



FAIRFAX COUNTY

RZ APPLICATION FILED: March 6 1998
APPLICATION AMENDED: November 30, 2000;
July 19, 2001
FDP APPLICATION FILED: November 30, 2000
PLANNING COMMISSION: October 3, 2001
BOARD OF SUPERVISORS: not scheduled

V I R G I N I A

September 19, 2001

STAFF REPORT

APPLICATION RZ/FDP 1998-SU-013

SULLY DISTRICT

APPLICANT: Chantilly Park, LC

PRESENT ZONING: R-1, WS

REQUESTED ZONING: PDH-20, WS

PARCEL: 34-4 ((1)) 9

ACREAGE: 10.32 acres

DENSITY: 19.96 du/ac

OPEN SPACE: 35%

PLAN MAP: Alternative Uses

PROPOSAL: Four-story multifamily residential structure with interior structured parking, 206 units

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 1998-SU-013 subject to the execution of proffers consistent with those in Appendix 1.

Staff recommends approval of FDP 1998-SU-013 subject to the development conditions found in Appendix 2, and subject to the Board's approval of RZ 1998-SU-013.

Staff recommends approval of a modification of the transitional screening and barrier requirement to the north, in favor of that shown on the CDP/FDP.

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.

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.



REZONING APPLICATION /

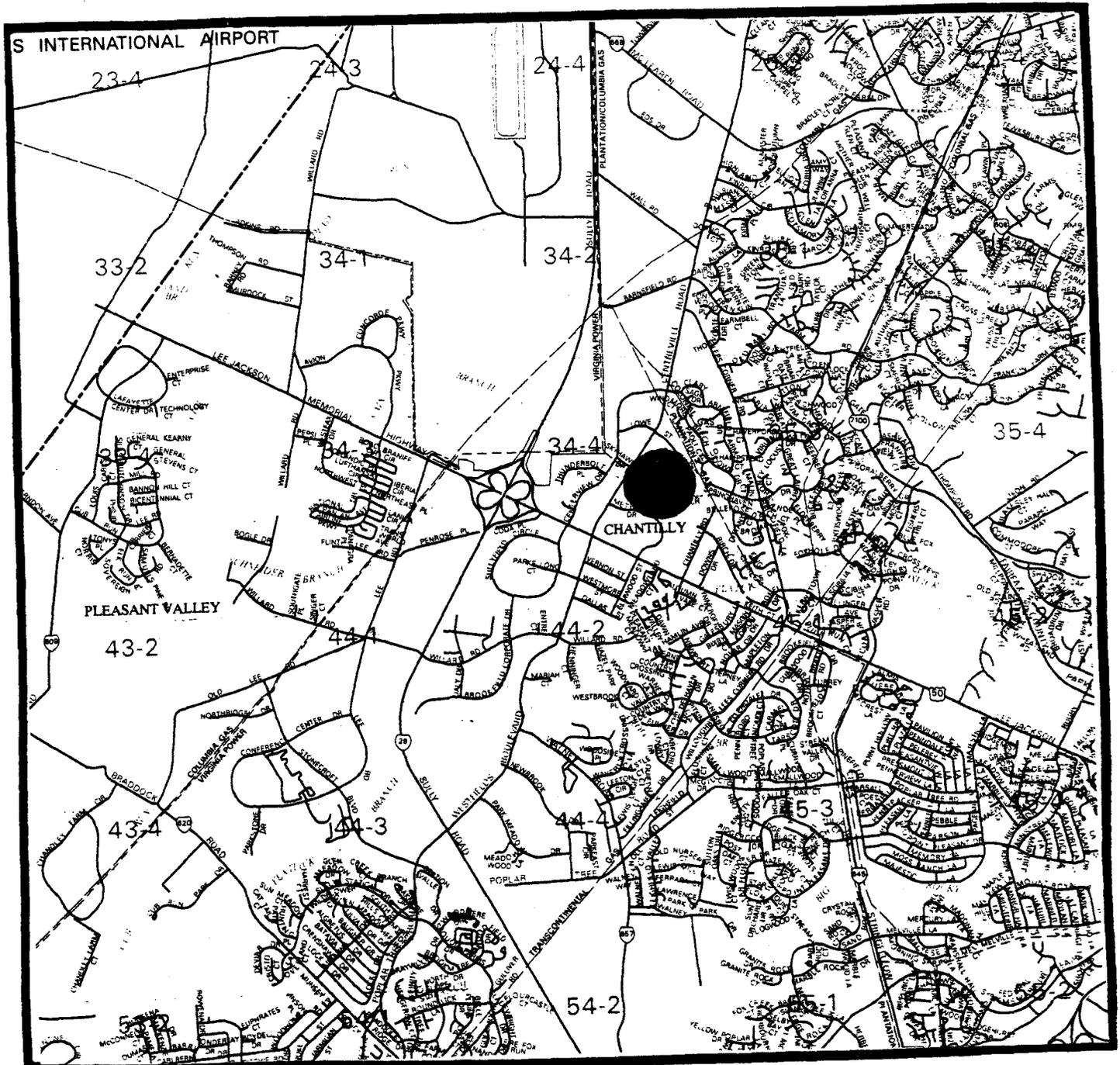
FINAL DEVELOPMENT PLAN

RZ 1998-SU-013

FDP 1998-SU-013

FILED 03/06/98 AMENDED 11/30/00 AMENDED 07/19/01
 CHANTILLY PARK, L.C.
 TO REZONE: 10.32 ACRES OF LAND; DISTRICT - SULLY
 PROPOSED: REZONE FROM R-1, WS DISTRICT TO PDH-20, WS
 DISTRICT
 LOCATED: EAST SIDE OF CENTREVILLE ROAD ACROSS FROM
 SKYHAWK DRIVE
 ZONING: R-1
 TO: PDH-20
 OVERLAY DISTRICT(S): WS
 MAP REF 034-4- /01/ /0009-

FILED 11/30/00
 CHANTILLY PARK, L.C.
 FINAL DEVELOPMENT PLAN
 PROPOSED: RESIDENTIAL DEVELOPMENT
 APPROX. 10.32 ACRES OF LAND; DISTRICT - SULLY
 LOCATED: EAST SIDE OF CENTREVILLE ROAD ACROSS FROM
 SKYHAWK DRIVE
 ZONING: PDH-20
 OVERLAY DISTRICT(S): WS
 MAP REF 034-4- /01/ /0009-



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

DESCRIPTION OF THE APPLICATION

- Proposal:** Rezone 10.32 acres from the R-1 and WS to the PDH-20 and WS Districts, for the development of a four-story multifamily residential structure of 206 dwelling units with elevators. All parking will be provided in an interior structured parking deck. Elevations are included in the proposed CDP/FDP.
- Location:** East side of Centreville Road, north of Sully Place shopping center and across from the Dulles Business Center.
- Proposed Density:** 19.96 du/ac
- Waivers and Modifications:** Modification of the transitional screening and barrier requirement to the north, in favor of that shown on the CDP/FDP

LOCATION AND CHARACTER

Site Description:

The 10.32 acre application property is located on the east side of Centreville Road, just to the north of the Sully Place shopping center, and south of the Chantilly Green single family subdivision, currently under development. The vacant site is triangularly shaped, and is characterized by field and pioneer forest. A 120 foot wide power easement crosses the property from the northwest corner to the east.

The site is surrounded by a mix of zoning and uses, including a single family detached residential neighborhood under development to the north, an industrially zoned business park to the west, and a retail center to the south.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single family detached residential	PDH-3	Residential, 3-4 du/ac on for 5-8 du/ac
South	Retail Shopping Center	C-8	Retail and Other
West	Dulles Business Park	I-5	Mixed Use

BACKGROUND

The subject property is not encumbered by any proffers or special exceptions.

The property was part of the Boards' Own Motion, RZ 82-S/C-080, to adjust the industrial zoning in the western part of the county after the Occoquan Watershed rezoning.

The current application, RZ 1998-SU-013, was filed on March 6, 1998, as a request to rezone from the R-1 to the C-6 District for the development of seven individual uses, including retail uses, a service station/convenience store with a car wash, and two fast food restaurants, a bank, and a drug store (all five with drive-through windows). Special Exception Applications SE 1998-SU-013 through -017 were filed on March 17, 1998 as concurrent applications with the rezoning. On September 15, 1998, all six cases were deferred indefinitely at the request of the applicant. The five special exceptions were subsequently withdrawn; the rezoning was reactivated on November 30, 2000, and amended to request residential zoning.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area:	III
Planning District:	Upper Potomac
Planning Sector:	Lee-Jackson (UP8)
Plan Map:	Alternative Uses
Plan Text:	

On August 6, 2001, the Plan was amended so that on page 118 in the 2000 Comprehensive Plan, Area III, Upper Potomac Planning District, Lee-Jackson Community Planning Sector (UP8), LAND USE RECOMMENDATIONS, it states:

"2. Tax map 34-4 ((1)) parcel 9 is planned for retail or office use with a maximum FAR of .25. Any non-residential use on this parcel should be designed to be compatible with adjacent residential development. Free standing, auto-oriented, retail uses should be discouraged in order to avoid undesirable visual and traffic impacts. To establish an effective transition to adjacent single family use, non-residential development should be no more than two stories in height and should be set back at least 250 feet from the northern property line;

This property may also be appropriate for multi-family residential use if designed to serve as a transition to the low-density residential use to the north. A density of up to 20 dwelling units per acre may be considered if the following conditions are met:

- The development plan should provide high quality site and architectural design, streetscaping, urban design and development amenities including on-site recreation. Structures should be articulated to minimize the appearance of bulk and mass;
- To establish an effective transition to adjacent single family use, multi-family buildings should be no more than four stories in height and should be set back at least 250 feet from the northern property line. Land on the northeast side of Skyhawk Drive extended should be retained as open space. Existing vegetation should be supplemented with trees and scrubs to help create a visual barrier when the vegetation matures.
- Parking should be provided primarily in structures and oriented toward the interior of the development;
- In order to foster high quality development and to mitigate development impacts, any residential development proposed under this alternative should satisfy at least three-fourths of the density criteria as stated in Appendix 9 of the Land Use section of the Policy Plan, including, Criterion 8, which, at a minimum, should be fulfilled consistent with development below the high end of the density range.
- A well-designed pedestrian circulation system with appropriate pedestrian links to adjacent development should be provided to enable residents and visitors to walk easily to adjacent and nearby commercial and employment facilities.

For either alternative land use, it is desirable for Skyhawk Drive to be extended through the site and connected to Metrotech Drive. The only access to the site should be from Skyhawk Drive extended and not Centreville Road.”

ANALYSIS

Conceptual/Final Development Plat (Copy at front of staff report)

Title of CDP/FDP:	“Chantilly Park”
Prepared By:	Dewberry and Davis LLC
Original and Revision Dates:	October 17, 2000 as revised through August 22, 2001

The joint Conceptual and Final Development Plat consists of five (5) sheets showing the following information:

Sheet one (1) is the title sheet, and includes a sheet index and vicinity map.

Sheet two (2) contains the site tabulations and general notes, as well as the soils map.

Sheet three (3) shows the layout of the site, with details as follows:

- A four-story residential building with elevators, constructed in a general "U" shape, with two wings to the south and three wings to the north. The longest face of the building extends along Centreville Road.
- A four-story parking structure, with elevator, located on the interior of the residential structure. Each floor has direct access into the adjoining floor of the building. As noted in proffer #10, no units will overlook the parking garage.
- Clubhouse and outdoor pool located on the southeastern face of the building.
- The extension of Skyhawk Drive as a four-lane facility (currently constructed on the west side of Centreville Road) from the northwestern corner of the site through to the southeastern boundary.
- Private street connection to Chantilly Green to the north (currently under development by KSI, who is also the applicant in this case).
- Temporary cul-de-sac located at the terminus of Skyhawk Drive, with a future connection to the off-site travel lanes on adjacent Sully Place.
- Entrance to the residential building from the proposed cul-de-sac; showing several parking places in front of the clubhouse and a circle drop-off feature by the front door.
- Sidewalks on both sides of proposed Skyhawk Drive and proposed interparcel connection to Chantilly Green.
- 120 foot wide power easement from the northwestern corner of the site to the southeast.
- Stormwater management pond on the north side of the building, between the building and Skyhawk Drive, partially within the power easement.
- Right-turn lane from north-bound Centreville Road onto Skyhawk Drive.
- Asphalt bicycle trail along Centreville Road frontage.
- Street trees proposed along both sides of the proposed sidewalk on Centreville Road.
- Low-level plantings along Skyhawk Drive under power line easement.
- Additional landscaping in courtyards between building wings.
- Approximately 1.75 acres in the southeastern corner of the site (north of Skyhawk Drive) to be preserved as undisturbed open space.
- Six foot high board on board fence along a portion of the southern property line, from Centreville Road to the extension of Skyhawk Drive.
- Forty-two inch high black metal ornamental fence along the Centreville Road frontage and around the northern face of the building.

Sheet four (4) shows typical site amenities, including a typical light fixture, a typical wooden bench, proposed board on board wooden privacy fencing (six feet high), and proposed black metal ornamental fencing (3.5 feet high).

Sheet five (5) shows the Centreville Road elevation of the proposed residential structure.

Transportation Analysis (Appendix 6)

Issue: Signal (Skyhawk Drive and Centreville Road)

The applicant should commit to ensuring the installation of the proposed signal at Skyhawk Drive and Centreville Road. Funds that have been escrowed by Dulles Business Park may be utilized.

Resolution:

The applicant has proffered to undertake a warrant study for the proposed signal and to notify DPWES that the signal is warranted. As funds have already been escrowed by previous developments in the area for the actual installation of this signal, this should ensure that the signal is installed if warranted.

Issue: Centreville Road Improvements

The applicant should dedicate and construct frontage improvements in conformance with VDOT Project 0657-029-281, C503, and should construct right and left-turn deceleration lanes to Skyhawk Drive, in conformance with VDOT standards.

Resolution:

The CDP/FDP shows the required right-turn lane and appropriate frontage, and the applicant has agreed to construct the right and left turn lanes prior to occupancy. In addition, the applicant has agreed to either construct frontage improvements, or escrow funds for their construction. With these proffer commitments, this issue is resolved.

Issue: Skyhawk Road Extension

The applicant should commit to provide a street connection to the privately maintained segment of Skyhawk Drive within the Sully Place Shopping Center. Appropriate pavement transitions to the private street cross-section should be provided within the applicant's site. The applicant should also commit to coordinate with Sully Plaza to ensure that the street connection is available upon occupancy of the residential use.

Resolution:

The applicant has committed to provide the requested connection. This issue is resolved.

Environmental Analysis (Appendix 7)

The subject property is located in the Water Supply Protection Overlay district. Issues including appropriate trails and appropriate stormwater management and water quality control facilities will be addressed at the time of site plan review. The applicant has proffered to the appropriate commitments to noise mitigation from Centreville Road.

Issue: Airport Noise

The subject property falls within one-half mile of the Dulles International Airport 60 dBA L_{dn} noise contour. The applicant should disclose the proximity of Dulles Airport to future residents; this disclosure should be recorded in legal documentation relating to transfers of the subject property.

Resolution:

The applicant has proffered to the requested notification for all renters (or purchasers, in case the property is ever turned into condominium units). With the proffer, this issue is resolved.

Public Facilities Analyses (Appendices 8 through 13)**Fairfax County Park Authority (Appendix 8)**

The proposed development is projected to add approximately 436 residents to the current population of the Sully District. The proportional development cost to provide recreational facilities for the residents of this development while maintaining the current level of service is estimated to be \$210,000. The CDP/FDP shows a clubhouse and outdoor pool to be provided on-site for the use of the residents. In addition, the applicant has proffered to provide recreation space and an exercise room within the clubhouse to allow for year-round recreation. The applicant has proffered to expend an minimum of \$955 per unit, as required by the Zoning Ordinance.

Fairfax County Public Schools (Appendix 9)

The proposed development would be served by the Lees Corner Elementary, Franklin Middle, and Chantilly High Schools. Franklin Middle School is currently below capacity and is projected to remain so; the 7 students projected to come from the proposed subdivision would thus not negatively impact the school. Lees Corner Elementary School and Chantilly High School are currently near or above capacity, and are

projected to remain over capacity. Thirty-five additional elementary school students and 14 additional high school students are projected to come from the proposed development.

Fire and Rescue (Appendix 10)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #15, Chantilly. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Sanitary Sewer Analysis (Appendix 11)

The subject property is located within the Cub Run watershed and would be sewered into the UOSA Treatment Plant. An existing 10 inch line located approximately 100 feet from the subject property is adequate to serve the proposed use. Dulles Business Park reimbursement charges may be applicable.

Fairfax County Water Authority (Appendix 12)

The application is located within the franchise area of Fairfax County Water Authority; adequate water service is available at the site from an existing 24 inch main located at the property.

Utilities Planning and Design, DPWES (Appendix 13)

The analysis notes that there are drainage and flooding complaints downstream from the proposed development. The applicant is providing a stormwater management facility on-site, and will be required to meet all standards for stormwater management at the time of site plan approval.

Housing and Community Development Analysis (Appendix 14)

The analysis notes that the development is exempt from the ADU Ordinance because a four-story building with elevators is proposed. The applicant could meet the requirements of the Comprehensive Plan (compliance with Criteria #8, relating to the provision of Affordable Housing) by either voluntarily providing ADUs, or by proffering a contribution to the Housing Trust Fund of 1% of the development cost. The applicant has proffered to such a contribution, therefore this issue is addressed.

Land Use Analysis (Appendix 5)

The proposed development is in conformance with the Comprehensive Plan option for multi-family residential development, and with the density recommendations contained therein. The applicant has provided an articulated structure, set back from the single family residential to the north. Full streetscaping treatment has been provided along Centreville Road, and additional plantings where allowed by the power easement are

shown on Skyhawk Drive. The applicant has provided for year-round recreation on-site, structured all parking (with the exception of a few spaces outside the recreation building). A contribution has been provided to the Housing Trust Fund, and comprehensive pedestrian connections are shown to all adjacent land uses. There are no additional land use issues raised by the proposal.

Residential Density Criteria

The applicant proposes a density of 19.96 du/ac which is at the high end of the recommended density range of up to 20 du/ac. In order to receive favorable consideration for any rezoning request at the high end of the density range, fulfillment of at least three-fourths (75%) of the relevant development criteria is desirable.

1. Provide a development plan, enforceable by the County, in which the natural, man-made and cultural features result in a high quality site design that achieves, at a minimum, the following objectives: it complements the existing and planned neighborhood scale, character and materials as demonstrated in architectural renderings and elevations (if requested); it establishes logical and functional relationships on- and off -site; it provides appropriate buffers and transitional areas; it provides appropriate berms, buffers, barriers, and construction and other techniques for noise attenuation to mitigate impacts of aircraft, railroad, highway and other obtrusive noise; it incorporates site design and/or construction techniques to achieve energy conservation; it protects and enhances the natural features of the site; it includes appropriate landscaping and provides for safe, efficient and coordinated pedestrian, vehicular and bicycle circulation.
(FULL CREDIT)

The applicant's plan proposes a development of a scale and character which will serve to transition between the high intensity commercial developments to the south, and the lower density residential neighborhood to the north. It provides for the preservation of vegetation in a substantial area adjacent to the single family development, and locates the proposed four-story multifamily building (as shown on the CDP/FDP) a minimum of 250 feet from any property boundary abutting residential development. Additional street trees and landscaping are shown along Centreville Road and Skyhawk Drive. The applicant is facilitating the provision of an off-site connection through to Metrotech Drive, which will provide for additional vehicular access to both the proposed development and the single family subdivision currently under development to the north. Pedestrian access along Centreville Road will be appreciably improved by the proposed sidewalk on that frontage, in addition to the pedestrian access through the site along Skyhawk Drive.

2. Provide public facilities (other than parks) such as schools, fire stations, and libraries, beyond those necessary to serve the proposed development to alleviate the impact of the proposed development on the community.
(NOT APPLICABLE)

3. Provide for the phasing of development to coincide with planned and programmed provision of public facility construction to reduce impacts of proposed development on the community. **(NOT APPLICABLE)**
4. Contribute to the development of specific transportation improvements that offset adverse impacts resulting from the development of the site. Contributions must be beyond ordinance requirements in order to receive credit under this criterion. **(FULL CREDIT)**

The applicant has committed to transportation improvements including right and left turn lanes into the site, and frontage improvements on Centreville Road. The applicant has also committed to undertake a warrant study for the signal at Skyhawk Drive and Centreville Road (sufficient funds have previously been escrowed for the installation of the signal by the Dulles Business Park). In addition, the applicant has committed to fund the additional construction required (off-site) to make a connection through Sully Place to Metrotech Drive.

5. Dedicate parkland suitable for active recreation and/or provide developed recreation areas and/or facilities in an amount and type determined by application of adopted Park facility standards and which accomplish a public purpose. **(NOT APPLICABLE)**
6. Provide usable and accessible open space area and other passive recreational facilities in excess of County ordinance requirements than those defined in the County's Environmental Quality Corridor policy. **(HALF CREDIT)**

The design of the building includes courtyard areas located in-between the arms of the building. These areas are accessible to the residents, sheltered from Centreville Road by the building itself, and appropriate for some passive recreation. The applicant does not commit to more than the required open space (although because of penalties for the existing power easement, more space is actually "open" than the committed 35%). Because of this, only half credit is given.

7. Enhance, preserve or restore natural environmental resources on-site (through, for example, EQC preservation, wetlands preservation and protection, limits of clearing and grading and tree preservation) and/or reduce adverse off-site environmental impacts (through, for example, regional stormwater management). Contributions to preservation of and enhancement to environmental resources must be in excess of ordinance requirements. **(HALF CREDIT)**

The applicant has proposed a plan that preserves a significant portion of the property (1.75 acres) as a single unit of undisturbed open space. This area is characterized by woody, dense vegetation, but is not subject ordinance requirements for preservation. While valuable as a buffer and as open space, the area is not suited to recreational uses. Because the area being saved is not, in and of itself particularly significant, only half credit is given for this criteria.

8. Contribute to the County's low and moderate income housing goals. This shall be accomplished by providing either 12.5% of the total number of units to the Fairfax County Redevelopment Housing Authority, land adequate for an equal number of units or a contribution to the Fairfax County Housing Trust Fund in accordance with a formula established by the Board of Supervisors in consultation with the Fairfax County Redevelopment and Housing Authority.
(FULL CREDIT)

Since the application is for a four-story building with elevators, it is not subject to the Affordable Dwelling Unit Ordinance. However, Appendix 9 of the Land Use Element of the Board of Supervisors adopted Policy Plan contains Criteria for Assignment of Appropriate Development Density/Intensity that are used in the rezoning process to determine appropriate residential and non-residential density/intensity in excess of the low end of the density range recommended in the Comprehensive Plan. The Plan specifies that applicants should not achieve a density above 60% of the base limit of the Plan absent a contribution of land or units for affordable housing. Alternatively, this can be achieved by providing a contribution to the Housing Trust Fund. An appropriate contribution, as adopted by the Board, requires a contribution in an amount equivalent to 1% of the sales price of each of the proposed units, or of the total development cost in a rental project. The proposed density of 19.96 du/ac does exceed 60% of the base limit of the Plan range. Therefore, a contribution equal to one percent of the total development cost, at a minimum, is appropriate. The applicant has proffered to this contribution, and thus receives full credit.

9. Preserve, protect and/or restore structural, historic or scenic resources which are of architectural and/or cultural significance to the County's heritage.
(NOT APPLICABLE)
10. Integrate land assembly and/or development plans to achieve Plan objectives.
(FULL CREDIT)

The Comprehensive Plan calls for the extension of Skyhawk Drive from Centreville Road, across the subject property, and eventually across the adjacent Sully Place Shopping Center to connect with Metrotech Drive. When the shopping center was developed, the public road right-of-way was not dedicated to allow this to happen. With the subject application, however, the County has an opportunity to make a connection, even though no full public street can be installed. The applicant has not only extended Skyhawk Drive across its own site (to allow access and meet plan requirements), it has also committed to making the off-site connection which will allow full access from Centreville Road to Metrotech Drive, via Skyhawk Drive.

SUMMARY: The applicant has satisfied 5 of the 6 applicable criteria, or 83%. Staff believes that the proposed development satisfies sufficient applicable criteria to merit favorable consideration of the requested density.

ZONING ORDINANCE PROVISIONS

Bulk Standards (PDH-20)		
Standard	Required	Provided
Minimum District Size	2 acres	10.32 acres
Building Height*	90 feet	55 feet
Front Yard*	20 feet	25 feet (Centreville Road) 25 feet (Skyhawk Drive)
Rear Yard*	25 feet	25 feet
Open Space	35%	35%
Parking Spaces	330	390
Transitional Screening & Barrier:		
North (PDH-3)	25 feet, barrier D, E, F	250 feet

* As required in the R-20 Zoning District, the comparison as required in Sect. 16-102 Par. 1 of the Zoning Ordinance.

Waivers & Modifications: Modification of the required transitional screening and barrier to that shown on the CDP/FDP.

Twenty-five feet of transitional screening and a barrier of type D, E, or F are required between a multi-family residential development and a single family detached development. The CDP/FDP shows a 42 inch ornamental metal fence around the proposed building, and 250 feet between the proposed building and the property line adjacent to the single family homes. The majority of this area lies in a 120 foot wide power line easement; in addition, the new extension of Skyhawk Road is in this area. Because of these features, the applicant is unable to fully meet the planting requirements for the transitional screening, although the width of the 'buffer' is more than sufficient. The applicant has proposed low-level plantings in the power easement and around the stormwater management pond, as approved by VEPCO and DPWES. Therefore the applicant requests a modification of the screening and barrier requirements in favor of that shown on the CDP/FDP. Staff supports this request.

Section 16-101- General Standards

General Standard 1 states that the planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions. The proposed residential density of 19.96 du/ac is in conformance with the adopted Comprehensive Plan (see Appendix 5). The applicant has agreed to frontage improvements, and to construct an

off-site connection of Skyhawk Drive to the private travel lanes connecting to Metrotech Drive to the south. This connection is shown in the Comprehensive Plan, but was never constructed. Therefore, this standard has been met.

General Standard 2 states that the design should result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district. Development under this zoning permits a more flexible design than conventional zoning, and emphasizes design. In Staff's opinion, the proposed development provides additional design and recreation opportunities that would not be available under a conventional zoning district. These include the preserved open space in the northeast corner of the site, vehicular and pedestrian connections to the Sully Place Shopping Center, and parking that is both structured and hidden. Therefore, this standard has been met.

General Standard 3 states that the planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features. Although no existing vegetation will be saved in the area of the proposed building, there is 35% open space proposed on the site. In addition, 1.75 acres of land will be preserved as undisturbed open space, offering an amenity to the residents on-site and a buffer to the single family residences to the north. Therefore, this standard has been met.

General Standard 4 states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan. The development is proposed to integrate with the type and level of development envisioned under the Comprehensive Plan. The site is adjacent on two sides to commercial and industrial property. On the third side, a 250 foot separation is shown between the proposed use and an adjacent single family development, currently under construction. Staff believes that the proposed design would not be detrimental to the surrounding communities; therefore, this standard has been satisfied.

General Standard 5 states that the planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available. As demonstrated in the public facilities analysis, adequate public facilities are available to support the proposed development. In addition, transportation facilities in the area will be improved by the applicant's connection of Skyhawk Drive through to Sully Place shopping center and Metrotech Drive. Staff believes that this standard has been met.

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

adequate vehicular circulation proposed to connect the use to all adjacent uses, as well as a comprehensive pedestrian network proposed throughout the site and to adjacent properties. Therefore, this standard has been satisfied.

Section 16-102 Design Standards

Design Standard 1 states that in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. All buildings in this development are adjacent to peripheral lot lines. For the multi-family residential, the most comparable conventional district is the R-20 District, and the proposal meets the requirements of that district, as depicted in the previous table.

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, signs, and all other similar regulations set forth in this Ordinance shall have general application in all planned developments. The open space requirement of 35% has been provided. The applicant has not proposed signage in excess of that allowed by the Ordinance, and is providing parking in excess of that required. All other regulations in the Ordinance have been met with the approval of the noted modification; therefore, this standard has been met.

Design Standard 3 states that streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities. The proposed extension of Skyhawk Drive across the property will be a public street. A comprehensive system of sidewalks would connect the proposed multi-family building with the adjacent single family neighborhood, the adjacent business/restaurant park, and the adjacent shopping center. Convenient access is available to bus routes on Route 50 to the south. Therefore, this standard has been met.

Summary of Zoning Ordinance Provisions

All applicable Zoning Ordinance Provisions have been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant has satisfied 5 of the 6 applicable density criteria (83%), which is sufficient to merit favorable consideration of the requested density. Staff believes that the proposed development is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends approval of RZ 1998-SU-013 subject to the execution of proffers consistent with those in Appendix 1.

Staff recommends approval of FDP 1998-SU-013 subject to the development conditions found in Appendix 2, and subject to the Board's approval of RZ 1998-SU-013.

Staff recommends approval of a modification of the transitional screening and barrier requirement to the north, in favor of that shown on the CDP/FDP.

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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Proposed Development Conditions
3. Affidavit
4. Statement of Justification
5. Plan Citations and Land Use Analysis
6. Transportation Analysis
7. Environmental Analysis
8. Fairfax County Park Authority Analysis
9. Fairfax County Public Schools Analysis
10. Fire and Rescue Analysis
11. Sanitary Sewer Analysis
12. Fairfax County Water Authority Analysis
13. Utilities Planning and Design, DPWES Analysis
14. Housing and Community Development Analysis
15. Applicable Zoning Ordinance Provisions
16. Glossary

PROFFERS**CHANTILLY PARK, L.C.****RZ 1998-SU-013****September 19, 2001**

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, the owners and Chantilly Park, L.C., for themselves, their successors and assigns, (hereinafter referred to as the "Applicant"), in RZ 1998-SU-013, filed for property identified on Fairfax County Tax Map as 34-4 ((1)), Parcel 9, (hereinafter referred to as the "Application Property"), agree to the following proffers, provided that Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the R-1 District to the PDH-20 District.

1. CONCEPTUAL DEVELOPMENT PLAN/FINAL DEVELOPMENT PLAN (CDP/FDP)

Subject to the provisions of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), prepared by Dewberry & Davis, L.L.C., dated September 7, 2001, and containing five sheets.

2. TRANSPORTATION

A. CENTREVILLE ROAD

1. **Dedication.** Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisor's right-of-way along the Application Property's frontage as shown on the CDP/FDP, consistent with the VDOT Project #0657-029-281, C-503, for the widening of Centreville Road. Dedication shall occur at the time of site plan approval or upon demand by VDOT, whichever occurs first.

2. **Improvements.**

a. Prior to the issuance of the first residential use permit (RUP), the Applicant shall construct a right-turn deceleration lane in conformance with VDOT standards on

Centreville Road into Applicant's Skyhawk Drive improvements.

- b. Prior to the issuance of the first RUP, Applicant shall utilize existing pavement and provide striping for a left turn lane on Centreville Road into the Applicant's Skyhawk Drive improvements.
 - c. Applicant shall either construct or escrow funds with Fairfax County for a half section of four-lane roadway along the Application Property's frontage. The escrow shall be calculated using the unit price estimates for bonding in the PFM, excluding any costs associated with relocation of fiber optic cable within right-of-way.
3. **Sidewalk.** The Applicant shall construct a five (5) foot wide concrete sidewalk along the Applicant Property's Centreville Road frontage as shown on the CDP/FDP.
 4. **Signalization.** Prior to the issuance of the first RUP, Applicant shall complete a signal warrant study for the intersection of Centreville Road and Skyhawk Drive for review by VDOT. Should the signal be warranted, the Applicant shall notify DPWES to work with the developer of SEA 94-Y-007 (Dulles Restaurant Park) to cause installation of a traffic signal at the intersection of Centreville Road and Skyhawk Drive. Additional right-of-way and ancillary easements necessary to install the signal shall be provided, if determined by DPWES.

B. SKYHAWK DRIVE

1. **Dedication.** At the time of site plan approval, or upon demand, the Applicant shall dedicate and convey in fee simple to the Board, right-of-way within the Application Property as shown on the CDP/FDP for the extension of Skyhawk Drive through the Property. Applicant shall ensure that the extension of Skyhawk Drive aligns with existing Skyhawk Drive (on the west side of Centreville Road).
2. **Improvements.** Prior to the issuance of the first RUP, the Applicant shall construct the extension of Skyhawk Drive as shown on the CDP/FDP. The street segment shall consist of a four-lane divided section transitioning to a four-lane undivided section as it approaches the eastern property line. During construction of Skyhawk Drive the Applicant shall construct a temporary cul-de-sac as shown on the CDP/FDP. The Applicant

shall, subject to the granting of necessary off-site easements, construct necessary off-site road improvements to connect the street to the shopping center 3-lane travel aisle.

C. PRIVATE STREET

1. Prior to the issuance of the first RUP, the Applicant shall construct the segment of private street to the property line as shown on the CDP/FDP subject to public ingress/egress easements. The street segment shall match the private street within the Chantilly Greens subdivision.
2. The Applicant shall enter into a maintenance agreement for the segment of the street with the Chantilly Green HOA. In the event an agreement is not reached with the Chantilly Green HOA, the Applicant may elect to maintain the street itself.

3. **ENVIRONMENTAL**

- A. In order to reduce interior noise to a level of approximately 45 dBA Ldn units within a highway noise impact zone of 65-70 dBA Ldn at 180 feet from the centerline of Centreville Road, shall employ the following acoustical treatment measures shall be employed:
 1. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
 2. Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20 percent of any facade exposed to noise levels of 65 dBA Ldn or above. If glazing constitutes more than 20 percent of an exposed facade, then the glazing shall have an STC rating of at least 39.
 3. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society of Testing and Materials (ASTM) to minimize sound transmission.
- B. In order to reduce exterior noise levels below 65 dBA Ldn, noise attenuation structures such as acoustical fencing, walls, earthen-berms, or combination thereof shall be provided for unscreened common and private outdoor recreational areas. If acoustical fencing or walls are used, they shall be architecturally solid from the ground up with no gaps or openings. The structure must be of sufficient height to adequately shield the impact area from the source of the noise.

- C. As an alternative to the above, the Applicant may elect to have a refined acoustical analysis performed subject to approval by DPWES, in coordination with Environmental and Design Review Branch, DPWES, to verify or amend the noise levels and impact areas as set forth above, and/or to determine which units may have sufficient shielding to permit a reduction in the mitigation measures prescribed above or which may include alternative measures to mitigate noise impact on the side.
- D. Stormwater Management (SWM) and Best Management Practice (BMP) shall be provided in accordance with the Public Facilities Manual (PFM) requirements subject to waivers as noted on the CDP/FDP as determined by DPWES.

4. LANDSCAPING AND OPEN SPACE

- A. Street trees with a minimum caliper of 2 ½ inches at planting, peripheral, and interior landscaping, shall be provided by the Applicant generally as shown on Sheet 3 of the CDP/FDP. The exact location of the proposed plantings may be modified, as necessary, by the Urban Forester DPWES for easements and the installation of utilities.
- B. The SWM pond shall be landscaped to the maximum extent possible in conformance with Board policy, as approved by DPWES.
- C. The open space area in the northeast corner of the Application Property shall remain an undisturbed open space as shown on the CDP/FDP.

5. RECREATION

- A. A swimming pool and recreation space, including an exercise room, within the clubhouse shall be constructed as shown on the CDP/FDP for the use of the residents.
- B. In the event the value of the improvements set forth in paragraph a. above, does not equal or exceed the sum of \$955.00 per unit as required in Article 6 of the Zoning Ordinance, then the Applicant shall contribute the difference between the value of the recreational improvements and \$955.00 per unit to the Fairfax County Park Authority for use in a nearby park.

6. LIGHTING

Streetlights, consistent with the light standard shown on Sheet 4 of the CDP/FDP shall be installed with full cut-off luminary devices diverted downward to reduce glare.

7. TEMPORARY SIGNAGE

No temporary signs (including "Popsicle" style 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 at the Applicant's direction to assist in the initial marketing and rental of the homes on the Application Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or rentals for the Property to adhere to this Proffer.

8. HOUSING TRUST FUND

Prior to the issuance of the building permit, the Applicant shall contribute a sum which equals one percent (1%) of the building's construction costs, excluding the structured garage, to the Fairfax County Housing Trust Fund for affordable dwelling unit purposes.

9. NOTIFICATION

Applicant shall notify all prospective renters and/or purchasers in writing of the proximity of Dulles International Airport and the potential for noise impact from aircraft.

10. ARCHITECTURE

- A. The illustrative architectural rendering as shown on Sheet 5 of the CDP/FDP is provided to illustrate the design intent of the proposed units. The building elevations shall be substantially consistent in terms of character and quality with the illustration, and the materials on the exterior of the units will consist of a mix of masonry and siding. The specific features, such as the exact location of windows, doors, shutter and roofline, and other architectural details are subject to modification with final engineering and architectural design.
- B. The building shall be designed so that hallways or breezeways will separate residential units from the garage structure.
- C. The facade of the building shall consist of a minimum of 25% masonry.

11. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when

so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

PROFFERS
RZ 2001-MV-013

APPLICANT/CONTRACT PURCHASERS OF
Tax Map 34-4 ((1)), Parcel 9

CHANTILLY PARK, L.C.
BY: KSI SERVICES, INC., Managing Member

BY _____
Richard W. Hausler, President

[SIGNATURES CONTINUE ON NEXT PAGE]

PROFFERS
RZ 2001-MV-013

TITLE OWNER
Tax Map 34-4 ((1)), Parcel 9

David D. Peete

[SIGNATURES CONTINUE ON NEXT PAGE]

PROFFERS
RZ 2001-MV-013

TITLE OWNER
Tax Map 34-4 ((1)), Parcel 9

CHANTILLY 657 ASSOCIATES, L.C,

BY: _____
DAVID D. PEETE
CO-MANAGING MEMBER

BY: _____
MARGARET S. PEETE
CO-MANAGING MEMBER

[END SIGNATURES]

PROPOSED DEVELOPMENT CONDITIONS

FDP 1998-SU-013

September 19, 2001

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDP 1998-SU-013 for multi family residential use located at Tax Map 34-4 ((1)) 9, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Metal fencing, located as indicated on page 3 of the CDP/FDP shall be in substantial conformance with the illustration shown on page 4 of the CDP/FDP.

REZONING AFFIDAVIT

DATE: September 13, 2001
 (enter date affidavit is notarized)

I, Keith C. Martin, Attorney/Agent, 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

in Application No(s): RZ 1998-SU-013
 (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 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.)

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Chantilly Park, L.C.	8081 Wolftrap Road, Suite 300 Vienna, VA 22182	Applicant/Contract Purchaser
Richard A. Lanham Edward S. Byrnc		Agent Agent
David D. Peete	2829 Cleave Drive Falls Church, VA 22042	Title Owner of Tax Map 34-4 ((1)) 9
Dewberry & Davis L.L.C.	8401 Arlington Boulevard Fairfax, VA 22031	Engineers/Planners/Surveyors
Lawrence A. McDermott Dennis M. Couture		Agent Agent
Chantilly 657 Associates, L.C.	2829 Cleve Drive Falls Church, VA 22042	Title Owner of Tax Map 34-4 ((1)) 9
David D. Peete		Agent

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

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

NOTE: This form is also for Final Development Plans not submitted in conjunction with Conceptual Development Plans.

Rezoning Attachment to Par. 1(a)

DATE: September 13, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 1998-SU-013
(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 Numbers(s) of the parcel(s) for each owner.)

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD in Par. 1(a))
Walsb, Colucci, Stackhouse, Emrich & Lubelcy, P.C.	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
Martin D. Walsh		Attorney/Agent
Keith C. Martin		Attorney/Agent
M. Catharine Puskar		Attorney/Agent
Lynne J Strobel		Attorney/Agent
Timothy S. Sampson		Attorney/Agent
Rachel Howell (nm)		Former Attorney/Agent
Elizabeth D. Baker		Planner/Agent
Susan K. Yantis		Planner/Agent
Inda E. Stagg		Planner/Agent
William J. Keefe		Planner/Agent
Holly A. Tompkins		Planner/Agent

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

REZONING AFFIDAVIT

DATE: September 13, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 1998-SU-013
(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 herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Chantilly Park L.C.
8081 Wolftrap Road, Suite 300
Vienna, VA 22182

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 & last name)
KSI Services, Inc., Managing Member
Robert C Kettler, Member
Richard W. Hausler, Member

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

(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 or corporations 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 the stock. 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.

DATE: September 13, 2001
(enter date affidavit is notarized)

or Application No(s): RZ 1998-SU-013
(enter County-assigned application number(s))

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

KSI Services, Inc.
8081 Wolftrap Road, Suite 300
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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 & last name)

Robert C. Kettler
Richard W. Hausler

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

Richard W. Hausler - President/Director
Richard I. Knapp - Senior Vice President
Susan M. Brunkow - Treasurer
William H. Goodman - CFO/Secretary
Robert C. Kettler - Chairman/Director

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

The Dewberry Companies, L.C.
8401 Arlington Boulevard
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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 & last name)

Sidney O. Dewberry, Member
Barry K. Dewberry, Member
Karen S. Grand Pre, Member
Michael S. Dewberry, Member
Thomas L. Dewberry, Member

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

(check if applicable)

[X] There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

DATE: September 13, 2001
(enter date affidavit is notarized)

or Application No(s): RZ 1998-SU-013
(enter County-assigned application number(s))

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

Walsh, Colucci, Stackhouse, Emrich & Lubcley, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

- [] There are 10 or less shareholders, and all of the shareholders are listed below.
[X] 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 & last name)

Martin D. Walsh Jerry K Emrich
Thomas J. Colucci Michael D. Lubcley
Petr K. Stackhouse Nan E. Terpak

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

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Dewberry & Davis L.L.C.
8401 Arlington Boulevard
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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 & last name)

The Dewberry Companies L.C., Member
Larry J. Keller, Member
Dennis M. Couture, Member
Steven A. Curtis, Member

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

(check if applicable)

[X] There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 13, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 1998-SU-013
(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Chantilly 657 Associates, L.C.
2829 Cleve Drive, Falls Church, VA 22042

DESCRIPTION OF CORPORATION: (check one statement)
[X] 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 & last name)
Margaret S. Peete, Co-Managing Member
David D. Peete, Co-Managing Member

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

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

DESCRIPTION OF CORPORATION: (check one statement)
[] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & 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 13, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 1998-SU-013
(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 & zip code)
NONE

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS (enter first name, middle initial, last name & title, e.g. General Partner, Limited Partner, or General and Limited Partner)

[Lined area for listing names and titles of partners]

(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 or corporations 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 the stock. 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 AFFIDAVIT

DATE: September 13, 2001
(enter date affidavit is notarized)

for Application No(s): RZ 1998-SU-013
(enter County-assigned application number(s))

2. That no member of the Fairfax County Board of Supervisors or 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 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.

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors or 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 \$200 or more, with any of those listed in Par. 1 above.
EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
NONE

(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 and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) [] Applicant [X] Applicant's Authorized Agent

Keith C. Martin, Attorney/Agent
(type or print first name, middle initial, last name & title of signer)

Subscribed and sworn to before me this 13th day of September, 2001, in the State/Comm. of Virginia, County/City of Arlington.

My commission expires: 5/31/2005

Jayne M. Smith
Notary Public
Jayne M. Smith

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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ARLINGTON, VIRGINIA 22201-3359
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LOUDOUN OFFICE

1 E. MARKET STREET, THIRD FLOOR
LEESBURG, VIRGINIA 20176-3014
(703) 737-3633
FACSIMILE (703) 737-3633

June 27, 2001

RECEIVED
DEPARTMENT OF PLANNING AND ZONING

JUN 28 2001

ZONING EVALUATION DIVISION

Barbara A. Byron
Director, Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, 8th Floor
Fairfax, VA 22035

Re: Amendment to RZ 1998-SU-013 by Chantilly Park. L.C.
requesting rezoning from the R-1 to the PDH-20 District.

Dear Ms. Byron:

The following is submitted as an *amended* statement of justification for the above-referenced amendment to RZ 1998-SU-013 requesting rezoning to the PDH-20 District. The 10.32 acre parcel of property is located on the eastern side of Centerville Road adjacent to the Sully Plaza Shopping Center, a proposed hotel, Skyhawk Industrial Park and the Chantilly Green residential development being developed by an affiliate of the Applicant. The Conceptual/Final Development Plan ("CDP/FDP") proposes 206 multi-family units at a proposed density of 19.96 dwelling units per acre.

The CDP/FDP shows an attractive residential development with required open space, off-street parking, stormwater management and vehicular access. The multi-family units surround a four-story parking structure which will provide convenient parking on a structural level corresponding to the level of the multi-family building in which the unit is located. The multi-family building screens the parking structure from all public points of view. Approximately 35% of the gross site area is contained in dedicated and landscaped open space. Approximately 35 feet of transitional screening is provided along the Centerville Road frontage. Internal courtyards are heavily landscaped and provide passive recreation areas screened from Centerville Road and the adjacent shopping center. Stormwater management is proposed adjacent to Centerville Road and proposed Skyhawk Drive. The development will be accessed via an extension of proposed Skyhawk Drive connecting from Centerville Road and running to the property's southern boundary in conformance with the alignment as shown on the Comprehensive Plan. A proposed interparcel connector to the Chantilly Green development from proposed Skyhawk Drive is shown consistent with the approved Final Development Plan for the Chantilly Green development.

The Applicant is requesting an out-of-turn plan amendment to add a multi-family option to the site-specific recommendations of the Comprehensive Plan. The Application Property is discussed in the Area III Plan Text under the UP8 Lee-Jackson Community Planning Sector. The Comprehensive Plan currently recommends retail use or townhouse-style office use at a maximum floor area ratio of .25. An option for multi-family residential use at a density of 20 units per acre, has been nominated to be added to this site-specific plan text. It is submitted that multi-family residential will also provide an appropriate transition between office/industrial use established on the west side of Centerville Road and the land zoned for commercial use to the east.

If you have any questions or require further information in order to process this rezoning application, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY



Keith C. Martin

KCM:jms

cc: Richard A. Lanham
Larry McDermott

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment and Development Review Branch, DPZ

SUBJECT: LAND USE ANALYSIS: RZ/FDP 1998-SU-013
(Chantilly Park)

DATE: 4 September 2001

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of this application. The proposed use, intensity and site design are evaluated in terms of the relevant Plan recommendations and policies.

DESCRIPTION OF THE APPLICATION:

<i>Date of Development Plan</i>	July 20, 2001
<i>Request</i>	Rezoning from R-1 to PDH-20 for 206 multifamily units
<i>DU/AC</i>	19.96
<i>Land Area</i>	10.3 acres

CHARACTER and PLANNED USE OF THE ADJACENT AREA:

The subject property is located in the Sully Magisterial District at the western edge of the Lee-Jackson Community Planning Sector (UP8) and is adjacent to Land Units E-1 and E-2 of the Dulles Suburban Center portion of the Area III Plan, Upper Potomac Planning District. The property is located about 1,100 feet north of the intersection of Route 50 and Centreville Road, on the west side of Centreville Road. The property is triangular shaped with about 950 feet of frontage along Centreville Road.

Immediately to the north of the subject property is an area that was recently approved for single-family detached homes. This community, known as Chantilly Green, is part of an area planned for residential use at a density of 3-4 dwelling units per acre with an option for a density of 5-8 dwelling units per acre. The Chantilly Green rezoning application was approved for 2.88 dwelling units per acre, which is below the baseline density planned for this area.

The Sully Place shopping center is adjacent to the subject property on its southeastern boundary. This shopping center is located in Land Unit E-2 of the Dulles Suburban Center. Sully Place, together with the Sully Plaza shopping center that fronts on Route 50, represents approximately 85 acres of community serving retail uses. Land Unit E-2 is planned for retail use with ancillary office use not to exceed 20 percent with a maximum FAR of .25.

Recently a special exception was approved for three additional commercial retail uses on 2.2 acres of land immediately adjacent to the subject property. The approved service station-mini mart facility is built and a hotel is under construction. A drive-through bank also approved for this site has not been built yet. There is a vacant parcel between the hotel and the Sully Place shopping center.

The Dulles Business Center is located opposite the subject property on the western side of Centreville Road. This business park covers a large area that has frontage on both Route 50 and Centreville Road. The land directly to the west of the subject property, Parcel A1, is zoned I-5. It is planned for campus-style office, and industrial/flex up to a maximum FAR of .35. This parcel is under construction for industrial/flex use with an FAR of .31.

COMPREHENSIVE PLAN CITATIONS AND ANALYSIS:

Plan Text:

On August 6, 2001 the Plan was amended so that on page 118 in the 2000 Comprehensive Plan, Area III, Upper Potomac Planning District, Lee-Jackson Community Planning Sector (UP8), LAND USE RECOMMENDATIONS, it states:

- “2. Tax map 34-4 ((1)) parcel 9 is planned for retail or office use with a maximum FAR of .25. Any non-residential use on this parcel should be designed to be compatible with adjacent residential development. Free standing, auto-oriented, retail uses should be discouraged in order to avoid undesirable visual and traffic impacts. To establish an effective transition to adjacent single family use, non-residential development should be no more than two stories in height and should be set back at least 250 feet from the northern property line;

This property may also be appropriate for multi-family residential use if designed to serve as a transition to the low-density residential use to the north. A density of up to 20 dwelling units per acre may be considered if the following conditions are met:

- The development plan should provide high quality site and architectural design, streetscaping, urban design and development amenities including on-site recreation. Structures should be articulated to minimize the appearance of bulk and mass;

- To establish an effective transition to adjacent single family use, multi-family buildings should be no more than four stories in height and should be set back at least 250 feet from the northern property line. Land on the northeast side of Skyhawk Drive extended should be retained as open space. Existing vegetation should be supplemented with trees and scrubs to help create a visual barrier when the vegetation matures.
- Parking should be provided primarily in structures and oriented toward the interior of the development;
- In order to foster high quality development and to mitigate development impacts, any residential development proposed under this alternative should satisfy at least three-fourths of the density criteria as stated in Appendix 9 of the Land Use section of the Policy Plan, including, Criterion 8, which, at a minimum, should be fulfilled consistent with development below the high end of the density range.
- A well-designed pedestrian circulation system with appropriate pedestrian links to adjacent development should be provided to enable residents and visitors to walk easily to adjacent and nearby commercial and employment facilities.

For either alternative land use, it is desirable for Skyhawk Drive to be extended through the site and connected to Metrotech Drive. The only access to the site should be from Skyhawk Drive extended and not Centreville Road.”

Plan Map:

The property is planned for alternative uses, as shown on the Comprehensive Plan map.

Analysis:

The applicant has chosen to submit a multifamily housing project so that the optional development Plan text provides the guidance for evaluating this proposal.

Streetscaping

The development plan should show all utility easements that exist and are proposed. This is needed in order to show that their proposed streetscape tree locations can be implemented from a physical and practical standpoint.

Recreation Amenities

In order to help provide a high quality residential environment the applicant should provide an all season recreational opportunity for this project, such as a workout room with ancillary sauna and/or whirlpool. Another outdoor recreational opportunity should be considered in addition to the swimming pool.

Affordable Dwelling Units

The applicant has chosen to provide a monetary contribution to the County housing fund for affordable housing units. The statement on the development plan related to this issue contradicts this intent and should be removed from the development plan to prevent any confusion about this issue.

Cross-sections

In order to gain a complete view of some of the design elements proposed cross-sections should be provided. One should show the relationship of the streetscaping treatment to Centreville Road and the building(s) nearest Centreville Road.

BGD: SEM

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT 

FILE: 3-4 (RZ 1998-SU-013)

SUBJECT: RZ 1998-SU-013; Chantilly Park, LC
Land Identification Map: 34-4 ((1)) 9

DATE: September 10, 2001

Comments by the Department of Transportation (FCDOT) regarding the subject application are noted below. These comments are based upon a generalized development plan (GDP) revised through June 22, 2001, and draft proffers dated July 10, 2001, made available to this department.

A signal is needed at the intersection of Centreville Road and Skyhawk Drive. The applicant in SEA 94-Y-007 (Dulles Restaurant Park) is committed to providing this signal when it is warranted. It is recommended that the applicant complete a warrant study and commit to the installation of the signal. The applicant can then seek reimbursement for the signal costs from the restaurant park. Additional right-of-way and ancillary easements necessary to install the signal should be provided. To the extent possible, the signals should be installed in conformance with the Centreville Road widening project.

Regarding Centreville Road, the applicant should complete the following:

- The applicant should dedicate and construct frontage improvements in conformance with VDOT Project 0657-029-281, C503.
- A right-turn deceleration lane on Centreville Road to Skyhawk Drive in conformance with VDOT standards should be dedicated and constructed.

Regarding Skyhawk Drive, the applicant should complete the following:

- The applicant should dedicate and construct the segment of Skyhawk Drive within their site generally in conformance with the submitted development plan.
- The applicant should construct a standard cul-de-sac at the terminus of the publically maintained segment of Skyhawk Drive.
- Commitments should be made to provide a street connection to the privately maintained segment of Skyhawk Drive within the Sully Place Shopping Center. Appropriate pavement transitions to the private street cross-section should be provided within the applicant's site. The applicant should also commit to coordinate with Sully Place to ensure that the street connection is available upon occupancy of the residential use.

Ms. Barbara Byron
September 10, 2001
Page 2

Other comments:

- The street connection to the Chantilly Green development shown on the development plan is recommended for construction.
- Pedestrian connections between the subject development, Centreville Road, Chantilly Greens and the Sully Place shopping center should be provided.

AKR/MAD

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment and Development Review Branch, DPZ

SUBJECT: ENVIRONMENTAL ASSESSMENT for: RZ/FDP 1998-SU-013
Chantilly Park

DATE: 4 September 2001

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the revised development plans dated July 20, 2001. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

On pages 91 through 93 of the 2000 edition of the Policy Plan under the heading "Water Quality", the Comprehensive Plan states:

**"Objective 2: Prevent and reduce pollution of surface and groundwater resources.
Protect and restore the ecological integrity of streams in Fairfax
County.**

- Policy a. ... ensure that new development and redevelopment complies with the County's best management practice (BMP) requirements. ...
- Policy k. For new development... apply low-impact site design techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County's streams, some

or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created...
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate...

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.”

On page 94 of the 2000 edition of the Policy Plan under the heading “Water Quality”, the Comprehensive Plan states:

“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County’s Chesapeake Bay Preservation Ordinance.”

On pages 95 to 96 of the of the 2000 edition of the Policy Plan under the heading “Noise”, the Comprehensive Plan states:

" . . . Federal agencies with noise mitigation planning responsibilities have worked with the health community to establish maximum acceptable levels of exposure (Guidelines for Considering Noise in Land Use Planning and Control). These guidelines expressed in terms of sound pressure levels are 65 dBA L_{dn} for outdoor activity areas; 50 dBA L_{dn} for office environments; and 45 dBA L_{dn} for residences, schools, theaters and other noise sensitive uses...

Objective 4: Minimize human exposure to unhealthful levels of transportation generated noise.

Policy a: Regulate new development to ensure that people are protected from unhealthful levels of transportation noise...

New development should not expose people in their homes, or other noise sensitive environments to noise in excess of 45 dBA L_{dn} , or to noise in excess of 65 dBA L_{dn} in the outdoor recreation areas of homes. To achieve these standards new residential development in areas impacted by highway noise between 65 and 75 dBA L_{dn} will require mitigation...”

On page 101 of the 2000 Edition of the Policy Plan under the heading “Environmental Resources”, the Comprehensive Plan states:

**Objective 10: Conserve and restore tree cover on developed and developing sites.
Provide tree cover on sites where it is absent prior to development.**

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County’s remaining natural amenities.

Water Quality Best Management Practices

Issue:

The subject property is a 10.32-acre triangularly shaped tract of land and it is located within the Cub Run Watershed of Fairfax County as well as within the County’s Chesapeake Bay Preservation Area. The development proposal depicts a large stormwater management pond on the northern aspect of the site. Approximately half the pond is shown within an existing Virginia Power easement.

Resolution:

The applicant is encouraged to work with DPWES to determine the most suitable type of stormwater management BMPs for this development. In addition the applicant is encouraged to explore the use of innovative best management practices designed to disperse the stormwater BMPs throughout the property. In event that a jurisdictional non-tidal wetland feature is altered in any way, the applicant is required to demonstrate compliance with § 404 of the Clean Water Act.

Highway Noise

Issue:

A highway noise analysis was performed for Centreville Road. The analysis produced the following noise contour projections for Centreville Road (note DNL dBA is equivalent to dBA L_{dn}):

65 dBA L _{dn}	180' feet from centerline
70 dBA L _{dn}	85' feet from centerline

That portion of the site, which is adjacent to Centreville, may be adversely affected by highway noise. Portions of some of the residential structures to be built within one hundred eighty feet (180') of the centerline of Centreville will fall within the 65-70 dBA L_{dn} impact area.

Resolution:

In order to reduce noise in interior areas to 45 dBA L_{dn} or less, any residential structure that will be located within one hundred eighty feet (180') of the centerline of Centreville should be constructed with building materials that are sufficient to provide this level of acoustical mitigation. It appears that all the recreation facilities will be shielded from Centreville Road by structures.

Airport Noise

Issue:

Chantilly Park, a planned residential development, falls within one-half mile of Dulles International Airport 60 dBA L_{dn} noise contour.

Resolution:

The applicant should disclose the proximity of Dulles Airport to future residents. Disclosure should be recorded in legal documentation relating to transfers of the subject property.

Tree Preservation/Restoration

Issue:

The subject property is characterized by dense evergreen tree cover. However, the application is for an intense residential development that provides limited space to restore vegetation.

Resolution:

It is suggested that the applicant work closely with the Urban Forestry Division to determine the suitability of this development for the implementation of rooftop gardens.

TRAILS PLAN:

The Trails Plan Map depicts a bicycle trail on the west side of Centreville Road opposite the subject property. At the time of Site Plan review, the Director, Department of Public Works and Environmental Services will determine what trail requirements may apply to the subject property.

BGD: MAW


FAIRFAX COUNTY PARK AUTHORITY
MEMORANDUM

TO: Barbara A. Byron, Director
 Zoning Evaluation Division
 Department of Planning and Zoning

FROM: Lynn S. Tadlock, Director
 Planning and Development Division

DATE: August 9, 2001

SUBJECT: RZ/FDP 1998-SU-013
 Chantilly Park
 Loc: 34-4((1)) 9

The Fairfax County Park Authority (FCPA) staff have reviewed the above-referenced application and provide the following comments:

1. The applicant for the development plan proposes 220 dwelling units, which will add approximately 436 residents to the current population of Sully District. The development plan currently shows only indoor recreational amenities planned at the site. The residents of this development will need outdoor facilities including playground/tot lots, basketball, tennis and volleyball courts, and athletic fields.

Based on Zoning Ordinance Sections 6-110 and Section 16-404, the cost to develop outdoor recreational facilities for the population attracted to this new Planned Development Housing (PDH) site is estimated at \$210,000. This figure is based on the Zoning Ordinance requirement to provide facilities based on a cost of \$955 per PDH unit, with 220 non-ADU (affordable dwelling unit) units proposed within this application.

cc: Kirk Holley, Manager, Planning and Land Management Branch
 Scott Sizer, Plan Review Team, Planning and Land Management Branch
 Dorthea Stefen, Plan Review Team, Planning and Land Management Branch
 Marjorie Pless, Plan Review Team, Resource Management Division
 Allen Scully, Plan Review Team, Planning and Land Management Branch
 File Copy

Date: 2/1/01

Case # RZ-98-SU-013

Map: 34-4

PU 3762

Acreage: 10.32

Rezoning

From : R-1 To: PDH-30

TO: County Zoning Evaluation Branch (DPZ)

FROM: FCPS Facilities Planning (246-3609)

SUBJECT: Schools Impact Analysis, Rezoning Application

The following information is submitted in response to your request for a school impact analysis of the referenced rezoning application.

- I. Schools that serve this property, their current total memberships, net operating capacities, and five year projections are as follows:

School Name and Number	Grade Level	9/30/00 Capacity	9/30/00 Membership	2001-2002 Membership	Memb/Cap Difference 2001-2002	2005-2006 Membership	Memb/Cap Difference 2005-2006
Lees Corner 2252	757	756	756	781	-25	762	-6
Franklin 2331	7-8	1050	868	871	179	966	84
Chantilly 2250	9-12	2275	2490	2362	-87	2738	-463

- II. The requested rezoning could increase or reduce projected student membership as shown in the following analysis:

School Level (by Grade)	Unit Type	Proposed Zoning			Unit Type	Existing Zoning			Student Increase/Decrease	Total Students
		Units	Ratio	Students		Units	Ratio	Students		
K-6	SF	5	X.4	2	SF	10	X.4	4	35	39
	GA	220	X.17	37						
7-8	SF	5	X.069	0	SF	10	X.069	0	7	7
	GA	220	X.034	7						
9-12	SF	5	X.159	0	SF	10	X.159	1	14	15
	GA	220	X.071	15						

Source: Capital Improvement Program, FY 2002-2006, Facilities Planning Services Office

Note: Five-year projections are those currently available and will be updated yearly. School attendance areas subject to yearly review.

Comments

Enrollment in the school listed (Franklin Middle) is currently projected to be below capacity.

Enrollment in the schools listed (Lees Corner Elementary, Chantilly High) are currently projected to be near or above capacity.

The 49 students generated by this proposal would require 1.96 additional classrooms at Chantilly High (49 divided by 25 students per classroom). Providing these additional classrooms will cost approximately \$686,000 based upon a per classroom construction cost of \$350,000 per classroom.

The foregoing information does not take into account the potential impacts of other proposals pending that could affect the same schools.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

December 12, 2000

TO: Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Ralph Murray (246-3968)
Planning Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Rezoning Application RZ 1998-SU-013 and Final Development Plan FDP 1998-SU-013.

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 #15, Chantilly.
2. After construction programmed for FY 19__, this property will be serviced by the fire station planned for the _____ area.
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 1 1/10 of a mile, outside the fire protection guidelines. No new facility is currently planned for this area.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator
Zoning Evaluation Division, OCP

DATE: March 23, 2001

FROM: Gilbert Osei-Kwadwo (Tel: 324-5025)
System Engineering & Monitoring Division
Office of Waste Management, DPW *gok*

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. RZ/FDP 1998-SU-013
Tax Map No. 034-4- /01/ /0009

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 CUB RUN (T1) Watershed. It would be sewerred into the UOSA Treatment Plant.
2. Based upon current and committed flow, excess capacity is available in the Upper Occoquan Sewer Authority Treatment Plant at this time. For purposes of this report, committed flow shall be deemed as for which fees have been previously 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 10 inch line located in CENTREVILLE ROAD and APPROX. 100 FEET FROM 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.

<u>Sewer Network</u>	<u>Existing Use + Application</u>		<u>Existing Use + Application + Previous Rezoning</u>		<u>Existing Use + Application + Comp. Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>
Submain	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>
Main/Trunk	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>
Interceptor	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Outfall	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

5. Other pertinent information or comments: DULLES BUSINESS PARK
REIMBURSEMENT CHARGES MAY BE APPLICABLE.

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Gregory A. Riegler
Direct: 703.712.5360

McGUIREWOODS

griegler@mcguirewoods.com
Direct Fax: 703.712.5218

December 2, 2003

VIA HAND DELIVERY

Cynthia Bailey, Esquire
Office of County Attorney
12000 Government Center Parkway
Suite 549
Fairfax, VA 22035

Re: Executed Copy of Skyhawk Drive Traffic Signal Agreement

Dear Cynthia:

Attached is a fully executed copy of the above referenced agreement. Also attached are three duplicate originals and evidence of authority to execute the document from each landowner. There are also two dates on page three to be filled in. Our agreement was that the signal plan would be submitted within ninety (90) days of full execution and completion of construction would occur on the last day of the 20th month following full execution.

Once the Agreement has been signed by the County, please forward three of the duplicate originals to my attention and I will take care of distributing them to the other parties. Additionally, as soon as the document has been signed by the County, I will coordinate with the other landowners to ensure that the funds required to be deposited in escrow are promptly delivered to your attention.

On behalf of Rare Hospitality and the other affected landowners, thanks for all of your help in bringing this matter to a productive conclusion. On receipt, if you have any questions, please feel free to give me a call.

Sincerely yours,



Gregory A. Riegler

GAR/ppl

cc: Sarah Hall, Esquire
John Kantner, Esquire, Bob Evans
Jeff Sauer, Bob Evans
Douglas Pyne, Rare Hospitality
✓ Barbara Byron
Meaghan Kiefer

RECEIVED
Department of Planning & Zoning

DEC 04 2003

Zoning Evaluation Division

TRAFFIC SIGNAL AGREEMENT

THIS TRAFFIC SIGNAL AGREEMENT (this "Agreement") is made and entered into as of the ____ day of _____, 2003, by and between RARE HOSPITALITY INTERNATIONAL, INC., a Georgia corporation, its successors and assigns ("Rare"); BEF REIT, INC., a Ohio corporation, its successors and assigns ("Bef"); HERMIS, INC., a Virginia corporation, its successors and assigns ("Hermis"); and the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA (the "County").

RECITALS:

WHEREAS, Rare is the Owner of land identified as Fairfax County Tax Map Reference 34-4-((12))-1A ("Rare Property"); having acquired the same by deed recorded in Deed Book 12585 at Page 1956;

WHEREAS, Bef Reit, Inc. is the Owner of land identified as Fairfax County Tax Map Reference 34-4-((12))-2 ("Bef Property"); having acquired the same by deed recorded in Deed Book 10138 at Page 1386;

WHEREAS, Hermis, Inc. is the Owner of land identified as Fairfax County Tax Map Reference 34-4-((12))-10, 11 ("Hermis Property"); having acquired the same by deed recorded in Deed Book 11161 at Page 1237;

WHEREAS, pursuant to Development Condition 13 imposed by the Board of Supervisors of Fairfax County, Virginia in connection with the approval of Special Exception SE 94-Y-007 ("Development Condition 13"), Rare, Bef and Hermis (collectively the "Owners", individually an "Owner") are required to construct a four-legged traffic signal, consisting of the equipment described in Exhibit A at the intersection of Centerview Drive and Skyhawk Drive (the "Signal");

WHEREAS, it is believed by the County and the Owners that the Signal can be constructed subject to the filing and approval of a Traffic Signal Plan and associated engineering/construction documents and plans of a scope and substance appropriate to the Signal, without the need to acquire or condemn off-site rights-of-way or construct additional pavement or roadway improvements;

WHEREAS, the County and the Owners believe that the anticipated permitting and construction requirements will allow an operational Signal to be completed within twenty (20) months following full execution of the Agreement;

WHEREAS, Hermis has delivered to the County \$138,842.00 in cash (the "Hermis Cash Bond") to secure the installation of the Signal by July 3, 2004 pursuant to Site Plan No. 5611-SP-19 and a performance agreement with the County dated July 3, 2003;

WHEREAS, the Owners agree that it is mutually advantageous for Rare to construct the Signal, with the Owners sharing equally the cost of said construction and associated design, permitting, bonding, and engineering;

WHEREAS, pursuant to the approval of Special Exception Amendment SEA 00-Y-017 and Proffer Condition Amendment PCA 79-C-089 and their associated site plans, the County is in receipt of present funds in the amount of \$25,000, which are earmarked for construction of the Signal and the County further agrees to apply such funds to the cost of constructing the Signal, along with all other monies that have been or may be collected from other proximate property owners for the construction of the Signal;

WHEREAS, the County and the Owners agree that anticipated design, permitting, bonding, engineering and construction costs for the Signal are approximately One Hundred Fifty Thousand Dollars (\$150,000.00) (the "Estimated Cost"). It is understood by the Owners that such costs are only an estimate and actual costs to be shared among the Owners may be more or less than the Estimated Cost;

WHEREAS, the County agrees to serve, without charge, as escrow agent for the purpose of holding certain funds ("Escrow Account") required to be placed in escrow by the Owners and received from others for the construction of the Signal and disbursing such funds as required herein; and

WHEREAS, the County further agrees that the execution of this Agreement by the Owners and their performance of the obligations contained herein will address certain permitting issues more particularly described herein associated with Development Condition 13.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, the mutual covenants contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which each of the parties hereby acknowledge, the parties hereby agree as follows:

1. Incorporation of Recitals. The foregoing recitals are hereby incorporated into and made a part of this Agreement as if set forth herein in their entirety.

2. Obligations of Rare.

a. Following execution of this Agreement, Rare shall, in a good and workmanlike manner, and in accordance with all standards and permitting requirements of the Virginia Department of Transportation ("VDOT") and the County, diligently pursue the construction of the Signal (the "Construction") to completion. For the purpose of this Agreement, "diligent pursuit" or "diligently pursue" shall mean the submission of complete and accurate materials and/or documents and prompt and complete responses to issues or comments raised in the review and approval process. The selection of contractors, engineers and related professionals associated with the design and construction of the Signal shall be at the election of Rare and Rare shall supervise all contractors, engineers and related professionals selected. Completion of the Construction by Rare shall be defined as the construction of an operational

signal at the intersection of Skyhawk Drive and Centerview Drive in accordance with the approved Traffic Signal Plan and acceptance of the signal for maintenance by VDOT ("Completion of Construction").

b. On or before _____, 2004, Rare shall prepare and submit to VDOT a Traffic Signal Plan for the Signal. Rare shall diligently pursue VDOT approval of the Traffic Signal Plan. Completion of Construction shall occur on or before _____, 2005, subject to Force Majeure, unanticipated requirements for off-site road improvements or right-of-way acquisition referenced in Section 4 below, and delays in obtaining permits or approvals from VDOT, notwithstanding the diligent pursuit of the same as required by this Agreement. In the event that the Signal is not completed within this prescribed period, Rare may seek an extension of this date, and the County may, in its sole discretion, extend this date if, in the County's sole discretion, Rare is diligently pursuing the Construction of the Signal.

c. Rare agrees to provide, or otherwise make available for review, upon request, all contracts and agreements entered into by Rare with engineers and related professionals involved in preparing the necessary plans and permit materials for the Signal and all work product, including digital or electronic material, to any other Owner or to the County.

3. Escrow and Permitting Obligations of the County. The County shall be obligated to perform or complete the following:

a. The County shall be responsible for holding existing funds earmarked for the Signal along with those funds to be escrowed by the Owners for the anticipated construction costs of the Signal and disbursing these funds upon Completion of the Construction as provided herein.

b. Upon execution of this Agreement by Hermis, the County will transfer \$41,666.67 of the Hermis Cash Bond to the Escrow Account as Hermis's Initial Owner's Share (as defined in Section 4(b) below). The County shall thereafter immediately refund to Hermis the remaining \$97,175.33 in the Hermis Cash Bond and the remaining amount of Hermis's Conservation Escrow held by the County, and shall release Hermis from all obligations under the performance agreement secured by the Hermis Cash Bond.

c. The County shall diligently pursue any other funds that may be owed toward the construction of the Signal in accordance with any proffered conditions or development conditions, or other obligations.

d. Execution of this Agreement shall satisfy any outstanding requirements regarding the fulfillment of Development Condition 13 in connection with the approval of the pending site plan for the Rare Property (Site Plan No. SPBond) and the release of the Hermis Cash Bond regarding the site plan for the Hermis Property (Site Plan No. 5611-SP-19).

e. Compliance with the terms of this Agreement shall satisfy any and all obligations of the Owners to construct the Signal pursuant to Development Condition 13.

f. If Rare is diligently pursuing the Construction of the Signal, Completion of Construction of the Signal shall not be required prior to the issuance of a Non-Residential Use Permit for the Rare Property ("Non-RUP"), provided Rare has complied with the terms and conditions of all applicable codes, ordinances and permitting requirements related to said Non-RUP, and in such event, such Non-RUP shall be granted regardless of Completion of Construction of the Signal.

g. Upon Completion of Construction and submittal of the actual cost by Rare, the County shall promptly disburse to the Owners their appropriate shares of the amount in the Escrow Account as provided herein.

h. The funds placed in escrow by the Owners pursuant to Section 4(a) below and received from others for construction of the Signal shall be considered a "cash bond" for the purpose of ensuring sufficient funds are available for the Signal. No further performance bonds for the Signal shall be required in connection with any site plan or construction permit affecting any Owner's property except as otherwise provided by Paragraph 4(b) below.

4. Obligations of Owners/Funding of Construction. Funding for the Construction of the Signal shall be an equal and pro-rated responsibility of Rare, Bef and Hermis as set forth below. Such total cost of the Construction shall include all costs, including, but not limited to, design, permitting, engineering, bonding, easement, legal, administrative, and construction costs incurred by Rare in pursuing the Completion of Construction as defined herein. It shall be further understood that the obligations of this Agreement are exclusive to the construction of the Signal. The Owners shall have no obligation to widen or otherwise make improvements to the Centerview and Skyhawk Drives, or to purchase off-site right-of-way or fund condemnation efforts for the same.

a. Prior to Rare contracting for the Construction, the County shall place Twenty-Five Thousand and No/100 Dollars (\$25,000.00) into the Escrow Account, said \$25,000.00 consisting of monies previously provided to the County for the Construction in accordance with SEA 00-Y-017 and PCA 79-C-089. The County shall promptly deposit into the Escrow Account any additional amounts received by the County for the Signal from any person or entity between the date of this Agreement and the completion of the Construction by Rare (the total amount of funds from parties other than the Owners deposited by the County into the Escrow Account hereinafter referred to as the "Outside Contribution"). The Outside Contribution shall be applied toward the total cost of the Construction.

b. Upon execution of this Agreement, the Owners shall each contribute Forty-One Thousand Six Hundred Sixty-Six and 67/100 Dollars (\$41,666.67), to be deposited in the Escrow Account and applied toward the cost of the Construction (the "Initial Owner's Share"). As set forth in Paragraph 3(b), the Initial Owner's Share for Hermis will be transferred from the Hermis Cash Bond. In the event the initial contracts for the Construction obtained by Rare are shown to exceed the Estimated Cost by more than twenty-five (25%) percent, the Owners shall be required to increase the amount held in escrow by the County in equal 1/3 shares to account for such increased costs. In addition, if during the pendency of construction,

total costs escalate by more than twenty-five (25%) percent of the Estimated Cost, the Owners shall be required to deposit, within ten (10) days of request, sufficient funds to increase the amount held in escrow by the County in equal 1/3 shares to account for such increased total costs. All funds held in the Escrow Account shall be disbursed to the Owners upon Completion of Construction as set forth herein. The County shall not apply the funds in the Escrow Account to any purpose other than Construction of the Signal.

c. Should Rare default in its obligations to construct the Signal, and such default is not cured as provided for in Section 7(a), the other parties to this Agreement shall have the obligation to complete or cause completion of Construction in the manner specified in Section 2 above and in turn receive disbursement of all or a portion of the Escrow Account, subject to the requirements for documenting costs prescribed in Section 4(d) below. This obligation to complete Construction shall not preclude any Owner or the County from pursuing any remedy addressed in Section 7 below.

d. Upon Completion of Construction, Rare shall compute the total actual cost of Construction (the "Actual Cost"). In the event of Rare's default, the Actual Cost will be computed by the party or parties who complete Construction. The Actual Cost shall be based on receipts or similar written evidence of expenditures for all costs, including, but not limited to those related to the design, engineering and construction of the Signal. Each Owner's share of the Actual Cost will be determined by subtracting the Outside Contribution from the Actual Cost and dividing the result by three (the "Final Owner's Share"). If a Final Owner's Share exceeds the Initial Owner's Share, as the Initial Owner's Share may have been adjusted under Paragraph 4(b), each Owner will contribute to Rare the amount by which its Final Owner's Share exceeds its Initial Owner's Share, as it may have been so increased as provided herein. If a Final Owner's Share is less than the Initial Owner's Share, each Owner shall receive a refund from the Escrow Account by the County equal to the amount by which its Initial Owner's Share, as it may have been increased pursuant to Paragraph 4(b), exceeds the Final Owner's Share. Any adjustments required by this subparagraph shall be paid, by either the Owners or the County, as appropriate, within ten (10) days of receiving notification by Rare of said additional cost or refund. In addition to any other remedy specified herein, Rare or the County or any party or parties completing Construction shall have the right to bring suit against any Owner or place a lien against the property of any Owner for any Final Owner's Share not paid when due.

5. Notice. All notices, demands and requests under the provisions of this Agreement shall be in writing and shall be given by (i) personal delivery or (ii) established overnight delivery service (such as Fed Ex) for delivery on the next business day with delivery charges prepaid or duly charged, addressed to the addresses set forth below or such other addresses as any party may designate by notice to the others:

if to Rare:

Rare Hospitality International, Inc.
Attn: Legal Department
8215 Roswell Road
Building 600
Atlanta, Georgia 30350
Voice: (770) 551-5401

Fax: (770) 901-6624

with a copy to:

Gregory A. Riegler, Esquire
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102
Voice: (703) 712-5360
Fax: (703) 712-5218

if to Bef:

Jeffrey A. Sauer
Bob Evans Farms
3776 South High Street
P. O. Box 07803
Columbus, Ohio 43207
Voice: (614) 492-4944
Fax: (614) 492-4990

if to Hermis:

Sarah E. Hall, Esquire
Blankingship & Keith
4020 University Drive, Suite 300
Fairfax, Virginia 22030
Voice: (703) 691-1235
Fax: (703) 691-3913

if to the County:

The Fairfax County Attorney
Office of the County Attorney
Fairfax County, Virginia
12000 Government Center Parkway
Suite 549
Fairfax, Virginia 22035
Voice: (703) 324-2421
Fax: (703) 324-2675

With a copy to:

Cynthia Bailey, Esquire
Office of the County Attorney
Fairfax County, Virginia
12000 Government Center Parkway
Suite 549
Fairfax, Virginia 22035
Voice: (703) 324-2421
Fax: (703) 324-2675

Notices, demands and requests which shall be served upon the parties in the manner aforesaid shall be deemed to have been given for all purposes hereunder at the time such notice, demand or request shall have been personally served or on the date of receipt or refused delivery if mailed by overnight delivery service, as set forth in the records of such overnight delivery service.

6. Entire Agreement. This Agreement, together with all exhibits attached hereto and incorporated herein, constitutes the entire understanding and agreement between the parties hereto with regard to Construction, and shall supersede all prior oral and/or written understandings. This Agreement may not be modified unless in writing and executed by the parties hereto.

7. Default; Attorneys Fees

a. If any party defaults in the performance of its obligations hereunder and fails to cure such default within ten (10) days after the defaulting party receives notice of such default from a non-defaulting party, the non-defaulting party shall be entitled to seek all legal or equitable rights or remedies against the defaulting party including, but not limited to, an action for specific performance or damages, and provided that the party attempting to complete Construction of the Signal shall only be subject to an action for specific performance and no other remedy if that party is diligently pursuing Construction of the Signal. However, if the default cannot, with due diligence, be cured prior to the expiration of ten (10) days from the date of receipt of the notice provided for above, and if the defaulting party commences within ten (10) days after the date to eliminate the cause of such default and proceeds diligently and with reasonable dispatch to take all steps and do all work required to cure such default, then the non-defaulting party shall not have the right to exercise its remedies specified herein during the pendency of the defaulting party's cure efforts. In addition to the foregoing, if any Owner fails to pay an amount required under section 4(d) when due, any other Owner or the County shall be entitled to place a lien against the property of such defaulting Owner by filing such lien in the appropriate county recording office until the amount due is paid.

b. If any party resorts to litigation to enforce the terms of this Agreement or to seek other equitable and/or legal remedies for injuries sustained as a result of the default of the terms of this Agreement by the other party, the prevailing party shall be entitled to recover all of its reasonable attorneys' fees, court costs and any other reasonable costs of litigation from the non-prevailing party, unless the non-prevailing party is the County. The County shall not be liable for the attorney's fees, court costs or any other litigation costs of any Owner. TO THE EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HEREBY WAIVES ALL RIGHTS IT MAY HAVE TO TRIAL BY JURY IN ANY ACTION BROUGHT ON, UNDER OR BY VIRTUE OF OR RELATING IN ANY WAY TO THIS AGREEMENT OR ANY OF THE DOCUMENTS EXECUTED OR DELIVERED IN CONNECTION WITH THIS AGREEMENT AND ANY CLAIMS, DEFENSES, RIGHTS OR SET-OFF OR OTHER ACTIONS PERTAINING TO THIS AGREEMENT OR SUCH DOCUMENTS.

8. Successors and Assigns. Except as otherwise specifically provided in this Agreement, this Agreement shall extend to, bind and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and permitted assigns.

9. Covenants Running with Land. The obligations and benefits of this Agreement are not personal covenants of the parties, but shall run with the respective ownership interests of

the land that is the subject of Development Condition 13. The Agreement shall be recorded among the land records of Fairfax County, Virginia.

10. Paragraph Headings. The paragraph headings within this Agreement exist solely for the convenience of the parties hereto and have no legal effect on the interpretation of any of the provisions contained herein.

11. Severability. All provisions within this Agreement are to be interpreted independently. If a court of competent jurisdiction shall determine any provision to be illegal or void, all other provisions of this Agreement shall remain binding.

12. Governing Law. This Agreement shall be governed by and construed under the laws of the Commonwealth of Virginia.

13. Venue. The parties expressly agree that if legal action is required to interpret or enforce this Agreement, said action shall be filed in the Circuit Court of Fairfax County, Virginia. The prevailing party in any dispute over this Agreement shall be awarded reasonable attorney's fees and costs by the court pursuant to Paragraph 7(b), unless the non-prevailing party is the County.

14. Effective Date. The Effective Date of this Agreement shall be the last date that any of the parties hereto executes, ratifies and delivers this Agreement, and such date shall be inserted at the beginning of this Agreement as the Effective Date.

15. Counterparts. This Agreement may be executed in counterparts, which, taken together, shall constitute one and the same instrument.

16. Force Majeure. Any party to this Agreement shall be excused for the period of any delay and shall not be deemed in default with respect to the performance of any of the terms, covenants, and conditions of this Agreement when prevented from so doing by cause or causes beyond such party's control, which shall include, without limitation, all labor disputes, governmental regulations or controls, fire or other casualty, inability to obtain any material, acts of God, or any other cause, whether similar or dissimilar to the foregoing, not within the control of the aforementioned party.

[Signature page follows]

IN WITNESS WHEREOF, the parties execute this Agreement by these duly authorized representatives as of the date first set forth above.

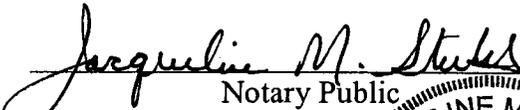
RARE HOSPITALITY INTERNATIONAL, INC.,
a Georgia corporation

By: 
Name: Joia M. Johnson
Title: Executive Vice President, Secretary

County of FULTON

State/Commonwealth of Georgia to-wit:

The foregoing instrument was acknowledged before me this 26th day of November, 2003, by Joia M. Johnson, on behalf of Rare Hospitality International, Inc.


Notary Public

My Commission expires: 1-29-06



BEF REIT, INC.,
an Ohio corporation

By: _____

Name: Tod P. Spornhauer

Title: Senior Vice President

County of Franklin

State of Ohio, to-wit:

The foregoing instrument was acknowledged before me this 17th day of October, 2003,
by Tod P. Spornhauer, Senior Vice President of Bef Reit, Inc., on behalf of Bef Reit, Inc..

Joyce W. Priest
Notary Public

My Commission expires: _____

July 3, 2006



JOYCE W. PRIEST
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JULY 3, 2006

HERMIS, INC.,
a Virginia corporation

By: A. Patel
Name: Ashok Patel
Title: President

~~County~~ ^{CITY} of RICHMOND

State/Commonwealth of VIRGINIA to-wit:

The foregoing instrument was acknowledged before me this 9th day of October, 2003, by Ashok Patel, President, on behalf of Hermis Inc..

Linda Bruns Liles
Notary Public

My Commission expires: May 31, 2004

Approved and executed on behalf of the Board of Supervisors of Fairfax County, Virginia by the authority granted by the Board of Supervisors of Fairfax County, Virginia.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a body corporate and politic

By: _____

Name: _____

Title: _____

County of _____
State/Commonwealth of _____ to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2003, by _____, on behalf of the County of Fairfax, Virginia.

Notary Public

My Commission expires: _____

Approved as to form

County Attorney's Office

\\REA\166671.8

EXHIBIT A

November 7, 2003

Scope of Work – Stop Light Installation for Centreville Rd and Skyhawk Drive

At the intersection of Skyhawk Drive and Centreville Road, a four directional stop light will be installed to control traffic movements as described on Schedule A-1. It is anticipated that this traffic light will be designed for traffic from the proposed Lightfoot Street; however it will operate as a 3 way signal until this street is fully developed by its owner. In addition, it is anticipated that the owner of the eastern property and Lightfoot Street will be required by Fairfax County to install any necessary changes to the signal to reset it from a 3 way signal to a 4 way signal upon completion of the later added 4th direction of traffic (Lightfoot Street).

The overall signalization plan will consist of:

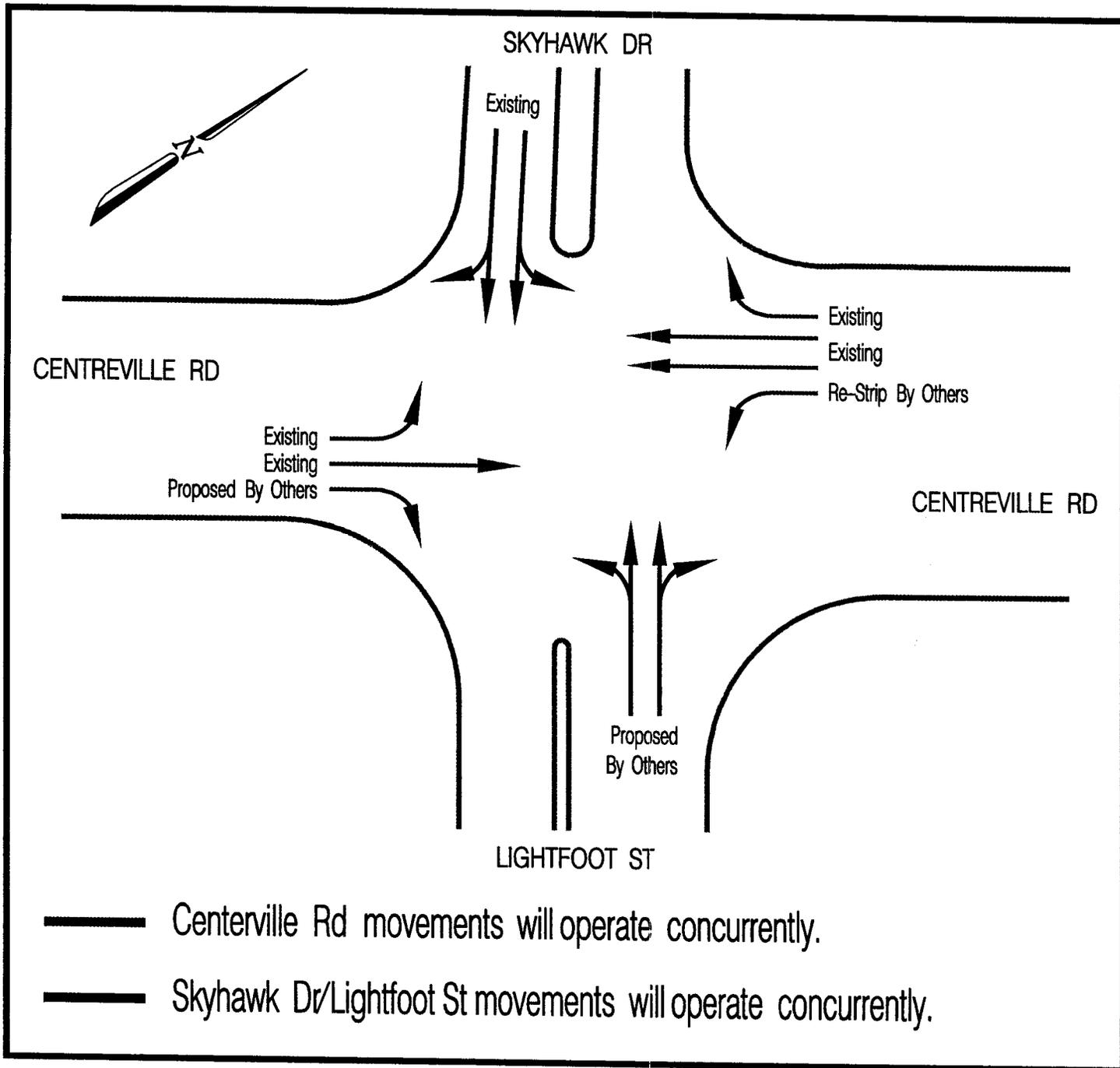
Northbound – (Centreville Road) One Left Turn Lane, One Through Lane, One Right Turn Lane. The Right Turn Lane will be constructed by the owner of eastern property.

Southbound – (Centreville Road) One Left turn lane, two Through Lanes, one Right Turn Lane.

Westbound – (Lightfoot Street) One left through lane, one Right Through lane. Lightfoot Street will be designed and constructed by the owner of eastern property.

Eastbound – (Skyhawk Drive) One Left Through lane, One Right Through lane.

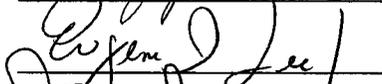
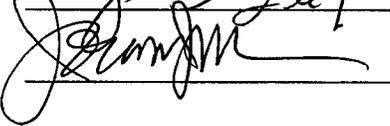
The intersection is to operate in a NEMA four (4) phase full traffic actuated control, and comply with VDOT standard as of this time. The traffic signal will operate concurrently in the north and south directions and the east and west directions. Physically the light will be comprised of a red, yellow and green indicator in each of the four directions listed. Additionally, there will be pedestrian walk / don't walk indicators, a control box to control the signals timing, and the structural appurtenances to install the actual stoplight. Striping and painting of pedestrian cross walks as well as stop bars on the respective streets will be included in this work. All ROW dedications and or easements required to complete the traffic signal are the responsibility of Fairfax County.



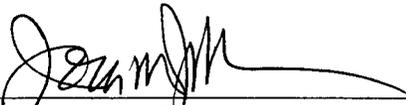
SECRETARY'S CERTIFICATE

The undersigned, being the duly elected and qualified Secretary of RARE Hospitality International, Inc., a Georgia corporation (the "Corporation"), with an office at 8215 Roswell Road, Building 600, Atlanta, Georgia 30350, does hereby certify that:

1. I am the keeper of the records of the Corporation, which is a public corporation whose shares are traded on the NASDAQ exchange, and I hereby represent that the Directors of the Corporation have authorized and empowered the specific officers of the Corporation listed below with the powers described in Paragraph 2 hereof.
2. Philip J. Hickey, Jr., Eugene I. Lee, Jr. and Joia M. Johnson, each being an Officer of the Corporation (collectively, identified herein as the "Officers") are duly elected and qualified to the office or offices set forth opposite their names in Paragraph 3 below. Each Officer set forth below, as of the date hereof, is authorized and empowered to execute and deliver on behalf of the Corporation any performance agreements, bonds, escrow agreements, permit applications, deeds, record plats and other related documents which may be required by various governmental municipalities and agencies in connection with the business of the Corporation. This Certificate remains in effect until a notice or certificate of revocation is issued.
3. The Following are the true signatures of such Officers of the Corporation:

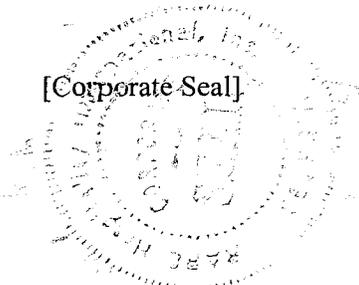
<u>Name</u>	<u>Office (title)</u>	<u>Signature</u>
<u>Philip J. Hickey, Jr.</u>	<u>CEO, Chairman</u>	
<u>Eugene I. Lee, Jr.</u>	<u>President, COO</u>	
<u>Joia M. Johnson</u>	<u>Secretary, Exec. V.P.</u>	

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Corporation on the 24th day of November, 2003.



Joia M. Johnson, Secretary

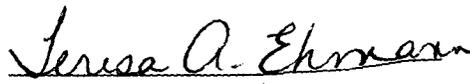
[Corporate Seal]



SECRETARY'S CERTIFICATE

The undersigned, being the duly elected and qualified Assistant Secretary of BEF REIT, Inc., an Ohio corporation (the "Corporation"), with an office at 3776 South High Street, Columbus, Ohio 43207, does hereby certify that:

1. The resolution included and made a part hereof: (a) has been duly adopted by the consent of the Directors of the Corporation; (b) has not been modified, amended or revoked; and (c) remains in full force and effect as of the date hereof.
2. Tod P. Spornhauer and Teresa A. Ehmann, being officers of the Corporation (collectively, the "Officers") are duly elected and qualified to the office or offices set forth opposite their names in paragraph 3 below. Each Officer set forth below, as of the date hereof, is authorized and empowered to execute and deliver performance agreements, bonds, escrow agreements, permit applications, deeds, record plats and other related documents which may be required by various governmental municipalities and agencies. This Certificate remains in effect until a notice or certificate of revocation is issued.
3. The following are the true signatures of such Officers of the Corporation:

<u>Name</u>	<u>Office (title)</u>	<u>Signature</u>
Tod P. Spornhauer	Vice President and Assistant Treasurer	
Teresa A. Ehmann	Assistant Secretary	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Corporation this 17th day of October, 2003.



Teresa A. Ehmann
Assistant Secretary

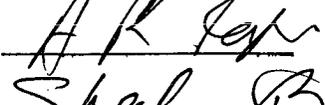
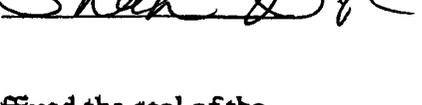
SECRETARY'S CERTIFICATE

The undersigned, being the duly elected and qualified Secretary of Hermis, Inc., a Virginia Corporation (the "Corporation"), with an office at 2607 AnnaKay Crossing, Midlothian, Virginia, 23113, does hereby certify that:

1. The resolution included and made a part hereof: (a) has been duly adopted by the consent of the Directors of the Corporation; (b) has not been modified, amended or revoked; and (c) remains in full force and effect as of the date hereof.

2. Harry Bawa, Dr. Ashok Patel and Bharat Shah, each being an Officer of the Corporation (collectively, the "Officers") are duly elected and qualified to the office or offices set forth opposite their names in Paragraph 3 below. Each Officer set forth below, as of the date hereof, is authorized and empowered to execute and deliver performance agreements, bonds, escrow agreements, permit applications, deeds, record plats and other related documents which may be required by various governmental municipalities and agencies. This Certificate remains in effect until a notice or certificate of revocation is issued.

3. The Following are the true signatures of such Officers of the Corporation:

<u>Name</u>	<u>Office (title)</u>	<u>Signature</u>
Harry Bawa	Vice President	
Dr. Ashok Patel	President	
Bharat Shah	Secretary	

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Corporation the ___ day of _____, 2003.

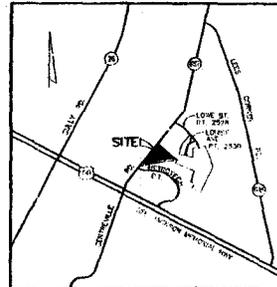

Bharat Shah, Secretary

[Corporation Seal]

CHANTILLY PARK

SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA

CONCEPTUAL/FINAL DEVELOPMENT PLAN



VICINITY MAP
SCALE: 1" = 2,000'

APPLICANT:

CHANTILLY PARK L.C.
c/o KSI SERVICES, INC.
8081 WOLF TRAP ROAD, SUITE 300
VIENNA, VIRGINIA 22182

October 17, 2000

Revised March 30, 2001

Revised June 22, 2001

Revised July 20, 2001

Revised August 21, 2001

Revised September 13, 2001



CHANTILLY PARK

SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA

CONCEPTUAL/FINAL DEVELOPMENT PLAN



Dewberry & Davis LLC Engineers
A Dewberry Company Planners
Surveyors Landscape Architects

8401 Arlington Blvd
Falls Church, VA 22041
(703) 419-0100 Fax (703) 419-0118

SHEET INDEX:

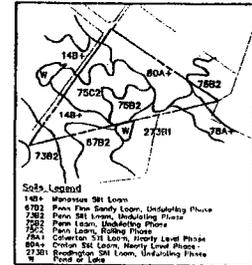
1. COVER SHEET
2. NOTES AND TABULATIONS
3. CONCEPTUAL/FINAL DEVELOPMENT PLAN
4. DETAILS / SITE FURNITURE
5. ELEVATION

M-10202

NOTES:

1. THE PROPERTY THAT IS THE SUBJECT OF THIS CONCEPTUAL/FINAL DEVELOPMENT PLAN (CD/FDP) IS IDENTIFIED ON THE FAIRFAX COUNTY TAX MAP AS 34-4 (11) * AND CONSISTS OF 19.32 ACRES.
2. THIS CD/FDP IS ACCOMPANIED WITH AN APPLICATION TO REZONE THE PROPERTY FROM THE R-1 TO THE PDH-20 DISTRICT TO PERMIT THE DEVELOPMENT OF MULTIPLE FAMILY DWELLING UNITS.
3. THE TOPOGRAPHY SHOWN HEREON IS AT TWO (2) FOOT INTERVALS AND WAS TAKEN FROM COUNTY RECORDS AND EXTRAPOLATED. DEWBERRY & DAVIS LLC ASSUMES NO RESPONSIBILITY FOR DESIGN OR CONSTRUCTION CHANGES CAUSED BY INACCURACIES IN THE TOPOGRAPHICAL INFORMATION.
4. THE BOUNDARY INFORMATION SHOWN HEREON IS FROM EXISTING RECORDS. DEWBERRY & DAVIS LLC ASSUMES NO RESPONSIBILITY FOR DESIGN OR CONSTRUCTION CHANGES CAUSED BY INACCURACIES IN THE BOUNDARY INFORMATION.
5. STORMWATER MANAGEMENT (SWM) AND BEST MANAGEMENT PRACTICES (BMP) REQUIREMENTS FOR THE DEVELOPMENT OF THIS SITE WILL BE PROVIDED ON SITE IN PROPOSED ABOVE GROUND FACILITIES AS GENERALLY SHOWN ON THE GRAPHIC UNLESS MODIFIED BY PROFERRED CONDITION AND/OR WAIVED BY THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPW/ES).
6. THE LANDSCAPING AND OPEN SPACE AREAS REPRESENTED ON THE GRAPHIC ARE PRELIMINARY AND SUBJECT TO MINOR MODIFICATION AT TIME OF FINAL ENGINEERING AND DESIGN. LANDSCAPING AND TREE COVER WILL BE PROVIDED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF ARTICLE 11.3 OF THE ZONING ORDINANCE.
7. IT IS UNDERSTOOD THAT ADDITIONAL SITE FEATURES SUCH AS SIGNS, PLANTERS, FENCES, GATES AND/OR WALLS NOT REPRESENTED HEREON MAY BE PROVIDED.
8. THE PUBLIC IMPROVEMENTS PLANNED FOR THIS PROPERTY ARE THE DEDICATION OF ADDITIONAL R.O.W ALONG THE CENTREVILLE ROAD FRONTAGE OF THE PROPERTY, THE CONSTRUCTION OF A RIGHT TURN DECELERATION LANE AND THE DEDICATION AND CONSTRUCTION OF THE EXTENSION OF SKYHAWK DRIVE (ROUTE 7679) THROUGH THE SUBJECT PROPERTY.
9. THE SIZE AND CONFIGURATION OF THE MULTIPLE FAMILY STRUCTURE IS CONCEPTUAL AND SUBJECT TO MODIFICATION BASED ON FINAL ENGINEERING AND DESIGN.
10. SPECIAL AGREEMENTS FOR THE PROPOSED DEVELOPMENT INCLUDE A SWIMMING POOL AND POOL HOUSE.
11. THERE ARE NO PUBLIC FACILITIES PROPOSED WITH THIS DEVELOPMENT.
12. TRANSITIONAL SCREENING AND BARRIERS ARE NOT REQUIRED ALONG THE WESTERN OR SOUTHERN BOUNDARIES OF THE PROPERTY. PURSUANT TO PAR. 12 OF SECT. 11.304 OF THE ZONING ORDINANCE, A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIERS ALONG THE NORTHERN PROPERTY LINE IS HEREBY REQUESTED.
13. THERE ARE EXISTING AND PLANNED SINGLE FAMILY DETACHED DWELLING UNITS TO THE NORTH/NORTHEAST OF THE SUBJECT PROPERTY; INDUSTRIAL/OFFICE USES TO THE WEST; AND A RETAIL SHOPPING CENTER TO THE SOUTH.
14. THE LIMITS OF CLEARING AND GRADING SHOWN HEREON ARE PRELIMINARY AND SUBJECT TO CHANGE AT TIME OF FINAL ENGINEERING AND DESIGN.
15. THERE IS NO FLOODPLAIN DESIGNATED BY THE FEDERAL INSURANCE ADMINISTRATION, UNITED STATES GEOLOGICAL SURVEY OR FAIRFAX COUNTY OR RESCUE PROTECTION AREA (RPA) ENVIRONMENTAL QUALITY CORRIDOR (EQC) LOCATED ON THIS PROPERTY.
16. THE SITE WILL BE SERVED BY PUBLIC SEWER AND WATER.
17. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO GRAVES LOCATED ON THE PROPERTY.
18. OTHER THAN ELECTRIC TRANSMISSION TOWERS, THERE ARE NO STRUCTURES ON THE SUBJECT PROPERTY.
19. THE PROPOSED DEVELOPMENT IS LOCATED WITHIN THE LEE-JACKSON COMMUNITY PLANNING SECTOR (CPS) OF THE UPPER POTOMAC PLANNING DISTRICT IN AREA III. THE PLAN RECOMMENDS RETAIL USE OR TOWNHOUSE OFFICE USE AT A MAXIMUM FLOOR AREA RATIO (FAR) OF 0.25. AN OUT-OF-TURN PLAN AMENDMENT IS TO BE REQUESTED WHICH WILL RENDER THE PROPOSED DEVELOPMENT TO BE CONSISTENT WITH THE NEW COMPREHENSIVE PLAN RECOMMENDED LAND USE FOR THIS AREA.
20. THERE IS A 120-FOOT VEPKO TRANSMISSION LINE EASEMENT WHICH TRAVERSES THE PROPERTY.
21. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES LOCATED OR STORED ON THE SUBJECT PROPERTY, AND TO THE BEST OF OUR KNOWLEDGE THIS PROPOSED DEVELOPMENT WILL NOT GENERATE, UTILIZE, STORE, TREAT OR DISPOSE OF SUCH SUBSTANCES ON THE PROPERTY.
22. SUBJECT TO MARKET CONDITIONS, IT IS ANTICIPATED THAT CONSTRUCTION OF THE PROPOSED DEVELOPMENT WILL COMMENCE AS SOON AS ALL NECESSARY COUNTY APPROVALS AND PERMITS ARE OBTAINED.
23. A STATEMENT WHICH CONFIRMS THE OWNERSHIP OF THE SUBJECT PROPERTY, AND THE NATURE OF THE APPLICANT'S INTEREST IN SAME IS PROVIDED IN A SEPARATE ASSOCIATED DOCUMENT.
24. AT A MINIMUM, PARKING WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 11 OF THE ZONING ORDINANCE. THE APPLICANT RESERVES THE RIGHT TO PROVIDE MORE THAN THE MINIMUM REQUIRED NUMBER OF PARKING SPACES AS LONG AS THE REQUIRED OPEN SPACE IS PROVIDED. THE NUMBER AND LOCATION OF ACCESSIBLE PARKING SPACES AND LOADING SPACES TO BE PROVIDED WILL BE DETERMINED AT THE TIME OF SITE PLAN SUBMISSION AND WILL BE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 11 OF THE ZONING ORDINANCE.

25. PURSUANT TO SECTION III OF PAR. I OF THE "MANUAL OF PREPARATION OF EXISTING VEGETATION MAPS IN FAIRFAX COUNTY, VIRGINIA" PREPARED BY THE STAFF OF THE URBAN FORESTRY BRANCH, DATED MAY, 1999, NO EXISTING VEGETATION MAP IS REQUIRED AS THE APPLICATION CONTAINS ONLY OVER COVER TYPE - OLD FIELD.
26. IF AN AMENDMENT TO ANY PORTION OF THIS CD/FDP BECOMES NECESSARY AT A LATER DATE, THE APPLICANT RESERVES THE RIGHT TO SUBMIT ONLY THAT PORTION OR SPECIFIC SITE WHICH IS AFFECTED BY THE AMENDMENT FOR REVIEW AND APPROVAL BY THE BOARD OF SUPERVISORS AND/OR THE PLANNING COMMISSION, WHICHEVER IS APPROPRIATE.
27. THE ADOPTED COMPREHENSIVE PLAN MAP IDENTIFIES A COUNTYWIDE BICYCLE TRAIL ON THE WEST SIDE OF CENTREVILLE ROAD.
28. TO THE BEST OF OUR KNOWLEDGE, THE PROPOSED DEVELOPMENT OF THE SUBJECT PROPERTY CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES, REGULATIONS AND ADOPTED STANDARDS.



SOILS MAP
Scale: 1" = 400'

TABULATION:

EXISTING ZONING	R-1
PROPOSED ZONING	PDH-20
TOTAL LAND AREA	19.32 AC
PROPOSED NUMBER OF MULTIPLE FAMILY DWELLING UNITS	204*
PROPOSED MAXIMUM BUILDING HEIGHT	55 FT
MAXIMUM PERMITTED DENSITY	20 DU/AC
PROPOSED DENSITY	19.96 AC
PARKING SPACES REQUIRED	330
PARKING SPACES PROVIDED	390
OPEN SPACE REQUIRED/PROVIDED	35%

* THE PROPOSED MULTIPLE FAMILY DWELLING UNITS WILL BE ELEVATED. THEREFORE, THE PROVISIONS OF THE AFFORDABLE DWELLING UNIT ORDINANCE DO NOT APPLY.



REV. SEPT. 23, 2001
REV. AUGUST 22, 2001
REV. JULY 20, 2001
REV. JUNE 22, 2001
REV. MARCH 30, 2001



ENGINEER'S SEAL & SIGNATURE

NOTES/TABULATION/SOILS MAP
CHANTILLY PARK
SULLY DISTRICT

DRAWN BY	JAC/BJC
DESIGNED BY	DNV
CHECKED BY	LAM
DATE	October 17, 2000
SCALE	
PLAN NUMBER	
SHEET	
2 OF 5	
FILE NUMBER	H-K702

Dewberry & Davis LLC
A Dewberry Company
8421 Arlington Blvd.
Fairfax, VA 22031
(703) 465-0000 Fax (703) 448-0118

Fairfax County, Virginia



SKYHAWK DRIVE

Proposed Location of Proposed Municipal Use

Through plantings subject to approval by the local utility

CONCRETE URE PIPE FACILITIES WITH QUANTITY GREEN PUBLIC IMPROVEMENT PLAN 4/27/01-01

US SURVEY ENGINE APPROVAL FOR REP. PLAN 4/27/01-01

EX. 36" CMP APPROX. LOCATION AND SIZE

CENTREVILLE ROAD FROM E. 3577 PARKWAY/1407 PROJECT #237-229-221, C-582

4 Stories 200 Units

Parking Structure 4 Level, 200 Spaces

Club House

Recreational Area

14' x 14' Clearing for Loading

501

42" Black Ornamental Metal Fence

EX. 18" CMP APPROX. LOCATION AND SIZE

TO EXISTING SANITARY SEWER

6" Board on Board fence

Mowing Truck Area

LEGEND

- EXISTING WATERMAIN
- - - PROPOSED WATERMAIN
- EXISTING SANITARY SEWER
- - - PROPOSED SANITARY SEWER
- PROPOSED 6" BOARD ON BOARD FENCE
- PROPOSED 42" BLACK ORNAMENTAL METAL FENCE
- EXISTING VEGETATION
- LIMITS OF CLEARING AND GRADING
- PROPOSED LARGE DECIDUOUS TREE
- PROPOSED ORNAMENTAL TREE
- PROPOSED EVERGREEN TREE
- PROPOSED SHRUB



Rev. March 31, 2001
 Rev. June 22, 2001
 Rev. July 20, 2001
 Rev. August 22, 2001
 Rev. September 13, 2001



ENGINEER SEAL & SIGNATURE

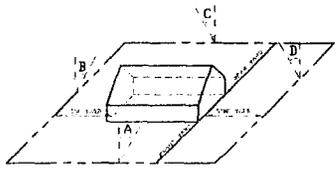


FIGURE 1 A WITH A BUILDING HEIGHT OF 25 FEET AND A 25' SETBACK FROM THE SIDE YARD LINE THE MAXIMUM BULKHEAD HEIGHT IS 10 FEET.
 FIGURE 1 B WITH A BUILDING HEIGHT OF 20 FEET AND A 25' SETBACK FROM THE SIDE YARD LINE THE MAXIMUM BULKHEAD HEIGHT IS 8 FEET.
 FIGURE 1 C WITH A BUILDING HEIGHT OF 25 FEET AND A 25' SETBACK FROM THE SIDE YARD LINE THE MAXIMUM BULKHEAD HEIGHT IS 10 FEET.

ANGLE OF BULK PLANE

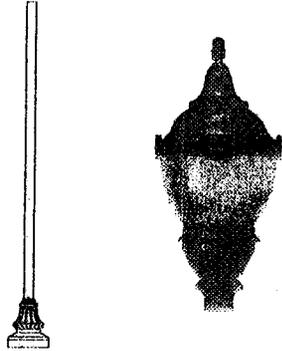
MINIMUM REQUIRED YARD FOR BUILDING WITH 25' HEIGHT

NOTE: THERE IS NO ANGLE OF BULK PLANE REQUIRED FOR THE F-20 DISTRICT. THIS GRAPHIC REPRESENTATION OF THE F-20 DISTRICT CONSIDERATION OF THE PROPOSED MULTIPLE FAMILY DWELING UNITS AT THE PERIPHERAL BOUNDARY LINES AND THE DESIGN STANDARD SET FORTH IN PAR. 1 OF SECTION 16-102 OF THE ZONING ORDINANCE. THERE IS NO ANGLE OF BULK PLANE REQUIREMENT FOR THE PROPOSED SINGLE FAMILY DETACHED DWELING UNITS.

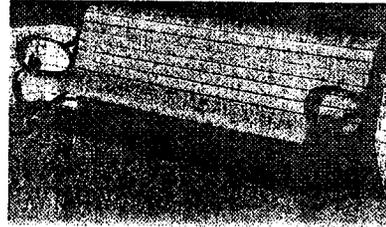
Engineers
 Planners
 Architects
 Landscape Architects
Dewberry & Davis LLC
 A Dewberry Company
 8421 Arlington Blvd.
 Fairfax, VA 22031
 (703) 746-0000 Fax (703) 540-0118

CONCEPTUAL/FINAL DEVELOPMENT PLAN
CHANTILLY PARK
 SULLY DISTRICT
 FAIRFAX COUNTY, VIRGINIA

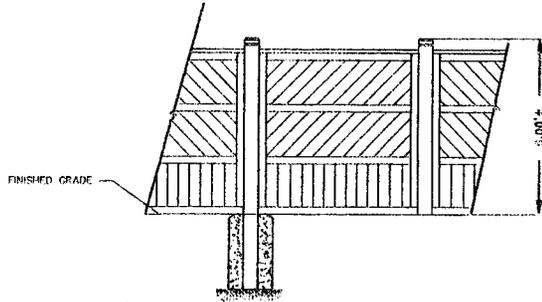
DRAWN BY: JMC/DBZ
 DESIGNED BY: JMC/DBZ
 CHECKED BY: JMC/DBZ
 DATE: 12/11/01
 SCALE: AS SHOWN
 PLAN NUMBER: 17776
 SHEET: 1 OF 1
 PROJECT NUMBER: 17776



TYPICAL LIGHT FIXTURE

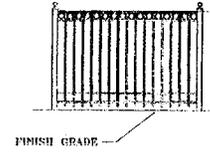


TYPICAL WOOD BENCH

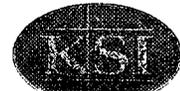


BOARD ON BOARD PRIVACY FENCING

- WOOD NOTES:
1. ALL WOOD TO BE PRESSURE TREATED SOUTHERN YELLOW PINE.
 2. ALL FASTENERS TO BE HOT DIPPED GALVANIZED STEEL.
 3. ALL HINGGES, HANDLES, AND LATCHES TO BE PAINTED BLACK.
 4. COLOR OF WOOD OR PAQUE STAIN TO BE SELECTED BY LANDSCAPE ARCHITECT
 5. ALL FASTENERS TO BE HIDDEN FROM VIEW



ORNAMENTAL METAL FENCING



Rev. July 20, 1991
 Rev. June 22, 2001
 Rev. March 30, 2001
 Rev. August 22, 2001
 REV. SEPT. 15, 2001



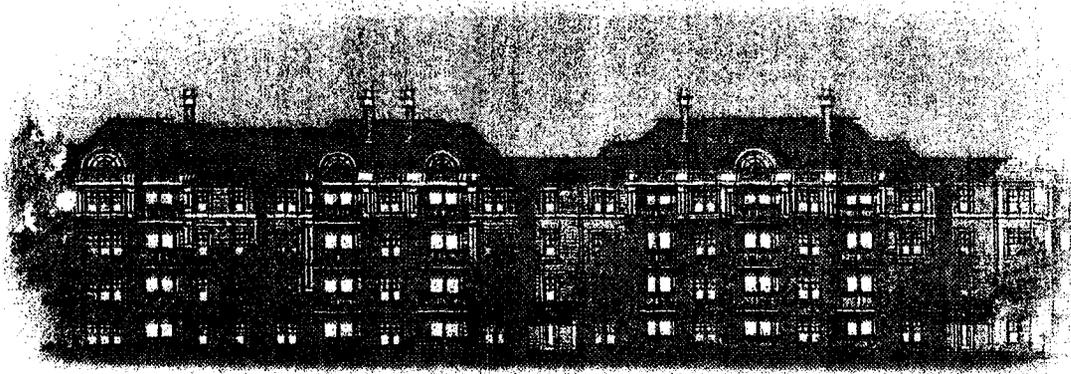
ENGINEER'S SEAL & SIGNATURE
 W. I. MOATE

Dewberry & Davis LLC
 A Dewberry Company
 Engineers
 Surveyors
 Landscape Architects
 8400 Wilkesboro Blvd.
 Fairfax, VA 22031
 (703) 448-0100 Fax (703) 449-0118

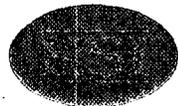
FAIRFAX COUNTY, VIRGINIA

DETAILS / SITE FURNITURE
CHANTILLY PARK
 SULLY DISTRICT

DESIGNED BY	JMK/2001
CHECKED BY	ERIC
DATE	LAN
October 17, 2001	
SCALE	1" = 1'-0"
PLAN NUMBER	
SHEET	
4 OF 5	
FILE NUMBER	H-1000



CHARACTER ELEVATION
CHANTILLY PARK APARTMENTS



REV SEPT 03, 2001
 Rev August 23, 2001
 Rev. July 29, 2001
 Rev. June 22, 2001
 Rev. March 23, 2001



ENGINEER'S SEAL & SIGNATURE

ELEVATION CHANTILLY PARK SULLY DISTRICT	DRAWN BY JMC/DSC DESIGNED BY DMC CHECKED BY LAK DATE October 17, 2000 SHEET	PLAN NUMBER SHEET 3 OF 5 PREPARED BY HOURS	Dewberry & Davis LLC A Dewberry Company 3401 Arlington Blvd. Suite 200 Fairfax, VA 22031 (703) 441-0000 Fax (703) 441-0114	Engineer Planner Designer Architect
	FAIRFAX COUNTY, VIRGINIA			

FAIRFAX COUNTY WATER AUTHORITY
8570 Executive Park Avenue- P. O. Box 1500
Merrifield, Virginia 22116-0815
(703) 289-6000

December 12, 2000

MEMORANDUM

TO: Staff Coordinator (Tel. 324-1250)
Zoning Evaluation Division-Suite 800
12055 Government Center Parkway
Fairfax, Virginia 22035

FROM: Planning Branch (Tel. 289-6363)
Planning and Engineering Division

SUBJECT: Water Service Analysis, Rezoning Application RZ 98-SU-013
FDP 98-SU-013

The following information is submitted in response to your request for a water service analysis for the subject rezoning application:

1. The application property is located within the franchise area of the Fairfax County Water Authority.
2. Adequate domestic water service is available at the site from an existing 24 inch main located at the property. See enclosed property map.
3. Depending upon the configuration of the onsite water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

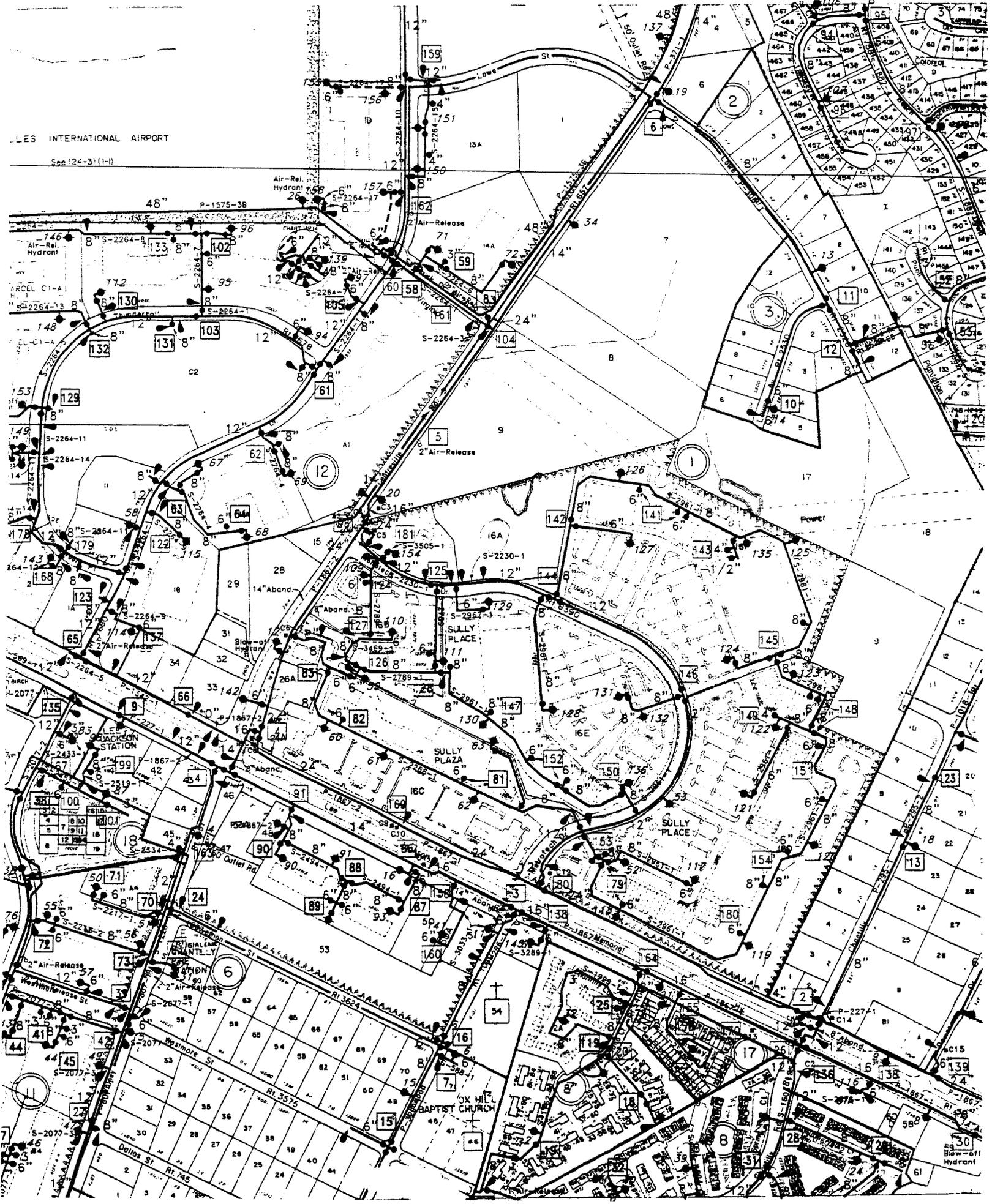


Jamie K. Bain / P.E.
Manager, Planning Department

Attachment

LES INTERNATIONAL AIRPORT

See (24-3) (1-1)



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

DATE: September 7, 2001

FROM: Scott St. Clair, Director
Stormwater Planning Division
Department of Public Works & Environmental Services

SRS

SUBJECT: Rezoning Application Review

Name of Applicant/Application: Chantilly Park L.C.

Application Number: RZ/FDP1998-SU-013

Information Provided: Application - Yes
Development Plan - Yes
Other - Statement of Justification

Date Received in SWPD: 12/13/00

Date Due Back to DPZ: 1/4/01

Site Information: Location - 034-4-01-00-0009
Area of Site - 10.32 acres
Rezone from - PDH-30 to
Watershed/Segment - Cub Run / Chantilly

Stormwater Planning Division (SWPD), Maintenance and Stormwater Management Division (MSMD), and Planning and Design Division (PDD) Information:

I. Drainage:

- MSMD/PDD Drainage Complaints: **There are no downstream complaints on file with PSB, relevant to this proposed development.**
- Master Drainage Plan, proposed projects, (SWPD): **No downstream deficiencies are identified in the Fairfax County Master Drainage Plan.**
- Ongoing County Drainage Projects (SWPD): **None.**
- Other Drainage Information (SWPD): **None.**

II. Trails (PDD):

Yes No Any funded Trail projects affected by this application?

If yes, describe:

Yes No Any Trail projects on the Countywide Trails priority list or other significant trail project issues associated with this property?

If yes, describe:

III. School Sidewalk Program (PDD):

Yes No Any sidewalk projects pending funding approval or on the School Sidewalk Program priority list for this property?

If yes, describe:

Yes No Any funded sidewalk projects affected by this application?

If yes, describe:

IV. Sanitary Sewer Extension and Improvement (E&I) Program (PDD):

Yes No Any existing residential properties adjacent to or draining through this property that are without sanitary sewer facilities?

If yes, describe:

Yes No Any ongoing E&I projects affected by this application?

If yes, describe:

V. Other Projects or Programs (PDD):

Yes No Any Board of Road Viewers (BORV) or Fairfax County Road Maintenance Improvement Projects (FCRMIP) affected by this application?

If yes, describe:

Yes No Any Commercial Revitalization Program (CRP) projects affected by this application?

If yes, describe:

Yes No Any Neighborhood Improvement Program (NIP) projects affected by this application?

If yes, describe:

Other Program Information (PDD): **None.**

Application Name/Number: **Chantilly Park L.C. / RZ/FDP1998-SU-013**

******* SWPD AND PDD, DPWES, RECOMMENDATIONS*******

Note: The SWPD and PDD recommendations are based on the SWPD and PDD involvement in the below listed programs and are not intended to constitute total County input for these general topics. It is understood that the current requirements pertaining to Federal, State and County regulations, including the County Code, Zoning Ordinance and the Public Facilities Manual will be fully complied with throughout the development process. The SWPD and PDD recommendations are to be considered additional measures over and above the minimum current regulations.

DRAINAGE RECOMMENDATIONS (SWPD): None.

TRAILS RECOMMENDATIONS (PDD): None.

SCHOOL SIDEWALK RECOMMENDATIONS (PDD): None.

SANITARY SEWER E&I RECOMMENDATIONS (PDD): None.

Yes NOT REQUIRED Extend sanitary sewer lines to the development boundaries on the _____ sides for future sewer service to the existing residential units adjacent to or upstream from this rezoning. Final alignment of the sanitary extension to be approved by Department of Public Works and Environmental Services during the normal plan review and approval process.

Other E&I Recommendations (PDD): None.

OTHER SWPD and PDD PROJECT/PROGRAM RECOMMENDATIONS: Applicant needs to extend right turn lane into sight and provide more right-of-way behind the turn lane.

SWPD and PDD Internal sign-off by:
Planning Support Branch (Ahmed Rayyan) ab
Utilities Design Branch (Walt Wozniak) mg
Transportation Design Branch (Larry Ichter) nc
Stormwater Management Branch (Fred Rose) [Signature]
RS [Signature]

SRS/rzfdp1998su013

cc: Gordon Lawrence, Coordinator, Office of Safety, Fairfax County Public Schools (only if sidewalk recommendation made)
Gilbert Osei-Kwadwo, Chief, Engineering Analysis Planning Branch
Bruce Douglas, Chief, Environment and Development Review Branch

REC
DEPARTMENT OF PLANNING AND ZONING

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

ZONING EVALUATION DIVISION
July 25, 2001
File #: 200

TO: Tracy D. Swagler, Senior Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning (DPZ)

FROM: Robert Counts, Director 
Development and Real Estate Finance Division
Department of Housing and Community Development (HCD)

SUBJECT: Chantilly Park, RZ 1998-SU-013; FDP 1998-SU-103

You have requested comments from HCD concerning the pending rezoning case referenced above which relate to compliance by the applicant with Criterion #8 among the Residential Development Criteria. It is our understanding that the applicant is proposing multifamily buildings of 4 or more stories with an elevator; therefore, compliance with provisions of the ADU Ordinance is not mandated.

HCD suggests that compliance with Criterion #8 could be achieved by either: (1) voluntary compliance with the provisions of the ADU Ordinance, or (2) a cash proffer contribution to the Housing Trust Fund. In the event, the applicant desires to make a cash contribution, the amount should be based on one percent of the aggregate sales price of all the units within the development or total development costs for all rental units. The aggregate sales price on which the contribution would be based is the full settlement price estimated through comparable sales as though the units were to sell at the time of site plan or plat approval. For rental projects, total development costs is the cost of all elements necessary to bring the entire project to market, inclusive of land, financing, soft cost, and construction. The amount of the contribution would be determined by the HCD, in consultation with the applicant and the Department of Public Works and Environmental Services. The contribution would be made at the time of site plan or plat approval.

If you have any questions about anything in this memo, please call Jack Clark at (703) 246-5028.

Cc: Jack Clark, Senior Development Officer
Development and Real Estate Finance Division, HCD

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.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

- 1. 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.
- 2. 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.
- 3. 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.

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 in the zoning district if the site were developed as a conventional subdivision. See Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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	PD	Planning Division
ADU	Affordable Dwelling Unit	PDC	Planned Development Commercial
ARB	Architectural Review Board	PDH	Planned Development Housing
BMP	Best Management Practices	PFM	Public Facilities Manual
BOS	Board of Supervisors	PRC	Planned Residential Community
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	SP	Special Permit
DP	Development Plan	TDM	Transportation Demand Management
DPWES	Department of Public Works and Environmental Services	TMA	Transportation Management Association
DPZ	Department of Planning and Zoning	TSA	Transit Station Area
DU/AC	Dwelling Units Per Acre	TSM	Transportation System Management
EQC	Environmental Quality Corridor	UP & DD	Utilities Planning and Design Division, DPWES
FAR	Floor Area Ratio	VC	Variance
FDP	Final Development Plan	VDOT	Virginia Dept. of Transportation
GDP	Generalized Development Plan	VPD	Vehicles Per Day
GFA	Gross Floor Area	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	ZAD	Zoning Administration Division, DPZ
Non-RUP	Non-Residential Use Permit	ZED	Zoning Evaluation Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZPRB	Zoning Permit Review Branch
PCA	Proffered Condition Amendment		