



FAIRFAX COUNTY

DP2
OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

August 7, 1999

John H. Thillmann
5252 Cherokee Avenue – Suite 303
Alexandria, Virginia 22312

RE: Rezoning Application
Number RZ 1998-MA-010

Dear Mr. Thillmann:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 26, 1999, granting Rezoning Application Number RZ 1998-MA-010 in the name of Fairfax Development Corporation, to rezone certain property in the Mason District from the R-4 and C-3 Districts; Sign Control Overlay and Highway Corridor Overlay Districts to the PDH-12 District; Sign Control Overlay and Highway Corridor Overlay Districts, subject to the proffers dated June 15, 1999, on subject parcels 60-3 ((16)) 143, 144; 71-1 ((4)) 109C and 145A, consisting of approximately 2.4 acres.

The Board also approved the Conceptual Development Plan; the Planning Commission having previously recommended approval of Final Development Plan FDP 1998-MA-010 on June 24, 1999, subject to the Board's approval of RZ 1998-MA-010.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors
NV/ns

RZ 1998-MA-010
August 7, 1999

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

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 26th day of July, 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-MA-010

WHEREAS, Fairfax Development Corporation filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-4 and C-3 Districts; Sign Control Overlay and Highway Corridor Overlay Districts to the PDH-12 District; Sign Control Overlay and Highway Corridor Overlay Districts; 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 Mason District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PDH-12 District; Sign Control Overlay and Highway Corridor Overlay Districts; and said property is subject to the use regulations of said PDH-12 District; Sign Control Overlay and Highway Corridor Overlay Districts; 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 26th day of July, 1999.



Nancy Velts

Clerk to the Board of Supervisors



METES AND BOUNDS DESCRIPTION
OF
COMMONWEALTH OF VIRGINIA
FAIRFAX COUNTY
TAX MAP 60 - 3 - ((16)) PARCELS 143, 144
AND
TAX MAP 71 - 1 ((4)) PARCELS 109C, 145A

BEGINNING AT A POINT IN THE NORTHERN RIGHT-OF-WAY LINE OF COLUMBIA PIKE (STATE ROUTE 244) AND SAID POINT BEING THE SOUTH EAST CORNER OF ANNANDALE VOLUNTEER FIRE DEPARTMENT, THENCE DEPARTING SAID RIGHT-OF-WAY AND RUNNING WITH THE EASTERLY LINE OF ANNANDALE VOLUNTEER FIRE DEPARTMENT N 29°33' 08" W 590.32 FEET TO A POINT AT THE INTERSECTION OF DANIELS AVENUE (STATE ROUTE 958) AND THORNTON STREET (STATE ROUTE 3274) SAID POINT BEING ON THE SOUTHERN RIGHT-OF-WAY OF DANIELS AVENUE; THENCE DEPARTING THE LINE OF SAID FIRE DEPARTMENT AND RUNNING WITH SAID RIGHT-OF-WAY N 45°09' 51" E 27.99 FEET TO A POINT; THENCE WITH SAID RIGHT-OF-WAY AND CONTINUING WITH OLIVER PARK, SECTION 2, N 38°06' 54" E 226.87 FEET TO A POINT IN THE LINE OF CHATELAIN VILLAGE; THENCE DEPARTING THE LINE OF SAID OLIVER PARK AND RUNNING WITH THE LINE CHATELAIN VILLAGE S 50°53' 32" E 347.07 FEET TO A POINT IN THE LINE OF ANNANDALE BAPTIST CHURCH; THENCE DEPARTING SAID CHATELAIN VILLAGE AND RUNNING WITH THE LINE OF ANNANDALE BAPTIST CHURCH AND CONTINUING WITH JAPAN TRAVELERS SERVICE INC. S 51°01' 45" W 340.74 FEET TO A POINT; THENCE CONTINUING WITH SAID LINE S 29°33' 08" E 306.20 FEET TO A POINT IN SAID RIGHT-OF-WAY OF COLUMBIA PIKE; THENCE DEPARTING THE LINE OF JAPAN TRAVELERS SERVICE INC. AND RUNNING WITH SAID RIGHT-OF-WAY S 63°16' 03" W 27.03 FEET TO THE POINT OF BEGINNING AND CONTAINING 104,638 SQUARE FEET OR 2.40216 ACRES MORE OR LESS.

E:197175SURVEYPLATS97175RZO.M&B

BOWMAN CONSULTING GROUP P.C.
10530 ROSEHAVEN STREET, SUITE 100 • FAIRFAX, VA 22030-2840
PHONE (703) 385-5000 • FACSIMILE (703) 385-5096

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
JAN 08 1998
ZONING EVALUATION DIVISION

PROFFERS

RZ/FDP 1998-MA-010

June 15, 1999

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended, the property owner and applicant, for themselves and their successors and/or assigns (hereinafter collectively referred to as the "Applicant") in this rezoning, proffer that the development of the parcels under consideration and as shown on Fairfax County tax map referenced 60-3 ((16)) parcels 143 and 144 and tax map 71-1 ((4)) parcels 109C and 145A (hereinafter the "Property") will be in accordance with the following conditions, subject to approval of this rezoning application. The proffered conditions are:

1. The Property shall be developed in substantial conformance with the Conceptual Development Plan (CDP) Final development Plan (FDP) dated May 12, 1998, and as revised through May 22, 1998, prepared by Bowman Consulting Group and as further modified by these proffered conditions.
- 2) Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The applicant reserves the right to make minor amendments to the internal lot lines of the proposed subdivision at time of subdivision plan submission so long as amendments are in substantial conformance with the CDP/FDP.
- 3) All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy efficient homes or its equivalent as determined by the Department of Environmental Management (DEM) for either electric or gas substance.
- 4) Limits of clearing and grading shall conform to those shown on the CDP/FDP.

- 5) Any conversion of garages that will preclude parking of motor vehicles within the garages is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to sale of any lots and shall run to the benefit of the Homeowner's Association, which shall be established and the Board. Prospective purchasers shall be advised of the use restriction prior to entering in to a contract of sale.
- 6) In the event that the Storm Water Management Pond (SWM) as shown on the CDP/FDP, is not needed or used for SWM purposes, as approved by D.P.W.E.S., the area shall be dedicated to the HOA for open space purposes.
- 7) The Annandale Volunteer Fire Department Station (VFD) will be provided an easement via a strip of land adjacent to the 6 foot asphalt trail from the 20 homes to Columbia Pike (Rt. 244). This easement is granted for the exclusive use of VFD emergency personnel for parking. The VFD will be responsible for maintenance of the whole area, and for lighting of the area.
- 8) A six-foot wide asphalt trail will be constructed from the fence around the development south to the edge of the shopping center driveway at Columbia Pike. The trail will be lighted via low level foot path lighting fixtures.
- 9) All lighting fixtures shall be in conformance with the Annandale Re-vitalization guidelines determined by the Department of Housing and Community Development.
- 10) A solid wood "wall/barrier" is designed as a visually attractive and integral element of the entire perimeter of the 20 homes and to fit in with the architectural design of the project. This wall is further intended to separate this project from the shopping center and church lots to the south, and is detailed as a schematic for illustrative purposes on "attachment A". The wall/barrier will be composed of sixteen foot sections between pillars with an articulated top, the exterior to be textured and painted, The pillars will be 7 feet high with the wall being 6 feet high and sculpted. Pillars of brick alternating with others of wood (Faux pillars) will be sixteen feet apart except for the area surrounding the storm water pond which will have wood pillars as per D.P.W.E.S.

- 11) The entry feature will combine brick columns, wrought iron and planting materials consistent with the perimeter wall/barrier design on attachment A.
- 12) All sidewalks on site will be constructed of brick or similar pavers.
- 13) A landscaping plan showing a minimum of 20% tree cover will be implemented. Trees shall be planted in each front yard at the sidewalk entrance.
- 14) A central pavilion and landscaped area serving as a community on site recreation / gathering place will be constructed. The area under the pavilion will consist of a multi purpose area for neighborhood gathering, music, dancing and visiting with children. The floor will be composed of a brick or similar paver material. Included within the pavilion area will be furniture (bench seats, chairs and tables) which will be movable so as to allow table games (checkers, chess, etc.), dancing, games for children or passive sitting for community congregation. Surrounding the pavilion will be a landscaped and planted area consisting of flowers, flowering shrubs, brick/paved sidewalk, outdoor lighting and a brick/paver material to form an apron which will be divided from vehicular travel-ways by a raised concrete ribbon from the travel way asphalt. If less than the total of \$19, 100 is anticipated to be spent for the pavilion and community recreation and activity area the remainder of funds shall be provided to the Fairfax County Park Authority at the time of site plan approval for recreation in the area.
- 15) The applicant shall contribute to the Board of Supervisors a sum of \$1,200 per dwelling unit upon the issuance of a residential use permit for each dwelling unit for the purpose of revitalization efforts in the Annandale area. Alternatively (as determined by the applicant), a total amount of \$24,000 in equivalent (in-kind) construction work shall be provided for downtown Annandale revitalization, with the amount to be documented by D.P.W.E.S. The projects to be funded by this contribution shall be determined by the Mason District Supervisor in consultation with the Annandale Central District Committee, Inc.
- 16) The undersigned and the Board of Supervisors acknowledge and agree that: (i) the Commonwealth of Virginia, Department of Motor Vehicles (DMV), joins in this application as fee owner of the property solely as an accommodation to Fairfax Development Corporation; (ii) by executing these proffers, DMV does not waive

its sovereignty or subject itself to any Fairfax County Ordinances; and (iii) by executing these proffers, DMV does not consent to being bound by the terms and conditions of this rezoning application or obligate itself to perform (or to cause to be performed) the terms and conditions of the application or proffers, and no liability, costs or fees relating to the application or proffers shall be imposed against DMV or become a lien against the application property while it is owned by the Commonwealth of Virginia. Accordingly:

- a. In the event that title to the application property does not transfer to The Fairfax Development Corporation on or before September 15, 1999, the Board of Supervisors shall rezone the property to the same zoning classifications to which the property was zoned prior to the approval of this rezoning application;
- b. No earth disturbing activity shall occur on the application property regarding development of the CDP/FDP, and no permit shall be issued for any such earth disturbing activity, until title to the application property has transferred to The Fairfax Development Corporation; and
- c. The approval of this rezoning application shall create no rights pursuant to Va. Code Section 15.2-2307, as amended.

CONTRACT PURCHASER

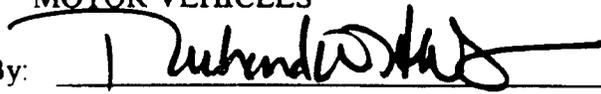
THE FAIRFAX DEVELOPMENT CORPORATION

By: 

Name: Scott Herrick

Title: President

**TITLE OWNERS LOT 60-3 ((16)) PARCELS 143 AND
144 AND 71-1 ((4)) PARCELS 109C AND 145A.
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
MOTOR VEHICLES**

By: 

Name: Richard D. Holcomb

Title: Commissioner

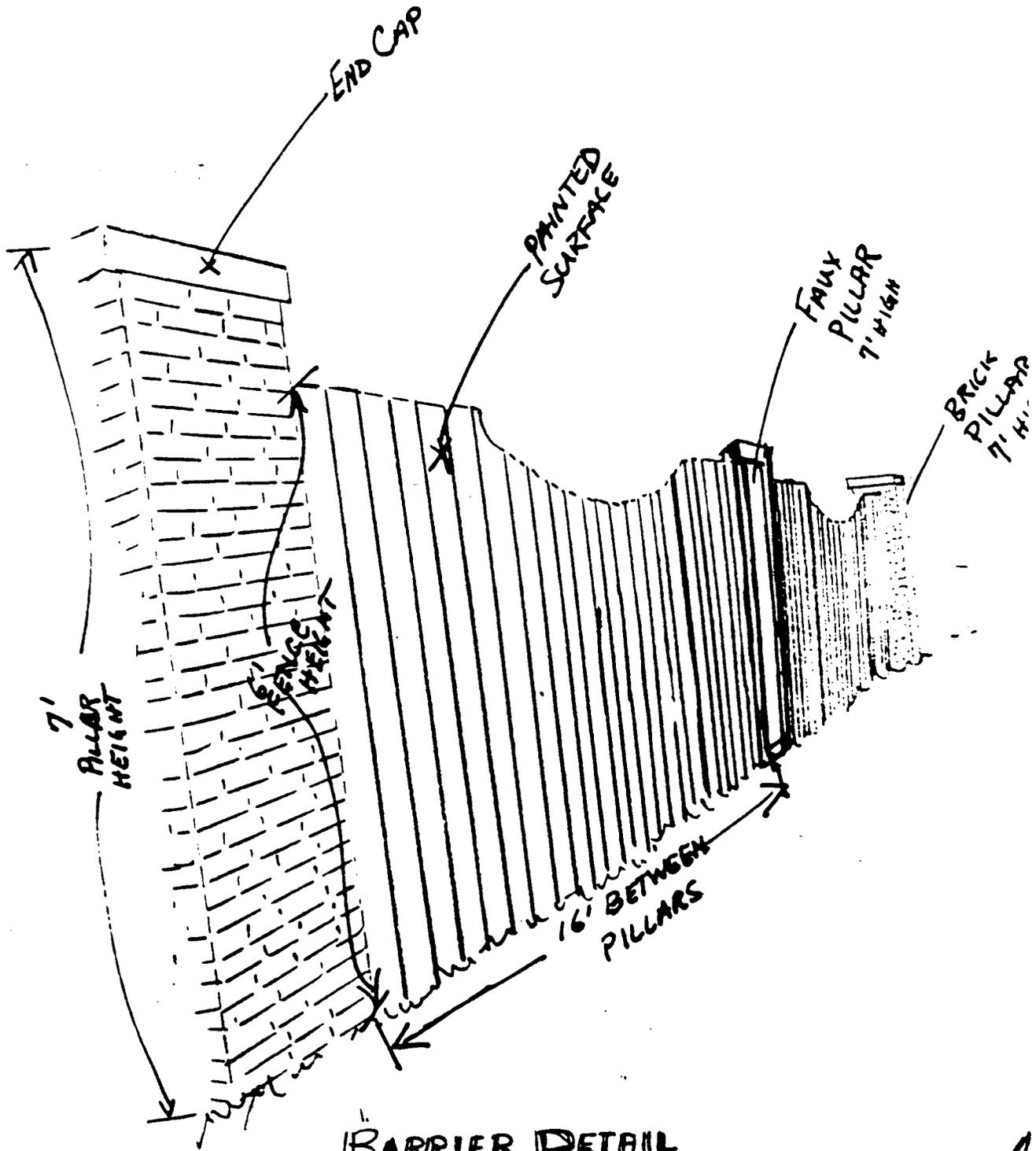
PROPOSED FINAL DEVELOPMENT CONDITIONS

FDP 1998-MA-010

June 24, 1998

If it is the intent of the Planning Commission to approve FDP 1998-MA-010 for residential development located at Tax Map 60-3 ((16)) 143, 144 and 71-1 ((4)) 109C, 145A , 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 FDP entitled "Conceptual/Final Development Plan, DMV/Annandale Property" and dated May 12, 1998, revised through May 22, 1998.
2. The architectural features and building materials of the subject building facades and roofs shall be considered illustrative; final architecture shall be consistent with these illustrations in terms of massing, special features, etc., as determined by DEM.
3. The applicant shall work with DEM at the time of site plan submission to determine if less land consumptive stormwater management alternatives than the proposed SWM facility are desirable or feasible for the subject property. If determined feasible, such facilities shall be implemented on the subject property in lieu of the pond shown on the CDP/FDP.



BARRIER DETAIL
WALL DETAIL

ATTACHMENT A

- * SOLID WOOD BARRIER
- * ARTICULATED TOP
- * TEXTURED EXTERIOR

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

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 07/26/99

APPLICATION NUMBER: RZ 98-M-010 MASON DISTRICT

APPLICANT: FAIRFAX DEVELOPMENT CORPORATION

STAFF: RUSS

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: C- 3 R- 4
ACRES: 2.14 .26

PROPOSED:

PDH-12
2.40

ACTION:

PDH-12
2.40

TOTAL ACRES

2.40

TOTAL ACRES

2.40

MAP NUMBERS

060-3- /16/ /0143- ,0144-
071-1- /04/ /0109-C ,0145-A

REMARKS:

REZONED 2.40 ACRES FROM C-3, R-4, HC AND SC TO PDH-12, HC AND SC

ZONING MAP AMENDMENT

RZ 98-M-010

ZONING DISTRICT DATA

ZONING DISTRICT: PDH-12

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD	20	2.40				

TOT	20	2.40	8.33			
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PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

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

REMARKS :

ZONING MAP AMENDMENT

RZ 98-M-010

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
1Z OTHER - GENERAL	1B CONCEPTUAL DEVEL PLAN
3Z OTHER - TRANSPORTATION	3F PEDESTRIAN FACILITY/TRAIL
4Z OTHER - ENVIRONMENT	2Z OTHER - LAND USE
2H RECREATION FACIL/SITES	2Z OTHER - LAND USE
2Z OTHER - LAND USE	4Z OTHER - ENVIRONMENT
4H LANDSCAPING	4P LIGHTING
4Z OTHER - ENVIRONMENT	1Z OTHER - GENERAL
7A OTHER MISCELLANEOUS - SEE FILE	1Z OTHER - GENERAL
1Z OTHER - GENERAL	

\$0	00/00/00
\$0	00/00/00
\$0	00/00/00
\$0	00/00/00

REMARKS:

7/13/98

3:30 p.m. Item - RZ-1998-MA-010 - FAIRFAX DEVELOPMENT CORPORATION
Mason District

On Wednesday, June 24, 1998, the Planning Commission voted unanimously (Commissioners Coan, Downer, Harsel, and Palatiello absent from the meeting) to recommend to the Board of Supervisors approval of RZ-1998-MA-010 and the conceptual development plan, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

The Commission also voted unanimously (Commissioners Coan, Downer, Harsel, and Palatiello absent from the meeting) to approve FDP-1998-MA-010, subject to the development conditions contained in Appendix 2 of the staff report with the deletion of Condition #2; and, subject to the Board's approval of RZ-1998-MA-010.

Planning Commission Meeting
June 24, 1998
Verbatim Excerpts

RZ-1998-MA-010 - FAIRFAX DEVELOPMENT CORPORATION
FDP-1998-MA-010 - FAIRFAX DEVELOPMENT CORPORATION

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. This case has truly been an example of the proper way to do land use development in Mason District. The applicant has worked long and hard. The Comprehensive Plan was changed to reflect the desire of the community. There are two letters in our package this evening. One says -- and it's signed by the Director of the Annandale Volunteer Fire Department: "We feel that this is the best possible use of this property and will improve the community." And that's an adjacent owner and across the street the First Baptist Church of Annandale enthusiastically endorses this rezoning. It has the support of the Annandale Revitalization group as well as the Mason District Land Use Committee. Mr. Thillmann has done his homework and he does have the full support of the community which makes my life a lot easier, and I do appreciate his efforts. With that, Mr. Chairman, I WOULD MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPLICATION REZONING 1998-MA-010 AND THE CONCEPTUAL DEVELOPMENT PLAN BE APPROVED, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX I OF THE STAFF REPORT.

Commissioners Alcorn and Byers: Second.

Chairman Murphy: Seconded by Mr. Alcorn and Mr. Byers. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-MA-010 and the accompanying Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hall.

Commissioner Hall: I further MOVE THAT THE COMMISSION APPROVE FDP-1998-MA-010, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX II WITH THE DELETION OF NO. 2 THAT REFERS TO THE SOLID BARRIER OF THE STAFF REPORT AND TO THE BOARD'S APPROVAL OF THE REZONING OF 1998-MA-010.

Commissioner Byers: Second.

Planning Commission Meeting
June 24, 1998
RZ-1998-MA-010 AND FDP-1998-MA-010

Page 2

Chairman Murphy: Seconded by Mr. Byers. Is there a discussion of that motion? All those in favor of the motion to approve FDP-1998-MA-010, with the amended development conditions subject to the Board's approval of the Rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried unanimously with Commissioners Coan, Downer, Harsel and Palatiello absent from the meeting.)

LBG