



APPLICATION ACCEPTED: April 27, 2009
PLANNING COMMISSION: December 8, 2011
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

November 22, 2011

STAFF REPORT

APPLICATIONS RZ 2009-MV-010

MOUNT VERNON DISTRICT

APPLICANT: Sparrowen, LLC

PRESENT ZONING: R-1 (Residential, One Dwelling Unit per Acre) and I-4 (Medium Intensity Industrial) Districts

REQUESTED ZONING: I-5 (General Industrial District)

PARCEL: 108-1 ((1)) 8B, 8D, 108-1 ((5)) 4, 5

ACREAGE: 9.38 acres

FLOOR AREA RATIO: 0.03

OPEN SPACE: 52%

PLAN MAP: Industrial

PROPOSAL: Rezone from the R-1 (5.4 acres) and I-4 Districts (3.97 acres) to the I-5 District to allow the continuation of the existing vehicle major service establishment, storage yard, motor freight terminal, and Private school of special education

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2009-MV-010, subject to the execution of the draft proffers consistent with those contained in Appendix 1.

Staff recommends approval of the waiver of interior parking lot landscaping.

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/



Staff recommends approval of the waiver of the peripheral parking lot landscaping requirement.

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 standard.

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

The approval of this application does not interfere with, abrogate or annul any easements, 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

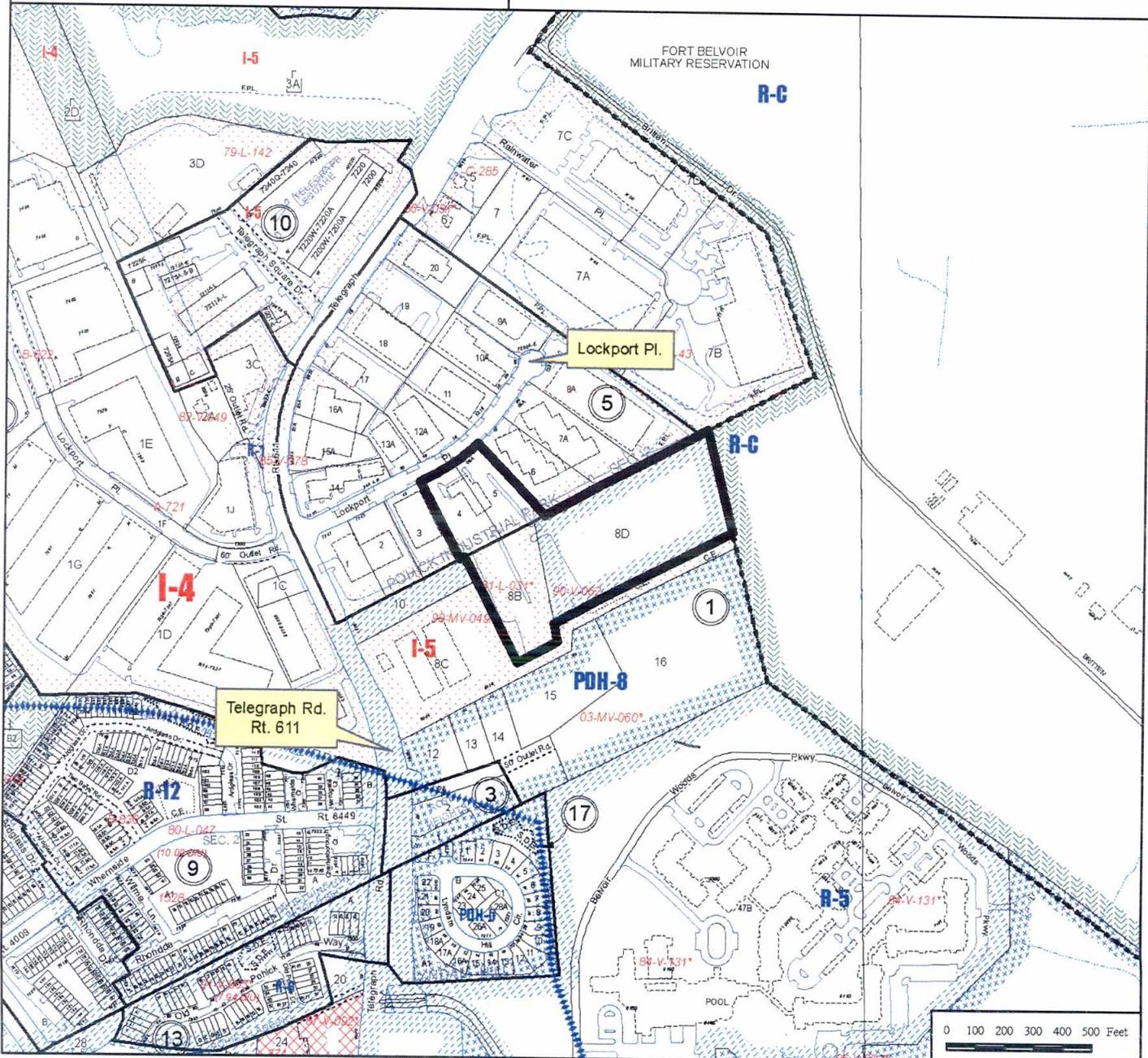
RZ 2009-MV-010



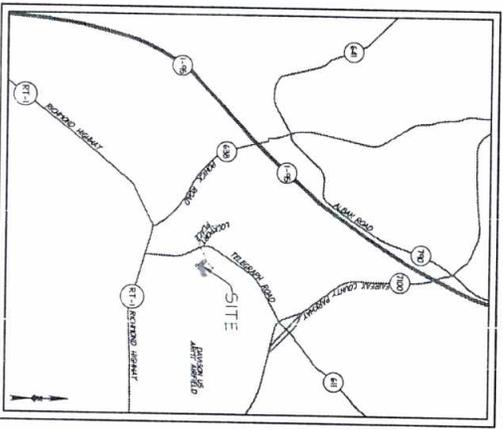
Applicant: SPARROWEN, L.L.C.
Accepted: 04/27/2009
Proposed: INDUSTRIAL
Area: 9.38 AC OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect:
Located: SOUTHSIDE OF LOCKPORT PLACE
APPROXIMATELY 400 FEET EAST OF IT'S
INTERSECTION WITH TELEGRAPH ROAD

Zoning: FROM R- 1 AND I- 4 TO I- 5
Overlay Dist:
Map Ref Num: 108-1- /01/ /0008B /01/ /0008D
/05/ /0004 /05/ /0005



GENERAL DEVELOPMENT PLAN
 LOCKPORT PLACE
 PROPERTIES
 RZ 2009-MV-010
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA



VICINITY MAP
 SCALE 1" = 2000'

OWNER/DEVELOPER
 SPARROWEN, LLC
 2209 LOCKPORT PLACE PROPERTIES
 LORTON, VIRGINIA 22079



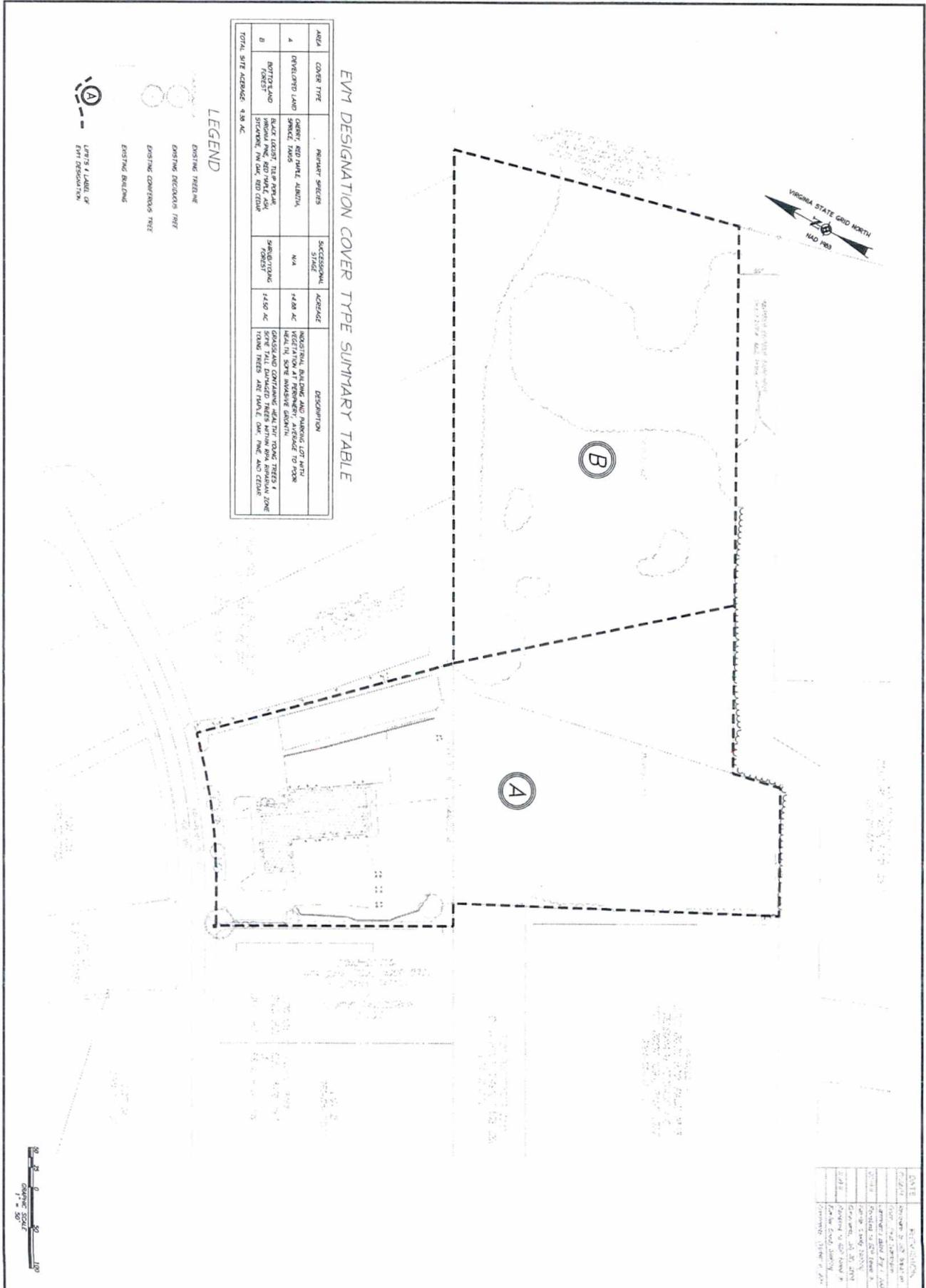
SHEET INDEX

1. COVER SHEET
2. NOTES & TABULATIONS
3. EXISTING CONDITIONS PLAN
4. EXISTING VEGETATION MAP
5. GENERAL DEVELOPMENT PLAN
6. LANDSCAPE PLAN
7. BMP & SWMT COMPUTATIONS

DATE OF FIRST SUBMISSION: MARCH 21, 2008
 DATE OF SECOND SUBMISSION: MARCH 12, 2009
 DATE OF THIRD SUBMISSION: JULY 19, 2011
 (Revisions to Pages 2 & 3 based on Fairfax County Staffing Comments dated July 30, 2009)
 DATE OF FOURTH SUBMISSION: NOVEMBER 3, 2011
 (Revisions to Pages 2, 5, 6 & 7 based on Fairfax County Staffing Comments dated October 6, 2011)

PREPARED BY:

christopher consultants
 engineering • surveying • land planning
 9800 main street, Suite 1001, Fairfax, VA 22031-3807
 703.273.1800 • fax: 703.273.1838



EVM DESIGNATION COVER TYPE SUMMARY TABLE

AREA	COVER TYPE	REMARKS SPECIES	SUCCESSIONAL STAGE	AGE/AGE	DESCRIPTION
A	DEVELOPED LAND	GRASS, BIRD HAIL, ALBANY, SPURGE, MAPLE	N/A	1488 AC	INDUSTRIAL BUILDING AND PARKING LOT WITH VEGETATION AT PERIMETER, AVERAGE TO 10' TALL IN SOME MASSIVE DOMINANT
B	BOGOTLAND FOREST	BLACK LOCUST, TULIP TREE, PINE, OAK, RED CEDAR, Sycamore, Paw Paw, Red Cedar	SPURGE/TOMAS FOREST	1489 AC	WOODLAND CONTAINING MATURE TO MATURE TREES 10' TO 20' TALL. SOME TREES ARE 40' TALL. SOME TREES ARE 100' TALL. OAK, PINE AND CEDAR
TOTAL SITE AGE/AGE: 1488 AC					

LEGEND

- EXISTING FENCE
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- EXISTING BUILDING
- LIMITS & LABEL OF EVM DESIGNATION

DATE	DESCRIPTION
11/11/2011	PROJECT START
11/11/2011	FIELD SURVEY
11/11/2011	DATA ENTRY
11/11/2011	MAP DESIGN
11/11/2011	FINAL CHECK
11/11/2011	PROJECT COMPLETE

<p>GENERAL DEVELOPMENT PLAN LOCKPORT PLACE PROPERTIES FAIRFAX COUNTY, VIRGINIA</p>	<p>EXISTING VEGETATION MAP</p>		<p>christopher consultants engineering · surveying · land planning</p> <p>9900 main street (fourth floor) Fairfax Va. 22031-3907 703.273.6820 fax. 703.273.7636</p>
<p>PROJECT NO. 07131 SCALE: 1"=40' DATE: 01-21-08 DESIGN: JERRY/LEB CHECKED: LCVTM SHEET NO. 4 of 7</p>	<p>C-5623</p>		



SITE LANDSCAPING

GROSS SITE AREA: 400,507 SF / 9.20 AC

TREE COVER PROVIDED: 142,860 SF / 3.13 AC (100%)

TREE COVER PROVIDED: 195,125 SF / 4.45 AC (78%)

BOTTLENECK FOREST TREE SHADE CANOPY: 190,900 SF X 1.0 = 190,900 SF

LANDSCAPE TREE SHADE CANOPY: 12,000 SF X 1.25 = 15,000 SF

PROPOSED TREES: 11,000 SF

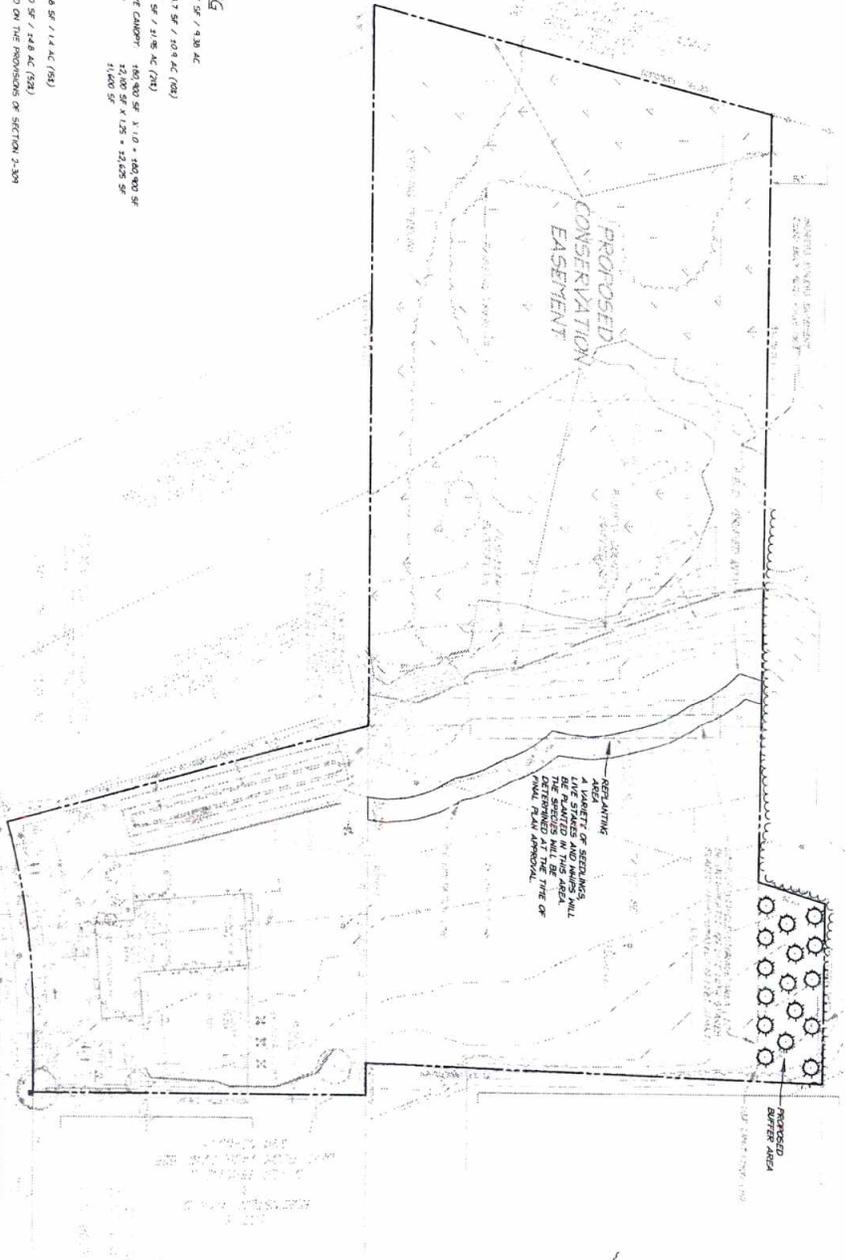
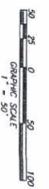
OPEN SPACE

OPEN SPACE REQUIRED: 61,286 SF / 1.40 AC (75%)

OPEN SPACE PROVIDED: 120,400 SF / 2.76 AC (93%)

* OPEN SPACE PROVIDED EXCEEDS REQUIREMENTS BASED ON THE PROVISIONS OF SECTION 2.3.24 OF THE ZONING ORDINANCE

THIS SHEET IS FOR LANDSCAPE PURPOSES ONLY!



REGULATING AGENCIES A VARIETY OF SEEDLINGS WILL BE PLANTED IN THIS AREA AND THE SEEDLINGS WILL BE THE OF SMALL PLANT APPROVAL.

- LEGEND**
- EXISTING DECIDUOUS TREE
 - EXISTING EVERGREEN TREE
 - PROPOSED SMALL EVERGREEN TREE BUFFER AREA (100 SF)
 - PROPOSED SMALL EVERGREEN TREE BUFFER AREA (100 SF)
 - EXISTING TREE LINE
 - REGULATING AGENCIES SECTIONS WILL BE PLANTED IN THIS AREA AND THE SEEDLINGS WILL BE THE OF SMALL PLANT APPROVAL.

DATE	BY	DESCRIPTION
03-21-00	CHRISTOPHER CONSULTANTS	PRELIMINARY DESIGN
03-21-00	CHRISTOPHER CONSULTANTS	FINAL DESIGN
03-21-00	CHRISTOPHER CONSULTANTS	FINAL DESIGN
03-21-00	CHRISTOPHER CONSULTANTS	FINAL DESIGN
03-21-00	CHRISTOPHER CONSULTANTS	FINAL DESIGN

PROJECT NO. 070201
 SCALE: 1"=40'
 DATE: 03-21-00
 DESIGNER: LEBAKER
 CHECKED: LEBAKER
 SHEET NO. 6 OF 7

GENERAL DEVELOPMENT PLAN
LOCKPORT PLACE PROPERTIES
 FAIRFAX COUNTY, VIRGINIA

LANDSCAPE PLAN



christopher consultants
 engineering · surveying · land planning
 5000 main street (fourth floor) Fairfax va. 22031-3607
 703-273-6820 fax 703-273-7636

DESCRIPTION OF THE APPLICATION

The applicant, Sparrowen, LLC, requests approval to rezone 9.38 acres from the R-1 (5.4 acres) and I-4 Districts (3.97 acres) to the I-5 District to allow the continuation of the existing uses on the site. Vehicle major service establishment, storage yard, and motor freight terminal are the primary uses on the site. In addition, the property owner leases a portion of its warehouse for a private school of special education where the tenant provides private, hourly instruction on specialized health, nutrition, and personal well-being. The vehicle major service establishment and storage yard uses are not permitted within the existing R-1 or I-4 Districts, but would be permitted by-right within the requested I-5 District. The existing motor freight terminal and private school of special education are permitted by-right in both the existing I-4 and the proposed I-5 District. In addition to the existing uses on the site, this application requests approval of other permitted uses within the I-5 District, which are identified in proffer #9. No new structures are proposed with the request. The applicant is requesting a waiver of the interior and peripheral parking lot landscaping requirements. The applicant intends to request a waiver of the dustless surface requirement and additional stormwater management detention from the Department of Public Works and Environmental Services (DPWES) at site plan if the rezoning is approved.

The applicant's draft proffers, affidavit, and statement of justification are contained in Appendices 1, 2 and 3 respectively.

LOCATION AND CHARACTER

The site is located on the south side of Lockport Place, approximately 400 feet east of its intersection with Telegraph Road. The site consists of 9.38 acres zoned R-1 and I-4. The site consists of a two story 12,861 square foot building along Lockport Place and associated parking. The southwestern portion contains truck storage on a gravel parking lot. The eastern portion of the site contains a RPA and 100-year floodplain and is currently vacant and heavily vegetated.



North: Industrial (I-4)
Plan: Industrial

West: Industrial (I-4, I-5)
Plan: Industrial

East: Fort Belvoir (R-C);
Plan: Public Facilities,
Government and
Institutional

South: Industrial (I-5)
Plan: Industrial;
Residential (PDH-8)

BACKGROUND

On December 14, 1981, the Board of Supervisors approved RZ 81-L-031 to permit parking associated with office use on parcel 9 (now parcel 8B). A copy of the approved proffers and plans are in Appendix 4.

On October 5, 2007, a Notice of Violation was issued to the property for violations of the Zoning Ordinance. The applicant was cited for allowing the use of the property as a storage yard and major vehicle service establishment. The applicant was given 30 days to remove the violations and cease the uses not permitted in the I-4 District.

On October 26, 2007, the applicant indicated that they would file a rezoning application to address the uses which were not permitted in the I-4 District. Further enforcement action did not proceed while the applicant was actively pursuing the rezoning.

On April 11, 2008, the rezoning application was received by the County. Subsequent review of the information indicated the application was deficient.

On November 12, 2008, the violation enforcement was halted due to the submission of the rezoning application.

On April 27, 2009, the rezoning application was accepted.

On November 30, 2009, the applicant requested an indefinite deferral of the application.

On April 27, 2011, during an inspection of the property the Fire Marshal office noticed an oil spill. This incident brought attention to other problems on the property including the unpermitted uses.

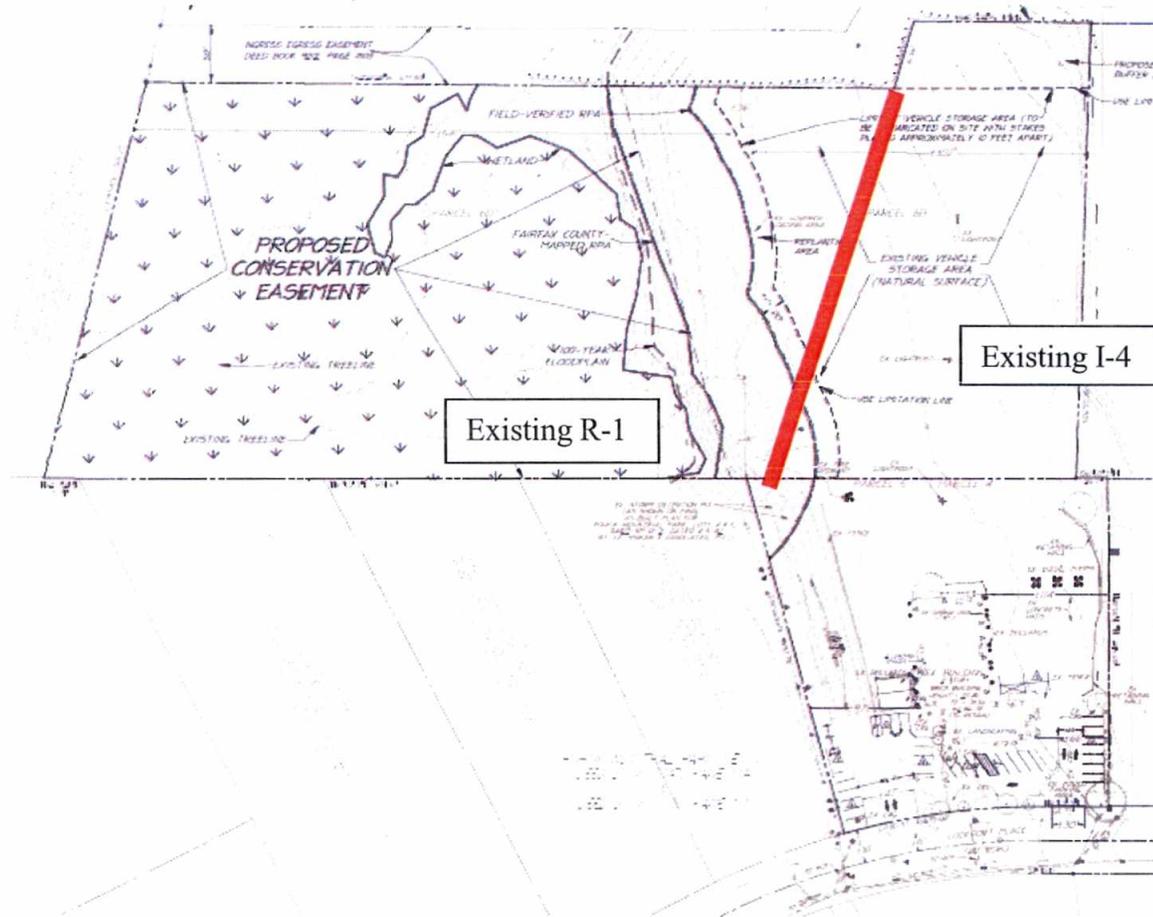
On June 8, 2011, Code Compliance investigated the site based on the concerns previously raised from the Fire Marshal. The uses which are not permitted in the I-4 District (storage yard and vehicle major service establishment) were noted. Since the applicant did not proceed with the rezoning application the County decided to pursue litigation to resolve the outstanding issues.

On June 17, 2011, the applicant restarted the rezoning process.

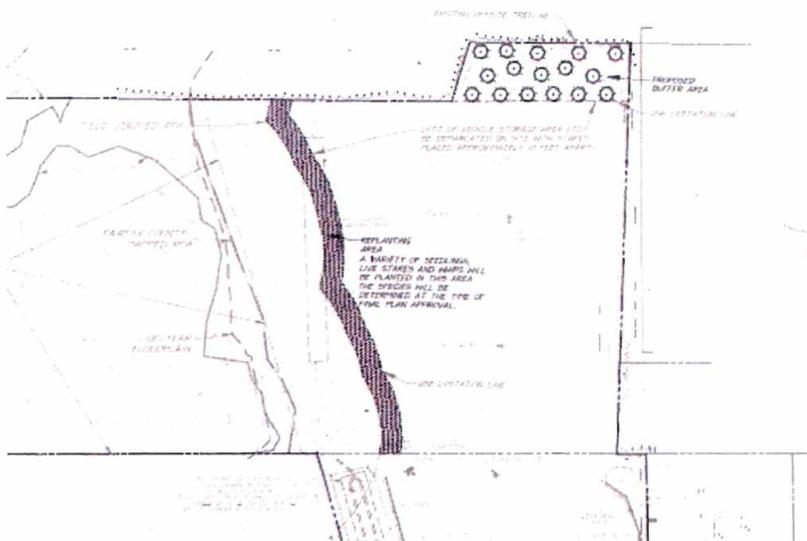
General Development Plan (GDP) (Copy at front of staff report)

The analysis is based on the draft proffers and submitted Generalized Development Plan titled "Lockport Place Properties" prepared by Christopher Consultants and dated March 21, 2008, as revised through November 9, 2011.

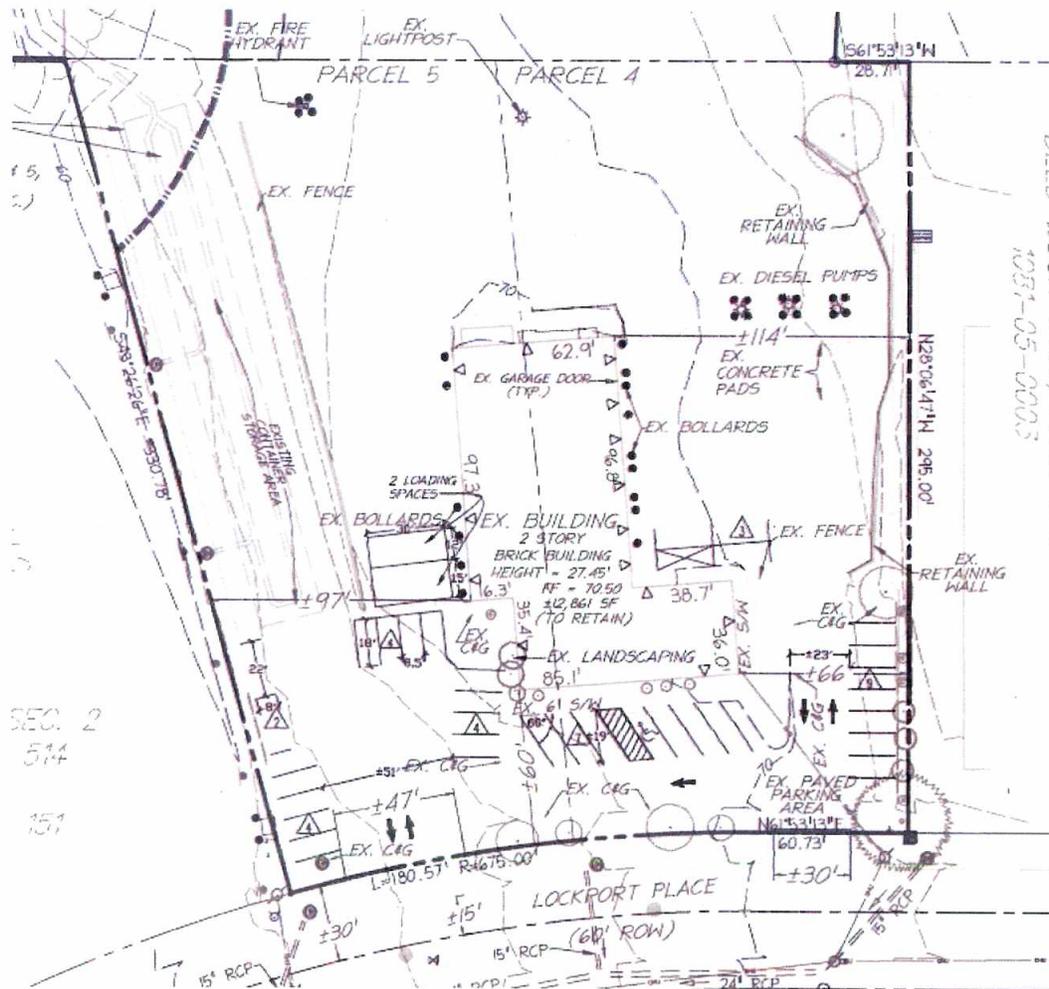
Below are excerpts and discussion of the Generalized Development Plan.



The subject site is split zoned between the R-1 and I-4 Districts. The majority of the R-1 portion consists of undisturbed open space that is classified as wetland, floodplain, Resource Protection Area (RPA) and Environmental Quality Corridor (EQC). A portion of the R-1 site has been used by the applicant for industrial uses including the storage of heavy equipment and vehicles.



The applicant will be planting a 50 foot buffer along the northeast portion of the site to complement the off-site buffer. The field verified RPA encroaches significantly onto the site from the mapped RPA. The existing trucks and structures will be removed from the field verified RPA and a 20 foot vegetated buffer will be established.



The existing two story 12,861 square foot building will remain. Access remains from Lockport Place. The parking area is being re-striped and parking removed from the area adjacent to Lockport Place. No additional pavement is proposed. The area to the west of the building contains container storage and the stormwater infiltration trench. The stormwater trench is currently not functioning and must be restored as part of the proffers.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

In the Fairfax County Comprehensive Plan, 2011 Edition, Lower Potomac Planning District, Amended through June 21, 2011, LP2 Lorton-South Route 1 Community Planning Sector, Land Unit Recommendations, Land Unit D, and Land Unit E, Sub unit E1, the Plan States:

“Land Unit D

This land unit is surrounded by Accotink Creek, Pohick Estates and Rose Heights subdivisions and Southgate Woods and Worthington Woods townhouse developments. The area is characterized by existing industrial uses. Primary uses are wholesale/warehouse activities.

Land Unit D is planned for industrial use. New or infill development should be compatible with existing industrial uses up to 0.35 FAR and should provide for substantial buffering when located adjacent to planned or existing residential uses.

“Sub-unit E1

The area on the east side of Telegraph Road south of Lockport Place (Tax Map 108-1 ((1)) 8B, 8C, 8D and 10) is planned for wholesale/warehouse industrial uses up to 0.35 FAR. New or infill development should be compatible with existing industrial uses and should provide for substantial buffering when located adjacent to planned or existing residential uses.

As an option, Sub-unit E1 may be appropriate for residential use at 8-12 dwelling units per acre. To achieve development above the low end of the planned density range, substantial parcel consolidation should be provided and must include Parcel 8B which is currently in industrial use. Extensive screening should be provided along any portion of the site adjacent to planned or existing industrial use. Residential use higher than one dwelling unit per acre should not be considered if any portion of Sub-unit E1 is developed in industrial use.”

ANALYSIS

Land Use Analysis (Appendix 5)

Use & Intensity

Land Units D and E-1 are both planned for industrial use up to a floor area ratio (FAR) of 0.35 with substantial buffering when adjacent to existing or planned residential areas. The proposed continuation of existing uses, or replacement with other I-5 permitted uses would not involve new construction and development on the site would continue to fall within the desired FAR intensity.

Parcels 4 and 5 along Lockport Place, and Parcel 8B to the rear are zoned I-4, which permits the motor freight terminal and private school of special education. The other two uses of vehicle major service establishment and storage yard are not permitted in I-4, but would be permitted if rezoned to I-5. None of the existing and proposed uses are permitted on Parcel 8D, which is zoned R-1 and require a rezoning for any of the ongoing uses to continue.

The subject property is located within an industrial park and is adjacent to other industrial properties to the northeast, north and west. There are similar uses (vehicle storage and repair) within the same industrial park; however, the extent and concentration of vehicular storage taking place on the subject property is greater than other properties in the surrounding area, and this does present concerns of compatibility with residential areas to the south.

concerns related to the residential to the south the applicant has provided for additional buffering along a portion of the southern lot line. This concern would be lessened by the provision of a 50-foot wide buffer along a portion of the southern boundary of the site.

Buffering

Land Unit recommendations call for substantial buffering in locations adjacent to existing or planned residential areas. Given the extent and intensity of the vehicular storage and traffic on this site, it is recommended that a 100-foot buffer be provided to protect nearby residential property from noise, light, dust and other nuisances that may arise from the coming and going of heavy trucks on this site.

There is a residentially-planned property to the south of the subject property. Although it is separated by 50-foot easement that is zoned I-5, a wider buffer is preferred to adequately reduce the spillover effects from this property. An additional 50-foot vegetated buffer should be provided on the south boundary of subject property to provide a full 100-foot buffer.

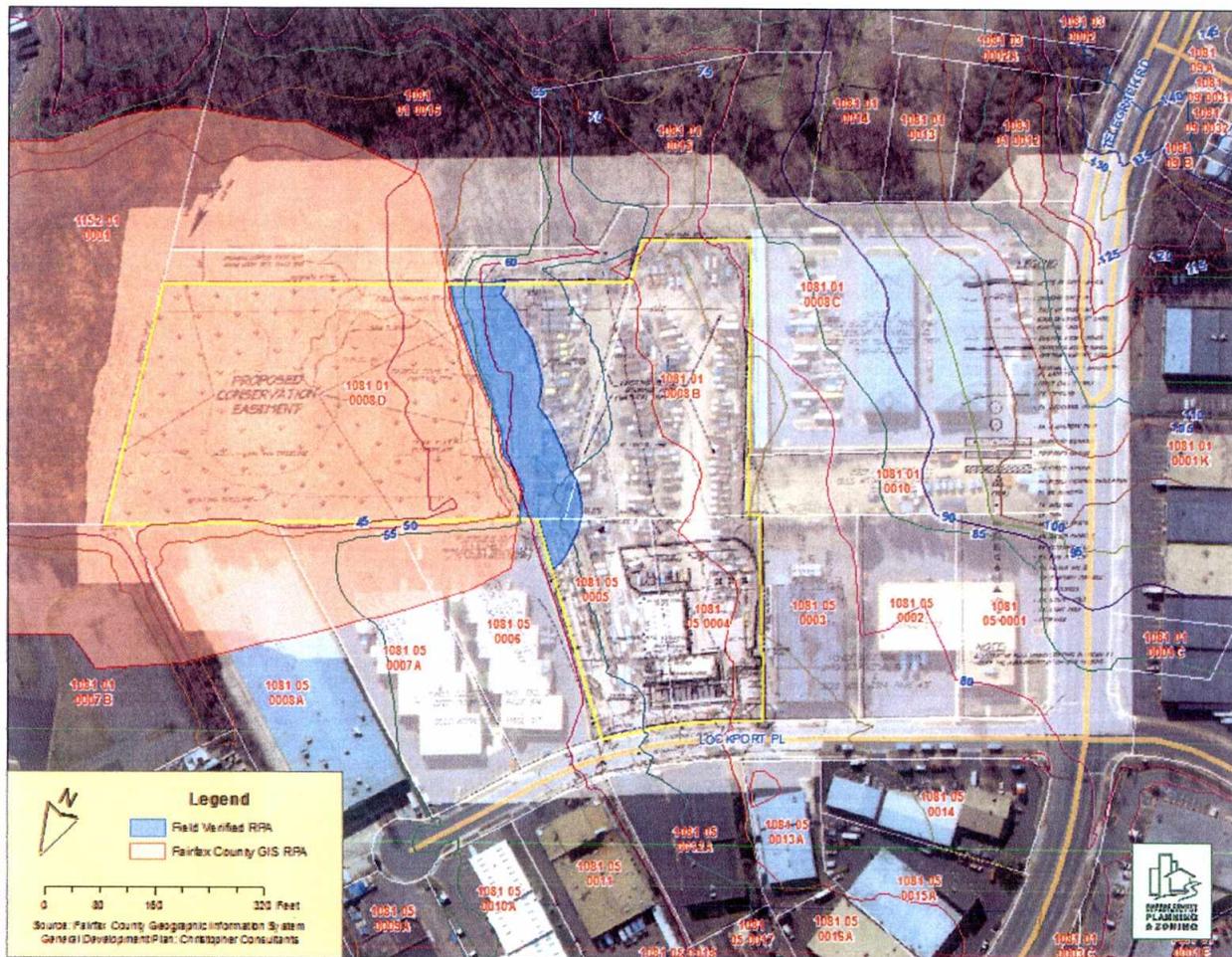
The applicant has provided for the requested 50-foot wide buffer in a portion of the southern boundary of the site, and with the existing off-site buffer it is staff's opinion this issue has been addressed.

Environmental Analysis (Appendix 5)

Resource Protection Area (RPA)/Environmental Quality Corridor (EQC)

The Chesapeake Bay Preservation Ordinance determines areas within the county where land uses are restricted or water quality measures must be provided. The most restrictive areas are within the Resource Protection Areas (RPAs). With few exceptions, development in these areas is restricted to water wells, recreation, infrastructure improvements, water-dependent activities and redevelopment of permitted uses.

A resource protection area (RPA) surrounding wetlands on Parcel 8D, with connectivity to Pohick Bay is located on the subject property. Existing uses on the site are outside of the previously indicated Fairfax County RPA; however, a field-verified RPA extends the boundaries 100 feet outward of the wetland areas and includes areas of the subject property that are disturbed and occupied by the existing uses. The majority of the RPA is located within parcel 8D, but a small area extends onto parcels 8B and 5.



Environmental Quality Corridors protect streams, floodplains, wetlands, and any associated steep slopes along with an adequate buffer surrounding these features – as they are all crucial to the hydrological environment of the stream corridors. The Environmental Quality Corridor (EQC) for this property extends beyond the floodplain and wetlands to include any adjacent steep slopes of 15% or more. Steep slopes extend westward beyond the wetland to the uppermost point at the 62-foot contour line, but also extend to the 64-foot contour line at the northwest corner of parcel 8D, and into the southeast corner of parcel 5. All areas of the EQC would be within the boundaries of the field-verified RPA indicated on the site plan, and would not extend beyond the RPA boundaries in this case. The before-mentioned concerns and restrictions suggested for the RPA area would therefore be inclusive of the EQC.

The Chesapeake Bay Preservation Ordinance allows the redevelopment or continuation of permitted uses within the RPA. None of the uses on Parcel 8D are permitted as this is a residentially zoned property, and therefore would not be permitted to continue or redevelop. The continuation of legally permitted uses under I-4 would be allowed to continue within the RPA; however, it is recommended that all land uses and disturbances are relocated from within the RPA. Further, the applicant has requested to re-vegetate the disturbed RPA areas within the subject property and to provide a vegetated buffer around the RPA boundaries to add additional protection from onsite contaminants that may enter the wetland.

The applicant is in the process of removing all the encroachments into the field verified RPA and has proffered to restore the area. In addition the applicant has provided for a twenty foot wide buffer strip that will be marked to help prevent future encroachments and act as a filter strip to the more sensitive areas of the site.

Phase I Environmental Study

Large numbers of heavy trucks have been stored and serviced on this site since the 1980s, including within a Resource Protection Area (RPA). At the time of the original application, planning staff recommended that a Phase I environmental site assessment (ESA) be performed on the subject property to determine the need for environmental remediation. With the revised plans, the applicant has requested that the study no longer be required due to the removal of the proposed office uses. However, the ongoing storage and servicing of vehicles near and within the field-verified resource protection area (RPA) and the drainage of the storage area into the wetlands have likely caused environmental degradation that should be remediated.

The applicant has stated that a number of environmental site assessments have been performed on this site, including one completed as recent as 2008. The applicant intends to submit the previous studies at the time of minor site plan review so that DPWES staff may evaluate if a further study is warranted. If the previous studies do not fully address the ongoing uses that have continued since 2008, or the recent violations, a new Phase I study (ESA) has been proffered.

Stormwater (Appendix 5 and 6)

The subject property is located within the Accotink Creek watershed. The majority of the developed portion of the subject property runs off into the floodplain and wetland area that is located on parcel 8D. The frontage area of parcel 4 which fronts Lockport Place runs off to into the street drainage area. An infiltration trench near the northeastern boundary of lot 5 was constructed under Site Plan #4422-SP-001. An inspection by DPWES in 2008 showed the facility to be inoperational.

A narrative description of the site's outfall has been provided. A demonstration of adequate outfall meeting Public Facilities Manual (PFM) requirements will be required at minor site plan submission (PFM 6-0203 & 6-0204.1). It will be necessary to demonstrate that the sheet flow from the paved storage yard will not be erosive. The outflow from infiltration trench will considered a concentrated discharge and must have a defined channel downstream from its discharge point downstream throughout the extent of review to meet adequate outfall requirements. No defined channel exists now. Construction of a defined channel will result in a greater extent of disturbance than currently shown on the plan.

The narrative indicates that a proportional improvement will be provided if the existing system proves inadequate. A potential location for a detention facility to provide the proportional improvement is depicted on the GDP.

The applicant will request a waiver of stormwater management requirements at the time of minor site plan review, according to PFM Section 6-301.3 which states "Detention facilities must be provided in all storm drainage plans proposed for development in the County submitted for review and approval unless waived by the Director." The applicant is basing the waiver on the proximity to the floodplain for Accotink Creek, and does not propose any stormwater detention BMP facilities. The final determination on the waiver request shall be made by DPWES during minor site plan review.

Noise and Dust

At the time of minor site plan review, the applicant will be requesting a dustless surface waiver to maintain the unpaved parking area for vehicular storage from the Department of Public Works as part of the site plan approval process. According to the Public Facilities Manual (PFM 7-0504) the Director may grant a waiver upon a determination that such waiver will not have an adverse impact on the site and on the surrounding area with regard to such factors as the natural environment, storm drainage, water quality and erosion and sediment.

In staff's opinion, the unpaved parking lot as currently used presents an adverse impact to the natural environment because the lot slopes directly into a critical environmental habitat (wetlands). The applicant was requested to provide a vegetated buffer to the field verified RPA to filter potential pollutants from entering the sensitive area. The applicant was also requested to remove all encroachments into the RPA that was field verified and more extensive than the mapped RPA and re-vegetate the area that had been impacted by uses over the years. Along with restoration the applicant was requested to provide monitoring of the area to verify that pollutants will not enter the sensitive area.

The draft proffers propose to request the dustless surface waiver at the time of minor site plan review. If the waiver request is not approved by DPWES, the applicant shall file the necessary permits to obtain approval to pave the vehicle storage area within three months of the denial of the waiver request.

Transportation Analysis (Appendix 7)

Fairfax County Department of Transportation (FCDOT) staff has reviewed revised materials and prepared the following transportation analysis based on those materials.

FCDOT staff noted that per Virginia Department of Transportation (VDOT) standards, the maximum width for any entrances to a site is 40 feet in width. The subject site has two entrances from Lockport Place and the width of the eastern entrance is 47 feet. A waiver of the entrance width requirement may be required at the time of minor site plan review.

Sheet 5 of the GDP depicts the existing on-site parking spaces. While the existing parking spaces on the site are not striped, the GDP showed the spaces being striped, along with a note on the plan which states that the parking shown is an illustrative plan. FCDOT staff recommended that the parking spaces should be striped as shown on the plan and the note should be removed. The applicant has revised the GDP to remove the referenced note from sheet 5. The parking spaces will be striped as shown on the plan.

FCDOT staff recommended that the nine parking spaces in the northwestern corner of the site be relocated to avoid vehicle conflicts with vehicles entering and exiting the site. As the identified parking spaces are existing spaces, and there is no new construction or land disturbance proposed with this application, the applicant does not propose to relocate the spaces with this application. However, if any future applications propose new construction on the site, the relocation of those spaces will be required.

The application proposes parking in accordance with the Zoning Ordinance standards for the uses on the site. All of the existing parking spaces will remain.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes the proposal is in conformance with the Comprehensive Plan guidelines for the subject property and the applicable Zoning Ordinance standards.

Recommendations

Staff recommends approval of RZ 2009-MV-010, subject to the draft proffers contained in Appendix 1.

Staff recommends approval of the waiver of interior parking lot landscaping.

Staff recommends approval of the waiver of the peripheral parking lot landscaping requirement.

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

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

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

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. RZ 81-L-031 Proffers and Plans
5. Comprehensive Plan Citation/Land Use/Environmental Analysis
6. Stormwater Management Analysis
7. Transportation Analysis
8. Applicable Zoning Ordinance Standards
9. Glossary

PROFFERS**SPARROWEN L.L.C./LOCKPORT PLACE
RZ 2009-MV-010****108-1-((5))-4****108-1-((5))-5****108-1-((1))-8B****108-1-((1))-8D****November 9, 2011**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, and subject to the Board of Supervisors approving the request to rezone the property identified as Tax Map Reference Nos. 108-1-((5))-4, 108-1-((5))-5, 108-1-((1))-8B, and 108-1-((1))-8D (hereinafter referred to as the "Property"). In the event this application request is denied, these proffers shall be null and void.

The proffers are made by Sparrowen, L.L.C, the property owner (hereinafter referred to as the "Applicant"). The Applicant, for itself, its successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The following proffered conditions supersede those associated with RZ 81-L-031. The proffer conditions are:

1. Substantial Conformance. Subject to the provisions of Article 16 of the Fairfax County Zoning Ordinance, development and use of the Property shall be in substantial conformance with the General Development Plan (the "GDP") prepared by Christopher Consultants dated March 21, 2001, and revised through November 9, 2011.
2. Minor Site Plan. The Applicant will file a minor site plan for Parcel 8B within sixty (60) days of approval of this Rezoning by the Board of Supervisors. The Applicant shall diligently pursue approval of the minor site plan. If the minor site plan is not approved and/or if the proffers are not implemented to the satisfaction of Zoning Administration within twelve (12) months of approval of the rezoning, the Applicant shall cease the operation of the vehicle major service establishment and storage yard. If the approval of the minor site plan and/or implementation of the proffers are beyond the control of the Applicant, the Applicant may request the Zoning Administrator to grant additional time to comply.
3. Minor Modifications. Pursuant to Section 16-403 of the Zoning Ordinance, minor modifications from the approved GDP may be permitted upon approval of the Zoning Administrator.

4. 50' Landscape Buffer. No use shall be permitted at the rear portion of Parcel 8B within 50 feet of the property line as shown on the GDP. Native species plantings shall be established within this 50 foot buffer as shown on the Generalized Development Plan. A minimum height of 6 to 8 feet shall be provided for plantings within this buffer area. Plantings shall be established within 9 months of approval of the rezoning.
5. 20' RPA Buffer. No use shall be permitted within 20 feet of the field verified RPA line as shown on the GDP. Native species grasses or plantings shall be established within the 20 foot buffer area as shown on the Generalized Development Plan. In coordination with DPWES, the Applicant shall choose grasses or plantings that provide maximum filtration and water absorption benefits for protection of the RPA area. The grasses or plantings shall be established within 9 months of approval of the rezoning.
6. Buffer Area Protection. Within thirty (30) days of approval of this Rezoning by the Board of Supervisors, the Applicant shall remove all uses within the buffer areas described in Proffer 4 and 5 above. Structures shall be removed by detaching the roof and cutting the posts above the grade without any disturbance to the ground. In the event that ground disturbance is required to remove the structure, a water quality impact assessment shall be conducted first. Appropriate posts or other similar markings shall be installed at appropriate locations along the Use Limitation Lines shown on the GDP, within ninety (90) days of approval of the rezoning, to indicate that no use may encroach within the buffer areas.
7. Conservation Easement. A conservation easement, in a form acceptable to the County Attorney, shall be recorded on the area depicted on the GDP prior to minor site plan approval.
8. Environmental Studies. During review of the minor site plan, the Applicant shall submit to DPWES all prior Phase I and environmental studies conducted on the site by the current owner of the Property. If warranted by the result of such review, and if requested by DPWES, the Applicant shall pursue a Phase I investigation, and any further studies resulting from the Phase I.
9. Permitted Uses. The following uses shall be permitted on the Property. Additional uses not specifically enumerated in these proffers but otherwise permitted (including special exception and special permit uses) in the I-5 Zoning District shall be prohibited unless a Proffered Condition Amendment is obtained to permit that use.
 - a. Accessory uses and accessory services uses as permitted by Article 10 of the Zoning Ordinance, provided that notwithstanding Article 10, all such uses and services uses shall be located in the same building as the principal use, except as specifically permitted by these proffers.
 - b. Contractor's offices and shops.

- c. Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, goods or products, and associated retail sales; except bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501 of the Zoning Ordinance.
- d. Motor freight terminals.
- e. Offices.
- f. Private schools of special education.
- g. Warehousing establishments.
- h. Wholesale trade establishments.
- i. Establishments for scientific research, development and training. Such establishments may not conduct scientific research, development and training of bio-hazardous materials.
- j. Storage Yard. Storage in the area depicted on the GDP limited to the following terms and conditions: 1) shall only be located and screened as shown on the GDP; no storage of any items commonly found in junk yards shall be permitted; retail sales or rental of any vehicles to the public shall be prohibited. Any minor modification in the location of such use within the development envelope or in the screening that is not in substantial conformance with the GDP shall require a proffered condition amendment ("PCA").
- k. Motor vehicle storage in the area depicted on the GDP limited to the following terms and conditions: 1) shall only be located and screened as shown on the GDP; no storage of any items commonly found in junk yards shall be permitted; retail sales or rental of any vehicles to the public shall be prohibited. Any minor modification in the location of such use within the development envelope or in the screening that is not in substantial conformance with the GDP shall require a proffered condition amendment ("PCA").
- l. Vehicle light service establishments provided that such use shall not be offered to the public generally. Quasi-retail vehicle service, such as a Jiffy Lube, shall not be permitted. Any such service use shall be conducted within an enclosed building or structure.
- m. Vehicle major service establishments provided that such use shall not be offered to the public generally. Quasi-retail vehicle service, such as a Jiffy Lube, shall not be permitted. Any such service use shall be conducted within an enclosed building or structure.

10. Storm Infiltration Trench. The existing stormwater infiltration trench located in the southeastern corner of Parcel 5, as approved pursuant to prior Site Plan 4422-SP-01-2, shall be restored to working condition as determined by DPWES. If, during repair of the detention pit, it is necessary to disturb the existing concrete/asphalt slab covering facility, said concrete/asphalt shall not be replaced within the field verified RPA line. Instead, the Applicant shall replace the concrete with native species grasses or plantings within the field verified RPA line. If concrete is disturbed outside the field verified RPA line, the Applicant may replace said concrete/asphalt.
11. Dustless Surface Waiver Request. Should the dustless surface waiver not be approved by DPWES at the time of minor site plan, the Applicant shall file necessary permits of approval to pave the vehicle storage area within three (3) months of denial of the waiver request.
12. Stormwater Management Waiver. Should the stormwater management waiver not be approved by DPWES at the time of minor site plan, the Applicant shall provide adequate stormwater management, as determined by DPWES at the time of minor site plan, within three (3) months of denial of the waiver request.
13. Lighting. All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.
14. Signs. All signage shall be in accordance with Article 12 of the Zoning Ordinance. No neon signs or freestanding pole signs shall be permitted.
15. Successors and Assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, assigns, and/or developers of the Property or any portion of the Property.

SPARROWEN, L.L.C.
Applicant/Title Owner

By: _____

REZONING AFFIDAVIT

DATE: NOV 18 2011
 (enter date affidavit is notarized)

I, David R. Gill, Esquire, 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 104453a

in Application No.(s): RZ 2009-MV-010
 (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)
Sparrowen, L.L.C. Agents: Gregory F. Jennings	7209 Lockport Place Lorton, VA 22079	Applicant/Title Owner of Tax Map No. 108-1 ((5)) 4, 5 & 108-1 ((1)) 8B, 8D
christopher consultants, ltd. Agents: Kelley L. Reichel John B. Rinaldi	9900 Main Street Fourth Floor Fairfax, VA 22031	Engineers/Agents

(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: NOV 18 2011
(enter date affidavit is notarized)

for Application No. (s): RZ 2009-MV-010
(enter County-assigned application number (s))

104453a

(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)
McGuireWoods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Sheri L. Akin Lisa M. Chiblow Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 Tysons Corner, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/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: NOV 18 2011
(enter date affidavit is notarized)

104453-a

for Application No. (s): RZ 2009-MV-010
(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)

Sparrowen, L.L.C.
7209 Lockport Place
Lorton, VA 22079

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)

Gregory F. Jennings Revocable Trust U/A/Dated 07/31/2002 f/b/o Gregory F. Jennings, Member
Gregory F. Jennings, Managing Member

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

Gregory F. Jennings, President (former)

(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: NOV 18 2011
(enter date affidavit is notarized)

104453a

for Application No. (s): RZ 2009-MV-010
(enter County-assigned application number (s))

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

christopher consultants, ltd.
9900 Main Street
Fourth Floor
Fairfax, VA 22031

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)

Christopher W. Brown	Michael S. Kitchen
William R. Goldsmith, Jr.	Jeffrey S. Smith
Louis (nmi) Canonico	Ruth R. Fields
William R. Zink	

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)

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)

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: NOV 18 2011
(enter date affidavit is notarized)

104453a

for Application No. (s): RZ 2009-MV-010
(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)
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

(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)

Equity Partners of McGuireWoods LLP

- | | | |
|-------------------------|-----------------------|-----------------------|
| Adams, John D. | Bell, Marshall H. | Burk, Eric L. |
| Alphonso, Gordon R. | Belcher, Dennis I. | Busch, Stephen D. |
| Anderson, Arthur E., II | Bell, Craig D. | Cabaniss, Thomas E. |
| Anderson, Mark E. | Beresford, Richard A. | Cacheris, Kimberly Q. |
| Andre-Dumont, Hubert | Bilik, R. E. | Cairns, Scott S. |
| Bagley, Terrence M. | Blank, Jonathan T. | Capwell, Jeffrey R. |
| Barger, Brian D. | Boland, J. W. | Cason, Alan C. |
| Barnum, John W. | Brenner, Irving M. | Chaffin, Rebecca S. |
| Becker, Scott L. | Brooks, Edwin E. | Cobb, John H. |
| Becket, Thomas L. | Brose, R. C. | Cogbill, John V., III |

(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: NOV 18 2011
(enter date affidavit is notarized)

104453a

for Application No. (s): RZ 2009-MV-010
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

(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**)

- | | | |
|------------------------|---------------------------|----------------------------|
| Covington, Peter J. | Gibson, Donald J., Jr. | Kilpatrick, Gregory R. |
| Cramer, Robert W. | Glassman, Margaret M. | King, Donald E. |
| Cromwell, Richard J. | Glickson, Scott L. | King, Sally D. |
| Culbertson, Craig R. | Gold, Stephen (nmi) | Kittrell, Steven D. |
| Cullen, Richard (nmi) | Goldstein, Philip (nmi) | Kobayashi, Naho (nmi) |
| Cutler, Christopher M. | Grant, Richard S. | Kratz, Timothy H. |
| Daglio, Michael R. | Greenberg, Richard T. | Krueger, Kurt J. |
| De Ridder, Patrick A. | Grieb, John T. | Kutrow, Bradley R. |
| Dickerman, Dorothea W. | Harmon, Jonathan P. | La Fratta, Mark J. |
| DiMattia, Michael J. | Harmon, T. C. | Lias-Booker, Ava E. |
| Dooley, Kathleen H. | Hartsell, David L. | Lieberman, Richard E. |
| Downing, Scott P. | Hatcher, J. K. | Little, Nancy R. |
| Edwards, Elizabeth F. | Hayden, Patrick L. | Long, William M. |
| Ensing, Donald A. | Hayes, Dion W. | Manning, Amy B. |
| Ey, Douglas W., Jr. | Heberton, George H. | Marianes, William B. |
| Farrell, Thomas M. | Hedrick, James T., Jr. | Marks, Robert G. |
| Feller, Howard (nmi) | Horne, Patrick T. | Marshall, Gary S. |
| Fennebresque, John C. | Hosmer, Patricia F. | Marshall, Harrison L., Jr. |
| Foley, Douglas M. | Hutson, Benne C. | Marsico, Leonard J. |
| Fox, Charles D., IV | Isaf, Fred T. | Martin, Cecil E., III |
| France, Bonnie M. | Jackson, J. B. | Martin, George K. |
| Franklin, Ronald G. | Jarashow, Richard L. | Martinez, Peter W. |
| Fratkin, Bryan A. | Jordan, Hilary P. | Mason, Richard J. |
| Freedlander, Mark E. | Kanazawa, Sidney K. | Mathews, Eugene E., III |
| Freeman, Jeremy D. | Kannensohn, Kimberly J. | Mayberry, William C. |
| Fuhr, Joy C. | Katsantonis, Joanne (nmi) | McCallum, Steven G. |
| Gambill, Michael A. | Kerr, James Y., II | McDonald, John G. |

(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: NOV 18 2011
(enter date affidavit is notarized)

104453a

for Application No. (s): RZ 2009-MV-010
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

(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**)

- | | | |
|----------------------------|-------------------------|---------------------------|
| McElligott, James P. | Rakison, Robert B. | Steen, Bruce M. |
| McFarland, Robert W. | Reid, Joseph K., III | Stein, Marta A. |
| McIntyre, Charles W. | Richardson, David L. | Stone, Jacquelyn E. |
| McLean, J. D. | Riegle, Gregory A. | Swan, David I. |
| McRill, Emery B. | Riley, James B., Jr. | Tackley, Michael O. |
| Moldovan, Victor L. | Riopelle, Brian C. | Tarry, Samuel L., Jr. |
| Muckenfuss, Robert A. | Roberts, Manley W. | Thornhill, James A. |
| Muir, Arthur B. | Robinson, Stephen W. | Van der Mersch, Xavier G. |
| Murphy, Sean F. | Rogers, Marvin L. | Vaughn, Scott P. |
| Natarajan, Rajsekhar (nmi) | Rohman, Thomas P. | Vick, Howard C., Jr. |
| Neale, James F. | Rosen, Gregg M. | Viola, Richard W. |
| Nesbit, Christopher S. | Rust, Dana L. | Wade, H. L., Jr. |
| Nickens, Jacks C. | Satterwhite, Rodney A. | Walker, John T., IV |
| O'Grady, Clive R. | Scheurer, P. C. | Walker, W. K., Jr. |
| O'Grady, John B. | Schewel, Michael J. | Walsh, James H. |
| O'Hare, James P. | Schill, Gilbert E., Jr. | Watts, Stephen H., II |
| Oakey, David N. | Schmidt, Gordon W. | Westwood, Scott E. |
| Oostdyk, Scott C. | Sellers, Jane W. | Whelpley, David B., Jr. |
| Padgett, John D. | Shelley, Patrick M. | White, H. R., III |
| Parker, Brian K. | Simmons, L. D., II | White, Walter H., Jr. |
| Phears, H. W. | Simmons, Robert W. | Wilburn, John D. |
| Phillips, Michael R. | Skinner, Halcyon E. | Williams, Steven R. |
| Plotkin, Robert S. | Slone, Daniel K. | Wren, Elizabeth G. |
| Pryor, Robert H. | Spahn, Thomas E. | Young, Kevin J. |
| Pusateri, David P. | Spitz, Joel H. | |
| Rak, Jonathan P. | Stallings, Thomas J. | |

(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: NOV 18 2011
(enter date affidavit is notarized)

104453a

for Application No. (s): RZ 2009-MV-010
(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: NOV 18 2011
(enter date affidavit is notarized)

104453a

for Application No. (s): RZ 2009-MV-010
(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

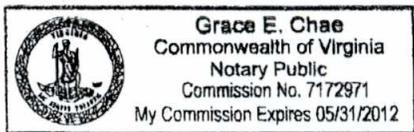
David R. Gill, Esquire

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

Subscribed and sworn to before me this 18th day of November 20 11, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae
Notary Public

My commission expires: 5/31/2012



STATEMENT OF JUSTIFICATION

Sparrowen, L.L.C.
7211 & 7209 Lockport Place and 8925 Telegraph Road
Lorton, Virginia

March 20, 2009
Revised July 18, 2011
Revised November 2, 2011

Introduction

Pursuant to Sections 18-202 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), Sparrowen, L.L.C. ("Sparrowen"), as the property owner, hereby requests approval of a rezoning from the R-1 and I-4 districts to the I-5 district to permit the continued operation of the existing Vehicle Major Service Establishment, Storage Yard, Motor Freight Terminal, and School of Special Education. The property is located at Tax Map Reference Numbers 108-1-((5)), Parcels 4 and 5 and Tax Map Reference Numbers 108-1-((1)), Parcels 8B and 8D (the "Property"). The Property is located in the Mount Vernon District, just minutes from Ft. Belvoir, and is accessed off of Telegraph Road via Lockport Place. Parcels 4, 5, and 8B are zoned I-4, and Parcel 8D is in the R-1 Residential District.

Overview of Application:

The Applicant intends to continue the existing uses which have been actively operated on the site for over two decades. The Vehicle Major Service Establishment, Storage Yard, and Motor Freight Terminal are the primary uses on the site. In addition, the property owner leases a portion of its warehouse for a School of Special Education where the tenant provides private, hourly instruction on specialized health, nutrition, and personal well-being. The tenant has a valid non-RUP and is authorized to operate as a School of Special Education pursuant to a zoning interpretation letter dated June 6, 2006.

The Vehicle Major Service Establishment and Storage Yard uses are not permitted within the I-4 zoning district, but would be permitted by-right within the I-5 zoning district. The existing Motor Freight Terminal and School of Special Education are permitted by-right in both the existing I-4 and the proposed I-5 district. Thus, this rezoning is to bring all of the historical and current uses of the property into technical conformance with current Zoning Ordinance regulations.

The area surrounding the site is characterized by many similar industrial uses and, in-fact, all of the adjacent parcels are zoned either I-5 or I-4. Thus, the Vehicle Major Service Establishment and Storage Yard will continue to blend in with the existing industrial character of the area. Because the subject property is developed and in operation, Sparrowen is proposing several improvements to the property shown on the General Development Plan which includes reducing the area of vehicle storage and use on the property, the establishment of buffer areas

and use limitation lines that will protect said buffer areas, and the installation of native species plantings within the buffer areas. Overall, the intensity and scope of uses at the site will be reduced.

Conformance with the Comprehensive Plan:

The subject Property is located in the LP2 Lorton-South Route 1 Community Planning Sector of the Lower Potomac Planning District. It is located within Land Units D and E1. Land Unit D and E1 are planned for industrial uses up to .35 FAR. Sparrowen's continued use for the subject property with the existing industrial uses will meet the intent of the Plan and will continue to serve the local area. Additionally, the proposed conservation easement on the rear portion of the site will preserve vital green space and protect the important environmental resources and assets of the Lorton-South Route 1 area.

WAIVERS AND/OR MODIFICATIONS:

- a) Dustless Surface Waiver – Pursuant to Section 11-102(11), the Applicant requests Board of Supervisor approval to retain the rear surface parking area with a natural service as it currently exists and permit a waiver of the dustless surface requirement.
- b) Stormwater Management – The Applicant requests a waiver of the stormwater management requirements based upon the property's proximity to the 100-year floodplain for Accotink Creek. Further, this is an existing use with no new proposed development. As such, there will be no increase in runoff. In addition, the total area of the storage yard is being reduced with establishment of buffer areas and buffer area plantings.
- c) Interior Parking Lot Landscaping – This is an existing use with no new proposed development. The interior parking lot landscaping is met around the parking area of the existing building; however, the Applicant requests a waiver of the interior parking lot landscaping requirement for the remaining area of the site where there is on-site vehicle storage. The on-site vehicle storage yard is an existing use that has not changed.
- d) Peripheral Parking Lot Landscaping – The Applicant requests a waiver of the peripheral parking lot landscaping requirement for the parking areas. This is an existing use with no new proposed development. The only proposed site improvements include parking lot re-striping and landscape plantings in two areas of the property.

CONCLUSION:

With approval of this rezoning, the existing uses will conform to the provisions of all applicable ordinances, regulations, standards, and conditions. Furthermore, the proposed uses conform to the spirit and intent of the Zoning Ordinance and the recommendations of the Comprehensive Plan.

Therefore, for the reasons set forth herein, the Applicant respectfully requests the approval of this application.

Respectfully submitted,

McGUIREWOODS LLP



David R. Giff, Esquire
Agent for Applicant

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ZONING APPLICATION

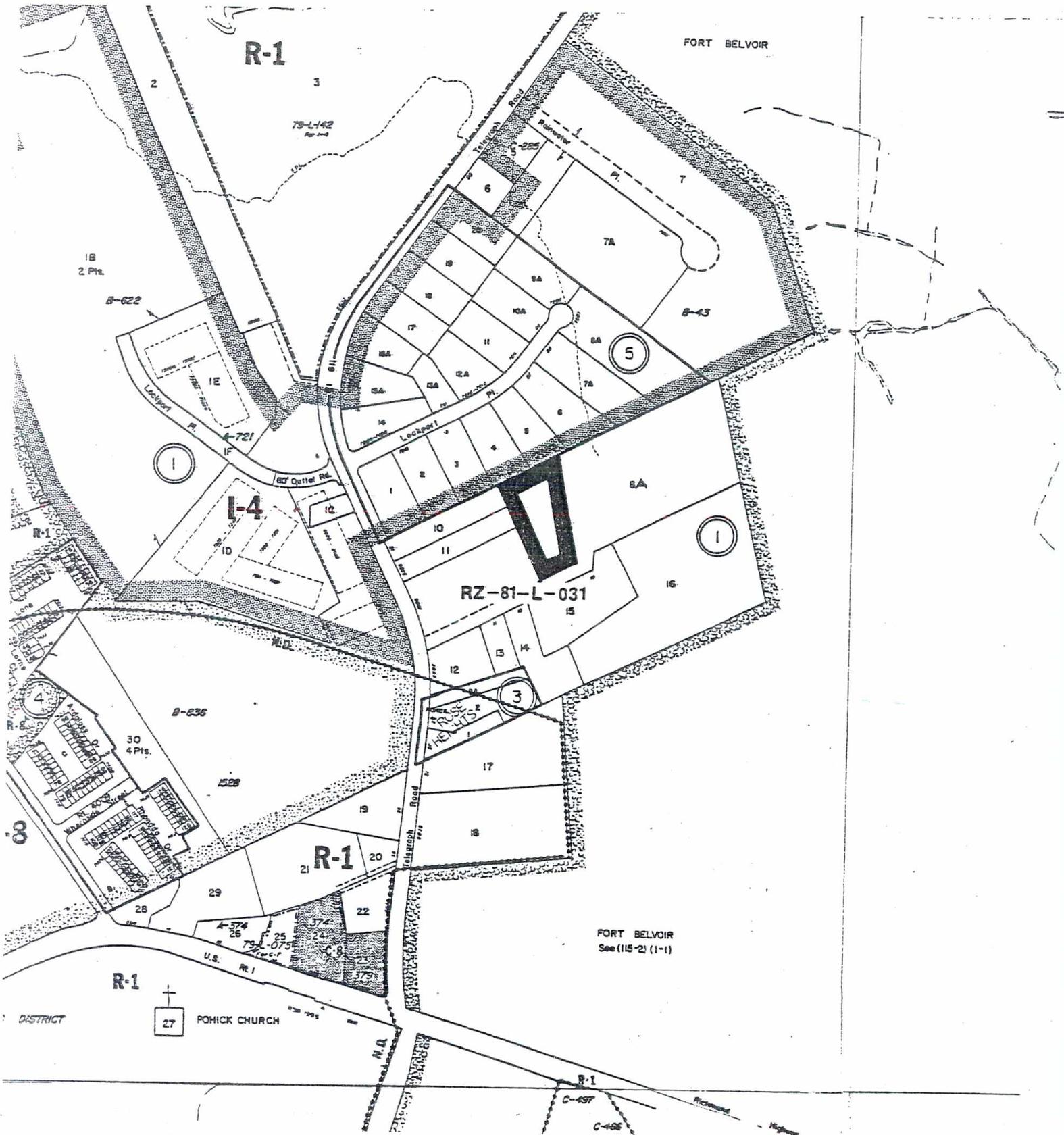
APPENDIX 4

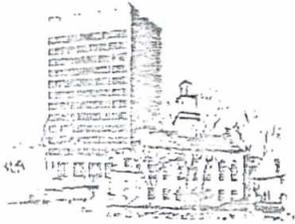


Number: RZ 81-L-031
Acreage: 2.0001
From: R-1
To: I-4

District: Lee
Section Sheet: 108-1
Subdivision: ((1))
Lot: 9

Applicant: Grady L. Hinson





COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030



January 6, 1982

Mr. Marshall H. Brooks
2018 North 16th Street
Arlington, Virginia 22201

Dear Mr. Brooks:

Rezoning Application
Number RZ-81-L-031

Dear Mr. Brooks:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on December 14, 1981, granting, as proffered, Rezoning Application Number RZ-81-L-031 in the name of Grady L. Hinson, to rezone certain land in Lee District from R-1 District to I-4 District on subject parcels 108-1 ((1)) 9 consisting of 2.0001 acres.

In addition, the Board of Supervisors approved the modification of the transitional screening requirements.

Very truly yours,

Ethel Wilcox Register
Clerk to the Board

EWR/mg

cc: Mr. Patteson
Mr. Knowlton
✓ Mr. Steele
Mr. Beales

IN RE: APPLICATION NO. RZ 81-L-031

APPLICANT: GRADY L. HINSON

SUBJECT PARCEL: Parcel 9, 9,000 Block of Telegraph Road,
Tax Map 108-1((1)) 9

PROFFER

Should the subject property be rezoned from R-1 to I-4 as requested, the property will be developed in conformance with the Generalized Development Plan previously submitted with the application.

In connection with the above-styled rezoning, the Applicant desires to proffer to the County of Fairfax the following:

1. Applicant will move the chain link fence presently at the rear (south end) of the subject parcel fifty (50) feet to the north and will plant appropriate trees for screening within the fifty (50) foot strip between the relocated fence and the southern boundary of the subject parcel.

Applicant will erect vertical wood slats along the length of the chain link fence on the western line of the subject parcel. Applicant will plant appropriate trees for screening within a ten (10) foot strip along the length of the western boundary of the subject parcel.

Applicant will plant appropriate trees for screening within a ten (10) foot strip along the length of the eastern boundary of the subject parcel.

2. Suitable provisions in compliance with County requirements and with the approval of the Director of the Department of Environmental Management shall be provided to protect both surface and ground water quality if necessary as a result of the proposed land use.

3. To the extent that a fifty foot easement may exist over Tax Map 108-((1))8 (which parcel is owned by the Applicant) from Telegraph Road to the Subject parcel, such

easement will not be used for ingress or egress to or from Telegraph Road until and unless the said easement is improved to meet Fairfax County standards.

Dated: Dec 7, 1981

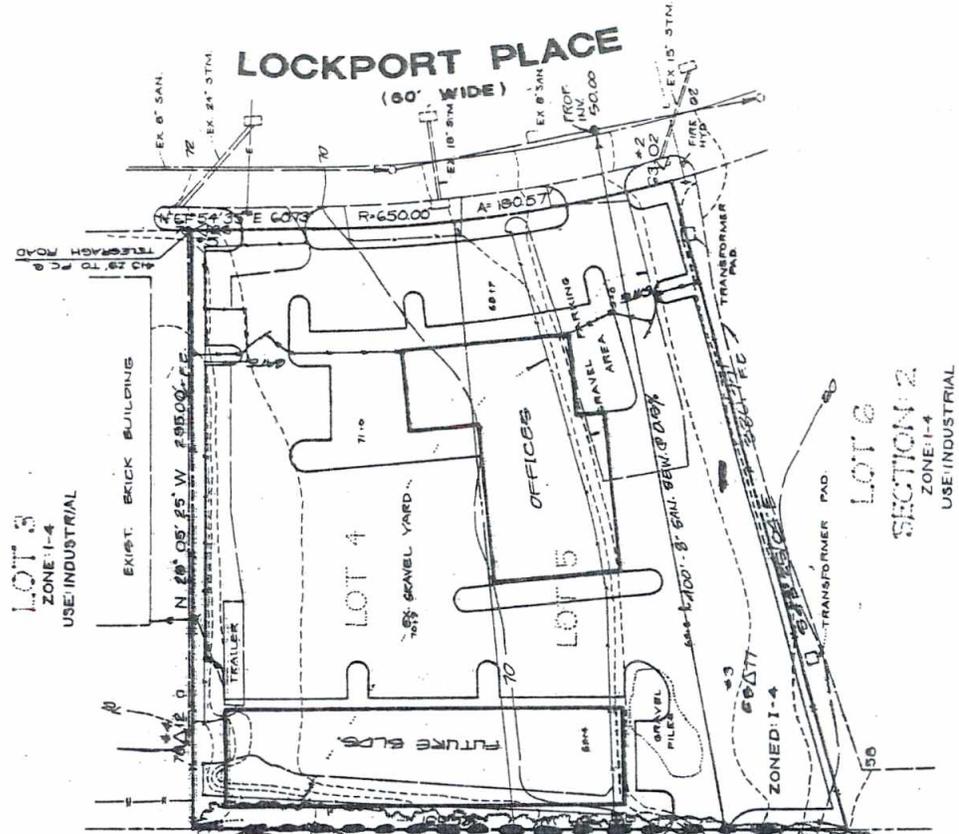
Respectfully submitted,



Grady L. Hinson

LOCKPORT PLACE

(60' WIDE)



LOT 3
ZONE: I-4
USE: INDUSTRIAL

LOT 4

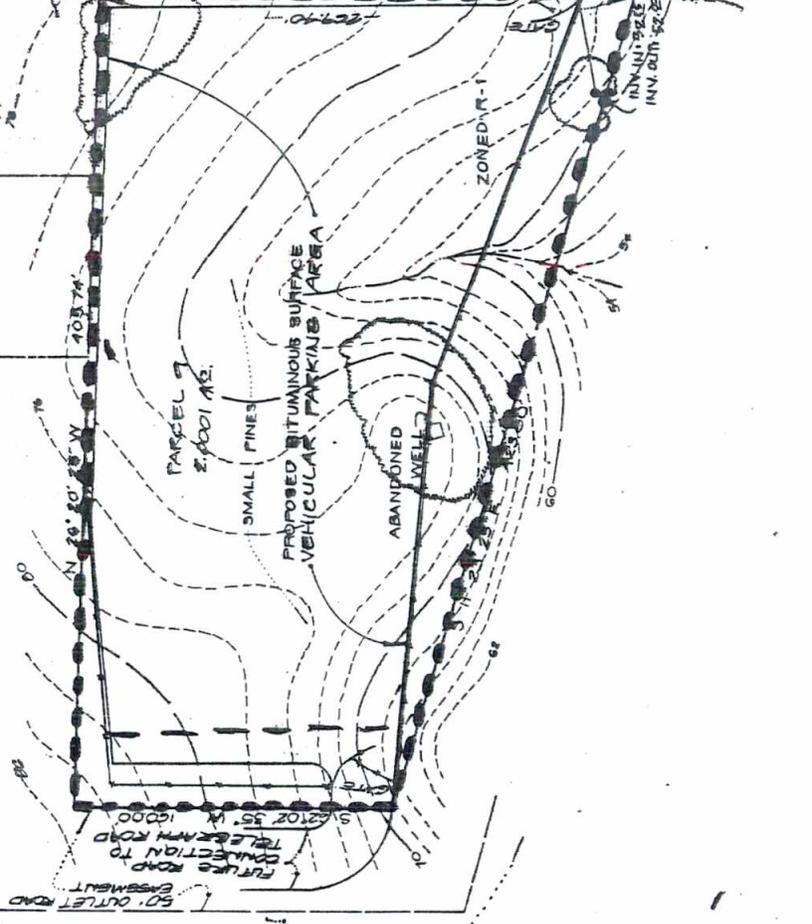
LOT 5

LOT 6
SECTION 2
ZONE: I-4
USE: INDUSTRIAL

SHEPHERD
N/F
ZONE: R-1
USE: VACANT

SHEPHERD
N/F
ZONE: R-1
USE: VACANT

HINSON
N/F
ZONED: R-1
USE: VACANT



FUTURE ROAD ENWIDENMENT
CONNECTION TO TELEGRAPH ROAD
FUTURE ROAD



County of Fairfax, Virginia

MEMORANDUM

DATE: November 4, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: **Land Use Analysis & Environmental Assessment:**
RZ 2009-MV-010 (Lockport Place)

The memorandum, prepared by Scott Brown, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the development plan dated May 5, 2009 and revised July 18, 2011 and November 2, 2011. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

DESCRIPTION OF THE APPLICATION

The applicant, Sparrowen, LLC, is proposing a rezoning for a property that includes four lots totaling 9.38 acres to the I-5 industrial zoning district. Three of the lots, 108-1-((5))-4&5 and 108-1-((1))-8B, are currently zoned I-4; and the remaining lot, 108-1-((1))-8D is zoned R-1. The property owners have for over 20 years been operating uses on the subject property that are not permitted under the current zoning categories, and the applicant wants to rezone the property in order to legally continue those uses.

The original proposal provided by the applicant included the development of two office buildings and a four-story parking garage. This was to be Phase II of the development, while Phase I was the continuation of the existing uses with the new I-5 zoning, with improvements to the site. The applicant has revised the development plan to eliminate Phase II of the development; therefore this memorandum does not address any concerns or issues solely pertaining to that phase of the original submission.

The applicant is also requesting waivers of stormwater management requirements and the dustless surface area requirement for a vehicular storage area.

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/



LOCATION AND CHARACTER OF THE AREA

The area of the property fronting Lockport Place (parcels 4&5) includes a two-story, L-shaped warehouse building surrounded by a natural surface parking lot of compacted soil and gravel that extends southward all the way back to the rear of the property, encompassing all of parcel 8B as well as the westernmost portion of parcel 8D. Parcel 8D extends eastward from parcel 8B behind other properties that front along Lockport Place, and it slopes steeply downhill to the east from the vehicular parking area into a large wetland area that covers the majority of the parcel.

Surrounding uses include industrial properties immediately adjacent to lots 4&5 on Lockport Place as well as other industrial properties on the north and opposite side of Lockport Place. These properties are all zoned I-4. Adjacent to Parcel 8B on the west side are I-5 properties. A narrow undeveloped strip of I-5 property extends along the southern boundary of the subject property, and is indicated as an ingress/egress easement. This easement borders 8B and 8D along the southern edge of the subject property and runs between the subject properties and parcels zoned PDH-8 that are currently undeveloped with dense vegetation, but are part of a proposed residential development. Adjacent to the east side of parcel 8D is a large, undeveloped property zoned as Residential Conservation District (R-C) that is owned by Ft. Belvoir.

COMPREHENSIVE PLAN CITATIONS:

Land Use

Fairfax County Comprehensive Plan, 2011 Edition, Lower Potomac Planning District, Amended through June 21, 2011, LP2 Lorton-South Route 1 Community Planning Sector, Land Unit Recommendations, Land Unit D (p.), and Land Unit E, Sub unit E1, p.82 & p. 85:

“Land Unit D

This land unit is surrounded by Accotink Creek, Pohick Estates and Rose Heights subdivisions and Southgate Woods and Worthington Woods townhouse developments The area is characterized by existing industrial uses. Primary uses are wholesale/ warehouse activities.

Land Unit D is planned for industrial use. New or infill development should be compatible with existing industrial uses up to .35 FAR and should provide for substantial buffering when located adjacent to planned or existing residential uses.

The area generally adjacent to Accotink Creek is planned for public park.”

“Sub-unit E1

The area on the east side of Telegraph Road south of Lockport Place (Tax Map 108-1((1))8B, 8C, 8D and 10, as shown on Figure 33) is planned for wholesale/warehouse industrial uses up to .35 FAR. New or infill development should be compatible with existing industrial uses and should provide for substantial buffering when located adjacent to planned or existing residential uses.

As an option, Sub-unit E1 may be appropriate for residential use at 8-12 dwelling units per acre. To achieve development above the low end of the planned density range, substantial parcel consolidation should be provided and must include Parcel 8B which is currently in industrial use. Extensive screening should be provided along any portion of the site adjacent to planned or existing industrial use. Residential use higher than one dwelling unit per acre should not be considered if any portion of Sub-unit E1 is developed in industrial use.”

Environment

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 8-9.

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

Policy j: Regulate land use activities to protect surface and groundwater resources.

Policy l: In order to augment the EQC system, encourage protection of stream channels and associated vegetated riparian buffer areas along stream channels upstream of Resource Protection Areas (as designated pursuant to the Chesapeake Bay Preservation Ordinance) and Environmental Quality Corridors. To the extent feasible in consideration of overall site design, stormwater management needs and opportunities, and other Comprehensive Plan guidance, establish boundaries of these buffer areas consistent with the guidelines for designation of the stream valley component of the EQC system as set forth in Objective 9 of this section of the Policy Plan. Where applicable, pursue commitments to restoration of degraded stream channels and riparian buffer areas. . . .

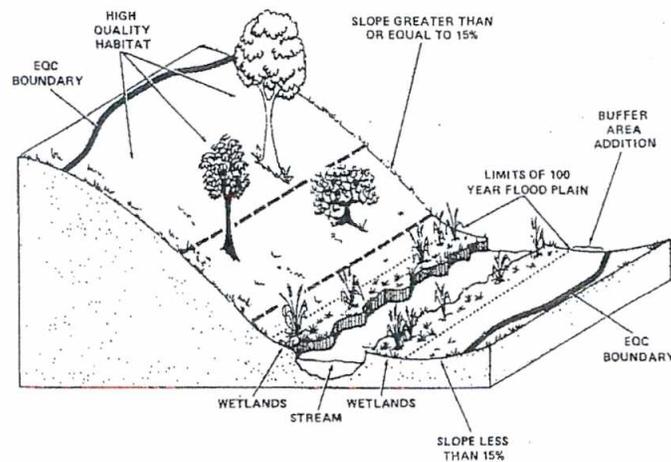
Policy o: Ensure that development and redevelopment sites that have been subject to contamination by toxic substances or other hazardous materials are remediated to the extent that they will not present unacceptable health or environmental risks for the specific uses proposed for these sites and that unacceptable health or environmental risks will not occur as a result of contamination associated with nearby properties.”

“Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.

Policy a: Identify, protect and restore an Environmental Quality Corridor system (EQC). (See Figure 4.) Lands may be included within the EQC system if they can achieve any of the following purposes:

- **Habitat Quality:** The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest. This may include: habitat for species that have been identified by state or federal agencies as being rare, threatened or endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic and wetland breeding habitats (i.e., seeps, vernal pools) that are connected to and in close proximity to other EQC areas.
- **Connectivity:** This segment of open space could become a part of a corridor to facilitate the movement of wildlife and/or conserve biodiversity. This may include natural corridors that are wide enough to facilitate wildlife movement and/or the transfer of genetic material between core habitat areas.
- **Hydrology/Stream Buffering/Stream Protection:** The land provides, or could provide, protection to one or more streams through: the provision of shade; vegetative stabilization of stream banks; moderation of sheet flow stormwater runoff velocities and volumes; trapping of pollutants from stormwater runoff and/or flood waters; flood control through temporary storage of flood waters and dissipation of stream energy; separation of potential pollution sources from streams; accommodation of stream channel evolution/migration; and protection of steeply sloping areas near streams from denudation.
- **Pollution Reduction Capabilities:** Preservation of this land would result in significant pollutant reductions. Water pollution, for example, may be reduced through: trapping of nutrients, sediment and/or other pollutants from runoff from adjacent areas; trapping of nutrients, sediment and/or other pollutants from flood waters; protection of highly erodible soils and/or steeply sloping areas from denudation; and/or separation of potential pollution sources from streams.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements (See Figure 4):



A TYPICAL ENVIRONMENTAL QUALITY CORRIDOR

Source: Fairfax County Office of Comprehensive Planning

FIGURE 4

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit any of the EQC purposes as described above. In addition, some disturbances that serve a public purpose such as unavoidable public infrastructure easements and rights of way may be appropriate. Disturbances for access roads should not be supported unless there are no viable alternatives to providing access to a buildable portion of a site or adjacent parcel. The above disturbances should be minimized and occur perpendicular to the corridor's alignment, if practical, and disturbed areas should be restored to the greatest extent possible

In general, stormwater management facilities should not be provided within

EQCs unless they meet one of the following conditions:

- They are consistent with recommendations of a watershed management plan that has been adopted by the Fairfax County Board of Supervisors; or
- They will:
 - Either:
 - Be more effective in protecting streams and better support goals of watershed management plans than stormwater management measures that otherwise would be provided outside of EQCs; or
 - Contribute to achieving pollutant reduction necessary to bring waters identified as impaired into compliance with state water quality standards or into compliance with a Municipal Separate Storm Sewer System (MS4) permit in a manner that would be more effective and/or less environmentally-disruptive than approaches that would be pursued outside of EQCs;

and

- Replace, enhance and/or be provided along with other efforts to compensate for any of the EQC purposes, as described above, that would be affected by the facilities.

When stormwater management facilities within the EQC are determined to be appropriate, encourage the construction of facilities that minimize clearing and grading, such as embankment-only ponds, or facilities that are otherwise designed to maximize pollutant removal while protecting, enhancing, and/or restoring the ecological integrity of the EQC.

The following efforts within EQCs support the EQC policy and should be encouraged:

- Stream stabilization and restoration efforts where such efforts are needed to improve the ecological conditions of degraded streams. Natural channel design methods should be applied to the greatest extent possible and native species of vegetation should be used.
- Replanting efforts in EQCs that would restore or enhance the environmental values of areas that have been subject to clearing; native species of vegetation should be applied.
- Wetland and floodplain restoration efforts.
- Removal of non-native invasive species of vegetation from EQCs to the extent that such efforts would not be in conflict with county ordinances; such efforts should be pursued in a manner that is least disruptive to the EQCs.

Other disturbances to EQCs should only be considered in extraordinary circumstances and only where mitigation/compensation measures are provided that will result in a clear and substantial net environmental benefit. In addition, there should be net benefits relating to most, if not all, of the EQC purposes listed above that are applicable to the proposed disturbances.

Preservation should be achieved through dedication to the Fairfax County Park Authority, if such dedication is in the public interest. Otherwise, EQC land should remain in private ownership in separate undeveloped lots with appropriate commitments for preservation. The use of protective easements as a means of preservation should be considered.

- Policy b. To provide an incentive for the preservation of EQCs while protecting the integrity of the EQC system, allow a transfer of some of the density from the EQC portion of developing sites to the less sensitive areas of these sites. The increase in effective density on the non-EQC portion of a site should be no more than an amount which is directly proportional to the percentage of the site that is preserved. Overall site yield will decrease as site constraints increase. Maximum density should be determined according to a simple mathematical expression based upon the ratio of EQC land to total land. This policy is in addition to other plan policies which impact density and does not supersede other land use compatibility policies.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 19:

“Objective 12: Improve the identification and mitigation of environmental impacts, and the monitoring and enforcement of environmental policies as applied to land disturbing activities.

- Policy a. Require both public and private development proposals to identify environmental constraints and opportunities and demonstrate how environmental impacts will be mitigated.”

COMPREHENSIVE PLAN MAP: Industrial

LAND USE ANALYSIS

Use & Intensity

Land Units D and E-1 of the LP-2 community planning sector are planned for industrial use up to a floor area ratio (FAR) of 0.35 with substantial buffering when adjacent to existing or planned residential areas. The proposed continuation of the existing uses would not involve new construction and would continue to fall within the recommended FAR intensity.

Parcels 4 and 5 along Lockport Place, and Parcel 8B to the rear (south) are zoned I-4 (Medium-Intensity Industrial District), which permits two of the existing/proposed uses - Motor Freight

Terminal and School of Special Education. The other two uses- Vehicle Major Services and Storage Yard – are not permitted in I-4, but would be permitted if rezoned to I-5. None of the existing and proposed uses are permitted on Parcel 8D, which is zoned R-1 (Residential District) and would require a rezoning for any of the ongoing uses to continue without violation.

The subject property is located within an industrial park and is adjacent to other industrial properties to the northeast, north and west. There are similar uses (vehicle storage and repair) within the same industrial park; however, the extent and concentration of vehicular storage taking place on the subject property is greater than other properties in the surrounding area, and this does present concerns of compatibility with residential areas to the south. This concern would be lessened by the provision of substantial buffering towards residential and environmentally sensitive areas.

Buffering

Land Unit recommendations call for substantial buffering in locations adjacent to existing or planned residential areas. Given the extent and intensity of the vehicular storage and traffic on this site, it was recommended that a 100-foot buffer be provided along the south side of the property to protect nearby residential property from noise, light, dust and other nuisances that may arise from the coming and going of heavy trucks on a natural surface site.

Although the residentially-planned property to the south is separated from the subject property by a 50-foot easement zoned I-5, a wider buffer is preferred to adequately reduce the spillover effects from this property. An additional 50-foot vegetated buffer is recommended on the south boundary of subject property to supplement the 50-foot easement and provide a full 100-foot buffer.

Resolution: The applicant has modified the development plan to provide a 50-foot buffer along the south boundary of parcel 8B. They are not proposing a 50-foot buffer along the south end of parcel 8D, but are providing a staked line indicating the property line to prevent encroachment beyond the subject property into the easement area – helping to ensure that at least a 50-foot vegetated separation between the subject property and the PDH property is maintained.

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.

Resource Protection Area (RPA)

The Chesapeake Bay Preservation Ordinance determines areas within the county where land uses are restricted or water quality measures must be provided. The most restrictive areas are within

the Resource Protection Areas (RPAs). With few exceptions, development in these areas is restricted to water wells, recreation, infrastructure improvements, water-dependent activities and redevelopment of permitted uses.

There is a large resource protection area (RPA) on the subject property surrounding the wetlands on Parcel 8D, with connectivity to Pohick Bay. The field-verified and approved RPA includes areas of the subject property that are disturbed and occupied by the ongoing uses being rezoned for. The majority of the RPA is located within parcel 8D, but a small area extends onto parcels 8B and 5.

The Chesapeake Bay Preservation Ordinance allows the redevelopment or continuation of permitted uses within the RPA. None of the uses on Parcel 8D are permitted as this is a residentially zoned property (R-1), and therefore would not be permitted to continue or redevelop. The continuation of legally permitted uses under I-4 would be allowed to continue within the RPA; however, it is recommended that all land uses and disturbances are relocated from within the RPA. Further, planning staff encourages the applicant to re-vegetate the disturbed RPA areas within the subject property and to provide a vegetated buffer around the RPA boundaries to add further protection from onsite contaminants that may enter the wetland.

Resolution:

The applicant has committed to removal all vehicles and equipment from within the RPA boundaries within 30 days of an approved rezoning and will also provide a 20-foot vegetated buffer around the RPA buffer in order to help mitigate site impacts on the RPA. The applicant has submitted a proffer that no use shall be permitted within 20 feet of the RPA, except as permitted by the Chesapeake Bay Ordinance, and native species grasses or other plantings will be established in the 20-foot buffer area

Two areas will remain disturbed beyond the 30 days after approval. The shed on parcel 8D will be removed within 30 days, but there are posts that are driven into the ground that will require RPA disturbance in order to remove. Additionally, the applicant intends to restore the function of the stormwater detention pit on parcel 5, which lies partially within the RPA and EQC. Because it is paved over, RPA disturbance will be necessary to repair the pit. The applicant has proffered that any concrete or asphalt removed during this process will not be replaced, and will instead be replaced by native grasses or other plantings. Both disturbances will require a Water Quality Impact Assessment in order to complete these operations. Planning staff recommends that these tasks should be taken care of as soon as possible, with proffers indicating a time of completion.

Environmental Quality Corridor (EQC)

Environmental Quality Corridors protect streams, floodplains, wetlands, and any associated steep slopes along with an adequate buffer surrounding these features – as they are all crucial to the hydrological environment of the stream corridors. The Environmental Quality Corridor (EQC) for this property extends beyond the floodplain and wetlands to include any adjacent steep slopes of 15% or more. Steep slopes extend westward beyond the wetland to the uppermost point at the 62-foot contour line, but also extends to the 64-foot contour line at the northwest corner of parcel

8D, and into the southeast corner of parcel 5. All areas of the EQC would be within the boundaries of the field-verified RPA indicated on the site plan, and would not extend beyond the RPA boundaries in this case. The before-mentioned concerns and restrictions suggested for the RPA area would therefore be inclusive of the EQC.

The applicant has committed to the removal of all uses in the RPA (which is inclusive of the EQC) within 30 days of a rezoning approval.

Phase I Environmental Study

Large numbers of heavy trucks have been stored and serviced on this site since the 1980s, including within the RPA. At the time of the original application, planning staff recommended that a Phase I environmental site assessment (ESA) be performed on the subject property to determine the need for environmental remediation. With the revised plans, the applicant has requested that the study no longer be required due to the removal of the proposed office uses. However, the ongoing storage and servicing of vehicles near and within the field-verified resource protection area (RPA) and the drainage of the storage area into the wetlands have likely caused environmental degradation that should be remediated. It was recommended that the environmental assessment be done to determine to what extent any contamination may have occurred, and the necessary remediation that should be done from the many years of industrial uses within the RPA.

The applicant has stated that a number of environmental site assessments have been performed on this site, including one completed as recent as 2008. The applicant intends to submit these along with the revised site plan so that staff may evaluate if a further study is warranted. If the study does not fully address the ongoing uses that have continued since 2008, or the recent violations, a new Phase I study (ESA) is still recommended if deemed necessary at site plan review. It is recommended that a proffer is made that a Phase I study will be performed prior to site plan approval if requested, and that any necessary remediation measures are done within a specified timeline.

Stormwater

The subject property is located within the Accotink Creek watershed. The majority of the developed portion of the subject property runs off into the flood plain and wetland area that is located on parcel 8D. The frontage area of parcel 4 which fronts Lockport Place runs off to into the street drainage area. There is a stormwater detention pit located on the west edge of parcel 5, but there are no indications that this structure is still functional. The applicant proposes an addition to the paved parking lot on Parcels 4 and 5. The proposed extension will add 1.5 acres of impervious surface area.

The applicant is requesting a waiver of stormwater management requirements according to PFM section 6-301.3 which states "Detention facilities must be provided in all storm drainage plans proposed for development in the County submitted for review and approval unless waived by the Director." The applicant is basing the waiver on the proximity to the floodplain for Accotink Creek, and does not propose any stormwater detention BMP facilities. Although wetlands

perform a natural stormwater filtration function, the concern is that runoff from the vehicle storage area will bring contaminants directly into the RPA without a vegetation to filter the flow.

Planning staff recommended the removal of all land disturbing activities from the RPA as well as providing a vegetated buffer around the RPA boundary in order to prevent the flow of stormwater contaminants from entering the RPA. A waiver of stormwater management requirements should not be considered without these measures.

Resolution: The applicant has proffered to remove all land uses from the RPA plus a 20 foot buffer surrounding the RPA. The applicant has also committed to the restoration of the stormwater detention pit located on parcel 5. The buffer area will be replanted with native grasses or other plantings, helping to filter any contaminants carried by runoff from the vehicle storage area before entering the RPA.

Dustless Surface Waiver

The applicant has requested a dustless surface waiver to maintain the unpaved parking area for vehicular storage. According to the Public Facilities Manual (PFM 7-0504) the director may grant a waiver upon a determination that such waiver will not have an adverse impact on the site and on the surrounding area with regard to such factors as the natural environment, storm drainage, water quality and erosion and sediment. It is planning staff's opinion that the unpaved parking lot as currently used presents an adverse impact to the natural environment because the lot slopes directly into a critical environmental habitat (wetlands). It is recommended that this waiver be granted only if the applicant can provide a strategy for preventing polluted stormwater from entering the wetland RPA zone, and a maintenance strategy for ensuring the ongoing effectiveness of this strategy. A dustless surface waiver should not be granted for any areas within the field-verified RPA plus a reasonable (20 foot or more) vegetated buffer surrounding the RPA.

Resolution: Planning staff's primary concern with the dustless surface waiver (or a paved vehicle storage area) is the unchecked contaminant runoff into the RPA and wetlands. The applicant is providing a 20-foot buffer around the RPA that will be vegetated with plantings to help buffer and filter stormwater before entering the RPA.

Noise & Dust

Well over 100 heavy trucks are stored on the subject property. The movement of these vehicles on an unpaved lot, as well as the servicing of the vehicles is likely to produce noise and dust levels that are incompatible with nearby properties, especially residential area. Noise impacts are a concern with regard to nearby residential properties. It is recommended that an additional 50-foot vegetated buffer be provided along the southern edge of the subject property to reduce potential noise and dust impacts on the nearby planned residential properties.

Resolution: As mentioned in the land use analysis, a 50-foot buffer will be provided at the parcel 8B property line creating a 100-foot buffer from the residential property in this area, and the back property line along Parcel 8D will be marked to prevent development from encroaching into the adjacent easement (which currently provides a 50-foot buffer to the residential property).

Barbara Berlin
RZ 2009-MV-010
Lockport Place (Sparrowen LLC)
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COUNTYWIDE TRAILS PLAN

The Countywide Trails Plan map shows a major regional trail is planned along Telegraph Road, but not immediately adjacent to the subject property.

PGN/STB



County of Fairfax, Virginia

MEMORANDUM

DATE: November 7, 2011

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

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

SUBJECT: Rezoning Application #RZ 2009-MV-010, Sparrowen – Lockport Place,
General Development Plan dated November 3, 2011, LDS Project #4422-
ZONA-001-3, Tax Map #108-1-05-0004 & -0005 and #108-1-01-0008B & -
0008D, Mount Vernon District

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

Chesapeake Bay Preservation Ordinance (CBPO)

There is Resource Protection Area (RPA) on this site. An RPA delineation for this site, #4422-RPA-001-1, was approved on August 26, 2008. The development plan shows the approved RPA boundary. The covered loading area on Parcel 8D and the storage yard do not seem to have been legally established and cannot legally be considered to be "existing;" approvals as new uses are required if they are to remain. The portions of the storage yard within the RPA will be considered an encroachment. An RPA encroachment exception for the structure and the portion of storage yard within the site-specific RPA will be required and must accompany this application to the Board of Supervisors if they are to remain.

Water quality controls, or an approved waiver, will be required at site plan submission (PFM 6-0401.2). Impervious surface on the majority of Parcels 4 and 5 was legally established under Site Plan #4422-SP-001. To legally establish a storage yard on Parcels 8B and 8D, the surface must be paved or, should a waiver be approved, provided with a dustless surface. Either pavement or dustless surface will be considered impervious surface. The description of the storage yard and its "C" values in the BMP calculations should be updated.

The applicant plans to use "open space" credit for the areas to be placed in a floodplain easement. A conservation easement for BMP credit would only be required for the areas outside of the required floodplain easement (PFM 6-1405.1 and Table 6-3's footnote #5).

The draft proffers dated November 2, 2011, indicate that the applicant is planning on removing the structure and the portion of the storage yard encroaching in the RPA (Proffer #6). An approved Water Quality Impact Assessment will be required if this work requires land disturbance.

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



Draft Proffer #5 indicates that uses on an additional 20-foot-wide buffer adjacent to the RPA will be restricted, "except as may be permitted by the Chesapeake Bay Preservation Ordinance." The CBPO does not restrict uses outside the RPA, so as written this proffer does not restrict any uses in the additional buffer area. It should be noted that enforcement of this proffer would fall to the Department of Code Compliance, whereas Land Development Services would enforce the CBPO requirements.

Floodplain

There is regulated floodplain on the property. A floodplain easement will be required for site plan approval (PFM 6-1405.1). No disturbance within the floodplain has been proposed.

Downstream Drainage Complaints

There are no downstream drainage complaints on file. On-site erosion was noted during a DPWES inspection in 2008.

Stormwater Management

An infiltration trench near the northeastern boundary of lot 5 was constructed under Site Plan #4422-SP-001. An inspection by DPWES in 2008 showed the facility to be inoperational.

Additional stormwater detention, or an approved waiver, will be required at site plan submission (PFM 6-0301.3). No new detention facility to serve the storage area has been proposed. The applicant states a detention waiver will be sought based on the proximity to Accotink Creek. In order for such a waiver to be approved, adequate outfall must be demonstrated. It is unclear whether this site's outfall would be considered adequate at a site-plan-level review.

Site Outfall

A narrative description of the site's outfall has been provided. A demonstration of adequate outfall meeting PFM requirements will be required at site plan submission (PFM 6-0203 & 6-0204.1). It will be necessary to demonstrate that the sheet flow from the paved storage yard will not be erosive. The outflow from infiltration trench will be considered a concentrated discharge and must have a defined channel downstream from its discharge point downstream throughout the extent of review to meet adequate outfall requirements. No defined channel exists now. Construction of a defined channel will result in a greater extent of disturbance than currently shown on the plan.

The narrative indicates that a proportional improvement will be provided if the existing system proves inadequate. The location for a detention facility to provide the proportional improvement is not depicted on the GDP.

Stormwater Planning Division Comments

The Stormwater Planning Division recommends that any stormwater detention waiver request be disapproved. The existing detention facility should be replaced as a condition of this rezoning.

Please contact me at 703-324-1720 if you have any questions or require additional information.

BF/

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



County of Fairfax, Virginia

MEMORANDUM

DATE: November 18, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division

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

SUBJECT: Transportation Impact

FILE: 3-4 (RZ 2009-MV-010)

REFERENCE: RZ 2009-MV-010; Sparrowen, LLC
Land Identification: 108-1((1))8B & 8D and 108-1((5))4 & 5

This department has reviewed the rezoning plat revised November 3, 2011 and offers the following comments:

- The parking spaces closest to the entrances should be removed to eliminate vehicle conflict points.
- Entrances must be a minimum of 30 feet in width and sight distance should be verified at both entrances according to VDOT standards.
- Inter-parcel access to adjacent properties would be desirable.
- There is a note on the parking tabulations: "Illustrative plan shows striping in order to verify availability of on-site parking". This area is currently asphalt and should be striped.
- Provision of adequate on-site parking for the proposed uses.

AKR/mdd

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot



EXCERPT FROM ARTICLE 20 OF THE ZONING ORDINANCE

ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by truck is assembled and/or stored for routing and reshipment, or in which semitrailers, including tractor and/or trailer units, and other trucks are parked or stored.

SCHOOL OF SPECIAL EDUCATION: A school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious, or other special subjects, but not including (a) a child care center or home child care facility; or (b) a riding school, however designated.

STORAGE YARD: 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.

VEHICLE MAJOR SERVICE ESTABLISHMENT: Buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Vehicle light service establishments may be permitted as an ancillary use, however, vehicle major service establishments shall not be deemed to include **HEAVY EQUIPMENT AND SPECIALIZED VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENTS.**

PART 5 5-500 I-5 GENERAL INDUSTRIAL DISTRICT

5-501 Purpose and Intent

The I-5 District is established to provide areas where a wide range of industrial and industrially-oriented commercial activities may locate. Uses allowed in this district shall operate under medium performance standards designed to minimize the impact of noise, smoke, glare, and other environmental pollutants on the industries within the district and on the neighboring lands of higher environmental quality. The business and commercial activities allowed in the district will be those which provide services and supplies primarily to industrial companies, those which engage in wholesale operations, and those which are associated with warehouse establishments.

5-505 Use Limitations

5. Motor vehicle storage and impoundment yards shall be used only for the temporary storage of wrecked and/or inoperative and/or abandoned vehicles, but shall not include the dismantling, wrecking or sale of said vehicles or parts thereof.

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		