



# FAIRFAX COUNTY

DP2  
OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151  
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January 29, 1999

H. Kendrick Sanders, Esquire  
3905 Railroad Avenue – 200-N  
Fairfax, Virginia 22030

RE: Rezoning Application  
Number RZ 1998-BR-034

Dear Mr. Sanders:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on January 11, 1999 granting Rezoning Application Number RZ 1998-BR-034 in the name of Batal Builders, Incorporated, to rezone certain property in the Braddock District from the R-1 District to the R-3 District (cluster residential), subject to the proffers dated January 7, 1999, on subject parcel 69-3 ((1)) 30B. 33, 34, 35 and 36 consisting of approximately 9.26 acres.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

RZ 1998-BR-034  
January 29, 1999

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

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 11th day of January 1999, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROPOSAL NUMBER RZ 1998-BR-034

WHEREAS, Batal Builders, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-1 District to the R-3 District (cluster residential), 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 Braddock District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the R-3 District, and said property is subject to the use regulations of said R-3 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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

GIVEN under my hand this 11<sup>th</sup> day of January, 1999.



Nancy Velts

Clerk to the Board of Supervisors

**APR 23 1998**

**METES AND BOUNDS DESCRIPTION  
OF TAX PARCELS**  
69-3-((1))-30B, DEED BOOK 3918 PAGE 738  
69-3-((1))-33, DEED BOOK 4484 PAGE 178  
69-3-((1))-34, DEED BOOK 501 PAGE 195  
69-3-((1))-35, DEED BOOK 501 PAGE 197  
69-3-((1))-36, DEED BOOK 501 PAGE 193  
FAIRFAX COUNTY, VIRGINIA

ZONING EVALUATION DIVISION

BEGINNING AT A POINT AT THE INTERSECTION OF GUNEA ROAD (ROUTE 651 VERIBLE WIDTH RIGHT-OF-WAY) AND TWINBROOK ROAD (ROUTE 652 VERIBLE WIDTH RIGHT-OF-WAY) RUNNING WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID TWINBROOK ROAD THE FOLLOWING FIVE COURSES AND DISTANCES:

N 36°47'45" E 399.24 FEET TO A POINT THENCE;  
N 49°11'06" W 10.19 FEET TO A POINT THENCE;  
N 31°27'24" E 137.18 FEET TO A POINT THENCE;  
N 49°11'06" W 2.08 FEET TO A POINT THENCE;  
N 35°53'54" E 120.18 FEET TO A POINT THENCE; DEPARTING SAID ROAD AND

RUNNING WITH THE LINE OF DOOLEY THE FOLLOWING TWO (2) COURSES AND DISTANCES:

S 49°11'06" E 444.73 FEET TO A POINT THENCE;  
N 28°56'50" E 50.54 FEET TO A POINT THENCE; DEPARTING THE LINE OF DOOLEY AND RUNNING WITH THE LINE OF QUEEN' S GATE, SECTION ONE, DEED BOOK 4667 PAGE 385, THE FOLLOWING TWO COURSES AND DISTANCES:

S 72°47'39" E 236.72 FEET TO A POINT THENCE;  
S 4°31'41" W 348.44 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY LINE OF GUNEA ROAD (ROUTE 651 VERIBLE WIDTH RIGHT-OF-WAY) THENCE; WITH THE LINE OF SAID RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

S 88°16'39" W 441.05 FEET TO A POINT THENCE;  
89.01 FEET ALONG AND ARC OF A CURVE DEFLECTING TO THE RIGHT AND HAVING RADIUS OF 2839.79 FEET, CENTRAL ANGLE 1°47' 45", A CHORD BEARING AND DISTANCE OF N 85°39' 58" W 89.01 FEET TO A POINT (NON TANGENCY) THENCE;

N 84°46' 05" W 148.98 FEET TO A POINT THENCE;  
238.70 FEET ALONG AND ARC OF A CURVE DEFLECTING TO THE RIGHT AND HAVING RADIUS OF 1955.00 FEET, CENTRAL ANGLE 6°59' 44" , A CHORD BEARING AND DISTANCE OF N 77°19' 46" W 238.55 FEET TO A POINT (NON TANGENCY) THENCE;

N 18°29'23" W 65.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 403,244 SQUARE FEET OF 9.25720 ACRES OF LAND MORE OR LESS.

THE ABOVE DECIED IS BASED ON A CURRENT BOUNDARY SURVEY BY BOWMAN CONSULTING GROUP.

PROFFERS  
RZ 98-BR-034  
BATAL BUILDERS, INCORPORATED  
JANUARY 7, 1999

Pursuant to Section 15.2-2303 (a) of the 1950 Code of Virginia, as amended, and Section 18-204 of the Fairfax County Zoning Ordinance, the undersigned, as the applicant in the above-referenced Rezoning Application and the owners of the Property (the "Applicant") which is the subject matter thereof, being approximately 9.26 acres identified as Tax Map 69-2 ((1)) 30b, 33, 34, 35 and 36, hereby proffer for themselves and their successors and assigns that the development of the Property will be subject to the following terms and conditions should the same be rezoned to R-3:

1. The Property shall be developed in substantial conformance with the Generalized Development Plan (the GDP) dated 4/7/98, revised to 5/19/98, prepared by Bowman Consulting Group. The Applicant does not intend by this proffer to waive the right to make minor engineering modifications permitted and rendered necessary by the subdivision ordinance, the zoning ordinance, or by the Public Facilities Manual, as determined by the Zoning Administrator and/or Department of Public Works and Environmental Services (DPW&ES)

2. The Property shall also be developed in substantial conformance with the "Streetscape/Landscape Plan The Sheads Property" attached as Page 2A of 2 to the GDP, addressing landscaping and fencing on the Twinbrook Road frontage of the Property. The fencing height shall comply with the standards of the Zoning Ordinance unless modified by variance.

3. (a) At the time of subdivision plan review, the applicant shall designate on the subdivision plan the limits of clearing and grading, generally consistent with that shown GDP, to be observed during construction. In addition, the Applicant will designate any individual trees to be preserved on the lots. Such designation shall be subject to approval by the Urban Forestry Branch and shall not reduce the number or alter the size of proposed dwelling units.

(b) In addition, prior to subdivision plat approval, a replacement value shall be assigned by the Urban Forestry Branch to all healthy trees measuring ten (10) inches or larger in diameter which are either individually designated as required under this proffer or are located within the limits of clearing and grading. At the time of subdivision plat approval, the Applicant will post, in increments, as defined below, a letter of credit payable to the County of Fairfax in such an amount assigned as replacement value by the Urban Forestry Branch to ensure replacement of the designated trees. The

calculated replacement values shall be reviewed and approved by the Urban Forestry Branch prior to posting or letter of credit. The terms of the letter of credit shall be subject to approval by the County Attorney. The replacement value of each designated tree shall be determined according to the methods contained in the latest edition of the Valuation of Landscape Trees, Shrubs and Other Plants published by the International Society of Arboriculture. The total amount of incremental letter of credit will not exceed the sum of such assigned values or Ten Thousand Dollars (\$10,000.00), whichever is greater. If the letter of credit is called by Fairfax County for tree replacement, then a letter of credit of equal value will be posted within thirty (30) days of request by Fairfax County. The total dollar value of the letters of credit shall not exceed the total established replacement value of the designated trees.

(c) During construction, the Urban Forester or an independent arborist shall periodically inspect the project and determine if any of the designated individual trees are dead or dying due to acts of negligence by the Applicant. The Applicant may then draw funds from the letter of credit in order to remove and replace such dead or dying trees according the assigned value as defined in the Valuation of Landscape Trees, Shrubs and Other Plants of such dead or dying trees.

(d) Any funds received by Fairfax County pursuant to this proffer shall be utilized solely to replace trees to be saved on the application property.

(e) The letter of credit will be released simultaneously when the Conservation Deposit for the subdivision is released, or sooner at the discretion of Fairfax County

4. Sidewalks on all sides of the streets as shown on the GDP shall be provided. A sidewalk shall also be provided along the Twinbrook Road frontage of the Property.

5. The open space shown on the GDP will be conveyed to a homeowners' association formed as approved by the County Attorney and will be permanent passive open space for the development. The HOA covenants shall require that trees in this area shall not be disturbed, except for removal of dead, diseased or dying trees.

6. If Applicant is granted an on-site storm water detention waiver, at the time of final subdivision plat approval the Applicant will contribute to the Lake Braddock Homeowners Association the sum of \$5000 for the future maintenance of Lake Braddock.

7. At the time of final subdivision plat approval the Applicant will contribute to the Fairfax County housing Trust Fund a sum equal to one per cent (1%) of the projected sales prices of the 22 new housing units to be built on the Property to assist Fairfax county's low and moderate income housing goals. The projected sales prices shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development and DPW&ES.

8. Unless waived, on-site storm water management will be provided as noted on the GDP.

9. A right-turn deceleration lane to VDOT standards for the Property entrance shall be provided if deemed necessary by VDOT under applicable VDOT entrance standards. If provided, such shall not be deemed a substantive change to the GDP requiring zoning interpretation or a PCA.

10. The Applicant shall have a traffic noise study performed for Twinbrook Road and Guinea Road by a professional noise consultant and if the study recommends noise attenuation measures the recommendations of the consultant shall be implemented as approved by DPW&ES. Such noise attenuation measures shall not be deemed a substantive change to the GDP requiring zoning interpretation or a PCA.

11. The Applicant shall contribute to the Braddock District Tree Fund the sum of \$100 per approved lot at the time of final subdivision plan approval.

12. The stub street street to Tax Map Parcel 32 (Dooley) shown on the GDP shall be constructed with the development of the Property.

13. The removal of any existing dwellings shown on the GDP and the construction of new dwellings on the lots shall be permitted and shall not require a zoning interpretation or PCA.

14. Advance density credit shall be reserved as may be permitted by the Fairfax County Zoning Ordinance for all eligible dedications to public use described herein or as may be lawfully required by Fairfax County and/or VDOT at time of subdivision plan review and approval.

#### **BINDING EFFECT**

15. These proffers will be binding upon the Applicant and their successors and assigns.

Applicant

BATAL BUILDERS, INCORPORATED

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Robert J. Batal, President

Owners:

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Delbert E. Sheads

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Doris H. Sheads

---

Elsie Sheads Sisson a/k/a

Elsie L. Sisson and

Elsie S. Sisson



---

Sammy Sisson

---

Anna Sheads Millner

bataheadsprots

Applicant

BATAL BUILDERS, INCORPORATED

*Robert J. Batal*  
Robert J. Batal, President

Owners:

*Delbert E. Sheads*  
Delbert E. Sheads

*Doris H. Sheads*  
Doris H. Sheads

*Elsie L. Sisson by  
Delbert E. Sheads her Attorney in fact*  
Elsie L. Sisson a/k/a  
Elsie Sheads Sisson and  
Elsie S. Sisson by her attorney-in-fact  
Delbert E. Sheads

Sammy Sisson  
*Anna Sheads Millner by  
Delbert E. Sheads her Attorney in fact*  
Anna Sheads Millner by her attorney-  
in-fact Delbert E. Sheads



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

BOARD OF SUPERVISORS ACTION  
ZONING MAP AMENDMENT  
DATE OF ACTION 01/11/99

APPLICATION NUMBER: RZ 98-B-034 BRADDOCK DISTRICT  
APPLICANT: BATAL BUILDERS INCORPORATED  
STAFF: JOHNSON

APPLICATION DATA

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EXISTING ZONING AND ACREAGE

ZONING: R- 1  
ACRES: 9.25

PROPOSED: ACTION:  
R- 3 R- 3  
9.26 9.26

TOTAL ACRES TOTAL ACRES  
9.26 9.26

MAP NUMBERS

069-3- /01/ /0030-B ,0033- ,0034- ,0035- ,0036

REMARKS:

PROPERTY ENCUMBERED BY EXISTING 25 FOOT C&P EASEMENT WHICH IS NOT INC  
LUDED IN AREA FOR CALCULATION OF DENSITY

ZONING MAP AMENDMENT

RZ 98-B-034

ZONING DISTRICT DATA

ZONING DISTRICT: R- 3

PROFFERED/CONDITIONED DWELLING UNIT DATA

TYPES	UNITS	ACRES	DENSITY	RANGE	LOMOD INCL	LOMOD ADD
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SFD	24	9.26				
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TOT	24	9.26	2.76			
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PROFFERED/CONDITIONED NON-RESIDENTIAL GROSS FLOOR AREAS

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

REMARKS:

ZONING MAP AMENDMENT

RZ 98-B-034

CONDITION/CONTRIBUTION DATA

COND CODE DESCRIPTION	COND CODE DESCRIPTION
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3D ACCESS CONTROL	1Z OTHER - GENERAL
3F PEDESTRIAN FACILITY/TRAIL	3Z OTHER - TRANSPORTATION
3Z OTHER - TRANSPORTATION	4Z OTHER - ENVIRONMENT
2Z OTHER - LAND USE	2G DEDICATION: HOMEOWNRS OPEN SPACE
5E CONTRIBUTION-HOUSING *SEE BELOW	4Z OTHER - ENVIRONMENT
4B TREES/COUNTY ARBORIST	4E NOISE ATTENUATION
4Z OTHER - ENVIRONMENT	4H LANDSCAPING
1A GENERALIZED DEVEL PLAN	1Z OTHER - GENERAL

CONTRIB DATA:	CND CODE	AMOUNT	CONDITIONED	EXPIRES	CONTRIB CODE
	1Z	\$2,400	X	01/01/01	
	1Z	\$5,000	X	01/01/01	
		\$0		00/00/00	
		\$0		00/00/00	

REMARKS:

CONTRIBUTION FOR MAINTENANCE OF LAKE BRADDOCK IF ON SITE STORMWATER DETENTION WAIVER IS GRANTED

1/11/99

4:00 p.m. Item - RZ-1998-BR-034 - BATAL BUILDERS INCORPORATED  
Braddock District

On Wednesday, December 2, 1998, the Planning Commission voted unanimously to recommend to the Board of Supervisors approval of RZ-1998-BR-034, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

Planning Commission Meeting  
December 2, 1998  
Verbatim Excerpts

RZ-1998-BR-034 - BATAL BUILDERS INCORPORATED

After Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Ms. Harsel.

Commissioner Harsel: Thank you, Mr. Chairman. I think Mr. Sanders is right, we will say nice things about this particular case. We have been working on this since February of this year when we had our first citizens' meeting and we had the surrounding citizens come. Mr. Batal and Mr. Sanders at that time presented what they had hoped to do on the case. Mr. Sheads, who owns the land, spoke to us. The citizens expressed some concerns. They went back and fixed it up and filed the application. We had another citizens' meeting. At that time there didn't seem to be any concerns except from Lake Braddock, and believe it or not, this does drain into Lake Braddock. And we met separately with the Board of Directors for Lake Braddock. Mr. Batal and Mr. Sanders were there along with the Supervisor and myself. Mr. Sanders showed me a private agreement. We don't have it in the proffers since it's a private agreement with Lake Braddock. Their concerns are -- evidently the President didn't come to speak -- so their concerns have been taken care of. I am excited about this and as Mr. Sanders said -- I wish we could say more -- let me say, Mr. Sanders has worked very cooperatively with us on this case, but as a point of issue, he did mention the other application in the Braddock District that we did about a year ago and it is in the process of being built. It was for 25 homes. There will be no model home because before you could even get a home built, he sold 19 of them, so I think that speaks very highly of this developer. He is well liked. He has several developments. We have visited them and I have to admit someday someone's going to catch me on this, but I love to drive into a built neighborhood and catch someone working in the yard, and say to them: "I'm going to move here; what do you think about the homes?" And they will tell you whether or not they like them. But there were no comments -- I mean no negative comments when I visited Mr. Batal's Fairfax City development. Without further ado, Mr. Chairman, I --

Commissioner Coan: Mr. Chairman?

Commissioner Harsel: What? Oh, I know, someone's going to shoot me someday.

Chairman Murphy: Mr. Coan?

Commissioner Coan: I have a question. I'm sorry.

Commissioner Harsel: That's okay.

Commissioner Coan: This thing moved faster than I thought it would. Is there an interparcel access here?

Commissioner Harsel: Yes.

Ms. Susan Johnson: Yes, and the applicant has agreed to build that along with the development so it won't come in --

Commissioner Coan: And the people on either side of it will know that there's going to be a possibility of interparcel access? Is there a provision for --

Commissioner Harsel: It's not a cul-de-sac. The road is going to be built; there isn't a question about it. That road is built. The parcel is three acres so they can get maybe three homes and it's the only remaining lot. We've tried very hard to talk to the person. We made it very clear that we didn't want land put aside. We didn't want a cul-de-sac. The road's going somewhere and they are not going to be able to get access onto Twinbrook at that time.

Commissioner Coan: My only concern is that --

Commissioner Harsel: I know what your concern is.

Commissioner Coan: -- is that I've had situations where I've had these stubs and the people come in and say: "Oh, you're destroying my neighborhood." And I just thought it might be useful for some notice to be provided to at least the purchasers of the two adjoining lots, that that might happen at sometime in the future. Perhaps it doesn't have to be done at this stage, but perhaps when it gets to the Board it might be a good thing to --

Ms. Johnson: That is why the applicant has agreed to build that stub street along with the rest of the development so there won't be an option of not knowing that it's going to be there.

Commissioner Coan: But my experience has been that even when the street is built, the people move in next to it and they see it and they figure that it is a good place where they can park their motor home or boat, or play basketball or something like that. So I suggest to the applicant that he consider making a commitment perhaps -- and I'm not going to try to delay it now -- perhaps to notify the people in those two adjoining lots, so they know what can happen. Thank you, Mr. Chairman.

Commissioner Harsel: Mr. Chairman? I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE REZONING 1998-BR-034, CONSISTENT WITH THE PROFFERS IN APPENDIX I -- THE EXECUTION OF THE PROFFERS IN APPENDIX I.

Commissioner Byers: Second.

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

those in favor of the motion to recommend to the Board of Supervisors that it approve RZ-1998-BR-034, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried unanimously.)

LBG