



APPLICATION ACCEPTED: September 9, 2009  
PLANNING COMMISSION: February 4, 2010  
BOARD OF SUPERVISORS: February 9, 2010  
@ 3:30 pm

## County of Fairfax, Virginia

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# CRA

January 19, 2010

### STAFF REPORT

#### APPLICATION PCA 79-P-038-02

#### PROVIDENCE DISTRICT

**APPLICANT:** Nevzat Kansu and Hacer K. Kansu

**PRESENT ZONING:** I-5, HC

**PARCEL(S):** 49-2 ((5)) 5

**ACREAGE:** 20,066 square feet

**FAR:** 0.45

**OPEN SPACE:** 10%

**PLAN MAP:** Retail, industrial, and warehouse

**PROPOSAL:** Amend RZ 79-P-038, previously approved for industrial development, to add an alternate plan that permits the existing building to be retained for I-5 uses.

#### STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 79-P-038-02, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of the modification of the open space requirement to 10% for the Interim Development Plan.

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Staff recommends approval of a modification of the ten foot setback for off-street parking to permit a seven foot setback from Juniper Street and 4.5 foot setback from the future connector road.

Staff recommends that the Board of Supervisors direct the Director of DPWES to waive the Tree Inventory and Poor Condition Analysis as outlined in PFM 12.0502.1A.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this proffered condition amendment does not interfere with, abrogate or annul any easement, 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.

*N:\PCA\PCA 79-P-038-02 Kansu\Staff Report\_Cover.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).

# Proffered Condition Amendment

PCA 79-P-038-02



Applicant:  
Accepted:  
Proposed:

NEVZAT KANSU AND HACER K. KANSU  
09/24/2009  
AMEND RZ 79-P-038 PREVIOUSLY APPROVED FOR INDUSTRIAL DEVELOPMENT TO PERMIT MODIFICATIONS TO THE APPROVED PROFFERS

Area:

20,066 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect:

Located:

WEST SIDE OF JUNIPER STREET  
APPROXIMATELY 700 FEET NORTH OF LEE ROAD

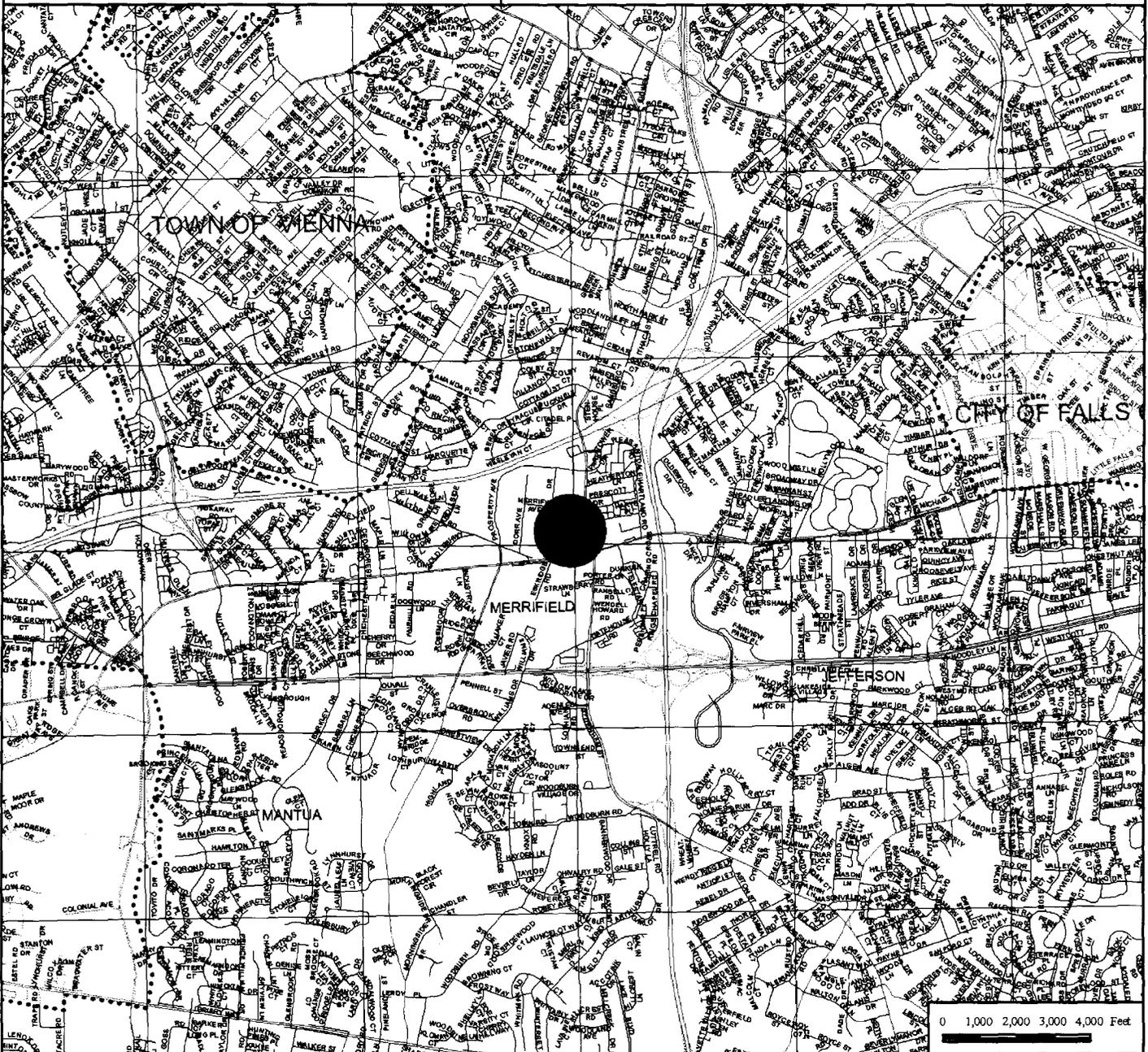
Zoning:

I- 5

Overlay Dist:

Map Ref Num:

049-2- /05/ /0005



# Proffered Condition Amendment

PCA 79-P-038-02

Applicant:

NEVZAT KANSU AND HACER K. KANSU

Accepted:

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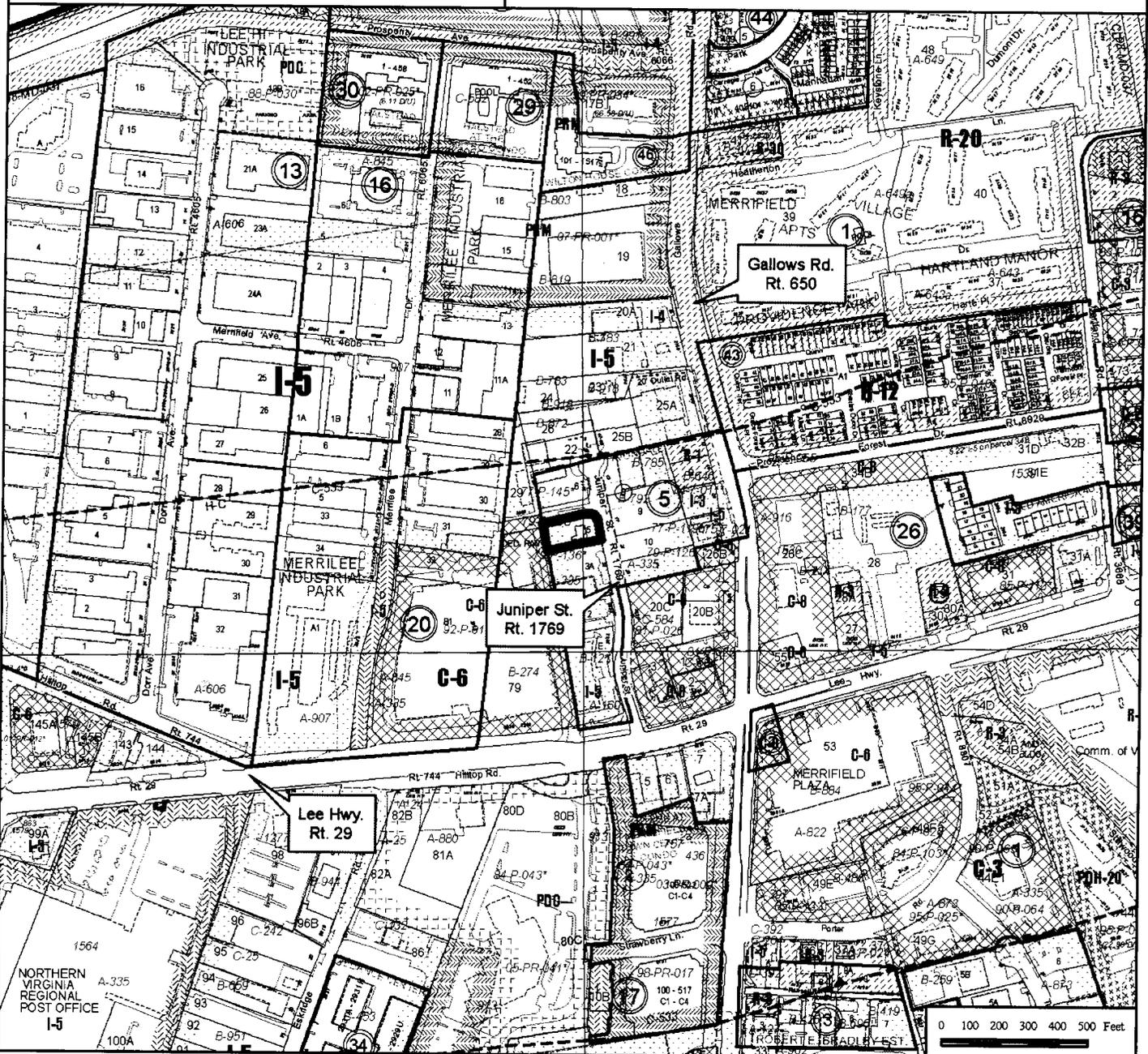
Zoning:

I-5

Overlay Dist:

Map Ref Num:

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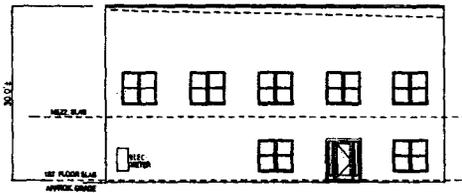




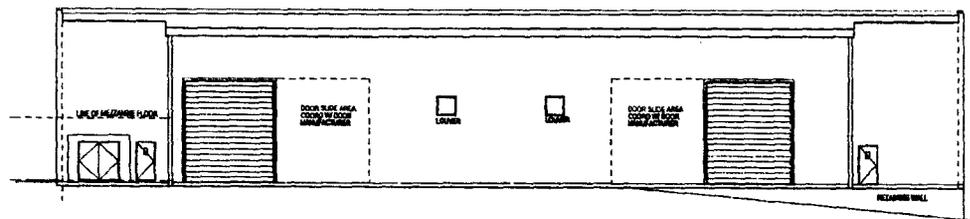








**JUNIPER STREET FACADE**  
SCALE: 1" = 10'



**FUTURE CONNECTOR STREET FACADE**  
SCALE: 1" = 10'

NOTE: BUILDING ELEVATIONS FOR INTERIM AND ULTIMATE PLANS ONLY!

**Bowman**  
CONSULTING

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Suite 201  
Chantilly, Virginia 20151  
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www.bowmanconsulting.com  
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BUILDING ELEVATIONS  
**NEKA PROPERTY**  
FAIRFAX COUNTY, VIRGINIA  
PROVIDENCE DISTRICT

K2 75-R-028-001  
COUNTY PROJECT NUMBER



NO.	DATE	BY	DESCRIPTION
1			PRELIMINARY
2			REVISED
3			REVISED
4			REVISED
5			REVISED
6			REVISED
7			REVISED
8			REVISED
9			REVISED
10			REVISED

DATE	DESCRIPTION

DATE	DESCRIPTION

DATE	DESCRIPTION

DATE	DESCRIPTION

DATE: AUGUST 2004  
FILE NO: 2182-O-27-001

SCALE: 7/8" = 1'-0"  
SHEET: 7 OF 8

P:\2182 - Neka Property\2182-01-001 (PLN)\Planning\Plans and Submissions\2182-01-001\_RLDG\_ELEV.dwg



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

**DESCRIPTION OF THE APPLICATION**

**Proposal:**

The applicants, Nevzat Kansu and Hacer K. Kansu, request approval of a Proffered Condition Amendment (PCA) to amend RZ 79-P-038 for the 20,066 square foot site zoned I-5 (General Industrial) and HC (Highway Corridor Overlay), to permit the addition of an alternate plan, which would allow the existing structure to be retained for specified I-5 uses.

Pursuant to PCA 79-P-038, the Board of Supervisors approved a plan that permitted the removal of the existing small structure and the development of a 7,975 square foot (0.45 FAR) warehouse facility (Ultimate Development Plan). An interim development option included in the GDP provided for the development of the site with parking provided off-site in the dedicated right-of-way for the future east-west connector road located to the north of the site. The site has an agreement with the Board of Supervisors to utilize the right-of-way to the north of the site for parking and storage of goods and materials until such time that the right-of-way is needed for the construction of the east-west connector road. When the right-of-way is needed, the parking will be shifted on-site and the site would be developed in accordance with the Ultimate Generalized Development Plan.

With this application, the applicants propose to add a second alternative interim plan, which would allow the retention of the existing small structure on-site in order to utilize it for specified I-5 uses until such time as the Interim or Ultimate GDP, as previously approved, can be developed. The applicant has included this option in the GDP as an "Alternate Interim Development Plan." All previous proffers and the two previously approved alternate plans have been carried forward.

Copies of the proposed proffers, Affidavit, and Statement of Justification are contained in Appendices 1-3, respectively.

**Modifications:**

The applicants request a reaffirmation of a modification of the minimum open space requirement of 15% in order to provide 10% of the site as open space for the Interim Development Plan. The application meets the open space requirement for the Alternate Interim and the Ultimate Development Plan.

The applicants also request a reaffirmation of a modification of the ten foot setback for off-street parking to permit a seven foot setback from Juniper Street and 4.5 foot setback from the future connector road for the Ultimate Development Plan. The application meets the setback requirements for the Alternate and Interim Development Plans.

**LOCATION AND CHARACTER**

**Site Description:**

The subject property is located on the west side of Juniper Street, approximately 700 feet north of Lee Highway (Route 29), and is located within the Merrifield Commercial Revitalization Area (CRA). The small former residence on the property has been previously used as an office. Access to the site is from Juniper Street. The dedicated right-of-way north of the site for a future east-west connector road to Merrilee Drive has been utilized for outdoor storage and dumpsters.

**Surrounding Area Description:**

Direction	Use	Zoning	Plan
North	Industrial	I-5	Industrial, warehouse
South	Industrial	I-5	Industrial, warehouse
East	Industrial	I-5	Industrial, warehouse
West	Home Depot	C-6	Retail

**BACKGROUND**

On March 10, 1980, the Board of Supervisors approved RZ 79-P-038 to rezone the subject site from the R-1 District to the I-5 District. A development plan was submitted, but not proffered, that depicted the existing structure to remain. The applicant proffered to submit a Generalized Development Plan upon redevelopment of the site. Subsequent to the rezoning, on November 3, 1981, the Board of Supervisors granted permission for the subject site to utilize the dedicated right-of-way for the future connector road to the north for storage and parking until such time as the right-of-way is needed for the road construction (copy of the agreement is depicted on Sheet 8 of the GDP).

On July 11, 2005, the Board of Supervisors approved PCA 79-P-038 to amend the proffers for RZ 79-P-038 to permit the removal of the existing structure in order to construct a 7,975 square foot warehouse facility, including Interim and Ultimate Development options, subject to proffers dated February 22, 2005. The Board also approved a waiver of the open space requirement for the Interim Development Plan and a modification of the ten foot setback requirement for off-street parking.

The proffers approved with PCA 79-P-038 and a reduction of the GDP are included as Appendix 4.

**COMPREHENSIVE PLAN PROVISIONS** (Appendix 5)

The Fairfax County Comprehensive Plan, 2007 Edition, Area I, Merrifield Suburban Center, as amended through August 6, 2007, Land Unit Recommendations, Land Unit C, Sub-Unit C-5, beginning on page 60 states:

“Sub-Unit C5 is located at the northwest quadrant of Route 29 and Gallows Road and is planned and developed with a mix of retail, industrial, and warehouse uses. Any modification or expansion of the existing buildings should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section.”

Additional relevant plan text can be found in Appendix 5.

**ANALYSIS**

**Generalized Development Plan** (Copy at front of staff report)

Title of GDP: “Neka Property”

Prepared By: Bowman Consulting

Original and Revision Dates: July, 2009 as revised through September 1, 2009

Description of the Plan:

<b>SHEET #</b>	<b>DESCRIPTION</b>
Sheet 1	Cover Sheet, Notes, Vicinity Map
Sheet 1A	Alternate Interim Development Notes
Sheet 2	Interim GDP
Sheet 2A	Alternate Interim GDP
Sheet 3	Interim Landscape Plan
Sheet 3A	Alternate Interim Landscape Plan
Sheet 4	Ultimate GDP
Sheet 5	Ultimate Landscape Plan
Sheet 6	Existing Vegetation Map
Sheet 7	Building Elevations
Sheet 8	Original Proffers and Agreements

The Interim and Ultimate development options included in the GDP were approved with PCA 79-P-038. This PCA seeks approval of an additional development option, the Alternate Interim Plan, in order to add the option to retain the existing structure on site for specified I-5 uses.

All previous proffers have been carried forward, and the other two development options remain unchanged.

Minor improvements to the site as proposed with this Alternate Interim Plan include the following:

- Board on board fence along the site's northern frontage for screening the use and potential outdoor storage
- Additional landscaping along Juniper Street and the southern property line
- The addition of loading spaces along the western portion of the existing building
- Reconfiguration of the parking lot, including the removal of existing asphalt and the addition of open space.
- No stormwater quality or quantity controls are shown or anticipated to be required as part of this development option. A note on the GDP indicates that the area of disturbance will be less than 2500 square feet; therefore, water quality controls would not be required. This development option represents a decrease in impervious surface as compared to the existing site conditions; therefore, stormwater detention would not be required provided that adequate outfall can be demonstrated at site plan.

#### **Land Use and Environmental Analysis (Appendix 5)**

**Comment:** The applicants propose to establish an alternative interim use which would retain the existing 1,388 square foot building on a 20,066 square foot parcel zoned I-5 in addition to the approved 7,975 square foot interim butler-building warehouse. As noted by the applicants, the alternative interim use of the existing building under this application would include less intensity, more open space and greater reduction in impervious surface than the approved interim butler-building warehouse. As such, staff finds the proposed alternative interim use more desirable than the approved interim use. Staff suggested that the proposed Alternate Interim Plan replace the Interim Development Plan. The proposed alternative interim use would not prohibit land consolidation and redevelopment consistent with the long term land use vision of the Merrifield Suburban Center.

In consideration of Comprehensive Plan guidance related to transportation, which includes TDM programs, interparcel access, and drive-through uses that

are low traffic generators, approved I-5 uses associated with this request should be limited to uses which would generate limited trips. In addition, any proposed outdoor storage on site should be limited and its potential visual impacts should be mitigated with a board-on-board fencing and landscaping.

**Resolution:** The applicant has modified the proffers to exclude certain I-5 uses, such as Schools of Special Education or Schools of Private Education, which staff considers high trip generating uses. The applicant has included a proffer to provide a board on board fence on certain portions of the site's frontage in order to mitigate the visual impacts of the building and outdoor storage. As the applicant has already received approval by the Board of Supervisors for the Interim Development Plan; they do not desire to remove this option from the proposal at this time. Additional landscaping has been provided where possible. Staff believes this issue is addressed.

**Issue: Water Quality Protection/Stormwater Management Best Management Practices (BMP)**

The 20,066 square foot subject property is situated on the eastern edge of the Accotink Creek Watershed within an existing industrial area of the Merrifield Suburban Center. No new impervious surface is proposed with the Alternate Interim Development Plan. Notes 5 and 6 of Sheet 1 of the development plan indicate that an underground vault device (Stormceptor) and provision of open space are proposed to achieve phosphorous removal and water quality protection in compliance with the Chesapeake Bay Preservation Ordinance for the Interim and Ultimate Development Plans.

**Resolution:** Staff believes the proposal for the alternate interim use is sufficient to address stormwater management, as there is a reduction in impervious surface as compared to the existing site conditions.

**Transportation Analysis** (Appendix 6)

**Issue: Construction Easements**

The applicant has proffered frontage improvements on Juniper Street for the Interim or Ultimate Development Plan, whichever is first, and right-of-way dedication along the future east/west roadway connection. In addition, construction (ancillary) easements should also be provided along the site on Juniper Street.

**Resolution:** The applicant has proffered to provide any ancillary easements needed along the Juniper Street frontage. This issue is addressed.

**Issue: High Trip Generators**

The applicant initially proposed some high trip generators for the site. Proposed uses such as "Child Care Center", "Schools of General and Special Education", and "Financial Institutions" appear inappropriate for such a diminutive site.

**Resolution:** Due to the size of the site, uses of this nature are unlikely. However, the applicant has removed private schools of general and special education, child care centers, and nursery schools from the list of by-right uses in the I-5 district included in the proffers. The applicant has modified the proffers to exclude drive-throughs with financial institutions. Staff believes this issue is addressed.

### **Urban Forestry Analysis (Appendix 7)**

#### **Issue: Tree Canopy Calculations**

The tree cover calculations provided do not appear to be in conformance with the 10-year Tree Canopy Calculations specified in the 2009 Tree Conservation Ordinance.

**Resolution:** Irrespective of that shown on the plat, the applicant will need to submit revised 10-year tree canopy calculations at the time of site plan submission for the Interim Development, subject to verification and approval by UFM. The applicant has included a proffer to ensure these elements are addressed.

#### **Issue: Tree Classifications and Selection**

The deciduous, ornamental, and evergreen tree classifications identified in the legends on Sheet 3A and 5 are unclear. Trees proposed to be planted should be identified as Category I, II, III or IV evergreen trees and/or Category I, III, III, or IV deciduous trees. Leyland Cypress is proposed to be planted; this tree is susceptible to disease and is not suited for this environment.

#### **Resolution:**

The applicant's landscape proffer states that the actual types and species of vegetation shall be included in more detailed landscape plans approved at the time of final site plan. The landscape plans will provide tree coverage and species diversity as outlined in the PFM, as determined by UFM. This issue is addressed.

#### **Issue: Tree Preservation**

Staff recognizes that this application was submitted after January 1, 2009, the date at which the new Section 12 of the PFM became effective. This new Tree Conservation Ordinance emphasizes tree preservation over tree planting when meeting tree canopy requirements. However, in certain cases, it may not be feasible or equitable to meet the tree inventory and poor condition analysis required by the PFM. In cases such as this, there is little to no vegetation existing on the site, and that which does exist is not worthy of preservation. There are off-site trees that should be considered for preservation and protection throughout the development process.

**Resolution:** Staff recommends that the Board of Supervisors direct the Director of DPWES to waive the Tree Inventory and Poor Condition Analysis as outlined in PFM Section 12.0502.1A. Staff supports a waiver of this requirement, as the existing vegetation on site is of low-quality and not worthy of preservation. In addition, the applicant's proposal for the Alternate Interim Development represents a reduction in impervious area from the existing development, thereby creating areas for new landscaping and improving the stormwater and environmental benefits provided. The applicant has included proffer language to ensure the collaboration with the Urban Forester to incorporate any measures to achieve off-site vegetation preservation.

If a waiver of the Tree Inventory and Poor Condition Analysis is not granted, the applicant will need to meet the requirements as outlined in the PFM or request a waiver and justify the request at the time of site plan submittal.

### **Stormwater Management Analysis (Appendix 8)**

#### **Issue: Water Quality Controls**

Water quality controls are required for the redevelopment proposed under either the Interim plan or the Ultimate plan. For these plans, there is a Stormceptor depicted on the plat. The location shown is too close to an existing maple tree.

There are no limits of disturbance shown on the Alternate Interim plan shown on Sheet 2A. A site plan or minor site plan will be required if the limits of disturbance exceed 250 square feet regardless of the land disturbance statement on this sheet. If fewer than 2500 square feet are disturbed with this alternative and the existing gravel was placed under a site plan or minor site plan, water quality controls would not be required. No controls are shown on the plat for this Alternate Interim option.

**Resolution:** The applicant has indicated that the area of disturbance for the Alternate Interim Plan will be fewer than 2500 square feet; therefore, water quality controls would not be required. The applicant has included a proffer to ensure that stormwater detention and BMP will be provided at the time of site plan for the Interim and Ultimate Plans, generally as shown on the GDP. It is likely that the existing maple tree would not be worthy of preservation with either the Interim or Ultimate development plans. The proposed Stormceptor location could also shift slightly based on final engineering and subject to approval by DPWES. Staff believes this issue is addressed.

#### **Issue: Stormwater Detention**

There is an underground detention facility proposed for both the Interim and Ultimate plans. Based on the inverts of the existing system shown on the plat, there does not seem to be a sufficient grade on the property to provide

underground detention. The applicant has indicated a PFM modification will be pursued for an arched-chamber underground storage facility to address this issue; such a modification is likely to be approved.

Since a decrease in impervious surface is proposed in the Alternate Interim plan, stormwater detention would not be required provided that adequate outfall can be demonstrated.

**Resolution:**

A proffer for stormwater management has been included which states that, at the time of site plan for the Interim and Ultimate Development Options, the applicant will provide stormwater detention/BMP systems generally as depicted on the GDP. If it is determined that a PFM modification is needed for an underground storage facility to make the proposal work with the grading on the site, it is likely that DPWES would approve this modification. The applicant has provided the site outfall description as required by the Zoning Ordinance; the description did not raise any concerns about the site's ability to obtain adequate outfall.

There are no outstanding Stormwater Management concerns.

**Revitalization Analysis** (Appendix 9)

**Issue: Additional Development Option**

Staff recommended that the newly requested Alternate Interim Development Plan replace the previously approved Interim Development Plan, rather than be included as an additional interim development option because if the applicant redevelops the site according to the previously approved Interim Plan, it may hinder later attempts to consolidate the parcel into a future mixed use redevelopment project.

**Resolution:** As the applicant has already received approval by the Board of Supervisors for the Interim Development Plan, they do not desire to remove this option from the proposal at this time.

**Issue: Proffered Uses**

Staff is also concerned about the possible permitted uses available to the applicant. It is recommended that the applicant proffer to preclude the following land uses: crematory, heavy equipment and specialized vehicle sale, motor freight terminal, motor vehicle storage and impoundment yards, new vehicle storage, major vehicle service establishment, and storage yards. These uses are not in the long term interest of Merrifield or the long term vision for redevelopment of the area.

**Resolution:** The applicant has modified the proffers to exclude certain I-5 uses that are not in the long term interest of Merrifield, and to limit the types of Special Exception uses that would be permitted on the site. The remaining uses are intended to be true interim uses that require minimal site improvements and therefore allow the site to remain attractive for future consolidation or redevelopment. The applicant has also included a proffered commitment that the right to the uses permitted for the Alternate Interim Plan will terminate ten years from the date this PCA is approved by the Board of Supervisors, unless the Board approves the continuation of the Alternate Interim uses pursuant to another PCA. Staff believes this issue is addressed.

**Issue: Landscaping and Screening**

The proposed Alternate Interim Plan does not provide a detailed landscape plan. Although the proposed development would only be temporary, it should incorporate landscaping in accordance with the Merrifield Streetscape Design Manual. From the provided drawing, staff recommends that the existing chain link fence be replaced with a board on board fence and plantings to screen outdoor storage as proposed near the open space on the site.

**Resolution:**

The applicant has proffered to provide a board on board fence along the site's frontages and has shown additional plantings where possible, namely along the Juniper Street frontage and the southern property line. Staff believes this issue is addressed.

**Sanitary Sewer Analysis (Appendix 10)**

The site is located in the Accotink Creek watershed (M2) and would be sewered into the Norman M. Cole, Jr. Pollution Control Plant. Based upon current and committed flow, there is excess capacity. An existing eight inch line located in on the property is adequate for the proposed use at this time.

**Water Service Analysis (Appendix 11)**

The Fairfax County Water Authority reviewed the application and had no comments.

**Fire and Rescue Analysis (Appendix 12)**

The site is serviced by the Fairfax County Fire and Rescue Department Station #430, Merrifield. The Fairfax County Fire and Rescue Department considers that the subject property currently meets fire protection guidelines.

**ZONING ORDINANCE PROVISIONS (Appendix 13)**

These Bulk Standards apply only to the Alternate Interim Plan. Other development options remain as previously approved.

<b>Bulk Standards (I-5)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Min. Lot Size	20,000 square feet	20,066 SF
Min. Lot Width	100 feet	100 feet
Max. Building Height	75 feet	30 feet
Min. Front Yard	Not less than 40 feet	43.5 feet
Max. FAR	0.50 FAR	0.45 FAR (0.09 for alternate plan)
Open Space	15%	20.4%
Parking Spaces	6 spaces	6 spaces
Loading Spaces	1 space	1 space

<b>TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS</b>		
<b>Direction</b>	<b>Required</b>	<b>Proposed</b>
North	None	Two landscape strips with the ultimate development which include 4.5 foot wide on-site landscaping strip and 12 foot wide off-site landscaping strip.
South	None	None
East	None	Two landscape strips which include 7 foot wide on-site landscaping strip and 11 foot wide off-site landscaping strip.
West	Barrier D, E or F	Barrier D, E or F (as proffered)

**Modifications:**

Modification of the open space requirement

The Board of Supervisors previously approved a waiver of the open space requirement for the Interim Development Plan; it provides 10% open space and the requirement is 15%. The Alternate Interim and the Ultimate Plans both provide in excess of the minimum requirement. As the modification is for only the Interim development, staff has no objection to the continuation of this modification.

### Modification of the ten foot setback for off-street parking

The applicants have requested a reaffirmation of the modification of the ten foot setback for off-street parking from the right-of-way for the Ultimate Development Plan in accordance with Par. 8 of Sect. 11-102 and Par. 3 of Sect. 13-202 of the Zoning Ordinance. No changes to this modification as previously approved are requested. The modification enables the streetscape to be provided in accordance with the Merrifield Streetscape standard and would not have an adverse effect on the adjacent properties. The Alternate Interim Plan and the Ultimate Plan meet the requirements. Staff has no objection to the continuation of this modification.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the execution of proffers consistent with those contained in Appendix 1.

### **Staff Recommendations**

Staff recommends approval of PCA 79-P-038-02, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends reaffirmation of a modification of the open space requirement to 10% for the Interim Development Plan.

Staff recommends reaffirmation of a modification of the ten foot setback for off-street parking to permit a seven foot setback from Juniper Street and 4.5 foot setback from the future connector road.

Staff recommends that the Board of Supervisors direct the Director of DPWES to waive the Tree Inventory and Poor Condition Analysis as outlined in PFM 12.0502.1A.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

**APPENDICES**

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. PCA 79-P-038 proffers
5. Land Use and Environmental Analysis
6. Transportation Analysis
7. Urban Forestry Analysis
8. Stormwater Management Analysis
9. Revitalization Analysis
10. Sanitary Sewer Analysis
11. Water Service Analysis
12. Fire and Rescue Analysis
13. Applicable Zoning Ordinance Provisions
14. Glossary of Terms

**PROFFERS**  
**NEVZAT KANSU and HACER K. KANSU**  
**PCA 79-P-038/ PCA 09-**  
**January 19, 2010**

Pursuant to Section 15.1-2203 (A), Code of Virginia, 1950, as amended, the undersigned Applicant and property owner, for themselves and for their successors and assigns (hereinafter "Applicant"), file for a Proffer Condition Amendment ("PCA") to permit an Alternate Interim Plan utilizing the existing improvements and to allow certain uses as set forth herein, for property identified as Tax Map 49-2 ((5)) 5 (hereinafter referred to as "Application Property"), and hereby agree to the following proffers which supersede all previous proffers and proffer condition amendments accepted for the Property, provided that the "Board of Supervisors" (hereinafter referred to as "Board") approves this PCA.

1. **DEVELOPMENT PLAN:**

Redevelopment of the Application Property shall be in substantial conformance with the "NEKA Property, Generalized Development Plan Amendment and Proffer Condition Amendment," (GDP), prepared by Bowman Consulting Group, Ltd., dated July 2009, provided, however, that (i) prior to redevelopment, the existing building may be used for those uses set forth herein, as permitted in the I-5 zoning district (the Alternate Interim Plan), as shown on page 2A of the GDP, and (ii) minor modifications may be permitted when necessitated by sound engineering or which may become necessary as determined by the Department of Public Works and Environmental Services (DPWES) in accordance with the provisions set forth in Section 18-204 of the Zoning Ordinance, if in conformance with the approved GDP and proffers. Upon redevelopment the site layout shall be developed in accordance with the proffers and with the interim GDP depicted on Sheet 2 (Interim Development) until the Board of Supervisors requests removal of the parking within the right-of-way, whereupon the site layout shall be developed in accordance with the ultimate GDP shown on Sheet 4 (Ultimate Development).

2. **ON JUNIPER STREET:**

- a. Prior to Site Plan Approval for redevelopment or upon demand by the County, whichever occurs first, the owners hereby agree to dedicate a right-of-way to 38 feet from center line in fee simple to the Board.
- b. Prior to issuance of the Non Residential Use Permit (NON-RUP) for the Interim or Ultimate Development, whichever is first, the Applicant shall construct road improvements along the Property's Juniper Street frontage with face of curb set 22 feet from centerline, a 6-foot wide sidewalk and streetscape as shown on the GDP. Applicant shall be responsible for maintenance of landscaping within dedicated right-of-way along the Property's Juniper Street frontage.
- c. Prior to issuance of the Non Residential Use Permit (NON-RUP) for any use associated with the Interim or Ultimate Development, the Applicant shall construct road improvements along the Property's Juniper Street frontage.

- d. Upon demand by the Fairfax County Department of Transportation ("FCDOT") the Applicant shall dedicate to the County ancillary easements along Juniper Street. Such dedication shall be at no cost to the County.

3. ON PLANNED CONNECTOR ROAD:

- a. Prior to site plan approval for the Interim or Ultimate Development, whichever is first, the owners hereby agree to dedicate a right-of-way to 30 feet from centerline in fee simple to the Board.
- b. Prior to issuance of the Non-RUP for the Interim or Ultimate Development, the Applicant shall install the landscaping. The Applicant may use escrow funds in an amount to be determined by DPWES to install the landscaping shown on the GDP along the connector road frontage.
- c. Applicant shall be responsible for maintenance of landscaping within dedicated right-of-way along the connector road frontage.
- d. Upon demand by the FCDOT the Applicant shall dedicate to the County any ancillary easements along the connector road frontage, as such road is shown on the GDP, Sheet 3. Such dedication shall be at no cost to the County.

4. LANDSCAPING:

- a. Landscaping shall be consistent with the quality, quantity and general locations shown on the Landscape Plan sheet of the GDP for each development option; however, landscaping shown on the GDP for the Alternate Interim stage of development shall be supplemented with perennials and other ground cover along Juniper Street and landscaping at the Interim stage of development shall be supplemented as required to be in conformity with the tree canopy calculations applicable at the time of site plan submission for the Interim development. Additionally, at the time of planting, the minimum caliper for deciduous trees shall be two and one-half (2-1/2) inches and the minimum height for evergreen trees shall be six (6) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans approved by the Urban Forester at the time of final site plan approval. Such landscape plans shall provide tree coverage and species diversity consistent with the Public Facilities Manual (PFM) criteria, as determined by the Urban Forester. The Applicant shall work with the Urban Forester to incorporate any measures to achieve off-site vegetation preservation.
- b. The Applicant shall provide six-foot tall board-on-board fencing facing Juniper Street as shown on sheet 3 of the GDP, and shall continue the six-foot board-on-board fencing along the north Property line to the western property line, as shown on the GDP.

5. USES:

- a. The building proposed for the Interim and Ultimate Developments shall be used for warehousing.
- b. There shall be no outside processing or storage of materials upon completion of the Interim or Ultimate Developments.
- c. The existing building shown as the Alternate Interim Plan may be used for the following by-right uses, all as permitted in the I-5 zoning district:
  - 1) Contractor's offices and shops
  - 2) Establishments for scientific research, development and training
  - 3) Establishments for printing, production, processing, assembly, preparing, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales (no bulk storage of flammable materials for resale or heavy industrial uses set forth in Par. 13 of Sect. 9-501.
  - 4) Financial institutions (no drive-through)
  - 5) Vehicle sale, rental and service establishments
  - 6) Motor vehicle storage and impoundment yards
  - 7) New vehicle storage
  - 8) Offices
  - 9) Public uses
  - 10) Truck rental establishments
  - 11) Warehousing and associated retail establishments
  - 12) Wholesale trade establishment;
- d. The Property may be used for commercial off-street parking as permitted in the I-5 zoning district and upon approval of a Special Exception Application by the Board of Supervisors.
- e. The right to the uses permitted herein for the Alternate Interim use shall terminate ten (10) years from the date of this proffer condition amendment, unless the Board of Supervisors approves the continuation of the Alternate Interim use pursuant to a future proffer condition amendment.
- f. Notwithstanding the above referenced termination the right to the Alternate Interim use shall terminate, without further action by the County, upon the County's approval of a site plan associated with any approved rezoning application for the Property. The Applicant shall include this proffer in any lease executed for the Property.

6. BUILDING FACADE:

The building facade on all four sides of the proposed building for the Interim and Ultimate Developments shall be in substantial conformance with elevations on sheet 7 of the GDP. Lighting shall be full cut off and focused downward in accordance with Part 9 of Article 14 of

the Zoning Ordinance.

- a. Regardless of the notes, a Barrier D, E or F shall be provided along the western boundary.

7. **PARK CONTRIBUTION:**

Prior to issuance of a Non-RUP, the applicant shall contribute Two Thousand One Hundred Fifty Dollars (\$2,150.00) to the Park Authority for the acquisition of park land or facilities within the Merrifield Suburban Center.

8. **FIRE AND RESCUE:**

Prior to the issuance of a Non-RUP, the applicant shall contribute Five Hundred Dollars (\$500.00) to Merrifield Station #30 for the purchase of Fire and Rescue equipment.

9. **STORMWATER MANAGEMENT**

At the time of site plan approval associated with the Interim and Ultimate Plans the Applicant will provide stormwater detention/BMP systems approved by DPWES, generally as depicted on the GDP.

10. **SUCCESSORS AND ASSIGNS**

These proffers will bind and inure to the benefit of the Applicant and his/her successors and/or assigns.

Applicant/Title Owners:

By: \_\_\_\_\_  
Nevzat Kansu

\_\_\_\_\_  
Hacer K. Kansu

## REZONING AFFIDAVIT

DATE: January 4, 2010  
 (enter date affidavit is notarized)

**Alice G. Haase, Esq., Agent/Attorney-in-Fact for**  
**I, Nevzat and Hacer K. Kansu**, 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

106083c

in Application No.(s): PCA 79-P-038-02  
 (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.)**

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 <b>BOLD</b> above)
Nevzat Kansu	2818 Juniper Street Fairfax, Virginia	Applicant/Title Owner
Hacer K. Kansu	2818 Juniper Street Fairfax, Virginia	Applicant/Title Owner
Bowman Consulting Group, Ltd.	3863 Centerview Drive Suite 300 Chantilly, Virginia 20151	Authorized Agent/Engineer
Jonathan D. Bondi	Bowman Consulting Group, Ltd. 3863 Centerview Drive Suite 300 Chantilly, Virginia 20151	Authorized Agent/Engineer

(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: January 4, 2010  
 (enter date affidavit is notarized)

106083c

for Application No. (s): PCA 79-P-038-02  
 (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.**

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Matthew J. Tauscher	Bowman Consulting Group, Ltd. 3863 Centerview Drive, Suite 300 Chantilly, Virginia 20151	Authorized Agent/Engineer
Holland & Knight LLP	1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Attorney/Applicant's Authorized Agent
Stuart Mendelsohn	Holland & Knight LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Agent/Attorney-in-Fact for Applicants/Title Owners
Alice G. Haase	Holland & Knight LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Agent/Attorney-in-Fact for Applicants/Title Owners
Michelle A. Rosati	Holland & Knight LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Attorney/Applicant's Authorized 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: January 4, 2010  
(enter date affidavit is notarized)

106083c

for Application No. (s): PCA 79-P-038-02  
(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)  
Bowman Consulting Group, Ltd.  
3863 Centerview Drive  
Suite 300  
Chantilly, Virginia 20151

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)  
Gary P. Bowman

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

- Gary P. Bowman, President & Director
- Michael G. Bruen, Vice President, Assistant Secretary and Director
- Charles E. Walls, Jr., Vice President and Director
- Michael J. Birkland, Vice President and Director
- M. Scott Delgado, Vice President and Director

(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: January 4, 2010  
(enter date affidavit is notarized)

106083 c

for Application No. (s): PCA 79-P-038-02  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Bowman Consulting Group, Ltd.  
3863 Centerview Drive, Suite 300  
Chantilly, Virginia 20151

**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)  
Justin Mahlmann, Vice President and Director  
Robert H. Hickey, Secretary, Treasurer and Director

---

**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: January 4, 2010  
(enter date affidavit is notarized)

106083c

for Application No. (s): PCA 79-P-038-02  
(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)

Holland & Knight LLP  
1600 Tysons Boulevard  
Suite 700  
McLean, Virginia

(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)

- Abel, Michael, Equity Partner
- Adams, Alfred B III, Equity Partner
- Adams, Barbara A., Equity Partner
- Adams, Glenn, Equity Partner
- Alexander, Mark G, Equity Partner
- Alexander, Martin J, Equity Partner
- Anderson, Rod, Equity Partner
- Angius, Christopher, Equity Partner
- Arden, Thomas P, Equity Partner
- Aronson, Mark I, Equity Partner
- Arouh, Jeffrey A., Equity Partner
- Atcity, Shenan Rae, Equity Partner
- Bachelor, Chester E, Equity Partner
- Baker-Shenk, Philip M, Equity Partner
- Baldwin, Gregory, Equity Partner
- Baldy, Anderson L., Equity Partner
- Ball, Stephen, Equity Partner
- Barnard, Deborah E., Equity Partner

(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)**

DATE: January 4, 2010  
(enter date affidavit is notarized)

106083 c

for Application No. (s): PCA 79-P-038-02  
(enter County-assigned application number (s))

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

Holland & Knight LLP  
1600 Tysons Boulevard  
Suite 700  
McLean, Virginia 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)

Barton, Bernard	Equity Partner
Basha, Leigh-Alexandra	Equity Partner
Bean, Daniel K.	Equity Partner
Beaton, Neal Nathan	Equity Partner
Beers, Meredith	Equity Partner
Bell, Rodney H	Equity Partner
Bevington, Elizabeth L	Equity Partner
Blank, Stacy D	Equity Partner
Bloom, William R	Equity Partner
Boeke, Noel Robert	Equity Partner
Bogorad, Stephen A	Equity Partner
Bohrer, Sanford L	Equity Partner
Boland, Michael J	Equity Partner
Booth, Susan Jennifer	Equity Partner
Boothe, Jeffrey F	Equity Partner
Boyett, Christopher	Equity Partner
Braid, Frederick	Equity Partner
Brockman, Christopher C	Equity Partner
Brooks, Malcolm	Equity Partner
Brothers, Henry J II	Equity Partner
Bucholtz, Harold	Equity Partner
Burkland, Mark E.	Equity Partner
Byrne, William P	Equity Partner
Cadwalader, Lynn K	Equity Partner
Calkins, Lynn E.	Equity Partner
Camarra, Christopher L	Equity Partner
Cannon, L. Kinder III	Equity Partner
Cartwright, Kelly-Ann	Equity Partner
Casal, Jose A	Equity Partner
Cavanaugh, J. Michael	Equity Partner
Chapman, Michael	Equity Partner
Chasnow, Robert M	Equity Partner
Clapp, Douglas W	Equity Partner
Colan, Bruce Jay	Equity Partner
Colao, Ivan	Equity Partner
Coleman, Charles L. III	Equity Partner
Collins, Christopher H	Equity Partner
Compagno, John	Equity Partner
Conner, Timothy J	Equity Partner

(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: January 4, 2010  
(enter date affidavit is notarized)

106083c

for Application No. (s): PCA 79-P-038-02  
(enter County-assigned application number (s))

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

Holland & Knight LLP  
1600 Tysons Boulevard  
Suite 700  
McLean, Virginia 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)

Connolly, Peter M	Equity Partner
Conti, Louis T. M.	Equity Partner
Cooper, Scott E.	Equity Partner
Cosio, J. Raul	Equity Partner
Costello, Francis W	Equity Partner
Coventon, Kevin E	Equity Partner
Craft, Randal Robert Jr.	Equity Partner
Craig, Sharon Nelson	Equity Partner
Crowley, Richard A	Equity Partner
Currier, Maria T.	Equity Partner
Curtin, Lawrence	Equity Partner
Daniel, Harold T	Equity Partner
Daniel, Laurie Webb	Equity Partner
Dannenberg, Harry S	Equity Partner
Darbut, Douglas F	Equity Partner
DeKuiper, Kristin A	Equity Partner
deMeza, William B Jr.	Equity Partner
Dempsey, David	Equity Partner
Diaz, Edward	Equity Partner
Digel, Gregory J	Equity Partner
Dufoc, William	Equity Partner
Durkin, Martin	Equity Partner
Duvall, Homer III	Equity Partner
Duvall, Richard O.	Equity Partner
Eckhard, Richard D	Equity Partner
Edwards, Oliver	Equity Partner
Elrod, Steven M	Equity Partner
Ervin, James M	Equity Partner
Evans, Philip Tucker	Equity Partner
Fayne, Irwin J	Equity Partner
Fendrick, William K	Equity Partner
Ferris, Richard Jay Jr.	Equity Partner
Filippini, Victor P	Equity Partner
Freedman, Anthony S.	Equity Partner
Friedman, Peter	Equity Partner
Friedman, Robert	Equity Partner
Frink, Anthony Lewis	Equity Partner
Gaba, Michael M.	Equity Partner
Gabel, George D Jr	Equity Partner

(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: January 4, 2010  
(enter date affidavit is notarized)

1060830

for Application No. (s): PCA 79-P-038-02  
(enter County-assigned application number (s))

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

Holland & Knight LLP  
1600 Tysons Boulevard  
Suite 700  
McLean, Virginia 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)**

- |                         |                       |
|-------------------------|-----------------------|
| Gelman, Andrew R.       | Equity Partner        |
| Gilbert, Suzanne E      | Equity Partner        |
| Gillman, Steven L.      | Equity Partner        |
| Glasgow, Norman M Jr.   | Equity Partner        |
| Gold, Richard           | Equity Partner        |
| Goldstein, Joseph Gary  | Equity Partner        |
| Gonzalez, Alex          | Equity Partner        |
| Gordon, Steven          | Equity Partner        |
| Gorham, Robert L.       | Equity Partner        |
| Grady, Frederick J      | Equity Partner        |
| Grammig, Robert J       | Equity Partner        |
| Gravenhorst, Paul       | Equity Partner        |
| Gregores, George J      | Equity Partner        |
| Groh, James S           | Equity Partner        |
| Guay, Joseph            | Equity Partner        |
| Hadlow, Richard B.      | Equity Partner        |
| Haire, Dirk             | Former Equity Partner |
| Hahula, John F          | Equity Partner        |
| Hamilton, Lawrence J II | Equity Partner        |
| Hamilton, William F     | Equity Partner        |
| Hanback, Christopher B  | Equity Partner        |
| Hanselman, Theodore F   | Equity Partner        |
| Hargitai, Peter P       | Equity Partner        |
| Harris, Robert          | Equity Partner        |
| Hayes, G. Calvin        | Equity Partner        |
| Henderson, Victor P.    | Equity Partner        |
| Hengen, Nancy L         | Equity Partner        |
| Hernandez, Alberto M    | Equity Partner        |
| Hernandez, Jennifer     | Equity Partner        |
| Hernandez-Torano, Jorge | Equity Partner        |
| Herr, Mitchell E.       | Equity Partner        |
| Hickey, Edward R        | Equity Partner        |
| Highsmith, Robert S Jr. | Equity Partner        |
| Hindlian, Richard J     | Equity Partner        |
| Hoffman, Jerome         | Equity Partner        |
| Hoffman, Kenneth B      | Equity Partner        |
| Hogan, John M           | Equity Partner        |
| Hohenstein, James       | Equity Partner        |
| Hole, Brian K           | Equity Partner        |

(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: January 4, 2010

(enter date affidavit is notarized)

1060836

for Application No. (s): PCA 79-P-038-02

(enter County-assigned application number (s))

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

Holland & Knight LLP  
1600 Tysons Boulevard  
Suite 700  
McLean, Virginia 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)**

Hollifield, Marilyn J	Equity Partner
Honan, William J.	Equity Partner
Horn, Dennis	Equity Partner
Hutchison, Richard	Equity Partner
Ivey, Bob	Equity Partner
James, Paul M	Equity Partner
Jaron, Martin J Jr	Equity Partner
Jenero, Kenneth	Equity Partner
Jimenez, Adolfo E.	Equity Partner
Joern, Charles E.	Equity Partner
Johnson, Charles S. III	Equity Partner
Johnson, Scott J	Equity Partner
Jones, David A	Equity Partner
Kahn, David S	Equity Partner
Kastner, Samuel Paul	Equity Partner
Katz, Gordon P	Equity Partner
Kehoe, Kerry S	Equity Partner
Keldermans, Francis	Equity Partner
Kelly, Christopher G	Equity Partner
Kennicott, Donald	Equity Partner
Kiernan, Paul J	Equity Partner
Kilmer, Paul F	Equity Partner
Kimbro, Bradford	Equity Partner
Kinasz, Thomas John	Equity Partner
Knight, Tammy	Equity Partner
Kolos, Chris	Equity Partner
Kominers, William	Equity Partner
Korchin, Judith	Equity Partner
Koren, Edward	Equity Partner
Krumholz, Joshua	Equity Partner
Lake, Elizabeth	Equity Partner
Lane, William R Jr.	Equity Partner
Lannon, Paul	Equity Partner
Lansner, Ruth L.	Equity Partner
Lapatin, Philip S	Equity Partner
Lawrence, Frank Ronald	Equity Partner
Lec, Sunwoo	Equity Partner
Lefere, Marie	Equity Partner
Lepore, Ralph T. III	Equity Partner

(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: January 4, 2010  
(enter date affidavit is notarized)

106 083 c

for Application No. (s): PCA 79-P-038-02  
(enter County-assigned application number (s))

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

Holland & Knight LLP  
1600 Tysons Boulevard  
Suite 700  
McLean, Virginia 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)**

- |                        |  |
|------------------------|--|
| Levine, Jack A         | Equity Partner   |
| Levine, Jerome L       | Equity Partner   |
| Levitan, Shari         | Equity Partner   |
| Liebesman, Lawrence R  | Equity Partner   |
| Long, Mary Chrysa      | Equity Partner   |
| Loring, Bruce          | Equity Partner   |
| Lotterbos, Fred J III  | Equity Partner   |
| MacCullough, Kara      | Equity Partner   |
| Machen, William F      | Equity Partner   |
| MacKenzie, Dominic C   | Equity Partner   |
| MacLeod, Scott R       | Equity Partner   |
| Mahony, Iouan          | Equity Partner   |
| Main, James L.         | Equity Partner   |
| Mannix, Michael        | Equity Partner   |
| Marcus, Jonathan S     | Equity Partner   |
| Martin, Stanley A      | Equity Partner   |
| Matrakis, Elias        | Equity Partner   |
| May, D. Bruce Jr.      | Equity Partner   |
| Mayer, James           | Equity Partner   |
| Mayol, Juan J. Jr.     | Equity Partner   |
| McAleavey, Tom         | Equity Partner   |
| McAlpin, Louise        | Equity Partner   |
| McCorkhill, C. Grant   | Equity Partner   |
| McDermott, James E.    | Equity Partner   |
| McDowell, Brian A      | Equity Partner   |
| McKendall, Miriam      | Equity Partner   |
| Meeder, Gregory R      | Equity Partner   |
| Mencio, George         | Equity Partner   |
| Mendelsohn, Stuart     | Equity Partner   |
| Michalowski, Mark C    | Equity Partner   |
| Milano, Nicholas G     | Equity Partner   |
| Miller, Morris H.      | Equity Partner   |
| Miner, Martin P        | Equity Partner   |
| Mittleman, Jeffrey     | Equity Partner   |
| Mochling, James A      | Former Equity Partner (Now Senior Partner as of January 1, 2009) |
| Monaghan, John J       | Equity Partner   |
| Mosner, Anita M        | Equity Partner   |
| Moss, Stephen B        | Equity Partner   |
| Murdoch, Christopher J | Equity Partner   |

(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: January 4, 2010  
(enter date affidavit is notarized)

106083c

for Application No. (s): PCA 79-P-038-02  
(enter County-assigned application number (s))

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

Holland & Knight LLP  
1600 Tysons Boulevard  
Suite 700  
McLean, Virginia 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, Anne M         | Equity Partner        |
| Mutryn, William        | Equity Partner        |
| Myers, Christopher     | Equity Partner        |
| Naftalin, Charles      | Equity Partner        |
| Neff, A. Guy           | Equity Partner        |
| Nesbitt, La Fonte      | Equity Partner        |
| Neumann, Carl A        | Equity Partner        |
| Newman, Michael Brill  | Equity Partner        |
| Newman, Scott B        | Equity Partner        |
| Nichols, Tracy A       | Equity Partner        |
| Nilles, Kathleen       | Equity Partner        |
| Norman, James M        | Equity Partner        |
| Norton, Matthew E.     | Equity Partner        |
| Notopoulos, Philip J   | Equity Partner        |
| Oberio, Kathryn W      | Equity Partner        |
| Oleynik, Ronald        | Equity Partner        |
| Page, Frederick D      | Equity Partner        |
| Park, James A III      | Equity Partner        |
| Pearce, George         | Equity Partner        |
| Perry, David L         | Equity Partner        |
| Piels, William         | Equity Partner        |
| Plume, Tamsen          | Equity Partner        |
| Potter, Harold W       | Equity Partner        |
| Prieto, Peter          | Equity Partner        |
| Pritchard, John F      | Equity Partner        |
| Pupo, Roberto R        | Equity Partner        |
| Quin, Wayne            | Equity Partner        |
| Redmond, Richard       | Equity Partner        |
| Reitzfeld, Alan D      | Equity Partner        |
| Rohn, Frederick        | Equity Partner        |
| Rollins, James H       | Equity Partner        |
| Ross, Bruce S          | Equity Partner        |
| Rowley, John P. III    | Equity Partner        |
| Ryan, Rory C.          | Former Equity Partner |
| Ruane, Michael         | Equity Partner        |
| Salaman, Alban         | Equity Partner        |
| Scanlon, Tara A        | Equity Partner        |
| Schiff, Janis Boyarsky | Equity Partner        |
| Seay, James E. L.      | Equity Partner        |

(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: January 4, 2010  
(enter date affidavit is notarized)

106083c

for Application No. (s): PCA 79-P-038-02  
(enter County-assigned application number (s))

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

Holland & Knight LLP  
1600 Tysons Boulevard  
Suite 700  
McLean, Virginia 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)**

Sellers, Lawrence	Equity Partner
Shapiro, Mark	Equity Partner
Shapiro, Stephen	Equity Partner
Sheely, Sean C	Equity Partner
Sherman, William B	Equity Partner
Shimberg, James Jr.	Equity Partner
Sikorski, Gerry	Equity Partner
Silver, David C.	Equity Partner
Singleton, David R	Equity Partner
Sirven, Jose	Equity Partner
Skelton, Patrick W	Equity Partner
Sloan, David Scott	Equity Partner
Small, Daniel I	Equity Partner
Smeallic, James D.	Equity Partner
Smith, Colin P.	Equity Partner
Smith, Lee S	Equity Partner
Smith, Robert H	Equity Partner
Snively, Stephen W	Equity Partner
Sonberg, Steven	Equity Partner
Sorondo, Rodolfo Jr.	Equity Partner
Spelliscy, M.J.	Equity Partner
Spitzer, Jr., M. James	Equity Partner
Stephens, Richard B	Equity Partner
Stephenson, Andrew	Equity Partner
Sterling, Scott Andrew	Equity Partner
Stern, Jeffrey Blake	Equity Partner
Stevens, William M	Equity Partner
Stutts, Charles L	Equity Partner
Subin, Ben	Equity Partner
Teichner, Lee Philip	Equity Partner
Tenev, Jovi	Equity Partner
Theberge, John	Equity Partner
Tiedemann, Charles W	Equity Partner
Tobin, Charles D.	Equity Partner
Toriello, John M	Equity Partner
Turra, Melissa S.	Equity Partner
Vafidis, Matthew	Equity Partner
Varick, Steven Bruce	Equity Partner
Varner, Joseph H III	Equity Partner

(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: January 4, 2010  
(enter date affidavit is notarized)

1060830

for Application No. (s): PCA 79-P-038-02  
(enter County-assigned application number (s))

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

Holland & Knight LLP  
1600 Tysons Boulevard  
Suite 700  
McLean, Virginia 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)

Vasios, H. Barry	Equity Partner
Vogel, Edward W III	Equity Partner
Volinski, Benjamin	Equity Partner
von Bergen, Mark A.	Equity Partner
Vyverberg, Robert W.	Equity Partner
Walker, Karen	Equity Partner
Warram, Robert Allan	Equity Partner
Weber, Steven John	Equity Partner (Former)
Wechselblatt, Eric	Equity Partner
Weinberger, Mel S	Equity Partner
Weiss, Alan M	Equity Partner
Weiss, Christopher J	Equity Partner
Wheeler, George	Equity Partner
Whitebread, Joseph B Jr.	Equity Partner
Whitestone, David	Equity Partner
Wiener, Keith M	Equity Partner
Williams, Richard	Equity Partner
Wilson, William B	Equity Partner
Wing, James	Equity Partner
Winter, Richard R	Equity Partner
Wolk, Lawrence J	Equity Partner
Woodrow, Thomas R.	Equity Partner
Wright, Douglas A	Equity Partner
Wright, Steven	Equity Partner
Yadley, Barbara M	Equity Partner
Yanofsky, Richard M	Equity Partner
Yates, Leighton D	Equity Partner
Zanger, Larry	Equity Partner
Zarin, Don	Equity Partner
Zdeb, Michael J	Equity Partner
Zhang, Hongjun Ph.D.	Equity Partner
Zimmer, Thomas	Equity Partner

(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: \_\_\_\_\_  
(enter date affidavit is notarized)

1060830

for Application No. (s): PCA 79-P-038-02  
(enter County-assigned application number (s))

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

Holland & Knight LLP  
1600 Tysons Boulevard  
Suite 700  
McLean, Virginia 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**)

New Equity Partners as of Jan. 1, 2010

Bradner, Robert	Equity Partner
Frevola, Michael J.	Equity Partner
Hornyak, Joseph P.	Equity Partner
Jensen, Frode	Equity Partner
Lang, Robert H.	Equity Partner
MacKichan, Robert C.	Equity Partner
Manthei, Michael R.	Equity Partner
Monchamp, Amanda	Equity Partner
Rubinger, Jeffrey L.	Equity Partner
Skallas, A. Thomas	Equity Partner

(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: January 4, 2010  
(enter date affidavit is notarized)

1060830

for Application No. (s): PCA 79-P-038-02  
(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: January 4, 2010  
(enter date affidavit is notarized)

106083c

for Application No. (s): PCA 79-P-038-02  
(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.)**

Richard O. Duvall, a partner in Holland & Knight LLP, a contribution in excess of \$100 to Supervisor Pat Herrity within the twelve-month period prior to public hearing  
Mark E. Baker, a partner in Holland & Knight LLP, a contribution in excess of \$100 to Supervisor Pat Herrity within the twelve-month period prior to public hearing  
John P. Rowley, a partner in Holland & Knight LLP, a contribution in excess of \$100 to Supervisor Pat Herrity within the twelve-month period prior to public hearing

**(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: Alice G. Haase, Esq., Agent/Attorney-in-Fact for Nevzat and Hacer K. Kansu

(check one)  Applicant  Applicant's Authorized Agent  
Alice G. Haase, Esq., Agent/Attorney-in-Fact for  
Nevzat and Hacer K. Kansu

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

Subscribed and sworn to before me this 4th day of January, 2010, in the State/Comm. of Virginia, County/City of Fairfax

Paige A. Rice #7009628  
Notary Public

My commission expires: 10-31-2010

**Paige A. Rice**  
**NOTARY PUBLIC**  
Commonwealth of Virginia  
My Commission Expires 10/31/10

**Rezoning Attachment to Par. 3**

DATE: January 4, 2010  
(enter date affidavit is notarized)

106083 c

for Application No. (s): PCA 79-P-038-02  
(enter County-assigned application number (s))

Holland & Knight Virginia Committee for Effective Government, Inc, made a contribution in excess of \$100 to Supervisor Gerald Hyland within the twelve-month period prior to public hearing.

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Rezoning Attachment to Par. 3" form.

# Holland & Knight

1600 Tysons Boulevard, Suite 700 | McLean, VA 22102 | T 703.720.8600 | F 703.720.8610  
Holland & Knight LLP | www.hklaw.com

Alice G. Haase  
703 720 8036  
alice.haase@hklaw.com

July 21, 2009

RECEIVED  
Department of Planning & Zoning

JUL 22 2009

Zoning Evaluation Division

VIA HAND DELIVERY

Regina Coyle, Director  
Fairfax County Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway  
Suite 801  
Fairfax, Virginia 22305

Re: **Proffer Condition Amendment PCA 79-P-038** ("Application")  
**Applicant:** Nevzat Kansu and Hacer Kansu  
**Property:** Tax Parcel 0492-05-0005; 2818 Juniper Street, Fairfax, Virginia 22031

Dear Ms. Coyle:

This firm represents Nevzat and Hacer Kansu, and in that regard, submits this letter of justification in support of the above referenced Proffer Condition Amendment. Your acceptance of the application will be appreciated.

The Property is located within the Merrifield Suburban Center on the County's Comprehensive Plan. When the Property was rezoned from the R-1 to the I-5 district pursuant to RZ79-P-038, the existing, one-story residential building sited on the Property was converted into an industrial office. Subsequent to the rezoning, the Merrifield Suburban Center Plan was amended such that it has evolved into two core areas (the transit station and town center), those areas adjacent to the core, and fringe areas. Falling within Merrifield's Sub-Unit C5, the 20,065 square foot Property is further classified as an "area adjacent to core." The existing and planned uses are retail, industrial and warehouses. However, the Plan encourages redevelopment with land consolidations of at least six acres, although smaller consolidations are acceptable.

In 2004, the Applicants submitted PCA 79-P-038 to permit demolition of the 1,013 square foot, converted building and construction of a 15,000 SF warehouse. The intent was to utilize the warehouse for the Applicant's granite and marble processing business and particularly, to eliminate the outdoor storage of the materials. Because the PCA application was tailored specifically to that business, the proffer statement limited the building to warehousing use only

July 21, 2009

Page 2

and further prohibited outside processing and storage of materials. However, during the period of months it took to process the application, the proposed building was reduced to 7,975 SF and the Applicant was forced to relocate the business to a 60,000 SF building near Dulles Airport.

After the PCA was approved and before the proposed building could be constructed, the Applicant received and accepted a purchase offer which would allow consolidation of the Property with adjacent properties for the development of a mixed-use project. Before the purchaser settled, the market deteriorated to the point that the purchaser opted to walk away from the deal. The Applicant is now left with the existing, converted building, a proposed building that is not marketable, and a location in Merrifield that begs for consolidation with adjacent properties and future mixed-use development.

Thus, the proposal is to permit the existing building to be retained for I-5 uses pending redevelopment of the Property. In 2005, when the proffer condition permitting "interim development" was approved, there was consensus that construction of the proposed industrial warehouse would not detract from future development in conformity with the Comprehensive Plan. However, given the explosive growth in the Merrifield area and the Property's inclusion within the primary redevelopment zone, redevelopment to a butler-building warehouse is unlikely to be the highest and best use for the Property and could, quite possibly, interfere with any future consolidation of the Property.

In recognition of the ongoing transformation of Merrifield, the Applicant proposes a proffer condition amendment to permit use of the existing, converted building pending redevelopment with either the proposed warehouse or preferably, consolidation into a mixed-use project. To accomplish the Applicant's goals, the proffers require amendment to permit uses within the existing building and expansion of uses within the I-5 district beyond warehousing only. This proffer amendment is in conformity with the Comprehensive Plan, which, as stated above, recommends industrial, retail or warehousing, along with mixed use projects. Also, at least for the time being, the Property is adjacent to, or across the street from, other industrial uses that are predominantly warehousing.

The Applicant does not have a specific user for the property but desires flexibility to have some degree of outside storage for equipment, at least for this temporary period until consolidation occurs or a warehouse user steps forward. Therefore, the proffer amendment includes a provision to fence and landscape an outdoor storage area. In keeping with the temporary nature of the request, contemplated tenants would generate low vehicular trips and be fairly "transportable," *i.e.*, easy to move off of the site in the event of redevelopment. The latter characteristic is significant because the Applicant proposes to condition future leases on a caveat that will require tenants to vacate upon notification that a site plan for redevelopment has been approved by the County.

To further enhance the benefits of retaining the existing building – albeit on a temporary basis - the Applicant will advance the installation of landscaping along Juniper Street and install fencing to provide an attractive but opaque buffer to any outside storage.

The existing building is significantly smaller than the proffered warehouse building (1,388 square feet compared to 7,975), creating an extremely low density of .069 FAR. Because there will be no disturbance (outside of landscaping), a site plan likely will not be required. Similarly, because there will be no increase in the impervious cover on the site (the alternate interim use will decrease the impervious area on the site by 242.7 square feet) and the pre- and post-development flow rates are virtually identical, neither BMP or stormwater detention are required. Peak hour traffic for any of the proposed uses is low, none of which meets the threshold level for a VDOT 527 review, as stated in the Memorandum prepared by Gorove/Slade and dated July 20, 2009. Only a waiver for a reduced setback from the Property line to the first parking space is required.

Leaving the existing building in place will further the goal of consolidating the Property into a mixed use, redevelopment project. Other advantages of temporarily retaining the existing building include less density, increased open space and reductions in impervious areas, which are summarized below:

<b><u>COMPONENT</u></b>	<b><u>ALTERNATE INTERIM (proposed)</u></b>	<b><u>INTERIM (approved)</u></b>	<b><u>ULTIMATE (approved)</u></b>
<b>FAR</b>	.07	.45	.45
<b>Open Space</b>	20%	10%	17%
<b>Parking Spaces</b>	6	9	9
<b>Loading Spaces</b>	1	2	2
<b>Landscaping</b>	Juniper St; w/ landscaping and board fence to buffer property	Juniper Street Connector Road	Juniper Street Connector Road
<b>Waivers Required</b>	Setback from road	Setback from roads; Reduced open space and barrier to adjacent rear property line	Setback from roads and barrier to adjacent rear property line

This proposal would not adversely affect the use of the Property subject to the proffered conditions and is in conformity with the Zoning Ordinance, Section 18-204.6. It would maintain the existing, small improvement in place, thus making the Property more affordable to a developer interested in consolidating the Property with adjacent parcels for a mixed-use development. Also, it would not inhibit, adversely affect, or preclude in any manner the fulfillment of the proffers, which are already conditioned upon redevelopment of the Property for a warehouse. Landscaping along the front of the Property would be advanced, and, with the addition of opaque fencing, will enhance the quality and attractiveness of the street view.

July 21, 2009

Page 4

Finally, preservation of the existing improvement would significantly decrease the approved density and thus, provide a much larger quotient of open space and pervious surfaces.

We look forward to hearing from you in this regard and should you have any questions, please do not hesitate to contact Stuart Mendelsohn or me.

Very truly yours,



Alice G. Haase  
Holland & Knight LLP

Attachments

cc: Nevzat Kansu  
Matthew Tauscher, Bowman Consulting  
Stuart Mendelsohn, Esq.

# 6307388\_v2



# FAIRFAX COUNTY

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

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903

V I R G I N I A

[www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm](http://www.fairfaxcounty.gov/gov/bos/clerkhomepage.htm)  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

July 20, 2005

Keith C. Martin, Esquire  
Sack, Harris & Martin, P.C.  
8270 Greensboro Drive, Suite 630  
McLean, Virginia 22102

RE: Proffered Condition Amendment  
Number PCA 79-P-038

Dear Mr. Martin:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 11, 2005, approving Proffered Condition Amendment PCA 79-P-038 in the name of Nevzat Kansu and Hacer K. Kansu, to amend the proffers for RZ 79-P-038 previously approved for industrial use to permit construction of a warehouse and site modifications and a waiver of the open space requirement with an overall Floor Area Ratio (FAR) of 0.45, located on the west side of Juniper Street approximately 700 feet north of Lee Highway, subject to the proffers dated February 22, 2005, consisting of approximately 20,066 square feet of land located in Providence District.

**The Board also:**

- **Waived the minimum open space requirement to 10 percent for the interim Development Plan.**
- **Modified the 10-foot setback for offstreet parking to permit a 7-foot setback from Juniper Street and a 4.5-foot setback from the future connector road.**

Sincerely,

Nancy Venrs  
Clerk to the Board of Supervisors

NV/ns

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 11th day of July, 2005, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROFFERED CONDITION AMENDMENT PCA 79-P-038**

WHEREAS, Nevzat Kansu and Hacer K. Kansu filed in the proper form an application to amend the proffers for RZ 79-P-038 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 Providence 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 11<sup>th</sup> day of July, 2005.

  
\_\_\_\_\_  
Nancy Velts  
Clerk to the Board of Supervisors

## PROFFERS

NEVZAT KANSU and HACER K. KANSU

PCA 79-P-038

February 22, 2005

Pursuant to Section 15.1-2203 (A), Code of Virginia, 1950, as amended, the undersigned Applicant and property owner, for themselves and for their successors and assigns (hereinafter "Applicant"), filed for a Proffer Condition Amendment for property identified as Tax Map 49-2 ((5)) 5 (hereinafter referred to as "Application Property") hereby agree to the following proffers which supercede all previous proffers accepted for the Property, provided that the "Board of Supervisors" (hereinafter referred to as "Board") approves PCA 79-P-038.

### 1. DEVELOPMENT PLAN:

Development of the Application Property shall be in substantial conformance with the Generalized Development Plan (GDP), prepared by Bowman Consulting Group, Ltd., dated February 7, 2005, provided, however, that minor modifications may be permitted when necessitated by sound engineering or which may become necessary as determined by the Department of Public Works and Environmental Services (DPWES) in accordance with the provisions set forth in Section 18-204 of the Zoning Ordinance, if in conformance with the approved GDP and proffers. The site layout shall be developed in accordance with the interim GDP and proffers. The site layout shall be developed in accordance with the interim GDP depicted on Sheet 2 until the Board of Supervisors requests removal of the parking within the right-of-way and then the site layout shall be developed in accordance with the ultimate GDP on Sheet 4.

### 2. ON JUNIPER STREET:

- a. Prior to Site Plan Approval or on demand, whichever occurs first, the owners hereby agree to dedicate a right-of-way to 38 feet from centerline in fee simple to the Board.
- b. Prior to issuance of the Non Residential Use Permit (NON-RUP), the Applicant shall construct road improvements along the Property's Juniper Street frontage with face of curb set 22 feet from centerline, a 6 foot wide sidewalk and streetscape as shown on the GDP. Applicant shall be responsible for maintenance of landscaping within dedicated right-of-way along the Property's Juniper Street frontage.

**3. ON PLANNED CONNECTOR ROAD:**

- a. Prior to site plan approval, the owners hereby agree to dedicate a right-of-way to 30 feet from centerline in fee simple to the Board.
- b. Prior to Non-RUP the Applicant shall use escrow funds in an amount to be determined by DPWES to install the landscaping shown on the GDP along the connector road frontage. The applicant shall install the landscaping.
- c. Applicant shall be responsible for maintenance of landscaping within dedicated right-of-way along the connector road frontage.
- d. A 10 foot wide ancillary easement shall be provided at no cost for the construction of the connector road.

**4. LANDSCAPING:**

Landscaping shall be consistent with the quality, quantity and general locations shown on the Landscape Plan on Sheets 3 of the GDP for the interim development and Sheet 5 for the ultimate development. At the time of planting, the minimum caliper for deciduous trees shall be two and one-half (2 ½) inches and the minimum height for evergreen trees shall be six (6) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans approved by the Urban Forester at the time of final site plan approval. Such landscape plans shall provide tree coverage and species diversity consistent with the Public Facilities Manual (PFM) criteria, as determined by the Urban Forester.

**5. USES :**

- a. The building shall be used for warehousing.
- b. There shall be no outside processing or storage of materials.

**6. BUILDING FAÇADE:**

The building façade on all four sides of the building shall be in substantial conformance with elevations on sheet 7 of the GDP. Lighting shall be full cut off and focused downward in accordance with Part 9 of Article 14 of the Zoning Ordinance.

- a. Regardless of the notes, a Barrier D, E or F shall be provided along the western boundary.

**7. PARK CONTRIBUTION:**

Prior to issuance of a Non-RUP, the applicant shall contribute Two Thousand One Hundred Fifty Dollars (\$2,150) to the Park Authority for the acquisition of park land or facilities within the Merrifield Suburban Center.

**8. FIRE AND RESCUE:**

Prior to the issuance of a Non-RUP, the applicant shall contribute Five Hundred Dollars (\$500) to Merrifield Station #30 for the purchase of Fire and Rescue equipment.

**9. SUCCESSORS AND ASSIGNS:**

These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

APPLICANT/TITLE OWNER:

By:   
Nevzat Kansu

  
Hacer K. Kansu

# NEKA PROPERTY

PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA

## GENERALIZED DEVELOPMENT PLAN AMENDMENT

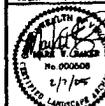
RZ 79 - P - 038

**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
14020 Thunderbolt Place  
Chantilly, Virginia 20151  
Phone: (703) 444-1000  
Fax: (703) 444-4700  
www.bowmanconsulting.com

COVER SHEET  
NEKA PROPERTY  
FAIRFAX COUNTY, VIRGINIA  
PROVIDENCE DISTRICT

RZ 79-P-038  
COUNTY PROJECT NUMBER



PLAN STATUS	
12/18/01	CO COMMENTS
1/26/02	CO COMMENTS
1/29/02	CO COMMENTS
2/7/02	CO COMMENTS

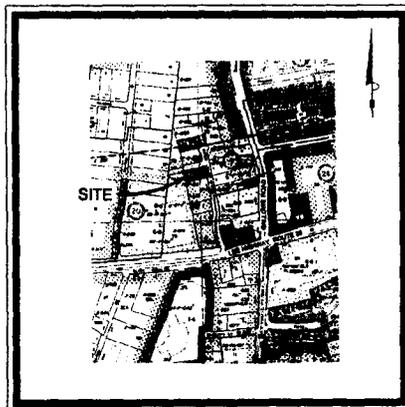
DATE	DESCRIPTION
CTD	APP
LC/SD	DRAW
SCALE	H AS NOTED
JOB No	2187-01-001
DATE	AUGUST 2004
FILE No	2187-D-27-001



SHEET 1 OF 8

### NOTES

- THE PROPERTY SHOWN HEREON IS IDENTIFIED AS TAX MAP 49-2 (SU) PARCELS 1 AND IS OWNED BY NEKA MARBLE AND GRANITE, INC. IT IS THEIR DESIRE TO DEVELOP THIS PROPERTY UNDER THE PROFFERED AGREEMENT OF RZ 79-P-038 ON SHEET 8.
- THE PROPERTY IS CURRENTLY ZONED R-1. THE TOTAL SITE AREA IS 20.86 AC OR 0.367 AC.
- BOUNDARY IS A RESULT OF A FIELD SURVEY BY BOWMAN CONSULTING GROUP.
- TOPOGRAPHIC INFORMATION SHOWN HEREON IS THE RESULT OF A FIELD SURVEY BY THE BOWMAN CONSULTING GROUP.
- THE REQUIREMENTS OF THE CHEAPSHAKE BAY PRESERVATION ORDINANCE WILL BE COMPLIED WITH AS FOLLOWS:  
PHOSPHORUS REMOVAL IS PROVIDED BY OPEN SPACE AND STORMWATER MANAGEMENT STORAGE/RETENTION.
- STORAGE/RETENTION MAINTENANCE WILL BE THE RESPONSIBILITY OF THE OWNER. A PRIVATE MAINTENANCE AGREEMENT FOR THE STORAGE/RETENTION IS REQUIRED TO BE EXECUTED BETWEEN THE COUNTY AND THE OWNER.
- NO RPA OR FLOODPLAIN ESDTS AT THE SITE AND THE ENTIRE SITE IS CONSIDERED AN RPA.
- ALL CONSTRUCTION SHALL CONFORM TO THE APPLICABLE STANDARDS AND SPECIFICATIONS OF VDOT AND/OR FAIRFAX COUNTY.
- PROPOSED PUBLIC STREETS SHOWN ON THIS PLAN SHALL BE MAINTAINED BY VDOT.
- EXISTING STORM SEWER WILL BE PUBLICLY OWNED AND MAINTAINED.
- THE SITE WILL BE SERVED BY PUBLIC WATER AND SEWER.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO GRAVELS LOCATED ON THE SUBJECT PROPERTY.
- TO THE BEST OF OUR KNOWLEDGE, THE PROPOSED USE WILL NOT GENERATE UTILITY, STORE, TREAT AND/OR DISPOSE OF ANY HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PARTS 118.4, 301.4 AND 301.401, AND HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA DEPARTMENT OF WASTE MANAGEMENT VR 872-10-1, VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS, AND/OR ANY PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 300; HOWEVER, ANY SUCH SUBSTANCES THAT MAY BE UTILIZED, STORED AND/OR DISPOSED OF IN CONFORMANCE WITH THE USES WILL BE IN ACCORDANCE WITH SAID REGULATIONS.
- EXCEPT WHERE NOTED HEREON TO THE BEST OF OUR KNOWLEDGE THE PROPOSED DEVELOPMENT OF THE SUBJECT PROPERTY CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES, REGULATIONS, AND ADJUDICATED STANDARDS.
- EXISTING JUNIPER STREET SERVES AS THE ACCESS POINT TO THE SITE. IT IS DESIRED THAT IMPROVEMENTS MAY BE MADE TO CONSTRUCT A CONNECTION ROAD ALONG THE NORTH BOUNDARY OF THE PROPERTY (SEE AGREEMENT ON SHEET 8).
- PROPOSED SANITARY SEWER AND STORM DRAINAGE ARE SHOWN FOR ILLUSTRATIVE PURPOSES AND SUBJECT TO FINAL ENGINEERING. THIS PLAN DOES NOT PURPORT TO SHOW ALL EXISTING UNDERGROUND UTILITIES, AND THOSE SHOWN ARE APPROXIMATE.
- ALL NECESSARY PUBLIC UTILITIES ARE READILY ACCESSIBLE TO THE SITE OR WILL BE EXTENDED OR IMPROVED BY THE APPLICANT OR UTILITY COMPANY AS MAY BE APPROPRIATE.
- AT TIME OF FINAL ENGINEERING, THE PROPOSED LIMITS OF CLEARING AND GRADING WILL BE IN SUBSTANTIAL CONFORMANCE WITH THAT DEPICTED ON THE GEP. NECESSARY UTILITIES SHALL BE INSTALLED BY THE LEAST OBSTRUCTIVE MEANS AS POSSIBLE.
- THE PROPOSED DEVELOPMENT CONFORMS TO THE RECOMMENDATIONS SET FORTH IN THE ADOPTED COMPREHENSIVE PLAN FOR THE METROFIELD SUBURBAN CENTER.
- DEVELOPMENT SCHEDULE OF THE PROJECT WILL BE FULFILLED IN AN EXPEDITIOUS MANNER, AND IS CONTINGENT UPON PLAN APPROVAL.
- THE DWELLING AND ACCESSORY STRUCTURES LOCATED ON THE SUBJECT PROPERTY WILL BE DEMOLISHED AS PART OF THE DEMOLITION AND SITE PLANNING PROCESS.
- THERE ARE NO AREAS WITH TOXIC WASTE OR NATURAL FEATURES DEMANDING OF PROTECTIVE PRESERVATION STATUS.
- PROPOSED USE IS INDUSTRIAL AS PER THE COMPREHENSIVE PLAN WITH INDUSTRIAL USES SURROUNDING THEREFORE, ADJACENT USES SHOULD NOT BE ADVERSELY IMPACTED BY ON-SITE CONSTRUCTION.
- THERE ARE NO SPECIAL AGREEMENTS PROPOSED WITHIN THIS INDUSTRIAL DEVELOPMENT.
- PROPOSED SIGNAGE ON JUNIPER STREET TO BE PROVIDED BY THE OWNER AS A PUBLIC IMPROVEMENT, AND MAINTAINED BY VDOT AS PART OF THEIR EXISTING RIGHT OF WAY. SEE NOTE 16 REGARDING SCHEDULE.
- THERE ARE NO KNOWN UTILITY BASINMENTS OF 20' OR GREATER IN WIDTH ON THE SITE.
- A) A MODIFICATION OF Z.O. SECTION 11-102, PAR. 8 IS HEREBY REQUESTED TO REDUCE THE SETBACK OF 10' FROM THE RIGHT OF WAY OF JUNIPER STREET & THE FUTURE ACCESS ROAD, TO A DISTANCE SHOWN ON BOTH THE INTERIM AND ULTIMATE GEP.  
B) A MODIFICATION OF Z.O. ART 8-488 IS HEREBY REQUESTED TO REDUCE THE REQUIRED OPEN SPACE OF 15% WITHIN AN 1/4 AC ZONING DISTRICT TO THAT SHOWN ON BOTH THE INTERIM & ULTIMATE GEP.  
C) A VARIANCE IS HEREBY REQUESTED OF Z.O. ART 13-213 A) FROM THE BUFFER REQUIREMENT BETWEEN THE SUBJECT PROPERTY (MINI-WAREHOUSING ESTABLISHMENT) AND THE ADJACENT HOME DEPOT (RETAIL SALES WITH OUTSIDE DISPLAY), DUE TO THE BUILDING BEING LESS THAN 8' TO THE ADJOINING PROPERTY LINE.



VICINITY MAP  
SCALE: 1" = 50'

### APPLICANT:

NEKA MARBLE & GRANITE, INC.  
2810 JUNIPER STREET  
FAIRFAX, VIRGINIA 22031

### AGENT FOR OWNER:

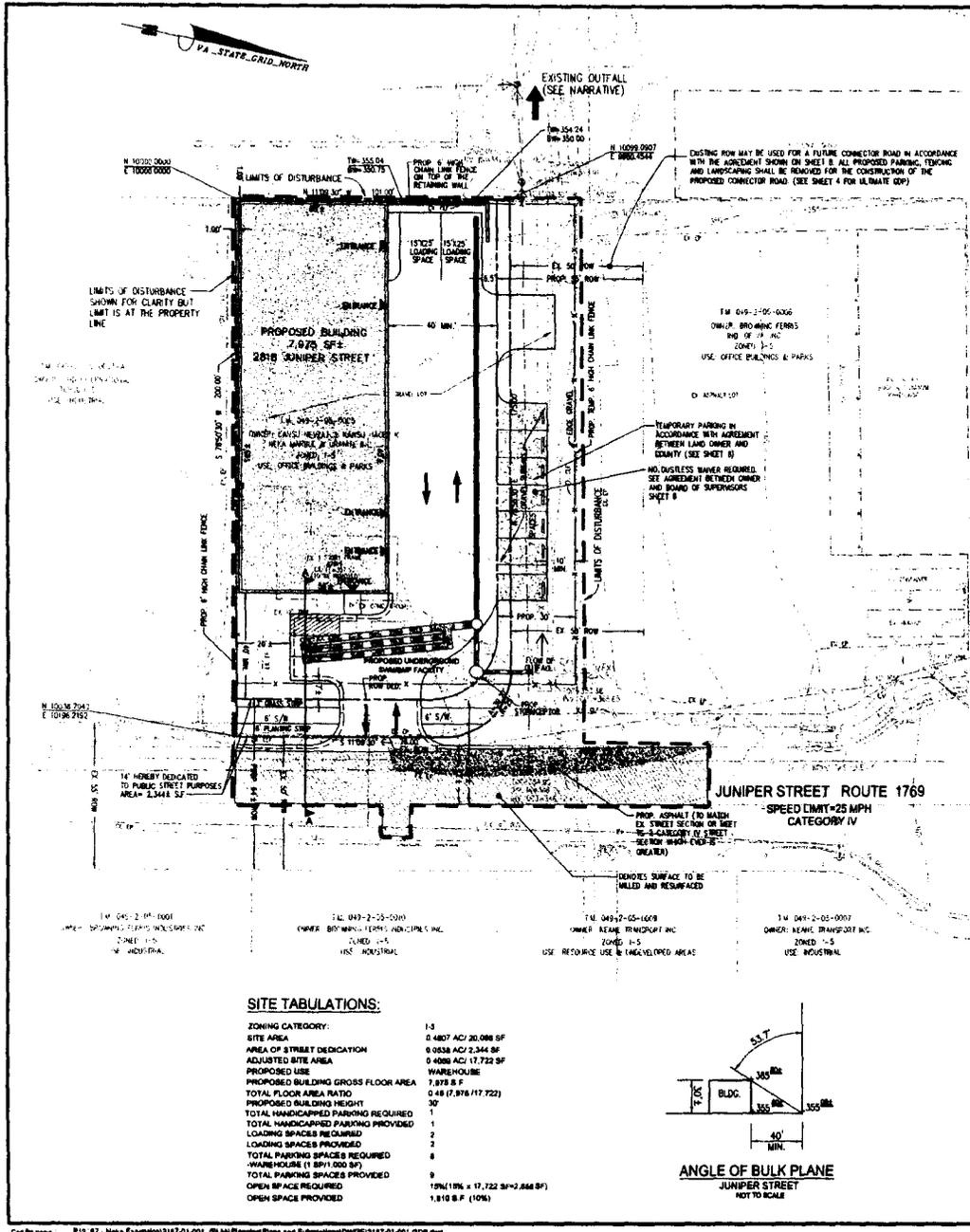
SACK, HARRIS, & MARTIN, P.C.  
8270 GREENBORO DRIVE - SUITE 630  
MCCLEAN, VIRGINIA 22102

### PREPARED BY:

BOWMAN CONSULTING GROUP, LTD.  
14020 THUNDERBOLT PLACE, SUITE 300  
CHANTILLY, VA. 20151

### SHEET INDEX

- COVER SHEET
- INTERIM GENERALIZED DEVELOPMENT PLAN
- INTERIM LANDSCAPE PLAN
- ULTIMATE GENERALIZED DEVELOPMENT PLAN
- ULTIMATE LANDSCAPE PLAN
- EXISTING VEGETATION MAP
- BUILDING ELEVATIONS
- PROFFERS & AGREEMENTS



**OUTFALL NARRATIVE**

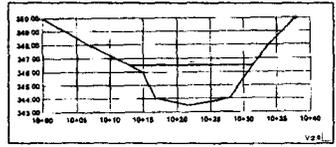
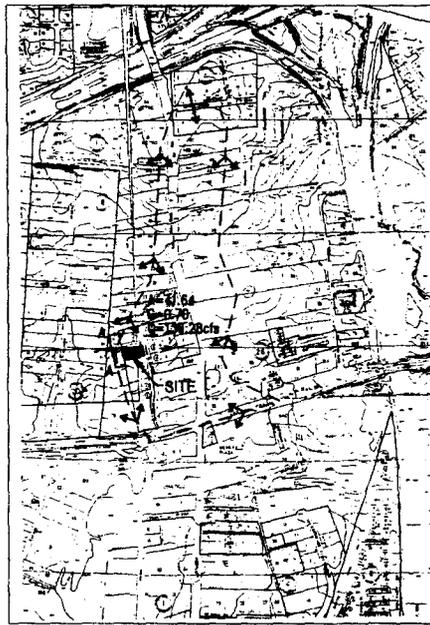
DRAINAGE FROM THE PROPERTY IS COLLECTED IN A CLOSED STORM SEWER SYSTEM WHICH IS TREATED IN AN UNDERGROUND STORM WATER MANAGEMENT SYSTEM. THIS SYSTEM PROVIDES BOTH WATER QUANTITY AND QUALITY CONTROL. THE ENTIRE SITE CONSISTING OF 0.48 ACRES WILL DRAIN INTO THE SYSTEM BY SHEET FLOW FROM THE PARKING LOT INTO THE TRENCH DRAIN AND BY ROOF DRAINS FROM THE BUILDING. STORAGE OF APPROXIMATELY 804 CUBIC FEET WILL BE PROVIDED IN THE UNDERGROUND SYSTEM WHICH WILL PROVIDE DETENTION OF THE 2-YEAR AND 10-YEAR STORMS. THE IMPERVIOUS AREA OF THE SITE WILL BE INCREASED BY APPROXIMATELY 2,800 SQUARE FEET. THE UNDERGROUND STORM WATER MANAGEMENT SYSTEM DISCHARGES INTO AN EXISTING 48" STORM SEWER WHICH OUTFALLS INTO AN EXISTING ADEQUATE BED AND BANKS CHANNEL AT JUST BEYOND THE NORTHWEST CORNER OF THE SITE. THIS CHANNEL HAS BEEN ANALYZED FOR ADEQUACY AND A CROSS SECTION DEMONSTRATING THE FLOWS TO THE CHANNEL AND THE CAPACITY OF THE CHANNEL IS SHOWN ON THIS SHEET. THE CHANNEL SERVES A DRAINAGE AREA 100 TIMES GREATER THAN THE SITE AREA OF THIS PROJECT. BASED ON THIS ANALYSIS, THE CHANNEL PROVIDES AN ADEQUATE OUTFALL FOR THE SITE.

**OVERLAND RELIEF**

THE SITE DRAINS TO THE NORTH AND WEST TO AN ADEQUATE BED AND BANK STREAM BEHIND THE SITE. THE SITE SLOPES AWAY FROM THE BUILDING AND OVERLAND RELIEF IS AVAILABLE WHICH WILL AVOID THE POTENTIAL FOR FLOODING OF THE BUILDING.

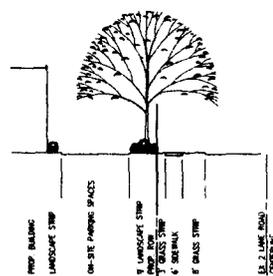
**BMP NARRATIVE**

REQUIREMENTS OF THE CHESAPEAKE BAY WILL BE SATISFIED BY INSTALLING AN UNDERGROUND WATER QUALITY DEVICE WHICH WILL FILTER THE STORM WATER PRIOR TO LEAVING THE SITE. A STORMCEPTOR DEVICE HAS BEEN SHOWN ON THIS PLAN WHICH WILL SATISFY PFM CRITERIA FOR PHOSPHORUS REMOVAL. THIS UNDERGROUND SYSTEM WILL BE PRIVATELY MAINTAINED BY THE OWNER.



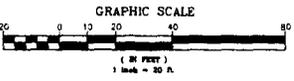
**OUTFALL DITCH SECTION A-A**

Cross Section for Irregular Channel  
Slope: 0.70%  
Discharge: 128.28 cfs



**LEGEND**

EXISTING	DESCRIPTION	PROPOSED
---	INDEX CONTOUR	---
---	INTERMEDIATE CONTOUR	---
---	PROPERTY LINE	---
---	RIGHT-OF-WAY	---
---	CENTERLINE	---
---	CLEANING AND GRADING	---
---	FENCE LINE	---
---	EASEMENT	---
---	WATER LINE	---
---	SANITARY SEWER	---
---	STORM DRAIN	---



**Bowman**  
CONSULTING

Professional Seal  
No. 000908  
2/1/05

INTERIM GENERALIZED DEVELOPMENT PLAN  
NEKA PROPERTY  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

RZ 79-P-03B  
COUNTY PROJECT NUMBER

10190A	1	CO COMMENTS
12498B	0	CO COMMENTS
12498B	0	CO COMMENTS
2788	0	CO COMMENTS

DATE: 2/1/05  
DESCRIPTION: 21705

DATE: AUGUST 2004  
FILE NO: 2187-0-27-001

SHEET 2 OF 8

Address: Community Office, 14  
 1400 Thimble Shoals Drive,  
 Chesapeake, Virginia 23031  
 Phone: (757) 441-1500  
 Fax: (757) 441-1715  
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INTERIM LANDSCAPE PLAN  
 NEKA PROPERTY  
 FAIRFAX COUNTY, VIRGINIA

PROVIDENCE DISTRICT



DATE	DESCRIPTION
10/19/04	CD COMMENTS
12/05/04	CD COMMENTS
1/28/05	CD COMMENTS
2/7/05	CD COMMENTS

DATE	DESCRIPTION
	CTO
	RPM
	MWB
	DRW
	CHK

SCALE: H 1" = 20'

JOB No: 2187-01-001  
 DATE: AUGUST 2004  
 FILE No: 2187 D 27-001

### PLANT LIST

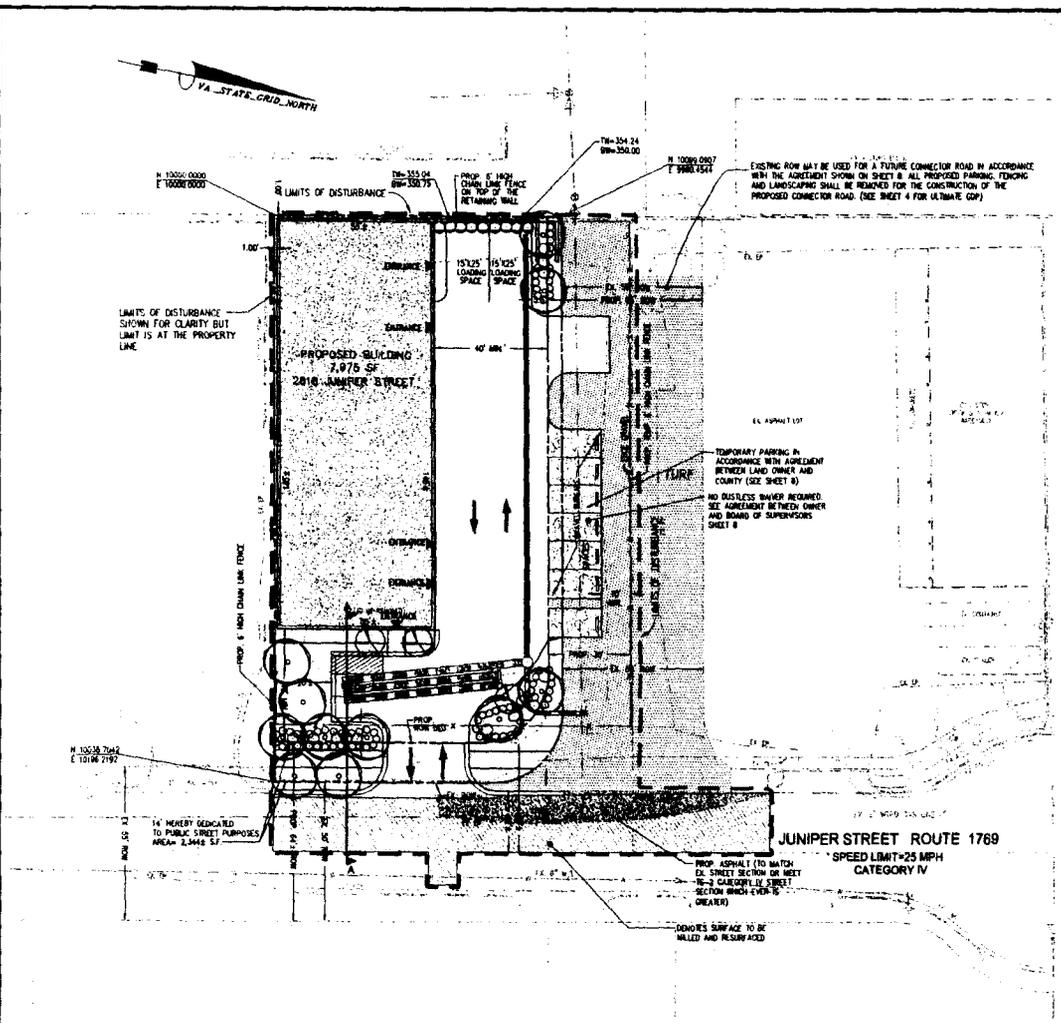
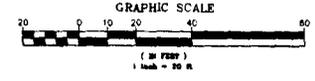
TREES TO COMBUST BUT NOT LIMITED TO THE FOLLOWING	ORNAMENTAL TREES
DECIDUOUS SHADE TREES	
ACER RUBRUM	BETULA NIGRA
CARPINUS CAROLINIANA	CORYLUS CANADENSIS
OLEA FRUTICOSA	CORYLUS KOLUBA
QUERCUS ALBA	MAGNOLIA SOULANGIANA
QUERCUS COCCINIFERA	PRUNUS VIRGINIANA
QUERCUS PHELLOS	
QUERCUS RUBRA	SHRUBS
PLATANUS OCCIDENTALIS	BUXUS MICROPHYLLA
ULMUS PARVIFLORA	ILEX VAR.
ZELKOVA SERATA	JANPERUS VAR.
EVERGREEN TREES	PRUNUS LAUROCEPAGUS
CUPRESSOCYPRUS LEYLANDII	RHODOCODENDRON VAR. (AZALEA)
ILEX ALTERNATA PORTERI	
PAEONIA	
PAEONIA TABATA	

### TREE COVER CALCULATION

GROSS SITE AREA	30,988 S.F.
LAND DEDUCTIONS	2,344 S.F. (DEDICATION)
ADJUSTED GROSS SITE	17,722 S.F.
TREE COVER RATIO	1.722 S.F. OR 10%
TREE COVER PROVIDED	2,926 S.F.

### LEGEND

- EXISTING TREE (SIZE VARIES)
- DECIDUOUS TREE
- SMALL DECIDUOUS TREE (10 CANOPY MIN)
- SHRUB
- TURF



P:\2187 - Neka Expansion\2187-01-001 - PLUG\Drawing\Plans and Submissions\DWG\2187-01-001 LANDSCAPE PLAN.dwg

Bowman Consulting Group, LLC  
 10000 Thunderbolt Place  
 Chesapeake, Virginia 23041  
 Phone: (757) 441-1000  
 Fax: (757) 441-1025  
 www.bowmanconsulting.com

ULTIMATE GENERALIZED DEVELOPMENT PLAN  
**NEKA PROPERTY**  
 FAIRFAX COUNTY, VIRGINIA  
 PROVIDENCE DISTRICT

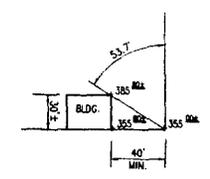
R2 79-P-028  
 COUNTY PROJECT NUMBER



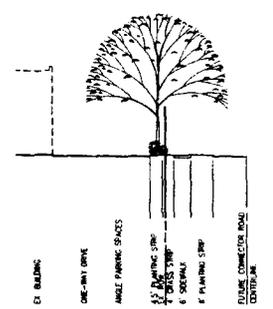
PLAN STATUS

12/19/04	CO COMMENTS
1/19/05	CO COMMENTS
1/28/05	CO COMMENTS
3/7/05	CO COMMENTS

DATE	DESCRIPTION
CTO	RFM MWB
DESIGN	DRAWN CMKD
SCALE	1" = 20'
JOB No.	2167-01-001
DATE	AUGUST 2004
FILE No.	2167-0-2P-001



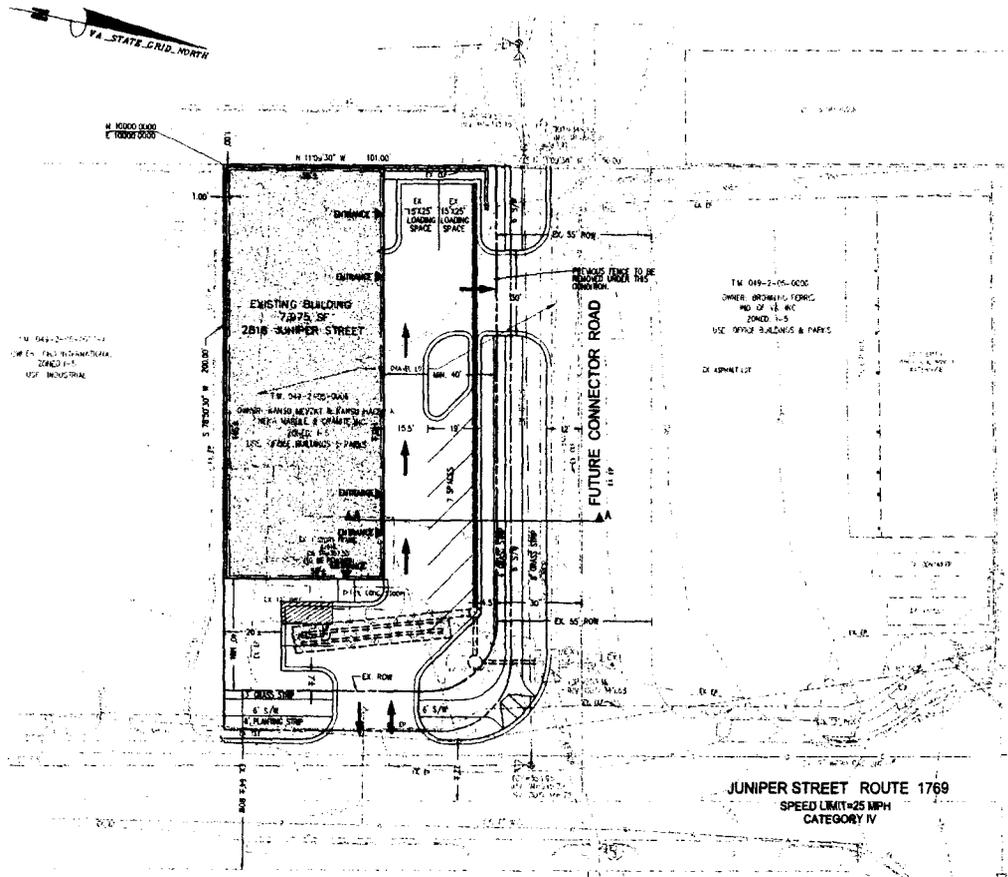
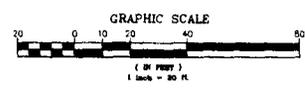
ANGLE OF BULK PLANE  
 FUTURE CONNECTOR ROAD  
 NOT TO SCALE



FUTURE CONNECTOR ROAD  
 CROSS SECTION A-A  
 SCALE: HORIZ 1" = 20'  
 VERT 1" = 2'

LEGEND

EXISTING	DESCRIPTION	PROPOSED
	INDEX CONTOUR	— 25 —
	INTERMEDIATE CONTOUR	— 30 —
	PROPERTY LINE	— 30 —
	RIGHT-OF-WAY	— 30 —
	CENTERLINE	— 30 —
	CLEARING AND GRADING	— 30 —
	FENCE LINE	— 30 —
	EASEMENT	— 30 —
	WATER LINE	— 30 —
	SANITARY SEWER	— 30 —
	STORM DRAIN	— 30 —



JUNIPER STREET ROUTE 1769  
 SPEED LIMIT=25 MPH  
 CATEGORY IV

SITE TABULATIONS:

ZONING CATEGORY:	I-5
SITE AREA:	0.4088 AC/17,722 SF
PROPOSED USE:	WAREHOUSE
PROPOSED BUILDING GROSS FLOOR AREA:	7,975 S.F.
TOTAL FLOOR AREA RATIO:	0.45 (7,975/17,722)
PROPOSED BUILDING HEIGHT:	30'
TOTAL HANDICAPPED PARKING REQUIRED:	1
TOTAL HANDICAPPED PARKING PROVIDED:	1
LOADING SPACES REQUIRED:	2
LOADING SPACES PROVIDED:	2
TOTAL PARKING SPACES REQUIRED:	8
WAREHOUSES (1 SP/1,000 SF):	8
TOTAL PARKING SPACES PROVIDED:	8
OPEN SPACE REQUIRED:	10% (15% x 17,722 SF = 2,658 SF)
OPEN SPACE PROVIDED:	3,118 S.F. (17%)

TM 049-2-05-000 OWNER: BROWMAN TERRIS INDUSTRIES INC. ZONED I-5 USE: INDUSTRIAL  
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 TM 049-2-05-068 OWNER: BROWMAN TERRIS INDUSTRIES INC. ZONED I-5 USE: INDUSTRIAL  
 TM 049-2-05-069 OWNER: BROWMAN TERRIS INDUSTRIES INC. ZONED I-5 USE: INDUSTRIAL  
 TM 049-2-05-070 OWNER: BROWMAN TERRIS INDUSTRIES INC. ZONED I-5 USE: INDUSTRIAL  
 TM 049-2-05-071 OWNER: BROWMAN TERRIS INDUSTRIES INC. ZONED I-5 USE: INDUSTRIAL  
 TM 049-2-05-072 OWNER: BROWMAN TERRIS INDUSTRIES INC. ZONED I-5 USE: INDUSTRIAL  
 TM 049-2-05-073 OWNER: BROWMAN TERRIS INDUSTRIES INC. ZONED I-5 USE: INDUSTRIAL  
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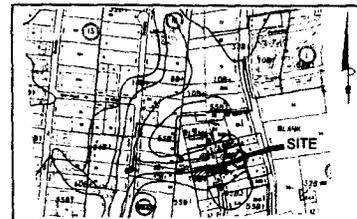
Plot 2167 - Neka Expansion 187-01-001 (PLN) Planning Plans and Submittals 08/21/04 187-01-001 ULTIMATE GDP.dwg 2/27/05 1:20:28 PM RRM





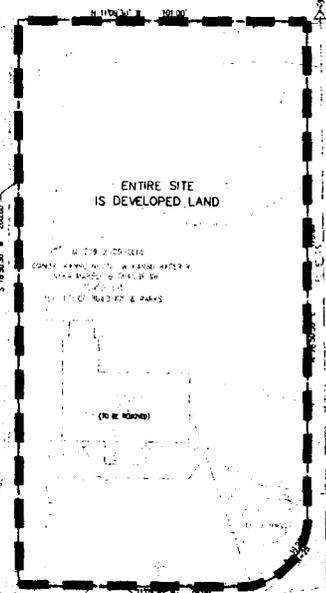
### EXISTING VEGETATION LEGEND

Cover Type	Primary Species	Understory Species	Successional Stage	Condition	Area
Developed Land	Areas constructed with for buildings, parking, and/or miscellaneous storage.	Lithological species consists of only five total trees, including silver maple, black walnut, and white pine.	Commercial landscaping	Fair to poor	20,082 SF 0.4607 AC
Comments: Topography is very flat at 0-2%. Vegetative cover is limited to five total trees in this commercial setting.					TOTAL = 0.4607 AC



VICINITY MAP / DATA  
SCALE: 1" = 500'

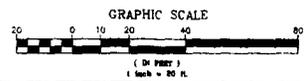
SOIL D NUMBERS	SERIES NAME	FOUNDATION SUPPORT	SUBSURFACE DRAINAGE	SLOPE STABILITY	ERODIBILITY
1B1	OLEVILLE SILT LOAM	FAR	NORMAL	GOOD	MODERATE
1B2	NORFOLK SILT LOAM	POOR	POOR	GOOD	SLIGHT



JUNIPER STREET ROUTE 1769  
SPEED LIMIT=25 MPH  
CATEGORY IV

### LEGEND

EXISTING	DESCRIPTION	PROPOSED
	INDEX CONTOUR	---
	INTERMEDIATE CONTOUR	---
	CURB AND GUTTER	---
	TRANSITION FROM CURB TO GUTTER	---
	PROJECT LIMIT PROPERTY LINE	---
	DEPARTMENTAL PROPERTY LINE	---
	PROPERTY LINE	---
	RIGHT-OF-WAY	---
	CENTERLINE	---
	FLOOD PLAIN	---
	CLEARING AND GRADING	---
	TREE LINE	---
	STREAM	---
	OVERLAND RELIEF PATHWAY	---
	FENCE LINE	---
	EASEMENT	---
	WATER LINE	---
	SANITARY SEWER	---
	STORM DRAIN	---
	LIMITS OF E/W	---



# Bowman

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Charlottesville, Virginia 22911  
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Fax: (703) 441-8700  
www.bowmanconsulting.com

EXISTING VEGETATION MAP  
NEKA PROPERTY  
FAIRFAX COUNTY, VIRGINIA  
PROVIDENCE DISTRICT

R2 79-P-038  
COUNTY PROJECT NUMBER

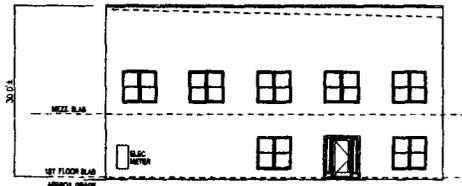


PLAN STATUS	DATE	DESCRIPTION
10/19/04	CO COMMENTS	
10/26/04	CO COMMENTS	
1/27/05	CO COMMENTS	

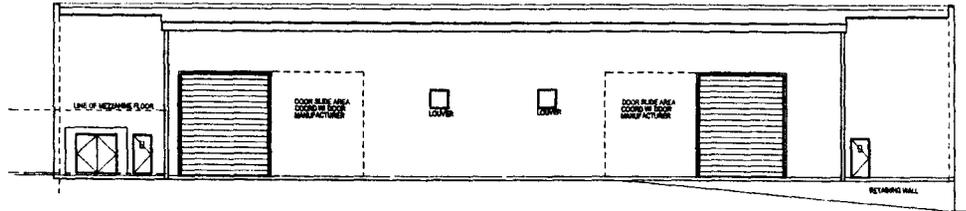
DATE	DESCRIPTION
CTO	RAM
DESIGN	DAK/MB
SCALE	1" = 20'
JOB No.	2187-01-001
DATE	AUGUST 2004
FILE No.	2187-01-2P-001

SHEET 6 OF 8

P:\2187 - Neka Expansion\2187-01-001 (PLN)\Planning\Plans and Submissions\DWG\2187-01-001 BLDG ELEV.dwg, 2/26/20 11:28:34 AM, RRM



**JUNIPER STREET FACADE**  
SCALE: 1" = 10'



**FUTURE CONNECTOR STREET FACADE**  
SCALE: 1" = 10'

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BUILDING ELEVATIONS  
**NEKA PROPERTY**  
FAIRFAX COUNTY, VIRGINIA  
PROVIDENCE DISTRICT

RZ 79-P-038  
COUNTY PROJECT NUMBER



PLAN STATUS	DATE	DESCRIPTION
10/18/24	10/18/24	CD COMMENTS
1/20/25	1/20/25	CD COMMENTS
10/28/25	10/28/25	CD COMMENTS
2/1/25	2/1/25	CD COMMENTS

DATE	DESCRIPTION
CTO	DRW
DESIGN	DRW
SCALE	AS NOTED

JOB No: 2187-01-001  
DATE: AUGUST 2024  
FILE No: 2187-0-2P-001







# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** January 4, 2010

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief *PAN*  
Environment and Development Review Branch, DPZ

**SUBJECT:** **Land Use Analysis and Environmental Assessment: PCA 79-P-038-02**  
Nevzat Kansu and Hacer Kansu

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject generalized development plan for the proffer condition amendment application, dated September 1, 2009. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted.

### DESCRIPTION OF THE APPLICATION

The applicants, Nevzat Kansu and Hacer Kansu request approval to allow the existing building to be retained for I-5 (General Industrial District) uses pending future redevelopment of the 20,066 square foot subject property. In 2005 a proffer condition amendment was approved to allow the construction of an interim 7,975 square foot butler-building warehouse. The applicants are now requesting approval of the proffer condition amendment to allow an alternate interim use in which the existing 1,388 square feet building (house) would be retained with an expansion of uses within the I-5 District, beyond warehousing only. The amendment also seeks some flexibility for outdoor storage of equipment during the interim use.

### LOCATION AND CHARACTER OF THE AREA

The subject property is located on the west side of Juniper Street, approximately 700 feet north of the intersection of Juniper Street and Route 29. Gallows Road is situated approximately one block east of Juniper Street. The site is zoned I-5 and is surrounded by a variety of industrial and commercial uses that are generally zoned C-6 and I-5 and planned for a mix of retail, industrial and warehouse uses.

Department of Planning and Zoning  
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## **COMPREHENSIVE PLAN CITATIONS:**

### **Land Use**

Fairfax County Comprehensive Plan, 2007 Edition, Area I, Merrifield Suburban Center, as amended through August 6, 2007, Merrifield Suburban Center Land Unit Recommendations, Land Unit C, Sub-unit C5, pages 60–68, the Plan states:

#### **“LAND UNIT C**

Land Unit C is comprised of approximately 106 acres and is bounded by Gallows Road on the east, Route 29 and Hilltop Road on the south, Prosperity Avenue on the north, and Land Unit D on the west . . . . Existing development is generally retail and industrial uses along Route 29 and Gallows Road and industrial and office uses in the remainder.

The northern portion of Land Unit C is located within close proximity to the Dunn Loring-Merrifield Transit Station and is envisioned to change to a mix of uses including office, hotel, and residential uses. The highest intensity is envisioned to develop on the northern portion, closest to the Metro station, with intensity decreasing toward the southern portion of the land unit.

The major circulation improvements for this land unit include the realignment of Merrilee Drive with Eskridge Road. Both of these improvements are needed to facilitate Merrilee Drive with Eskridge Road. This improvement is needed to facilitate Merrilee Drive as the “Main Street” for the Merrifield Suburban Center, which will link the Metro station to the Merrifield “Town Center.” The other major circulation improvement within this land unit is the East-West Connector Road that extends Merrifield Avenue to the east, generally aligning with Providence Forest Drive, and to the west intersecting with Prosperity Avenue. See the Transportation Map, Figure 18, located in the Transportation Section of the Area-Wide Recommendations. The major arterial improvements are the widening of Route 29 and Gallows Road, and the planned improvements at the intersection of the two roads. . . .

#### **Sub-Unit C5:**

Sub-Unit C5 is located at the northwest quadrant of Route 29 and Gallows Road and is planned and developed with a mix of retail, industrial, and warehouse uses. Any modification or expansion of the existing buildings should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section.

Option: As an option, redevelopment within this sub-unit to a retail center with office uses up to .65 FAR may be appropriate. Any development proposals under this option should address all applicable Area-Wide guidelines, as well as provide for the following:

- The retail center should include community-serving uses such as a grocery store, and should not have freestanding uses and “drive-through” uses such as fast-food restaurants and car washes. Drive-through uses that are low traffic generators, such as financial institutions and drug stores, may be considered provided that the drive-through facility is integrated within a multi-tenant building and is designed in a manner that does not impede pedestrian access. Any office components should be designed as an integral part of the development and should not exceed 50% of the development’s gross square footage.
- Consolidations of at least six contiguous acres are encouraged. When a consolidation is less than 6 acres, but more than four acres, development should provide for vehicular and pedestrian access with abutting properties. As an alternative, coordinated development plans with a combined land area of at least 4 acres may be appropriate if the consolidation objectives are met. In any instance, it must be demonstrated that any unconsolidated parcels are able to develop in conformance with the Plan as described under the Land Use Guidelines in the Area-Wide Land Use section.
- Minimize access to Route 29 and Gallows Road through the provision of inter-parcel access (both vehicular and pedestrian). Any development proposal should provide circulation improvements that increase circulation within this and adjacent sub-units, as well as inter-parcel access.
- Development should provide for or contribute to an internal Merrifield transit system (i. e., shuttle service, etc.)
- Surface parking in the front yard should be minimized and should be limited to convenience parking for retail. Any parking structures should be behind and/or under buildings.
- TDM programs should be provided that facilitate a non-SOV mode split of at least 15%.

Height Limit: Under the development options, the maximum building height is 95 feet when development is not integrated with structured parking. In order to encourage structured parking to be located under buildings, a height bonus of up to 20 feet (or a maximum height of 115 feet) is appropriate when at least 2 levels of structured parking are provided under the building, either at or below grade. The building height bonus should be contingent on increasing the amount of open space amenities. See the Building Heights Map, Figure 16, and the Building Height Guidelines under the Area-Wide Urban Design section.”

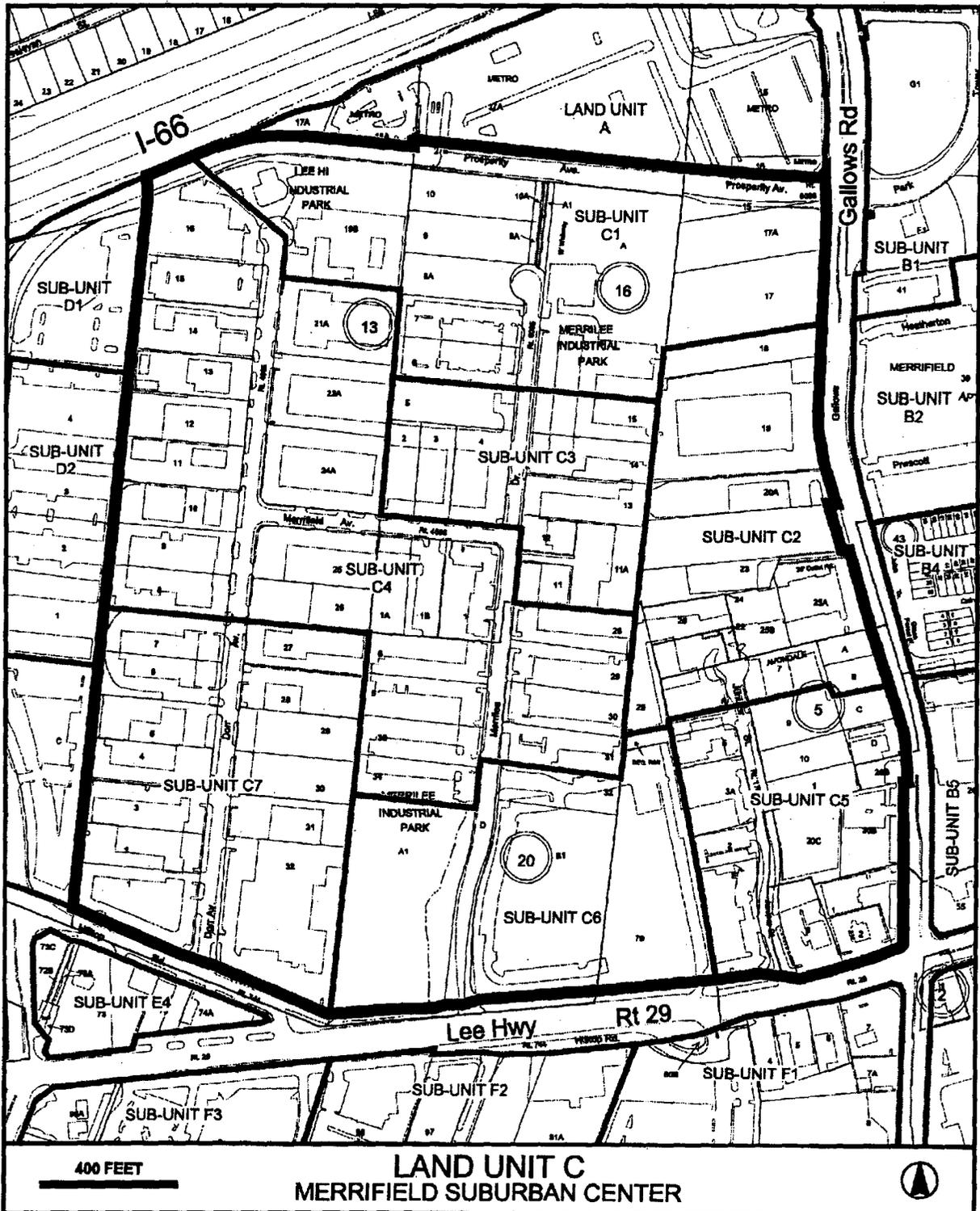


FIGURE 24

The Fairfax County Comprehensive Plan, Area I, 2007 Edition, Area I, Merrifield Suburban Center, as amended through August 6, 2007, Area Wide Recommendations, Land Use Guidelines, page 13 states:

***“Existing Uses and Buildings*** – In some instances, existing development may not be consistent with the long-term vision for the Merrifield Suburban Center. It is not the intent of the Plan to interfere with the continuation of these existing land uses or buildings. If the adaptive reuse and/or expansion of these buildings should occur prior to site redevelopment, the following guidelines should be met:

- The replacement of existing uses (except for replacements necessitated by casualty, i.e., from storm, fire) or expansion and/or remodeling of existing buildings, should implement certain design-related aspects of the Plan, such as improvements to building façades, open space/pedestrian amenities, and streetscape. If design-related improvements (i.e., building facades, open space/pedestrian amenities, and streetscape) are not feasible due to the existing building’s location on the site, or other site constraints, alternative site design improvements should be considered to help implement the Plan’s intent. For example, if a double row of street trees is recommended for the streetscape, but cannot be provided due to the location of existing sidewalks, a single row of street trees could be an appropriate alternative. In addition, road improvements, right-of-way dedication and/or right-of-way reservation are appropriate for consideration when there are significant expansions to a structure (i.e., over 15% additional floor area) and/or the existing use is replaced with a more intense use (i.e., a warehouse conversion to office or retail use) that necessitates changes in circulation or other site design issues.
- Retention of existing uses during redevelopment should be encouraged by permitting incorporation of the old use into the new, such as incorporating light industrial uses into a portion of a parking structure, or incorporating community retail or other commercial/business-related uses into office and residential development.
- Landscaped screening and/or buffering should be used to separate existing industrial uses from office and residential uses where necessary to achieve Plan objectives, but without blocking the provision of utilities as well as inter-parcel access recommended by the Transportation and Land Unit Recommendations.”

## **Environment**

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 6-9, the Plan states:

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

- Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .
- Policy d. Preserve the integrity and the scenic and recreational value of stream valley EQCs when locating and designing storm water detention and BMP facilities. In general, such facilities should not be provided within stream valley EQCs unless they are designed to provide regional benefit or unless the EQCs have been significantly degraded. When facilities within the EQC are appropriate, encourage the construction of facilities that minimize clearing and grading, such as embankment-only ponds, or facilities that are otherwise designed to maximize pollutant removal while protecting, enhancing, and/or restoring the ecological integrity of the EQC....
- Policy j. Regulate land use activities to protect surface and groundwater resources.
- Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques. . . .
- Where feasible, convey drainage from impervious areas into pervious areas. . . .
  - Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements. . . .
  - Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
  - Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements....
  - Where feasible and appropriate, encourage the use of pervious parking surfaces in low-use parking areas.

- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements. . . .

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

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on page 10, the Plan states:

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

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

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on page 16, the Plan states:

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

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices. . . .”

## **COMPREHENSIVE PLAN MAP: Mixed Use**

### **LAND USE ANALYSIS**

This applicants propose to establish an alternative interim use which would retain the existing 1,388 square foot building on a 20,066 square foot parcel zoned I-5 in addition to the approved (in 2005) 7,975 square foot interim butler-building warehouse. As noted by the applicants, the alternative interim use of the existing building under this application would include less intensity, more open space and reduction in impervious surface than the approved interim butler-building warehouse. As such, staff finds the proposed alternative interim use more desirable than the approved interim use. The proposed alternative interim use would not

prohibit land consolidation and redevelopment consistent with the long term land use vision of the Merrifield Suburban Center.

In consideration to Comprehensive Plan guidance related to transportation, approved I-5 uses associated with this request should be limited to uses which would generate limited trips. In addition, any proposed outdoor storage on site should be limited and its potential visual impacts should be mitigated with a board-on-board and landscaping.

## **ENVIRONMENTAL ANALYSIS**

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

### **Water Quality Protection/Stormwater Management Best Management Practices (BMP):**

The 20,066 square foot subject property is situated on the eastern edge of the Accotink Creek Watershed within an existing industrial area of the Merrifield Suburban Center. No new impervious surface is proposed for this proposed interim alternative use. Notes 5 and 6 of sheet 1 of the development plan indicate that an underground vault device (Stormceptor) and provision of open space are proposed to achieve phosphorous removal and water quality protection in compliance with the Chesapeake Bay Preservation Ordinance.

### **COUNTYWIDE TRAILS MAP:**

The Countywide Trails Plan does not depict any trails immediately adjacent to the subject property.

PGN: MAW

## **ADDITIONAL COMPREHENSIVE PLAN GUIDANCE:**

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Merrifield Suburban Center, Area I, as amended through August 6, 2007, Area-Wide Recommendations, Pages 17- 25:

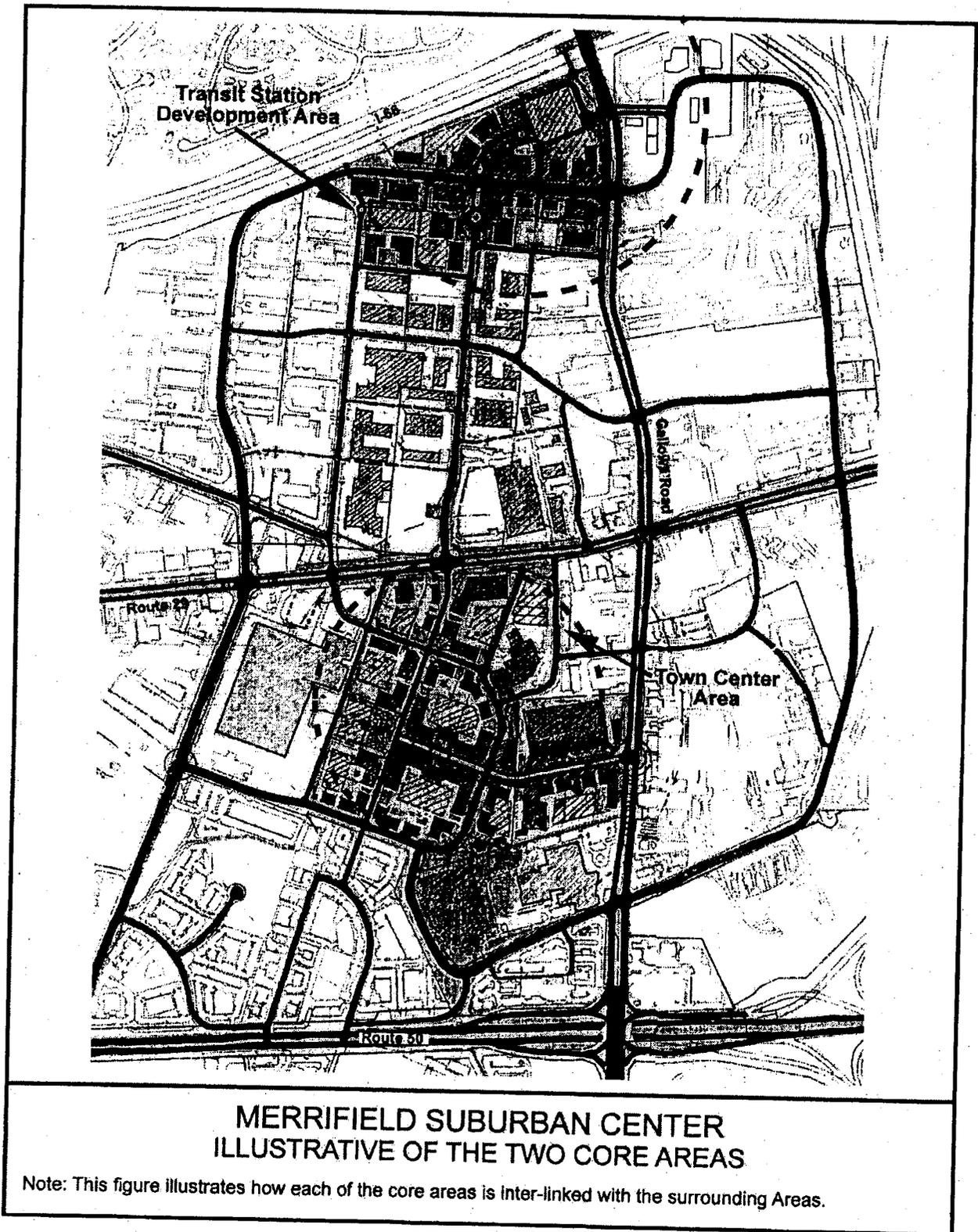
### ***“Urban Design***

The Merrifield Suburban Center has developed over the years with a mix of industrial, office, retail, hotel, and multifamily uses. The development pattern that has resulted has not provided areas with a “sense of place”. The existing development tends to be auto-oriented with surface parking and abutting properties are isolated from each other due to the lack of an adequate network of pedestrian facilities. In order to facilitate the establishment of areas with a “sense of place” and with an overall improvement in image, redevelopment is encouraged within portions of the Merrifield Suburban Center.

The urban design concept identifies areas which should develop with a more urban and pedestrian-oriented environment, and which should include a mix of office, retail, and residential uses. These new more urban environments are to be concentrated in two core areas as described in the previous Land Use section: the Town Center and the Transit Station Area. Figure 5 illustrates the location of the two cores and how each is inter-linked with the surrounding areas (see Transportation Section for planned Roadway Improvements). The majority of the Merrifield Suburban Center, which is outside of the transit station area and the town center, will remain suburban in character and provide transitions in scale and intensity to the surrounding area.

The urban design concept for the Merrifield Suburban Center is designed to achieve a balance between the more urban character of the proposed Town Center and the Transit Station Area and the more suburban character of the rest of the Merrifield Suburban Center and the surrounding residential neighborhoods. The principles for establishing the Urban Design Concept are as follows:

- Create a sense of place by encouraging the development of mixed-use focus areas (i.e., the Transit Station Area and the Town Center);



- Provide transportation connections throughout the Merrifield Suburban Center by creating an extensive grid of well-lit and landscaped streets, pedestrian paths, and other transportation linkages;
- Integrate land uses through architectural and landscape transitions;
- Create buildings with a distinctive architectural character and a street presence;
- Encourage high-quality development in terms of site design, building design and materials, and open space amenities;
- Avoid a community dominated by surface parking;
- Accommodate alternative transportation modes (i.e., walking, bicycling, busses, shuttles, and metro); and
- Provide attractive and usable community-serving civic and recreation space.

A variety of elements are needed to provide guidance to encourage more urban and pedestrian-oriented areas, and to improve the overall appearance and sense of place within the Merrifield Suburban Center. The following elements include guidance for the pedestrian and open space system, streetscape design, building and site design, and building heights. This urban design guidance is intended to encourage in the core areas the type of environment illustrated by Figures 6 and 7, that show potential development encouraged on the Metro station property and at the Town Center.

### **PEDESTRIAN AND OPEN SPACE SYSTEM**

One of the key objectives of the Merrifield Suburban Center Plan is to encourage alternative modes of transportation as substitutes for the single-occupant auto. Good design can contribute to the attainment of this goal by creating a convenient, pleasant and safe experience for the pedestrian, thus making walking a viable alternative to driving. The pedestrian system should consist of well-lit sidewalks, crosswalks, and/or trails that also connect plazas, courtyards, or other open spaces to create places for pedestrians to walk, rest, or gather for recreational or community activities. Such a pedestrian system is a critical component for creating a transit and pedestrian-friendly environment, as well as for providing high-quality development. To encourage workers to travel by public transportation, either by bus or rail transit, the walk to the workplace must be an experience that pedestrians are willing to repeat at least twice a day. For this reason, planning for pedestrians and transit access is a vital part of the successful implementation of the Merrifield Suburban Center Plan.

Mixed-use developments and areas are also an important component of pedestrian-friendly environments. Projects should be designed in a manner that bring a variety of uses in proximity to each other. Pedestrian access between those uses should be convenient, safe, and pleasant in order to discourage use of automobiles. Designing for the pedestrian includes designing the streetscape to include trees, signage, and street furniture (benches, lighting, etc.). Trees are one of the most important features of the streetscape, as they provide shade to pedestrians, add natural beauty to the street, and soften the hard edges of the building forms. Additional landscaping can also enhance pedestrian paths among

buildings, between developments, or mid-block, making these areas attractive and encouraging people to walk rather than drive between uses. The use of trees in ornamental grates, planter boxes, planting strips, or larger landscaped areas are some of the many techniques that can be employed to enhance the pedestrian experience.

Pedestrian safety should also be considered when designing the landscape, and pedestrian-level lighting should be factored into the design. Street lighting and other street furniture, such as trash receptacles, seating, and gateway signage, can reinforce the identity of an area.

Good signage also contributes to good pedestrian-oriented design. For example, signage within a development should be coordinated in terms of scale, design, color, materials, and placement in order to create a unified identity for the area. Signage should also be designed appropriately for its location and purpose, without sacrificing legibility.

The Open Space and Pedestrian System Map, Figure 8, depicts an integrated pedestrian system to unify development within sub-areas and link neighboring sub-areas. This map is not intended to be definitive. Additional pedestrian connections will be identified over time that will provide refinements to the system. These connections could be either sidewalks or trails, alone or in combination with plazas, courtyards or parks.

#### *Open Space and Pedestrian System Guidelines*

A part of the vision for the Merrifield Suburban Center is to create pedestrian-oriented areas with usable open space amenities. The following open space and pedestrian system design guidelines should be considered during the review process:

- In development proposals which entail new development or redevelopment, increased intensity/density, increased building heights, and/or which substantially change the design of a previously approved development commitment, pedestrian linkages should be provided to adjacent development and to the countywide trail system where feasible. The goal is to connect local sites with the larger community and to enhance the continuity of the pedestrian system. Pedestrian linkages could include sidewalks, trails, plazas, courtyards and parks with path systems.
- Additional sidewalks and trails beyond those indicated on Figure 8 (the Open Space and Pedestrian System Map) are encouraged, and are in some cases described in the Land Unit Recommendations Section. Providing fewer connections than those on the map is discouraged, unless it can be demonstrated that those connections are not needed because another circulation pattern would serve the same users as well or better.
- Opportunities should be provided for pedestrians to sit, especially in plazas, courtyards, urban greens and parks. Seating opportunities include the provision of low walls, wide steps, benches and other outdoor furniture.
- Auto and pedestrian traffic should be separated, i.e., pedestrians should not be required to walk in a travel lane or through a parking structure to reach their destination.
- Pedestrian safety should be an important factor in designing sidewalks, crosswalks and trails. Adequate lighting is essential. Pedestrian linkages between buildings and

parking areas should be well-lit and landscaped. Site development should ensure that the landscaping does not impede visibility or create unsafe conditions.

- Pedestrians should be provided with safe and convenient access to transit stops/stations.
- Design of pedestrian linkages should minimize impacts on mature trees and other established vegetation. Where pedestrian linkages (existing or new) have few shade trees, additional trees should be planted.
- Signage along roadways should be provided to contribute to good pedestrian and vehicular orientation. Within the Merrifield Suburban Center, a signage theme should be established that provides consistency in terms of scale, design, color, materials and placement.
- Usable open space in the form of plazas, urban greens, courtyards or parks should be provided throughout the Merrifield Suburban Center, especially in the Transit Station Area and the Town Center, in order to create a strong pedestrian focus. Developments should provide these pedestrian amenities, which include landscaped areas with shade trees, seating areas, public art and other amenities that make attractive gathering places for the local workforce, shoppers, and residents. In some instances, these open space amenities should be large enough and designed in a manner to accommodate informal activities as well as programmed events during lunch-hours and after-work hours....
- The siting of buildings and the quality of design also influences the pedestrian experience. Care should be taken to ensure that buildings are not designed to create barriers to pedestrian circulation.

## **STREETSCAPE DESIGN**

Attractive streetscape includes a well-designed road edge with street furniture and other features and provides improved identity, visual continuity and user safety. The streetscape concept shown on Figure 9 provides a streetscape hierarchy with four types of streetscape designs: Boulevard, Ring Road, Main Street and Cross Street. These streetscapes should create a unifying theme along each of the roads to visually and physically link Merrifield. This unifying theme consists of guidance for street tree location, spacing, and size. Below are general guidelines for all streetscapes, which are followed by design guidelines for each individual streetscape type.

### ***General Streetscape Guidelines***

***Underground utilities:*** Undergrounding of utilities should be encouraged and should be coordinated with future roadway improvements and the rebuilding of sidewalks to foster a pedestrian environment and other Plan objectives. New development should provide underground utility conduits or provide commitments to construct these improvements in the future. If undergrounding utilities is not feasible, consideration should be given to relocating the utilities to the rear or side of the development.

***Street Lighting:*** Street lighting should be provided that maintains the overall character and quality of the area, while providing adequate lighting levels that ensure public safety without creating glare or light spillage into neighboring low-density residential areas.

**Gateways:** Gateways define the major approaches to the area and are shown on Figure 9. At these points of entry to the Merrifield Suburban Center, gateways should have additional plantings and tree groupings in addition to the basic streetscape, and could also include signage and other design treatments that distinguish the location as an entrance to the Merrifield Suburban Center.

**Streetscape Design Flexibility:** When infill or expansion of buildings or other existing features constrain a site's design, variation from the streetscape guidance should be permitted when that variation results in acceptable sidewalk widths and amounts of street trees and landscaping. For example, if the guidance is to provide a double row of street trees, but due to site constraints not enough space exists for the staggered rows, an equal number of street trees planted in a single row may be an appropriate alternative.

When street trees and other plantings are to be located in proximity to roadways or within medians, safety and sight distance should be taken into consideration upon reviewing a development proposal's streetscape design. Modifications to the streetscape guidance is appropriate to account for these issues, but only if viable alternatives in streetscape design can be provided to ensure continuity in the streetscape pattern.

**Streetscape Maintenance:** The provision of the streetscape may be provided on a combination of publicly owned right-of-way and private property. In order for a future development to utilize the public right-of-way to provide streetscape improvements, commitments will need to be made by the property owner to maintain the streetscape area within the public right-of-way. In addition, in order to provide streetscape, the sidewalk may not be entirely within the right-of way; therefore, additional right-of-way may be needed or a public access easement will need to be provided for that portion of the sidewalk located on private property....”



# County of Fairfax, Virginia

## MEMORANDUM

DATE: December 9, 2009

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

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

**FILE:** 3-4 (RZ 79-P-038)

**SUBJECT:** Transportation Impact

**REFERENCE:** PCA 79-P-038-02; Neka Expansion  
Traffic Zone: 1524  
Land Identification Map: 49-2 ((05)) 5

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the revised development plan dated September 1, 2009 and proposed proffers dated July 21, 2009.

The applicant proposes to add another interim plan in order to retain the building currently existing on the site to be used for typical I-5 uses.

This department has reviewed the subject application and offers the following comments:

- The applicant has proffered frontage improvements for the interim on Juniper Street and right-of-way dedication along the future east/west roadway connection. In addition, construction (ancillary) easements should also be provided along the site on Juniper Street.
- The applicant proposes some high trip generators for the site. Such proposed uses of Child Care, Schools of Education and Financial Institution appear inappropriate for such a diminutive site.

KR/AK W:pca79p038NekaExpansion  
CC: Michelle Brickner, Director, Design Review, DPW & ES



# County of Fairfax, Virginia

## MEMORANDUM

November 2, 2009

**TO:** Suzie Zottl, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Todd Nelson, Urban Forester II  
Forest Conservation Branch, DPWES 

**SUBJECT:** Neka Property; PCA 79-P-038-02

**RE:** Request for assistance dated October 2, 2009

This review is based upon the Proffer Condition Amendment (PCA) 79-P-038-02 stamped "Received, Department of Planning and Zoning, September 1, 2009." A site visit was conducted on October 28, 2009.

**Site Description:** The entire site is developed land with an existing one-story frame building and gravel storage yard. There do not appear to be any trees or vegetation on this site. There is existing off-site vegetation along the western property line consisting primarily of red maple trees. There is an existing off-site pin oak tree located adjacent to the southeast corner of the site.

- 1. Comment:** Tree cover calculations have been provided, however, they do not appear to be in conformance with the 10-year Tree Canopy Calculations specified in the 2009 Tree Conservation Ordinance.

**Recommendation:** Information included in the EVM should be utilized to provide a Tree Preservation Target level in accordance with PFM 12-0507. Tree Preservation Target Calculations and Statement should be provided as shown in PFM Table 12.3. In addition, preliminary 10-year tree canopy calculations in accordance with PFM 12-0510 and PFM Table 12.12, should be provided on the PCA demonstrating how Article 13, 10-year tree canopy requirements will be met.

- 2. Comment:** The 'deciduous', 'ornamental', and 'evergreen' tree classifications identified in the legends on sheets 3A and 5 are unclear.

**Recommendation:** Trees proposed to be planted should be identified as Category I, II, III, or IV evergreen trees and/or Category I, II, III, or IV deciduous trees.

---

Department of Public Works and Environmental Services  
Land Development Services, Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



3. **Comment:** Barrier H is not adequately shown or identified at the western property line adjacent to the retail sales establishment with outside display for the 'Alternate' Interim plan. In addition, there are no existing trees located on-site to meet the intent of the barrier requirement.

**Recommendation:** Barrier H should be provided at the western property line to screen the existing use identified on the 'Alternate' Interim Plan.

4. **Comment:** Leyland cypress is proposed to be planted as specified in Plant Lists on sheets 3A and 5. This tree is overused in Fairfax County, is susceptible to disease, and not suited for this environment.

**Recommendation:** Leyland cypress should be removed from the proposed Plant List and an alternate evergreen tree should be provided. American holly and eastern redcedar are suitable for this environment.

5. **Comment:** It does not appear easements for all proposed and existing public utilities have been identified.

**Recommendation:** Easements for all proposed and existing public utilities should be shown and identified.

6. **Comment:** Given the nature of the tree cover adjacent to this site, and depending upon the ultimate development configuration provided for the Ultimate GDP, several proffers will be instrumental in assuring adequate tree preservation and protection throughout the development process.

**Recommendation:** Recommend the following proffer language to ensure effective tree preservation for the Ultimate GDP:

Tree Preservation: "The applicant shall submit a Tree Preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the Ultimate GDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the Ultimate GDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such

as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.”

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 walk-through meeting. During the tree-preservation walk-through meeting, the Applicant’s certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated 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 adjacent trees and associated understory vegetation and soil conditions.”

Limits of Clearing and Grading. “The Applicant shall conform strictly to the limits of clearing and grading as shown on the Ultimate GDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the Ultimate GDP, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.”

Tree Preservation Fencing: “All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence 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 shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the “Root Pruning” proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any 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, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction

activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.”

Root Pruning. “The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation 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, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.”

Site Monitoring. “During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.”

Please contact me at 703-324-1770 if you have any questions.

TLN/  
UFMID #: 147586

cc: RA File  
DPZ File



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** January 11, 2010

**TO:** Suzianne Zottl, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Beth Forbes, Stormwater Engineer *BF*  
Environmental and Site Review Division  
Department of Public Works and Environmental Services

**SUBJECT:** Proffered Condition Amendment Application #PCA 79-P-038-2, Neka Property, Plat dated September 1, 2009, LDS Project #2280-ZONA-001-2, Tax Map #49-2-05-0005, Providence District

We have reviewed the subject application and offer the following stormwater management comments.

### Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site.

Water quality controls are required for the redevelopment proposed under either the Interim plan or the Ultimate plan (PFM 6-0401.2B). For these plans, there is a Stormceptor depicted on the plat. The location shown is too close to an existing maple tree.

There are no limits of disturbance shown on the Alternate Interim plan shown on Sheet 2A. A site plan or minor site plan will be required if the limits of disturbance exceed 250 square feet regardless of the land disturbance statement on this sheet. If fewer than 2500 square feet are disturbed with this alternative and the existing gravel was placed under a site plan or minor site plan, water quality controls would not be required. No controls are shown on the plat.

### Floodplain

There are no regulated floodplains on the property.

### Downstream Drainage Complaints

There are no downstream drainage complaints on file.

### Stormwater Detention

There is an underground detention facility proposed for both the Interim and Ultimate plans. Based on the inverts of the existing system shown on the plat, there does not seem to be a

Department of Public Works and Environmental Services  
Land Development Services, Environmental and Site Review Division  
12055 Government Center Parkway, Suite 525  
Fairfax, Virginia 22035-5505  
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



Suzianne Zottl, Staff Coordinator  
Proffered Condition Amendment Application #PCA 79-P-038-2, Neka Property  
January 11, 2010  
Page 2 of 2

sufficient grade on the property to provide underground detention. The applicant has indicated a PFM modification will be pursued for an arched-chamber underground storage facility; such a modification is likely to be approved.

Since a decrease in impervious surface is proposed in the Alternate Interim plan, stormwater detention would not be required provided that adequate outfall can be demonstrated. There is no location depicted for detention should adequate outfall not be present and the applicant chooses to use the detention method instead of upgrading the storm drain system (PFM 6-0203.4C).

Site Outfall

A description of the outfall to 100 times the site's post-road-dedication area has been provided (Paragraph 2.J(2)(c) of ZO 9-011).

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES  
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES  
Zoning Application File



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** December 10, 2009

**TO:** Regina Coyle, Director,  
Zoning Evaluation Division  
Department of Planning & Zoning  
*Barbara A. Byron*

**FROM:** Barbara A. Byron, Director  
Office of Community Revitalization and Reinvestment

**SUBJECT:** Nevzat & Hacer Kansu – Comments on PCA 79-P-038-2

The Office of Community Revitalization and Reinvestment (OCRR) has reviewed the above referenced proffer condition amendment dated July 2009. OCRR has three primary concerns with the submitted application: the optional interim generalized development plan, the uses allowed in the requested I-5 zoning district, and the proposed landscaping / screening.

The site is located in Sub-Unit C-5 of the Merrifield Suburban Center, on Juniper Street. Nearby properties are developed with light industrial or office uses, many of these sites are not expected to redevelop in the near future. In 2004, the applicant submitted PCA 79-P-038 to permit the demolition of the existing building, and the construction of a 7,975 square foot warehouse tailored to the requirements of a granite and marble processing business.

The applicant has requested two possible options for redeveloping their site, referenced as "Interim Development Plan" and "Alternate Interim Development Plan." In 2004, the interim development plan was approved. OCRR recommends that the newly requested "Alternate Interim Development Plan" replace the previously approved "Interim Development Plan", and not included as an additional interim development option. If the applicant redevelops the site according to the "Interim Development Plan", it may hinder later attempts to consolidate the parcel into a future mixed use redevelopment project.

OCRR is also concerned about the possible permitted uses available to the applicant. It is recommended that the applicant proffer to preclude the following land uses: crematory, heavy equipment and specialized vehicle sale, motor freight terminal, motor vehicle storage and impoundment yards, new vehicle storage, vehicle major service establishment, and storage yards. The uses are not in the long term interest of Merrifield and the long term vision for redevelopment of the area.



Office of Community Revitalization and Reinvestment  
12055 Government Center Parkway, Suite 1048  
Fairfax, VA 22030  
703-324-9300, TTY 711  
www.fcrevit.org

The proposed alternate interim development plan does not provide a detailed landscape plan. Although the proposed development would only be temporary, it should be landscaped in accordance with the Merrifield Streetscape Design Manual. From the provided drawing, OCRR recommends that the existing chain link fence be replaced with a board on board fence and plantings to screen outdoor storage as proposed near the open space on the site.

Cc: Suzianne Zottl, Department of Planning and Zoning  
Office of Community Revitalization and Reinvestment



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 14, 2009

**TO:** Staff Coordinator  
Zoning Evaluation Division  
Department of Planning & Zoning

**FROM:** Lana Tran (Tel: 703 324-5008)  
Wastewater Planning & Monitoring Division  
Department of Public Works & Environmental Services

**SUBJECT:** Sanitary Sewer Analysis Report

**REFERENCE:** Application No. PCA79-P-038-02  
  
Tax Map No. 049-2- /05/ /0005

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the Accotink Creek (M-2) watershed. It would be sewerred into the Noman Cole Pollution Control Plant (NMCPCP).
2. Based upon current and committed flow, there is excess capacity in the (NMCPCP) at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8" inch line located on the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

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

5. Other pertinent information or comments:

Department of Public Works and Environmental Services  
Wastewater Planning & Monitoring Division  
12000 Government Center Parkway, Suite 358  
Fairfax, VA 22035-0052  
Phone: 703-324-5030, Fax: 703-324-3946





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

October 9, 2009

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

Re: PCA 79-P-038-02  
49-2 ((5)) 5  
Neka Property

Dear Ms. Coyle:

Fairfax Water has reviewed the above referenced application and has no comments.

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

Sincerely,

A handwritten signature in cursive script that reads "Traci K. Goldberg".

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

Enclosure



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 9, 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 Proffered Condition  
Amendment Application PCA 79-P-038-02

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 #430, Merrifield
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 \_\_\_\_\_ 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



## INDUSTRIAL DISTRICT REGULATIONS

**PART 5 5-500 I-5 GENERAL INDUSTRIAL DISTRICT****5-501 Purpose and Intent**

The I-5 District is established to provide areas where a wide range of industrial and industrially-oriented commercial activities may locate. Uses allowed in this district shall operate under medium performance standards designed to minimize the impact of noise, smoke, glare, and other environmental pollutants on the industries within the district and on the neighboring lands of higher environmental quality. The business and commercial activities allowed in the district will be those which provide services and supplies primarily to industrial companies, those which engage in wholesale operations, and those which are associated with warehouse establishments.

**5-502 Permitted Uses**

1. Accessory uses and accessory services uses as permitted by Article 10.
2. Child care centers and nursery schools, limited by the provisions of Sect. 505 below.
3. Churches, chapels, temples, synagogues and other such places of worship.
4. Contractor's offices and shops.
5. Crematory, human or animal.
6. Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501.
7. Establishments for scientific research, development and training.
8. Financial institutions.
9. Funeral homes.
10. Heavy equipment and specialized vehicle sale, rental and service establishments.
11. Kennels, limited by the provisions of Sect. 505 below.
12. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, satellite earth stations, and mobile and land based telecommunication facilities.
13. Lumber yards and building material yards to include rock, sand and gravel.
14. Mobile and land based telecommunication facilities, subject to the provisions of Sect. 2-514.

## FAIRFAX COUNTY ZONING ORDINANCE

15. Motor freight terminals.
16. Motor vehicle storage and impoundment yards.
17. New vehicle storage.
18. Offices.
19. Private schools of general education, limited by the provisions of Sect. 505 below.
20. Private schools of special education.
21. Public uses.
22. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 505 below.
23. Recycling centers.
24. Storage yards.
25. Truck rental establishments.
26. Vehicle light service establishments, limited by the provisions of Sect. 505 below.
27. Vehicle major service establishments.
28. Vehicle transportation service establishments.
29. Veterinary hospitals, limited by the provisions of Sect. 505 below.
30. Warehousing and associated retail establishments.
31. Wholesale trade establishments.

### 5-503

#### Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 3 - Institutional Uses, limited to:
  - A. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education
2. Group 4 - Community Uses, limited to:
  - A. Swimming clubs and tennis clubs/courts
3. Group 5 - Commercial Recreation Uses, limited to:

## INDUSTRIAL DISTRICT REGULATIONS

- A. Bowling alleys
  - B. Commercial swimming pools, tennis courts and similar courts
  - C. Health clubs
  - D. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses
  - E. Miniature golf courses
  - F. Skating facilities
  - G. Commercial recreation parks, including mechanical or motorized amusement rides/devices
4. Group 8 - Temporary Uses.

### **5-504 Special Exception Uses**

For specific Category uses, regulations and standards, refer to Article 9.

- 1. Category 1 - Light Public Utility Uses, limited to:
  - A. Mobile and land based telecommunication facilities
  - B. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations
- 2. Category 2 - Heavy Public Utility Uses, limited to:
  - A. Electrical generating plants and facilities
  - B. Sewage treatment and disposal facilities
  - C. Solid waste disposal and treatment facilities including incinerators and landfills
  - D. Supply yards for any public utility
  - E. Water purification facilities
  - F. Local office space and maintenance facilities incidental to any use set forth above
- 3. Category 3 - Quasi-Public Uses, limited to:
  - A. Alternate uses of public facilities
  - B. Child care centers and nursery schools
  - C. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general education

FAIRFAX COUNTY ZONING ORDINANCE

- D. Medical care facilities
  - E. Private clubs and public benefit associations
  - F. Private schools of general education
  - G. Quasi-public parks, playgrounds, athletic fields and related facilities
  - H. Sports arenas, stadiums as a principal use
4. Category 4 - Transportation Facilities.
5. Category 5 - Commercial and industrial Uses of Special Impact, limited to:
- A. Baseball hitting and archery ranges, outdoors
  - B. Car washes
  - C. Commercial off-street parking in Metro Station areas as a temporary use
  - D. Drive-in financial institutions
  - E. Drive-in motion picture theatres
  - F. Eating establishments
  - G. Fast food restaurants
  - H. Golf courses, country clubs
  - I. Golf driving ranges
  - J. Hotels, motels
  - K. Kennels, outdoor
  - L. Parking, commercial off-street, as a principal use
  - M. Plant nurseries
  - N. Quick-service food stores
  - O. Retail sales establishments, as limited by the provisions of Sect. 9-524
  - P. Service stations
  - Q. Service station/mini-marts
  - R. Vehicle light service establishments

## INDUSTRIAL DISTRICT REGULATIONS

- S. Vehicle sale, rental and ancillary service establishments, limited by the provisions of Sect. 9-518

### 5-505

#### Use Limitations

1. Vehicle light service establishments shall be permitted by right only when: (a) such use is an integral design element of a site plan for an industrial building complex containing not less than 30,000 square feet of gross floor area; and (b) such use does not have frontage or direct access to a street defined in the adopted comprehensive plan as a major or minor arterial; and (c) the aggregate floor area of such use and those accessory service uses permitted by the provisions of Par. 3 of Sect. 10-202 will not exceed fifteen (15) percent of the total permitted gross floor area of the total land area of the industrial site or park.
2. All uses shall comply with the performance standards set forth in Article 14.
3. Outside storage shall not be located within a minimum required front yard or within a transitional screening area as required by the provisions of Article 13; provided, however, recycling centers shall have no outside storage.
4. Retail sales may be permitted in accordance with the provisions of Part 2 of Article 10 and Part 5 of Article 9. In addition, retail sales may be permitted as an associated use:
  - A. In a warehouse establishment wherein at least sixty (60) percent of the above-ground gross floor area of the establishment is devoted to warehouse use which is not display area, or
  - B. In an establishment for printing, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, provided the associated retail sales area shall be limited to ten (10) percent of the gross floor area of the establishment.
5. Motor vehicle storage and impoundment yards shall be used only for the temporary storage of wrecked and/or inoperable and/or abandoned vehicles, but shall not include the dismantling, wrecking or sale of said vehicles or parts thereof.
6. Child care centers, nursery schools and private schools of general education shall be subject to Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia, as applicable, and shall be permitted by right only when:
  - A. Such use is located in an office or industrial park, provided, however, that, notwithstanding the definitions, the requirement for a minimum number of different tenants shall not be applicable.
  - B. All vehicular access to the use shall be provided via the internal circulation system of the park.
7. No recycling center shall receive, store, process or transfer any material other than source-separated nonputrescible or source-separated commingled nonputrescible metal,

## FAIRFAX COUNTY ZONING ORDINANCE

glass, paper or plastic containers, corrugated cardboard or other recyclable materials designated by the Director of the Department of Public Works and Environmental Services or designee.

8. Quasi-public athletic fields and related facilities shall be permitted by right in accordance with the following:
  - A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;
  - B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;
  - C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;
  - D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;
  - E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;
  - F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide; and
  - G. There shall be a sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty-two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.
9. Kennels and veterinary hospitals shall be permitted by right when located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.

### 5-506

#### Lot Size Requirements

1. Minimum lot area: 20,000 sq. ft.
2. Minimum lot width: 100 feet
3. The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 9-610.

## INDUSTRIAL DISTRICT REGULATIONS

**5-507**

### **Bulk Regulations**

1. Maximum building height: 75 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607
2. Minimum yard requirements
  - A. Front yard: Controlled by a 45° angle of bulk plane, but not less than 40 feet
  - B. Side yard: No Requirement
  - C. Rear yard: No Requirement
3. Maximum floor area ratio: 0.50, provided however, an increase to 1.00 may be permitted by the Board in accordance with the provisions of Sect. 9-618
4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

**5-508**

### **Open Space**

15% of the gross area shall be landscaped open space

**5-509**

### **Additional Regulations**

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.
5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

## 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.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		