



APPLICATION ACCEPTED: July 14, 2011  
PLANNING COMMISSION: October 13, 2011  
BOARD OF SUPERVISORS: Not Yet Scheduled

## County of Fairfax, Virginia

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September 29, 2011

### STAFF REPORT

APPLICATION RZ 2011-LE-020

#### LEE DISTRICT

**APPLICANT(S):** Bell Group General Partnership

**PRESENT ZONING:** I-I

**REQUESTED ZONING:** I-4

**PARCEL(S):** 81-2 ((3)) 26A and 28

**ACREAGE:** 1.22 acres

**INTENSITY:** 0.13 FAR

**OPEN SPACE:** 39%

**PLAN MAP:** Alternative Uses

**PROPOSAL:** The applicant seeks to rezone 1.22 acres from the I-I District to the I-4 District to permit a contractor's office at an intensity of 0.13 FAR.

#### STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2011-LE-020, subject to the execution of proffers consistent with those contained in Appendix 1.

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.

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St. Clair Williams

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



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

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

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

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Rezoning Application

## RZ 2011-LE-020

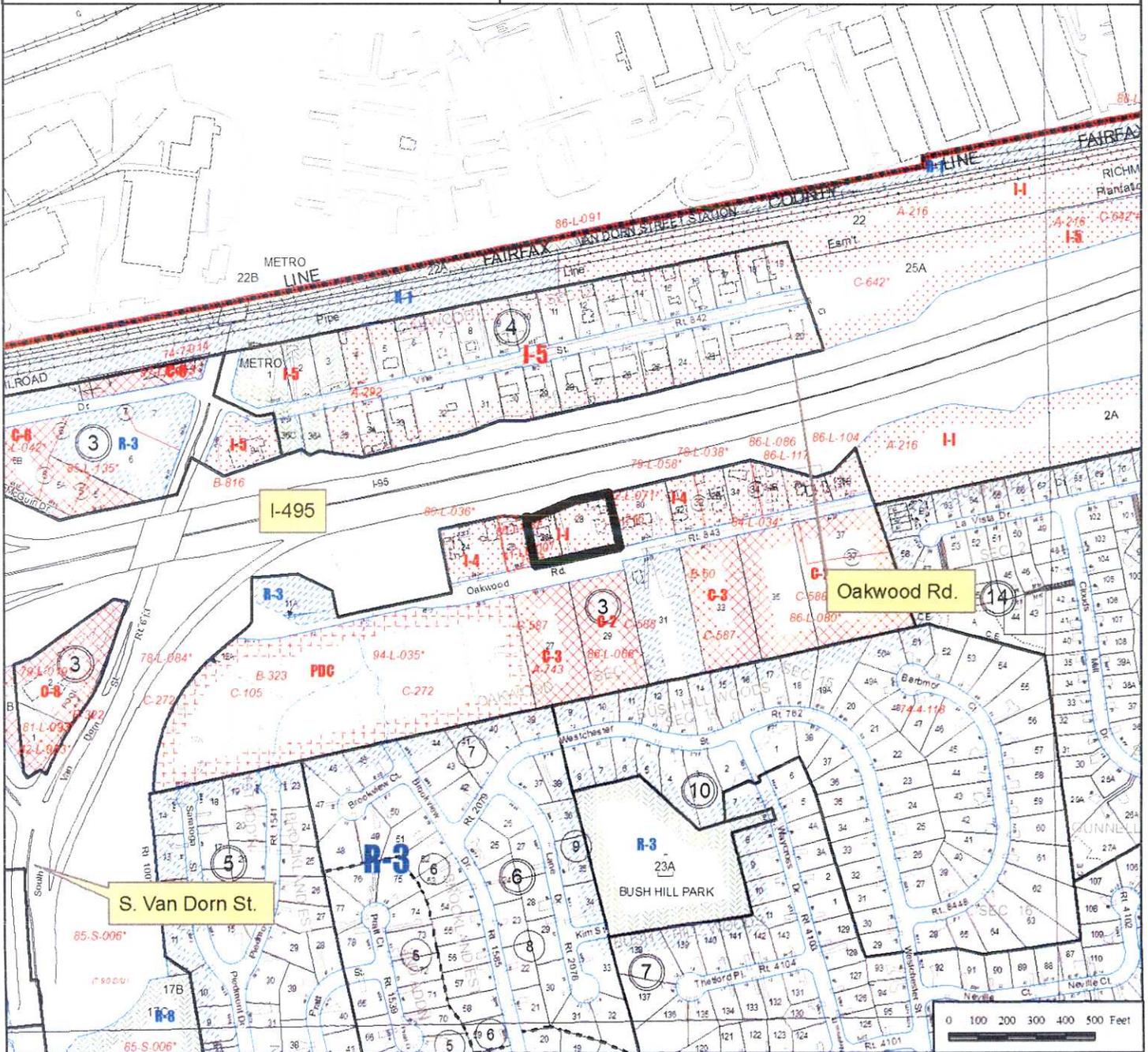


Applicant: BELL GROUP GENERAL PARTNERSHIP  
 Accepted: 07/14/2011  
 Proposed: INDUSTRIAL  
 Area: 1.22 AC OF LAND; DISTRICT - LEE

Located: NORTH SIDE OAKWOOD ROAD AND SOUTH OF CAPITAL BELTWAY I-95

Zoning: FROM I- 1 TO I- 4

Map Ref Num: 081-2- /03/ /0026A /03/ /0028



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

**DESCRIPTION OF THE APPLICATION**

The applicant, Bell Group General Partnership, has filed rezoning application RZ 2011-LE-020 on Tax Map Parcel 81-2 ((3)) 26A and 81-2 ((3)) 28 to rezone a 1.22 acres site from the Industrial Institutional (I-I) District to the Medium Intensity Industrial (I-4) District to bring the existing Contractor's Office into zoning compliance. The proposed intensity under this rezoning application is 0.13 FAR with approximately 58% open space provided.

**LOCATION AND CHARACTER**

The subject parcels are located on the north side of Oakwood Road, east of the intersection of Oakwood Road and South Van Dorn Street. The site is currently developed with two existing buildings built in 1941 (lot 28) and 1948 (lot 26A), along with three sheds and associated parking. The site is bounded to the north by the Capital Beltway (I-495), to the south by vacant land zoned C-3, and the west and east by industrial uses zoned I-I and I-4 respectively. The adjacent property to the west is subject of a pending rezoning application (RZ 2011-LE-007), which has been filed to rezone that site from the I-I District to the I-4 District for the same purpose.



On January 5, 2011 a notice of violation was served to the owner of parcel 28 following an inspection of the site which revealed that contractor's offices were operating on the site, a use not permitted in the I-I District. A notice of violation was also issued for lot 26 to the west of the application property. As a result the owners of the subject properties, as well as the owner of lot 26 (RZ 2011-LE-007), have submitted rezoning applications to seek approval to allow the existing uses to remain.



SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Industrial	I-5	Industrial
	R-O-W (I-95)		
South	Vacant	C-3	Office
East	Contractor's office	I-4	Office
West*	Contractor's office	I-1	Office

\*The adjacent property to the west is subject to RZ 2011-LE-007, requesting to rezone from I-1 to I-4, which is currently under review by County staff.

**BACKGROUND**

One residential dwelling was constructed on parcel 26A in 1941.

One residential dwelling was constructed on parcel 28 in 1948.

The residential dwellings on both parcels were constructed prior to the adoption of the first Fairfax County Zoning Ordinance, which was adopted in.

In 1958 a portion of the property was taken (condemned) by the Commonwealth of Virginia for the construction of the Capital Beltway (I-495).

The residential dwellings constructed on the subject parcels were eventually converted into commercial offices, however, no building permits were approved and no Non-Residential Use Permits (Non-RUP) were issued for the commercial structures and uses on the parcels.

On January 5, 2011, a notice of violation was served to the owner of parcel 28 following an inspection of the site which revealed that a contractor's office was operating on the site, a use that is not permitted in the I-I District.

No previous zoning applications have been filed for the subject property.

## COMPREHENSIVE PLAN PROVISIONS

**Plan Area:** IV  
**Planning District:** Rose Hill Planning District  
**Planning Sector:** Van Dorn Transit Station Area, Land Unit D  
**Plan Map:** Alternative Uses  
**Plan Text:**

Page 21 of the Fairfax County Comprehensive Plan, 2011 Edition, Rose Hill Planning District, Van Dorn Transit Station Area, Land Unit D, as amended through March 9, 2010, states:

### ***Land Unit D***

*Traffic capacity in Land Unit D is limited, thus constraining the extent and character of development until suitable road improvements are made. Until this limitation is resolved, parcels in this land unit should continue in their current uses. Infill development of low intensity industrial or office uses up to .25 FAR on the north side of Oakwood Road, and office use up to .50 FAR on the south side is planned.*

## ANALYSIS

### General Development Plan (Copy at front of staff report)

**Title of Plan:** 5512 and 5516 Oakwood Road

**Prepared By:** Smith Engineering

**Original and Revision Dates:** May 3, 2011, as revised through September 12, 2011.

The General Development Plan (GDP) consists of three sheets, with sheet one containing the general notes, site tabulations, vicinity map, and soils map. Sheet two contains the site layout and Sheet 3 contains the existing vegetation map and the tree canopy and tree preservation calculations.

Site Layout: The application does not propose any new construction on the site. The layout depicts the existing structures on the subject parcels. Parcel 26A consists of a 1-story residential structure (20 feet in height) which has been converted into a commercial office and a shed 10 feet in height. Parcel 28 consists of a 1-story residential structure (20 feet in height) which has been converted into a commercial office and two sheds that are 10 feet in height. The existing vegetation is shown to remain along boundaries of the subject parcels and parking for 26 vehicles is depicted in the parking area for lot 26A and parking for 36 vehicles is depicted for lot 28. The applicant proposes to request a waiver of stormwater management and best management practices requirements for the site prior to building permit approval. If waived, the applicant will provide rain barrels on the building on the site, to capture the maximum amount of roof stormwater runoff.

### Land Use Analysis (Appendix 5)

The Comprehensive Plan recommends that parcels in this land unit should continue in their current uses or infill development of low intensity industrial (or offices uses up to 0.25 FAR should occur on the north side of Oakwood Road) due the limited capacity of the existing road network. The subject application proposes to retain its FAR of 0.13, with no proposed land disturbance, which is well below the intensity recommended in the Comprehensive Plan. Staff believes that the proposed use and intensity are in harmony with the Comprehensive Plan recommendation for the site.

**Transportation Analysis (Appendix 6)****Issue: Right-Of-Way Dedication**

Fairfax County Department of Transportation (FCDOT) staff reviewed the subject application and requested that the applicant dedicate 10 feet of right-of-way along the Oakwood Road frontage of the site in order to accommodate future Oakwood Road improvements.

**Resolution:**

The applicant has revised the GDP to depict a 10-foot wide area of dedication along the entire Oakwood Road frontage of the site. FCDOT staff has reviewed the revised GDP and determined that the dedication shown on the GDP is sufficient according to the Comprehensive Plan. Therefore, this issue has been addressed.

**Stormwater Management Analysis (Appendix 7)****Issue: Stormwater Management (SWM) and Best Management Practices (BMP) Facilities**

As previously noted, the applicant proposes to request a waiver of stormwater management and best management practices requirements for the site prior to site plan approval. If waived, the applicant has proffered to provide low impact development (LID) measures in the form of rain barrels on the buildings on the site, to capture the maximum amount of roof stormwater runoff from the site. DPWES staff has reviewed the application and noted that any waiver of on-site stormwater detention, to use the off-site VDOT pond would require 1) VDOT approval and 2) the demonstration of adequate outfall prior to site plan approval. If the applicant is unable to meet the conditions of such a waiver, a Proffered Condition Amendment (PCA) shall be required.

**Resolution:**

The final determination on any waiver of the stormwater detention and water quality requirements for the site will be made at the time of site plan review.

**Urban Forestry Analysis (Appendix 8)****Issue: Existing Vegetation Map and 10-Year Tree Canopy Calculations**

Urban Forest Management Division staff reviewed the subject application and noted that application did not include an Existing Vegetation Map (EVM) as required by Article 20 of the Zoning Ordinance and Section 12-0506 of the Public Facilities Manual (PFM). UFMD staffed also noted that the applicant failed to provide preliminary 10-year tree canopy calculations as required by the Zoning Ordinance.

**Resolution:**

The applicant submitted a revised GDP that includes an EVM as required, which accurately depicts the existing vegetation of the site and provides the 10-year tree canopy calculations for the subject site. UFMD staff has indicated that all of the issues raised have been addressed and the tree canopy requirements will be met.

**Public Facilities****Fairfax County Park Authority Analysis (Appendix 9)**

The Fairfax County Park Authority has reviewed the application and determined that it bears no adverse impact on land or resources of the Park Authority.

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

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #405, Franconia. The requested rezoning currently meets fire protection guidelines, as determined by the Information Technology Section of the Fire and Rescue Department, and the Fire Prevention Division.

**Fairfax County Water Authority Analysis (Appendix 11)**

The subject property is located within the Fairfax County Water Authority Service Area. Adequate domestic water service is available from an existing 6-inch water main located at the property.

**ZONING ORDINANCE PROVISIONS (Appendix 12)**

<b>I-4 District (Bulk Requirements)</b>		
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
<b>Max. Intensity</b>	0.50 FAR	0.13 FAR
<b>Min. Lot Area</b>	20,000 SF	16,561 SF* (lot 26A) 36,785 SF (lot 28)
<b>Lot Width</b>	100 feet	100 feet
<b>Min. Front Yard</b>	Controlled by 45° angle of bulk plane, but not less than 40 ft.	52.4 feet
<b>Min. Side Yard</b>	No Requirement	31.4 feet
<b>Min. Rear Yard</b>	No Requirement	44.91 feet
<b>Max. Building Height</b>	75 feet	20 ft.
<b>Open Space</b>	15%	39%
<b>Parking Spaces</b>	$3.6 / 1,000SF = 3.6 * 1.35 = 4.86$ = 5 spaces	26 spaces (existing – lot 26A) 36 spaces (existing – lot 28)
* The minimum lot size requirements may be waived by the Board in accordance with the provisions of Sect. 2-405.		

**OTHER ZONING ORDINANCE PROVISIONS**

**Sect. 2-405 Permitted Reduction in Lot Size Requirements for Certain Existing Lots**

This section of the Ordinance states if a lot was recorded prior to the effective date of this Ordinance, then such lot may be used for any use permitted in the zoning district in which it is located pursuant to building permit approval, even though the lot does not meet the minimum lot width requirement of that district, provided all other regulations of this Ordinance can be satisfied. The Ordinance further states that:

*This provision shall not apply to any such lot which, subsequent to the effective date of this Ordinance, is rezoned at the request of the owner or his agent or is subdivided by the owner or his agent, except for:*

- A. A subdivision resulting from a voluntary dedication by the owner or a condemnation or acquisition of a portion thereof for public purposes by any governmental agency;

As previously stated, the subject property was reduced in size in 1958 when a portion of the property was condemned by the Commonwealth of Virginia for the construction of the Capital Beltway. Therefore, this standard has been met.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff finds that the application is in harmony with the intent of the Comprehensive Plan and is in conformance with the Zoning Ordinance.

### **Staff Recommendations**

Staff recommends approval of RZ 2011-LE-020, subject to the execution of proffers consistent with those contained in Appendix 1.

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

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

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

## **APPENDICES**

1. Draft Proffers
2. Statement of Justification
3. Affidavit
4. Notice of Violation
5. Land Use Analysis
6. Transportation Analysis
7. Stormwater Management Analysis
8. Urban Forestry Analysis
9. Fairfax County Park Authority Analysis
10. Fire and Rescue Analysis
11. Fairfax Water Authority Analysis
12. Applicable Zoning Ordinance Provisions
13. Glossary of Terms

**PROFFERS****Bell Group General Partnership  
RZ 2011-LE-020****September 13, 2011**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this Rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 81-2((3))26A and Tax Map Reference No. 81-2((3)) 28 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said rezoning request for the I-4 District are granted by the Board of Supervisors of Fairfax County, Virginia (the "Board"). In the event said application requests are denied or the Board's approval is overturned by a court of competent jurisdiction, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board, in accordance with applicable County and State statutory procedures.

**GENERAL**

1. Substantial Conformance. Subject to the proffers and the provisions of Article 18 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, development of the Property shall be in substantial conformance with the Generalized Development Plan ("GDP"), prepared by Smith Engineering, and dated June 28, 2011 as revised through September 12, 2011.

2. Permitted Uses. Permitted Uses pursuant to Section 5-402 of the Zoning Ordinance shall be limited to: Contractor's Offices and Shops.

**TRANSPORTATION**

3. Dedication for Oakwood Road. Prior to the issuance of the first Non-Residential Use Permit (Non-RUP), the Applicant shall dedicate and convey in fee simple to the Board the right-of-way as generally shown on the GDP.

#### **STORMWATER MANAGEMENT**

4. Stormwater Management ("SWM") and Best Management Practices (BMP") Facilities. SWM and BMP facilities shall be provided on-site in accordance with the Public Facilities Manual unless waived. If waived, a rain barrel shall be strategically placed under all down spouts to capture the maximum amount of roof stormwater runoff at each building located on the Property.

5. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns. Each reference to "Applicant" in these proffers shall include and be binding upon the Applicant's successor(s) in interest and/or developer(s) of any portion of the Property.

6. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed shall be deemed an original document and all when taken together shall constitute but one and the same instrument.

Bell Group General Partnership  
Applicant/Title Owner of TM 81-2((3)) 28

By: \_\_\_\_\_  
Steven C. Bell, General Partner

**TITLE OWNERS/TM 81-2((3)) 26A**

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Chao Qiu Wu

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Cui May Nie

TRAMONTE, YEONAS & ROBERTS, P.C.  
ATTORNEYS AND COUNSELLORS AT LAW

8221 OLD COURTHOUSE ROAD, SUITE 300  
VIENNA, VIRGINIA 22182  
TELEPHONE: 703-734-4800  
FACSIMILE: 703-442-9532

April 11, 2011

RECEIVED  
Department of Planning & Zoning  
JUN 02 2011  
Zoning Evaluation Division

Barbara Berlin  
Department of Planning and Zoning  
12055 Government Cntr. Pkwy., Suite 801  
Fairfax, VA 22035

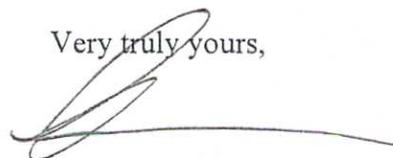
Re: Rezoning Application Requesting I-I to I-4 on Property Identified as Tax Map 81-2 ((3)) 26A and 28; Applicant: Bell Group General Partnership

Dear Ms. Berlin:

The following is submitted as a statement of justification for the above referenced rezoning application. The Applicant, Bell Group General Partnership, is the owner of Tax Map 81-2 ((3)) 28 and is leasing the parcel to MPS Industries for their industrial vacuuming and cable placement business, which is categorized in the Zoning Ordinance as a Contractor's Office and Shop. The next door neighbor, Chao Qiu Wu, the owner of Tax Map 81-2 ((3)) 26A, which is also Zoned I-I and is also currently being used as a Contractor's Office and Shop for his law mowing business. Such uses are not a Permitted Use nor a Special Exception use in the I-I District. This use is a Permitted Use in the I-4 District, which is the prevalent zoning district on the north side of Oakwood Street.

It is submitted that this rezoning request is in conformance with the recommendations of the Comprehensive Plan for the subject property. Both parcels are discussed in the Rose Hill Planning District, Van Dorn Transit Area, Land Chart D which recommends: "Parcels in this land unit should continue in their current uses. Infill development of low intensity industrial uses up to a .25 FAR on the north side of Oakwood Road...is planned." Contractor's Offices and Shops are a low intensity industrial use and the existing buildings are well below the maximum .25 FAR limit. It is requested that the parcels be rezoned to the I-4 District to bring both properties into compliance with the Zoning Ordinance and the Comprehensive Plan.

Very truly yours,



Keith C. Martin

Cc: Steven Bell

REZONING AFFIDAVIT

DATE: August 10, 2011  
 (enter date affidavit is notarized)

I, Keith C. Martin, Agent, do hereby state that I am an  
 (enter name of applicant or authorized agent)

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

1127856

in Application No.(s): RZ 2011-LE-020  
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Bell Group General Partnership	5504 Oakwood Rd. Alexandria, VA 22310	Applicant/Title Owner of TM 81-2 ((3)) 28; Agent for Owner of TM 81-2 ((3)) 26A
Steven C. Bell	(same)	Agent
Tramonte, Yeonas, Roberts & Associates, PLLC	8221 Old Courthouse Rd. #300 Vienna, VA 22182	Attorneys/Agents
Keith C. Martin	(same)	Attorney/Agent
Chao Qiu Wu	5516 Oakwood Rd. Alexandria, VA 22310	Owner of TM 81-2 ((3)) 26A
Cui May Nie		
Smith Engineering, PLLC	14901 Bogle Dr. Suite 101 Chantilly, VA 20151	Engineers/Agents
Blake A. Smith	(same)	Agent
St. Onge Corp.	5408 Oakwood Rd. Alexandria, VA 22310	Lessee of TM 81-2 ((3)) 28

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

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

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

REZONING AFFIDAVIT

DATE: August 10, 2011  
(enter date affidavit is notarized)

1127854

for Application No. (s): R2 2011-LE-020  
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)  
Tramonte, Yeonas, Roberts & Associates, PLLC  
8221 Old Courthouse Rd. #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 SHAREHOLDERS: (enter first name, middle initial, and last name)

Vincent A. Tramonte II  
George P. Yeonas  
Jill J. Roberts

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

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

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

**Rezoning Attachment to Par. 1(b)**

DATE: August 10, 2011  
(enter date affidavit is notarized)

1127854

for Application No. (s): RZ 2011-LE-020  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Smith Engineering, PLLC  
14901 Bogle Dr. Suite 101  
Chantilly, VA 20151

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

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)  
Blake A. Smith

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

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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
St. Onge Corp.  
5408 Oakwood Rd.  
Alexandria, VA 22310

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

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Paula St. Onge  
Michael St. Onge

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**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)  
Paula St. Onge- Pres.  
Michael St. Onge- Treas.

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

REZONING AFFIDAVIT

DATE: August 10, 2011  
(enter date affidavit is notarized)

112785-6

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

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

PARTNERSHIP INFORMATION

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

Bell Group General Partnership  
5504 Oakwood Rd.  
Alexandria, VA 22310

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

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

General Partners: Joel W. Bell, Steven C. Bell, Gary A. Bell

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

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

REZONING AFFIDAVIT

DATE: August 10, 2011  
(enter date affidavit is notarized)

1127856

for Application No. (s): RZ 2011-LE-020  
(enter County-assigned application number(s))

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

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

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

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

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

None.

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

REZONING AFFIDAVIT

DATE: August 10, 2011
(enter date affidavit is notarized)

1127856

for Application No. (s): RZ 2011-LE-020
(enter County-assigned application number(s))

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

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

None

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

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

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

WITNESS the following signature:

[Handwritten signature]

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

Keith C. Martin, Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10th day of August 20 11, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 5/31/2014

Elizabeth L. Redmond
Notary Public





# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION

DATE OF ISSUANCE: February 22, 2011

CERTIFIED MAIL #: 7010 1870 0000 7790 7848

CASE #: 201100069 SR#: 67617

SERVE: Bell Group General Partnership  
AKA: Bell Group General  
AKA: Bell Bros. Inc.  
Gary A. Bell, Registered Agent / President  
5504 Oakwood Road  
Alexandria, VA 22310

LOCATION OF VIOLATION 5512 Oakwood Rd  
Alexandria, VA 22310-1006  
Tax Map Ref: 81-2 ((3)) 28  
Oakwood, Pt, Lt 28  
Zoning District: I-1

Dear Property Owners:

An inspection of the above referenced property on February 2, 2011 revealed the following violations of the Fairfax County Zoning Ordinance.

### § Contractors Offices and Shops in an Industrial Institutional District:

You are allowing a multiple faceted company identified as "MPS" and /or "MPS Industries" (herein referred to as "MPS") to operate from this aforementioned location. The nature of the business that "MPS" conducts is as follows: "industrial vacuuming, cable placement, flow monitoring, pipe cleaning, G&O separator/ storm & utility, traffic management, flow monitoring, cable placement and wenching, pot holing, pond rehabilitation, CCTV pipes 3 inches and above, also dye and smoke testing." This use is deemed a Contractor's Offices and Shops which is not permitted to operate from this I-1 zoned property. A Contractor's Offices and Shops are defined in Part 3 of Article 20 of The Fairfax County Zoning Ordinance as:

Establishments for the installation and servicing of such items as air conditioners, electrical

equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services. Such establishment shall not include retail sales to the general public except as a subordinate ancillary activity and display area accessible to the general public shall be limited to the lesser of either ten (10) percent of the gross floor area.

A contractor's offices and shops are not a permitted use in the I-1 District. Therefore, you are in violation of Paragraphs 4 and 5 of Sect. 2-302 of the Zoning Ordinance which states, respectfully:

No structure shall hereafter be built or moved, and no structure or land shall hereafter be used or occupied, except for a use that is permitted in the zoning district in which the structure or land is located.

No use shall be allowed in any district which is not permitted by the regulations for the district.

You are, hereby, directed to clear this violation within fifteen (15) days of receipt of the date of this notice. Compliance must be accomplished by:

- Ceasing, on a permanent basis, the operation of a contractor's offices and shops, and remove from the property all items and materials associated with this contractor's offices and shops to a lawful location.

#### **§ Storage Yard in an Industrial Institutional District:**

The inspection also revealed the storage in the fenced compound of, but not limited to, the following:

Approximately 26 commercial vehicles, trailers, related equipment, supplies, materials, vehicle parts, chemicals, etc.

Such use of this property constitutes a storage yard, which is defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance as:

The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.

A storage yard is not a permitted use in the I-1 District. Therefore you are in violation of Par. 5 of Sect. 2-302 of the Fairfax County Zoning Ordinance which states:

No use shall be allowed in any district, which is not permitted by

the regulations for the district.

You are, hereby, directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance must be accomplished by the following:

- Removing all vehicles, trailers, equipment, supplies, and items comprising the storage yard from this lot to a lawful site; and
- Ceasing, on a permanent basis, the use of the property as a storage yard.

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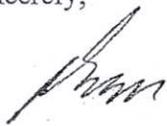
A follow-up inspection will be made at the expiration of the time period outlined in this Notice.

**Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.**

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1319 or 703-324-1300.

Sincerely,



David Grigg  
Property Maintenance/Zoning Enforcement Inspector



# County of Fairfax, Virginia

## MEMORANDUM

DATE: August 15, 2011

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief *J.R.B. For*  
Environment and Development Review Branch, DPZ

**SUBJECT:** Land Use Analysis & Environmental Assessment: RZ 2011-LE-020  
Bell Group General Partnership

The memorandum, prepared by John Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the development plan dated May 2, 2011. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### DESCRIPTION OF THE APPLICATION

The applicant, Bell Group General Partnership, is requesting a rezoning of the property from the I-I zoning district to the I-4 zoning district in order to bring the subject property into compliance with Zoning Ordinance standards. The subject property contains approximately 1.22 acres of land. The proposed use would continue as a contractor's office and shop. The existing structures and parking areas will remain largely as they are today with minor modifications.

### LOCATION AND CHARACTER OF THE AREA

The property is located on the north side of Oakwood Road immediately adjacent to I-495. The surrounding properties are zoned I-4, I-I, C-3 and PDC. The area immediately surrounding the subject property contains a mixture of light industrial uses that are primarily contractors office and shops. Some of these properties also include outdoor storage areas.

### COMPREHENSIVE PLAN CITATIONS:

#### Land Use

Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Rose Hill Planning District, Van Dorn Transit Station Area, Land Unit D, as amended through March 9, 2010, page 21:

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



## **Land Unit D**

Traffic capacity in Land Unit D is limited, thus constraining the extent and character of development until suitable road improvements are made. Until this limitation is resolved, parcels in this land unit should continue in their current uses. Infill development of low intensity industrial or office uses up to .25 FAR on the north side of Oakwood Road, and office use up to .50 FAR on the south side is planned.

Contingent upon provision of adequate roadway and transit access and (dependent primarily on non-automobile forms of transportation), a mix of office/hotel/retail uses at overall intensities up to 1.0 FAR, consistent with the guidelines for Transit Station Areas in the Concept for Future Development, may be considered for this land unit. Residential development may be considered as a component of mixed-use development, subject to adequate noise mitigation. The design concepts outlined above should be incorporated into development of the land unit, and the following conditions are met:

- It is important that mixed-use projects that include residential use be phased to ensure development of both the residential and non-residential components occurs. This phasing requires that the residential and non-residential components be developed at the same time or that a substantial portion of the non-residential development be in place prior to residential development.
- Development promotes transit utilization in the land unit through design and Transportation Demand Management (TDM) techniques. A transportation study demonstrating that access and road capacity are adequate to support office or mixed-use development at an acceptable level of service must be provided in conjunction with implementation of enforceable TDM measures based on demonstrated success in other areas should be encouraged;
- Substantial parcel consolidation of the land unit is achieved, especially of the small parcels with terrain variations in the eastern portion of the land unit;
- Development provides high quality site and architectural design, landscaping, and development amenities with a strong pedestrian focus. Amenities including usable open space in the form of urban plazas with benches and other outdoor furniture are encouraged;
- Screening and buffering to protect nearby residential areas to the south is provided;
- Building heights taper down toward adjacent lower density residential areas and form a compatible transition; and
- Attenuation measures to reduce noise impacts from I-95/495 traffic and other sources are provided.

## **Environment**

Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, on page 7 through 9, the Plan states:

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

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques.

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

Programs to improve water quality in the Potomac River/Estuary, and Chesapeake Bay will continue to have significant impacts on planning and development in Fairfax County. There is abundant evidence that water quality and the marine environment in the Bay are deteriorating, and that this deterioration is the result of land use activities throughout the watershed. . . .

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate “Chesapeake Bay Preservation Areas”. Within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations.”

## **COMPREHENSIVE PLAN MAP: Alternative Uses**

### **LAND USE ANALYSIS**

The Comprehensive Plan recognizes the limited capacity of the existing road network in this area and notes that infill development in this area should continue with low intensity industrial or office uses up to a .25 FAR for the north side of Oakwood Road. The proposed development has an FAR of 0.07, which is well below the level noted in the Plan. The applicant also has no plans to modify the existing site conditions beyond any recommendation from staff. Staff feels that the proposed development is in conformance with the recommendations of the Comprehensive Plan.

### **ENVIRONMENTAL ANALYSIS**

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

Water Quality

**Issue:**

The applicant plans to continue the use of the subject property as a contractors office and shop with few, if any, site modifications. At the present time it is not clear if an existing offsite stormwater management facility can meet detention and water quality improvement requirements for the proposed use. Any final determination regarding the adequacy of stormwater management measures will be determined by staff within the Department of Public Works and Environmental Services (DPWES).

PGN: JRB

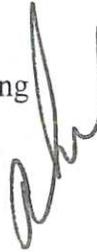


# County of Fairfax, Virginia

## MEMORANDUM

DATE: August 25, 2011

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

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

**FILE:** 3-4 (RZ 2011-LE-020)

**SUBJECT:** Transportation Impact

**REFERENCE:** RZ 2011-LE-020 Bell Group General Partnership  
Traffic Zone: 1492  
Land Identification Map: 81-2 ((3)) 26A & 28

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated May 3, 2011, and revised through August 22, 2011. The applicant wishes to rezone the 1.22 acre site from I-1 to I-4 in order to allow a contractor's office and shop.

The applicant has dedicated right-of-way along Oakwood Road the match that of the adjacent property to the west (10 feet). This Department has no other transportation issues with this application.

AKR/LAH/lah



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 25, 2011

**TO:** St. Clair Williams, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

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

**SUBJECT:** Rezoning Application #RZ 2011-LE-020, Bell Group – 5512 & 5516 Oakwood Road, Generalized Development Plan dated August 18, 2011, LDS Project #25526-ZONA-001-2, Tax Map #81-2-01-0026A and -0028, Lee District

Should a site plan be required for this case, stormwater management will be required. We have reviewed the subject application and offer the following stormwater management comments.

### Chesapeake Bay Preservation Ordinance (CBPO)

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

Water quality controls are required for this development (PFM 6-0401.2A). The location of a BMP facility is depicted on the plan. The facility appears to be an infiltration facility; it is located in an area where the soils are rated as marginal for infiltration. The applicant has stated that it intends to request a BMP waiver during the site plan process; no justification for the future waiver request has been offered.

### Floodplain

There are no regulated floodplains on the property.

### Downstream Drainage Complaints

There is a downstream erosion complaint on file from 2008.

### Stormwater Detention

Stormwater detention is required, if not waived (PFM 6-0301.3). A stormwater management facility, which may be able to provide detention, is located on the plan. The facility appears to be an infiltration facility; it is located in an area where the soils are rated as marginal for infiltration. The facility is not located in a part of the site where it could intercept the majority of the runoff from the site; a partial detention waiver would be necessary. The applicant doesn't list a detention waiver as one of the waivers it will pursue during the site plan process.

### Site Outfall

The outfall narrative does not meet the submission requirements (ZO 18-202 paragraph 10.F(2)).

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

BF/

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



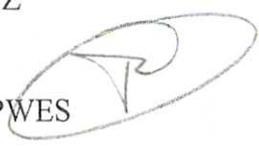


# County of Fairfax, Virginia

## MEMORANDUM

August 29, 2011

**TO:** St. Clair Williams, Staff Coordinator  
Zoning Evaluation Division, DPZ

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

**SUBJECT:** 5512-5516 Oakwood Road; RZ 2011-LE-020

**RE:** Request for assistance dated August 1, 2011

This review is based upon the Generalized Development Plan RZ 2011-LE-020 stamped "Received, Department of Planning and Zoning, June 30, 2011." A site visit was conducted on August 17, 2011.

**Site Description:** This site is developed with an existing single story frame building and two detached sheds and a gravel parking lot on Parcel 28, and an existing 1 story brick and frame building with an existing asphalt parking lot on parcel 26A. Parcel 26A was gated and locked during the site visit and an evaluation of the existing vegetation could not be conducted. Existing vegetation on Parcel 28 appears to consist of red maple, red oak, chestnut oak, and mulberry.

- 1. Comment:** An existing vegetation map (EVM) to include information about the general composition and extent of the existing vegetation has not been provided.

**Recommendation:** Provide an EVM that depicts the location of any of the cover types in PFM Table 12.2 and one that meets the requirements of Zoning Ordinance Chapter 112, Article 20 and PFM 12-0506. The EVM submitted with the GDP must accurately delineate all areas of the cover types, and include all other required elements of the Zoning Ordinance and Public Facilities Manual.

- 2. Comment:** Preliminary 10-year tree canopy calculations have not been provided and it is unclear how the tree canopy requirements for this site will be met.

**Recommendation:** Information included in the EVM should be utilized to provide a Tree Preservation Target level in accordance with PFM 12-0508. Tree Preservation Target Calculations and Statement should be provided as shown in PFM Table 12.3. In addition, preliminary 10-year tree canopy calculation in accordance with PFM 12-0511 and PFM



Table 12.10 should be provided on the GDP demonstrating how Article 13, 10-year tree canopy requirements will be met.

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

TLN/  
UFMID #: 163121

cc: RA File  
DPZ File





## FAIRFAX COUNTY PARK AUTHORITY



## M E M O R A N D U M

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

**FROM:** Sandy Stallman, Manager   
Park Planning Branch, PDD

**DATE:** August 9, 2011

**SUBJECT:** RZ 2011-LE-020, 5512 & 5516 Oakwood Road  
Tax Map Number: 81-2 ((3)) 26A and 28

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on the land or resources of the Park Authority.

FCPA Reviewer: Anna Bentley  
DPZ Coordinator: St. Clair Williams

Copy: Cindy Walsh, Director, Resource Management Division  
Chron Binder  
File Copy



# County of Fairfax, Virginia

## MEMORANDUM

DATE: July 27, 2011

**TO:** Barbara C. Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

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

**SUBJECT:** Fire and Rescue Department Preliminary Analysis of Rezoning Application  
RZ 2011-LE-020

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





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

PLANNING & ENGINEERING  
DIVISION

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

August 8, 2011

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

Re: RZ 2011-LE-020  
5512 & 5516 Oakwood Road  
Tax Map: 81-2

Dear Ms. Berlin:

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

1. The property can be served by Fairfax Water.
2. Adequate domestic water service is available at the site from an existing 6-inch water main. See the enclosed water system map.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

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

Sincerely,

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

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

Enclosure

cc: Blake Smith, Smith Engineering

## 2-405 Permitted Reduction in Lot Size Requirements for Certain Existing Lots

1. If a lot was recorded prior to March 1, 1941, or if a lot was recorded prior to the effective date of this Ordinance, and said lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot, either as a single lot or in combination with other such lots pursuant to a Building Permit, may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area and/or lot width requirements of the district, provided all other regulations of this Ordinance can be satisfied.

This provision shall not apply to any such lot which, subsequent to the effective date of this Ordinance, is rezoned at the request of the owner or his agent or is subdivided by the owner or his agent, except for:

A. A subdivision resulting from a voluntary dedication by the owner or a condemnation or acquisition of a portion thereof for public purposes by any governmental agency; or

B. A subdivision for a minor adjustment of lot lines, which may be permitted by the Director in accordance with Chapter 101 of The Code and the following:

(1) Such subdivision shall only be to consolidate land area of contiguous lots, or to rearrange lot lines in order to reallocate land area between contiguous lots such that the reconfigured lots contain either the same lot area as existed prior to the adjustment of the lot lines or a greater area than existed prior to the adjustment of the lot lines which results in a reduced number of lots; and

(2) There shall be no additional lots or outlots created, no increase in the maximum density and the resultant lot lines shall not create any new or aggravate any existing noncompliance with regard to minimum lot area, lot width or minimum yard requirements.

2. A lot that did not meet the requirements of the Zoning Ordinance in effect at the time of recordation may be used for any use permitted in the zoning district in which located under this Ordinance, even though such lot does not meet the minimum district size, lot area and/or lot width requirements of the district, provided that:

A. The lot is described or depicted in a metes and bounds description or on a subdivision plat not approved by the County, which description or plat was recorded among the land records of Fairfax County prior to March 25, 2003; and

B. The lot described in the metes and bounds description or on the unapproved plat was identified as a separate lot on the Fairfax County Real Property Identification Map and was taxed as a separate parcel on or before March 25, 2003; and

C. The lot contained a principal structure on March 9, 2004 that was:

## GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

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

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

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

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

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

#### Abbreviations Commonly Used in Staff Reports

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