



FAIRFAX COUNTY

APPLICATION FILED: July 3, 1996
PLANNING COMMISSION: December 12, 1996
BOARD OF SUPERVISORS: January 6, 1997

V I R G I N I A

November 27, 1996

STAFF REPORT

APPLICATION PCA 84-P-129-4 and FDPA 84-P-129-3

PROVIDENCE DISTRICT

APPLICANT: Pulte Home Corporation and Jade Development

PRESENT ZONING: PDC and PDH-40

REQUEST: Proffer Condition Amendment and Final Development Plan Amendment to convert Parcel C to Residential Use and to reduce the Overall Number of Residential Units from 512 to 397

PARCEL(S): 49-2 ((37)) A, B, C, D, E, F1, G1 and H1

ACREAGE:

PDC	7.88 Acres
PDH-40	9.98 Acres
Total	17.86 Acres

FAR: 1.31 within the PDC portion
1.25 overall

DENSITY: 35 dwelling per acre within the PDH-4 portion

OPEN SPACE: PDC - 2.1 acres (22 percent)
PDH-40 - 2.1 acres (35 percent)
Overall - 4.2 acres (23 percent)

PLAN MAP: Mixed Use

PROPOSAL: Amend the Proffers, CDP and FDP to permit 391,071 square feet commercial, 397 dwelling units and 2000 square foot community center

WAIVERS AND MODIFICATIONS: Waiver of the barrier along the North and East adjacent to the office buildings

STAFF RECOMMENDATIONS:

Staff recommends that the Board of Supervisors approve of PCA 84-P-129-4 subject to the execution of proffers consistent with the proffers contained in Appendix 1.

Staff further recommends that the Planning Commission approve FDPA 84-P-129-3 subject to the Board of Supervisors approval of PCA 84-P-129-4.

Staff further recommends that the Board of Supervisors reaffirm the previously approved waiver of the barrier requirement along the northern and eastern boundaries.

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

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

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



Reasonable accommodation is available upon 7 days advance notice. For information call (703) 324-1334.

PROFFERED CONDITION AMENDMENT /

FINAL DEVELOPMENT PLAN AMENDMENT

PCA 84-P-129-4

FDPA 84-P-129-3

PCA 84-P-129-04
FILED 07/03/96

PULTE HOME CORP. & JADE DEVELOPMENT CO.
PROFFERED CONDITION AMENDMENT
PROPOSED: MIXED USE
APPROX. 17.06 ACRES OF LAND; DISTRICT - PROVIDENCE
LOCATED: E. OF GALLONS RD.(RT. 650), S. OF I-66

ZONING: PDC PDM-60
OVERLAY DISTRICT(S):
049-2- /37/ / -A
049-2- /37/ / -F1 B C D E

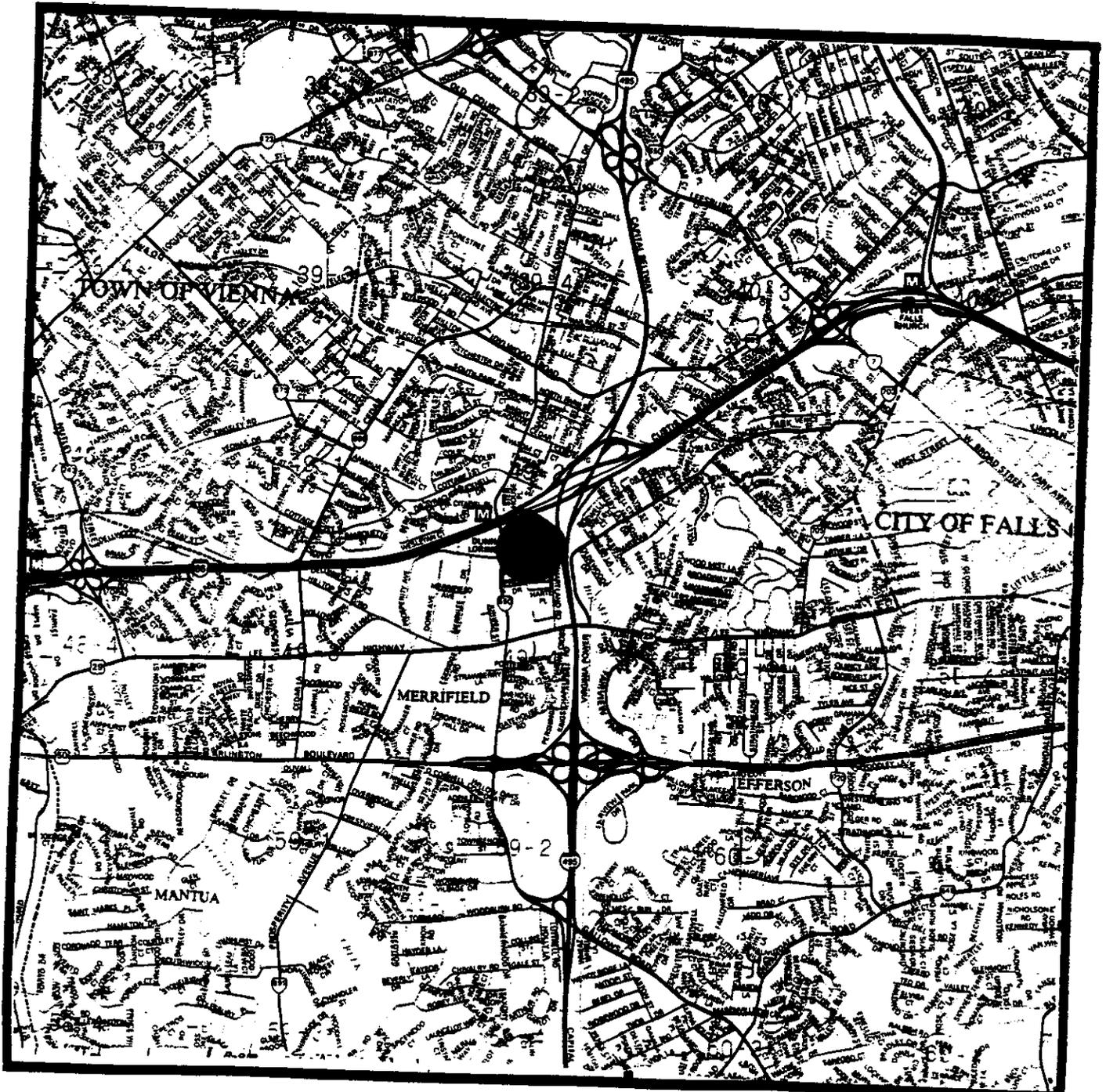
MAP REF

FDPA 84-P-129-03
FILED 07/03/96

PULTE HOME CORP. & JADE DEVELOPMENT CO.
FINAL DEVELOPMENT PLAN AMENDMENT
PROPOSED: MIXED USE
APPROX. 17.06 ACRES OF LAND; DISTRICT - PROVIDENCE
LOCATED: E. OF GALLONS RD.(RT. 650), S. OF I-66

ZONING: PDC PDM-60
OVERLAY DISTRICT(S):
049-2- /37/ / -A
049-2- /37/ / -F1 B C D E

MAP REF



PROFFERED CONDITION AMENDMENT /

FINAL DEVELOPMENT PLAN AMENDMENT

PCA 84-P-129-4

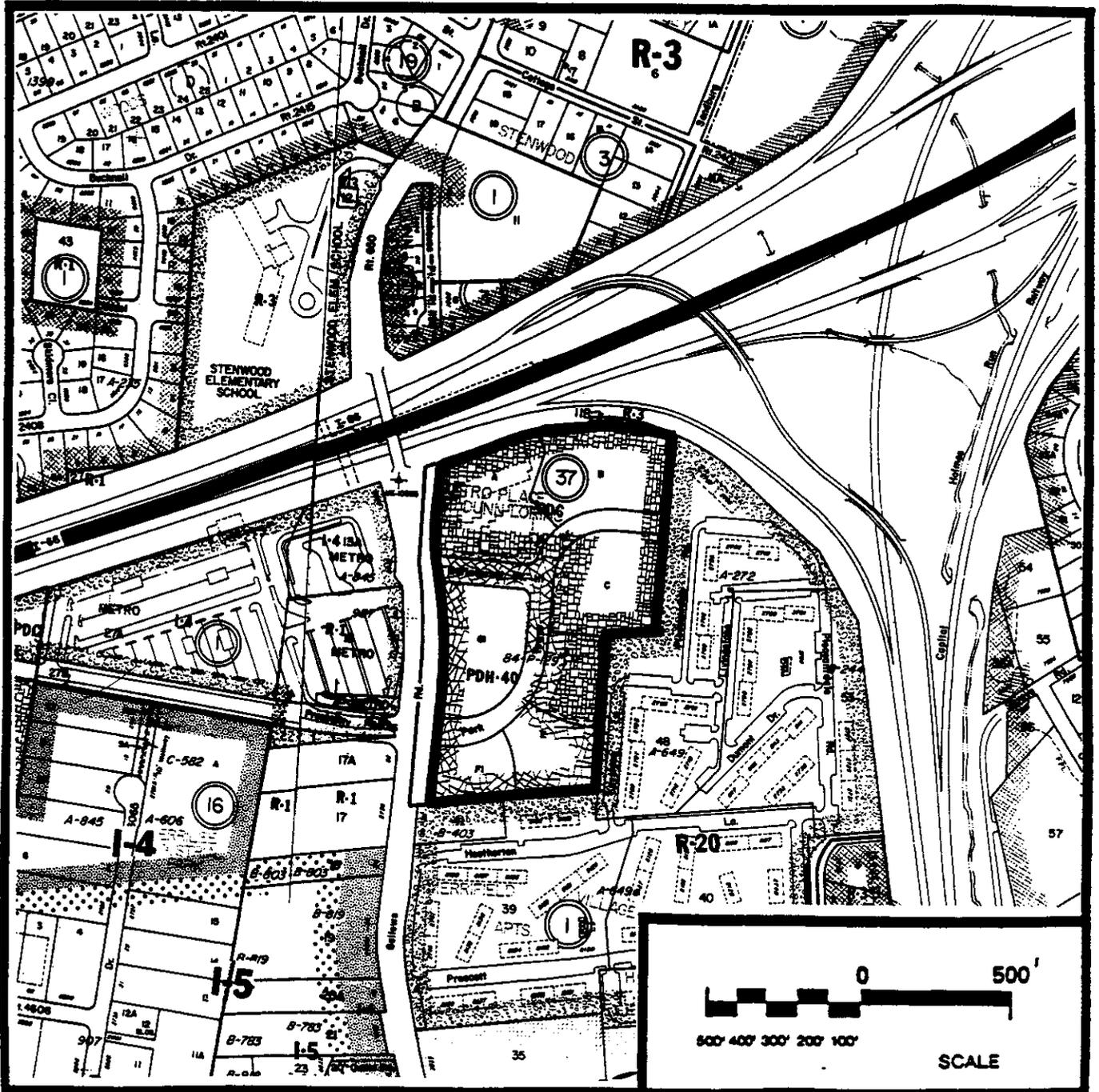
FDPA 84-P-129-3

PCA 84-P-129 -84
 FILED 07/03/96
 PULTE HOME CORP. & JADE DEVELOPMENT CO.
 PROFFERED CONDITION AMENDMENT
 PROPOSED: MIXED USE
 APPROX. 17.86 ACRES OF LAND; DISTRICT - PROVIDENCE
 LOCATED: E. OF GALLOW'S RD.(RT. 650), S. OF I-66

FDPA 84-P-129 -83
 FILED 07/03/96
 PULTE HOME CORP. & JADE DEVELOPMENT CO.
 FINAL DEVELOPMENT PLAN AMENDMENT
 PROPOSED: MIXED USE
 APPROX. 17.86 ACRES OF LAND; DISTRICT - PROVIDENCE
 LOCATED: E. OF GALLOW'S RD.(RT. 650), S. OF I-66

ZONING: PDC PDH-40
 OVERLAY DISTRICT(S):
 MAP REF 049-2- /37/ / -A B C D E
 049-2- /37/ / -F1 01 H1

ZONING: PDC PDH-40
 OVERLAY DISTRICT(S):
 MAP REF 049-2- /37/ / -A B C D E
 049-2- /37/ / -F1 01 H1



METRO PLACE AT DUNN LORING

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
PCA 84-P-129-1 / FDPA 84-P-129-3

ALTERNATE CONCEPTUAL / FINAL DEVELOPMENT PLAN AMENDMENT

NOTES:

1. THE SUBJECT OF THIS PLAN IS THE METRO PLACE AT DUNN LORING DEVELOPMENT, AS SHOWN ON THE FAIRFAX COUNTY ZONING MAP OF 1982, ZONING DISTRICT 1, S.E. 1 OF 10.
2. THE DEVELOPMENT IS LOCATED IN THE METRO PLACE AT DUNN LORING DEVELOPMENT, AS SHOWN ON THE FAIRFAX COUNTY ZONING MAP OF 1982, ZONING DISTRICT 1, S.E. 1 OF 10.
3. THE DEVELOPMENT IS LOCATED IN THE METRO PLACE AT DUNN LORING DEVELOPMENT, AS SHOWN ON THE FAIRFAX COUNTY ZONING MAP OF 1982, ZONING DISTRICT 1, S.E. 1 OF 10.
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SHEET INDEX:

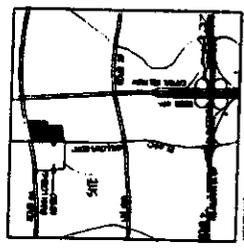
1. COVER SHEET
2. 80 SCALE DEVELOPMENT PLAN
3. TYPICAL BUILDING ELEVATIONS
4. PREVIOUSLY APPROVED FDPA 84-P-129-3

TABULATIONS:

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA
1	APPROXIMATE TOTAL AREA	1,000,000	100%
2	APPROXIMATE TOTAL AREA	1,000,000	100%
3	APPROXIMATE TOTAL AREA	1,000,000	100%
4	APPROXIMATE TOTAL AREA	1,000,000	100%
5	APPROXIMATE TOTAL AREA	1,000,000	100%
6	APPROXIMATE TOTAL AREA	1,000,000	100%
7	APPROXIMATE TOTAL AREA	1,000,000	100%
8	APPROXIMATE TOTAL AREA	1,000,000	100%
9	APPROXIMATE TOTAL AREA	1,000,000	100%
10	APPROXIMATE TOTAL AREA	1,000,000	100%

TABULATIONS FOR THIS SHEET:

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA
1	APPROXIMATE TOTAL AREA	1,000,000	100%
2	APPROXIMATE TOTAL AREA	1,000,000	100%
3	APPROXIMATE TOTAL AREA	1,000,000	100%
4	APPROXIMATE TOTAL AREA	1,000,000	100%
5	APPROXIMATE TOTAL AREA	1,000,000	100%
6	APPROXIMATE TOTAL AREA	1,000,000	100%
7	APPROXIMATE TOTAL AREA	1,000,000	100%
8	APPROXIMATE TOTAL AREA	1,000,000	100%
9	APPROXIMATE TOTAL AREA	1,000,000	100%
10	APPROXIMATE TOTAL AREA	1,000,000	100%



METRO PLACE AT DUNN LORING

FAIRFAX COUNTY, VIRGINIA
METRO PLACE AT DUNN LORING
METRO PLACE AT DUNN LORING

JADE DEVELOPMENT

PULTE HOMES INC.

Dewberry & Davis
2001 Arlington Blvd., Suite 100, No. 2003
Fairfax, VA 22031
Tel: (703) 841-7100 Fax: (703) 841-0118



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DATE	11.22.06
TIME	10:00 AM
BY	PHILLIP HOMES
FOR	PHILLIP HOMES
PROJECT	METRO PLACE AT DUNN LORING
LOCATION	1001 AVINGTON BLVD, FARMAS, VA 22031
SCALE	AS SHOWN
REVISIONS	
NO.	DESCRIPTION
1	ISSUE FOR PERMITTING
2	ISSUE FOR PERMITTING
3	ISSUE FOR PERMITTING
4	ISSUE FOR PERMITTING
5	ISSUE FOR PERMITTING
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9	ISSUE FOR PERMITTING
10	ISSUE FOR PERMITTING

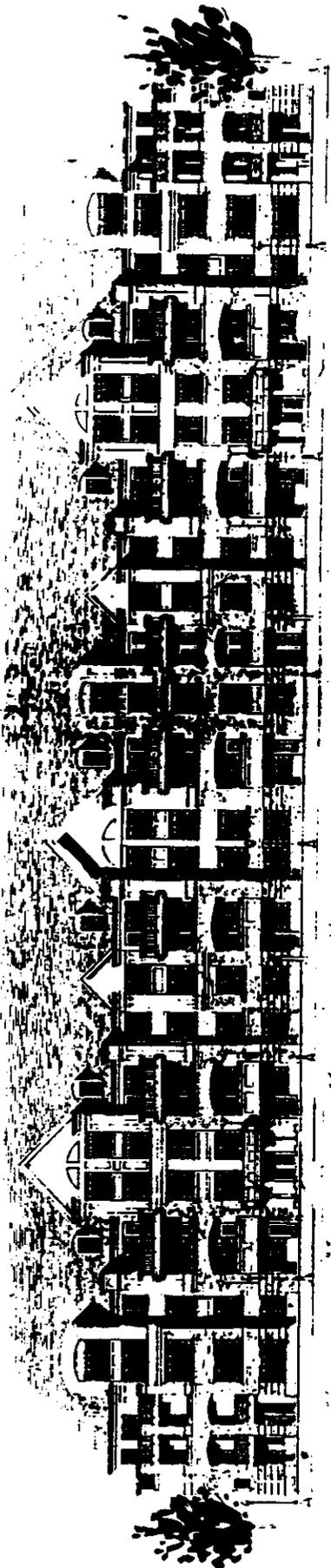
ALTERNATE DEVELOPMENT PLAN AGREEMENT/PRAL DEVELOPMENT PLAN AGREEMENT
 METRO PLACE AT DUNN LORING
 PHILLIP HOMES
 1001 AVINGTON BLVD, FARMAS, VA 22031
 703 849 0100

Dewberry & Davis
 8001 Avington Blvd, Farmas, VA 22031
 703 849 0100



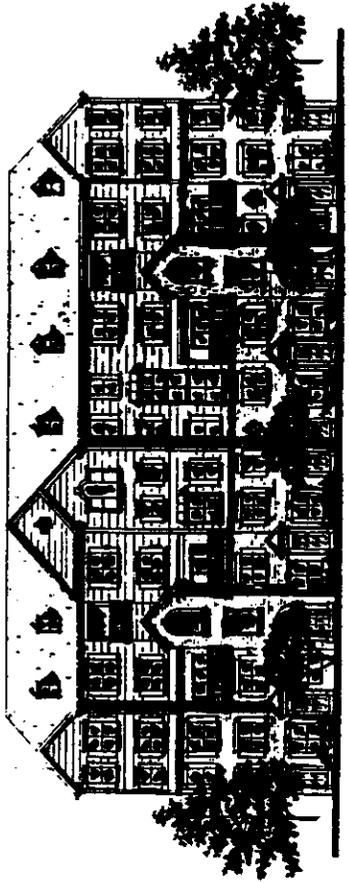
FRONT ELEVATION
 METROPLACE AT DUNN LORING
 (PARTS 1 & 6)

PHILLIP HOMES



FRONT ELEVATION
 METROPLACE AT DUNN LORING
 (PARTS 2, 3 & 5)

PHILLIP HOMES



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

DESCRIPTION OF THE APPLICATION

This application is a request to modify the approved development for Metro Place at Dunn Loring to reduce the overall amount of commercial floor area and the overall number of approved dwelling units. Metro Place at Dunn Loring is a planned development zoned to two zoning districts, the PDC (Planned Development Commercial) District and the PDH-40 (Planned Development Housing, Forty Dwelling Units per Acre) District. It includes five different parcels which are labeled A through G, respectively. Parcel A includes an existing office building of 157,325 square feet, with 13,000 square feet of retail use and this application does not propose any changes to Parcel A. Parcel B is currently approved for a 233,746 square foot office building and this application does not propose to change Parcel B either. Parcel C is approved with an office building of 136,929 square feet with 13,000 square feet of service retail. The remaining Parcels, D, E, F and G1, are currently approved for multi-family residential uses with a total of 512 units with 30,000 square feet of service retail and a 10,000 square foot eating establishment approved for Parcel G1, in addition to the multi-family residential uses.

Pursuant to this application, it is proposed that Parcels C, D, E, F and G1 be residential in use, with Parcel C containing 81 multi-family dwelling units, Parcel D containing 27 multi-family dwelling units and a 2000 square foot community center, Parcel E containing 65 multi-family units, Parcel F containing 62 multi-family units and Parcel G containing 162 multi-family dwelling units for an overall total of 397 multi-family dwelling units. This is a joint application filed by the Pulte Home Corporation, who are to develop Parcels C, D and E, and Jade Development, who are to develop Parcels F and G. All of the residential units are to be multi-family units with building height limited to 60 feet or five stories. Within the PDC District portion, the overall floor area ratio is 1.31 FAR for the combined gross floor area of residential and commercial uses with 22 percent open space. The density within the PDH-40 portion is 35 dwelling units per acre with thirty-five (35) percent open space. The floor area ratio of the whole of Metro Place at Dunn Loring, including both the PDH-40 zoned portion and the PDC portion, is 1.25.

Approval of the Final Development Plan Amendment for Parcels A, B, C, D, E, F, G1 and H1 (Park Tower Drive and Belleforest Drive) is also being sought at this time. Parcels A and B are included; however, no changes to the currently approved Final Development Plan are proposed within those Parcels. Note Number 1 on the plan submitted by the applicant includes a statement whereby, the right to develop Parcels F and G1 as shown on the currently approved development plan is reserved. The approved Conceptual/Final Development Plan is included as sheet 4 of the development plans submitted for this application.

This application includes a request to reaffirm the previously approved waiver of the barrier requirement along the northern boundary adjacent to I-66 and along the eastern boundary where office uses are proposed.

A locator map and a reduction of the submitted combined Conceptual/Final Development Plan Amendment (CDP/FDP) are attached to the front of this report. The draft proffer statement submitted by the applicant is in Appendix 1, with the applicants' affidavit in Appendix 2. The applicants' statements are included as Appendix 3. Appendix 4 includes a reduced copy of the approved CDP/FDP and Appendix 5 includes a copy of the accepted proffers.

LOCATION AND CHARACTER

The application property is located in the southeast quadrant of the crossing of Interstate 66 and Gallows Road. There is not an intersection or interchange of these two roadways. The site is largely undeveloped, except for an office building which has been constructed on Parcel A and the internal road network which is in place. The internal roadways are all contained within Tax Map Parcel H1. There are only two access points to the application property, both are from Gallows Road. The first is located just south of the existing building on Parcel A and is known as Belleforest Drive. It terminates at Park Tower Drive which goes through the application property as an "S" shaped roadway that curves through the middle of the application property from the southwestern corner to the northeastern corner. Park Tower Drive intersects Gallows Road opposite the entrance to the Dunn Loring Metrorail Station, the southwestern corner of the application property. It then traverses across the center of the application property to end near its northeastern corner. The end of Park Tower Drive is opposite Pleasantville Drive located within the Merrifield Apartments. Neither Belleforest Lane nor Park Tower Drive is in the state system at this time.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Interstate 66 and Transit Station with R-1 Parcels across Interstate 66	N/A	Interstate Highway and Transit Station
South	Multi-family (Merrifield Apartments)	R-20	16-20 du/ac
East	Multi-family (Merrifield Apartments)	R-20	16-20 du/ac
West	Dunn Loring Metrorail Station	I-4 & R-1	Transit Station

BACKGROUND

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

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

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

The approved Conceptual/Final Development Plan reflects 544,000 square feet of office/retail gross floor area in Buildings A, B and C. Buildings D, E, F and G include 518,000 square feet of residential gross floor area, consisting of a total of 512 multi-family dwelling units; 80,000 square feet of retail space, including 10,000 square feet of restaurant space; along with a 2,000 square feet of community center for the residential units located on Parcel D.

A reduction of the approved CDP/FDP is included in Appendix 4. A copy of the proffers associated with the approval of Metro Place at Dunn Loring is in Appendix 5.

COMPREHENSIVE PLAN PROVISIONS (Appendix 6)

Plan Area:	Area I
Planning District:	Jefferson Planning District
Planning Sector:	Dunn Loring Transit Station Area of the Merrifield Suburban Center

Text:

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

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

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

Map:

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

ANALYSIS**Conceptual/Final Development Plan Amendment (Copy at front of staff report)**

Title of CDPA/FDPA: Metro Place at Dunn Loring
Prepared By: Dewberry & Davis
Original and Revision Dates: June 20, 1996 as revised through
October 10, 1996

The combined Conceptual Development Plan Amendment and Final Development Plan Amendment (CDPA/FDPA) consists of four (4) pages. The first page includes a vicinity map, the notes and the tabulations for the CDPA/FDPA. Note Number 1 includes a statement that the right to development Parcels F and G1 as shown on the previously approved CDP/FDP is reserved. The second page includes the plan view of the proposed development for Parcels C, D, E, F, G1 and H1 (the internal roadway network) including the proposed landscaping. It includes an insert which identifies the various parcels which make up Metro Place at Dunn Loring. The third sheet includes architectural perspectives showing the two building types proposed to be developed by each of the co-applicants, Pulte Home Corporation and Jade Development. Sheet 4 is a copy of the previously approved CDP/FDP which shows the previously approved development in Parcels A and B and the layout for Parcels F and G1. See the map entitled "Boundary and Parcel Information" for the location of the seven parcels. The parcel designations also are the current Tax Map Parcel designations for the parcels

The currently approved CDP/FDP is sheet 4 of the submitted CDPA/FDPA and depicts the approved development for Parcels A and B, which will not be affected if this amendment application is approved, and for Parcels F and G1, wherein the option to develop those two parcels as currently approved is reserved. Parcel A, with 144,325 square feet of offices with 13,000 square feet of service retail space in an eight (8) story office building, has been constructed, along with its five level parking garage. It is located in the northwest quadrant of the intersection of Belleforest Drive and Park Tower Drive, north of Belleforest Drive in the northwestern corner of the project. Parcel B, with a 233,746 square foot 12-story office building, is to be located north of Park Tower Drive and east of Building A with a five level parking garage located east of Building B. Parcel F, located south of the intersection of Park Forest Drive and Gallows Road and along the southern boundary of Metro Place, is approved for the development of 112 multi-family units within a single building of 115,000 square feet. Parcel G, located in the area bounded on four sides by Gallows Road, Belleforest Drive and Park Forest Drive, is approved for the development of 139 multi-family units within a 130,000 square foot building which is to include 30,000 square feet of service retail and 10,000 square feet of eating establishment.

The portion of Metro Place at Dunn Loring which would be revised by this application and its revised Final Development Plan includes Parcels C, D, E, F and G1. Parcel H1, the Tax Map Parcel for Belleforest Drive and Park Tower Drive, is included

in the application, and will not be materially affected by this amendment application. As proposed, these five parcels would include 512 multi-family dwelling units. Parcels C, D and E are to be developed by Pulte Home Corporation and Parcels F and G1 by Jade Development. A community center serving all of the residential units is proposed to be located at the boundary between Parcels D and E. Both projects would include five-story residential structures with a maximum height of 60 feet. The parcels developed by Pulte Home Corporation would be served by surface parking spaces; while the Jade Development portion would include underground parking for its units, with some surface parking.

The proposed amended FDP, which would change Parcels C, D, E, F and G1 would result in the commercial portion of Metro Place being limited to the areas located north of Belle Forest Drive and Park Tower Drive representing approximately the upper third of the site. The lower portion, located east and west of Park Tower Drive, would contain 397 dwelling units. Parcel G1, would contain two multi-family buildings with underground parking separated by an area of surface parking and internal access roads. These two buildings would be located next to the surrounding streets and are proposed to contain 162 units. The other parcel to be developed by Jade Development, Parcel F, is proposed to contain a single building with 62 units. The architectural sketch on sheet 4 depicts the Jade Development building details. The three parcels to be developed by Pulte Home Corporation, C through E, are generally located east of Park Tower Drive. Parcel C is proposed to include three buildings with a total of 81 multi-family dwelling units; Parcel D, a single building with a total of 27 units; and Parcel E, two buildings with a total of 65 multi-family dwelling units. A community center with a pool is shown on the boundary between Parcels D and E. This center is to be open to all residents of Metro Place.

Access to Parcel G1 is proposed to be located at its northern boundary from Belleforest Drive, with access to the underground parking from an internal drive down the middle of Parcel G1. Access to the remaining residential units would be from Park Tower Drive. A common access located between Parcels E and F would serve the residences located in those parcels. Parcel F, one of the parcels to be developed by Jade Development, would be parked primarily within an underground structure under the proposed building. The parking for the units in Parcel E, which are located in three (3) buildings, would be located primarily along the southern boundary of the project with some parking for the units on Parcel E located at the common boundary with Parcel D. Another access point from Park Tower Drive is located at the boundary between Parcels C and D. The access roadway from this access point curves northward to re-intersect Park Tower Drive opposite Parcel B. The units within Parcel D are accessed by a loop road which goes around the single building proposed in Parcel D. The parking for this building is located along the loop road. The three (3) buildings within Parcel C are accessed from the roadway which exits Parcel C opposite Parcel B with parking available along the roadway and in lots accessed for the roadway.

Pedestrian connections are provided throughout the proposed multi-family development. There are sidewalks along both sides of Park Tower Drive and

Belleforest Drive which provide access across Gallows Road to the Metrorail station at the existing crosswalks. In addition, pedestrian sidewalks are provided within the parcels so as to provide access from the parking areas to the entrances to the buildings and within the overall development to provide access to the common community center building. Additionally, and as previously proffered, two points for pedestrian connection to the adjacent Merrifield Apartments are shown; one is proposed at the terminus of Park Tower Drive just north of Parcel C; and the other is near the southeastern corner of Metro Place and connects to Keystone Drive within the Merrifield Apartments. These two pedestrian connections would replace an existing 'informal path' which runs across the application property from the intersection of Belleforest Drive and Park Tower Drive to the Merrifield Apartments.

The landscaping shown on the FDPA (Sheet 2 of the CDPA/FDPA) includes three types of landscaping: streetscape plantings, plantings around and between the proposed buildings and the off site screening plantings located along the boundary with the Merrifield Apartments. Where one of these landscaping elements occurs adjacent to another landscaping element, the elements complement and enhance the other. The streetscape plantings consist primarily of deciduous trees placed approximately sixty (60) feet apart. Along Gallows Road, adjacent to the buildings proposed by Jade Development, this planting is enhanced by ornamental and small deciduous trees. This treatment is carried through on the frontage of Parcels G1 and F on Belleforest Drive and Park Tower Drive. Along the frontages of Parcels C, D and E, which are to be developed by Pulte Home Corporation, the streetscape is enhanced by ornamental trees at the access points and at the community center. In addition, shrubbery is shown along the edges of the parking areas which face Park Tower Drive and around the plaza of the common community center. The planting elements around the buildings include the parking lot landscaping. Throughout all of the parcels, the parking lot landscaping includes deciduous trees located within planting islands and along the periphery of the parking lots. Where the parking lot landscaping abuts the boundary with the Merrifield Apartments, it is enhanced with a greater number of deciduous trees, ornamental and/or evergreen trees. A mixture of evergreen and deciduous shrubbery is shown along the fronts of all of the buildings. Within the Pulte portions, where two buildings back up to each other, a mixture of deciduous and ornamental trees are shown in the area between the backs of the buildings. This situation occurs in Parcels C and E. Along the boundary of Parcels D, E and F with the adjacent apartments, evergreen screening is proposed to be planted on the adjacent parcels. This is a previously proffered commitment which is being carried forward and the planting of this material is subject to the permission of the owners of the adjacent apartment complexes.

Stormwater management for this property is proposed to be provided within an underground system which would be under the management of the overall community through a homeowner's association.

Transportation Analysis (Appendix 7)**Issue: Timing of Payment regarding Porter Road Construction**

Par. d of currently accepted Proffer Number 10 specified the construction of a portion of Porter Road prior to the issuance of a Non-Residential Use Permit (Non-RUP) for the third office building. It also provided that funds for that improvement could be provided to the County, in the event that the County did not want construction to commence on the proffered portion of Porter Road, which is the determination of the County as this segment of Porter Road is under construction at this time (see the letter to Martin D. Walsh from Robert L. Moore, Office of Transportation which is included in Appendix 4). The revision to Par. d of Proffer Number 10 proposed in the draft proffers evaluated for the Transportation Analysis contained in Appendix 7 proposed that the payment in lieu of the construction of the segment of Porter Road would occur at the time of approval of the final site plan for Parcels C, D, E, F and G1, which was determined to be inappropriate.

Resolution:

The revised draft proffers dated November 22, 1996 which are contained in Appendix 1 include a change to the proposed new language for Par. d of Proffer Number 10 to provide for payment upon approval of the second site plan for the areas identified as Parcels C, D, and E, which is the portion to be developed by Pulte Home Corporation. In addition, the revised draft proffers have advanced the timing of the payment of the \$750,000 pursuant to Par. e of Proffer Number 10 so that payment would occur in two stages: the first payment upon the issuance of the 92nd Residential Use Permit (RUP); and a second payment upon approval of the final site plan for Parcel C. However, the revised schedule for the payment with regard to the Porter Road element of Proffer Number 10 (par. d) is only a slight advancement in the timing of the payment. Staff would prefer that the payment regarding Porter Road be made prior to the approval of the second site plan for any of the Parcels affected by this amendment application, Parcels C, D, E, F and G1. This issue is not completely resolved.

Issue: Proffer Number 31

Accepted Proffer Number 31 provides for a cash payment if the specified proffered road improvements do not total \$3,000,000 in value. Previous versions of the draft proffers had proposed to delete that proffer and the applicant had submitted information which purported to demonstrate that the completed proffered improvements exceeded \$ 3,000,000 in value (see Appendix 3c). However, the evaluation of this information would most appropriately be done by the Department of Environmental Management as part of the site plan approval process.

Resolution:

Proffer Number 31 has been added to the draft proffer statement dated November 22, 1996 with added text referencing the information provided by the applicant, thereby resolving this issue.

Environmental Analysis (Appendix 8)

There were no significant environmental issues identified as part of the environmental analysis.

Public Facilities Analysis

The impact of this project on public facilities was addressed at the time of the initial rezoning with the approval of RZ 84-P-129. This application proposes to eliminate an office building and to reduce the number of dwelling units from 512 to 397, a twenty-two percent reduction in the number of units. The sanitary sewer analysis is included as Appendix 9 and states that an existing eight (8) inch line pipe located in Park Tower Drive is adequate along with the collector, submain and main/trunk lines. The water analysis in Appendix 10 states that this property is in the service area of the City of Falls Church. The fire and rescue analysis in Appendix 11 states that service is provided from Fairfax County Fire and Rescue Department Station #30, Merrifield, and that the application property meets fire protection guidelines. The schools analysis in Appendix 12 states that the three schools serving this site, Shrevewood Elementary School (3083), Kilmer Intermediate School (3071) and Marshall High School (3070) are projected to operate within their capacities through the 2000-2001 school year.

However, the proposal to provide stormwater detention in two underground facilities must be addressed as it conflicts with the provisions of the Public Facilities Manual (PFM) regarding stormwater management in residential developments; in order to implement this proposal, approval of a modification of the applicable PFM requirement would be required. (See Appendix 13).

Issue: Stormwater Management

Sect. 6-0303.8 states the following:

Underground detention facilities may not be used in residential developments, including rental townhouses, condominiums and apartments. Underground detention facilities may be used in either commercial and industrial developments where private maintenance agreements are executed and are not located in a County storm drainage easement.

The applicant has had preliminary discussions with the staff of the Department of Public Works (DPW), Utilities Planning and Design Division, and the Special Projects Branch of the Department of Environmental Management (DEM) and has submitted a

request to modify this provision of the PFM. The requested modification is still being processed and, therefore, a final determination regarding this matter has not been made. It should be noted that Building A was developed with underground detention.

The initial discussions with staff indicate that the waiver may be approved, noting that the number of units would likely be able to adequately provide the resources required for maintenance. It is suggested that a proffer incorporating the following be included in the approval:

- that the underground detention facilities should be constructed out of concrete pipe which has a longer life than other materials typically used in such situations;
- that the underground detention facilities be designed with safety and maintenance as major factors and that the County review include those factors;
- that a maintenance plan and agreement be incorporated into the approval of the facility, as is required when underground detention is utilized in commercial and industrial developments;
- that a hold-harmless agreement protecting the County is executed;
- that an insurance policy which includes a minimum \$1,000,000 level of liability protection be established and maintained by the homeowner's association;
- that a fund for the maintenance and replacement of the facility be established by the developer(s) of the community;
- that a covenant that the homeowner's association will be responsible for maintaining and replacing the underground detention facilities, will continue the insurance policy with a minimum of \$1,000,000 of coverage and will not petition the County to take over maintenance and/or replacement of the stormwater management facilities be incorporated into the homeowner association documents;
- and, that the County be given the right to inspect the facility and, if required, provide maintenance and/or repairs at expense of the homeowner's association.

However, review of and decision on the requested modification will not be completed to have the waiver approved prior to the scheduled public hearings on this case. Given this circumstance, a proffer which states that the applicant recognizes that the requested modification of the above cited PFM provision is a separate action, that the approval of these zoning cases in no way affects or assures that the requested

modification of the PFM provision will be approved and that, if the requested PFM modification is not approved and an off-site location is not available or other solution which can be addressed as a proffer/FDPA interpretation pursuant to the provisions of Section 16-403 and/or 18-204, the applicant will file a proffered condition amendment application so that detention can be provided on-site.

Resolution:

The draft proffer statement includes some, but not all, of the provisions discussed above. The proffers state that the pipes of the stormwater management system will be constructed of corrugated metal or galvanized steel which is contrary to the provisions of the PFM which requires concrete piping. The use of a material other than concrete has an impact on the maintenance of the system by the future residents. The reference to materials other than concrete should be deleted from the proffer and a determination as to what materials are appropriate made at the time of site plan approval by the Department of Environmental Management.

Land Use Analysis (Appendix 6)

Issue: Intensity of Development

The text of the Comprehensive Plan notes that Tract B, which constitutes the application property of Metro Place at Dunn Loring is planned for a maximum overall intensity of 1.40 FAR, including residential uses, and that the amount of commercial development should not exceed one-half of the project.

Resolution:

The application and development plan propose a mixed use development at 1.25 FAR of which 39% is commercial development and 61% is residential development which is in conformance with the use and intensity/density and mix of use recommendations of the Comprehensive Plan.

Issue: Site Specific Criteria for Tract B

The Plan text includes six criteria which are specific to the development of Tract B for the maximum level of development which is 1.40 FAR. This project is at 1.25 FAR. These criteria address: orientation of the commercial development to the Metro Station; transition of building heights to the Merrifield Apartments; street level activity zones including retail activities, abundant landscaping and pedestrian amenities; pedestrian connections between the Metro station and the residential communities to the south and east, including access across Gallows Road; provision of a connection to Hartland Road, if not at the time of development then provision for the future connection; and provision of right-of-way on Gallows Road.

Resolution:

This development proposal is not being developed at the maximum level of development. Nevertheless it has satisfied all of the above noted criteria in that: commercial development is oriented to the Metro Station; the five story residential building will provide an appropriate transition in building heights; abundant landscaping and pedestrian amenities are included in the project; pedestrian connections to the Metro station are provided; and Gallows Road has been improved. However, it should be noted the previously approved retail use within Parcels C and G1 would be deleted with the approval of this application which diminishes the street level activity on this site. It should be noted that Parcel A still includes retail space. Staff believes that this issue is resolved.

Issue: Development Criteria for the Transit Development Area

The text of the Comprehensive Plan with regard to Dunn Loring Transit Station Area includes criteria which apply to all sites in the Transit Development Area. The Land Use Analysis in Appendix 6 contains an analysis of each of the applicable criteria.

Resolution:

As noted in that analysis, the application conforms with the applicable criteria except with the one regarding the provision of affordable housing. It is recommended that the applicant maintain the existing proffered commitment, which requires that, in the instance of for-sale units, five (5) percent of the units be offered to the RHA. The revised draft proffers dated November 22, 1996, continue to delete the previously made commitment to affordable housing.

ZONING ORDINANCE PROVISIONS (Appendix 14)

Standards (PDC and PDH-40)		
Standard	Required	Provided
District Size (PDC)	see note*	391,071 sq. ft. of development
District Size (PDH-40)	2.0 acres	7.88 acres
Floor Area Ratio (PDC)	1.5 FAR	1.31 FAR
Density (PDH-40)	40 du/ac	35 du/ac
Open Space (PDC)	15 percent	17 percent
Open Space (PDH-40)	35 percent	35 percent

* No PDC District shall be established unless one of three criteria are met: minimum commercial GFA of 100,000 sq. ft., logical extension of an existing P District and yielding 40,000 GFA, located in a Community Business Center (CBC) designated by the Plan.

Parking*		
Parking Spaces (residential)	636 spaces	632
Parking Spaces (commercial)	1060 spaces	1210
Loading Spaces (residential)	6 spaces	Not shown
Loading Spaces (commercial)**	10 spaces	Not shown

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

** Par. 15, Sect. 11-202 states that a maximum of five (5) loading spaces are required for each commercial building. The loading spaces are not shown on the approved FDP for the commercial buildings which is not affected by this application. Upon submission of the site plan, the required loading spaces will have to be shown.

Transitional Screening and Barriers

With the initial approval of Metro Place of Dunn Loring, Transitional Screening Yard 1 was provided along the northern and eastern boundaries of the property where the office buildings were approved. As noted above, this application will not modify either of the approved office buildings on Parcels A and B. The office building originally proposed on Parcel C is being changed to a multi-family residential use. Parcel C abuts the Merrifield Apartments and transitional screening is not required for similar uses. It should be noted that the previously proffered evergreen screening to be planted along the common boundary between Metro Place and Merrifield Apartment and on the property of Merrifield Apartments is being retained.

With the initial approval of Metro Place, the barrier requirement along the northern and eastern boundaries where the office buildings were proposed was waived by the Board. It is appropriate to maintain this waiver.

P-District Requirements

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

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

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

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

The second General Standard addresses whether or not the planned development is of such a design that it achieves the purpose and intent of the planned development district more than would development under a conventional district. In this regard, it should be noted that the application is an amendment to the approved PDC and PDH-40 District and does not propose to change the zoning on the property. In addition, the application represents a reduction in the level of commercial development by 139,929 square feet of office use and 67,000 square feet of retail/restaurant space as well as a reduction in the number of dwelling units by 115 units.

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

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

General Standard Number 5 addresses the adequacy of the public facilities in the vicinity. As noted in the Public Facilities Analysis, this amendment reduces the level of development and this standard was deemed to have been met with the initial approval of Metro Place at Dunn Loring. The provision of stormwater management in underground detention facilities is the subject of a pending modification of the requirements of the PFM.

General Standard Number 6 addresses internal linkages between internal facilities and connections to external facilities. This standard has been addressed adequately through the transportation proffers except for the timing of the payment for Porter Road and the pedestrian linkages within Metro Place and to the adjacent development to provide pedestrian access to the transit station.

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

Front Yard	25° Angle of Bulk Plane (ABP), 43 feet for a sixty (60) foot tall building, but not less than 20 feet
Side and Rear Yards	25° ABP or 43 feet, but not less than 20 feet.

The smallest setback for a side or rear yard is 23 feet in the instance of the buildings within Parcel C. The front yard requirement has been met except in the case of the

proposed buildings on Parcel G1. Along Gallows Road the setback is 12 feet; however, this is consistent with what is shown on the currently approved CDP/FDP when the setback is scaled from the line at the edge of the area designated as "Additional ROW to be Dedicated" on that plan. This is consistent with the original approval.

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

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

P-District Recreational Facilities

Sect. 6-110 (PDH-40) and Sect. 6-209 (PDC) require the provision of recreation facilities which have a value of at least \$300 per unit, a total \$119,000 for the 397 dwelling units. The development plan includes a community center which includes a pool. It appears that this facility may meet this requirement. If it does not, then a contribution can be made in accordance with the provisions of Part 7 of Article 2, Common Open Space and Common Improvement Regulations.

Summary of Zoning Ordinance Provisions

The development as proposed generally conforms with the applicable Zoning Ordinance provisions, except with regard to General Standard Number 1 of Sect. 16-101 which requires conformance with the recommendations of the Comprehensive Plan. The application as currently structured does not provide for affordable housing as specified in the criteria for development in the Transit Station Area.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The intensity, mix of uses and type of development is in general accord with the recommendations of the Comprehensive Plan and with the criteria for development of Tract B of the Merrifield Suburban Center. The development, as proposed, generally conforms with the applicable Zoning Ordinance provisions save the requirement that the proposed P-district conform with the provisions of the Comprehensive Plan.

However, the development as proposed does not conform with one of the criteria for development within the Dunn Loring Transit Station Area, the one addressing the provision of affordable housing. In addition, the proffers regarding providing underground detention of stormwater and the timing of payment of the previously proffered contributions for transportation impacts should be revised as recommended above.

Recommendation

Staff recommends that the Board of Supervisors approve PCA 84-P-129-4 subject to the execution of proffers consistent with the proffers contained in Appendix 1.

Staff further recommends that the Planning Commission approve FDPA 84-P-129-3 subject to the Board of Supervisors approval of PCA 84-P-129-4.

Staff further recommends that the Board of Supervisors reaffirm the previously approved waiver of the barrier requirement along the northern and eastern boundaries.

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

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

APPENDICES

1. Draft Proffer Statement
2. Affidavit
3. Applicants' Statements
 - a. Statement of Justification
 - b. Letter from Lawrence A. McDermott, Dewberry and Davis, dated November 4, 1996
 - c. November 7, 1996 letter from Lynn J. Strobel, Walsh, Colucci, Stackhouse & Lubeley regarding Proffer Number 31
4. Approved Conceptual/Final Development Plan for Metro Place at Dunn Loring
5. Accepted Proffers for Metro Place at Dunn Loring
6. Plan Citations and Land Use Analysis
7. Transportation Analysis
8. Environmental Analysis
9. Sanitary Sewer Analysis
10. Water Service Analysis
11. Fire and Rescue Department Preliminary Analysis
12. Schools Analysis
13. Comments of the Utilities Planning and Design Division, DPW
14. Applicable Zoning Ordinance Provisions
15. Glossary of Terms

DRAFT PROFFERS**METRO PLACE****PCA 84-P-129-4****November 25, 1996**

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

1. (Add to Proffer 1 as follows).

Development of Parcels C, D, E, F1, G1 and H1 shall be in substantial conformance with the Conceptual Development Plan Amendment/Final Development Plan Amendment ("CDPA/FDPA"), prepared by Dewberry & Davis consisting of four (4) sheets, dated June 20, 1996, and revised through November 22, 1996. The Applicants reserve the right to pursue development of Parcels F1 and G1 under the previously approved CDP prepared by HOK, architects and planners, dated June 23, 1987, and Final Development Plan prepared by HOK, architects and planners, dated April 10, 1987 and revised through July 12, 1990.

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

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

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

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

6. Retained. (See Proffers dated May 3, 1989).
7. Retained. (See Proffers dated May 3, 1989).
8. Deleted.
9. (Add to Proffer 9 of Proffers dated May 3, 1989 as follows).

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

The design of the facilities shall incorporate the following:

- a. The storage vault, which shall provide BMPs, shall be constructed of concrete.
- b. The pipes, which shall provide storm water management, may be constructed of corrugated metal or galvanized steel in accordance with requirements of the Public Facilities Manual and as approved by DEM.
- c. Safety measures shall be provided for the location of said facilities in a residential area, as may be reasonably requested by DEM, at time of site plan approval. Safety measures may include, but not limited to, Bilco doors or equivalent, to cover the facility entrance with a double locked keyed entry and/or bolted manhole lids.

The proposed facilities shall be maintained by the Applicants, their successors and assigns, in accordance with the regulations of DEM and DPW. Said maintenance responsibility shall be incorporated in an agreement to be reviewed and approved by the Fairfax County Attorney's office and recorded among the Fairfax County land records. Said agreement shall address the following issues:

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

- e. **Establishment of an initial fund by Applicants for future maintenance/replacement.**

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

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

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

- a) **Prior to the issuance of non-rups for the first office building the Applicants shall construct:**
- **An additional lane eastbound along Prosperity Avenue for a distance of 500 feet plus a 180 foot transition near the metro station opposite the southern access to the site. The Applicants will build any portion not already constructed by WMATA, subject to the approvals of both the Virginia Department of Transportation and WMATA. (This improvement has been completed.)**
- b) **Deleted. (Consistent with a letter dated June 27, 1996, issued by Robert L. Moore, Chief, Transportation Planning Division).**
- c) **Deleted.**
- d) **Applicants shall provide the monetary equivalent for the construction of the extension of Porter Road from the southern boundary of Parcel 52 to Lee Highway. This roadway shall consist of a minimum 48 foot road section from face of curb to face of curb within a 60 foot right of way. The amount shall be determined by DEM in accordance with standard bond estimate calculations for this improvement. This payment shall be made to DEM upon final site plan approval for either Parcel C, D, or E, whichever site plan is the second site plan submitted by Pulte Home Corporation and approved by DEM.**

- e) The Applicants shall contribute a cash sum in the amount of Seven Hundred Fifty Thousand and no/100 Dollars (\$750,000.00) to Fairfax County to be applied towards transportation improvements that affect the Merrifield area. The Applicants shall provide payment in two installments: the first installment of Four Hundred Thousand and no/100 dollars (\$400,000.00) shall be paid upon the issuance of the 92nd residential use permit for Parcels D and E; and a second installment of Three Hundred Fifty Thousand and no/100 (\$350,000.00) shall be paid at time of final site plan approval for Parcel C.

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

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

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

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

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

- 14b. (Replace as follows).

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

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

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

16. Deleted.

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

18. Deleted.

19. Deleted.

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

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

22. (Replace Proffer 22 as follows).

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

23. (Replace Proffer 23 as follows).

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

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

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

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

27. (Replace Proffer 27 as follows).

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

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

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

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

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

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

32. (Add new Proffer 32).

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

(SIGNATURES BEGIN ON NEXT PAGE)

CO-APPLICANT/CONTRACT PURCHASER OF
PARCELS D AND E
OWNER OF PARCELS C AND H1

PULTE HOME CORPORATION

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

(SIGNATURES CONTINUE ON NEXT PAGE)

CO-APPLICANT/CONTRACT PURCHASER OF
PARCELS F1 AND G1

JADE DEVELOPMENT COMPANY

By: Jon D. Luria
Its: President

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNER OF PARCELS F1 AND G1

DUNN LORING METRO PLACE L.P. BY
MTM BUILDER/DEVELOPMENT INC.,
ITS GENERAL PARTNER

By: Dean F. Morehouse
Its: President

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNER, PARCEL B:

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

By: Stephen L. Grant
Its: Vice President

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNER, PARCEL A:

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

By: Stephen L. Grant
Its: Vice President

(SIGNATURES CONTINUE ON NEXT PAGE)

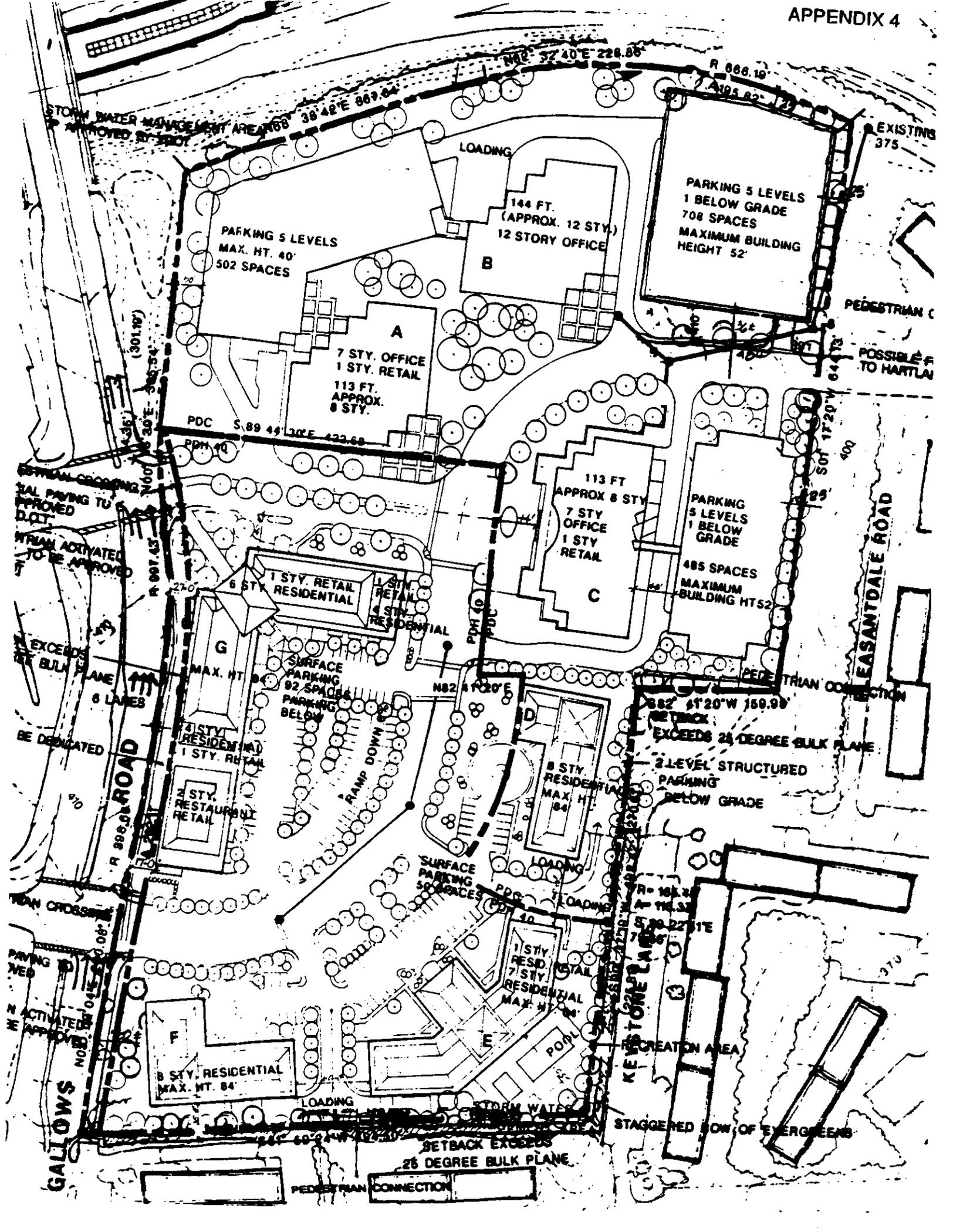
TITLE OWNER, PARCELS D AND E:

M M MOORING NO. 2 CORP.
BY MARINE MIDLAND REALTY,
ITS SHAREHOLDER AND BY MARINE MIDLAND
BANK, ITS SHAREHOLDER

By: Margaret L. Evans

Its: _____

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STORM WATER MANAGEMENT AREA APPROVED BY D.O.T.

PARKING 5 LEVELS
MAX. HT. 40'
502 SPACES

LOADING
144 FT.
(APPROX. 12 STY.)
12 STORY OFFICE
B

PARKING 5 LEVELS
1 BELOW GRADE
708 SPACES
MAXIMUM BUILDING
HEIGHT 52'

EXISTING 375

A
7 STY. OFFICE
1 STY. RETAIL
113 FT.
APPROX. 8 STY.

PEDESTRIAN CONNECTION

POSSIBLE FUTURE TO HARTLAND

PDC S. 89 44 30'E 432.68

113 FT
APPROX 8 STY
7 STY OFFICE
1 STY RETAIL
C

PARKING 5 LEVELS
1 BELOW GRADE
485 SPACES
MAXIMUM BUILDING HT 52'

ESTRICAL CROSSING
SIGNAL PAVING TO BE APPROVED
D.O.T.
STRIAN ACTIVATED TO BE APPROVED

1 STY. RETAIL
6 STY. RESIDENTIAL
1 STY. RETAIL
4 STY. RESIDENTIAL

EXCEEDS 25 DEGREE BULK PLANE
6 LINES
TO BE DEDICATED

G
3 STY. RESIDENTIAL
1 STY. RETAIL
2 STY. RESTAURANT
1 STY. RETAIL

SURFACE PARKING 92 SPACES
PARKING BELOW
RAMP DOWN

D
8 STY. RESIDENTIAL
MAX. HT. 84'

EXCEEDS 25 DEGREE BULK PLANE
2 LEVEL STRUCTURED
PARKING
BELOW GRADE

NEAR CROSSING

F
3 STY. RESIDENTIAL
MAX. HT. 84'

SURFACE PARKING 50 SPACES

E
1 STY. RESID. RETAIL
7 STY. RESIDENTIAL
MAX. HT. 84'

RECREATION AREA
POOL
STAGGERED ROW OF EVERGREENS

PAVING TO BE APPROVED
D.O.T.
STRIAN ACTIVATED TO BE APPROVED
GALLOWS ROAD

LOADING

STORM WATER

SETBACK EXCEEDS 25 DEGREE BULK PLANE

PEDESTRIAN CONNECTION

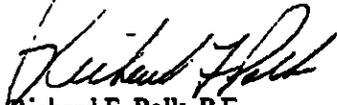
Pule Homes Corporation
Mr. Stanley F. Settle, Jr.
October 18, 1996
Page 2

I trust this analysis provides a sufficient detail to prove that \$3 million has already been expended in the development of public improvements either on or adjacent to this property.

Should you have any questions, please call me at (703) 849-0511.

Sincerely,

DEWBERRY & DAVIS



Richard F. Polk, P.E.
Department Manager


Dewberry & Davis

 Architects
 Engineers
 Planners
 Surveyors

 8401 Adington Boulevard
 Fairfax, VA 22031-4666
 703 849-0100
 Fax: 703 849-0118

October 18, 1996

 Mr. Stanley F. Settle, Jr.
 Director of Land Development
 Pule Homes Corporation
 10600 Arrowhead Drive
 Suite 225
 Fairfax, VA 22030

Re: Metro Place at Dunn Loring

Dear Mr Settle:

In response to your request, we have reviewed the proffers associated with the referenced project, PCA 84-P-129-3. Specifically, we evaluated Proffers 2, 6, 7, 10, and 21 to determine the approximate cost/ value of these proffered improvements as they relate to the satisfaction of Proffer 31 which requires the expenditures of at least \$3 million. The results of our analysis are as follows:

<u>Proffer</u>	<u>Approximate Cost/Value</u>	<u>Basis for Cost/ Value Determination</u>
2a)	\$550,000	Estimated from Fairfax County Land Values
2ba)	\$973,638	Fairfax County Surety Estimate
	\$66,025	Erosion & Sediment Control/ Conservation Deposit
2bb)	Part of 2ba	
2bc)	Part of 2ba	
2cl)	Part of 2ba	
2c2)	Part of 2ba	
2d)	Part of 2ba	
2e)	Part of 2ba	
2f)	\$1000,000	Estimated from Discussions with VDOT
6)	\$25,000	Actual Figure in Proffer
7)	Part of 2ba	
10a)	\$121,400	Estimated from WHGA Plans and County Prices
10b)	N/A see 10e	Escrow in Lieu of Right Turn Lane Improvements
10c)	N/A see 10d	Escrow in Lieu of Porter Road Improvements
10d)	\$254,000	Estimated from WHGA Plans and County Prices
	\$5,310	Erosion & Sediment Control/ Conservation Deposit
10e)	\$750,000	Actual Figure in Proffer
21)	\$178,000	Estimated from WHGA Plans and County Prices
Total:	\$3,023,373	

 Virginia
 Maryland
 North Carolina
 New York
 New Jersey
 Connecticut
 Massachusetts
 Pennsylvania

November 7, 1996

Page 2

Should you have any questions regarding the enclosed or require additional information, please do not hesitate to give me a call. Mr. Polk may be called directly should you have any questions regarding his analysis. As always, I appreciate your cooperation and assistance.

Very truly yours,

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

Lynne J. Strobel

Lynne J. Strobel

Enclosure

cc: Stan Settle
John Luria
Richard Polk
Larry McDermott
Martin D. Walsh

J:\PULTE\7049\BRAHAM.TLH

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COURTHOUSE PLAZA

THIRTEENTH FLOOR

2200 CLARENDON BOULEVARD

ARLINGTON, VIRGINIA 22201-3356

(703) 528-4700

FACSIMILE (703) 525-3197

PRINCE WILLIAM OFFICE

VILLAGE SQUARE

13663 OFFICE PLACE, SUITE 201

WOODBIDGE, VIRGINIA 22192-4216

(703) 680-4664

METRO (703) 680-4647

FACSIMILE (703) 680-2412

LOUDOUN OFFICE

COUNTRYSIDE PROFESSIONAL CENTER

2 PIGEON HILL DRIVE, SUITE 340

STERLING, VIRGINIA 20165

(703) 444-6919

FACSIMILE (703) 444-0985

November 7, 1996

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
NOV 11 1996
ZONING EVALUATION DIVISION

VIA FACSIMILE AND U.S. MAIL

Mr. Peter Braham, Branch Chief
 Zoning Evaluation Division
 Office of Comprehensive Planning
 12055 Government Center Parkway
 Suite 800
 Fairfax, Virginia 22035-5509

RE: PCA 84-P-129-4**Applicants: Pulte Home Corporation and Jade Development Company**

Dear Mr. Braham:

I have enclosed for your review and information a letter prepared by Richard Polk of Dewberry and Davis. Mr. Polk has evaluated the cost of proffered improvements as described in Proffer 31, which was approved in conjunction with PCA 84-P-129-2. Proffer 31 requires the applicant to escrow with Fairfax County the difference between the final cost of certain proffered improvements and three million dollars. The issue is whether the current expenditures for the proffered improvements have exceeded the required three million dollars and this proffer is no longer necessary.

As detailed in Mr. Polk's letter, dated October 18, 1996, three million dollars has already been expended in the development of public improvements as required by the proffers. In consideration of this information, Proffer 31 will be deleted from the draft proffers submitted in conjunction with PCA 84-P-129-4.

METRO PLACE AT DUNN LORING

<u>PARCEL</u>	<u>PROPOSED FAR/DENSITY</u>	<u>PROPOSED PARKING</u>	<u>PROPOSED OPEN SPACE</u>
A	1.23 FAR	502	0.28 ± AC
B	1.85 FAR	708	0.28 ± AC
C	31.15 DU/AC	120	1.09 ± AC
D	19.42 DU/AC	96	0.45 ± AC
E	38.92 DU/AC	53	0.80 ± AC
F	52.54 DU/AC	41	0.45 ± AC
G	64.28 DU/AC	<u>322</u>	<u>0.85 + AC</u>
TOTAL		1,842	4.20 ± AC



Architects
Engineers
Planners
Surveyors

8401 Arlington Boulevard
Fairfax, VA 22031-4666
703 849-0100
Fax: 703 849-0118

November 4, 1996

Peter Braham
Zoning Evaluation Division, OCP
12055 Government Ctr Pkwy, 8th Floor
Fairfax, Virginia 22035

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
NOV 4 1996
ZONING EVALUATION DIVISION

RE: Pulte-Luria/Metro Place

Dear Peter:

Pursuant to your request, attached is a breakdown of Floor Area Ratio, Parking and Open Space for the individual parcels. As we discussed, these requirements are satisfied when the plan is reviewed in its entirety. I am sending this under separate cover rather than on the plan as it is my view that putting it on the plan would raise many questions by the less informed.

If any questions, please give me a call.

Sincerely,

Lawrence A. McDermott
Associate

Attachment: A/S

cc: Stan Settle
Jon Luria
Art Walsh
Susan Yantis

Virginia
Maryland
North Carolina
New York
New Jersey
Connecticut
Massachusetts
Pennsylvania

June 20, 1996

Page 2

The purpose of this Proffered Condition Amendment ("PCA") and Final Development Plan Amendment ("FDPA") application is to reallocate the currently approved gross floor area for Parcels C, D, and E from office, service retail, residential and community center uses to residential uses as well as to permit an alternate layout for Parcels F1 and G1. An alternate layout is proposed for the residential uses previously approved for Parcels F1 and G1 in order to allow the owner the flexibility in pursuing development of these land bays consistent with the approved CDPA/FDPA or the proposed CDPA/FDPA. There is no change proposed to the existing and approved office and service/retail uses in Parcels A and B. The approved FDP reflects a 7-story office building on Parcel C consisting of 139,929 square feet of office and 13,000 square feet of service/retail and 512 multiple family units ranging from 4 stories to 8 stories in height for Parcels D, E, F1 and G1.

The CDPA/FDPA submitted with this application reflects the development of approximately 397 multi-family units in two different product types for Parcels C, D, E, F1 and G1. The multiple family buildings are 5 stories with elevators at a maximum height of 60 feet. The development plan represents a deletion of the office building on Parcel C as well as the service retail and restaurant uses on Parcel G1 shown on the approved Final Development Plan. The mixed use development has been designed to provide pedestrian connections throughout the development and to the Metro Station. Parking has been provided for the proposed multi-family units through a combination of surface and underground parking. A swimming pool with clubhouse has been provided for the enjoyment of the future residents.

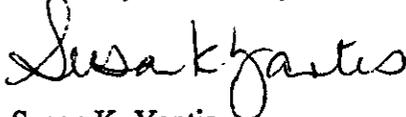
The subject property is located in Tract B of the Dunn Loring Transit Station Area of the Area I Comprehensive Plan. The subject property is planned for mixed use with a maximum floor area ratio (FAR) of 1.4. The proposal represents a mixed use development at a 1.24 FAR. Therefore, it is our judgment that the proposed development plan will continue to be in conformance with the Comprehensive Plan.

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

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

Very truly yours,

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



Susan K. Yantis
Land Use Coordinator

cc: Jon Luria
Stan Settle
Larry McDermott
Martin D. Walsh

J:\LURIA\7221\LETTER\BYRON.1

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COURTHOUSE PLAZA

THIRTEENTH FLOOR

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(703) 528-4700

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VILLAGE SQUARE

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WOODBRIDGE, VIRGINIA 22192-4216

(703) 680-4664

METRO (703) 690-4647

FACSIMILE (703) 690-2412

LOUDOUN OFFICE

COUNTRYSIDE PROFESSIONAL CENTER

2 PIGEON HILL DRIVE, SUITE 340

STERLING, VIRGINIA 20165

(703) 444-6619

FACSIMILE (703) 444-0865

MARTIN D. WALSH
 THOMAS J. COLUCCI
 PETER K. STACKHOUSE
 JERRY K. EMRICH
 MICHAEL D. LUBELEY
 KEITH C. MARTIN
 NAN E. TERPAK
 WILLIAM A. FOGARTY
 DAVID J. BOMGARDNER
 LYNNE J. STROBEL
 JOHN E. RINALDI
 SEAN P. McMULLEN
 H. MARK GOETZMAN
 TRACY L. STEELE

OF COUNSEL
 NICHOLAS MALINCHAK

June 20, 1996

RECEIVED
 OFFICE OF COMPREHENSIVE PLANNING
 JUN 21 1996
 ZONING EVALUATION DIVISION

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

Re: **Proffered Condition Amendment Application (PCA) and Final Development Plan Amendment (FDPA) Application for Property Identified as Tax Map 49-2 ((37)) A, B, C, D, E, F1, G1, H1 (the "Subject Property") Metro Place at Dunn Loring**
Applicant: Pulte Home Corporation and Jade Development Company

Dear Ms. Byron:

The following constitutes a statement of justification for the above-referenced application. Pulte Home Corporation and Jade Development Company are the applicants and contract purchasers of property located within Metro Place at Dunn Loring. Specifically, Pulte Home Corporation is the contract purchaser of Parcels C, D and E. Jade Development Company is the contract purchaser of Parcels F1 and G1. The Subject Property consists of approximately 17.86 acres and is located on the east side of Gallows Road, Route 650, directly across the Metro Station complex and immediately south of Interstate 66.

As stated previously, the Subject Property is known as Metro Place at Dunn Loring. The Subject Property was rezoned to the PDH-40 and PDC Districts as part of the overall 18.27 acre project in conjunction with RZ 84-P-129 on July 20, 1987. At that time, 9.94 acres was zoned to the PDC District and 8.33 acres was zoned to the PDH-40 District. The approved Conceptual Development Plan reflected 518,000 square feet of office gross floor area; 518,000 square feet of residential gross floor area; 80,000 square feet of retail gross floor area; and approximately 2,000 square feet of community center. An 8-story office building has been constructed on Parcel A. A second 12-story office building is planned to be developed on Parcel B.

On July 20, 1987, the Board of Supervisors approved PCA 84-P-129-1 which incorporated elderly housing as a secondary use within the mixed use development. On September 19, 1988, PCA 84-P-129-2 was approved by the Board of Supervisors which modified the timing of certain off-site road improvements. The Board of Supervisors approved PCA 84-P-129-3 on July 23, 1990 which clarified the height of Building G and amended the phasing commitment for low and moderate income housing.

DATE: June 21, 1996
(enter date affidavit is notarized)

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

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
Dewberry and Davis
8401 Arlington Blvd.
Fairfax, VA 22031

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

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

- MANAGING GENERAL PARTNER:
 - Sidney O. Dewberry
- GENERAL PARTNERS:
 - Barry K. Dewberry
 - KMT Limited Partnership
- SPECIAL GENERAL PARTNERS:
 - John P. Fowler
 - Dan M. Pleasant
 - Richard L. Ford, Jr.
 - Dennis M. Couture
 - Larry J. Keller
 - Edward J. Riley
 - Carl C. Gutschow

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

DATE: June 21, 1996
(enter date affidavit is notarized)

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

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
RREEE America Investments Partners, a general partnership
875 North Michigan Avenue
Chicago, IL 60611

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

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name & title, e.g. General Partner, Limited Partner, or General and Limited Partner)
Donald A. King, Jr.
Claude Rosenberg

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

DATE: June 21, 1996
(date affidavit is notarized)

for Application No(s): _____
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
RREEF Performance Partnership IIIB, L.P.

875 North Michigan Avenue
Chicago, IL 60611

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

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

RREEF Investment Partnership III, L.P.
RREEF Performance Partnership SUB 3, L.P.

General Partner
Limited Partner

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

DATE: June 21, 1996
(enter date affidavit is notarized)

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

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

RREEF Performance Partnership IIIA, L.P.
875 North Michigan Avenue
Chicago, IL 60611

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

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

RREEF Investment Partnership III, L.P. General Partner
RREEF Performance Partnership SUB 3, L.P. Limited Partner

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

DATE: June 21, 1996
(enter date affidavit is notarized)

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

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

RREEF Capital Incorporated
875 North Michigan Avenue
Chicago, IL 60611

DESCRIPTION OF CORPORATION: (check one statement)

- [X] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

H. Patrick Hackett, Jr.
James D. King
Gerald E. Egan
Stephen M. Steppe

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

H. Patrick Hackett, Jr., Director/Pres./CEO
Donald A. King, Jr., Director/V.P.
James D. King, Director/V.P.
Webb Sowden, Jr., Director
Stephen M. Steppe, Director /V.P.
Stephen L. Grant, V.P.
Gerald E. Egan, V.P./Sec.
Paula M. Ferkull, Treasurer

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

Bankers Trust Company, a Master Trustee of the Hughes Retirement Plan Trust
875 North Michigan Avenue
Chicago, IL 60611

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.
[X] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

(Empty lines for shareholder names)

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

(Empty lines for officer and director names)

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

DATE: June 21, 1996
(enter date affidavit is notarized)

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

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

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

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

HSBC Holdings PLC

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

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

HSBC Holdings PLC,
10 Lower Thames Street, London EC3R 6AE
United Kingdom

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

A publicly traded United Kingdom Corporation.

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

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

DATE: June 21, 1996
(enter date affidavit is notarized)

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

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

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial & last name)
HSBC Americas, Inc.

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

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

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial & last name)
HSBC Holdings BV, a Netherlands Corporation

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

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

DATE: June 21, 1996
 (enter date affidavit is notarized)

for Application No(s): _____
 (enter County-assigned application number(s))

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

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

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

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

W. K. Hannan, Jr., Pres. & CEO	Kevin J. Ayres, V.P.	Mark P. Giansante, V.P.
Stephen C. Ames, Exec. V.P.	Joseph Barberio, V.P.	George Grassel, V.P.
Robert B. Engel, Exec. V.P.	Douglas Bury, V.P.	James Hamilton, V.P.
Vincent J. Mancuso, Exec. V.P.	Frank A. Chinnici, V.P.	Patrick Harrigan, V.P.
Eilert F. Bartels, Sr. V.P.	John R. Cinguino, V.P.	James E. Iglewaki, V.P.
John J. Cuticelli, Jr., Sr. V.P.	Carolyn E. Conybeare, V.P.	Ronald Jones, V.P.
Gordon A. Farquhar, Sr. V.P.	Philip S. DiPofi, V.P.	Robert J. Lennartz, V.P.
Thomas E. Fennell, Sr. V.P.	Jean P. Dornhofer, V.P.	Michael Maser, V.P.
Leif B. Karleson, Sr. V.P.	William Drmacich, V.P.	Jean Strobe, V.P.
John F. Zeller, Sr. V.P.	Edward A. Flowers, V.P.	Patricia J. Tarrant, V.P.
Frederick J. Paglia, Admin. V.P.	Michael L. Cembecki, V.P.	Richard Werner, V.P.
Robert J. Winter, V.P.	Renata E. Szirmai, Assist. V.P.	Gea Tung, Assist. Sec.
Maureen M. Anderson, Assist. V.P.	Mary B. Sommer, Treasurer	Leslie Juskiewicz, Super.
Maria Barth, Assist. V.P.	Richard P. Rich, Assist. Treasurer	
Penny S. Hokanson, Assist. V.P.	Philip S. Toohey, Secretary/Director	
Anton Karoglan, Assist. V.P.	Ann Kuhn Grano, Assist. Sec.	
Timothy Lynn, Assist. V.P.	John G. Holinka, Assist. Sec.	
Wendy Schutte, Assist. V.P.	Helen Kujawa, Assist. Sec.	

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

DATE: June 21, 1996
(enter date affidavit is notarized)

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

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
M M Mooring No. 2 Corp., c/o Marine Midland Bank
One Marine Midland Center
Buffalo, NY 14203

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

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

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
W. K. Hannan, Jr., President
Gordon A. Farquhar, Sr. V.P.
Leif B. Karlsson, Sr. V.P.
Margaret L. Evans, V.P.
Daniel M. King, V.P.
Robert J. Lennartz, V.P.
Mary B. Sommer, Treasurer
Richard P. Rich, Assist. Treasurer
Philip S. Toohey, Secretary
Pamela J. Pyle, Assist. Secretary
Director:
Philip S. Toohey

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

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

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

DATE: June 21, 1996
(enter date affidavit is notarized)

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

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

MTM Builder/Development, Inc.
44 Canal Center Plaza, Ste 400
Alexandria, VA 22314

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

Dean F. Morehouse
Linda W. Morehouse

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

<u>Directors: Dean F. Morehouse</u>	<u>James B. Eisenlohr, V.P.</u>
<u>Linda W. Morehouse</u>	<u>Linda W. Morehouse, Sec/Treasurer</u>
<u>Dean F. Morehouse, President</u>	
<u>Linda W. Morehouse, V.P.</u>	
<u>Miriam J. Cutler, V.P.</u>	
<u>Richard Jones, V.P.</u>	

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

Cutler Development Corporation
44 Canal Center Plaza
Alexandria, VA 22314

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

Miriam J. Cutler

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

<u>Miriam J. Cutler, President</u>	<u>DIRECTORS:</u>
<u>Johnathan Cutler, V.P.</u>	<u>Miriam J. Cutler</u>
<u>Paul Salvitt, Secretary</u>	<u>Stephanie Cutler</u>
<u>Stephanie Cutler, Treasurer</u>	<u>Paul Salvitt</u>

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

DATE: June 21, 1996
(enter date affidavit is notarized)

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

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Walsh, Colucci, Stackhouse, Emrich & Lubeley, P.C.
2200 Clarendon Blvd.
Arlington, VA 22201

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial & last name)
Martin D. Walsh
Thomas J. Colucci
Peter K. Stackhouse
Jerry K. Emrich
Michael D. Lubeley
Nan E. Terpak

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

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
The Lessard Architectural Group
8229 Boone Boulevard, Suite 640
Vienna, VA 22182

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial & last name)
Christian J. Lessard

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Christian J. Lessard, President
Carlos G. Vazquez, Vice President
Nancy A. Drembus, Secretary/Treasurer

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

DATE: June 21, 1996
 (enter date affidavit is notarized)

for Application No(s): _____
 (enter County-assigned application number(s))

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

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLO in Par. 1(a))
<u>RREEF Performance Partnership IIIA L.P.</u>	<u>875 North Michigan Avenue Chicago, IL 60611</u>	<u>Title Owner of Tax Map 49-2 ((37)) A</u>
<u>Agents: Stephen L. Grant</u>		
<u>H. Patrick Hackett, Jr.</u>		
<u>M M Mooring No. 2 Corp.</u>	<u>c/o Marine Midland Bank One Marine Midland Center</u>	<u>Owner of Tax Map 49-2 ((37)) D, E</u>
<u>Agents: Margaret L. Evans</u>		
<u>Buffalo, NY 14203</u>		
<u>Dewberry & Davis</u>	<u>8401 Arlington Blvd.</u>	<u>Surveyors/Planners/Engineers</u>
<u>Agents: Philip G. Yates</u>		
<u>Lawrence A. McDermott</u>		
<u>R. Lin Lemon, Jr.</u>		
<u>Dennis M. Couture</u>		
<u>Richard F. Polk</u>		
<u>The Lessard Architectural Group</u>	<u>8229 Boone Blvd. Suite 640</u>	<u>Architect</u>
<u>Agents: Christian J. Lessard</u>		
<u>Ashvani Chuchra</u>		
<u>Carlos G. Vazquez</u>		
<u>Walsh, Colucci, Stackhouse, Emrich & Lubeley, P.C.</u>	<u>2200 Clarendon Blvd. 13th Floor</u>	<u>Attorneys/Planners</u>
<u>Agents: Arlington, VA 22201</u>		
<u>Martin D. Walsh</u>		
<u>Keith C. Martin</u>		
<u>Lynne J. Strobel</u>		
<u>Susan K. Yantis</u>		
<u>Elizabeth D. Baker</u>		

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

DATE: June 21, 1996
(enter date affidavit is notarized)

For Application No(s):
(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name & number, street, city, state & zip code)
Pulte Home Corporation
10600 Arrowhead Drive, Suite 225
Fairfax, VA 22030

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial & last name)
William J. Pulte
James Grossfield

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Robert K. Burgess, President
David Ehling, Vice President
Jim Weissenborn, Treasurer
John Stroller, Secretary
BOARD OF DIRECTORS:
William J. Pulte
Robert K. Burgess George A. Wieggers
Howard P. Berkowitz John Stroller
Henry F. Frigon
Michael D. Hollerbach
James Grossfield
Alan E. Schwartz

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

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

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

DATE: June 21, 1996
(enter date affidavit is notarized)

For Application No(s): _____
(enter County-assigned application number(s))

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

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

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

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors or Planning Commission or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above.

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

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

4. That the information contained in this affidavit is complete and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature: Susan K. Yantis
(check one) [] Applicant [X] Applicant's Authorized Agent

Susan K. Yantis
(type or print first name, middle initial, last name & title of signee)

Subscribed and sworn to before me this 21st day of June, 19 96, in the state of Virginia.

My commission expires: 7/31/97 Denise Bloongquist
Notary Public

REZONING AFFIDAVIT

DATE: June 21, 1996
(enter date affidavit is notarized)

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

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

PARTNERSHIP INFORMATION

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

Dunn Loring Metro Place L.P.
44 Canal Center Plaza, Ste 400
Alexandria, VA 22314

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

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

MTM Builder/Developer, Inc. General Partner
Cutler Development Corporation General Partner
Julien Redele General Partner
Dean F. Morehouse Limited Partner
Miriam J. Cutler Limited Partner

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

** All listings which include partnerships or corporations must be broken down successively until (a) only individual persons are listed, or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of the stock. Use footnote numbers to designate partnerships or corporations which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

DATE: June 21, 1996
(enter date affidavit is notarized)

For Application No(s): _____
(enter County-assigned application number(s))

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

(NOTE: Include sole proprietorships herein.)

CORPORATION INFORMATION

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

Jade Development Company
8220 Old Courthouse Road, Ste 422
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

Henrietta Luria

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)
Jon D. Luria, President
Henrietta Luria, Vice President
Ellen M. Luria, Secretary/Treasurer

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

** All listings which include partnerships or corporations must be broken down successively until (a) only individual persons are listed, or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of the stock. Use footnote numbers to designate partnerships or corporations which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

APPENDIX 2

DATE: June 21, 1996
 (enter date affidavit is notarized)

I, Susan K. Yantis, 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

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

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

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

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

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Pulte Home Corporation	10600 Arrowhead Drive	Co-applicant/contract
Agents:	Suite 225	purchaser of Tax Map
Stanley F. Settle, Jr.	Fairfax, VA 22030	49-2 ((37)) C, D, E
Robert K. Davis, attorney-in-fact for Pulte Home Corporation		
Jade Development Company	8220 Old Courthouse Rd.	Co-applicant/contract
Agents:	Suite 422	purchaser of Tax Map
Jon D. Luria	Vienna, VA 22182	49-2 ((37)) F1, G1
Dunn Loring Metro Place L.P.	44 Canal Center Plaza	Title Owner of Tax Map
Agent: Dean F. Morehouse	Suite 400	49-2 ((37)) F1, G1
RREEF Performance Partnership IIIB, L.P.	875 North Michigan Avenue	Title Owner of Tax Map
Agents:	Chicago, IL 60611	49-2 ((37)) B, C, H1
Stephen L. Grant		
H. Patrick Hackett, Jr.		

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

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

NOTE: This form is also for Final Development Plans not submitted in conjunction with Conceptual Development Plans.

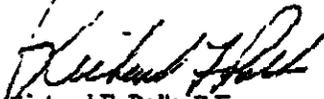
Pule Homes Corporation
Mr. Stanley F. Settle, Jr.
October 18, 1996
Page 2

I trust this analysis provides a sufficient detail to prove that \$3 million has already been expended in the development of public improvements either on or adjacent to this property.

Should you have any questions, please call me at (703) 849-0511.

Sincerely,

DEWBERRY & DAVIS



Richard F. Polk, P.E.
Department Manager

 Dewberry & Davis


Dewberry & Davis

 Architects
 Engineers
 Planners
 Surveyors

 8401 Adington Boulevard
 Fairfax, VA 22031-4666
 703 849-0100
 Fax: 703 849-0118

October 18, 1996

 Mr. Stanley F. Settle, Jr.
 Director of Land Development
 Pulte Homes Corporation
 10600 Arrowhead Drive
 Suite 225
 Fairfax, VA 22030

Re: Metro Place at Dunn Loring

Dear Mr Settle:

In response to your request, we have reviewed the proffers associated with the referenced project, PCA 84-P-129-3. Specifically, we evaluated Proffers 2, 6, 7, 10, and 21 to determine the approximate cost/ value of these proffered improvements as they relate to the satisfaction of Proffer 31 which requires the expenditures of at least \$3 million. The results of our analysis are as follows:

<u>Proffer</u>	<u>Approximate Cost/Value</u>	<u>Basis for Cost/ Value Determination</u>
2a)	\$550,000	Estimated from Fairfax County Land Values
2ba)	\$973,638	Fairfax County Surety Estimate
	\$66,025	Erosion & Sediment Control/ Conservation Deposit
2bb)	Part of 2ba	
2bc)	Part of 2ba	
2cl)	Part of 2ba	
2c2)	Part of 2ba	
2d)	Part of 2ba	
2e)	Part of 2ba	
2f)	\$1000,000	Estimated from Discussions with VDOT
6)	\$25,000	Actual Figure in Proffer
7)	Part of 2ba	
10a)	\$121,400	Estimated from WHGA Plans and County Prices
10b)	N/A see 10c	Escrow in Lieu of Right Turn Lane Improvements
10c)	N/A see 10d	Escrow in Lieu of Porter Road Improvements
10d)	\$254,000	Estimated from WHGA Plans and County Prices
	\$5,310	Erosion & Sediment Control/ Conservation Deposit
10e)	\$750,000	Actual Figure in Proffer
21)	\$178,000	Estimated from WHGA Plans and County Prices
Total:	\$3,023,373	

 Virginia
 Maryland
 North Carolina
 New York
 New Jersey
 Connecticut
 Massachusetts
 Pennsylvania

PROFFERED CONDITION

PCA 84-P-129-3

July 13, 1990

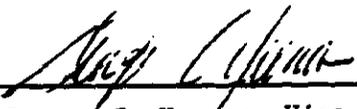
Pursuant to Section 15.1-491 (a) Code of Virginia, 1950 edition as amended, subject to the Board of Supervisors approval of the requested Proffered Condition Amendment (PCA), applicant proffers to the following amended condition. This amended condition shall supersede the prior condition number 1, dated May 3, 1989 and approved on May 8, 1989 by the Board of Supervisors. The other proffered conditions approved on May 8, 1989 shall not be affected by this amended proffered condition.

1. The subject property shall be developed in accordance with the approved Conceptual Development Plan prepared by HOK, architects and planners, dated June 23, 1987, and Final Development Plan prepared by HOK, architects and planners, dated April 10, 1987 and revised through July 12, 1990. Future amendments to the approved Final Development Plan shall be reviewed and approved by the Planning Commission. If a future amendment is a major deviation from the approved Final Development Plan, the amendment shall be returned to the Board of Supervisors for approval at the discretion of the Supervisor for the Providence District.

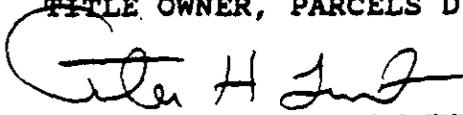
TITLE OWNER, PARCELS F and G:

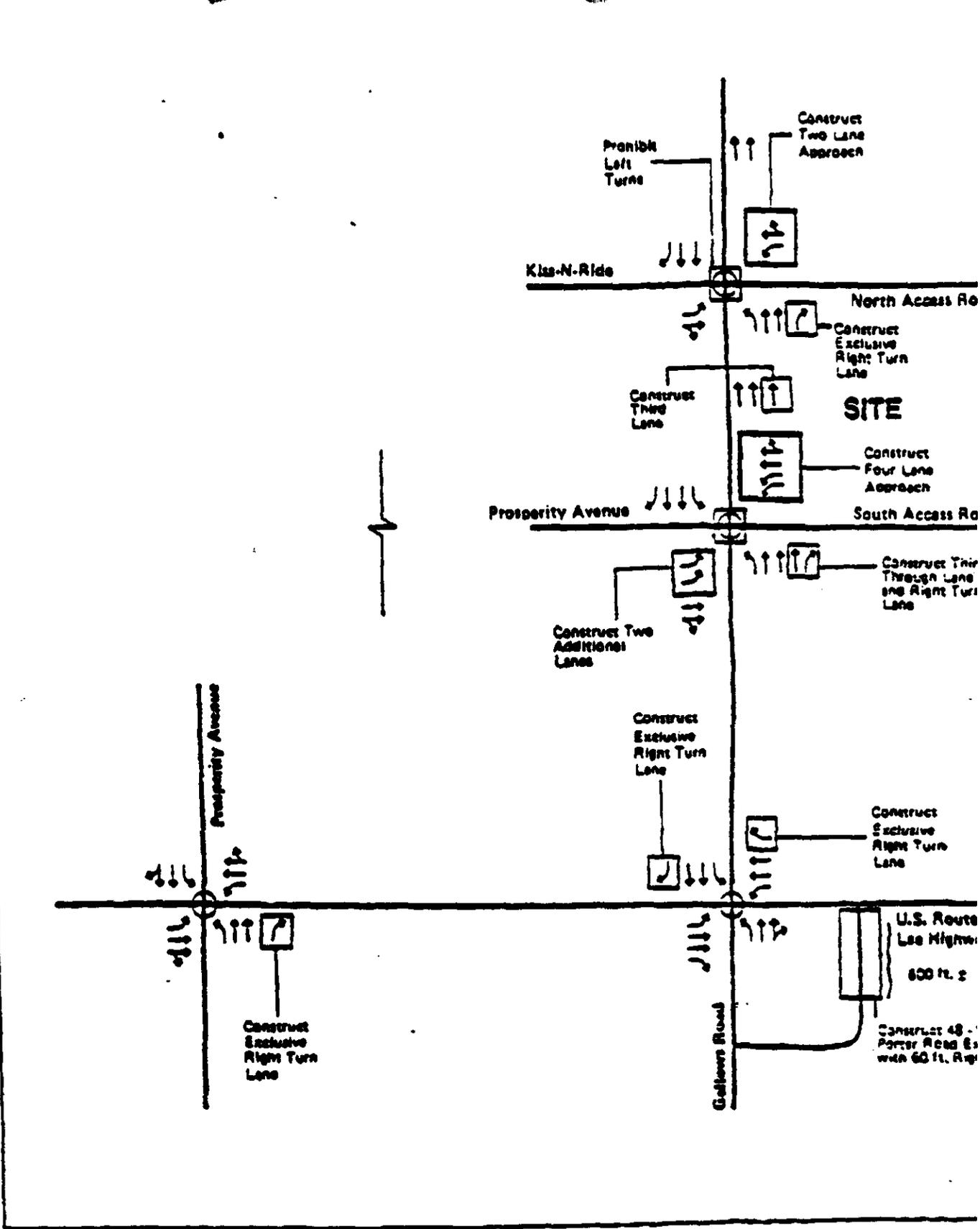
NVRD METROPLACE L.P., a Virginia limited partnership

By: NVR Development, Inc., General Partner

By: 
George C. Yeomas, Vice President

TITLE OWNER, PARCELS D, E and H:

 Attorney in Fact
Peter H. Lunt, attorney-in-fact for
STEPHEN M. CUMBIE, Trustee under the
MetroPlace Land Trust



METRO PLACE AT DUNN LORING
FAIRFAX COUNTY, VIRGINIA

BARTON-ASCHMAN ASSC
WASH

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

PROPOSED ROADWAY IMPROVEMENTS

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAY 4 1989

ZONING EVALUATION DIVISION

PROFFERS

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

May 3, 1989

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

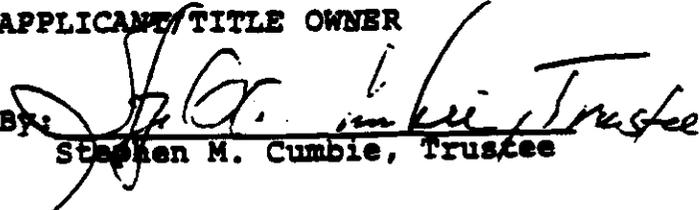
29. The Applicant will direct parking deck lighting along the eastern property line downward to minimize the impact of lighting on the adjacent residential apartment community.

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

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

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

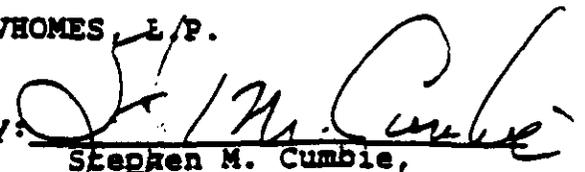
APPLICANT/TITLE OWNER

BY: 
Stephen M. Cumble, Trustee

CONTRACT PURCHASER

NVHOMES, L.P.

By:



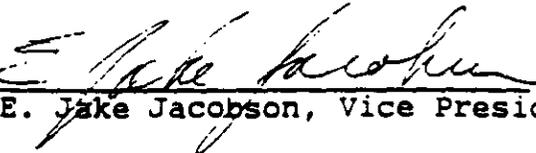
Stephen M. Cumble,
Director of NVCompanies,
Inc. as General Partner of
NVHomes II, L.P., General
Partner of NVRyan, L.P.,
General Partner of NVHomes
Holding, L.P., General
Partner of NVHomes, L.P.

RZ 84-P-129:DFTW01

TITLE OWNER, PARCEL A:

KNV I LIMITED PARTNERSHIP

By: NVC Development, Incorporated,
General Partner

By: 
E. Jake Jacobson, Vice President

TITLE OWNER, PARCELS B and C:

KNV II LIMITED PARTNERSHIP

By: NVC Development, Incorporated,
General Partner

By: 
E. Jake Jacobson
Vice President

CONTRACT PURCHASER, PARCELS D and E:

NVHOMES, L.P.

By: NVRyan, L.P., General Partner

By: NVHomes II, L.P., General
Partner

By: NVCompanies, Inc., General
Partner

By: 
J. David Sittler
Assistant Vice President

DC-2:LJS-2

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, OCP

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

SUBJECT: Comprehensive Plan Land Use Analysis for:
Case No. PCA 84-P-129-4 concurrent with FDPA 84-P-129-3
Pulte Home Corporation & Jade Development Company
(Metro Place at Dunn Loring)

DATE: 4 October 1996

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the application and the development plan dated June 20, 1996. This application requests a proffered condition amendment to reallocate the currently approved gross floor area for Parcels C, D and E from office, service retail, residential to community center uses to residential uses as well as to permit an alternate layout for Parcels F1 and G1. Approval of this application would result in a floor area ratio (F.A.R.) of 1.25. The extent to which the proposed use, intensity/density, and the development plan are consistent with the guidance of the Plan is noted.

CHARACTER OF THE SURROUNDING AREA:

The subject property is presently developed with one office building and one structure on Parcel A and Parcel B is proffered for one office building and one parking structure. The remaining land is vacant and planned for mixed use. To the north is Interstate 66. To the east and south are located multifamily residential developments which are planned for residential use at 16-20 dwelling units per acre. To the west is located the Dunn Loring Metro Station and some commercial property which is planned for public facilities, governmental and institutional uses and mixed use, respectively.

COMPREHENSIVE PLAN CITATIONS AND ANALYSIS:

The 18.27-acre property is located in the Dunn Loring Transit Station Area of the Merrifield Suburban Center of the Jefferson Planning District in Area I. The Comprehensive Plan text and/or map provides the following guidance on land use and intensity for the property:

Text:

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

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

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

- Development on parcels facing Gallows Road should provide for rights-of-way."

Map:

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

Analysis:

The application and development plan propose a mixed use development at 1.25 FAR of which 39% is commercial development and 61% is residential development which is in conformance with the use and intensity/density recommendations of the Comprehensive Plan.

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

Text:

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

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

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

Analysis:

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

Text:

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

Analysis:

Analysis:

This development criterion was addressed in the original rezoning, however the applicant has declined to provide for ADUs. The applicant should provide some measure of affordable housing as part of this development.

Text:

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

Analysis:

The development plan satisfies this development criterion.

Text:

“14. Consolidation of vehicular access points to minimize interference with commuter access to the Metro station...”

Analysis:

This development criteria was addressed in the original rezoning.



FAIRFAX COUNTY

OFFICE OF TRANSPORTATION

Suite 1034

12055 Government Center Parkway
Fairfax, Virginia 22035-5511

Telephone(703)324-1100 Fax(703)324-1450

V I R G I N I A

June 27, 1996

Mr. Martin D. Walsh
Walsh, Colucci, Stackhouse, Emrich, and Lubeley
Courthouse Plaza, Thirteenth Floor
2200 Clarendon Boulevard
Arlington, Virginia 22201-3359

SUBJECT: Metro Place at Dunn Loring
PCA 84-P-129-2

REFERENCE: Your letter of May 15, 1996

Dear Mr. Walsh:

We are in receipt of your letter dated May 15, 1996, regarding Metro Place at Dunn Loring. Per your request, this Office has reviewed Proffer 10 of PCA 84-P-129-2 (approved by the Board of Supervisors on May 8, 1989) with regards to the development proposal outlined in your letter.

It is our understanding that this proposal suggests the elimination of Building "C" (containing 139,929 square feet of office and 13,000 square feet of retail space) and replacing this structure with 81 residential units. Your letter also identifies several other proposed changes to the project involving Building "G" and parcels D, E, and F; however, these changes do not specifically relate to Proffer 10, which deals with off-site road commitments.

As I am sure you know, this proposal will require that a Proffer Condition Amendment be approved. Thus, the comments herein represent a preliminary review by this Office without the benefit of more detailed traffic analyses.

The replacement of Building "C" with residential uses will result in a reduction of trips generated by the overall development. As a result, it is unlikely that all of the turning lanes and other off-site road improvements identified in Proffer 10 would continue to be required. The status of the various elements of Proffer 10 under these conditions would therefore be as follows:

- Proffer 10a - This improvement has been completed.
- Proffer 10b - These improvements have not been done to date. Based on your

The development plan responds to the conceptual land use plan, height limits, pedestrian circulation, and open space and landscape buffer development criteria, however the applicant should provide enhanced pedestrian access to residential development to the east and should show sidewalks on the perimeter of Parcel G as well as internal pedestrian circulation.

Text:

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

Analysis:

The applicant has satisfied these development criteria.

Text:

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

Analysis:

The applicant has consolidated the appropriate parcels for this development.

Text:

- “6. Provision of on- and off-site public facility improvements, or funding of such improvements, to accommodate impacts associated with new development. A public facilities phasing program should be implemented to ensure that the identified improvements are in place in accordance with development phasing. Improvements are the responsibility of both the public and private sectors. If the provision of adequate public facilities is not completed, then the developer should reduce development density to a level deemed satisfactory by the County.”

Analysis:

The applicant has addressed this development criterion as part of the original rezoning.

Text:

- “7. Provision of design, siting, style, scale and materials compatible with adjacent development and the surrounding community, and which serves to maintain

and/or enhance the stability of existing neighborhoods...”

Analysis:

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

Text:

“9. Orientation of development toward the Metro station.”

Analysis:

The development plan proposes development oriented toward the Metro station.

Text:

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

Analysis:

The development plan provides a pedestrian oriented environment as part of the development, however pedestrian access to the residential development to the east should be improved and sidewalks should be provided around the complete perimeter of Parcel G as well as full internal pedestrian circulation for this parcel.

Text:

“11. Inclusion of energy conservation features.”

Analysis:

The applicant has addressed this development criterion.

Text:

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

Mr. Martin D. Walsh

June 27, 1996

Page Two

proposal, as outlined in your May 15, 1996, letter, this Office would support, at the time of a PCA application, the relief of Proffer 10b per Proffer 10c. This would require a \$750,000 contribution to Fairfax County to be applied towards transportation improvements that affect the Merrifield area. It should be emphasized that this contribution would be tied to residential development of Building "C", and does not reflect the value of the improvements identified in Proffer 10b.

- Proffer 10c - This improvement has not been done to date. This Office would request that this improvement be carried forward as part of your PCA.
- Proffer 10d - This proffer should be carried forward as it relates to the proffer commitment for Porter Road (Proffer 10c).
- Proffer 10e - This proffer was discussed above as it related to Proffer 10b.

Should you have any questions or need additional information, please contact Angela Rodeheaver.

Sincerely,



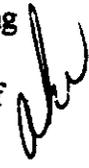
Robert L. Moore, Chief
Transportation Planning Division

cc: Barbara A. Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

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

FILE: 3-4 (RZ 84-P-129)

SUBJECT: Transportation Impact

REFERENCE: PCA 84-P-129-4/FDPA 84-P-129-3;
Pulte Home Corp. & JADE Development Co.
Land Identification Map: 49-2 ((37)) A, B, C, D, E, F1, G1, H1

DATE: November 15, 1996

Transmitted herewith are the comments of the Office of Transportation on the referenced application. These comments are based on plans dated October 9, 1996, and proffers dated November 8, 1996.

This Office has reviewed the subject application and offers the following comments:

- **Draft Proffer 10d - Porter Road**

Existing proffer 10d states the following:

After commencement of construction of the portion of the extension of Porter Road required to be performed by the owners of Parcel 52, or prior to issuance of any non-rups for the third office building, whichever shall first occur, the applicant shall construct the extension of Porter Road from the southern boundary of Parcel 52 to Lee Highway. This roadway shall consist of a minimum 48 foot road section from face of curb to face of curb within a 60 foot right-of-way. However, in the event that Fairfax County does not want the applicant to commence construction on the above-referenced improvements, the applicant will provide funds for the construction of that section to Fairfax County. The said funds shall be based upon an estimate from the applicant's civil engineer of funds necessary to complete the said improvements as agreed to by Fairfax County.

Barbara A. Byron
November 15, 1996
Page Two

Porter Road is currently under construction by others from Gallows Road to Lee Highway. Therefore, it would be appropriate for the applicant to provide a monetary equivalent for the construction of Porter Road (from the southern boundary of Parcel 52 to Lee Highway).

The applicant's draft proffer 10d provides that the monetary payment for Porter Road will be made upon final site plan approval for either Parcel C, D, E, F1, or G1, whichever occurs last. Since, as noted above, Porter Road is under construction, a monetary equivalent is acceptable; however, payment at the last site plan approval for the project is not appropriate.

- **Information dated November 7, 1996 (Proffer 31)**

Due to the limited time available between the receipt of this submission and the public hearing date(s), this Office is unable to provide an analysis of the information regarding existing Proffer 31 as contained in Ms. Lynn Strobel's letter dated November 7, 1996, and received in this Office November 11, 1996. It is therefore suggested that Proffer 31 be carried forward as part of this proffer condition amendment. The applicant can then provide the Department of Environmental Management (DEM), at the time of site plan review, with the necessary detailed cost estimates and invoices to document the three million dollar expenditure.

AKR/akr/kal/n:akr/rz84p129

cc: John Winfield, Deputy Director, Design Review, Department of Environmental Management



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

3975 FAIR RIDGE DRIVE
FAIRFAX, VA 22033
(703) 934-7300

DAVID R. GEHR
COMMISSIONER

THOMAS F. FARLEY
DISTRICT ADMINISTRATOR

September 4, 1996

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

Re: PCA 84-P-129-4/FDPA 84-P-129-3, Jade Development
Tax Map No.: 049-2/37/A-E, F1-H1

Dear Ms. Byron:

This office has reviewed the final development plan amendment relative to the above mentioned applications and offers the following comments.

The applications have been filed to reallocate the currently approved gross floor area from office, service retail, residential and community center uses to residential and community center uses within parcels C, D and E.

The approved proffers list several off site, roadway improvements at specific intersections. The applicant should address these proffers as warranted by site generated traffic. Future traffic at the intersection of Route 29/Gallows Road should be analyzed for both the morning and evening peak hours. The applicant should construct improvements to this intersections as traffic warrants. The improvements should be compatible with the approved proffers.

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

Sincerely,

A handwritten signature in cursive script that reads "Noreen H. Maloney".

Noreen H. Maloney
Transportation Engineer

NHM:dlt
cc: Mr. S. K. Pant

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, OCP

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

SUBJECT: ENVIRONMENTAL ASSESSMENT for: PCA 84-P-129-4
Jade Development FDPA 84-P-129-3

DATE: 11 October 1996

The Proffered Condition Amendment/Final Development Plan Amendment for the above referenced mixed use development has been reviewed by John Bell of the Environment and Development Review Branch. No significant environmental issues were identified as a result of this evaluation.

BGD:JRB

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

TO: Staff Coordinator
Zoning Evaluation Division, OCP

DATE: July 31, 1996

AUG 1 1996

FROM: Gilbert Osei-Kwadwo (Tel. 703-24-5025)
System Engineering & Monitoring Division
Office of Waste Management, DPW

ZONING EVALUATION DIVISION

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. PCA 84-P-129-4 / FDPA 84-P-129-3
Tax Map No. 49-2- /37/ -A B C D E F1 G1 H1

The following information is submitted in response to your request for a sanitary sewer analysis for subject rezoning application:

1. The application property is located in the Cameron Run (I1) Watershed. It would be sewerred into the Alexandria Treatment Plant.
2. Based upon current and committed flow, there is excess capacity available in the Alexandria Authority Treatment Plant at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An Existing 8 inch line pipe located in Park Tower Dr. and an easement and approx. 20 feet ^{from} the property is adequate for the proposed use at the present this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

Sewer Network	Existing Use + Application		Existing Use + Application + Previous Rezoning		Existing Use + Application + Comp Plan	
	Adeq.	Inadeq.	Adeq.	Inadeq.	Adeq.	Inadeq.
Collector	X	---	X	---	X	---
Submain	X	---	X	---	X	---
Main/Trunk	X	---	X	---	X	---
Interceptor	---	---	---	---	---	---
Outfall	---	---	---	---	---	---

5. Other pertinent information of comments: _____

FAIRFAX COUNTY WATER AUTHORITY

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

August 8, 1996

MEMORANDUM

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

FROM: Planning Branch (Tel. 698-5600 ext. 384)
Engineering and Construction Division

SUBJECT: Water Service Analysis, Rezoning Application PCA 84-P-129-4
FDPA 84-P-129-3

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
AUG 12 1996
ZONING EVALUATION DIVISION

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

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

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

Attachment

PROFFERED CONDITION AMENDMENT /

FINAL DEVELOPMENT PLAN AMENDMENT

PCA 84-P-129-4

FDPA 84-P-129-3

PCA 84-P-129 -04
FILED 07/03/94

PULTE HOME CORP. & JADE DEVELOPMENT CO.
PROFFERED CONDITION AMENDMENT
PROPOSED: MIXED USE
APPROX. 17.86 ACRES OF LAND; DISTRICT - PROVIDENCE
LOCATED: E. OF GALLONS RD.(RT. 450), S. OF I-66

FDPA 84-P-129 -03
FILED 07/03/94

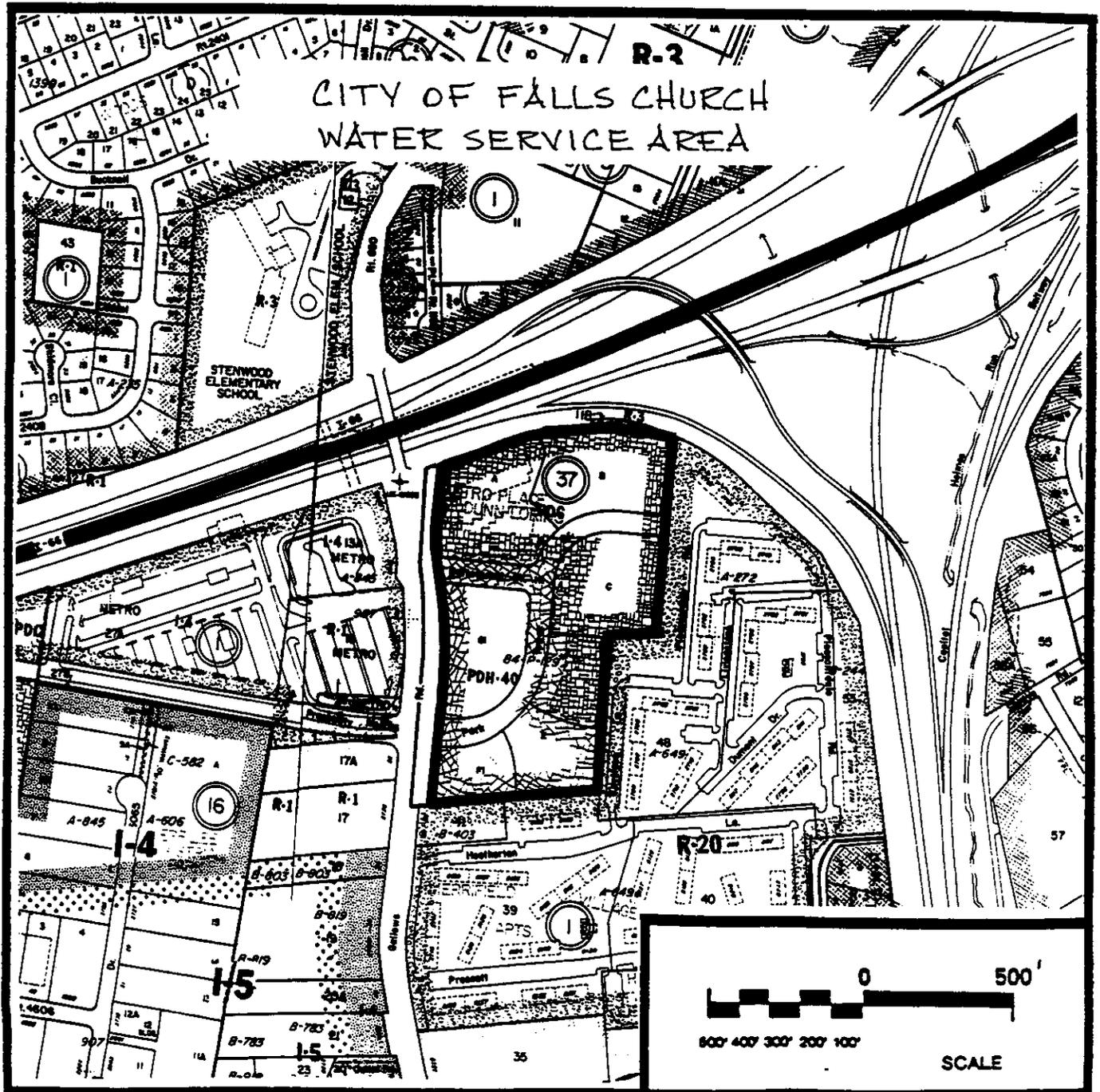
PULTE HOME CORP. & JADE DEVELOPMENT CO.
FINAL DEVELOPMENT PLAN AMENDMENT
PROPOSED: MIXED USE
APPROX. 17.86 ACRES OF LAND; DISTRICT - PROVIDENCE
LOCATED: E. OF GALLONS RD.(RT. 650), S. OF I-66

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

NAP REF	049-2- /37/ /	-A	B	C	D	E
	049-2- /37/ /	-F1	G1	H1		

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

NAP REF	049-2- /37/ /	-A	B	C	D	E
	049-2- /37/ /	-F1	G1	H1		



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

July 24, 1996

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
JUL 29 1996
ZONING EVALUATION DIVISION

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

FROM: Tara Dean 246-3868 *TD*
Planning Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Proffered Condition
Amendment PCA 84-P-129-4 and Final Development Plan Amendment FDPA 84-
P-129-3.

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject Proffered Condition Amendment, Special Exception Amendment and Rezoning Applications:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #30, Merrifield.
2. After construction programmed for FY 1996, this property will be serviced by the fire station planned for the _____ area.
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility; however, a station location study is currently underway, which may impact this rezoning positively.

TO: Barbara A. Byron
 Staff Coordinator (246-1290)
 Zoning Evaluation Branch (OCP)
 10255 Govt. Center Prkway, Suite 801

Date: August 8, 1996 APPENDIX 12
 Map: 49-2

Acreeage: 17.86 PU# 3912

FROM: Kathleen Unterkofler (246-3612)

From: TO: PHD-40
 PDC

SUBJECT: Schools Analysis, Rezoning Application

Case # PCA84-P-129-4
 FDPA 84-P-129-3

The following information is submitted in response to your request for a school analysis for the referenced rezoning application. A comparison of estimated student generation between the proposed development plan and that possible under existing zoning area are as follows:

School Level	Unit Type	Proposed Zoning			Unit Type	Existing Zoning			Rezoning Increase Decrease	Total School Impact
		Units	Ratio	Students		Units	Ratio	Students		
Elem. (K-6)	GA	397	x .167	66				x		66
Inter. (7-8)	GA	397	x .037	15				x		15
High (9-12)	GA	397	x .074	29				x		29

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

School Name and Number	Grade Level	9/30/95 Capacity	9/30/95 Membership	Projected Membership				
				96-97	97-98	98-99	99-00	00-2001
Shreveewood 3083	K-6	662	387	417	413	412	411	416
Kilmer 3071	7-8	850	670	663	690	685	681	725
Marshall 3070	9-12	1700	1087	1090	1110	1118	1148	1125

Source: Capital Improvement Program, FY 1997-2001 Facilities Planning Services Office

Comments: Unit type was given as "multi-family" therefore the "garden apartment" student ratio was applied above. A new analysis will need to be developed if the unit type is "condo-garden". Please re-submit to this office if unit type changes.

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

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

DATE: 8-12-96

FROM: John W. Koenig, Director
Utilities Planning and Design Division
Department of Public Works *JK*

SUBJECT: Rezoning Application Review

Name of Applicant/Application: PULTE HOME CORP. & JADE DEVELOP. CO.

Application Number: 84-P-129-4, 84-P-129-3

Type of Application: PCA FOPA

Information Provided

Application: YES

Development Plan: YES

Other: STATEMENT OF JUSTIFICATION

Date Received in UP&DD: 7-16-96

Date Due Back to OCP: 8-9-96

Site Information

o Location: 49-2-0037-A, B, C, D, E, F1, G1, H1

o Area of Site: 17.86 acres

o Rezoned from: PDC & PDH-40 to

o Watershed/Segment: CAMELON RUN / MEMORIAL

1. Drainage

o Master Drainage Plans: CA128: LOCATED APPROXIMATELY 1 MILE DOWNSTREAM OF THIS SITE.

o UP&DD Ongoing County Drainage Projects: PROJECT CA128 IS COMPLETE

o UP&DD Drainage Complaint Files: Yes No Any downstream drainage complaints on file pertaining to the outfall for this property?

If yes, Describe: _____

o Other Drainage Information: NONE

II. Trails:

_____ Yes No Any Trail projects pending funding approval on this property?
If yes, Describe: _____

_____ Yes No Any funded trail projects affected by this rezoning?
If yes, Describe: _____

III. School Sidewalk Program:

_____ Yes No Any sidewalk projects pending funding approval or on the School Sidewalk Program priority list for this property?
If yes, Describe: _____

_____ Yes No Any funded sidewalk projects affected by this rezoning?
If yes, Describe: _____

IV. Sanitary Sewer Extension and Improvement (E&I) Program:

_____ Yes No Any existing residential properties adjacent to or draining through this property that are without sanitary sewer facilities?
If yes, Describe: _____

_____ Yes No Any ongoing E&I projects affected by this rezoning?
If yes, Describe: _____

V. Other UP&DD Projects or Programs:

_____ Yes No Any Board of Road Viewers (BORV) or Fairfax County Road Maintenance Improvement Projects (FCRMIP) affected by this rezoning?
If yes, Describe: _____

Other Program Information: _____

Application Name/Number: PULTE HOME CORP. & JADE DEVELOP. CO. / FOPA 84-P-129-3

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

Note: The UP&DD recommendations are based on the UP&DD involvement in the below listed programs and are not intended to constitute total County input for these general topics.

DRAINAGE RECOMMENDATIONS: UNDERGROUND SWIM FACILITIES ARE NOT PERMITTED IN RESIDENTIAL AREAS APPLICANT SHALL PURSUE ALTERNATIVE METHODS OF STORMWATER MANAGEMENT

TRAILS RECOMMENDATIONS: NONE.

SCHOOL SIDEWALK RECOMMENDATIONS: NONE.

SANITARY SEWER E&I RECOMMENDATIONS:

 YES NOT REQUIRED

Extend sanitary sewer lines to the development boundaries on the _____ sides for future sewer service to the existing residential units adjacent to or upstream from this rezoning. Final alignment of the sanitary extension to be approved by Department of Public Works during the normal Department of Environmental Management plan review and approval process.

Other E&I recommendations: _____

OTHER UP&DD PROJECT/PROGRAM RECOMMENDATIONS: NONE

UP&DD Internal Sign Off by: Rayyan
Planning Support Branch (~~Fred Rose~~)
Public Improvements Branch (Walt Wozniak)
Stormwater Management Branch (Bill Henry)



JWK/crt(1631E)

- cc: Gordon Lawrence, Coordinator, Office of Safety, Fx. Co. Public Schools (cc only if SW Recommendation made
- cc: Gilbert Osei-Kwadwo, Chief, Engineering Analysis Planning Branch
- cc: Bruce Douglas, Chief, Environment and Development Review Branch
- cc: David Marshall, Chief, Public Facilities and Services Branch, Office of Comprehensive Planning

ZONING ORDINANCE EXCERPTS**PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS****16-101 General Standards**

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.

3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

COUNTY 456 REVIEW PROCESS: A public hearing process pursuant to 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. 15.1-491 of the Code of Virginia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abbreviations Commonly Used in Staff Reports

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