



APPLICATION ACCEPTED: June 12, 2009  
PLANNING COMMISSION: October 15, 2009  
BOARD OF SUPERVISORS: Not Yet Scheduled

# County of Fairfax, Virginia

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SEPTEMBER 30, 2009

## STAFF REPORT

APPLICATION PCA/FDPA 2003-PR-037

### PROVIDENCE DISTRICT

**APPLICANT(S):** Beech Grove Neighborhoods LLC and Kendall Square Homeowners Association

**ZONING:** PDH-20

**PARCEL(S):** 48-3 ((48)) A, 6 – 19

**ACREAGE:** .64 acres

**DENSITY (OVERALL):** 16.66 du/ac

**OPEN SPACE (OVERALL):** 33.1%

**PLAN MAP:** Substation with option for residential use at 16 – 20 du/acre

**PROPOSAL:** The applicant proposes to amend the approved Conceptual Development Plan/Final Development Plan (CDP/FDP) and associated proffers and development conditions on a 0.64 acre portion of the 4.43 acre site to permit a front yard setback of four (4) feet instead of eleven (11) feet.

### STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 2003-PR-037, subject to the draft proffers contained in Appendix 1.

Staff recommends approval of FDPA 2003-PR-037, subject to the development conditions contained in Appendix 2.

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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/](http://www.fairfaxcounty.gov/dpz/)



Staff recommends that the requirement for a 200 square foot privacy yard for each dwelling unit be waived.

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.

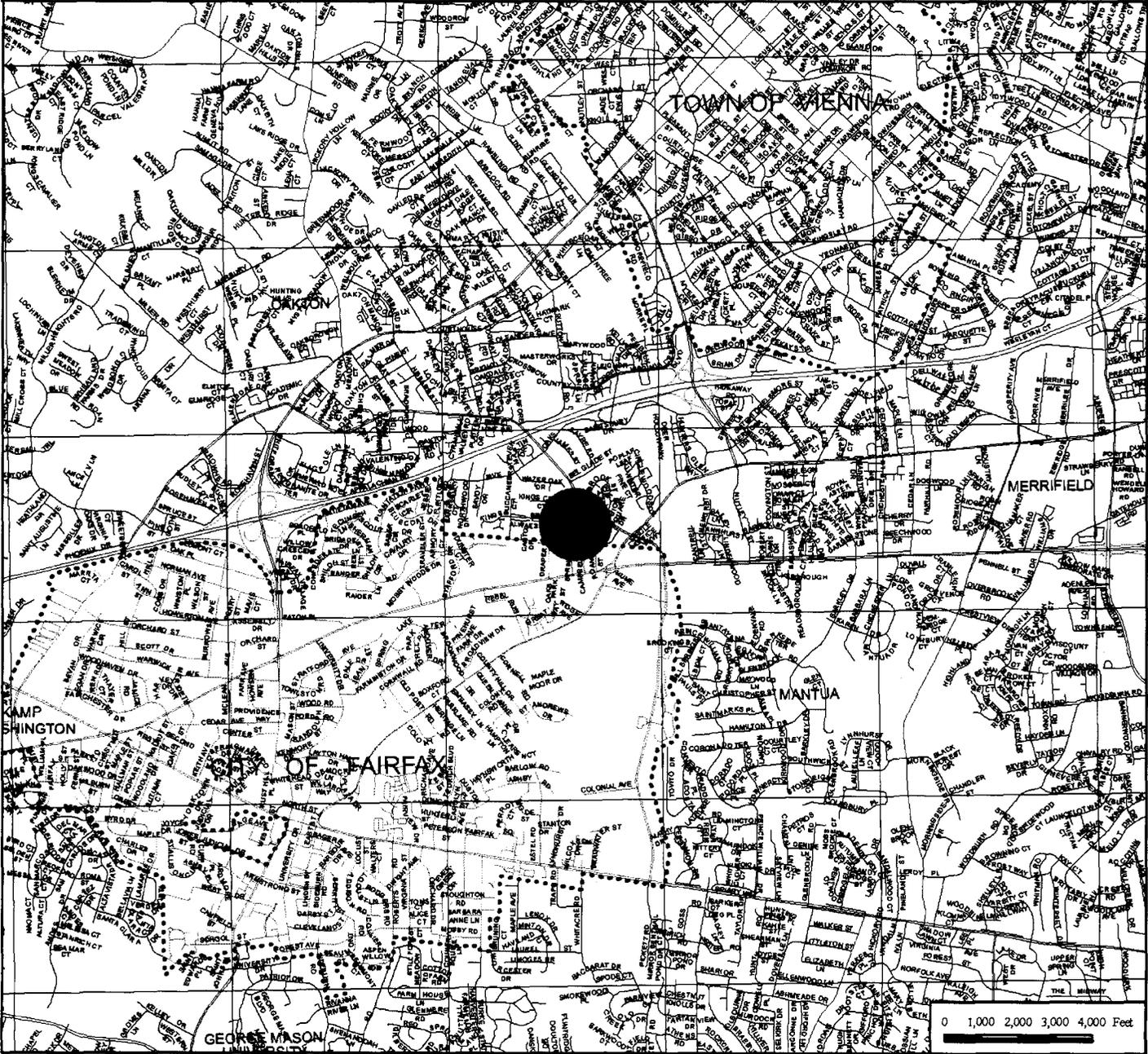
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

O:\bcho00\PCA\PCA\_2003\_PR\_037\Report Documents\Report\_Cover



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

Proffered Condition Amendment	Final Development Plan Amendment
<p><b>PCA 2003-PR-037</b></p> <p><b>Applicant:</b> BEECH GROVE NEIGHBORHOODS LLC AND KENDALL SQUARE HOMEOWNERS ASSOCIATION</p> <p><b>Accepted:</b> 06/12/2009</p> <p><b>Proposed:</b> AMEND RZ 2003-PR-037 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS</p> <p><b>Area:</b> 27,891 SF OF LAND; DISTRICT - PROVIDENCE</p> <p><b>Located:</b> SOUTH SIDE OF KINGSBRIDGE DRIVE APPROXIMATELY 400 FEET WEST OF ITS INTERSECTION WITH BLAKE LANE PDH-20</p> <p><b>Zoning:</b></p> <p><b>Overlay Dist:</b></p> <p><b>Map Ref Num:</b> 048-3- /48/ / A /48/ /0006 /48/ /0007 /48/ /0008 /48/ /0009 /48/ /0010 /48/ /0011 /48/ /0012 /48/ /0013 /48/ /0014 /48/ /0015 /48/ /0016 /48/ /0017 /48/ /0018 /48/ /0019</p>	<p><b>FDPA 2003-PR-037</b></p> <p><b>Applicant:</b> BEECH GROVE NEIGHBORHOODS LLC AND KENDALL SQUARE HOMEOWNERS ASSOCIATION</p> <p><b>Accepted:</b> 06/12/2009</p> <p><b>Proposed:</b> AMEND FDP 2003-PR-037 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS</p> <p><b>Area:</b> 27,891 SF OF LAND; DISTRICT - PROVIDENCE</p> <p><b>Located:</b> SOUTH SIDE OF KINGSBRIDGE DRIVE APPROXIMATELY 400 FEET WEST OF ITS INTERSECTION WITH BLAKE LANE PDH-20</p> <p><b>Zoning:</b></p> <p><b>Overlay Dist:</b></p> <p><b>Map Ref Num:</b> 048-3- /48/ / A /48/ /0006 /48/ /0007 /48/ /0008 /48/ /0009 /48/ /0010 /48/ /0011 /48/ /0012 /48/ /0013 /48/ /0014 /48/ /0015 /48/ /0016 /48/ /0017 /48/ /0018 /48/ /0019</p>



# Proffered Condition Amendment

**PCA 2003-PR-037**

**Applicant:** BEECH GROVE NEIGHBORHOODS LLC AND KENDALL SQUARE HOMEOWNERS ASSOCIATION

**Accepted:** 06/12/2009

**Proposed:** AMEND RZ 2003-PR-037 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS

**Area:** 27,891 SF OF LAND; DISTRICT - PROVIDENCE

**Located:** SOUTH SIDE OF KINGSBRIDGE DRIVE APPROXIMATELY 400 FEET WEST OF ITS INTERSECTION WITH BLAKE LANE PDH-20

**Zoning:**

**Overlay Dist:**

**Map Ref Num:** 048-3- /48/ / A /48/ /0006 /48/ /0007 /48/ /0008 /48/ /0009 /48/ /0010 /48/ /0011 /48/ /0012 /48/ /0013 /48/ /0014 /48/ /0015 /48/ /0016 /48/ /0017 /48/ /0018 /48/ /0019

# Final Development Plan Amendment

**FDPA 2003-PR-037**

**Applicant:** BEECH GROVE NEIGHBORHOODS LLC AND KENDALL SQUARE HOMEOWNERS ASSOCIATION

**Accepted:** 06/12/2009

**Proposed:** AMEND FDP 2003-PR-037 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS

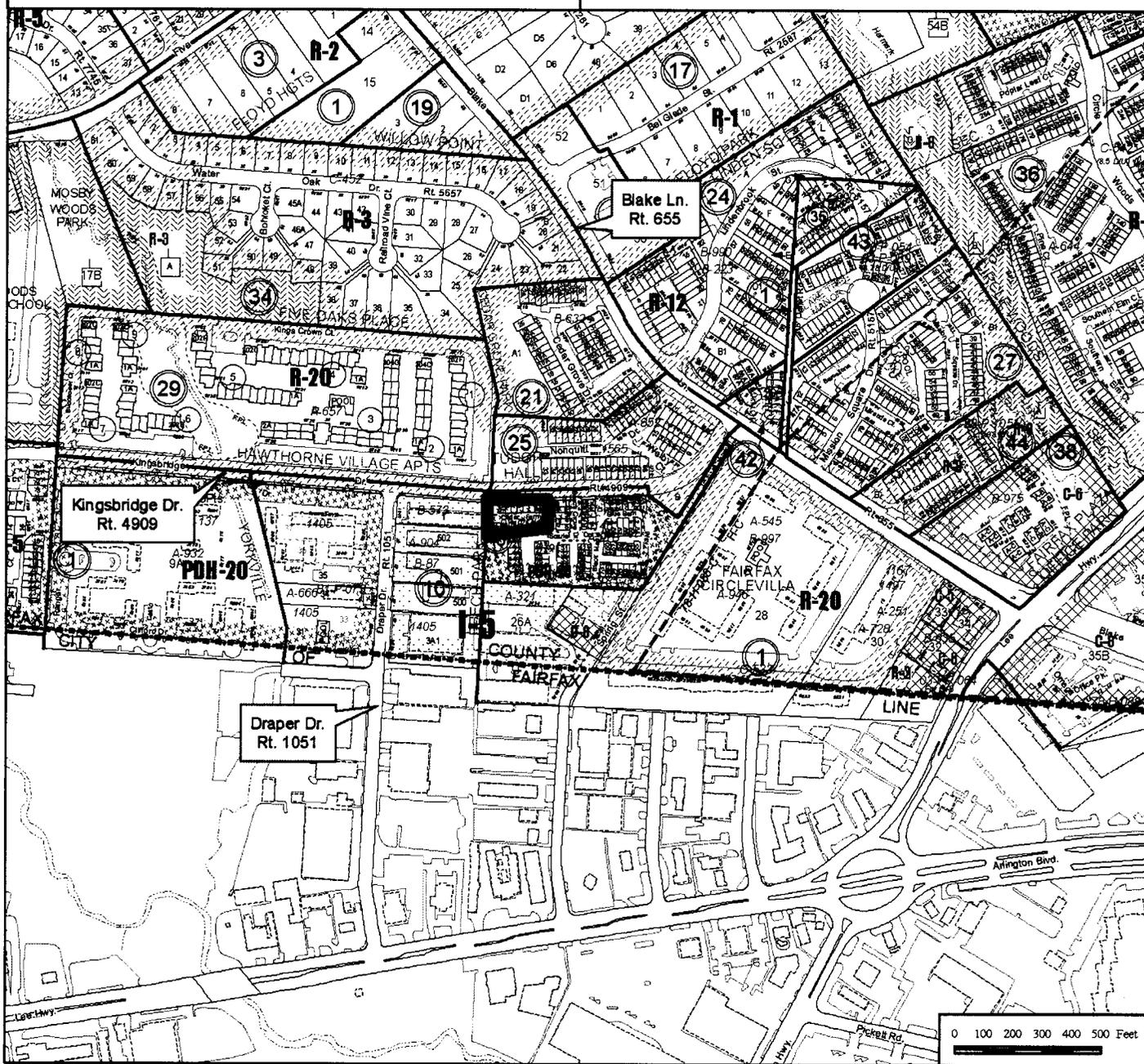
**Area:** 27,891 SF OF LAND; DISTRICT - PROVIDENCE

**Located:** SOUTH SIDE OF KINGSBRIDGE DRIVE APPROXIMATELY 400 FEET WEST OF ITS INTERSECTION WITH BLAKE LANE PDH-20

**Zoning:**

**Overlay Dist:**

**Map Ref Num:** 048-3- /48/ / A /48/ /0006 /48/ /0007 /48/ /0008 /48/ /0009 /48/ /0010 /48/ /0011 /48/ /0012 /48/ /0013 /48/ /0014 /48/ /0015 /48/ /0016 /48/ /0017 /48/ /0018 /48/ /0019



CONCEPT DEVELOPMENT PLAN AMENDMENT /  
FINAL DEVELOPMENT PLAN AMENDMENT

(CDPA/FDPA)

BEECH GROVE

Providence District  
Fairfax County, Virginia  
MAY 5, 2009

DRAWING LIST

<u>SHEET #</u>	<u>TITLE</u>
1	COVER SHEET
2	NOTES
3	EXISTING VEGETATION MAP
4	CERTIFIED PLAT
5	ILLUSTRATIVE PLAN
6	LANDSCAPE PLAN
7	CDP/FDP
8	ARCHITECTURAL ELEVATIONS

ATTORNEY:

Cooley Godward Kronish, LLP  
11951 FREEDOM DRIVE  
SUITE 1500  
RESTON, VIRGINIA 20190  
(703) 456-8000 FAX: (703) 456-8100

CIVIL ENGINEER:



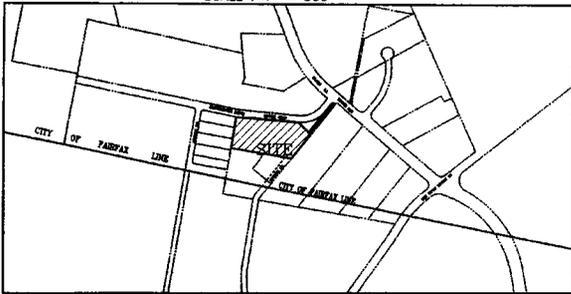
PREPARED FOR:

BEECH GROVE NEIGHBORHOODS, LLC  
11111 SUNSET HILLS RD  
SUITE 200  
RESTON, VA 20190  
(703) 964-5191 FAX: (703) 715-8076



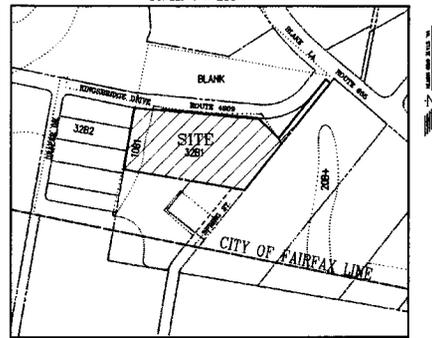
**VICINITY MAP**

SCALE: 1" = 500'



**SOILS MAP**

SCALE: 1" = 250'

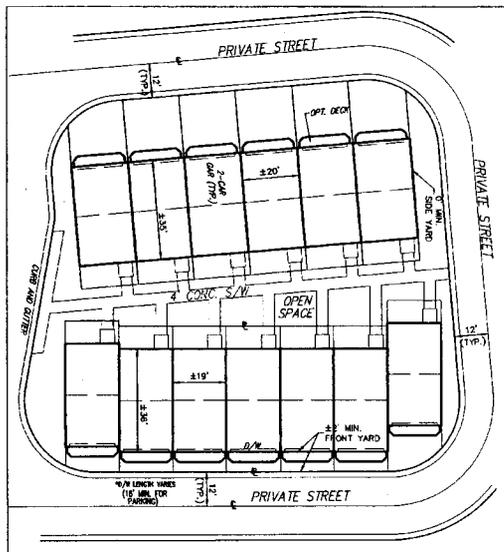


**GENERAL NOTES:**

- THE SUBJECT PROPERTY IS LOCATED ON FAIRFAX COUNTY TAX MAP 48-3 ((48)) PARCELS A, 6-19.
- SEE THE REZONING PLAN INCORPORATED IN THIS SET FOR THE PROPERTY OWNERS BY PARCEL. THE OWNERS ARE BEACH GROVE NEIGHBORHOODS, LLC AND KENDALL SQUARE HOMEOWNERS ASSOCIATION.
- THERE ARE NO 100-YEAR FLOOD LIMITS, RMA OR RPA (RESOURCE PROTECTION AREA) ON THE SUBJECT PROPERTY.
- THERE ARE NO KNOWN GRAVES OR OBJECTS OR STRUCTURES MARKING PLACES OF BURIAL WITHIN THE SITE.
- THE PROPOSED DEVELOPMENT ON THE SUBJECT PROPERTY WILL NOT POSE ANY ADVERSE EFFECT ON ADJACENT OR NEIGHBORING PROPERTIES.
- THERE ARE NO EXISTING BUILDINGS ON-SITE.
- TO THE BEST OF OUR KNOWLEDGE, THIS DEVELOPMENT WILL CONFORM TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS, OR IF ANY WAIVER, EXCEPTION OR VARIANCE IS SOUGHT BY THE APPLICANT, SUCH SHALL BE SPECIFICALLY NOTED WITH THE JUSTIFICATION FOR SUCH MODIFICATION.
- THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES LOCATED ON THIS SITE AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 355. ALL HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA/DEPARTMENT OF WASTE MANAGEMENT VR 672-10-1- VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND/OR PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280; TO BE GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF ON SITE AND THE SIZE AND CONTENTS OF ANY EXISTING OR PROPOSED STORAGE TANKS OR CONTAINERS.
- BOUNDARY INFORMATION IS PROVIDED BY BOUNDARY SURVEY PERFORMED BY URBAN ENGINEERING & ASSOC., INC. AND FROM DEEDS OF RECORD. THE EXISTING TOPOGRAPHY IS 2-FOOT FIELD RUN CONTOURS PROVIDED BY URBAN ENGINEERING & ASSOC., INC.
- THIS PROJECT IS TO BE DEVELOPED IN A SINGLE PHASE.
- PARKING WILL BE PROVIDED IN ACCORDANCE WITH THE TABULATIONS SHOWN ON THIS SHEET.
- IN ACCORDANCE WITH SECTION 16-403 OF THE ZONING ORDINANCE, MINOR MODIFICATIONS TO THE SIZES, DIMENSIONS, AND/OR FOOTPRINTS AND LOCATIONS OF BUILDINGS, SIDEWALKS, TRAILS AND UTILITIES MAY OCCUR WITH FINAL ENGINEERING AND DESIGN WITHOUT REQUIRING AN AMENDMENT TO THIS CDP/TPD, SO LONG AS SUCH MODIFICATIONS ARE IN SUBSTANTIAL CONFORMANCE WITH THE CDP/TPD AND THE GOVERNING PROFFERS.
- SUBJECT TO MARKET CONDITIONS, IT IS CURRENTLY ANTICIPATED THAT CONSTRUCTION OF THE PROPOSED DEVELOPMENT WILL COMMENCE AS SOON AS ALL NECESSARY COUNTY APPROVALS AND PERMITS ARE OBTAINED.
- PUBLIC WATER AND SEWER SHALL BE PROVIDED. ALL OTHER PUBLIC UTILITIES SHALL BE PROVIDED TO THE SITE BY EXTENSION OF EXISTING SERVICE IN THE AREA. SOLID WASTE REMOVAL SHALL BE PROVIDED BY PRIVATE CONTRACTOR.
- THE DEVELOPER RESERVES THE RIGHT TO LOCATE TEMPORARY CONSTRUCTION/SALES/LEASING TRAILERS ON THE SITE IN ACCORDANCE WITH COUNTY REQUIREMENTS.
- THIS PLAN IS IN CONFORMANCE WITH THE FAIRFAX COUNTY COMPREHENSIVE PLAN.
- THERE ARE NO KNOWN EXISTING MAJOR UTILITY EASEMENTS (25' OR GREATER) ON THE SUBJECT PROPERTY.
- PER SECTIONS 16-204 AND 16-403 OF THE FFX. CO. ZONING ORDINANCE, THE LIMITS OF CLEARING AND GRADING AND LANDSCAPED OPEN SPACE REPRESENTED ON THE GRAPHIC ARE SUBJECT TO MINOR MODIFICATION AT THE TIME OF FINAL ENGINEERING AND DESIGN, PROVIDED THE LIMITS OF CLEARING AND GRADING ARE IN SUBSTANTIAL CONFORMANCE WITH THE CDP/TPD, LANDSCAPING AND TREE COVER SHALL BE PROVIDED PER ARTICLE 13 AND THE SUBJECT PROFFERS.
- SWM AND BMP'S WILL BE PROVIDED ON-SITE, WITHIN APPROPRIATELY DESIGNED FACILITIES, TO BE DETERMINED WITH FINAL ENGINEERING DESIGN.
- PRIVATE STREETS ARE TO BE LOCATED ON COMMON HOMEOWNERS ASSOCIATION (HOA) PROPERTY AND TO BE OWNED AND MAINTAINED BY THE HOA.
- NUMBER OF UNITS AND PARKING SPACES ARE SUBJECT TO CHANGE WITH FINAL ENGINEERING. THE APPLICANT RESERVES THE RIGHT TO REDUCE THE NUMBER OF UNITS AND ASSOCIATED GARAGE SPACES.
- THERE ARE NO AREAS WITH SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION ON THIS SITE.
- SPECIAL AMENITIES SHALL BE PROVIDED AS SHOWN ON SHEETS 5 AND 7.
- THE APPLICANT REQUESTS A MODIFICATION TO SECTION 12-0502.1B OF THE PFM TO ALLOW PLANTING OF ORNAMENTAL TREES IN PLANTING AREAS SMALLER THAN 50 SF. THE APPLICANT PROPOSES A MINIMUM PLANTING AREA OF 33 SF (6.5-FOOT RADIUS).

**TYPICAL LOT/UNIT DETAIL**

NOT TO SCALE



SOL. I.D. NUMBERS	SERIES NAME	FOUNDATION SUPPORT	SUBSURFACE DRAINAGE	SLOPE STABILITY	EROSION POTENTIAL	GEOTECHNICAL REPORT REQ'D	PROBLEM SOIL CLASS
10B1	GLENVILLE	FAIR	MARGINAL	GOOD	SLIGHT	NO	B
32B1	FAIRFAX (SLT)	GOOD	MARGINAL	GOOD	SEVERE	NO	B

NOTE: SOIL INFORMATION IS PER THE LATEST FAIRFAX COUNTY SOILS MAP AND SOILS OF FAIRFAX, GENERAL RATINGS FOR URBAN DEVELOPMENT.

**ZONING AND AREA TABULATION**

TOTAL AREA	= 4.43 AC
AREA SUBJECT TO PCA/CDPA/FDPA	= 0.64 AC
EXISTING ZONING	= PDH-20
PROPOSED ZONING	= PDH-20
PROPOSED LOTS	= 73 SINGLE FAMILY ATTACHED UNITS (EXCLUDES 1 ADU)
DENSITY	= 73/4.38 = 16.66 DU/AC
DENSITY WITHOUT ADU'S	= 72/4.38 = 16.44 DU/AC
OPEN SPACE	= 81.45 AC (33.1% OF SITE) (31% OF SITE REQUIRED)
PROVIDED DEVELOPED RECREATION SPACE	= 27,425 S.F.
R-20 FRONT YARD	= 15' ANGLE OF BULK PLANE, BUT NOT LESS THAN 5'
FRONT YARD PROVIDED	= 42' MINIMUM WITH A 2' BULK PLANE ANGLE
R-20 SIDE YARD	= 10' ANGLE OF BULK PLANE, BUT NOT LESS THAN 8'
SIDE YARD PROVIDED	= ZERO FEET (0') MINIMUM WITH A 0' BULK PLANE ANGLE
R-20 REAR YARD	= 25' ANGLE OF BULK PLANE, BUT NOT LESS THAN 16'
REAR YARD PROVIDED	= 32' FEET MINIMUM WITH A 2' BULK PLANE ANGLE
LOT WIDTH REQUIRED	= NONE
LOT WIDTH PROVIDED	= 19' (MIN.)
LOT AREA REQUIRED	= NONE
LOT AREA PROVIDED	= 2,900 S.F.
*THE APPLICANT REQUESTS A WAIVER OF 200 SQUARE FOOT YARD REQUIREMENT FOR SINGLE FAMILY ATTACHED UNITS.	
MINIMUM DISTRICT SIZE	= 2 ACRES
PROVIDED DISTRICT SIZE	= 4.43 ACRES
MAXIMUM BUILDING HEIGHT	= 40'
BUILDING HEIGHT PROVIDED	= 40'

**PARKING TABULATION**

TOTAL # OF UNITS	73
PARKING SPACES REQ'D	73x2.3 = 167.9(168)
PARKING SPACES PROVIDED	
SURFACE	30
DRIVEWAY	12
GARAGE SPACES	146
TOTAL	188

- NOTES: 1. TYPICAL FOOTPRINTS SUBJECT TO MINOR MODIFICATION. SEE GENERAL NOTE #12 THIS SHEET.  
2. FOR LANDSCAPING PLAN, SEE SHEET 6.  
3. TYPICAL FOOTPRINTS FOR OVERALL DEVELOPMENT AND NOT THE AREA SUBJECT TO PCA/CDPA/FDPA 2009-PR-

**ADU CALCULATION**

NUMBER OF UNITS:	PARCEL 25 = 73 UNITS
LAND AREA:	PARCEL 25 = 4.38 AC.
COMP PLAN DENSITY RANGE:	PARCEL 25 = 16-20 DU/AC
COMPOSITE RANGE-HIGH:	20
COMPOSITE RANGE-LOW:	16
ADU'S REQUIRED:	$\frac{16.66 - 16}{(20 \times 1.2) - (16 \times 1.2)} \times 12.5 = 1.72\%$
# OF ADU'S	$73 \times 1.72\% = 1.26$ THEREFORE 1 ADU IS REQUIRED

**MODIFICATION/WAIVER SUMMARY:**

- THE APPLICANT REQUESTS A MODIFICATION TO SECTION 12-0502.1B OF THE PFM TO ALLOW PLANTING OF ORNAMENTAL TREES IN PLANTING AREAS SMALLER THAN 50 SF. THE APPLICANT PROPOSES A MINIMUM PLANTING AREA OF 33 SF (6.5-FOOT RADIUS).
- THE APPLICANT REQUESTS A WAIVER OF THE 200 SF. PRIVACY YARD REQUIREMENT FOR SINGLE FAMILY ATTACHED UNITS.
- THE APPLICANT REQUESTS A WAIVER TO SECTION 6-0303.B OF THE PFM TO ALLOW UNDERGROUNDING S.W.M. FACILITIES IN RESIDENTIAL DEVELOPMENTS.

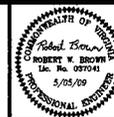
PCA/CDPA/FDPA 2009-PR-0

No.	DATE	DESCRIPTION
REVISIONS		

PLAN DATE
05-05-09

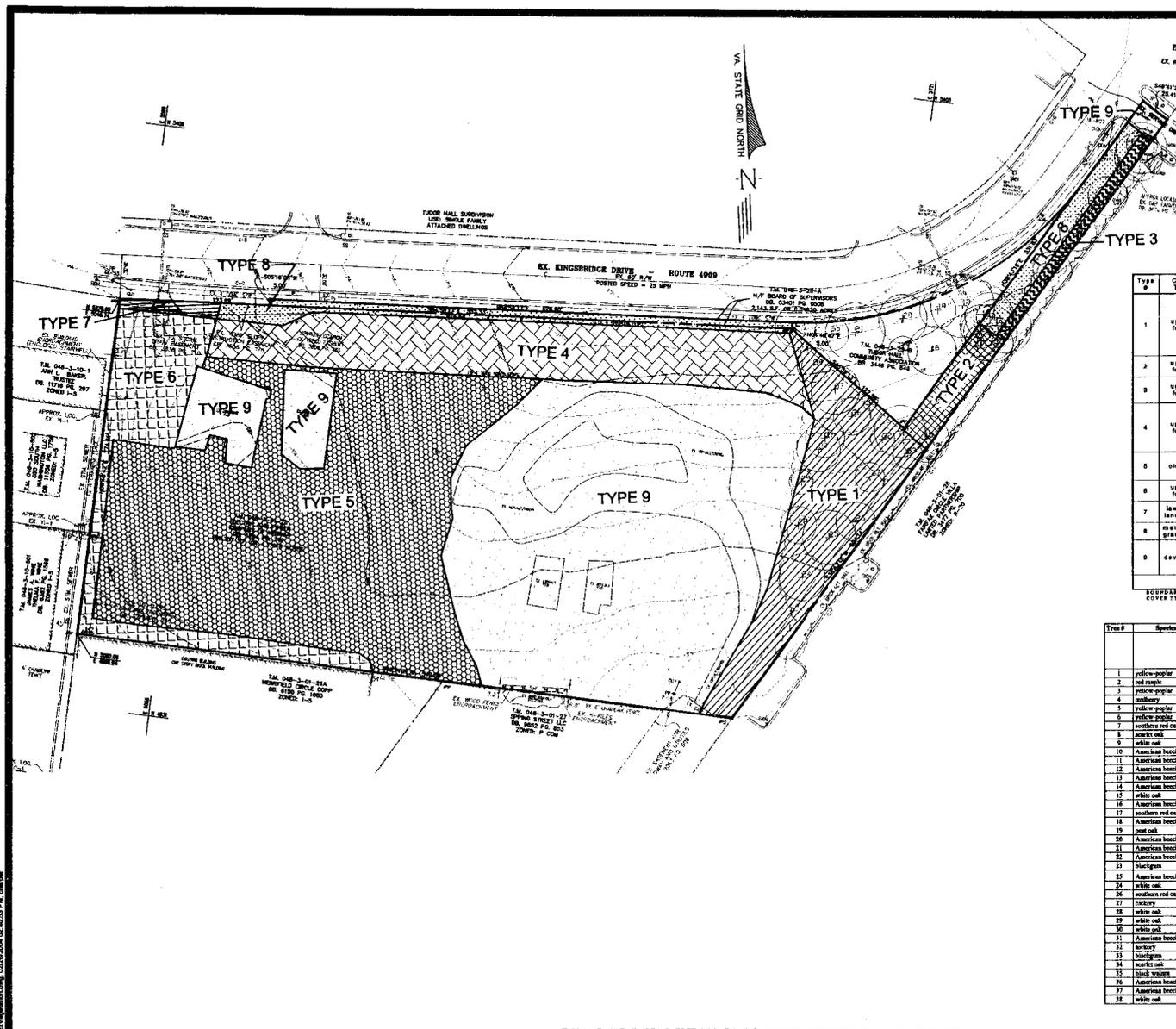


Urban, LLC  
6001 Lakeside Court  
Cherry Hill, Virginia 20151  
Tel: 703.462.0308  
www.urban-llc.com



NOTES		SCALE: AS SHOWN	C.I. N/A	DATE: MAR., 2009	SHEET 2 OF 8
<p><b>BEECH GROVE</b> PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA</p>					FILE No. MISC-1431

NO CHANGES HAVE BEEN MADE TO THIS SHEET WITH THIS PLAN SUBMISSION SINCE THE PREVIOUSLY APPROVED RZ/FDP 2004 PR-037 ON 3/29/04



EVM SUMMARY TABLE

Type	Cover Type	Primary Species	Successional Stage	Condition	Acreage	Description
1	upland forest	white oak, red oak	climax	fair to good	0.30	Mature forest containing white oak, red oak, hickory, few American beech, and hickory. Size range from 14 to 21" DBH. Most trees in fair to good condition. Root zones of some trees in the western portion of this cover type probably impacted from past disturbances. Dense understory of hickory, blackgum, Japanese barberry. Pines very throughout. There are secondary plantings of white pine and spruce in the western portion of this cover type. These trees are suppressed and have ailing appearance.
2	upland forest	American beech	climax	good	0.08	
3	upland forest	yellow poplar	n/a	fair to good	0.04	Scattered trees along existing fence line. One mulberry tree and a large sycamore tree stand in this cover type. Mowed underneath.
4	upland forest	mixed (see description)	sub-climax	fair	0.49	Area of native vegetation underplanted with white pine and spruce. Species include white oak, red oak, American beech, cottonwood, yellow poplar, and black cherry. Understory appears to have been cleared away. Mowed underneath. Understory plantings are haled and burled up. Some grading appears. These trees are in fair condition but partially suppressed.
5	old field	boxelder	pioneer	fair	1.33	Abandoned field seeded with pioneer bottomland species. Mostly boxelder saplings with few red maple, green ash, and yellow. Trees are scattered. Pines very and Japanese barberry throughout.
6	upland forest	black locust	early successional	fair to poor	0.30	Area of trees located along fence line. Mostly black locust with few red maple, ash, boxelder and sycamore. Underplanted. Spruce tree with spruce.
7	lawn and landscape	green ash	n/a	fair	0.02	Small area of native vegetation containing mostly ash with boxelder and black cherry 9 to 14" DBH. Maintained by mowing underneath.
8	meadow/grasslands	n/a	n/a	n/a	0.15	Mowed lawn.
9	developed	n/a	n/a	n/a	1.05	Abandoned disturbed areas and pavement. The large area in the center of the site is beginning to seed in with grasses and forbs. No trees present. A portion of a service road and two concrete slabs make up the remaining area in this cover type.
TOTAL ACREAGE					4.47	

BOUNDARY AND TOPOGRAPHIC INFORMATION SUPPLIED BY URBAN ENGINEERING & ASSOCIATES, INC. MAY 2003  
COVER TYPE LINE LOCATIONS ARE ESTIMATES BASED ON FIELD OBSERVATIONS

EX. TREE INVENTORY

Tree #	Species	Size	CRZ	Condition	Problem	Comments
1	yellow poplar	13	26	65		one sided
2	red maple	21	42	73		deadwood
3	yellow poplar	20	40	68		
4	ashberry	14	27	60		
5	yellow poplar	12	24	58		deadwood, heavy vines
6	yellow poplar	16	32	65		double trunk
7	woolly red oak	21	42	68		deadwood, one sided
8	ashberry oak	21	42	70		deadwood, large grinding root
9	white oak	15	30	65		suppressed
10	American beech	13	26	68		dead top, suppressed
11	American beech	14	28	65		suppressed
12	American beech	15	30	63		suppressed, poor form
13	American beech	20	40	68		
14	American beech	13	26	65		large deadwood
15	white oak	19	38	65		large deadwood, double @ 0'
16	American beech	20	40	64		large deadwood, suppressed
17	woolly red oak	12	24	70		
18	American beech	26	52	73		large deadwood
19	post oak	15	30	64		trunk wound, one sided, large deadwood
20	American beech	26	52	64		deficient crown, large deadwood
21	American beech	24	48	69		large deadwood
22	American beech	14	28	64		suppressed, root damage
23	blackgum	17	34	70		large deadwood
24	American beech	22	44	64		dead top, declining, hollow
25	white oak	19	38	70		compacted soil
26	woolly red oak	14	28	30		poor condition
27	hickory	12	24	70		
28	white oak	12	24	70		
29	white oak	10	20	55		compacted soil
30	white oak	18	36	70		
31	American beech	14	28	64		hollow, suppressed
32	hickory	10	20	65		
33	blackgum	12	24	70		deadwood
34	red oak	21	42	70		large deadwood
35	black walnut	1	2	0		dead
36	American beech	11	22	65		
37	American beech	20	40	68		large deadwood, upper branch decay
38	white oak	14	28	70		

EVM MAP AND EXISTING TREE LOCATIONS/INVENTORY PREPARED BY ZIMAR ASSOCIATES.

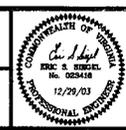
RZ/FDP 2003-PR-037

No.	DATE	DESCRIPTION

PLAN DATE
05-20-03
07-21-03
10-08-03
12-29-03
01-12-04
02-17-04
02-27-04

**URBAN ENGINEERING & ASSOC., INC.**

CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS  
7712 LITTLE RIVER TURNPIKE  
ANNANDALE, VIRGINIA 22003 (703) 642-8080



EXISTING VEGETATION MAP  
**BEECH GROVE**  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=50'      C.I. =2'      DATE: MAY, 2003

SHEET 3 OF 8  
FILE NO. MISC-1431

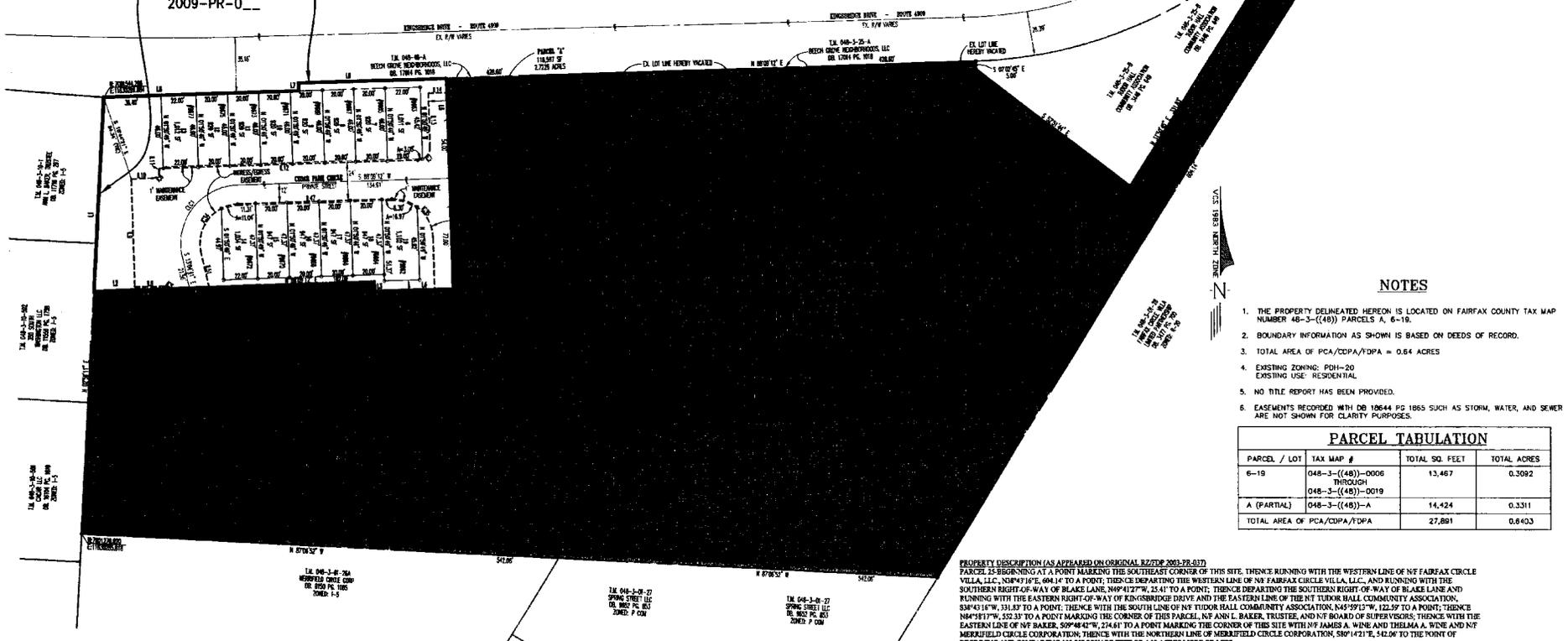
**LINE TABLE FOR  
PCA LIMITS**

LINE	BEARING	DISTANCE
L1	S 09°48'42" W	122.36'
L2	S 84°58'17" E	172.80'
L3	S 09°01'43" W	8.53'
L4	S 84°58'17" E	49.80'
L5	N 09°01'43" E	132.79'
L6	N 84°58'23" W	83.69'
L7	S 05°18'06" W	3.00'
L8	N 84°58'16" W	123.89'

**PROPERTY DESCRIPTION FOR PCA LIMITS ONLY**

PARCEL A AND LOTS 6-19 WITHIN LIMITS OF PCA-BEGINNING AT A POINT MARKING THE NORTHWEST CORNER OF THIS SITE, THENCE RUNNING WITH THE SOUTHERN LINE OF ANN L. BAKER, TRUSTEE, AND THEN ALONG 330 SOUTH WASHINGTON LLC, S89°48'47" W, 122.36' TO A POINT; THENCE DEPARTING THE SOUTHERN LINE OF 330 SOUTH WASHINGTON LLC AND RUNNING EAST, S84°58'17" E, 172.80' TO A POINT; THENCE RUNNING SOUTH, S09°01'43" W, 8.53' TO A POINT; THENCE RUNNING EAST, S84°58'17" E, 49.80' TO A POINT; THENCE RUNNING NORTH, N09°01'43" E, 132.79' TO A POINT ALONG THE KINGSDRIDGE ROW; THENCE WITH THE KINGSDRIDGE ROW LINE WEST, N04°58'23" W, 83.69' TO A POINT ALONG THE KINGSDRIDGE ROW RUNNING SOUTH, S05°18'06" W, 3.00'; THENCE RUNNING WEST ALONG THE KINGSDRIDGE ROW, N84°58'16" W TO THE POINT OF BEGINNING AND CONTAINING 27,891 SQUARE FEET OR 0.64 ACRES MORE OR LESS.

AREA SUBJECT TO  
PCA/CDPA/FDPA  
2009-PR-0



**NOTES**

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON FAIRFAX COUNTY TAX MAP NUMBER 48-3-((48)) PARCELS A, 6-19.
2. BOUNDARY INFORMATION AS SHOWN IS BASED ON DEEDS OF RECORD.
3. TOTAL AREA OF PCA/CDPA/FDPA = 0.64 ACRES
4. EXISTING ZONING: PDH-20  
EXISTING USE: RESIDENTIAL
5. NO TITLE REPORT HAS BEEN PROVIDED.
6. EASEMENTS RECORDED WITH DB 18644 PG 1855 SUCH AS STORM, WATER, AND SEWER ARE NOT SHOWN FOR CLARITY PURPOSES.

**PARCEL TABULATION**

PARCEL / LOT	TAX MAP #	TOTAL SQ. FEET	TOTAL ACRES
6-19	048-3-((48))-0006 THROUGH 048-3-((48))-0019	13,467	0.3092
A (PARTIAL)	048-3-((48))-A	14,424	0.3311
TOTAL AREA OF PCA/CDPA/FDPA		27,891	0.6403

**PROPERTY DESCRIPTION (AS APPEARED ON ORIGINAL RZ/FD/2003-PR-017)**

PARCEL 25 BEGINNING AT A POINT MARKING THE SOUTHEAST CORNER OF THIS SITE, THENCE RUNNING WITH THE WESTERN LINE OF N/F FAIRFAX CIRCLE VILLA, LLC, N09°41'17" E, 604.14' TO A POINT; THENCE DEPARTING THE WESTERN LINE OF N/F FAIRFAX CIRCLE VILLA, LLC, AND RUNNING WITH THE SOUTHERN RIGHT-OF-WAY OF BLAKE LANE, N04°41'27" W, 25.41' TO A POINT; THENCE DEPARTING THE SOUTHERN RIGHT-OF-WAY OF BLAKE LANE AND RUNNING WITH THE EASTERN RIGHT-OF-WAY OF KINGSDRIDGE DRIVE AND THE EASTERN LINE OF THE N/F TUDOR HALL COMMUNITY ASSOCIATION, S04°43'17" W, 331.87' TO A POINT; THENCE WITH THE SOUTH LINE OF N/F TUDOR HALL COMMUNITY ASSOCIATION, S45°59'12" W, 122.59' TO A POINT; THENCE N04°58'17" W, 532.33' TO A POINT MARKING THE CORNER OF THIS PARCEL, N/F ANN L. BAKER, TRUSTEE, AND N/F BOARD OF SUPERVISORS, THENCE WITH THE EASTERN LINE OF N/F BAKER, S09°48'47" W, 274.61' TO A POINT MARKING THE CORNER OF THIS SITE WITH N/F JAMES A. WINE AND THELMA A. WINE AND N/F MERRIFIELD CIRCLE CORPORATION; THENCE WITH THE NORTHWEST LINE OF MERRIFIELD CIRCLE CORPORATION, S80°14'21" E, 442.06' TO THE POINT OF BEGINNING AND CONTAINING 190,757 SQUARE FEET OR 4.38 ACRES MORE OR LESS.

PARCEL A-BEGINNING AT A POINT MARKING THE SOUTHEAST CORNER OF THIS SITE, THENCE RUNNING WITH THE WESTERN LINE OF N/F TUDOR HALL COMMUNITY ASSOCIATION, N04°47'41" E, 5.00' TO A POINT; THENCE RUNNING WITH THE SOUTHERN RIGHT-OF-WAY OF KINGSDRIDGE DRIVE, N04°58'17" W, 428.60'; THENCE S05°18'06" W, 3.00'; THENCE DEPARTING THE SOUTHERN RIGHT-OF-WAY OF KINGSDRIDGE DRIVE AND RUNNING WITH THE NORTHWEST LINE OF N/F ELECTRIC POWER COMPANY OF VIRGINIA, S84°58'17" E, 428.64' TO THE POINT OF BEGINNING AND CONTAINING 2,140 SQUARE FEET OR 0.05 ACRES MORE OR LESS.

PCA/CDPA/FDPA 2009-PR-0

No.	DATE	DESCRIPTION
		REVISIONS

PLAN DATE  
05-05-09

Urban, LLC  
6803 Tenthredine Court  
Chesley, Virginia 20151  
Tel: 703.642.2366  
www.urban-llc.com

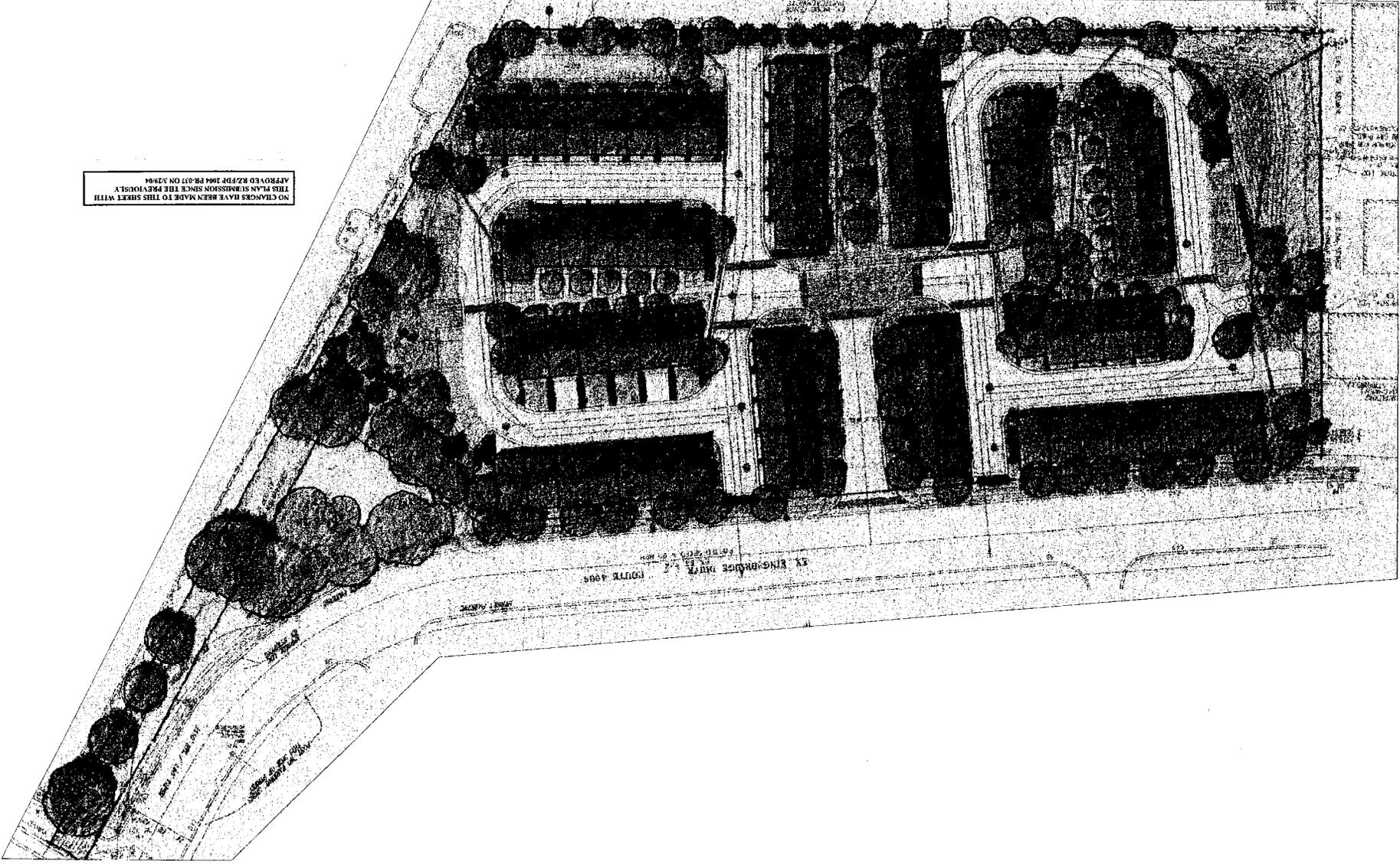
CERTIFIED PLAT

**BEECH GROVE**  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30'      CL=2'      DATE: MAR, 2009

SHEET	4
OF	8
FILE No.	MISC-1431

J:\MapInfo\120\Beech Grove\CDPA\FDPA\120-000000-02-0007.dwg



NO CHANGES HAVE BEEN MADE TO THIS SHEET WITH THIS PLAN SUBMISSION SINCE THE PREVIOUSLY APPROVED RZ/EDP 1004 PR-017 ON 3/29/04

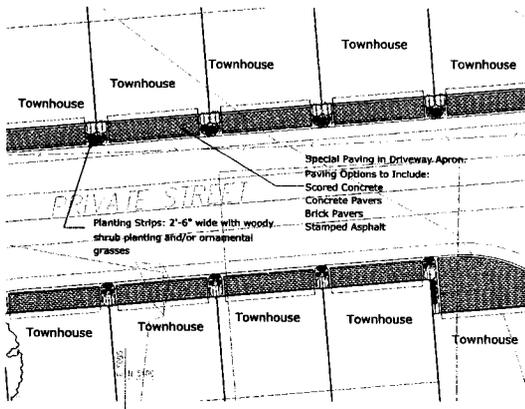
Sheet 5 of 8  
 5  
 Drawing Number  
 Not to Scale  
 Scale  
 Date: June, 2003  
 W.A.  
 Checked by:  
 Drawn by:  
 SM  
 5/20/03  
 10/9/03  
 November 12, 2003  
 December 28, 2003  
 January 17, 2004  
 February 17, 2004  
 Approved & Sealed Following:  
 FAIRFAX COUNTY

FAIRFAX COUNTY  
 VIRGINIA

**BEECH GROVE**  
 Providence District

**ILLUSTRATIVE PLAN**

**PARKER RODRIGUEZ, INC.**  
 11100 Lee Road, Suite 200  
 Fairfax, Virginia 22031  
 (703) 261-2200  
 www.parkerrodriguez.com  
 License No. 0000000000

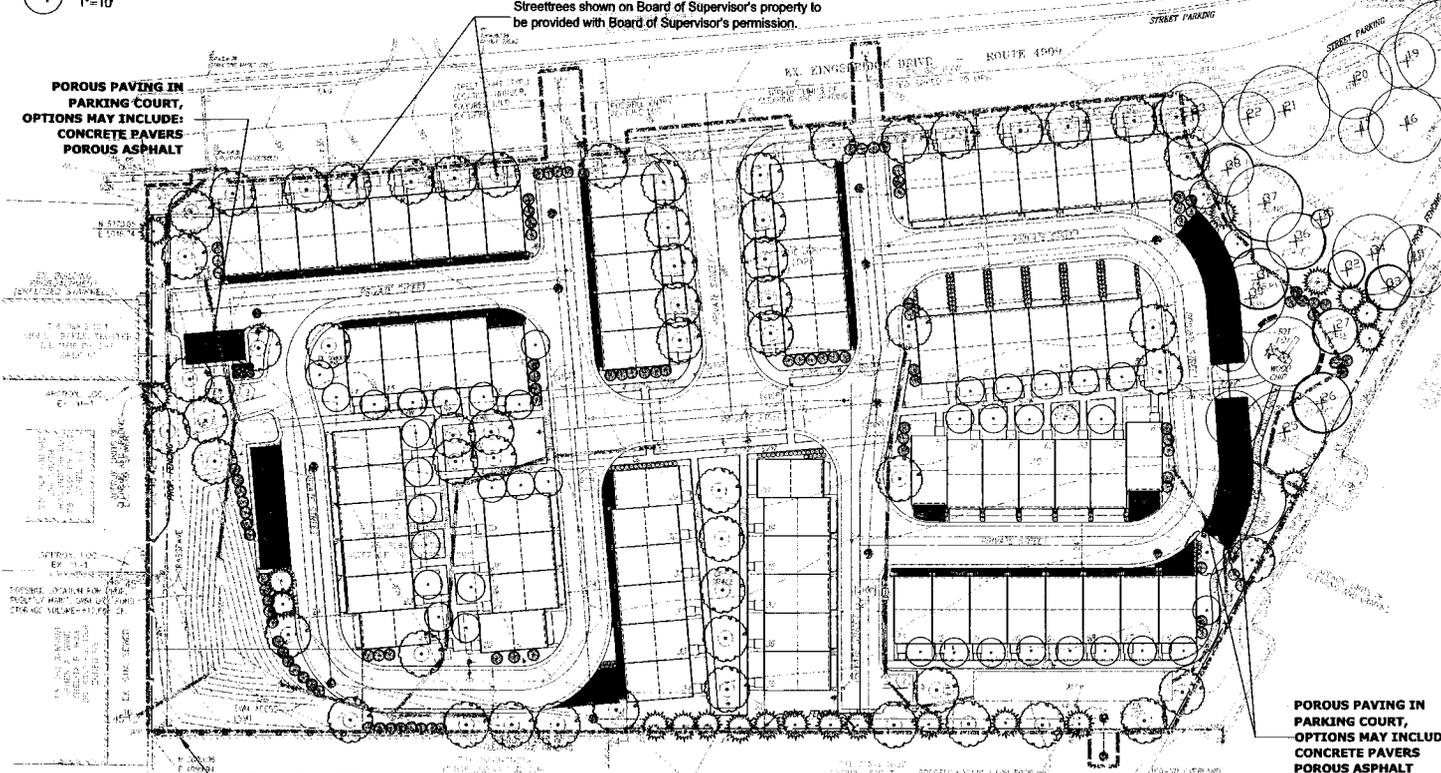


NO CHANGES HAVE BEEN MADE TO THIS SHEET WITH THIS PLAN SUBMISSION SINCE THE PREVIOUSLY APPROVED RZ/DFP 2004 PR-037 ON 3/29/04

1 DRIVEWAY AND ALLEY TREATMENTS  
1"=10'

Streets shown on Board of Supervisor's property to be provided with Board of Supervisor's permission.

POROUS PAVING IN PARKING COURT, OPTIONS MAY INCLUDE: CONCRETE PAVERS POROUS ASPHALT



Pyracanthus and Clematis plantings to scale existing building wall

2 MASTER PLAN  
1"=30'

LEGEND

- DECIDUOUS TREE
- EVERGREEN TREE
- ORNAMENTAL TREE
- SHRUBS

Tree Cover Calculations  
1.0 REQUIRED TREE COVERAGE  
SITE REZONING REQUEST - POH 20  
POH 20 REQUIRED: 10% TREE COVERAGE PER FAIRFAX COUNTY ZONING ORDINANCE  
SITE AREA = 4.38 AC  
% REQUIRED = 10%  
COVER REQUIRED = 0.44 AC  
AS PROVIDED TREE COVERAGE

Key	BOTANICAL NAME	COMMON NAME	Qty	Size	Sq.Ft.	Total	Cond.
<b>CANOPY TREES</b>							
AR	Acer rubrum	Red Maple	16	2 in. cal.	200	3200	848
BN	Nelumbia lutea	Blue Birch	4	2 in. cal.	120	500	848
CAK	Cornus verticillata	American Yellowwood	4	2 in. cal.	100	400	848
FA	Fraxinus americana	White Ash	1	2 in. cal.	200	200	848
FP	Fraxinus	Summit Green Ash	1	2 in. cal.	100	150	848
QP	Quercus prinus	Willow Oak	17	2 in. cal.	200	3400	848
OK	Quercus rubra	Red Oak	18	2 in. cal.	200	3600	848
			81			11400	
<b>ORNAMENTAL/UNDERSTORY TREES</b>							
AL	Asteraceae hybrids	Allegheny Sandcherry	10	1 in. cal.	75	750	848
CAC	Capparis canadensis	American Hawthorn	17	1 in. cal.	75	1275	848
CV	Chionodoxa virginiana	Fringetree	8	2 in. cal.	100	800	848
MS	Magnolia soulangiana	Grand Magnolia	8	1 in. cal.	75	800	848
			41			3225	
<b>EVERGREEN TREES</b>							
PS	Pinus strobus	White Pine	8	1	75	675	848
PV	Pinus virginiana	Virginia Pine	8	1	75	450	848
ZV	Juniperus virginiana	Eastern Red Cedar	7	1	75	525	848
			21			1650	

TOTAL PLANTED TREE COVERAGE = 18,325 SQ. FT.  
PLANTED TREE COVERAGE  
TREE SAVE AREA = 13,241 SQ. FT. (0.30 AC)  
MULTIPLIER X 5  
TOTAL TREE SAVE CREDIT = 1850' (0.38 AC)  
TOTAL PROVIDED TREE CANOPY  
TOTAL = 32,676 SQ. FT. (0.75 AC)

POROUS PAVING IN PARKING COURT, OPTIONS MAY INCLUDE: CONCRETE PAVERS POROUS ASPHALT

3.0 CALCULATIONS  
REQUIRED TREE COVERAGE = 18,078 SQ. FT. (0.41 ac)  
PROVIDED TREE COVERAGE = 32,676 SQ. FT. (0.75 ac)

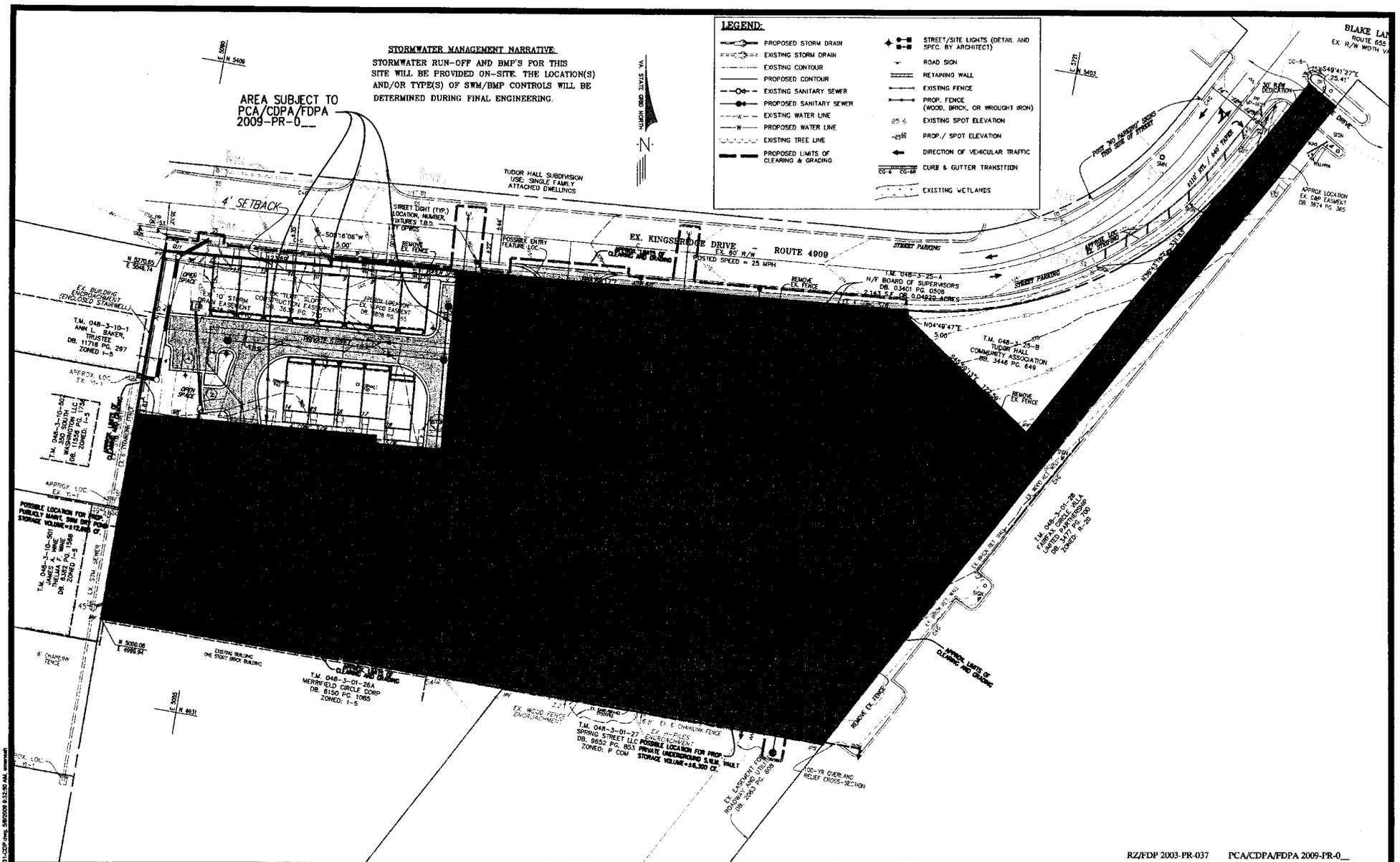
3 Canopy Calculations  
NTS

AREA SUBJECT TO  
PCA/CDPA/FDPA  
2009-PR-0

**STORMWATER MANAGEMENT NARRATIVE.**  
STORMWATER RUN-OFF AND BMP'S FOR THIS SITE WILL BE PROVIDED ON-SITE. THE LOCATION(S) AND/OR TYPE(S) OF SWM/BMP CONTROLS WILL BE DETERMINED DURING FINAL ENGINEERING.

**LEGEND:**

- PROPOSED STORM DRAIN
- EXISTING STORM DRAIN
- - - - EXISTING CONTOUR
- - - - PROPOSED CONTOUR
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- EXISTING WATER LINE
- PROPOSED WATER LINE
- EXISTING TREE LINE
- PROPOSED LIMITS OF CLEARING & GRADING
- ◆ STREET/SITE LIGHTS (DETAIL AND SPEC. BY ARCHITECT)
- ROAD SIGN
- RETAINING WALL
- EXISTING FENCE
- PROF. FENCE (WOOD, BRICK, OR WROUGHT IRON)
- 25.5 EXISTING SPOT ELEVATION
- 25.50 PROP./ SPOT ELEVATION
- ← DIRECTION OF VEHICULAR TRAFFIC
- CURB & GUTTER TRANSITION
- EXISTING WETLANDS



J:\Projects\120 Spring Street\CDPA\FDPA\CDPA 2009-PR-0.dwg, 04/02/09 8:32:50 AM

No.	DATE	DESCRIPTION

PLAN DATE	05-05-09
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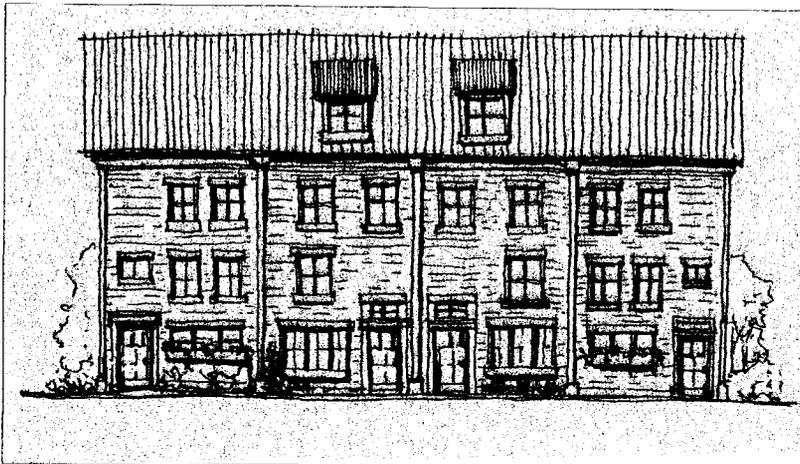
Urban, Ltd  
480 D'Esplanade, Suite  
Charlottesville, Virginia 22903  
Tel: 703.622.3205  
www.urban.com

PROFESSIONAL SEAL

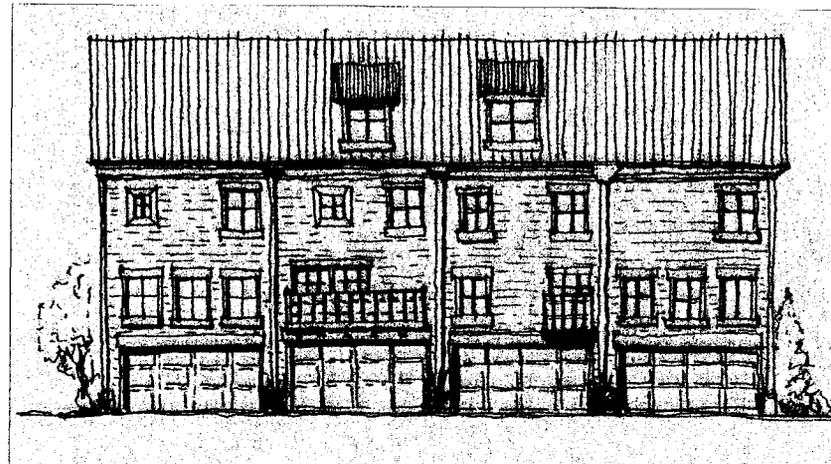
Robert B. ...

5/05/09

RZ/FDP 2003-PR-037    PCA/CDPA/FDPA 2009-PR-0 CDP/FDP <b>BEECH GROVE</b> PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA	SHEET 7 OF 8 FILE No. MISC-1431
SCALE: 1"=30'	DATE: MAR., 2009



1 Proposed Front Entrance  
N.T.S.



3 Proposed Rear Elevation (Garage Entrance)  
N.T.S.

NO CHANGES HAVE BEEN MADE TO THIS SHEET WITH  
THIS PLAN SUBMISSION SINCE THE PREVIOUSLY  
APPROVED RZ/FDP 2004 FR-037 ON 3/29/04



2 Street Scene  
N.T.S.

PARKER RODRIGUEZ, INC.  
11100 Lee Highway, Suite 200  
Falls Church, Virginia 22041  
703.261.8010

Proposed Typical  
Architecture

BEECH GROVE  
Providence District  
FAIRFAX COUNTY VIRGINIA

Revision & Date:
February 23, 2004
February 17, 2004
January 12, 2004
December 29, 2003
Drawn by: SM
Designed by: WA
Checked by: WA
Date: October, 2003
Scale: As Noted
Drawing Number:

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

**DESCRIPTION OF THE APPLICATION**

The applicants, Beech Grove Neighborhoods LLC and Kendall Square Homeowners Association, request to amend the Conceptual Development Plan and Final Development Plan (CDPA/FDPA) and associated proffers and development conditions for a .64 acre portion of 4.43 acres previously approved for RZ 2003-PR-037. Under RZ 2003-PR-037, 4.43 acres were rezoned from the I-5 District and R-20 District to the PDH-20 District to permit the development of 73 single-family attached dwellings, including one (1) affordable dwelling, with an approved density of 16.66 dwelling units per acre (du/ac).

The applicants have filed the subject application on 0.64 acre (approximately 27,878 square feet) of the development in order to change the permitted front yard setback of eight (8) townhouses from eleven (11) feet to four (4) feet. This change in setback is needed to accommodate previously dedicated right-of-way (ROW) along Kingsbridge Drive to Fairfax County. The northwestern property line along Kingsbridge Drive is affected by the ROW, as well as the approved setbacks. No other changes to the site are proposed with this application, and the approved density and open space calculations will not change.

**Waivers and Modifications**

A reaffirmation of the previously granted waiver for the 200 square feet privacy yard for single-family attached units is also requested.

**LOCATION AND CHARACTER**

The subject site is located on Kingsbridge Drive near the intersection of Blake Lane and Kingsbridge Drive in a predominantly residential neighborhood. The residential area is located near the intersection of Lee Highway and Arlington Boulevard. The subject site measures .64 acre and is currently vacant. Most of the surrounding 4.43 acre development site is built with the approved single-family detached residences. The site is surrounded by the following uses:

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Tudor Hall (Single-Family Attached Residences)	R-20	Residential; 1-2 du/ac
<b>South</b>	Industrial	I-5 / C-8	Industrial
<b>East</b>	Fairfax Circle Villa (Multi-Family Attached Residences)	R-20	Residential; 1-2 du/ac
<b>West</b>	Industrial	R-20	Industrial

**BACKGROUND** (see Appendix 5)

On March 2004, the Board of Supervisors (BOS) approved RZ 2003-PR-037 to rezone 4.38 acres from the I-5 District and .05 acres from the R-20 District to the PDH-20 District. The Board of Supervisors owned a 6-foot wide strip of land between the remainder of the northern site boundary and Kingsbridge Drive right-of-way. This portion of property was not included in previous rezoning application's density and open space calculations. As part of RZ 2003-PR-037, the BOS adopted a Resolution to authorize the conveyance of the County-owned property to the previous owners and applicants (James S. Audia and Manual G. Serra). The approval permitted the development of 73 single-family attached dwellings, including one (1) affordable dwelling, at a density of 16.66 du/ac with 33.1% of open space.

**COMPREHENSIVE PLAN PROVISIONS**

<b>Plan Area:</b>	Fairfax Planning District, Area II
<b>Planning Sector:</b>	F3- Mosby Woods Community Planning Sector
<b>Plan Map:</b>	Substation with option for residential use at 16 – 20 DU/acre
<b>Plan Text:</b>	

Beginning on page 43 in the Area II, Fairfax Planning District, F-3 Mosby Woods Community Planning Sector section (as amended through January 26, 2009), the 2007 Comprehensive Plan states the following:

*The Mosby Woods sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type and intensity, in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.*

*Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.*

*Figure 19 indicates the geographic locations of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.*

*4. There is a small industrial area on Draper Drive that is planned and developed in a manner similar to adjacent land in Fairfax City. The intensity of development on this land should not exceed .50 FAR. Adjacent to this area is a vacant parcel that is owned by Virginia Power (Tax Map 48-3((1))25), which is*

*programmed for a substation. The substation should be designed with a substantial buffer area (at a minimum - 50 feet) adjacent to residential neighborhoods to the north and east. The buffer area should include berms, barrier walls and landscaping designed to minimize the visual impact of the substation. Transmission lines should access the property from the industrial area to the south or west or be provided underground to minimize the visual impact on the adjoining residential area.*

*Any interim use of the property should provide substantial buffering and screening to residential areas.*

*As an option, should Virginia Power determine that this site is no longer viable for a substation, the site may be considered for residential use at 16-20 dwelling units per acre. Adequate buffering and screening should be provided between any residential development and the adjacent industrial area.*

**ANALYSIS**

**Conceptual/Final Development Plan (CDPA/FDPA)** (Copy at front of staff report)

**Title of CDPA/FDPA:** Beech Grove

**Prepared By:** Urban, Ltd.

**Original and Revision Dates:** May 5, 2009

<b>CDPA/FDPA INDEX</b>	
<b>Sheet #</b>	<b>Contents</b>
1	Cover Sheet
2	Notes
3	Existing Vegetation Map
4	Certified Plat
5	Illustrative Plan
6	Landscape Plan
7	CDP/FDP
8	Architectural Elevations

As noted above, the application is a partial PCA/FDPA and limited to a 0.64 acre portion of the total 4.46 acres site area of RZ/FDP 2003-PR-037. The applicant seeks to incorporate one minor change to the existing final development plan and development conditions which require a building setback of eleven (11) feet from the property boundary for several townhouses along Kingsbridge Drive. Due

to the dedication of ROW along Kingsbridge Drive, eight of the proposed townhouses will be four (4) feet away from Kingsbridge Drive. There are no other changes to the plan other than the reflection of this modified setback. The only proffer change proposed is an update to this CDPA/FDPA.

### **Land Use Analysis**

The application only pertains to .64 acre of the total 4.46 acres of the previously approved application (RZ 2003-PR-037) and seeks to amend the previously approved CDP/FDP to allow a modification of the front yard setback from eleven (11) feet to four (4) feet along the northwestern boundary of the site. Approximately 1,300 square feet of area will be eliminated from the overall 4.46 acres site due to the previous dedication of ROW, but the loss of land area will not impact open space or density calculations. No land use issues were identified with the application.

### **Urban Forest Management Analysis (Appendix 7)**

The Urban Forest Management (UFM) Division did not identify any tree-related issues with this application.

### **Transportation Analysis (Appendix 8)**

The Fairfax County Department of Transportation did not identify any transportation issues with this application.

### **Issue: Adequate Parking on Site**

The Virginia Department of Transportation (VDOT) noted that there are parking issues within the local community and recommended additional parking spaces on the petitioned site, if space was available.

### **Resolution:**

200 parking spaces were approved for the proposed residential development, which is more than the 168 parking spaces required by the Zoning Ordinance at the time of approval for the 73 townhouses (197 parking spaces would be required by the Zoning Ordinance now). As noted in the applicant's response (see Appendix 6), 146 garage spaces, 10 driveway spaces and 44 visitor spaces will be provided on site when the development is completed. The proffers also prohibit the conversion of garages for storage which would inhibit its use for parking. Staff believes this issue is resolved.

### **Public Facilities Analysis (Appendices 9 – 13)**

No public facility issues were identified with this application.

**ZONING ORDINANCE PROVISIONS (Appendix 14)****P - District Standards**

The petitioned site, which is zoned PDH-20, must comply with the Zoning Ordinance guidelines found in Article 6, Planned Development District Regulations, and Article 16, Development Plans.

**Article 6**

The property is currently zoned PDH-20 and continues to meet the PDH District regulations set forth in Part 1 of Article 6, Planned Development Districts, of the Zoning Ordinance. The applicant proposes to amend the front yard setback from eleven (11) feet to four (4) feet along a portion of Kingsbridge Drive. Section 6-108 of the Zoning Ordinance notes that *the maximum building height, minimum yard requirements and maximum floor area ratio shall be controlled by the standards set forth in Part 1 of Article 16.*

**Article 16**Sect. 16-101 General Standards

The general standards set forth in Sect. 16-101 were satisfied with the original rezoning of the site to the PDH-20 District. The front yard setback modification will not affect the fulfillment of these standards.

Sect. 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-20 District. The bulk regulations for the R-20 District include minimum yard requirements for Affordable Dwelling Unit Developments. Single-family attached dwellings are recommended for front yards controlled by a 15% bulk plane angle, but not less than five (5) feet. Though the proposed front yard setback of four (4) feet will be less than the recommended five (5) feet of the R-20 District, the decreased front yard will only impact a portion of the overall site. The affected single-family attached dwellings will also remain in line with the adjoining residences, so the overall character and street frontage of the development, which fronts along Kingsbridge Drive, is not impacted. Therefore, 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.*

Staff believes that this standard has been satisfied under the previous application RZ 2003-PR-037.

*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.*

Staff believes that this standard has been satisfied under the previous application RZ 2003-PR-037.

## **WAIVERS AND MODIFICATIONS**

### **Waiver of the 200 square foot privacy yard requirement for single-family attached units**

The applicant requests a reaffirmation of the previously granted waiver of the 200 square foot privacy yard requirement for the single-family attached units. Staff supports this waiver since there are no changes proposed to the approved building footprints under this application other than the front yard setback for eight (8) single-family attached dwellings.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff finds that PCA/FDPA 2003-PR-027 is in conformance with the Comprehensive Plan and applicable Zoning Ordinance provisions.

### **Staff Recommendations**

Staff recommends approval of PCA 2003-PR-037, subject to the draft proffers contained in Appendix 1.

Staff recommends approval of FDPA 2003-PR-037, subject to the development conditions contained in Appendix 2.

Staff recommends that the requirement for a 200 square foot privacy yard for each dwelling unit be waived.

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 PCA 2003-PR-037
2. Draft Development Conditions for FDPA 2003-PR-037
3. Affidavit
4. Statement of Justification and Response to VDOT Memo
5. RZ/FDP 2003-PR-037 Approved Plan, Proffers and Development Conditions
6. Urban Forest Management Analysis
7. Transportation Analysis
8. Fairfax County Public Schools Analysis
9. Fairfax County Park Authority Analysis
10. Sanitary Sewer Analysis
11. Fairfax Water Authority Analysis
12. Fire and Rescue Analysis
13. Applicable Zoning Ordinance Provisions
14. Glossary of Terms

**BEECH GROVE  
PROFFER STATEMENT  
PCA/CDPA/FDPA 2003-PR-037**

**March 27, 2009  
Revised September 29, 2009**

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Sect. 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owners and applicants, for themselves and their successors and/or assigns (hereinafter collectively referred to as the "Applicant"), hereby proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map 48-3 ((48)) part A, 6 – 19 (collectively, the "Property") shall be in accordance with the following conditions if, and only if, Proffered Condition Amendment/Conceptual Development Plan Amendment/Final Development Plan Amendment application PCA/CDPA/FDPA 2003-PR-037 (the "Application") is granted. In the event that this Application is not granted, these proffers will be immediately null and void and of no further force and effect, and the proffers accepted with RZ/FDP 2003-PR-037 for the Property will remain in effect.

The Applicant reaffirms its commitment to the proffers associated with RZ/FDP 2003-PR-037 (the "Original Proffers"), except for the following modification:

GENERAL

1. Conceptual/Final Development Plan Amendment. The Property shall be developed in substantial conformance with the Conceptual Development Plan Amendment ("CDPA") and Final Development Plan Amendment ("FDPA") dated May 5, 2009, prepared by Urban Engineering and Associates, Inc. (collectively, the CDPA and FDPA are the "Development Plan Amendment"), consisting of eight (8) sheets. For the Property subject to this Application, the Development Plan Amendment supersedes the Development Plan referenced in the Original Proffers, and all references in the Original Proffers to the Development Plan shall refer to the Development Plan Amendment.

[Signature pages follow]

BEECH GROVE NEIGHBORHOODS LLC  
Owner of Tax Map # 48-3 ((48)) Parcels 6 – 19

By: \_\_\_\_\_  
Name: David W. Duggar  
Title: Vice President

KENDALL SQUARE HOMEOWNERS ASSOCIATION  
Owner of Tax Map # 48-3 ((48)) Parcel A

By: \_\_\_\_\_  
Name: David W. Duggar  
Title: President

**PROPOSED DEVELOPMENT CONDITIONS**

**FDPA 2003-PR-037**

**September 29, 2009**

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDPA 2003-PR-037 for a modification of the development conditions approved with FDP 2003-PR-037 on March 24, 2004, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions which incorporate and supersede all previous conditions. Previously-approved conditions are marked with an asterisk (\*).

1. Development of the Property shall be in substantial conformance with the CDPA/FDPA consisting of eight (8) sheets, prepared by Urban, Ltd., dated May 5, 2009.
2. Disclosure shall be made to all initial purchasers prior to entering into a contract of sale that parking will only be permitted within the garages and surface spaces as shown on the CDPA/FDPA; except for those driveways which are 18 feet in length. This limitation on parking of vehicles shall be contained in the HOA documents and those units which are limited to garage and surface parking only shall be so noted on the site plan.\*
3. The detailed landscape plan to be submitted in conjunction with the site plan in accordance with Proffer 13, shall contain a separate detail sheet to show landscaping treatments along the southern property line adjacent to the industrial building. The detail sheet shall provide for the maximum amount and type of plantings that will screen the adjacent industrial building as determined feasible by the Urban Forester.\*
4. Notwithstanding the tabs shown on Sheet 2 of the CDPA/FDPA, the minimum building setback for units on the properties identified as Tax Map 48-3 ((48) Parcels 9 – 13 shall be four (4) feet from the boundary between the existing Virginia Department of Transportation right-of-way and the property identified as Tax Map 48-3 ((48)) Parcel A. Stoops and steps may extent into this minimum setback in accordance with the provisions of Section 2-412 of the Zoning Ordinance.



## 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 8, 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 2003-PR-037  
Applicant: Beech Grove Neighborhoods LLC and Kendall Square  
Homeowners Association  
PC Hearing Date: 10/15/09  
BOS Hearing Date: Not yet scheduled

**REF.:** 104962

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 9/3/09, which bears my initials and is numbered 104962b, 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: September 3, 2009  
(enter date affidavit is notarized)

I, Brian J. Winterhalter, 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

1049628

in Application No.(s): PCA/FDPA 2003-PR-037  
(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 <b>BOLD</b> above)
Beech Grove Neighborhoods LLC Agents: Paul R. Brown, Jr. Christopher W. Spahr David W. Duggar	1111 Sunset Hills Road Suite 200 Reston, VA 20190	Applicant/Title Owner Tax Map 48-3((48)) Parcels 6-19
Kendall Square Homeowners Association Agents: Paul R. Brown, Jr. Christopher W. Spahr David W. Duggar	1111 Sunset Hills Road Suite 200 Reston, VA 20190	Applicant/Title Owner Tax Map 48-3((48)) Parcel A
Urban Engineering & Associates, LLC (t/a Urban, Ltd.) Agents: Robert W. Brown Steven C. Dodd	7712 Little River Turnpike Annandale, VA 22003	Engineer/Agents

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

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

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

**Rezoning Attachment to Par. 1(a)**

DATE: September 3, 2009  
(enter date affidavit is notarized)

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for Application No. (s): PCA/FDPA 2003-PR-037  
(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.

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Cooley Godward Kronish LLP Agents: Antonio J. Calabrese, Esquire Mark C. Looney, Esquire Colleen Gillis Snow, Esquire Jill D. Parks, Esquire Brian J. Winterhalter, Esquire Shane M. Murphy, Esquire John P. Custis, Esquire Jeffrey A. Nein, AICP, Planner Ben I. Wales, AICP, Planner Molly M. Novotny, Planner	Reston Town Center One Freedom Square 11951 Freedom Drive Reston, VA 20190	<b>Attorneys/Agent</b>

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

REZONING AFFIDAVIT

DATE: September 3 2009  
(enter date affidavit is notarized)

1049626

for Application No. (s): PCA/FDPA 2003-PR-037  
(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)

Beech Grove Neighborhoods LLC  
11111 Sunset Hills Road  
Suite 200  
Reston, VA 20190

**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)

Martin K. Alloy  
Steven B. Alloy

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

Martin K. Alloy, Chairman	Stuart M. Ginsberg, VP & General Counsel	Sharon L. DeFalco, Assist. Secretary
Steven B. Alloy, President	Barry S. Redler, VP	Martin K. Alloy, Treasurer
Gordon B. Thomas, Jr., VP	Michael E. Schnitzer, VP	
David W. Duggar, VP	Stuart M. Ginsberg, Secretary	

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

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

**Rezoning Attachment to Par. 1(b)**

DATE: September 3, 2009  
(enter date affidavit is notarized)

1049626

for Application No. (s): PCA/FDPA 2003-PR-037  
(enter County-assigned application number (s))

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

Kendall Square Homeowners Association  
11111 Sunset Hills Road  
Suite 200  
Reston, VA 20190

**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)

None. Kendall Square Homeowners Association is a nonstock corporation created under the Virginia Nonstock Corporation Act.

=====

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

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

David W. Duggar - President  
Christopher W. Spahr - Vice President  
Stuart M. Ginsberg - Secretary (Treasurer)

=====

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

Urban Engineering & Associates, LLC (t/a Urban, Ltd.)  
7712 Little River Turnpike  
Annandale, VA 22003

**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)

Barry B. Smith  
J. Edgar Sears, Jr.  
Brian A. Sears

=====

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

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

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

REZONING AFFIDAVIT

DATE: September 3 2009  
(enter date affidavit is notarized)

1049626

for Application No. (s): PCA/FDPA 2003-PR-037  
(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)

Cooley Godward Kronish LLP  
Reston Town Center  
One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

(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)

Gian-Michele a Marca  
Jane K. Adams  
Maureen P. Alger  
Mazda K. Antia  
Gordon C. Atkinson  
Michael A. Attanasio  
Jonathan P. Bach  
Celia Goldwag Barenholtz  
Frederick D. Baron  
James A. Beldner

Keith J. Berets  
Laura A. Berezin  
Russell S. Berman  
Connie N. Bertram  
Laura Grossfield Birger  
Elias J. Blawie  
Barbara L. Borden  
Jodie M. Bourdet  
Wendy J. Brenner  
Matthew J. Brigham  
Robert J. Brigham  
John P. Brockland (former)  
James P. Brogan

Nicole C. Brookshire  
Matthew D. Brown  
Alfred L. Browne III  
Matthew T. Browne  
Robert T. Cahill  
Antonio J. Calabrese  
Linda F. Callison  
Roel C. Campos  
William Lesse Castleberry  
Lynda K. Chandler  
Dennis (mni) Childs  
Ethan E. Christensen

(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: September 3, 2009  
(enter date affidavit is notarized)

1049626

for Application No. (s): PCA/FDPA 2003-PR-037  
(enter County-assigned application number (s))

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

Cooley Godward Kronish LLP  
Reston Town Center, One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

(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**)

Richard E. Climan (former)  
Samuel S. Coates  
Alan S. Cohen  
Thomas A. Coll  
Joseph W. Conroy  
Jennifer B. Coplan  
Carolyn L. Craig  
John W. Crittenden  
Janet L. Cullum  
Nathan K. Cummings  
John A. Dado  
Craig E. Dauchy  
Wendy (nmi) Davis  
Renee R. Deming  
Darren K. DeStefano  
Scott D. Devereaux  
Jennifer Fonner DiNucci  
James J. Donato (former)  
Michelle C. Doolin  
John C. Dwyer  
Erik S. Edwards  
Robert L. Eisenbach, III  
Sonya F. Erickson  
Lester J. Fagan  
Brent D. Fassett  
David J. Fischer  
M. Wainwright Fishburn, Jr.  
M. Manuel Fishman (former)  
Keith A. Flaum (former)  
Grant P. Fondo (former)  
Daniel W. Frank  
Richard H. Frank  
William S. Freeman  
Alison J. Freeman-Gleason  
Steven L. Friedlander  
Thomas J. Friel, Jr.  
Koji F. Fukumura  
James F. Fulton, Jr.  
Phillip J. Gall

William S. Galliani  
Stephen D. Gardner  
Jon E. Gavenman  
John M. Geschke  
Kathleen A. Goodhart  
Lawrence C. Gottlieb  
Shane L. Goudey  
William E. Grauer  
Jonathan G. Graves  
Paul E. Gross  
Kenneth L. Guernsey  
Patrick P. Gunn  
Jeffrey M. Gutkin  
Zvi (nmi) Hahn  
John B. Hale  
Andrew (nmi) Hartman  
Amy (nmi) Hartman  
Bernard L. Hatcher  
Matthew B. Hemington  
Cathy Rae Hershcopf  
John (nmi) Hession  
Gordon (nmi) Ho  
Suzanne Sowachka Hooper  
Mark M. Hrenya  
Christopher R. Hutter  
Jay R. Indyke  
Craig D. Jacoby  
Chrystal N. Jensen  
Eric C. Jensen  
Mark L. Johnson  
Robert L. Jones  
Barclay J. Kamb  
Richard S. Kanowitz  
Kimberly J. Kaplan-Gross  
Jeffrey S. Karr  
Scott L. Kaufman  
Sally A. Kay  
J. Michael Kelly

Kevin F. Kelly  
Jason L. Kent  
James C. Kitch  
Michael J. Klisch  
Michael H. Knight (former)  
Jason M. Koral  
Barbara A. Kosacz  
Kenneth J. Krisko  
John G. Lavoie  
Robin J. Lee  
Natasha (nmi) Leskovsek  
Shira Nadich Levin  
Alan (nmi) Levine  
Michael S. Levinson  
Elizabeth L. Lewis  
Michael R. Lincoln  
James C. T. Linfield  
David A. Lipkin  
Chet F. Lipton  
Cliff Z. Liu  
Samuel M. Livermore  
Douglas P. Lobel  
J. Patrick Loofbourrow  
Mark C. Looney  
Robert B. Lovett  
Andrew P. Lustig  
Michael X. Marinelli  
John T. McKenna  
Bonnie Weiss McLeod  
Mark A. Medearis  
Daniel P. Meehan  
Beatriz (nmi) Mejia  
Thomas C. Meyers  
Erik B. Milch  
Keith A. Miller  
Robert H. Miller  
Chadwick L. Mills  
Brian E. Mitchell

(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: September 3, 2009  
(enter date affidavit is notarized)

1049626

for Application No. (s): PCA/FDPA 2003-PR-037  
(enter County-assigned application number (s))

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

Coolley Godward Kronish LLP  
Reston Town Center, One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

(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)

- |                       |                                |                           |
|-----------------------|--------------------------------|---------------------------|
| Patrick J. Mitchell   | Eric M. Reifschneider (former) | Mark P. Tanoury           |
| Ann M. Mooney         | Michael G. Rhodes              | Philip C. Tencer          |
| Gary H. Moore         | Michelle S. Rhyu               | Gregory C. Tenhoff        |
| Timothy J. Moore      | John W. Robertson              | Michael E. Tenta          |
| Webb B. Morrow III    | Julie M. Robinson              | Timothy S. Teter          |
| Kevin P. Mullen       | Ricardo (nmi) Rodriguez        | John H. Toole             |
| Frederick T. Muto     | Adam C. Rogoff (former)        | Robert J. Tosti           |
| Ryan E. Naftulin      | Jane (nmi) Ross (former)       | Michael S. Tuscan         |
| Stephen C. Neal       | Richard S. Rothberg            | Edward Van Gieson         |
| James E. Nesland      | Adam J. Rutenberg              | Miguel J. Vega            |
| Alison (nmi) Newman   | Adam L. Salassi                | Erich E. Veitenheimer III |
| William H. O'Brien    | Thomas R. Salley III           | Aaron J. Velli            |
| Thomas D. O'Connor    | Richard S. Sanders             | Robert R. Veith           |
| Ian (nmi) O'Donnell   | Glen Y. Sato                   | Lois K. Voelz             |
| Vincent P. Pangrazio  | Martin S. Schenker             | Craig A. Waldman (former) |
| Timothy G. Patterson  | Joseph A. Scherer              | Kent M. Walker            |
| Amy Elizabeth Paye    | Paul H. Schwartz (former)      | David A. Walsh            |
| Anne H. Peck          | Renee (nmi) Schwartz           | David M. Warren           |
| D. Bradley Peck       | William J. Schwartz            | Mark B. Weeks             |
| Susan Cooper Philpot  | John H. Sellers                | Steven K. Weinberg        |
| Benjamin D. Pierson   | Brent B. Siler                 | Thomas S. Welk            |
| Frank V. Pietrantonio | Gregory A. Smith               | Christopher A. Westover   |
| Mark B. Pitchford     | Whitty (nmi) Somvichian        | Francis R. Wheeler        |
| Michael L. Platt      | Mark D. Spoto                  | Brett D. White            |
| Christian E. Plaza    | Wayne O. Stacy                 | Peter J. Willsey          |
| Lori R. E. Ploeger    | Neal J. Stephens               | Mark Windfeld-Hansen      |
| Thomas F. Poche       | Donald K. Stern                | Nancy H. Wojtas           |
| Anna B. Pope          | Michael D. Stern               | Jessica R. Wolff          |
| Marya A. Postner      | Anthony M. Steigler            | Nan (nmi) Wu              |
| Steve M. Przesmicki   | Steven M. Strauss              | Mavis L. Yee              |
| Seth A. Rafkin        | Myron G. Sugarman              | John F. Young (former)    |
| Frank F. Rahmani      | Christopher J. Sundermeier     | Kevin J. Zimmer           |
| Marc (nmi) Recht      | Ronald R. Sussman              |                           |
| Thomas Z. Reicher     | C. Scott Talbot                |                           |

(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: September 3, 2009  
(enter date affidavit is notarized)

1049626

for Application No. (s): PCA/FDPA 2003-PR-037  
(enter County-assigned application number (s))

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

Cooley Godward Kronish LLP  
Reston Town Center  
One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

(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**)

Additions:

Heidi M. Keefe  
Kristen D. Kercher  
Mark F. Lambert  
Mark R. Weinstein

(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: September 3, 2009  
(enter date affidavit is notarized)

1049620

for Application No. (s): PCA/FDPA 2003-PR-037  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: September 3 2009  
(enter date affidavit is notarized)

1049626

for Application No. (s): PCA/FDPA 2003-PR-037  
(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)

Brian J. Winterhalter  
 Applicant  Applicant's Authorized Agent

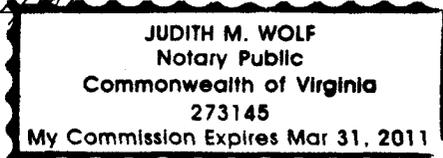
Brian J. Winterhalter

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

Subscribed and sworn to before me this 3rd day of September 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Judith M. Wolf  
Notary Public

My commission expires: 3/31/2011



**MAR 27 2009**

Zoning Evaluation Division

**BEECH GROVE  
STATEMENT OF JUSTIFICATION  
PCA/CDPA/FDPA 2003-PR-037-\_\_**

**March 27, 2009**

**I. Introduction**

Beech Grove Neighborhoods LLC (“Beech Grove”) and Kendall Square Homeowners Association (“Kendall Square” and collectively with Beech Grove, the “Applicant”) are the owners of property identified on the Fairfax County Tax Map as 48-3 ((48)) part A, 6 – 19 (the “Property”). In 2004, the Applicant obtained approval to develop the Property with 73 townhouses, fifteen of which front on Kingsbridge Drive, the main access road to the Property.

The Applicant seeks to amend the proffers and the Conceptual Development Plan/Final Development Plan (“CDP/FDP”) associated with rezoning RZ/FDP 2003-PR-037 (the “Existing Approvals”) to incorporate one minor change to the existing CDP/FDP development conditions to allow development of the project under the layout shown on the approved CDP/FDP (which is also the same layout as shown on the proposed Conceptual Development Plan Amendment/Final Development Plan Amendment (“CDPA/FDPA”). The single proposed change is necessary to resolve a current conflict between the language of the approved development conditions and the site layout as shown on the approved CDP/FDP. The Applicant does not propose any additional units, square footage, or any other changes for the Property.

**II. Proposed Modification of the Existing Approvals**

The Applicant proposes to amend the Existing Approvals to resolve the conflict between the approved CDP/FDP layout and its associated development conditions. The units along the Property’s frontage face Kingsbridge Drive to provide a street presence along the street and sidewalk. At the time of the original rezoning application, the then-applicant and Fairfax County hoped to focus more attention on the street by providing homes facing Kingsbridge Drive in order to mitigate the unkempt nature of the street and reduce automobile-oriented crime. The Existing Approvals also include several open spaces areas for residents with townhouses fronting on these areas as well.

The development conditions approved with FDP 2003-PR-037 require a building setback of eleven (11) feet from the property boundary for the townhouses along Kingsbridge Drive. The approved subdivision plat and site plan for the Property show the townhouses set back a uniform distance from the face of curb of Kingsbridge Drive. The Property boundary, however, cuts five feet inward along Kingsbridge Drive because a prior owner dedicated additional right-of-way to Fairfax County for public street purposes.

The Applicant’s proposed amendment of the development conditions would replace the requirement for a building setback of eleven (11) feet along Kingsbridge Drive with a building setback of four (4) feet. The development condition requiring a building setback of eleven (11) feet along Kingsbridge Drive is inconsistent with the building layout and site design shown on the approved CDP/FDP and was the result of an oversight during the prior rezoning application. The proposed building setback, as shown on the proposed CDPA/FDPA, is consistent with the

approved site plan, subdivision plat, and the intent of the prior applicant and the County to create a uniform setback and street presence along Kingsbridge Drive. The Applicant does not propose any additional uses, square footage, or any other modifications to the Existing Approvals.

### **III. Conformance with the Comprehensive Plan**

The Applicant's proposed amendment of the Existing Approvals is in conformance with the Comprehensive Plan. The existing Plan language for the Property recommends an option for residential uses and notes that residential development should provide adequate buffering and screening between residential development and adjacent industrial uses. The Existing Approvals provide such buffering and screening as recommended in the Plan and the Applicant does not propose any changes to such buffering and screening. Further, the development permitted under the Existing Approvals is at the low end of the Comprehensive Plan density range and complements the existing residential development in the area.

The Applicant's proposed amendment of the Existing Approvals does not alter any of the recommended, and previously approved, design elements of the Beech Grove development, and therefore, the Applicant's proposed amendment of the Existing Approvals conforms to the Comprehensive Plan.

### **IV. Conformance with Section 18-205(6)**

The Applicant's proposed partial proffered condition amendment ("PCA") is in accordance with Section 18-205(6) of the Zoning Ordinance because the proposed amendment of the proffers associated with RZ 2003-PR-037 (the "Existing Proffers") is necessary only to update the reference to the proposed CDPA/FDPA for the Property. The Applicant does not propose any other changes to the Existing Proffers.

The Applicant's proposed PCA will not have any adverse effect on the use of the property subject to the Existing Proffers, but not included with this application, because the modification of the existing CDP/FDP affects only the building setback for the lots along Kingsbridge Drive that are the subject of this application. The proposed modification of the Existing Approvals does not affect the building setbacks, open space, or site design for the area of the remainder of the development. Further, the Applicant's proposed PCA will not inhibit, adversely affect, or preclude the fulfillment of the Existing Proffers because the Applicant's proposed setback modification does not change any other commitments in the Existing Proffers (for both the area subject to the Existing Proffers, but not included in this application, and the Property subject to this application). As noted above, the Applicant's proposed modification of the Existing Approvals will not increase the number of dwelling units approved for the Property.

### **V. Conclusion**

The Applicant's proposed amendment of the Existing Approvals merely resolves a conflict between the approved CDP/FDP and its associated conditions in order to allow development of the Property in accordance with the site design and layout shown on the CDPA/FDPA. The Applicant does not propose any additional units, square footage, or any other modifications to the Existing Approvals.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Brian J. Winterhalter". The signature is written in a cursive style with a large initial "B".

Brian J. Winterhalter, Esquire  
Cooley Godward Kronish LLP

394050 v2/RE

AUG 13 2009

Zoning Evaluation Division

Brian J. Winterhalter  
(703) 456-8168  
bwinterhalter@cooley.com

August 12, 2009

Ms. Brenda Cho  
Fairfax County Department of Planning & Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

**RE: PCA/FDPA 2003-PR-037  
Beech Grove/Kendall Square Parking**

Dear Ms. Cho:

On behalf of Beech Grove Neighborhoods LLC and the Kendall Square Homeowners Association (collectively, the "Owner"), I write to address the comments from Kevin Nelson of VDOT dated July 24, 2009 regarding the availability of parking at Beech Grove and to provide additional information regarding the existing and planned parking for the community.

**I. Current Zoning and Site Plan Approvals Provide Excess Parking**

As you know, the Beech Grove development is the subject of approved rezoning and final development plan RZ/FDP 2003-PR-037. In response to Kevin Nelson's comments during the processing of the rezoning application, the then-applicant agreed to provide parking for the development in excess of the number of parking spaces required under the Zoning Ordinance. Specifically, Beech Grove's seventy-three (73) townhouses require a total of 168 parking spaces per the Zoning Ordinance, and the applicant agreed to provide a minimum of 188 parking spaces for the development. In addition, the approved proffers for the rezoning application prohibit the conversion of garages that would preclude their use for parking.

The applicant also included an alternative option for additional parking as part of the rezoning application based upon input from neighboring communities regarding the need for ample parking for the development. Under Proffer #31, the current Owner may provide up to 200 parking spaces with 146 garage spaces, 10 driveway spaces, and 44 visitor spaces. The Owner chose to utilize this alternative parking option and, as a result, Beech Grove will have 32 more parking spaces than required under the Zoning Ordinance. On July 27, 2006, Fairfax County approved site plan 4172-SP-001-3 with 200 parking spaces for the development in accordance with the approved rezoning and final development plan. The Beech Grove development, therefore, already has substantial excess parking.

**II. Fairfax County's Determination Enhances Open Space Rather Than Parking**

Providing additional parking spaces within Beech Grove cannot be accomplished without reducing the amount of open space within the community, which was the subject of much discussion during the County's review of the rezoning application. County Staff specifically had

Ms. Brenda Cho  
August 12, 2009  
Page Two

encouraged the applicant to provide a critical mass of usable open space for the community and the applicant included a courtyard area for the community in response to this request by County Staff. The rezoning application also included a tot lot and tree save area.

Following the Board's approval of RZ/FDP 2003-PR-037, and based upon the suggestion of Supervisor Smyth and Planning Commissioner Lawrence, the Owner sought Fairfax County's approval to improve the configuration of the open space. Specifically, the Owner requested confirmation that two proposed modifications to the site layout were in substantial conformance with the zoning approvals. The modifications proposed to shift the location of several townhouses in the western portion of the site to allow a larger open space courtyard and to relocate walkways within the development to further enhance the open space.

The modifications required the Owner to shift the location of parking spaces as well, and they now preclude the Owner from providing additional parking without having a negative impact on the courtyard and the tot lot/tree save area. On April 27, 2005, the County confirmed that these modifications were in substantial conformance with the zoning approvals and, in reliance upon this determination, the Owner already has begun or completed the construction of 59 of the 73 townhouses within Beech Grove. As such, the Owner would like to provide the approved open space and tot lot/tree save area rather than provide additional, unnecessary parking.

### **III. Pending PCA/FDPA Does Not Propose Any Additional Units**

The purpose of the Applicant's pending PCA/FDPA 2003-PR-037 application is to amend the final development plan conditions to allow development of Beech Grove in accordance with the site layout shown on the final development plan. The Owner does not propose any additional units or any other changes to the approved development, and merely seeks to resolve a conflict between the setback condition for the townhouses along a portion of Kingsbridge Drive and the site layout depicted on the final development plan. The pending PCA/FDPA, therefore, will not create a need for any additional parking spaces.

### **IV. Conclusion**

The applicant, the County, and the community anticipated the potential need for additional parking for Beech Grove and, as a result, the parking provided is well in excess of Zoning Ordinance requirements. The Owner is not aware of any parking problems within Beech Grove and, upon completion, the community will include more than sufficient parking for residents and visitors. Further, the addition of more parking spaces would have a negative impact on the courtyard, tot lot, and tree save area favored by the Owner and County Staff without any additional benefit to the surrounding community.

The Owner, therefore, requests that Fairfax County not require any additional parking spaces as part of the pending PCA/FDPA application. Please contact me if you have any questions or need additional information.

Ms. Brenda Cho  
August 12, 2009  
Page Three

Best regards,



Brian J. Winterhalter

Enclosure

cc: Randy Brown, Stanley Martin Companies, Inc.  
Robert Brown, Urban, Ltd.  
Colleen Gillis Snow, Cooley Godward Kronish LLP

412535 v1/RE



# FAIRFAX COUNTY

## Appendix 5

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

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

[www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm](http://www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm)  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

April 23, 2004

Hillary Katherine Zahm, AICP  
Cooley Godward LLP  
11951 Freedom Drive  
Reaton, Virginia 20190-5656

RE: Rezoning Application  
Number RZ 2003-PR-037

Dear Ms. Zahm:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on March 29, 2004, granting Rezoning Application Number RZ 2003-PR-037 in the name of James S. Audia, Trustee and Manuel G. Serra, Trustee to rezone certain property in the Providence District from the I-5 and R-20 Districts to the PDH-20 District, located on the south side of Kingsbridge Drive, southwest of Blake Lane, Tax Map 48-3 ((1)) 25 and 48-3 ((25)) A, subject to the proffers dated March 29, 2004, consisting of approximately 4.43 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan FDP 2003-PR-037 on March 24, 2004, subject to the Board's approval of RZ 2003-PR-037 and subject to development conditions dated March 24, 2004.

(NOTE:

The Board:

- Adopted the Resolution authorizing the conveyance of County-owned property, Tax Map Number 48-3 ((25)) Lot A, to James S. Audia and Manuel G. Serra with a restricted covenant in the deed that will run with the land for the benefit of the grantor and will indicate that there will be no use of the subject property at any time unless the subject property and the parcel adjoining that property are zoned in accordance with Rezoning Application RZ-2003-PR-037.)

April 23, 2004

- 2 -

- Waived the seven-day deadline to allow the revised filing of the affidavit for Rezoning Application RZ 2003-PR-037 to reflect the names of the new owners of Parcel A and the identification of the Board as the former owner of the parcel.

**In addition, the Board:**

- **Waived the requirement for a 200 square foot privacy yard for each dwelling unit.**
- **Waived Section 6-0303.8 of the Public Facilities Manual to allow underground stormwater management facilities as depicted on the Conceptual Development Plan/Final Development Plan (CDP/FDP) and as outlined in the Proffers.**

Sincerely,



Patti M. Hicks

Deputy Clerk to the Board of Supervisors

PMH/ns

cc: Chairman Gerald E. Connolly  
Supervisor Linda Q. Smyth, Providence District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Enforcement Branch  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Thomas Conry, Dept. Mgr. – GIS - Mapping/Overlay  
Angela K. Rodeheaver, Section Chief, Trnsprt'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  
Department of Highways - VDOT  
Irish Granfield, Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
James Patteson, Director, Facilities Mgmt. Div., DPWES  
Barbara J. Lipa, Executive Director, Planning Commission  
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

RECEIVED  
Department of Planning & Zoning  
APR 29 2004  
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 29th day of March, 2004, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 2003-PR-037

WHEREAS, James S. Audia, Trustee and Manuel G Serra, Trustee filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the I-5 and R-20 Districts to the PDH-20 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

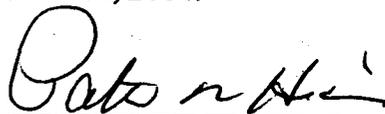
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the PDH-20 District, and said property is subject to the use regulations of said PDH-20 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 29th day of March, 2004.



Patti M. Hicks

Deputy Clerk to the Board of Supervisors

SGN

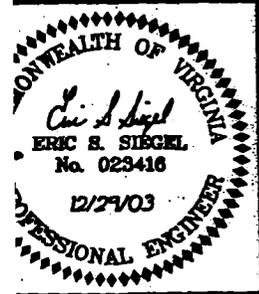
**PROPERTY DESCRIPTION**

25-BEGINNING AT A POINT MARKING THE SOUTHEAST CORNER OF THIS SITE, THENCE RUNNING WITH THE WESTERN LINE OF N/F FAIRFAX CIRCLE LLC., N38°43'16"E, 604.14' TO A POINT; THENCE DEPARTING THE WESTERN LINE OF N/F FAIRFAX CIRCLE VILLA, LLC., AND RUNNING WITH THE EASTERN RIGHT-OF-WAY OF BLAKE LANE, N49°41'27"W, 25.41' TO A POINT; THENCE DEPARTING THE SOUTHERN RIGHT-OF-WAY OF BLAKE LANE AND RUNNING WITH THE EASTERN RIGHT-OF-WAY OF KINGSBRIDGE DRIVE AND THE EASTERN LINE OF THE N/F TUDOR HALL COMMUNITY ASSOCIATION, N6°W, 331.83' TO A POINT; THENCE WITH THE SOUTH LINE OF N/F TUDOR HALL COMMUNITY ASSOCIATION, N45°59'13"W, 122.59' TO A POINT; THENCE WITH THE WESTERN LINE OF N/F ANN L. BAKER, TRUSTEE, AND N/F BOARD OF SUPERVISORS; THENCE WITH THE WESTERN LINE OF N/F BAKER, S09°48'42"W, 274.61' TO A POINT MARKING THE CORNER OF THIS SITE WITH N/F JAMES A. WINE AND THELMA A. WINE AND N/F MERRIFIELD CIRCLE CORPORATION; THENCE WITH THE NORTHERN LINE OF MERRIFIELD CIRCLE CORPORATION, S80°14'21"E, 542.06' TO THE POINT OF BEGINNING AND CONTAINING 196,757 SQUARE FEET OR 4.38 ACRES MORE OR LESS.

26-BEGINNING AT A POINT MARKING THE SOUTHEAST CORNER OF THIS SITE, THENCE RUNNING WITH THE WESTERN LINE OF N/F TUDOR HALL COMMUNITY ASSOCIATION, N04°49'47"E, 5.00' TO A POINT; THENCE RUNNING WITH THE SOUTHERN RIGHT-OF-WAY OF KINGSBRIDGE DRIVE, N84°58'17"W, 122.59' TO A POINT; THENCE DEPARTING THE SOUTHERN RIGHT-OF-WAY OF KINGSBRIDGE DRIVE AND RUNNING WITH THE NORTHERN LINE OF MERRIFIELD CIRCLE CORPORATION OF VIRGINIA, S84°58'17"E, 428.64' TO THE POINT OF BEGINNING AND CONTAINING 2,143 SQUARE FEET OR 0.05 ACRES MORE OR LESS.

**CERTIFIED PLAT**

**BEECH GROVE**  
**PROVIDENCE DISTRICT**  
**FAIRFAX COUNTY, VIRGINIA**



SCALE: 1"=30'

C.I. =2'

DATE: MAY

4:00 PM

## PROFFER STATEMENT

James S. Audia and Manuel G. Serra. -RZ/FDP 2003-PR-037

March 29, 2004

Pursuant to Section 15.2-2303 (A), Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owners and applicants for themselves and their successors and/or assigns (hereinafter collectively referred to as the "Applicant") in this Rezoning Application ("RZ") proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map 48-3 ((1)) 25 and 48-3 ((25)) A (collectively the "Property") will be in accordance with the following conditions if, and only if, Rezoning and Conceptual/Final Development Plan 2003-PR-037 is granted. In the event that this Rezoning is denied, these proffers will immediately be null and void and of no further force and effect. The proffered conditions are:

GENERAL

1. Conceptual/Final Development Plan. The Property shall be developed in substantial conformance with the Concept/Final Development Plan ("CDP/FDP") Plat dated May 30, 2003 and revised through February 27, 2004, prepared by Urban Engineering & Associates, Inc. (collectively, the "Development Plan") consisting of eight (8) sheets.

2. Minor Modifications. Minor modifications to the Development Plan may be permitted when necessitated by sound engineering or that may become necessary as part of final site engineering, pursuant to Section 16-403(4) of the Zoning Ordinance provided such changes are in substantial conformance with the CDP/FDP. Building footprints may be increased or decreased as long as the minimum open space tabulation and landscaping provided on Sheet 2 of the Development Plan is not reduced and the minimum building setbacks from the property lines (as provided in accordance with the dimensions and typicals shown on the Development Plan) and entrances are maintained.

DEVELOPMENT PLAN

3. Residential Units. The Property shall be developed with 73 single-family attached units, including 72 market-rate units, as depicted on Sheet 5 of the Development Plan, and one Affordable Dwelling Unit, as indicated in the tabulations on Sheet 2 of the Development Plan.

4. Stormwater Management.

A. The Applicant shall provide stormwater management detention via one of the following two options, as approved by the Department of Public Works and Environmental Services ("DPWES"). The Applicant shall determine which of the two options to pursue.

**Option 1:** Stormwater management ("SWM") detention shall be provided on the Property in a SWM dry pond facility and an underground box culvert detention system ("Underground Detention System") as indicated on the CDP and subject to approval of DPWES. If DPWES will not

permit use of an underground box culvert detention system, the Applicant shall provide a SWM dry pond in the vicinity of the Underground Detention System.

1. The Applicant shall provide plantings in and around the dry pond to the maximum extent feasible using native or other hydrophyllic vegetation as determined by the Urban Forestry Division pursuant to the policy adopted by the Board of Supervisors.

**Option 2:** Subject to approval by DPWES, in lieu of the SWM dry pond facility indicated on the plan, the Applicant reserves the right to replace the proposed dry pond with a second underground box culvert detention system. With installation of an underground detention system in place of the dry pond, the Applicant shall provide additional visitor parking in the vicinity of the dry pond, as indicated on Sheet 7 of the Development Plan.

B. To ensure the safety of the Underground Detention System(s), any manhole or vault door shall include a lock, so the device can be locked when maintenance or inspections are not taking place. Steps shall be placed inside each vault at least one of the vault doors to provide access into and out of the vault.

C. The Applicant shall provide plantings over and around the Underground Detention System(s) to the maximum extent feasible as determined by the Urban Forestry Division.

D. Filterra devices (or similar filtration units) or innovative Best Management Practices devices ("BMP") shall be provided on the Property to satisfy the County's BMP requirements. The quantity and location of the devices shall be determined at the time of site plan review.

E. The Homeowners Association ("HOA") shall be responsible for maintenance of the BMP devices and underground box culvert device(s). Prospective purchasers shall be advised of the maintenance responsibility prior to entering into a contract of sale. HOA maintenance responsibility shall also be disclosed in the HOA documents. The HOA shall be required to contract with a maintenance/management company to perform regular routine maintenance of the stormwater management devices, and the HOA shall provide a maintenance report annually to the Fairfax County Maintenance and Stormwater Management Division of DPWES.

F. The Applicant shall establish a stormwater management maintenance fund for use by the HOA. Prior to bond release, the Applicant shall establish an HOA stormwater maintenance fund and fund it with adequate funds to cover the cost of maintenance of the stormwater management and BMP devices for a period of twenty (20) years beginning after bond release, as determined in coordination

with DPWES. The HOA shall be responsible for maintenance of the fund. The Applicant shall be responsible for maintenance of the stormwater management devices until bond release.

5. Lighting. All on-site outdoor lighting shall comply with the Outdoor Lighting Standards in Section 14-900 of the Zoning Ordinance. Pole or building-mounted outdoor lighting shall be provided in the front yard of each unit. Such lighting shall be installed to turn on automatically at dusk and turn off at dawn. Compact fluorescent lights shall be installed in these fixtures.

6. Recreational Facilities. The Applicant shall construct a tot lot for residents of the Property as indicated on Sheet 7 of the Development Plan. In the area of the tot lot, signage shall be provided indicating that the tot lot is closed after dark and use of the tot lot is for residents only. The tot lot shall include climbing apparatus and swinging apparatus appropriate for toddlers through children of age 12. As selected by the Applicant, additional amenities such as seating areas, formal gardens/hardscape or picnic areas may be incorporated into the site.

7. Architectural Design and Building Materials. The front facades of the buildings and the side facades of Lots 1, 45 and 52 shall be comprised of at least 25% masonry (brick, painted brick, stone, stucco, etc.). Siding used on the front façade of the buildings shall be some form of composite siding such as James Hardi, i.e. "Hardi Plank." No vinyl or aluminum siding shall be provided on the front facades of the units.

8. Unit Roofs. In an effort to promote energy conservation and awareness, the Applicant shall provide light to medium colored roof shingles on a minimum of one-third of the proposed units.

9. Deck Disclosure. The Applicant shall include a restrictive covenant in the Homeowners Association ("HOA") documents indicating that decks shall not extend in excess of 3.5' from the unit, as indicated on the CDP/FDP.

10. Fence. The Applicant shall provide six-foot high fencing on portions of the Property boundaries for security purposes, as indicated on the CDP/FDP. The fence will be constructed of brick, wood or metal (not to include chain link).

11. Crosswalks. The Applicant shall utilize concrete pavers, scored concrete, brick pavers, stamped asphalt or porous asphalt to treat the crosswalks and driveway aprons proposed throughout the site as shown on Sheet 5 of the Development Plan.

12. Telecommuting. In an effort to encourage telecommuting and in recognition of internet demand, the Applicant shall pre-wire each unit with a minimum of three (3) network point of access ready wiring locations consisting of Ethernet cable and/or coaxial cable as well as an exterior point of connectivity.

## TREE SAVE AREAS AND LANDSCAPING

13. Limits of Clearing and Grading. The Applicant shall adhere to the Limits of Clearing and Grading ("LOC") as noted on the Development Plan. Minor adjustment of the LOC at time of final design and engineering and the location of proposed utilities may be permitted pursuant to Section 16-403 and Section 18-204 of the Zoning Ordinance. To the extent any such utilities are required to be extended outside the limits of clearing and grading shown on the CDP/FDP, a plan indicating the location of utilities and the impact on the tree save shall be submitted to the Fairfax County Urban Forestry Division for review and comment prior to final approval by DPWES. The Applicant shall use best efforts to avoid intrusion into the open space area to locate utilities and shall diligently pursue alternative locations to connect to utilities outside of the tree save area; documentation of such efforts shall be provided to the Urban Forestry Division. If the Applicant needs to encroach into the open space/tree save area along the eastern portion of the site to locate utilities, the Applicant shall work with the Urban Forestry Division to minimize disturbance to existing vegetation and/or replant the disturbed areas.

A replanting plan shall be developed and implemented, subject to approval by the Urban Forestry Division, if disturbance occurs in areas outside the limits of clearing and grading.

14. Tree Save & Preservation Plan.

A. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater 10 feet to either side of the limits of clearing and grading shown on the GDP for the entire site. The tree survey shall also include areas of clearing and grading not shown on the GDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and other as necessary shall be included in the plan.

B. The Applicant shall preserve those healthy trees located outside the limits of clearing and grading and designated as "TREE SAVE AREA" on Sheet 7 of the Development Plan.

C. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing shall be four feet in height, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and

placed no further than 10 feet apart and shall be erected at the limits of clearing and grading as shown on the phase I and II erosion and sediment control sheets for the entire site.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence, except super silt fence, shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

At the time of clearing and grading, the Applicant shall remove all dead, dying and diseased trees from the tree save area and install an appropriate number of supplemental understory plantings in selected areas in coordination with the Urban Forestry Division. Removal of any trees from the tree save area shall be done by hand using chain saws.

D. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts to ensure conformance with all tree preservation proffers. The monitoring schedule shall be described and detailed in the tree preservation plan and reviewed and approved by the Urban Forestry Division.

E. The homeowners association covenants shall include a requirement for the association to monitor and maintain the on-site landscaping.

15. Landscape Plan. The Applicant's Development Plan includes a conceptual landscape plan for the Property shown on Sheet 6. As part of the site plan submission, the Applicant shall submit to the Urban Forestry Division of DPWES for review and approval a detailed Landscape Plan. Such Landscape Plan shall be consistent with the quality and quantity of plantings and materials shown on Sheet 6 of the Development Plan. Adjustments to the type and location of vegetation and the design of the plantings and hardscape shall be permitted in consultation with the Urban Forestry Division so long as the final landscape design and planting materials are in substantial conformance with Sheet 6 and the quality of this design. The Landscape Plan shall include a plan for the preservation of those trees so-designated on the Development Plan, new plantings (including deciduous trees, evergreen trees, shrubs, bushes and similar under plantings) and, if necessary, a plan for replacing and/or supplementing any trees that were designated for preservation on the Development Plan and have been determined could not be saved.

The Applicant shall work with the Urban Forester to select plant species that in addition to meeting other landscaping requirements, such as durability, availability and aesthetics, also aid in the maintenance of air quality.

## TRANSPORTATION

16. Kingsbridge Drive Re-Striping. Prior to the issuance of the first Residential Use Permit for the Property and subject to approval by the Virginia Department of Transportation ("VDOT"), the Applicant shall re-stripe Kingsbridge Drive approaching the intersection with Blake Lane to permit one inbound lane from Blake Lane and dedicated left and right turn lanes on Kingsbridge Drive (as determined by VDOT) for vehicles turning onto Blake Lane. A combined thru movement will be provided with either the left or right turn lane. The Applicant shall provide such re-striping as long as the three proposed lanes can be provided within the existing pavement section. Said restriping has been added to the CDP/FDP sheet for exhibit purposes only. The pavement marking and signage plan for the Kingsbridge Drive restriping shall be designed and submitted to VDOT for approval at the time of submission of the VDOT entrance permit application. The limits of restriping shall generally adhere to the illustrative striping shown on the CDP/FDP which includes striping on Kingsbridge Drive only between Blake Lane and the first entrance into the Tudor Hall Subdivision on the north side of Kingsbridge Drive. To accommodate the restriping of lanes, the Applicant will provide traffic control signage as required by VDOT. If VDOT does not permit the restriping, the Applicant shall escrow funds equal to the cost of the improvements, as determined by DPWES and the Fairfax County Department of Transportation, for use in the vicinity for road or transit improvements. Prior to the issuance of the first Residential Use Permit and subject to VDOT approval, the Applicant shall provide a "Do Not Block Intersection" sign on Kingsbridge Drive at the intersection with Welby Court (the exit from Tudor Hall).

17. Blake Lane Dedication. Prior to the issuance of the first Residential Use Permit, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way along the Blake Lane Service Drive, as indicated on the CDP/FDP. Advanced density credit is reserved consistent with the provisions of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT pursuant to the Public Facilities Manual (PFM), at the time of site plan approval for the Property.

18. Kingsbridge Drive/Blake Lane Median. Prior to the issuance of the first Residential Use Permit for the Property and subject to VDOT approval, the Applicant shall improve the median island in the service drive off Blake Lane near the intersection with Kingsbridge Drive. Such improvements include removing portions of the existing concrete island and replacing it generally as shown on the CDP/FDP. The existing island and pavement will be saw-cut to permit the easy removal of the island with limited disturbance to the adjacent pavement areas. The improvements to this island shall include increasing the radius along Blake Lane to 15' while maintaining a 3' radius on the service drive side of this island. The materials for the median improvements shall consist of concrete curb and gutter, consistent with VDOT standards and specifications. A pavement wedging detail shall be provided with the site plan for reconstruction of the asphalt area disturbed immediately around the island improvements. The improvements to this island shall not require the applicant to remove, replace, or relocate any traffic signal, signal equipment, electrical equipment, etc. located underground, above ground, or on the median island. The proposed median improvements shall be shown on the site plan. If VDOT does not permit the median improvements, the Applicant shall escrow funds equal to the cost of the improvements for use in the vicinity for road or transit improvements. Subject to VDOT approval and prior to the issuance of the first Residential Use Permit, the Applicant shall

install a sign prohibiting right turns when pedestrians are present on Blake Lane at Kingsbridge Drive.

19. Bus Shelter. Prior to the issuance of the first Residential Use Permit for the Property and subject to approval the Fairfax County Department of Transportation, the Applicant shall provide a bus shelter on Kingsbridge Drive in the vicinity of the Property. If a bus shelter is not permitted in the vicinity of the Property, the Applicant shall contribute \$20,000 to the Fairfax County Department of Transportation at the time of the issuance of the fiftieth (50) Residential Use Permit for use in constructing a bus shelter at a location convenient to the residents of the Property.

20. Private Streets. The Applicant shall construct the private streets shown on the CDP/FDP of materials and with a pavement depth consistent with the PFM standards for public streets. Initial purchasers shall be advised of the requirement to maintain private streets and the alternative pavement materials utilized throughout the site and shall be informed of the estimated costs prior to entering into a contract of sale. This requirement to maintain the private streets as constructed and the estimated maintenance costs shall be included in the HOA documents prepared for the Application property.

#### FAIRFAX COUNTY PARK AUTHORITY

21. On-Site Recreational Amenities: In accordance with Section 16-404 of the Fairfax County Zoning Ordinance, the Applicant shall provide on-site recreational amenities as shown on the Development Plan and identified in Proffer 6 above. The Applicant expects to expend an amount approximating \$955 or more per market-rate unit for these recreational facilities. To the extent the Applicant's expenditures for onsite recreational facilities totals less than \$955 per market-rate residential unit, the Applicant shall contribute an amount equal to the per unit difference in total recreational funds expended (as compared to \$955 per market-rate unit) for onsite amenities to the Fairfax County Park Authority for use at Mosby Woods Park. If such funds cannot be used at Mosby Woods Park, the funds may be used for improvements and/or facilities at Blake Lane Park/Puppy Park.

22. Additional Contribution to the Fairfax County Park Authority: The Applicant shall provide a contribution of \$45,267.30, above any contribution received as part of Proffer 21, to the Fairfax County Park Authority at the time of issuance of the first Residential Use Permit. The funds from the contribution shall be used for improvements and/or facilities at Mosby Woods Park. If such funds cannot be used at Mosby Woods Park, the funds may be used for improvements and/or facilities at Blake Lane Park/Puppy Park.

#### FAIRFAX COUNTY PUBLIC SCHOOLS

23. Public Schools. Prior to issuance of the first building permit, the Applicant shall contribute \$7,500 per student to the Fairfax County Board of Supervisors to be utilized for the provision of capital facilities at Mosby Woods Elementary School. The Applicant shall make a contribution of \$202,500, assuming 27 students are generated by the development. If the Applicant reduces the number of units proposed on the site, the contribution to Mosby Woods Elementary School shall be reduced commensurately.

## SIGNS

24. Signage. All signage on the Property shall conform to the requirements of Article 12 of the Zoning Ordinance. If lit, signage shall be in conformance with the Performance Standards in Part 9 of Article 14 of the Zoning Ordinance.

25. Temporary Signage. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or by any builder or at the Applicant's or any builder's direction to assist in the initial marketing and sale of dwelling units on the Property. Furthermore, the Applicant and every builder shall direct its agents and employees involved in marketing and/or sales of dwelling units for the Property to adhere to this proffer. This proffer does not preclude the use of onsite signage per Section 12-103 Para. 3D.

## GARAGES

26. Garage Restriction. The Applicant shall place a covenant on each residential lot prohibiting the conversion of garages that would preclude the parking of vehicles within the garage. A covenant setting forth this restriction shall be disclosed in the HOA documents and recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots. The Applicant shall advise prospective purchasers of this use restriction in writing prior to entering into a contract of sale.

## CONSTRUCTION ACTIVITY

27. Construction Access. In order to provide for the safety of schoolchildren walking to Mosby Woods Elementary School (the "School"), the Applicant shall not provide heavy construction vehicle access to the Property from Kingsbridge Drive. Heavy construction vehicles shall be defined as earth moving vehicles, vehicles to assist in pouring foundation and dump trucks, backhoes, bulldozers and trucks carrying excessively heavy or large materials or equipment. Signage shall be provided at Kingsbridge Drive and Blake Lane to direct construction traffic to the appropriate entrance. The Applicant shall advise contractors of construction access and monitor the construction access on the Property.

As an option, if the Applicant is physically or legally prohibited from using an alternative entrance to the site, the Applicant may permit heavy construction vehicle access on Kingsbridge Drive. If access is provided via Kingsbridge Drive, the Applicant shall comply with the following conditions:

- Construction traffic will be directed to utilize Draper Drive and the Property's existing entrance on Kingsbridge Drive to minimize the length of time trucks spend on Kingsbridge Drive;
- The Applicant will designate an employee of the construction company to serve as a liaison with the community and the School and as a point of contact throughout the construction period ("Construction Liaison");

- The Applicant or Construction Liaison shall meet with the principal of the School, a representative of the Fair Oaks Police Station and a representative(s) of the Kingsbridge Task Force prior to beginning construction on the Property to coordinate the construction traffic activity and work with the School to draft a letter to the parents of children attending Mosby Woods Elementary School alerting them of the construction activity;
- An employee of the construction company will direct construction traffic entering and exiting the site for a period one-half hour before and after the beginning of the school day and one-half hour before and after the end of the school day at Mosby Woods Elementary School;
- Signage shall be provided at Kingsbridge Drive and Blake Lane to direct construction traffic to the appropriate entrance. The Applicant shall advise contractors of construction access and monitor the construction access on the Property; and
- To offset the inconvenience and disruption caused by the construction access and provide funds for the Tudor Hall Community Association to make improvements within their community, the Applicant shall provide the Tudor Hall Community Association with a contribution of \$10,000 prior to issuance of the first building permit and a contribution of \$5,000 prior to issuance of the first Residential Use Permit. The Applicant shall document to DPWES that such funds have been paid.

28. Construction Hours. The Applicant shall restrict construction to the hours between 7:00 am and 7:00 pm Monday through Friday and 8:00 am and 6:00 pm on Saturday. No heavy construction activity shall be permitted on Sunday or Federal holidays. The Applicant shall post the construction hours on the site.

#### SCREENING OF THE INDUSTRIAL BUILDING

29. Climbing Vines. The Applicant will seek permission from the owner of the adjacent property at Tax Map 48-3 ((1)) 26A to install climbing vines, such as pyracanthus or a similar vine, on the northern façade of the industrial building located at Tax Map 48-3 ((1)) 26A. If the Applicant cannot obtain the adjacent property owner's permission, documentation of such attempts shall be provided to DPWES at the time of site plan.

#### PHASE ONE ENVIRONMENTAL STUDY

30. Phase One Environmental Study. Prior to site plan approval the Applicant shall submit a Phase 1 Environmental investigation of the property to DPWES for its review and approval in coordination with all appropriate reviewing agencies as determined by DPWES. The investigation will be generally consistent with the procedures described by the American Society of Testing and Materials (ASTM). If warranted by the results of the Phase 1 investigation and if determined necessary by DPWES and the State Water Control Board, the Applicant shall pursue a Phase II investigation and correction program. Subject to the findings of a Phase II program, if ground water, surface water and soil contaminants are found in sufficient quantities and at such levels to require a monitoring program, a remedial action program and corrective action plan shall be performed in accordance with all applicable Federal, State and County requirements, prior to final plan approval.

## PARKING

31. Additional Parking Spaces. In addition to the parking spaces indicated in the CDP/FDP, the Applicant shall provide two additional parking spaces as indicated on Additional Parking Exhibit 1 attached to the proffers.

If Option 2 of Proffer 4A is utilized for stormwater management, and a second underground stormwater management device is provided in lieu of a dry pond, the additional parking space near the SWM pond as indicated in Exhibit 1 shall not be provided. Instead, the Applicant shall provide parking as indicated in the Alternate Layout For Additional Underground SWM on Sheet 7 of the CDP/FDP.

## MISCELLANEOUS

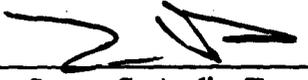
32. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and his successors and assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon Applicant's successor(s) in interest and/or developer(s) of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

33. 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 following pages

Contract Purchaser of Tax Map 48-3 ((1)) 25

The James S. Audia Revocable Trust Agreement

By: , Trustee  
Name: James S. Audia, Trustee

Date: 3/29/04

Contract Purchaser of Tax Map 48-3 ((1)) 25

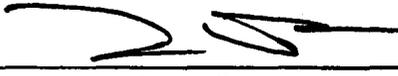
Norwood and Serra Trust

By: *Manuel G. Serra*  
Name: Manuel G. Serra, Trustee

Date: March 29, 2004

Contract Purchaser of Tax Map 48-3 (1) 25

Merrifield Circle Corporation

By:  President

Name: James S. Audia

Title: President

Date: 3/29/04

Title Owner of Tax Map 48-3 ((1)) 25

Virginia Electric and Power Company

By: 

Name: Kenneth D. Barker

Title: VP - Customer planning  
Virginia Electric and Power Company

Date: March 29, 2004

**APPROVED DEVELOPMENT CONDITIONS**

**FDP 2003-PR-037**

**Revised March 24, 2004**

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2003-PR-037 for residential development located at Tax Map 48-3 ((1)) 25 and 48-3 ((25)) A, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the property shall be in substantial conformance with the CDP/FDP consisting of 8 sheets, prepared by Urban Engineering and Parker Rodriguez and dated May 2003 as revised through February 27, 2004.
2. Disclosure shall be made to all initial purchasers prior to entering into a contract of sale that parking will only be permitted within the garages and surface spaces as shown on the CDP/FDP; except for those driveways which are 18 feet in length. This limitation on parking of vehicles shall be contained in the HOA documents and those units which are limited to garage and surface parking only shall be so noted on the site plan.
3. The detailed landscape plan to be submitted in conjunction with the site plan in accordance with Proffer 13, shall contain a separate detail sheet to show landscaping treatments along the southern property line adjacent to the industrial building. The detail sheet shall provide for the maximum amount and type of plantings that will screen the adjacent industrial building as determined feasible by the Urban Forester.
4. Notwithstanding the tabs shown on Sheet 2 of the CDP/FDP, the minimum building setback for those units which front onto Kingsbridge Drive shall be 11 feet from the property boundary. Stoops and steps may extend into this minimum setback in accordance with the provisions of Sect. 2-412 of the Zoning Ordinance.
5. Prior to site plan approval, the architectural elevations shall be submitted to the Providence District Supervisor and Planning Commissioner for review and comment.

CONCEPT DEVELOPMENT PLAN /  
FINAL DEVELOPMENT PLAN

(CDP/FDP)

BEECH GROVE

Providence District  
Fairfax County, Virginia

MAY 30, 2003  
OCTOBER 8, 2003  
NOVEMBER 12, 2003  
DECEMBER 29, 2003  
JANUARY 12, 2004  
FEBRUARY 17, 2004  
FEBRUARY 27, 2004

DRAWING LIST

<u>SHEET #</u>	<u>TITLE</u>
1	COVER SHEET
2	NOTES
3	EXISTING VEGETATION MAP
4	CERTIFIED PLAT
5	ILLUSTRATIVE PLAN
6	LANDSCAPE PLAN
7	CDP/FDP
8	ARCHITECTURAL ELEVATIONS

ATTORNEY:

Cooley Godward, LLP  
11004 FISHBONE DRIVE  
SUITE 1000  
DORTCH, VIRGINIA 22040  
(703) 466-0000 FAX: (703) 466-0100

CIVIL ENGINEER:

 URBAN ENGINEERING & ASSOC., INC.  
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS  
7112 LITTLE RIVER TURNPIKE  
ANNANDALE, VIRGINIA 22003 (703) 643-8800

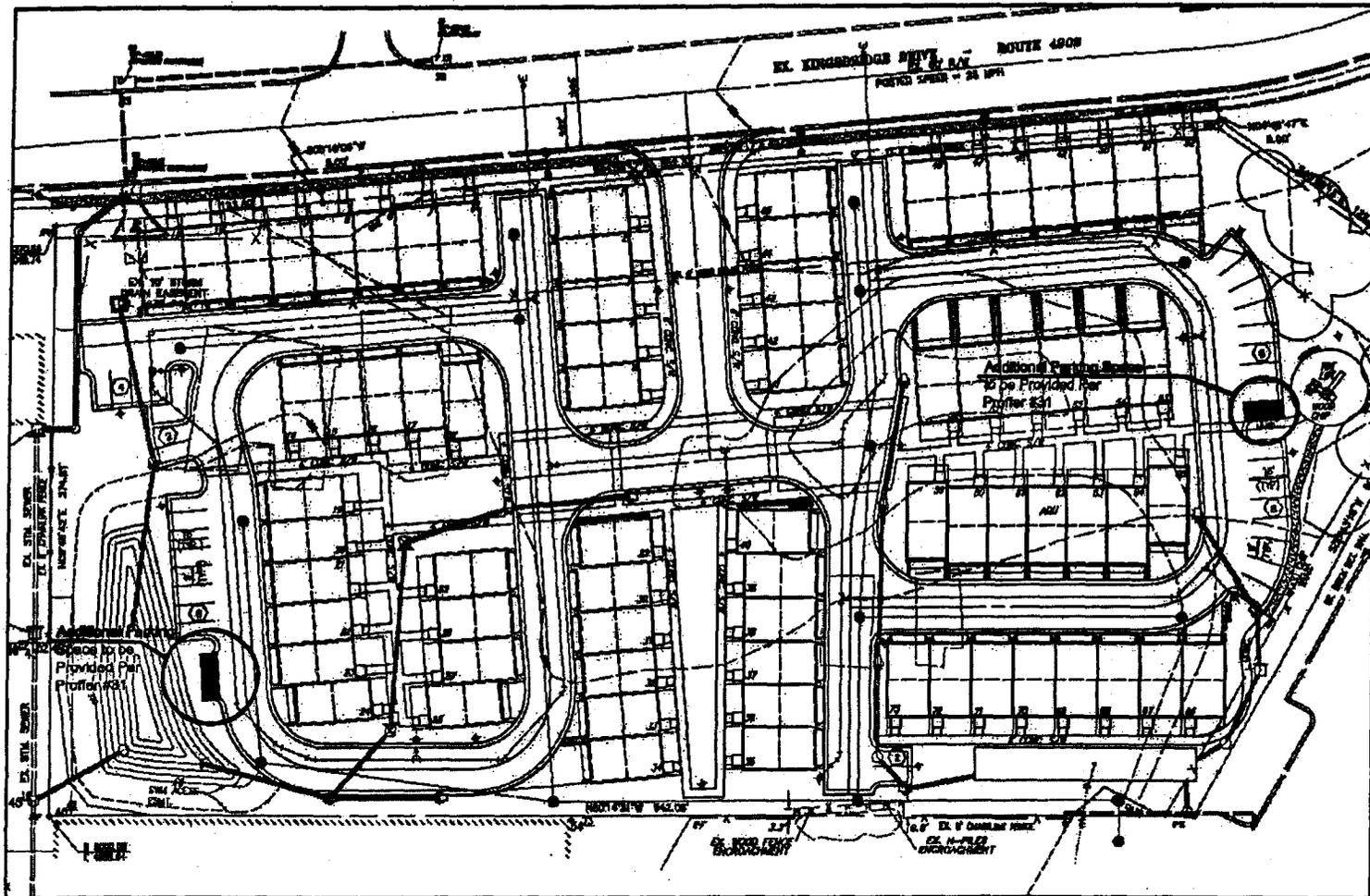
PLANNER:

PARKER RODRIGUEZ  
101 N. UNION STREET  
ALEXANDRIA, VIRGINIA 22304  
(703) 648-5010 FAX: (703) 648-5000

PREPARED FOR:

JAMES S. AUDIA, TRUSTEE AND  
MANUEL G. SERRA, TRUSTEE  
1007 VINCENT PLACE  
MCLEAN, VIRGINIA 22101  
(703) 648-1747 FAX: (703) 648-0700





**Additional Parking - Exhibit 1**

**Beech Grove 1"=60'**







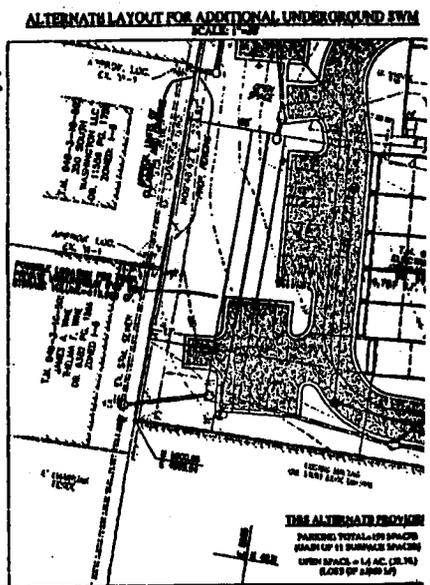
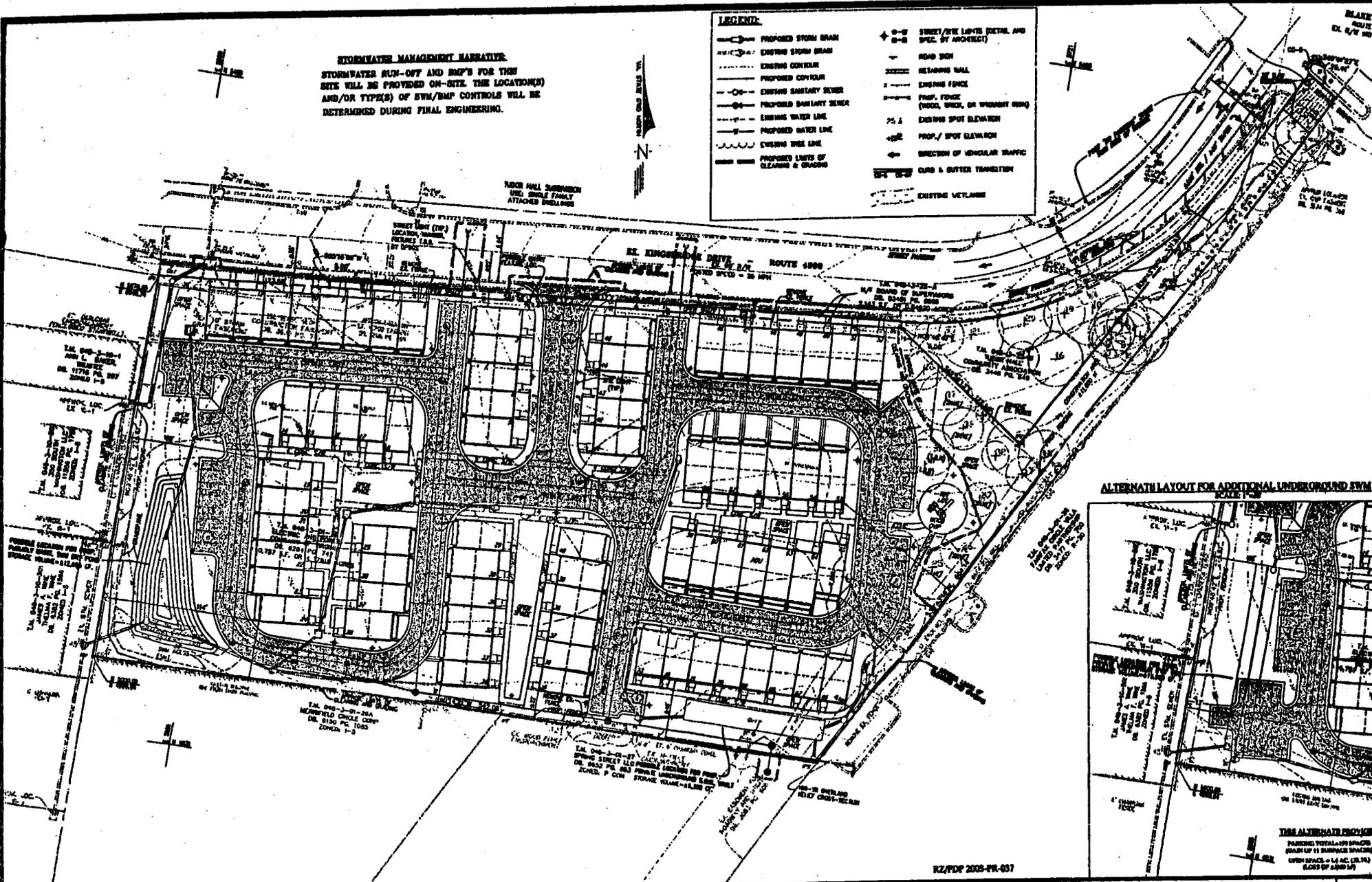




**STORMWATER MANAGEMENT NARRATIVE:**  
 STORMWATER RUN-OFF AND BMP'S FOR THIS SITE WILL BE PROVIDED ON-SITE. THE LOCATION(S) AND/OR TYPE(S) OF SWM/BMP CONTROLS WILL BE DETERMINED DURING FINAL ENGINEERING.

**LEGEND:**

—○—	PROPOSED STORM DRAIN	◆	STREET/DRIVE LOCUS DETAIL AND SPEC. BY ARCHITECT
—○—	EXISTING STORM DRAIN	—	ROAD SIGN
—○—	EXISTING CONDUIT	—	SEPARING WALL
—○—	PROPOSED CONDUIT	—	EXISTING FENCE
—○—	EXISTING SANITARY SEWER	—	PROP. FENCE (WOOD, WICK, OR TREATMENT BOND)
—○—	PROPOSED SANITARY SEWER	PS ±	EXISTING SPOT ELEVATION
—○—	EXISTING WATER LINE	PS ±	PROP. SPOT ELEVATION
—○—	PROPOSED WATER LINE	→	DIRECTION OF VEHICULAR TRAFFIC
—○—	EXISTING WEE LINE	↔	DRIVE & BUFFER TRANSITION
—○—	PROPOSED LIMITS OF CLEANING & GRADING	—	EXISTING VEGETATION



PLAN DATE	DESCRIPTION
10-20-02	PRELIMINARY
11-14-02	REVISED
12-11-02	REVISED
01-22-03	REVISED
02-11-03	REVISED
02-11-03	REVISED

**URBAN ENGINEERING & ASSOC., INC.**  
 CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS  
 2710 E. RIVER TURNPIKE



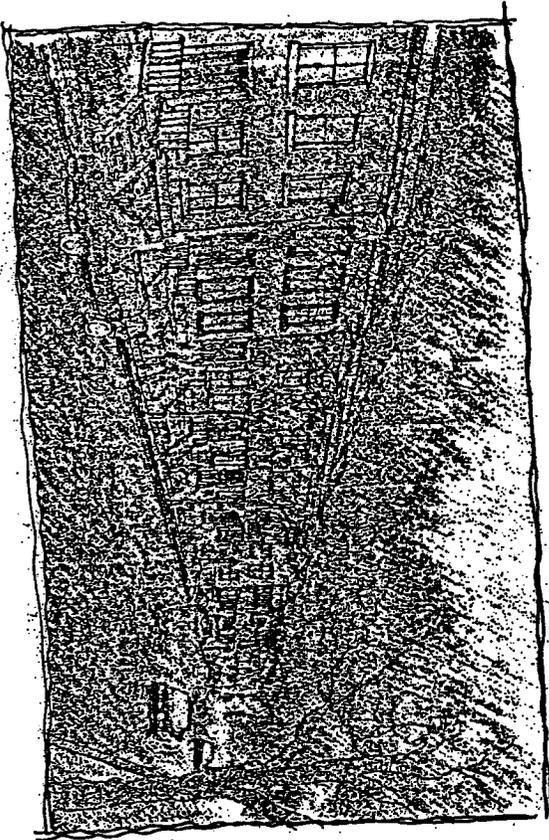
CDP/DP  
**BEECH GROVE**  
 PROVIDENCE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

DATE: MAY 2003

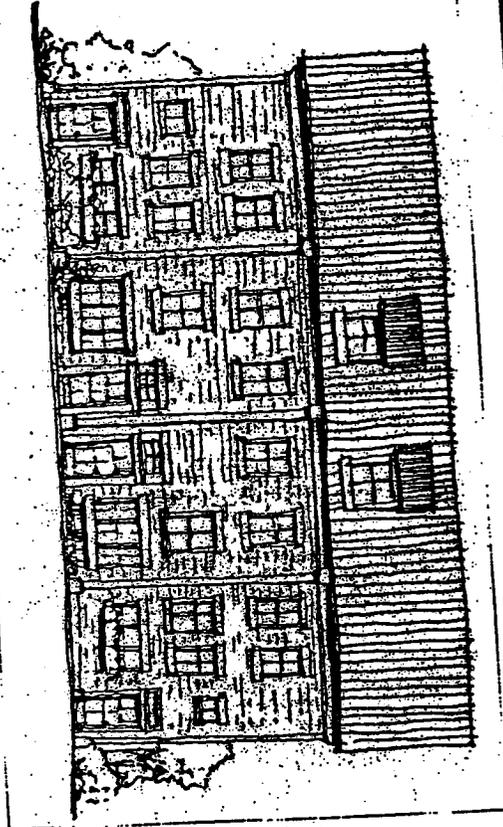
SHEET 7 OF 8  
 PLS & MISC-14

KZ/DFP 2003-PK-037

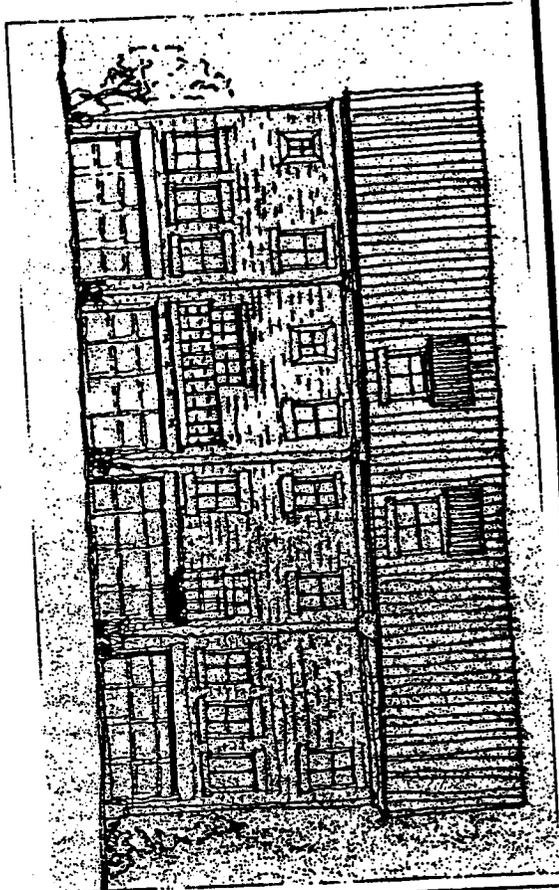
2 Street Scope  
N.T.S.



1 Proposed Front Elevation  
N.T.S.



3 Proposed Rear Elevation (Garage Elevation)  
N.T.S.





## County of Fairfax, Virginia

**MEMORANDUM**

July 10, 2009

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

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

**SUBJECT:** Beech Grove; PCA/FDPA 2003-PR-037

**RE:** Request for assistance dated July 27, 2009

As per our July 10, 2009, phone conversation, there are no Urban Forest Management Division comments or recommendations required for Proffered Condition Amendment/Final Development Plan Amendment (PCA/FDPA) 2003-PR-037, date stamped "Received, Department of Planning and Zoning, May 8, 2009," as there do not appear to be any tree related issues associated with this application.

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

TLN/  
UFMID #: 146608

cc: RA File  
DPZ File

---

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](http://www.fairfaxcounty.gov/dpwes)





## County of Fairfax, Virginia

**MEMORANDUM**

DATE: August 13, 2009

**TO:** Regina Coyle  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver:  
Site Analysis Section  
Department of Transportation

**FILE:** 3-4 (RZ 2003-PR-037)

**SUBJECT:** Transportation Impact

**REFERENCE:** PCA /FDPA 2003-PR-037  
Beech Grove Neighborhoods LLC & Kendall Square Homeowners  
Association  
Traffic Zone: 1608  
Land Identification Map: 48-1 ((48)) A, 6-19

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated May 5, 2009. The applicant proposes to amend the development conditions to replace the requirement for a building setback of eleven feet along Kingsbridge Drive with a building setback of four feet. The property boundary cuts five feet inward along Kingsbridge Drive because a previous owner dedicated additional right of way to Fairfax County.

This department has no transportation issues with this application.

AKR/LAH/lah



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

DAVID S. EKERN, P.E.  
COMMISSIONER

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8368)

July 24, 2009

Ms. Regina Coyle  
Director of Planning and Zoning  
Office of Comprehensive Planning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5511

Re: PCA/FDPA 2003-PR-037 Beech Grove Neighborhoods LLC  
Tax Map # 48-3((01))0025  
Fairfax County

Dear Ms. Coyle:

I have reviewed the above plan submitted on June 26, 2009, and received on July 7, 2009. The following comments are offered:

1. I have received numerous calls from adjacent landowners regarding the lack of adequate parking on this site and along the public street. This concern was raised in my previous comment #6 when the rezoning was processed. If there is any space available, additional parking spaces within this community need to be added to alleviate the severe parking shortage along Kingsbridge Drive. The lack of parking can cause people to park illegally, thereby creating safety problems along the public street. Existing use of the on street parking was high before this development was constructed. The needs of this development have caused this situation to worsen and should be addressed before this development is released from its bonds.

If you have any questions, please call me at (703)383-2424.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Nelson".

Kevin Nelson  
Transportation Engineer

cc: Ms. Angela Rodeheaver  
fairfaxrezoningRZ2003-PR-037pca1BeechGroveLLC7-24-09RC



FAIRFAX COUNTY  
PUBLIC SCHOOLS

Department of Facilities and Transportation Services  
Office of Design and Construction Services  
City Square Building, Suite 400  
10640 Page Avenue  
Fairfax, Virginia 22030

July 9, 2009

Regina Coyle, Director  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Suite 800  
Fairfax, Virginia 22035

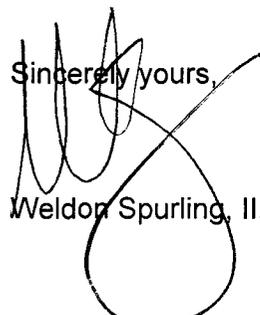
Ladies and Gentlemen:

Re: Below Listed Recently Filed Development Plan Analysis

PCA/FDPA 2003-PR-037

This office has reviewed the subject development plan application, and has no comments with respect to school acquisition.

Sincerely yours,

  
Weldon Spurling, II, PE

WS/vm

cc: Facilities Planning Services, FCPS (w/attach.)  
File

B.che



**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, Manager,   
Park Planning Branch, PDD

**DATE:** July 28, 2009

**SUBJECT:** PCA/FDPA 2003-PR-037, Beech Grove  
Tax Map Number(s): 48-3((48)) A, 6-19

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on land or resources of the Park Authority.

FCPA Reviewer: Andy Galusha  
DPZ Coordinator: William O'Donnell

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



County of Fairfax, Virginia

**MEMORANDUM**

**DATE:** July 17, 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. PCA/FDPA2003-PR-037  
Tax Map No. 048-3/48/ /0006-19, A

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

1. The application property is located in the Accotink (M-2) watershed. It would be sewerred into the Noman M. Cole Pollution Control Plant (NMCPCP).
2. 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.
3. An existing 8" inch line located on the property is adequate for the proposed use at this time.
4. 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 Rezoning		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	—	—	—	—	—	—

5. 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

July 10, 2009

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

Re: PCA 2003-PR-037  
FDPA 2003-PR-037

Dear Ms. Coyle:

Fairfax Water has reviewed the above noted generalized development plan and has no comments.

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: July 2, 2009

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

**FROM:** Eric Fisher, GIS Analyst III  
Information Technology Section  
Fire and Rescue Department

**SUBJECT:** Fire and Rescue Department Preliminary Analysis of Proffered Condition  
Amendment/Final Development Plan Amendment Application 2003-PR-037

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



**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.

## 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 be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Abbreviations Commonly Used in Staff Reports

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