developed as residential use. This trio of applications accomplished this Plan objective and meets the stated conditions.

IV. CONFORMANCE WITH THE ZONING ORDINANCE REQUIREMENTS

The resultant property (0.53 acres, zoned I-5) will meet the Zoning Ordinance requirements for development in the I-5 District. The proposed warehouse building will be 8,000 sf in size which equates to an FAR of 0.34 which does not exceed the maximum allowed in the I-5 District of 0.5 nor the Comprehensive Plan recommended density of 0.35. Twenty-five (25) percent open space is provided. Eight parking spaces are required and provided. Access is shown off of Cinder Bed Road. A modification to the transitional screening and barrier requirement is requested and is discussed below.

The Applicant is providing frontage improvements to include curb and gutter and sidewalk along the resultant property's Cinder Bed Road frontage.

V. WAIVERS AND MODIFICATIONS

A modification of the Transitional screening and barrier requirements is requested along the eastern and northern lot lines of the resultant I-5 Property pursuant to Pars. 3 and 7 of Sect. 13-304, respectively. The property adjacent to the north is used for a public purpose, being Park Authority property dedicated with the development of Island Creek, the adjacent community. It is noted that the property is well-treed. The dedication of the land was for the preservation of environmental features such as the stream on the other side of Cinder Bed Road, not for use as an active recreational park. Given these circumstances, the Applicant is requesting a waiver of the full transitional screening and barrier requirement along the northern lot line in favor of that shown on the GDP,

PCA 2000-LE-023

Tavares Concrete Company, Inc.

August 19, 2009

Page 3

transitional screening in a 8 foot wide area. It is noted that the industrial property is also designed in such a way as to minimize impact on the park. There is a significant grade

difference between the park and the subject property and the building itself will sit about six feet lower than the shared property line. The eastern lot line abuts land being developed in coordination with the I-5 property. The development has been specifically planned to provide almost a ½ acre of open space adjacent to the industrially zoned area of the lot. During the Area Plan Review process, a commitment was made to provide a masonry wall along this lot line. Such wall is provided as shown on the plan.

With the exception of the above waivers and modifications, to the best of the Applicant's knowledge, the proposed development complies with all applicable standards and regulations. There are no hazardous or toxic substances to be generated, utilized, stored treated, and/or disposed of on site

Respectfully submitted by

McGuireWoods LLP
Agent for Applicant

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FAIRFAX COUNTY

Appendix 6

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

April 24, 2002

David S. Houston, Esquire
Shaw Pittman
1650 International Drive
McLean, Virginia 22102-4835

RE: Rezoning Application
Number RZ 2000-LE-023

Dear Mr. Houston:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 8, 2002, granting Rezoning Application Number RZ 2000-LE-023 in the name of Tavares Concrete Company, Incorporated to rezone certain property in the Lee District from the R-1 District to the I-5 District, located on the east side of Cinder Bed Road, approximately 1,500 feet north of Hill Park Drive, Tax Map 99-2 ((1)) 17, 18, and 19, subject to the proffers dated February 21, 2002, consisting of approximately 3.36 acres.

The Board also:

- **Modified the transitional screening along the north property line and the portion of the south property line which abuts residential areas to permit a 25-foot wide strip of landscaping.**
- **Modified the barrier requirements along the portions of the northern and southern property lines in lieu of the existing board-on-board fence, as shown on the Generalized Development Plan.**

RZ 2000-LE-023

April 24, 2002

- 2 -

- **Waived the trail requirement along Cinder Bed Road.**

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley
Supervisor- Lee District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Tnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPWES
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES
Frank Edwards, Department of Highways - VDOT
Land Acq. & Planning Div., Park Authority
District Planning Commissioner
James Pattersen, Director, Facilities Mgmt. Div., DPWES

RECEIVED
Department of Planning & Zoning
APR 25 2002
Zoning Evaluation Division

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 8th day of April, 2002, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2000-LE-023

WHEREAS, Tavares Concrete Company, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the I-5 District, and

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

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

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

Be, and hereby is, zoned to the I-5 District, and said property is subject to the use regulations of said I-5 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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

GIVEN under my hand this 8th day of April, 2002.



Nancy Vehrs

Clerk to the Board of Supervisors

PROFFER STATEMENT

Rezoning Case No.: RZ 2000-LE-023
Applicant / Title Owner: Tavares Concrete Company, Inc.
Title Owner: Drakes Creek Holding Company, LLC
Property: Tax Map 99-2-((1))-17, 18 and 19
Proposed Zoning: I-5
Date: February 21, 2002

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, Tavares Concrete Company, Inc., as applicant and title owner of Lot 17 (hereinafter referred to as the "Applicant") and Drakes Creek Holding Company, LLC, as title owner of Lots 18 and 19, for themselves and their successors and assigns, in RZ-2000-LE-023 (the "Application"), filed for property as Tax Map 99-2-((1))-17, 18 and 19 (hereinafter referred to as the "Application Property") agree to the following proffers, provided the Board of Supervisors approves the Application. Each reference to "Applicant" in this proffer statement shall include and be binding upon all owners, successors, assigns, and/or developers of any portion of the Application Property.

1. Generalized Development Plan: Subject to Section 18-204 of the Zoning Ordinance, the Application Property shall be developed substantially in accordance with the Generalized Development Plan ("GDP"), dated April 25, 2000, and last amended on February 1, 2002, prepared by Dewberry & Davis, and consisting of four (4) sheets.
2. Land Use: The Application Property shall only be developed with one or more of the following principal uses:
 - (a) contractor's offices and shops;
 - (b) establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales;
 - (c) establishments for scientific research, development and training;
 - (d) light public utility uses;
 - (e) offices;
 - (f) warehousing; and
 - (g) wholesale trade establishments.

3. **Storage:** Storage yard use shall be permitted on the Application Property subject to the following restrictions and conditions:

- (a) Outdoor storage shall be permitted on Lot 17 on a temporary basis until the issuance of a Non-Residential Use Permit for property located at 8000 Cinder Bed Road [Tax Map 99-2-((1))-10] provided the Applicant complies with the timeline schedule contained in Proffer No. 18 below. In no event shall outdoor storage be permitted on Lot 17 later than August 31, 2003.
- (b) The type of materials and/or equipment stored outside temporarily on Lot 17 shall be limited to dump trucks, slip-form curb machines, cranes, bulldozers, tractor trailers, forms and molds for concrete work, and other items typically used and stored by contractors.
- (c) The Applicant shall prepare and submit a minor site plan for the outdoor storage on Lot 17 within thirty (30) days after the approval date of this Application. The Applicant shall respond to comments from the Department of Public Works and Environmental Services (DPWES) within thirty (30) days after receipt (including submission of any requested revisions), and shall obtain a Non-Residential Use Permit for the use as soon as the required improvements, if any, are completed, but not later than sixty (60) days after minor site plan approval. If no improvements are required as part of the minor site plan approval, the Applicant shall obtain a Non-Residential Use Permit within ten (10) days after the approval date of the minor site plan.
- (d) After the temporary period, storage of materials and equipment on Lot 17 shall be subject to the limits outlined below.

Any storage yard use on Lots 18 and 19 (and Lot 17 after the temporary period) shall be subject to the following restrictions and conditions:

- (w) No outdoor storage shall be permitted.
- (x) Storage shall be accessory to the principal use.
- (y) Storage of materials and equipment shall only be permitted inside the structures depicted on the GDP. In no event shall storage include the storage of items commonly found in junk yards (e.g., abandoned vehicles and discarded appliances).
- (z) The restrictions and conditions applicable to storage use, as outlined above, shall not be applicable to the parking of vehicles on the Application Property. Storage of vehicles shall only be accessory to the principal use, as limited by Proffer No. 6 below.

4. **Special Exception and Special Permit Uses:** Notwithstanding Proffer No. 2 above, Special Permit and Special Exception uses shall be permitted without the necessity of a proffered condition amendment. This use flexibility shall not relieve the Applicant from the filing and processing of any Special Exception and/or Special Permit requests through the County's normal review process.
5. **Floor Area Ratio:** The total FAR on the Application Property shall not exceed 0.20, which shall not result in an increase in the footprint of the structures depicted on the GDP.
6. **Parking:** The number of parking spaces provided on the Application Property shall meet the parking requirements contained in the Zoning Ordinance, as determined by DPWES. Additional parking spaces shall not be created in landscaped open space areas depicted on the GDP. Finally, no more than ten (10) vehicles containing three (3) or more axles (i.e., dump trucks, tractor trailers, mixers, loaders and other vehicles typically used by contractors) shall be parked outdoors on the Application Property at any one time, and so long as storage of these vehicles is accessory to the principal use occurring within the structures. Vehicles with two (2) axles that are not tagged and licensed for road use (e.g., back hoes and bobcats) shall not be parked or stored outdoors. No garbage trucks shall be parked on the Application Property. All vehicle parking and storage shall be accessory to the principal use occurring within the structures.
7. **Lighting:** All outdoor lighting, if installed, shall be designed and located in accordance with the glare standards as set forth in Part 9 of Article 14 of the Zoning Ordinance in effect at the time of site plan approval for each building. No freestanding lighting shall have poles that exceed 20 feet in height. All lighting shall have full cut off fixtures that direct light downward and inward.
8. **Hazardous Materials:** No hazardous or toxic substances, hazardous waste or petroleum products shall be generated, stored or disposed of on the Application Property in violation of law.
9. **Cinder Bed Road:** At the time of site plan approval, or upon written demand by the Board of Supervisors or the Virginia Department of Transportation, whichever first occurs, the Applicant shall dedicate and convey in fee simple to the Fairfax County Board of Supervisors right-of-way measuring thirty-five (35) feet from the existing center line along the Application Property's Cinder Bed Road frontage, as shown on the GDP. The Applicant shall construct Cinder Bed Road as a one-half section of a two (2) lane undivided roadway (up to 26 feet of pavement from centerline. The entrance to the Application Property shall be constructed pursuant to Virginia Department of Transportation standards. The fence depicted on the GDP shall be constructed to ensure adequate sight distance for vehicles entering and exiting the Application Property.
10. **Access Easement Abutting Lots 18 and 19:** There shall be no vehicular access to the Application Property via the existing easement, recorded in Deed Book 455 at Page 186 among the Fairfax County land records, that is located on the abutting property, known as the Hawthorne Property and located on Tax Map 99-2-((1))-24. Further, the Applicant shall employ all reasonable efforts, as determined by DPWES, to vacate and abandon its interests

in the easement as it applies to Lots 18 and 19 within four (4) months after the approval date of the Application.

11. **Architecture**: The Applicant reserves the right to construct the building on Lot 17 as a three (3) sided building with the west side (facing Cinder Bed Road) remaining open. The building on Lot 17 may be constructed of metal, similar in style and appearance to the buildings depicted on Attachment A. The buildings on Lots 18 and 19 shall be constructed to have exterior facades that are at least 50% brick, architectural block, architectural precast concrete, glass, job cast architectural concrete or other similar quality material (collectively, "Architectural Block"). The southern (i.e., rear) side of each building on Lots 18 and 19 shall be constructed of Architectural Block and shall not have any windows or doors. The buildings shall be connected by a matching Architectural Block seven foot (7') wall, in the location depicted on the GDP.
12. **Landscaping**: Landscaping of the Application Property shall be generally consistent in terms of character and quantity with that indicated on the GDP, subject to final approval by the Urban Forestry Division of DPWES. Specific features such as the exact locations of plantings shall be subject to modification with final engineering and architectural design. The landscaping to be planted on Lots 18 and 19 shall be installed prior to the issuance of a Non-Residential Use Permit for any use on the Application Property, other than the temporary storage. With respect to Lot 17, the Applicant shall plant the landscaping depicted on the north side of the existing fence located on the northern end of Lot 17 (as depicted on the GDP) as soon as reasonably possible after the Application is approved, but in no event later than the issuance of the Non-Residential Use Permit for the temporary storage use. Such landscaping on the northern end shall be depicted on the minor site plan for Lot 17 referenced in Proffer No. 3 above. The remainder of the landscaping to be planted on Lot 17 (as depicted on the GDP) shall be installed as soon as reasonably possible after site plan approval for the building to be constructed on Lot 17. All landscaping shall maintained in good health by the Applicant and, if it dies or becomes severely diseased, the landscaping shall be replaced as soon as reasonably possible, based on the growing season for the particular replacement materials. The Applicant shall not use, or permit the use by others of, the transitional screening areas for any unauthorized purpose. The barriers (i.e., fences and walls) depicted on the GDP shall be maintained, repaired or replaced by the Applicant.
13. **Oak Tree**: The Applicant shall make good faith best efforts, as determined by the Urban Forestry Division of DPWES, to preserve the existing oak tree on Lot 18 that is noted on the GDP. The Applicant shall coordinate its efforts to preserve this tree with the Urban Forestry Division of DPWES. If the tree can not, or does not, survive construction, then the Applicant shall replace the tree with three (3) additional 3.5' to 4" caliper deciduous trees in the eastern transitional screening area.
14. **Phase I Environmental Study**: At the time of site plan approval, the Applicant shall prepare a Phase I Environmental Study of the Application Property. The study shall be submitted to the Department of Public Works and Environmental Services for review and approval in coordination with the Fire and Rescue Department, the Health Department and other appropriate agencies, as reasonably determined by DPWES (hereinafter referred to as the "reviewing agencies"). The Phase I Environmental Study shall be generally consistent with

the procedures described within the American Society for Testing and Materials document entitled "*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*," as determined by DPWES in coordination with the reviewing agencies. If warranted by the results of the Phase I investigation, as reasonably determined by DPWES in coordination with the reviewing agencies, a Phase II monitoring program shall be pursued in order to determine if soil, surface water or ground water contaminants are present on the Application Property and/or have migrated from the Application Property. If such a program is pursued, monitoring parameters shall be subject to the approval of DPWES in coordination with the reviewing agencies. If contaminants are detected in concentrations requiring remedial action, a remediation program shall be performed in accordance with all applicable Federal, State and County requirements. Sufficient documentation of completion of the remediation program (with the exception of long term follow-up monitoring efforts or an appropriate corrective action exception of long term follow-up monitoring efforts) or an appropriate corrective action plan consistent with the proposed development (as reasonably determined by DPWES in coordination with the reviewing agencies) shall be provided to DPWES prior to site plan approval.

15. Noise Ordinance: The Applicant shall comply with the regulations and restrictions contained in the Fairfax County Noise Ordinance.
16. Signage: The Applicant shall comply with Article 12 of the Zoning Ordinance for purposes of erecting signage on the Application Property.
17. Island Creek Clean-Up: The Applicant shall coordinate with the Lee District Supervisor and the Island Creek Homeowners Association to clean up the open space area adjacent to the Application Property. Specifically, the parties may designate a day for such clean up and the Applicant shall provide dumpsters and assist with some labor for the work; provided, however, that the value of the Applicant's contribution shall not exceed \$3,000.00. The Applicant shall not be responsible for any dump or disposal fees associated with the clean-up work. The Applicant's obligation to coordinate with the other parties and to contribute shall expire and terminate one (1) year after the approval date of this Application if such clean up has not occurred by that date.
18. Timing of Construction and Occupancy of 8000 Cinder Bed Road: In order to minimize the need for temporary outdoor storage on Lot 17, as noted in Proffer No. 3 above, the Applicant shall proceed diligently and in good faith with the site planning and construction of the property now owned by the Applicant located at 8000 Cinder Bed Road [Tax Map 99-2-((1))-10]. Specifically, the Applicant shall comply with the timeline attached as Attachment B, such compliance being subject to (i) extreme or unusual weather conditions, (ii) timely review, comment and approval of the site plan and other necessary permits by Fairfax County and its reviewing agencies and (iii) force majeure (acts of God). Notwithstanding the preceding two sentences, in no event shall outdoor storage be permitted on Lot 17 later than August 31, 2003.
19. Geotechnical Study: The Applicant shall submit a geotechnical engineering study to DPWES for review and approval prior to final site plan approval, and recommendations generated by this study shall be implemented as required by DPWES.

20. **Loading Areas:** The loading area for the building developed on Lot 17 shall be located on either the western or northern sides of the building. The loading areas for the buildings developed on Lots 18 and 19 shall be located on the northern side of the buildings.
21. **Density Credit:** Density credit shall be reserved for the Application Property as permitted by the provisions of Section 2-308 of the Zoning Ordinance for all dedications described herein and/or on the GDP or as may be reasonably required by Fairfax County or VDOT at the time of site plan approval.
22. **Severability:** Any of the lots may be subject to a Proffered Condition Amendment application without joinder and/or consent of the other lot owners, if such PCA does not effect any other lots. Previously approved proffered conditions applicable to the lot(s) which is/are not subject of such a PCA shall otherwise remain in full force and effect. Further, the Applicant reserves the right to file for a special exception application without filing for an amendment to the GDP so long as the floor area ratio is not increased and all proffered conditions are satisfied.
23. **Successors and Assigns:** Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, the Applicant's successor(s) in interest and/or developer(s) of the Application Property, or any portion thereof.
24. **Counterparts:** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all of the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

Attachments:

- Attachment A - Building Description Type for Lot 17
- Attachment B - Timing Schedule for 8000 Cinder Bed Road

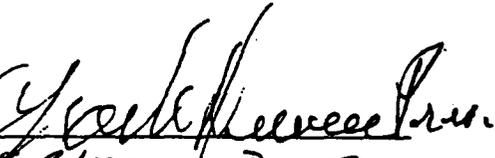
Applicant / Title Owner of Lot 17:

Tavares Concrete Company, Inc.

By: 
Name: ARMANDO J. TAVARES
Title: PRESIDENT

Title Owner of Lots 18 and 19:

Drakes Creek Holding Company, LLC

By: 
Name: CHARLES W. DEMAREE
Title: MANAGER

Prepared by:

David S. Houston
Shaw Pittman LLP
1650 Tysons Boulevard
Suite 1400
McLean, VA 22102-4859

Document #: 1100401 v.20



FAIRFAX COUNTY

Appendix 7

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

April 20, 2000

Robert A. Lawrence, Esquire
Hazel and Thomas, P.C.
3110 Fairview Park Drive - Suite 1400
Falls Church, Virginia 22042-4505

RE: Rezoning Application
Number RZ 1999-LE-036
(Concurrent with PCA 86-L-073-3)

Dear Mr. Lawrence:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 3, 2000, granting Rezoning Application Number RZ 1999-LE-036 in the name of Centex Homes, to rezone certain property in the Lee District from the I-4 District to the PDH-4 District, subject to the proffers dated February 10, 2000, on subject parcel 99-2 ((1)) 24 consisting of approximately 33.26 acres.

The Conceptual Development Plan was approved: the Planning Commission having previously approved Final Development Plan FDP RZ 1999-LE-036 on February 2, 2000, subject to the Board's approval of RZ 1999-LE-036.

The Board also:

- Waived the 600 foot maximum private street length for both Rezoning Application RZ 1999-LE-036 and Proffered Condition Amendment Application PCA 86-L-073-3.
- Directed staff to return the final site plans to the Planning Commission for administrative review prior to the issuance of the site permit.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

RZ 1999-LE-036 .

April 20, 2000

- 2 -

NV/ns

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

PROFFERS

RZ 1999-LE-036

Centex Homes - Hawthorne

February 10, 2000

Pursuant to Section 15.2-2303A of the Code of Virginia (1950 as amended), the applicant hereby proffers to develop the subject property in accordance with the following conditions, provided the Board of Supervisors rezones the subject property to the PDH-4 Zoning District as proffered. For the purpose of these proffers, the term "Applicant" refers to the applicant herein, its successors or assigns.

1. **Conceptual/Final Development Plan:** Development of the property shall be in conformance with the plan entitled "Conceptual/Final Development Plan, Hawthorne ('CDP/FDP')," prepared by Dewberry and Davis, revised as of January 10, 2000.

2. **Final Development Plan Amendment:** Notwithstanding, the CDP/FDP is presented on one sheet and said CDP/FDP is the subject of Proffer 1 above, the CDP shall constitute the entire plan relative to the points of access, the total number and types of units and general location of residential lots and common open space areas, and buffering adjacent to Island Creek Subdivision on the northern property line. The Applicant shall have the option to request Final Development Plan Amendments ("FDPA") from the Planning Commission for portions of the Plan in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance.

3. **Energy Saver:** All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by the Department of Public Works and Environmental Services ("DPWES") for either electric or gas energy systems, as applicable.

4. **Limits of Clearing:** The Applicant shall conform to the limits of clearing and grading shown on the CDP/FDP, subject to modifications for the necessary installation of trails, utility lines and stormwater management facilities

as approved by DPWES and the installation of supplemental landscaping as provided in paragraph 5 hereinafter. At the time of grading plan review, the Applicant shall designate limits of clearing and grading, in addition to those shown on the CDP/FDP, in areas where it is economically feasible to save additional trees without precluding construction of the project in accordance with the CDP/FDP, including but not limited to, the specific density and general development configuration shown thereon.

a. In order to preserve and protect the EQC, the limits of clearing and grading shall conform to the limits as shown on the CDP/FDP, subject to installation of utilities if necessary and, trails, if necessary, as approved by DPWES. If necessary, the trails and utilities outside the limits of clearing and grading will be located and installed in the least disruptive manner possible considering cost and engineering, as determined by the Urban Forester. A replanting plan in accordance with the Public Facilities Manual will be developed and implemented, as approved by the Urban Forester, for any areas outside the limits of clearing and grading that must be disturbed. In addition, as shown on the CDP/FDP, several areas where clearing and grading will occur will be restored with a woody seed mix and appropriate tree plantings to encourage vegetative growth that will restore a natural appearance, as approved by the Urban Forestry Branch. Further, the Applicant will utilize the woody seed mix to restore the clearing and grading areas occurring off-site to accommodate the road connection to Morning View Lane.

b. Prior to any clearing and grading on-site, the final limits of clearing shall be confirmed in the field during the pre-construction meeting with the Applicant's certified arborist and the County Urban Forester. On the borders contiguous to Island Creek, tree protection fencing shall be erected at the limits of clearing and grading as shown on the tree preservation/landscaping plan. Materials and installation of tree protection fencing shall constitute a four (4) foot high, orange plastic fence attached to six (6) foot steel posts, driven eighteen (18) inches into the ground and placed no further than six (6) feet apart. The tree protection fencing shall be made clearly visible to all construction personnel. This fencing shall be maintained by the Applicant throughout the period of construction activities on this portion of the site. The fencing shall be installed prior to the performance of any clearing and grading activities on the site, including the demolition of any existing structures. If any trails, utility lines, or stormwater management facilities are required to be located within the area protected by the

limits of clearing and grading, they shall be located and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES, and subject to County Urban Forester approval. If any trees within the area designated to be preserved are destroyed as a result of the Applicant's construction activities, the Applicant will provide appropriate replacement trees in terms of species, size and quantity as determined by the Urban Forestry Branch pursuant to Section 12-403 of the Public Facilities Manual.

c. The Applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Branch as part of the first site or subdivision plan submission, whichever comes first. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches in diameter and greater twenty (20) feet to either side of the proposed limits of clearing and grading and within other areas designated by the Urban Forestry Branch as potential save areas. The condition analysis shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching and fertilization. The installation of tree protection fencing shall be performed under the supervision of a certified arborist. Prior to commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fence referenced in paragraph b above, has been properly installed. A certified arborist shall monitor all construction work and tree preservation efforts in order to ensure conformance with the tree preservation plan. The monitoring schedule shall be described and detailed in the tree preservation plan which includes the submission of written reports to the Office of Site Development Services documenting all site monitoring visits and specifying any concerns associated with tree preservation issues.

5. Buffer Area:

a. Landscaping/Tree Save: In the buffer areas on the northern property line adjacent to Island Creek, the Applicant shall install supplemental landscaping in accordance with the landscaping plan attached hereto as Exhibit "A" (page 1 of 2, dated December 10, 1999, and page 2 of 2, revised as of January

5, 2000) and incorporated herein by reference. The Applicant shall adhere to the tree save line shown on the CDP/FDP along the northern property line adjacent to Island Creek. However, in no event shall the tree save area width be less than fifteen feet (15') from the Island Creek property line.

b. **Fence:** A six (6) foot high board fence shall be installed within the buffer area as generally shown on page 2 of 2 (above). The fence material shall be equivalent to the fence currently enclosing Island Creek subdivision on Beulah Street. The fence will be maintained by the Applicant in good repair. The fence will be located generally on a line no closer than ten (10) feet from and parallel to the property line with Island Creek. However, the fence will deviate around a cluster of existing trees as generally depicted on page 2 of 2. Two (2) existing clumps of evergreen trees (Clump #1 and Clump #2 as shown on Exhibit A, page 2 of 2) shall be preserved. In addition, the Applicant shall meander the fence to avoid destruction of trees six (6) inches in diameter or greater. However, no deviation will cause the fence to be located closer than ten (10) feet to the property line with Island Creek. The Applicant stipulates that any proposal to remove or relocate the fence after installation will require a Proffer Condition Amendment. -

6. Regional Stormwater Management Pond: The Applicant shall construct the on-site Regional Stormwater Management Pond. Plans for the Regional Stormwater Management Pond shall be approved by DPWES and the cost of construction of the Pond fully bonded with Fairfax County prior to the recordation of the first residential subdivision plan for the subject property. Further, subject to approval by DPWES, the Applicant shall provide revegetation in the area cleared for the Regional Stormwater Management Pond pursuant to the guidelines that were approved by the Board of Supervisors.

7. Stream Bank Stabilization: To protect against future stream bank erosion in the immediate vicinity of the Island Creek Section 4 stormwater management pond outfall and at all proposed concentrated storm sewer discharge locations on-site, the Applicant shall provide suitable bio-stabilization, or other protective measures, subject to coordination with the Northern Virginia Soil & Water Conservation District ("NVSWCD") and approval by DPWES.

8. Archeological Survey: The Applicant shall obtain a Phase I Archeological Survey of the area of the subject property outlined on Exhibit "B" attached hereto. Said survey shall be provided to the County Archaeologist within

ninety (90) days after rezoning of the subject property. If said area is determined to contain potentially significant information after the initial testing phase, additional archeological work at the Phase II or Phase III level will be conducted if the site can not be avoided by the proposed construction. If the Fairfax County History Commission determines that this site is of historical significance and that installation of a historic marker is justified, the Applicant shall contribute up to \$2,000 to be utilized for the acquisition and installation of this marker on the site at a location to be determined by the Applicant, in consultation with the Commission.

9. **Cinder Bed Road:** At the time of record plat approval, or upon demand by the Board of Supervisors, whichever event first occurs, the Applicant shall dedicate right-of-way forty-five (45) feet from centerline across the Cinder Bed Road frontage of the subject property.

10. **Construction Vehicles:** During the site development phase, and subject to Virginia Department of Transportation ("VDOT") and DPWES approval, the Applicant shall direct all subcontractors to utilize the Cinder Bed Road entrance to the site for their construction vehicles (i.e., heavy equipment, dump trucks, etc.).

11. **Public Access:** No public ingress and egress to the development from Cinder Bed Road shall be allowed except for temporary access for construction vehicles as set forth in paragraph 10 above and permanent access for public emergency vehicles only. All other vehicular access to the site will be limited to a connection at Morning View Lane (Route 8424).

12. **Recreational Facilities:** Pursuant to Section 6-110 of the Zoning Ordinance, the Applicant shall provide recreational facilities based upon an expenditure of \$955 per dwelling unit for the total number of dwelling units that will be developed, less and except affordable dwelling units. A portion of these funds may be used off-site for recreational facilities on land owned by the Island Creek Homeowners Association, if the application property is incorporated into the Island Creek Homeowners Association and residents on the application property obtain full membership rights in the association. Any surplus in these funds, after allowances for on-site recreational facilities and off-site facilities at Island Creek (if any) pursuant to Section 6-110, shall be contributed to the Fairfax County Park Authority for use on recreational facilities in the general vicinity. If

approved by the Park Authority and sufficient funds are available, the Applicant shall use these surplus funds to construct a dog run facility and a tot lot on Tax Map 99-2 ((10)) Parcel H and a trail and fence on Tax Map 99-2 ((10)) Parcel F as specified in paragraph 17 hereinafter.

13. **Traffic Signal:** At the time of the subdivision plan approval, the Applicant shall escrow with DPWES the sum of \$35,000 toward the installation of a traffic signal at View Lane (Route 8420) and Beulah Street (Route 613).

14. **Left Turn Lane:** Subject to VDOT approval, the Applicant shall restripe the existing pavement on Morning View Lane to provide a left turn lane into the site and channelization for the left turn lane, all as shown on Exhibit C (attached). In addition, and subject to VDOT approval, the Applicant shall provide striping for a pedestrian crosswalk near this intersection, as determined by VDOT.

15. **Garages:** Garages will be used only for purposes which will not interfere with intended purposes of the garages, which are the parking of vehicles, and the location of certain utilities. A restrictive covenant to that effect, approved by the County Attorney, and running to the Homeowners' Association and Fairfax County, shall be recorded among the land records of Fairfax County in conjunction with or prior to the recordation of the Deed of Dedication and Subdivision and this limitation on the use of garages shall be set out in the Homeowners' Association documents.

16. **Homeowners' Association:** The Applicant shall establish a Homeowners' Association for the proposed development to own, manage, and maintain the open space areas including any private streets, the recreational facilities and all other community-owned land and improvements. Prior to entering into a contract of sale, prospective purchasers of houses shall be notified in writing by the Applicant of the maintenance responsibility of the private streets and open space areas on the site and said purchasers shall be required to acknowledge receipt of this information in writing.

17. **Trail:** Provided sufficient surplus funds are available from the Applicant's recreational facilities expenditure requirements pursuant to Section 6-110 of the Zoning Ordinance and, pursuant to paragraph 12 above, and subject to receiving Fairfax County Park Authority approval, the Applicant shall provide a

six (6) foot wide trail off-site as shown on the CDP/FDP connecting to the existing trail on Tax Map 99-2 ((10)) Parcel 7 at its location near Cinder Bed Road. The exact location and configuration of the trail shall be determined in consultation with the Park Authority to minimize clearing and grading. If any refuse piles are located within the proposed trail bed, the Applicant shall clear and remove said refuse piles. The Applicant shall seek a waiver of the asphalt surface requirement for this trail from the Park Authority. If granted, the Applicant shall provide a natural surface trail. Further, if approved by the Park Authority, and provided sufficient surplus funds are available in the Section 6-110 fund, the Applicant will install a six (6) foot high fence along the southern boundary of Tax Map 99-2 ((10)) Parcel F, adjacent to the northern boundaries of Tax Map 99-2 ((1)) Parcels 17, 18 and 19.

18. **Conservation Easement:** The Applicant shall create conservation easements, as defined below, for the tree save areas delineated on the CDP/FDP, and the restoration replanting areas designated on the CDP/FDP as the woody seed mix areas (the "Conservation Areas"). The Conservation Areas shall be shown on the subdivision record plat. At the time of subdivision plat approval, the Applicant shall record the conservation easements among the land records of Fairfax County in a form approved by the County Attorney. These easements shall be recorded to the benefit of the Board of Supervisors of Fairfax County, or in the alternative, another public entity approved by the Lee District Supervisor. These conservation easements shall also be disclosed in the Homeowners' Association Documents for the development. These easements shall prohibit the removal of trees, except for dead or dying trees, hazardous trees or for the installation of trails, utility lines, sewer lines, and storm drainage facilities, if necessary, as determined by DPWES. The determination that a given tree is dead, dying, or hazardous, shall be made by the Urban Forestry Branch of DPWES. If any trails, utility lines, sewer lines or storm drainage facilities are required to be located within the Conservation Areas, they shall be located and installed in the least disruptive manner feasible, as determined by DPWES, and subject to approval by the Director of DPWES.

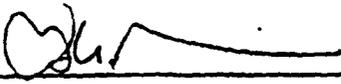
19. **Counterparts:** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

[Signatures on the next page or counterparts]

**Applicant/Contract Purchaser of Tax Map 99-2 ((1)) Parcel 24
(part):**

Centex Homes, a Nevada General Partnership

**By: Centex Real Estate Corporation
Managing General Partner**

By: 

Robert K. Davis, Division President

Owner of Tax Map Reference 99-2 ((1)) Parcel 24

Kirshanan Suthanthiran, Trustee

Owner of Tax Map Reference 99-2 ((1)) Parcel 24

 , Trustee.
Krishnan Suthanthiran, Trustee

**Contract Purchaser of Tax Map Reference 99-2 ((1)) Parcel 24
(part):**

The Porten Companies, Inc.

By: _____

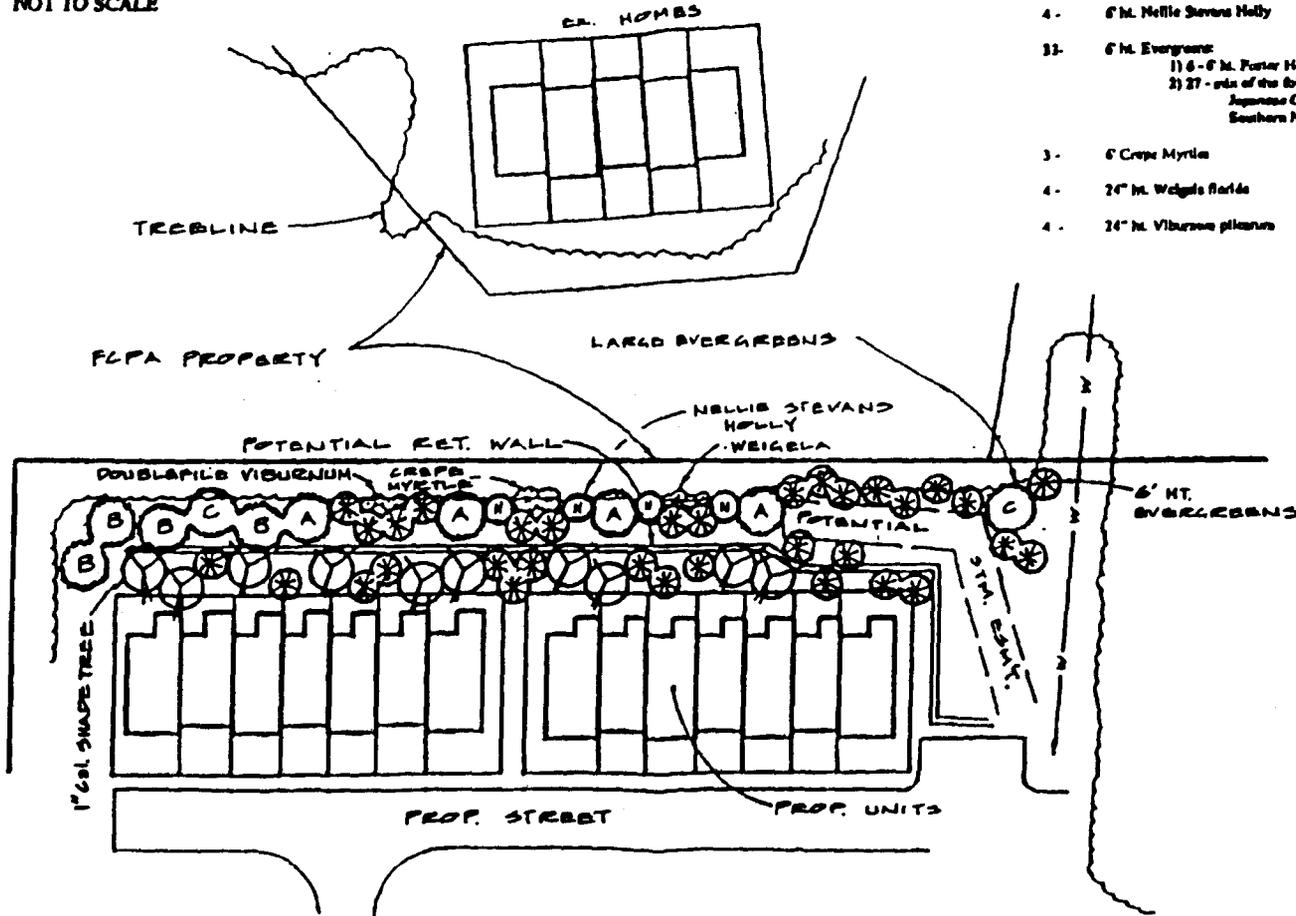
Stephan E. Porten

Proposed Landscaping - Northwest Buffer

Hawthorne

November 26, 1999
(REV. 12-10-99)

REDUCED COPY
NOT TO SCALE

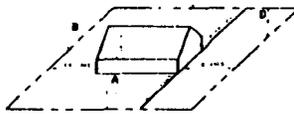
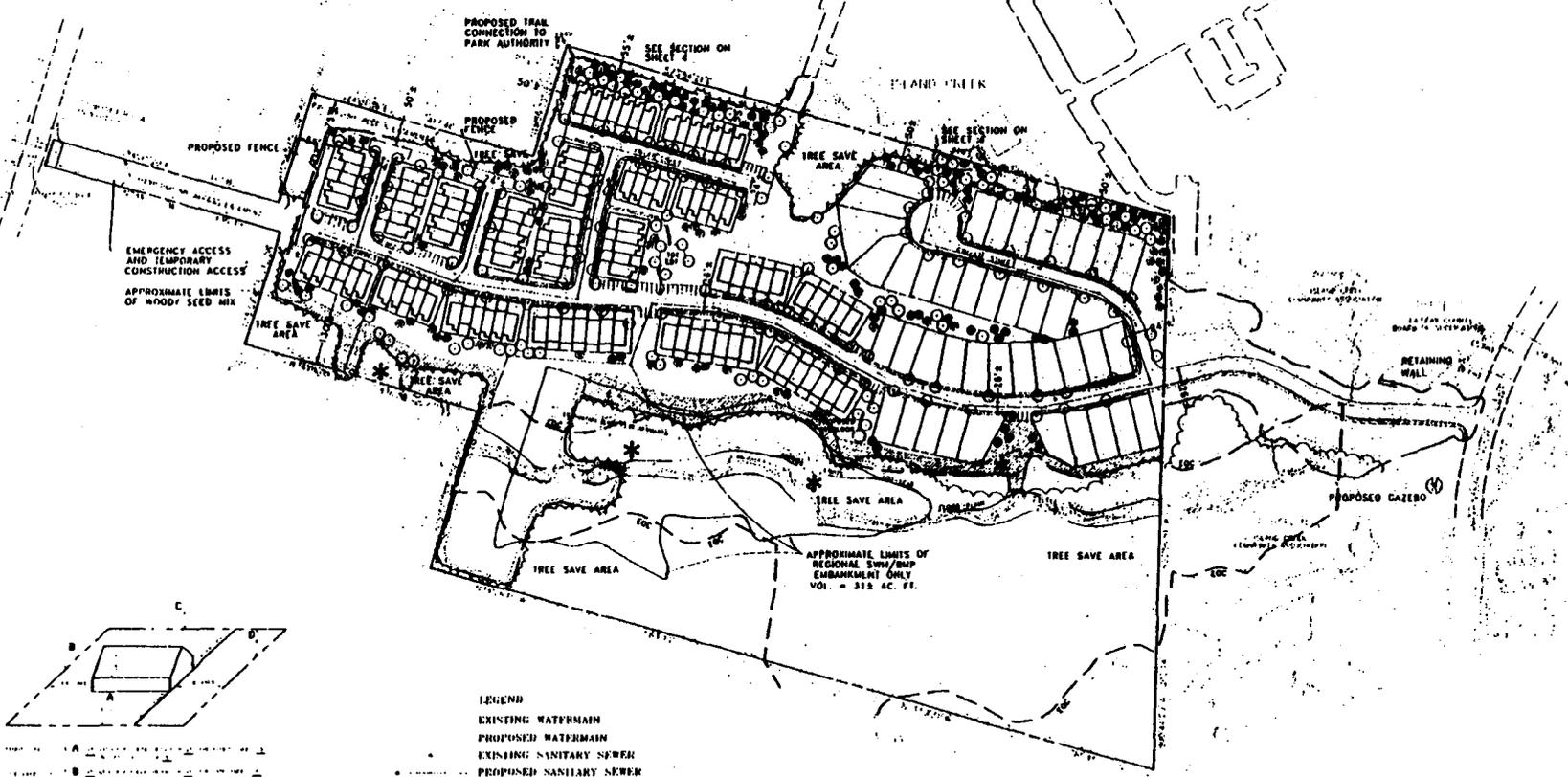


Plant List:

- 10. Large Evergreens
 - 4 - "A" - Norway Spruce @ 7 to 8 ft.
 - 4 - "B" - White Pine @ 7 to 10 ft.
 - 2 - "C" - Blue Spruce @ 7 to 8 ft.
- 10. 1" caliper shade trees (min. of 2 each):
River Birch, Male Ginkgo, Tulip Poplar, Red Oak & Red Maple
- 4. 6' Ht. Nellie Stevens Holly
- 33. 6' Ht. Evergreen:
 - 1) 6-8' Ht. Foster Holly (3 male & 3 female)
 - 2) 27 - min of the following (min. 2 each): Leatherleaf Viburnum, Japanese Cryptomeria, Eastern Red Cedar, Leyland Cypress, Southern Magnolia and Canadian Hemlock.
- 3. 6' Crepe Myrtle
- 4. 24" Ht. Weigela florida
- 4. 24" Ht. Viburnum plicatum

EXHIBIT A
PAGE 1 OF 2

VICINITY MAP
1"=2000'



ANGLE OF BULK PLANE

NOTE:
THIS PLAN IS TO BE USED FOR THE DESIGN OF THE TRAIL AND FENCE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE TRAIL AND FENCE AS SHOWN ON THIS PLAN. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE TRAIL AND FENCE AS SHOWN ON THIS PLAN.

- LEGEND**
- EXISTING WATERMAIN
 - PROPOSED WATERMAIN
 - EXISTING SANITARY SEWER
 - PROPOSED SANITARY SEWER
 - APPROX LIMITS OF CLEARING AND GRADING
 - APPROX LIMITS OF 100 YR FLOOD PLAIN
 - APPROX 100-YR FLOOD WATER SURFACE ELEVATION
 - PROPOSED FENCE
 - APPROXIMATE LIMITS OF WOODY SEED MIX
 - POSSIBLE STORM SEWER DISCHARGE LOCATION

URBAN ENGINEERING & ASSOC., INC.
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS
7712 LITTLE RIVER TURNPIKE
APPROPRIATE, VIRGINIA 22903 (703) 842-8000

Dewberry & Davis
Engineer/Planner
6401 Arlington Blvd., Fairfax, VA 22031
(703) 448-9100 FAX (703) 948-9116

CONCEPTUAL/FINAL DEVELOPMENT PLAN
HAWTHORNE
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

DATE OF THIS PLAN: 12/21/99
SCALE: 1" = 100'
PLAN NUMBER: 100-100-0000

REV. 1/10/00
REV. 12/7/99
REV. 10/4/99
REV. 7/28/99



County of Fairfax, Virginia

Appendix 8

MEMORANDUM

DATE: August 27, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Land Use Analysis & Environmental Assessment:
PCA/FDPA 1999-LE-036
PCA 2000-LE-023
RZ/FDP 2009-LE-001
Tavares Concrete Company, Inc. and Tavares Family Limited Partnership

This memorandum, prepared by Maya Dhavale, includes citations from the Comprehensive Plan that list and explain land use and 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 partial Proffered Condition Amendment/Final Development Plan Amendment/Proffered Condition Amendment/Rezoning/Final Development Plan dated December 18, 2008 as revised through August 11, 2009. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

DESCRIPTION OF THE APPLICATION

The applicant, Tavares Concrete Company, Inc. and Tavares Family Limited Partnership, seeks to rezone 2.84 acres of land currently zoned I-5 to PDH-5 to develop 11 single-family attached dwellings at a density of 3.87 dwelling units per acre (du/ac), leaving 0.53 acre zoned I-5 to develop an 8,000 square foot warehouse at .34 floor area ratio (FAR). The applicant also seeks to amend their residential development rezoning to permit site modifications and their commercial development rezoning to permit office/warehouse use.

The subject area consists of a total of 3.37 acres. The property has been used for a variety of industrial purposes in the past but is currently undeveloped. The subject property is zoned General Industrial District, I-5. The applicant is proposing access from the Hawthorne

subdivision to the south for the single-family attached dwellings and access from Cinder Bed Road for the warehouse.

LOCATION AND CHARACTER OF THE AREA

The property is located on the east side of Cinder Bed Road, approximately 1,300 feet north of the intersection with Hill Park Drive. The land to the north is open space associated with the Island Creek development and is zoned PDH-4 and planned for public park. The land to the west is open space zoned I-5 and planned for private open space. The Hawthorne development is mostly located to the south and east, zoned PDH-4 and planned for residential use at 3-4 dwelling units per acre. Land south of the subject property and closer to Cinder Bed Road is zoned I-5 and planned for industrial use.

COMPREHENSIVE PLAN CITATIONS:

Land Use

Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Springfield Planning District, amended through January 26, 2009, I-95 Industrial Area, Land Unit I, page 24:

“Land Unit I

This land unit is located north of the Fort Belvoir Military Railroad and east of Cinder Bed Road. Existing uses including County school bus and Connector bus parking facilities and garage, a new industrial park, vacant land, and industrial uses exist next to older single-family residences. A single family residential attached and detached subdivision has been recently approved on Tax Map 99-2((1)) 24 which is adjacent to the land unit. . . .

Tax Map 99-2((1)) Parcels 17, 20-23 and 25-29 include areas with environmental constraints and opportunities, including slopes, poor soils and a tributary. These parcels are also planned for industrial use up to .35 FAR subject to the following:

- Substantial vegetated buffers and screening should be provided adjacent to parcels planned or developed for residential use or public park use;
- Outdoor storage and heavy industrial uses are prohibited; and
- Access should occur only to Cinder Bed Road.

If Parcels 99-2((1)) 18 and 19, which are addressed in the recommendations for S6 Newington Community Planning Sector, are proposed for residential use consistent with Plan guidance, some of Parcel 99-2((1))17 should be consolidated with these parcels and used as open space with passive recreation facilities for the residential community.”

Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Springfield Planning District, amended through January 26, 2009, S6-Newington Community Planning Sector, pages 72-73:

“Parcel 24 (Tax Map 99-2((1)) 24) contains severe environmental constraints including steep slopes, poor soils, and floodplain associated with a tributary. Single-family residential development at 3-4 dwelling units per acre may be appropriate provided the following conditions are met:

- Vehicular access should only be via Morning View Lane;
- Preservation of the Environmental Quality Corridor both on Tax Map 99-2((1)) 24 as well as in conjunction with access via Morning View Lane;
- Maximization of tree save areas, especially on steep slopes;
- Compatibility with the adjoining communities of Island Creek and Landsdowne;
- Suitable buffering adjacent to the Landsdowne and Island Creek communities.

Two adjacent parcels, Tax Map 99-2((1)) 18 and 19 may be developed for single family attached residential use at 3-4 dwelling units per acre if they are consolidated and subdivided such that their development can be integrated with the approved single family residential development on Tax Map 99-2((1)) 24, and if all vehicular access can be obtained through parcel 24 to Morning View Lane. Development at this density would be subject to all of the applicable development conditions outlined for residential use on Parcel 24.

As an option, parcels 99-2((1)) 18, 19 may be appropriate for single-family attached residential use at a density of 4-5 du/ac. Some of the industrial zoned parcel 99-2((1)) 17 may also be considered under this option. The following conditions should be met:

- Consolidation of parcels 18, 19 is achieved, with any portion of parcel 17 that is included dedicated to open space. The open space should include amenities for passive recreation such as benches and trash receptacles, with trees and other vegetation located along the periphery to screen the adjacent industrial development;
- A 6 foot masonry wall is placed along any property line abutting industrial use;
- A commitment is made to restrict residential development to parcels 18 and 19 and the maximum number of units does not exceed 13;
- Sensitivity to environmental constraints of the property is demonstrated through appropriate measures to mitigate the presence of slippage prone soils;
- The residential development is integrated with the Hawthorne subdivision with access through the subdivision to Morning View Lane. Access to Cinder Bed Road is prohibited; and
- The architectural type, style and elements of the homes constructed are compatible with the existing homes in the Hawthorne subdivision.

If residential development is not achieved, Tax Map 99-2((1)) 18 and 19 may be developed for industrial use up to .25 FAR. Vehicular access to Parcels 18 and 19 should be provided through Parcels 17 or 20. It is recommended that Parcels 18 and 19 consolidate with Parcel 17. The existing 50-foot access easement for Parcel 24 to Cinder Bed Road should not be utilized. Substantial vegetated buffers and screening should be provided adjacent to parcels planned or developed for residential use or public park use.”

Environment

Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, page 12-16:

“Objective 6: Ensure that new development either avoids problem soil areas, or implements appropriate engineering measures to protect existing and new structures from unstable soils.

Policy a: Limit densities on slippage soils, and cluster development away from slopes and potential problem areas.

Policy b: Require new development on problem soils to provide appropriate engineering measures to ensure against geotechnical hazards. . . .

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. . . .”

COMPREHENSIVE PLAN MAP: Industrial, Residential Use at 3-4 du/ac, and Public Park

LAND USE ANALYSIS

Warehouse Use

Site-Specific Comprehensive Plan Guidance

Issue: Parcel 17 is planned for industrial use up to .35 FAR if access is from Cinder Bed, substantial vegetated buffers and screening are provided adjacent to residential use or public park use, and outdoor storage and heavy industrial uses are prohibited. The Comprehensive Plan further recommends that a portion of Parcel 17 should be consolidated with Parcels 18 and 19 to

be used as open space with passive recreation facilities if Parcels 18 and 19 are developed in residential use.

Resolution: The proposed 8,000 square foot warehouse at .34 FAR is accessed from Cinder Bed Road. The proposed warehouse is separated from the proposed residential use on Parcels 18 and 19 by an adequate vegetated buffer with a six foot masonry wall. A large portion of Parcel 17 is proposed to be a vegetated passive/active recreation area for the residential use proposed on Parcels 18 and 19. With a commitment from the applicant to restrict outdoor storage and heavy industrial uses, the proposed warehouse would be in general conformance with the land use recommendations of the Comprehensive Plan for this site.

Residential Use

Universal Design

Issue: Fairfax County has a recently adopted Universal Design Policy which encourages the incorporation of elements of Universal Design.

Resolution: Staff strongly encourages the applicant to consider including Universal Design features in the residential units.

Parking:

Issue: The parking totals and design show more parking than is required for the eleven residential units.

Resolution: The applicant has explained that the parking in excess of the amount required by the Zoning Ordinance is to be shared between the subject property and the Hawthorne subdivision. While staff prefers fewer spaces and less impervious surface, it is understood that the parking will allow for the subdivisions to share resources and furthers the Comprehensive Plan guidance to have access through the Hawthorne subdivision.

Architectural Design:

Issue: The Comprehensive Plan discusses the need for architectural compatibility with the Hawthorne subdivision.

Resolution: The applicant has provided one picture of the proposed style for the development. The applicant has also proffered to have the Department of Public Works and Environmental Services (DPWES) approve the architectural compatibility at site plan approval. Staff recommends that this proffer be amended to include the stipulation that DPWES will approve the architectural compatibility in consultation with DPZ, Environment and Development Review Branch.

Site-specific Comprehensive Plan Guidance:

Issue: Parcels 18 and 19 are proposed to be developed under the Comprehensive Plan option for residential use at 4-5 du/ac provided several conditions are satisfied regarding access, limitation

of thirteen dwelling units, parcel consolidation, transitional screening and barrier, recreation amenities, and integration with the Hawthorne development.

Resolution: The most recent plan set, as revised August 11, 2009, addresses these issues and provides details on the masonry wall, passive recreation amenities, and integration with the existing subdivision.

Staff concludes that the proposed residential development is in general conformance with the land use recommendations of the Comprehensive Plan.

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.

Tree Cover:

Issue: Previous development plans show few trees on the site, and tree cover preservation goals need to be met for this site.

Resolution: The most recent revision of the plans, dated August 11, 2009, shows increased areas of tree save and reforestation. The applicant has also provided copies of their Tree Preservation Target Deviation letters to DPWES.

Soils:

Issues: The 1990 official and 2008 unofficial soils maps show that the majority of the site has marine clays, which would result in a density penalty reducing the maximum number of residences recommended by the Comprehensive Plan to thirteen. The Comprehensive Plan also specifically warns against building on problem soils.

Resolution: Due to the presence of marine clays on site, the density penalty in the Zoning Ordinance applies, reducing the allowed number of dwelling units from thirteen to eleven. The most recent plan set dated August 11, 2009 shows the reduced number of residences.

Former Industrial Uses:

Issue: This property has been the site of extensive industrial uses.

Resolution: Staff encourages the applicant to perform a Phase I Environmental Assessment to determine if there are any toxic or harmful industrial products left on the site that may need to be mitigated before constructing residential development.

Regina Coyle

PCA/FDPA 1999-LE-036, PCA 2000-LE-023, RZ/FDP 2009-LE-001

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COUNTYWIDE TRAILS PLAN

The Countywide Trails Plan map shows a minor paved trail defined as asphalt or concrete, 4 feet to 7 feet and 11 inches in width along Cinder Bed Road. The applicant is proposing to add a 5 foot wide sidewalk along Cinder Bed Road that connects to proposed trails throughout the site.

PGN: MPD



County of Fairfax, Virginia

MEMORANDUM

August 31, 2009

TO: Brenda J. Cho, Planner II
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES 

SUBJECT: Tavares Concrete Company; RZ/FDP 2009-LE-001

RE Request for assistance dated August 20, 2009

This review is based upon the Proffered Condition Amendment PCA/FDPA 1999-LE-036, the Proffered Condition Amendment PCA 2000-LE-023, and the Conceptual/Final Development Plan RZ/FDP 2009-LE-001 stamped "Received, Department of Planning and Zoning, August 14, 2009," and the draft proffers dated August 11, 2009.

General Comment: Comments of the previously submitted CDP/FDP/PCA were provided to DPZ in my memos dated February 19, 2009 and April 22, 2009. The comments contained in those memos are still valid for this latest CDP/FDP/PCA submission. Additional comments are provided to address the proposed landscaping, tree cover requirements, and draft proffers.

- 1. Comment:** Tree Appraisal Proffer #13 states "The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all tree 8 inches in diameter of greater located on the Applicant Property ..." This language eliminates off-site trees adjacent to the limits of clearing and grading from being appraised.

Recommendation: Tree Appraisal Proffer #13 should be revised to state "The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all onsite and offsite trees 8 inches in diameter of greater that are shown to be saved on the Tree Preservation Plan.

- 2. Comment:** It does not appear the proposed landscape trees are drawn to scale to accurately reflect their 10-year canopies.

Recommendation: Proposed landscape trees should be drawn to scale to accurately reflect their 10-year canopies.



3. **Comment:** A deviation from the tree preservation target has been requested on the CDP/FDP/PCA that states one or more of the justifications listed in Chapter 122-2-3(b) of the County Code, along with a narrative that provides a site-specific explanation of why the Tree Preservation Target can not be met. The Urban Forest Management Division has reviewed the request and justification and does not object to the proposed deviation.

Recommendation: Proffer language containing a directive from the Board of Supervisors to the Urban Forest Management Division, DPWES, or Director of DPWES to permit a deviation from the tree preservation target percentage should be provided.

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 144181

cc: RA File
DPZ File



County of Fairfax, Virginia

MEMORANDUM

April 22, 2009

TO: Brenda J. Cho, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES 

SUBJECT: Tavares Concrete Company; RZ/FDP 2009-LE-001

RE: Request for assistance dated April 15, 2009

This review is based upon the Proffered Condition Amendment PCA/FDPA 1999-LE-036, the Proffered Condition Amendment PCA 2000-LE-023, and the Conceptual/Final Development Plan RZ/FDP 2009-LE-001 stamped "Received, Department of Planning and Zoning, April 10, 2009," and the draft proffers dated April 9, 2009.

General Comment: Comments of the previously submitted CDP/FDP/PCA were provided to DPZ in my memo dated February 19, 2009. The comments contained in that memo are still valid for this latest CDP/FDP/PCA submission. Additional comments are provided to address the proposed landscaping, tree cover requirements, and draft proffers.

- 1. Comment:** The Tree Preservation Target Calculations shown on sheet 1 of the EVM for the PDH-4, I-5 and PDH-5 portions of the site appear to be incorrect and do not reflect the information provided on sheet 3 of the CDP/FDP/PCA. It does not appear the proposed percentages of 10-year tree canopy are being met through preservation as claimed on line E. Instead, it appears the 10-year canopy requirement is being met entirely through landscaping, as shown on sheet 3 of the CDP/FDP/PCA.

Recommendation: A deviation from the tree preservation target should be provided on the CDP/FDP/PCA that states one or more of the justifications listed in PFM 12-0507.3 along with a narrative that provides a site-specific explanation of why the Tree Preservation Target can not be met. A sheet number should be provided identifying the location of the deviation request.

In addition, proffer language containing a directive from the Board of Supervisors to the Urban Forest Management Division, DPWES, or Director of DPWES to permit a deviation from the tree preservation target percentage should be provided.



- 2. Comment:** It does not appear the minimum tree cover requirements for the PDH-4 and PDH-5 portions of the site are being met. The transfer of onsite 10-year Tree Canopy Requirements through offsite tree banking or through pro rata payment into the Tree Preservation and Planting Fund may be applicable for this specific application.

Recommendation: An application to provide 10-year Tree Canopy Requirements through offsite tree banking or through payment into the Tree Preservation and Planting Fund should be submitted to UFMD for review and approval. The application should meet one or more of the criteria listed in PFM 12-0511.1 and should meet all the requirements of PFM 12-0511.2 for Tree Banking and/or PFM 12-0511.3 for contribution to the Tree Preservation and Planting Fund.

If opportunities to use offsite tree banking provisions or contributions to the Tree Preservation and Planting Fund as provided in PFM 12-0511 have been fully exercised, an application to modify the 10-year Tree Canopy requirements should be submitted to UFMD for review and approval and should meet one or more of the criteria listed in PFM 12-0512.1.

In addition, opportunities to receive additional tree canopy credits in exchange for the planting of trees in a manner that will provide specific environmental and ecological benefits, or for the use of species that are native to Fairfax County, or for the use of species that are resistant to diseases, pests, decay and the negative impacts imposed by harsh conditions should be considered. See PFM sections 12-0509.4B thru 12-0509.4B(6) for opportunities for additional 10-year tree canopy credits.

- 3. Comment:** It does not appear the proposed landscape trees are drawn to scale to accurately reflect their 10-year canopies.

Recommendation: Proposed landscape trees should be drawn to scale to accurately reflect their 10-year canopies.

- 4. Comment:** The interior parking lot landscaping calculations for the PDH-5 portion of the site appear to be incorrect as evergreen trees have been credited toward meeting the interior parking lot landscaping requirement.

Recommendation: Only those deciduous trees that provide shade directly to a portion of the area to be counted should be credited toward meeting the required 5 percent interior parking landscaping.

- 5. Comment:** The draft proffers do not contain tree preservation language. Given the nature of the tree cover on and adjacent to this site, and depending upon the ultimate development configuration provided, several proffers will be instrumental in assuring adequate tree preservation and protection throughout the development process.

Recommendation: Recommend the following proffer language to ensure effective tree preservation:

Tree Preservation: “The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the CDP/FDP/PCA and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.”

Tree Preservation Walk-Through. “The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant’s certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.”

Limits of Clearing and Grading. “The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP/FDP/PCA, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP/PCA, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.”

Tree Preservation Fencing: “All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the “Root Pruning” proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.”

Tree Appraisal: “The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 8 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called “Trunk Formula Method” contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

At the time of the respective site plan approvals, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the “Bonded Trees”) that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements

on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.”

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

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.”

Demolition of Existing Structures. “The demolition of all existing features and structures within areas protected by the limits of clearing and grading areas shown on the CDP/FDP/PCA shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.”

Site Monitoring. “During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.”

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 144181

cc: RA File
DPZ File



County of Fairfax, Virginia

MEMORANDUM

February 19, 2009

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES 

SUBJECT: Tavares Concrete Company; RZ/FDP 2009-LE-001

RE: Request for assistance dated February 5, 2009

This review is based upon the Proffered Condition Amendment PCA/FDPA 1999-LE-036, the Proffered Condition Amendment PCA 2000-LE-023, and the Conceptual/Final Development Plan RZ/FDP 2009-LE-001 stamped "Received, Department of Planning and Zoning, December 23, 2008." A site visit was conducted on February 9, 2009.

Site Description: This site is a vacant lot currently zoned I-5 with limited vegetation located throughout the site. The northwest portion of the site appears to be a field with individual trees consisting primarily of hickory and red oak. There also appears to be off-site vegetation at the eastern property boundary consisting of cherry, red oak, beech, red maple, Virginia pine and black gum. Off-site vegetation along the northern property boundary consists primarily of sweetgum, red oak, red maple, tulip tree, American beech, and Virginia pine. Vegetation at the southwest corner of the site consists primarily of cedar, sweetgum, tulip tree, and red maple. Vegetation at the southwest portion of the site, east of the Jose A. Neto property, consists primarily of a stand of sweetgum and tulip trees.

- 1. Comment:** An existing vegetation map has been provided however, it is unclear and does not appear to be accurate. The various tables do not include the primary tree species found in each cover type and the cover types are not reflected on the map.

Recommendation: Provide an EVM that depicts the location of any of the cover types identified in PFM Table 12.2 and one that meets the requirements of Zoning Ordinance Chapter 112, Article 20 and PFM 12-0505. The EVM submitted with the CDP/FDP/PCA must accurately delineate all areas of the cover types, and include all other required elements of the Zoning Ordinance and Public Facilities Manual.

- 2. Comment:** The proposed limits of clearing and grading at the northern portion of the site will provide minimal preservation for the existing off-site sub-climax bottom land forest.

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



Recommendation: A contiguous 15 foot wide undisturbed buffer should be provided along the entire length of the northern property boundary to protect the existing off-site bottom land forest from construction damage.

- 3. Comment:** The proposed limits of clearing and grading at the northeast corner of the site will provide minimal preservation for the existing off-site cherry, red oak, Virginia pine, red maple, and black gum trees.

Recommendation: A contiguous 15 foot wide undisturbed buffer should be provided along the entire length of the eastern property boundary to protect the existing off-site trees from construction damage.

- 4. Comment:** The proposed limits of clearing and grading at the southwest portion of the site will provide minimal preservation for the existing off-site landscape trees located on the Hawthorn property.

Recommendation: The proposed limits of clearing and grading should be located 5 feet to the north to provide a larger save area for the existing off-site landscape trees.

- 5. Comment:** The proposed limits of clearing and grading at the southeastern portion of the site will provide minimal preservation for the existing off-site or co-owned trees along the southeastern property boundary adjacent to 7801 Cinder Bed Road.

Recommendation: A contiguous 15 foot wide undisturbed buffer should be provided along the entire length of the southeastern property boundary to protect off-site and co-owned trees from construction damage or permission from the off-site property owner to remove these trees should be provided on the CDP/FDP/PCA.

- 6. Comment:** Preliminary 10-year tree canopy calculations have not been provided and it is unclear how the tree canopy requirements for this site will be met.

Recommendation: Information included in the EVM should be utilized to provide a Tree Preservation Target level in accordance with PFM 12-0507. Tree Preservation Target Calculations and Statement should be provided as shown in PFM Table 12.3. In addition, preliminary 10-year tree canopy calculations in accordance with PFM 12-0510 and PFM Table 12.12, should be provided on the CDP/FDP/PCA demonstrating how Article 13, 10-year tree canopy requirements will be met.

- 7. Comment:** Preliminary interior parking lot landscaping calculations have not been provided and it is unclear how the interior parking lot landscaping requirement will be met.

Recommendation: Preliminary interior parking lot landscaping calculations in accordance with PFM 12-0513 should be provided on the CDP/FDP/PCA demonstrating how the requirement will be met.

8. **Comment:** The ‘proposed deciduous’, ‘proposed ornamental’, and ‘proposed evergreen’ tree classifications identified in the Landscaping Legend on sheet 3 are unclear. Due to the unclear tree types and size specifications, UFMD is unable to accurately determine if adequate planting space is being provided.

Recommendation: Trees proposed to be planted should be identified as Category I, II, III, or IV evergreen trees and/or Category I, II, III, or IV deciduous trees. In addition, minimum planting areas should be provided in accordance with PFM section 12-0702.1B(2)

9. **Comment:** It does not appear easements for all proposed and existing public utilities have been identified.

Recommendation: Easements for all proposed and existing public utilities should be shown and identified.

10. **Comment:** Several proposed landscape trees located in various areas throughout the site appear to be planted within 4’ of a restrictive barrier, such as a curb and/or sidewalk.

Recommendation: The minimum width of any planting area should be 8’, measured from the interior sides of the restrictive barrier and trees should be planted no closer than 4’ from any restrictive barrier.

11. **Comment:** It does not appear the proposed landscape trees are drawn to scale to accurately reflect their 10-year canopies.

Recommendation: Proposed landscape trees should be drawn to scale to accurately reflect their 10-year canopies.

12. **Comment:** It is not clear how the Applicant proposes to landscape this site.

Recommendation: A landscape plan should be submitted that shows a variety of native and desirable tree species, of various sizes, planted throughout the site. Landscape trees that are well suited for this location include red maple, red oak, American holly, American beech, willow oak, eastern redcedar and many others.

Opportunities to receive additional tree canopy credits in exchange for the planting of trees in a manner that will provide specific environmental and ecological benefits, or for the use of species that are native to Fairfax County, or for the use of species that are resistant to diseases, pests, decay and the negative impacts imposed by harsh conditions should be considered. See PFM sections 12-0509.4B thru 12-0509.4B(6) for opportunities for additional 10-year tree canopy credits.

13. **Comment:** Given the nature of the tree cover on this site, and depending upon the ultimate development configuration provided, several proffers will be instrumental in assuring adequate tree preservation and protection throughout the development process.

Recommendation: Recommend the following proffer language to ensure effective tree preservation:

Tree Preservation: “The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the CDP/FDP/PCA and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.”

Tree Preservation Walk-Through. “The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant’s certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.”

Limits of Clearing and Grading. “The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP/FDP/PCA, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP/PCA, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and

implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.”

Tree Preservation Fencing: “All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the “Root Pruning” proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.”

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

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.”

Demolition of Existing Structures. “The demolition of all existing features and structures within areas protected by the limits of clearing and grading areas shown on the CDP/FDP/PCA shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.”

Site Monitoring. “During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the

UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.”

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 144181

cc: RA File
DPZ File



County of Fairfax, Virginia

MEMORANDUM

DATE: August 24, 2009

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

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

FILE: 3-4 (RZ 2009-LE-001)
3-4 (RZ 1999-LE-036)
3-4 (RZ 2000-LE-023)

SUBJECT: Transportation Impact Addendum

REFERENCE: RZ 2009-LE-001; PCA 1999-LE-036; PCA 2000-LE-023;
Tavares Family Limited Partnership
Traffic Zone: 1572
Land Identification Map: 99-2 ((01)) 17 pt., 18, 18p, 19 pt.
99-2 ((16)) B pt.

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the revised development plan and proffers (PCA 200-LE-023) dated August 11, 2009.

This application is a request to rezone 2.84 acres of currently zoned I-5 land to the PDH-5 District to allow the development of 11 single family attached dwelling units and to also leave a portion of three lots, 0.53 acres, with its current zoning of I-5 in order to develop with a warehouse use.

This department has reviewed the latest revision of the submittal and does not object to its approval.

AKR;ak : RZ2009LE001PCA1999LE036PCA2000LE023TaveresFamilyLimited
cc: Michele Brickner, Director, DPWES

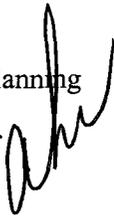


County of Fairfax, Virginia

MEMORANDUM

DATE: March 10, 2009

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

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

FILE: 3-4 (RZ 2009-LE-001)
3-4 (RZ 1999-LE-036)
3-4 (RZ 2000-LE-023)

SUBJECT: Transportation Impact

REFERENCE: RZ 2009-LE-001; PCA 1999-LE-036; PCA 2000-LE-023;
Tavares Family Limited Partnership
Traffic Zone: 1572
Land Identification Map: 99-2 ((01)) 17 pt., 18, 18p, 19 pt.
99-2 ((16)) B pt.

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based the revised development plan dated December 18, 2008.

This application is a request to rezone 2.84 acres of currently zoned I-5 land to the PDH-5 District to allow the development of 13 single family attached dwelling units and to also leave a portion of three lots, 0.53 acres, with its current zoning of I-5 in order to develop with an office use.

This department provides the following comments:

- The applicant should provide frontage improvements along the site on Cinder Bed Road at 26-ft. from centerline.
- Right-of-way dedication should be provided at 45-ft. from the centerline Cinder Bed Road. A 5-ft. wide sidewalk should be provided within this right-of-way.
- Whether the 0.53 acre use is office or warehouse, there should be adequate parking on site.

AKR;ak : RZ2009LE001PCA1999LE036PCA2000LE023TaveresFamilyLimited
cc: Michele Brickner, Director, DPWES



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

March 9, 2009

Ms. Regina Coyle
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: PCA 2000-LE-023, PCA/FDPA 1999-LE-036, RZ/FDP 2009-LE-001, Tavares
Tax Map No.: 099-2 /01/ /0017 pt. /01/ /0018 pt. /01/ /0019 pt.

Dear Ms. Coyle,

This office has reviewed the conceptual development plan relative to the above-mentioned applications and offers the following comments.

The entrances should be consolidated and should conform to VDOT's *Minimum Standards of Entrances to State Highways*. Minimum width 30'. Curb and gutter should be constructed along the frontage of Cinder Bed Road.

For additional information please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Noreen H. Maloney".

Noreen H. Maloney
Transportation Engineer

cc: Ms. A. Rodeheaver

Cho, Brenda J.

From: Tsai, Mary Ann [MATsai@fcps.edu]
Sent: Monday, August 17, 2009 2:04 PM
To: Cho, Brenda J.
Cc: James, Denise
Subject: RE: Proffer contribution for Tavares

Hi Brenda,

This is in response to your email below regarding the applicant's change in the proposed number of single family attached (townhome) units from 13 to 11. While the number of proposed units has decreased, based on the current student yield ratio the anticipated student yield remains the same and is shown in the chart below.

School level	Single family attached (townhome) ratio	Proposed number of units	Student yield
Island Creek ES	.190	11	2
Hayfield MS	.050	11	1
Hayfield HS	.108	11	1

4 total

A total of 4 students is anticipated based on the number of units proposed. In accordance with the approved proffer formula guidelines, the students generated would justify a proffer contribution of \$46,192 (4 students x \$11,548) in order to address capital improvements for the receiving schools. It is recommended that all proffer contributions be directed to the Hayfield HS pyramid and/or to Cluster IV schools that encompass this area at the time of site plan approval or building permit approval in order for proffer contributions to be received and used towards capital improvements at the schools. Proffer contributions made at the time of occupancy may not provide adequate time for capital improvement construction/renovation that may be needed at the schools. It is also recommended that notification be given to FCPS when construction is anticipated to commence in order for FCPS to include the timely projection of students into its five year Capital Improvement Program.

In addition, because the timeframe for development is unknown and the suggested proffer contribution is updated on an annual basis to reflect current market conditions, in this down economy, the proffer contribution is likely to decrease to reflect current construction costs. As the economy rebounds, it is likely that costs will increase. For this reason, it is recommended that in addition to a monetary proffer contribution that an escalation clause be included as part of the developer's proffer in order to reflect the suggested proffer contribution amount at the time of development.

Again, if a formal memo is needed, we can send one to you.

Thanks,

Mary Ann Tsai
 Fairfax County Public Schools

From: Cho, Brenda J. [mailto:Brenda.Cho@fairfaxcounty.gov]
Sent: Monday, August 17, 2009 10:53 AM
To: James, Denise
Subject: Proffer contribution for Tavares

Hello Denise,

9/2/2009



**FAIRFAX COUNTY
PUBLIC SCHOOLS**

Office of Facilities Planning
10640 Page Avenue
Fairfax, Virginia 22030

TO: Suzanne Lin, Planner
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division

FROM: Denise M. James, Director *DMJ*
Office of Facilities Planning Services

SUBJECT: RZ/FDP 2009-LE-001

DATE: February 13, 2009

PLANNING AREA: 1225, Cluster IV

ACREAGE: 2.84 acres

TAX MAP: 99-2 ((1)) 17, 18, 19

PROPOSAL: Rezone a portion of land from the I-5 District to the PDH-5 District to permit 13 townhomes and an office use.

COMMENTS: The proposed rezoning area is within the Island Creek Elementary and Hayfield Secondary School boundaries. The chart below shows the existing school capacity, enrollment, and projected five year enrollment.

School	Capacity	Enrollment (9/30/08)	2009-2010 Projected Enrollment	Capacity Balance 2009-2010	2013-14 Projected Enrollment	Capacity Balance 2013-14
Island Creek ES	914	760	798	116	852	62
Hayfield MS	1050	945	944	106	1034	16
Hayfield HS	2180	1767	1965	215	2042	138

The rezoning application proposes to redevelop the area with 13 townhomes and an office use. Currently the area is vacant.

The chart below shows the number of anticipated students by school level based on the County-wide student yield ratio.

School level	Single family attached (townhome) ratio	Proposed number of units	Student yield
Elementary	.190	13	2
Middle	.050	13	1
High	.108	13	1
			4 total

SUMMARY: Four students are anticipated from this rezoning based on the County-wide student yield ratio. Based on the approved proffer formula guidelines, the students generated would justify a proffer contribution of \$46,192 (4 students x \$11,548) in order to address capital improvements for the receiving schools. It is recommended that all proffer contributions be directed to the Hayfield HS pyramid and/or to Cluster IV schools that encompass this area at the time of site plan approval. It is also recommended

that notification be given to FCPS when construction is anticipated to commence in order for FCPS to include the timely projection of students into its five year Capital Improvement Program.

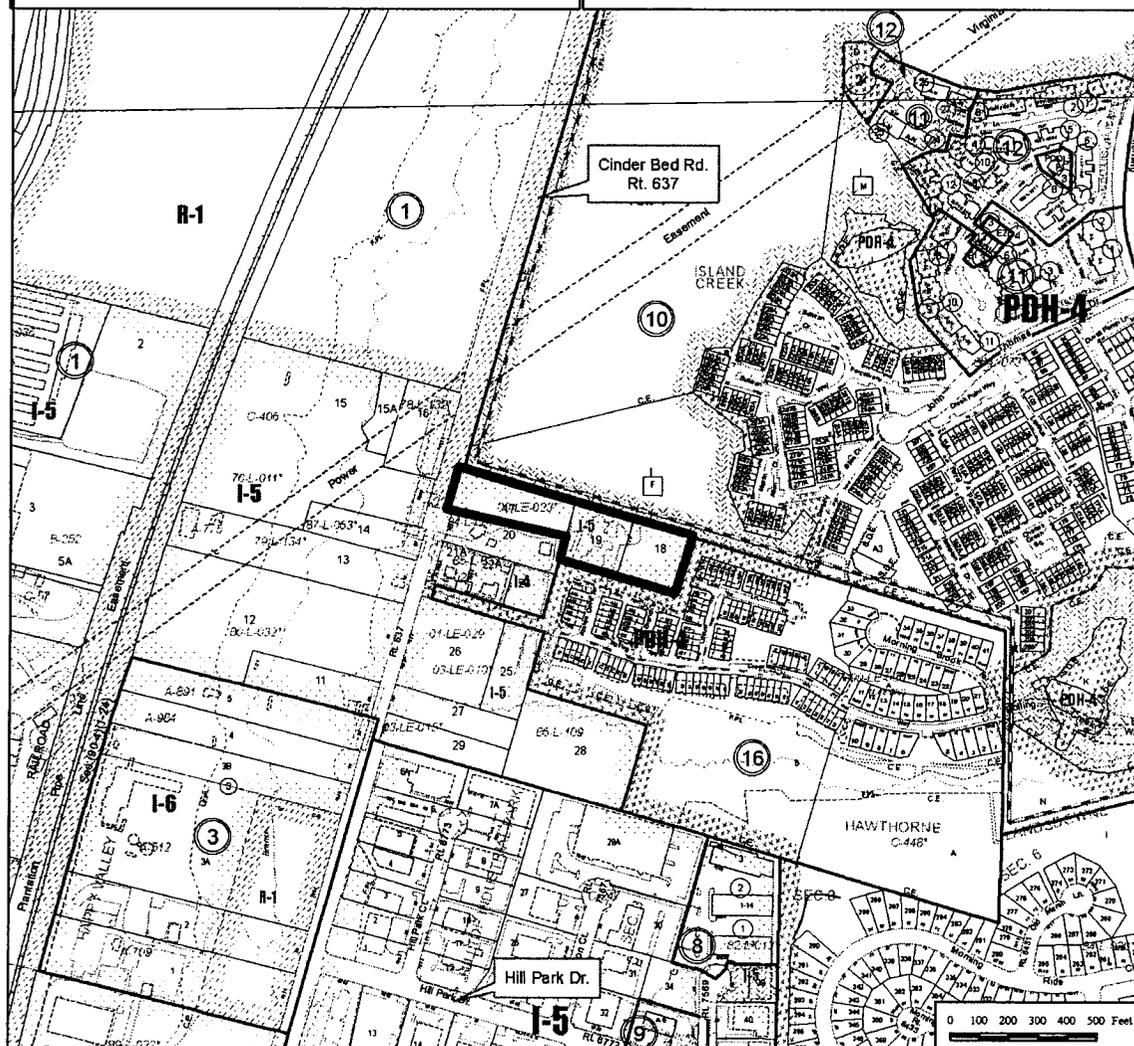
It is noted that RZ 2007-LE-12 (Lee Village at Silver Lake), which is approved for 111 mid/high-rise multi-family units has not been constructed and also is within the Hayfield Secondary School boundary. RZ 2008-MD-003 (Hilltop Sand and Gravel) is pending and is within the Island Creek and Hayfield Secondary school boundaries. It is anticipated that there will be sufficient capacity at the receiving schools.

Attachment: Locator Map

cc: Brad Center, School Board Member, Lee District
Illryong Moon, School Board Member, At-Large
James L. Raney, School Board Member, At-Large
Martina A. Hone, School Board Member, At-Large
Dean Tistadt, Chief Operating Officer, FCPS
Brian Binggeli, Cluster IV Assistant Superintendent
Susan Owner, Principal, Island Creek Elementary School
Bill Oehrlein, Principal, Hayfield Secondary School

**Fairfax County Public Schools
Office of Facilities Planning Services**

Rezoning Application RZ 2009-LE-001	Final Development Plan FDP 2009-LE-001
Applicant: TAVARES FAMILY LIMITED PARTNERSHIP	Applicant: TAVARES FAMILY LIMITED PARTNERSHIP
Accepted: 01/16/2009	Accepted: 01/16/2009
Proposed: RESIDENTIAL	Proposed: RESIDENTIAL
Area: 2.84 AC OF LAND; DISTRICT - LEE	Area: 2.84 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:	Zoning Dist Sect:
Located: EAST SIDE OF CINDER BED ROAD APPROXIMATELY 1,300 FEET NORTH OF ITS INTERSECTION WITH HILL PARK DRIVE	Located: EAST SIDE OF CINDER BED ROAD APPROXIMATELY 1,300 FEET NORTH OF ITS INTERSECTION WITH HILL PARK DRIVE
Zoning: FROM I- 5 TO PDH- 5	Zoning: PDH- 5
Overlay Dist:	Overlay Dist:
Map Ref Num: 099-2- /01/ /0017 pt. /01/ /0018 /01/ /0019 pt.	Map Ref Num: 099-2- /01/ /0017 pt. /01/ /0018 /01/ /0019 pt.





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

DATE: REVISED
May 6, 2009

SUBJECT: RZ/FDP 2009-LE-001 Tavares Concrete Company
Tax Map Numbers: 99-2 ((1)) 17, 18, 19

BACKGROUND

The Park Authority staff has reviewed the revised Development Plans and draft proffers dated April 10, 2009 for the above referenced application.

ANALYSIS AND RECOMMENDATIONS

The revised plans and proffers substantially address many of the prior comments raised in the March 10, 2009 Park Authority Memorandum. Previous comments addressed shortfalls in providing trail connectivity and recreation impacts of the increased residential development.

Trail Connectivity

The applicant included the Comprehensive Trail Plan trail along Cinder Bed Road on the revised CDP/FDP as a 5' concrete sidewalk. The applicant has also included the recommended trail connections linking the Cinder Bed Road trail to the trail system within Island Creek Park and from the residential development into Island Creek Park. These substantially address the trail connectivity issues.

Comments on the revised plans and proffers;

- The future trail connections within Island Creek Park should be depicted in a similar way as the sidewalks and trails are shown on the CDP/FDP. The dashed lines are not adequate.
- Public access easement for the trail should be shown on the CDP/FDP.
- Proffer 21 addresses the trail construction "connecting the proposed development to the existing trail within Island Creek Park". The last sentence should be revised as below;

"Regardless of whether the trail is constructed or the escrow option be utilized, such

amount shall be credited to that total amount of contribution referenced in Proffer 19 and 20.

Recreational Impacts and Proposed Facilities

The applicant has provided two proffers, Proffer 19 and Proffer 20 to address the PDH zoning onsite recreation requirement and additional recreational impacts. These two proffers substantially address the recreational impact issues previously raised.

Comments on the revised plans and proffers;

- The CDP/FDP identifies possible facilities within the “Passive/Active Recreation Area”, such as a sand volleyball court. If a sand volleyball court is intended to be constructed, it should be depicted on the CDP/FDP.
- Proffer 19 references possible recreational facilities which may be provided in addition to the offsite trail connection, these facilities should be depicted on the CDP/FDP if they are intended to be constructed.
- Proffer 20 should be revised as follows;
“In addition to Proffer 19 above, the Applicant shall contribute \$31,225 to the Fairfax County Park Authority prior to the issuance of the first Residential Use Permit for park purposes and/or facilities in the area. ~~The Applicant further reserves the right to make all or a portion of the contribution to an individual park or recreation facility within Lee District.~~”

FCPA Reviewer: Scott Sizer
DPZ Coordinator: Brenda Cho

Copy: Chron Binder
File Copy



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 

DATE: March 10, 2009

SUBJECT: RZ/FDP 2009-LE-001 Tavares Concrete Company
Tax Map Numbers: 99-2 ((1)) 17, 18, 19

BACKGROUND

The Park Authority staff has reviewed the proposed Development Plans dated December 23, 2008 for the above referenced application.

The Development proposes to rezone 2.84 acres of the site from I-5 to PDH-5. The PDH-5 residential development would add 13 attached dwelling units; in addition FDP 2009-LE-001 proposes an 8,000 sq.ft. warehouse use on the 0.53 acres to remain under I-5 zoning. Based on an average single-family attached household size of 2.66 in the Springfield Planning District, the development could add 35 new residents (13 new units x 2.66 = 35) to the Lee Supervisory District.

ANALYSIS AND RECOMMENDATIONS

Trail Connectivity

The Comprehensive Trails Plan identifies a planned Minor Paved Trail along Cinder Bed Road. The trail should be a six foot asphalt trail along the frontage of Cinder Bed Road on TM 99-2 ((1)) 17 and extended north to connect to the existing trail within Island Creek Park. This is identified on FDP 2000-LE-023.

The residential development should also be integrated with the park trail system. The existing trail within Island Creek Park should be connected to the residential development through the proposed passive recreation area and tie into the grasscrete or gravel access road. This road is within a proposed access easement and is integrated with the proposed sidewalk system. The trail should be a six foot asphalt trail within a minimum thirteen foot access easement. This would connect the trail to the residential community, a desire expressed in RZ 1999-LE-036, Proffer 17 but was not constructed or improved to asphalt.

Trail construction on park property should be coordinated with the Park Authority to minimize clearing and grading and impacts to the existing vegetation.

Recreational Impact

The Fairfax County Zoning Ordinance requires provision of open space and recreational features within Planned Development Districts (see Zoning Ordinance Sections 6-110 and 16-404). The minimum expenditure for park and recreational facilities within these districts is set at \$1,500 per non-ADU residential unit for outdoor recreational facilities to serve the development population. With 13 units proposed, the Ordinance-required amount to be spent on-site is \$19,500. Whenever possible, the facilities should be located within the residential development site.

In the statement of justification the applicant identifies a pocket park recreational amenity and a 0.5 acre multiuse passive recreation area. The pocket park is not evident on the supplied CDP/FDP and the multiuse passive recreation area does not have any proposed amenities. It would be appropriate to locate passive recreation amenities within this area such as; a playground/tot-lot, benches, trash receptacles, and/or a kiosk which could house a trail map and orientation information on the trail system within Island Creek. These types of amenities for passive recreation are supported by Land Use Recommendation #9 of the Area IV, Newington Community Planning Sector. Any portion of the required amount not spent on-site should be conveyed to the Park Authority for recreational facility construction at one or more park sites in the service area of the development.

The \$1,500 per unit funds required by Ordinance offset only a portion of the impact to provide recreational facilities for the new residents generated by this development. Typically, a large portion if not all of the Ordinance-required funds are used for outdoor recreational amenities onsite. As a result, the Park Authority is not compensated for the increased demands caused by residential development for other recreational facilities that the Park Authority must provide.

With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section, as well as Objective 6, Policy a, b and c of the Parks and Recreation section), the Park Authority requests a fair share contribution of \$893 per new resident with any residential rezoning application to offset impacts to park and recreation service levels. This allows the Park Authority to build additional facilities needed as the population increases. To offset the additional impact caused by the proposed development, the applicant should contribute \$31,255 (or \$2,404 per unit) to the Park Authority for recreational facility development at Lee District Park, Island Creek, or other park sites in the service area of the development.

SUMMARY OF RECOMMENDATIONS

The section summarizes the recommendations included in the preceding analysis section. Following is a table summarizing required and recommended recreation contribution amounts:

Proposed Units	P-District On-site Expenditure	Requested Park Proffer Amount*	Total
Multifamily units	\$19,500	\$31,225	\$50,725
Total	\$19,500	\$31,225	\$50,725

*Average of \$2,404 per dwelling unit

In addition, the analysis identified the following major issues:

- Construct a 6' asphalt trail along Cinder Bed Road connecting to the existing trail within Island Creek Park,
- Construct a 6' asphalt trail from the existing trail within Island Creek Park to the residential neighborhood,
- Provide passive recreation amenities on-site within the 0.5 acre passive multiuse area.

FCPA Reviewer: Scott Sizer
DPZ Coordinator: Brenda Cho

Copy: Cindy Walsh, Acting Director, Resource Management Division
Liz Crowell, Manager, Cultural Resource Management & Protection Section
Chron Binder
File Copy



County of Fairfax, Virginia

MEMORANDUM

FEB 24 2009

DATE:

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

FROM: Qayyum M. Khan, Senior Stormwater Engineer 
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Rezoning and Final Development Plan RZ/FDP 2009-LE-001, Concurrent with PCA 2000-LE-023 and PCA/FDPA 1999-LE-036 with Tavares Family Limited Partnership Plan Dated December 18, 2008, LDS Project # 8999-ZONA-001-1, Tax Map #099-2-01-0017(part), 0018 and 0019(part), Lee District

We have reviewed the subject plan and offer the following comments related to stormwater management (SWM):

Chesapeake Bay Preservation Ordinance

There is no Resource Protection Area on the site.

Floodplain

There is no floodplain on the site.

Downstream Drainage Complaint

There is no complaint on file.

SWM

The applicant has proposed an infiltration trench and two filterra facilities to meet the PFM requirements for Stormwater detention and BMP. The applicant has used a conservative rate of infiltration to size the trench. He will be required to conduct soil tests in accordance with the Letter to Industry #07-04 at site plan submission.



Regina Coyle, Director
RZ/FDP 2009-LE-001
Page 2 of 2

Site Outfall

Narrative for outfalls has been provided.

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

QK/mw

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

Cho, Brenda J.

From: Smith, Russell
Sent: Tuesday, March 31, 2009 10:35 AM
To: Forbes, Beth; Kharel, Durga D.; Regmi, Sharad; Salim, Elfatih; Stonefield, Jerry
Cc: Cho, Brenda J.
Subject: Review of application RZ/FDP2009-LE-001 (Tavares Concrete Company)

3/30/09

EFRD RZ Application Reviewers:

Review of application RZ/FDP2009-LE-001 (Tavares Concrete Company)

SWPD offers the following recommendations and information for consideration for this Rezoning Application:

1) The applicant's Preliminary Site Plan (received by DPZ on 12/23/08) proposes to use a percolation facility and two Filterras to provide stormwater management for the site.

- SWPD encourages the applicant to employ "Better Site Design" development techniques and use LID practices to the full extent as allowed by the PFM and the Letters to Industry to minimize/reduce the volume of water that leaves the site.
- In addition to the percolation facility and the Filterras, the applicant could use ***Permeable Pavement Blocks with a gravel underground storage and tree box filters, and on the edges of the parking areas, Bioretention (Vegetated) Swales and Bioretention Filters and Basins*** to provide stormwater control for the site and to improve the quality of the water that leaves the site.
- The use of multiple LID practices on the site is very effective in reducing the volume of water leaving the site and benefits the streams.

2) The Accotink Creek Watershed Plan is currently being developed.

3) The assessment of Long Branch in Accotink Creek is ***FAIR and the channel evolutionary model is Level 3.*** This indicates that the streams have downcut and are widening to compensate for increased runoff volume. An increase in volume of water leaving the site could cause the streams to downcut and widen even further to compensate for the increased runoff. (Based on the Fairfax County Stream Physical Assessment Report 2004.)

4) According to the SPS Report (2001) the site is in the ***SPS Watershed Restoration Level II category.*** This category recommends that this site be developed with the use of innovative BMPs and a reduction in imperviousness and if appropriate, sections of on site streams that need stabilizing should be restored or stabilized. The primary goal of this category is to maintain areas to prevent further degradation.

5) Soils – The county's soils map indicates that there are Lunt soils, which are good for infiltration, and marine clays which are poor for infiltration. Applicant should conduct soils tests and use underdrains or consider ***soil amendments*** as necessary to improve infiltration as part of the ***percolation facility, gravel underground storage, Bioretention (Vegetated) Swales and Bioretention Filters and Basins.***



County of Fairfax, Virginia

MEMORANDUM

APR 20 2009

DATE:

TO: Brenda Cho, Planner II
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Kanthan Siva, P.E., Chief Geotechnical Engineer *Kanthan Siva*
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: RZ 2009-LE-001/FDP 2009-LE-001, FDPA 1999-LE-036/PCA 1999-LE-036,
PCA 2000-LE-023, Tavares Concrete Company, Inc., Tax Map #099-2-01-
0017, 0018 and 0019, Lee District

Our section has reviewed the "Preliminary Geotechnical Study And Soil Mapping" prepared by Soil Tech, Inc. (dated November 12, 2006) for the above referenced site. The submitted report is deficient in many ways in achieving the main objective/s of the project. The report used inadequate field sampling, insufficient lab testing, and the wrong interpretation of some of the field and lab results. A detailed list of the review comments is attached to this memo. In summary, the submitted report does NOT support the claim of not encountering marine clay as stated on Page 4 (last paragraph).

If you have any questions, please contact me at 703-324-1720, or by email at usivap@fairfaxcounty.gov.

UKS/mw

Attachment: Geotechnical Review Comments

cc: Bijan Sistani, Code Analysis, DPWES
Jeremiah Stonefield, Chief, Stormwater and Geotechnical Section, ESRD, DPWES
Beth Forbes, Stormwater Engineer, Stormwater and Geotechnical Section, ESRD,
DPWES
Zoning Application File (8599-ZONA-002-1)



GEOTECHNICAL REVIEW COMMENTS:

- The test pit location plan (TLP) shows two P-11 and no P-10; one of the former is assumed to be P-10. The TLP uses P-1, P-2, P-12 labels while the field logs are labeled B-1, B-2, ... B-12; this is assumed to be a typographical error and not additional or separate borings. The log of P-2 (or B-2) is missing from the submitted report.
- The method/procedure used for determination of the relative densities/consistencies shown on the test pit logs and on Page 3 of the report shall be explained. Adequate number of borings shall be drilled with Standard Penetration Tests (SPT) performed in accordance with ASTM Standards. SPT shall be conducted at close intervals (every 2.5 feet, or continuously) within the depth of the borings. This will allow preparation of soil profiles, and determination of relative density/consistency of the soils. The soil samples shall be visually classified in accordance with Unified Soil Classification System, and if cohesive or semi-cohesive soils are encountered, offset borings shall be drilled and undisturbed (Shelby Tube) samples obtained.
- Laboratory tests shall include Natural Moisture Content tests on all recovered soil samples from at least half of the borings, and performing Atterberg Limits, and Gradation Tests on representative samples. In addition, Direct Shear, and Natural Bulk Density Tests shall be performed on at least half of the undisturbed Shelby Tube samples recovered.
- The statement on Page 4 "Marine Clay was not encountered" shall be re-evaluated, since both the laboratory test results and the test pit logs indicate that there are Marine Clay soils on this property.
- The subsurface exploration, laboratory testing and evaluation report shall be signed and sealed by a registered Professional Engineer in Virginia.



County of Fairfax, Virginia

MEMORANDUM

DATE: April 10, 2009

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. RZ/FDP2009-LE-001

Tax Map No. 099-2-/01/ /0017 pt., 0018, 0019 pt.

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 Long Branch (M-6) watershed. It would be sewerred into the Noman M. Cole Pollution Control Plant (NMCPCP).
- Based upon current and committed flow, there is excess capacity in the NMCPCP 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	
	Adeq.	Inadeq.	Adeq.	Inadeq.	Adeq.	Inadeq.
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 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

February 19, 2009

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

Re: RZ/FDP 2009-LE-001
PCA 2000-LE-023
PCA/FDPA 1999-LE-036
Tavares Concrete Company, INC.

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 can be served by Fairfax Water.
2. Adequate domestic water service is available at the site from an existing 12-inch water main located along Rolling Creek Way in the Hawthorne Subdivision. 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,

A handwritten signature in cursive script that reads "Traci K. Goldberg".

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

Enclosure



County of Fairfax, Virginia

MEMORANDUM

DATE: February 27, 2009

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/Final Development Plan, Proffered Condition Amendment, and Proffered Condition Amendment/Final Development Plan Amendment Application RZ/FDP 2009-LE-001 concurrent with PCA 2000-LE-023 and PCA/FDPA 1999-LE-036

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 #437, **Kingstowne**
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.
 - X d. does not meet current fire protection guidelines without an additional facility. The application property is 0.5 of a mile outside the fire protection guidelines. No new facility is currently planned for this area.



**ARTICLE 6
PLANNED DEVELOPMENT DISTRICT REGULATIONS
PART 1 6-100 PDH PLANNED DEVELOPMENT HOUSING DISTRICT**

6-101 Purpose and Intent

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

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

6-107 Lot Size Requirements

1. Minimum district size: Land shall be classified in the PDH District only on a parcel of two (2) acres or larger and only when the purpose and intent and all of the standards and requirements of the PDH District can be satisfied.

2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a development plan.

3. Minimum lot width: No requirement for each use or building.

6-109 Maximum Density

1. For purposes of computing density, the PDH District is divided into subdistricts in which the residential density is limited as set forth below, except that the maximum density limitations may be increased in accordance with the requirements for affordable dwelling units set forth in Part 8 of Article 2 and shall be exclusive of the bonus market rate units and/or bonus floor area, any of which is associated with the provision of workforce dwelling units, as applicable.

**ARTICLE 16
DEVELOPMENT PLANS
PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS**

16-101 General Standards

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

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

APPENDIX 9

RESIDENTIAL DEVELOPMENT CRITERIA

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on other public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing and, being responsive to the unique site specific considerations of the property. To that end, the following criteria are to be used in evaluating zoning requests for new residential development. The resolution of issues identified during the evaluation of a specific development proposal is critical if the proposal is to receive favorable consideration.

Where the Plan recommends a possible increase in density above the existing zoning of the property, achievement of the requested density will be based, in substantial part, on whether development related issues are satisfactorily addressed as determined by application of these development criteria. Most, if not all, of the criteria will be applicable in every application; however, due to the differing nature of specific development proposals and their impacts, the development criteria need not be equally weighted. If there are extraordinary circumstances, a single criterion or several criteria may be overriding in evaluating the merits of a particular proposal. Use of these criteria as an evaluation tool is not intended to be limiting in regard to review of the application with respect to other guidance found in the Plan or other aspects that the applicant incorporates into the development proposal. Applicants are encouraged to submit the best possible development proposals. In applying the Residential Development Criteria to specific projects and in determining whether a criterion has been satisfied, factors such as the following may be considered:

- the size of the project
- site specific issues that affect the applicant's ability to address in a meaningful way relevant development issues
- whether the proposal is advancing the guidance found in the area plans or other planning and policy goals (e.g. revitalization).

When there has been an identified need or problem, credit toward satisfying the criteria will be awarded based upon whether proposed commitments by the applicant will significantly advance problem resolution. In all cases, the responsibility for demonstrating satisfaction of the criteria rests with the applicant.

1. Site Design:

All rezoning applications for residential development should be characterized by high quality site design. Rezoning proposals for residential development, regardless of the proposed density, will be evaluated based upon the following principles, although not all of the principles may be applicable for all developments.

- a) *Consolidation:* Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan. Should the Plan text not specifically address consolidation, the nature and extent of any proposed parcel consolidation should further the integration of the development with adjacent parcels. In any event, the proposed consolidation should not preclude nearby properties from developing as recommended by the Plan.

- b) *Layout*: The layout should:
- provide logical, functional and appropriate relationships among the various parts (e. g. dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation measures, sidewalks and fences);
 - provide dwelling units that are oriented appropriately to adjacent streets and homes;
 - include usable yard areas within the individual lots that accommodate the future construction of decks, sunrooms, porches, and/or accessory structures in the layout of the lots, and that provide space for landscaping to thrive and for maintenance activities;
 - provide logical and appropriate relationships among the proposed lots including the relationships of yards, the orientation of the dwelling units, and the use of pipestem lots;
 - provide convenient access to transit facilities;
 - Identify all existing utilities and make every effort to identify all proposed utilities and stormwater management outfall areas; encourage utility collocation where feasible.
- c) *Open Space*: Developments should provide usable, accessible, and well-integrated open space. This principle is applicable to all projects where open space is required by the Zoning Ordinance and should be considered, where appropriate, in other circumstances.
- d) *Landscaping*: Developments should provide appropriate landscaping: for example, in parking lots, in open space areas, along streets, in and around stormwater management facilities, and on individual lots.
- e) *Amenities*: Developments should provide amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture, and lighting.

2. Neighborhood Context:

All rezoning applications for residential development, regardless of the proposed density, should be designed to fit into the community within which the development is to be located. Developments should fit into the fabric of their adjacent neighborhoods, as evidenced by an evaluation of:

- transitions to abutting and adjacent uses;
- lot sizes, particularly along the periphery;
- bulk/mass of the proposed dwelling units;
- setbacks (front, side and rear);
- orientation of the proposed dwelling units to adjacent streets and homes;
- architectural elevations and materials;
- pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses;
- existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.

It is not expected that developments will be identical to their neighbors, but that the development fit into the fabric of the community. In evaluating this criterion, the individual circumstances of the property will be considered: such as, the nature of existing and planned development surrounding and/or adjacent to the property; whether the property provides a transition between different uses or densities; whether access to an infill development is through an existing neighborhood; or, whether the property is within an area that is planned for redevelopment.

3. Environment:

All rezoning applications for residential development should respect the environment. Rezoning proposals for residential development, regardless of the proposed density, should be consistent with the policies and objectives of the environmental element of the Policy Plan, and will also be evaluated on the following principles, where applicable.

- a) *Preservation:* Developments should conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, EQCs, RPAs, woodlands, wetlands and other environmentally sensitive areas.
- b) *Slopes and Soils:* The design of developments should take existing topographic conditions and soil characteristics into consideration.
- c) *Water Quality:* Developments should minimize off-site impacts on water quality by commitments to state of the art best management practices for stormwater management and better site design and low impact development (LID) techniques.
- d) *Drainage:* The volume and velocity of stormwater runoff from new development should be managed in order to avoid impacts on downstream properties. Where drainage is a particular concern, the applicant should demonstrate that off-site drainage impacts will be mitigated and that stormwater management facilities are designed and sized appropriately. Adequate drainage outfall should be verified, and the location of drainage outfall (onsite or offsite) should be shown on development plans.
- e) *Noise:* Developments should protect future and current residents and others from the adverse impacts of transportation generated noise.
- f) *Lighting:* Developments should commit to exterior lighting fixtures that minimize neighborhood glare and impacts to the night sky.
- g) *Energy:* Developments should use site design techniques such as solar orientation and landscaping to achieve energy savings, and should be designed to encourage and facilitate walking and bicycling. Energy efficiency measures should be incorporated into building design and construction.

4. Tree Preservation and Tree Cover Requirements:

All rezoning applications for residential development, regardless of the proposed density, should be designed to take advantage of the existing quality tree cover. If quality tree cover exists on site as determined by the County, it is highly desirable that developments meet most or all of their tree cover requirement by preserving and, where feasible and appropriate, transplanting existing trees. Tree cover in excess of ordinance requirements is highly desirable. Proposed utilities, including stormwater management and outfall facilities and

sanitary sewer lines, should be located to avoid conflicts with tree preservation and planting areas. Air quality-sensitive tree preservation and planting efforts (see Objective 1, Policy c in the Environment section of this document) are also encouraged.

5. Transportation:

All rezoning applications for residential development should implement measures to address planned transportation improvements. Applicants should offset their impacts to the transportation network. Accepted techniques should be utilized for analysis of the development's impact on the network. Residential development considered under these criteria will range widely in density and, therefore, will result in differing impacts to the transportation network. Some criteria will have universal applicability while others will apply only under specific circumstances. Regardless of the proposed density, applications will be evaluated based upon the following principles, although not all of the principles may be applicable.

- a) *Transportation Improvements:* Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic through commitments to the following:
 - Capacity enhancements to nearby arterial and collector streets;
 - Street design features that improve safety and mobility for non-motorized forms of transportation;
 - Signals and other traffic control measures;
 - Development phasing to coincide with identified transportation improvements;
 - Right-of-way dedication;
 - Construction of other improvements beyond ordinance requirements;
 - Monetary contributions for improvements in the vicinity of the development.

- b) *Transit/Transportation Management:* Mass transit usage and other transportation measures to reduce vehicular trips should be encouraged by:
 - Provision of bus shelters;
 - Implementation and/or participation in a shuttle bus service;
 - Participation in programs designed to reduce vehicular trips;
 - Incorporation of transit facilities within the development and integration of transit with adjacent areas;
 - Provision of trails and facilities that increase safety and mobility for non-motorized travel.

- c) *Interconnection of the Street Network:* Vehicular connections between neighborhoods should be provided, as follows:
 - Local streets within the development should be connected with adjacent local streets to improve neighborhood circulation;
 - When appropriate, existing stub streets should be connected to adjoining parcels. If street connections are dedicated but not constructed with development, they should be identified with signage that indicates the street is to be extended;
 - Streets should be designed and constructed to accommodate safe and convenient usage by buses and non-motorized forms of transportation;
 - Traffic calming measures should be implemented where needed to discourage cut-through traffic, increase safety and reduce vehicular speed;

- The number and length of long, single-ended roadways should be minimized;
 - Sufficient access for public safety vehicles should be ensured.
- d) *Streets*: Public streets are preferred. If private streets are proposed in single family detached developments, the applicant shall demonstrate the benefits for such streets. Applicants should make appropriate design and construction commitments for all private streets so as to minimize maintenance costs which may accrue to future property owners. Furthermore, convenience and safety issues such as parking on private streets should be considered during the review process.
- e) *Non-motorized Facilities*: Non-motorized facilities, such as those listed below, should be provided:
- Connections to transit facilities;
 - Connections between adjoining neighborhoods;
 - Connections to existing non-motorized facilities;
 - Connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas;
 - An internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan;
 - Offsite non-motorized facilities, particularly those included in the Comprehensive Plan;
 - Driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways;
 - Construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.
- f) *Alternative Street Designs*: Under specific design conditions for individual sites or where existing features such as trees, topography, etc. are important elements, modifications to the public street standards may be considered.

6. Public Facilities:

Residential development impacts public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). These impacts will be identified and evaluated during the development review process. For schools, a methodology approved by the Board of Supervisors, after input and recommendation by the School Board, will be used as a guideline for determining the impact of additional students generated by the new development.

Given the variety of public facility needs throughout the County, on a case-by-case basis, public facility needs will be evaluated so that local concerns may be addressed.

All rezoning applications for residential development are expected to offset their public facility impact and to first address public facility needs in the vicinity of the proposed development. Impact offset may be accomplished through the dedication of land suitable for the construction of an identified public facility need, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Selection of the appropriate offset mechanism should maximize the public benefit of the contribution.

Furthermore, phasing of development may be required to ensure mitigation of impacts.

7. Affordable Housing:

Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County.

Part 8 of Article 2 of the Zoning Ordinance requires the provision of Affordable Dwelling Units (ADUs) in certain circumstances. Criterion #7 is applicable to all rezoning applications and/or portions thereof that are not required to provide any Affordable Dwelling Units, regardless of the planned density range for the site.

- a) *Dedication of Units or Land:* If the applicant elects to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance: a maximum density of 20% above the upper limit of the Plan range could be achieved if 12.5% of the total number of single family detached and attached units are provided pursuant to the Affordable Dwelling Unit Program; and, a maximum density of 10% or 20% above the upper limit of the Plan range could be achieved if 6.25% or 12.5%, respectively of the total number of multifamily units are provided to the Affordable Dwelling Unit Program. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board.
- b) *Housing Trust Fund Contributions:* Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs. This contribution shall be payable prior to the issuance of the first building permit. For for-sale projects, the percentage set forth above is based upon the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. For rental projects, the amount of the contribution is based upon the total development cost of the portion of the project subject to the contribution for all elements necessary to bring the project to market, including land, financing, soft costs and construction. The sales price or development cost will be determined by the Department of Housing and Community Development, in consultation with the Applicant and the Department of Public Works and Environmental Services. If this criterion is fulfilled by a contribution as set forth in this paragraph, the density bonus permitted in a) above does not apply.

8. Heritage Resources:

Heritage resources are those sites or structures, including their landscape settings, that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities. Such sites or structures have been 1) listed on, or determined eligible for listing on, the National Register of Historic Places or the Virginia Landmarks Register; 2) determined to be a contributing structure within a district so listed or eligible for listing; 3) located within and considered as a contributing structure within a Fairfax County Historic Overlay District; or 4) listed on, or having a reasonable potential as determined by the County, for meeting the criteria for listing on, the Fairfax County Inventories of Historic or Archaeological Sites.

In reviewing rezoning applications for properties on which known or potential heritage resources are located, some or all of the following shall apply:

- a) Protect heritage resources from deterioration or destruction until they can be documented, evaluated, and/or preserved;
- b) Conduct archaeological, architectural, and/or historical research to determine the presence, extent, and significance of heritage resources;
- c) Submit proposals for archaeological work to the County for review and approval and, unless otherwise agreed, conduct such work in accordance with state standards;
- d) Preserve and rehabilitate heritage resources for continued or adaptive use where feasible;
- e) Submit proposals to change the exterior appearance of, relocate, or demolish historic structures to the Fairfax County Architectural Review Board for review and approval;
- f) Document heritage resources to be demolished or relocated;
- g) Design new structures and site improvements, including clearing and grading, to enhance rather than harm heritage resources;
- h) Establish easements that will assure continued preservation of heritage resources with an appropriate entity such as the County's Open Space and Historic Preservation Easement Program; and
- i) Provide a Fairfax County Historical Marker or Virginia Historical Highway Marker on or near the site of a heritage resource, if recommended and approved by the Fairfax County History Commission.

ROLE OF DENSITY RANGES IN AREA PLANS

Density ranges for property planned for residential development, expressed generally in terms of dwelling units per acre, are recommended in the Area Plans and are shown on the Comprehensive Plan Map. Where the Plan text and map differ, the text governs. In defining the density range:

- the "base level" of the range is defined as the lowest density recommended in the Plan range, i.e., 5 dwelling units per acre in the 5-8 dwelling unit per acre range;
- the "high end" of the range is defined as the base level plus 60% of the density range in a particular Plan category, which in the residential density range of 5-8 dwelling units per acre would be considered as 6.8 dwelling units per acre and above; and,
- the upper limit is defined as the maximum density called for in any Plan range, which, in the 5-8 dwelling unit per acre range would be 8 dwelling units per acre.
- In instances where a range is not specified in the Plan, for example where the Plan calls for residential density up to 30 dwelling units per acre, the density cited in the Plan shall be construed to equate to the upper limit of the Plan range, and the base level shall be the upper limit of the next lower Plan range, in this instance, 20 dwelling units per acre.

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.