



APPLICATION ACCEPTED: November 18, 2009
PLANNING COMMISSION: January 28, 2010

County of Fairfax, Virginia

January 14, 2010

STAFF REPORT

APPLICATIONS FDPA 2003-MV-033-02

MOUNT VERNON DISTRICT

APPLICANT: Lorton Arts Foundation, Inc.

PRESENT ZONING: PDC

PARCEL: 106-4 ((9)) 58

ACREAGE: 53.08

FLOOR AREA RATIO: 0.11 (pre-dedication)

OPEN SPACE: 68%

PLAN MAP: Public Facilities, Governmental, and Institutional Use

PROPOSAL: Amend the previously approved and Final Development Plan associated with RZ 2003-MV-033 for site modifications to include correction of errors on previous plans and clarification of existing conditions.

STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 2003-MV-033-02 subject to the proposed development conditions contained in Appendix 2.

Suzanne Lin

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, 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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

O:\slin00\FDPAs\Lorton fdpa 2003-mv-033-02\Report, Conditions\Staff Report Lorton.doc



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

Final Development Plan Amendment

FDPA 2003-MV-033-02

Applicant:

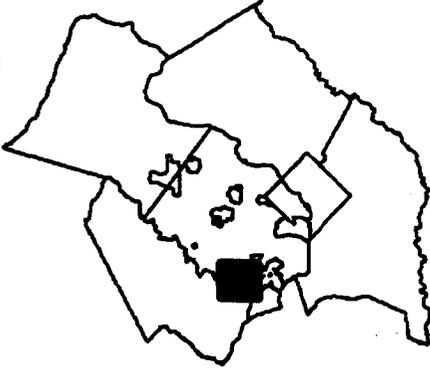
LORTON ARTS FOUNDATION, INC.

Accepted:

11/18/2009

Proposed:

AMEND FDP 2003-MV-033 PREVIOUSLY
APPROVED FOR MIXED USE TO PERMIT SITE MODIFICATIONS



Area:

53.08 AC OF LAND

Zoning Dist Sect:

Located:

EAST SIDE OF OX ROAD SOUTH OF ITS
INTERSECTION WITH LORTON ROAD

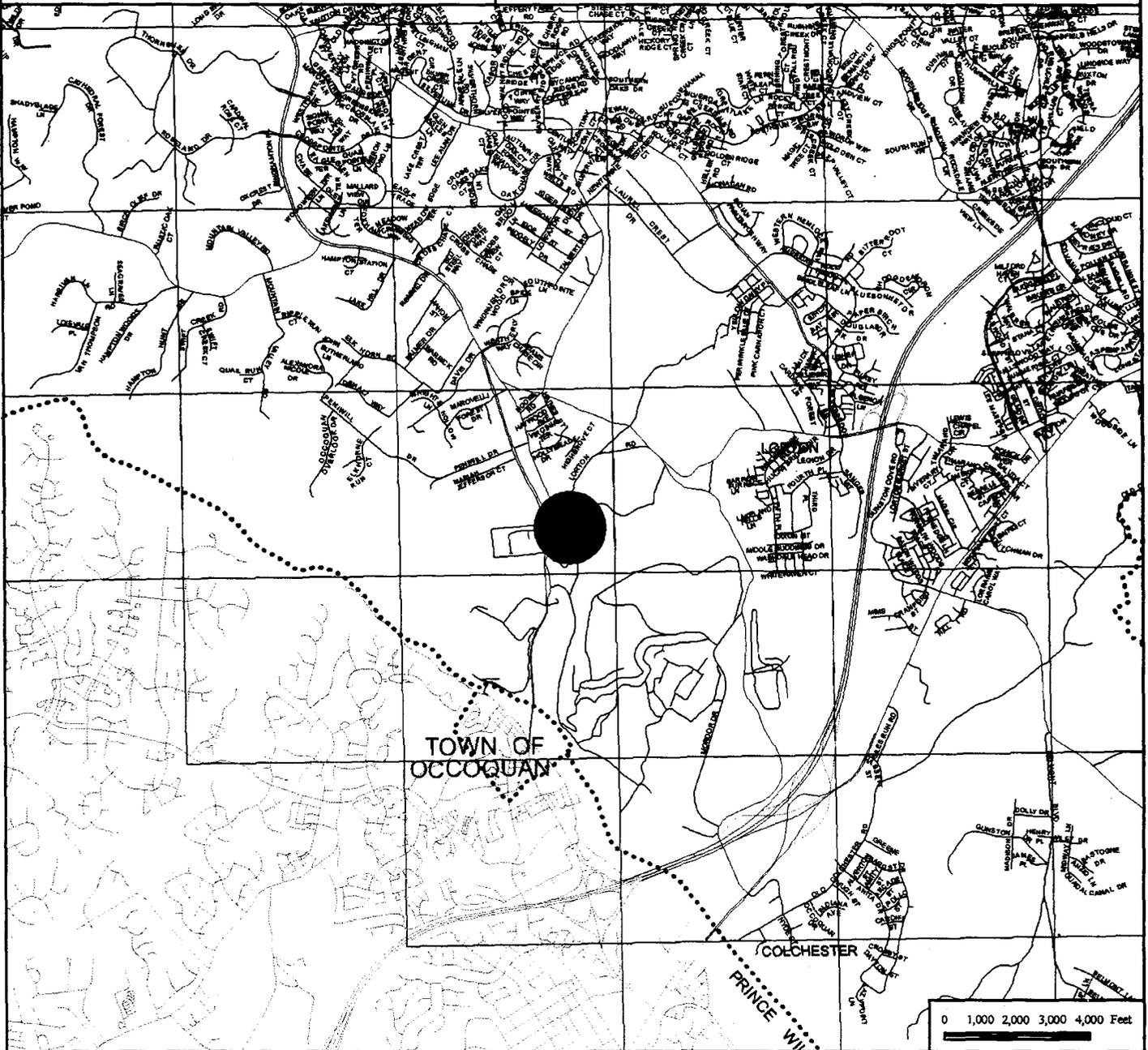
Zoning:

PDC

Overlay Dist:

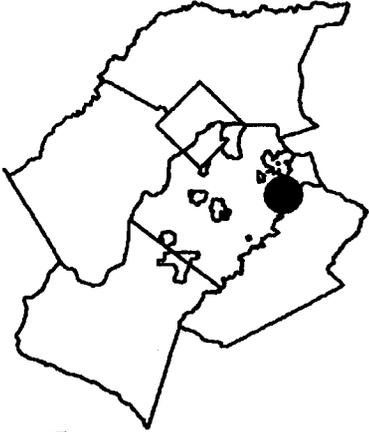
Map Ref Num:

106-4 /01/ /0058



Final Development Plan Amendment

FDPA 2003-MV-033-02



Applicant: LORTON ARTS FOUNDATION, INC.
Accepted: 11/18/2009
Proposed: AMEND FDP 2003-MV-033 PREVIOUSLY APPROVED FOR MIXED USE TO PERMIT SITE MODIFICATIONS

Area: 53.08 AC OF LAND

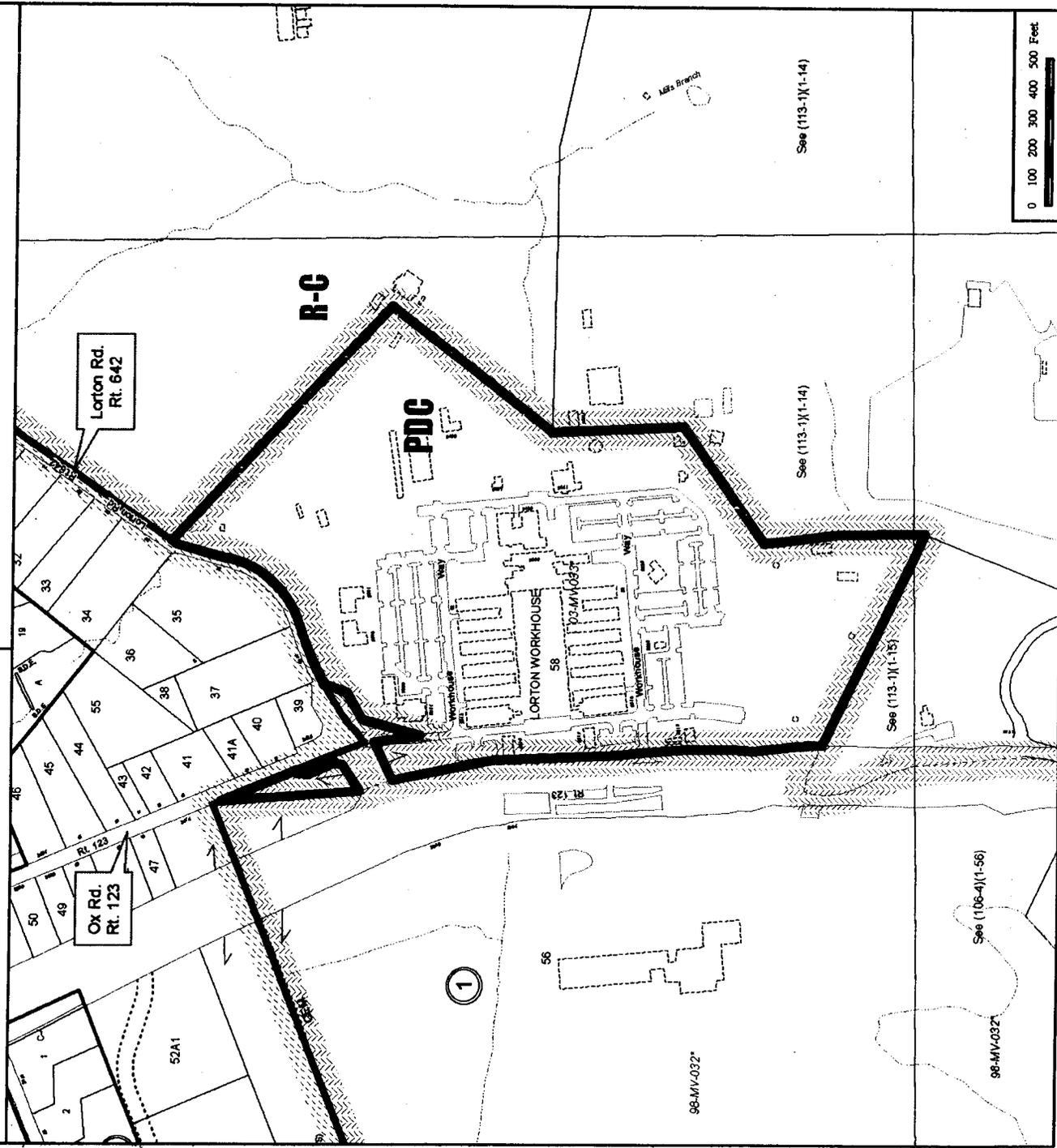
Zoning Dist Sect:

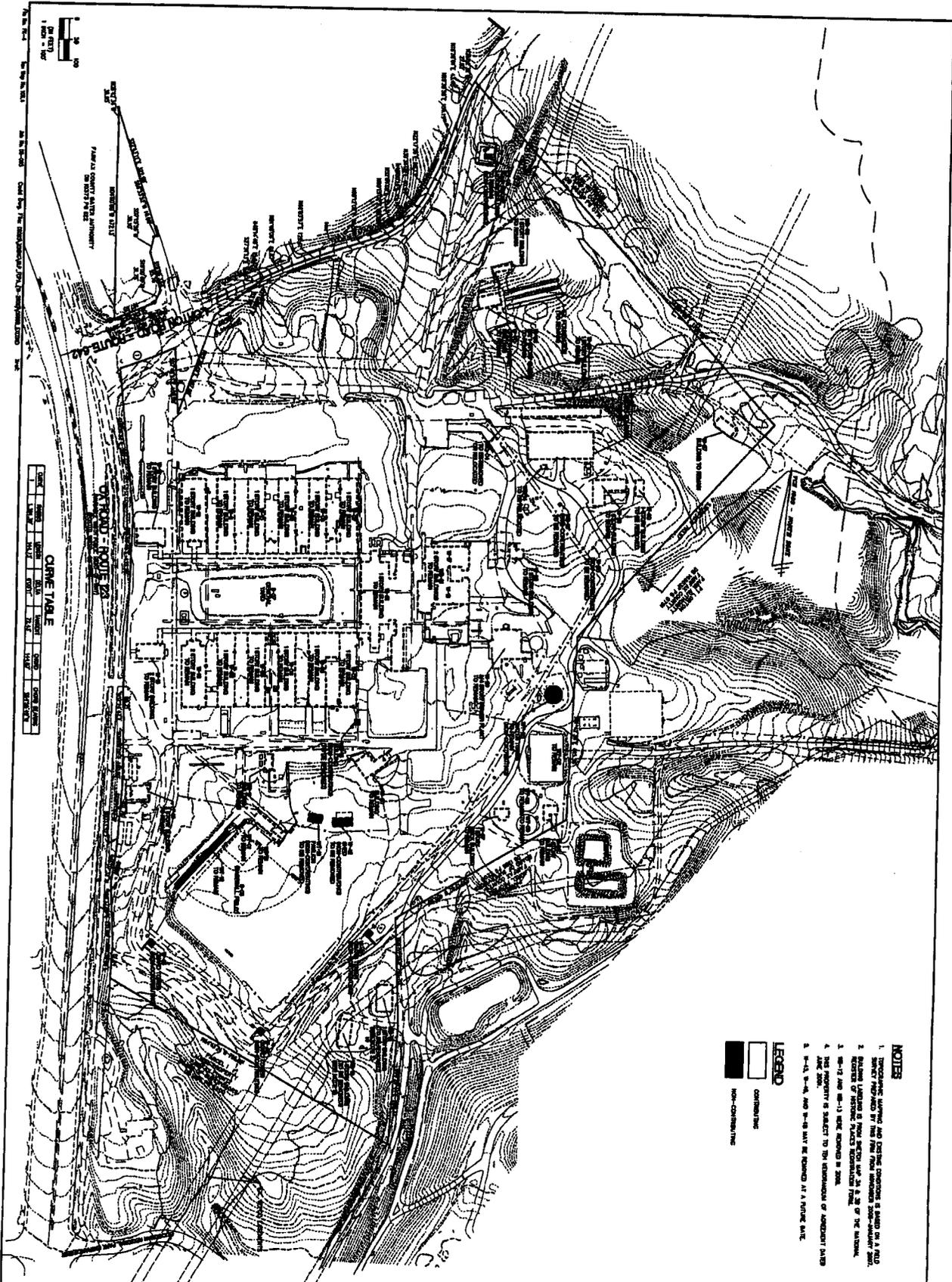
Located: EAST SIDE OF OX ROAD SOUTH OF ITS INTERSECTION WITH LORTON ROAD

Zoning: PDC

Overlay Dist:

Map Ref Num: 106-4 /01/ /0058





CRIME TABLE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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- NOTES**
1. EXISTING BUILDING AND EXISTING CONDITIONS IS SHOWN ON A FIELD SURVEY PROVIDED BY THE FIRM FROM FIELD MEASUREMENTS AND AERIAL PHOTOGRAPHS.
 2. BUILDING FOOTPRINTS ARE FROM SECTION 1 AND 2 OF THE SURVEY.
 3. 10'-12' AND 10'-13' WERE REMOVED IN 2001.
 4. THE SURVEY IS SUBJECT TO THE JURISDICTION OF ADJACENT LANDS.
 5. 10'-11', 10'-12', AND 10'-13' HAVE BEEN REMOVED AT A LATER DATE.
- LEGEND**
- EXISTING BUILDING
 - EXISTING DRIVEWAY
 - NON-EXISTING DRIVEWAY

EXISTING CONDITIONS PLAN

FINAL DEVELOPMENT PLAN AMENDMENT
LORTON WORKHOUSE ARTS CENTER
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

REVISION APPROVED BY

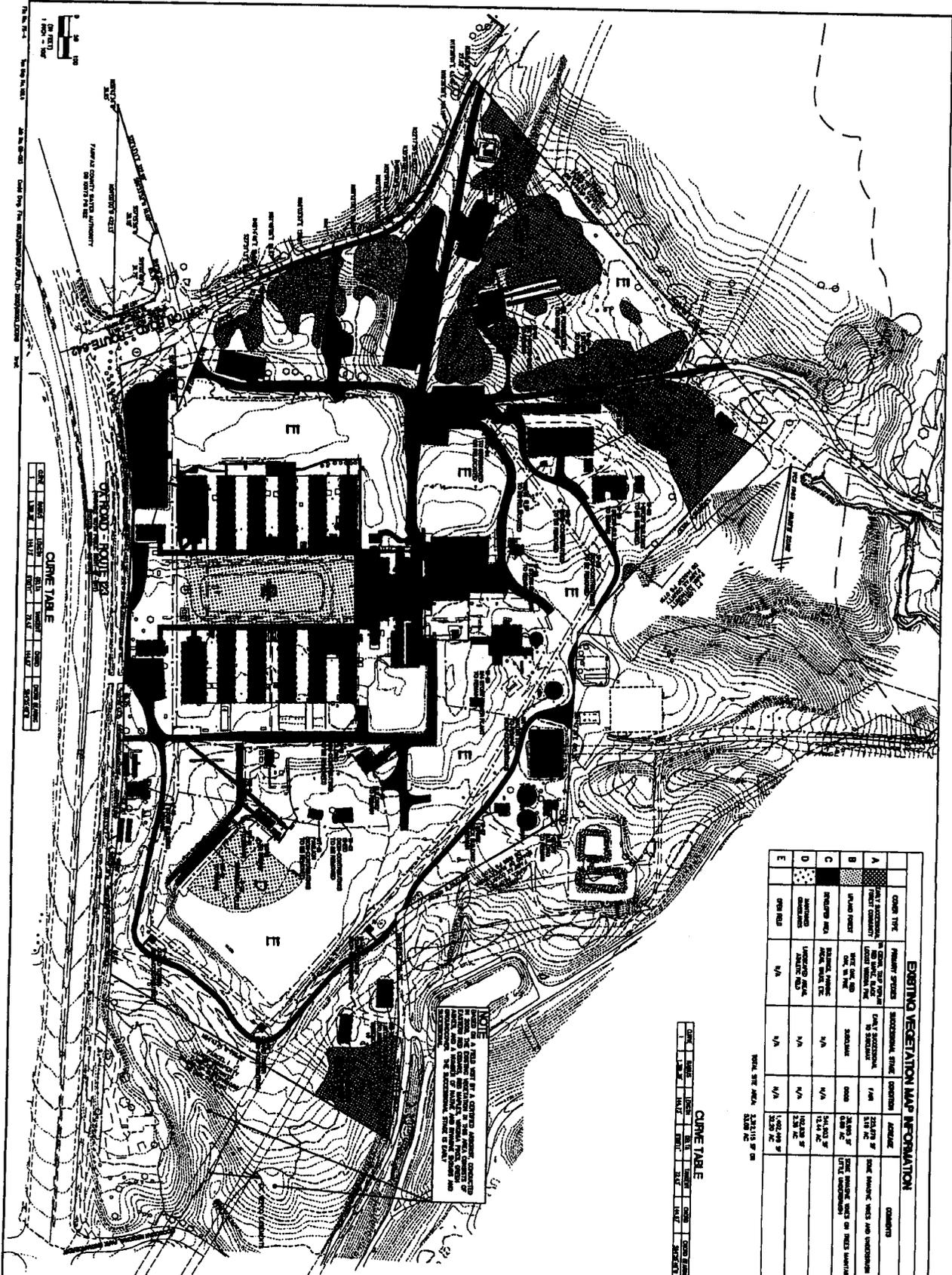
NO.	DESCRIPTION	DATE	BY	APPEND	DATE



WALTER L. PHILLIPS
 INCORPORATED
 CIVIL ENGINEER LAND SURVEYOR PLANNER LANDSCAPE ARCHITECTS
 227 PARK AVENUE FALLS CHURCH, VIRGINIA 22048
 (703) 262-2922 FAX (703) 262-2921 WWW.WLPHILLIPS.COM

S. O. 11.12.10

SCALE: 1" = 10'



CLINE TABLE

CLINE	1/8"	1/4"	1/2"	3/4"	1"	1 1/4"	1 1/2"	1 3/4"	2"	2 1/4"	2 1/2"	2 3/4"	3"	3 1/4"	3 1/2"	3 3/4"	4"
CLINE	1/8"	1/4"	1/2"	3/4"	1"	1 1/4"	1 1/2"	1 3/4"	2"	2 1/4"	2 1/2"	2 3/4"	3"	3 1/4"	3 1/2"	3 3/4"	4"

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EXISTING VEGETATION MAP INFORMATION

CLINE TYPE	PLANT SPECIES	SUBCULTURAL STRIKE	CONDITION	APPEARANCE	COMMENTS
A
B
C
D
E

NOTE: THIS IS A FIELD COPY OF A COMPUTER GENERATED MAP. THE ORIGINAL MAP IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

EXISTING VEGETATION MAP

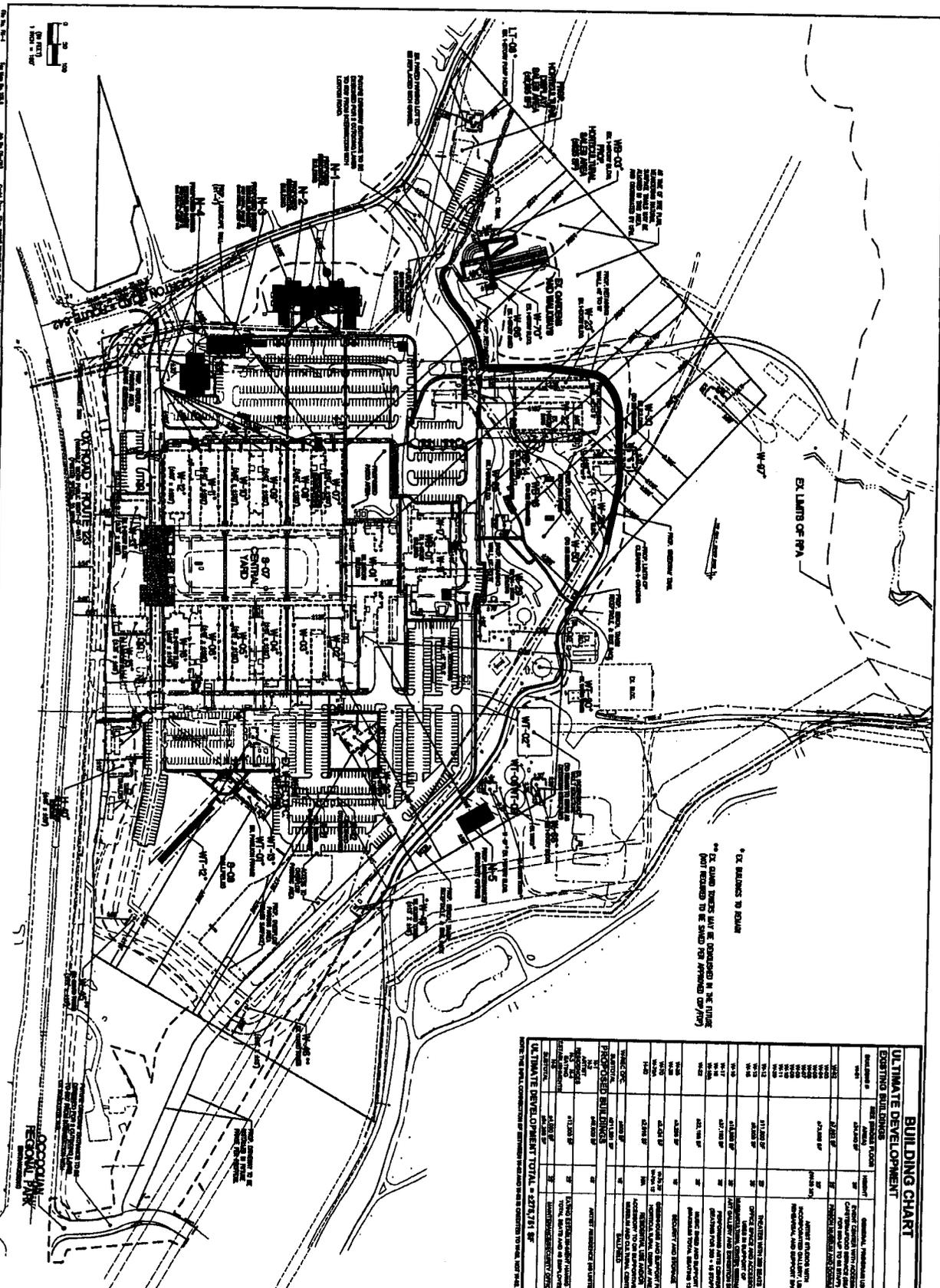
FINAL DEVELOPMENT PLAN AMENDMENT
LORTON WORKHOUSE ARTS CENTER
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

REVISION APPROVED BY

NO.	DESCRIPTION	DATE	BY	APPROVED	DATE

WALTER L. PHILLIPS
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 CIVIL ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
 207 PARK AVENUE FALLS CHURCH, VIRGINIA 22046
 (703) 822-0800 FAX (703) 822-0802 WWW.WLPINC.COM

DATE: 11/14/14 BY: 12/22/14 1412/14 SHEET 10



* EX. BUILDING TO SOUTH
 ** EX. CLIMATE CONTROL UNIT TO BE DISMANTLED IN THE FUTURE
 (NOT REQUIRED TO BE SHOWN FOR APPROVAL ON 1/15/07)

EXISTING BUILDINGS		NEW BUILDINGS		TOTAL	
NO.	AREA	NO.	AREA	NO.	AREA
1001	1,200 SF	1002	1,500 SF	2,700 SF	
1003	1,800 SF	1004	2,000 SF	3,800 SF	
1005	2,500 SF	1006	3,000 SF	5,500 SF	
1007	3,000 SF	1008	4,000 SF	7,000 SF	
1009	4,000 SF	1010	5,000 SF	9,000 SF	
1011	5,000 SF	1012	6,000 SF	11,000 SF	
1013	6,000 SF	1014	7,000 SF	13,000 SF	
1015	7,000 SF	1016	8,000 SF	15,000 SF	
1017	8,000 SF	1018	9,000 SF	17,000 SF	
1019	9,000 SF	1020	10,000 SF	19,000 SF	
1021	10,000 SF	1022	11,000 SF	21,000 SF	
1023	11,000 SF	1024	12,000 SF	23,000 SF	
1025	12,000 SF	1026	13,000 SF	25,000 SF	
1027	13,000 SF	1028	14,000 SF	27,000 SF	
1029	14,000 SF	1030	15,000 SF	29,000 SF	
1031	15,000 SF	1032	16,000 SF	31,000 SF	
1033	16,000 SF	1034	17,000 SF	33,000 SF	
1035	17,000 SF	1036	18,000 SF	35,000 SF	
1037	18,000 SF	1038	19,000 SF	37,000 SF	
1039	19,000 SF	1040	20,000 SF	39,000 SF	
1041	20,000 SF	1042	21,000 SF	41,000 SF	
1043	21,000 SF	1044	22,000 SF	43,000 SF	
1045	22,000 SF	1046	23,000 SF	45,000 SF	
1047	23,000 SF	1048	24,000 SF	47,000 SF	
1049	24,000 SF	1050	25,000 SF	49,000 SF	
1051	25,000 SF	1052	26,000 SF	51,000 SF	
1053	26,000 SF	1054	27,000 SF	53,000 SF	
1055	27,000 SF	1056	28,000 SF	55,000 SF	
1057	28,000 SF	1058	29,000 SF	57,000 SF	
1059	29,000 SF	1060	30,000 SF	59,000 SF	
1061	30,000 SF	1062	31,000 SF	61,000 SF	
1063	31,000 SF	1064	32,000 SF	63,000 SF	
1065	32,000 SF	1066	33,000 SF	65,000 SF	
1067	33,000 SF	1068	34,000 SF	67,000 SF	
1069	34,000 SF	1070	35,000 SF	69,000 SF	
1071	35,000 SF	1072	36,000 SF	71,000 SF	
1073	36,000 SF	1074	37,000 SF	73,000 SF	
1075	37,000 SF	1076	38,000 SF	75,000 SF	
1077	38,000 SF	1078	39,000 SF	77,000 SF	
1079	39,000 SF	1080	40,000 SF	79,000 SF	
1081	40,000 SF	1082	41,000 SF	81,000 SF	
1083	41,000 SF	1084	42,000 SF	83,000 SF	
1085	42,000 SF	1086	43,000 SF	85,000 SF	
1087	43,000 SF	1088	44,000 SF	87,000 SF	
1089	44,000 SF	1090	45,000 SF	89,000 SF	
1091	45,000 SF	1092	46,000 SF	91,000 SF	
1093	46,000 SF	1094	47,000 SF	93,000 SF	
1095	47,000 SF	1096	48,000 SF	95,000 SF	
1097	48,000 SF	1098	49,000 SF	97,000 SF	
1099	49,000 SF	1100	50,000 SF	99,000 SF	
1101	50,000 SF	1102	51,000 SF	101,000 SF	
1103	51,000 SF	1104	52,000 SF	103,000 SF	
1105	52,000 SF	1106	53,000 SF	105,000 SF	
1107	53,000 SF	1108	54,000 SF	107,000 SF	
1109	54,000 SF	1110	55,000 SF	109,000 SF	
1111	55,000 SF	1112	56,000 SF	111,000 SF	
1113	56,000 SF	1114	57,000 SF	113,000 SF	
1115	57,000 SF	1116	58,000 SF	115,000 SF	
1117	58,000 SF	1118	59,000 SF	117,000 SF	
1119	59,000 SF	1120	60,000 SF	119,000 SF	
1121	60,000 SF	1122	61,000 SF	121,000 SF	
1123	61,000 SF	1124	62,000 SF	123,000 SF	
1125	62,000 SF	1126	63,000 SF	125,000 SF	
1127	63,000 SF	1128	64,000 SF	127,000 SF	
1129	64,000 SF	1130	65,000 SF	129,000 SF	
1131	65,000 SF	1132	66,000 SF	131,000 SF	
1133	66,000 SF	1134	67,000 SF	133,000 SF	
1135	67,000 SF	1136	68,000 SF	135,000 SF	
1137	68,000 SF	1138	69,000 SF	137,000 SF	
1139	69,000 SF	1140	70,000 SF	139,000 SF	
1141	70,000 SF	1142	71,000 SF	141,000 SF	
1143	71,000 SF	1144	72,000 SF	143,000 SF	
1145	72,000 SF	1146	73,000 SF	145,000 SF	
1147	73,000 SF	1148	74,000 SF	147,000 SF	
1149	74,000 SF	1150	75,000 SF	149,000 SF	
1151	75,000 SF	1152	76,000 SF	151,000 SF	
1153	76,000 SF	1154	77,000 SF	153,000 SF	
1155	77,000 SF	1156	78,000 SF	155,000 SF	
1157	78,000 SF	1158	79,000 SF	157,000 SF	
1159	79,000 SF	1160	80,000 SF	159,000 SF	
1161	80,000 SF	1162	81,000 SF	161,000 SF	
1163	81,000 SF	1164	82,000 SF	163,000 SF	
1165	82,000 SF	1166	83,000 SF	165,000 SF	
1167	83,000 SF	1168	84,000 SF	167,000 SF	
1169	84,000 SF	1170	85,000 SF	169,000 SF	
1171	85,000 SF	1172	86,000 SF	171,000 SF	
1173	86,000 SF	1174	87,000 SF	173,000 SF	
1175	87,000 SF	1176	88,000 SF	175,000 SF	
1177	88,000 SF	1178	89,000 SF	177,000 SF	
1179	89,000 SF	1180	90,000 SF	179,000 SF	
1181	90,000 SF	1182	91,000 SF	181,000 SF	
1183	91,000 SF	1184	92,000 SF	183,000 SF	
1185	92,000 SF	1186	93,000 SF	185,000 SF	
1187	93,000 SF	1188	94,000 SF	187,000 SF	
1189	94,000 SF	1190	95,000 SF	189,000 SF	
1191	95,000 SF	1192	96,000 SF	191,000 SF	
1193	96,000 SF	1194	97,000 SF	193,000 SF	
1195	97,000 SF	1196	98,000 SF	195,000 SF	
1197	98,000 SF	1198	99,000 SF	197,000 SF	
1199	99,000 SF	1200	100,000 SF	199,000 SF	

BUILDING DIMENSION PLAN

FINAL DEVELOPMENT PLAN AMENDMENT
LORTON WORKHOUSE ARTS CENTER
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

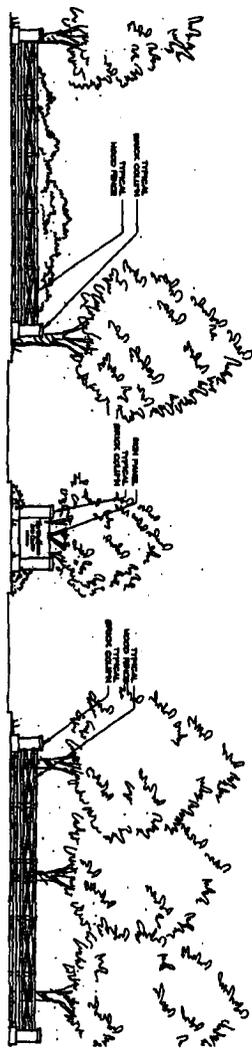
REVISION APPROVED BY			
NO.	DESCRIPTION	DATE	APPROVED

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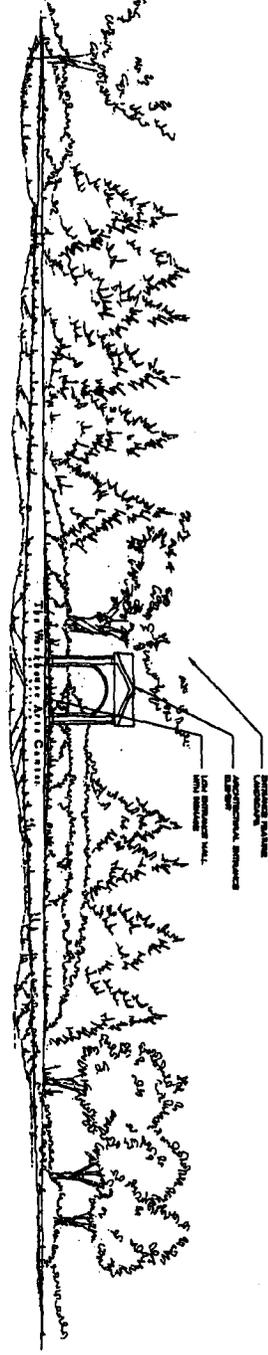
SCALE: 1" = 10' DATE: 1/14/10 BY: 1/14/10 1/12/10 SHEET: 202

DATE: 11/15/06
 DRAWN BY: WLP
 CHECKED BY: WLP
 PROJECT: LORTON WORKHOUSE ARTS CENTER
 SHEET: 11/12/10

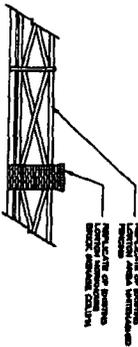
1-1 CONCEPTUAL LORTON ROAD/GARSON ENTRANCE FEATURE



1-2 CONCEPTUAL PRIMARY ENTRANCE FEATURE FOR ROAD & LORTON ROAD



1-3 TYPICAL WOOD FENCING & BRICK COLLAR



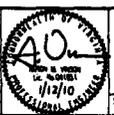
FOR REFERENCE ONLY.

LORTON WORKHOUSE
 Fairfax County, VA
 Conceptual Development Plan/Final Development Plan
 Lorton Arts Foundation, Inc.

SIGNAGE AND FENCING
FINAL DEVELOPMENT PLAN AMENDMENT
LORTON WORKHOUSE ARTS CENTER
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

REVISION APPROVED BY

NO.	DESCRIPTION	DATE	BY	APPROVED	DATE



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 807 PARK AVENUE FALLS CHURCH, VIRGINIA 22046
 (703) 882-8989 FAX (703) 882-8201
 WWW.WLPINC.COM

DATE: 11/15/06 REV: 11/22/06 11/21/06

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

DESCRIPTION OF THE APPLICATION

RZ 2003-MV-033 was approved on July 26, 2004, to rezone the subject property from the R-C District to the PDC District to permit development associated with the Lorton Workhouse Art Center, consisting of theaters, a cultural center, museums and other similar facilities, eating establishments, commercial recreation and multi-family dwellings for resident artists and performers.

On August 6, 2009, the Board of Supervisors further approved PCA/FDPA 2003-MV-033 wherein the list of approved uses was expanded and changes to certain operational aspects of the Workhouse were approved. Specifically, the approval allowed additional uses to include a school of special education and a specific accessory retail use for the horticultural display area. The approval also allowed an increase in attendance limits, extended hours, use of a building as a possible restaurant site, modifications in the new restaurants and residential structure design, and approval of a new building for office/security use.

Shortly after this most recent approval, it came to the attention of County staff that the CDPA/FDPA depicted certain of the existing site conditions in error. For example, one of the non-contributing buildings (W-20) which had been labeled as "to remain" was actually demolished and removed in 2008. In addition, upon further review, staff determined that the plans did not accurately depict the topography in certain areas of the site. Specifically, it appears that a considerable amount of fill had been added in several areas of the site and that some of the historic bleachers at the ballfield and the ballfield itself had been buried by a large amount of fill.

In light of the foregoing, staff determined that a revision of the FDPA was necessary to assure an accurate depiction of current and proposed conditions. In addition, certain editorial changes related to the numbering system of the buildings were proposed. As described in the applicant's statement of justification, the changes proposed by this current application include:

- Building numbers revised to match National Historic Register;
- Square footages of the buildings were double checked, which resulted in some changes (FAR remains 0.11);
- Topography revised to show conditions in November 2006;
- Buildings previously shown as W20 and W21 are removed;
- Features to remain are labeled as such;
- Non Contributing features labeled as such;
- Parking area in northeast corner of the site revised to reflect new grading information associated with improvements near Lorton Road;
- A strip of parking which was previously inadvertently removed from the approved CDPA/FDPA is again depicted near H-40; and
- Greenway slightly revised to show actual location of trail.

A reduced copy of the proposed amended Final Development Plan is included in the front of this report. The approved proffers dated July 29, 2009 are included in Appendix 1 as these proffers will not be changed and will remain in effect with this Final Development Plan Amendment (FDPA). Proposed FDPA conditions are included as Appendix 2. The applicant's affidavit is Appendix 3 and the applicant's Statement of Justification is attached at Appendix 4.

LOCATION AND CHARACTER

The site is located on the east side of Ox Road, on Tax Map 106-4 ((1)) 58 in Lorton, just south of the intersection of Ox Road and Lorton Road. The subject site is just north of the Occoquan Regional Park. Today, the site is developed with adaptively reused buildings, as well as with parking lots and a ballfield.

As detailed in the original rezoning staff report, this approximately 54-acre portion of the former District of Columbia Department of Corrections (DCDC) prison facility was originally developed as a Progressive Era workhouse for the rehabilitation of prisoners. The historic structures are related to the workhouse. Subsequently, this area of the site was used as more typical prison facilities, at which time, other buildings, structures, fencing and guard towers were constructed. The developed portion of the property is located adjacent to Ox Road.

The application property is part of what is now known as Laurel Hill, which is the former site of the DCDC prison facility in Lorton. The Board of Supervisors purchased approximately 2,324 acres of this property from the General Services Administration (GSA).

The transfer of the property is subject to a Memorandum of Agreement (MOA) dated June 28, 2001, between the County, the federal government, the Lorton Historical Society and the Virginia Department of Historic Resources that established procedures for the preservation, adaptive reuse and/or demolition of the historic structures that were part of the DCDC. The MOA was executed by the Advisory Council on Historic Preservation and implemented under Section 106 of the National Historic Preservation Act. The Section 106 review process determined that the DCDC contains a National Register-eligible Historic District (552 acres).

The MOA stipulates that Fairfax County was to treat the property as an historic district with the Fairfax County's Architectural Review Board (ARB) having oversight of any undertakings such as construction and demolition. The MOA identifies 136 buildings, structures, sites and objects as contributing to the significance of an eligible historic district and encourages Fairfax County to have the property designated as a historic district. On December 7, 2005, the property was listed on the Virginia Landmarks Register and on February 2006, the property was listed on the National Register of Historic Places.

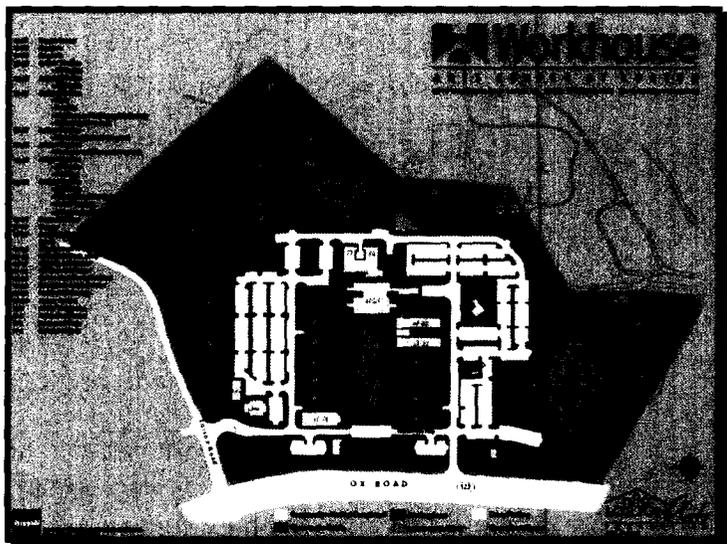
Listing in the National Register honors an historic place by recognizing its importance to its community, state or the nation. Listing in the National Register contributes to preserving historic properties in a number of ways including:

- Recognition that a property is of significance to the nation, the state, or the community;
- Consideration in the planning for federal or federally assisted projects;
- Eligibility for federal tax benefits; and
- Qualification for federal assistance for historic preservation, when funds are available.

While 194 buildings, structures, sites and objects have been identified for inclusion on the National Register of Historic Places, the terms of the MOA apply only to the 136 contributing structures and 106 non-contributing structures referenced in the MOA and described in the January 2000 "*Final Historic Structures Determination of Eligibility Report*." Therefore, staff notes that while preservation of all the buildings onsite is a priority, the MOA only covers certain structures.

The property is now leased to the Lorton Arts Foundation, Inc. under a long term lease to allow the Foundation to operate the facility. However, the subject property continues to be owned by Fairfax County and is still subject to the MOA.

A copy of the MOA and lease are available on file at the County. A copy of the approved proffers associated with RZ 2003-MV-033 is contained in Appendix 5.



The following chart identifies the uses located around the site.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan Map
North	Large Lot Single Family Detached (Hollymeade)	R-1	.2-.5 du/ac
South	Park (Occoquan Regional Park)	R-C	Institutional
East	Park (Occoquan Regional Park)	R-C	Institutional
West	Water Purification Plant (Upper Occoquan Sewer Authority)	R-1	Institutional

BACKGROUND (See Appendix 5)

On July 26, 2004, the Board of Supervisors approved RZ 2003-MV-033 subject to certain proffers, to rezone this site from the R-C Zoning District to the Planned Development Commercial (PDC) Zoning District in order to permit the development of a mixed use development as an Arts Center consisting of: artists' studios; theaters, cultural center, museums and similar facilities; eating establishments; commercial recreation (events center); and multi-family dwellings for resident artists, performers, etc.

As noted above, on August 6, 2009, the Board of Supervisors further approved PCA/FDPA 2003-MV-033 wherein changes to the use and operational aspects of the Workhouse were approved. Specifically, the approval allowed additional uses to include a school of special education, a culinary arts use, and a specific accessory retail use for the horticultural display area. The approval also allowed an increase in attendance limits, extended hours, use of a building as a possible restaurant site, modifications in the new restaurants and residence designs, and approval of a new building for office/security use.

COMPREHENSIVE PLAN PROVISIONS

- Plan Area:** IV
- Planning District:** Lower Potomac Planning District
- Land Sector:** Laurel Hill Community Planning Sector
- Plan Map:** Public Facilities, Governmental, and Institutional Use

The Fairfax County Comprehensive Plan, Area IV, 2007 Edition, Lower Potomac Planning District, as amended through January 28, 2008, Laurel Hill Community Planning Sector (LP1), pages 52-55 states:

Land Unit 5 is comprised of approximately 590 acres of which about 15 percent is in environmentally sensitive areas (see Figure 24). Approximately 200 acres of this land unit is located outside of the former Corrections Property boundary and is currently used by Vulcan Quarry and the Fairfax Water Facility. The land unit is generally bounded by the Occoquan River to the south, Mills Branch to the east, the former Corrections Property line to the north and the American Telephone and Telegraph Easement to the west.

A major historic feature in Land Unit 5 is the former Occoquan Workhouse and related ancillary masonry buildings located immediately to the east of Route 123. The former Occoquan Workhouse complex has the greatest potential for adaptive reuse. Development of this land unit should be in accordance with the guidance for the sub-units. . . .

Sub-unit 5B: Sub-unit 5B is wedge shaped and is generally bounded by Route 123 to the west, Lorton Road to the north and Mills Branch to the east. The major element in this sub-unit is the former Occoquan Workhouse and associated administrative offices which are planned for adaptive reuse. This former facility has been approved for reuse as an arts center. The Laurel Hill Greenway runs north/south through the Sub-unit adjacent to Lorton Road and is planned to be an integral link within the open space/pedestrian system, connecting the Occoquan Regional Park facility with the trails and open space areas to the north.

The developable acreage should be developed with the following additional guidance:

- *The Laurel Hill Greenway should be integrated as a major focal feature of the area.*
- *The original Occoquan facilities, and newer administrative and support facilities, such as the Administrative Office building and training buildings built in the late 1980's and the medical building built in the 1970's should be preserved and subject to approved adaptive reuse. Adaptive reuse could include compatible governmental, cultural arts, and public institutional uses.*
- *The 'Barn', located on the northeastern side of the sub-unit (see Figure 24: Land Unit 5: Sub-units 5A & 5B), should be adaptively reused for community activities. . . ."*

ANALYSIS (Plan attached at front of Staff Report)

Title of Final Development Plan Amendment: Lorton Workhouse Arts Center

Prepared By: Walter L. Phillips, Inc.

Original and Revision Dates November 13, 2009 as revised through January 12, 2010.

Lorton Workhouse Arts Center Final Development Amendment Plan	
Sheet #	Description of Sheet
1	Notes, Sheet Index, Vicinity Map, Soils Map, Zoning Tabulations, Parking Tabulations, Parking Chart
1A	Existing Conditions
2	Existing Vegetation Map
3	Development Plan
4	Building Dimension Plan
5	Overall Parking Plan
6	Landscape Plan and Details
6A	Landscape Notes and Details
7	Signage and Fencing
8	Preliminary SWM/BMP Plan
8A	Preliminary SWM/BMP Plan
9	Outfall Analysis

The FDPA, which consists of twelve sheets, includes the following features:

Site Layout:

The site layout for the Lorton Workhouse is dominated by the existing building configuration featuring a number of existing buildings which form a U-shape around an existing courtyard that faces Ox Road. This application proposes no changes to that central developed area but instead now shows that W-20 and W-21 no longer exist on the property. In addition, as requested, the applicant has renumbered the buildings to reflect the numbering on the National Register; the buildings that were removed are now labeled as WB-12 and WB-13 on the current FDPA.

Uses/Activities

No changes are proposed to the approved uses/activities for the site.

Topography

Also noted subsequent to the August 6, 2009 approval was the apparent addition of significant amounts of fill, especially on a mound near the southern end of the property near Route 123 and in the infield and bleacher area of the ballfield. It appears that the topography in that vicinity has been significantly altered at some point in the past few years.

Vehicular Access and Parking

The only change relating to parking associated with this application is that a strip of parking which was previously inadvertently removed from the approved CDPA/FDPA is again depicted near H-40.

Pedestrian Connections

The Laurel Hill Greenway ("the Greenway") is continued shown to run along the eastern side of the application property. This alignment was proposed in coordination with the Fairfax County Park Authority (FCPA) because the railroad bed, upon which it had been previously proposed, has been obscured by earlier construction within the application property. The proposed alignment would also separate this major trail from the activities within the Arts Center. Minor changes to the alignment are shown to reflect the actual placement of the trail.

Landscaping, Existing Trees and Tree Save

The built portion of the site is generally devoid of landscaping, with the exception of the lawn areas near the former residences and the barn and the area around the ballfield. The FDPA shows landscaping around the buildings and in the paved parking areas.

This FDPA contains no changes to the landscaping as it depicts areas of tree preservation outside of the developed areas. To the north of the quadrangle, along Lorton Road, the applicant has proposed tree preservation near the horticultural display area and near the residential buildings. The plan also depicts a tree preservation area near the southeastern border of the site (near the Occoquan Regional Park).

Stormwater Management

The applicant continues to propose to manage the quality and quantity of stormwater on this site with the use of an underground detention vault as well as with a combination of percolation trench, bioretention filters, filterstrips and stormfilters. The applicant's stormwater management plan depicts what was constructed and approved as part of Fairfax County Site Plan 1183-SP-014-2.

FDPA Analysis

The issues described below seek to analyze the impacts of the changes that the applicant has made without proper notification and/or permits as required by Fairfax County. The County has obligations per the MOA which require the site to be developed in such a way that protects and enhances the historic resources associated with the site. The stewardship of this historic County-owned property is a primary concern to the County and as such, staff has proposed a series of development conditions which attempt to create an oversight process which can more fully assure the County, its citizens, and the applicant that the historic resources on this site remain protected.

Issue: Demolition of Two Buildings

As noted above, the applicant seeks approval of this FDPA to reflect that a non-contributing building (per the MOA) was removed while the approved FDPA labeled it as "to be retained." County staff visited the site in mid-August 2009 after receiving a report of the demolition of what was previously labeled Building W-20 (now known as WB-12). The applicant indicated (and it has been confirmed) that the structure was in poor condition, appearing more like of a rubble pile than an actual structure and therefore removed it. At around the same time, the applicant also removed W-21 (now known as WB-13), which was noted to be removed per the approved FDPA. Demolition permits were required but not sought for the demolition of either building.

Resolution:

These buildings were located on the southern edge of the property, to the south of the ballfield. While these buildings did not necessarily impact the function of the other uses on the site, staff is concerned that the applicant removed the building without coordination with DPZ or DPWES staff to assess its historical significance prior to its removal.

In terms of the building's historical significance, the building was listed as contributing to the National Register listed DC Workhouse and Reformatory Historic District but was not included in the MOA list of structures. The MOA stipulates that the subject property is to be treated as a county historic overlay district and staff notes that normally the demolition of buildings within a historic overlay district would require approval by the County Architectural Review Board (ARB). However, again, the MOA did not list the building as contributing to the historic district. Staff has consulted the Virginia Department of Historic Resources (VDHR) in order to determine the historic significance of the building and both the County staff and the VDHR agree that since this building was not listed in the MOA, this demolition does not present an issue with the MOA. While staff remains concerned about the loss of any historic resource, staff has determined that this particular structure could be removed per the MOA. In order to protect the remaining historic resources onsite, staff has proposed several development conditions regarding the notification requirements prior to any demolition activities, as well as reiterating that this site is subject to all permit requirements. In addition, the proposed development conditions envision a yearly written report detailing the construction, grading, renovations and demolition activities conducted onsite, with copies of applicable permits, to be kept in the County files.

Issue: Fill in Ballfield Area

While the approved plans noted the historic bleachers at the Lorton Arts ballfield to remain, much of the ballfield area is currently covered with an undetermined amount of fill that likely contains demolition debris. The first photo here shows the bleachers and ballfield as they appeared in 2007; the second picture shows that recently a large amount of fill was placed in the ballfield area which must be removed in order to remain in substantial conformance with the FDPA. The condition of the bleachers below the fill is unknown.

In addition, a site inspection of the ballfield area also revealed a mound of fill located to the west of the ballfield near Route 123. It is not clear when this fill was placed. Nevertheless, it must also be removed.

Resolution:

All of the fill must be removed in this area in order to remain in conformance with the approved FDPA and to restore these historic features. In the immediate vicinity of the bleachers, staff notes that specific methods must be used to protect the brick bleachers (if they still exist). Because it is not clear whether any historic resources may have been covered by the fill mound, staff has proposed a development condition requiring the removal of this fill and providing specific guidance on the proper excavation methods. This condition provides a timeline for completion. In addition, the development condition specifies that if the bleachers have been destroyed, they must be restored in consultation with County historic resources staff and the VDHR. Further, a proposed development condition requires that the fill in the "field" area of the ballfield be removed and that the "mound" of fill be removed as well. With implementation of this proposed development conditions, staff finds this issue is resolved.

Issue: Music Barn Access and W0-04 (Message Board)

There is a message board structure which is currently located in the center of the proposed driveway that will be used to access the Music Barn in the northern part of this site. This message board, which is not currently in use and was not previously indicated on the CDP/FDP, will likely need to be removed and/or relocated on completion of the driveway. Staff notes that the entire Music Barn driveway design may have impacts on the historic features in the area and has concerns that the features may be adversely impacted once the driveway is complete.

Resolution:

Staff has proposed a development condition requiring ARB approval in order to relocate W0-04, the message board feature. As a part of that approval process, the applicant shall provide engineering, design and building plans to the ARB when final engineering is complete to detail the impacts and mitigation measures which might be necessary in the immediate vicinity of this proposed driveway. Staff recognizes that without ARB approval to relocate this feature, the entire driveway design may be impacted. However, staff has determined that implementation of this development condition not only provides the appropriate amount of protection of nearby historic resources but also provides the applicant with an opportunity to show that the design was sensitive to the historic features in the vicinity. With implementation of this proposed development condition, staff finds this issue is resolved.

Transportation, Environmental and Public Facilities Analyses

(See Appendix 6)

Due to the nature of this application, a review of this application by the agencies listed above raised no issues. Therefore, the aforementioned departments do not object to the approval of this application.

ZONING ORDINANCE PROVISIONS (*Appendix 10*)

Per Zoning Ordinance Section 6-208, there are no specific requirements for yards or building height in a PDC District. However, Section 16-102 describes the design standards that are applicable to the evaluation of a development plan. Specifically, Section 16-102 notes 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.

Bulk Standards (Planned Development Commercial District)		
Standard	Required	Provided
Min. Dist. Size	See Tabulation on Sheet 4	216,592 sq. ft. GFA
Building Height	45 ft.	Varies for the Existing Structures; 45 ft. - Multi-Family Buildings 25 ft. – Eating Establishments
Front Yard	40 ft.	10 ft. (existing condition)
Side Yard	None	As shown on Sheet 3
Rear Yard	None	As shown on Sheet 3
Floor Area Ratio (FAR)	1.5	0.12
Open Space	15%	68%
Parking Spaces	1925 spaces (based on residential, baseball, eating establishments, retail, school/university, museum/cultural center, theatre, event center, music barn, and performing arts center uses)	1,399 spaces (not including onsite valet on overflow parking spaces across Lorton Road)*

* Per the applicant's proffers, minimum parking requirements shall be fulfilled at all times by providing the number of spaces required by the applicable provision of Article 11 of the Zoning Ordinance for each use as the site plan is approved for each use. A parking reduction per the Zoning Ordinance shall be requested at such time as the minimum parking requirements cannot be met as a cumulative total on the property. The parking reduction shall be approved prior to the approval of a site plan for the specific use. If the parking reduction is not approved, either a proffered condition amendment shall be sought to add parking or currently approved uses will be reduced in size/scale to meet current parking requirements. Minimum parking may be fulfilled through a combination of "permanent" and overflow spaces in the location general identified on the CDPA/FDPA.

Waivers/Modifications

Transitional Screening/Barriers

To the north, across Lorton Road, is land that is planned, zoned and developed with single-family detached dwelling units. Transitional Screening Yard 2 (35 feet in depth) and, Barrier D (42-to 48-inch tall chain link fence), Barrier E (6-foot wall, brick or architectural block faced on the side facing the existing use), or Barrier F (a 6-foot high solid wood or otherwise architecturally solid fence), are required along the northern boundary between the proposed Arts Center and the single-family detached dwellings on Lorton Road. This requirement is based on the Arts Center use. (The uses along the northern boundary, the eating establishments and the artists' residences would each generate either a similar requirement in the case of the eating establishments or Transitional Screening Yard 1 in the case of the multi-family dwelling units). Modifications of the transitional screening and barrier requirements along this property line were previously approved by the Board of Supervisors in August 2009 to permit: (1) screening to consist of existing vegetation, supplemented by ornamental, shade, and evergreen trees; and (2) a wooden fence that resembles the fencing used throughout the DCDC complex's former agricultural operations, in lieu of the required barrier. The proposed FDPA application would not alter the proposed screening and barrier along the northern property line.

Other Zoning Ordinance Requirements:

Standards for all Planned Developments (Sect. 16-100)

Sect. 16-101 contains six general standards that must be met by a planned development. Sect. 16-102 contains three design standards to which all Conceptual and Final Development Plans are subject. The standards are contained in Appendix 6. The standards listed above were reviewed with PCA/FDPA 2003-MV-033. The previous evaluation of the criteria still applies to this application, as only minimal changes are proposed to the site layout (as detailed above), use, or intensity are proposed with this application. Staff believes these standards continue to be met. The proposed amendment does not adversely affect the conformance of the Lorton Arts Foundation facilities with these standards as established with the original and 2009 approvals.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

As described in the Land Use Analysis, the proposal continues to conform to the recommendations of the adopted Comprehensive Plan which states that Occoquan Workhouse site should be adaptively reused and could include

government, cultural arts and public institutional uses.. As with the approved rezoning, the current proposal continues to include proffers to address road improvements needed to provide adequate access to the site, to comply with the design review requirements associated with the site's being treated like a historic district, and to provide appropriate landscaping and screening along Lorton Road. The proposal also conforms to the purpose and intent of the Planned Development Commercial District.

Recommendations

Staff recommends approval of FDPA 2003-MV-033-2 subject to the proposed development conditions contained in Appendix 2.

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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Previously Approved Clerk's Letter & Proffers (RZ 2003-MV-033, PCA/FDPA 2003-MV-033)
5. Historic Resource Analysis
6. Transportation Analysis
7. Sanitary Sewer Analysis
8. Fairfax County Water Authority
9. Fairfax County Fire and Rescue
10. Zoning Ordinance Provisions
11. Glossary

PROPOSED DEVELOPMENT CONDITIONS**January 14, 2010****FDPA 2003-MV-033-02**

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDPA 2003-MV-033-02 to allow an arts center on property located at Sub-Parcel G of Tax Map 106-4 ((1)) 58, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. These development conditions supercede those previously approved. Those conditions marked with the asterisk represent conditions brought forward from the previously approved Final Development Plan. (*) These conditions are in addition to the proffered commitments approved with PCA 2003-MV-033.

1. The northern façade of each of the two artists' residences (Buildings N-1 and N-2) (the façade that faces toward Lorton Road) shall be no higher than forty-five (45) feet as measured from the grade along that façade to the mid-point of the roof, if a peaked roof is proposed, or to the top of the roof, if a flat roof is proposed.*
2. Bike racks, benches, picnic areas and a place to obtain water shall be provided within the Arts Center in one or more locations along the Laurel Hill Greenway trail subject to the approval of the Fairfax County Park Authority. *
3. A sidewalk shall be provided at the westernmost entrance along Lorton Road. The sidewalk shall extend from the trail along Lorton Road to connect to the internal pedestrian network.*
4. The left turn lanes from Ox Road (Rt. 123) to the Regional Park Entrance (opposite the Quarry Entrance) and/or to Lorton Road (Rt. 642) shall be lengthened upon demand of either the County or the Virginia Department of Transportation when it is determined that longer turn lanes are warranted by the amount of traffic generated by Lorton Arts Foundation turning left onto Lorton Road or the Regional Park Entrance.*
5. If it is determined by the applicant and the Fairfax County Department of Transportation (FCDOT) that a one-way traffic circulation pattern is needed, such change in pattern shall be coordinated with and approved by FCDOT. A one-way circulation pattern may be implemented without the need for a Proffered Condition Amendment or a Final Development Plan amendment so long as the overall site layout is in substantial conformance with the plan as may be approved by the Board of Supervisors. *
6. Contrary to access geometrics as delineated on the Ox Road (Route 123) joint access with the Northern Virginia Regional Park Authority, the regional park access shall "T" into the access roadway serving the Lorton Arts Federation site (the subject site) unless an alternative design is approved by the Fairfax County Department of Transportation (FCDOT). The final design shall be subject to FCDOT review and approval.*

7. Prior to site plan submission, engineering techniques designed to preserve existing vegetation on the north side of the proposed residences shall be diligently pursued and these efforts shall be documented and coordinated with Urban Forest Management in order to maximize the survivability of trees in that area.*
8. The proffers approved with PCA 2003-MV-033 shall remain in effect.
9. All resources identified as contributing to the National Register D.C. Workhouse and Reformatory Historic District shall be retained and maintained. Each resource shall be maintained sufficiently in order to protect said resource from demolition by neglect. Joint inspections of these resources by the County and the applicant shall take place at least once per calendar year to ensure sufficient protection. Inspections should include coordination with agencies such as the Cultural Resources Management and Protection Section (CRMPS) of the Fairfax County Park Authority (FCPA), the Department of Planning and Zoning (Historic Resources, Historic Preservation Planner), and may also include coordination with other officials such as the Zoning Administrator, Building Official or other permitting officials. Should it be determined by the County that the resources are found not to be sufficiently protected, corrective compliance measures shall be implemented. This condition shall not apply to those contributing resources previously specifically identified in RZ/FDP 2003-MV-033 for removal.
10. Buildings WB-12 and WB-13 shall be identified on the property with an appropriate plaque, marker or similar identification. The Fairfax County History Commission (FCHC) shall be consulted regarding the text of the identification and the site it is to be located. In addition, the text shall be subject to the review and approval of the FCHC. Depictions of the architecture, design, use, history and relationship to the overall workhouse of buildings WB-12 and WB-13 shall be displayed within the prison museum proposed to be located within the Workhouse.
11. Although Sheet 8 of the FDPA depicts a rectangular athletic field instead of a baseball field, the field shall only be used as a baseball field.
12. Fill placed in the infield and outfield areas of the ballfield, S-08, shall be removed and restored to its original condition and topography no later than June 30, 2010.
13. The historic bleachers, identified as WT-12 on the FDPA and as listed in the National Register Historic District, shall be restored to their original condition by no later than June 30, 2010. Removal of the fill and debris on the bleachers shall be conducted in a manner which allows the bleachers to be uncovered without damage to the historic resource and this work shall be conducted by an archaeological consultant with extensive experience in deeply buried urban sites, and with the engineering capability to evaluate the structural stability of the bleachers once uncovered. Once the deep fill and rubble is removed, the surface of the bleachers (if they are stable) shall be flat shoveled by archaeologists to remove any additional soil from the surface. All aspects of this work (the scope of work, the consultant to be used, equipment, and methods) shall be coordinated with the Cultural Resources Management and Protection Section (CRMPS) of the Fairfax County Park Authority (FCPA) prior to commencement.

14. Fill placed near the ballfield adjacent to Route 123 near the ballfield shall be removed and the area restored to its original condition and topography no later than June 30, 2010.
15. All necessary permits shall be obtained prior to conducting any construction, renovation, or demolition work onsite.
16. Written notification shall be provided to the District Supervisor and the Department of Planning and Zoning, (Historic Resources, Historic Preservation Planner) for review and comment prior to submitting a request for a demolition permit.
17. At the end of each calendar year, a written report shall be provided to the District Supervisor and the Department of Planning and Zoning, (Historic Resources, Historic Preservation Planner) regarding any construction and demolition activities that have taken place onsite for the previous year. This report shall also include any applicable permits and/or required documentation.
18. ARB approval shall be obtained prior to the relocation of W0-04, the message board structure near the music barn. Should ARB approval not be granted for this relocation, then the music barn driveway access may need to be redesigned in substantial conformance with the approved FDPA or another revision to the FDPA shall be required.

Written Statement

BACKGROUND

The Workhouse Arts Center was originally approved on the subject property in 2004 pursuant to RZ 2003-MV-033. Refinements to certain aspects of the programming at the Workhouse and some physical features of the development necessitated the filing of an amendment to the original approval. That amendment was approved in September of 2009.

REQUEST

Subsequent to that approval, it came to the attention of the County and Lorton Arts Foundation that a small, significantly deteriorated structure which was shown to be saved on the approved plans had been removed in late 2008. While this removal was in response to comments from County Risk Management about safety and general debris, since the structure was represented as to be saved on the approved plans, it was determined that an amendment to the final development plan was necessary. The debris that was removed didn't resemble a building since on top of the pile of rubble were old tires and construction debris. The building did not require ARB action for removal as it was not listed on the Memorandum of Agreement.

Since the amendment was to be filed, it was also requested by the County that all aspects of the development plan be reviewed for accuracy and clarified, if necessary. The following changes were made:

- The building numbers were revised to match that of the Sketch 3A and 3B of the National Registry of Historic Buildings.
- Along with the numbering system, the square footages of the buildings were double-checked and some revisions made. The FAR remains 0.11.
- The existing conditions plan was revised to show the topography and all on-site features as they existed in November 2006 (prior to the development).
- What was shown as Buildings W20 and W21 were removed from the plat
- Non-contributing features are labeled as such
- Features that are to remain are labeled as such
- The parking area in the northeastern corner of the site was revised to reflect new grading information associated with the improvements on Lorton Road (discussed below)
- A strip of parking was returned to the area near H-40 as shown on the original approved CDP/FDP. (discussed below)
- The route of the Greenway trail was slightly revised based on new information about the actual location of the trail off-site.

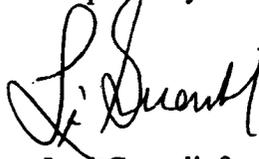
At the time of the amendment approval in September of 2009, the engineering plans for the improvement of Lorton Road were not completed. Very recent plans indicate that the grading for the road improvements in that area will be different than anticipated and

the proposed parking area has been altered based on this new grading. The parking area near H-40 was shown on the original approved plan but left off of the most recent plan. Thirty-nine spaces are shown in that area. The parking tabulation has been revised.

CONCLUSION

These minor changes in the final development plan result in a development that is in substantial conformance with the approved conceptual development plan and thus, the regulations and standards of the PDC District.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "L. Greenlief", written over a faint circular stamp.

Lori Greenlief
Land Use Planner
McGuireWoods LLP

REZONING AFFIDAVIT

DATE: NOV 13 2009
(enter date affidavit is notarized)

I, Lori R. Greenleaf, Land Use Planner, 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

106729

in Application No.(s): FDPA 2003-MU-037-2
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES of the land described in the application,* and, if any of the foregoing is a TRUSTEE,** each BENEFICIARY of such trust, and all ATTORNEYS and REAL ESTATE BROKERS, and all AGENTS who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Rows include Lorton Arts Foundation, Fairfax County Board of Supervisors, and Walter L. Phillips, Inc.

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

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

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

Rezoning Attachment to Par. 1(a)

DATE: NOV 13 2009
(enter date affidavit is notarized)

106729

for Application No. (s): _____
(enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
McGuireWoods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. Joanna C. Frizzell David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Lisa M. Chiblow Lori R. Greenlief Sheri L. Hoy	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent 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: NOV 13 2009
(enter date affidavit is notarized)

106729

for Application No. (s): FDPA 2003-MU-033-2
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Lorton Arts Foundation, Inc.
9601 Ox Road
Lorton, VA 22079

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
a non-profit corporation

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

Rezoning Attachment to Par. 1(b)

DATE: NOV 13 2009
(enter date affidavit is notarized)

106729

for Application No. (s): FDPA 2003-MU-0332
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Walter L. Phillips, Inc.
207 Park Avenue
Falls Church, VA 22046

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Jeffrey J. Stuchel
Brian G. Baillargeon

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

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

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

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

REZONING AFFIDAVIT

DATE: NOV 13 2009
(enter date affidavit is notarized)

106729

for Application No. (s): FDPA 2003-MU-033-2
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

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

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

Equity Partners of McGuireWoods LLP

- | | | |
|-------------------------|-----------------------|-----------------------|
| Alphonso, Gordon R. | Beil, Marshall H. | Buchan, Jonathan E. |
| Anderson, Arthur E., II | Belcher, Dennis I. | Busch, Stephen D. |
| Anderson, Mark E. | Bell, Craig D. | Cabaniss, Thomas E. |
| Andre-Dumont, Hubert | Beresford, Richard A. | Cacheris, Kimberly Q. |
| Bagley, Terrence M. | Bilik, R. Eric | Cairns, Scott S. |
| Barger, Brian D. | Blank, Jonathan T. | Capwell, Jeffrey R. |
| Barnum, John W. | Boland, J. William | Cason, Alan C. |
| Barr, John S. | Brenner, Irving M. | Chaffin, Rebecca S. |
| Becker, Scott L. | Brooks, Edwin E. | Cobb, John H. |
| Becket, Thomas L. | Brown, Thomas C., Jr. | Cogbill, John V., III |

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

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

Rezoning Attachment to Par. 1(c)

NOV 13 2009

DATE: _____

(enter date affidavit is notarized)

106729

for Application No. (s): FDPA 2003-MV-033-2

(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

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

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

- | | | |
|-------------------------------|----------------------------|----------------------------|
| Covington, Peter J. | Grant, Richard S. | La Fratta, Mark J. |
| Cramer, Robert W. | Greenberg, Richard T. | Lias-Booker, Ava E. |
| Cromwell, Richard J. | Grieb, John T. | Lieberman, Richard E. |
| Culbertson, Craig R. | Harmon, Jonathan P. | Little, Nancy R. |
| Cullen, Richard (nmi) | Harmon, T. Craig | Long, William M. |
| de Cannart d'Hamale, Emmanuel | Harmon, Yvette (nmi) | Manning, Amy B. |
| De Ridder, Patrick A. | Hartsell, David L. | Marianes, William B. |
| Dickerman, Dorothea W. | Hayden, Patrick L. | Marks, Robert G. |
| DiMattia, Michael J. | Hayes, Dion W. | Marshall, Gary S. |
| Dooley, Kathleen H. | Heberton, George H. | Marshall, Harrison L., Jr. |
| Dorman, Keith A. | Horne, Patrick T. | Marsico, Leonard J. |
| Downing, Scott P. | Hosmer, Patricia F. | Martin, Cecil E., III |
| Edwards, Elizabeth F. | Hutson, Benne Cole | Martin, George Keith |
| Ey, Douglas W., Jr. | Isaf, Fred T. | Martinez, Peter W. |
| Feller, Howard (nmi) | Jackson, J. Brian | Mason, Richard J. |
| Fennebresque, John C. | Jarashow, Richard L. | Mathews, Eugene E., III |
| Foley, Douglas M. | Johnston, Barbara Christie | Mayberry, William C. |
| Fox, Charles D., IV | Kanazawa, Sidney (nmi) | McCallum, Steven C. |
| France, Bonnie M. | Katsantonis, Joanne (nmi) | McDonald, John G. |
| Freedlander, Mark E. | Keenan, Mark L. | McElligott, James P. |
| Fuhr, Joy C. | Kennedy, Wade M. | McElroy, Robert G. |
| Getchell, E. Duncan, Jr. | King, Donald E. | McFarland, Robert W. |
| Gibson, Donald J., Jr. | King, Sally Doubet | McIntyre, Charles Wm. |
| Glassman, Margaret M. | Kittrell, Steven D. | McLean, J. Dickson |
| Glickson, Scott L. | Kratz, Timothy H. | McRill, Emery B. |
| Gold, Stephen (nmi) | Krueger, Kurt J. | Muckenfuss, Robert A. |
| Goldstein, Philip (nmi) | Kutrow, Bradley R. | Muir, Arthur B. |

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

Rezoning Attachment to Par. 1(c)

DATE: NOV 13 2009
(enter date affidavit is notarized)

106729

for Application No. (s): _____
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

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

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

Murphy, Sean F.
Nesbit, Christopher S.
Nunn, Daniel B., Jr.
O'Grady, Clive R. G.
O'Grady, John B.
O'Hare, James P.
Oakey, David N.
Oostdyk, Scott C.
Padgett, John D.
Pankey, David H.
Parker, Brian K.
Phears, H.W.
Plotkin, Robert S.
Potts, William F., Jr.
Pryor, Robert H.
Pusateri, David P.
Rak, Jonathan P.
Rakison, Robert B.
Reid, Joseph K., III
Richardson, David L.
Riegler, Gregory A.
Rifken, Lawrence E.
Riley, James B., Jr.
Riopelle, Brian C.

Roberts, Manley W.
Robinson, Stephen W.
Rogers, Marvin L.
Rohman, Thomas P.
Rosen, Gregg M.
Rust, Dana L.
Satterwhite, Rodney A.
Scheurer, P. Christian
Schewel, Michael J.
Schill, Gilbert E., Jr.
Schmidt, Gordon W.
Sellers, Jane Whitt
Shelley, Patrick M.
Simmons, L. D., II
Simmons, Robert W.
Skinner, Halcyon E.
Slone, Daniel K.
Spahn, Thomas E.
Spitz, Joel H.
Stallings, Thomas J.
Steen, Bruce M.
Stein, Marta A.
Stone, Jacquelyn E.
Swan, David I.

Tackley, Michael O.
Tarry, Samuel L., Jr.
Thornhill, James A.
Tirone, Joseph G.
Van der Mersch, Xavier G.
Vaughn, Scott P.
Vick, Howard C., Jr.
Viola, Richard W.
Wade, H. Landis, Jr.
Walker, John Tracy, IV
Walsh, James H.
Watts, Stephen H., II
Werlin, Leslie M.
Westwood, Scott E.
Whelpley, David B., Jr.
White, H. Ramsey, III
White, Walter H., Jr.
Williams, Steven R.
Wilson, Ernest G.
Wilson, James M.
Wren, Elizabeth G.
Young, Kevin J.
Younger, W. Carter

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

REZONING AFFIDAVIT

DATE: NOV 13 2009
(enter date affidavit is notarized)

106729

for Application No. (s): FDIA 2003.MU-033-2
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

REZONING AFFIDAVIT

DATE: NOV 13 2009
(enter date affidavit is notarized)

106729

for Application No. (s): FDPA 2003.MU-033-2
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Lori R. Greenlief
[] Applicant

[x] Applicant's Authorized Agent

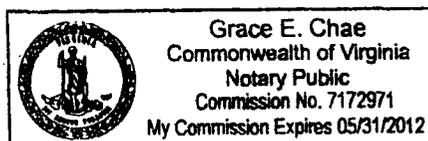
Lori R. Greenlief, Land Use Planner

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

Subscribed and sworn to before me this 13th day of November 20 09, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae
Notary Public

My commission expires: 5/31/2012





County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

August 4, 2009

Lori Greenlief
 McGuire Woods LLP
 1750 Tysons Boulevard, Suite 1800
 McLean, Virginia 22102

RE: Proffered Condition Amendment Application PCA 2003-MV-033

Dear Ms. Greenlief:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on August 3, 2009, approving Proffered Condition Amendment Application PCA 2003-MV-033 in the name of Lorton Arts Foundation, Incorporated. The Board's action amends the proffers for Rezoning Application RZ 2003-MV-033, previously approved for mixed use development to permit modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.22. The subject property is located on the east side of Ox Road and south of its intersection with Lorton Road on approximately 53.08 acres of land zoned PDC [Tax Map 106-4 ((1)) 58], in the Mount Vernon District and is subject to the proffers dated July 29, 2009.

The Board also:

- Modified the transitional screening and barrier requirement along the northern and western property lines to that shown on the CDPA/FDPA.

Did not say

- Modified the barrier requirement along the northern boundary and between the artist's residences and the workhouse in favor of that shown on the CDPA/FDPA and referenced in the proffers.

(NOTE: At its public hearing on July 15, 2009, the Planning Commission approved Final Development Plan Amendment FDPA 2003-MV-033, subject to development conditions dated July 13, 2009, and to the Board of Supervisors approval of PCA 2003-MV-033.)

Sincerely,

Nancy Velts
 Clerk to the Board of Supervisors
 NV/dms
 Enclosure

Office of the Clerk to the Board of Supervisors
 12000 Government Center Parkway, Suite 533
 Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
 Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

PCA 2003-MV-033
August 4, 2009

-2-

Cc: Chairman Sharon Bulova
Supervisor Gerald Hyland, Mount Vernon District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

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 3rd day of August, 2009, the following ordinance was adopted.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 2003-MV-033**

WHEREAS, Lorton Arts Foundation, Incorporated, filed in the proper form an application to amend the proffers for RZ 2003-MV-033 hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. 15.2-2303(a), 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

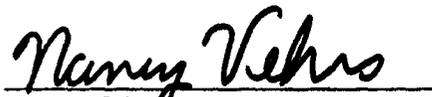
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects 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 parcels.

GIVEN under my hand this 3rd day of August, 2009.



Nancy Vehrs
Clerk to the Board of Supervisors



PLEASE TYPE
OR PRINT IN BLACK INK

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR ZONING MAP AMENDMENT

RECEIVED
Department of Planning & Zoning

JUL 17 2008

APPLICATION NO. PCA/FDPA 2003-MV-033

(Approved by _____)

TITUTION

Zoning Evaluation Division

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA
I (We), Lorton Arts Foundation, Inc., the applicant(s),
petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, by
reclassifying from the PDC District to the PDC
District the property described below and outlined in red on the Zoning Section Sheet(s)
accompanying and made a part of this application.

PROPERTY DESCRIPTION

1. LEGAL DESCRIPTION: Laurel Property Division 13116 2200

Parcel G
Lot(s) Block(s) Subdivision Deed Book Page No.

2. TAX MAP DESCRIPTION: 106-4.(1) 58 53.08

Map No. Double Circle No. Single Circle No. Parcel(s)/Lot(s) No. Total Area(Ac. or Sq. Ft.)

3. POSTAL ADDRESS OF PROPERTY: (If any)
Firm 2601 Ox Road NEW ADDRESS 5717 WORKHORSE WAY RB 2/12/08
Lorton, VA 22079 LORTON, VA 22079

4. ADVERTISING DESCRIPTION: (Ex. South of Rt. 236, 1000 feet west of Rt. 274)
East side of Ox Road south of its intersection with Lorton Road

5. PRESENT USE: See attached

6. PROPOSED USE: See attached

7. SUPERVISOR DISTRICT: Mount Vernon

The name(s) and address(es) of owner(s) of record shall be provided on the affidavit form attached and made part of this application.

The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

Gregory A. Riegle, Esq./ Lori R. Greenlief, Land Use Planner

Type or Print Name of Applicant or Agent

Signature of Applicant or Agent

McGuireWoods LLP, 1750 Tysons Boulevard, Suite 1800, McLean, VA 22102

Address

(703) 712-5433 (Lori)

Telephone No.

Home

Work

Please provide name and telephone number of contact person if different from above.

DO NOT WRITE IN THIS SPACE

PCA 2003-0204 / FDPA 2003-0205
9/4/08

Date application received: _____ Application Fee Paid: \$4,410.00

Date application accepted: 9/4/08 Virginia Ruffin Form RZ (10/89)

PROFFERED CONDITIONS FOR PROFFER CONDITION AMENDMENT
BY
LORTON ARTS FOUNDATION, INC.

PCA/FDPA 2003-MV-033

July 29, 2009

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owner and Applicant in this proffer condition amendment proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 106-4-((1))-58 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said proffer condition amendment application is granted. In the event said application request is denied, these proffers shall be null and void. The Owner and the Applicant ("Applicant"), for themselves, their successors and assigns, agree 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 following proffered conditions supersede those associated with RZ 2003-MV-033. The proffer conditions are:

1. CONCEPTUAL DEVELOPMENT PLAN//FINAL DEVELOPMENT PLAN

(a) Substantial Conformance. Subject to the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted and any additional requirements of these proffered conditions, the development shall be in substantial conformance with the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA), containing ten (10) sheets prepared by Walter L. Phillips, Inc. dated August 25, 2008 and revised through

July 13, 2009. For the purpose of these proffers, the structures and uses on the Property may be collectively referred to as “the Workhouse.”

(b). Amendment to CDPA/FDPA. Notwithstanding the above, it shall be understood that the Applicant has the right to request a Final Development Plan Amendment (FDPA) for elements other than CDPA elements for all or a portion of the CDPA/FDPA in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance. For the purpose of this Proffer, CDPA elements shall include those principal and secondary uses permitted by these proffers, the maximum floor area ratio, the general layout and the general orientation of access points to public roads, parking, and open space areas.

2. PHASING

(a) Phasing of New Construction. The approval of PCA 2003-MV-033 shall constitute the ability to construct any of the proposed renovations/new construction shown on the CDPA/FDPA pursuant to the approval of the required site plan and provided conditions contained in the following proffers 2(b) and 2(c) are satisfied.

(b) Parking Requirements and Phasing of Parking. Minimum parking requirements shall be fulfilled at all times by providing the number of spaces required by the applicable provision of Article 11 of the Zoning Ordinance for each use as the site plan is approved for each use. A parking reduction or shared parking agreement per the Zoning Ordinance shall be requested at such time as it is determined that the minimum parking requirements cannot be met as a cumulative total on the Property. The parking reduction shall be approved prior to the approval of a site plan for the specific use. If the parking reduction is not approved, either a proffered condition amendment shall be sought to add parking or

currently approved uses will be reduced in size/scale to meet current parking requirements. Minimum parking may be fulfilled through a combination of “permanent” and overflow spaces in the location general identified on the CDPA/FDPA. It is intended that a waiver of the dustless surface requirement will be requested at the time of site plan for the spaces shown as such on the CDPA/FDPA.

(c) Phasing of Infrastructure. The Applicant shall demonstrate to the satisfaction of DPWES prior to each site plan approval that supportive utility infrastructure (i.e. sanitary sewer, water, etc.) is available to service the development and uses reflected on any individual site plan. If necessary, an additional sewer pump station and/or related infrastructure shall be provided.

(d) Trails. The Laurel Hill Greenway shall be provided as outlined in Proffer 9 below. The connecting trails shall be provided at the same time as the Laurel Hill Greenway, as generally shown on the CDPA/FDPA.

(e) Road Improvements. Entrance improvements, road widening and associated pedestrian facilities shall be provided in accordance with Proffer 10 below.

3. ARCHITECTURAL REVIEW

(a) Architectural Approval for New Structures. All construction and development shall be subject to review by the Architectural Review Board to the extent required by Article 7 of the Zoning Ordinance for Historic Overlay Districts and/or the Memorandum of Agreement executed by the Advisory Council for Historic Preservation on June 28, 2001 (“MOA”), as may be applicable.

(b) Signage. Notwithstanding the locations for signs and entry features shown on the CDPA/FDPA, all signs shall comply with Article 12 of the Zoning Ordinance. The Applicant further reserves the right to pursue a Comprehensive Sign Plan in accordance with Section 12-205. All signs shall be further identified and reviewed as part of plans forwarded to the ARB in accordance with Section (a) above and the sign permits shall be forwarded as required by Part 2 of Article 7, Historic Overlay Districts.

(c) Notification of Requirements for Architectural Review Board Approval. Separate notation shall be placed on all site plan submissions reading “all development actions for this rezoning are subject to Architectural Review Board review and approval,” or similar text.

(e) Architecture of Artists Colony (N-1, N-2). Building materials associated with this use shall be compatible to those associated with the historic structures on the Property as approved by the ARB. All facades and fenestration (the arrangement, proportioning, and design of windows and doors in a building) of the Artists Colony shall be architecturally treated with elements in order to add variety to the façade, subject to ARB approval in accordance with the Historic Overlay District Provisions as required by the MOA.

(f) Screening of Service Areas. All dumpsters shall be screened using materials that are compatible to the approved architecture as approved by the ARB. All dumpsters and their screening shall be further identified and reviewed as part of plans forwarded to the ARB in accordance with Section (a) above.

4. DOCUMENTATION OF HISTORIC STRUCTURES TO BE DEMOLISHED

(a) Documentation of Contributing Buildings to be demolished. Prior to any demolition of a contributing building (W21A, W21, H42, H43 and W40 and possibly W-29), each structure shall be photographed with a large format camera (4"x 5" minimum negative) using black and white film. Photographic recordation shall be done to the standards of the Historic American Buildings Survey (HABS). The number and angle of views shall be coordinated with the Fairfax County Park Authority (FCPA) prior to the taking of photographs and the completed photos shall be approved by the FCPA prior to demolition of the buildings. Such photographs shall be submitted to the Virginia Room of the Fairfax County Public Library, the District of Columbia Archives, and the Virginia Department of Historic Resources (VDHR). A copy of the photos shall be kept at the Prison Museum in Buildings W-02 and W-03. The negatives shall be submitted to VDHR. The construction, occupants and significant events associated with each building to be demolished shall be documented in writing by qualified professional in consultation with Fairfax County DPZ and the Cultural Resource Management and Protection Section of the FCPA. Where applicable, such photographic and written documentation shall be done to a standard as required for determination for National Register eligibility based on the "VDHR Preliminary Information Form".

(b) Incorporation of Demolished Buildings at the Prison Museum. Depictions of the architecture, design, use, history and relationship to the overall workhouse of the contributing buildings to be demolished shall be displayed within the Prison Museum proposed to be located within the Workhouse.

(c) Historical Identification of Contributing Buildings. Any contributing building to be demolished shall be identified on the property with an appropriate plaque, marker or similar identification. The Applicant shall consult with the Fairfax County History Commission in determining the specific site and text of such identification and the site and text shall be subject to the review and approval of the Fairfax County History Commission.

5. PROTECTION OF HISTORIC STRUCTURES

(a) All renovation of existing structures shall be subject to review by the ARB to the extent required by Article 7 of the Zoning Ordinance for Historic Districts and/or the MOA as may be applicable. On-site development and demolition activity in proximity to the historic structures to remain shall be done in substantial conformance with the procedures that follow:

(i) Around each historic structure or group of historic structures, an area of land not less than ten (10) feet from the structure(s) will be enclosed with chain link fencing (one (1) opening per side permitted), consisting of at least six (6)-foot steel posts driven 18 inches into the ground and placed no further than ten (10) feet apart, so as to prevent accidental damage by heavy construction equipment during on-site demolition and earth moving activities. Steel posts and fencing may be removed once such activities are completed, to provide necessary access to the structure and the land adjacent to it. Nothing herein shall preclude activity within this area as long as such activities do not harm the building or its foundation, as described in 5(a)ii below.

(ii) For each protected building or structure, a line of foundation protection shall be delineated from the base of the foundation, with such line to be shown on all grading and/or site plans (e.g. a plan section or profile), including rough grading plans. If the building foundation is concrete, a line of protection shall be drawn at a 45-degree angle from the base of the foundation projecting downward. If the building foundation consists of rock or rubble, the Applicant's structural engineer will determine if a wider line of protection is necessary to the satisfaction of DPWES. If activities such as excavation, installation of utilities, stabilization/development activities related to the Greenway, or building restoration/modification are necessary within this area of protection, measures will be taken to insure the stability of the building foundation per current structural engineering standards and to the satisfaction of DPWES. A wider area may be required where deemed necessary by the County. Nothing herein shall preclude surface grading around the buildings to a depth of 6 to 12 inches, landscaping, or other activities that will not harm the building foundation.

(b) Archeological Investigation. Prior to the first site plan approval, the Property shall be subject to a Phase I archeological survey conducted in conformance with the MOA. If warranted by the initial Phase I survey, as determined by Fairfax County, subsequent Phase II archeological evaluation and/or Phase III archeological data recovery excavations shall occur with the scope of work of such potential Phase II and Phase III analyses and any associated recovery of artifacts being consistent with the requirements of the MOA and subject to review and approval by the Cultural Resource Management and Protection Section (the Section) of the Fairfax County Park Authority. Prior to the

design of any Phase I, II or III archaeological study, the Applicant or consultant shall consult with the Manager of the Section as to the scope and schedule of the studies.

6. PERMITTED USES/HOURS OF OPERATION

(a) Permitted Uses. As described on the CDPA/FDPA, the Property may be developed with the following permitted principal and secondary uses.

- Museum/Cultural Center and Similar Facilities to include Gallery, Demonstration and Exhibit Areas (generally, W-2 – W-11, W-16 and W-29 if retained)*
- Theater (W-12),
- Music Barn (W-22) with outdoor grassed seating area
- Performing Arts Center (W-17, W-18, W-18A)
- Events Center (W-01)
- Office uses in support of or affiliated with Workhouse functions or activities
- Residential-multifamily (N-1, N-2)
- Eating Establishments, (N-3, N-4, W-13)
- Commercial Recreational Use (Events Center, W-01) to consist of meetings, receptions, exhibitions and similar functions/uses
- Ballfields
- School of Special Education to include classes in the visual, performing, movement, and culinary arts and which may include select college level courses (to be restricted per Proffer 6g)

- Accessory retail and other accessory services uses limited to 20% of total gross square footage on site (Gross square footage of gallery space shall not be included in the 20% calculation.).
- Outdoor retail display in the horticultural area, limited to a total of 2,700 square feet

This proffer shall not preclude establishment of accessory and accessory service uses. Such accessory uses may include, but shall not be limited to the incorporation of certain food service and eating establishments within otherwise permitted uses.

(b) Location of Certain Uses. The Artists Colony, Freestanding Eating Establishments, Music Barn, Theater, Events Center and Performing Arts Center shall be located in the buildings so designated on the CDPA/FDPA. Other permitted uses may be located within varying locations, subject to conformance with these proffered conditions.

(c) Occupancy of Artists Colony. Occupancy of those residential units identified as the "Artists Colony" (N-1, N-2) shall be limited to persons directly involved with an activity of the Workhouse, including, but not limited to, artists, producers, directors, interns, fellowship recipients, educators, apprentices, paid and volunteer staff of the Workhouse, enrollees in Workhouse classes and other members of the Lorton Arts Foundation. Preference in leasing shall be given to visual and performing artists. The units in N-1 and N-2 shall be designed as live/work apartments to include all the elements of a dwelling unit as defined by the Zoning Ordinance in addition to studio workspace. The first floor shall be designed to include gallery/exhibition space. Additionally, twice a year, the Artist Colony (N-1 and N-2) shall be open to the public as part of a program to educate the community about the live/work apartment concept.

(d) Hours of Operation. The hours of operation at the Museum/Cultural Center, Theater, Events Center, Music Barn and Eating Establishments shall be limited to the following:

(i) Museum/Cultural Center

Attendance by outside visitors at the Museum/Cultural Center (W-02, W-03) and associated artist studio(s) shall be limited to the hours between 8:00 a.m. and midnight seven days per week.

(ii) Theater

Performances at the Theater (Building W-12) shall be permitted between the hours of 8:00 a.m. and midnight seven days per week.

(iii) Performing Arts Center.

The hours of operation at the Performing Arts Center (W-17, W-18, W-18A) shall be between the hours of 8:00 a.m. and 1:00 a.m. seven days per week. Performances and events shall end no later than 11:00 pm. The remaining hours between 11:00 p.m. and 1 a.m. shall be for breakdown of performances and events.

(iv) Events Center

The hours of operation at the Events Center (Building W-01) shall be from 7:00 a.m. to 2:00 a.m. seven days a week. Events shall end no later than midnight, except for New Year's Eve and five (5) other similar events falling on a Friday,

Saturday, or holiday. The remaining hours between midnight and 2 a.m. shall be for breakdown of performances and events.

(v) Music Barn

The hours of operation at the Music Barn (Building W-22) shall be 8:00 a.m. to 1:00 a.m. seven days per week. Performances shall end by 11:00 pm. The hours of performances at the Music Barn may be further restricted based on the noise study in Proffer Number 8 (k). The remaining hours between 11:00 p.m. and 1 a.m. shall be for breakdown of performances and events

(vi) Free-Standing Eating Establishments

Any free-standing Eating Establishments shall be permitted to operate within the hours of 11:00 a.m. to 11:00 p.m. from Sunday through Thursday and 11:00 a.m. to 1:00 a.m. on Friday and Saturday. Other eating establishments or food sales activities shall be limited by the hours of the building in which they are located.

There shall be no "hourly" restrictions on the use and occupancy of structures and facilities by the individual artists and/or staff/employees of the Workhouse.

- (e) Culinary Arts Program. The classes associated with the culinary arts program shall be a part of the school of special education and part of the total enrollment of 450 students. The areas devoted to the culinary arts programs shall include elements such as brewery/wine-making, bakery, creamery and the like. Activities to take place in such areas shall include demonstration and exhibition, classes and accessory sales of produced goods to visitors of the Workhouse. The areas shall not have the characteristics to be deemed an eating establishment or food

production facility and any area devoted to accessory retail sales associated with the culinary arts program shall be limited to 10% of the square footage of the culinary arts area.

- (f) School of Special Education. The school of special education may be located within any building on the property. The maximum daily enrollment of the School of Special Education shall be 450 students with no more than 450 on site at any one time. The Applicant, in association with a University(s), may offer college or university level accredited classes provided the classes are reasonably related to the visual, performing, culinary or literary arts and/or other programming or activity occurring at the Workhouse from time to time. There will be no dorms, dining facilities or similar elements specifically for the university students on the property.
- (g) Energy Star. The appliances utilized in the Artist's Residences (N-1 and N-2), including dishwashers, refrigerators and freezers, and clothes washers shall be Energy Star Certified or an equivalent rating.

7. SCHEDULING OF EVENTS.

- (a) Limitations for Certain Venues.

- (i) Except as provided for in Paragraph (b) below, at no time shall scheduled events having a combined total projected attendance or ticket sales of more than 1200 Outside Guests be concurrently scheduled at either the Music Barn (W-22), Theater (W-12), Performing Arts Center (W-17, W-18, W-18B), Events Center (W-01) and/or

common/lawn areas of the Workhouse. For the purpose of these proffers, a scheduled event shall mean a performance, concert, social gathering, conference or similar function whereby attending of an amount or duration above and beyond that associated with other permitted uses is expected. For the purpose of these proffers, "Outside Guests" shall mean those persons attending scheduled events based on tickets available or permitted seating capacity and/or persons "guaranteed" for catering purposes that are not employees, vendors or contractors of the Workhouse, its assigns, or affiliated franchise facilities, or individuals otherwise engaged in technical or production elements of any such scheduled event. The term "concurrently scheduled" shall mean such scheduled events having a published starting or projected ending time within 44 minutes of one another.

(ii) Peak Hour Restrictions. Irrespective 7(a)(i) above and 7(b)(i) below, during weekday (Monday-Friday) peak hour (5:00 pm-7:00 pm) periods, the term "concurrently scheduled" shall mean scheduled events having a published starting or ending time within 119 minutes of one another.

(iii) Monitoring. To confirm compliance with these occupancy requirements, the schedule of starting or ending times for any scheduled events and projected attendance based on tickets sold/distributed, persons "guaranteed" for catering purposes or other similar information shall be furnished to DPZ on request.

(iv) Use of Non-Paved Parking. Any time a total projected attendance of 700 Outside Guests is anticipated, staff shall be available to direct guests and visitors to designated overflow parking areas on the site.

The restrictions above shall not preclude occupancy by any Workhouse facility staff and/or technical professionals for set up, rehearsals and similar purposes.

(b) Special Events.

(i) For the purpose of these proffers, a “Special Event” shall be an event associated with an otherwise Permitted Use that has a number of Outside Guests that exceed the occupancy limitation in 7(a) above. Such events are anticipated to involve numbers of artists, exhibitors, performers and Outside Guests beyond that associated with day to day operation of the Workhouse. A Special Event may also occur over the course of a multi-day period, which shall not exceed three (3) consecutive days.

(ii) During the first five (5) years of operation following the issuance of the first NonRUP, the Applicant reserves the right to schedule up to six (6) so-called “Special Events” per year. The initial Special Event shall be limited to up to 600 outside guests above that otherwise allowed by Proffer 7(a).

(iii) Following the first five (5) years of operation, the number of Special Events may be increased to allow a total of twelve (12) Special Events per year, subject to approval by the County upon a determination that the special events met the applicable County codes, regulations and ordinances, complied with the terms of the agreements in (d) below and that in the judgment of the County, traffic associated with the special event did not result in an unacceptable level of congestion.

(c) Sanitation for Special Events. All such Special Events shall require the provision of additional temporary bathroom facilities or similar sanitation measures as may be required by the Fairfax County Health Department. It shall be the responsibility of the

Applicant to obtain any and all necessary Health Department approvals prior to all such Special Event.

(d) Off-Site Parking for Special Events.

(i) Special Events shall require the provision of off-site parking arrangements sufficient to accommodate those vehicular trips reasonably projected to occur as a result of the Special Event and any regularly scheduled or permitted uses and activities at the Workhouse. Prior to the first Special Event, the Applicant shall provide documentation to the Department of Planning and Zoning, Zoning Administration Division and shall identify: (1) areas reserved, rented or leased for off-site parking, and (2) the nature and/or form of the associated agreement with the off-site land owner, and (3) a description of any proposed shuttle operation to/from the same (collectively, the "Parking Plan"). The amount of off-site parking shall be based, at a minimum, on the number of Outside Guests expected at the first Special Event and may reflect a greater number of Outside Guests, based on anticipated attendance at future events. Such off-site parking arrangements shall be subject to review and approval to confirm the general sufficiency of available on and off-site parking by DPZ in consultation with Fairfax County Department of Public Works and Environmental Services based on historic operational characteristics of the Workhouse, similar local events, or other similar objective and professionally accepted methodology.

(ii) To the extent the number of Outside Guests at future Special Events does not exceed that described in the Parking Plan, no further review of off-site parking shall be required in connection with future Special Events after the approval of the Parking

Plan. In the event subsequent Special Events propose greater numbers of persons than reflected in the Parking Plan, the Parking Plan shall be revised and reviewed as generally outlined in item 7(d)(i) above. Regardless of the need for further parking review, DPZ and FCDOT shall receive thirty (30) days written notice of all scheduled Special Event.

(iii) In the event following any Special Event, the County identifies objective problems concerning the adequacy or availability of off-site parking, additional review in accordance with item 7(d)(i) above shall occur prior to the next scheduled Special Event.

(e) Use of Tents

Tents for outdoor performances or events may be used on the property provided that any one tent is not erected for more than six (6) months or exceeds 5,000 square feet. Fire Marshall approval shall be obtained for the tent(s), if required, and attendance limits as otherwise stated in these proffers shall apply.

8. ENVIRONMENTAL

(a) Stormwater Management.

(i) Stormwater management and associated BMP measures shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES, unless requirements for the same are waived or modified under the appropriate authority given to DPWES. Any required structural detention facilities shall be located in substantial conformance with the locations of water features or areas reserved for the same on the CDPA/FDPA. The Applicant shall locate, design and construct any off-site stormwater

facilities and other adequate outfall improvements for the Property in accordance with the requirements of DPWES.

(ii) The Applicant intends to seek the necessary waivers to provide portions of the required stormwater management on the adjacent FCPA property as generally shown on the CDPA/FDPA. The Applicant shall coordinate the location, design, and construction of those portions of any off-site SWM/BMP facility with the FCPA prior to site plan submission for the facility, and the same shall be subject to review and approval by the FCPA in conjunction with site plan approval. Offsite SWM/BMP facilities constructed by the Applicant shall include any landscaping screening of the facility in addition to that shown on the CDPA/FDPA, maintenance access to the facility, location/screening of proposed outfall structures, and combined outfall as required by the FCPA and DPWES. Such features shall be identified on the appropriate site plan involving any such SWM/BMP facilities submitted to the County and the FCPA. The Applicant further agrees that any excess capacity associated with the proposed off-site facility may be utilized by the FCPA in connection with the development of its property. If for any reason, arrangements for off-site stormwater management area not available, the Applicant reserves the right to locate all of the required stormwater management on-site in substantial conformance with the CDPA/FDPA. Maintenance of any off-site SWM/BMP facility shall be the responsibility of the Applicant.

(iii) Low Impact Development Techniques. The Applicant shall pursue incorporation of low impact development techniques subject to approval by DPWES. Such measures may include, but shall not be limited to, (i) infiltration trenches, (ii) rain gardens, (iii) rain cisterns, (iv) permeable paving or gravel in select locations. To

increase public awareness of such measures, a narrative and/or pictorial description of any approved low impact development techniques shall be displayed within the Prison Museum or other alternative location suitable for public viewing.

(b) Landscaping.

Landscaping of the parking areas, internal streets, the SWM ponds, and the periphery of the property shall be provided in substantial conformance with the landscaping concepts generally shown on the CDPA/FDPA, subject to changes to reflect Low Impact Development Techniques if such changes are in substantial conformance with landscaping shown on the CDPA/FDPA and shall be subject to review and approval of the Urban Forestry Management Division (UFMD).

(c) Adherence to Limits of Clearing and Grading.

The limits of clearing and grading shall be generally consistent with that shown on the CDPA/FDPA. The Site/subdivision plan shall clearly identify these areas as shown on the CDPA/FDPA. As part of future site plans, the applicant shall provide management practices for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of the UFMD. The applicant shall actively monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. The applicant shall restore understory plant materials, leaf litter and soil conditions to the satisfaction of UFMD if these are found to be damaged, removed or altered in manner not allowed in writing by the UFMD.

If it becomes necessary to install utilities determined necessary by DPWES within areas to be left undisturbed, they shall be located and installed in the least disruptive manner possible as determined by UFMD in coordination with the Environmental and Site Review Division, DPWES. In addition, the applicant shall develop and implement a replanting plan for the portions of protected areas disturbed for utility installation taking into account planting restrictions imposed by utility easement agreements.

Any work occurring in or adjacent to the areas to be left undisturbed, such as root pruning, installation of tree protection fencing and silt control devices, removal of trash, or plant debris, or extraction of trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the lower canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all as approved by UFMD. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFMD.

(d) Root Pruning and Mulching.

The applicant shall (1) root prune the roots of trees to be preserved that may be damaged during clearing, demolition, grade changes, utility installation and/or the

installation of retaining walls; (2) mulch to a minimum depth of 3 inches within the areas to be left undisturbed where soil conditions are poor, lacking leaf litter or prone to soil erosion; and then (3) provide tree protection fencing approved by the UFMD, where deemed necessary by UFMD. The areas that will be root pruned and mulched shall be clearly identified on the Tree Preservation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on any erosion and sediment control sheets and demolition plan sheets of the site plan submission. The details for these treatments shall be included in the Tree Preservation Plan and shall be subject to the review and approved of UFMD.

All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to, the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading and/or demolition of structures.
- Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of the trees.
- Root pruning shall be conducted with the on-site supervision of a certified arborist.
- Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.

- Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 3 inches within designated areas without the use of motorized equipment
- Mulch shall consist of (specify mulch type) wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas. UFMD, DPWES shall be informed in writing when all root pruning and tree protection fence installation is complete.

(e) Tree Protection Fencing.

All individual trees to be preserved/conserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage as set forth below. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading, and shall be shown on the demolition and phase II erosion and sediment control sheets. Tree protection fencing may consist of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart (see attached detail); or, super silt fence as may be approved by UFMD to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.

All tree protection fencing shall be installed prior to Phase II clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is required to be preserved/conserved. At least three days prior to the

commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFMD and the District Supervisor shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas to be left undisturbed have been correctly delineated. UFMD shall provide written notice to the applicant as to whether or not the areas have been delineated correctly. If it is determined by UFMD that the areas are not delineated correctly, no grading or construction activities shall occur on the subject property until the delineation is corrected and field verified by UFMD.

The applicant shall provide signs that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the tree protection fencing. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to left undisturbed.

(f) Tree Preservation Walk-Through

The applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Prior to commencement of any land disturbing activities, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative from the UFMD, to determine where adjustments to the clearing limits can be made to increase the size of the area to be left undisturbed, and to increase the survivability of trees to be conserved or preserved that occur along the edge of the limits of clearing and grading, and/or identify hazardous trees

that need to be removed. Any adjustments agreed to by the applicant and UFMD shall be agreed upon and memorialized in writing by both the applicant and UFMD before any such adjustments are implemented, and such adjustments shall be implemented. Trees to be removed shall be tagged in the field. Trees that are identified in writing by an authorized representative of UFMD as dead or dying may be removed as part of the clearing operation. Any tree that is so identified shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

(g) Site Monitoring

At all times during the installation of tree protection fencing and during any clearing or removal of trees, vegetation, or structures, or transplanting of trees or vegetation on the site, or other similar activities, a representative of the applicant who is a certified arborist or landscape architect shall be present to monitor the process and ensure that the activities are conducted in accordance with the proffers and as approved by the UFMD. The monitoring schedule shall be described and detailed in the Tree Preservation Plan and shall be reviewed and approved in writing by UFMD.

(h) Tree Preservation

At the time of site plan review for the respective portions of the site, the applicant shall submit a tree survey that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual and groups of trees shown on the CDPA/FDPA to be preserved, as well as all on and off-site trees, living or dead with

trunks 6 inches in diameter and greater (measured at 4 ½ feet from the base of the trunk or as otherwise allowed in the 9th edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet of the approved limits of clearing and grading shall also be submitted for review by the UFMD.

(i) Protection and Preservation of White Oaks

Safeguards, as depicted on the CDPA/FDPA, shall be implemented during construction of the restaurant(s) in order to avoid or minimize disturbance to the two specimen white oak trees on the north side of the water line easement near the location of the restaurants. The grading plan shall reflect no future grading within the dripline of those trees beyond that shown on the CDPA/FDPA.

(j) Lighting.

All light fixtures shall be in conformance with the provisions of Part 9 of Article 14, Outdoor Lighting Standards. The maximum height of light standards used in the parking lots shall be 24 feet. The types and locations of all light fixtures shall be subject to the review and approval of the ARB. The location and type of all light fixtures shall be identified on the plans forwarded to the ARB in accordance with Proffer 3, Architectural Review, Paragraph (a).

(k) Noise Mitigation for Music Barn.

(i) Prior to the issuance of a Building Permit for the Music Barn (W-22), the Applicant shall demonstrate through a noise impact study reviewed and approved by DPWES and DPZ (herein the Noise Study) that noise impacts, at the periphery of the property, generated by the indoor and outdoor events at the Music Barn, based on the

nature, type and size of events proposed, can be mitigated to the levels prescribed by the Zoning Ordinance, the Comprehensive Plan and/or the County Code through the appropriate combination of structural and operational requirements. Once the Noise Study is approved, the Applicant shall adhere to the operational and mitigation requirements of the same. Nothing herein shall preclude the Applicant from preparing a subsequent Noise Study to reflect changes to the nature, type and size of events and proposed mitigation measures from that reflected in the approved Noise Study. Any subsequent Noise Study shall also be subject to review and approval by DPWES and DPZ.

(ii) Interior Noise Mitigation for Residential Uses. In order to mitigate interior noise to DNL 45dBA, each dwelling shall have the following acoustical attributes: (1) exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39; (2) doors (excluding garage doors) and windows shall have an STC rating of at least 28. If glazing (excluding garage doors) constitutes more than 30% of any facade, then such windows shall have the same STC rating as the facade; and (3) materials to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission. Any units requiring mitigation shall be identified on the site plan. Compliance with these building material standards will be demonstrated by the Applicant, to the satisfaction of DPWES, prior to the issuance of building permits for the units.

(l) The Applicant shall include a LEED®-accredited professional as a member of the design team who will work with the team to explore and potentially incorporate sustainable design elements and innovative technologies into the construction of building

N-3, N-4 and N-5. At the time of site plan submission, the Applicant will provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such a professional. The Applicant will include, as part of the site plan submission and building plan submission for the restaurants (N-3 and N-4) and the maintenance office (N-5), a summary report of such elements and technologies which may include, but shall not be limited to: construction waste diversion, use of recycled materials, use of regional materials, outdoor air delivery monitoring and controllability of systems, use of low emitting materials such as sealants, paints, carpets, etc., use of native and drought-tolerant plants for landscaping around the buildings, and provision of bicycle racks.

9. RECREATION

(a) Parks and Recreation Contribution. The Applicant shall expend the sum of nine hundred fifty-five dollars (\$955.00) per approved dwelling unit within the Artists Colony for onsite recreation facilities. Such recreational facilities (e.g. gazebos, croquet lawns, bocce courts, badminton courts, sitting areas or similar amenities, and trails providing connections to the Greenway and to County-Wide trails) that do not require fully enclosed structures may be provided within any open space area that is proximate to the Artists Colony without the requirement of a CDPA/FDPA or a proffered condition amendment provided that such are determined to be in substantial conformance with the CDPA/FDPA and are subject to the approval of the ARB as required by these proffers. The balance of any funds not expended onsite, if any, or on the construction of offsite

trails (excluding the Laurel Hill Greenway), shall be provided to the FCPA for recreation facilities in the vicinity.

(b) Use of Ballfield.

(i) The ballfield identified on the CDPA/FDPA shall be the subject of a “sublease” or similar arrangement whereby the FCPA, or its designee is given, rights for access to and programming of the ballfield for practice and routinely scheduled games, along with proportional maintenance obligations based on the amount and nature of use by the FCPA or its designee. Other than these maintenance obligations, such rights shall be given to the FCPA at no cost.

(ii) No “tournament type” activity may be scheduled without permission from the Applicant.

(iii) To prevent conflict with Workhouse activities and special events, specific timing and days of use shall be coordinated between the Applicant and the FCPA or its designee on a semi-annual basis, or more frequently if warranted.

(iv) During Special Events, which are to be identified on a semi-annual basis, the Applicant reserves the right to limit use of the ballfield.

(v) To the extent possible, the ballfield shall remain open for play during construction activity.

(c) Laurel Hill Greenway.

(i) The Applicant shall design, permit and construct, or cause to be constructed, the Laurel Hill Greenway and trail as generally shown on the CDPA/FDPA. The trail shall ultimately be field located in consultation with FCPA Staff and as a result, minor modifications from the configuration shown on the CDPA/FDPA may occur as needed to address topographic or other functional considerations.

(ii) The Laurel Hill Greenway improvements shall coincide with the construction by others of the adjacent portion or portions of the Greenway not addressed in this proffer as obligations of the Applicant, but in no event shall the improvements be constructed later than June 30, 2015.

(iii) The Applicant shall coordinate with the FCPA on the design of the trail in the Laurel Hill Greenway prior to site plan submission for areas of the property involving the trail. The trail shall be typically fourteen (14) feet. As a guideline, approximately ten (10) feet of the trail width is to be surfaced with asphalt, and approximately four (4) feet of the trail width is to be surfaced with stone dust as may be modified as a more detailed plan is designed by the FCPA. The landscaping, trail width, surface materials, and location shall be shown on the Site Plan associated with Phase 3 or such earlier version as may be necessitated by the phasing requirements of these proffer conditions.. The trail is to be maintained by others.

(iv) All improvements to the site within seventy-five (75) feet of the Greenway shall be reviewed and approved by the FCPA, which approval shall not preclude the improvements shown on the CDPA/FDPA.

10. TRANSPORTATION

(a) Interim Lorton Road Improvements. If the eastern (or second) Lorton Road entrance is constructed prior to the improvement of Lorton Road to a four-lane divided facility, the Applicant shall construct interim left and right turn lanes at the easternmost entrance and shall design the entrance in consultation with FCDOT in such a way as to minimize future changes once the final vertical elevation of Lorton Road is determined. The design and configuration of such turn lanes shall be subject to review and approval by VDOT and DPWES.

(b) Access to Non-Paved Parking. Vehicular access to the parking areas labeled as “unpaved parking” and located south and east of the ball field may be provided via a gravel driveway or similar “pervious” material to include grasscrete or similar products from paved travel ways. The location of the access is subject to approval by DPWES. The Applicant further reserves the right to install walkways to provide pedestrian access from on-site overflow areas to the Workhouse.

(c) Access to Northern Virginia Regional Park to the south. Prior to the issuance of the Non-RUP for any venue or combination of venues for which seating or capacity exceeds 620 persons, an additional access point connecting to the entrance road to Occoquan Regional Park shall be constructed, provided that any necessary approvals are obtained from the property owner. It is noted that notwithstanding that shown on the CDPA/FDPA, the intersection shall be designed with the park entrance aligning as a T-intersection into the Lorton Arts driveway unless a different alignment is determined to be appropriate per FCDOT and VDOT. The Applicant shall coordinate with the UFMD to ensure the least amount of vegetative disturbance as possible.

(d) Easternmost Access Point to Lorton Road. Prior to the issuance of the Non-RUP for any venue or combination of venues for which seating or capacity exceeds 1000 persons, the easternmost access point to Lorton Road, as shown on the CDPA/FDPA, shall be constructed. At this time, the westernmost entrance on Lorton Road shall be converted to right-in, right-out only.

11. WATER LINE

Lorton Arts Foundation shall continue to dialogue with the Fairfax County Water Authority (FCWA) regarding the relocation of the water line on site. Either Lorton Arts Foundation shall move the water line or shall fund the relocation to be completed by FCWA, unless a different resolution is agreed upon by FCWA. If relocating the water line is the resolution, no building permits for new construction shall be issued until either relocation of the water line has commenced or funds have been transmitted to FCWA for such relocation. New construction shall not be construed to mean renovations to existing buildings. Lorton Arts Foundation shall vacate the existing water line easement, if necessary.

Signatures to follow on next page

LORTON ARTS FOUNDATION, INC.
(Applicant/Lessee of Tax Map No. 106-4-((1)) 58

By: Sharon L. Mason
Name: Sharon L. Mason
Title: Executive Director

FAIRFAX COUNTY BOARD OF SUPERVISORS,
a body corporate and politic
(Title Owner/Lessor of Tax Map No. 106-4-((1)) 58.

By: Anthony H. Griffin
Name: ANTHONY H. GRIFFIN
Title: COUNTY EXECUTIVE

PROPOSED DEVELOPMENT CONDITIONS

July 13, 2009

FDPA 2003-MV-033

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDPA 2003-MV-033 to allow an arts center on property located at Sub-Parcel G of Tax Maps 106-4 ((1)) 54, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. These development conditions supercede those previously approved. Those conditions marked with the asterisk represent conditions brought forward from the previously approved Final Development Plan. (*)

1. The northern façade of each of the two artists' residences (Buildings N-1 and N-2) (the façade that faces toward Lorton Road) shall be no higher than forty-five (45) feet as measured from the grade along that façade to the mid-point of the roof, if a peaked roof is proposed, or to the top of the roof, if a flat roof is proposed.*
2. Bike racks, benches, picnic areas and a place to obtain water shall be provided within the Arts Center in one or more locations along the Laurel Hill Greenway trail subject to the approval of the Fairfax County Park Authority. *
3. A sidewalk shall be provided at the westernmost entrance along Lorton Road. The sidewalk shall extend from the trail along Lorton Road to connect to the internal pedestrian network.*
4. The left turn lanes from Ox Road (Rt. 123) to the Regional Park Entrance (opposite the Quarry Entrance) and/or to Lorton Road (Rt. 642) shall be lengthened upon demand of either the County or the Virginia Department of Transportation when it is determined that longer turn lanes are warranted by the amount of traffic generated by Lorton Arts Foundation turning left onto Lorton Road or the Regional Park Entrance.
5. If it is determined by the applicant and the Fairfax County Department of Transportation (FCDOT) that a one-way traffic circulation pattern is needed, such change in pattern shall be coordinated with and approved by FCDOT. A one-way circulation pattern may be implemented without the need for a Proffered Condition Amendment or a Final Development Plan amendment so long as the overall site layout is in substantial conformance with the plan as may be approved by the Board of Supervisors.
6. Contrary to access geometrics as delineated on the Ox Road (Route 123) joint access with the Northern Virginia Regional Park Authority, the regional park access shall "T" into the access roadway serving the Lorton Arts Federation site (the subject site) unless an alternative design is approved by the Fairfax County Department of Transportation (FCDOT). The final design shall be subject to FCDOT review and approval.

7. Prior to site plan submission, engineering techniques designed to preserve existing vegetation on the north side of the proposed residences shall be diligently pursued and these efforts shall be documented and coordinated with Urban Forest Management in order to maximize the survivability of trees in that area.



FAIRFAX COUNTY

APPENDIX 4

OFFICE OF THE CLE
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite
Fairfax, Virginia 22035-0

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3

V · I · R · G · I · N · I · A

www.fairfaxcounty.gov/gov/bos/clerkhomepage
Email: clerktothebos@fairfaxcounty.gov

August 25, 2004

Gregory A. Riegler, Esquire
McGuire, Woods, LLC
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102-4215

RE: Rezoning Application
Number RZ 2003-MV-033

Dear Mr. Riegler:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 26, 2004, granting Rezoning Application Number RZ 2003-MV-033 in the name of Lorton Arts Foundation, Incorporated to rezone certain property in the Mount Vernon District from the R-C District to the PDC District, to permit mixed use development on a portion of the former District of Columbia Department of Corrections Facility known as the Occoquan Workhouse, as an Art Center consisting of theaters, cultural center, museums and similar facilities; eating establishments; commercial recreation (Events Center) and multi-family dwellings for resident artists, performers, etc., at a Floor Area Ratio (FAR) of 0.08, located on the east side of Ox Road south of its intersection with Lorton Road, Tax Map 106-4 ((1)) 54 pt. (also known as "Subparcel G"), subject to the proffers dated July 14, 2004, consisting of approximately 56.04 acres.

The Board also approved the Conceptual Development Plan; the Planning Commission having previously approved Final Development Plan Application FDP 2003-MV-033 on July 14, 2004, subject to the development conditions dated July 1, 2004, and subject to the Board's approval of RZ 2003-MV-033, and proffers dated July 14, 2004.

RZ 2003-MV-033
August 25, 2004

- 2 -

In addition, the Board:

- Modified the transitional screening yard requirement along the northern boundary; waived the barrier requirement along the northern boundary;
- Modified the transitional screening requirement, and waived the barrier requirement between the artist residences and the work house;

in favor of that shown on the combined Conceptual/Final Development Plan, as referenced in the proffers.

Further, the Board approved the demolition of the following five buildings as recommended by the Architectural Review Board:

- W-21, Control Building Historical Hospital
- W-21A, Administrative Building Historic Hospital Wing
- W-40, OFACM Shops Heating Plant
- H-42, Medical Services Historic Residence
- H-43, Psychology Historic Residence

and:

- Deferred decision on approval of the demolition of the smokestack at Building W-29 until September 13, 2004, at 3 p.m.

Sincerely,



Patti M. Hicks
Deputy Clerk to the Board of Supervisors

PMH/ns



County of Fairfax, Virginia

MEMORANDUM

DATE: 17 December 2009

TO: Suzanne Lin, ZED Coordinator

FROM: Linda Cornish Blank, Historic Preservation Planner

SUBJECT: Lorton Arts Foundation, Tax map 104-4 ((1)) 58, FDPA 2003-MV-033-02;

Planning Location: Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Lower Potomac Planning District, Amended through 5-4-2009, LP1-Laurel Hill Community Planning Sector, pages 25 & 27:

“Planning History:

“ . . . A Memorandum of Agreement (MOA) between the General Services Administration and 9 other signatories was executed in June, 2001 which fulfilled the responsibilities for complying with the transfer of the property to Fairfax County. The MOA stipulates that Fairfax County was to treat the property as an historic district with the Fairfax County’s Architectural Review Board having oversight of any undertakings such as construction and demolition. . . . ”

“Heritage Resources:

“ . . . The Memorandum of Agreement (MOA) identifies 136 buildings, structures, sites and objects as contributing to the significance of an eligible historic district and encourages Fairfax County to have the property designated as an historic district. On December 7, 2005, the property was listed on the Virginia Landmarks Register and on February 2006, the property was listed on the National Register of Historic Places. Figure 10 shows a map of the historic district boundaries and heritage resources listed on the County’s Inventory of Historic Sites that are outside the district boundaries.

Listing in the National Register honors an historic place by recognizing its importance to its community, state or the nation. Listing in the National Register contributes to preserving historic properties in a number of ways including:

- Recognition that a property is of significance to the nation, the state, or the community.
- Consideration in the planning for federal or federally assisted projects.
- Eligibility for federal tax benefits.
- Qualification for federal assistance for historic preservation, when funds are available.

As noted above, the MOA identified 136 buildings, structures, sites and objects as contributing to the significance of a proposed historic district. While 194 buildings, structures, sites and objects have been identified for inclusion on the National Register of Historic Places, the terms of the MOA apply only to the 136 contributing structures and 106 non-contributing structures referenced in the MOA and described in the January 2000 *Final Historic Structures Determination of Eligibility Report.*”

Department of Planning and Zoning
 Planning Division
 12055 Government Center Parkway, Suite 730
 Fairfax, Virginia 22035-5509
 Phone 703-324-1380
 Fax 703-324-3056
 www.fairfaxcounty.gov/dpz/



Policy Plan: Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Amended through 8-5-2002, Heritage Resources, pages 4-5:

“Objective 3: Protect significant heritage resources from degradation, or damage and destruction by public or private action.

- Policy a. Avoid adverse impacts on or destruction of significant heritage resources unless there is no prudent and feasible alternative, in which case, plan and carry out appropriate mitigation activities to minimize the adverse effect.
- Policy b. Plan and undertake appropriate actions to retain and enhance significant heritage resources to be affected by public or private land use or development.
- Policy c. Establish additional Historic Overlay Districts as appropriate to protect and preserve significant heritage resources.
- Policy d. Assure that the County's regulatory mechanisms are compatible with the protection, retention, and enhancement of significant heritage resources.

Heritage Resources Comment: The subject area of the FDPA application is located within the area subject to the Memorandum of Agreement (MOA) cited in the Plan text above. The MOA stipulates that the property is to be treated as a county historic overlay district. Actions within a historic overlay district, including demolition of buildings, would normally require approval by the county Architectural Review Board (ARB). A building, listed as contributing to the National Register D.C. Workhouse and Reformatory Historic District, was demolished. However, because the MOA does not list the building as contributing to the district, its demolition is not subject to ARB review and approval.

Staff defers to the Cultural Resource Management and Protection Section of the Park Authority regarding proposed treatment at WT-12 and S-08 to uncover the bleachers without damaging them.

Staff briefed the ARB at its December 10, 2009 meeting on the FDPA application and the proposed heritage resources staff recommendation on this application.

Heritage Resources Recommendation: Stipulate development conditions to fulfill the Policy Plan, Heritage Resources, Objective 3, cited above. Staff recommends the following development conditions:

1. All resources identified as contributing to the National Register D.C. Workhouse and Reformatory Historic District shall be retained and maintained. Maintenance for each resource shall be sufficient so as to protect it from demolition by neglect. Fairfax County shall institute a means of: 1) inspection of these resources to ensure sufficient protection; and 2) correct compliance measures if the resources are found not to be sufficiently protected. The inspection will take place at least once per calendar year. This condition shall not apply to those contributing resources previously specifically identified in RZ/FDP 2003-MV-033 for removal.
2. Buildings WB-12 and WB-13 shall be identified on the property with an appropriate plaque, marker or similar identification. The Applicant shall consult with the Fairfax County History Commission (FCHC) in determining the specific site and text of the identification and the site and text shall be subject to the review and approval of the FCHC. Depictions of the architecture, design, use, history and relationship to the overall workhouse of buildings WB-12 and WB-13 shall be displayed within the prison museum proposed to be located within the Workhouse.

3. Building WB-14 shall be retained and relocated on site as approved by the ARB, application ARB-08-LOR-02, at its July, 10, 2008 meeting.
4. Final landscape detail shall be subject to ARB review and approval.
5. All proposed retaining walls identified on the development plans are subject to ARB review and approval.
6. S-07 Central Yard shall be retained as permanent open space.
7. A development condition To Be Determined with Cultural Resource Management and Protection Section of the Park Authority regarding proposed treatment at WT-12 and S-08 to uncover the bleachers without damaging them.

Heritage Resources Recommendation: The applicant make the following corrections and/or clarifications:

1. Stipulate that existing proffers, RZ/FDP 2003-MV-033 and PCA/FDPA 2003-MV-033, remain intact
2. All applicable sheets: Two buildings are labeled as W-15. There is no notation for the building labeled W-15 non-contributing as to whether it will be removed or retained. Correct numbering and stipulate W-15 non-contributing for removal or retention.
3. All applicable sheets: Building labeled as WB-50 unable to locate in the National Register nomination. Identify this building and the source of the number.
4. All applicable sheets: Remove label Ex. Courtyard and re-label as S-07 Central Yard. This is the National Register identification.
5. All applicable sheets: Label Pump House as LT-08. This is the National Register identification.
6. All applicable sheets: Re-label W-14 as WB-14. This is the National Register identification.
7. All applicable sheets: Re-label W-66 as W-86. This is the National Register identification.
8. All applicable sheets: Locate and identify W-66 in accordance with the National Register identification.
9. Sheet 4: Add W0-04 to Other Existing Features Chart. Locate feature on all applicable sheets; label feature to be retained.
10. All applicable sheets: Remove icon indicating rectangular field and replace with icon showing a baseball field. (The baseball field is S-08)
11. Sheet 4: Clarify and/or re-title Other Existing Features Chart. Because the list contains a variety of features: both contributing & non-contributing, both buildings & structures, and features to be retained & removed it is not entirely clear the purpose of the list. Clarify what information the list is intending to provide.



County of Fairfax, Virginia

MEMORANDUM

DATE: December 21, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

FILE: 3-4 (RZ 2003-MV-033)

REFERENCE: FDPA 2003-MV-033-02; Lorton Arts Federation
Traffic Zones: 1635 and 1636
Land Identification: 106-4 ((1)) 58

The following comments reflect the position of the Department of Transportation, and are based on the applicant's statement of justification dated November 17, 2009, and the amended final development plan revised to November 13, 2009. Any approval of the applicant's request should be consistent with the referenced development plan and statement of justification.

The applicant is seeking approval to implement several minor revisions to the development plan and to correct minor omissions so that the development plan is consistent with development that has occurred on the site to date. Minor parking layout modifications are also included.

There are no significant transportation issues associated with the requested modifications.

AKR/CAA

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

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Gilbert Osei-Kwadwo, Chief 
Engineering Analysis and Planning Branch
Wastewater Planning and Monitoring Division

SUBJECT: Sanitary Sewer Analysis Report

REF: Application No. RZ/FDP 2003-MV-033
Tax Map: 106-4- /01/0054 Pt. (Sub parcel G)

DATE: June 23, 2004

The Board of Supervisor's (BOS) recently expanded the approved sewer service area (ASSA) to include the property for the referenced application. Therefore, extension of public sewer is permitted. Sewer service to this property will be provided through an existing pump station which currently has a capacity for 40,000 gallons per day (gpd). There may be other uses within the Laurel Hill community which also have a need for sewer service. However, no commitment can be made, since availability will depend on the current rate of construction and timing of this development. It should also be noted that all capacity is allocated on "first come, first serve" basis with no reservation or guarantee for future requirements.

Furthermore, it has been determined that the applicant's projected sewer need exceed the current available capacity, but the pumping station and its appurtenances could be upgraded to make up the deficit. The applicant therefore needs to proffer to do all the necessary upgrades that may be required to the pumping station and appurtenances when the available capacity reaches 85% before any additional sewer permits will be issued.



FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

**PLANNING & ENGINEERING
DIVISION**

Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

December 14, 2009

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

Re: FDPA 03-MV-033-02
Lorton Workhouse Arts Center

Dear Ms. Coyle:

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

1. The site plan for Lorton Workhouse Phase One (Plan number 1183-SP-014-1) was approved and is an active site plan in our construction department. A major construction issue still exists with this plan which involves relocation of an existing 42-inch water main by the developer due to excessive fill being placed on the main.
2. A revision to Lorton Workhouse Phase One (Plan number 1183-SPV-014-C-1) was received in our office on January 19, 2009 and disapproved due to several issues. Copies of our response letters dated on January 30, 2009 and August 20, 2009 sent to the county and the engineer respectfully are enclosed for your records.

If you have any questions regarding this information please contact Dave Guerra at 703-289-6343.

Sincerely,

A handwritten signature in black ink that reads "Traci K. Goldberg". The signature is written in a cursive, flowing style.

Traci K. Goldberg, P.E.
Manager, Planning Department

Enclosure



County of Fairfax, Virginia

MEMORANDUM

DATE: December 2, 2009

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

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

SUBJECT: Fire and Rescue Department Preliminary Analysis of Final Development Plan Amendment Application FDPA 2003-MV-033-02

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 #441, **Crosspointe**
2. After construction programmed _____ this property will be serviced by the fire station _____
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is 0.2 of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

Proudly Protecting and
Serving Our Community

Fire and Rescue Department
4100 Chain Bridge Road
Fairfax, VA 22030
703-246-2126
www.fairfaxcounty.gov



ARTICLE 16

DEVELOPMENT PLANS

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

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

DEVELOPMENT PLANS

PART 2 16-200 PROCEDURES FOR REVIEW AND APPROVAL OF A PRC DISTRICT

All proposed developments of a PRC District, as permitted by the provisions of Part 3 of Article 6, shall be subject to the following procedures for review and approval.

16-201 Comprehensive Plan Approval

1. A PRC District may only be established in an area designated on the adopted comprehensive plan for a planned residential community. Therefore, before the initial establishment of a PRC District, the applicant shall propose an amendment to the adopted comprehensive plan to permit a planned residential community, which shall contain not less than 750 contiguous acres owned and/or controlled by a single individual or entity.
2. Such comprehensive plan amendment shall be presented in at least the same level of detail as the adopted comprehensive plan for the area under consideration. In particular, the amendment shall be prepared in accordance with the provisions of Sect. 301 below.
3. In conjunction with the submission of a proposed comprehensive plan amendment, the applicant shall submit a general development schedule showing the approximate time frame of the development.
4. Ten (10) copies of the proposed comprehensive plan and development schedule shall be submitted to the Director of the Department of Planning and Zoning (DPZ) along with a written request for the consideration of an amendment to the adopted comprehensive plan.
5. Upon receipt, the Director of DPZ, in accordance with adopted procedures for consideration of comprehensive plan amendments, shall cause a thorough review of the proposed amendment by all appropriate agencies. Upon a finding that additional information may be needed to complete the review, the Director of DPZ shall request same of the applicant.
6. As part of the review, the Director of DPZ shall cause a complete analysis of the proposed development schedule and the impact of the development on all public facilities and utilities.
7. Upon completion of such review, the plan amendment shall be submitted to the Planning Commission.
8. The Planning Commission shall hold a public hearing to consider the comprehensive plan amendment and shall forward its recommendation for approval, approval with modifications, or disapproval to the Board. The Board shall hold a public hearing thereon and shall approve, approve with modifications, or disapprove the proposed amendment.
9. When approved, the comprehensive plan for a planned residential community shall constitute a part of the adopted comprehensive plan of the County and shall be subject to review and revision from time to time. Any revision to the adopted comprehensive plan initiated by an applicant, other than the Planning Commission or the Board, shall be

FAIRFAX COUNTY ZONING ORDINANCE

subject to the same procedures as the original amendment and the requirements of Sect. 301 below.

10. Additional land may be added to a planned residential community if it represents a logical extension of the planned residential community under the adopted comprehensive plan and is adjacent thereto. Any addition of land to a planned residential community shown on the adopted comprehensive plan shall be subject to the same requirements and procedures as the original amendment except for the minimum requirement of 750 acres owned and/or controlled by a single individual or entity.

16-202

Rezoning to a PRC District

1. Following Board approval of the comprehensive plan for a planned residential community, the Board may approve an application for rezoning to a PRC District subject to the provisions of this Part and Part 2 of Article 18. The initial rezoning to establish a PRC District shall contain a minimum land area of 750 contiguous acres owned and/or controlled by a single individual or entity.
2. The rezoning application shall include, in addition to the requirements presented in Sect. 18-202, a development plan. Such rezoning application and development plan shall be in accordance with the adopted comprehensive plan for the planned residential community, the standards set forth in Part 1 above and the PRC District regulations and objectives.
3. The rezoning application and development plan shall be filed with the Zoning Administrator and shall contain the information required by Sect. 302 below. A development plan not filed with the initial submission of the application shall be submitted to the Zoning Administrator within sixty (60) days of the acceptance date of the application. Failure to meet this requirement shall change the acceptance date of the application pursuant to Sect. 18-107, and may be due cause to dismiss the application in accordance with Sect. 18-209.
4. Upon a determination by the Zoning Administrator that the rezoning application and the development plan are complete in accordance with the requirements of Sect. 302 below, the application and plan shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the application and plan shall be submitted to the Planning Commission.
5. The Planning Commission shall consider the rezoning application and development plan in accordance with the adopted comprehensive plan, the standards set forth in Part 1 above and the PRC District regulations and objectives, and shall hold a public hearing thereon. Subsequent to the public hearing, the Commission shall transmit the rezoning application and development plan to the Board with its recommendation to approve, approve with modifications or disapprove.
6. The Board shall consider the rezoning application and development plan in accordance with the adopted comprehensive plan, the standards set forth in Part 1 above and the PRC District regulations and objectives, and shall hold a public hearing thereon.
7. In the event the Board shall approve the rezoning application, the Board shall also approve or approve with modifications or conditions the development plan. Such

DEVELOPMENT PLANS

conditions or modifications may be established by the Board to assure compliance with the standards of Part I above and the district regulations. Further, the Board may waive or modify subdivision and/or site plan requirements otherwise applicable to the development when such waiver or modification would be in conformance with said standards and regulations.

8. In the event that the Board shall disapprove the rezoning application, the development plan shall thereby be deemed to be denied.
9. Once a development plan has been approved, all subsequent approvals, uses and structures shall be in substantial conformance with the approved development plan and any development conditions associated with such approval. Should there be cause for amendment of the development plan or any portion thereof, such amendment shall be processed as a new submission. A development plan amendment application may be filed on a portion of the property subject to an approved development plan, upon a determination by the Zoning Administrator that the amendment (a) would not adversely affect the use of the property subject to the development plan and conditions but not incorporated into the amendment application, (b) would not inhibit, adversely affect, or preclude in any manner the fulfillment of the development plan and conditions applicable to the area not incorporated into the amendment application, and (c) would not increase the overall approved density/intensity for the development. The portion of the development plan and previously approved conditions which are not subject to the amendment request shall remain in full force and effect.
10. Additional land may be added to a PRC District by a rezoning application if such land is included within the area of the adopted comprehensive plan, if it represents a logical extension of the area zoned PRC, and if it is adjacent thereto. Any addition of land to the PRC District shall be subject to the same requirements and procedures as the original application except for the minimum requirement of 750 acres owned and/or controlled by a single individual or entity.

16-203 PRC Plan Approval

1. Subsequent to the approval of a rezoning application, a PRC plan shall be required for those uses as set forth in Par. 2 below. The Board may approve a PRC plan subject to the provisions of this Part and Sect. 18-110. Such PRC plan shall not be approved by the Board until the rezoning application and development plan have been approved by the Board. However, a PRC plan may be filed with and included in the processing of the rezoning application and development plan.

All PRC plans shall be in accordance with the approved rezoning and development plan, any conditions or modifications that may have been approved by the Board, the design standards of Sect. 102 above, the applicable objectives and regulations of the PRC District and the provisions of Sect. 303 below.
2. A PRC plan shall be required for all uses, except the following:
 - A. Single family detached dwellings, provided the general street and lot layout are shown on the approved development plan.

DEVELOPMENT PLANS

- C. For all approved rezonings and development plans, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
- (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
 - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved development plan, such modification shall require the resubmission and amendment of the development plan in accordance with Sect. 202 above.

9. Notwithstanding Par. 8 above, any modification to provide an accessibility improvement shall be permitted and shall not require approval of a development plan amendment.
10. Once a PRC plan has been approved, any proposed amendment shall be processed in the same manner as the original submission.
11. Preliminary site plans approved prior to December 6, 1994 and preliminary site plans approved pursuant to the grandfather provisions for Zoning Ordinance Amendment #94-263 shall be deemed to be approved PRC plans. Additionally, PRC plans processed and approved prior to March 27, 2007 shall be deemed to be approved PRC plans and shall be valid for three (3) years from the date of approval. However, if a site plan for all or a portion of the area is approved during that period, the approved PRC plan for the corresponding area shall remain valid for the life of the site plan.

16-204

Site Plan/Subdivision Plat Preparation

1. Site plan and/or subdivision plat approval shall be required subsequent to the approval of the rezoning and development plan and a PRC plan, if required under Sect. 203 above. Submission and approval of such site plans or subdivision plats, the issuance of Building Permits, Residential and/or Non-Residential Use Permits shall be in substantial conformance with the approved rezoning and development plan and the PRC plan, if applicable, and in accordance with the design standards of Sect. 102 above, the

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may 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.