



FAIRFAX COUNTY

PCA/FDPA APPLICATIONS FILED: July 15, 1999
PLANNING COMMISSION: November 17, 1999
BOARD OF SUPERVISORS: Not scheduled

V I R G I N I A

November 3, 1999

STAFF REPORT

APPLICATIONS PCA/FDPA 89-D-060-2

DRANESVILLE DISTRICT

APPLICANT: Dulles Greene LP

ZONING: PDH-20

PARCEL: 15-2 ((1)) 8A; 16-1 ((1)) 5B, 10, 11 pt.

ACREAGE: 41.15 acres

DENSITY: 14.48 du/ac (based on 56.6 acre total for the overall Dulles Greene development)

OPEN SPACE: 50%

PLAN MAP: Mixed Use

PROPOSAL: Application PCA/FDPA 89-D-060-2 requests an amendment to the conceptual and final development plans of RZ 89-D-060. Revisions to Land Bays 1, 2, 3 and 4 include: a change in the internal site circulation and building layout (including the elimination of a six-story mid-rise residential structure to be replaced by a series of four-story multi-family buildings); a reduction in the number of multi-family units from 866 to 805 (including the elimination of ADUs); an addition of garage structures on the surface lots; and adjustments to the original land bay lines and acreage to accommodate the new

layout. The only changes to Land Bay 1 are to provide pedestrian and vehicular access points to Land Bays 2 and 3 and to provide additional landscaping within the parking areas.

STAFF RECOMMENDATION:

Staff recommends approval of PCA 89-D-060-2 subject to the execution of proffers consistent with those included in Appendix 1.

Staff recommends approval of FDPA 89-D-060-2 subject to the development conditions set forth in Appendix 2 and to the Board's approval of PCA 89-D-060-2.

Staff recommends reaffirmation of a modification of the transitional screening and barrier requirements along Rock Hill Road as shown on the CDPA/FDPA.

Staff recommends reaffirmation of a waiver of the 600 foot maximum length of private streets.

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.

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



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

PROFFERED CONDITION AMENDMENT/

PCA 89-D-060-02

PCA 89-D-060 -02

FILED 07/15/99

DULLES GREENE LP

PROFFERED CONDITION AMENDMENT

PROPOSED: RESIDENTIAL DEVELOPMENT

APPROX. 41.15 ACRES OF LAND; DISTRICT - DRANESVILLE

LOCATED: EAST OF ROCK HILL RD NORTH OF DULLES AIRPORT
ACCESS RD WEST OF REFLECTION LAKE COMMUNITY

ZONING: PDH-20

OVERLAY DISTRICT(S):

MAP REF 015-2- /01/ /0008-A
016-1- /01/ /0005-B ,0010- ,0011- P

FINAL DEVELOPMENT PLAN AMENDMENT

FDPA 89-D-060-02

FDPA 89-D-060 -02

FILED 07/15/99

DULLES GREENE LP

FINAL DEVELOPMENT PLAN AMENDMENT

PROPOSED: RESIDENTIAL DEVELOPMENT

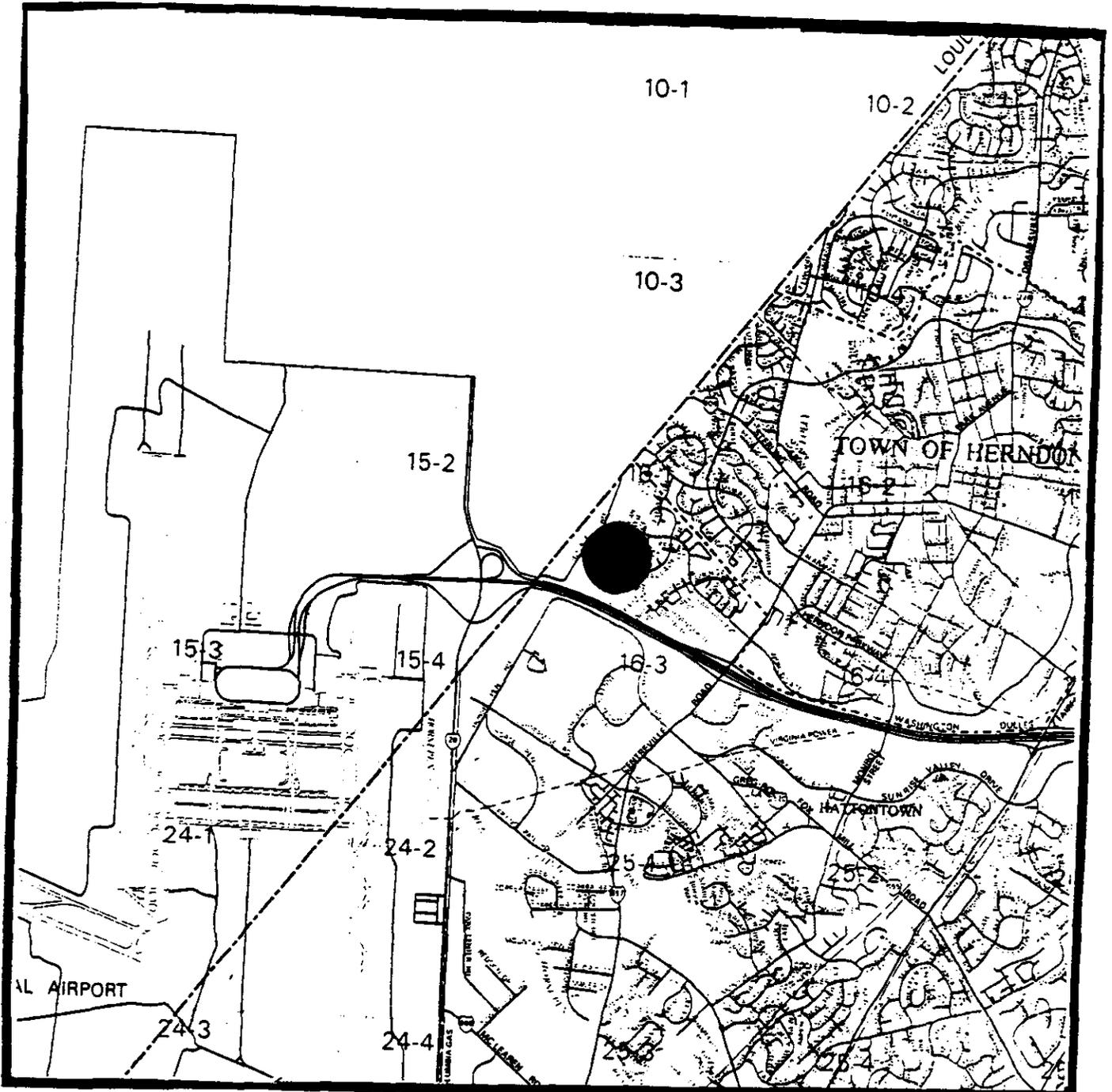
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LOCATED: EAST OF ROCK HILL RD NORTH OF DULLES AIRPORT
ACCESS RD WEST OF REFLECTION LAKE COMMUNITY

ZONING: PDH-20

OVERLAY DISTRICT(S):

MAP REF 015-2- /01/ /0008-A
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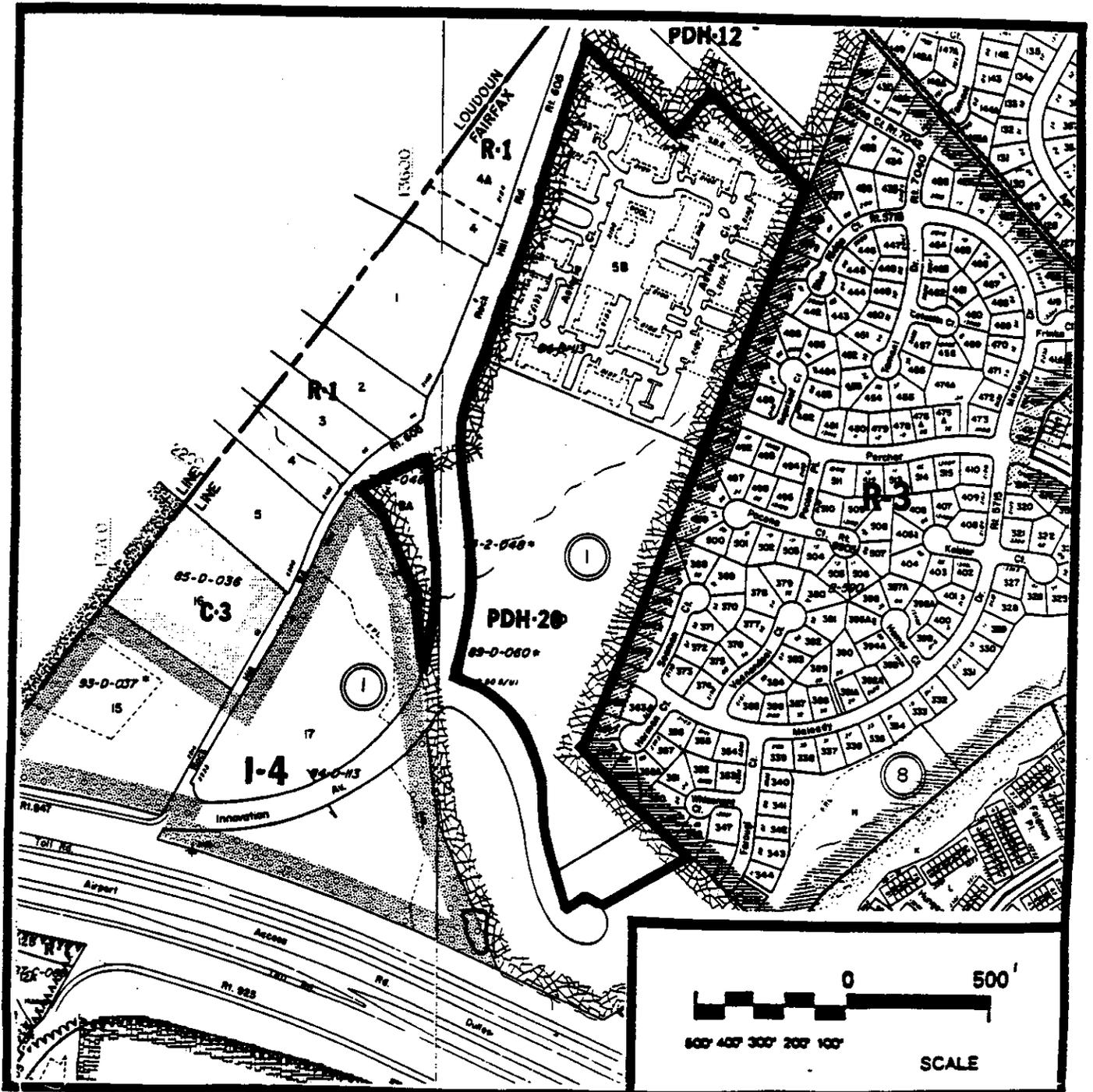


PCA 89-D-060-02

FDPA 89-D-060-02

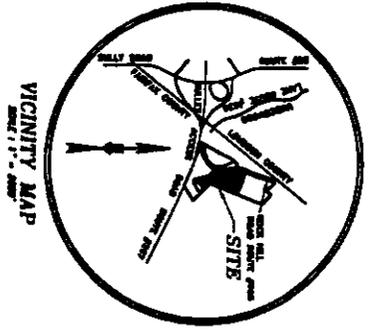
PCA 89-D-060 -02
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FDPA 89-D-060 -02
 FILED 07/15/99
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 PROPOSED: RESIDENTIAL DEVELOPMENT
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 ZONING: PDH-20
 OVERLAY DISTRICT(S):
 MAP REF 015-2- /01/ /0008-A
 016-1- /01/ /0005-B ,0010- ,0011- P



NOTES

1. THE PROPERTY IS SUBJECT TO THE PLAN OF DEVELOPMENT FOR THE PROPERTY AS APPROVED BY THE BOARD OF SUPERVISORS AND THE COUNTY OF FREDERICK COUNTY, MARYLAND, ON 11/15/88.
2. THE PROPERTY IS SUBJECT TO THE PLAN OF DEVELOPMENT FOR THE PROPERTY AS APPROVED BY THE BOARD OF SUPERVISORS AND THE COUNTY OF FREDERICK COUNTY, MARYLAND, ON 11/15/88.
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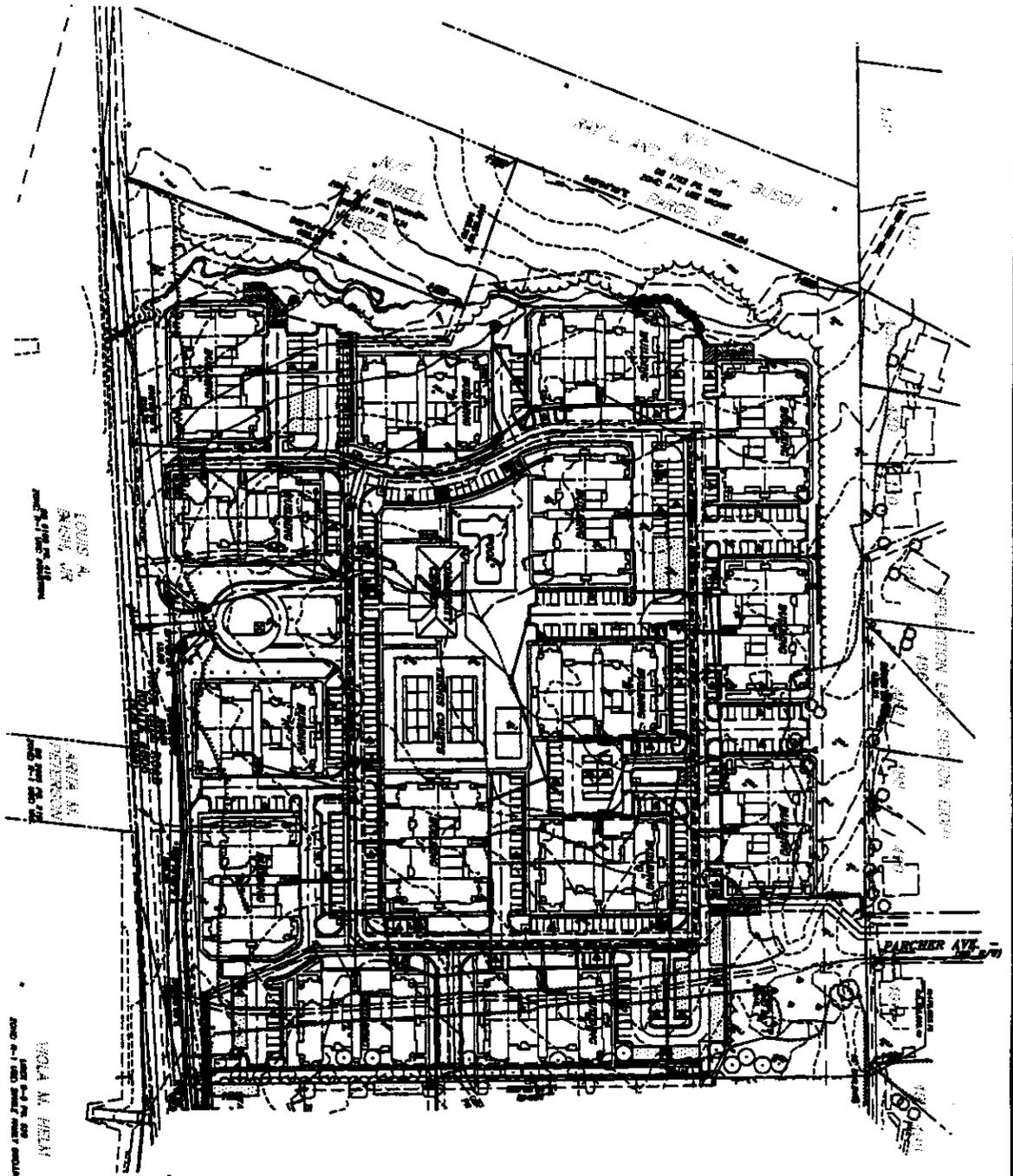
REVISED DENSITY TABULATION

REVISED DENSITY	AREA OF APPLICATION		TOTAL PROJECT AREA		TOTAL PROJECT AREA
	LAND AREA	PERCENT	LAND AREA	PERCENT	
RESIDENTIAL	100 AC	100%	100 AC	100%	100 AC
COMMERCIAL	0 AC	0%	0 AC	0%	0 AC
INDUSTRIAL	0 AC	0%	0 AC	0%	0 AC
AGRICULTURAL	0 AC	0%	0 AC	0%	0 AC
UNDEVELOPED	0 AC	0%	0 AC	0%	0 AC
TOTAL	100 AC	100%	100 AC	100%	100 AC



THE DEVELOPMENT PLAN IS SUBJECT TO THE PLAN OF DEVELOPMENT FOR THE PROPERTY AS APPROVED BY THE BOARD OF SUPERVISORS AND THE COUNTY OF FREDERICK COUNTY, MARYLAND, ON 11/15/88.

DATE	REVISION

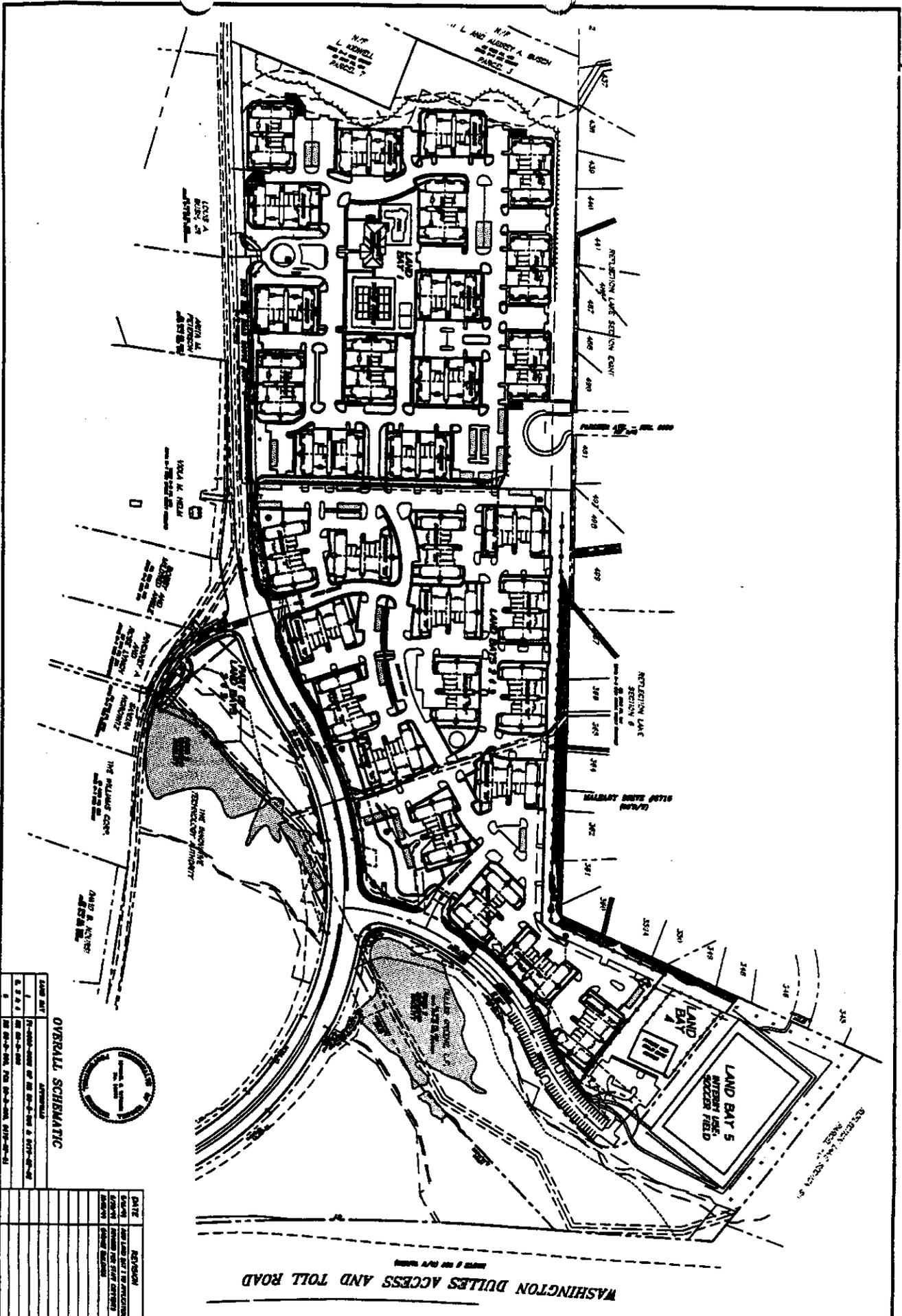


NOTE:
 LAND BAY I LAYOUT AND DESIGN WAS APPROVED WITH PLAN W79-SF-02 AND IS CURRENTLY UNDER CONSTRUCTION. CHANGES TO LAND BAY I ARE LIMITED TO PROPOSED GARAGES, ADDITIONAL LANDSCAPING, TRAIL CONNECTION AND PRIVATE STREET CONNECTION.

FOR LEGEND SEE SHEET No. 2
 ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT FUTURE DEVELOPMENT PLAN AND SPECIFICATIONS OF THE DISTRICT OF COLUMBIA DEPARTMENT OF PLANNING AND ZONING



DATE	REVISION



OVERALL SCHEMATIC

DATE	REVISION
11-18-03	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT



DULLES GREENS

BRANDEVILLE DISTRICT, FARMEX COUNTY, VERMONT

CONCEPTUAL/FINAL DEVELOPMENT PLAN AMENDMENT

PCA-7076-00-0-000-0

christopher consultants llc.

planning architecture landscape architecture
 900 Main Street
 Suite 400
 Fairlee, VT 05751
 (703) 773-9820

C-3490

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

DESCRIPTION OF THE APPLICATION

Application PCA/FDPA 89-D-060-2 requests an amendment to the proffers and the conceptual and final development plans of RZ 89-D-060, which was approved for a rezoning of 55.6 acres from the R-1 (Residential-One Dwelling Unit Per Acre) and R-3 (Residential-Three Dwelling Units Per Acre) Districts to the PDH-20 (Planned Development Housing - 20 Dwelling Units Per Acre) District. The Conceptual/Final Development Plan (CDP/FDP) that accompanied that application reflected the development of 866 multiple-family dwelling units at a density of 15.5 dwelling units per acre (including bonus and ADU units). The total development encumbered five (5) land bays. Residential development was proposed on Land Bays 1-3, while an 8,000 sq. ft. child care center was approved as a secondary use to be constructed on Land Bay 4. The applicant's amendment request does not include the future transportation facility site (Land Bay 5, approximately 9.6 acres in land area) since no revisions are proposed for that use. As such, the subject request includes the remaining 41.16 acres (excluding 4.78 acres of roadway dedication). There are no proposed changes to the layout of Land Bay 1, which is under construction, with the exception of one point of vehicular access (private street) and one pedestrian connection to Land Bays 2 and 3 and the replacement of several surface parking areas with garage structures. Changes to Land Bays 2, 3 and 4 include; a change in the internal site circulation and building layout including the elimination of a six-story mid-rise residential structure to be replaced by a series of four-story multi-family buildings; a reduction in the number of multi-family units from 866 to 805, including the elimination of ADUs; an addition of garage structures on the surface lots; and adjustments to the original land bay lines and acreage to accommodate the new layout. The proffers associated with the approved rezoning remain unchanged, with the exception of the removal of the requirement for ADUs, the revision of the proffered recreational amenities based on the CDPA/FDPA and the reduction of units and proffer of the new CDP/FDP. The following table compares the approved and proposed uses for the total 55.6 acre site.

APPROVED CDP/FDP	PROPOSED PCA/FDPA
Site Area: 55.6 acres	41.16 acres*
Use: 866 multi-family units, including one mid-rise, six-story structure to include 200 units, with the remaining buildings to be garden style structures. Breakdown of units: 42 ADUs and 824 market rate units	805 multi-family units with no mid-rise structure and no ADUs (only garden-style buildings).

Recreational open space = 1.6 acres (included two pools, clubhouse, four tennis courts, two tot lots and a basketball court)	1.8 acres (includes one pool, clubhouse with indoor basketball court, two saunas, fitness center, two tennis courts, one tot lot, a .75 mile par course with six exercise stations, a volleyball court and picnic/play area)
Parking Provided: 1,410	1,425 combination surface spaces and garage spaces
Building Height: (4 stories with one six-story mid-rise multi-family building maximum height of 65 feet)	Building Height: max. of 4 stories and 45 feet
Open space: 50% (27.8 acres)	50% (27.8 acres)
Density: 15.5 du/ac	Density: 14.48 du/ac

The proposed CDDA/FDDA excludes the land area of Land Bay 5 and street dedications.

Waivers and/or Modifications:

Reaffirmation of the previous modification of the transitional screening and barrier requirements along Rock Hill Road, as depicted on the CDDA/FDDA and further described in the proffers.

Reaffirmation of the previous waiver of the 600 foot maximum length of private streets.

LOCATION AND CHARACTER

Site Description:

The 41.16 acre site is located on the east side of Rock Hill Road, north of the Dulles Airport Access and Toll Road (DAAR) and at the west terminus of Maleady Drive. Land Bay 1 of the site is currently under construction for multi-family garden-style apartments. Included in this area are an existing community center, pool, two tennis courts and surface and garage parking. Land Bays 2, 3 and 4 are currently undeveloped. Denser and mature vegetation is encountered in the central and eastern portions of the site, while the western side consists of much younger vegetation (mostly grass). The westernmost portion of Land Bays

2 and 3, located across Innovation Avenue and Dulles Greene Drive (under construction), include existing open space and a Stormwater Management/Best Management Practices (SWM/BMP) facility.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Townhomes under construction	PDH-12	Residential, 12-16 du/ac
South and west	Center for Innovative Technology (CIT)	I-4	Mixed Use, governmental, institutional and public facilities uses
East	Single-family homes within Reflection Lake subdivision	R-3	Residential, 2-3 du/ac
West	Vacant land, single-family homes	R-1	Office and Research and Development

BACKGROUND

- On April 26, 1993, the Board of Supervisors approved RZ 89-D-060 to rezone the subject 55.6 acre property (including the land area for a child care facility on Land Bay 4 and a future public transportation destination station on Land Bay 5) from the R-1 and R-3 Districts to the PDH-20 District subject to the proffers dated April 12, 1993, for the purpose of developing 866 multi-family dwelling units at a density of 15.5 du/ac. The Board also approved FDP 89-D-060 on April 26, 1993. Copies of the approved proffers and CDP/FDP (final development plan and conditions denied by the Planning Commission) for the aforementioned applications are included in Appendix 5.

On December 7, 1998, the Board of Supervisors in the name of the Board's Own Motion/Park Authority, approved PCA 89-C-060 on 9.65 acres (Land Bay 5) to permit this portion of the Dulles Greens Development to develop as interim athletic fields, until such time as the future transportation facility is constructed. On November 5, 1998, the Planning Commission approved FDPA 89-D-060 to permit the layout of the interim fields subject to the Board's approval of the PCA request.

COMPREHENSIVE PLAN PROVISIONS (Appendix 6)

Plan Area: Area III

Planning Sector: Greater Herndon Community Planning Sector (UP4) of the Upper Potomac Planning District

Text:

On pages 456 and 457 of the 1991 edition of the Area III Plan as amended through June 26, 1995, under the heading "Land Unit C," the Plan states:

"Land Unit C is planned for residential use at 16-20 dwelling units per acre. Office, retail and other uses, such as a daycare center, designed to serve the residential community are also appropriate. These non-residential uses should total a minimum of 5,000 square feet including a daycare center. Office and retail uses should be incorporated into the ground floor of residential structures, while a daycare center may be in a freestanding structure. A mix of building types to include low-rise garden style and mid-rise structures is encouraged as a way to facilitate a visual transition. A safe, attractive pedestrian circulation system should be provided. This system of sidewalks and trails should be integrated with passive and active open space and promote pedestrian access to all uses, elements and land units of the area and provide for connections to the existing residential community and to the planned Countywide Trails system.

The southern portion of Land Unit C has been identified as the possible location for the Western Regional Commuter Park-and-Ride Facility that would support bus and/or rail transit in the Dulles corridor. A development plan should be submitted that shows the area planned for residential use, but noting that a portion of the site may be used for a park-and-ride facility. In order to preserve the option for transit facilities in this location, development of Land Unit C should be phased to progress from north to south so that the southern portion of the land unit remains vacant for as long as possible. In no case should units proposed for the southern portion of the site be transferred to the northern portion..."

Plan Map: Mixed Use

ANALYSIS

Conceptual/Final Development Plan Amendment (CDPA/FDPA) (Copy at front of staff report)

Title of CDPA/FDPA: "Conceptual /Final Development Plan Amendment, PCA/FDPA 89-D-060-2, Dulles Greens " (Sheets 1-4)

Prepared By: Christopher Consultants

Original and Revision Dates: February 5, 1999, revised through October 1, 1999

The revised combined CDPA/FDPA consists of four (4) sheets. Sheet 1 is the cover sheet which includes the revised density tabulations, notes and the vicinity map. Sheet 2 illustrates the site layout of the proposed residential development and child care center on Land Bays 2, 3 and 4. Sheet 3 contains the site layout of the existing and proposed residential development on Land Bay 1. Sheet 4 provides an overall schematic for the five (5) land bays associated with the Dulles Greens development.

The proposed residential portion of the development, as depicted on Sheets 2 and 3, consists of 805 multiple-family dwelling units (four-story garden-style) for a density of 14.48 du/ac, with no ADUs. Land Bay 1, located in the northernmost portion of the site, consists of 15 existing and/or proposed buildings containing a total of 390 dwelling units. Land Bays 2 and 3, located south of Land Bay 1, are proposed to include a total of 415 units within 16 buildings. As proffered, the maximum height of the buildings proposed adjacent to the Reflection Lakes subdivision will not exceed 40 feet. Additionally, as previously proffered and carried forward with the subject request, no building will be located closer than 65 feet to the eastern property boundary to ensure that an adequate screening yard is maintained adjacent to the Reflection Lakes subdivision. Sheets 2 and 3 also depict 23 garage structures located throughout the site (Land Bays 1, 2 and 3) and garages located within a number of the buildings. Land Bay 4, located in the southern portion of the site, is proposed to contain an 8,000 square foot child care center and outdoor play area. Although not part of the subject request, Land Bay 5, located in the southernmost portion of the subject property, is proposed for interim use as a soccer field and in the long term as a transportation facility (park and ride, etc.).

Land Bay 1 also includes an existing swimming pool with a clubhouse/leasing office that includes indoor basketball, two saunas and a complete fitness center, two lighted tennis courts, picnic areas and a volleyball court as active and passive recreational facilities for the existing and future residents of the community. The active recreational facilities are located within the central portion of the land bay and are proposed to remain. Land Bays 2 and 3 depict a tot lot and a 0.75 mile par course with six (6) exercise stations that are located throughout the two land bays. The par course is proposed to connect to the pedestrian trail systems of Land Bays 1 and 4. A pedestrian pathway system is provided to link the proposed multi-family units to the recreational amenities and the parking areas.

A minimum of 50% (27.8 acres) of the total 55.56 acre site will be provided as open space. Areas of open space are shown adjacent to the northern boundary and eastern property line, with a combination of existing vegetation and supplemental shade and evergreen trees. The eastern boundary also includes a six foot high chain link fence in conjunction with the 50 foot vegetative buffer and 65 foot wide setback of the buildings from the property line. Additionally, several open space areas are also proposed along the areas adjacent to the eastern portions of Rock Hill Road, Innovation Avenue and Dulles Greene Drive. Two existing SWM/BMP facilities (dry ponds) are shown along the southwestern boundary of the site and are within the limits of the 100 year floodplain depicted on the plan. Although not depicted on the CDPA/FDPA, a major tributary to Horsepen Run generally forms the southwestern boundary line between the subject site and the CIT property. Both SWM/BMP areas are shown to be located partially off-site on the CIT property.

Access to the site is provided via two public street entrances from Rock Hill Road and one private street entrance from Dulles Greene Drive. All streets interior to the subject site will be private and all access points to the site will be gated. The architectural elevations depict four-story buildings with a combination of masonry and siding. The colors are neutral and coincide with the colors of existing structures located within the Dulles Greens development.

Transportation Analysis (Appendix 7)

The transportation issues for the subject request have been addressed in the approved proffers associated with RZ 89-D-060 and the subsequent proffered condition amendment and are proposed to be carried forward with the subject application. Specifically, the applicant has addressed the following issues: provisions for constructing improvements to Rock Hill Road and Innovation Avenue; and provisions for the dedication of Land Bay 5 to Fairfax County for interim athletic fields and/or a public transportation facility

Environmental Analysis (Appendix 8)

All environmental issues were addressed in the originally approved rezoning and final development plan. The subject request maintains a similar layout and reduces the total number of dwelling units and carries forward previous proffer commitments.

Public Facilities Analysis (Appendices 9-12)

As stated in the Department of Public Works and Environmental Services (DPWES) comments (Appendix 9), the site is in the Oak segment of the Horsepen Creek Watershed. Off-site channel restoration and stabilization project HC201 is located adjacent to the site. HC601 structure protection project is located 500 feet downstream of the site. The applicant will be required to ensure that the SWM facility is designed to accommodate the subject development and that it is completed or bonded prior to site plan approval.

The sanitary sewer analysis (Appendix 10) notes that the property is located in the Horsepen Creek (A-3) Watershed and will be sewered into the Blue Plains Treatment Plant. There are existing 10 and 18-inch lines within an easement that is located on the application property and which are adequate for the proposed uses at the present time. The water service analysis (Appendix 11) notes that the application is within the franchise area of the Fairfax County Water Authority and that adequate water service is available at the site from existing 8 and 12-inch mains located at the property. Depending on the configuration of the on-site water mains, additional line extensions may be necessary to accommodate water quality concerns. The comments from Fire and Rescue (Appendix 12) state that the application property is serviced by the #4, Herndon Fire and Rescue Station and the site currently meets fire protection guidelines. The school analysis is not available at this time but will be forthcoming prior to the Planning Commission public hearing.

Land Use Analysis (Appendix 6)

The complete land use analysis is located in Appendix 5 of this report. Approval of the subject request would result in a residential density of 14.48 dwelling units per acre. As previously quoted, the Comprehensive Plan provides guidance on land use and intensity for the property. The subject proposal is slightly less intense/dense than the previously approved CDP/FDP. Staff believes that the subject request is in conformance with the use and intensity guidelines of the Plan. A majority of the site specific development conditions for Land Unit C were addressed with the original rezoning and final development plan approvals and have been carried forward with the subject request. Several additional issues have been addressed by staff and are discussed below.

Issue: Additional Landscaping

The land use analysis states that the applicant should provide additional shrubs and trees along the boundaries adjacent to the Reflection Lakes subdivision and other open space/restoration areas on the site.

Resolution:

The applicant has revised the plan to include additional vegetation along the aforementioned boundaries and open space areas and the draft proffers further provide for supplemental evergreen vegetation within these areas. Therefore, staff believes that this issue has been satisfied.

Issue: Active Recreation

The applicant has eliminated two tennis courts and a small pool (proposed for the use of the previously proposed six-story mid-rise apartment building) from the originally approved rezoning and FDP. However, with the reduction in the total number of units from 866 to 805, the creation of a par course throughout the site and the expansion of the community center to include an indoor basketball court and a full scale fitness facility with two saunas, staff believes that the applicant has provided an appropriate number and quality of athletic facilities on the subject site.

The Comprehensive Plan residential density range for the subject site is 16 to 20 du/ac. The subject proposal, at 14.48 du/ac, is below the planned density range. Therefore, the Residential Density Criteria are not applicable to the subject proposal. However, as discussed above, in order to achieve the planning objectives for the Greater Herndon Community Planning Sector, it is necessary that development proposals be responsive to certain site specific development issues which focused on mitigating potential impacts in the vicinity. The proposed layout and design for the subject project are very similar to the original approved rezoning and FDP, including the same level of amenities and the same high quality of design details as originally approved. Staff believes that the site specific objectives of Land Unit C for the Greater Herndon Community planning Sector continue to be satisfied with the subject application.

ZONING ORDINANCE PROVISIONS (Appendix 13)

The requested conceptual and final development plan amendment and revised layout to reduce the number of dwelling units, must comply with the applicable

regulations of the Zoning Ordinance found in Article 6, Planned Development District Regulations and Article 16, Development Plans, among others.

According to the Zoning Ordinance, PDH Districts are intended to encourage innovative and creative design and are to be designed, among other objectives, to "ensure ample provision and efficient use of open space; to promote high standards in the layout, design and construction of residential development; to promote balanced developments of mixed housing types; and to encourage the provision of dwellings within the means of families of low and moderate income...". Staff believes that the previously approved PDH District and the proposed final development plan amendment satisfy the intent and purpose of the Zoning Ordinance; the proposed amendment maintains the same level of high quality design and amenities as approved with the original FDP. The subject proposal further adheres to the general and design standards of Article 16 since the basic layout, site access, unit type, density and open space remain consistent with the originally approved CDP/FDP. Additionally, the proffers approved with the rezoning of the site to PDH-20 remain essentially unchanged. Staff believes that the subject proposal is in conformance with the approved CDP and proffers associated with the original rezoning. Because Land Bays 2, 3 and 4 have been slightly modified in design and layout, the design standards cited in Sect. 16-102 of the Zoning Ordinance will be re-examined for these land bays.

The bulk requirements of the R-20 District the most comparable conventional district, requires a front yard setback for multiple-family residential buildings of 20 feet (controlled by a 25 ABP) from the right-of-way, which has been provided for all structures with frontage on Rock Hill Road and Dulles Greene Drive. Minimum rear yard setback for all structures of 25 feet (controlled by a 25 ABP) is required, which has been provided. Minimum side yard setback for all structures within the R-20 District of 10 feet (controlled by a 25 ABP) is required and has been met. The subject proposal provides a maximum density of 14.48 dwelling units per acre. There is a minimum open space requirement within the R-20 District of 30% which has been exceeded by the subject proposal (50%). The maximum FAR for the site is 0.70 while the subject proposal is below this requirement (0.47). A maximum building height is 90 feet. The subject residential structures propose a height of 45 feet while the child care center is proposed at a height of 20 feet. There are transitional screening and barrier requirements along the eastern property boundary that have been adhered to while a modification of these requirements is being reaffirmed along Rock Hill Road. These modifications will be addressed in the "Waivers/Modifications" section of this report.

Secondary Use: Child Care Center.

Sect 6-103 of the Zoning Ordinance sets forth those secondary uses which may be permitted in a PDH District. In this case, an 8,000 gross square foot child care center was previously approved for Land Bay 4 and has been carried forward to the subject request. The child care center was proffered for a maximum of 150 children and that number continues to be the maximum proposed. The proffers and the CDPA/FDPA continue to provide the parameters as previously approved.

Affordable Dwelling Units

Sect. 2-804, Par. 1(C) of the Zoning Ordinance states that no ADUs are required if the proposed development density is at or below the low end of the density range specified in the adopted Comprehensive Plan. In this case, the subject development is proposed at a density of 14.48 du/ac while the Plan density range for the area is 16-20 du/ac. Therefore, no ADUs are required or proposed for the subject site.

Waiver/Modification of Transitional Screening and Barrier Requirements

The applicant requests reaffirmation of the previously approved modification of the transitional screening and barrier along the west boundary of the subject site in favor of that shown on the CDPA/FDPA. The request is pursuant to Pars. 3 and 5 of Sect. of 13-304 of the Zoning Ordinance which permit a modification/waiver where the land between the building and the property line is designed to minimize adverse impact through a combination of landscaping and architectural techniques (Par. 3) and where the adjoining property is designated in the adopted Comprehensive Plan for a use which would not require transitional screening or a barrier between the subject property and the adjoining property (Par. 5). In this case, a Transitional Screening 1 (25 feet in width) and a Barrier D, E or F (42-48 inch chain link fence, 6 foot tall block wall, solid wood or chain link fence) are required along Rock Hill Road. The CDPA/FDPA indicates a 10 to 40 foot wide area of open space with a six (6) foot high decorative metal fence between the street right-of-way and the proposed multiple-family buildings. Additionally, the landscaped areas are illustrated with a combination of shade, evergreen and ornamental trees and understory plantings (shrubs). The adjacent site is designated for office and research uses in the Plan and is located west of Rock Hill Road. Consequently, it is highly likely that any new development on the site will be of a non-residential nature. Therefore, staff believes that the applicant's request meets the intent of the Zoning Ordinance and therefore recommends that the reaffirmation of the modification of the transitional screening and barrier requirement be granted.

Waiver of 600 ft. Maximum Length of Private Streets

A waiver of the 600 foot maximum length of private streets within the subject development was approved by the Board of Supervisors with the original rezoning to allow more flexibility in the design and layout of the proposed residential development. Staff has no objection to a reaffirmation of the proposed waiver.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Application PCA/FDPA 89-D-060-2 requests amendment of the proffers and FDP that accompanied rezoning RZ 89-D-060. The subject request reflects the development of 805 multiple-family dwelling units at a density of 14.48 dwelling units per acre with no ADUs.

Staff believes that the applicant has provided a design that conforms with the Comprehensive Plan recommendations for use and density in the vicinity, satisfies the Plan's policies and objectives and is in conformance with the approved CDP and proffers. The subject request would have minimal affect on the conditions proffered as part of the approved rezoning. All Zoning Ordinance requirements have been addressed.

Recommendations

Staff recommends approval of PCA 89-D-060-2 subject to the execution of proffers consistent with those included in Appendix 1.

Staff recommends approval of FDPA 89-D-060-2 subject to the development conditions set forth in Appendix 2 and to the Board's approval of PCA 89-D-060-2.

Staff recommends reaffirmation of a modification of the transitional screening and barrier requirements along Rock Hill Road as shown on the CDPA/FDPA.

Staff recommends reaffirmation of a waiver of the 600 foot maximum length of private streets.

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

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

APPENDICES

1. Draft Proffers
2. Proposed Final Development Plan Conditions
3. Affidavit
4. Statement of Justification
5. Approved Proffers and CDP/FDP for RZ 89-D-060
6. Plan Citations and Land Use Analysis
7. Transportation Analysis
8. Environmental Analysis
9. Department of Public Works Comments
10. Sewer Service Analysis
11. Water Service Analysis
12. Fire and Rescue Analysis
13. Zoning Ordinance Provisions
14. Glossary of Terms

PROFFERS**PCA 89-D-060-2****November 1, 1999**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950 edition as amended, and approval by the Board of Supervisors of application RZ 89-D-060 to permit the development of up to 866 multiple family units; possible retail/office in the ground floor of residential structures, only if approved by a subsequent Final Development Plan Amendment, Transportation Facility, and a child care center, in accordance with the provisions of the PDH-20 District and the Conceptual/Final Development Plan dated October 6, 1992 and revised October 30, 1992 and revised November 10, 1992 and again revised April 1, 1993, prepared by Dewberry & Davis; and approval of PCA 89-D-060, which provides for a temporary athletic field on Land Bay 5 and further, upon approval of PCA 89-D-060-2, as proffered herein, the undersigned hereby proffers the following conditions:

Except as modified herein, the subject property is governed by the Proffers in RZ 89-D-060, dated April 12, 1993, and the proffers in PCA 89-D-060 dated November 17, 1998 and said proffers are hereby reaffirmed. Several of these proffered conditions have already been fulfilled.

Each reference to "Applicant" in this proffer will include within its meaning, and will be binding upon, Applicant successor(s) in interest and/or the developer(s) of the subject property or any portion thereof except as set forth in Proffer 3.

2. Development of Land Bay 4 of the property shall be in conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Conceptual Development Plan as shown on the Conceptual/Final Development Plan in RZ 89-D-060 prepared by Dewberry & Davis, dated October 1, 1992, revised October 30, 1992, revised November 10, 1992, and further revised April 1, 1993.

Development of Land Bay 5 shall be in conformance with CDPA/FDPA 89-D-060, approved in PCA 89-D-060, as prepared by christopher consultants, ltd., dated March 6, 1998, and revised through October 15, 1998, which provides for a temporary athletic facility on Land Bay 5 in accordance with Proffer 18 set forth hereinafter. Development of Land Bays 1, 2 and 3 shall be in conformance with CDPA/FDPA 89-D-060-2, as prepared by christopher consultants, ltd., dated October 1, 1999. The three (3) development plans referenced in this paragraph are hereinafter sometimes collectively referred to as the "CDP/FDP."

3. The development plans referenced in paragraph 2 above, are constituted in separate subparts (Land Bays 1, 2, 3, 4, and 5). The entire plan

constitutes one general CDP relative to number of units, height, general location of structures, and facilities, roads, and access. The plan shall be deemed to constitute five separate FDPs, one for each of Land Bay 1 through 4 which shall hereinafter be referred to as the Dulles Greens Development and a fifth FDP for Land Bay 5. Any development within Land Bay 5, with the exception of Dulles Greens Drive and Pond B, shall require a Final Development Plan Amendment prior to site plan approval. Any such FDPA which includes a Transportation Facility (cf. Proffer 15) shall require the then owner of Land Bay 5 to provide a screening and buffer area consisting of existing trees and supplemental plantings with a minimum depth of seventy-five (75) feet along the northern lot line of Land Bay 5 adjacent to the Reflection Lake subdivision. Any FDPA in Land Bay 5 shall provide for control of the heights of structures by a fifty (50) degree angle of bulk plane as determined from the rear lot line of the adjacent single family homes. The owners of the Dulles Greens Development or of Land Bay 5 may submit either a preferred condition amendment (PCA), a conceptual development plan amendment (CDPA), and/or a final development plan amendment (FDPA) on the property so owned without the joinder and/or consent of the other if such application does not geographically affect the other property. For future zoning enforcement, the Dulles Greens Development and Land Bay 5 shall be deemed

separate parcels at any time that Land Bay 5 is owned by a person, entity, or body politic other than Applicant. Any modification or amendments of any of the FDPs shall be subject to the approval of the Planning Commission.

4. There will be no interparcel vehicular connections between the Dulles Greens Development or Land Bay 5 and the Reflection Lake Community.

5. The CDP/FDP for the Dulles Greens Development consists of 805 residential units. The Applicant reserves the right to shift the number of multifamily units represented between Land Bays 1 and 2 as a result of final engineering and design provided any such shift shall be in substantial conformance with the building footprints depicted on the Plan.

6. Applicant shall design and construct residential buildings and the garages with exterior building design materials which shall be compatible throughout the Dulles Greens Development as determined by the Applicant within its sole discretion. Exterior building materials for the residential buildings may include, but shall not be limited to, masonry, concrete, siding and synthetic stucco.

Applicant shall utilize a uniform system of signs and exterior lighting fixtures as determined by Applicant within its sole discretion for the Dulles Greens Development. Applicant reserves the right to place on-site lighting for

safety and security purposes. All signs and lighting shall be in accordance with the Zoning Ordinance.

7. All land area dedicated for public use(a) in conjunction with these proffers, and all density/floor area ratio related to such land area of these dedications is hereby reserved for the development of the subject property in accordance with the provisions of Par. 5 of Sect. 2-308 of the Zoning Ordinance.

8. The provisions of proffer no. 8 are hereby deleted.

9. The Applicant commits to the Virginia Home Builders Energy Savers program for energy conservation, or the equivalent thereof, for all dwelling units to be constructed on subject property.

10. The open space in the Dulles Greens Development as shown on the CDP/FDP will be retained by the Applicant for the benefit of the future occupants.

TRANSPORTATION:

11. If not previously dedicated pursuant to Proffer 13A, upon demand by the Virginia Department of Transportation (VDOT) or Fairfax County, the Applicant will dedicate in fee simple to the Fairfax County Board of Supervisors the right-of-way for Innovative Avenue (Rock Hill Road), and assign its easements for access and construction across the easement area granted by the ITA

to the Board of Supervisors, as shown on the CDP/FDP along with any ancillary easements needed for construction or maintenance.

12. Within thirty days of the first site plan approval, Applicant will reimburse the Commonwealth (or its political subsidiary) for a) the entire cost of paving one lane of Innovative Avenue from Route 28 to the C.I.T. Road Termination Point and b) the entire cost of constructing Innovative Avenue from the C.I.T. Road Termination Point to its present terminus.

13. At the time of the first site plan approval for the Dulles Greens Development Applicant will construct road improvements as follows:

A. Construct a four-lane divided facility to VDOT standards, from the existing terminus of Innovative Avenue to a point approximately 150 feet north of the proposed intersection of Innovative Avenue and realigned Rock Hill Road as shown on the CDP/FDP. Applicant will bear the cost of constructing the segment of Innovative Avenue from its present terminus to the Applicant's property within the easement area granted by the Innovative Technology Authority "ITA". The Applicant will dedicate the right of way in fee simple for the portion of right of way it owns and assign its easements for access and construction across the easement area granted by the ITA to the Board of

Supervisors, at the time of their first site plan approval for the Dulles Greens Development.

B. The Applicant will construct Innovative Avenue (Rock Hill Road), to VDOT standards, within the to be dedicated and existing right-of-way as one-half section of a four lane divided facility, with appropriate right turn lanes, to VDOT standards, from the transition of such four-lane divided facility as described in Proffer 13A, to the northern property line of the subject property.

C. Applicant will construct, to VDOT standards, right and left turn lanes at all site entrances along Innovative Avenue. Applicant agrees that at such time as Rock Hill Road is constructed, by others, as a four line divided facility north from the point of transition under Proffer 13B that no median break or left turn from southbound Rock Hill Road will be provided at the Property's second northernmost entrance (approximately 1,000 feet south of the northern property boundary).

D. Construction referenced in Proffers 13A, B, and C will be completed to the level of base paving, with final paving fully bonded and open to traffic, but not necessarily accepted in state road system, prior to the issuance of the first Residential Use Permit (RUP) for the Dulles Greens Development.

E. At the time of construction set forth in Proffers 13A, B and C, Applicant will construct Projects 0-1 and 0-3 as delineated on the County's Master Drainage Plan.

14. No later than the site plan approval for the southern entrance to Land Bay 2, Applicant will construct Dulles Greens Drive from its intersection with Innovative Avenue to a point south of the entrance to Land Bay 2 as shown on the CDP/FDP which is approximately two hundred fifty (250) feet east of the intersection, as a four (4) lane undivided roadway to VDOT standards as depicted on the CDP/FDP.

15. A. Dedication.

Applicant will dedicate and convey in fee simple Land Bay 5, in the southeastern portion of the Property, as more particularly depicted on the CDP/FDP, to Fairfax County or its designee for use as a temporary athletic field and/or as a public transportation destination station, Kiss & Ride lot, Park and Ride facility, rail/bus transit station or other public transportation facility (herein referred to a "Transportation Facility"). At the time of dedication necessary easements shall be granted or assigned (at no cost to the County) by Applicant.

The following associated and/or ancillary uses, not to exceed a total of 2,500 square feet may be included as an integral component of a structure/facility that provides any of the uses set forth above:

1. Ticket sales for public transportation facilities
2. Office for administration of the Park and Ride facility
3. Business service and supply services (including convenience store and newsstand however, in no event shall any of these individual uses exceed seven hundred fifty (750) square feet.)
4. Personal service establishment such as dry cleaning pick-up and drop off (actual cleaning process not to occur on the Land Bay 5).

In addition, a child care center may be provided, but only in the event that the Dulles Greens Development deletes the child care center shown on its development plan through the public hearing process.

The dedication of Land Bay 5 shall be subject to mutually agreed upon reasonable reservation of easements by Applicant for construction, access, and stormwater drainage and management. The right to such easements

shall survive dedication. Actual dedication shall be made upon demand by Fairfax County, upon the first to occur of the following:

- (a) within thirty (30) days of approval by VDOT of the subject site for a Transportation Facility as previously defined.
- (b) the first site plan approval for the Dulles Greens Development.
- (c) June 30, 1994

B. Design and Construction

If prior to dedication of Land Bay 5 or dedication/assignment of the right-of-way for innovative Avenue (Rockhill Road), the Applicant has not completed construction of Innovative Avenue pursuant to Proffer 13 and/or the construction of Dulles Greens Drive pursuant to Proffer 14 (herein referred to as "the Road Improvements") and/or the drainage improvements pursuant Proffer 13, the stormwater management facilities pursuant Proffer 21, or the restoration in Land Bay 5 pursuant to Proffer 22C, or all three (herein collectively referred to as "the Drainage Improvements") then at the time of the dedication of Land Bay 5 pursuant to Proffer 15, and dedication of the Innovative Avenue right-of-way pursuant to Proffer 11 (if not already done pursuant to Proffer 13), the Applicant

reserves the right to enter upon the land as dedicated and to design and construct the uncompleted "Road Improvements" and/or "Drainage Improvements."

1. If the Applicant elects to proceed with the construction of the "Road Improvements", and the "Drainage Improvements", the Applicant shall notify the County in writing. This notice shall include a construction schedule, including an anticipated completion date. If the Applicant is delayed such that the completion date cannot be met or has stopped the construction of any or all of the "Road" and/or "Drainage Improvements", the Applicant shall so notify the County, and the County may assume responsibility for completing said improvements pursuant to Pars. "2", "3" and "4" below.
2. If the Applicant has not elected to proceed pursuant to the previous paragraph, the County shall have the right to assume responsibility for the Improvements and to proceed with the design and construction of the "Road Improvements" and/or the "Drainage Improvements".
The County shall notify the Applicant in writing of its

intent to proceed. This notice shall include the scope of work (which "Road Improvements" and "Drainage Improvements" are required), and a design and construction schedule, including appropriate milestones and the anticipated completion date. Upon receipt of County's notice of intent to proceed, the Applicant shall have 15 working days in which to determine that it elects to assume responsibility for the design and construction and notify the County of same in writing.

- (a) In the event the Applicant fails to give notice or declines to assume the responsibility for the design and construction of the improvements, the County shall have the right to proceed pursuant its original notification as required by paragraph 2 above. The County shall submit to the Applicant monthly status reports including notice of any change in the anticipated completion date. The Applicant' reserves the right to assume responsibility for completing the design and/or

construction if said design and/or construction is unduly delayed or stopped so as to delay the timely completion of the Dulles Greens Development.

- (b) In the event the Applicant elects to assume the responsibility for the design and construction, the Applicant shall provide the County with its design and construction schedule, which shall coincide with the County's anticipated completion date as set forth in the County's notice to the Applicant. Once the election to proceed has been made by the Applicant, the Applicant shall submit to the County monthly status reports including notice of any change in the anticipated completion date. This schedule shall include all appropriate "milestones" and ultimate completion dates. The County shall have the right to assume responsibility for completing the design and/or

construction if such are delayed, so that completion can occur on schedule.

3. In the event the County or its assignee has assumed responsibility for completing the design or construction as described herein, the Applicant shall reimburse the County or its assignee for its actual cost of design and construction of the "Road" and "Drainage" improvements at the time of approval of the first site plan in the Dulles Greens Development, or if such site plan approval and/or construction of Dulles Greens Development has preceded construction of the improvements, payment shall be made prior to the issuance of the first RUP for the Dulles Greens Development.

In the event the Applicant has previously conformed with the bonding requirements, and the County has assumed responsibility for the improvements the County may exercise its rights to complete construction in accord with the bond agreement.

All Bonds and Agreements for these improvements shall provide specifically for the County to take over the agreement.

In the event the County or its assigns has exercised its right to complete construction under the bond agreement, the bond agreement may be used toward the reimbursement owed by the Applicant to the County.

4. In the event that the Applicant completes improvements that were begun by the County, the parties shall agree to a fair and reasonable cost reimbursement, consistent with the intent of the proffers.
5. If the Applicant is the party who designs and constructs the "Road" and "Drainage" improvements, the County and the Applicant may mutually agree to have the Applicant construct the segment of Dulles Greens Drive from the point where the Applicant's obligation to construct Dulles Greens Drive ends pursuant to Proffer 14, eastward to the terminus of Dulles Greens Drive in Land Bay 5 as shown on the CDP/FDP. In that case, the County and the Applicant shall enter into a

reimbursement agreement for the completion of that segment of Dulles Greens Drive.

6. The developer shall construct a temporary gravel travel-way/parking area within the Dulles Greene Drive right-of-way as shown on CDPA/FDPA 89-D-060, subject to the approval of the Director, DPW & ES, prior to the dedication of the recreation field to the County.

16. A. At the time of first site plan approval for the Dulles Greens Development, Applicant will contribute Five Hundred Thousand (\$500,000) Dollars towards infrastructure of the ITA.

B. At the time of site plan approval of Land Bay 3, if requested by WMATA or the Office of Transportation and if public bus service is provided along Innovative and/or Rock Hill Road, the Applicant will construct a public bus shelter in Land Bay 3.

C. If Applicant should amend any Final Development Plan or obtain Special Exception approval to increase secondary uses on the Property (cf. Proffer 30), Applicant agrees to contribute \$4.04 per gross square foot for such non-residential secondary uses to the Dulles Corridor Transportation Fund. Such contribution shall be made at the time of issuance of the Nonresidential Use

Permit for each such secondary use. The contribution ratio of \$4.04 shall apply for first two years after approval of this rezoning. Thereafter, the per square foot contribution rate shall be adjusted based on the ten year trend in the Virginia Highway Bid Price Index. This proffer shall not apply to the development of the temporary athletic facility in Land Bay 5.

RECREATION FACILITIES

17. Applicant shall construct active on-site recreation facilities as shown on the CDPA/FDPA as revised by PCA 89-D-060-2. Applicant shall spend a minimum of \$400.00 per dwelling unit for such facilities. Prior to the issuance of the first Residential Use Permit in Land Bay 1, Applicant shall construct the pool, tennis courts, and club house in Land Bay 1 as shown on the CDPA/FDPA, which shall be open for the following pool season.

The Applicant reserves the right to provide lighting for any of the swimming pools and courts shown on the CDPA/FDPA but will not light any of the other exterior active recreation facilities shown on the CDPA/FDPA. All lighting of active recreation facilities shall be shielded and directed on site so as to keep glare from projecting off-site or into on-site residential areas.

All waste water resulting from the cleaning and draining of the pool located on the site shall contain a minimum dissolved oxygen concentration of 4.0

milligrams per liter prior to discharge. The Applicant shall neutralize pool waters to a pH from 6.0 to 9.0 prior to discharge. Sufficient amounts of lime or soda ash shall be added to achieve a pH approximately equal to that of the receiving stream.

If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it shall be allowed to stand so that most of the solids settle out prior to being discharged.

This proffer #17 shall not apply to the proposed temporary athletic facility located in Land Bay 5.

18. Land Bay 5 shall be developed as a temporary athletic facility in accordance with CDPA/FDPA 89-D-060, proffered in PCA 89-D-060. Applicant's/Profferor's cost to complete this facility in accordance with CDPA/FDPA 89-D-060 shall not exceed the sum of \$191,742.00, plus adjustments for inflation from September 10, 1992 until the date of completion of the facilities, or the date of full expenditure of said fund after adjustment for inflation, whichever event first occurs. This athletic facility will terminate at such time as a Transportation Facility is under construction for utilization on the site.

19. The Applicant will grant public access easements on all trails shown on the CDP/FDP to facilitate pedestrian circulation and will provide pedestrian

access points at the Farougi Court cul de sac and the terminus of Parcher Avenue as shown on the CDP/FDP.

Such trails will contain a PAR (or equivalent brand) course and be installed with care with respect to the environmentally sensitive areas, if any, and provide replacement of trees with equivalent species of trees as determined by the Urban Forestry Branch for those trees which may be lost exclusively due to installation of such trails.

ENVIRONMENT:

20. Applicant will not undertake any land disturbing activities in any wetlands, as defined in the U. S. Corps of Engineers 1987 Wetlands Delineation Manual without obtaining appropriate permits from the U. S. Army Corps of Engineers.

21. Applicant shall at the time of construction of Innovative Avenue pursuant to Proffer 13A and B, provide two stormwater detention facilities in the areas as shown on the CDP/FDP. These facilities shall provide detention and best management practices (BMPs) to the maximum extent practicable without any reconstruction of Rock Hill Road, its embankments and culverts, and without any filling, grading, or excavation within the existing floodplain other than that which is necessary for the construction of Innovative Avenue extended, Dulles Greens

Drive, the outlet works for Pond B, the sanitary sewer connections, and any other infrastructure essential to the development of the Dulles Greens Development and the Transportation Facility.

Applicant reserves the right to seek relief; including, but not limited to Sect. 118-3-2(7) of the Chesapeake Bay Preservation Ordinance as endorsed by the Board of Supervisors on August 3, 1992 ("CBPO"), from the Resource Management Area ("RMA") performance criteria of the CBPO, if the aforementioned design considerations preclude obtaining a 40 percent reduction in the projected total phosphorus runoff pollution load for the proposed development compared to phosphorus loads projected for the proposed development without BMPs; however, the Applicant shall not seek an exception to the performance criteria pursuant to Sect. 118-6-9 of the CBPO, which relates to grandfathering.

22. Within the Dulles Greens Development, Applicant shall maintain a fifty foot buffer and a minimum 65 foot building setback line along the entire bound with the Reflection Lake community in accordance with the CDP/FDP. Applicant shall maintain the limits of clearing and grading depicted on the CDP/FDP within the Dulles Greens Development. A 75 foot buffer shall be provided where practicable. The buffer designated as the limits of clearing and grading shall remain as an undisturbed area with no removal of trees except as

described below. The buffer shall be adjacent to the residential communities as shown on the CDP/FDP and subject to the following conditions:

A. Access and Barrier Fences

To restrict access to the eastern 25 feet of the buffer, Applicant shall construct a fence in accordance with Sect. 13-303 of the Fairfax County Zoning Ordinance as noted on the CDPA/FDPA, which will run continuously parallel to the eastern boundary, except at the points adjacent to public right-of-way. The fence shall be built generally 25 feet west of subject property's eastern property line except at points adjacent to public rights-of-way. The exact location of the fence shall be coordinated with the County's Urban Forester so as to provide minimal disruption to the existing vegetation.

B. Maintenance

Applicant shall be responsible for the removal of dead trees which pose a safety hazard to nearby homes or yards, and for preventive maintenance such as spraying for gypsy moths in the buffer. Maintenance of the restricted access portion of the buffer will be kept to a minimum in order to further reduce disturbances to the area.

C. Restoration

Vegetative restoration areas shall be provided in the areas depicted as open space in Land Bays 2 and 5. The restoration plan for Land Bay 2 shall be submitted to the Urban Forestry Branch for review and approval and plantings implemented as deemed appropriate by the Urban Forester prior to the issuance of any residential use permit and for Land Bay 5 at the time of the Road Improvements and Drainage Improvements pursuant to Proffers 13 and 21. The restoration shall consist of native species to replicate the vegetative community types typically found in this area. Prior to the release of the Bond, a maintenance plan, developed in coordination with the Urban Forestry Branch, shall be undertaken by the property owner of the Dulles Greens Development in order to ensure the long term survival of newly planted material and success of the restoration area.

D. Tree Preservation and Screening Plantings

A tree preservation plan shall be submitted for review and approval by the Urban Forester at the time of site plan review which maximizes the incorporation of the natural vegetation and trees on the site into the building envelopes for the residential units. The preservation plan shall require that if utility lines, or trails must be placed within the tree save area, they shall be placed with minimal

disturbance and that replacement trees shall be provided where damage and disturbance is unavoidable. Barrier fences shall be provided around designated limits of clearing/tree save areas to avoid root compaction and subsequent damage to trees. To supplement the 50 foot buffer along the eastern property line, a mix of deciduous, evergreen and understory plantings shall be provided within the 50 foot buffer to create a natural wooded transition between the Reflection Lake Community and this community.

E. All trees planted by Applicant pursuant to this Proffer shall be sized in accordance with PFM standards.

23. In order to mitigate noise from Washington Dulles International Airport, all residential structures shall incorporate noise attenuation measures as appropriate to meet Interior Noise Level Standard P3 or its future equivalent, and be designed to achieve an interior noise level not to exceed 45 dBA Ldn.

24. The Applicant will construct the proposed child care center and all residential dwelling units utilizing the following measures to mitigate the impact of highway noise;

A. Exterior walls will be constructed of materials and techniques known to have physical properties and characteristics suitable to achieve a Sound Transmission Classification (STC) of 39.

B. Doors and windows will be constructed of material and techniques known to have physical properties and characteristics suitable to achieve a STC of 28. If windows comprise 20% or more of any facade, they will be constructed of materials and techniques known to have physical properties and characteristics suitable to achieve a STC of 39.

C. Adequate measures will be provided to seal and caulk between surfaces.

D. To mitigate exterior noise levels within the subject area, noise attenuation measures such as acoustical fencing, walls or combinations thereof will be provided for those residential rear yard areas that are unshielded by topography or built structures. If acoustical fencing or walls are used, they will be architecturally solid from the ground up with no gaps or openings. The structure employed will be of sufficient height to adequately shield the impacted area from the Source of the noise.

As an alternative to A, B, C or D above, the Applicant may have a refined acoustical analysis performed, subject to approval of the Department of Environmental Management, to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed

above. The Applicant will implement said mitigation measures subject to whatever reductions are permitted pursuant to this paragraph.

Nothing herein shall be construed to restrict or otherwise limit the use of balconies or patios that may be constructed with the proposed residential dwelling units.

25. All contracts for deed of conveyance and all leases issued for residential and commercial units on the subject property shall include the following notice:

“Dulles Greens is near Washington Dulles International Airport. While the Federal Aviation Authority, Metropolitan Washington Airports Authority, and the Fairfax Supervisors have determined that Dulles Green is an area suitable for residential development, you should anticipate that noise and overflights related to aircraft operations will, at times, be audible on the site.”

AFFORDABLE HOUSING:

26. The provisions of proffer no. 26 are hereby deleted.

HISTORIC PRESERVATION:

27. Prior to any land disturbing activity within the Dulles Greens Development the Applicant shall obtain a Phase I archeological survey of the Property. The survey shall be performed by a qualified archaeological survey firm

approved by the County Archaeologist. The results of such survey shall be reviewed and approved by the County Archaeologist. If within 15 days of receipt of the Phase I Survey, it is determined necessary by the County Archaeologist as a result of the Phase I survey, the Applicant will perform at his expense, a Phase II and/or Phase III archaeological surveys and/or recovery work with the scope of work and final report subject to County Archaeologist approval. Such Phase II and III archeological surveys shall not unreasonably delay Applicant's development of the Property and shall not exceed a total expense of \$15,000. In addition, the County Archaeologist shall be notified at least 30 days prior to any land disturbing activity on the Property and shall be permitted to review any artifacts uncovered by any land disturbing activity.

CHILD CARE CENTER AND SECONDARY USES:

28. The child care facility shall be limited to an enrollment of 150 children on site at any one time.
29. Prior to approval of the Site Plan for Land Bay 4, a letter from the Health Department shall be obtained indicating that the child care center location as proposed does not present any hazard to health, safety or welfare of the children. All requirements of the Health Department regarding safety, fencing, food preparation, etc., shall be implemented and adhered to.

In the event Applicant should submit a site plan for Land Bay 4 prior to the construction of the public roadway within Land Bay 5, Applicant shall be able to access Innovative Avenue from Land Bay 4 by means of a driveway constructed within the Dulles Greens Drive right of way.

30. The child care center shall be the only secondary use permitted at this time on the Dulles Greens Development; any other second uses shall be subject to the approval of a final development plan amendment or a special exception, as appropriate.

[Signatures on the following page]

DULLES GREENE, L.P., a Virginia limited
partnership

By: DG Development, Inc, a Delaware
corporation, general partner

By: _____
Cory DeSpain
Vice President

DULLES GREENE PARTNERS, L.P.

By: DG Development, Inc, a Delaware
corporation, general partner

By: _____
Cory DeSpain
Vice President

THE GREENS, L.P.

By: DG Development, Inc, a Delaware
corporation, general partner

By: _____
Cory DeSpain
Vice President

APPENDIX 2

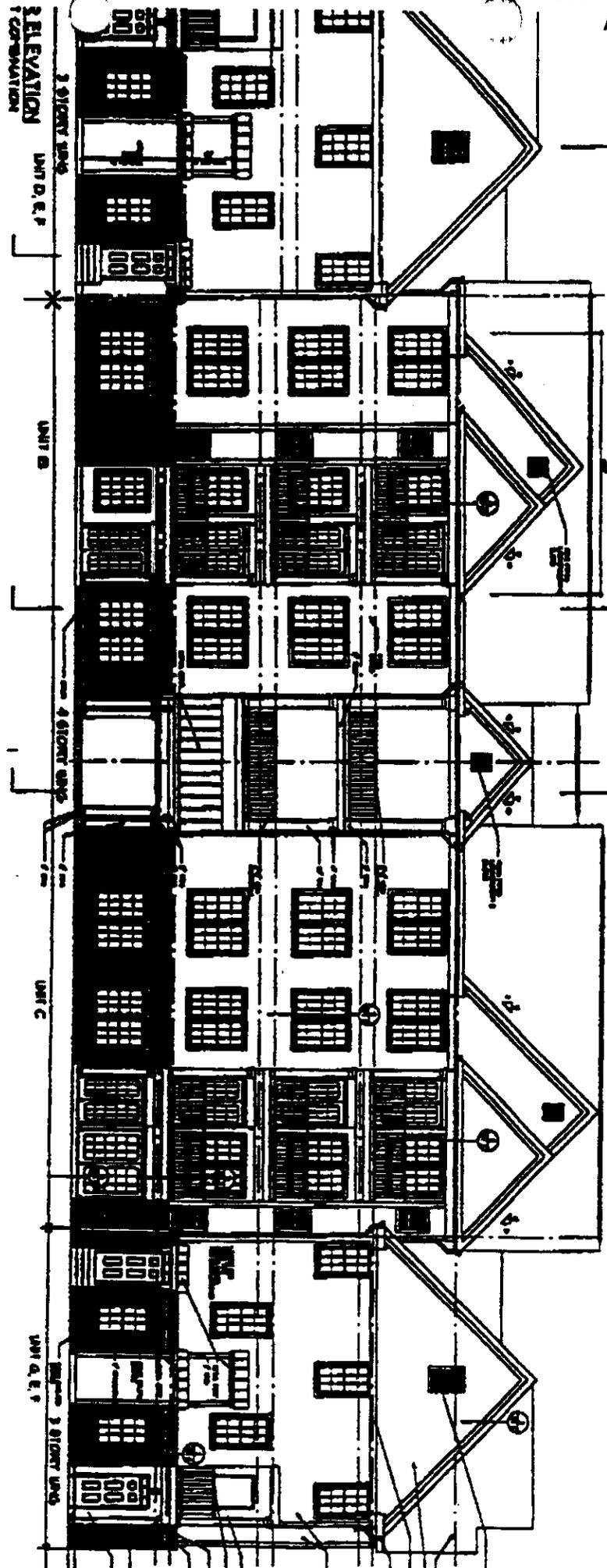
PROPOSED DEVELOPMENT CONDITIONS

FDPA 89-D-060-2

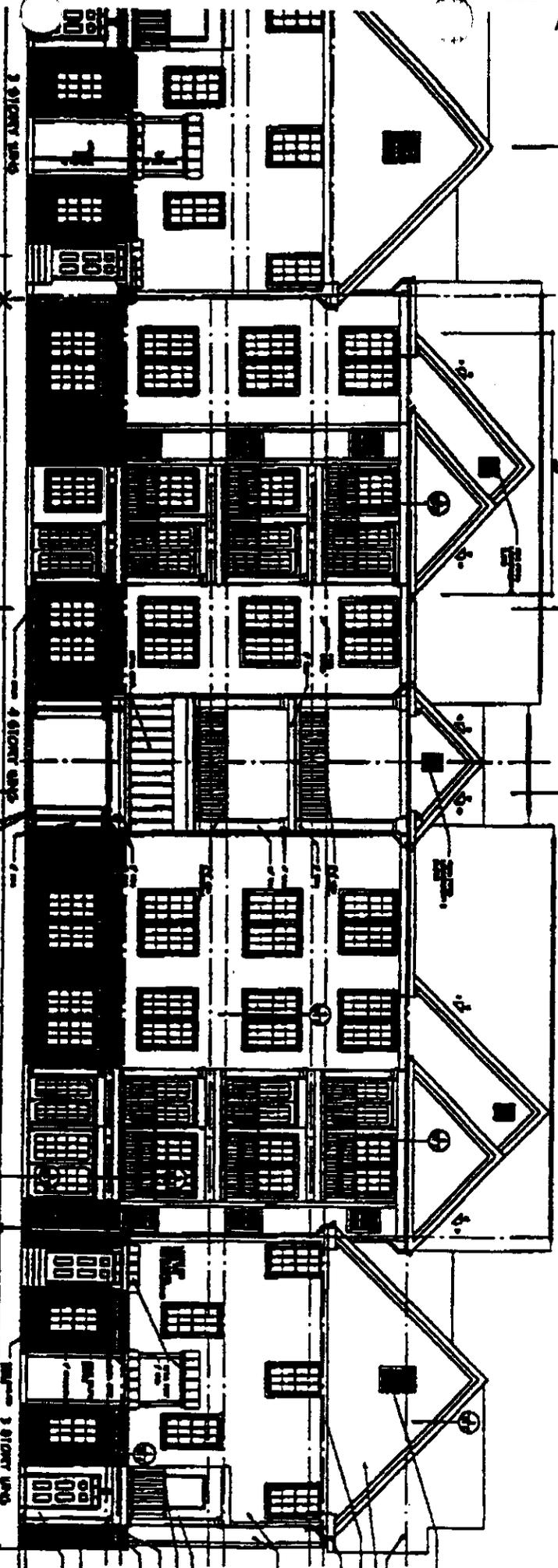
November 3, 1999

If it is the intent of the Planning Commission to approve Final Development Plan Application FDPA 89-D-060-2 for multi-family residential and a child care center as a secondary use located at Tax Map 15-2 ((1)) 8A; 16-1 ((1)) 5B, 10, 11 pt. staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions

1. Development of the application property shall be in conformance with Conceptual/Final Development Plan entitled "Conceptual /Final Development Plan Amendment, PCA/FDPA 89-D-060-2, Dulles Greens", prepared by Christopher Consultants, dated February 5, 1999, as revised through October 1, 1999.
2. Landscaping shall be provided on the subject site as depicted on the CDPA/FDPA pursuant to review by the Urban Forester. Supplemental evergreen vegetation shall be provided along the eastern and western boundaries to further screen the multi-family structures and child care center from the adjacent residences, subject to approval by the Urban Forester.
3. The façade of the multi-family structures shall substantially conform in mass, materials, color, etc. to the buildings currently under construction and located in Land Bay 1 and included as Attachment 1 of these development conditions.



3 STORY UNIT
 UNIT A
 4 STORY UNIT
 UNIT B
 4 STORY UNIT
 UNIT C
 3 STORY UNIT
 UNIT D





PHASE I

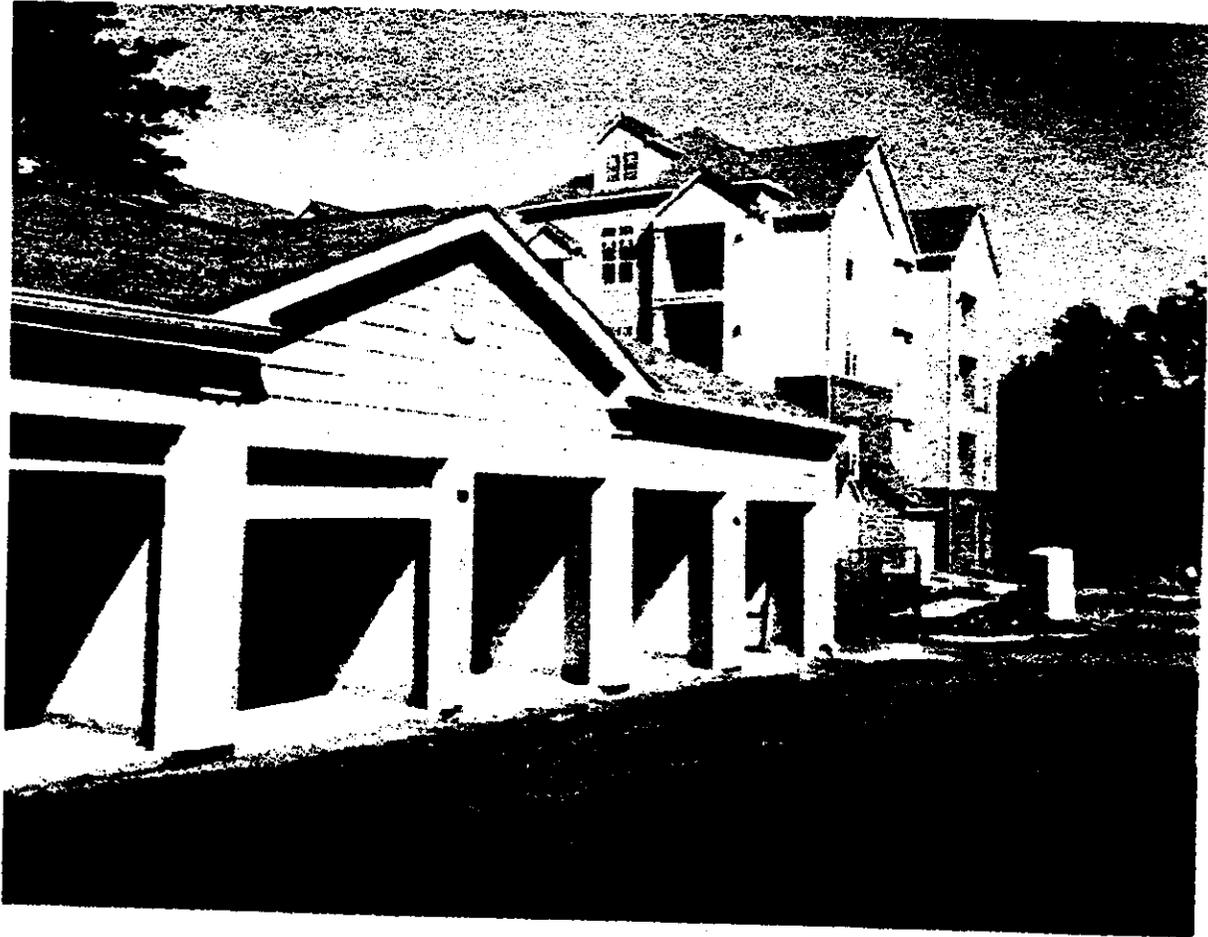
**Dulles Greene
RZ 89-D-060**



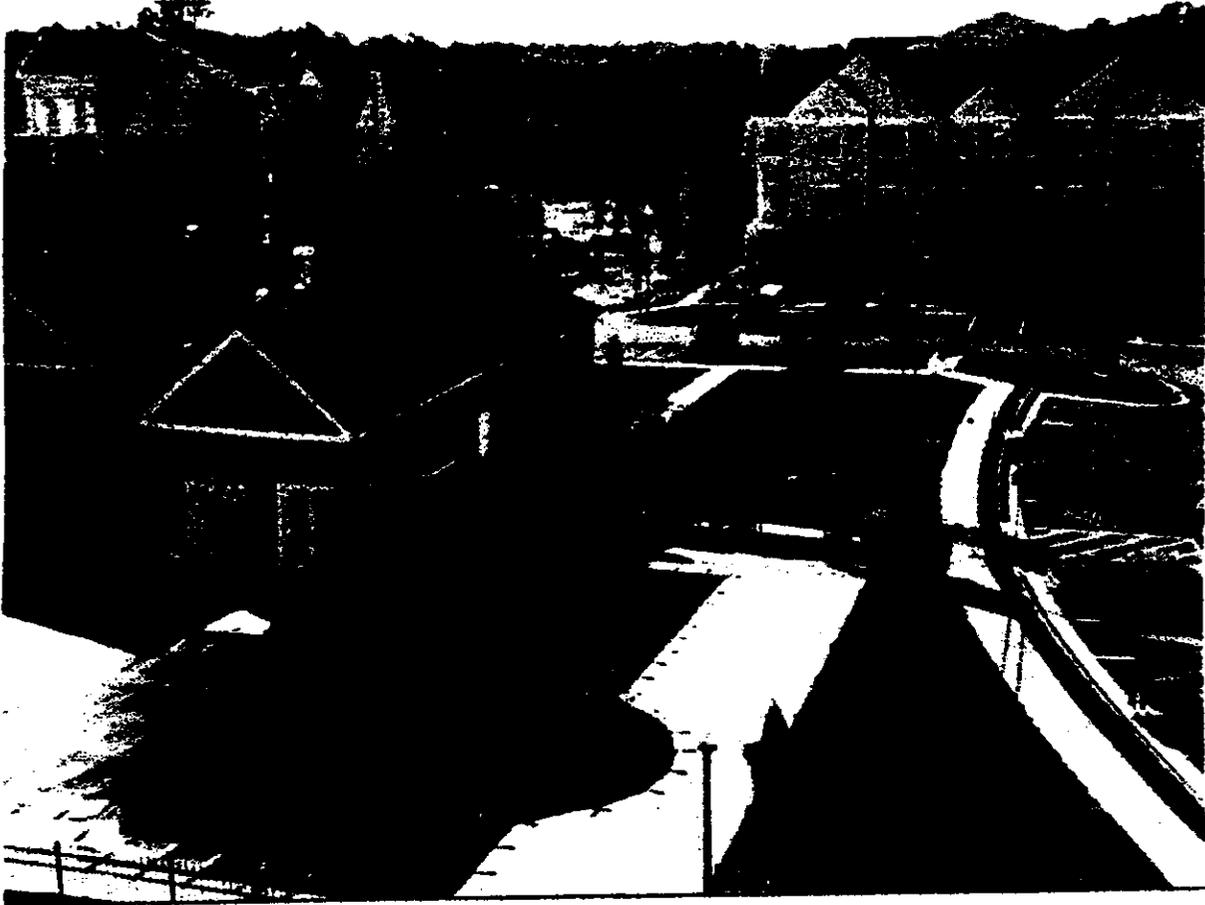
**Example of Multifamily
Garage Structure**



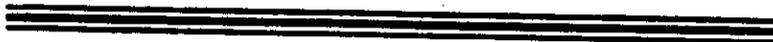
**Example of Multifamily
Garage Structure**



**Example of Multifamily
Garage Structure**



**Dulles Greene
Clubhouse and Pool**



Dulles Greene
Clubhouse

REZONING AFFIDAVIT

DATE: March 9, 1999
(enter date affidavit is notarized)

I, G. Cory DeSpain, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

in Application No(s): _____
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Dulles Greene, L.P. Agents: James Smith G. Cory DeSpain Webb Koschene	3206 Tower Oaks Blvd. Suite 310 Rockville, MD 20852	Applicant/Owner of Tax Map 15-2((1)) Parcel 8A and 16-1((1)) Parcel 5B
Dulles Greene Partners, L.P. Agents: James Smith G. Cory DeSpain Webb Koschene	3206 Tower Oaks Blvd. Suite 310 Rockville, MD 20852	Applicant/Owner of Tax Map 16-1((1)) Parcel 10
The Greens, L.P. Agents: James Smith G. Cory DeSpain Webb Koschene	3206 Tower Oaks Blvd. Suite 310 Rockville, MD 20852	Applicant/Owner of Tax Map 16-1((1)) Parcel 11

(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.

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

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

DATE: March 9, 1999
(enter date affidavit is notarized)

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

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

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relation- ships listed in BOLD in Par. 1(a))
Christopher Consultants, Ltd. Agents: Michael Kitchen Catherine F. Aylestock	9900 Main Street Suite 400 Fairfax, VA 22031	Engineers
Hazel & Thomas, P.C. Agents: Robert A. Lawrence Grayson P. Hanes John L. McBride John H. Foote Benjamin F. Tompkins Jo Anne S. Bitner William J. Keefe	3110 Fairview Park Drive Suite 1400 Falls Church, VA 22042	Attorneys/Agents Planner

(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.

DATE: MARCH 7, 1999
(enter date affidavit is notari: _____)

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

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

(NOTE: Include sole proprietorships herein.)

CORPORATION INFORMATION

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

Dulles Greene Development, Inc.
3206 Tower Oaks Blvd., Suite 310
Rockville, MD 20852

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Robert I. Toll
Bruce E. Toll

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

Robert I. Toll, Chairman & Chief Executive Officer

Bruce E. Toll, President and Secretary

Evan Ernest, Vice President

Zvi Barzilay, Executive Vice President

Joel H. Rassman, Treasurer and Vice President

Kenneth J. Gary, Vice President and Assistant Secretary

G. Cory DeSpain, Vice President and Assistant Secretary

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

** All listings which include partnerships or corporations must be broken down successively until (a) only individual persons are listed, or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of the stock. Use footnote numbers to designate partnerships or corporations which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

DATE: March 9, 1999
(enter date affidavit is notarized)

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

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Christopher Consultants, Ltd.
9900 Main Street, Suite 400
Fairfax, VA 22030

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial & last name)
Christopher W. Brown
William R. Goldsmith, Jr.
Louis Canonico

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Christopher W. Brown President
William R. Goldsmith, Jr. Executive Vice President/Secretary
Louis Canonico Vice President

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Hazel & Thomas, P.C.
3110 Fairview Park Drive
Falls Church, VA 22042

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial & last name)
William G. Thomas

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

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

REZONING AFFIDAVIT

DATE: March 9, 1999
(enter date affidavit is notarized)

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

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
The Greens, L.P.
3206 Tower Oaks Blvd., Suite 310
Rockville, MD 20852

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

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

General Partner:
Dulles Greene Development, Inc.

Limited Partners:
Robert I. Toll
Bruce E. Toll

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

** All listings which include partnerships or corporations must be broken down successively until (a) only individual persons are listed, or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of

DATE: March 9, 1999
(enter date affidavit is notarized)

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

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
Dulles Greene Partners, L.P.
3206 Tower Oaks Blvd., Suite 310
Rockville, MD 20852

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

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

General Partner:
Dulles Greene Development, Inc.

Limited Partners:
Bruce E. Toll
Zvi Barzilay
Joel H. Rassman
G. Cory DeSpain
Wayne Patterson

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

DATE: March 9, 1999
(enter date affidavit is notarized)

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

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
Dulles Greene, L.P.
3206 Tower Oaks Blvd., Suite 310
Rockville, MD 20852

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

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

General Partner:
Dulles Greene Development, Inc.

Limited Partners:
Bruce E. Toll
Zvi Barzilay
Joel H. Rassman
G. Cory DeSpain
Wayne Patterson

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

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

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

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

NONE

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

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors or Planning Commission or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above.

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

NONE

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

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

WITNESS the following signature:

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

G. Cory DeSpain Vice President

(type or print first name, middle initial, last name & title of signer)

Subscribed and sworn to before me this 9th day of March, 1999, in the state of Maryland.

Rebecca Ann Neal

Notary Public

My commission expires: 8/1/02

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
JUL 15 1999

July 14, 1999

STATEMENT OF JUSTIFICATION

ZONING EVALUATION DIVISION

DULLES GREENE PROPERTY PCA/FDPA 89-D-060

INTRODUCTION

Dulles Greene, L.P., Dulles Greene Partners, L.P., and The Greens, L.P., owners and applicants of the 55.5 acre property known as "Dulles Greene," propose to modify the approved Development Plan for Dulles Greene to improve the project design, delete ADUs, and redesign the proffered recreational improvements. The multifamily properties are located on Rock Hill Road, Tax Map 15-2 ((1)) Parcel 8A and 16-1 ((1)) Parcels 5B, 10, and 11 in the Upper Potomac Planning District near Loudoun County. The project is being developed as a luxury multifamily (rental) development with a series of recreational improvements at a density of 14.5 dwelling units per acre. The property is approximately 40 percent constructed through Land Bay 1 with the completion of Land Bays 2, 3, 4, and 5 yet to be developed.

I. DESCRIPTION OF PROPOSED PCA/FDPA

Now that the project is under construction and the first phases of the multifamily units have been occupied, the owners of the property, Dulles Greene, L.P., Dulles Greene Partners, L.P., and The Greens, L.P., have decided to modify the approved Final Development Plan (FDP) to respond to market conditions for the multifamily rental market in this area of Fairfax County. In order to continue the successful marketing, the owners would like to modify the plan to delete the mid-rise residential structure from within Land Bay 3 and provide a total of 16 four-story multifamily buildings, similar in design to the residential structures that are under construction in Land Bay 1. With the inclusion of a four-story building and the deletion of the mid-rise building, the approved Development Plan will need to be modified as it relates to open space, recreational facilities, landscaping, and size of the approved land bays. See the attached Final Development Plan Amendment, prepared by christopher consultants, ltd.

In summary, the PCA/FDPA proposes the following modifications to the project:

SUMMARY OF LAND USE PROPOSALS

1. Amend the approved Final Development Plan for RZ 89-D-060, Land Bays 2 and 3, and 4, to delete mid-rise residential structure of six stories (*maximum*) and replace it with a series of four-story multifamily buildings, similar to the buildings that are under construction on the property. The proposed FDPA adjusts the original land bay lines and acreage to accommodate the new layout. The overall dwelling unit count for Dulles Greene will decrease from 866 to 805 dwelling units:

2. Amend the approved Final Development Plan to modify the open space and landscaping plan, revise the limits of clearing and grading, revise the vegetation restoration area, add perimeter fencing and security gates at all entrances;
3. Revise the size and total acreage for Land Bay 4 to delete 0.55 acres and add this acreage to Land Bay 3;
4. Amend the approved proffers for RZ 89-D-060 to delete the provision of affordable dwelling units of the subject property (41.1633 acres); and
5. Amend and supplement the proffered recreational improvements as per revised FDP.

REVISED RESIDENTIAL DENSITY TABULATION
Dulles Greene Property

	#LAND BAY 1	LAND BAYS 2&3	LAND BAY 4	##LAND BAY 5	STREET DEDICATION	###REVISED TOTAL
SITE AREA	19.2060 AC.	20.4140 AC.	1.5433 AC.	9.6406 AC.	4.7820 AC.	55.5859 AC.
No. OF UNITS	390	415	0	0		805
No. OF ADU'S	0	0	0	0		0
OPEN SPACE (REQUIRED 50%)						27.8 AC. (50%)
OPEN SPACE (PROVIDED)	10.2 AC. (53%)	9.0 AC. (42%)	1.0 AC. (64%)	7.6 AC. (79%)		27.8 AC. (50%)
DEVELOPED RECREATION SPACE	1.3 AC.	0.5 AC.	N/A	SOCCER FIELD NOT INCLUDED		1.8 AC.
MAX. FAR/ DENSITY						20 DU/Ac. 0.70
PROVIDED DENSITY	19.6 DU/AC.	20.3 DU/AC.	N/A	N/A		14.48 DU/Ac.
PROVIDED FAR	0.60	0.70	0.12	N/A		0.47
PARKING REQ'D/PROV.	624/660	664/664	24/24	77 SPACES PROVIDED FOR INTERIM USE		1389/1425

Figures for Land Bay 1 reflect revisions made with approved proffer interpretation P1 9608-0098 of RZ 89-D-060

Figures for Land Bay 5 reflect revisions made with Final Development Plan Amendment PCA 89-D-060

Revised total shown above reflects all changes resulting from previously approved amendment(s) and proffer interpretation(s)

II. PROPOSED PROFFER AMENDMENTS

The owners propose to amend the approved proffers for RZ 89-D-069 to modify the recreation improvements program to delete the two of the four tennis courts and provide the following improvements:

LAND BAY ONE

CLUBHOUSE, INCLUDING:
• INDOOR BASKETBALL
• TWO SAUNAS
• COMPLETE FITNESS AND
CARDIOVASCULAR FACILITY
LARGE SWIMMING POOL
TWO LIGHTED TENNIS COURTS
PICNIC AREAS W/BARBECUE
VOLLEYBALL COURT

LAND BAYS TWO AND THREE

TOT LOT
PAR COURSE
(0.75 MI.±, SIX STATIONS)

These recreation improvements exceed the proffered improvements that were committed in RZ 89-D-069.

III. JUSTIFICATION FOR PCA/FDPA

Currently Dulles Greene has over 40 multifamily rental units occupied and an additional 200± units under construction in Land Bay One. A total of 866 units were approved part of RZ 89-D-060. The multifamily mid-rise building was planned to be a maximum of six stories and 65 feet in height and would include a maximum of 200 multifamily dwelling units. The owners have reviewed the market conditions related to rental units in this area of Fairfax County and have determined that the four-story structure is better suited to meet future market demand for rental units. Further, the mid-rise building (six stories) is not compatible in terms of design and scale with the existing multifamily buildings and, therefore, should be deleted from the development plan for the property.

The Dulles Greene property is being developed as a "higher end" multifamily use and has a series of recreational amenities that will exceed the original proffered list of recreational improvements. The list of improvements include a 8,000 square foot (approximately) clubhouse which has an indoor basketball court, two saunas, a complete fitness/cardiovascular facility, one large swimming pool, and other recreational amenities. The facility also includes two lighted tennis courts, picnic areas with a barbecue facility, and an outdoor volleyball court. The original FDP only called for a swimming pool, tennis courts, and a basketball court and tot lots. The revised plan calls for the amenities to be located within Land Bay 1 and Land Bay 3. The two tennis courts will have exterior lighting provided which lighting will be shielded and directed to

the site so as to keep glare from projecting offsite or onto the residential areas within Dulles Greene.

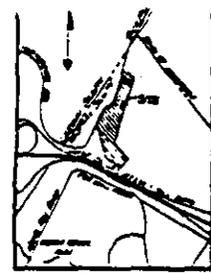
As a result of the modifications in the building design and layout and the recreational improvements for the Dulles Greene project, the landscaping and open space elements of the original FDP will need to be modified. The total amount of open space provided as part of the entire project will remain at a minimum of 50 percent, but the open space is being reconfigured to respond to the redesign issues of the FDP. The proposed plantings and landscape treatments are in excess of the county ordinance requirements for screening and buffering. All of these changes to the Final Development Plan are required to implement the revised residential design for the project and will result in a more compatible overall plan with both the adjacent properties, i.e., Reflection Lake, and the adjoining multifamily structures on the Dulles Greene property.

Concerning the approved proffers to RZ 89-D-060, the applicants request that the original 42 Affordable Dwelling Units (ADUs) and the bonus units be deleted. The applicants request that the ADUs be deleted based on the recent Zoning Ordinance Amendment (ZO-98-306) that specifies that ADUs are not required if the project is at or below the low end of the density range of the Plan. In this case, the revised density is 14.5 du/ac which is below the 16-20 density range specified in the Area III Plan. Total dwelling units for the entire project would change from 866 market rate and ADU units to 805 market rate units. Therefore, a total of 61 multifamily dwelling units will be deleted from the project in its entirety.

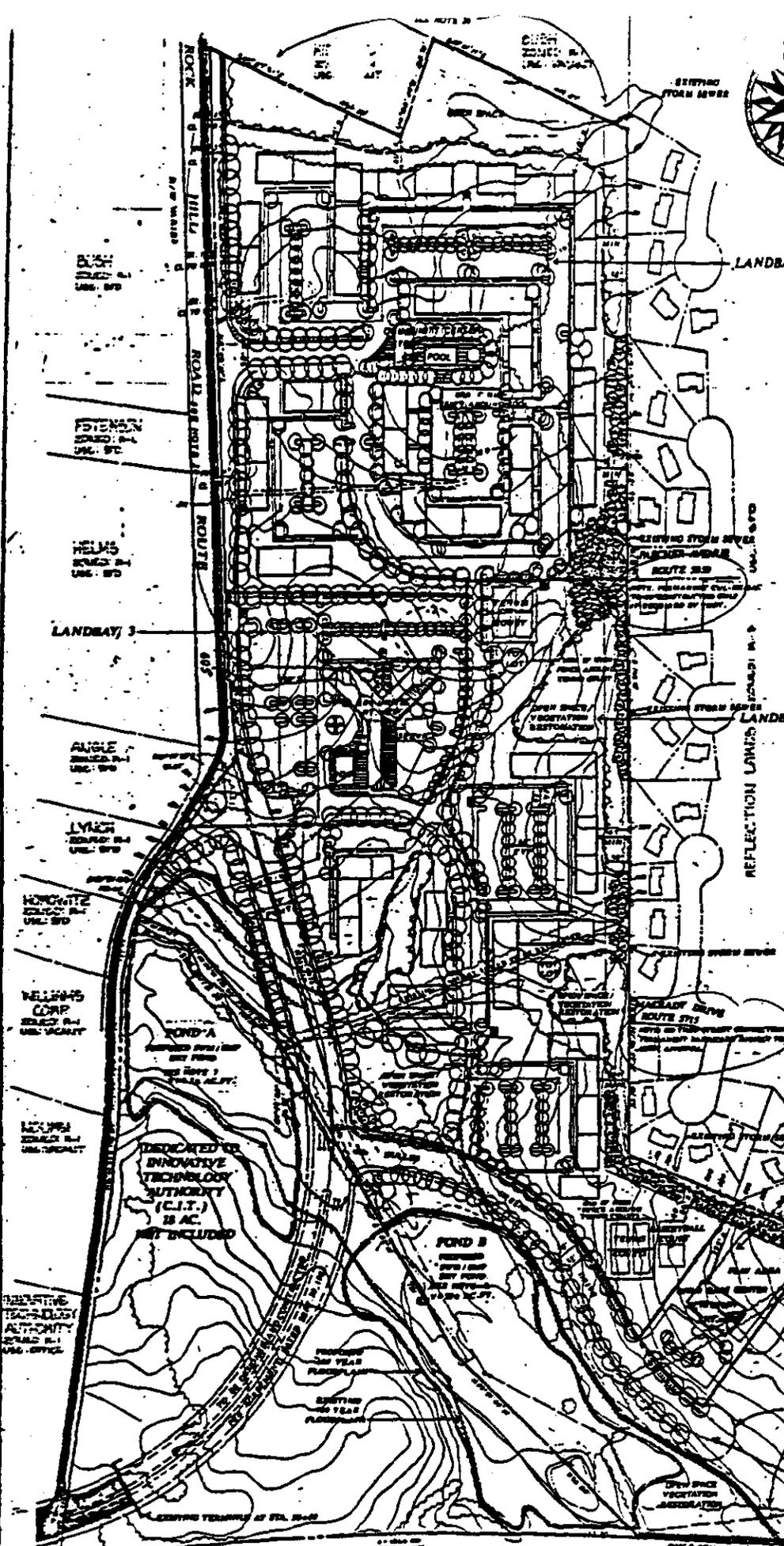
IV. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The subject property lies within the Upper Potomac Planning District of the Area III Comprehensive Plan. The planning sector is the Greater Herndon Community Planning Sector (pages 454-456 of 1991 Edition of the Area III Plan, as amended through June 26, 1995). The land use recommendations within this planning sector call for multifamily residential use at 16 to 20 dwelling units per acre. The Plan also calls for the daycare center, park and ride facility, and other such nonresidential uses which are not the subject of this Application. The Plan calls for mix of building types to include low-rise garden style apartments and mid-rise structures as "encouraged" to facilitate the visual transition between the lower density Reflection Lake community and the higher density office and retail development that is planned to the west of this project in Loudoun County. This redesign for Dulles Greene implements this Plan recommendation. Further, the Plan calls for a system of sidewalks and trails to be integrated with the open space and the adjoining properties, all of which are being included as part of the overall revised development plan for the Dulles Greene property.

The proposed revised development plan, with the four-story multifamily buildings and the revised open space and landscape plan, is in conformance with the text language of the Area III Comprehensive Plan in that it provides for an improved visual transition from the lower density Reflection Lake community located to the east and the townhouse construction that is taking place to the north of the Dulles Greene property. The proposed PCA/FDPA application will provide continuity of design throughout the Dulles Greene project while maintaining the overall design



VICINITY MAP
1" = 2000'

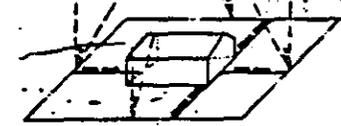


LEGEND

- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- EOC
- EXISTING VEGETATION
- PROPOSED LIMITS OF CLEARING AND GRADING
- EXISTING 10 YEAR FLOODPLAIN
- PROPOSED 10 YEAR FLOODPLAIN
- PROPOSED 5 COUNTY WIDE TRAIL
- PROPOSED BIKEWAY/TRAIL
- EXISTING PAVEMENT
- PROPOSED TRASH DUMPSTER
- 5/11' HIGH SCREEN WALL

LANDSCAPE LEGEND

- PROPOSED DECIDUOUS TREES
 - PROPOSED ORNAMENTAL TREES
 - PROPOSED MIXED TREES TO SUPPLEMENT OR REPLACE
 - PROPOSED EVERGREEN SHRUBS FOR SCREENING
- ANGLE OF BULK PLANE**
- SHOWN APPROXIMATE TO THE EXISTING OFFICE BUILDING



NOTE: THIS IS A 3D VIEW OF THE BULK PLANE ANGLE. THE ANGLE IS SHOWN AS A DOTTED LINE. THE ANGLE IS SHOWN AS A DOTTED LINE. THE ANGLE IS SHOWN AS A DOTTED LINE. (APPLICABLE ONLY TO SPECIFIC OFFICE BUILDING)

NOTE: PERMANENT CUL-DE-SAC TO BE CONFLICTED ONLY IF REQUIRED BY CITY.

CONFLICTED PLAN TRAIL TO BE BUILT BY OTHERS

NOTE: PERMANENT CUL-DE-SAC TO BE CONFLICTED ONLY IF REQUIRED BY CITY.

CONFLICTED PLAN TRAIL TO BE BUILT BY OTHERS

NOTE: PERMANENT CUL-DE-SAC TO BE CONFLICTED ONLY IF REQUIRED BY CITY.

CONFLICTED PLAN TRAIL TO BE BUILT BY OTHERS

NOTE: PERMANENT CUL-DE-SAC TO BE CONFLICTED ONLY IF REQUIRED BY CITY.

CONFLICTED PLAN TRAIL TO BE BUILT BY OTHERS

DULLES GREENE, L.P., a Virginia limited partnership

By: DG Development, Inc., a Delaware corporation, general partner

By:  _____

Name: Cory Despain
VIC President
(PRINT)

Title: _____
(PRINT)

29. Prior to approval of the Site Plan for Land Bay 4, a letter from the Health Department shall be obtained indicating that the child care center location as proposed does not present any hazard to health, safety or welfare of the children. All requirements of the Health Department regarding safety, fencing, food preparation, etc., shall be implemented and adhered to.

In the event Applicant should submit a site plan for Land Bay 4 prior to the construction of the public roadway within Land Bay 5, Applicant shall be able to access Innovative Avenue from Land Bay 4 by means of a driveway constructed within the Dulles Greens Drive right of way.

30. The child care center shall be the only secondary use permitted at this time on the Dulles Greens Development; any other second uses shall be subject to the approval of a final development plan amendment or a special exception, as appropriate.

(Signature on following page)

anticipate that noise and overflights related to aircraft operations will, at times, be audible on the site."

AFFORDABLE HOUSING:

26. Applicant will commit a total of 42 units to the Fairfax County Affordable Dwelling Unit program within the Dulles Greens Development.

HISTORIC PRESERVATION:

27. Prior to any land disturbing activity within the Dulles Greens Development the Applicant shall obtain a Phase I archeological survey of the Property. The survey shall be performed by a qualified archeological survey firm approved by the County Archaeologist. The results of such survey shall be reviewed and approved by the County Archaeologist. If within 15 days of receipt of the Phase I Survey, it is determined necessary by the County Archaeologist as a result of the Phase I survey, the Applicant will perform at his expense, a Phase II and/or Phase III archeological surveys and/or recovery work with the scope of work and final report subject to County Archaeologist approval. Such Phase II and III archeological surveys shall not unreasonably delay Applicant's development of the Property and shall not exceed a total expense of \$15,000. In addition, the County Archaeologist shall be notified at least 30 days prior to any land disturbing activity on the Property and shall be permitted to review any artifacts uncovered by any land disturbing activity.

CHILD CARE CENTER AND SECONDARY USES:

28. The child care facility shall be limited to an enrollment of 150 children on site at any one time.

comprise 20% or more of any facade, they will be constructed of materials and techniques known to have physical properties and characteristics suitable to achieve a STC of 39.

C. Adequate measures will be provided to seal and caulk between surfaces.

D. To mitigate exterior noise levels within the subject area, noise attenuation measures such as acoustical fencing, walls or combinations thereof will be provided for those residential rear yard areas that are unshielded by topography or built structures. If acoustical fencing or walls are used, they will be architecturally solid from the ground up with no gaps or openings. The structure employed will be of sufficient height to adequately shield the impacted area from the Source of the noise.

As an alternative to A, B, C or D above, the Applicant may have a refined acoustical analysis performed, subject to approval of the Department of Environmental Management, to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above. The Applicant will implement said mitigation measures subject to whatever reductions are permitted pursuant to this paragraph.

Nothing herein shall be construed to restrict or otherwise limit the use of balconies or patios that may be constructed with the proposed residential dwelling units.

25. All contracts for deed of conveyance and all leases issued for residential and commercial units on the subject property shall include the following notice:

"Dulles Greens is near Washington Dulles International Airport. While the Federal Aviation Authority, Metropolitan Washington Airports Authority, and the Fairfax Supervisors have determined that Dulles Green is an area suitable for residential development, you should

trees on the site into the building envelopes for the residential units. The preservation plan shall require that if utility lines, or trails must be placed within the tree save area, they shall be placed with minimal disturbance and that replacement trees shall be provided where damage and disturbance is unavoidable. Barrier fences shall be provided around designated limits of clearing/tree save areas to avoid root compaction and subsequent damage to trees. To supplement the 50 foot buffer along the eastern property line, a mix of deciduous, evergreen and understory plantings shall be provided within the 50 foot buffer to create a natural wooded transition between the Reflection Lake Community and this community.

E. All trees planted by Applicant pursuant to this Proffer shall be sized in accordance with PFM standards.

23. In order to mitigate noise from Washington Dulles International Airport, all residential structures shall incorporate noise attenuation measures as appropriate to meet Interior Noise Level Standard P3 or its future equivalent, and be designed to achieve an interior noise level not to exceed 45 dBA Ldn.

24. The Applicant will construct the proposed child care center and all residential dwelling units utilizing the following measures to mitigate the impact of highway noise;

A. Exterior walls will be constructed of materials and techniques known to have physical properties and characteristics suitable to achieve a Sound Transmission Classification (STC) of 39.

B. Doors and windows will be constructed of material and techniques known to have physical properties and characteristics suitable to achieve a STC of 28. If windows

location of the fence shall be coordinated with the County's Urban Forester so as to provide minimal disruption to the existing vegetation.

B. Maintenance

Applicant shall be responsible for the removal of dead trees which pose a safety hazard to nearby homes or yards, and for preventive maintenance such as spraying for gypsy moths in the buffer. Maintenance of the restricted access portion of the buffer will be kept to a minimum in order to further reduce disturbances to the area.

C. Restoration

Vegetative restoration areas shall be provided in the areas depicted as open space in Land Bays 2 and 5. The restoration plan for Land Bay 2 shall be submitted to the Urban Forestry Branch for review and approval and plantings implemented as deemed appropriate by the Urban Forester prior to the issuance of any residential use permit and for Land Bay 5 at the time of the Road Improvements and Drainage Improvements pursuant to Proffers 13 and 21. The restoration shall consist of native species to replicate the vegetative community types typically found in this area. Prior to the release of the Bond, a maintenance plan, developed in coordination with the Urban Forestry Branch, shall be undertaken by the property owner of the Dulles Greens Development in order to ensure the long term survival of newly planted material and success of the restoration area.

D. Tree Preservation and Screening Plantings

A tree preservation plan shall be submitted for review and approval by the Urban Forester at the time of site plan review which maximizes the incorporation of the natural vegetation and

August 3, 1992 ("CBPO"), from the Resource Management Area ("RMA") performance criteria of the CBPO, if the aforementioned design considerations preclude obtaining a 40 percent reduction in the projected total phosphorus runoff pollution load for the proposed development compared to phosphorus loads projected for the proposed development without BMPs; however, the Applicant shall not seek an exception to the performance criteria pursuant to Sect. 118-6-9 of the CBPO, which relates to grandfathering.

22. Within the Dulles Greens Development, Applicant shall maintain a fifty foot buffer and a minimum 65 foot building setback line along the entire bound with the Reflection Lake community in accordance with the CDP/FDP. Applicant shall maintain the limits of clearing and grading depicted on the CDP/FDP within the Dulles Greens Development. A 75 foot buffer shall be provided where practicable. The buffer designated as the limits of clearing and grading shall remain as an undisturbed area with no removal of trees except as described below. The buffer shall be adjacent to the residential communities as shown on the CDP/FDP and subject to the following conditions:

A. Access and Barrier Fences

To restrict access to the eastern 25 feet of the buffer, Applicant shall construct a fence in accordance with Sect. 13-303 of the Fairfax County Zoning Ordinance as noted on the CDPA/FDPA, which will run continuously parallel to the eastern boundary, except at the points adjacent to public right-of-way. The fence shall be built generally 25 feet west of subject property's eastern property line except at points adjacent to public rights-of-way. The exact

19. The Applicant will grant public access easements on all trails shown on the CDP/FDP to facilitate pedestrian circulation and will provide pedestrian access points at the Farougi Court cul de sac and the terminus of Parcher Avenue as shown on the CDP/FDP.

Such trails will contain a PAR (or equivalent brand) course and be installed with care with respect to the environmentally sensitive areas, if any, and provide replacement of trees with equivalent species of trees as determined by the Urban Forestry Branch for those trees which may be lost exclusively due to installation of such trails.

ENVIRONMENT:

20. Applicant will not undertake any land disturbing activities in any wetlands, as defined in the U. S. Corps of Engineers 1987 Wetlands Delineation Manual without obtaining appropriate permits from the U. S. Army Corps of Engineers.

21. Applicant shall at the time of construction of Innovative Avenue pursuant to Proffer 13A and B, provide two stormwater detention facilities in the areas as shown on the CDP/FDP. These facilities shall provide detention and best management practices (BMPs) to the maximum extent practicable without any reconstruction of Rock Hill Road, its embankments and culverts, and without any filling, grading, or excavation within the existing floodplain other than that which is necessary for the construction of Innovative Avenue extended, Dulles Greens Drive, the outlet works for Pond B, the sanitary sewer connections, and any other infrastructure essential to the development of the Dulles Greens Development and the Transportation Facility.

Applicant reserves the right to seek relief; including, but not limited to Sect. 118-3-2(7) of the Chesapeake Bay Preservation Ordinance as endorsed by the Board of Supervisors on

facilities shown on the CDP/FDP. All lighting of active recreation facilities shall be shielded and directed on site so as to keep glare from projecting off-site or into on-site residential areas.

All waste water resulting from the cleaning and draining of the pool located on the site shall contain a minimum dissolved oxygen concentration of 4.0 milligrams per liter prior to discharge. The Applicant shall neutralize pool waters to a pH from 6.0 to 9.0 prior to discharge. Sufficient amounts of lime or soda ash shall be added to achieve a pH approximately equal to that of the receiving stream.

If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it shall be allowed to stand so that most of the solids settle out prior to being discharged.

This proffer #17 shall not apply to the proposed temporary athletic facility located in Land Bay 5.

18. Land Bay 5 shall be developed as a temporary athletic facility in accordance with CDPA/FDPA 89-D-060. Applicant's/Profferor's cost to complete this facility in accordance with CDPA/FDPA 89-D-060 shall not exceed the sum of \$191,742.00, plus adjustments for inflation from September 10, 1992 until the date of completion of the facilities, or the date of full expenditure of said fund after adjustment for inflation, whichever event first occurs. This athletic facility will terminate at such time as a Transportation Facility is under construction for utilization on the site.

C. If Applicant should amend any Final Development Plan or obtain Special Exception approval to increase secondary uses on the Property (cf. Proffer 30), Applicant agrees to contribute \$4.04 per gross square foot for such non-residential secondary uses to the Dulles Corridor Transportation Fund. Such contribution shall be made at the time of issuance of the Nonresidential Use Permit for each such secondary use. The contribution ratio of \$4.04 shall apply for first two years after approval of this rezoning. Thereafter, the per square foot contribution rate shall be adjusted based on the ten year trend in the Virginia Highway Bid Price Index. This proffer shall not apply to the development of the temporary athletic facility in Land Bay 5.

RECREATION FACILITIES

17. Applicant shall construct active on-site recreation facilities as shown on the CDPA/FDPA. Applicant shall spend a minimum of \$400.00 per dwelling unit for such facilities. Prior to the issuance of the first Residential Use Permit in Land Bay 1, Applicant shall construct the pool, tennis courts, and club house in Land Bay 1 as shown on the CDP/FDP, which shall be open for the following pool season. Prior to the issuance of the first Residential Use Permit in Land Bay 2, Applicant shall construct the tennis courts and basketball court in Land Bay 2. Prior to issuance of the first Residential Use Permit in Land Bay 3, Applicant shall construct the pool in Land Bay 3 as shown on the CDP/FDP which shall be open for the following pool season.

The Applicant reserves the right to provide lighting for any of the swimming pools and courts shown on the CDP/RDP but will not light any of the other exterior active recreation

4. In the event that the Applicant completes improvements that were begun by the County, the parties shall agree to a fair and reasonable cost reimbursement consistent with the intent of the proffers.
 5. If the Applicant is the party who designs and constructs the "Road" and "Drainage" improvements, the County and the Applicant may mutually agree to have the Applicant construct the segment of Dulles Greens Drive from the point where the Applicant's obligation to construct Dulles Greens Drive ends pursuant to Proffer 14, eastward to the terminus of Dulles Greens Drive in Land Bay 5 as shown on the CDP/FDP. In that case, the County and the Applicant shall enter into a reimbursement agreement for the completion of that segment of Dulles Greens Drive.
 6. The developer shall construct a temporary gravel travel-way/parking area within the Dulles Greene Drive right-of-way as shown on CDPA/FDPA 89-D-060, subject to the approval of the Director, DPW&ES, prior to the dedication of the recreation field to the County.
16. A. At the time of first site plan approval for the Dulles Greens Development, Applicant will contribute Five Hundred Thousand (\$500,000) Dollars towards infrastructure of the ITA.
- B. At the time of site plan approval of Land Bay 3, if requested by WMATA or the Office of Transportation and if public bus service is provided along Innovative and/or Rock Hill Road, the Applicant will construct a public bus shelter in Land Bay 3.

The County shall have the right to assume responsibility for completing the design and/or construction if such are delayed, so that completion can occur on schedule.

3. In the event the County or its assignee has assumed responsibility for completing the design or construction as described herein, the Applicant shall reimburse the County or its assignee for its actual cost of design and construction of the "Road" and "Drainage" improvements at the time of approval of the first site plan in the Dulles Greens Development, or if such site plan approval and/or construction of Dulles Greens Development has preceded construction of the improvements. payment shall be made prior to the issuance of the first RUP for the Dulles Greens Development.

In the event the Applicant has previously conformed with the bonding requirements, and the County has assumed responsibility for the improvements the County may exercise its rights to complete construction in accord with the bond agreement. All Bonds and Agreements for these improvements shall provide specifically for the County to take over the agreement.

In the event the County or its assigns has exercised its right to complete construction under the bond agreement, the bond agreement may be used toward the reimbursement owed by the Applicant to the County.

completion date. Upon receipt of County's notice of intent to proceed, the Applicant shall have 15 working days in which to determine that it elects to assume responsibility for the design and construction and notify the County of same in writing.

- (a) In the event the Applicant fails to give notice or declines to assume the responsibility for the design and construction of the improvements, the County shall have the right to proceed pursuant its original notification as required by paragraph 2 above. The County shall submit to the Applicant monthly status reports including notice of any change in the anticipated completion date. The Applicant reserves the right to assume responsibility for completing the design and/or construction if said design and/or construction is unduly delayed or stopped so as to delay the timely completion of the Dulles Greens Development.
- (b) In the event the Applicant elects to assume the responsibility for the design and construction, the Applicant shall provide the County with its design and construction schedule, which shall coincide with the County's anticipated completion date as set forth in the County's notice to the Applicant. Once the election to proceed has been made by the Applicant, the Applicant shall submit to the County monthly status reports including notice of any change in the anticipated completion date. This schedule shall include all appropriate "milestones" and ultimate completion dates.

Proffer 13, the stormwater management facilities pursuant Proffer 21, or the restoration in Land Bay 5 pursuant to Proffer 22C, or all three (herein collectively referred to as "the Drainage Improvements") then at the time of the dedication of Land Bay 5 pursuant to Proffer 15, and dedication of the Innovative Avenue right-of-way pursuant to Proffer 11 (if not already done pursuant to Proffer 13), the Applicant reserves the right to enter upon the land as dedicated and to design and construct the uncompleted "Road Improvements" and/or "Drainage Improvements."

1. If the Applicant elects to proceed with the construction of the "Road Improvements", and the "Drainage Improvements", the Applicant shall notify the County in writing. This notice shall include a construction schedule, including an anticipated completion date. If the Applicant is delayed such that the completion date cannot be met or has stopped the construction of any or all of the "Road" and/or "Drainage Improvements", the Applicant shall so notify the County, and the County may assume responsibility for completing said improvements pursuant to Pars. "2", "3" and "4" below.
2. If the Applicant has not elected to proceed pursuant to the previous paragraph, the County shall have the right to assume responsibility for the Improvements and to proceed with the design and construction of the "Road Improvements" and/or the "Drainage Improvements". The County shall notify the Applicant in writing of its intent to proceed. This notice shall include the scope of work (which "Road Improvements" and "Drainage Improvements" are required), and a design and construction schedule, including appropriate milestones and the anticipated

3. Business service and supply services (including convenience store and newsstand however, in no event shall any of these individual uses exceed seven hundred fifty (750) square feet.)
4. Personal service establishment such as dry cleaning pick-up and drop off (actual cleaning process not to occur on the Land Bay 5).

In addition, a child care center may be provided, but only in the event that the Dulles Greens Development deletes the child care center shown on its development plan through the public hearing process.

The dedication of Land Bay 5 shall be subject to mutually agreed upon reasonable reservation of easements by Applicant for construction, access, and stormwater drainage and management. The right to such easements shall survive dedication. Actual dedication shall be made upon demand by Fairfax County, upon the first to occur of the following:

- (a) within thirty (30) days of approval by VDOT of the subject site for a Transportation Facility as previously defined.
- (b) the first site plan approval for the Dulles Greens Development.
- (c) June 30, 1994

B. Design and Construction

If prior to dedication of Land Bay 5 or dedication/assignment of the right-of-way for Innovative Avenue (Rockhill Road), the Applicant has not completed construction of Innovative Avenue pursuant to Proffer 13 and/or the construction of Dulles Greens Drive pursuant to Proffer 14 (herein referred to as "the Road Improvements") and/or the drainage improvements pursuant

E. At the time of construction set forth in Proffers 13A, B and C, Applicant will construct Projects 0-1 and 0-3 as delineated on the County's Master Drainage Plan.

14. No later than the site plan approval for the southern entrance to Land Bay 2, Applicant will construct Dulles Greens Drive from its intersection with Innovative Avenue to a point south of the entrance to Land Bay 2 as shown on the CDP/FDP which is approximately two hundred fifty (250) feet east of the intersection, as a four (4) lane undivided roadway to VDOT standards as depicted on the CDP/FDP.

15. A. Dedication.

Applicant will dedicate and convey in fee simple Land Bay 5, in the southeastern portion of the Property, as more particularly depicted on the CDP/FDP, to Fairfax County or its designee for use as a temporary athletic field and/or as a public transportation destination station, Kiss & Ride lot, Park and Ride facility, rail/bus transit station or other public transportation facility (herein referred to a "Transportation Facility"). At the time of dedication necessary easements shall be granted or assigned (at no cost to the County) by Applicant.

The following associated and/or ancillary uses, not to exceed a total of 2,500 square feet may be included as an integral component of a structure/facility that provides any of the uses set forth above:

1. Ticket sales for public transportation facilities
2. Office for administration of the Park and Ride facility

Applicant will bear the cost of constructing the segment of Innovative Avenue from its present terminus to the Applicant's property within the easement area granted by the Innovative Technology Authority "ITA". The Applicant will dedicate the right of way in fee simple for the portion of right of way it owns and assign its easements for access and construction across the easement area granted by the ITA to the Board of Supervisors, at the time of their first site plan approval for the Dulles Greens Development.

B. The Applicant will construct Innovative Avenue (Rock Hill Road), to VDOT standards, within the to be dedicated and existing right-of-way as one-half section of a four lane divided facility, with appropriate right turn lanes, to VDOT standards, from the transition of such four-lane divided facility as described in Proffer 13A, to the northern property line of the subject property.

C. Applicant will construct, to VDOT standards, right and left turn lanes at all site entrances along Innovative Avenue. Applicant agrees that at such time as Rock Hill Road is constructed, by others, as a four line divided facility north from the point of transition under Proffer 13B that no median break or left turn from southbound Rock Hill Road will be provided at the Property's second northernmost entrance (approximately 1,000 feet south of the northern property boundary).

D. Construction referenced in Proffers 13A, B, and C will be completed to the level of base paving, with final paving fully bonded and open to traffic, but not necessarily accepted in state road system, prior to the issuance of the first Residential Use Permit (RUP) for the Dulles Greens Development.

9. The Applicant commits to the Virginia Home Builders Energy Savers program for energy conservation, or the equivalent thereof, for all dwelling units to be constructed on subject property.

10. The open space in the Dulles Greens Development as shown on the CDP/FDP will be retained by the Applicant for the benefit of the future occupants.

TRANSPORTATION:

11. If not previously dedicated pursuant to Proffer 13A, upon demand by the Virginia Department of Transportation (VDOT) or Fairfax County, the Applicant will dedicate in fee simple to the Fairfax County Board of Supervisors the right-of-way for Innovative Avenue (Rock Hill Road), and assign its easements for access and construction across the easement area granted by the ITA to the Board of Supervisors, as shown on the CDP/FDP along with any ancillary easements needed for construction or maintenance.

12. Within thirty days of the first site plan approval, Applicant will reimburse the Commonwealth (or its political subsidiary) for a) the entire cost of paving one lane of Innovative Avenue from Route 28 to the C.I.T. Road Termination Point and b) the entire cost of constructing Innovative Avenue from the C.I.T. Road Termination Point to its present terminus.

13. At the time of the first site plan approval for the Dulles Greens Development Applicant will construct road improvements as follows:

A. Construct a four-lane divided facility to VDOT standards, from the existing terminus of Innovative Avenue to a point approximately 150 feet north of the proposed intersection of Innovative Avenue and realigned Rock Hill Road as shown on the CDP/FDP.

building footprints depicted on the Plan. However, the development of those subject Land Bays shall not exceed 666 multifamily units.

6. Applicant shall design and construct residential buildings with exterior building design materials which shall be compatible throughout the Dulles Greens Development as determined by the Applicant within its sole discretion. Exterior building materials for the residential buildings may include, but shall not be limited to, masonry, concrete, siding and synthetic stucco.

Applicant shall utilize a uniform system of signs and exterior lighting fixtures as determined by Applicant within its sole discretion for the Dulles Greens Development.

Applicant reserves the right to place on-site lighting for safety and security purposes. All signs and lighting shall be in accordance with the Zoning Ordinance.

7. All land area dedicated for public use(a) in conjunction with these proffers, and all density/floor area ratio related to such land area of these dedications is hereby reserved for the development of the subject property in accordance with the provisions of Par. 5 of Sect. 2-308 of the Zoning Ordinance.

8. At the time of site plan approval for all or any portion of Land Bay 1, the Applicant will construct a school bus shelter in the vicinity of the terminus of Parcher Avenue, if requested by Fairfax County Public Schools at a location approved by Fairfax County which does not conflict with the features shown on the CDP/PDP.

screening and buffer area consisting of existing trees and supplemental plantings with a minimum depth of seventy-five (75) feet along the northern lot line of Land Bay 5 adjacent to the Reflection Lake subdivision. Any FDPA in Land Bay 5 shall provide for control of the heights of structures by a fifty (50) degree angle of bulk plane as determined from the rear lot line of the adjacent single family homes. The owners of the Dulles Greens Development or of Land Bay 5 may submit either a preferred condition amendment (PCA), a conceptual development plan amendment (CDPA), and/or a final development plan amendment (FDPA) on the property so owned without the joinder and/or consent of the other if such application does not geographically affect the other property. For future zoning enforcement, the Dulles Greens Development and Land Bay 5 shall be deemed separate parcels at any time that Land Bay 5 is owned by a person, entity, or body politic other than Applicant. Any modification or amendments of any of the FDPs shall be subject to the approval of the Planning Commission.

4. There will be no interparcel vehicular connections between the Dulles Greens Development or Land Bay 5 and the Reflection Lake Community.

5. The CDP/FDP for the Dulles Greens Development consists of 805 "BASE RESIDENTIAL UNITS", plus 42 affordable Dwelling Units and 19 Bonus Units (due to the application of the Affordable Dwelling unit ordinance), 200 of those residential units will be located in the midrise building located in Land Bay 3. The garden apartment style structures in Land Bays 1 and 2 will contain 666 residential units. The Applicant reserves the right to shift the number of multifamily units represented between Land Bays 1 and 2 as a result of final engineering and design provided any such shift shall be in substantial conformance with the

Except as modified herein, the subject property is governed by the Proffers in RZ 89-D-060, dated April 12, 1993, (the "Original Proffers") and said Original Proffers are hereby reaffirmed.

Each reference to "Applicant" in this proffer will include within its meaning, and will be binding upon, Applicant successor(s) in interest and/or the developer(s) of the subject property or any portion thereof except as set forth in Proffer 3.

2. Development of Land Bays 1 through 5 of the property shall be in conformance, as defined by Section 16-403 of the Zoning Ordinance, with the Conceptual Development Plan as shown on the Conceptual/Final Development Plan prepared by Dewberry & Davis, dated October 1, 1992, revised October 30, 1992 revised November 10, 1992, and further revised April 1, 1993. In addition, CDPA/FDPA 89-D-060, as prepared by christopher consultants, ltd., dated March 6, 1998, and revised through October 15, 1998, provides for a temporary athletic facility on Land Bay 5 in accordance with Proffer 18 set forth hereinafter.

3. The depicted CDP/FDP is constituted in separate subparts (Land Bays 1, 2, 3, 4, and 5). The entire plan constitutes one general CDP relative to number of units, height, general location of structures, and facilities, roads, and access. The plan shall be deemed to constitute five separate FDPs, one for each of Land Bay 1 through 4 which shall hereinafter be referred to as the Dulles Greens Development and a fifth FDP for Land Bay 5. Any development within Land Bay 5, with the exception of Dulles Greens Drive and Pond B, shall require a Final Development Plan Amendment prior to site plan approval. Any such FDP which includes a Transportation Facility (cf. Proffer 15) shall require the then owner of Land Bay 5 to provide a

**Proffers for Athletic Facility for
Land Bay 5,
November 17, 1998**

PROFFERS

RZ 89-D-060

ALAN I. KAY

October 7, 1992

- Revised: (1) October 30, 1992
(2) November 21 1992
(3) November 10, 1992
(4) April 1, 1993
(5) April 12, 1993**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950 edition as amended, and approval by the Board of Supervisors of application CDPA/FDPA 89-D-060 to permit the development of up to 866 multiple family units; possible retail/office in the ground floor of residential structures, only if approved by a subsequent Final Development Plan Amendment. Transportation Facility, and a child care center, in accordance with the provisions of the PDH-20 District and the Conceptual/Final Development Plan dated October 6, 1992 and revised October 30, 1992 and revised November 10, 1992 and again revised April 1, 1993, prepared by Dewberry & Davis; and further, upon approval of the CDPA/FDPA to RZ 89-D-060, dated March 6, 1998, and revised through October 15, 1998, prepared by christopher consultants, ltd., which provides for a temporary athletic field on Land Bay 5, the undersigned hereby proffers the following conditions:

pattern that is complimentary to the residential densities located to the east and north of the subject property.

V. TRANSPORTATION IMPACT

The transportation impact for the proposed revised development plan for Dulles Greene property can be accommodated with the road improvements that are either in place or planned for Rock Hill Road and Innovation Avenue. Rock Hill Road is currently being improved to a four-lane divided roadway and is open to traffic from existing Innovation Avenue located to the west to its present terminus on the northern property line of the Dulles Greene property. The trips associated with this project will not cause any capacity problems and, in fact, with the 61 fewer units proposed, the transportation impact will be less than the currently approved zoning for the property.

CONCLUSION

The proposed PCA/FDPA modifications are consistent with the Area III Comprehensive Plan policies and since there are fewer units proposed as part of the application, it will generate fewer overall trips on the adjacent road network. The new plan will provide for additional landscaping and open space adjacent to the Reflection Lake community with less visual intrusion because of the deletion of the mid-rise structure. The Development Plan that is proposed is an improvement over the original Final Development Plan as part of RZ 89-D-060 and the recreational amenities exceed the original proffers for the project.

Based on the aforementioned reasons, the applicants request approval of the proposed PCA/FDPA for the Dulles Greene property.

Signed:



Robert A. Lawrence

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment & Development Review Branch, OCP

SUBJECT: Comprehensive Plan Land Use Analysis for:
Case No. PCA 89-D-060-02 concurrent with FDPA 89-D-060-02
Dulles Greene, L.P.

DATE: 10 October 1999

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the application and the development plan dated June 28, 1999. This application requests a proffered condition amendment and a final development plan amendment for a multifamily residential development. Approval of this application would result in a residential density of 14.48 dwelling units per acre. The extent to which the proposed use, intensity/density, and the development plan are consistent with the guidance of the Plan is noted.

CHARACTER OF THE SURROUNDING AREA:

The subject property is vacant, planned for mixed use, and zoned PDH-20. To the north is located a multifamily unit development, planned for mixed use and zoned PDH-20. To the east are located single family detached homes, which are planned for residential use at 2-3 dwelling units per acre and zoned R-3. To the south is located vacant land, which is planned for mixed use and zoned PDC. To the west is located vacant land, which is planned for mixed use and governmental, institutional and public facilities uses and zoned R-1 and I-4.

COMPREHENSIVE PLAN CITATIONS AND ANALYSIS:

The 41.15-acre property is located in the Greater Herndon Community Planning Sector (UP4) of the Upper Potomac Planning District in Area III. The Comprehensive Plan provides the following guidance on land use and intensity for the property:

Text:

On pages 456 and 457 of the 1991 edition of the Area III Plan as amended through June 26, 1995, under the heading "Land Unit C," the Plan states:

Barbara A. Byron, Director

PCA/FDPA 89-D-060-2

Page 2

“Land Unit C is planned for residential use at 16-20 dwelling units per acre. Office, retail and other uses, such as a daycare center, designed to serve the residential community are also appropriate. These non-residential uses should total a minimum of 5,000 square feet including a daycare center. Office and retail uses should be incorporated into the ground floor of residential structures, while a daycare center may be in a freestanding structure. A mix of building types to include low-rise garden style and mid-rise structures is encouraged as a way to facilitate a visual transition. A safe, attractive pedestrian circulation system should be provided. This system of sidewalks and trails should be integrated with passive and active open space and promote pedestrian access to all uses, elements and land units of the area and provide for connections to the existing residential community and to the planned Countywide Trails system.

The southern portion of Land Unit C has been identified as the possible location for the Western Regional commuter park-and-ride facility that would support bus and/or rail transit in the Dulles corridor. A development plan should be submitted that shows the area planned for residential use but noting that a portion of the site may be used for a park-and-ride facility. In order to preserve the option for transit facilities in this location, development of Land Unit C should be phased to progress from north to south so that the southern portion of the land unit remains vacant for as long as possible. In no case should units proposed for the southern portion of the site be transferred to the northern portion...”

Map:

The Comprehensive Plan map shows that the property is planned for mixed use.

Analysis:

The application and development plan propose a multifamily unit development at 14.48 dwelling units per acre which is in conformance with the use and density recommendations of the Comprehensive Plan. The Comprehensive Plan also provides the following text that establishes guidelines for evaluating the development proposal:

Text:

“Site-specific development conditions for Land Unit C include the following:

- All parcels within the land unit are consolidated and developed as part of a unified development plan. However, it is recognized that the development of a possible transit facility is consistent with this condition;”

Analysis:

The applicant consolidated all the appropriate parcels as part of the original rezoning for the subject property.

Text:

- “• Development of this land unit should result in well-designed, high quality uses and should be integrated with the adjacent land units;...”

Analysis:

The applicant has proposed a multifamily unit residential development which would benefit from additional functional open space (including active recreation facilities) to lessen the intensive site coverage by the garden apartment structures. Some open space quadrangles should be landscaped with evergreen shrubs and supplemented with seating areas and/or picnic tables. A major open space area with a multipurpose court could serve as functional open space for community gatherings as well as active recreation.

Text:

- “• Visual impacts on existing low density residential neighborhoods are minimized through height control, building setback, and transitional screening. Garden apartment structures should be located adjacent to the Reflection Lakes community and heights of these structures should not exceed 40 feet. Any mid-rise structures should not exceed 65 feet in height and should be located to front on Rock Hill Road and will not be adjacent to the Reflection Lake community. Any structure should be controlled by a fifty (50) degree angle of bulk plane as determined from the rear lot line of the adjacent single family homes;...”

Analysis:

The proposed structures have a maximum height of 40 feet and have a 65-foot setback. The landscaped buffer should be improved with evergreen trees.

Text:

- “• A substantial buffer, 75 feet wide as far as practicable but 50 feet wide at a minimum, is provided next to the Reflection Lake community. This buffer should incorporate existing vegetation and be supplemented with additional landscaping as appropriate to screen the higher density residential areas from the existing single family detached houses. If a commuter parking facility is developed on the southern portion of the site, a 75-foot buffer to the Reflection Lake community must be provided and the height of the structure should not exceed the height of any adjacent

residence. Noise barrier measures should be incorporated into the garage design;...”

Analysis:

The proposed buffer should be supplemented with evergreen trees. There should be no significant loss of vegetation due to the proposed par course stations.

Text:

- “• Provision is made for affordable housing either through compliance with the Affordable Dwelling Unit ordinance, if applicable, or an appropriate proffer of units or land for affordable housing as defined by the ordinance;...”

Analysis:

The applicant has proposed deleting the proposed ADUs consistent with the revised ordinance.

Text:

- “• Active recreation uses should be provided to adequately serve the residents of the development;...”

Analysis:

There is an imbalance in the location and number of active recreation facilities for the Dulles Green development. The applicant should provide an additional active recreation court that can be combined with a functional open space area. Where is the proposed tot lot(s) located?

Text:

- “• Preservation and protection of the Environmental Quality Corridors;...”

Analysis:

The EQC delineation is not altered by this application.

Text:

- “• All residential structures should incorporate noise attenuation measures as appropriate to meet the Interior Noise Level Standard P3, to achieve an interior noise level not to exceed 45 dBA Ldn; and...”

Analysis:

The application does not alter previous noise mitigation commitments.

Barbara A. Byron, Director
PCA/FDPA 89-D-060-2
Page 5

Text:

- “• To prevent cut-through traffic, vehicle access to the area should be via existing and realigned Rock Hill Road and Innovative Avenue only, as shown on Figure 165. No connection from Rock Hill Road shall be made to Farougi Court, Maleady Drive or Parcher Avenue. A vehicle turn-around should be provided at the terminus of Parcher Avenue and elsewhere as appropriate.”

Analysis:

This application does not alter previous commitments.

BGD:ALC

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

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

FILE: 3 - 4 (RZ 89-D-060)

SUBJECT: Transportation Impact

REFERENCE: PCA/FDPA 89-D-060-2 ; Dulles Greene LP
Traffic Zone: 1729
Land Identification Map: 15-2((1)) 8A
16-1 ((1)) 5B,10,pt. 11

DATE: October 28, 1999

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on plans made available to this department dated June 28, 1999.

The proposed application would not create any significant additional impacts on the surrounding public street system. Therefore, this department would not object to the approval of the subject application provided all previous commitments for transportation improvements are carried forward.

AKR/eg

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

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

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

SUBJECT: ENVIRONMENTAL ASSESSMENT for: FDPA 89-D--060-02
Dulles Greene, LP PCA 89-D-060-02

DATE: 14 October 1999

Mary Ann Welton of the Environment and Development Branch has reviewed this application. The final development plan amendment application proposes three elements: ① elimination of the commitment to construct affordable dwelling units; ② the re-design of the layout of the residential structures; ③ modification of the design the proffered recreational facilities. No significant environmental impacts are anticipated as a result of the requested changes.

BGD:MAW

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

DATE: 8-27-99

FROM: Ronald N. Kirkpatrick, Director
Planning and Design Division
Department of Public Works & Environmental Services

SUBJECT: Rezoning Application Review

Name of Applicant/Application: Dulles Green LP

Application Number: 89-D-060-2

Type of Application: PCA / FDPA

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

Date Received in P&DD: July 30, 1999

Date Due Back to DPZ: August 23, 1999

Site Information: Location - 15-2((1))8A and 16-1((1))5B, 10, 11pt
Area of Site - 41.15 acres
Zoned - PDH-20
Watershed/Segment - Horsepen Creek / Oak

P&DD Information:

I. Drainage:

- P&DD Drainage Complaint files:

Yes No Any downstream drainage complaints on file pertaining to the outfall for this property?

If yes, describe:

- Master Drainage Plan (proposed projects): **HC201 Channel restoration and stabilization project is located adjacent to the site. HC601 Structure protection project is located 500 feet downstream of the site**
- P&DD Ongoing County Drainage Projects: **None.**
- Other Drainage Information: **None.**

RE: Rezoning Application Review

II. Trails:

Yes No Any funded Trail projects affected by this application?

If yes, describe:

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

If yes, describe:

III. School Sidewalk Program:

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

If yes, describe:

Yes No Any funded sidewalk projects affected by this application?

If yes, describe:

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

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

If yes, describe:

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

If yes, describe:

V. Other P&DD Projects or Programs:

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

If yes, describe:

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

If yes, describe:

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

If yes, describe:

RE: Rezoning Application Review

Application Name/Number: Dulles Green LP / PCA / FDPA 89-D-060-2

******* PLANNING AND DESIGN DIVISION, DPW, RECOMMENDATIONS*******

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

DRAINAGE RECOMMENDATIONS: Applicant shall ensure that off-site stormwater management facility is designed to accommodate this site and that it is completed or bonded prior to plan approval. Applicant shall ensure concentrated runoff from undetained stormwater outfalls are adequately conveyed through the development site and discharge into the off-site stormwater management facility without adverse impact upon the land over which the waters are conveyed.

TRAILS RECOMMENDATIONS: None.

SCHOOL SIDEWALK RECOMMENDATIONS: None.

SANITARY SEWER E&I RECOMMENDATIONS:

Yes NOT REQUIRED

Extend sanitary sewer lines to the development boundaries on the _____ sides for future sewer service to the existing residential units adjacent to or upstream from this rezoning. Final alignment of the sanitary extension to be approved by Department of Public Works during the normal Department of Environmental Management plan review and approval process.

Other E&I Recommendations: None.

OTHER P&DD PROJECT/PROGRAM RECOMMENDATIONS: None.

P&DD Internal sign-off by:	Planning Support Branch (Ahmed Rayyan)	kcm
	Design Branch (Walt Wozniak)	WTW
	Transportation Design Branch (Larry Ichter)	LLI
	Stormwater Management Branch (Fred Rose)	<i>FR</i>

RNK/p89d0602

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

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator DATE: September 10, 1999
 Zoning Evaluation Division, OCP

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

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. PCA 89-D-060-2 con. w. FDPA 89-D-060-2
 Tax Map No. 015-2-((01))-0008A;16-1-((01))5B,10,11 P

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

1. The application property is located in the Horsepen Creek (A3) Watershed. It would be sewerred into the Blue Plains Treatment Plant.
2. Based upon current and committed flow, excess capacity is available at this time. For purposes of this report, committed flow shall be deemed as for which fees have been previously paid, building permits have been issued, or priority reservations have been established in accordance with the context of the Blue Plains Agreement of 1984. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 10 & 18 inch pipe lines located in an easement and 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.

Sewer Network	Existing Use + Application		Existing Use + Application + Previous Rezonings		Existing Use + Application + Comp Plan	
	Adeq.	Inadeq.	Adeq.	Inadeq.	Adeq.	Inadeq.
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: _____

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

August 3, 1999

MEMORANDUM

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

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

SUBJECT: Water Service Analysis, Rezoning Application PCA 89-D-060-02
FDPA 89-D-060-02

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

1. The application property is located within the franchise area of the Fairfax County Water Authority.
2. Adequate domestic water service is available at the site from existing 8 & 12 inch mains located at the property. See enclosed property map.
3. Depending upon the configuration of the onsite water mains, additional system improvements may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

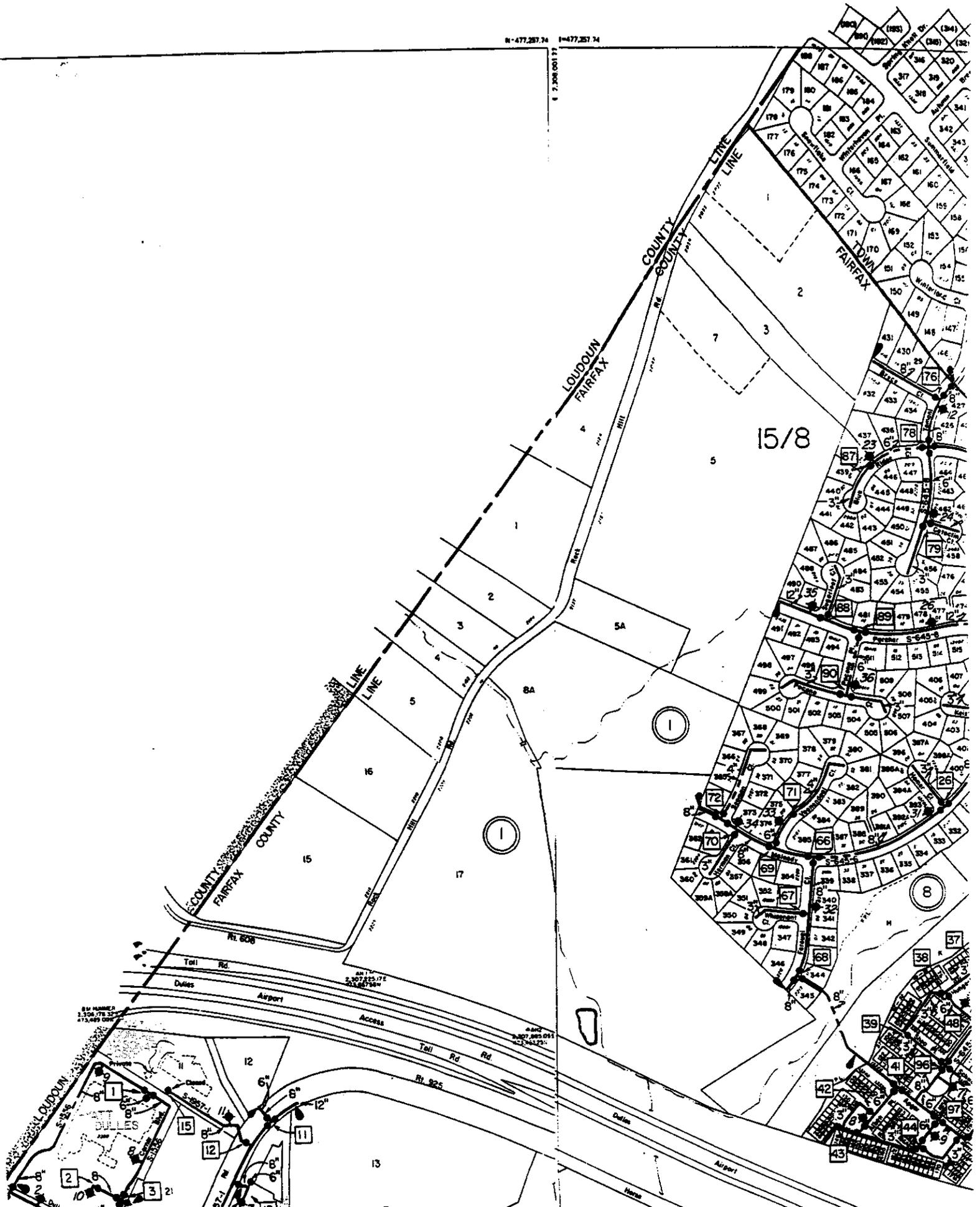


Jamie K. Bain, P.E.
Manager, Planning Department

Attachment

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E 7,308.00117



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

July 30, 1999

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

FROM: Ralph Dulaney (246-3868)
Planning Section *R7/11*
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Final Development Plan Amendment FDPA 89-D-060-02, and Proffered Condition Amendment PCA 89-D-060-02

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 #04, Herndon.
2. After construction programmed for FY 19__, this property will be serviced by the fire station planned for the _____ area.
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is /10 outside the fire protection guidelines. No new facility is currently planned for this area.

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

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

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

16-102 Design Standards

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

1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening

APPENDIX 13

provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to

provide light and air; open space may be 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 Environmental Management.

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 DEM 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 DEM 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&FAgricultural & Forestal District	PDPlanning Division
ADUAffordable Dwelling Unit	PDCPlanned Development Commercial
ARBArchitectural Review Board	PDHPlanned Development Housing
BMPBest Management Practices	PFMPublic Facilities Manual
BOSBoard of Supervisors	PRCPlanned Residential Community
BZABoard of Zoning Appeals	RMAResource Management Area
COGCouncil of Governments	RPAResource Protection Area
CBCCommunity Business Center	RUPResidential Use Permit
CDPConceptual Development Plan	RZ Rezoning
CRDCommercial Revitalization District	SESpecial Exception
DOTDepartment of Transportation	SPSpecial Permit
DPDevelopment Plan	TDMTransportation Demand Management
DPWESDepartment of Public Works and Environmental Services	TMATransportation Management Association
DPZDepartment of Planning and Zoning	TSATransit Station Area
DUI/ACDwelling Units Per Acre	TSMTransportation System Management
EQCEnvironmental Quality Corridor	UP & DDUtilities Planning and Design Division, DPWES
FARFloor Area Ratio	UMTAUrban Mass Transit Association
FDPFinal Development Plan	VC Variance
GDPGeneralized Development Plan	VDOTVirginia Dept. of Transportation
GFAGross Floor Area	VPDVehicles Per Day
HCDHousing and Community Development	VPHVehicles per Hour
LOSLevel of Service	WMATAWashington Metropolitan Area Transit Authority
Non-RUPNon-Residential Use Permit	ZADZoning Administration Division, DPZ
OSDSOffice of Site Development Services, DOT	ZEDZoning Evaluation Division, DPZ
PCAProffered Condition Amendment	ZPRBZoning Permit Review Branch