



FAIRFAX COUNTY

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

V I R G I N I A

Telephone: 703-324-3151
FAX: 703-324-3926
TTY: 703-324-3903

October 28, 1998

Carson Lee Fifer, Jr., Esquire
McGuire, Woods, Battle & Boothe, L.L.P.
8280 Greensboro Drive - Suite 900
McLean, Virginia 22102-3892

RE: Rezoning Application
Number RZ 1998-SU-007

Dear Mr. Fifer:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 12, 1998 granting Rezoning Application Number RZ 1998-SU-007 in the name of Alban Development Corporation to rezone certain property in the Sully District from the R-1 District to the PDH-5 District subject to the proffers dated September 25, 1998, on subject parcel 25-3 ((1)) 1 consisting of approximately 16.01 acres.

(NOTE: On September 28, 1998, the Board held the public hearing on this application, but deferred decision until October 12, 1998.)

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan Application FDP 1998-SU-007 on July 30, 1998, subject to the Board of Supervisors' approval of RZ 1998-SU-007.

The Board also:

- **Modified the transitional screening requirement along the northern boundary to that shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP);**

RZ 1998-SU-007
October 28, 1998

2.

- **Waived the barrier requirements along the northern boundary; and**
- **Waived the 600 foot maximum length of private streets.**

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

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

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
NOV 10 1998
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 12th day of October, 1998, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 1998-SU-007

WHEREAS, Alban Development Corporation filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the PDH-5 District, and

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

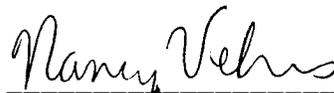
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

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

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

GIVEN under my hand this 12th day of October, 1998.



Nancy Vefers

Clerk to the Board of Supervisors

December 19, 1997

BC Project #: 96023.02

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
JAN 12 1998

DESCRIPTION OF
THE PROPERTY OF
WILLIAM E. POOLE AND O.K. JESSEE
SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA

ZONING EVALUATION DIVISION

Being all of the property acquired by William E. Poole and O.K. Jessee as recorded in Deed Book 2573 at Page 385, less and except therefrom a parcel conveyed to the Commonwealth of Virginia for widening of Centreville Road as recorded in Deed Book 8045 at Page 335, both among the Land Records of Fairfax County, Virginia and being more particularly described as follows:

Beginning at a point on the Westerly right-of-way line of Centreville Road, Route 657, variable width, said point being the Northeasterly corner of Parcel B Fairfax County School Board as recorded in Deed Book 9747 at Page 771, thence running with the Northerly line of said Parcel B and continuing with the Northerly line of Parcel A Fairfax County School Board as Recorded in Deed Book 9747 at Page 771

- 1.) North 51° 17' 04" West 1439.39 feet (438.726 meters) to a point on the Easterly line of Smith as recorded in Deed Book 1603 at Page 418, thence running with the Easterly line of Smith
- 2.) North 38° 53' 36" East 678.99 feet (206.957 meters) to a point on the Southerly line of Parcel A, Mustang Crossing as recorded in Deed Book 7234 at Page 340, said point being on a line that meanders the centerline of Horse Pen Run, thence running with the Southerly lines of said Parcel A and continuing with the Southerly lines of O'Conner and Haraikawa as recorded in Deed Book 7548 at Page 1444, said lines also being the meanders of the centerline of Horse Pen Run the following sixteen (16) courses and distances
- 3.) South 53° 54' 17" East 48.07 feet (14.652 meters) to a point, thence
- 4.) South 20° 24' 35" West 48.45 feet (14.768 meters) to a point, thence

- 5.) South 24° 59' 06" East 160.15 feet (48.814 meters) to a point, thence
- 6.) South 10° 01' 14" West 117.05 feet (35.677 meters) to a point, thence
- 7.) South 74° 35' 26" East 231.71 feet (70.625 meters) to a point, thence
- 8.) South 66° 45' 35" East 93.14 feet (28.389 meters) to a point, thence
- 9.) North 89° 52' 45" East 59.27 feet (18.065 meters) to a point, thence
- 10.) South 00° 24' 35" West 89.50 feet (27.280 meters) to a point, thence
- 11.) South 13° 34' 53" East 66.98 feet (20.415 meters) to a point, thence
- 12.) South 70° 06' 39" East 87.91 feet (26.795 meters) to a point, thence
- 13.) South 84° 38' 47" East 65.50 feet (19.964 meters) to a point, thence
- 14.) South 38° 54' 55" East 183.92 feet (56.059 meters) to a point, thence
- 15.) South 14° 14' 47" East 45.50 feet (13.868 meters) to a point, thence
- 16.) South 30° 04' 57" East 35.87 feet (10.933 meters) to a point, thence
- 17.) South 16° 35' 08" East 70.95 feet (21.626 meters) to a point, thence
- 18.) South 58° 36' 36" East 3.50 feet (1.068 meters) to a point on the
aforementioned Westerly right-of-way line of Centreville
Road, thence running with said right-of-way line the
following four (4) courses and distances
- 19.) South 06° 55' 54" West 179.91 feet (54.836 meters) to a point, thence
- 20.) South 83° 04' 06" East 4.40 feet (1.341 meters) to a point, thence
- 21.) South 07° 13' 46" West 76.94 feet (23.452 meters) to a point, thence

- 22.) 226.11 feet (81.110 meters) along the arc of a curve deflecting to the right having a radius of 2808.29 feet (855.968 meters) and a chord bearing South 09° 38' 47" West 266.01 feet (81.080 meters) to the point of beginning containing 16.01 acres (6.479 hectares) of land as calculated from the square footage shown by Fairfax County Real Estate Assessments

This description was prepared without the benefit of a current Title Report which may reveal or discover easements and/or rights-of-way not described herein.

(V:\PROJECT\96023\DOCUMENT\96023MBD.DOC)

PROFFERS

SEP 28 1998

Rezoning # RZ 1998-SU-007
September 25, 1998

ZONING EVALUATION DIVISION

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos.25-3((1))1 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDH-5 District is granted. In the event said application request is denied, these proffers shall be null and void. The Applicant, for itself, its successors and assigns, agrees that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. These proffered conditions, if accepted, supersede all proffers existing on the Property. The proffered conditions are:

GENERAL

1. Subject to the proffers and the provisions of Section 16-403 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development will be in substantial conformance with the Conceptual Development Plan

("CDP") and Final Development Plan ("FDP"), prepared by B.C. Consultants dated January 1998 and revised through September 16, 1998.

2. The development shall consist of a maximum of 93 single family attached residential units. The size, width, and location of the building footprints shown on the CDP/FDP are conceptual and the Applicant reserves the right to modify the size and location of the building footprints, or develop a lesser number of lots, in accordance with the requirements of Section 16-403 of the Zoning Ordinance.

3. The Applicant shall establish a homeowners association for the purpose of maintaining common areas and private streets within the approved development. In conjunction with the appropriate site plan review processes, private streets and common areas shall be dedicated to the homeowners association.

4. The Applicant shall include language in its Declaration of Covenants, Conditions and Restrictions which: (a) prohibits the conversion of garages into any use other than the parking of vehicles; and (b) discloses the existence of private streets throughout the community. The private streets on the Application Property shall be constructed with a pavement section, thickness and material which conforms with Public Facilities Manual (PFM) standards as determined by the Department of Public Works and Environmental Services (DPW&ES). Purchasers shall be advised prior to entering into a contract of sale that the homeowners association shall be responsible for the maintenance of all the

private streets in the development. The appropriate homeowners association documents shall specify that the homeowners association is responsible for the maintenance of the private streets.

ENTRANCE/FRONTAGE IMPROVEMENTS

5. The Applicant shall construct a left turn lane into the site entrance from Centreville Road. In the event development of the site commences prior to VDOT's's Planned Improvements to Centreville Road (VDOT Project #0657-029-281C504), the required turn lane shall be designed and constructed as an interim improvement in accordance with standards required by VDOT.

6. Prior to final site plan approval, the Applicant shall escrow funds in an amount determined necessary by DPW&ES to complete three (3) southbound lanes of Centreville Road along the site's frontage to Centreville Road.

ENVIRONMENTAL

7. The area of the Environmental Quality Corridor (EQC), as generally delineated on the CDP/FDP shall be preserved as open space. Within the EQC area, there shall be no clearing and grading beyond that required to install necessary public utilities or passive recreational amenities such as trails or pathways. The area of the EQC shall be dedicated to the Fairfax County Park Authority at the time of record plat approval. This dedication to

the Fairfax County Park Authority shall require no improvements by the Applicant to the area being dedicated. In the event the Fairfax County Park Authority does not accept this proposed dedication, the area of the EQC shall be incorporated into the common areas owned and maintained by the homeowner's association established for the approved development. Under either ownership scenario, appropriate public access easements shall be provided within the EQC area to provide the residents of the proposed development with access to contemplated stream valley trails.

8. Prior to site/subdivision plan approval, documentation shall be provided to DPW&ES demonstrating that all proposed site work conforms to the applicable wetlands permitting requirements established by the Army Corps of Engineers.

9. Stormwater management shall be provided for the property in accordance with Best Management Practice ("BMP") standards in accordance with Fairfax County requirements or as otherwise may be approved by DPW&ES.

10. The area shown on the CDP/FDP as "reserved for stormwater management easement" shall, if determined necessary by DPW at site plan review, be incorporated into a stormwater or ponding easement running to the benefit of the Board of Supervisors in a form acceptable to the County Attorney.

11. The following highway noise mitigation measures shall be implemented at the time of site plan review:

In order to achieve a maximum interior noise level of 45 dBA Ldn, all units located between 65-70 dBA Ldn highway noise

impact contours (approximately 220 feet from the centerline of Centreville Road) shall have the following acoustical attributes:

- (a) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
- (b) Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than 20% of any facade, they shall have the same laboratory STC rating as walls.
- © Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

In order to achieve a maximum exterior noise level of 65 dBA Ldn noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, shall be provided for those outdoor recreation areas, including rear yards, that are unshielded by topography or built structures. If acoustical fencing or walls are used, they shall be architecturally solid from ground up with no gaps or openings. The structure employed must be of sufficient height to adequately shield the impacted area from the source of the noise.

The Applicant may pursue other methods of mitigating highway noise if it can be demonstrated, through an independent noise study for review and approval by DPW&ES, that these methods will be

effective in reducing exterior noise levels to 65 dBA Ldn or less and interior noise levels to 45 dBA Ldn or less, or that noise impacts are less than forecasted by County Staff.

LANDSCAPING

12. Landscaping shall be provided in substantial conformance with the depth, quality and quantity of plantings identified in the landscaping concepts shown on the CDP/FDP. The specific type, number and placement of plantings and landscaping shall be determined at the time of site plan, subject to review and approval of a landscape plan by the Urban Forester, DPW&ES. If, during the process of site plan review, any landscaping shown on the CDP/FDP is removed in order to locate utility lines, trails, etc., as determined necessary by the Director, DPW&ES, then an area of additional landscaping of equivalent value, as determined by Urban Forester, DPW&ES, may be substituted at an alternate location on the site.

LIMITS OF CLEARING AND GRADING

13. The Applicant shall conform substantially to the limits of clearing and grading shown on the CDP/FDP, subject to minor modification for sound engineering and construction practices and installation of utilities lines, if necessary, as determined by DPW&ES. Limits of clearing and grading shall be clearly marked with stakes on the site prior to the commencement of land disturbing activity.

AFFORDABLE HOUSING

14. The Applicant shall provide Affordable Dwelling Units

(ADUs) in accordance with the requirements of Article 2 of the Zoning Ordinance. In the event that, prior to issuance of a building permit for approval of units in any section of the approved development, the Board of Supervisors amends the current Zoning Ordinance requirements for fulfilling affordable housing objectives, the Applicant reserves the right to comply with the Ordinance requirements in effect at that time.

In the event the requirements of the ADU Ordinance change in a way that requires fewer ADU units, units currently allocated to the ADU program may be converted to market rate units if in substantial conformance with the CDP/FDP. Such conversion shall not require a CDP/FDP amendment application.

RECREATION

15. At the time of site plan review, the Applicant shall demonstrate that the proposed on-site recreational amenities generally shown on the CDP/FDP have a value equivalent to \$955.00 per market rate dwelling unit as required, by Article 6 of the Zoning Ordinance. In the event it is determined that the proposed facilities do not have sufficient value, the Applicant shall have the option to: 1) provide additional on-site recreational amenities within open space areas shown on the CDP/FDP; or 2) contribute necessary funds to the Fairfax County Park Authority for off-site recreational purposes.

15A. At the time of site plan approval, the Applicant shall

contribute to the Fairfax County Park Authority, an additional \$250.00 for each market rate unit to be used at the discretion of the Park Authority for a potential bridge for crossing the stream valley which forms the northern boundary of the application property or other off-site recreation needs.

ENERGY EFFICIENCY

16. 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 DPW&ES, for either gas or electric energy systems as may be applicable.

TRAILS

17. At the time of site plan approval, the Applicant shall escrow funds with DPW&ES for the construction, by others, of a trail of asphalt material along the north side of the stream valley that generally forms the northern boundary of the Application Property. The geometry of the trail on which the escrow amount is based shall be determined by DPW&ES at site plan review in accordance with current County standards for Comprehensive Plan trails through residential areas. The actual amount of the escrow shall be determined by DPW&ES, based on the application of the published unit cost(s) for the appropriate trail contained within the County's current Bond Estimate criteria. The final location of any trails constructed within the property dedicated by the Applicant to the Park Authority pursuant to Proffer 7 shall be at the sole discretion of the Fairfax County Park Authority.

These proffers may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

CONTRACT PURCHASER:

Alban Development Corp.

By: John A. Sorenson J. Vice Pres.

CO-OWNER, TAX MAP NUMBER
#25-3((1))1

W E Poob
William PoobE

CO-OWNER, TAX MAP NUMBER
#25-3((1))1

O. H. Jesse
O. H. Jesse

COMMONWEALTH OF VIRGINIA,
CITY OF FAIRFAX:

The foregoing proffers were acknowledged before me this 31ST day of
JULY, 1998, by WILLIAM POOLE and
O. K. JESSEE.

My Commission Expires:
JUNE 30, 2002

Jamie E. Rles
Notary Public

COMMONWEALTH OF VIRGINIA,
COUNTY OF PRINCE WILLIAM:

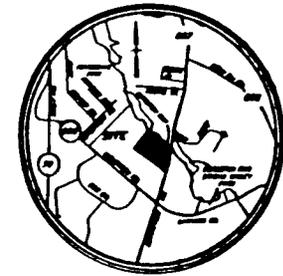
The foregoing proffers were acknowledged before me this 31ST day of
July, 1998, by LESTER A. SORENSEN, JR..

My Commission Expires:
2-28-99

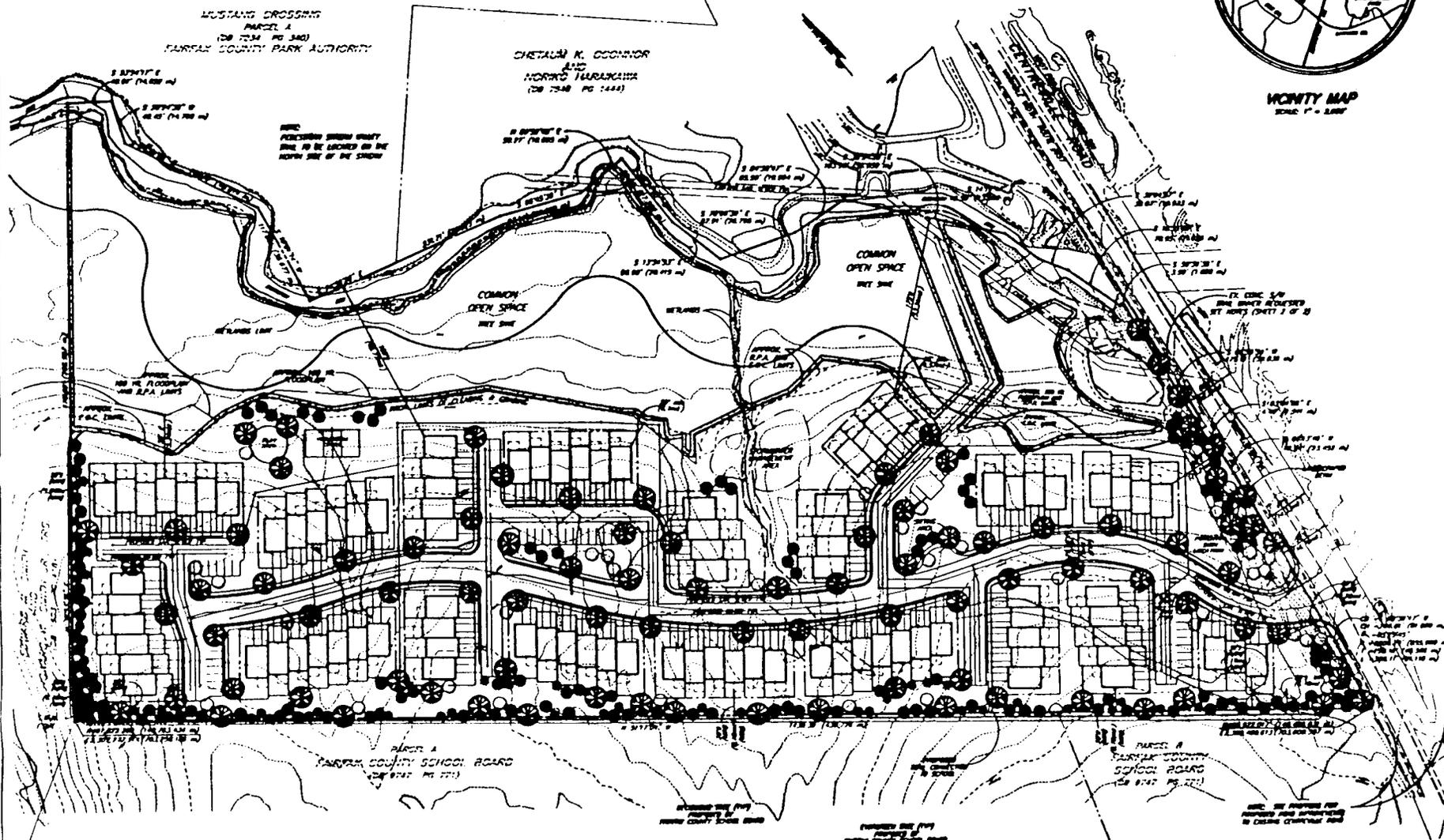
Connie L. Zahar
Notary Public

LANDSCAPE LEGEND:

-  DECIDUOUS TREE (LARGE)
-  DECIDUOUS TREE (SMALL)
-  EVERGREEN TREE (MEDIUM)
-  SHRUBS



MONTY MAP
DATE: 7-1-2007



BC Consultants
 11700 The Lakes Drive, Suite 100, Fairfax, VA 22030
 (703) 441-1100 (FAX) 703-441-1101



CONCEPTUAL/FINAL DEVELOPMENT PLAN
 PRELIMINARY SUBDIVISION PLAN
POOLE PROPERTY

DATE: 7-1-2007	BY: [Signature]
SCALE: 1" = 40'	FILE NO: 000214
CAD FILE: 000214.DWG	
SHEET 1 OF 4	

METRIC EQUIVALENT: 1:600

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

BOARD OF SUPERVISORS ACTION
ZONING MAP AMENDMENT
DATE OF ACTION 10/12/98

APPLICATION NUMBER: RZ 98-Y-007 SULLY DISTRICT
APPLICANT: ALBAN DEVELOPMENT CORPORATION
STAFF: RUSS

APPLICATION DATA

EXISTING ZONING AND ACREAGE

ZONING: R- 1
ACRES: 16.01

PROPOSED: ACTION:
PDH- 5 PDH- 5
16.01 16.01

TOTAL ACRES TOTAL ACRES
16.01 16.01

MAP NUMBERS

025-3- /01/ /0001-

REMARKS:

REZONING FROM R-1 TO PDH-5 16.01 ACRES TO DEVELOP 93 SFA DU AT 5.81
DU/AC. THE FDP APPROVAL BY THE PC WAS FOR 96 DU AT 6 DU/AC. THE LAYOUT REMAINS

ZONING MAP AMENDMENT

RZ 98-Y-007

ZONING DISTRICT DATA

ZONING DISTRICT: PDH- 5

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFA	93	16.01			12	12
-----	-----	-----	-----	-----	---	---
TOT		16.01	5.81		12	12

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-Y-007

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
1Z OTHER - GENERAL	1Z OTHER - GENERAL
1Z OTHER - GENERAL	1Z OTHER - GENERAL
4Z OTHER - ENVIRONMENT	4I ENERGY CONSERVATION
4F STREAM VALLEY/EQC/FLOODPLAIN	4H LANDSCAPING
4Z OTHER - ENVIRONMENT	4Z OTHER - ENVIRONMENT
4E NOISE ATTENUATION	1B CONCEPTUAL DEVEL PLAN
7A OTHER MISCELLANEOUS - SEE FILE	5Z OTHER - MODERATE PRICED HOUSING
2Z OTHER - LAND USE	2Z OTHER - LAND USE
2H RECREATION FACIL/SITES	4Z OTHER - ENVIRONMENT
4Z OTHER - ENVIRONMENT	4Z OTHER - ENVIRONMENT

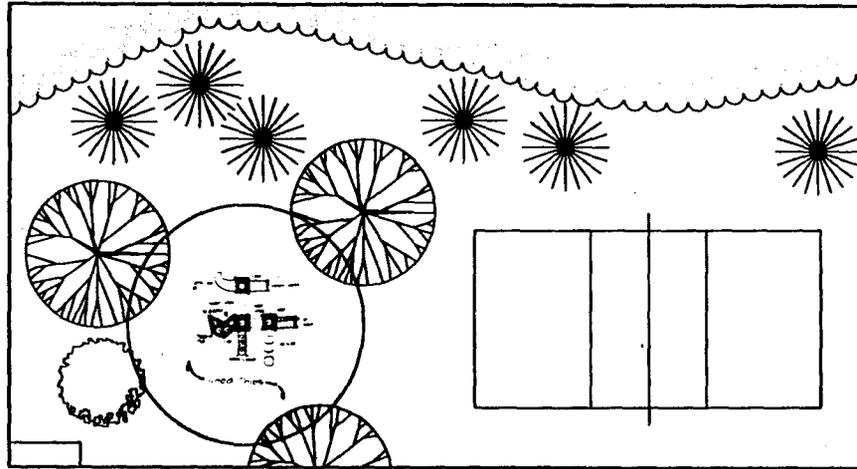
CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	
		\$0		00/00/00	

REMARKS:

LANDSCAPE LEGEND:

-  DECIDUOUS TREE (LARGE)
-  DECIDUOUS TREE (SMALL)
-  EVERGREEN TREE (MEDIUM)

NOTE: TREE SHAPES ARE FOR ILLUSTRATIVE PURPOSES ONLY.



PLAY AREA ENLARGEMENT

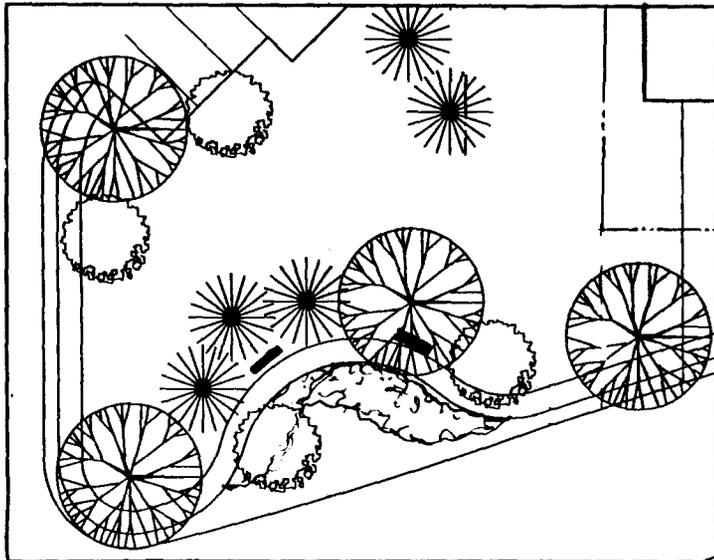
(For Illustrative Purposes Only)
Scale: 1"=10'

PLAY AREA:

COMPANY: BURKE PLAYGROUND AND RECREATION EQUIPMENT
1815 7TH STREET, N.W.
WASHINGTON, DC 20001
(OR EQUIVALENT)

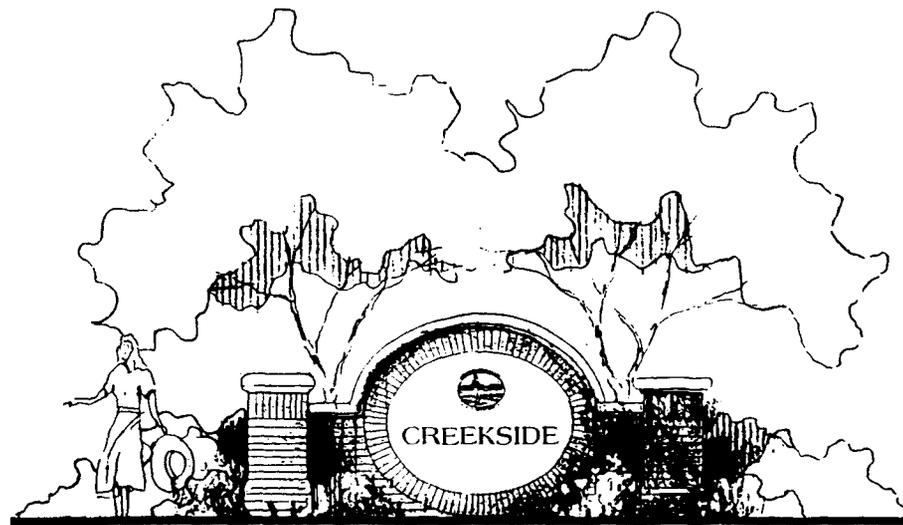
EQUIPMENT: #2000-130
COLOR: TAN TUBES AND SLIDES, GREEN POSTS,
AND BROWN PLATFORMS.
MATERIALS: POLYETHYLENE AND 6061-T6 ALUMINUM ALLOY

NOTE: THE ITEMS LISTED ARE TYPICAL AND MAY BE CHANGED
WITH FINAL ENGINEERING, DESIGN AND CONSTRUCTION.



SITTING AREA ENLARGEMENT

(For Illustrative Purposes Only)
Scale: 1"=10'



ENTRANCE SIGN DETAIL

(For Illustrative Purposes Only)
Scale: 1"=2'-0"

BC Consultants
Professional Landscaping, Site Planning, Landscape Architecture
18700 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
(703)448-8100 (Fax)
BC@bcconsultants.com



LANDSCAPE ENLARGEMENT DETAILS
PRELIMINARY SUBDIVISION PLAN
POOLE PROPERTY
POOLE COUNTY, VIRGINIA

DESIGNED BY: PLR	DATE: APR 1999
DRAWN BY: JAL	CHECKED BY: JHG
DATE: APRIL 1999	SCALE: 1/8"=1'-0"
SCALE: 1/8"=1'-0"	SHEET 3 OF 4
CDL NO.	FILE NO. 98021.01
	CADD NAME: PRR021.01.dwg



FOR ILLUSTRATIVE PURPOSES ONLY

BC Consultants
 Architects • Engineers • Surveyors • Landscape Architects
 12700 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
 (703)468-4100 (703)468-3100 (Fax)
 bcconsultants.com



ILLUSTRATIVE TOWNHOUSE SECTIONS
POOLE PROPERTY
 HALL COUNTY, GEORGIA

NO. 2023	DATE: 7/15/23
DESIGNED BY: PLS	CONTRACT NUMBER: 23-00101
DRAWN BY: JAR	PROJECT: POOLE PROPERTY
CHECKED BY: JMS	LOCATION: HALL COUNTY, GEORGIA
DATE: JUNE 1998	SCALE: 1/8" = 1'-0"
SCALE: 1/8" = 1'-0"	SHEET 4 OF 4
CD. NO.	FILE NO. 00001.01
CAD NAME: PROCDP4.DWG	

9/28/98

4:00 p.m. Item - RZ-1998-SU-007 - ALBAN DEVELOPMENT CORPORATION
Sully District

On Thursday, July 30, 1998, the Planning Commission voted 7-1-2 (Commissioner Palatiello opposed; Commissioners Byers and Thomas abstaining; Commissioner Downer not present for the vote) to recommend to the Board of Supervisors that RZ-1998-SU-007 and the conceptual development plan be approved, subject to the execution of proffers consistent with those dated July 30, 1998.

The Commission voted 7-1-2 (Commissioner Palatiello opposed; Commissioners Byers and Thomas abstaining; Commissioner Downer not present for the vote) to approve FDP-1998-SU-007, subject to the development conditions contained in Appendix 2 of the staff report and subject to the Board's approval of RZ-1998-SU-007.

The Commission voted 8-0-2 (Commissioners Byers and Thomas abstaining; Commissioner Downer not present for the vote; Commissioner Coan absent from the meeting) to recommend to the Board of Supervisors approval of a modification of the transitional screening requirement along the northern boundary to that shown on the CDP/FDP.

The Commission also voted 7-0-3 (Commissioners Byers, Harsel, and Thomas abstaining; Commissioner Downer not present for the vote; Commissioner Coan absent from the meeting) to recommend to the Board of Supervisors approval of a waiver of the barrier requirements along the northern boundary.

The Commission further voted 8-0-2 (Commissioners Byers and Thomas abstaining; Commissioner Downer not present for the vote; Commissioner Coan absent from the meeting) to recommend to the Board of Supervisors approval of a waiver of the 600 foot maximum length of private streets.

RECEIVED
DEPARTMENT OF PLANNING AND ZONING

SEP 15 1998

ZONING EVALUATION DIVISION

Planning Commission Meeting
July 30, 1998
Verbatim Excerpts

RZ-1998-SU-007 - ALBAN DEVELOPMENT CORPORATION
FDP-1998-SU-007 - ALBAN DEVELOPMENT CORPORATION

Decision Only During Commission Matters

Commissioner Koch: Last night we held a public hearing for a parcel in the Sully District, just south of the boundary of the Hunter Mill District. I deferred decision until tonight to give us time to consider the testimony and consider the creek crossing. Before I go into my motion, I think it would be a good idea to give a little history on how this parcel came to be planned as it is. On November 17, 1997, the Board of Supervisors adopted the following language for Land Bay Unit D2: "As an option, Tax Map 25-3((1))1 may be appropriate for residential use at a density of 4 to 5 dwelling units per acre. The opportunity for residential use on this parcel should not impede the implementation of the Plan's guidance that this land unit be developed for light industrial and industrial flex uses." It also suggests that the residential development should be placed as far away from the school and industrial uses as possible. This language was adopted after going through the APR process. The nominator originally was asking for 5 to 8 units per acre, which had County staff's favorable recommendation, but the Sully District Citizens Task Force recommended a lesser density of 4 to 5. The nomination came to us with a split recommendation and we decided to go with the lower density, and the Board of Supervisors agreed. The application, which staff felt was in accord with the new adopted Plan language, was scheduled for public hearing on July 8, 1998. The applicant notified the list of homeowners associations given to him by Supervisor Frey and found there was no problem with the request. However, the association most affected were not contacted because they were in the Hunter Mill District. I attended a meeting with those citizens on July 6 and, after hearing their concerns, I deferred the public hearing until July 29th. The reason for the deferral was two-fold. First, I wanted the citizens and the applicant to meet and address the concerns and because the Commissioner from the Hunter Mill District, Mr. Palatiello, was going to be out for the July 8th public hearing and I wanted him to be present for the hearing. At last night's public hearing, we heard a number of concerns. The first had to do with parking. The citizens feared the applicant would not furnish enough parking spaces for the proposed development. To address this issue, the applicant has agreed to twice the number of parking spaces that are required for a development of this size. Secondly, the citizens had concerns about the visibility of the townhouses from their lots. The applicant furnished documentation that showed that the visual impact of these townhomes will be minimal to the adjacent neighborhood. I cannot believe that industrial use would be any more pleasing to the adjoining citizens. The third issue had to do with the citizens not wanting a stream crossing associated with the trail that was planned in that area. The applicant was willing to revise the proffer that restricted the stream crossing on their property. After consideration, I feel that we should leave all options open when it comes to the trail. The residents of Mustang Crossing probably are correct, that when the new school is open, children will want to cross the creek, being the shortest distance. Most of their children will probably be -- most of these children will

probably be from Mustang Crossing. And knowing kids, they will cross whether there's a bridge there or not. If the Park Authority feels a bridge will be necessary, I do not feel we should close that option to them. As for townhouses reducing the value of adjacent single family detached units, I believe this is not a valid assumption. Townhomes exist next to detached units all over the County and have not had this effect. As for the contention that these townhomes might become a breeding ground for gangs, drugs and violence, this does not deserve a response. As Mr. Palatiello pointed out last night, the courts have ruled that we cannot deny a rezoning based on lack of or shortcomings of public facilities. Staff has not identified any transportation problems associated with this development. No one can deny that, in general, there is a traffic problem in the general area. Hopefully, VDOT will be addressing these in timely fashion. There was also a great deal of discussion about the APR process and what the citizens see as its shortcomings. All I can say is that the procedures we have in the County were followed and notification requirements were given. Whether the citizens were vigilant enough to notice the notifications, I cannot speak to, but the bottom line is that I cannot hold this application up because of a perceived problem with the APR process. The application property is 16 acres in size, is surrounded on three sides with I-5 and on the north by public park in the form of the stream valley. The applicant is proposing 96 townhome units which include bonus and ADU units. The ADU units will be interspersed throughout the community. Approximately 55 percent of the land will be provided as open space and most of it will be dedicated to the Fairfax County Park Authority. The application has staff's favorable recommendation and staff has concluded that the applicant has provided a design that conforms with the Comprehensive Plan recommendation for use and density and satisfies the Plan's policy and objectives. All Zoning Ordinance requirements have been addressed. To address Mr. Palatiello's concern about off-site recreational donation, the applicant has agreed to add \$250 for off-site recreation per unit to the \$955 already proffered for recreational commitments.

Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPLICATION RZ-1998-SU-007 AND THE CONCEPTUAL DEVELOPMENT PLAN BE APPROVED, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JULY 30, 1998.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion?

Commissioner Alcorn: Mr. Chairman?

Commissioner Byers: Mr. Chairman?

Chairman Murphy: Mr. Alcorn, then Mr. Byers.

Commissioner Alcorn: I just want to say that I'm sympathetic with some of the testimony we heard last night concerning environmental concerns for this site. Clearly, this is a sensitive area. There are a lot of trees on this site, but I just would like to point out that, given our cluster policy in the Comprehensive Plan and the desire to cluster development

away from sensitive environmental areas like wetlands, like floodplains, this development does do that. And I think it's the best that we can do in terms of preserving the environment, given the Comprehensive Plan on this site, and given the development proposal as proposed, which leaves almost half of it undisturbed as open space then to be turned over to the Park Authority. So I am sympathetic with those concerns, but I think, environmentally, this is about as good as we can get from this site.

Chairman Murphy: Mr. Byers.

Commissioner Byers: Thank you, Mr. Chairman. I have the same feeling and the same concern, and while I don't have a big problem with the proposed development, I am concerned that in the staff report, the comments about -- the quotations from Comprehensive Plan that said they're supposed to cluster this development away from the southern boundary which is next to the school. And the application does not do that, but the thing that concerned me more is that staff didn't bring that point out. That should have been brought out early on so that everybody knew. And until a witness pointed that out, this Commission didn't know that. And I think that's an omission that should have been corrected. I will abstain on this motion because, like Mr. Alcorn and like some of the citizens tonight, I would like maybe a little more time to see if we couldn't rework it a little bit. But I understand Mr. Koch's position and really don't have a big problem with that either.

Chairman Murphy: Further discussion of the motion?

Commissioner Palatiello: Mr. Chairman?

Chairman Murphy: Mr. Palatiello.

Commissioner Palatiello: I'm going to oppose this motion, but thank Mr. Koch, number one, for the hard work that he put in on this; number two, for his generosity in deferring the hearing so that the folks in my Mustang Crossing could be heard and could have a meeting with the applicant. I appreciate Mr. Koch's effort and the applicant's revision with regard to the park proffer. I don't come to this decision easily because, like others have said, and was pointed out last night, I put myself in the shoes of the residents of Mustang Crossing and I have to say to myself, what would I rather look out over, industrial or townhouses. And I would much prefer to look out over townhouses. I have townhouses around my subdivision and I don't see a difficulty with that, and I think the townhouses do provide a reasonable transition, and in fact I supported the APR item on this. I am sensitive though to the concerns that were expressed by the citizens. I'm disappointed that they could not come around to supporting this, but I am particularly troubled, as Mr. Byers is, by the fact that I do not believe that this particular application meets the requirements of that specific provision in the Plan with regard to setting back from that southern boundary. I think that a good townhouse development can and should go in here, but with a design that complies with that particular provision of the Plan. So my hat is off to Mr. Koch for his effort, but I will be voting in the negative on this.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-SU-007, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Palatiello: No.

Commissioners Byers and Thomas: Abstain.

Chairman Murphy: Okay, the motion carries with Mr. Palatiello voting no, Mrs. --

Commissioner Harsel: I just said yes.

Chairman Murphy: Mr. Thomas and Mr. Byers abstaining; Mr. Thomas not present for the meeting. Mr. Koch.

Commissioner Koch: I further MOVE THAT THE PLANNING COMMISSION APPROVE FDP-1998-SU-007, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2 OF THE STAFF REPORT AND TO THE BOARD'S APPROVAL OF RZ-1998-SU-007.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of that motion? All those in favor of the motion to approve FDP-1998-SU-007, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Palatiello: No.

Commissioners Byers and Thomas: Abstain.

Chairman Murphy: Motion carries; Mr. Palatiello votes no; Mr. Thomas and Mr. Byers abstain. Mr. Koch.

Commissioner Koch: I MOVE THAT THE COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE NORTHERN BOUNDARY TO THAT SHOWN ON THE CDP/FDP.

Commissioner Alcorn: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Byers and Thomas: Abstain.

Chairman Murphy: Motion carries; same division.

Commissioner Palatiello: No, I voted aye on that.

Chairman Murphy: All right. I'm sorry. Mr. Palatiello votes aye, with two abstentions. Mr. Koch.

Commissioner Koch: I MOVE THAT THE COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE NORTHERN BOUNDARY.

Commissioner Alcorn: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Byers, Harsel and Thomas: Abstain.

Chairman Murphy: Motion carries; Mr. Byers, Mr. Thomas and Mrs. Harsel abstain.

Commissioner Koch: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Byers and Thomas: Abstain.

Chairman Murphy: Motion carries. All right, we have two abstentions. Mr. Thomas and Mr. Byers abstain. Is the pot right?

Commissioner Palatiello: Mr. Chairman?

Chairman Murphy: Mr. Palatiello.

Commissioner Palatiello: I just want to make an additional comment. There were some comments made by some of the citizens last evening and then there were some non-verbal gestures that I witnessed from here last night regarding the adequacy of the staff review and analysis and coordination carried out by Mr. Russ. And I think those comments and non-verbal cues were rather unfortunate. Mr. Russ did his usual very thorough, very professional job and I for one appreciate his efforts on what was not an easy application. Thank you, Greg.

Chairman Murphy: Yeah, I wanted to say something about that too, especially when it came down to the evaluation of the residential development criteria. I reviewed that last night and considering the scope of the application, I thought the staff analysis of the residential development criteria was right on the mark. I agreed with everything that they said. And again, that is a subjective evaluation. And the staff gets a whack at it, the Planning Commission gets a whack at it, the Board gets a whack at it -- and believe it or not, the citizens get two whacks at it which is one more than the Planning Commission has because they can testify at the Board and at the Planning Commission. Again, that's a subjective interpretation of the criteria and I thought it was right on the mark.

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(The first two motions carried by a vote of 7-1-2 with Commissioner Palatiello opposed; Commissioners Byers and Thomas abstaining; Commissioner Downer not present for the vote; Commissioner Coan absent from the meeting.)

(The third motion carried by a vote of 8-0-2 with Commissioners Byers and Thomas abstaining; Commissioner Downer not present for the vote; Commissioner Coan absent from the meeting.)

(The fourth motion carried by a vote of 7-0-3 with Commissioners Byers, Harsel and Thomas abstaining; Commissioner Downer not present for the vote; Commissioner Coan absent from the meeting.)

(The fifth motion carried by a vote of 8-0-2 with Commissioners Byers and Thomas abstaining; Commissioner Downer not present for the vote; Commissioner Coan absent from the meeting.)

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