



FAIRFAX COUNTY

APPLICATION FILED: October 28, 2003
APPLICATION AMENDED: February 17, 2004
PLANNING COMMISSION PUBLIC HEARING: June 3, 2004
PLANNING COMMISSION DECISION ONLY: July 21, 2004
BOARD OF SUPERVISORS: July 26, 2004 @ 3:00 pm

V I R G I N I A

July 15, 2004

STAFF REPORT ADDENDUM

APPLICATION RZ/FDP 2003-MV-059

MOUNT VERNON DISTRICT

APPLICANT: Anastasios and Anna Grypeos

PRESENT ZONING: C-8, R-3, HC, CRD

REQUESTED ZONING: PRM (Planned Residential Mixed-Use), HC, CRD

PARCEL(S): 93-1 ((18)) (D) 117, 126, 130 pt., 138

ACREAGE: 1.23 acres

FAR: 0.78

DENSITY: 19.51 du/ac

OPEN SPACE: 20%

PLAN MAP: Alternative Use

PROPOSAL: To rezone from the C-8, R-3, HC and CRD District to the PRM, HC and CRD District to permit development of a mixed-use development to include multi-family residential uses (up to 24 units) and retail uses of 8,700 SF within a single building.

WAIVERS/MODIFICATIONS: Waiver of the minimum district size of two (2) acres

Waiver of the service drive requirement along Richmond Highway

Waiver of the frontage improvements along Richmond Highway

Modification of the transitional screening along the southeastern property line to that shown on the CDP/FDP

Waiver of the transitional screening along the southwestern property line

Waiver of the peripheral parking lot landscaping requirement

Waiver to permit underground detention and best management practices (BMPs) in a multifamily residential development

Modification of the Richmond Highway and East Lee Avenue streetscape requirements to that shown on the CDP/FDP

STAFF RECOMMENDATIONS:

Staff recommends denial of RZ 2003-MV-059 and the Conceptual Development Plan; however, if it is the intent of the Board of Supervisors to approve RZ 2003-MV-059, staff recommends that the approval be subject to the draft proffers contained in Attachment 1.

Staff recommends denial of FDP 2003-MV-059; however if it is the intent of the Planning Commission to approve FDP 2003-MV-059, staff recommends that the approval be subject to development conditions set forth in Attachment 2.

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.

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 TTY 711 (Virginia Relay Center).



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application
RZ 2003-MV-059

Final Development Plan
FDP 2003-MV-059

Applicant: ANASTASIOS AND ANNA GRYPEOS
 Filed: 02/17/2004- AMENDED 10/28/2003
 Area: 1.23 AC OF LAND; DISTRICT - MOUNT VERNON
 Proposed: MIXED USE DEVELOPMENT AND A WAIVER OF MINIMUM DISTRICT SIZE
 Located: EAST OF RICHMOND HIGHWAY AND SOUTH OF EAST LEE AVENUE AND NORTH OF PRESTON AVENUE
 Zoning: FROM C-8 TO PRM, FROM R-3 TO PRM
 Overlay Dist: CRD HC
 Map Ref Num: 093-1- /18/D /0117 /18/D /0126 /18/D /0130 PT. /18/D /0138

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Rezoning Application

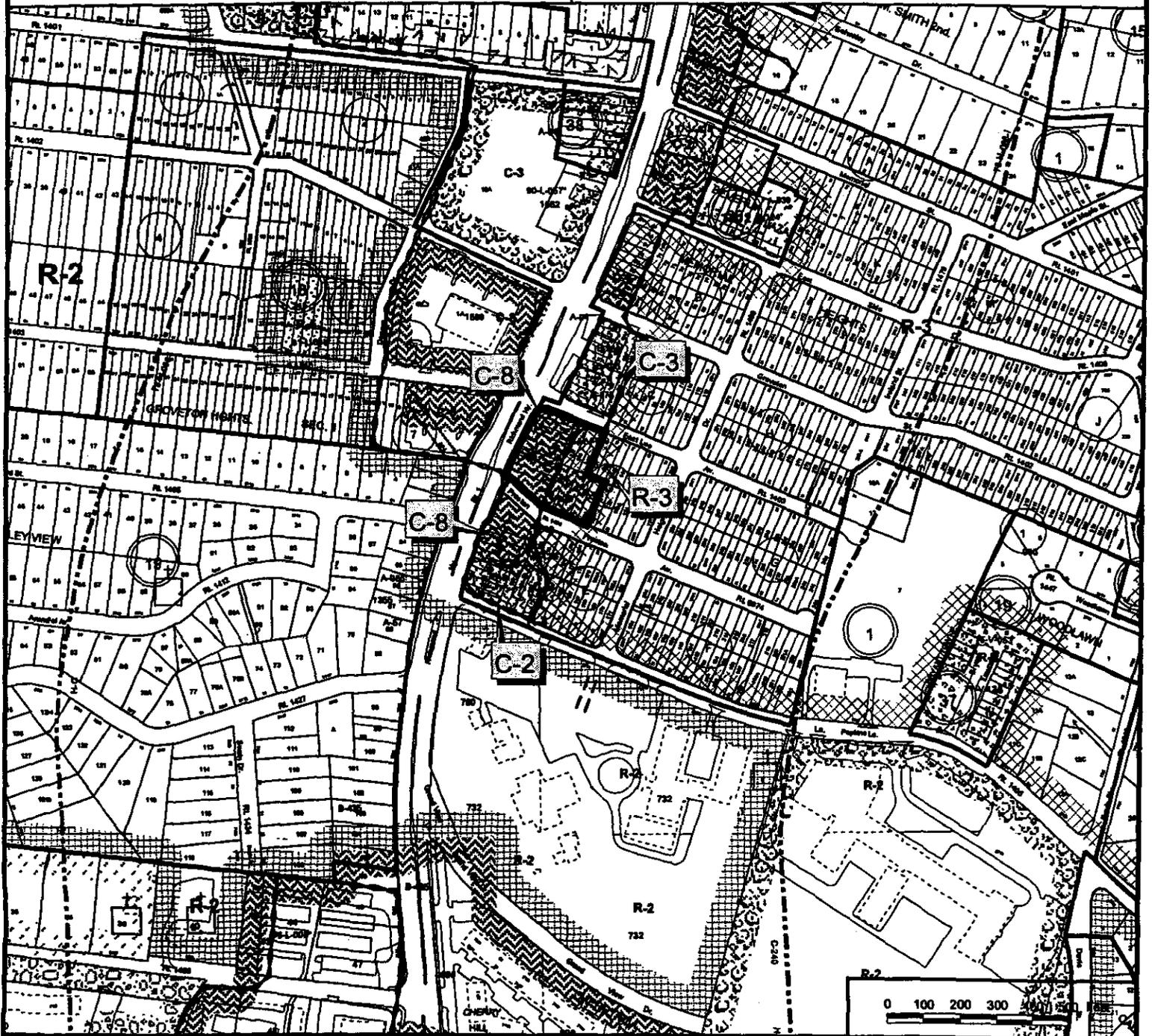
RZ 2003-MV-059

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Final Development Plan

FDP 2003-MV-059

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Filed: 02/17/2004- AMENDED 10/28/2003
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Zoning: PRM
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CONCEPTUAL DEVELOPMENT PLAN/
FINAL DEVELOPMENT PLAN
ON
LOTS 117 THRU 150, 158 THRU 160
BLOCK 7
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON TOWNSHIP
SOUTH AS HIGHWAY
TIMBERLINE 88, 2000

SHEET 2 OF 4
B31701

GARAGE LEVEL
NOT TO SCALE

SEE OTHER SHEETS FOR
STAIRS, ELEVATIONS, AND
THE CONCEPTUAL DEVELOPMENT PLAN
FOR THE ENTIRE PROJECT.

1. ALL CONCRETE SHALL BE CAST IN PLACE AND SHALL BE FINISHED TO THE FINISH ELEVATION SHOWN ON THE PLAN UNLESS OTHERWISE NOTED.

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NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	07/15/04	AS

CONSTRUCTION MATERIALS

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BACKGROUND

The applicants, Anastasios and Anna Grypeos, request approval to rezone 1.23 acres from the C-8 District (Community Retail Commercial District), R-3 (Residential, up to 3 dwelling units per acre), HC (Highway Corridor Overlay District) and CRD (Commercial Revitalization District) Districts to the PRM (Planned Residential Mixed-Use), HC and CRD Districts to permit development of a 44-foot high multifamily residential building with ground floor retail. This building would contain up to 24 multifamily units with 8,700 SF of ground floor retail. In addition, a 1,440 square foot (SF) freestanding building was also depicted on a previous version of the CDP/FDP. The height and use of this building was not specified, though the applicant had indicated in a letter that it could be used for recreation or an eating establishment. Twenty-seven (27) parking spaces would be provided under the main structure. The rest of the parking would be provided in a surface lot. The application proposes an overall density of 19.51 dwelling units per acre (du/ac) and an overall FAR (floor area ratio) of 0.78.

On May 19, 2004, the Staff Report for RZ/FDP 2003-MV-059 was published. In this report, staff recommended denial of the application for the following reasons:

- The proposed site layout failed to provide effective screening and buffering to the adjacent residential neighborhood along the southeastern and southwestern property lines as recommended by the Comprehensive Plan;
- The proposal did not provide architecture which is compatible with the adjacent residential development as recommended by the Comprehensive Plan;
- It was uncertain whether the interior noise levels could be mitigated to 45 dBA as recommended by the Comprehensive Plan;
- The applicant had not committed to take any steps to preserve an existing off-site tree that staff believes should be preserved;
- The proposal did not provide safe pedestrian access between the site and the bus stop to the south, near Preston Avenue;
- Maintenance of the proposed underground stormwater management (SWM) facility pose a significant financial burden for the future homeowners' association (HOA); and
- The proposal provided no amenities for the future residents.

Prior to the June 3, 2004, Planning Commission public hearing, on June 1, 2004, the applicant submitted revised proffers and a revised CDP/FDP. Commitments of note within these proffers, as revised through May 28, 2004, included a "good faith efforts" to plant along the undeveloped portion of Preston Avenue and an escrow of \$25,000 in

lieu of frontage improvements along Richmond Highway. The revised CDP/FDP, as revised through May 28, 2004, included elevations of the proposed buildings and parking deck along the southeastern and southwestern property lines. The CDP/FDP also labeled the freestanding building as a community/exercise room and shifted this building toward the main building and Richmond Highway.

Also, on June 2, 2004, the applicant submitted an outdoor/indoor noise analysis.

On June 3, 2004, a public hearing was held before the Planning Commission on RZ/FDP 2003-MV-059. The decision on the application was deferred to June 24, 2004, and again to July 21, 2004.

DISCUSSION

On June 25, 2004, the applicant submitted the latest revised CDP/FDP, which is included in the front of this staff report addendum. The CDP/FDP, entitled "Memorial Heights" prepared by Alexandria Surveys International, LLC, consisting of four sheets dated October 15, 2003, as revised through June 23, 2004, includes the following changes:

- **Main Building.** The proposed four-story building has increased in size along the first floor. Under the previous site layout, there had been a concrete deck on top of the parking structure which had separated the building from Preston Avenue. Under the current proposal, a one-story extension of the building would be located on this deck. An elevation of this building is provided with the rear elevations contained on Sheet 4.
- **Freestanding Building and Concrete Deck.** Under the revised site layout, the concrete deck proposed to cover the parking along Preston Avenue would decrease in size. Previously, this end of the deck was located 10 feet from the barrier wall in the southeastern corner of the site. Under the revised layout, the deck would be located 43 feet from the barrier wall. The freestanding building which was previously proposed to be located on top of the concrete deck is no longer proposed. The concrete deck is now proposed to be divided into two sections, which would be separated by a six-foot high decorative wall. One section of the deck would be for residents of the building, while the other section is to be set aside for the use of any future restaurant tenant. A gate within the wall would provide a connection between the two sections. The materials of the wall and gate are not specified.
- **Parking Structure.** Elevations of the proposed building and parking structure are provided on Sheet 4. Previously submitted elevations indicated that the parking structure was to be comprised of a brick wall and openings covered with metal grill. Under the revised elevations, the exposed walls of the parking

structure will consist of a smooth concrete finish. While there will still be metal grills covering the ventilation openings for the parking structure, the grills are designed to appear more like window mullions.

The applicant also submitted revised proffers, dated July 6, 2004. The following changes have been made to the proffers:

- Landscaping. Landscaping would no longer be provided in substantial conformance with the CDP/FDP but in general conformance. The applicant continues to commit to try to obtain approval to landscape within Preston Avenue.
- Stormwater Management (SWM). The applicant has committed to deposit in the reserves of the future condominium owners' association (COA) funds to cover five years maintenance of the underground SWM facility. The specific amount of funds has not been specified. The applicant has also proffered to notify potential purchasers within the public offering statement of all COA maintenance responsibilities, including the SWM facility.
- Frontage Improvements. The applicant has increased the proposed escrow for future construction of frontage improvements along Richmond Highway from \$25,000 to \$46,702.57. However, under the proposed proffers, this money would be returned to the applicant at the end of fifteen (15) years if such improvements have not been made.

ANALYSIS

Transitions to the Abutting Neighborhood

In the June 25, 2004, Staff Report, staff noted that the proposed site layout failed to provide effective screening and buffering and compatible architecture to the adjacent single-family detached residential neighborhood (Memorial Heights) along the southeastern and southwestern property lines, as recommended by the Comprehensive Plan. Specifically, staff had noted that the elevations of the site along the southwestern and southeastern (Preston Avenue) property lines depicted a blank wall of brick and metal grill. It was staff's opinion that these elevations created a large harsh façade with no relief which did not provide an appropriate transition or buffer to a low-density neighborhood.

In order to address these concerns, the applicant has now proposed to move the concrete deck back from the southeastern property line and to eliminate the freestanding building that was previously proposed to be located on top of the deck. The applicant also proposes to make changes to the architecture of that exposed portion of the parking structure by using a smooth concrete finish on the walls and different metal grills.

Finally, the applicant continues to proffer to use "good faith efforts" to plant within the undeveloped Preston Avenue right-of-way.

Staff believes that the reduction of the size of the deck and the elimination of the freestanding building help to mitigate the impact of the concrete deck along the southeastern property line. In addition, the architectural changes to parking structure help soften the impact of the exposed walls along Preston Avenue. However, these changes do not do enough to mitigate the mass and bulk of the structures upon the Memorial Heights neighborhood. While the applicant would like to plant within the road easement along Preston Avenue, the Fairfax County Department of Transportation has declined to grant the applicant permission. (While the County does not currently have any plans for constructing a road within the easement, the property owners of Parcels 150 and 172 through 179 could use this easement to build a road to access their properties. For that reason, the Department of Transportation has declined to grant the applicant permission to plant within the easement.)

Rather than planting within a road easement, staff believes that it would be better if the applicant were to shift the structures away from Preston Avenue (southwestern property line). Shifting the building would accomplish two things. First, additional distance between the building and the neighboring properties would help mitigate the impact of the bulk and mass of the proposed structure on the abutting single-family detached dwellings. Second, shifting the building away from Preston Avenue would provide an area for landscaping, which, in turn, would help soften the edges of the proposed development. In addition, by landscaping within the subject site (and not within an easement), it can be assured that the planting will remain and not be removed at a later date.

Stormwater Management

The applicant is proposing to use an underground cartridge-based pre-manufactured best management practices (BMP) system for water quality control purposes. The applicant will be seeking a waiver of water quantity control at the time of site plan.

Since the publication of the staff report and the Planning Commission's public hearing, Section 6-0303.8 of the Public Facilities Manual (PFM) has been amended to state that the Board of Supervisors has the sole authority to waive the prohibition on the use of underground detention facilities in residential developments in conjunction with a rezoning – i.e., DPWES cannot approve a waiver after the Board has acted on the rezoning. The process established with this PFM amendment calls for DPWES to make a recommendation on all such waiver requests. This recommendation is to be included in the staff report on the rezoning application so that the Planning Commission and Board will be able to have the benefit of DPWES' analysis when addressing this waiver request.

Staff remains concerned about the burden that this facility will create for the future property owners (especially since only 24 units are proposed). In general, underground facilities are discouraged from being sited in residential developments because of the complexity and cost of maintaining such facilities. It should be noted that because the County does not maintain underground SWM facilities, these facilities must be maintained privately (in other words, by the property owners).

DPWES has verbally indicated that it might not support this request. DPWES has noted that it has two concerns about underground SWM facilities within residential developments. The first is the safety of children who might try to access the underground facility. DPWES will need details of the proposed facility to ensure that children cannot enter the underground facilities. The second is maintenance costs. The applicant has proposed to deposit in the reserves of future condominium owners' association (COA) funds to cover five years maintenance of the underground SWM facility. With other underground facilities, DPWES has required applicants to provide an estimate of the 20 year maintenance cost and to establish an escrow of that amount with DPWES. In this instance, no estimate of the costs for annual maintenance and repair costs have been provided to staff at the time of publication of this staff report addendum and the applicant has only proffered to provide an escrow for five years maintenance.

Regarding maintenance of the underground facility, the applicant will be required to execute a maintenance agreement of the underground facility with the County prior to site plan approval. The Maintenance and Stormwater Management Division (MSMD) of DPWES is responsible for conducting inspections of privately maintained systems to determine if they are being maintained properly in accordance with the site plan and agreement. The frequency of inspection will be determined by MSMD. If the system requires maintenance, MSMD will inform the applicant in writing. If all attempts to have the owner perform the required action fail, then the County will perform the maintenance and send a bill to the owner.

At the time of publication of this Staff Report Addendum, the applicant has not provided all of the information needed by DPWES to make a final recommendation on the request, and, as such, DPWES has not completed its analysis of the applicant's proposed waiver request. As stated, if the applicant continues to propose an underground facility, under the recent amendment to the PFM, action on the waiver must be done by the Board in conjunction with the rezoning, or a future proffered condition amendment will be required.

Noise

On June 2, 2004, the applicant submitted an outdoor/indoor noise analysis. The purpose of this study was to determine what building materials would be needed in order to mitigate interior noise levels to 45 dBA. Staff has reviewed this noise analysis and determined that the proposed building materials will adequately mitigate interior noise levels to 45 dBA. Though the interior noise levels will be mitigated to 45 dBA, staff recommends that the applicant notify any future property owners of the highway noise impacts on the site. Staff believes that this notification is especially important because the applicant seeks to have balconies along Richmond Highway. Highway noise impact upon these balconies will not be mitigated.

Frontage Improvements

While the applicant has proffered to dedicate right-of-way to 75 feet from the existing centerline along Richmond Highway, the applicant has requested a waiver of frontage improvements. The applicant has proffered to escrow \$46,702.57 toward future construction of frontage improvements along Richmond Highway. It is not clear how the applicant developed such a precise figure, but, according to the Fairfax County Department of Transportation, it is far below the estimated costs of these frontage improvements (which is estimated to be approximately \$150,000). Furthermore, staff does not think that it is appropriate that the escrowed funds should be returned to the applicant should the frontage improvements not be completed within fifteen (15) years.

If the applicant would like to ensure that the frontage improvements along Richmond Highway are made in a timely fashion, rather than giving the County a fifteen year deadline, staff believes that the applicant should construct the frontage improvements as has been done by other developments along Richmond Highway (such as RZ 2003-MV-023). Staff also recommends that the applicant notify any future property owners of the impact of that the future widening will have upon the subject site.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The revised CDP/FDP and proffers do not resolve all of staff's previous concerns as noted in the original staff report. While the Comprehensive Plan recommends the subject site for mixed-use development up to 0.80 FAR, it states that this use is only appropriate if effective screening and buffering is provided between the subject site and the surrounding low-density residential neighborhood. Staff believes that the applicant has failed to demonstrate that a 0.78 FAR can be accomplished on this 1.23 acre site without adversely impacting the abutting single-family detached residential neighborhood.

Recommendations

Staff recommends denial of RZ 2003-MV-059 and the Conceptual Development Plan; however, if it is the intent of the Board of Supervisors to approve RZ 2003-MV-059, staff recommends that the approval be subject to the draft proffers contained in Attachment 1 of the staff report.

Staff recommends denial of FDP 2003-MV-059; however if it is the intent of the Planning Commission to approve FDP 2003-MV-059, staff recommends that the approval be subject to development conditions set forth in Attachment 2.

It should be noted that it is not the intent of the 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 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.

ATTACHMENTS

1. Proffers
2. Proposed Development Conditions
3. Affidavit
4. June 3, 2004, Letter from the Applicant



RZ 2003-MV-059**PROFFERS**

July 6, 2004

Pursuant to Section 15.2-2303(A), *Code of Virginia*, 1950 as amended, Anastasios Grypeos and Anna Grypeos, for the owners, themselves, their successors and assigns in RZ 2003-MV-059 filed for property identified as Tax Map 93-1((18))(D)117, 126, pt. 130, and 138 (hereinafter referred to as the Property), hereby proffer for themselves and their successors and assigns that the development of the Property will be subject to the following terms and conditions provided that the Board of Supervisors (BOS) approves the rezoning application from the C-8 and R-3 Zoning District to the PRM Zoning District.

I. Conceptual/Final Development Plan (CDP/FDP)

I. 1. **Substantial Conformity.** Development of the property shall be in substantial conformance with the plan entitled "Conceptual Development Plan/Final Development Plan Memorial Heights" (CDP/FDP), consisting of four (4) sheets prepared by Alexandria Surveys International, LLC, as revised through June 23, 2004. The CDP portion of the CDP/FDP shall constitute the entire plan relative to the FAR, minimum required open space, points of access, height, the maximum number of units, type of units, general location and orientation of the buildings, parking and setbacks. The Applicant shall have the option to request Final Development Plan Amendments (FDPAs) from the Planning Commission for portions of the plan in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance.

I. 2. **Landscaping and Design Amenities.** A landscape plan shall be submitted as part of the first and all subsequent site plan submissions for review and approval by the Urban Forester. Landscaping shall be provided along Richmond Highway and East Lee Avenue generally in conformance with the CDP/FDP. Actual types and species of vegetation shall generally meet the guidelines recommended by the Richmond Highway Streetscape Plan as approved by the Urban Forester. All new shade trees provided as a part of the streetscape shall be minimum of two (2) inches in caliper at the time of planting; all new flowering trees shall be a minimum of 2 inch caliper at the time of planting; and all new evergreen trees shall be a minimum of six to eight (6 to 8) feet in height at the time of planting. All efforts, as determined by the Urban Forestry Division of the Department of Public Works and Environmental Services (DPWES), shall be made to prevent disturbance to the 30" oak tree located off site on lot 141 including the pruning and trimming of said tree if the owner of the tree agrees. These efforts shall include substituting a wood fence instead of architectural block wall in that area. If parking spaces must be removed, the parking reduction which has been requested shall address this further reduction but shall not exceed the allowable 20% reduction. The landscaping plantings shall be modified if deemed necessary by the Urban Forestry Division to ensure

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that the roots of any plantings will not adversely affect said tree. Good faith efforts shall be made to obtain approval from the appropriate party(ies), government entities, owner(s), but not to include vacation of undeveloped Preston Avenue, to plant evergreen trees/shrubs within the twenty-five (25) feet of undeveloped Preston Avenue that is adjacent to the subject property and across from residentially zoned land. The purpose of these plantings will be to enhance the view of the proposed development from adjacent residential properties.

If approved by the Virginia Department of Transportation (VDOT), the Applicant shall plant and maintain the area between the Applicant's front lot line and Richmond Highway as shown on the CDP/FDP for the benefit of the development.

I. 3. **Building Design and Building Materials.** The design and architecture of the proposed buildings shall be in substantial conformance with the illustrative elevations submitted with the application, except that all or a portion of the balconies may be deleted at the option of the developer to address noise issues. Modifications may be made with the final architectural design if they are determined to be in substantial conformance with the elevations, to address noise issues. The exterior building materials will be a combination of materials to include concrete, siding, glass, metal panels, masonry, cementitious panel, or stucco or brick.

I. 4. **Maximum Density and Permitted Uses.** A maximum of 24 multiple family dwelling units and an additional maximum of approximately 8,700 square feet of non-residential uses shall be provided in the main building. The site shall not exceed 0.78 FAR. The primary uses shall be multiple family dwelling units. The following secondary uses may be located on the first floor of the building but only if the combined parking requirement for the uses can be met on site taking into account a 20% reduction in required parking permitted in the Richmond Highway Commercial Revitalization District:

- A. Accessory uses and accessory service uses.
- B. Business service and supply service establishments.
- C. Eating establishments (not drive through).
- D. Fast food restaurants (not drive through), such as a deli, ice cream parlor, or coffee shop.
- E. Financial institution (not drive through).
- F. Garment cleaning establishment (not drive through).
- G. Health clubs.
- H. Personal service establishment.
- I. Private club and public benefit associations.
- J. Public uses.

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- K. Quick service food store.
- L. Unmanned bank teller machines (not drive through).
- M. Offices.
- N. Retail sales establishments.
- O. Repair service establishments for minor appliances, bicycles, and computers.
- P. Private schools of special and general education (which do not require outdoor recreation areas) -- such as ballet studio.

II. General

II. 1. Signs. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance. If lighted, signage shall be internally lit only. The Applicant reserves the right to make application for a comprehensive signage plan in accordance with the provisions set forth in Sect. 12-210 of the Zoning Ordinance. No temporary signs (including "popsicle" paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or by any builder or at the Applicant's or any builder's direction to assist in the initial and future marketing and/or sale/rental of dwelling units on the subject property. The Property Owner or Developer shall direct agents and employees involved in marketing the Property to adhere to this Proffer.

II. 2. School Contributions. After the approval of the site plan and prior to approval of the first Building Permit for the approved development, the Applicants shall provide documentation to the DPWES that the Applicants have donated the sum of \$22,500 to the Board of Supervisors for projects related to Bucknell Elementary, Sandburg Middle and/or West Potomac High School.

II. 3. Density Credit. Advanced density credit is reserved consistent with Sect. 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT pursuant to the Public Facilities Manual (PFM), at the time of site plan approval for the Property.

II. 4. Affordable Dwelling Units (ADUs). After the approval of the site plan and prior to the issuance of the first Building Permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the projected sales price of the new residential condominiums to be built on-site, as determined by the Department of Housing and Community Development (HCD) and DPWES in consultation with the Applicant to assist the County in its goal to provide affordable dwellings elsewhere in the County.

- 4 -

II. 5. **Administrative Review.** Concurrent with the submission of site plans to DPWES, the Applicant shall submit copies of the site plans and all revisions to the Mt. Vernon District Supervisor and Planning Commissioner for the purpose of administrative review and comment.

II. 6. **Construction Hours:** Outdoor construction activity will be limited to between the hours of 7:00 am and 9:00 pm Monday through Friday and 8:00 am and 5:00 pm on Saturdays. No outdoor construction activities will be permitted on Sundays.

III. **Recreation**

III. 1. **Recreation Contribution:** At the time of site plan review, the Applicants shall demonstrate that the value of the community room/exercise facility and the portion of the deck designated for the residents is equivalent to a minimum of \$955.00 per residential unit as required by Section 6-409 of the Zoning Ordinance. Pursuant to Section 16-404 of the Zoning Ordinance, in the event it is demonstrated that the above amenities do not have sufficient value as defined above, the Applicants shall, prior to the issuance of the first residential building permit, provide additional amenities for the condominium units or shall contribute the remaining amount per unit to the Fairfax County Park Authority ("Park Authority") for use on recreational facilities in the general vicinity of the Subject Property.

III. 2. **Landscaped Deck:** The Applicants also proffer that the proposed deck which is to the east of the community/exercise room shall be landscaped and designed to provide an amenity to the residents of the building. The portion of the deck between the community outdoor area and contiguous to the main building shall be landscaped and shall be utilized by patrons of the non-residential uses in the building.

III. 3. **Benches and Outdoor Spaces:** A minimum of four (4) benches shall be provided on the subject property along the Richmond Highway frontage, together with landscaping to encourage the gathering of people. The design of the benches shall conform to the Richmond Highway Streetscape Guidelines. In addition, the landscaping of the deck shall be as shown on the CDP/FDP which will likewise encourage the gathering of people who visit the non-residential uses.

III. 4. **Community Room:** The amenities provided to the residents within the community room may include the following: television and other electronic entertainment facilities with seating arrangements, billiard and/or ping pong table, exercise equipment, card tables and chairs with appropriate lighting, bar/kitchen area for serving food prepared elsewhere, such furnishings to be determined and purchased by the Condominium Owners Association (COA).

- 5 -

IV Environmental:

IV. 1. Stormwater Management (SWM) and Best Management Practices (BMP): In accordance with County engineering requirements and subject to approval by the County DPWES, stormwater management/Best Management Practices (BMPs) shall be provided on-site in an underground facility(s), as approved by DPWES. The stormwater management facility shall be part of the common elements of the condominium and shall be maintained by the Condominium unit owners association (COA). The applicants/developers shall deposit in the reserves of the COA an amount as determined by the DPWES to cover maintenance of the Underground Stormwater Management Facility for a period of Five Years. This will cover the initial cleaning after construction, annual or bi-annual inspections as required by the County, and the major cleaning based upon what the inspections of the facility determine appropriate. The maintenance of the facility shall be in accordance with the requirements of the County as set forth in its Stormwater™ Management Maintenance Guidelines.

IV. 2. Energy Conservation. The Residential Units shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES for either electric or gas energy dwellings as applicable.

IV. 3. Noise Attenuation. The Applicants shall provide the following noise attenuation measures:

- A.** In order to reduce the maximum interior noise to a level of 45 dBA Ldn or less, the Applicant proffers that the front and side walls of all residential units facing Richmond Highway shall have the following acoustical attributes:
- (1) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45;
 - (2) Windows shall have a STC of 35, exterior doors shall have a STC of 34 and sliding doors shall have a STC of 36. If glazing constitutes more than 20% of any facade it shall have the same laboratory STC rating as walls; and
 - (3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
- B.** In order to reduce the maximum interior noise to a level of 45 dBA Ldn or less, the applicants proffer that the front wall of all residential units facing the rear of the property shall have at least the following acoustical attributes:

- 6 -

- (1) Exterior walls shall have a laboratory sound transmission class (STC) rating of 45;
- (2) Windows shall have a STC of 31, exterior doors and sliding doors shall have a STC of 30. If glazing constitutes more than 20% of any façade, it shall have the same laboratory STC rating as walls; and
- (3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

IV 4. **Lighting.** All on-site outdoor and parking garage lighting shall comply with the Outdoor Lighting Standards set forth in Part 9 of Article 14 of the Zoning Ordinance. Street lights shall be full cut off. Parking lot lights shall conform to the Richmond Highway Urban Design Recommendations of the Comprehensive Plan (preferably bollard type) unless the Outdoor Lighting Standards set forth in Part 9 of Article 14 of the Zoning Ordinance require an increase in the height for safety considerations. Pedestrian lights shall be provided along the Richmond Highway frontage of the property in conformance with the Richmond Highway Streetscape requirements.

IV. 5. **Pedestrian Facilities.** The pedestrian facilities and related streetscape design for Richmond Highway, and East Lee Avenue, including the browsing plazas, shall be in substantial conformance with the CDP/FDP. Public access easements shall be established over the proposed sidewalk in the front of the building and the connection sidewalks to East Lee Avenue and the three proposed sidewalks that connect to the existing sidewalk along Richmond Highway.

V. **Transportation.**

V. 1. **Transportation Management Strategies.** Mass transit, ride-sharing, and other transportation strategies will be utilized to attempt to reduce single occupancy vehicular (SOV) traffic during peak hours. Residents and employees of the residential development shall be advised of this transportation on strategy. The following is a list of strategies that shall be implemented:

- A. Dissemination of information by the COA regarding Metrorail, Metrobus, ridesharing, and other relevant transit options in residential sale/lease packages;
- B. Making Metro maps, schedules and forms, ridesharing and other relevant transit option information available to owners/tenants and employees in a common area(s) of property ;

- 7 -

C. Maintaining a safe sidewalk system designed to encourage/facilitate pedestrian circulation and to clear the sidewalk of snow as required by law.

V 2. Right of Way Dedication. The Applicants shall dedicate a maximum of seventy-five (75) feet from existing center line of Richmond Highway as shown on the CDP/FDP and the *Route 1 Locational Study, 001-96A-103, PE-100, noted Preliminary, Not for construction* and dated 8/21/2002 agreed to and initialed by County staff members, Supervisor representative, and applicants' representative and attached to these proffers. This right-of-way shall be dedicated and conveyed in fee simple to the Board of Supervisors upon demand by the VDOT or Fairfax County whichever occurs first.

After the approval of the site plan and prior to the issuance of the first Building Permit, the applicant shall escrow an amount not exceeding Forty-Six Thousand Seven Hundred and Two Dollars and Fifty-Seven Cents (\$46,702.57) to be held for the construction of the frontage improvements of one (1) lane along the Richmond Highway frontage and curb and gutter along that lane. At the end of fifteen (15) years if such improvements have not been made, then that money shall be returned to the Applicants/Developer.

V 3. Public Offering Statement. The condominium documents shall be made available to potential purchasers in accordance with the Condominium Act of the Commonwealth of Virginia. Notification that Richmond Highway is approved to be expanded in front of the site and that a portion of the existing open space along Richmond Highway is only an interim condition shall be part of the Public Offering Statement. Maintenance of all common elements contained in the condominium shall be included in the Public Offering Statement. The respective COA documents shall specify the maintenance obligation as set forth herein.

VI. Miscellaneous.

VI. The Condominium Owners Association:

A. Condominium Owners Associations. The Condominium Owners Association shall be created upon substantial completion of the units as required by the Condominium Act of the Commonwealth of Virginia and prior to the sale of the first unit. The COA shall consist of all of the residential and non-residential units within this development.

- 8 -

B. COA Maintenance Obligations. The Applicant and subsequent COA shall be responsible for maintenance of all common elements contained in the development such as, but not limited to driveways, sidewalks, plazas, open-space, stormwater management facilities, recreational facilities, community room, roof, elevator, and other common areas within the Application Property including standard cleaning and lawn/landscaping maintenance and removal of snow from streets as required by law.

C. The public offering statement shall notify the potential purchasers that the COA is responsible for maintenance of all common elements and areas within the condominium development. The respective COA documents shall specify the maintenance obligations for all common elements as set forth herein.

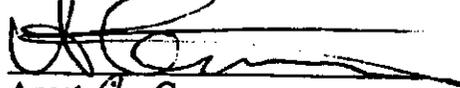
VI. 2. Dumpster Pad. If it is determined that the dumpster pad interferes with safe ingress and egress of emergency vehicles or turnaround of those vehicles, the dumpster pad, the adjacent two parking spaces, and the adjacent proposed fire lane may be switched or the two parking spaces removed to shift back toward the proposed retaining wall to provide more maneuvering room for the trash vehicle and/or the emergency vehicles.

VI. 3. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and his successors and assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon Applicants successor(s) in interest and/or developer(s) of the site or any portion of the site.

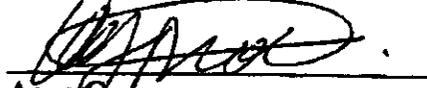
Attachment – Route 1, Locational Study, 001-96A-103, PE-100, noted
Preliminary, Not for Construction, dated 8/21/2002

TITLE OWNERS SIGNATURE TO FOLLOW:

TITLE OWNERS:



Anastasios Grypeos



Anna Grypeos

PROPOSED DEVELOPMENT CONDITIONS

FDP 2003-MV-059

July 15, 2004

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2003-MV-059 for residential development located at Tax Map 93-1 ((18)) (D) 117, 126, 130 pt., and 138, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

- 1. Proposed Wall.** The proposed wall along the southeastern property line shall be seven (7) feet high and constructed of brick or architectural block which matches the proposed main residential building.
- ~~**2. Freestanding Building.** The proposed 1,440 square foot freestanding building shall be used as a community room/exercise facility for the residences only. The architecture and materials of the freestanding building shall be similar to the main residential building. The proposed building shall be one story and no taller than 20 feet in height.~~
- 2. Lighting.** Flat-lens street lights and low-level, full-cut off lighting shall be provided in the parking lot. Bollard lighting shall be used to light walkways and sidewalks.
- 3. Sidewalk.** The proposed new five-foot wide sidewalk along Richmond Highway shall be extended to the south to the site's Preston Avenue property line and the existing bus stop along Richmond Highway.
- 4. Tree Preservation Plan.** A tree preservation plan shall be submitted as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division. This tree survey shall provide recommendations for specific tree preservation activities designed to maximize the survivability of any off-site trees – in particular, the 30-inch caliper oak tree located on Tax Map Parcel 93-1 ((18)) (D) 141. Activities may include, but are not limited to, the elimination of surface parking spaces and a reduction of the limits of clearing and grading.

5. Limits of Clearing and Grading. The limits of clearing and grading shall be marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant shall walk the limits of clearing and grading with an Urban Forestry Division representative and the developer's certified arborist to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time and the Applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal, at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to the adjacent trees.

6. Tree Protection Fencing. All areas of off-site tree save shall be protected by tree protection fencing in the form of four (4) foot high, 14-gauge welded wire, attached to six (6) foot steel posts, driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart. This fence type shall be shown on the Phase I and II erosion and sediment control sheets. The tree protection fencing shall be made clearly visible to all construction personnel, and shall be installed immediately after root pruning has taken place and prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of the tree protection fencing shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading or demolition activities, the Applicant's certified arborist shall verify in writing that the tree protection fencing has been properly installed.

7. Site Monitoring. The services of a certified arborist or landscape architect shall be retained by the Applicant to monitor all construction work and tree preservation efforts in order to ensure conformance with Proffer No. 8. The monitoring schedule shall be described in detail in the tree preservation plan, and reviewed and approved by the Urban Forestry Division.

8. Replacement Value. A professional with experience in plant appraisal, such as a certified arborist or landscape architect, shall be retained by the Applicant to determine the replacement value of abutting off-site trees ("designated trees"). These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall be determined according to the methods contained in the latest edition of

the *Guide for Plant Appraisal* published by the International Society of Arboriculture, subject to review and approval by the Urban Forestry Division.

At the time of site plan approval, a cash bond or letter of credit payable to the County of Fairfax shall be posted by the Applicant to ensure preservation and/or replacement of the designated trees that die or are dying due to construction activities. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees, but in any event shall not exceed \$20,000.

At the time of bond release, if any designated trees are determined to be dead or dying due to construction activities, funds from the cash bond, or letter of credit, shall be used to plant similar species, or species appropriate to the site, in consultation with the Urban Forestry Division and the Applicant's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement. If the Applicant's certified arborist or landscape architect, in consultation with the Urban Forestry Division representative, determines that only a certain number of trees can be planted due to space constraints, which amounts to less than the full extent of the security, the remainder of the moneys shall be returned to the Applicant.

The letter of credit or cash bond will be released two (2) years from the date of release of the project's conservation escrow, or sooner, if approved by the Urban Forestry Division.

9. **Highway noise impacts from Richmond Highway shall be disclosed to all prospective purchasers prior to entering into a contract of sale and within the Condominium Owners Association (COA) documents.**
10. **The impacts of the future widening of Richmond Highway on the subject site shall be disclosed to all prospective purchasers prior to entering into a contract of sale and within the COA documents.**

REZONING AFFIDAVIT

DATE: July 13, 2004
 (enter date affidavit is notarized)

I, Lori R. Greenlief, 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

81329e

in Application No.(s): RZ 2003-MV-059
 (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 BOLD above)
Anastasios and Anna Grypeos	3134 Clayborne Ave. Alexandria, VA 22306	Applicants/Title Owners
Alexandria Surveys International LLC J. Paul Hoofnagle	6343 South Kings Highway Alexandria, VA 22306	Engineer/Agent for the Applicants Agent
Jane Kelsey & Associates, Inc. Jane Kelsey	4041 Autumn Court Fairfax, VA 22030	Agent for Applicants Agent

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

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

Rezoning Attachment to Par. 1(a)

DATE: July 13, 2004
(enter date affidavit is notarized)

81329c

for Application No. (s): RZ 2003-MV-059
(enter County-assigned application number (s))

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

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 BOLD above)
Greenlief Consulting, LLC Lori R. Greenlief	14368 Nandina Court Centreville, VA 20120	Agent for Applicants Agent
Architectural Design Services, Inc. Avgerinos Vakalopoulos	340 Hungerford Dr. 2nd Floor Rockville, MD 20850	Architect/Agent for Applicants Agent
Polysonics Corp. Robert M. Brenneman Scott Harvey	5115 MacArthur Blvd. NW Washington, DC 20016	Agent for Applicants Agent Agent
Reed Smith LLP Grayson P. Wanes Robert M. Diamond	3110 Fairview Park Dr. #1400 Falls Church, VA 22042	Attorney/Agent for Applicants Agent Agent

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

REZONING AFFIDAVIT

DATE: July 13, 2004
(enter date affidavit is notarized)

81329c

for Application No. (s): RZ 2003-MV-059
(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)

Alexandria Surveys International LLC
6343 South Kings Highway
Alexandria, VA 22306

DESCRIPTION OF CORPORATION: (check one statement)

- [x] 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)

J. Paul Hoofnagle Harbor Island Capital, LLC
William G. Fry By: Harbor Island Partners, LLC as Sole Manager of Harbor Island Capital, LLC

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

(check if applicable) [x] 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: July 13, 2004
(enter date affidavit is notarized)

81329c

for Application No. (s): RZ 2003-MV-059
(enter County-assigned application number (s))

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

Jane Kelsey & Associates, Inc.
4041 Autumn Ct.
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 SHAREHOLDER: (enter first name, middle initial, and last name)

Jane Kelsey

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

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

Greenlief Consulting, LLC
14368 Nandina Ct.
Centreville, VA 20120

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)

Lori R. Greenlief

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

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

Rezoning Attachment to Par. 1(b)

DATE: July 13, 2004
(enter date affidavit is notarized)

81329c

for Application No. (s): RZ 2003-MV 059
(enter County-assigned application number (s))

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

Harbor Island Capital, LLC
6329 Oleander Drive, Ste. 200
Wilmington, NC 28403

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)

Harbor Island Partners, LLC
Charles A. Paul III

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

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

Harbor Island Partners, LLC
6329 Oleander Dr. Ste 200, Wilmington, NC 28403

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)

Charles A. Paul III

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

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

Rezoning Attachment to Par. 1(b)

DATE: July 13, 2004
(enter date affidavit is notarized)

81329c

for Application No. (s): RZ 2003-MV_059
(enter County-assigned application number (s))

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

Polysonics Corp.
5115 MacArthur BLvd. NW
Washington DC 20016

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)

George Spano
Pari Spano
Scott B. Harvey

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

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

Architectural Design Services, Inc.
340 Hungerford Dr., 2nd Floor, ROCKVILLE, MD 20850

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)

Averginos Vakalopoulos

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

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

REZONING AFFIDAVIT

DATE: July 13, 2004
 (enter date affidavit is notarized)

81379c

for Application No. (s): RZ 2003-MV-059
 (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)

Reed Smith LLP
 3110 Fairview Park Dr., #1400
 Falls Church, VA 22042

(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:

- | | | | |
|-----------------------|------------------------|-----------------------|----------------------|
| Abbott, Kevin C. | Blitch, Stephen G. | Clark, II, Peter S. | Dittoe, John E. |
| Alfandary, Peter R. | Boehner, Russell J. | Cobetto, III, Jack B. | Duman, Thomas J. |
| Allen, Thomas L. | Bolden, A. Scott | Colen, Frederick H. | Dumville, S. Miles |
| Arnold, Roy W. | Bonessa, Dennis R. | Coltman, Larry | Duronio, Carolyn D. |
| Baglietier, William | Booker, Daniel I. | Connors, Eugene K. | Epstein, Bette B. |
| Baker, Scott D. | Borrowdale, Peter E. | Convery, III, J. Ferd | Eskilson, James R. |
| Banke, Kathleen M. | Boven, Douglas G. | Cotler, Alan K. | Evans, David C. |
| Banzhaf, Michael A. | Bradford, Timothy B. | Cottingham, Robert B. | Fagelson, Ian B. |
| Barry, Kevin R. | Brown, George | Davies, Colleen T. | Fagelson, Karen C. |
| Beattie, Gregory L. | Brown, Michael K. | Demase, Lawrence A. | Fallon, Paul F. |
| Bentz, James W. | Buckley, Mike C. | DeNinno, David L. | Fisher, Stanley P. |
| Bernstein, Leonard A. | Burroughs, Jr., Benton | Dermody, Debra H. | Flatley, Lawrence E. |
| Bersch, Lynn A. | Cameron, Douglas E. | DiCello, Francis P. | Fogle, Paul D. |
| Bevan, III, William | Carder, Elizabeth B. | DiFiore, Gerard S. | Fontana, Mark A. |
| Binis, Barbara R. | Christian, Douglas Y. | Dilling, Robert M. | Foster, Timothy G. |
| Blasier, Peter C. | Christman, Bruce L. | DiNome, John A. | Fox, Thomas C. |

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

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

Rezoning Attachment to Par. 1(c)

DATE: July 13, 2004
(enter date affidavit is notarized)

81329c

for Application No. (s): RZ 2003-MV-059
(enter County-assigned application number (s))

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

Reed SMith LLP
3110 Fairview Park Dr. #1400
Falls Church, VA 22042

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

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

GENERAL PARTNERS:

- | | | | |
|---------------------------|---------------------------|------------------------|------------------------|
| Frank, Ronald W. | Kearney, Kerry A. | Mehfoud, Kathleen S. | Sabourin, Jr., John J. |
| Frenier, Diane M. | Kelly, Bradley L. | Melodia, Mark S. | Sanders, Michael |
| Fritton, Karl A. | Kemp, John M. | Metro, Joseph W. | Schaffer, Eric A. |
| Gallagher, Jr., Daniel P. | Kiel, Gerard H. | Meyers, Michael A. | Schatz, Gordon B. |
| Gallatin, James P. | King, Robert A. | Miller, Edward W. | Scott, Michael T. |
| Gasparetti, Lorenzo E. | Klein, Murray J. | Miller, Robert J. | Seaman, Charles H. |
| Gentile, Jr., Pasquale D. | Kohn, Steven M. | Moberg, Marilyn A. | Sedlack, Joseph M. |
| Goldrosen, Donald N. | Kolaski, Kenneth M. | Morris, Robert K. | Shanus, Stuart A. |
| Goldschmidt, Jr., John W. | Kosch, James A. | Munoz, Peter S. | Shmulewitz, Aaron A. |
| • Greeson, Thomas W. | Kozlov, Herbert F. | Munsch, Martha H. | Short, Carolyn P. |
| Gross, Dodi Walker | Krebs-Markrich, Julia | Myers, Donald J. | Siamas, John S. |
| Guadagnino, Frank T. | Kwuon, Janet H. | Napolitano, Perry A. | Simons, Bernard P. |
| Gwynne, Kurt F. | Lacy, D. Patrick | Naugle, Louis A. | Simons, Robert P. |
| Hackett, Mary J. | Lasher, Lori L. | Nelson, Jack R. | Singer, Paul M. |
| Haggerty, James R. | LeDonne, Eugene | Nicholas, Robert A. | Sleeth, Boyd C. |
| Hanes, Grayson P. | Leech, Frederick C. | Nogay, Artie R. | Smith, III, John F. |
| Harris, Judith L. | Levine, Edward H. | Oppedahl, Mary C. | Smith, John Lynn |
| Harnsberger, Thomas L. | Linge, H. Kennedy | Peck, Jr., Daniel F. | Spaulding, Douglas K. |
| Hartman, Ronald G. | Loepers, Carol C. | Perfido, Ruth S. | Speed, Nicholas P. |
| Hayes, David S. | London, Alan E. | Peterson, Kurt C. | Stanley, David E. |
| Heard, David J. | Lowenstein, Michael E. | Philpot, Kenneth J. | Stewart, II, George L. |
| Heffer, Curt L. | Luchini, Joseph S. | Picco, Steven J. | Stoney, Jr., Carl J. |
| Heidelberger, Louis M. | Lynyak, III, Joseph T. | Pollack, Michael B. | Stroyd, Jr., Arthur H. |
| Hill, Christopher A. | Lyons, III, Stephen M. | Prorok, Robert F. | Tabachnick, Gene A. |
| Hill, Robert J. | Mahone, Glenn R. | Quinlan, Thomas J. | Thalner, Jr., Karl A. |
| Hitt, Leo N. | Mantell, Nanette W. | Quinn, John E. | Thomas, William G. |
| Hoeg, III, A. Everett | Marger, Joseph M. | Radley, Lawrence J. | Thompson, David A. |
| Hofstetter, Jonathan M. | Martin, James C. | Raymond, Peter D. | Tillman, Eugene |
| Honigberg, Carol C. | McAllister, David J. | Reed, W. Franklin | Tocci, Gary M. |
| Howell, Ben Burke | McDavid, George E. | Rainke, Brent A. | Todd, Thomas |
| Iino, John M. | McGarrigle, Thomas J. | Reinke, Donald C. | Tompkins, Benjamin F. |
| Innamorato, Don A. | McGough, Jr., W. Thomas | Restivo, Jr., James J. | Tovey, Morgan W. |
| Johnson, Stephen W. | McGuan, Kathleen H. | Rhatigan, Sean M. | Travelise, Andrew J. |
| Jordan, Gregory B. | McKenna, J. Frank | Ritchey, Patrick W. | Unkovic, John C. |
| Kabnick, Lisa D. | McNichol, Jr., William J. | Rubenstein, Donald P. | Vitsas, John L. |

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

Rezoning Attachment to Par. 1(c)

DATE: July 13, 2004
(enter date affidavit is notarized)

81329c

for Application No. (s): RZ 2003-MV-059
(enter County-assigned application number (s))

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

Reed Smith LLP
3110 Fairview Park Dr. #1400
Falls Church, VA 22042

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

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

GENERAL PARTNERS:

von Waldow, Arnd N.
Wallace, Marshall G.
Wallis, Eric G.
Wasserman, Mark W.
Weissman, David L.
Weissman, Sonja S.
Wilson, Stephanie

Wood, Douglas J.
Wood, James M.
Young, Jonathan

Former Equity Partners

Aaronson, Joel P.
Birnbaum, Lloyd C.
Bruzzone, Richard A.
Casey, Bernard J.
Dare, R. Mark
Davis, Peter R.
Hawkins, Jane M.
Kearney, James K.
Maier, Thomas A.
Mansmann, J. Jerome
Moorhouse, Richard L.
Post, Peter D.
Reichner, Henry F.
Rissetto, Christopher L.
Springer, Claudia Z.
Whitley, Bruce D.
Winter, Nelson W.
Zimmerman, Scott F.

Former Partners

Browne, Michael L.
Blum-Herkenhoff, L. Amy
D'Agostino, L. James
Glanton, Richard H.
Gryko, Wit J.
Sachse, Kimberly L.
Scheineson, Marc J.
Swayze, David S.

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

REZONING AFFIDAVIT

DATE: July 13, 2004
(enter date affidavit is notarized)

81329c

for Application No. (s): RZ 2003-MV-059
(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: JULY 13, 2004
(enter date affidavit is notarized)

81329c

for Application No. (s): RZ 2003-MV-059
(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 \$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.)

- \$300.00 Contribution from Anastios and Anna Grypeos to Supervisor Gerry Hyland's campaign.
- \$250.00 Contribution from Thomas W. Greeson (Reed Smith LLP) to Supervisor Hudgins' campaign.

(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:

Lori R. Greenleaf

(check one)

[] Applicant

[X] Applicant's Authorized Agent

LORI R. GREENLEAF

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

Subscribed and sworn to before me this 13th day of July, 2004, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

[Signature]
Notary Public

My commission expires: May 31st, 2007

Jane Kelsey & Associates, Inc.

Consultants

4041 Autumn Court
 Fairfax, VA 22030-5168
 703-385-4687 (Phone)
 703-385-8760 (FAX)

jckelse@aol.com
 (cell)

Land Use
 President

Jane Kelsey

Vice-President

Donald E. Lucas
 703-623-1574

June 2, 2004

Ms. Catherine Lewis, Staff Coordinator
 Zoning Evaluation Division
 Dept. of Planning & Zoning
 12055 Government Center Parkway
 Fairfax, VA 22035

Re: **RZ 2003-MV-059, Grypeos Rezoning**

Dear Ms. Lewis:

The Revised Development Plan and Revised Proffers (dated May 28, 2004) which were submitted incorporate several changes which were made in an effort to address some of the concerns raised in the Staff Report dated May 19, 2004.

1. **Noise.** The indoor-outdoor noise analysis has been completed. Based upon that analysis, the Proffer has been revised to provide the STC for the walls, windows, exterior door, and sliding glass doors for both the front walls of the residential units facing both Richmond Highway and toward the rear of the building.

The community building has been shifted toward the main building in order to provide an outside gathering area for the residents in back of the community building, thus shielding any noise from Richmond Highway. The deck west of the community building and contiguous to the main building will be solely for the use of the non-residential uses within the building.

2. **Screening.** A solid architectural wall has been proposed as shown on Sheet 4 of 4 of the Development Plans along the Preston Avenue frontage. The Proffer agrees to planting within 25 feet of the property line in the undeveloped Preston Avenue right-of-way across from residentially zoned land provided permission is granted from the owner of the underlying land. It is my understanding some of the vegetation that was at the eastern most end of that area was removed recently by the contractor's of the property owner across Preston when a new water line was installed for that property. It is also noted that there is existing vegetation in the remaining portion of

undeveloped Preston Avenue.

The architectural elevations on Sheet 4 of 4 show a very attractive architectural solid wall with a metal grill above the wall to provide air and some light into the parking area underneath the deck, then a solid concrete smooth finish on top of that grill area.

3. **Frontage Improvements:** After a discussion with Commissioner Byers, a Proffer has been included regarding escrowing an amount for frontage improvements along Richmond Highway.
3. **Sidewalk:** Another sidewalk has been added to provide better access from the sidewalk in front of the building to the corner of the property adjacent to the bus stop as Staff requested.
4. **Recreational Development:** The applicant has provided a community room and an outside area for gathering for the residents that Staff requested. A proffer has also been added which specifically outlines what amenities may be included in the community room. The value of this recreational amenity is well in excess of the \$36,435 that Staff suggested be given to the Park Authority. In fact, the estimated cost of the community facilities is closer to \$300,000.00.
5. **Stormwater Management:** This issue has been reviewed by the Applicants' engineer and the Applicants as well as discussed with the Dept. of Public Works & Environmental Services (DPWES). The Applicants have also proffered to maintain this facility.
6. **Tree Save:** There is a Proffer to save the 30" oak tree on the adjacent Lot 141.
7. **Community/exercise Room:** The separate building has been labeled "community/exercise room" so that there will be no confusion as to its purpose.

I would note that after the previous revision of the Development Plan, Staff verbally advised that more structured parking would be absolutely necessary in order to meet the requirements of the PRM District. Thus, the deck was added with parking underneath.

There are engineering reasons why the community/exercise room is on the deck rather than on the roof as recommended by Staff. There is also a design issue. The architect strongly believes that such a long open deck would not be appealing to either the residents or to the community. The small building which is proposed is residential in appearance, scale, and design. The cross-section elevations on Sheet 2 of 2 show that it is only

June 2, 2004

slightly higher than the adjacent residential home on lot 131 to the east.

8. **Waivers:** We would like to withdraw some of the waivers which were previously requested. At one of our meetings early on with citizens, they advised us that if there was any possibility of needing a waiver for anything, we should make that known to them, which we did. The citizens had no objections to any of the waivers requested.

Withdraw: Peripheral Parking Lot Landscaping: The required setback and landscaping has been provided.

Withdraw: Side Yard Setback. The side yard is 25 degree angle of bulk plane but not less than 10 feet. Thus the raised deck meets this requirement toward Lot 131 since it is 12 feet away from Lot 131.

Withdraw: Front Yard Setback toward Richmond Highway: Staff indicates that there are no required setbacks in the PRM district. Sect. 6-408 of the PRM regulations refer to the requirements of the Part 1 of Article 16, Planned Developments, for which the bulk regulations state that setbacks shall generally conform to the zoning districts which most closely characterizes the development. Staff agrees that this district would be R-20. The front setback for R-20 is a 15 degree angle of bulk plane but not less than 5 feet. Thus, it appears this waiver is not needed.

Withdraw: Sidewalk Construction: A sidewalk is proposed along the front of the building which connects to the corner of the property adjacent to Preston Avenue and to East Lee Avenue.

Continue to Request - Front Yard Along Undeveloped Preston Avenue: We believe that the raised deck along Preston Avenue which is a rear lot line but requires a front yard requirement continues to need a modification. An underground garage does not have to meet the yard requirements so it is only the deck which the applicant has proposed only to satisfy Staff's issue that more structured parking was the only way to meet the intent of the PRM district regulations. Since there was ample vegetation in Preston Avenue at the time we were having discussions with Staff about extending the deck to cover more parking spaces, the presence of this vegetation led us to believe that this waiver was appropriate and that Staff supported this.

The minimum front yard requirements for structures other than single family dwellings in the R-20 district is a 25 degree angle

June 2, 2004

of bulk plane but not less than 20 feet. Neither the community building nor the deck meets this requirement.

Continue to Request - Transitional Screening and Barrier

Modifications and Waivers: If this were a development by right, the Zoning Ordinance permits a two-thirds reduction of the transitional screening yard if an architectural block wall is provided. Discussions with both contiguous property owners to the east indicate that they support this development and believe it will be an asset to their property and the community.

A waiver for 25 feet along East Lee Avenue is needed for the barrier and screening, which is between the entrance and the eastern lot line.

Minimum District Size: The applicants consolidated 17 lots in order to provide a viable development and minimize the number of residential lots that would need to be rezoned. This application has had numerous meetings with citizens, Southeast Development Corporation, as well as Staff and I do not recall anyone objecting to this waiver heretofore. The Floor Area Ratio for the proposed development is much less (0.78) than is permitted in the PRM District (3.0). The proposed development has many more design amenities than if only the C-8 portion of the property were to be developed by right and we believe it will be an asset to the immediate community and the greater community of Mt. Vernon and Lee Districts.

Underground Stormwater Detention. This development is residential, retail, and office. The Applicants believe there are adequate funds for the continued maintenance of such a facility, which appears to be Staff's main concern with the fact that it is underground. This is a waiver that will be addressed at the time of site plan review.

Again, we do appreciate your comments and have tried to address those comments to the degree possible without getting into all of the engineering that will be required at the time of site plan review. We believed that this will be a quality development that will be an asset to the community. With the additions which have been requested by Staff and which have been provided on the last revisions to the development plan, the development will be an even greater asset to the community.

If you have questions or concerns, please do not hesitate to call me or Lori Greenlief.

Sincerely,

Page 5

June 2, 2004

Jane Kelsey, President
Jane Kelsey & Associates, Inc.

cc: Mr. Gerald Hyland, Supervisor, Mt. Vernon District
Mr. John Byers, Planning Commissioner, Mt. Vernon District
Members, Planning Commission
Ms. Becky Witsman, Executive Director, Southeast Fairfax
Development Corp.
Mr. and Mrs. Anastasios Grypeos
Mr. Paul Hoofnagle
Ms. Lori Greenlief

