



# FAIRFAX COUNTY

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

V I R G I N I A

Telephone: 703-324-315  
FAX: 703-324-392  
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December 16, 1998

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

RE: Rezoning Application  
Number RZ 1998-LE-019

Dear Mr. Fifer:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on November 16, 1998 granting Rezoning Application Number RZ 1998-LE-019 in the name of Morris Construction Company to rezone certain property in the Lee District from the R-1 District to the R-4 District subject to the proffers dated October 15, 1998, on subject parcel 91-2 ((1)) 19A and 19B consisting of approximately 15.09 acres.

**The Board also requested that Final Site Plans be returned to the Planning Commission for administrative review and approval prior to approval by the Department of Public Works and Environmental Services (DPW&ES).**

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

RZ 1998-LE-019  
December 16, 1998

2.

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 16th day of November, 1998, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1998-LE-019**

**WHEREAS** Morris Construction Company filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the R-4 District, and

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

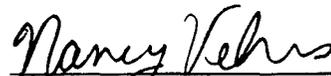
**WHEREAS**, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the R-4 District, and said property is subject to the use regulations of said R-4 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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

**GIVEN** under my hand this 16th day of November, 1998.



Nancy Vehrs

Clerk to the Board of Supervisors

ALEXANDRIA SURVEYS, INC.  
6343 SOUTH KINGS HIGHWAY • ALEXANDRIA, VIRGINIA 22306  
(703) 660-6615 • FAX (703) 768-7764

**RECEIVED**  
OFFICE OF COMPREHENSIVE PLANNING

December 17, 1997

MAR 11 1998

**DESCRIPTION  
OF A PART OF LOT 2  
OF THE DIVISION OF THE PROPERTY OF THE HEIRS OF**

**PAUL MITTENDORFF**

**LEE DISTRICT**

**FAIRFAX COUNTY, VIRGINIA**

**PARCEL NUMBERS 91-2-001-19A & 19B**

Beginning at a point in the northerly right-of-way line of Telegraph Road (State Route 611), point of beginning being S38°28'13"E 15.01 feet from the southwesterly corner of Parcel M, Section 7, D'Evereux West Subdivision; thence running with the northerly right-of-way line of Telegraph Road S54°41'07"W 245.27 feet to a point; thence departing the northerly right-of-way line of Telegraph Road and running with the easterly right-of-way line of Telegraph Road, in part, and continuing with a line common to Parcel D, Section 2, D'Evereux West Subdivision N46°52'02"W 1,184.22 feet to a point in the line of Parcel G, Section 5, D'Evereux West Subdivision; thence running with a line common to Parcel G N43°12'16"E 900.84 feet to a corner common to Parcel C, Section 2, D'Evereux West Subdivision; thence running with a line common to Parcel C S31°44'24"E 648.65 feet to a corner common to Parcel N, Section 7, D'Evereux West Subdivision; thence running with a line common to Parcel N, in part, the terminus of Mittendorff Lane and Parcel M, Section 7, D'Evereux West Subdivision S58°15'36"W 400.26 feet to a point; thence running with a line common to Parcel M, in part, and the westerly right-of-way line of Telegraph Road S38°28'13"E 718.19 feet to the point of beginning containing 657,443 square feet or 15.0928 acres.

**PROFFERS**  
**RZ 1998-LE-019**  
**October 15, 1998**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this rezoning application proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference Nos. 91-2-((1))-19A, 19B (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the R-4 District is granted. In the event said application request is denied, these proffers shall be null and void. The Applicant, for itself, its successors and assigns, agrees that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia in accordance with applicable County and State statutory procedures. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. These proffered conditions, if accepted, supersede all proffers existing on the Property. The proffered conditions are:

1. Subject to the proffers and the provisions of Section 18-204 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development will be in substantial conformance with the Generalized Development Plan

("GDP") prepared by Alexandria Surveys, containing two (2) sheets,, dated December 19, 1997 and revised through October 14, 1998.

2. The development shall consist of a maximum of 44 single family detached residential units. The size, width, and location of the lots shown on the GDP may be modified in accordance with the requirements of Section 18-204 of the Zoning Ordinance; provided that any such modifications shall be in substantial conformance with that depicted on the GDP.

3. Stormwater management shall be provided for the property in accordance with Best Management Practice ("BMP") standards in accordance with Fairfax County requirements or as otherwise may be approved, waived or modified by the Department of Public Works and Environmental Services (DPW&ES).

4. Each of the approved single family detached units shall offer the following landscape amenities:

(a) The front yard of each approved unit shall have a minimum of one (1) deciduous tree having a minimum caliper of three (3) inches at the time of planting;

(b) The front foundation of each unit shall have a minimum of five (5) shrubs and complimentary ground cover material.

The above described landscaping shall be installed prior to the issuance of a Residential Use Permit ("RUP") for the dwelling on each of the approved lots. The species of the required landscape material shall be at the discretion of the Applicant, but

subdivision plan review. Nothing in this proffer shall preclude the Applicant from installing additional landscape material or preclude homeowners from modifying this required landscaping at their discretion.

LIMITS OF CLEARING AND GRADING/  
TREE PRESERVATION

5. For the purposes of maximizing the preservation of existing trees on the site trees, the Applicant shall prepare a tree preservation/landscape plan at the time of subdivision plan review. The tree preservation/landscape plan shall be submitted as part of the final subdivision plan which shall be reviewed and approved by the Urban Forestry Branch prior to the issuance of grading permits. This plan shall provide for the preservation of specific quality trees or stands of trees located on the property without precluding: 1) the development shown on the GDP; or 2) implementation of the recommendations of the Fairfax County Geotechnical Review Board as they may relate the extent of necessary clearing and grading. The Urban Forestry Branch and/or DPW&ES may require modifications to the tree preservation/landscape plan to the extent said modifications do not alter the configuration of development shown on the GDP and are consistent with the recommendations of the Geotechnical Review Board.

6. Subject to the approval of the Urban Forestry Branch and/or DPW&ES, the Applicant shall perform the following measures relating to tree preservation on the property:

(a) Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees

designated to be saved. The Applicant shall have the limits of clearing flagged prior to construction. Prior to construction the applicant shall walk the limits of clearing with an Urban Forestry Branch representative to verify the pre-construction evaluation and predetermine where minor adjustments to the line may be made to ensure the preservation of trees within tree save areas.

(b) The trees designated to be saved shall be marked on the ground with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction. The Applicant shall monitor the construction of the proposed development to ensure consistency with the landscape/tree preservation plan.

(c) The Applicant shall substantially conform to the limits of clearing and grading as shown on the GDP Plat subject to the installation of necessary utilities and the implementation of the recommendations of the Fairfax County Geotechnical Review Board. If it is necessary to locate the utility lines outside the limits of clearing and grading, those lines shall be located and installed in the least disruptive manner possible, considering cost and engineering. A replanting plan shall be developed and implemented for any areas outside the limits of clearing and grading that must be disturbed.

(d) In addition, where it is determined feasible, adjustments to the proposed grading and location of the proposed units on the application property may be modified at the time of final engineering to enhance specific tree preservation.

(e) As a result of final engineering, in the event the areas designated as tree save areas within the limits of clearing and grading generally shown on the GDP are modified or cannot be preserved, equivalent tree save areas or equivalent landscaped areas shall be substituted on the site as determined by Urban Forestry Branch and/or DPW&ES.

#### ACCESS

7. There shall be no driveway access from Lot 1 to Telegraph Road.

#### ARCHAEOLOGICAL INVESTIGATION

8. Prior to the commencement of any land disturbing activity on the Application Property, the Applicant shall conduct a Phase I archeological investigation. The results of the Phase I investigation shall be submitted to Fairfax County Park Authority (FCPA) Staff. In the event the Phase I investigation recommends that no further investigation is warranted, this proffer shall be deemed fulfilled. Only if warranted by the findings of the Phase I survey, as determined necessary by FCPA staff, the Applicant shall conduct a subsequent Phase II and Phase III archaeological investigation.

#### TRANSPORTATION

9. The Applicant shall dedicate in fee simple to the Fairfax County Board of Supervisors, at the time of subdivision approval or on demand, whichever comes first, right-of-way in the amount of 68 feet, as measured from the centerline of Telegraph Road, as generally shown on the GDP. The Applicant shall provide any ancillary, temporary grading and construction easements as

determined necessary by VDOT or DPW&ES along the site's frontage to Telegraph Road.

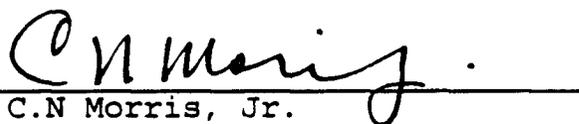
10. The Applicant shall provide interim left and right turn lanes into the unsignalized site entrance from Telegraph Road. The design and configuration of the interim turn lanes shall be subject to review and approval by VDOT and DPW&ES. Subject to review and approval by VDOT and DPW&ES, the interim turn lanes may be located within the right-of-way which exists or is proposed to be dedicated by the Applicant.

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

APPLICANT AND CONTRACT PURCHASER:

Morris Construction Company

By:

  
C.N. Morris, Jr.

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

BOARD OF SUPERVISORS ACTION  
ZONING MAP AMENDMENT  
DATE OF ACTION 11/16/98

APPLICATION NUMBER: RZ 98-L-019 LEE DISTRICT  
APPLICANT: MORRIS CONSTRUCTION CO  
STAFF: GODFREY

APPLICATION DATA

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EXISTING ZONING AND ACREAGE

ZONING: R- 1  
ACRES: 15.09

PROPOSED: ACTION:  
R- 4 R- 4  
15.09 15.09

TOTAL ACRES TOTAL ACRES  
15.09 15.09

MAP NUMBERS

091-2- /01/ /0019-A ,0019-B

REMARKS:

APPLICATION WAS APPROVED BY THE BOARD ON NOVEMBER 16, 1998 WITH NO DISCUSSION. THE BOS RECOMMENDED THAT THE FINAL SITE PLAN BE RETURNED TO THE PC FOR

ZONING MAP AMENDMENT

RZ 98-L-019

ZONING DISTRICT DATA

ZONING DISTRICT: R- 4

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
SFD	44	15.09				

TOT	44	15.09	2.92			
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PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

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

REMARKS :

ZONING MAP AMENDMENT

RZ 98-L-019

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
1A GENERALIZED DEVEL PLAN	4Z OTHER - ENVIRONMENT
4Z OTHER - ENVIRONMENT	2Z OTHER - LAND USE
4Z OTHER - ENVIRONMENT	3Z OTHER - TRANSPORTATION
4B TREES/COUNTY ARBORIST	4Z OTHER - ENVIRONMENT
4H LANDSCAPING	4Z OTHER - ENVIRONMENT
4Z OTHER - ENVIRONMENT	3B RIGHT-OF-WAY: DEDICATION/RESERV
3Z OTHER - TRANSPORTATION	3Z OTHER - TRANSPORTATION

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REMARKS:

RECEIVED  
DEPARTMENT OF PLANNING AND ZONING

NOV 9 1998

11/16/98

ZONING EVALUATION DIVISION

4:00 p.m. Item - RZ-1998-LE-019 - MORRIS CONSTRUCTION COMPANY  
Lee District

On Thursday, November 5, 1998, the Planning Commission voted unanimously (Commissioner Koch not present for the vote; Commissioner Harsel absent from the meeting) to recommend to the Board of Supervisors approval of RZ-1998-LE-019, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

The Commission also voted unanimously (Commissioner Harsel absent from the meeting) to request that the final site plans be returned to the Commission for administrative review and approval prior to issuance of the site development permit by DPW&ES.

Planning Commission Meeting  
November 5, 1998  
Verbatim Excerpts

RZ-1998-LE-019 - MORRIS CONSTRUCTION COMPANY

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. Kelso.

Commissioner Kelso: Thank you, Mr. Chairman. This rezoning seeks approval for 44 single family detached homes on a 15.09-acre site on Telegraph Road in Lee District. The applicant has met on three occasions with our Lee District Council and has worked with the neighboring community and our leadership to resolve road connection issues, tree preservation concerns and geotechnical issues to our satisfaction. The proffers address many of our concerns and promise tree save preservation and limitation of grading and clearing operations. To ensure our concerns, I will condition my motion for approval on the return for administrative review of the final engineering plans to the Planning Commission. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-1998-LE-019, MORRIS CONSTRUCTION COMPANY, SUBJECT TO EXECUTION OF PROFFERS CONSISTENT WITH THOSE CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Byers: Second.

Chairman Murphy: Seconded by Mr. Byers. Discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-LE-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Kelso: Mr. Chairman, further I MOVE THAT THE FINAL SITE DEVELOPMENT PLANS BE RETURNED TO THE PLANNING COMMISSION FOR ADMINISTRATIVE REVIEW AND APPROVAL PRIOR TO ISSUANCE OF THE SITE DEVELOPMENT PERMIT BY DPW&ES.

Commissioner Byers: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Kelso: Mr. Chairman, I'd like to thank the applicant for cooperating with our Council and for addressing our concerns openly and directly. I'd also like to thank Mary Ann Godfrey for her usual thoughtful staffing on this case.

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(The first motion carried unanimously with Commissioner Koch not present for the vote; Commissioner Harsel absent from the meeting.)

(The second motion carried unanimously with Commissioner Harsel absent from the meeting.)

GLW