



# FAIRFAX COUNTY

APPLICATION FILED: July 28, 1998  
PLANNING COMMISSION: December 17, 1998  
BOARD OF SUPERVISORS: Not Scheduled

V I R G I N I A

DECEMBER 2, 1998

## STAFF REPORT

APPLICATION PCA 84-P-129-5  
APPLICATION FDPA 84-P-129-4

### PROVIDENCE DISTRICT

**APPLICANT:** Jade Dunn Loring Metro, L.L.C.

**PRESENT ZONING:** PDC (Parcel C1) & PDH-40 (Parcels D2, E and F1)

**PARCELS:** 49-2 ((37)) -C1, D2, E, F1

**ACREAGE:** 6.84 Acres

**FLOOR AREA RATIO (FAR):** 1.42 (Parcels C1, D2, E and F1 only. Overall proposed FAR for Metro Place at Dunn Loring is 1.34, which is an increase from the previously approved 1.25 FAR)

**OPEN SPACE:** 30.7% (C1, D2, E, F1)

**PLAN MAP:** Mixed Use

**PROPOSAL:** Amendment of an Approved Final Development Plan to Permit the Development of 235 Residential Units in Different Product Types: 180 Multi-Family Units, which include 2 Affordable Dwelling Units (ADUs); 24 Front Entry, and 31 Rear-Entry, 2-Car Garage Townhomes. Multi-family structures on Parcel C are to be 4-Stories in Height. That on Parcel F1 is 5 stories in height. A pool and community center are also requested.

Revision of Accepted Proffers to Reflect the Requested FDP Revisions.

**REQUESTED WAIVERS:**

- ❖ Waiver of Loading Space Requirements (Sect. 11-203)
- ❖ Waiver of 200 Square Foot Area Rear-Yard Requirement (6-207 and 6-306)

**STAFF RECOMMENDATION:**

Staff recommends approval of PCA 84-P-129-5 and the Conceptual Development Plan Amendment, subject to the execution of proffers consistent with those set forth in Appendix 1 of the Staff Report.

Staff recommends approval of FDPA 84-P-129-4 subject to the Board of Supervisors approval of PCA 84-P-129-5.

Staff recommends that the requirement to provide a two-hundred (200) square foot privacy yard for those townhomes which are rear-loaded only be waived.

Staff recommends that the loading space requirements for the multi-family dwellings on parcels C and F1 be waived.

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.



PCA 84-P-129 -05  
FILED 07/28/98

JADE DUNN LORING METRO, L.L.C.  
PROFFERED CONDITION AMENDMENT  
PROPOSED: MIXED USE DEVELOPMENT  
APPROX. 6.84 ACRES OF LAND; DISTRICT - PROVIDENCE  
LOCATED: EAST SIDE OF GALLOWS ROAD, IMMEDIATELY SOUTH  
OF PARK TOWER DRIVE

ZONING: PDH-40 PDC  
OVERLAY DISTRICT(S):

049-2- /37/ / C1 D2 E F1

MAP REF

FDPA 84-P-129 -04  
FILED 07/28/98

JADE DUNN LORING METRO, L.L.C.  
FINAL DEVELOPMENT PLAN AMENDMENT  
PROPOSED: MIXED USE DEVELOPMENT  
APPROX. 6.84 ACRES OF LAND; DISTRICT - PROVIDENCE  
LOCATED: EAST SIDE OF GALLOWS ROAD, IMMEDIATELY SOUTH  
OF PARK TOWER DRIVE.

ZONING: PDC PDH-40  
OVERLAY DISTRICT(S):

049-2- /37/ / C1 D2 E F1

MAP REF



PCA 84-P-129 -05  
FILED 07/28/98

JADE DUNN LORING METRO, L.L.C.  
PROFFERED CONDITION AMENDMENT  
PROPOSED: MIXED USE DEVELOPMENT  
APPROX. 6.84 ACRES OF LAND; DISTRICT - PROVIDENCE  
LOCATED: EAST SIDE OF GALLOWS ROAD, IMMEDIATELY SOUTH  
OF PARK TOWER DRIVE

ZONING: PDH-48 PDC  
OVERLAY DISTRICT(S):

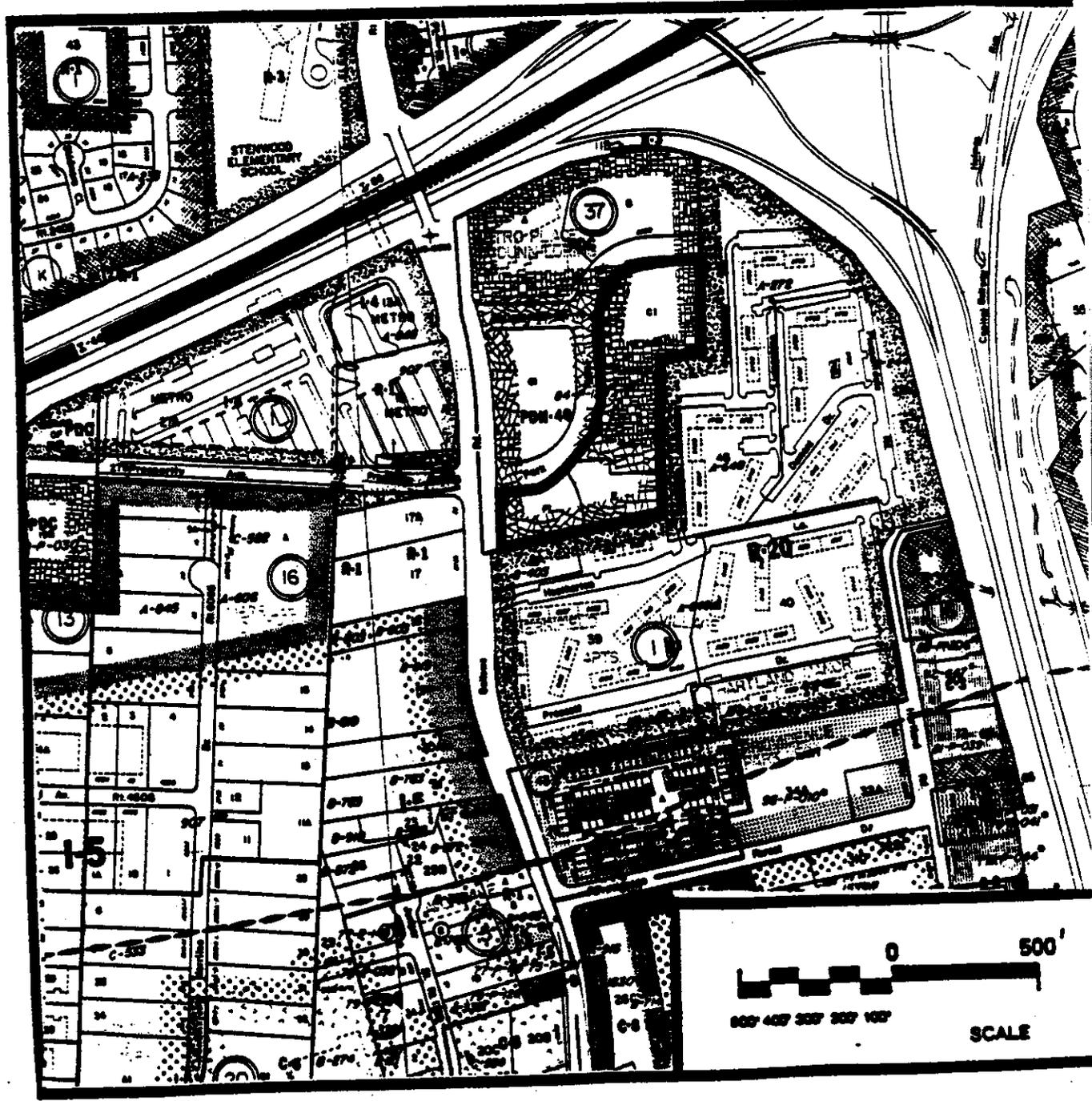
049-2- /37/ / C1 D2 E F1  
MAP REF

FDPA 84-P-129 -04  
FILED 07/28/98

JADE DUNN LORING METRO, L.L.C.  
FINAL DEVELOPMENT PLAN AMENDMENT  
PROPOSED: MIXED USE DEVELOPMENT  
APPROX. 6.84 ACRES OF LAND; DISTRICT - PROVIDEN  
LOCATED: EAST SIDE OF GALLOWS ROAD, IMMEDIATELY SOUT  
OF PARK TOWER DRIVE

ZONING: PDC PDH-48  
OVERLAY DISTRICT(S):

049-2- /37/ / C1 D2 E F1  
MAP REF





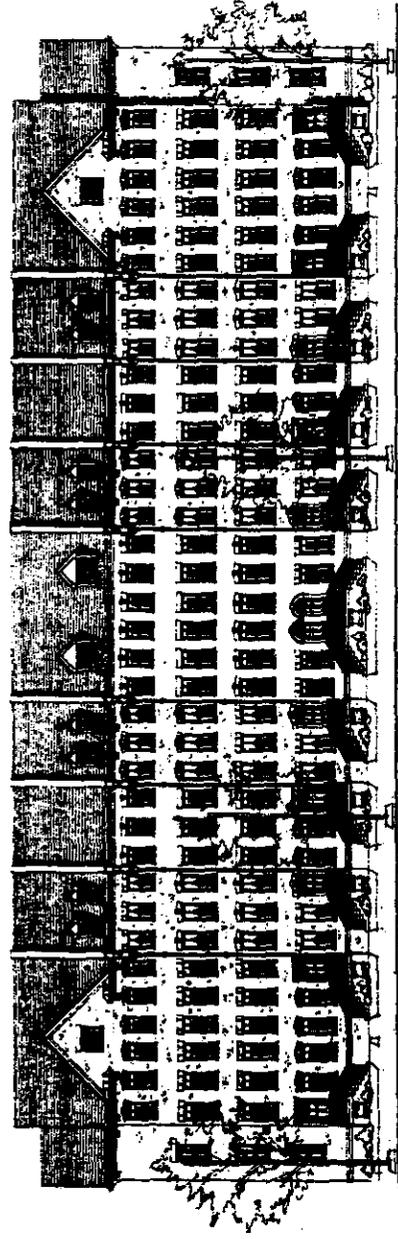




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| DATE         | 1/18/01   |
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| FOR          | ...       |
| PROJECT      | ...       |
| SHEET NO.    | ...       |
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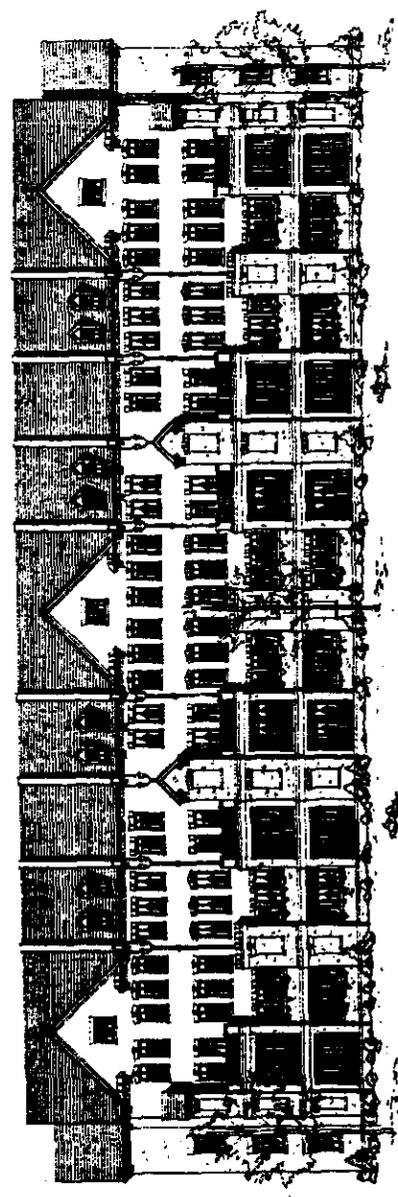
FOR INFORMATION ONLY



FRONT ELEVATION  
PARCEL 'C'

METRO PLACE  
AT DUNN LORING METRO  
FAIRFAX, VIRGINIA

JADE DEVELOPMENT



REAR ELEVATION  
PARCEL 'C'

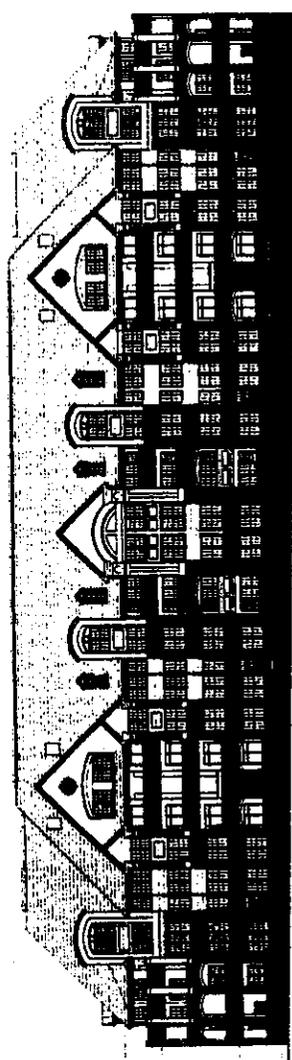
METRO PLACE  
AT DUNN LORING METRO  
FAIRFAX, VIRGINIA

JADE DEVELOPMENT



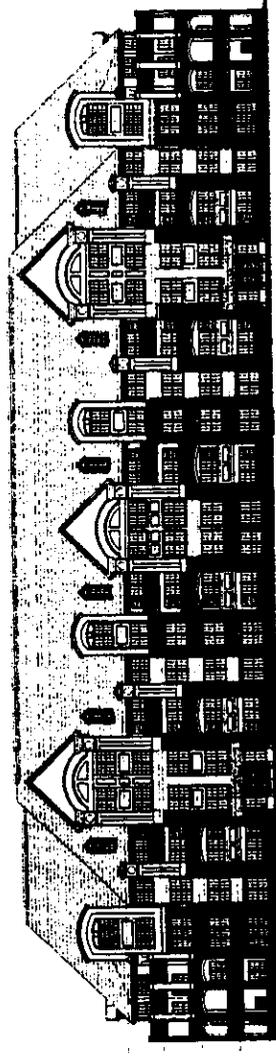


THE LESSARD ARCHITECTURAL GROUP  
INC.



BUILDING REAR ELEVATION

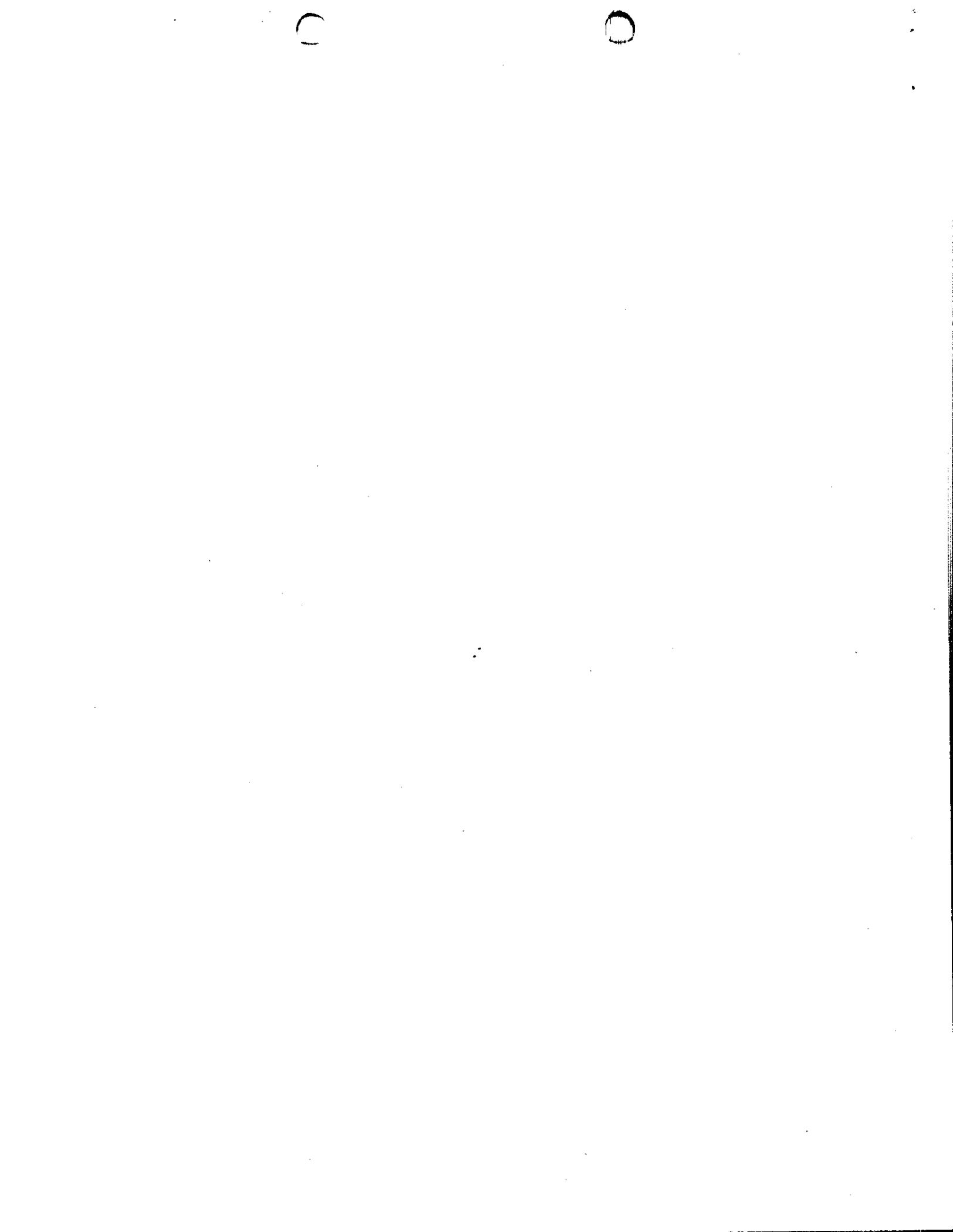
THE WESTBRIAR PARCEL "F"  
AT DUNN LORING METRO  
FAIRFAX, VIRGINIA



BUILDING FRONT ELEVATION

THE WESTBRIAR PARCEL "F"  
AT DUNN LORING METRO  
FAIRFAX, VIRGINIA





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

**DESCRIPTION OF THE APPLICATION**

**Proposal:** The applicant is requesting to amend previously approved proffers and the associated Final Development Plan (FDP) for one segment of a development known as Metro Place at Dunn Loring.

FDP 84-P-129-4 -- Amendment of an approved Final Development Plan to permit the development of two-hundred-thirty-five (235) residential units in different product types: one-hundred-eighty (180) multi-family units in five (5) separate buildings, which include two (2) ADUs; twenty-four (24) front-entry and thirty-one (31) rear-entry, two (2)-car-garage townhomes.

A pool and community center are also requested on Parcel C1. Previous approval of this facility was on Parcel D2.

PCA 84-P-129-5 -- Revision of accepted proffers to reflect the requested FDPA changes described above.

The requested modifications affect Parcels C1, D2 E and F1 only. No modifications are proposed for Parcels A, B, or G, nor are these parcels subject to the currently requested PCA or FDPA.

**Location:** East side of Gallows Road, immediately south of Park Tower Drive.

**Acreage:** 6.84 Acres

**Proposed FAR:** 1.42 (For Parcels C1, D2, E and F1 only. Overall FAR for the entire Metro Place at Dunn Loring development is 1.34, which is an increase from the previously approved 1.25 FAR)

**Proposed Open Space:** 30.7% (C1, D2, E and F1)

**Waivers Requested:** ♦ Waiver of Loading Space Requirements for multi-family units

- ❖ Waiver of 200 square foot area rear-yard requirements for rear-loaded townhouses.

**LOCATION AND CHARACTER**

The application property is located in the southeast quadrant of the crossing of Interstate 66 and Gallows Road. An office building has been constructed on Parcel A and another office building is currently under construction on Parcel B. Parcel G contains multi-family housing, which is in various stages of completion. The internal road network is in place. The internal roadways are all contained within Tax Map Parcel H1. There are two (2) access points to Metro Place at Dunn Loring, both from Gallows Road. The first is located just south of the existing building on Parcel A and is known as Belleforest Drive. It terminates at Park Tower Drive which goes through the application property as an "S" shaped roadway that curves through the middle of the application property from the southwestern corner to the northeastern corner. Park Tower Drive intersects Gallows Road opposite the entrance to the Dunn Loring Metrorail Station, the southwestern corner of the application property, then traverses across the center of the application property to end near its northeastern corner. The end of Park Tower Drive is opposite Pleasantville Drive located within the Merrifield Apartments.

**Surrounding Area Description:**

| Direction | Use   | Zoning                  | Plan                        |
|-----------|---|-------------------------|-----------------------------|
| North     | Office (Under Construction)*                                      | PDC                     | Mixed Use                   |
| South     | Merrifield Apartments   | R-20                    | Residential;<br>16-20 du/ac |
| East      | Merrifield Apartments   | R-20                    | Residential;<br>16-20 du/ac |
| West      | Office*<br>Multi-Family (Under Construction)*<br>Parcels 17 & 17A | PDH-40<br>PDH-40<br>R-1 | Mixed Use<br><br>Mixed Use  |

\*Denotes Metro Place at Dunn Loring Properties

## **BACKGROUND (Appendix 4)**

### **Site History:**

On July 20, 1987, Metro Place at Dunn Loring was rezoned to the PDC and PDH-40 Districts to permit the development of an 18.27 acre mixed use project pursuant to the approval of RZ 84-P-129. A Final Development Plan was approved in conjunction with this application.

On September 19, 1988, the Board of Supervisors approved PCA 84-P-129 to include elderly housing as a secondary use within Metro Place. On May 8, 1989, PCA 84-P-129-2 was approved to modify the timing of certain off-site road improvements. PCA 84-P-129-3 clarified the height of Building G and amended the phasing commitment for low and moderate income housing and was approved on July 23, 1990.

On May 28, 1992, a comprehensive sign plan amendment (CSPA 84-P-129) was approved by the Planning Commission. Pursuant to the provisions of Development Condition Number 1, adopted in conjunction with the approval of CSPA 84-P-129, approval of an amendment to this comprehensive sign plan is required prior to installation of any signage within the residential portion of Metro Place or on Building B.

On February 10, 1997, the Board of Supervisors approved PCA 84-P-129-4, which amended the formerly approved uses of Parcels C and G – office and restaurant uses – to permit multi-family housing. FDPA 84-P-129-4 was approved by the Planning Commission on February 5, 1997.

## **COMPREHENSIVE PLAN PROVISIONS (Appendix 5)**

|                           |  |
|---------------------------|--|
| <b>Plan Area:</b>         | Area I   |
| <b>Planning District:</b> | Jefferson Planning District  |
| <b>Planning Sector:</b>   | Dunn Loring Transit Station Area of the Merrifield Suburban Center |

### **Text:**

On page 214 of the 1991 edition of the Area Plan as amended through June 26, 1995, under the heading "Tract B," the Plan states:

"Tract B includes the Belleforest neighborhood and adjacent underdeveloped parcels to the south along Gallows Road. The tract is surrounded by I-495, I-66, Gallows Road and the Merrifield Village Apartments, and lies directly across Gallows Road from the Metro station complex. This tract is recommended for mixed-use with a maximum FAR (for all uses, including residential) of 1.4. The level of commercial development should not exceed one-half of the total gross floor area for the entire mixed-use development. Appropriate retail and service uses designed to serve the development on this tract should be encouraged, and retail floor area should be treated as one-half of commercial for purposes of determining the allowable commercial square footage. To be considered for the maximum level of development, the following site specific conditions must be met along with the 15 general development criteria:

- The commercial component of the development must be oriented closest to the Metro station;
- A transition downward of development heights adjacent to the Merrifield Village Apartments should occur as a means to reduce the physical impact of Tract B development on the existing apartment complex. This transition should be in addition to the maintenance of the existing 100 foot buffer located in Tract C;
- Street level activity zones should be provided and include retail activities, abundant landscaping and pedestrian amenities;
- Adequate pedestrian connections between the station and residential communities east and south of Tract B should be provided through the new development. This should include adequate pedestrian access across Gallows Road which is well designed for safety and aesthetics;
- If at the time of development of Tract B it is determined that the extension of Hartland Road is not in the best interest of County, provision will be made via right-of-way dedication and financial contribution for the future extension and connection of Hartland Road; and
- Development on parcels facing Gallows Road should provide for rights-of-way."

**Map:**

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

## ANALYSIS

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

**Title of CDPA/FDPA:** Metro Place at Dunn Loring; Parcels C, E, and F1

**Prepared By:** Greenhorns & O'Mara, Inc.

**Original and Revision Dates:** November 9, 1998

### Description of Plat

| Sheet Number | Sheet Contents   |
|--------------|--|
| 1 of 4       | Title, Notes, Tabulations for All Parcels, Tabulations for Current Requests, Vicinity Map  |
| 2 of 4       | Boundary and Parcel Information for All Parcels; Legend; Angle of Bulk Plane Illustrations; Site Layout for Parcels C1, D2, E and F1 |
| 3 of 4       | Front Elevations of Proposed Multi-family Structures on Parcel C1  |
| 4 of 4       | Front and Rear Elevations of Multi-family Structures on Parcel F1  |
| 4A of 4      | Front Elevations of Front- and Rear-Loaded Townhomes.  |

The proposed development contains five (5) multi-family buildings, which contain a total of one-hundred-eighty (180) dwelling units, two (2) which are Affordable Dwelling Units (ADUs); fifty-five (55) townhomes, thirty-one (31) which are rear-entry units and twenty-four (24) which are front entry units; a pool and community center. (Note: Previous approval was to permit all multi-family development. No townhomes were previously approved.)

Four (4) of the multi-family (condominium) structures are located on Parcel C1, on the northern end of the application site. These structures are four (4) stories in height. Parking is provided within underground garages.

One (1) of the multi-family (condominium) structures is located on Parcel F1, on the southern portion of the application site. This structure is five (5) stories in height. Parking is provided within underground and on surface parking lots.

Thirty-one (31) rear-loaded townhomes are proposed on the western portion of Parcel E. These units are eighteen (18) feet wide. Fronts of these townhomes are situated toward the site's main drives in order to provide a more pleasing facade. The applicant has requested a waiver of the required two-hundred (200) square foot privacy yard for these units in lieu of an elevated deck over each unit's driveway, which is located at the rear of each unit.

Twenty-four (24) front-loaded townhomes are proposed along Parcel E's eastern and southern peripheries, adjacent to the Merrifield Apartment property. These units are twenty-four (24) feet in width.

One (1) point of access is provided near each of the northern/easternmost portion of Parcels C1, D2 and F1. These entrances are via the larger development's main street, Park Tower Drive, and are a minimum of thirty (30) feet in width. Parking spaces and/or driveways are provided almost continuously along the requested development's private drives.

Sidewalks are provided throughout the proposed development, generally on one side of the street only. Two (2) sidewalks are proposed which would provide pedestrian access from the adjacent Merrifield Apartments. This access is desirable in order to allow persons living in those apartments convenient access to the Dunn Loring Metro Station.

Two (2) underground stormwater management/BMP vaults are proposed on the site: One (1) near the northeastern edge of Parcel F1, and one (1) in the southeastern portion of Parcel C1. The applicant has obtained modification of normal Public Facilities Manual (PFM) requirements to permit these underground vaults.

Recreation for the entire development, including Parcels A, B, and G, is provided in the form of a pool and community center, which is located in the north-central portion of Parcel C1. Also, a landscaped area with benches is provided on the western periphery of Parcel E.

**Transportation Analysis (See Appendix 6)**

There are no transportation issues associated with this request.

**Environmental Analysis (See Appendix 7)**

There are no environmental issues associated with this request.

**Sanitary Sewer Analysis (See Appendix 8)**

Adequate sanitary sewer service is available at the site from existing eight (8) inch diameter sanitary sewer line located in Tower Drive, and in an easement, forty (40) feet from the property. There are no sanitary sewer issues associated with this request.

**Water Service Analysis (See Appendix 9)**

The application site is located within the City of Falls Church water service area.

**Fire and Rescue Analysis (See Appendix 10)**

The application site is serviced by the Fairfax County Fire and Rescue Department Station #30, Merrifield. Analysis indicates that the subject request currently meets fire protection guidelines.

**Schools Analysis (See Appendix 11)**

Schools Analysis projects that Shreveview Elementary, Kilmer Intermediate and Marshall High Schools are not currently over capacity, nor are they expected to exceed capacity through the year 2003. There are no School issues associated with this request.

**Utilities Planning and Design Analysis (See Appendix 12)**

The application site is located within the Accotink Creek watershed, Long Branch Segment. There are no Utilities Planning and Design issues associated with this request.

**Park Authority Analysis (See Appendix 13)**

The Fairfax County Park Authority has requested that the applicant provide the proportional cost of \$225,400 to acquire/develop/maintain park and recreation facilities in a nearby park.

The applicant has proffered to provide \$955 per dwelling unit, excluding ADUs on Parcels C1, D2, E and F1 – \$222,515 – for the development of on-site recreational facilities.

**Land Use Analysis (See Appendix 5)**

There is specific Comprehensive Plan text which applies to the application site. This text may be seen in the "Comprehensive Plan Provisions" section of this report above. In addition, this text is analyzed in Appendix 5, "Comprehensive Plan Land Use Analysis."

In general, these provisions require that the development be in accordance with the Transit Development Area design concept, that the design demonstrate superior design quality, that the development be coordinated with adjacent properties and that the design creates an integrated pedestrian oriented environment. Staff believes that all of the criteria for development have been met by the application. There are no land use issues associated with this request.

**ZONING ORDINANCE PROVISIONS (See Appendix 14)**

| Requirement         | Standard   | Proposed                            |
|---------------------|------------|-------------------------------------|
| Density (PDH-40)    | 40 du/ac   | 30.79 du/ac<br>(entire development) |
| Open Space (PDC)    | 15 percent | 22 percent<br>(entire development)  |
| Open Space (PDH-40) | 35 percent | 35 percent<br>(entire development)  |

| Requirement    | Standard    | Proposed  |
|----------------|-------------|-----------|
| Parking Spaces | 1731 spaces | 1731      |
| Loading Spaces | 16 spaces   | Not shown |

\* Parking requirements are based on use. Therefore, the number of spaces in each district is not provided above.

\*\* Par. 15, Sect. 11-202 states that a maximum of five (5) loading spaces are required for each commercial building.

The commercial loading spaces are not shown on the proposed FDP because these parcels are not affected by this application.

**WAIVERS/MODIFICATIONS REQUESTED**

**Waiver/Modification:**

- ❖ Waiver of Loading Space Requirements (Sect. 11-201)

Loading spaces are required for Multi-Family Dwellings at the rate of one (1) space for the first 25,000 square feet of gross floor area, plus one (1) space for each additional 100,000 square feet in area or major fraction thereof. This application would require the provision of approximately two (2) loading spaces.

**Basis:** Sect. 11-201;  
 Sect. 11-201 states, "In a P district, the provisions of this Part [Off-Street Loading] shall have general application as determined by the Director."

Staff believes that it would be appropriate in this instance to direct the Director to waive the Off-Street Loading requirements for the multi-family units on Parcels C1 and F1.

**Waiver/Modification:**

- ❖ Waiver of 200 Square Foot Area Rear-Yard Requirement (Sects. 6-207 and 6-306)

**Basis:** Par. 2 of Sect. 6-207 (PDC District)  
Par. 2 of Sect. 6-306 (PDH District);

The Sections above state, "[There is] No requirement [for minimum lot size] for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with a development plan."

All of the proposed rear-loaded townhomes require this waiver. These homes will contain an elevated deck over each unit's driveway, which will serve as their private area. All of these decks face inward, toward each other and are shown on the development plan. Staff believes that this waiver is appropriate in this instance and recommends approval of the requested waiver.

**ZONING ORDINANCE REQUIREMENTS:**

**P-District Requirements**

Standards for All Planned Developments (Part 1 of Article 16)

The Standards for All Planned Developments consist of two parts, the General Standards found in Sect. 16-101 and the Design Standards found in Sect. 16-102.

The General Standards were addressed at the time of the initial approval of the zoning and the project was determined to comply with those standards. This amendment application does not affect that compliance.

The first General Standard requires that the planned development conform substantially with the Comprehensive Plan. As noted in the Land Use Analysis, the proposed development identified as Metro Place of Dunn Loring conforms with the recommendations for Tract B of the Merrifield Suburban Center and with the applicable criteria for the Transit Station Development Area.

The second General Standard addresses whether or not the planned development is of such a design that it achieves the purpose and intent of the planned development district more than would development under a conventional district. In this regard, it should be noted that the application is an amendment to the approved PDC and PDH-40 District, does not propose to change the zoning on the property, and, staff believes, continues to meet this standard.

The third General Standard speaks to the efficient use of the land and the preservation of scenic assets and natural features such as trees. This development proposal is at a density where the preservation of natural features has a limited possibility. In addition, this amendment application is not changing the way in which this criteria was previously addressed.

Metro Place at Dunn Loring has been designed so as to prevent substantial injury to the use and value of existing surrounding development and will not hinder the development of surrounding property in accordance with the recommendations of the Comprehensive Plan. This development proposal includes two features to protect the adjacent apartment complexes through a commitment to provide evergreen plantings on that property and by continuing to provide direct pedestrian pathways to the transit station, thereby satisfying General Standard Number 4.

General Standard Number 5 addresses the adequacy of the public facilities in the vicinity. This standard was deemed to have been met with the initial approval of Metro Place at Dunn Loring, and this application does not intensify the use of public facilities. The provision of stormwater management in underground detention facilities has received a modification of the requirements of the PFM. Also, the Utilities Planning and Design analysis indicates that the proposed detention facilities are appropriate in this instance.

General Standard Number 6 addresses internal linkages between internal facilities and connections to external facilities. This standard has been addressed adequately through the transportation proffers.

Staff believes that this amendment application meets the Design Standards specified in Sect. 16-102. As stated in Standard Number 1, the setbacks generally conform with the requirements of the R-30 District.

Design Standard Number 2 addresses open space, parking and loading, and signage. As noted above, the development conforms with the regulations regarding parking, loading (with the exception of those loading spaces required for multi-family structures which is the subject of a waiver request) and open space. With regard to signage, this property is the subject of a Comprehensive Sign Plan approved by the Planning Commission which will have to be amended prior to the installation of any signage for the development that is proposed on Parcels C through G1.

Design Standard Number 3 addresses the adequacy of the design of the roadway improvements and pedestrian improvement; where applicable, designed to afford convenient access to mass transit facilities; and a network of trails of sidewalks providing access to recreational amenities, open space, public facilities, vehicular access and mass transportation facilities. As discussed in greater detail throughout this report, staff believes that this standard has been met.

### P-District Recreational Facilities

Par. 2 of Sect. 6-110 (PDH-40) and Par. 2 of Sect. 6-209 (PDC) require the provision of recreation facilities which have a value of at least \$955 per unit, a total \$222,515 for the 233 dwelling units. (Note: There is no requirement for the provision of these funds for the two (2) ADUs.) The development plan includes a community center and a pool, which is for the use of all residents of the Metro Place at Dunn Loring development, including Parcel G, which is not subject to the current application request. It appears that this facility may meet this requirement; however, this determination will be made at the time of site plan review.

### **Summary of Zoning Ordinance Provisions**

The development as proposed generally conforms with the applicable Zoning Ordinance provisions and with the recommendations of the Comprehensive Plan.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff concludes that the subject applications are in conformance with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the draft proffers contained in Appendix 1 of the Staff Report.

### **Staff Recommendations**

Staff recommends approval of PCA 84-P-129-5 and the Conceptual Development Plan Amendment, subject to the execution of proffers consistent with those set forth in Appendix 1 of the Staff Report.

Staff recommends approval of FDPA 84-P-129-4 subject to the Board of Supervisors' approval of PCA 84-P-129-5.

Staff recommends that the requirement to provide a two-hundred (200) square foot privacy yard for those townhomes which are rear-loaded only be waived.

Staff recommends that the loading space requirements for the multi-family dwellings on parcels C1 and F1 be waived.

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

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

## **APPENDICES**

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Previously Approved Proffers and Development Plans
5. Plan Citations and Land Use Analysis
6. Transportation Analysis
7. Environmental Analysis
8. Sanitary Sewer Analysis
9. Water Service Analysis
10. Fire and Rescue Analysis
11. Schools Analysis
12. Utilities Planning and Design Analysis (DPW)
13. Park Authority Analysis
14. Applicable Zoning Ordinances
15. Glossary of Terms

## **PROFFERS**

### **METRO PLACE**

**PCA 84-P-129-5**

**November 25, 1998**

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 edition as amended, Jade Dunn Loring Metro, L.L.C., the "Applicant" in PCA 84-P-129-5 filed for property identified as Tax Map 49-2 ((37)) C1, D2, E, and F1 (hereinafter referred to as the "Application Property"), for itself, its successors and assigns, reaffirms the previous proffers for PCA 84-P-129-2 dated May 3, 1989, previous proffers for PCA 84-P-129-3 dated July 13, 1990, and previous proffers for PCA 84-P-129-4 dated February 6, 1997 which shall remain in full force and effect, except as specifically amended herein. All other previous proffers for PCA 84-P-129-2, dated May 3, 1989, PCA 84-P-129-3, dated July 13, 1990, and PCA 84-P-129-5, dated February 6, 1997 affecting the Application Property are hereby deemed null and void and shall have no effect on the Application Property.

1. **Revise Proffer 1 in Proffers dated February 6, 1997 as follows:**

Development of Parcels C1, D2 E, and F1 shall be in substantial conformance with the Conceptual Development Plan Amendment/Final Development Plan Amendment ("CDPA/FDPA") prepared by Greenhorne and O'Mara consisting of 5 sheets, dated June 1998, and revised through November 9, 1998. It shall be understood that the CDPA affecting Parcels C1, D2, E and F1 shall be the entire plan relative to the points of access, the total number and types of units, amount and general location of the open space, and distances to peripheral lot lines. The Applicant has the option to request a Final Development Plan Amendment ("FDPA") for elements other than CDPA elements from the Planning Commission for all of or a portion of the CDPA/FDPA affecting Parcels C1, D2, E and F1 in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDPA and proffers.

Development of Parcels G1 and H1 shall be in substantial conformance with the Conceptual Development Plan Amendment/Final Development Plan Amendment ("CDPA/FDPA"), prepared by Dewberry & Davis consisting of four (4) sheets, dated June 20, 1996, and revised through January 2, 1997. The Applicants reserve the right to pursue development of Parcels F1 and G1 under the previously approved CDP prepared by HOK, architects and planners, dated June 23, 1987, and Final Development Plan prepared by HOK, architects and planners, dated April 10, 1987 and revised through July 12, 1990.

2. **Retained. (See Proffers dated May 3, 1989).**
3. **Retained (See Proffers dated February 6, 1997).**
4. **Retained. (See Proffers dated May 3, 1989).**

5. Revise Proffer 5 of Proffers dated February 6, 1997 as follows:

The Applicants shall provide landscaping on Parcels C1, D2, F1, G1 and H1 in substantial conformance with the landscaping shown on the respective CDPAs/FDPAs which indicate high quality site and architectural design, streetscape, urban design, and development amenities. Landscaping shall be reviewed and approved by the Urban Forestry Branch of the Department of Environmental Management (DEM).

6. Retained. (See Proffers dated May 3, 1989).

7. Retained. (See Proffers dated May 3, 1989).

8. Replace Proffer 8 of Proffers dated February 6, 1997 as follows:

The Developer of Parcels F1 and G1 shall offer two (2) one-bedroom units to the Fairfax County Housing Authority ("Authority") upon commencement of construction of the buildings within which those units are located. Selection of those units shall be made in the sole discretion of the Developer. Said offer, or offers if construction is commenced on the buildings in which the units are located at different times, shall be in writing and the Authority shall have ninety (90) days to accept the said offer or offers in writing. The sales price of each unit shall be \$65,000, or reflect a discount of \$35,000 from the market rate sales price of that unit at Metro Place, whichever is lower. Each such unit shall provide all standard items which are offered in the market rate units. The Authority must purchase each of the units offered within thirty (30) days of the issuance of the Residential Use Permit for that unit, but no sooner than one hundred twenty (120) days from the date of the offer of the unit to the Authority. It is hereby understood that any and all owners of those two (2) units shall have all of the responsibilities required of other condominium owners at Metro Place. In the event that the Authority does not provide timely acceptance or purchase as set forth above, the Developer of Parcel F1 and G1 shall have no further obligations under this proffer.

The Developer of Parcels C1, D2, and E shall provide affordable dwelling units on the Application Property in accordance with Section 2-800 of the Fairfax County Zoning Ordinance.

9. Retained (See Proffer 9 of Proffers dated February 6, 1997).

10. Retained (See Proffer 9 of Proffers dated February 6, 1997)

11. Revise Proffer 11 of Proffers dated February 6, 1997 as follows.

Height of the residential buildings for Parcels C1, D2, D, E, F1 and G1 shall be in accordance with the building heights as shown on the respective CDPAs/FDPAs. Height of the buildings on Parcels A and B shall be in accordance with the building heights as shown on the CDP prepared by HOK, architects and planners, dated June 23, 1987, and Final Development Plan prepared by HOK, architects and planners, dated April 10, 1987 and revised through July 12, 1990.

12. Retained. (See Proffers dated May 3, 1989).
13. Retained. (See Proffers dated May 3, 1989).
14.
  - a. Retained. (See Proffers dated May 3, 1989).
  - b. Retained (See proffers dated February 6, 1997)
  - c. Retained. (See Proffers dated May 3, 1989).
15. Retained. (See Proffers dated May 3, 1989).
16. Deleted by Proffers dated February 6, 1997.
17. Retained. (See Proffers dated May 3, 1989).
18. Deleted by Proffers dated February 6, 1997.
19. Deleted by Proffers dated February 6, 1997.
20. Replace Proffer 20 dated May 3, 1989 as follows:  
  
The Applicant agrees to expend at least \$955.00 per unit for each unit on Parcels C1, D2, E and F1, and at least \$300.00 for each unit on Parcel G1, for developed recreational amenities on site, including the cost of a swimming pool complex and community center.
21. Retained. (See Proffers dated May 3, 1989). **(This improvement has been completed.)**
22. Retained. (See Proffers dated February 6, 1997).
23. Replace Proffer 23 dated May 3, 1993 as follows:

**The rear elevations of the multi-family residential buildings adjacent to the Merrifield Village Apartments shall be consistent in building materials and design with the front elevations of said buildings, provided, however, that specific design details may vary.**

**24. Retained. (See Proffers dated May 3, 1989).**

**25. Retained. (See Proffers dated May 3, 1989).**

**26. Retained. (See Proffers dated May 3, 1989).**

**27. Replace Proffer 27 dated February 6, 1997 as follows:**

**As shown on the CDPA/FDPA, the Applicant shall provide on-site pedestrian access from the east between Parcels C1 and D2 and through Parcel E.**

**28. Replace Proffer 28 dated May 3, 1989 as follows: The Applicant shall enclose any trash containers along the southern and eastern property lines with screening fences or walls.**

**29. Retained. (See Proffers dated May 3, 1989).**

**30. Retained. (See Proffers dated May 3, 1989).**

**31. Retained. (See Proffers dated May 3, 1989 and February 6, 1997).**

**32. Retained (See Proffers Dated February 6, 1997).**

**33. Retained (See Proffers Dated February 6, 1997).**

**J:JADE9113PROF1125.CLN**

**(SIGNATURES BEGIN ON NEXT PAGE)**

**PROFFERS**  
**PCA 84-P-129-5**

**APPLICANT/CONTRACT PURCHASER OF  
TAX MAP 49-2 ((37)) C1, D2, E**

**JADE DUNN LORING METRO, L.L.C.**

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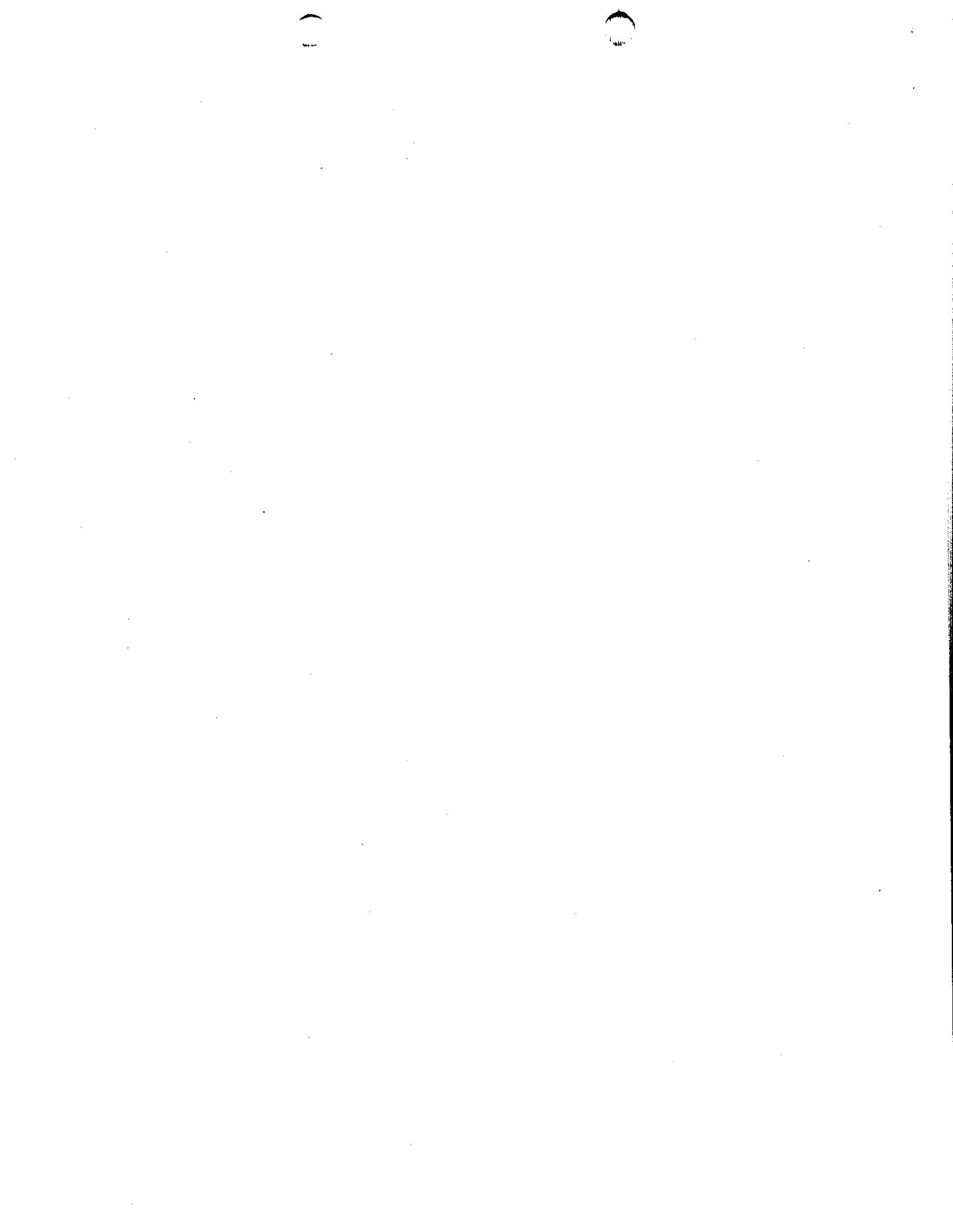
**By: Jon D. Luria**  
**Its: Managing Member**

**TITLE OWNER OF TAX MAP 49-2 ((37)) F1**

**JADE WFW L.L.C.**

---

**By: Jon D. Luria**  
**Its: Managing Member**



DEC 1 1998

ZONING EVALUATION DIVISION

REZONING AFFIDAVIT

DATE: November 23, 1998
(enter date affidavit is notarized)

I, Elizabeth D. Baker, do hereby state that I am an
(enter name of applicant or authorized agent)

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

in Application No(s): PCA 84-P-129-5 / FDPA 84-P-129-4
(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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Rows include Jade Dunn Loring Metro, L.L.C., Pulte Home Corporation, and Metroplace Holdings, L.L.C.

(check if applicable) [X] 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: November 23, 1998  
(enter date affidavit is notarized)

for Application No(s): PCA 84-P-129-5 / FDPA 84-P-129-4  
(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)  
Jade Dunn Loring Metro, L.L.C.  
8230 Old Courthouse Road, Suite 422  
Vienna, VA 22182

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)  
Jon D. Luria  
Ellen K. Luria

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g., President, Vice-President, Secretary, Treasurer, etc.)  
Jon D. Luria, Managing Member  
Ellen K. Luria, Managing Member

(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.

REZONING AFFIDAVIT

DATE: November 23, 1998  
(enter date affidavit is notarized)

for Application No(s): PCA-84-P-129-5 / FDPA 84-P-129-4  
(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)  
N/A

(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)

[Empty lines for listing names and titles of partners]

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

\*\* All listings which include partnerships 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: November 23, 1998  
(enter date affidavit is notarized)

for Application No(s): PCA 84-P-129-5 / FDPA 84-P-129-4  
(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) Elizabeth D. Baker  
 Applicant  Applicant's Authorized Agent

Elizabeth D. Baker, agent  
(type or print first name, middle initial, last name & title of signe

Subscribed and sworn to before me this 23 day of November, 19 98,  
the state of Virginia.

My commission expires: 11/30/99.

Kimberly A. Klemm  
Notary Public

DATE: November 23, 1998  
 (enter date affidavit is notarized)

For Application No(s): PCA 84-P-129-5 / FDPA 84-P-129-4  
 (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<br>(enter first name, middle initial & last name)   | ADDRESS<br>(enter number, street, city, state & zip code)               | RELATIONSHIP(S)<br>(enter applicable relationships listed in BOLD in Par. 1(a))  |
|--|---|--|
| M M Mooring No. 2. Corp.<br>Agent:<br>Margaret L. Evans  | c/o Marine Midland Bank<br>1 Marine Midland Center<br>Buffalo, NY 14203 | Title Owner of<br>Tax Map 49-2 ((37)) E  |
| Jade WFW L.L.C.<br>Agent:<br>Jon D. Luria  | 8230 Old Courthouse Road<br>Suite 422<br>Vienna, VA 22182               | Title Owner of<br>Tax Map 49-2 ((37)) F1   |
| Greenhorne & O'Mara, Inc.<br>Agents:<br>William M. Yauss<br>Edward G. Venditti   | 11211 Waples Mill Road<br>Fairfax, VA 22030                             | Civil Engineers  |
| The Lessard Architectural Group, Inc.<br>Agents:<br>Christian J. Lessard<br>Daniel T. Anderton   | 8603 Westwood Center Dr.<br>Suite 400<br>Vienna, VA 22182               | Architects   |
| Walsh, Colucci, Stackhouse, Emrich<br>Arlington, & Lubeley, P.C.<br>Agents:<br>Martin D. Walsh<br>Keith C. Martin<br>M. Catharine Puskar<br>Lynne J. Strobel<br>Timothy S. Sampson<br>Ramona J. Sein<br>Elizabeth D. Baker<br>Susan K. Yantis<br>Tracy Steele Scileppi | 2200 Clarendon Boulevard<br>13th Floor<br>Virginia, VA 22201            | Attorneys/Planners<br><br>Attorney<br>Attorney<br>Attorney<br>Attorney<br>Attorney<br>Attorney<br>Planner<br>Planner<br>Former Agent |

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

DATE November 23, 1998  
(enter date affidavit is notarized)

for Application No(s): PCA 84-P-129-4 / FDPA 84-P-129-4  
(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)  
Metroplace Holdings, L.L.C.  
8221 Old Courthouse Road, Suite 300  
Vienna, VA 22182

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)  
Vincent A. Tramonte  
John A. Siciliano

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

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)  
Jade WFC L.L.C.  
8230 Old Courthouse Road, Suite 422  
Vienna, VA 22182

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)  
Jon D. Luria  
Ellen K. Luria

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice-President, Secretary, Treasurer, etc.)  
Jon D. Luria, Managing Member  
Ellen K. Luria, Managing Member

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

DATE: November 23, 1998

(enter date affidavit is notarized)

for Application No(s): PCA 84-P-129-5 / FDPA 84-P-129-4

(enter County-assigned application number(s))

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

Pulte Home Corporation  
10600 Arrowhead Drive, Suite 225  
Vienna, VA 22182

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 J. Pulte  
James Grossfield (nmi)

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

Robert K. Burgess, President  
David Ehling (nmi), Vice President  
Jim Weissenborn (nmi), Treasurer  
John Stoller (nmi), Secretary

Robert K. Burgess George A. Weigers  
Howard P. Berkowitz John Stroller (nmi)  
Henry F. Frigon  
Michael D. Hollerbach

BOARD OF DIRECTORS:

William J. Pulte

James Grossfield (nmi)  
Alan E. Schwartz

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

Walsh, Colucci, Stackhouse, Emrich & Lubeley, P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, VA 22201

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)

Martin D. Walsh  
Thomas J. Colucci  
Peter K. Stackhouse  
Jerry K. Emrich  
Michael D. Lubeley

Nan E. Terpak

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

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.

DATE: November 23, 1998  
(enter date affidavit is notarized)

for Application No(s): PCA 84-P-129-5 / FDPA 84-P-129-4  
(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)  
Greenhorne & O'Mara, Inc.  
11211 Waples Mill Road  
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)  
A. James O'Mara  
Larry S. Courtney  
Robert P. Schocke

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

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)  
The Lessard Architectural Group, Inc.  
8603 Westwood Center Drive, Suite 400  
Vienna, VA 22182

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)  
Christian J. Lessard

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.

DATE:

November 23, 1998

(enter date affidavit is notarized)

for Application No(s):

PCA 84-P-129-5 / FDPA 84-P-129-4

(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)  
M M Mooring No. 2 Corp., c/o Marine Midland Bank

One Marine Midland Center

Buffalo, NY 14203

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)

Marine Midland Realty

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

Gordon A. Farquhar, Sr., V.P.

Leif B. Karlsson, Pres.

Margaret L. Evans, V.P.

Daniel M. King, V.P.

Mary B. Sommer, Treasurer

Richard P. Rich, Asst. Treasurer

Philip S. Toohy, Secretary

Pamela J. Pyle, Asst. Secretary

Director:

Philip S. Toohy

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

DATE: November 23, 1998  
(enter date affidavit is notarized)

For Application No(s): PCA 84-P-129-5 / FDPA 84-P-129-4  
(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)  
Marine Midland Realty c/o Marine Midland Bank  
One Midland Center  
Buffalo, NY 14203

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)  
Marine Midland Bank

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

- Stephen C. Ames, Exec. V.P.
- Robert B. Engel, Exec. V.P.
- Vincent J. Mancuso, Exec. V.P.
- Eilert F. Bartels, Sr. V.P.
- John J. Cuticelli, Jr., Sr. V.P.
- Gordon A. Farquhar, Sr. V.P.
- Thomas E. Fennell, Sr. V.P.
- John F. Zeller, Sr. V.P.
- Frederick J. Paglia, Admin. V.P.
- Robert J. Winter, V.P.
- Maureen M. Anderson, Assist. V.P.
- Maria Barth, Assist. V.P.
- Penny S. Hokanson, Assist. V.P.
- Anton Karoglan, Assist. V.P.
- Timothy Lynn, Assist. V.P.
- Wendy Schutte, Assist. V.P.
- Leif B. Karlsson, Pres.
- Kevin J. Ayres, V.P.
- Joseph Barberio, V.P.
- Douglas Bury, V.P.
- Frank A. Chinnici, V.P.
- John R. Cinguino, V.P.
- Carolyn E. Conybeare, V.P.
- Philip S. DiPofi, V.P.
- Jean P. Dornhofer, V.P.
- William Drmacich, V.P.
- Edward A. Flowers, V.P.
- Michael L. Cembecki, V.P.
- Renata E. Szirmai, Assist. V.P.
- Mary B. Sommer, Treasurer
- Richard P. Rich, Assist. Treasurer
- Philip S. Toohy, Secretary/Director
- Ann Kuhn Grano, Assist. Sec.
- John G. Holinka, Assist. Sec.
- Helen Kujawa, Assist. Sec.
- Mark P. Garsznte, V.P.
- George Garsznte, V.P.
- James Harrison, V.P.
- Patrick Harrison, V.P.
- James E. Igawaki, V.P.
- Ronald Jones, V.P.
- Michael Mazer, V.P.
- Jean Struge, V.P.
- Patricia J. Tarrant, V.P.
- Richard Welter, V.P.
- Gez Tung, Assist. Sec.
- Leslie Juskiewicz, Super.

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

DATE: November 23, 1998  
 (enter date affidavit is notarized)

for Application No(s): PCA 84-P-129-5 / FDEA 84-P-129-4  
 (enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)  
Marine Midland Bank  
One Marine Midland Center  
Buffalo, NY 14203

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)

HSBC Americas, Inc.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

MARINE MIDLAND BANK-EXECUTIVE OFFICER LIST

|                      |  |                           |   |
|----------------------|--|---------------------------|---|
| James H. Cleave      | President and Chief Executive Officer                    | Martin Liebman            | Executive Vice President and Regional President, Metro New York/Long Island |
| I. Malcolm Burnett   | Chief Operating Officer                                  | Vincent J. Mancuso        | Executive Vice President and Group Audit Executive, USA                     |
| Kerry B. Alberti     | Executive Vice President, Investment Services            | F. Christopher McLaughlin | Executive Vice President, Human Resources and Director of Quality           |
| K. Stewart Armstrong | Executive Vice President and Regional President, Central | Robert H. Muth            | Executive Vice President, Operations  |
| Robert M. Butcher    | Executive Vice President and Chief Financial Officer     | Annie L. Nelson           | Executive Vice President, Marketing Services                                |
| Peter B. Davidson    | Executive Vice President, Consumer Finance               | Philip S. Toobey          | Executive Vice President and General Counsel and Secretary                  |
| Robert B. Engel      | Executive Vice President and Chief Credit Officer        | Lawrence E. Vertucci      | Executive Vice President and Regional President, Capital                    |
| John A. D. Hamilton  | Executive Vice President, Information Technology         | Kathleen R. Whelehan      | Executive Vice President and Regional President, Rochester/Southern         |
| Brian E. Keating     | Executive Vice President and Regional President, Western |                           |   |

MARINE MIDLAND BANK-DIRECTORS

|                      |   |                     |          |
|----------------------|---|---------------------|----------|
| Sal H. Alfiero       | Director  | Ulric Haynes, Jr.   | Director |
| John R.H. Bond       | Director  | Richard A. Jalkut   | Director |
| I. Malcolm Burnett   | Director and Chief Operating Officer            | Bernard J. Kennedy  | Director |
| James H. Cleave      | Director, President and Chief Executive Officer | Northrop R. Knox    | Director |
| William R. P. Dalton | Director  | Jonathon Newcomb    | Director |
| Frances D. Fergusson | Director  | Henry J. Nowak      | Director |
|                      |   | William Purves      | Director |
|                      |   | Robert E. Rich, Jr. | Director |

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

DATE: November 23, 1998  
 (enter date affidavit is notarized)

for Application No(s): PCA 84-P-129-5 / FDPA 84-P-129-4  
 (enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)  
HSBC Americas, Inc., c/o Marine Midland Bank

One Marine Midland Center  
Buffalo, NY 14203

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)  
HSBC Holdings BV, a Netherlands Corporation

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

**HSBC AMERICAS, INC.-EXECUTIVE OFFICER LIST**

|                    |   |
|--------------------|---|
| James H. Cleave    | President and Chief Executive Officer                   |
| Colin Bamford      | Senior Executive Vice President                         |
| Kerry B. Alberti   | Executive Vice President, Investment Services           |
| Vincent J. Mancuso | Executive Vice President and Group Audit Executive, USA |
| Robert M. Butcher  | Executive Vice President and Chief Financial Officer    |
| Robert B. Engel    | Executive Vice President and Chief Credit Officer       |
| Philip S. Toohy    | Legal Advisor, Americas and Secretary                   |
| Gerald A. Ronning  | Executive Vice President and Controller                 |

**HSBC AMERICAS, INC.-DIRECTORS**

|                     |  |
|---------------------|--|
| John R.H. Bond      | Director   |
| James H. Cleave     | Director, President and Chief Executive Director |
| William R.P. Dalton | Director   |
| Northrup R. Knox    | Chairman   |
| William Purves      | Director   |

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

DATE: November 23, 1998  
(enter date affidavit is notarized)

FOR Application No(s): PCA 84-P-129-5 / FDPA 84-P-129-4  
(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)  
HSBC Holdings BV, a Netherlands Corporation

3/F, Atlas Building, Hoogoordreef 9  
1101 BA Amsterdam, Netherlands

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 a class of stock issued by said corporation, and no shareholders are listed below

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

HSBC Holdings PLC  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

|                          |                           |                                   |
|--------------------------|---------------------------|-----------------------------------|
| M.C. Anderson, Director  | S.C. Penney, Director     | Managing Director: D.C. Thomas    |
| R.E.T. Bennett, Director | R.N. Standing, Director   | Financial Director: M.C. Anderson |
| J.H. Cleave, Director    | J.E. Strickland, Director |                                   |
| D.J. Flint, Director     | D.C. Thomas, Director     |                                   |
| A. Mehta, Director       | J.M. van Kempen           |                                   |
| C. Ch. Mout, Director    |                           |                                   |

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

10 Lower Thames Street, London EC3R 6AE  
United Kingdom

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 a class of stock issued by said corporation, and no shareholders are listed below

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

A publicly traded United Kingdom Corporation.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

|                    |                    |                    |
|--------------------|--------------------|--------------------|
| Sir William Purves | JM Gray            | M Marofushi        |
| Baroness Dunn      | Sir Joseph Houtng  | Sir Wilfrid Newton |
| Sir Peter Walters  | NR Knox            | CE Reichardt       |
| BH Asher           | CD Mackay          | H Schmen           |
| JR Bond            | G Maitland Smith   | JE Strickland      |
| DE Donnelly        | Sir Colin Marshall | Sir Adrian Swire   |
| D J Flint          | C Miller Smith     | K R Whitson        |

**WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

MARTIN D. WALSH  
THOMAS J. COLUCCI  
PETER K. STACKHOUSE  
JERRY K. EMRICH  
MICHAEL D. LUBELEY  
KEITH C. MARTIN  
NAN E. TERPAK  
WILLIAM A. FOGARTY  
DAVID J. BOMGARDNER  
LYNNE J. STROBEL  
JAY DU VON  
JOHN E. RINALDI  
SEAN P. McMULLEN  
H. MARK GOETZMAN  
TRACY STEELE SCILEPPI  
TIMOTHY S. SAMPSON  
  
NICHOLAS MALINCHAK (RETIRED)

ATTORNEYS AT LAW

COURTHOUSE PLAZA  
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(703) 528-4700  
FACSIMILE (703) 525-3197  
WEBSITE <http://www.wcsl.com>

PRINCE WILLIAM OFFICE

VILLAGE SQUARE  
13863 OFFICE PLACE, SUITE 201  
WOODBIDGE, VIRGINIA 22192-4216  
  
(703) 680-4664  
METRO (703) 690-4647  
FACSIMILE (703) 690-2412

LEGAL ASSISTANTS/PLANNERS

CHRISTINE A. HOLADAY  
SUSAN S. FLANIGAN  
ELIZABETH D. BAKER  
SUSAN K. YANTIS  
J. GREGORY RUFF

December 1, 1998

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING

DEC 1 1998

ZONING EVALUATION DIVISION

Ms. Barbara A. Byron, Director  
Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway  
8th Floor  
Fairfax, Virginia 22035

Re: Proffered Condition Amendment Application (PCA) and Final Development Plan Amendment (FDPA) Application for Property Identified as Tax Map 49-2 ((37)) C1, D2, E, and F1 (the "Subject Property")  
Metro Place at Dunn Loring  
Applicant: Jade Dunn Loring Metro, L.L.C.

Dear Ms. Byron:

The following constitutes an amended statement of justification for the above-referenced application. Jade Dunn Loring Metro, L.L.C. is the applicant and the contract purchaser of property identified as Parcels C1, D2, and E. Jade WFW L.L.C. is the owner of Parcel F1. The Subject Property consists of approximately 6.84 acres and is located on the east side of Gallows Road, Route 650, south and east of Park Tower Drive.

The Subject Property is part of the project known as Metro Place at Dunn Loring. The Subject Property was rezoned to the PDH-40 and the PDC Districts as part of the overall 18.27 acre Metro Place project in conjunction with RZ 84-P-129 on July 20, 1997. At that time, 9.94 acres was zoned to the PDC District and 8.33 acres was zoned to the PDH-40 District. The approved Conceptual Development Plan reflected 518,000 square feet of office gross floor area; 518,000 square feet of residential gross floor area; 80,000 square feet of retail gross floor area; and approximately 2,000 square feet of community center.

On July 20, 1997, the Board of Supervisors approved PCA 94-P-129-1 which incorporated elderly housing as a secondary use within the mixed use development use development. On September 19, 1998, PCA 84-P-129-2 was approved by the Board of Supervisors which modified

the timing of certain off-site road improvements. The Board of Supervisors approved PCA 84-P-129-3 on July 23, 1990, which clarified the height of Building G and amended the phasing commitment for low and moderate income housing. On February 10, 1997, PCA 84-P-129-4 was approved which reallocated the approved gross floor area for Parcels C, D, and E from office, service retail, residential and community center uses to residential uses as well as provided an alternate layout for Parcels F1 and G1.

An 8-story office building has been constructed on Parcel A. A second 12-story office building is planned to be developed on Parcel B. A multi-family building has been constructed and partially occupied on Parcel G1 and two more are under construction. No changes are proposed to these parcels.

The purpose of this Proffered Condition Amendment ("PCA") and Final Development Plan Amendment ("FDPA") application is to alter the layout and revise the dwelling types for Parcels C1, D2, and E, and to make minor adjustments to the site design for Parcel F1.

The CDPA/FDPA submitted with this application reflects the development of approximately 235 residential units in four different product types for Parcels C1, D2, E, and F1. Two multiple family styles are included. A total of 62 multi-family units in a very similar configuration to that currently approved are shown on Parcel F1. The only change from the current FDPA for Parcel F1 is the inclusion of a slightly longer footprint and a shifting of the access drive to this building and the associated underground parking slightly to the east. The other multi-family component is planned for Parcel C1. It consists of four elevated buildings over an underground garage. A total of 118 units are included on Parcel C1. Single family attached units are proposed for Parcels D2 and E. Fifty-five units are proposed in two styles. Traditional two car garage front entry townhomes (a total of 24) are proposed along the Subject Property's eastern and southern boundaries. Another 31 eighteen foot wide, rear entry townhomes are planned towards the interior of the site. A swimming pool with clubhouse, within the multi-family component on Parcel C1, has been provided for the enjoyment of the future residents.

The Subject Property is located in Tract B of the Dunn Loring Transit Station Area of the Area I Comprehensive Plan. The Subject Property is planned for mixed use with a maximum floor area ratio (FAR) of 1.4. The proposal revisions to Metro Place result in a mixed-use development at a 1.34 FAR. Therefore, it is our judgment that the proposed development plan will continue to be in conformance with the Comprehensive Plan.

To the best of our knowledge and belief, the proposed development will be in conformance with all applicable land development ordinances, regulations and adopted standards, with the following exceptions:

Ms. Barbara A. Byron, Director

December 1, 1998

Page 3

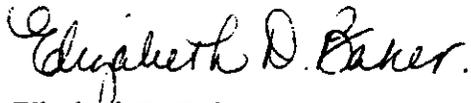
1) The Applicant requests a waiver to eliminate the minimum 200 square foot rear yard requirement per Section 6-207 and 6-306 of the Zoning Ordinance. This waiver is sought to permit rear loaded garages.

2) The Applicant requests a waiver of the loading space requirement for multi-family units as required by Section 11-203.

If you have any questions regarding this information, please do not hesitate to contact me at (703) 528-4700.

Very truly yours,

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY, P.C.



Elizabeth D. Baker  
Land Use Coordinator

EDB:kak

Enclosures

cc: Jon Luria  
Bill Yauss  
Martin D. Walsh

JVADE\BYRON2.LTR



FAIRFAX COUNTY

MAR 14 1997

DIVISION OF  
ZONING ADMINISTRATION

BO/

2000 Government Center Parkway, Suite 5  
Fairfax, Virginia 22035-00

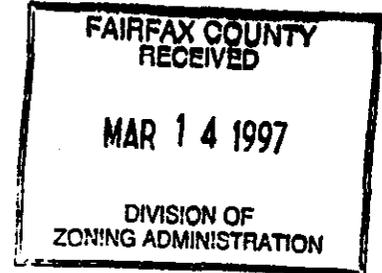
V I R G I N I A

Telephone: 703-324-31

FAX: 703-324-39

TTY: 703-324-39

February 26, 1997



Martin D. Walsh, Esquire  
Walsh, Colucci, Stackhouse,  
Emrich and Lubeley, P.C.  
2200 Clarendon Boulevard  
Arlington, Virginia 22201-3359

RE: Proffered Condition Amendment  
Number PCA 84-P-129-4

Dear Mr. Walsh:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on February 10, 1997 approving Proffered Condition Amendment PCA 84-P-129-4 to amend the proffers for RZ 84-P-129 in the name of Pulte Home Corporation and Jade Development Company, subject to the proffers dated February 6, 1997, on subject parcel 49-2 ((37)) A, B, C, D, E, F1, G1 and H consisting of approximately 17.86 acres in Sully District.

The Conceptual Development Plan was approved; the Planning Commission having approved FDPA 84-P-029-3 on February 5, 1997, subject to the Board of Supervisors' approval of PCA 84 P 129-4

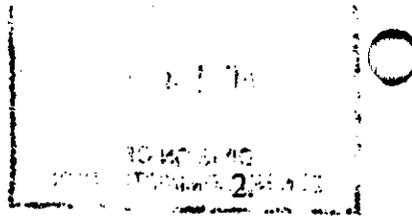
**The Board also reaffirmed the waiver of the barrier requirement along the northern and eastern boundaries of this property.**

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

PCA 84-P-129-4  
February 26, 1997



cc: John M. Yeatman, Director, Real Estate Div., Dept. of Tax Administration  
Melinda M. Artman, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., OCP  
Robert Moore, Trnsprtn. Planning Div., Office of Transportation  
Paul Eno, Project Planning Section, Office of Transportation  
Department of Environmental Management  
Y. Ho Chang, Resident Engineer, VDOT  
Land Acq. & Planning Div., Park Authority  
James D. Gorby, Acting Director, Facilities Mgmt. Div., Office of General Svcs.  
Barbara J. Lippa, Deputy Executive Director, Planning Commission

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 10th day of February, 1997 the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROFFERED CONDITION AMENDMENT PCA 84-P-129-4**

WHEREAS, Pulte Home Corporation and Jade Development Company filed in the proper from an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.1.491(a), and

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

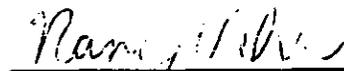
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1.491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

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

GIVEN under my hand this 10th day of February, 1997.



Nancy Vehrs

Clerk to the Board of Supervisors

The Conceptual Development Plan was approved; the Planning Commission having approved FDPA 84-P-029-3 on February 5, 1997, subject to the Board of Supervisors' approval of PCA 84 P 129-4.

## PROFFERS

### METRO PLACE

PCA 84-P-129-4

February 6, 1997

Pursuant to Section 15.1-491 (a), Code of Virginia, 1950 edition as amended, Pulte Home Corporation and Jade Development Company, their successors and assigns, hereinafter referred to as (the "Applicants") in PCA 84-P-129-4 filed for property identified as Tax Map 49-2 ((37)) A, B, C, D, E, F1, G1 and H1 (hereinafter referred to as the "Application Property") reaffirm the previous proffers for PCA 84-P-129-2 dated May 3, 1989 and approved proffers for PCA 84-P-129-3 dated July 13, 1990, which shall remain in full force and effect, except as specifically amended herein. All other previous proffers for PCA 84-P-129-2, dated May 3, 1989 and PCA 84-P-129-3, dated July 13, 1990, affecting the Application Property are hereby deemed null and void and shall have no effect on the Application Property.

1. (Add to Proffer 1 as follows).

Development of Parcels C, D, E, F1, G1 and H1 shall be in substantial conformance with the Conceptual Development Plan Amendment/Final Development Plan Amendment ("CDPA/FDPA"), prepared by Dewberry & Davis consisting of four (4) sheets, dated June 20, 1996, and revised through January 2, 1997. The Applicants reserve the right to pursue development of Parcels F1 and G1 under the previously approved CDP prepared by HOK, architects and planners, dated June 23, 1987, and Final Development Plan prepared by HOK, architects and planners, dated April 10, 1987 and revised through July 12, 1990.

2. Retained. (See Proffers dated May 3, 1989).
3. (Add Paragraph (f) to Proffer 3 of Proffers dated May 3, 1989 as follows).

f) This proffer shall apply to Parcels A and B only; however, some of the improvements contemplated in paragraph d) herein may be located on Parcels C, D, E, F1, G1 and H1.

4. Retained. (See Proffers dated May 3, 1989).
5. (Add to Proffer 5 of Proffers dated May 3, 1989 as follows).

The Applicants shall provide landscaping on Parcels C, D, E, F1, G1 and H1 in substantial conformance with the landscaping shown on the CDPA/FDPA which indicates high quality site and architectural design, streetscape, urban design, and development amenities. Landscaping shall be reviewed and approved by the Urban Forestry Branch of the Department of Environmental Management (DEM).

6. Retained. (See Proffers dated May 3, 1989).
7. Retained. (See Proffers dated May 3, 1989).
8. (Replace Proffer 8 of Proffers dated May 3, 1989, as follows):

The Applicants shall offer four (4) one-bedroom units to the Fairfax County Housing Authority ("Authority") upon commencement of construction of the buildings within which those units are located. Unless otherwise agreed to by the Applicants, Jade Westbriar Inc., the owner of Parcels F1 and G1, and Pulte Home Corporation, the owner of Parcel C and H1 and contract purchaser of Parcels D and E, shall provide two (2) units apiece. Selection of those units shall be made in the sole discretion of the Applicants. Said offer, or offers if construction is commenced on the buildings in which the units are located at different times, shall be in writing and the Authority shall have ninety (90) days to accept the said offer or offers in writing. The sales price of each unit shall be \$65,000, or reflect a discount of \$35,000 from the market rate sales price of that unit at Metro Place, whichever is lower. Each such unit shall provide all standard items which are offered in the market rate units. The Authority must purchase each of the units offered within thirty (30) days of the issuance of the Residential Use Permit for that unit, but no sooner than one hundred twenty (120) days from the date of the offer of the unit to the Authority. It is hereby understood that any and all owners of those four (4) units shall have all of the responsibilities required of other condominium owners at Metro Place. In the event that the Authority does not provide timely acceptance or purchase as set forth above, the Applicants shall have no further obligations under this proffer.

9. (Add to Proffer 9 of Proffers dated May 3, 1989 as follows).

Stormwater management and Best Management Practices (BMPs) shall be provided for Parcels C, D, E, F1 and G1 onsite in proposed underground facilities as shown on the CDPA/FDPA. Said underground facilities shall be constructed by the Applicants in accordance with the requirements of the DEM and the Department of Public Works (DPW).

The design of the facilities shall incorporate the following:

- a. The storage vault, which shall provide BMPs, shall be constructed of concrete.
- b. The pipes, which shall provide storm water management, may be constructed of corrugated metal or galvanized steel in accordance with requirements of the Public Facilities Manual and as approved by DEM.
- c. Safety measures shall be provided for the location of said facilities in a residential area, as may be reasonably requested by DEM, at time of site plan approval. Safety

measures may include, but not limited to, Bilco doors or equivalent, to cover the facility entrance with a double locked keyed entry and/or bolted manhole lids.

The proposed facilities shall be maintained by the Applicants, their successors and assigns, in accordance with the regulations of DEM and DPW. Purchasers shall be advised prior to entering into a contract of sale and in the homeowners association documents that the homeowners association shall be responsible for the maintenance of the underground stormwater management facilities. Said maintenance responsibility shall be incorporated in an agreement to be reviewed and approved by the Fairfax County Attorney's office and recorded among the Fairfax County land records. Said agreement shall address the following issues:

- a. Future replacement of facilities when warranted.
- b. County inspection and all other issues as may be necessary to ensure that the facilities are maintained by the Applicants in good working order acceptable to the County so as to detain the flow of stormwater which results from development of the Application Property.
- c. Liability and insurance in an amount acceptable to Applicants and Fairfax County.
- d. A restriction that the Applicants, their successors and assigns, shall not petition DEM and/or DPW for future maintenance.
- e. Establishment of an initial fund by Applicants for future maintenance/replacement.

If the proposed underground facility is not approved by DEM and DPW, Applicants shall install an alternative facility subject to the approval of DEM and DPW. Said alternative may be approved administratively if in substantial conformance to the CDPA/FDPA as determined by the Office of Comprehensive Planning, or may necessitate an FDP/PCA to the Application Property.

10. (Replace Proffer 10 of Proffers dated May 3, 1989 as follows).

Applicants shall construct the below listed off-site road improvements. In the event that the existing dedicated right of way will not accommodate those improvements, Applicants will use best efforts to acquire and request County to pursue advanced dedication and reservation of density. If the Applicants are unable to acquire the said right of way, the Applicants shall request the Board of Supervisors to condemn at the Applicant's sole expense. The Applicants shall provide the road improvements (as qualified by Proffer Number 31) consistent with the phasing schedule as set forth below:

- a) Prior to the issuance of non-rups for the first office building the Applicants shall construct:
- An additional lane eastbound along Prosperity Avenue for a distance of 500 feet plus a 180 foot transition near the metro station opposite the southern access to the site. The Applicants will build any portion not already constructed by WMATA, subject to the approvals of both the Virginia Department of Transportation and WMATA. (This improvement has been completed.)
- b) Deleted. (Consistent with a letter dated June 27, 1996, issued by Robert L. Moore, Chief, Transportation Planning Division).
- c) Deleted.
- d) Applicants shall provide the monetary equivalent for the construction of the extension of Porter Road from the southern boundary of Parcel 52 to Lee Highway. This roadway shall consist of a minimum 48 foot road section from face of curb to face of curb within a 60 foot right of way. The amount shall be determined by DEM in accordance with standard bond estimate calculations for this improvement. This payment shall be made to DEM upon final site plan approval for either Parcel C, D, or E, whichever site plan is the second site plan submitted by Pulte Home Corporation and approved by DEM.
- e) The Applicants shall contribute a cash sum in the amount of Seven Hundred Fifty Thousand and no/100 Dollars (\$750,000.00) to Fairfax County to be applied towards transportation improvements that affect the Merrifield area. The Applicants shall provide payment in two installments: the first installment of Four Hundred Thousand and no/100 dollars (\$400,000.00) shall be paid upon the issuance of the 50th residential use permit for Parcels D and E; and a second installment of Three Hundred Fifty Thousand and no/100 (\$350,000.00) shall be paid at time of final site plan approval for Parcel C.

11. (Revise Proffer 11 of Proffers dated May 3, 1989 as follows).

Height of the residential buildings for Parcels C, D, E, F1 and G1 shall be in accordance with the building heights as shown on the CDPA/FDPA. Height of the buildings on Parcels A and B shall be in accordance with the building heights as shown on the CDP prepared by HOK, architects and planners, dated June 23, 1987, and Final Development Plan prepared by HOK, architects and planners, dated April 10, 1987 and revised through July 12, 1990.

12. Retained. (See Proffers dated May 3, 1989).

13. Retained. (See Proffers dated May 3, 1989).

14a. Retained. (See Proffers dated May 3, 1989).

14b. (Replace as follows).

Residential building facades shall consist of construction materials which may include, but not limited to, siding, brick, glass and dry-vit. Roofs shall be peaked in a residential style.

14c. Retained. (See Proffers dated May 3, 1989).

15. Retained. (See Proffers dated May 3, 1989).

16. Deleted.

17. Retained. (See Proffers dated May 3, 1989).

18. Deleted.

19. Deleted.

20. Retained. (See Proffers dated May 3, 1989).

21. Retained. (See Proffers dated May 3, 1989). (This improvement has been completed.)

22. (Replace Proffer 22 as follows).

As shown on the CDPA/FDPA, the Applicants will plant off-site a double row of staggered pines (or similar evergreens), an average of 6 feet in height, between Keystone Lane and the subject property along the eastern property line; and also between the Merrifield Village Apartments' buildings and the subject property along the southern property line. This proffer is subject to agreement by the owners of the Merrifield Village Apartments to access at no charge to the Applicants. Maintenance of the plant materials on the Merrifield Village Apartment's property shall be the responsibility of the Merrifield Village Apartment's owners.

23. (Replace Proffer 23 as follows).

The residential buildings shall be conceptually as shown on the elevations provided on sheet 3 of the CDPA/FDPA. The elevations are illustrative only and are presented to illustrate the general character and architectural theme of the proposed buildings. The elevations may be refined and are subject to modifications at time of final engineering and design.

24. Retained. (See Proffers dated May 3, 1989).

25. Retained. (See Proffers dated May 3, 1989).
26. Retained. (See Proffers dated May 3, 1989).
27. (Replace Proffer 27 as follows).

As shown on the CDPA/FDPA, the Applicants shall provide on-site pedestrian access from the east between Parcels C and D and through Parcel E. (Deletion)

28. Retained. (See Proffers dated May 3, 1989).
29. Retained. (See Proffers dated May 3, 1989).
30. Retained. (See Proffers dated May 3, 1989).
31. Retained. (See Proffers dated May 3, 1989).

Applicants have prepared an evaluation of the cost/value of the proffered improvements as they relate to the satisfaction of this proffer. A letter is attached dated October 18, 1996 prepared by Richard F. Polk, P.E., of Dewberry and Davis, which contains an analysis regarding the satisfaction of this proffer. The analysis provided in Mr. Polk's letter shall be verified and approved by DEM at time of site plan submission for either Parcel C, D, E, F1 or G1, whichever occurs first.

32. (Add new Proffer 32).

Any of the individual land bays identified as A, B, C, D, E, F1, G1 and H1 or individual buildings may be subject to a Proffered Condition Amendment/Final Development Plan Amendment (PCA/FDPA) without joinder and/or consent of the owners of the other land bays or buildings, if such PCA/FDPA does not affect any other land bays/buildings. Previously approved proffered conditions applicable to the land bay(s)/buildings which are not the subject of such a PCA/FDPA shall otherwise remain in full force and effect.

33. (Add new Proffer 33).

Notwithstanding the tabulations and notes shown on the CDPA/FDPA, up to a maximum of 318,000 square feet of gross floor area may be permitted in Building B through a future proffered condition amendment/final development plan amendment (PCA/FDPA) if such are approved respectively by the Board of Supervisors and the Planning Commission. It is further understood and agreed that the addition of these 78,000 square feet to Land Bay B will be evaluated during the PCA/FDPA process and that if issues such as transportation result from that review, then those issues shall be addressed prior to Board approval. The use of this 78,000 square feet of gross floor area shall be the subject of and governed by a private

agreement between the owners of the affected parcels which shall be evidenced by a letter of consent by Pulte Home Corporation, the Declarant of Metro Place at Dunn Loring, to the Zoning Administrator.

(SIGNATURES BEGIN ON NEXT PAGE)

CO-APPLICANT/CONTRACT PURCHASER OF  
PARCELS D AND E  
OWNER OF PARCELS C AND H

PULTE HOME CORPORATION

*S.F.* *STANLEY F. SETTLE JR*  
*ATTORNEY IN FACT*

---

By: Stanley F. Settle, Jr.  
Its: Attorney-In-Fact

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNER, PARCELS F1 AND G1:

JADE WESTBRIAR INC.



---

By: Jon D. Luria  
Its: President

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNER, PARCEL B:

RREEF PERFORMANCE PARTNERSHIP- IIIB, L.P. BY  
RREEF INVESTMENT PARTNERSHIP-III, L.P., ITS  
GENERAL PARTNER, BY RREEF CAPITAL  
INCORPORATED, ITS GENERAL PARTNER

A handwritten signature in black ink, appearing to read 'S. Grant', is written over a horizontal line.

By: Stephen L. Grant  
Its: Vice President

2  
(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNER, PARCEL A:

RREEF PERFORMANCE PARTNERSHIP- IIIA, L.P.  
RREEF INVESTMENT PARTNERSHIP-III, L.P., ITS  
GENERAL PARTNER, BY RREEF CAPITAL  
INCORPORATED, ITS GENERAL PARTNER



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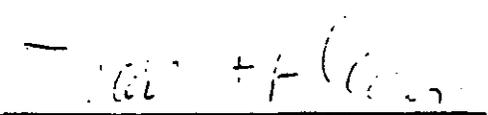
By: Stephen L. Grant

Its: Vice President

(SIGNATURES CONTINUE ON NEXT PAGE)

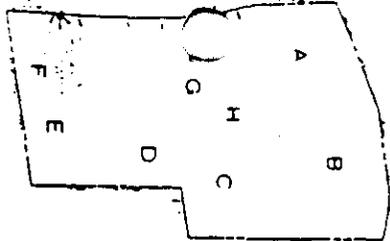
TITLE OWNER, PARCELS D AND E:

M M MOORING #2 CORP., as agent  
for Demooring, Inc.

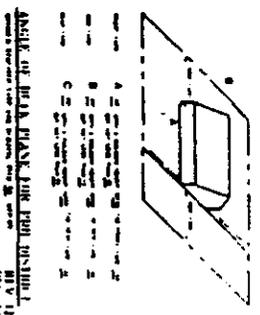
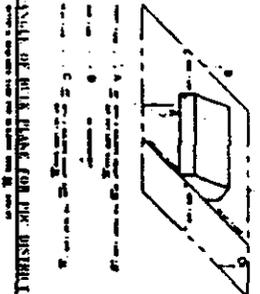
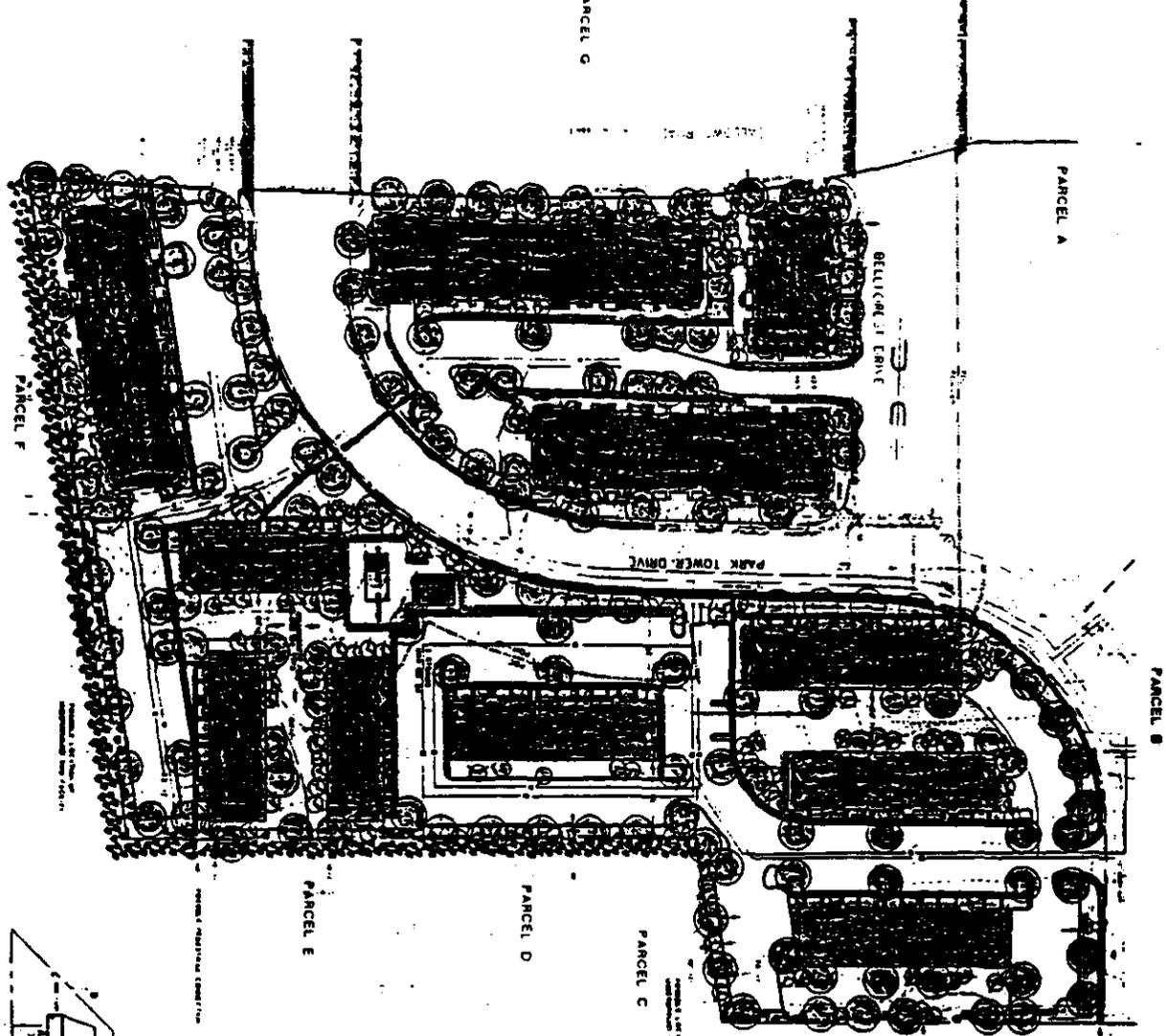
By: 

Name: Margaret L. Evans  
Title: Vice President

(SIGNATURES CONTINUE ON NEXT PAGE)



CONTRACT & PARCEL INFORMATION



AXIAL OF BULK PLANE FOR THE DISTRICT

AXIAL OF BULK PLANE FOR THE DISTRICT

NOTE:  
 1. ALL PLANTINGS SHALL BE INSTALLED BY THE CONTRACTOR.  
 2. ALL PLANTINGS SHALL BE INSTALLED BY THE CONTRACTOR.  
 3. ALL PLANTINGS SHALL BE INSTALLED BY THE CONTRACTOR.

LANDSCAPE LIGHTING

LEGEND



ED DENARD ARCHITECTURAL GROUP  
 Inc.

METRO PLACE AT DUNN LORING

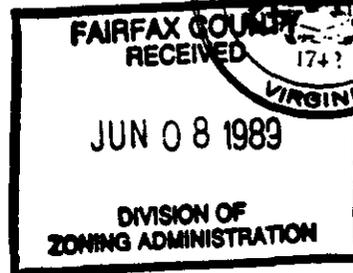
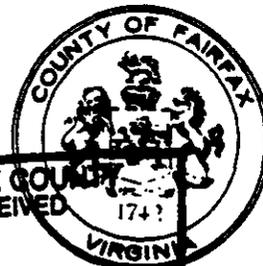
**Dewberry & Davis**  
 1000 Old Fairfax Ave., Suite 200  
 Fairfax, VA 22031  
 (703) 261-1100



COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030

May 31, 1989



Martin D. Walsh, Esquire  
Walsh, Colucci, Stackhouse, Emrich and Lubeley  
950 North Glebe Road - Suite 300  
Arlington, Virginia 22203

Re: Proffered Condition Amendment  
Number PCA 84-P-129-2

Dear Mr. Walsh:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on May 8, 1989, approving Proffered Condition Amendment PCA 84-P-129-2 in the name of Stephen M. Cumbie, Trustee, subject to the revised proffers dated May 3, 1989, on subject parcels 49-2 ((4)) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19; 49-2 ((1)) 42, 43, 44, 45, 46A, 46B, 46C, and 46D consisting of approximately 18.27 acres in Providence District.

Sincerely,

Theodore Austell, III  
Clerk to the Board of Supervisors (Acting)

TAIII:ns

- cc: Joseph T. Hix  
Real Estate Division, Assessments
- Gilbert R. Knowlton, Deputy  
Zoning Administrator
- Barbara A. Byron, Director  
Zoning Evaluation Division
- Robert Moore, Transportation Planning Division,  
Office of Transportation
- Kathy Ichter, Transportation Road Bond Division,  
Office of Transportation
- Department of Environmental Management
- A. V. Bailey, Resident Engineer  
Virginia Department of Transportation
- Richard Jones, Manager, Land Acquisition & Planning Division  
Fairfax County Park Authority

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 8th day of May, 1989, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROFFERED CONDITION AMENDMENT PCA 84-P-129-2

WHEREAS, Stephen M. Cumbie, Trustee, filed in the proper form, an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.1.491(a), and

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

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

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

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

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

GIVEN under my hand this 8th day of May, 1989.



---

Theodore Austell, III  
Clerk to the Board of Supervisors (Acting)

MAY 4 1989

ZONING EVALUATION DIVISION

PROFFERS

FDPA 84-P-129, PCA 84-P-129-2

May 3, 1989

Pursuant to Section 15.1-491 (a) Code of Virginia, 1950 edition as amended, subject to the Board of Supervisors approving the above-referenced Proffered Condition Amendment, the Applicant proffers the following:

1. The subject property shall be developed in accordance with the approved Conceptual Development Plan prepared by HOK, architects and planners, dated June 23, 1987, and Final Development Plans prepared by HOK, architects and planners, dated March 23, 1988, as revised.

2. The Applicant shall provide the following along the subject property's frontage as graphically illustrated in the attachment prepared by Barton-Aschman Associates, Inc. made a part hereof dated June 24, 1987.

a) Dedicate to the Board of Supervisors and convey in fee simple right-of-way measured 65.5 feet from existing center line of Gallows Road.

b) Subject to VDOT approval, Applicant will construct, in conjunction with the infrastructure improvements for this site, (a) a third through lane between the property's southern boundary line and the northern access road within the dedicated right of way, (b) a right turn lane on northbound Gallows Road extending from the southern boundary of the site to the southern access to the site, and (c) a right turn lane on northbound Gallows Road extending 250 feet to the northern access to the site. If this construction or any part thereof is not approved by VDOT, the Applicant will construct those improvements which are approved by VDOT at the time of initial infrastructure improvements and will, at the Applicant's election, provide either the remaining improvements at the time the Gallows Road bridge is widened to 6 lanes or provide an equivalent contribution to Fairfax County.

c) The Applicant shall provide the following on-site dedication and temporary easements along the frontage of Gallows Road between the site's north access road and the right of way of I-66:

o Dedicated right of way not to exceed 77 feet from center line for the slopes/grading required for the widening of Gallows Road to a six lane facility.

o Provide a temporary construction easement not to exceed 92 feet from the center line of Gallows Road.

d) Provide a stubbed vehicular connection to the east for future connection to Hartland Road, as shown on the FDP. This connection shall be constructed to the property line as a private street and shall be designed to meet the vertical alignment of a future, possible extension of Hartland Road.

e) Subject to VDOT approval, reconstruct the median in Gallows Road between the site's southern access road and the site's northern access road to provide a south bound left hand turn lane at the southern access road. This construction may require modification by the Applicant to the existing north bound left hand turn lane for WMATA's "kiss and ride" entrance.

f) Applicant shall provide signals at each of the two subject site entrances to Gallows Road when warrants are achieved and signals are approved by VDOT along with a signal along Prosperity Avenue at the entrance to WMATA's Park and Ride, all signals to be appropriately synchronized.

Dedication shall be provided on demand of Fairfax County and density for all on-site land areas dedicated for right of way shall be reserved pursuant to Section 2-308 of the Fairfax County Ordinance.

3. The use of mass transit, ride-sharing, and other transportation strategies to reduce single-occupant vehicular traffic generated by site development during peak periods shall be implemented to reduce peak hour trip generation. Lessees shall be advised of this transportation strategy Development Condition. The following transportation management strategies shall be implemented by the developer and/or the occupants of the building(s):

a) Voluntary car pool/van pool programs shall be established for employees occupying office space on the property, and the program shall be under the direction of a transportation director provided by the occupants of the buildings on site.

b) A program for matching car pool and van pool service shall be coordinated with various governmental agencies and other private employers in the immediate area.

c) Convenient parking in preferred locations shall be designated for car pool/van pool use.

d) Mass transit usage shall be encouraged and promoted by the transportation director, including the

construction of bus stops and/or shelters (as required by ~~mass~~ transit service to the site) and/or pedestrian walkways linking access to adjacent properties.

e) Applicant will conduct a transportation analysis within six (6) months of occupancy of 50 percent of the subject property's second office building. In the event the projected trip generation rates set forth in the study by Barton-Aschman dated April 4, 1987, (as revised June 19, 1987) are exceeded, the Applicant shall undertake additional TSM techniques as necessary to achieve the said projected rate. If the rates are not accomplished at the 50 percent occupancy, the Applicant shall conduct a similar study at 75 percent occupancy with added TSMs implemented if necessary.

4. The Applicant shall develop the site in accordance with the Dunn Loring Metro Station Area section of the Comprehensive Plan for building heights, pedestrian circulation, open space, and landscaped buffers as illustrated in the adopted sector plan.

5. Applicant shall develop the property in conformance with the accompanying Landscape Plan prepared by HOK dated June 15, 1987, which indicates high quality site and architectural design, streetscape, urban design, and development amenities as approved by the County Arborist.

6. Applicant shall contribute Twenty-Five Thousand Dollars and No/100 (\$25,000.00) to provide an environmental monitoring program for noise and air quality on the subject property upon approval of non-rups for at least 50 percent of the development of the subject property.

7. Applicant shall provide at grade pedestrian linkages connecting the subject site to the Dunn Loring Metro Station as shown on the FDP. The crossing shall include special pavement materials, marked pavement, traffic signals with pedestrian activated cycles, subject to VDOT approval.

8. Applicant and/or assigns shall provide the following options to promote affordable housing:

a) For those units built originally as rental units, the developer will make available, for a period of twelve (12) years, multifamily rental units for low and moderate income families in an amount equal to five percent (5%) of the total number of residential rental dwelling units Site Plan-approved on the subject property. Units reserved for occupancy by low income families will be two (2) bedroom apartments for which initial rents will be established at levels affordable to households at sixty percent (60%) of the median

income of the Washington, D.C. Metropolitan Statistical Area. Tenants will be required to pay no more than thirty percent (30%) of gross monthly income for rent and utilities. An additional five percent (5%) of the total number of residential rental units Site Plan-approved on the subject property shall be made available for a period of 12 years for low and moderate income families at levels affordable to households at 90 percent (90%) of the median income of the Washington, D.C. metropolitan statistical area. Affordable units will be intermixed throughout the project and made available on a pro-rata basis as herein described as each phase of the project is developed. Applicant and/or assigns may raise rents on the units subject to this requirement at the same rate at which it increases rent for comparable units in the development rented at market rents, or to the degree that the median income rises in the Washington, D.C. S.M.A. Applicant and/or assigns agree to enter into a Private Rental Program Agreement with the Fairfax County Private Rental Program Agreement with the Fairfax County Redevelopment and Housing Authority to monitor applicant's compliance with this proffer.

b) Should the developers substitute three bedroom units in lieu of the two bedroom units proffered at sixty percent (60%) of the median income there will be a corresponding reduction in the requirement for units proffered at ninety percent (90%) of the median income.

c) For those units built originally for sale, the Applicant will sell five percent (5%) of those units to the Fairfax County Redevelopment and Housing Authority at cost for resale under the moderate income direct sales (MIDS) program. It is understood that cost will not exceed a price that would be affordable within the published income limits for the MIDS program. The MIDS units shall be distributed throughout the residential buildings and will be made available on a pro-rata basis as herein described as units are completed. An additional five percent (5%) of the units built originally for sale will be offered to the Fairfax County Redevelopment and Housing Authority at cost for resale under the Moderate Income Direct Sales (MIDS) program. The said offer shall be made for a period of 90 days subject to the terms and conditions of the above referenced paragraph. In the event the Fairfax County Redevelopment and Housing Authority does not exercise the said option, there shall be no further obligations under this paragraph. Upon the exercise of the option, Applicant shall give Fairfax County Redevelopment and Housing Authority a reasonable time to settle on said units.

d) In the event the Applicant proposes to provide elderly housing at a cost of ten percent (10%) below the maximum cost of the said project within the subject property, said elderly program shall, if approved by Fairfax County Redevelopment and Housing Authority be credited towards the fulfillment of conditions 8 a) and b) to the extent the authority deems it appropriate.

9. Storm water management facilities constructed on the subject property shall meet the standards and policies adopted in the Fairfax County Public Facilities Manual to meet Best Management Practices facilities (BMP) for the purpose of water quality protection.

10. Applicant shall construct the below listed off-site road improvements. In the event that the existing dedicated right of way will not accommodate those improvements, Applicant will use best efforts to acquire and request County to pursue advanced dedication and reservation of density. If the Applicant is unable to acquire the said right of way, the Applicant shall request the Board of Supervisors to condemn at the Applicant's sole expense. The Applicant shall provide the road improvements (as qualified by Proffer Number 31) consistent with the phasing schedule as set forth below:

a) Prior to the issuance of non-rups for the first office building the Applicant shall construct:

o An additional lane eastbound along Prosperity Avenue for a distance of 500 feet plus a 180 foot transition near the metro station opposite the southern access to the site. The Applicant will build any portion not already constructed by WMATA, subject to the approvals of both the Virginia Department of Transportation and WMATA.

b) Prior to issuance of non-rups for the third office building, the Applicant will construct a right turn lane on southbound Gallows Road to westbound Lee Highway.

o A right turn lane from westbound Lee Highway to northbound Gallows Road.

o A right turn lane from northbound Prosperity Avenue to eastbound Lee Highway.

c) After commencement of construction of the portion of the extension of Porter Road required to be performed by the owners of Parcel 52, or prior to issuance of any non-rups for the third office building, whichever shall first occur, the Applicant shall construct the extension of Porter Road from the southern boundary of parcel 52

to Lee Highway. This roadway shall consist of a minimum 48 foot road section from face of curb to face of curb within a 60 foot right of way. However, in the event that Fairfax County does not want the Applicant to commence construction on the above-referenced improvements, the Applicant will provide funds for the construction of that section to Fairfax County. The said funds shall be based upon an estimate from the Applicant's Civil Engineer of funds necessary to complete the said improvements as agreed to by Fairfax County.

d) In the event the improvements and the following further criteria as listed in subparagraphs a, b, and c are constructed by others, Applicant shall provide the monetary equivalent as determined by independent appraisers selected and hired by the Applicant and approved by Fairfax County.

e) In the event Fairfax County relieves the applicant of the obligations to provide off-site road improvements on Lee Highway as enumerated above (except for Porter Road) the applicant shall contribute a cash sum in the amount of Seven Hundred Fifty Thousand and no/100 Dollars (\$750,000.00) to Fairfax County to be applied towards transportation improvements that affect the Merrifield area.

The above-referenced improvements and the following further criteria shall be subject to the approval of VDOT and the Fairfax Office of Transportation. All off-site improvements will utilize 11 foot wide travel lanes for all travel lanes from the center line to the face of curb. All proposed off-site turn lanes shall be a maximum of 200 feet in length with a 50 foot transitional taper. Applicant anticipates County assistance - for example, unless inconsistent with County policy, advanced density credits to the grantor to reduce the expense of acquiring necessary off-site rights of way - in taking measures to minimize off-site acquisition costs.

11. Height of the buildings shall be in accordance with the building heights as shown on the FDP. Specifically, the maximum height to the parapet wall of the parking structure for Building "B" along the eastern property line shall be approximately forty feet (40') in height above the grade of the property line closest to the southeast corner of the parking structure. No portion of the structure that exceeds forty feet (40') in height shall be visible from a point five feet above grade at the building shown on the FDP as the northern most building of Merrifield Village Apartments. The maximum height of the parapet wall of the parking structure to Building "C" along the eastern property line shall be approximately forty feet (40') above the average grade at the

property line along the length of the said parking structure. No portion of this structure that exceeds forty feet (40') in height shall be visible from a point five feet above grade at the buildings in Merrifield Village Apartments located on the eastern side of Pleasantdale Road.

12. With regard to the office buildings, Applicant and/or assigns proffers, in order to achieve a maximum interior noise level of 50 dBA Ldn within that area impacted by highway noise from I-66, having levels between 70 and 75 dBA Ldn, buildings shall have the following acoustical attributes:

- a) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
- b) Windows shall have an STC rating of at least 28. If windows function as the walls, then they shall have the STC rating specifications for exterior walls.
- c) Adequate sealing measures and caulking between surfaces shall be provided.

With regard to the residential buildings, Applicant and/or assigns proffers, in order to achieve a maximum interior noise level of 45 dBA Ldn within that area impacted by highway noise from Gallows Road, having levels in excess of 65 dBA Ldn, shall have the following acoustical attributes:

- a) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
- b) Windows shall have an laboratory STC rating of at least 28. If windows function as the walls, then they shall have the STC rating specifications for exterior walls.
- c) Adequate sealing measures and caulking between surfaces shall be provided.

13. Residential units shall be constructed using material and techniques which merit recognition for the Northern Virginia Builders Energy Savers award program.

14. Applicant shall provide the following facade treatments for the buildings proposed on the subject site:

- a) Offices building facades shall consist of construction materials consistent with the following: brick, pre-cast concrete, stone, and glass. Entries will be substantially in compliance with details submitted in the FDP graphics.

b) Residential building facades shall consist of construction materials consistent with architectural stucco (example: dry-vit), brick, and glass. First and second floors of exterior facades shall be architecturally detailed consistent with FDP graphics. Roofs shall be peaked in a residential style. Balconies and ground floor patios shall be provided.

c) Parking structure facades facing Gallows Road shall have architectural treatment compatible with adjacent office buildings (materials, color, and finish). All parking structure facades shall be architecturally treated to include building materials consisting of pre-cast concrete, brick, architecturally treated concrete, and architectural rail systems. Parking structure landscaping shall be designed consistent with landscaping guidelines adopted by Fairfax County.

15. A parking reduction plan in accordance with Section 11-102 of the Fairfax Zoning Ordinance has been proposed in recognition of the subject site's proximity to the Dunn Loring Metro Station. In the event the reduced parking plan is not approved, Applicant shall provide parking consistent with Fairfax County Zoning Ordinance within areas depicted in the FDP.

16. Applicant will construct a six foot barrier around the swimming pool in order to screen noise and visual impacts from the swimming pool to the properties located to the east. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m. Membership shall be limited to residents of the residential buildings and tenants of the office buildings.

17. Facade materials for the office buildings shall be architecturally compatible with the residential buildings. Roofs and penthouses of the office buildings will be architecturally treated (e.g. cornice treatments, sloping roofs, setbacks and parapets, etc.). If deemed necessary by DEM, the Planning Commission will review architectural materials at the time of site plan submission to determine architectural compatibility.

18. The Applicant shall honor the limits of clearing and grading as shown on the landscape plan.

19. Phasing - Applicant shall not obtain building permits for its third office building until construction has commenced on two (2) of the residential buildings. Commencement of construction shall be defined as structure in place with two (2) levels above grade.

20. Pursuant to Article 6 of the Zoning Ordinance, Applicant agrees to expend at least \$300 per unit for developed recreational amenities on site, including the cost of a

swimming pool complex, the common area room for the residents, and community center, if acceptable under the Zoning Ordinance.

21. The Applicant shall replace the existing eight inch sanitary sewer line with a 15 inch sewer line underneath I-495 concurrent with the construction of either the first office or residential building. No rups or non-rups shall be issued for either an office or residential building prior to the completion by the Applicant and acceptance of the sanitary sewer by Fairfax County. Applicant shall request DEM to establish a cost reimbursement program for any off-site sanitary sewer line improvements constructed by Applicant. The Applicant also agrees to pay any reimbursement fees for existing improvements of other sewer lines serving this project.

22. In addition to the transitional landscape screening as shown on the Final Development Plan, the Applicant will plant off-site a double row of staggered pines (or similar evergreens), an average of 6 feet in height, between Keystone Lane and the subject property along the eastern property line; and also between the Merrifield Village Apartments' buildings and the subject property along the southern property line. This proffer is subject to agreement to access by the owners of the Merrifield Village Apartments at no charge to the Applicant. Maintenance of the plant materials on the Merrifield Village Apartments' property shall be the responsibility of the Merrifield Village Apartments' owners.

23. The rear elevation of the residential buildings adjacent to the Merrifield Village Apartments shall be consistent in building materials and design with the front elevations of the said buildings. Provided, however, that specific design details may vary.

24. The Applicant shall provide public ingress and egress easements for all internal streets.

25. The Applicant shall take reasonable steps (including standard parking lot security measures and towing) to preclude long term parking by users of metro in parking areas on site necessary for use of the office, retail, and residential uses on the subject property.

26. The Applicant shall review its reduced parking application with the owners of the Merrifield Village Apartments or their appointed representatives.

27. Immediately upon completion of buildings C and D, the Applicant shall provide on-site pedestrian access from the east between buildings C and D. Immediately upon completion of the second phase of building E, the Applicant shall

provide pedestrian access from the east through the opening between buildings designated E on the FDP if previously requested by Merrifield Village Apartments' owners.

28. The Applicant shall enclose any trash containers behind buildings D and E with screen fencing or walls and to provide landscaping and a six foot high screen wall to screen loading areas along the southern and eastern property lines.

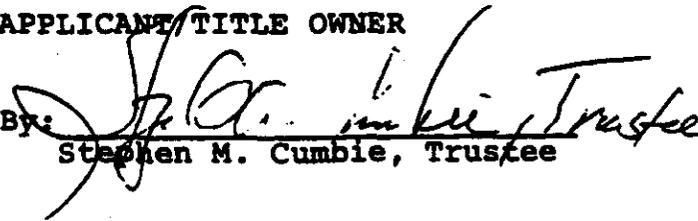
29. The Applicant will direct parking deck lighting along the eastern property line downward to minimize the impact of lighting on the adjacent residential apartment community.

30. The Applicant shall take necessary measures to assure security and prevent trespass during construction of the project.

31. If final costs of proffers numbered 2, 6, 7, 10, and 21 are less than three million dollars (\$3,000,000.00), the Applicant will escrow with Fairfax County, the difference, as determined by Fairfax County, between such final costs and \$3,000,000.00, for the design and/or construction of a grade separated interchange at the intersection of Gallows Road and Lee Highway. This payment will be made (a) upon completion and acceptance of the improvements required by the enumerated proffers (if constructed by Applicant) and payment of all sums required by those proffers to be paid to Fairfax County in escrow or otherwise, or (b) upon the issuance of non-rups for the third office building, whichever is earlier. Notwithstanding the foregoing, the Applicant shall provide the appropriate credit for the controller box and traffic signal poles located at Prosperity and Gallows Road and provided by others.

If the construction of the third office building does not start within 42 months after the completion and initial occupancy of the second office building, any of the \$3,000,000.00 not escrowed and not reconciled with Fairfax County will escalate at a rate established as the C.C.I. in Engineering News Record.

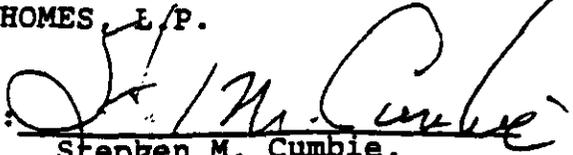
APPLICANT/TITLE OWNER

By:  Trustee  
Stephen M. Cumbie, Trustee

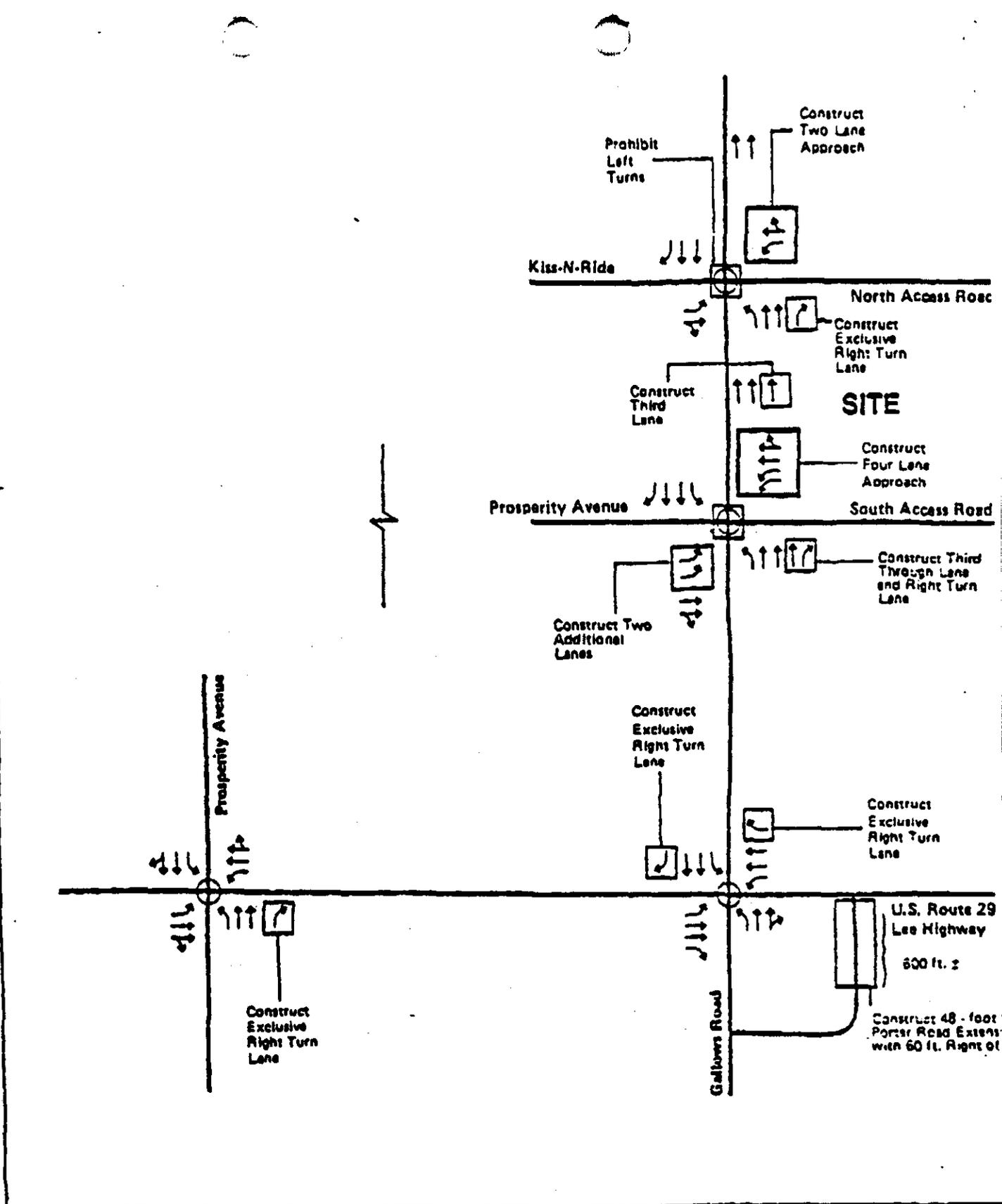
CONTRACT PURCHASER

NVHOMES, L.P.

By:

  
Stephen M. Cumbie,  
Director of NVCompanies,  
Inc. as General Partner of  
NVHomes II, L.P., General  
Partner of NVRyan, L.P.,  
General Partner of NVHomes  
Holding, L.P., General  
Partner of NVHomes, L.P.

RZ 84-P-129:DFTW01



METRO PLACE AT DUNN LORING  
FAIRFAX COUNTY, VIRGINIA

BARTON-ASCKMAN ASSOCIATES  
WASHINGTON

-  Proposed Improvement
-  Lane Use
-  Proposed Traffic Signal
-  Existing Traffic Signal

**PROPOSED ROADWAY IMPROVEMENTS**

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

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

**SUBJECT:** Comprehensive Plan Land Use Analysis for:  
Case No. PCA 84-P-129-5 concurrent with FDPA 84-P-129-4  
Jade Dunn Loring Metro, L.L.C.

**DATE:** 28 October 1998

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the application and the development plan dated October, 1998. This application requests a proffered condition amendment and a final development plan to change the unit type mix of the proposed development. Approval of this application would result in a floor area ratio (F.A.R.) 1.30. 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 presently vacant, planned for mixed use and zoned PDC and PDH-40. To the north is located office development which is planned for mixed use and zoned PDC. To the east and south are located multifamily residential developments which are planned for residential use at 16-20 dwelling units per acre and zoned R-20. To the west is located multifamily residential development which is planned for mixed use (zoned PDH-40) and commercial property which is planned for mixed use and zoned R-1.

**COMPREHENSIVE PLAN CITATIONS AND ANALYSIS:**

The 6.84-acre property is located in the Dunn Loring Transit Station Area of the Jefferson Planning District in Area I. The Comprehensive Plan text and/or map provides the following guidance on land use and intensity for the property:

**Text:**

On page 214 of the 1991 edition of the Area I Plan as amended through June 26,

1995, under the heading "Tract B," the Plan states:

"Tract B includes the Belleforest neighborhood and adjacent underdeveloped parcels to the south along Gallows Road. The tract is surrounded by I-495, I-66, Gallows Road and the Merrifield Village Apartments, and lies directly across Gallows Road from the Metro station complex. This tract is recommended for mixed-use with a maximum FAR (for all uses, including residential) of 1.4. The level of commercial development should not exceed one-half of the total gross floor area for the entire mixed-use development. Appropriate retail and service uses designed to serve the development on this tract should be encouraged, and retail floor area should be treated as one-half of commercial for purposes of determining the allowable commercial square footage. To be considered for the maximum level of development, the following site specific conditions must be met along with the 15 general development criteria:

- A transition downward of development heights adjacent to the Merrifield Village Apartments should occur as a means to reduce the physical impact of Tract B development on the existing apartment complex. This transition should be in addition to the maintenance of the existing 100 foot buffer located in Tract C;
- Street level activity zones should be provided and include retail activities, abundant landscaping and pedestrian amenities;
- Adequate pedestrian connections between the station and residential communities east and south of Tract B should be provided through the new development. This should include adequate pedestrian access across Gallows Road which is well designed for safety and aesthetics;
- Development on parcels facing Gallows Road should provide for rights-of-way."

**Map:**

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

**Analysis:**

The application and development plan propose a mixed use development at 1.30 FAR of which 38% is commercial development and 62% is residential development which is in conformance with the use and intensity/density recommendations of the

Comprehensive Plan.

The Comprehensive Plan also provides the following text that establishes guidelines for evaluating the development proposal:

**Text:**

On pages 207 through 214 of the 1991 edition of the Area I Plan as amended through June 26, 1995, under the heading "Land Use Plan for the Transit Development Area," the Plan states:

" The following 15 development criteria apply to all sites in the Transit Development Area:

1. Development applications within the Transit Development Area should be accompanied by a development study report which describes the impacts of the proposed development and demonstrates the proposal's conformance with the Comprehensive Plan and adopted Board of Supervisors policies."

**Analysis:**

The applicant has provided adequate information to address the impacts of the proposed development as well as the proposal's response to the recommendations of the Comprehensive Plan.

**Text:**

- "2. Development in accordance with the Urban Design Concept Plan for the Transit Development Area as illustrated in Figures 112, 113, 114 and 115."

**Analysis:**

The development plan responds to the conceptual land use plan, height limits, pedestrian circulation, as well as open space and landscape buffer development criteria.

**Text:**

- "3. Proffer of a development plan that provides exceptional quality site and architectural design, streetscaping, urban design and development amenities. The applicant will submit an urban design plan which achieves superior design quality."

**Analysis:**

The development plan has satisfied these development criteria.

**Text:**

"4. Substantial land consolidation and/or coordination of development plans with adjacent development to achieve Comprehensive Plan objectives..."

**Analysis:**

The applicant has consolidated the appropriate parcels for this development.

**Text:**

"7. Provision of design, siting, style, scale and materials compatible with adjacent development and the surrounding community, and which serves to maintain and/or enhance the stability of existing neighborhoods..."

**Analysis:**

The development plan proposes mixed use development which is compatible with the surrounding development.

**Text:**

"9. Orientation of development toward the Metro station."

**Analysis:**

The development plan proposes development oriented toward the Metro Station.

**Text:**

"10. Creation of a pedestrian oriented environment recognizing the need for interparcel connection, access to the Metro Station, and pedestrian circulation."

**Analysis:**

The development plan provides a pedestrian oriented environment integrated with the surrounding development.

**Text:**

"11. Inclusion of energy conservation features."

**Analysis:**

The applicant has addressed this development criterion.

**Text:**

- "12. Inclusion of affordable housing in residential projects or projects with residential components that will serve the needs of the County's population. Housing development should only be approved for the maximum level of development if dwelling units are provided for low- and moderate-income households and in accordance with County policy. Development proposals must be reviewed by the Department of Housing and Community Development."

**Analysis:**

The applicant has provided for affordable housing.

**Text:**

- "13. Provision of structured parking (above or below grade) and underground parking may be necessary to serve the overall urban design and pedestrian oriented environment called for in the Transit Development Area. If surface parking is permitted, it should provide the highest level of screening at the street level. Parking lot(s) should also provide the highest level of interior screening and landscaping. Screening should be adequate to reduce glare into residential neighborhoods..."

**Analysis:**

The development plan satisfies this development criterion.

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 84-P-129)

**SUBJECT:** Transportation Impact

**REFERENCE:** PCA 84-P-129-05/FDPA 84-P-129-04;  
Jade Dunn Loring Metro L.L.C.  
Land Identification Map: 49-2 ((37)) c, E & F1

**DATE:** November 25, 1998

RECEIVED  
DEPARTMENT OF PLANNING AND ZONING  
DEC 1 1998  
ZONING EVALUATION DIVISION

Transmitted herewith are the comments of the Department of Transportation on the referenced application. These comments are based on plans made available to this department dated November 9, 1998.

The proposed application is a request to alter the layout and revise the dwelling types for Parcels C and E, and to make minor adjustments to the site design for Parcel F1. This department identified several transportation issues in initial conversations with the applicant, however, with the latest revision to the development plan, all transportation issues have been addressed.

NOTE: All previous commitments for transportation associated with PCA 84-P-129-4 should be carried forward.

AKR:eg

cc: Michelle Brickner, Deputy Director, Design Review Division, Department of Public Works and Environmental Services



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

3975 FAIR RIDGE DRIVE  
FAIRFAX, VA 22033  
(703) 383-VDOT (8368)

DAVID R. GEHR  
COMMISSIONER

THOMAS F. FARLEY  
DISTRICT ADMINISTRATOR

September 17, 1998

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING

SEP 21 1998

ZONING EVALUATION DIVISION

Ms. Barbara A. Byron  
Director of Zoning Evaluation  
Office of Comprehensive Planning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5511

Re: PCA/FDPA 84-P-129-4, Metro Place  
Tax Map No.: 049-2 /37/ / -C E F1

Dear Ms. Byron,

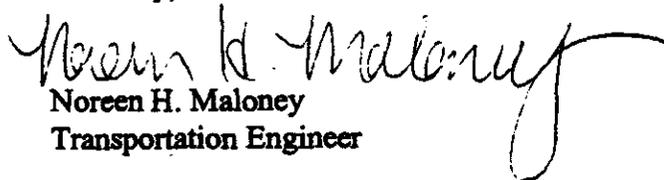
This office has reviewed the final development plan amendment relative to the above-mentioned applications.

The applications have been filed to alter the layout and revise the dwelling types for Parcels C and E, and to make minor adjustments to the site design for Parcel F1.

All previously approved transportation proffers should be carried forward with this application. The associated proffers were approved on February 26, 1997. Proffer 10. A)-E).

If you should require any additional information please do not hesitate to contact this office.

Sincerely,

  
Noreen H. Maloney  
Transportation Engineer

cc: Mr. Shiva K. Pant

APPENDIX 7

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

RECEIVED  
DEPARTMENT OF PLANNING AND ZONING  
OCT 28 1998  
ZONING EVALUATION DIVISION

**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: PCA 84-P-129-05  
Jade Dunn Loring Metro, LLC                      FDPA 84-P-129-04

**DATE:** 28 October 1998

This application for a Proffered Condition Amendment and Final Development Plan Amendment to alter the layout and revise the dwelling types for Parcels C and E and to make minor adjustments to the site design for Parcel F1 is not expected to have significant environmental consequences.

BGD:MAW

## FAIRFAX COUNTY, VIRGINIA

## MEMORANDUM

**TO:** Staff Coordinator  
Zoning Evaluation Division  
Office of Comprehensive Planning

**DATE:** September 18, 1998

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

**SUBJECT:** Development Plan Analysis

**REF:** Application No. PCA 84-P-129-05 / FDPA 84-P-129-04  
Tax Map No. 049-2- /01/ / -C E F1

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING

SEP 22 1998

ZONING EVALUATION DIVISION

Adequate sanitary sewer service is available at the site from existing 8-inch sanitary sewer lines located in Tower Drive, and in an easement 40 feet from the property.

**FAIRFAX COUNTY WATER AUTHORITY**

8560 Arlington Boulevard - P. O. Box 1500  
Merrifield, Virginia 22116-0815  
(703) 698-5600

August 26, 1998

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING

AUG 31 1998

**MEMORANDUM**

**TO:** Staff Coordinator (Tel. 324-1250)  
Zoning Evaluation Division-Suite 800  
12055 Government Center Parkway  
Fairfax, VA 22035-5505

ZONING EVALUATION DIVISION

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

**SUBJECT:** Water Service Analysis, Rezoning Application PCA 84-P-129-05  
FDPA 84-P-129-04

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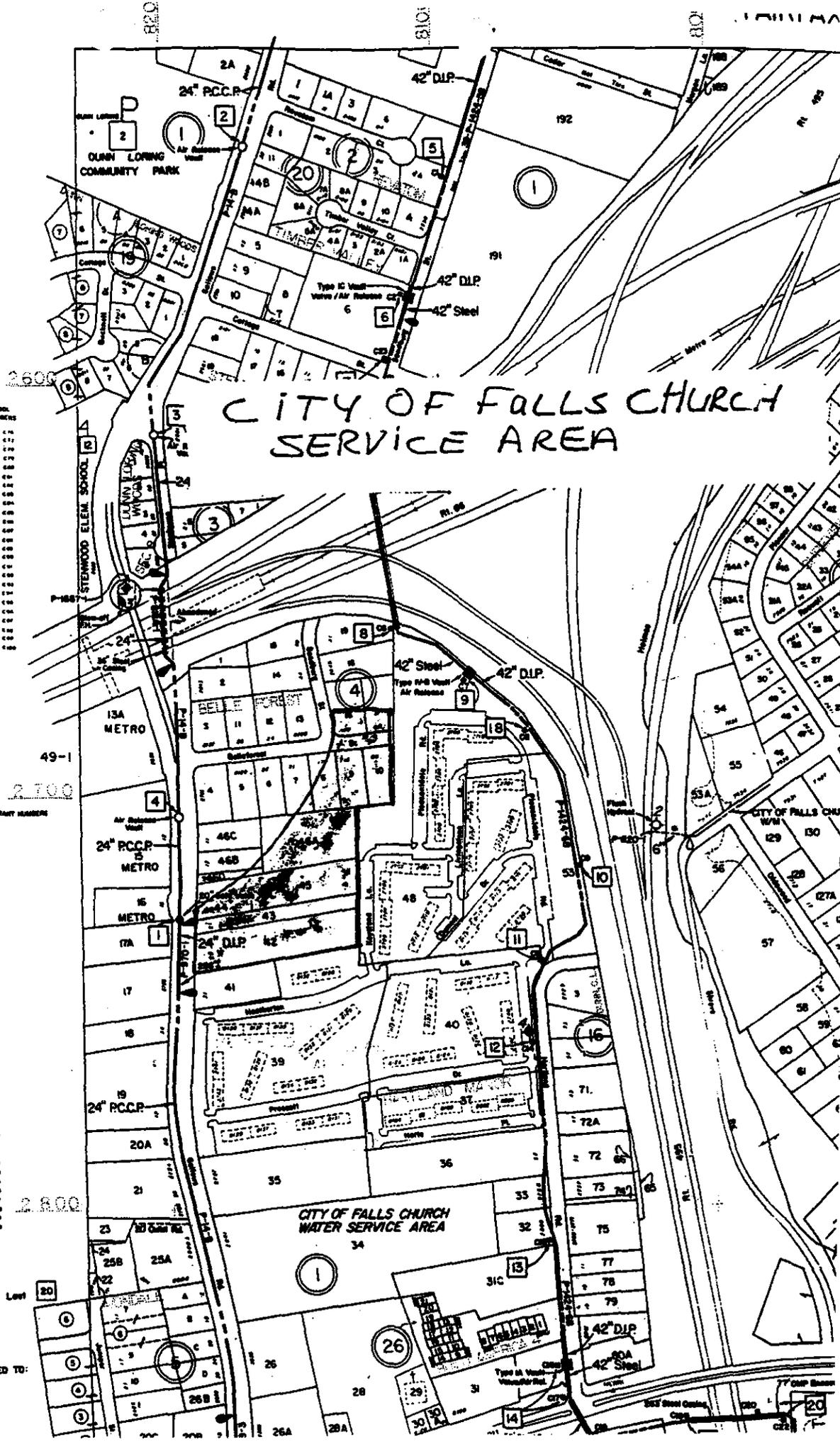
The following information is submitted in response to your request for a water service analysis for the subject rezoning application:

1. The application property is not located within the franchise area of the Fairfax County Water Authority.
2. Water service is not available from FCWA.
3. Other pertinent information or comments:

City of Falls Church water service area. See enclosed map.

  
Steven A. Weisberger, P.E.  
Manger, Planning

Attachment



CONCRETE CURB  
TEST STATION NUMBERS

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# CITY OF FALLS CHURCH SERVICE AREA

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FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

August 24, 1998

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING

AUG 25 1998

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

ZONING EVALUATION DIVISION

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

**SUBJECT:** Fire and Rescue Department Preliminary Analysis of Proffered Condition amendment PCA 84-P-129-05 and Final Development Plan amendment FDPA 84-P-129-04

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 #30, Merrifield.
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; however, a station location study is currently underway, which may impact this rezoning positively.

TO: Barbara A. Byron, Division Director  
 Zoning Evaluation Branch (JCP)  
 10255 Govt. Center Parkway, Suite 801

Date: 12/1/98  
 Map: 49-2

FROM: Facilities Planning (246-3609)

Acres: 17.86 PU# 3912

From: To: PHD-40  
 PDC

SUBJECT: Schools Analysis, Rezoning Application

Case PCA- 84-P-129-05  
 FDPA -84-P-129-05

The following information is submitted in response to your request for a school analysis for the referenced rezoning application.

A comparison of estimated student generation between the proposed development plan and that possible under existing zoning area are as follows:

| School Level | Unit Type | Proposed Zoning |       | Students | Unit Type | Existing Zoning |       | Students | Rezoning Increase/Decrease | Total School Impact |
|--------------|-----------|-----------------|-------|----------|-----------|-----------------|-------|----------|----------------------------|---------------------|
|              |           | Units           | Ratio |          |           | Units           | Ratio |          |                            |                     |
| Elem. (K-6)  | GA        | 397 x           | .169  | 67       | x         |                 |       |          |                            | 67                  |
| Inter. (7-8) | GA        | 397 x           | .036  | 14       | x         |                 |       |          |                            | 14                  |
| High (9-12)  | GA        | 397 x           | .075  | 30       | x         |                 |       |          |                            | 30                  |

\* Schools which serve this property, their current total membership, net operating capacity, and their projections for the next five years are as follows:

| School Name And Number | Grade Level | 9/30/97 Capacity | 9/30/97 Membership | Projected Membership |       |       |       |       |
|------------------------|-------------|------------------|--------------------|----------------------|-------|-------|-------|-------|
|                        |             |                  |                    | 98-99                | 99-00 | 00-01 | 01-02 | 02-03 |
| Shreveewood 3083       | K-6         | 599              | 404                | 415                  | 419   | 430   | 448   | 439   |
| Kilmer 3071            | 7-8         | 850              | 630                | 621                  | 617   | 661   | 689   | 741   |
| Marshall 3070          | 9-12        | 1700             | 1115               | 1130                 | 1156  | 1112  | 1129  | 1160  |

Source: Capital Improvement Program, FY 1999-2003 Facilities Planning Services Office

Note: Five-year projections are those currently available and will be updated yearly. School attendance areas subject to yearly review. The effect of the rezoning application does not consider the existence or status of other applications.

Comments:

MEMORANDUM

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

DATE: 10-22-98

FROM: John W. Koenig, Director *JWK*  
Utilities Planning and Design Division  
Department of Public Works & Environmental Services

SUBJECT: Rezoning Application Review

Name of Applicant/Application: Jade Dunn Loring Metro, LLC

Application Number: 84-P-129-05      84-P-129-04

Type of Application:    PCA                      FDPA

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

Date Received in UP&DD: August 24, 1998

Date Due Back to OCP: September 17, 1998

Site Information:            Location                      - Tax Map: 49-2((37))C, E & F1  
                                  Area of Site                    - 6.84 acres  
                                  Zoned                            - PDC, PDH-40  
                                  Watershed/Segment        - Accotink Creek / Long Branch

UP&DD Information:

I. Drainage:

- UP&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): AC311 - Channel stabilization is proposed approximately 1 1/2 miles downstream of site.
- UP&DD Ongoing County Drainage Projects: None.
- Other Drainage Information: None.

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OCT 26 1998  
ZONING EVALUATION DIVISION

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 UP&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:

Other Program Information: **None.**

RE: Rezoning Application Review

Application Name/Number: Jade Dunn Loring Metro, LLC / PCA 84-O-129-05 & FDPA 84-P-129-04

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

Note: The UP&DD recommendations are based on the UP&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 UP&DD recommendations are to be considered additional measures over and above the minimum current regulations.

**DRAINAGE RECOMMENDATIONS: Underground detention is restricted in residential areas as specified in the Public Facilities Manual (6-0303.8).**

**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 UP&DD PROJECT/PROGRAM RECOMMENDATIONS: None.**

UP&DD Internal sign-off by: Planning Support Branch (Ahmed Rayyan) AIR  
Utilities Design Branch (Walt Wozniak) JAC for WTW  
Transportation Design Branch (Larry Ichter) LLI  
Stormwater Management Branch (Fred Rose) FR

JWK/pc84p129.wpd

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



MEMORANDUM

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

DATE: September 4, 1998

FROM: Lynn Tadlock, Director *L. Tadlock for*  
Planning and Development Division

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING

SUBJECT: PCA 84-P-129-05/FDPA 84-P-129-04  
Metro Place at Dunn Loring  
Parcels C, E, & F1  
Loc: 49-2((37))C,E,F1

OCT 1 1998

ZONING EVALUATION DIVISION

The Fairfax County Park Authority (FCPA) staff has reviewed the above referenced application and provides the following comments.

Recommendation

Provide the proportional cost of \$225,400 to the Fairfax County Park Authority to acquire/develop/maintain park and recreation facilities in a nearby park to serve the residents of this development.

Background

The revised development plan for Metro Place at Dunn Loring will construct 184 multi-family and 52 single family attached units at the site in addition to the built units. This will add 491 residents to the current population of Providence District. The plan shows a community center and application states a swimming pool and club house will be provided at the site as recreational amenities. The residents of this development will need several other outdoor recreational facilities. There is a great deficiency of athletic fields and other outdoor facilities in the area. This deficiency is worsening gradually, with the development of new residential neighborhoods. The proportional development cost, to provide the outdoor recreational amenities for the residents of this development, is \$225,400.

Comprehensive Plan

*The Comprehensive Plan for Fairfax County, Virginia, Area II, Vienna Planning District, District-Wide Recommendations, Page 341, states: "Additional Community Parks developed with active recreation facilities are needed in the eastern and southern sectors planned for higher density developments in the vicinity of Tysons Corner, Vienna Transit Station Area, and the Merrifield/Dunn Loring area."*

Barbara Byron  
PCA 84-P-129-05/FDPA 84-P-129-04  
Metro Place at Dunn Loring  
Parcels C, E, & F1  
September 4, 1998  
Page 2

*The Comprehensive Plan for Fairfax County, Virginia, Area II, Vienna Planning District, Sector V2 Cedar Community Planning Sector, Park and Recreation Recommendations, page 369, states:* "Identify a Community Park site between Tysons Urban Center and Dunn Loring Metro Station with access to W&OD Trail for development of active recreation facilities. Once a site is identified, land dedication should be provided singularly or in combination with other development or purchase by County."

*The Comprehensive Plan for Fairfax County, Virginia, Policy Plan, Parks and Recreation, Objective 4, Policy a, Page 164, states:* "Provide neighborhood park facilities on private open space in quantity and design consistent with County standards; or at the option of the County, contribute a pro-rata share to establish neighborhood park facilities in the vicinity;...."

*The Comprehensive Plan for Fairfax County, Virginia, Policy Plan, Parks and Recreation, Objective 4, Policy b, Page 164, states:* "Mitigate the cumulative impacts of development which exacerbate or create deficiencies of Community Park facilities in the vicinity. The extent of facilities, land or contributions to be provided shall be in general accordance with the proportional impact on identified facility needs as determined by adopted County standards. Implement this policy through application of the Criteria for Assignment of Appropriate Development Intensity."

cc: Doug Petersen, Planning and Development, FCPA  
Dorothea L. Stefen, Plan Review Case Manager, FCPA  
Gail Croke, Planning and Development, FCPA  
Mubarika Shah, Plan Review Team, FCPA

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

