



APPLICATION ACCEPTED: May 5, 2011
PLANNING COMMISSION: October 27, 2011
BOARD OF SUPERVISORS: January 10, 2011 @ 4:00 P.M.

County of Fairfax, Virginia

October 13, 2011

STAFF REPORT

APPLICATION RZ 2011-LE-007

LEE DISTRICT

APPLICANT(S): George Tsentas

PRESENT ZONING: I-I

REQUESTED ZONING: I-4

PARCEL: 81-2 ((3)) 26

ACREAGE: 18,098 square feet

INTENSITY: 0.07 FAR

OPEN SPACE: 58%

PLAN MAP: Alternative Uses

PROPOSAL: The applicant seeks to rezone 18,098 square feet from the I-I District to the I-4 District to permit a contractor's office at an intensity of 0.07 FAR.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2011-LE-007, 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.

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/



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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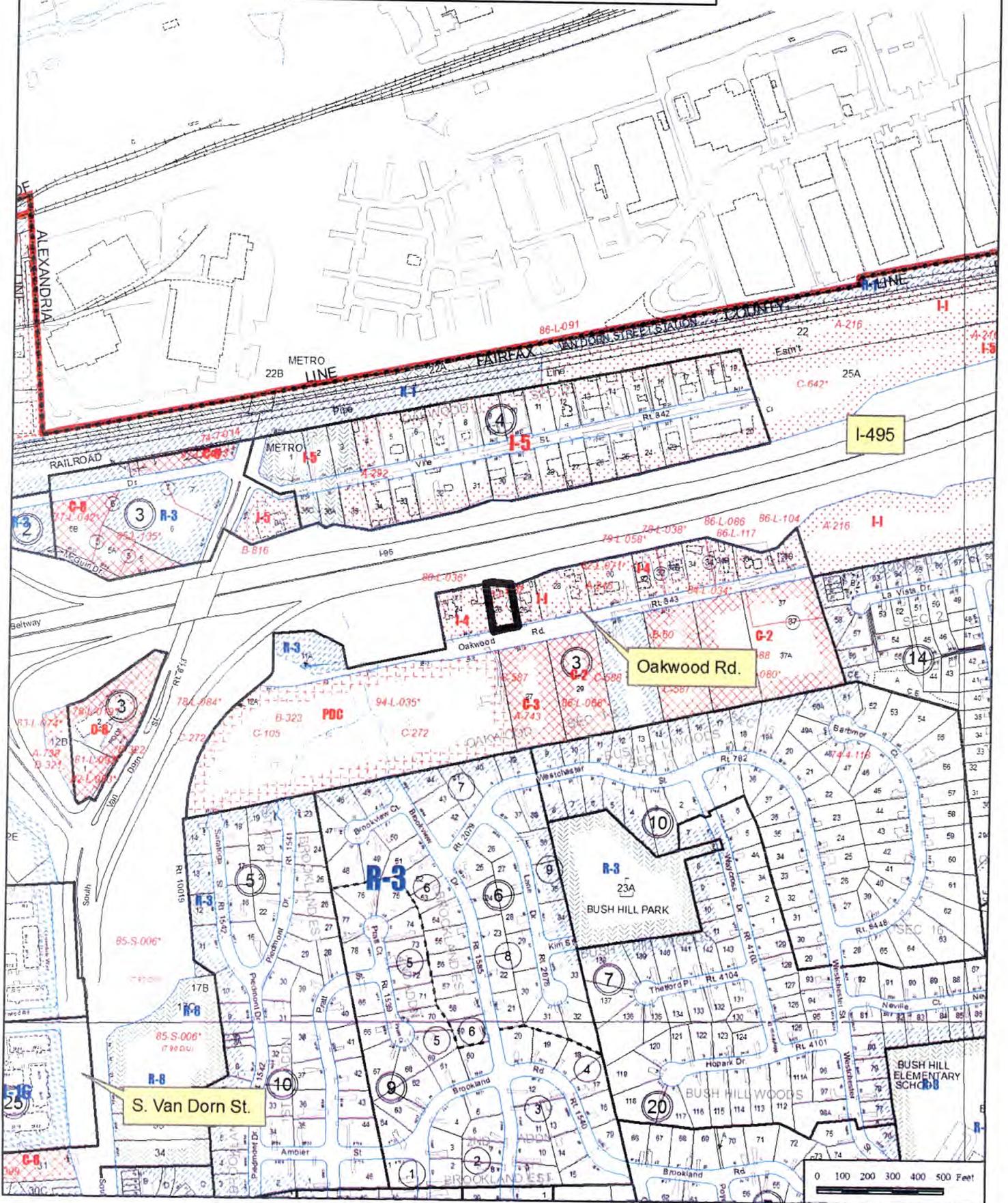


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application

RZ 2011-LE-007

GEORGE TSENTAS



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

DESCRIPTION OF THE APPLICATION

The applicant, George Tsentas, has filed rezoning application RZ 2011-LE-007 on Tax Map Parcel 81-2 ((3)) 26 to rezone an 18,098 square foot (SF) site from the Industrial Institutional (I-I) District to the Medium Intensity Industrial (I-4) District to permit the existing Contractor's Office and shop to remain on the site. The proposed intensity under this rezoning application is 0.07 FAR with approximately 58% open space provided.

LOCATION AND CHARACTER

The subject site is 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 and two sheds built in 1944, located in the northern portion of the site, 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 east and west by industrial uses zoned I-I and I-4) respectively. The adjacent property to the east is subject of a pending rezoning application (RZ 2011-LE-020), which has been filed to rezone that site from the I-I District to the I-4 District to permit existing contractors offices to remain.



On April 26, 2010 a notice of violation was served to the owner of the subject property following an inspection which revealed that a contractor's office and shop were operating on the site, which is not permitted in the I-I District. Notices of violations were also issued for lot 26A and lot 28 to the east of the site. As a result the owner of the subject property, as well as the owners of lot 26A and lot 28 (RZ 2011-LE-020) have submitted rezoning applications to seek approval to allow the existing uses to remain.



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

*The adjacent property to the east is subject to RZ 2011-LE-020, requesting to rezone from I-I to I-4, which is currently under review by County staff.

BACKGROUND

Two residential dwellings were constructed on the subject site in 1944.

On April 8, 1946 the original 2 acre lot was subdivided into two 1 acre parcels (lot 26 and lot 26A).

On October 17, 1958, 0.5914 acres of the 1-acre lot was taken (condemned) by the Commonwealth of Virginia for the construction of the Capital Beltway (I-495).

The residential dwellings constructed on the subject site 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 use on the site.

On April 26, 2010 a notice of violation was served to the owner of the property following an inspection on April 21, 2010 which revealed that a contractor's office was operating on the site, which 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: Part Lot 26, Oakwood (5520 Oakwood Road)

Prepared By: R.C. Fields, Jr. and Associates

Original and Revision Dates: August 13, 2010, as revised through December 20, 2010.

The General Development Plan (GDP) consists of two sheets, with sheet one containing the site layout, tabulations, vicinity map, soils map, details, and general notes. Sheet two contains the existing vegetation map, tree preservation calculation, drainage map and outfall narrative.

Site Layout: The application does not propose any new construction on the site. The layout depicts the existing structures on the site, which consists of two residential structures (1-story and 1 ½-story) and two sheds. The houses have been converted into a commercial office and storage facility for the office, which are 14.8 and 15 feet in height respectively. All of the structures are located in the northern portion of the property. The existing vegetation is shown to remain along boundaries of the site and parking for 12 vehicles and two loading spaces are depicted in the parking area in the central portion of the site. 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 0.07, 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 discussed, 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 rain barrels on the buildings on the site, to capture the maximum amount of roof stormwater runoff. DPWES staff has reviewed the application and noted that any waiver to use the off-site VDOT pond for detention 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 shall 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 the vegetation depicted on the GDP did not accurately reflect the existing vegetation on the site. Additionally, an Existing Vegetation Map (EVM) was not provided as required by Article 20 of the Zoning Ordinance and Section 12-0506 of the Public Facilities Manual (PFM). UFMD staff noted that although no land disturbance is proposed with this application, an EVM should be submitted with the application, which accurately delineates all areas of the cover types on the site as well as all other required elements of the Zoning Ordinance and PFM. The applicant also failed to provide preliminary 10-year tree canopy calculations and therefore UFMD staff was unable to determine if the tree canopy requirements would be met.

Resolution:

The applicant submitted a revised GDP that includes an EVM in accordance with Article 20 of the Zoning Ordinance and Section 12-0506, 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)

I-4 District (Bulk Requirements)		
Standard	Required	Proposed
Max. Intensity	0.50 FAR	0.07 FAR
Min. Lot Area	20,000 SF	18,098 SF*
Lot Width	100 feet	100 feet
Min. Front Yard	Controlled by 45° angle of bulk plane, but not less than 40 ft.	105 feet
Min. Side Yard	No Requirement	31.4 feet
Min. Rear Yard	No Requirement	0.91 feet
Max. Building Height	75 feet	15 ft.
Open Space	15%	58%
Parking Spaces	$3.6 / 1,000\text{SF} = 3.6 * 1.35 = 4.86 = 5$ spaces	12 spaces
Loading Spaces	$1/10,000\text{ SF} = 1$ space	2 spaces
* 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 subdivided in 1946, and then reduced in size again in 1958 as a result of 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-007, 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
GEORGE TSENTAS
RZ-2011-LE-0007
SEPTEMBER 12, 2011

Pursuant to Section 15.2-2303 (a), Code of Virginia, 1950 as amended, George Tsentas, the Applicant in **RZ-2011-LE-0007**, filed for rezoning of property identified as Tax Map 081-2-03-0026. (hereinafter referred to as the "Application Property") and proffers for himself, his successors, and assigns the following, provided the Board of Supervisors (hereinafter referred to as the "Board") approves the requested rezoning application. If the rezoning application is denied, or if a court of law overturns the rezoning request/approval, then these proffers shall be null and void and without effect.

1. **Rezoning Application:** Applicant has applied to rezone this property from I-1 District to the I-4 District for him to utilize the property as a "Contractor's Office" as described in the subject rezoning application and on the Generalized Development Plan (GDP) Part Lot 28, OAKWOOD (5520 Oakwood Drive), Lee District, Fairfax County, Virginia, prepared by R.C. Fields Jr. and Associates, PC, dated 13 August, 2010, with revisions. As part of the approval with the rezoning, Applicant shall obtain all required building permits and inspections as required and obtain a Non-Residential Use Permit (Non-RUP).
2. **Permitted Use for the Property:** Permitted uses of the property shall be limited to a Contractor's office.
3. **Site Development:** The Applicant shall the utilize the existing building and parking that is on the property and detailed on the Generalized Development Plan on Part of Lot 26 OAKWOOD (5520 Oakwood Road), Lee District Fairfax County, Virginia dated 13, August, 2010 and Prepared by R.C. Fields, Jr. and Associates, a professional corporation.

4. **Transportation and Traffic Issues:** Prior to the issuance of the Non-Residential Use Permit (Non-RUP) the Applicant shall dedicate and convey, in fee simple, the right-of-way as generally shown on the GDP.
5. **Subsequent Minor Modifications.** The applicant also requests that per the Zoning Ordinance that he be allowed to make minor modifications to his GDP/Rezoning Plat (see Paragraph 4, Section 18-403, Zoning Ordinance) and that these proffers incorporate such authority as is permitted for the Zoning Administrator to allow for such minor modifications.
6. **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, rain barrels shall be strategically placed to capture the maximum amount of roof stormwater runoff at the building located on the Property.
7. **Successors and Assigns:** These proffers will bind and inure to the benefit of the Applicant and his successors and assigns.
8. **Counterparts:** These proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but on in the same instrument.

APPLICANT/TITLE OWNER:

GEORGE TSENTAS

DATE _____

OCT 21 2010

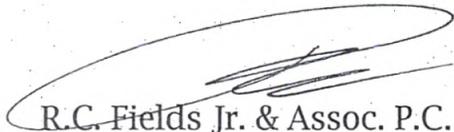
**STATEMENT OF JUSTIFICATION
For Rezoning Application on
Part of Lot 26, Oakwood**

This property is located at 5520 Oakwood Road, Alexandria, VA 22306
Fairfax County Tax Map Reference #081-2-03-0024

1. The parcel is presently Zone I-I (Industrial Institutional District), and is currently occupied by an existing contractor's office. The owner was issued a use violation for a use contrary to that allowed with the current zoning district. The owner has currently vacated the property and wishes to rezone to the I-4 zoning district to utilize the site as a contractor's office.
2. The existing I-I Industrial District parcel is out-of-date with current uses in the area and the comprehensive plan "Concept For Future Development" which encourages the development of low to medium-intensity office use".
3. A large portion of the site and adjacent parcels was taken by eminent domain to construct the Capital Beltway resulting in lots that are undersized for the current I-I zoning. Thusly the full potential of the area under the current I-I zoning cannot be realized. The rezoning would permit a contractor's office use to be utilized which cannot be permitted under the current I-I zone.
4. The rezoning will also function as a transition between the I-4 and I-I industrial zone along Oakwood Road. This industrial district will be suitable to provide a contractor's office use consistent with other establishments in the area.
5. The land area that is bounded by Oakwood Road is a local industrial hub and focal point for the Oakwood industrial zone. This development is not anticipated to have any adverse impact on the flow of traffic along Oakwood Road. The modern intersection at Oakwood Road and South Van Dorn Street will facilitate any changes in traffic flow although none are anticipated as a result of this rezoning.
6. Substantial parcel consolidation and coordinated development in this area is not practical of proposed at this time. The subject parcel is currently developed and utilized of a similar business use as other parcels in the immediate area. The parcel immediately to the west is currently zoned I-4 and the parcel to the east is zoned I-I. The adjoining parcel owners have been contacted and they all

have established uses on their sites and do not wish to re-develop or rezone their properties at this time.

7. There will be no adverse impacts on industrial or residential properties in the area. Existing pedestrian access is limited to the existing trail that ends near the site. This industrial area is not known to have significant foot traffic.
8. The "clusters of buildings, connected by pedestrian and open spaces" envisioned in the Comprehensive Plan applies more to the larger building lots on the south side of Oakwood Road than it does to the smaller lots on the north side of Oakwood Road that have been reduced in size by the area taking for the Capital Beltway. Road widening, additional right-of-way dedication, pedestrian access and green space in this area is to be provided adjacent to the relocated four lane road requested in the Comprehensive Plan. The relocated four lane road shall be provided along the frontage of the lots on the south side of Oakwood Road as was provided with the development of parcels 081-2-03-0023, 0027 & 0029.



R.C. Fields Jr. & Assoc. P.C.
Roger K. Bohr, Project Designer, Agent for Owner

10/15/2010

Date

REZONING AFFIDAVIT

DATE: September 22, 2011
(enter date affidavit is notarized)

I, Roger K. Bohr, 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 111913c

in Application No.(s): RZ 2011-LE-007
(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)
George C. Tsentas, Trustee	4311 Mission Court, Alexandria Va. 22310	Applicant / Title Owner
Androulla G. Tsentas, Trustee as Trustees of George C. Tsentas Revocable Intervivos Trust, for the benefit of Androulla G. Tsentas	4311 Mission Court, Alexandria Va. 22310	Title Owner
R.C. Fields Jr. & Assoc. PC	730 S. Washington Street, Alexandria Va. 22314	Agent / Engineer
Roger K. Bohr	730 S. Washington Street, Alexandria Va. 22314	Agent / Engineer
Paul A. Wilder	730 S. Washington Street, Alexandria Va. 22314	Agent / Engineer
Ronald J. Keller	730 S. Washington Street, Alexandria Va. 22314	Agent / Engineer
Thomas, Ballenger, Vogelman & Turner, P.C.	124 S. Royal Street, Alexandria Va. 22314	Agent / Attorney
James D. Turner, Esq.	124 S. Royal Street, Alexandria Va. 22314	Agent / Attorney

(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 Attachment to Par. 1(a)

DATE: September 22, 2011
(enter date affidavit is notarized)

111913c

for Application No. (s): RZ 2011-LE-007
(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)
Capital Painting Company, Inc.	5520 Oakwood Road, Alexandria Va. 22130	Lessee

(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: September 22, 2011
(enter date affidavit is notarized)

111913c

for Application No. (s): RZ 2011-LE-007
(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)
Capital Painting Company, Inc. 5520 Oakwood Road, Alexandria, Va. 22130

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)
George C. Tsentas

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: September 22, 2011
(enter date affidavit is notarized)

111913c

for Application No. (s): RZ 2011-LE-007
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Thomas, Ballenger, Vogelman & Turner, P.C. 124 S. Royal Street Alexandria Va. 22314

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)

James D. Turner
Jeffery A. Vogelman

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

Jeffery A. Vogelman, President
James D. Turner, Secretary & Treasurer

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
R.C. Fields Jr. & Assoc. P.C. 730 S. Washington Street, Alexandria Va. 22314

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)

Robert C. Fields, Jr.

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: September 22, 2011
(enter date affidavit is notarized)

111 913 c

for Application No. (s): RZ 2011-LE-007
(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)

(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)

(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: September 22, 2011
(enter date affidavit is notarized)

111913 c

for Application No. (s): RZ 2011-LE-007
(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: September 22, 2011
(enter date affidavit is notarized)

111913c

for Application No. (s): RZ 2011-LE-007
(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:

(check one)

[] Applicant

[x] Applicant's Authorized Agent

Roger K. Bohr

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

Subscribed and sworn to before me this 22 day of September 20 11, in the State/Comm of Virginia, County/City of Alexandria.

Rebecca Fields
Notary Public

My commission expires: 01/31/2014





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: April 26, 2010

SHERIFF'S LETTER



CASE #: 45226 SR#: 58879

SERVE: George Tsentas
4311 Mission Court
Alexandria, VA 22310

LOCATION OF VIOLATION: 5520 Oakwood Road
Alexandria, VA 22310-1006
Oakwood, PT Lot 26
Tax Map #: 81-2 ((3)) 26
Zoning District: I-I

Dear Property Owner:

An inspection of the above referenced property on April 21, 2010 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-302 (5) Contractor's Offices and Shops in a Residential District:

An investigation revealed the following equipment and materials for 'Capital Painting Co.' are being stored and/or used on this property:

Numerous ladders, stacks of wooden trim pieces, commercial vehicles for Capital Painting Co., numerous paint cans and miscellaneous painting tools.

The use of this property is deemed a Contractor's Offices and Shops. 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

Department of Planning and Zoning
Zoning Administration Division
Zoning Enforcement Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



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 of the establishment or 1000 square feet.

A contractor's offices and shops is not a permitted use in the R-3 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 thirty (30) 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.

§ 2-302 (5) Storage Yard in a Residential District:

The inspection revealed the storage in the rear yard of, but not limited to, the following:

Numerous Ladders, stacks of wooden trim pieces, commercial vehicles for Capital Painting Co., numerous paint cans and miscellaneous painting tools.

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-I 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 thirty (30) days of the date of this Notice. Compliance must be accomplished by the following:

- Removing all 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

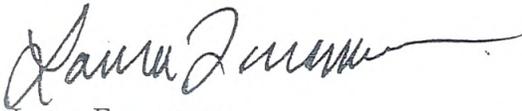
yard.

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 \$2455.00 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 703-324-1388 or 703-324-1300.

Sincerely,



Laura Ferramosca
Property Maintenance/Zoning Enforcement Inspector

LEF/



County of Fairfax, Virginia

MEMORANDUM

DATE: August 15, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *P.G.N.*
Environment and Development Review Branch, DPZ

SUBJECT: **Land Use Analysis & Environmental Assessment:** RZ 2011-LE-007
Tsentas

The memorandum, prepared by John Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the development plan dated December 20, 2010. 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, George Tsentas, 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 18,098 square feet 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/



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 26, 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-007)

SUBJECT: Transportation Impact

REFERENCE: RZ 2011-LE-007 George Tsentas
Traffic Zone: 1492
Land Identification Map: 81-2 ((3)) 26

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 August 13, 2010, and revised through December 20, 2010. The applicant wishes to rezone the 0.4155 acre site from I-1 to I-4 in order to allow a contractor's office.

The applicant has dedicated 10 feet for right-of-way purposes which is sufficient according to the Comprehensive Plan, therefore, this department has no transportation issues.

AKR/LAH/lah



County of Fairfax, Virginia

MEMORANDUM

DATE: May 20, 2011

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

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

SUBJECT: Rezoning Application #RZ 2011-LE-007, Tsentas – 5520 Oakwood Road,
Generalized Development Plat dated December 20, 2010, LDS Project
#6265-ZONA-001-1, Tax Map #81-2-03-0026, Lee District

We have reviewed the subject application and offer the following stormwater management comments.

The applicant has not provided a Stormwater Information Sheet (LTI 06-06).

Chesapeake Bay Preservation Ordinance (CBPO)

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

Water quality controls may not be required for this redevelopment (PFM 6-0401.2B). No controls are depicted on the Generalized Development Plan. If earlier development on this site was established without a site plan, water quality controls may be required.

Floodplain

There are no regulated floodplains on the property.

Downstream Drainage Complaints

The property immediately west filed an erosion/undermining complaint three years ago.

Stormwater Detention

Stormwater detention is required, if not waived (PFM 6-0301.3). No facilities are depicted on the Generalized Development Plan. A waiver is likely to be approved provided i) adequate outfall is demonstrated and ii) all the existing development on this site was established under a site plan.



St. Clair Williams, Staff Coordinator
Rezoning Application #RZ 2011-LE-007, Tsentas
May 20, 2011
Page 2 of 2

Site Outfall

An outfall narrative has been provided.

Stormwater Planning Comments

The Cameron Run Watershed Plan has been adopted.

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, ESRD, DPWES
Zoning Application File

Williams, St Clair D

From: Nelson, Todd
Sent: Tuesday, September 13, 2011 3:31 PM
To: Williams, St Clair D
Subject: RZ 2011-LE-007

St. Clair,

I have reviewed the revised GDP RZ 2011-LE-007 for 5520 Oakwood Road, stamped by DPZ September 12, 2011, and it appears UFMD comments/recommendations on the previously submitted GDP have been adequately addressed.

Please let me know if you have any questions.

Todd

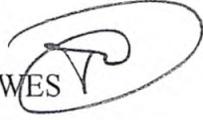


County of Fairfax, Virginia

MEMORANDUM

May 31, 2011

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

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

SUBJECT: Oakwood, Part Lot 26 (5520 Oakwood Road); RZ 2011-LE-007

RE: Request for assistance dated May 12, 2011

This review is based upon the Generalized Development Plan RZ 2011-LE-007 stamped "Received, Department of Planning and Zoning, January 13, 2011." A site visit was conducted on May 24, 2011.

Site Description: This site is developed with an existing single story detached building with an attached shed, an existing 1 ½ story building, and an existing asphalt parking lot. This site was gated and locked during the site visit and an evaluation of the existing vegetation could not be conducted. However, based on a visual inspection conducted from the outside of the existing entrance, existing vegetation appears to consist of black locust, black cherry, mulberry, American holly, and eastern redcedar.

- 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



Oakwood, Part Lot 26 (5520 Oakwood Road)
RZ 2011-LE-007
May 31, 2011
Page 2 of 2

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 #: 161001

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: June 7, 2011

SUBJECT: RZ 2011-LE-007, Oakwood Tsentas
Tax Map Number: 81-2 ((3)) 26

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: May 12, 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-007

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 Water

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

May 13, 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-007
Oakwood Lot 26
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 is served by Fairfax Water.
2. Adequate domestic water service is available at the site from an existing 6-inch water main located at the property. See the enclosed water system map.
3. Depending upon the final configuration of the site, 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,



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

Enclosures

cc: R.J. Keller, RC Fields
George Tsentas

9-610 Provisions for Waiving Minimum Lot Size Requirements

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.
3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.
4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

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		